

## OVERVIEW OF ECONOMIC LEGISLATION IN MARCH 2014

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*In March the following changes were made to the effective laws: the establishment of additional grounds for conducting unscheduled inspections of non-profit organisations, in respect of which information has been received on non-compliance with the laws of the Russian Federation; amendments to the Civil Code of the Russian Federation in the field of intellectual property were signed into law; new Rules were established for the verification of documents relating to academic degrees and academic titles; plus clarification of the long-term (2013–2020) functions of the Coordination Board for the Programme of Fundamental Scientific Research in the Russian Federation.*

### I. Federal laws of the Russian Federation

#### ON AMENDMENTS TO ARTICLE 32 OF FEDERAL LAW NO.18-FZ DATED 21 FEBRUARY 2014 ON NON-PROFIT ORGANISATIONS

Prior to the amendments, the only grounds for conducting an unscheduled inspection of a non-profit organisation was the receipt, by an authorised body, of a submission from an electoral commission relating to the audit of information provided by citizens and organisations when making donations to the accounts of political parties and to the election funds of candidates and electoral associations.

Pursuant to the amendments, the following are now grounds for conducting an unscheduled inspection of a non-profit organisation:

- the expiry of a period set forth for remedying non-compliance, as specified in a warning previously given to the non-profit organisation by an authorised body or its territorial authority;
- the receipt by an authorised body or its territorial authority of information from government authorities and self-regulated bodies regarding non-compliance of the non-profit organisation with the laws of the Russian Federation which regulate the area of its activities, and/or in the case of signs of extremism in its activities;
- an order (decree) for the conduct of an unscheduled inspection within the framework of the supervision of compliance with the Law, issued by the head of an authorised body or its territorial authority pursuant to the instructions of the President of the Russian Federation or the Government of the Russian Federation or on the basis of a prosecutor's demand, on the basis of materials and claims received by the prosecuting authorities.

The same grounds also apply to the inspection of a non-profit organisation acting as a foreign agent.

Advanced notification of the non-profit organisation in regard to the conduct of such an unscheduled inspection on the above grounds, is not permitted.

#### ON MAKING AMENDMENTS TO PARTS ONE, TWO AND FOUR OF THE CIVIL CODE OF THE RUSSIAN FEDERATION AND CERTAIN LEGAL ACTS OF THE RUSSIAN FEDERATION, No.35-FZ dated 12 March 2014

Most provisions of this law will become effective on 1 October 2014. However, for certain provisions, individual effective dates have also been specified.

For example, Article 358.18 of the Civil Code of the Russian Federation, regulating the procedure for pledging exclusive rights, will become effective on 1 July 2014.

In accordance with the new article, exclusive rights to the results of intellectual property may be pledged.

Under a pledge agreement for exclusive rights to the result of intellectual activity, the pledgor is entitled to use and otherwise dispose of the result of intellectual activity during the entire term of the agreement without the consent of the pledge holder, save for the alienation of the exclusive right, unless otherwise provided for in the agreement. The pledgor may not alienate the exclusive right without the pledge holder's consent.

Furthermore, on 1 January 2015 amendments will become effective which, in particular:

- specify the procedure for the disposal of an exclusive right for works of science, literature, art and the objects of related rights;
- provide for a reduction to five years of the validity period of the exclusive rights to industrial design;
- provide for the rights of the copyright holder to demand that a violator of the exclusive rights to an invention, utility model or industrial design pays compensation in lieu of reimbursing damages.

It is established that the provisions of the Civil Code of the Russian Federation, as revised by this law, will apply to legal relations arising after it has become effective.

In the case of legal relations which began before the effective date of the law, the amendments will apply only to those rights and obligations arising after the effective date of the amendments.

## **II. Decrees of the Government of the Russian Federation**

### **ON APPROVAL OF THE RULES FOR THE VERIFICATION OF DOCUMENTS ON ACADEMIC DEGREES AND ACADEMIC TITLES No.152 dated February 27, 2014**

The new Rules set out the procedure for the verification of documents on academic degrees and academic titles issued in the RSFSR and Russian Federation.

In particular, from now on, applications for the verification of the above documents may be submitted in electronic form using the federal state information system – the Unified Portal of State and Municipal Services (Functions), and regional portals of state and municipal services which use standard information and

telecommunication networks, including the ‘internet’ information and telecommunication network.

In accordance with Article 6.3 of the ‘Federal Law on Science and State Scientific and Technical Policy’, for the verification of documents relating to academic degrees and academic titles it is necessary to recognise the legal force of these documents in foreign states. Confirmation is carried out by affixing an apostille stamp to the documents.

The Decree of the Government of the Russian Federation No.165 dated 11 March 2011 approving the previous version of the Regulation is deemed to have lost its force.

### **ON AMENDMENTS TO THE LONG-TERM (2013–2020) FUNCTION OF THE COORDINATION BOARD OF THE PROGRAMME FOR FUNDAMENTAL SCIENTIFIC RESEARCH IN THE RUSSIAN FEDERATION, No.190 dated 14 March 2014**

These provide for the Board to prepare proposals determining the priority areas for fundamental scientific research, based on preliminary discussions with the scientific community and the approval by the RF Presidential Council on Science and Education. ●