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Compulsory license and parallel import are introduced in Belarus

The Law No. 241-Z of January 3, 2023 adopted provisions which allow using certain IP objects without the consent of the right holder or an organization for collective management of property rights. Such objects are a computer programme, an audiovisual work as part of a TV programme edited by a state organisation, or used in cinema distribution, a musical work and a broadcasting organisation's transmission.

"Free" use of the above IP objects is allowed under the following combined conditions:

- ▶ the rights holder or collective management organisation is a resident of a foreign country that has committed unfriendly acts or is under their control;
- ▶ these entities have forbidden or not consented to the use of the IP objects;
- ▶ the IP object required has been legally released.

For the use of a computer program, audiovisual work, musical work, broadcasting organization transmission without the permission of the right holder, remuneration has to be paid to the current accounts of Belarusian patent authority. Remuneration may not be paid in cases where the right holder has granted permission not to pay remuneration for similar uses and in cases of free use of the objects of copyright and related rights.

At the same time, parallel import of goods, which are essential for the domestic market (list to be determined later), i.e. their introduction into the territory of Belarus without the consent of the right holder - resident of a foreign country, is allowed.

An important condition for the lawful use of such goods is their lawful introduction into civil circulation or use in other goods on the territory of any state directly by the right holder or authorised entity. The relevant IP object is subject to exclusion from the national customs register of intellectual property objects.

These rules of the Law are valid until December 31, 2024.

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