

FINAL DOCUMENT¹

Recommendations of the participants of the XIII International Forum "Innovative Development through the Intellectual Property Market"

Moscow

April 22, 2022

Participants of the XIII International Forum "Innovative Development through the Intellectual Property Market", held on April 22, 2022 in Moscow (on the basis of the Kutafin Moscow State Law University - taking into account restrictions in the conditions of the coronavirus pandemic - in the face-to-face and remote participation format and with online participation on the Microsoft Teams platform), representing the CIS, the EAEU, The Union State, state authorities, institutions of science and education, business and public organizations, mass media from 12 countries of the world, including all the countries of the EAEU and the CIS, including in videoconference mode at regional venues (on the basis of the Ural State University of Economics – USUE, Yekaterinburg, Kazan (Volga Region) Federal University, Kazan, Southern Federal University, Rostov-on-Don),

having discussed the experience and problems of transition to an innovative and digital economy through the formation and development of the Eurasian intellectual property market as part of the implementation of the Agreement on the Formation and Development of the Intellectual Property Market of States - CIS member states (Dushanbe, 1.06.2018), as well as the conditions and main directions for the implementation of the EAEU digital agenda until 2025, the practice of applying the EAEU Customs Code, which is fully focused on electronic technologies, prospects for the commercialization of intellectual property in order to create a common financial market within the EAEU and the implementation of common rules in the service sectors from 1.01.2025 (banking sector, insurance sector, securities market services sector);

noting as positive changes the consideration and implementation at the interstate and national levels of the recommendations of previous International Forums, including as part of the adjustment of innovation strategies, programs and policies at the national and corporate levels in the CIS and EAEU countries in the field of intellectual property (so in the State Program of Innovative Development of the Republic of Belarus for 2021-2025, approved by the Decree of the President of the Republic of Belarus from 15.09.2021 No. 348, a section is included for the first time, where among the main tasks of the development of the national intellectual property system are highlighted: the formation of a full-fledged intellectual property market and its integration into the Eurasian and world intellectual property markets; the formation of an effective intellectual property management system at the corporate level, including in scientific organizations and universities, and a system for ensuring the protection of rights to objects intellectual property, and by the Resolution of the Council of Ministers of the Republic of Belarus dated 24.11.2021. No. 672 approved the Strategy of the Republic of Belarus in the field of intellectual property until 2030, which takes into account many proposals and recommendations previously prepared in the RNIIS and repeatedly supported in the final documents by participants of the International Forum "Innovative Development through the Intellectual Property Market");

supporting the preparation and adoption of a package of interstate and national standards within the framework of the activities of the interstate Technical committee for Standardization

¹ The final document was discussed and approved at a joint meeting of the Supervisory Board and the Scientific Council of the RNIIS with the participation of the Program Committee of the Forum and after discussion at the plenary and session meetings of the XIII International Forum "Innovative Development through the Intellectual Property Market" on 22.04.2022 was adopted as a basis by its participants. Based on the results of the subsequent public discussion, including on the Internet, finalized and sent to international and interstate organizations (UN, WIPO, WTO, UNESCO, SCO, BRICS, CIS, EAEU, Union State) and to the highest national authorities and academies of sciences of the CIS and EAEU countries.

Note: IP - intellectual property, IP - IP object, OPS - industrial property objects, RA - Republic of Armenia, AR - Republic of Azerbaijan, RB - Republic of Belarus, KR- Kyrgyz Republic, RK- Republic of Kazakhstan, RM- Republic of Moldova, RF- Russian Federation, RT- Republic of Tajikistan, T-n- Turkmenistan, RU- Republic of Uzbekistan, WIPO - World Intellectual Property Organization, NPA - regulatory legal acts

"Intellectual Property" (MTK-550) and a similar national technical committee (TK481) in the Russian Federation, as regulators of "soft power" in the conditions of continuing contradictions of legislation in the EAEU and CIS countries (GOST 34829 "IS. Customs protection", GOST 34831 "IS. Scientific works", GOST 34830 "IS. Management in the State Academy of Sciences");

welcoming the readiness of the Executive Committee of the CIS, the EEC of the EAEU, the Standing Committee of the Union State and the national governments of Russia and other CIS countries and the EAEU to use the recommendations of this Forum in the preparation of government decisions in order to increase the level of coordination and interaction of all stakeholders in the formation of the intellectual property market as a condition for ensuring digital leadership and competitiveness of the EAEU countries in the context of the crisis of international law, and its institutions and the formation of a new international division of labor;

taking into account the discussion, the following decisions are unanimously adopted:

I. To give public recognition to the heads of international and interstate organizations (WIPO, SCO, CIS, EAEU, Union State), public authorities, national academies of sciences and organizations of the participating countries for greetings, attention and participation in the Forum; as well as the RNIIS, as the permanent organizer, acting all these years as the Directorate and the main sponsor of the Forum.

II. To hold the next XIV International Forum "Innovative Development through the Intellectual Property Market" on April 21, 2023 in Moscow as part of the International Intellectual Property Days under the auspices of the United Nations.

To invite the governing bodies of the international organizations of WIPO, SCO, CIS, EAEU, the Union State, the Eurasian Patent Organization, as well as national public authorities, academies of sciences and specialized organizations of the EAEU and CIS countries, member organizations of the Organizing Committee of the Forum to include in their work plans for 2023 participation in the preparation and holding of this event.

III. To recommend to the Council of the Eurasian Economic Commission, as a co-organizer of this Forum, when preparing the decision of the Supreme Eurasian Economic Council "On the main directions of international Activity of the Eurasian Economic Union for 2023", within the framework of interaction with the international business and expert community, to provide for direct interaction with the International Forum "Innovative Development through the Intellectual Property Market" on topical issues of the development of the Eurasian Economic integrations, including the formation and development of the Eurasian intellectual property market.

IV. To take as a basis the draft final document of the Forum. Instruct the Forum Directorate to post this document on the Forum's website, the Program and Organizational Committees of the Forum to finalize and adopt as a whole, taking into account the comments and suggestions received following its public discussion, inform WIPO and the WTO, UNESCO and the UN European Commission, SCO, BRICS, the CIS Executive Committee, the Eurasian Economic Commission of the EAEU and the Standing Committee of the Union State, national parliaments, governments and academies of Sciences of the EAEU member states and CIS member states on the results of the Forum, *its conclusions and adopted recommendations (in italics)*:

1. Strategy of competitiveness in the digital economy

According to UN estimates, the total population of the planet has exceeded 1 billion.— in 1820, 3 billion.— in 1960, 5 billion. — in 1987, 7 billion. - in 2011. and today it is 7.8 billion. and by 2050 it will reach 9.7 billion, where half of the global growth will be accounted for by only 10 countries (India, Nigeria, Pakistan, Congo, Ethiopia, Tanzania, Indonesia, Egypt). At the same time, out of 234 countries in the world - 134 countries with a population of less than 10 million people. The CIS occupies 16% of the world territory, where 286 million people live. (3.8% of the world's population), unites 10 countries that account for almost 30% of the world's natural gas and coal reserves, 20% of oil, 36% of uranium, 20% of gold, 13% of arable land, etc.

The predominance of industries with low added value remains in the structure of the economy of the CIS member states.

In these conditions, the struggle for resources and access to them is escalating, often not as a condition for survival with increasing hunger and poverty (according to the World Food Program, 285 million people in the world are threatened with hunger), but as a lever in a unipolar world to ensure prosperity and super profit in the interests of the elite of a small group of developed countries through exploitation most other countries with increasing inequality in socio-economic development, including digital inequality in this century.

The events in Ukraine, including the coming to power in the 21st century and the establishment of today's neo-Nazi regime in this country, not only repeat the scenario of the fascist regime coming to power by parliamentary means in Germany in the 1930s (where the position of the majority of the population was first determined by indifference, and then fear), but also revealed direct interest from The United States and its satellites (represented by the EU, Great Britain, Canada and a number of European countries) in its support on the way to a new world war.

Inconsistencies, challenges and interdependencies of the 21st century, in the conditions of information warfare, economic and political sanctions and forced counter-sanctions, have exposed an "abscess" that requires opening, cleansing and improving the norms and institutions of law and economics and mechanisms for their implementation in the world, primarily due to their inability to solve "peacefully" existing contradictions and problems.

