



LEGALTECH REVIEW

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LEGISLATION

THE STATE DUMA SUGGESTS REGULATIONS RELATED TO AI FOR THE CIVIL CODE

Today, regulations related to artificial intelligence in IP have become one of the most important issues, which is currently under discussion. Thus, the right to the result of intellectual activity, created by AI, [shall be registered](#) within the owner of the program, which enabled this result. It follows from the amendments to the fourth part of the Civil Code of the Russian Federation made by the deputy of Edinaya Rossiya Aleksei Kobilev.

Head of the Commission on Legal Support of Digital Economy of the Moscow branch of the Association of Lawyers Aleksander Zhuravlev believes that this suggestion is logical. “This suggestion will exclude controversial situations. Otherwise, the business that developed and invested in AI will experience data monetization problems,” he explains. Of course, in line with the interpretation of the Civil Code, the right to AI assets should belong to the owner of the asset, the owner of the laptop. It does not seem appropriate in this particular case as a new work will be created thanks to the software which operates AI.

THE STATE DUMA INTRODUCED A BILL ON “PUBLICLY AVAILABLE PERSONAL DATA” AND OBLIGATION OF THE CITIZENS TO PASS ON PERSONAL DATA TO THIRD PARTIES

The State Duma introduced [a bill](#) that suggests a concept “publicly available personal data.” The bill also gives an opportunity to withdraw someone’s personal data (PD) from the category of publicly available data. In line with the current legislation, the website where the citizen gets registered should ask which personal data he or she allows to publish (make publicly available) and pass on to third parties. If the website violates the terms of agreement, he will get a fine for the violation of principles of personal data processing. That is, in line with the document, the consent to processing of publicly available personal data should be registered separately from other types of the person’s consent and should include surnames, names, and patronymics. The consent to processing of publicly available personal data could be immediately provided to the operator or the information system of the authorized body that has a duty to protect rights of the PD subjects. The provisions of the draft law act as additional regulations related to legal mechanisms introduced to protect private life, image, honor, dignity and business reputation stipulated by the Civil Code of the Russian Federation. The document was sent to the committee of the State Duma on Information Policy, Information Technology and Communications.

THE MINISTRY OF DIGITAL DEVELOPMENT SUGGESTED GIVING THE STATUS OF STATE SERVICES TO A WEBSITE REGISTRATION

The Ministry of Digital Development suggested the Office of the Council to discuss an opportunity to identify domain admins in the Russian segment of internet through the system of state services. The director of coordination center Andrey Vorobiev [confirmed](#) that this initiative was delivered to the Ministry of Digital Development. He says that the initiative was introduced “to simplify

the procedure of registration of domain names as well as facilitate the work of law enforcement agencies, which will not have to request information related to specific names from registrars every time." Vorobyev says that the question of improving the reliability of personal data is extremely important, especially when online scams are on the rise during the pandemic.

PRESIDENT HAS ABOLISHED THE MINISTRY OF PRINTING AND COMMUNICATIONS AND DELEGATED ITS ROLE TO THE MINISTRY OF DIGITAL DEVELOPMENT, COMMUNICATIONS AND MASS MEDIA

The President of the Russian Federation signed [the Bill](#) "On improvement of state management in the field of digital development, communications and mass communications." In line with it, the Federal agency for Press and Mass Communications (Rospechat) and the Federal Communications Agency (Rossvyaz) are abolished. Their functions [are transferred](#) to the Ministry of Digital Development, Communications and Mass Media.

The bill was signed "in order to improve public administration in the sphere of digital development, communications and mass communications, priority tasks in the sphere of digital economy, removing administrative barriers, power optimization of authorities and number of federal executive bodies." It comes into force from the date of signing.

NEW REGULATIONS ON THE INTERNET IN RUSSIA

President of the Russian Federation Vladimir Putin [said](#) that Russia would not implement international models of internet governance. Russia would create its own system. Putin recognized the importance of data protection as the individual rights of the citizens. He said that "the man has the right to protect himself and his family from abuse in this sphere." He added that Russian authorities would take "accurate measures" to ensure that this sphere enables all industries to move forward and protect the citizens.

