

Section XXIII INTELLECTUAL PROPERTY

Article 89 General provisions

1. The Member States shall cooperate in the sphere of protection and enforcement of intellectual property rights and ensure in their territories the protection and safeguarding of these rights in accordance with international law, international treaties and acts constituting the law of the Union and the legislation of the Member States.

The Member States shall cooperate to solve the following key objectives:
harmonizing the Member States' legislation on protection and enforcement of intellectual property rights;

protecting the interests of intellectual property rightholders in the Member States.

2. The Member States shall cooperate in the following areas:

- 1) support for scientific and innovative development;
- 2) improvement of the mechanisms of commercialization and use of intellectual property;
- 3) creation of a favorable environment for copyright holders and holders of related rights in the Member States;
- 4) introduction of a registration system for trademarks and service marks of the Eurasian Economic Union and appellations of origin of goods of the Eurasian Economic Union;
- 5) protection of intellectual property rights, including on the Internet;
- 6) ensuring effective customs protection of intellectual property rights, including through the maintenance of a common customs registry of intellectual property of the Member States;

7) implementation of coordinated measures to prevent and combat trafficking in counterfeit goods.

3. In order to ensure effective protection and enforcement of intellectual property rights, consultations of the Member States shall be conducted to be organized by the Commission.

Following the results of such consultations, proposals shall be developed to address all problematic issues identified in the cooperation between the Member States.

Article 90 Legal Treatment of Intellectual Property

1. Nationals of one Member State shall be granted national treatment on the territory of another Member State with regard to the legal treatment of intellectual property. Legislation of a Member State may provide exceptions to the national treatment in respect of judicial and administrative proceedings, including with regard to indication of an address for correspondence and appointment of a representative.

2. The Member States may provide in their legislation any rules ensuring a higher level of protection and enforcement of intellectual property rights than those set out in international legal acts applicable to the Member States, as well as in international treaties and acts constituting the law of the Union.

3. The Member States shall carry out activities in the sphere of protection and enforcement of intellectual property rights in accordance with the following fundamental international treaties:

Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886 (as amended in 1971);

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of April 28, 1977;

World Intellectual Property Organization Copyright Treaty of December 20, 1996;

World Intellectual Property Organization Performances and Phonograms Treaty of December 20, 1996;

Patent Law Treaty of June 1, 2000;

Patent Cooperation Treaty of June 19, 1970;

Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971;

Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks of June 28, 1989;

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of October 26, 1961;

Paris Convention for the Protection of Industrial Property of March 20, 1883;

Singapore Treaty on the Law of Trademarks of March 27, 2006.

Those Member States that are not parties to these agreements shall be obliged to accede thereto.

4. All relations in the sphere of protection and enforcement of intellectual property rights, including identification of specific features of legal treatment applied to certain types of intellectual property, shall be governed in accordance with Annex 26 to this Treaty.

Article 91
Enforcement

1. The Member States shall take enforcement measures to ensure effective protection of intellectual property rights.

2. The Member States shall carry out activities to protect intellectual property rights in accordance with the Customs Code of the Eurasian Economic Union, as well as with international treaties and acts constituting the law of the Union and governing customs legal relations.

3. Authorized authorities of the Member States authorized to protect intellectual property rights shall cooperate and collaborate in order to coordinate their actions for the prevention, detection and restraint of violations of intellectual property rights on the territory of the Member States.