The following groups of international relations can be attributed to such contradictions, in the extreme phase of aggravation, where international institutions have proved unable to solve them:

a) in the economy

- raw materials market (Russia, EAEU) and technology market (USA and EU);
- the financial market of national currencies and securities and unilateral dependence on the US dollar;
- outflow of domestic capital and benefits for attracting foreign investment;
- the intellectual property market (economy) and the so-called "knowledge economy";
- import substitution and information ratings (publications and their indexing, patent applications and patents);

b) in politics

- balance of interests in a multipolar world (230 countries) and globalism of the hegemony of one country (USA);
- Human rights and war as a way of establishing "democracy" (Iraq, Yugoslavia, Syria, Donbass);
- national competitiveness and the "fifth column" in government and business";

c) in the right

- written law and morality;
- the right to information with freedom of the media and the information blockade of the truth with the rabid propaganda of lies and "fakes";

International law and the fictitiousness of its institutions (UN, WTO, WHO, IOC, etc.), including at the regional and national levels.

The situation, when at the national, state and international levels, the previously seemingly unshakable, age-old legal doctrines on property rights and human rights, humanitarian law and legal responsibility for crimes are openly ignored today, testifies to the crisis of international law and its law enforcement institutions.

It was the "paralysis" of international law, primarily due to its direct dependence on the "law of force" of individual countries, and not the "force of law", including international law, that served as the direct reason for the forced search for alternative solutions to these problems at the national and interstate level on the part of Russia and its allies within the framework of the Union State, the EAEU, CIS, SCO and BRICS. Examples of such decisions include the

referendum in Crimea and its reunification with Russia, forced counter-sanctions as a mechanism to ensure national competitiveness in a "boom" and competition in declaring all kinds of sanctions by the United States and its satellites, recognition of the DPR and LPR as independent states and a special military operation for denazification and demilitarization in Ukraine.

In 2021, the WIPO Assembly adopted the WIPO Medium-term Strategic Plan for 2022-2026; the member States of the Patent Cooperation Treaty (PCT) unanimously decided to appoint the Eurasian Patent Office (EAPO) as an international search authority and an international preliminary examination body within the PCT; a new WIPO International Standard (St.91) on digital three-dimensional (3D) models and 3D images developed by the task force of the WIPO Standards Committee under the leadership of the Russian Federation.

Following the results of the 13th meeting of the heads of intellectual property departments of the BRICS countries (25.08.2021, chaired by India), an agreement was reached to coordinate work on joint digital projects, exchange information on the registration of geographical indications and successful practices of the BRICS countries in the field of IP. In 2022, cooperation within the framework of BRICS is carried out under the chairmanship of the Chinese State IP Administration (CNIPA).

As part of the implementation of the CIS Economic Development Strategy for the period up to 2030 (approved by the decision of the Council of CIS Heads of Government dated 29.05.2020) and the Comprehensive Action Plan for 2021-2025 for the implementation of the Interstate Program of Innovative Cooperation of the CIS member states for the period up to 2030 *the main directions of economic cooperation* for the purposes of innovative cooperation include strengthening the innovative component of economic growth based on the formation of national innovation systems and the implementation of interstate innovation projects through the ***formation and dynamic development of the CIS intellectual property market***. The provisions of the Strategy and Plan consistently and significantly specify the measures provided for by previously adopted decisions on these issues (the Concept of Formation and Development of the Intellectual Property Market of the CIS member States dated 28.10.2016 and the Agreement on the Formation and Development of the Intellectual Property Market of the CIS member States dated 01.06.2018).

In order to ensure accelerated economic growth, increase the competitiveness of the CIS member states on the world market, cooperation in the field of IP will be directed:

- *to ensure the enforcement of legislation* in the field of IP and the improvement of law enforcement practice;
- taking measures to prevent, detect and suppress IP offenses, including in the digital environment, countering the production and distribution of counterfeit products;
- formation and development of an interstate system of legal, financial and organizational mechanisms for the commercialization of IPO rights;
- expansion of the list of national goods marked with geographical indications and/or names of the place of origin of goods;
- improving the training of personnel in the field of IP, including through the development of new educational programs and training of specialists in new areas using the latest ICT.

Eurasian integration aims to create on the basis of the EAC (since 2015) by 2030. The Eurasian Union to achieve and maintain high-quality and sustainable economic growth of the Member States and the Union as a whole *through the implementation of their competitive advantages*. Within the framework of the Union, the Customs Code of the EAEU has been in force since January 1, 2018, and by 2025. along with the single market of goods (since 2010), works/services (the single market of services regime operates in 53 service sectors and covers more than 55% of the volume of services produced in the member states), the common market of medicines and medical products (since 2017), a single electricity market, a common oil, petroleum products and gas market should be formed, as well as a single transport space and the

development of Eurasian transport corridors; a common financial market and a coordinated agro-industrial policy.

Within the framework of strategic directions for the development of the Eurasian economic integration until 2025 (approved by the Decision of the Supreme Eurasian Economic Council dated 11.12.2020 N 12), in the direction 5 "Formation of the digital space of the Union, digital infrastructures and ecosystems", digital transformation in the field of IP within the EAEU is defined, which provides: a) creation of services that allow online search for information about industrial property objects (hereinafter-OPS) protected in the Member States, and b) development of coordinated approaches to combating violations of IPO rights on the Internet. By the Order of the EEC Council dated 5.04.2021. No. 4 approved an Action Plan with Section 5.5 "Digital transformation in the field of intellectual property within the EAEU", where, on the initiative of the Russian side, among the main approaches, the option of creating search services based on a digital platform for patent search and search by means of individualization (developed by Rospatent within the framework of the national program "Digital Economy of the Russian Federation") is considered.

At the same time, both in the EAEU and in most CIS countries (except the Republic of Belarus) there are no strategies and programs for the formation and development of the national and Eurasian IP market, as an integral part of the global IP market and the necessary basic conditions for technological modernization and digitalization.

The State Program of Innovative Development of the Republic of Belarus for 2021-2025 and the Strategy of the Republic of Belarus in the field of IP until 2030 with a specific action plan for its implementation for 2021-2023 for the first time defined goals, objectives and measures *for the formation of a full-fledged intellectual property market and its integration into the Eurasian and world intellectual property markets*. In accordance with the Memorandum of Understanding between the Government of the Republic of Belarus and WIPO, an IP Policy has been developed for universities and scientific organizations of the Republic of Belarus.

In 2021, the implementation of the State Program for the Development of IP in the Kyrgyz Republic for 2017-2021 was completed, the main strategic goal of which was stated to be *"creating conditions for the functioning of the intellectual property market in Kyrgyzstan by 2021"*. However, judging by the results, when, with the early termination of patents, exclusive rights to ***less than 0.1 percent of patent law objects*** registered in the Kyrgyz Republic are in commercial circulation, it can be concluded that the goal has not been achieved and the national IP market has not yet been formed.

To build common markets in the EAEU without taking into account turnover and opportunities for commercialization of IP means to condemn countries in advance to a loss in competition. A serious obstacle to the formation and development of the Eurasian IP market is still the attribution of relations in the field of R&D and intellectual property to the service sector. The persistence of differences in approaches entails the creation of difficulties not only in the development of the IP economy, but also related processes of innovative motivation of authors and copyright holders of such objects, budget and accounting of exclusive IP rights and taxation in this area.

Recommend the EEU and the EEC of the EAEU, the CIS Economic Council and the CIS Executive Committee, the Standing Committee of the Union State, national parliaments and governments of the EAEU member States and CIS member States:

1.1 to support the initiatives and efforts of national governments to reform the UN in order to change the order of formation of governing bodies and decision-making in a multipolar world, taking into account the population and economic potential of the countries that are members of the integration interstate associations of the EAEU, CIS, SCO and BRICS;

1.2 taking into account that integration associations and their member countries are the object of "special attention", including through threats and sanctions from the "elite" (minority of countries) of the unipolar world, to regard any attempts of such pressure against any of the participants as a challenge to the entire Eurasian integration, its strengthening and creation

own, independent regional legal and economic systems in the interests of national and Eurasian competitiveness;

1.3 taking into account the essential importance of these circumstances and their legally significant consequences, consider the need to prepare and make significant adjustments to both adopted and being prepared documents by interstate associations within the Union State, the EAEU, CIS, SCO and BRICS, including integration priorities and deadlines for their achievement, scientific, technical and industrial cooperation, ratings and indicators of real competitiveness and methods of their determination, taking into account the economic potential of intellectual property for innovative development at the national, Eurasian and international levels.