THE COUNCIL OF THE FEDERATION COMMITTEE CONSIDERED FINANCING COURT PROCEEDINGS IN THE RUSSIAN LEGISLATION

On November 25, 2020, the Council of the Federation Committee on Constitutional Legislation and State-Building held a round-table under the theme "The Institute of Financing of court proceedings by third parties." Oleg Zepkin, a member of the Council of the Federation Committee on Constitutional Legislation and State-Building, [said](#) that the court financing offers a plaintiff an opportunity to defend his rights if he can't afford an attorney while his claim is subject to further expert evidence and assessment of risks and prospects of the case. "Such partnership is positively evaluated by many experts as it contributes both to the quality improvement in dispute resolution and the quality of legal services," he added. The member of the Council of the Federal Chamber of Lawyers of the Russian Federation, advisor of the Federal Chamber of Lawyers of the Russian Federation, advisor of the law bureau EPAM Elena Avakyan confirmed that the law on judicial financing would have a positive effect. Elena Avakyan also said that this law was a necessary measure under the criminalization of the success fee and when the courts refused to reimburse the expenses for case management.

THE STATE DUMA ADOPTED THE LAW ON NEW RULES FOR REMOTE WORK

The State Duma adopted third reading [of the law](#) on core features of a remote work policy. The law is expected to enter into force on January 1, 2021. The document submitted for the first reading on July 21 has undergone significant changes in the course of revisions — parliamentarians adopted 16 amendments. The most important changes include the obligation of employers to provide all necessary office equipment to remote workers, cover their business trips and vacations in the standard order as well as limit the maximum period of temporary remote work: its period should not exceed six months. Valid reasons for dismissal of remote workers have also changed: workers can be dismissed if they fail to contact the employer during two consecutive working days without a good excuse.

THE MINISTRY OF JUSTICE MAKES AMENDMENTS IN THE STATE PROGRAM “JUSTICE”

The Ministry of Justice developed [a draft bill](#), which suggests changes in the state program “Justice.” In line with the project, it is planned to reduce the total number of notaries' positions. At present, the register of notaries and persons who passed the qualification exam contains information about 7923 notaries while the total number of positions of notaries counts to 8043. Distance and low population density are among the reasons of absence of applicants. A novel coronavirus infection also influenced the number of notaries. In addition, the Ministry of Justice proposes to adjust a few other criteria of the Legal State Program. For example, citizens and organizations started paying debts on enforcement proceedings via public networks and various payment systems, i.e. without visiting the bailiffs departments.

THE GOVERNMENT APPROVES THE PLAN OF THE DEVELOPMENT OF 5G IN RUSSIA

The Presidium of the Government Commission on Digital Development [approved the road map](#) of the fifth generation (5G) of the development of mobile communication. The work for shaping the road map was conducted in line with the agreement between the government of Russia, Rostelekom and the state corporation Rostekhn.

According to the head of Rostelecom, the main goal of the road map and communication with businesses is “about shaping the demand for 5G technology.” He also mentioned that the main part of the program for equipment deployment and 5G networks in Russia should start in 2021-2024.

INTELLECTUAL PROPERTY

THE PRESIDENT OF THE RUSSIAN FEDERATION SIGNED A FEDERAL LAW ON RATIFICATION OF THE PROTOCOL ON THE EURASIAN INDUSTRIAL DESIGN

On 23 November 2020, President of the Russian Federation Vladimir Putin signed the [Federal Law](#) on Ratification of the Protocol concerning the Protection of Industrial Designs to the Eurasian Patent Convention (EAPC) dated 9 September 1994. The Protocol will establish the Eurasian system for the protection of industrial designs, which will extend the scope of the Eurasian patent system. The participants of the Eurasian Patent Convention are 8 contracting states. By analogy with the Eurasian patent for invention an applicant will be able to obtain legal protection for an industrial design simultaneously in eight Contracting States based on a single application instead of filing a few applications in each State.

