

## **Eurasian Economic Union Moves Forward with Customs Code, Eurasian Trademark**

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The Customs Code of the Eurasian Economic Union (EAEU) may enter into force this year, as the last EAEU member state, Belarus, signed it this month. All other member states signed it in December 2016.

The Code still needs to be ratified by all five members – Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia. During INTA's Pre-Annual Meeting Roundtable held on March 28, 2017 in Moscow, a Eurasian Economic Commission (EEC) representative specified that the entry into force could be expected in December 2017 or January 2018.

The new Code provides for the establishment of the EAEU Customs Register that will be kept by the EEC and that will exist alongside national customs registers.

According to Article 385 of the Code, in order to enter trademark, service mark, geographical indication or copyright and related rights into the EAEU Customs Register, a rights holder will have to submit a request and all other necessary documents confirming the rights in all EAEU member states directly to the EEC. When being represented by an attorney, rights holders will have to have the power of attorney that is valid across the EAEU.

Once entered into the Register, an IP right will be under Customs protection for two years with possible unlimited two-year extensions. Each extension should be claimed well before the previous two-year period lapses. However, the total term of Customs protection cannot exceed the term of protection of the IP right itself in the EAEU member state in which it expires the earliest.

The EEC is expected to adopt detailed regulations on keeping the Register and on the entire process after the Code enters into force.

The EAEU is also moving forward with the Eurasian trademark system, which will allow rights holders to obtain registrations across the EAEU. The draft Agreement on Trademarks, Service Marks and Appellations of Origin of the EAEU was adopted on March 17, 2016 by the EEC Council, and the internal approval of the Agreement by each member state is currently being carried out. In February 2017, the Russian government issued an Order to sign the Agreement.

Much like the EAEU Customs Code, the Eurasian trademark system is expected to come into force by the end of 2017.

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