Recommend the EAEU EEC and national Parliaments and Governments of the EAEU Member States:

1.4 to provide for the preparation and adoption of a Strategy and program for the formation and development of the Eurasian intellectual property market at the interstate level (relevance has been confirmed since 2016) and at the national level (taking into account the Belarusian experience);

1.5 making adjustments to the regulatory and program documents of the EAEU and the Union countries on the exclusion of R& D and IP from the service sector, followed by the attribution of R& D to work and the allocation of the IP economy to an independent market sector;

1.6 inclusion in the "Strategic directions for the development of the Eurasian economic integration until 2025", as a roadmap for further development of integration within the framework of increasing investment activity and modernization based on the expansion of digital technologies, a block of priorities and tasks for the use of digital twins technologies and the formation of the Eurasian IP market as a condition for competitiveness;

1.7 when developing a program based on the Concept of Forming a common financial market of the EAEU, take into account the existence of special sections in terms of defining the goals, principles and objectives of creating IP management mechanisms in the banking sector, insurance sector and services sector in the securities market.

2. International and regional competitiveness ratings

In order to assess the level of economic development of the EAEU and analyze the positions of member states in international ratings (according to 22 international ratings for the period 2010-2021) in terms of assessing their competitiveness in comparison with leading developed and developing countries, on the scale of the world economy as a whole, the EEC prepares and publishes an annual report "Economic Development of the EAEU and States-members: international ratings". The key indicators of the implementation of the CIS Economic Development Strategy for the period up to 2030 are also identified as increasing the countries' place in the World Bank's Doing Business rating and in the World Economic Forum's global competitiveness rating as indicators of the competitiveness of the national economy.

At the same time, the Global Competitiveness Index, which was conducted by the WEF until 2019 on 12 sub-indices and 114 indicators among 141 countries, has been conducted on 333 indicators among 64 countries since 2020. The ICT Development Index, which was conducted by ITU until 2017, assumed 11 indicators for 192 countries, and when switching from 2018 to a new methodology for 14 indicators, if consensus is not reached, it is not published. The Doing Business Index, which was conducted by the World Bank on 10 indicators among 190 countries, has been discontinued since 2021 due to errors in calculations.

In the WIPO Global Innovation Index ranking (GII- 81 indicators /132 countries) by the end of 2021, Switzerland, Sweden, the USA, the UK and the Republic of Korea are in the TOP 5 innovative economies of the world; only Armenia is in the TOP 10 of the EAEU member states (Wikipedia editing in the framework of online creativity - 2nd place) and Belarus (women with academic degrees - 1st place; creation of mobile applications within the framework of online creativity - 1st place; ISO 9001 quality certificates - 3rd place).

The place of the EEC Member States in the GII - 2021 /2020

states	have common place in the GII	at the level of business	knowledge and technology	the results of creativity	including IA	population million people	inter. reserves billion USD	external debt billion USD	external debt by 1 person million dollars
Armenia	69/ 61	98 /69	64 /45	49/56	44/59	3	2,6	12,9	4300
Belarus	62/64	69/67	37/46	93 /97	129/130	9,4	7,5	42,1	4500
Kazakhstan	79/77	78 /71	86 /80	110/105	105/107	18,9	35,6	164,2	8690
Kyrgyzstan	98/94	107/105	102/81	120/117	123/121	6,6	2,7	8,7	1320
Russia	45/47	44 /42	48 /50	56/60	50/61	146,2	596	467,4	3200

Among other CIS member countries, according to the results of 2021, the places in this rating were determined: Azerbaijan - 80, Moldova - 64, Tajikistan - 103, Uzbekistan - 96, Ukraine - 49, and among other BRICS member countries: Brazil - 57, India - 46, China - 12, South Africa - 61.

With a multitude of international ratings (over 30) used to assess national competitiveness, the multiplicity of indices, sub-indices and indicators and the repeated changes and opacity of their calculation methods, the heterogeneity of the composition of the participating countries of these ratings (from 30 to 200), violations of periodicity and non-compliance with deadlines, and often the dependence of their organizers on the political conjuncture, the need for a fundamental revision of the possibility and necessity of their use in practice in the CIS, the EAEU and at the national level has sharply increased. In this regard, the conclusion and recommendations of this Forum (2020) on this issue remain relevant: with the relative importance of these ratings and their objectivity, attention is drawn to the predominance of formal indicators that do not coincide with the areas and structure of relations in the field of IP, the use of which has a negative impact on the interests of national competitiveness.

Of particular importance for the purposes of assessing the appropriateness of participation in the ratings are those where the organizer is one organization (country) with an opaque methodology, used primarily for the purposes of unfair competition. For example, the so-called annual rating of counterfeiting (Special Report 301 (Special 301Report) in accordance with Section 301 of the US Trade Act of 1974) has been compiled by the International Intellectual Property Alliance (IIPA) since 1998. for the Committee on Foreign Trade and the US State Department with the inclusion of a number of countries in special sanctions lists: PWL: Priority watch list, where since 2005 - Russia, China, India; WL: watch list, where since 2005 - includes RB, RT, TR, RU, Brazil (since 2007). This practice corresponds to the official US development strategy, according to which the IP sphere is designated as one of the first priorities until 2025. and it is used as one of the justifications for sanctions, but it cannot be accepted in the CIS and the EAEU.

Therefore, in accordance with the Interstate Standardization Program for 2018-2021 a draft GOST was prepared to determine the level of counterfeiting of goods at the regional level, the concept and content of which in the first edition were discussed at the International Forum "Anti-Counterfeit - 2017" (Bishkek, KR), at a meeting of the Expert Council of the State Commission on Combating Illicit Trafficking in Industrial Products in the Russian Federation (Moscow, 27.07.2021) and at sessions of the IX International Forum "Anti-counterfeit - 2021" "Global challenges and intellectual property protection in the new reality" (26-28.08.2021, Nur-Sultan, RK), as well as from October 2021. It has been publicly discussed in the EAEU and CIS countries and will be presented after revision for adoption in the CIS MGS.

The results of the regular monitoring conducted by the RNIIS in 2008-2021 based on the data of the annual reports of the authorized national bodies of the CIS and EAEU countries in the field of IP on their activities indicate the preservation of heterogeneity in the structure of such reports, completeness and comparability of the data provided in them, both at the national and interstate levels, which creates additional difficulties for comparison and prerequisites for silencing or embellishing the real picture in this area.

In order to increase the effectiveness of participation in international and regional ratings, from the point of view of assessing national and Eurasian competitiveness, recommend

the EEU and the EAEU EEC, the CIS Economic Council and the CIS Executive Committee, the CIS MGS and MGSIS, the national governments of the EAEU member States and the CIS member States:

2.1 to consider the expediency (necessity and possibility) of participating in international ratings. The need to use international ratings can be determined for the CIS and EAEU member states, taking into account the international obligations assumed and the practice of their implementation within the framework of the UN and its institutions. The possibility of using international ratings, in respect of which the need for such use is determined, can be established by a regulatory act of the relevant authorized body at the interstate and national level and implemented taking into account the planned creation of national and interstate rating agencies in the EAEU with the expansion of their functions. This, of course, requires both making adjustments to these documents at the national level, and strengthening coordination on the adjustment of strategic, programmatic and regulatory documents on the digital agenda in the EAEU and CIS countries (on the part of the EAEU EEC, the Economic Council and the CIS Executive Committee, the Standing Committee of the Union State);

2.2 to provide for the development and implementation of its own (national and Eurasian) system of rating universities and evaluating their performance, based on the main purpose of educational institutions for training personnel and their competitiveness in the labor markets;

2.3 to develop and approve a unified methodology for the structure and list of data on the preparation of annual reports of authorized national bodies of the CIS and EAEU countries in the field of IP on their activities (taking into account the positive experience of the Republic of Kazakhstan and the absence of such a unified report in the Russian Federation, where Rospatent is responsible for only 6 of the 20 main types of IP in the presence of 20 federal regulators in this area).

3. Legal regulation and administrative barriers of the Eurasian intellectual property market in the digital economy.

Currently, all CIS States are parties to most of the 26 international treaties under the auspices of WIPO, including the main treaties in the field of industrial property, implemented in national legislation with the priority of the norms of international law in case of differences with the norms of national legislation. The adoption of the NPA at the level of the CIS and the EAEU complements, but does not replace, this regulatory system.