RUSSIA WILL PAY A REWARD FOR INVENTIONS IN THE SUM OF THREE SALARIES

The Russian government [has approved](#) the procedure, amount, and terms of payment of the reward to inventors for tech innovations in business. Russian employers will pay inventors of patents or industrial designs a reward in the sum of three salaries. The respective bill No1848 dated November 16, 2020, signed by the Prime Minister Mikhail Mishustin was signed at the website of the Government of Russia and will come into force on January 1, 2021. New regulations are adopted within a project roadmap for transformation of the business climate in the sphere of intellectual property, and should “boost creativity and growth of IP market,” says the comment to the bill.

RUSSIAN SCIENTISTS CREATED A ROBOT THAT CONDUCTS A SWAB TEST FOR COVID-19 PATIENTS

The Director of the Institute of Design and Technological Informatics of the Russian Academy of Sciences Sergey Sheptunov, the Chief Engineer of Assisted Surgical Technologies Rakhim Nakhushhev and the academician of the Russian Academy of Sciences Dmitry Pushkar developed and patented (patent No [2736541](#)) a robotic surgical complex to conduct a non-contact swab from a patient's pharynx. The inventors offered a fundamentally new technology for a medical procedure, safest in the time of pandemic. The invention allows to prevent a contact between a patient and a swabber while making a swab test, hence, it reduces the risk of exposure to infections, including COVID-19.

TSOI SON'S TRADEMARK PARTIALLY CANCELLED BY ROSPATENT

The Chamber of Patent Disputes [partially refused](#) to register a complex symbol in response to the application of Alexander Tsoi, the son of the frontman of the rock group “Kino.” The complex symbol represented a cover of the last studio album of the rock group. The analysis of the designation showed that “the verbal element “kino” was a lexical unit of the Russian language which means

the same as cinematography, a cinematic performance (as well as a system of its organization) with the use of movie theatre equipment. Rospatent says that the word “kino” is a non-protected element for the above-mentioned products and services as it occupies the main position within the claimed indication, therefore, the registration of the trademark contradicts the law. The Collegium concluded that there was a general similarity between the compared signs despite some individual differences.

ROSKOSMOS DECIDED TO MAKE GAGARIN’S PHRASE A TRADEMARK

The Roscosmos State Corporation for Space Activities [launched the registration](#) of a broad list of historical indications as trademarks to protect the interest of the corporation against unfair competition. The database of the Federal Institute of Industrial Property (FIPS) shows that Roskosmos registered as trademarks the names of robots FYODOR and Skybot F-850, a graphic image of the robot and a brand “The Space Environment.” Trademarks were registered into wide categories – from fragrances and Vaseline to bubble blowing products and brokerage services. They plan to make a trademark out of Yuri Gagarin’s phrase which he pronounced when his Vostok spacecraft lifted off the ground. The trademark will be used in such categories as perfumes, electronics; transport and transportation; stationery; clothing and footwear; computer games; alcoholic beverages.

COPYRIGHT

THE REPORT OF THE EU LEGAL SERVICE SAYS SIGNIFICANT GAINS MADE IN THE FIGHT AGAINST AUDIOVISUAL PIRACY IN THE EU

The European Commission's Legal Service [blocked](#) more than 5,500 servers used by the organized criminal group to store and transmit audiovisual content in the EU without permission of copyright holders. In the euro area the criminal group sold streaming subscription to Pay-TV, including special streaming player TV boxes. The price of a package was significantly lower than the market price. Pirates intercepted content from TV channels and then redirected it to TV boxes. The criminals used the PayPal services among other payment methods.

GERMAN COURT RULES THAT TECHNO COUNTS AS MUSIC

The German Federal Financial Court [has ruled](#) that techno is music. DJs are now officially recognized as musicians, and raves as gigs. This decision does not only affect the status of the genre, but also gives the same tax breaks to organizers of such events. Clubs that host raves once a week will pay a mere 7% of ticket sales instead of 19%.

