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Improvement of the regulation of the restrictions on exclusive rights to intellectual property

In January 2023, the Law allowing the parallel import of goods essential for the domestic market was adopted (<https://pravo.by/document/?guid=12551&p0=H12300241>). It allows suppliers to import these essential goods into Belarus without the consent of the rightsholder – a resident of the foreign country. The Law stipulates that the Belarusian Government must appoint state authorities responsible for the essential goods lists.

For reference: Goods essential for the domestic market are food and other goods which critical shortage may lead to a breach of the state's social and economic security.

On June 3, 2023, the Belarusian Government adopted Resolution No. 365 approving the procedure of forming the lists of goods (goods group) essential for the domestic market:

1. State authorities and the National Academy of Sciences of Belarus shall submit proposals on essential goods to the authorities responsible for the list;
2. The ministries and state organisations form a preliminary list of goods (groups of goods) corresponding to the sector of the list's creator;
3. The preliminary list's creator agrees on the draft of the decision with the State Committee on Science and Technology and other authorities;
4. The ministries' (organisations') Board approves the goods included in the relevant list;
5. The Board decision is sent to the Ministry of Antimonopoly Regulation and Trade, and the Ministry of Economy for approval;
6. The Industrial Policy Commission of the Ministry of Economy makes the final decision on goods included in the list.

In 2016, the Board of the Eurasian Economic Commission approved the list of goods essential for the domestic market of the Eurasian Economic Union (https://docs.eaeunion.org/docs/ru-ru/01410913/clcd_28072016_83). Belarus agreed to impose temporary export prohibitions or quantity restrictions on these goods. The list includes petroleum and oil products, some of the food products, other goods.

It is expected that the mentioned lists will include different names of drugs, pharmaceutical substances, metals, construction materials, and the goods specified in the decision of the Board of the Eurasian Economic Commission.

The Law imposing restrictions on the rightsholders' exclusive rights on essential goods will remain in force until the end of 2024, however we note that the Law may be prolonged.

You can explore the Government's resolution at the following link: <https://pravo.by/document/?guid=12551&p0=C22300365>.

You can read more about the Law on exclusive rights restriction in our publication: <https://gratanet.com/ru/news/compulsory-license-and-parallel-import-are-introduced-in-belarus>.

Practice areas

INTELLECTUAL PROPERTY

Locations

BELARUS