In 2021, at a meeting of the Council of Heads of Government of the CIS, Agreements were signed on cooperation of the CIS member states on the prevention and Suppression of the Use of False Trademarks and Geographical Indications (28.05.2021) and on the Protection and Protection of Copyright and Related Rights in Information and Telecommunications Networks (12.11.2021).

At the same time, it draws attention to the fact that the Concept and the Agreement on the Formation and Development of the Intellectual Property Market of the CIS member States (2016-2018) provide among the priorities: *improvement and harmonization of the regulatory framework* of the CIS member states in the field of IP, while the CIS Economic Development Strategy for the period up to 2030 makes emphasis *on enforcement of legislation* in this area and improvement of law enforcement practice.

Similar restrictions (execution instead of harmonization) are contained in a number of other CIS documents on the digital agenda. Thus, the Agreement on information interaction of the CIS member states in the field of digital development of society (adopted by the Council of CIS Heads of Government on 6.11.2020, entered into force on 11.06.2021 for RA, RB, RK, KR, RF, RT, RU) in order to reduce the "digital inequality" between states - It provides for the definition of coordinated approaches to the organization of information interaction between the authorized (competent) bodies of the Parties in order to develop state policy and regulatory regulation in the field of digital development of society, digital economy in the CIS area in compliance with national legislation, as well as international treaties of the states parties to the

Agreement. Recommendations of the IPA CIS (adopted by the resolution of the IPA CIS of 26.11.2021 No. 53-12) on cooperation of the CIS member states in the field of digital development, however, do not provide for the solution of problematic issues of legal regulation in the field of the intersection of artificial intelligence (AI) and IP.

Cooperation in the field of IP under the EAEU Treaty involves two general integration processes: harmonization of legislation in the field of protection and protection of IP rights and protection of the interests of IP rights holders. At the same time, the legal regime of the OIC in their protection and protection of rights to them is provided in accordance with Article 90 of the Treaty and in accordance with the Protocol on the Protection and Protection of the Rights to the OIC (Annex No. 26 to the Treaty).

In addition to the existing interstate agreements and the EAEU NPAs, the Treaty on Trademarks, Service Marks and Appellations of Origin of the EAEU Goods (dated 03.02.2020, entered into force on 26.04.2021) and the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention on the Establishment of the EAEU from 2022 entered into force in 2020-2021 the unified interstate system of legal protection of industrial designs, which allows applicants to obtain a single Eurasian patent for an industrial design for all EAPO member states (entered into force for six EAPO member states, including all EAEU countries (except the Republic of Belarus). An agreement was also signed on the electronic exchange of documents on applications for the issuance of Eurasian patents and Eurasian patents, providing for the transition of patent offices to fully electronic interaction within the framework of the Eurasian patent procedure. By the decision of the EEC Council of 18.05.2021 The Instructions to the Agreement on the implementation of electronic interaction procedures by departments using the integrated information system of the Union within the framework of the common processes of the EAEU (processes 22 and 23 of the List), and the List of Types of legally significant actions and duty rates, which became the basis for the establishment by the EAEU member states of similar norms in national legislation (for example, the Decree of the Government of the Russian Federation from 16.12.2021, No. 2318).

At the same time, the results of monitoring the activities of the EEC and the EAEU countries in 2015-2021, which are presented in the final documents of this Forum (2016-2022), show that the national legislation of the EAEU member States regarding information and IP and regulating the processes of their creation and use in scientific, scientific, technical and innovative activities contains still, there are fundamental differences. The fundamental problem of legal regulation of these types of activities remains their interaction with the norms of IP legislation and vice versa. It is obvious that recognition at the strategic level of the interconnection and interdependence of innovative development through the intellectual property market is necessary, but not enough. The process of embedding regulatory mechanisms for the use of IPOs for the stated purposes of innovative and digital development should also be enshrined in legislation and subordinate regulations.

The results of the analysis of national legislation in the field of IP in the CIS countries and the EAEU indicate the existence of fundamental differences in the definition of the object - subject composition in the subject area of legal regulation, the main legal regimes of protection, commercialization and protection of IP rights, which are strengthened taking into account the mandatory norms of the EAEU law for these countries. In practice, model laws and codes adopted and adopted by the IPA CIS are often completely ignored when developing and adopting similar laws, regulations and standards at the national level in the participating countries. The growing number of regulators draws attention to the increasing DIVERSITY of goals and results of legal regulation in the field of IP at different levels (international treaties, treaties and acts of the EAEU bodies, national codes and laws, by-laws, standards).

This is especially clearly reflected in the results of the application of such acts in the Republic of Belarus, if their quality and effectiveness are assessed not by the number of adopted regulations and amendments to them, but by achieving the stated goals, for which they were developed and adopted. As follows from the annual reports on the activities of the National

Intellectual Property Center of the Republic of Belarus (hereinafter NCIS RB) for 2020 -2021, during this period "extensive work was carried out to improve legislation in the field of IP" (77 NPA were developed, 36 of them were adopted, including in 2020 - 22 and in 2021- 14), "which will be continued, including taking into account the economic aspects of intellectual property management, increasing the codified component of legislation that ensures the consistency and complexity of regulating relations in the field of IP" [p.12 of the Report].

At the same time, over the past 10 years in the Republic of Belarus, the number of patent applications and patents issued by this center for inventions has **decreased by 5 times** (from national applicants - by 6.3 times), for utility models - **by 3 times**. With an annual decrease in the total number of active patents and certificates for OPS in 2020, the smallest number of contracts for the commercialization of rights to OPS (**only 1.6%** of the number of protected OPS) were registered in the State Registers of contracts for the IPO of the Republic of Belarus (during the period of execution of the Decree of the President of the Republic of Belarus on the commercialization of IP) in accordance with the resolution of the CM of the Republic of Belarus dated 21.03.2009. No. 346 "On Registration of License Agreements, Assignment Agreements, Pledge Agreements for Industrial Property Rights and Complex Business License (Franchising) Agreements". According to WIPO, in 2020-2021 The Republic of Belarus took the last places out of 130 countries in the GII rating on the index of profitability from IP turnover, including capitalization through intangible assets, and the last place among the EAEU countries in terms of the level and quality of regulation in this area. According to the EEC assessment (2021), according to the results of the annual monitoring of law enforcement, in the Republic of Belarus "there is a conflict of norms of administrative and criminal legislation regarding violations of trademark rights and the absence of separate elements of violations within the main groups of intellectual property objects", while for 5 years the smallest number of crimes in the EAEU (only 6) in the field of IP.

Therefore, the conclusion is that *"as practice shows, at the present stage, the legislation of the republic allows for reliable protection and effective use of the results of intellectual activity, obtaining competitive advantages and additional profits, guarantees the protection of the interests of scientists, culture and art, manufacturers and suppliers of products (goods, services) in the domestic and foreign markets"* The document contained in the Strategy of the Republic of Belarus in the field of intellectual property until 2030, apparently, **is still premature and does not correspond to reality.**

The place of the CIS and BRICS countries in the Global Innovation Rating (GII)-2021/2020

EEC Member States	Armenia	Belarus	Kazakhstan	Kyrgyzstan	Russia	AP	Tajikistan	Uzbekistan	Brazil	China	India
Regulatory environment	56/54	103/106	49/48	93/93	92/95	77	118	107	74	106	71
Quality of regulation	59/60	104/111	62/63	95/97	100/105	89	128	126	82	91	81
Rule of law	70/71	112/116	90/92	116/119	109/114	100	130	123	72	77	65

According to the WIPO Global Innovation Index GII - 2021/2020, Armenia and Kazakhstan are leading among the EAEU countries in terms of the level and quality of regulation, while Belarus, Russia and Kyrgyzstan are outsiders in this indicator, Uzbekistan and Tajikistan are among other CIS countries by the end of 2021, and China is among the BRICS countries.

Given the significance of these indicators within the rating, it is obvious that there are grounds for doubt about their objectivity if we evaluate the quality of regulation based on the achieved/expected results. Thus, from 1.07.2021, the RA Law of 30.03.2021 ZR-109-N "On Industrial Design" and the RA Law of 30.03.2021 ZR-108-N "On Patents", prepared on the initiative of the Union of Armenian Lawyers of the USA, came into force, according to which Armenia (following the USA) will patent algorithms of computer programs (paragraph6, article 12 of the law).