DISCHORD-BOT NOISY BOT GENERATES AI-MUSIC

There's now a bot for chat app Discord that will serve up AI-generated music in the style of Chopin, Lady Gaga or Frank Sinatra. This bot can also generate music in various genres, including jazz, country, bluegrass, Broadway, music clips, in the style of Disney, Mozart, Rachmaninoff, Bach, Beethoven, Tchaikovsky, Journey or The Beatles. The co-founder of Discord Jonathan Xu [explains](#) more: «AI-powered music generation has reached a point where we can have quality, original music that sounds beautiful, and we want to share an endless stream of good compositions for groups like ours on Discord.»

SHUTTERSTOCK BOUGHT THE ASSETS OF THE AI START UP AMPER MUSIC

We all knew that Amper Music was one of the most well-known AI music composition start ups since its founding. Now the “certain assets of Amper Music” [purchased](#) images and video footage of Shutterstock which actively promotes music industry. Why the company bought AI generated music start up? Initially, they talked about “the search of content and discovering tracks created by the community of Shutterstock artist as well as the editing tool for users,” but in the future they plan to “complement Shutterstock’s research and development initiatives to introduce innovations that will make it faster and easier to create content for users, companies and professional content creators”.

PRIMEPHONIC LAUNCHES A DIGITAL COURSE IN CLASSICAL MUSIC

At present, in the time of the digital revolution we're not making enough room for classical music. However, classical music streaming service Primephonic [created](#) a 10-week “digital crash course” in classical music, with a weekly podcast; email lessons; playlists on key composers and genres; and access to Primephonic’s app. The CEO of the company Thomas Steffens said: “To ensure that the genre survives the digital revolution, we must also make it more accessible to those with less knowledge of the genre, especially as re-structuring within education system has dramatically led to a reduction in classical music in the curriculum.”

ARIA RE-RECORDED TWO ALBUMS DUE TO THE COPYRIGHT ISSUES

The Russian metal rock group Aria was forced to [re-record](#) two albums — “Baptism by Fire” and “Armageddon,” recorded with the vocalist Arthur Berkut. The rock group wanted to upload the albums to streaming platforms long ago, but there was a problem: as they worked on these albums, Aria's managers did not sign the copyright transfer agreement to be able to use Berkut’s vocal parts in the soundtracks. As a result, they had to re-record the albums to be able to upload their albums. The re-recorded albums were released on streaming platforms on October 16. Re-releases on CD and LP are scheduled for 2021.

ARTIFICIAL INTELLIGENCE AND CRYPTOCURRENCY

THE MINISTRY OF INTERNAL AFFAIRS INTENDS TO USE AI TO SEARCH FOR SUSPECTS

In 2020, the Ministry of Internal Affairs will start using AI in police work. In 2023 it will start experimental research for creating specific software designed to search for serial criminals. The AI [project plan](#) to identify serial criminals was presented by the Ministry of Internal Affairs at the meeting with the vice-premier Dmitry Chernyshenko. The document was sent to the government for approval in the first half of November..

ETHICAL ISSUES IN ARTIFICIAL INTELLIGENCE

Professor Maksim Fedorov and Yuri Tsvetkov have published [a paper](#) on ethical issues of artificial intelligence. The main conclusion of this article is that the main thing for Russia today in this sphere is to form and offer the global community a methodologically competent, consolidated interdisciplinary approach to the regulation of AI-powered systems. In addition, Russia is now, in fact, the only country that systematically speaks at all levels about the need of a science-driven approach to the development of international and national AI regulation.

CHINA SENDS WORLD'S FIRST 6G TEST SATELLITE INTO ORBIT

The world's first [6G satellite](#) for technology testing, made in China, was launched into orbit along with 12 other satellites from the Taiyuan spaceport in Shanxi province. The satellite will use terahertz frequencies to boost data transfer rates, which will be many times faster than those possible with 5G networks. The telecommunications industry has yet to agree on the specifications of the 6G standard.

SAUDI ARABIA WILL INVEST AN ADDITIONAL \$20 BILLION IN AI BY 2030

Saudi Arabia will allocate an additional \$20 billion for the development of artificial intelligence technology over ten years. [The project](#) will be part of the global Vision 2020 strategy initiated by Prince Mohammed bin Salman Al Saud. Details are not yet known. A spokesman for the prince said that Saudi Arabia is implementing a multi-phased plan that includes new skills, policies, regulations and AI research. By the end of the decade, the state in the Middle East plans to be among the top 15 countries in AI development, train 20,000 data professionals, and create over 300 active AI startups.