This legislative novelty of the Republic of Armenia, as well as the Decree of the Government of the Russian Federation dated 29.12.2021 No. 2550 (item 12) on mandatory state

registration from 1.01.2022 in Rospatent of all computer programs and changes to them received with budget financing, run counter to the recommendations of this Forum (2020) on the need to ensure confidentiality when choosing a method of legal protection algorithms of computer programs as secrets of production (know-how). Since computer-aided design/modeling technologies and digital twin technologies are among the TOP 5 technologies that are the most priority for achieving technological leadership and ensuring the competitiveness of national companies, including in the conditions of sanctions, and patenting software algorithms, as well as state registration of computer programs protected in form as literary works, involves the discovery of basic codes, which significantly reduces their competitiveness in the conditions of digitalization and increases the risks of unfair competition against their copyright holders.

Taking into account the imperative nature of the rulemaking of the EAEU bodies and weak "post-control" on the implementation of decisions taken, often instead of harmonization, there is an increase in such collisions (collisions of "false harmonization"), which are an obstacle to the common markets within the framework of Eurasian integration, contradict the real interests of national economies and business communities and the stated goals and priorities integration within the digital agenda.

Recommend to the Executive Committee and IPA of the CIS, the EEC of the EAEU and the Standing Committee of the Union State, national parliaments and governments of the CIS and EAEU countries:

3.1 to consider the contradiction between the existing dependence of national legislation on international law and the possibilities of its application in the context of the current crisis of the main institutions of international law and to identify agreed approaches to its resolution in the harmonization of national legislation at the regional level, including within the framework of integration associations, including:

3.1.1 to take into account that the use of the reference to the "obligation to comply with national legislation" allows you to sign documents when making decisions on interstate cooperation, but does not allow you to ensure their effective implementation in the future without appropriate changes and harmonization of legislation. This necessitates both the adjustment of these provisions of the CIS Economic Development Strategy for the period up to 2030, and the criteria for assessing the effectiveness of regulation at the national and interstate levels in this area, taking into account the provisions of the Concept of the Development of the Intellectual Property market of the CIS member states, that "the assessment of the development of the intellectual property market is provided on the basis of quantity, cost and geography transactions with intellectual property rights";

3.1.2 to provide for the development of a common methodology and methods of harmonization, taking into account the specifics of the branches of law and legislation and criteria for evaluating the effectiveness of regulation at the national and interstate levels. Without this, the harmonization of national legislation may remain at the level of the declaration instead of the expected harmonization;

3.1.3 to take into account that recognition at the strategic level of the interconnection and interdependence of innovative development through the intellectual property market is necessary, but not enough. The process of embedding regulatory mechanisms for the use of intellectual property objects for the stated purposes of scientific and scientific-technical activities, innovation and digital development should also be enshrined in the legislation and subordinate regulatory legal acts of all participating countries;

3.1.4 to review the established practice of evaluating the effectiveness of state executive bodies and, if necessary, make adjustments to the list of key criteria for such an assessment and the methodology for their implementation (taking into account the priority of achieving results in the real economy provided for by the NPA, and not the number of NPA and changes to them);

3.2 based on the stated priorities and tasks of ensuring national and Eurasian competitiveness with a plurality of objects and legal conflicts of regulation of their legal regimes, as well as problems of interaction of subjects during the transition to the digital

economy, including in the field of digital rights, consider the possibility of using digital modeling technologies in rulemaking along with machine-readable law technologies with the definition of consequences in rulemaking. (This practice has been used in business for a long time, which makes it possible to significantly reduce the probability of errors and their cost, whereas the mistake of the legislator, even in the form of an experiment, is not comparable with the mistake of business, for the interests of ensuring national competitiveness);

3.3 to take into account the general rule when defining objects in three subject areas of legal regulation in the field of intellectual property: 1) legal protection - results of intellectual activity (RID) and means of individualization equated to them; 2) use - protected RID and means of individualization // commercialization - exclusive (property) rights to the IPO; 3) legal protection - all property rights, including exclusive rights, to all IPOs and personal rights on REED. This will avoid the need to subsequently "invent" legal fictions to resolve the created legal conflicts.

Recommend the EEU and the EAEU EEC:

3.4 to consider the expediency of amending the EAEU Treaty (Article 9, Annex No. 1) and the EEC Work Regulations, in terms of excluding/limiting the dependence of ministers and heads of EEC departments on the position of the national governments of the EAEU member States they represent, including by introducing their mandatory rotation in fixed areas of activity and authority in the EEC;

3.5 to support the proposals of the Russian Federation and the Republic of Belarus on the preparation of a "roadmap" for the harmonization of the legislation of the EAEU member states in the field of IP, including in countering counterfeit trafficking, removing barriers, exemptions and restrictions of the EAEU member states in the field of IP, in accordance with the methodology for separating obstacles in the internal market of the EAEU and taking into account the proposed differentiation of levels and regulatory mechanisms;

3.6 taking into account the interdisciplinarity of legal regulation issues, to provide for their consideration at the EEC Board of the EAEU in order to make a decision and establish the personal responsibility of the EEC officials for the preparation and implementation of the roadmap for the harmonization of the legislation of the EAEU countries in the field of IP within the digital agenda;

3.7 to consider the creation of a system for the coordination of rule-making activities with the participation of representatives of all EAEU countries, including: development of criteria for evaluating the effectiveness of its activities (ensuring competitiveness while reducing legal conflicts and obstacles in this area); increasing the effectiveness of post-control by the EEC in the unification and harmonization of national legislation in this area.

3.8 To confirm the relevance of the recommendations of this Forum and the EAEU EEC in 2018-2020 to the parliaments of the EAEU member States on eliminating legal conflicts and gaps in national legislation on civil, administrative and criminal liability for intellectual property offenses, including using the Internet.

4. Centralization and standardization of regulation as conditions of competitiveness

In the context of centralization and specialization of public administration in the field of IP in the world (since 1967), in the CIS and EAEU countries, unified interstate and state bodies were created with the unification of the functions of administration of copyright, related, patent and other rights in respect of all major categories of intellectual property objects.

Russia, as before, is the only country where the functions of state administration and regulation in the field of intellectual property are dispersed among two dozen federal agencies, among which Rospatent is formally responsible for only five (from July 1, 2020 - six) of the 20 categories of intellectual property objects and does not have objective information regarding other agencies, i.e.E. is not a competent authority on all issues in this area and is not responsible for the commercialization of intellectual property. Since no one in the authorities in the Russian Federation is engaged in monitoring this activity, there is a misconception about the monopoly of Rospatent (the Ministry of Economic Development of Russia) in the field of IP regulation,

which is largely due to the existing problems of regulatory regulation and the lack of results of its economic efficiency and competitiveness. This significantly reduces the possibility of coordinating positions, even within one country, on the formation of a single IP market and ensuring competitive advantages of innovative development for the EAEU and the CIS as a whole. This, in many ways, is the root cause of the difficulties in developing coordinated solutions to harmonize national legislation in the EAEU on these issues.

Moreover, the amendments and amendments made to the Civil Code of the Russian Federation since 2008 have made it possible to identify certain legal norms — "bookmarks" that have operated and are operating in Russian legislation in the interests of a number of countries that prefer to see Russia and other EAEU countries as buyers of imported technologies and products, rather than sellers of IP of domestic copyright holders. Since common Eurasian markets presuppose common Eurasian rules for their regulation, the need to return the norms of Russian law in this area to the international rails along which Eurasian integration is taking place remains.

Serious risks of losing the benefits of centralization of management and administration in the field of IP may arise during reforms and reorganization of national authorities. Thus, although the RA Law "On the Protection of Breeding Achievements" provides for an authorized body for registration and issuance of patents for breeding achievements, but after the merger of the Ministry of Economic Development and Investment of the Republic of Armenia and the Ministry of Agriculture of the Republic of Armenia in 2019 to the unified department of the Ministry of Economy of the Republic of Armenia, *it seems that the functions of the authorized body for breeding achievements have been "lost somewhere" (as it was earlier during a similar reorganization in the Russian Federation). There are no such data for 2019-2020 in the official reports of the Intellectual Property Agency of the Ministry of Economy of the Republic of Armenia, as well as on the official websites of the Ministry.*

At the same time, it draws attention to the fact that according to the *Strategy of the main directions ensuring the economic development of the agricultural sector of the Republic of Armenia for 2020-2030* (approved by the Decree of the Government of the Republic of Armenia dated 19.12.2019 No. 1886-L) among the seven principles of the creation of "*digital agriculture*", a course on quality is highlighted, where "it is necessary to develop a system of geographical identification of traditional goods and wine, an Armenian brand and a trademark", but breeding achievements are not stated in the goals, principles, or priorities (even in the sections of food security, innovation, commercialization and value added). But on the other hand, in the risk analysis, among *the dangers for the RA agriculture*, along with diseases and epidemics, the presence of rapidly developing competitors in the Russian market is mentioned, which reduces the export opportunities of the RA.

As a result of the reform of executive authorities in the Kyrgyz Republic and the formation of a new government structure, in 2021 the Government of the Kyrgyz Republic was transformed into the Cabinet of Ministers of the Kyrgyz Republic, the State Service for Intellectual Property and Innovation was transformed into the State Agency for Intellectual Property and Innovation under the Cabinet of Ministers of the Kyrgyz Republic, the State Customs Service and the State Agency for Antimonopoly Regulation under the Government of the Kyrgyz Republic were transferred to the Ministry Economics and Finance of the Kyrgyz Republic, The State Service for Combating Economic Crimes of the Kyrgyz Republic (Financial Police) has been abolished.

Reaching compromises in regulation today and in the future is also possible through the mechanisms of "soft regulation", where standardization is among the priorities. With the stated strategic goals of Eurasian integration, the formation of common markets for goods, works, services, finance and intellectual property involves the development and adoption of common standards. At the same time, according to the results of the analysis of the powers, the availability of financial resources and the results obtained in the field of standardization in the "triad" (CIS, EAEU, Union State), it is obvious that the existing procedure for the adoption of

interstate standards (CIS MGS) does not meet the objectives of Eurasian integration, neither according to the list of GOST and the timing of their adoption, nor according to the conditions applications. *The tasks of accelerated (in comparison with the CIS) Eurasian integration require a change in the priorities of the development and adoption of standards (first interstate for the EAEU, then, if necessary, their adaptation to national regimes) and necessitate the differentiation of these processes within the framework of the CIS MGS for the EAEU, while supplementing the provisions of the Union Treaty with issues of Eurasian standardization and endowing the relevant competencies of the EAEU bodies.*

The national technical committee for standardization "Intellectual Property" TK481 has been operating on the territory of Russia since 2009, and since 2017 - a similar interstate committee MTK550 with a secretariat based on the RNIIS, which has more than 25 national and interstate standards. Repeated rotation in 2020-2021 authorized representatives of the member states of the MGS as part of the ITC and long periods during the domestic procedures for multiple approval of GOST projects and decisions on their adoption (2-4 times exceed the regulatory deadlines), negatively affect the quality and effectiveness of the work of the ITC, lead to a significant slowdown in the processes and disruption of the preparation and adoption of interstate standards provided for by the fundamental standards, which requires either a revision of these norms, or the creation of conditions for their mandatory implementation.

To recommend the EAEU EEC, the CIS Economic Council, the CIS Executive Committee and the CIS MGS, the national Governments of the EAEU member States to provide for:

4.1 the active use of references to the application of national and interstate standards in the framework of rulemaking with consideration of the inclusion of standards in the list of regulatory legal acts (taking into account the experience of the Republic of Belarus);

4.2 attribution of issues of management and economics of intellectual property to priority areas of standardization (taking into account the experience of the Russian Federation), ensuring national competitiveness and development of institutions of Eurasian integration, including when planning annual budget expenditures for these purposes;

4.3 creation of a joint working group with the participation of representatives of the CIS MGS, the EEC of the EAEU, the Standing Committee of the Union State to develop a coordinated position and mechanisms for interaction and distribution of tasks in the standardization processes and improve its effectiveness, taking into account the accumulated experience and potential of their solutions with the participation of integration associations.

The Interstate Councils on Standardization, Metrology and Certification, on legal protection and protection of Intellectual Property of the CIS, the EEC of the EAEU and the national standardization bodies of the CIS and EAEU countries should recommend:

4.4. Active use of the Institute of interstate standardization on the basis of the Interstate Technical Committee for Standardization "Intellectual Property" (MTK 550);

4.5 taking into account the public and professional discussion that took place during the Forum sessions, to support the draft interstate standards: "Intellectual Property. Use of intellectual property objects on the Internet", "Intellectual property. Determination of the level of counterfeit goods at the regional level", "Intellectual property. Risk insurance" for their completion and acceptance in accordance with the established procedure;

4.6 when planning budget expenditures for 2023-2024, take into account the formation of the EAEU single financial market by 1.01.2025, the costs of research on the preparation of interstate standards "Intellectual Property. Management in a credit institution", "Intellectual property. Stock Market Management", as well as the GOST project on antimonopoly compliance.

4.7 Recommend to the Government of the Russian Federation to initiate consideration and resolution of the issue of centralization of state regulation and administration of processes in the field of intellectual property, taking into account the laws and best world practices, including the EAEU countries.

5. The economics of intellectual property and competitiveness indicators

In the scientific and technical sphere, with the participation of academic and university science, IP plays an important role as a mechanism for creating added value (the share of IP is up to 10-15% of the price of products sold), as a means of additional capitalization of assets of enterprises and organizations (through intangible assets) and as an investment resource (where loans and loans are provided on the security of IP and bank guarantees).

The conditionality of further innovative development by the presence of a civilized intellectual property market has long been recognized in the USA, Japan, Germany, then in the mid-1990s in China, in 2010 — in the Russian Federation, in 2011 — in the EU.

According to WIPO, in the group of countries with above-average income, innovation performance indicators in 2021 are *higher than expected* - the BRICS countries (Brazil, China, South Africa); *at the level of expectations* - RA, AR, RB, RF; *below forecast* - RK. In the group of countries with below-average income, innovation performance indicators in 2021: *higher than expected* - India, Ukraine, RM; *at the level of expectations* - RU and KR. In the group of low-income countries, Tajikistan has the expected performance indicators of innovation activity.

China remains the only middle-income economy in the world, included (since 2019) in the 15 most innovative economies in the world (2021-12 place). Since 2013, according to WIPO, China has been "consistently and steadily moving up in the ranking of global innovative development", both in terms of the number of IPOs created, the conditions for their legal protection, commercialization and protection of rights to them, and the development of innovative infrastructure. Within the framework of this Forum, the Chinese experience has been studied and summarized annually since 2010, which is reflected both in reports and speeches (for example, the RNIIS report at the financial summit in Beijing, 2013) and in the final documents - recommendations of the Forum and publications.

If 30 years ago Russia and China had equally poor starting conditions for innovative development, today China occupies a leading position in world trade in IP and innovative products, having overtaken the whole world in terms of innovation activity and effectiveness. It is important to understand and take into account the reasons for such success in the field of IP and innovation in the interests of ensuring our own national and Eurasian competitiveness:

- the strategy of innovative development through the IP market, which is enshrined in the CPC documents and is implemented in state, regional and corporate strategies, programs and policies of innovative and digital development;

- the innovation policy is focused on the final commercialization of IP through economic mechanisms for creating added value, capitalization and attracting investments under its pledge (the main customer of R&D are enterprises - 62%, each large corporation has its own research center; one average IT company has up to 1.5 thousand know-how, one municipality - 25-30 thousand patents, annual GDP growth of up to 8%, where the IP market provides 1/3 of the growth rate; the contribution of innovative enterprises to the GDP of the People's Republic of China in 2011 – 60%);

- uniform rules for the formation, turnover (commercialization) and protection of IP and the system of bodies for their implementation (the system of regulation in the field of IP includes 1) The general part of the Civil Code of the People's Republic of China with the consolidation of only general norms of IP law (entered into force on 1.10.2017) and the General Provisions of Civil law of the People's Republic of China 1986 (Articles 94-97), 2) special laws on copyright and related rights, patent law, etc., 3) norms of codes on liability for violations in the field of IP; 4) standards, the development and adoption of which in the field of IP is attributed to the priorities of state policy);

- A centralized system of IP management committees reduces administrative barriers to the involvement of IP in economic and civil law turnover (from municipalities to Beijing);

➤ developed innovation infrastructure geographically distributed throughout the country (according to WIPO, in 2021, 100 global science and technology clusters (STC) are located in 26 economies of the world, of which six (Brazil, China, India, Iran, Russia (Moscow - 32nd place) and Turkey) are economies with an income level above average. Among the top 100 STC - 7 in China (Shenzhen — Hong Kong — Guangzhou, Beijing, Qingdao, Shenyang and Dalian (median growth - 14%, the fastest growing clusters are Qingdao (+33%) and Suzhou (+22%));

➤ an effective system of state legal protection (in 2021, for the purpose of comprehensive judicial protection in the field of IP, functions in criminal, civil and administrative cases were combined in 20 provincial-level prosecutor's offices; 14 thousand criminal cases were initiated; courts of all levels considered 541 thousand cases of IP violations, within the framework of the customs protection of IP, the deadline for The IPO in TROIS is 7 years with the possibility for the copyright holder to submit such an application for the suspension of a batch of goods that, in his opinion, is counterfeit, even if his IPO is not registered in TROIS);

➤ trained personnel of professional intermediaries in the field of law, economics and IP management (at the rate of 1 intermediary per 10 researchers).