A STARTUP HAS DEVELOPED AN AI-POWERED MAIL ASSISTANT

[OthersideAI](#) is an American startup that is developing an artificial intelligence algorithm for effective email managing. The startup claims that employees of big companies spend more than 500 billion hours a year on routine e-mail correspondence. Artificial intelligence suggests reducing this time in favor of more important things as they deploy a new system. Embedded AI in a client's inbox scans emails and learns how to respond meaningfully to important messages. The owner of the mailbox enters minimum input value — an address, a time of an appointment, a deadline or details of a deal, and then AI turns them into a full-fledged letter on its own. If the user is not happy with the result, he or she can edit the message or create a new one with update function..

RESEARCH: "CRYPTOCURRENCIES WILL ENSURE USER PRIVACY"

U.S. Federal Reserve (Fed) researcher Michael Lee [believes](#) that cryptocurrencies from the Central Bank will ensure the privacy of user data in contrast to payment platforms. Lee and Garret believe that digital currencies of central banks can solve this problem by becoming the best "successors" to fiat currencies. Firstly, central bank stablecoins would ensure the privacy of user information and prevent it from being shared with large technology platforms. Secondly, such transactions will be much faster and cheaper.

AIRBNB PLANS TO ADD A SUPPORT PLAN FOR CRYPTOCURRENCIES AND BLOCKCHAIN

Airbnb booking service for accommodation rentals plans to endorse blockchain and add a support plan for cryptocurrencies. The Airbnb [plan](#) for the issue of shares, filed with the U.S. Securities and Exchange Commission (SEC) this week, outlines the company's future plans for the new technology. [In line with the document](#), the future success of the company will depend on its ability to adapt to new technologies such as tokenization, cryptocurrencies and new authentication technologies".

DECLARING OPERATIONS WITH DIGITAL CURRENCIES MAY BECOME MANDATORY IN RUSSIA

The Ministry of Finance of Russia [made a proposal](#) to oblige physical and legal entities to declare transactions with digital assets exceeding 600,000 roubles a year. The authority has already prepared the amendments to the Criminal Code, the Administrative Offenses Code and the Tax Code. [In line with the suggested](#) amendments any organizations operating in Russia as well as physical entities and individual entrepreneurs would have to declare the receipt and write-off of digital currencies and cryptoassets, if their the amount exceeds 600,000 rubles per year. There is no need to declare transfers between the wallets of one physical entities. The calculation of the amount of the transaction is based on the exchange rate of the asset on the date of the transaction. However, it is also possible and even recommended to declare transactions for a smaller amount - according to representatives of the Ministry of Finance of the Russian Federation, it will allow "to obtain judicial protection". The declaration must be submitted by April 30 of the following year.

JUDICIAL PROCEEDINGS

NEW ADMINISTRATIVE PROCEEDINGS AGAINST GOOGLE DUE TO THE LINKS TO BANNED RESOURCES IN THE SEARCH RESULTS

Roskomnadzor [has initiated](#) administrative proceedings against Google LLC. The company is charged with failure to comply with the requirements of the Russian legislation concerning the removal of banned Internet resources from the search results. The company did not provide objections in response to the act of Roskomnadzor regarding the failure to remove banned resources from the search results. In line to this, Roskomnadzor initiated administrative proceedings under part 2.1 of Article 13.40 of the CAO of the RF due to repeated administrative offence under part 1 and part 2 of the article "Failure of a search engine operator to fulfil obligations."

RUSSIAN CITIZEN FINED 1,000 RUBLES FOR SWEARING IN A CHAT

The Sovetsky District Court of Kazan [approved the decision](#) of a justice of the peace on a fine of 1,000 rubles for a woman who used foul language to insult the other party in a public WhatsApp chat. The argument in a chat concerned the transition of the block from the managing company to the Condominium Partnership. About twenty people participated in the discussion. The woman addressed the obscene insult to one of the participants in the chat room who submitted a filing with a screenshot to the prosecutor's office. In May 2020, the State Duma [introduced a bill](#) that extends a concept of "insult" in the Code of Administrative Offenses of the Russian Federation and suggests that insults posted to the internet should be considered public.

TWITTER'S PLEA AGAINST COURT ENFORCEMENT OFFICERS DISMISSED

Moscow's Meshchansky Court [dismissed](#) the pleas of Twitter's challenge against the decision of the enforcement officer in a case over the 4 million-ruble fine. In the beginning of October Twitter filed lawsuits to Moscow's Presnensky and Meshchansky courts against the Federal service of enforcement officers, in particular, against the bailiff Maxim Dumakov, who was appointed responsible for collecting a 4 million-ruble fine from the company. However, the court dismissed the appeal.

LEROY MERLIN AND "MAXIDOM" ACCUSED EACH OTHER OF UNFAIR COMPETITION: THEIR SERVICES HAD THE SAME NAME

The building and home improvement store chain Leroy Merlin [accused](#) a retailer Maksidrom from St. Petersburg of unfair competition due to the registration of trademarks «Максипро» and Maxipro. Maksidrom registered trademarks Максипро and Maxipro in April 2020 for retail and wholesale services. Leroy Merlin is trying to challenge this permission. The company started developing the Maxipro service in 2018, and in 2019 it launched a chain of building stores with the same name for small and medium-sized businesses. The court hearing is scheduled for December 14 with Rospatent acting as a third party.

STAR WARS NOVELIST WILL FILE A CASE AGAINST DISNEY

Alan Dean Foster has accused Disney of non-payment of royalties on several books he wrote for Star Wars and Aliens IP Foster. As Disney [bought](#) Lucasfilm and 20th Century Fox, which filmed the franchises of Aliens and Star Wars, the author never received royalties on any of these titles. The rights to these novelizations belonged to the above mentioned film companies, and now they passed to Disney. The writer wants to win a payout. "When one company buys another, they acquire its liabilities as well as its assets. You're certainly reaping the benefits of the assets. I'd very much like my miniscule (though it's not small to me) share," Foster said. He made his statement after Disney allegedly asked him to sign a nondisclosure agreement. Foster and the Science Fiction and Fantasy Writers Association of America (SFWA), which is helping him, claim that Disney ignored several requests from the writer's agents and legal representatives, as well as from SFWA itself.

BEELINE OWNER FILES A LAWSUIT AGAINST THE FASHION RETAILER BEFREE

Veon Holding [filed a lawsuit against](#) the fashion retailer for the trademark befree. The brand was used by the holding to promote its mobile platform for free communication and content consumption, but the project was closed a year and a half ago. Veon Amsterdam B.V., a structure of Veon Ltd. holding, owned by VimpelCom provider (Beeline brand), filed a lawsuit in the Court of Intellectual Rights against Melon Fashion Group (part of Melon Fashion Group, which owns clothing brands Love Republic, Zarina, befree and others). Veon requests early termination of legal protection of befree trademark due to its non-use.

THE SUPREME COURT ALLOWED INTERIM MEASURES IN A DISPUTE WITH A CYBERSQUATTER OVER A DOMAIN

The Supreme Court [examined](#) whether interim measures are possible in a dispute over domain names. The plaintiff obtained the cancellation of the decision to deny interim measures – the arguments that his procedural opponent was a "professional cybersquatter" and earned from the fact that he "scored" domains that could be used by bona fide rights holders did help. LLC Lunda asked the court to ban entrepreneur Igor Leontyev from using the domains Lunda.rf and Lunda.su. And before the verdict, Lunda asked the court for interim measures, which would prohibit the entrepreneur to perform any actions to cancel or transfer of rights to manage domain names. However, the courts denied the plaintiff interim measures, referring to the fact that the rhetoric of Lunda in regard to the need of interim measures are speculative – the society did not prove that the failure to take measures could cause damage, make it difficult or impossible to implement the judgment. Despite the fact, the Supreme Court ruled that the decisions of the lower instances in this case were unlawful. Therefore, the dispute was remitted for reconsideration.