China's practice of using borrowed foreign technologies for the production of products in the interests of its domestic market with internal patenting (until the termination of foreign patents of former copyright holders), followed by patenting of modified technologies in countries of a potential legal market for its products, may be in demand when choosing counter-sanctions in modern conditions, as successful and confirmed in courts, including in The United States on the claims of the PRC (for example, China against Apple).

At the same time, in all the CIS and EAEU countries without exception, at the national and interstate levels in 2020-2021, the former practice (imposed from the USA and included in the international ratings of the WTO and WIPO) continued to inform private foreign companies and foreign competitor states about the results of R&D obtained with budget financing, since state contracts (more than 70% of all R&D), as well as grants from budget funds, provide indicators of the so-called "knowledge economy" as the main conditions for evaluating performance. These include: publications indexed in foreign databases of private companies *Web of Science and Scopus*, as well as patent applications and patents.

After sharp discussions in the RAS on these issues in 2020-2022, including during the discussion of the draft action plan ("roadmap") for the development of competition in the field of science, developed by the FAS-RAS working group as part of the preparation of the National Competition Development Plan in the Russian Federation for 2021 - 2025, Decree of the Government of the Russian Federation No. 414 of 19.03.2022 introduced a ban on the application of the requirement for the availability of publications in publications indexed in *Web of Science, Scopus* when evaluating the effectiveness of scientific organizations and universities, scientific research, results and indicators of national projects and state programs, the activities of candidates for members and members of dissertation councils, as well as when implementation of state support measures. At the same time, the Ministry of Education and Science of Russia was instructed to develop, with the participation of interested federal authorities and organizations, its own domestic system for evaluating the effectiveness of R&D.

If ignoring the patterns of formation of the global IP market, after their identification and consolidation in the documents of this Forum, since 2010, could be considered a feature associated with the level of perception and understanding of the specifics of this market, then after 10 years it can already be considered a pattern, often having a corruption component. The main negative consequences of using information openness indicators as the main target indicators (the number of publications and their citation, the number of patent applications and patents) in the CIS and EAEU countries include the failure to achieve the key goals of innovative development and ensuring the competitiveness of domestic developments and innovative products created on their basis, national copyright holders and commodity producers. As a result,

declaring the strategy of innovative development, in fact we are building an "original" economy based on the export of raw materials (information) and the import of technologies, often based on the knowledge of domestic scientists. Thus, the EAEU and CIS countries finance the innovative development of foreign countries out of the taxpayer's pocket, often to the detriment of their own national interests.

In order to successfully develop economic relations at the regional and national levels, including within the framework of innovative cooperation and secure digital development, to recommend the EAEU and the EAEU EEC, the CIS Economic Council and the CIS Executive Committee, the CIS interstate councils on legal protection and protection of intellectual property, antimonopoly policy, standardization, Metrology and Certification, the Standing Committee of the Union State, national parliaments, governments and academies of sciences, judicial and law enforcement agencies of the member states of integration associations:

5.1 to take into account, when developing, implementing and adjusting strategies, programs and projects within the framework of innovative and digital development, the objective patterns of development of the IP market that have developed in the world and the specifics of their implementation in integration associations in the post-Soviet space, taking into account the experience of the PRC, reflected in the final documents - recommendations of this Forum in 2017-2022.;

5.2 to consider the expediency of changing and restoring the system of state regulation in the field of scientific, scientific, technical and innovative activities, taking into account the successful experience of the functioning of the State Scientific and Technical Committee of the USSR and in the subsequent period within the framework of a single state authority at the national level separately from the regulation of education (for example, the Ministry of Industry and Science of the Russian Federation in 1997 - 2004, the State Scientific and Technical Committee of the Republic of Belarus);

5.3 to ensure the transition from information indicators (publications and their citations, patents and patent applications, conferences and seminars) to economic indicators for evaluating the effectiveness of R&D (value creation, share in pricing, share in capitalization of assets, share in attracting investments, share of royalties, etc.), which implies a significant adjustment of the policies of corporations/organizations when choosing the method of legal protection of the created results of intellectual activity in the scientific and technical sphere with budget financing in the interests of further commercialization of IP and ensuring national technological competitiveness;

5.4 to provide for amendments to regulatory legal acts defining publications in publications indexed in the Web of Science and Scopus as key indicators of the effectiveness of scientific, scientific, technical and innovative activities with the complete cessation of budgeting of these processes in the interests of foreign companies and states as copyright holders of BIG DATA;

5.5 to consider the issues of creating, on a contractual basis, international abstract databases of scientific data of the EAEU and the CIS, international scientific citation indices and international university rankings and the adoption for these purposes of an interstate program to stimulate the development and increase the competitiveness of scientific periodicals in the EAEU and CIS member states;

5.6 to consider the possibility of preparing and publicly discussing with the participation of the expert community the methodology /standard of pricing for innovative products using the IPO, and its further use for accounting and taxation purposes, including for cases of a paid / gratuitous license to use the IPO for the purposes of state contracts.

6. Intellectual property and protection against unfair competition and counterfeiting in international cooperation

The globalization of world trade and the growth of sanctions have actualized the legal problem of parallel imports, which is understood as the import from abroad to the EAEU countries by importers of original goods marked with the trademark of the copyright holder, but

without his permission, which generates a conflict of interests of importers and copyright holders claiming absolute authority to control parallel imports.

In accordance with the EAEU Treaty (Annex No. 26) and as a result of the entry into force of the EAEU Customs Code, while maintaining national legal regimes within the five EAEU member States, three principles of exhaustion of the exclusive right to intellectual property objects apply: international, regional and national. In the conditions of a single customs territory and a single economic space of the EAEU, the presence of national registries in each state with different approaches and procedures for their maintenance and the actual absence of a single register create prerequisites for the growth of counterfeit products and contraband through a single customs border within the EAEU.

Under these conditions, a foreign copyright holder may use the exclusive right to a trademark in bad faith and restrict the import of specific goods to the internal Eurasian market or implement a pricing policy consisting in overstating prices in this market. In order to ensure uniformity of approaches to resolving conflicts of private and public interests in antimonopoly regulation and protection against unfair competition, taking into account the explanations of the Constitutional Court of the Russian Federation (Resolution of 13.02.2018 N 8-P) in cases of unfair behavior of foreign trademark holders, including the creation of a threat of monopoly on the commodity markets of the EAEU countries, procedures were provided for the use of antimonopoly regulation and civil law institutions to counter abuse of law in the interests of public interests to protect competition, including national GOST R 58223-2018. "Intellectual property. Antimonopoly regulation and protection from unfair competition". In the context of the growth of sanctions by federal law, the Government of the Russian Federation is empowered in 2022 to determine the list of demanded original foreign-made goods containing objects of patent law or marked with trademarks introduced into legal circulation outside the EAEU, the import of which into the EAEU without the consent of the copyright holder will not be considered a violation of the law from April 2022. By the Decree of the Government of the Russian Federation dated 29.03.2022 N 506, these powers were delegated to the Ministry of Industry and Trade of Russia.

At the same time, the actions of one country to protect competition within the Union require a coordinated policy and practice of law enforcement in all countries of the Union. For the period 2016-2021, in the field of customs protection of IPR rights, despite the active rulemaking on customs regulation (since 1.01.2018, the Customs Code of the EAEU has assigned 297 issues to the competence of the Commission, 183 of them are new competencies), where about 300 acts were adopted, including more than 10 decisions of the Union bodies on issues of ETROIS), *registered OIS in ETROIS for 12 years from the beginning of its creation did not appear.*² At the same time, as follows from the adopted at the end of 2021. Strategies in the field of IP of the Republic of Belarus, "the customs authorities of the Republic of Belarus are taking measures to protect the rights to intellectual property objects included in the unified customs register of intellectual property objects of the EAEU member states." It is obvious that these, as well as the previously cited and other inconsistencies, with an overestimation of the self-assessment of the effectiveness of the authors of the draft document, imply its re-examination, preparation and adjustments to this strategic document of the Government of the Republic of Belarus (taking into account its significance for other EAEU member states).

According to the EEC Report on the results of monitoring law enforcement practices in the EAEU member States in the field of intellectual property for 2020 (reviewed on 27.09.2021 at the 11th meeting of the Advisory Committee on Intellectual Property at the EEC Board) for five years (2016-2020), over 53,000 violations in the field of intellectual property were recorded in the EAEU member states, of which: 43185 (81%) - violations of the rights to use trademarks, 10088 (19%) - copyright and related rights violations, 32 - patent rights violations. Over the past five years, the national customs authorities in the EAEU have seized over 80 million units of

² <http://www.eurasiancommission.org/ru/docs/pages/intellectual.aspx> (as of 18.04.2022г.)

counterfeit goods, where the main exporting countries of counterfeit products in the EAEU are China, Mongolia, Korea, Vietnam, Turkey, Azerbaijan, Poland and Taiwan. Given the high degree of latency of IP violations, the real volume of the counterfeit goods market is significantly larger.

Based on the results of the analysis of legislation with heterogeneity in the composition of violations in the field of IP and law enforcement practice in the field of countering the production and trafficking of counterfeit products, as well as differences in the levels of administrative and criminal liability for unfair competition associated with the use of IP in the EAEU countries in 2015-2021, it can be concluded that there is still no objective a picture of understanding the volume and structure of counterfeit products, which preserves the basis for the continuation of unfair competition.

At the same time, the authorized (competent) bodies of the EAEU member states in the field of protection of IP rights from the Russian Federation do not include the IC of Russia, responsible for investigating IP crimes, and the State Commission of the Russian Federation for Combating Illicit Trafficking in Industrial Products, coordinating the activities of 27 FOIV, where there are no Ministry of Culture of Russia, the Ministry of Finance of Russia and Rospatent, which have powers of supervision in this area.

Recommend the EEU and the EAEU EEC, the CIS Economic Council and the CIS Executive Committee, the CIS interstate Councils on legal protection and protection of intellectual property, antimonopoly policy, standardization, metrology and certification, national parliaments and governments of the EAEU member States:

6.1 to consider the issues of assessing Russia's experience in the field of legal regulation of parallel imports in the interests of improving competition policy and ensuring the economic security of the EAEU and CIS member states;

6.2 to consider the issues of clarifying the composition of the national authorized bodies in the coordination structures of the CIS and the EAEU (taking into account their powers and functions) to regulate and protect the rights to IPOs and counteract the turnover of counterfeit products in integration associations;

6.3 to provide for the mandatory anti-corruption examination of a group of regulatory legal and other documents regulating relations in the field of evaluation of applications for participation in the procurement of goods, works, services for state and municipal needs, and making appropriate adjustments to these documents based on the results of the examination;

6.4 to provide for the development and adoption of interstate standards of antimonopoly compliance and "Corruption risks and typical corruption models in the field of public procurement for R&D and their prevention";

6.5 to support the adoption and introduction into practice from 2023. to conduct annual monitoring and determination of the national Index of counterfeit goods based on the basic calculation data contained in the national state information systems and departmental databases of the EAEU member States and CIS member States, and to conduct a rating of national Indices of counterfeit goods in the EAEU and CIS, in accordance with the procedure provided for the interstate standard (project) "Intellectual property. Determination of the level of counterfeit goods at the regional level" (after its adoption and implementation).

6.6 to confirm the relevance of the conclusions of this forum (2010-2020) that the objectivity of understanding counterfeiting and unfair competition in all its manifestations can only be based on a clear regulatory classification of offenses and the definition of their exhaustive comparable national lists (civil law torts, disciplinary offenses, administrative offenses and crimes) and their unified statistical accounting, including with international cooperation.

7. Management, human resources and artificial intelligence for the intellectual property market

Among the tasks of Eurasian integration based on ensuring competitive advantages in the field of scientific and technological development, the most significant for the IP market are:

management and investment, interaction and cooperation, cooperation and integration. At most enterprises and organizations in the EAEU and CIS countries (in the absence of unified approaches to the organization of the IP management system), there is still no unified IP lifecycle management system (from the selection of RIDS and their expertise to the evaluation, insurance and commercialization of exclusive IP rights, taking into account the use of the previous IP at all stages of the innovation process and ensuring a balance of interests of the participants).

7.1 In order to overcome formalism and increase the role of boards of directors of companies and their effectiveness in solving problems of IP commercialization, recommend to the national governments of the CIS and EAEU countries to adopt directives for companies with state participation, as well as appropriate solutions, including measures:

adjustment of strategies and programs for long-term and innovative development of companies, taking into account both national and interstate industry strategies and programs, as well as regional documents in this area, highlighting IP commercialization as a priority (strategy committee);

creation of a system for identifying, assessing and managing IP risks, including within the framework of innovation, investment and budget policies (risk management committee, audit committee);

changing key performance indicators (KPIs) from informational to economic (remuneration committee, nomination committee);

the assignment of powers to determine the IP management policy of an independent director and the creation of a special committee in the structure of the Board of Directors (IP management Committee);

conducting a comparative analysis of performance assessments on the part of organizations and integration structures - objects of control, departmental control bodies and national supervisory authorities, and on the part of the EEC as part of the efficiency audit.

7.2 In accordance with the CIS Economic Development Strategy for the period up to 2030, the Agreement on Information Interaction of States — CIS participants in the field of digital development of society (adopted by the Council of CIS Heads of Government on 6.11.2020), the Plan of main measures to implement the Concept of Further Development of the CIS in the main areas of the digital economy for the introduction of end-to-end information technologies, improving digital skills, building an integrated digital infrastructure and ensuring the security of common digital processes for the period up to 2030, as well as the Main directions of implementation of the digital agenda of the EAEU until 2025 to consider the creation of a data processing Center, allowing to carry out specialized calculations on artificial intelligence (DPC-AI) in Irkutsk (RF), where there are significantly large computing capacities focused on AI, and network signal delays in such calculations are not important. As a prototype, the only data center in the Russian Federation made according to the Tier IV security standard with a significant enhancement of its computing capabilities is considered. Cheap electricity and the cold climate of Irkutsk provide important economic advantages for data centers, and the geographical proximity of Asian countries provides a number of additional political advantages. Because of this, any organizations of the Russian Federation and abroad will be able to use the services of such a data center, and the data center itself can become one of the most important centers providing the development of the computing infrastructure of the Russian Federation within the framework of the implementation of the Strategy for the Development of the Digital Economy of the Russian Federation and the Decree of the President of the Russian Federation dated 10.10.2019 No. 490 on the development of artificial intelligence, as well as the implementation of the strategy AI development in the EAEU and the CIS.

7.3 National academies of Sciences, public authorities in the field of education, leading universities and specialized scientific organizations of the EAEU and CIS countries:

7.3.1 to confirm the recommendations of the participants of this Forum in 2017-2020 regarding the monitoring of information on the work of national universities in this field, the

creation of basic and network special departments; ensuring interuniversity and interregional cooperation in creating a system of training and retraining of personnel for the field of IP; the formation and implementation of state orders in the field of scientific research in the preparation and defense of dissertations on seeking the academic degree of doctor and candidate of sciences, the work of postgraduate and doctoral studies with their budgetary funding; dissemination of this experience through interstate bodies, including the EAEU EEC, and specialized scientific journals, including Intellectual Property Law;

7.3.2 to recommend the introduction of mandatory academic disciplines on standardization and intellectual property in the framework of training programs for the preparation of a specialist, bachelor's and master's degree in economics and law, as well as in the field of information technology;

7.3.3 to take an active part in the discussion held under the auspices of the United Nations (WIPO) on problematic issues of artificial intelligence in the field of intellectual property. To consider the conceptual provision that the rights of authorship and exclusive rights to intellectual property objects created using AI should be assigned to a person (team) – the developer of artificial intelligence systems and technologies with the fixation of the latter as a tool of the subject of law to enhance human intellectual potential, taking into account the freedom of creativity and the additional legal measures provided responsibility.

The continuation of the stated course for Eurasian integration, where digitalization, standardization and the IP market act as components of a unified competitiveness in the context of the crisis of international law and the growth of sanctions, require all participants to understand the conditions for its implementation, determine responsibility for achieving the planned results based on their own potential, when the national advantages of each can and should become the advantages of all participants in integration associations.