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**HARMONIZING THE CUSTOMS LAWS OF THE EUROPEAN UNION AND THE RUSSIAN
FEDERATION USED FOR PROTECTING INTELLECTUAL PROPERTY RIGHTS**

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Abstract

This article studies the legal framework of the Russian and EU customs laws. The analysis conducted demonstrates that the main directions of harmonizing the existing legislation and the protection of intellectual property rights in the coming years should be as follows: the alignment of regulatory standards in the field of customs regimes, the introduction of a new form of declaring intellectual property into the Russian legislation similar to the European legal tradition, electronic declaration and access to computer databases on customs clearance, the development of a unified package of certification documents for claiming intellectual property based on the WTO standards and the EU experience in codifying rules of customs clearance. The authors of the article have conducted a logical analysis and proved that experts in the sphere of intellectual property should work together to develop instructions ensuring the uniform understanding of expert competence, expert training and certification, as well as the mutual accreditation of expert structures.

Keywords

Russian Federation – Intellectual property rights - European Union – International law

Harmonizing the customs laws of the European Union and the Russian Federation used for protecting intellectual... pág. 475

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Research relevance

The study is concerned with the analysis of customs law in the sphere of protecting intellectual property rights¹ in the European Union and the Russian Federation, as well as the consideration of experts' role in this type of activity. Its relevance is conditioned by the fact that the general wave of scientific discoveries and inventions starting in 2020 will lay the foundation for the scientific and technological revolution of the 21st century. Intellectual property, including its deliverables and copyrights holders, needs to be protected by both law enforcement bodies and customs authorities². Intellectual property rights help inventors, authors and enterprises prevent the unauthorized use of their creations and receive compensation for their investments³. In 2014-2015, companies over the world lost \$18.534 billion due to information leaks, which affected workplaces, living standards, social tension and the political environment of states in general⁴. Certain products can also pose a threat to society; therefore, customs authorities should maintain strict standards for claiming intellectual property rights in order to combat possible violations. The changing functions of customs service are objective and associated with the development of customs in the 21st century as a link not only in horizontal relations between participants in the foreign economy but also in vertical relations between participants in foreign economic activities and states⁵. Customs authorities of the European Union and the Russian Federation, as well as experts in the sphere of intellectual property, play a bigger role in protecting intellectual property rights from year to year, which becomes an increasingly important factor in science-driven and technologically intensive development⁶. Therefore, the subject of this article is relevant because of an important component of intellectual law in the intellectual property market ensuring the economic security of the European Union and the Russian Federation in the activities of customs authorities⁷.

Development of the problem

In 2014, the above-mentioned problem was stated and scholars continued searching for its solution. Thus, the European Union implemented the Horizon 2020 programme⁸ that focuses on high-performance technologies used in a wide range of areas. The issues associated with these processes were studied in the works of C. Morini, P. de Sa Porto Costacurta, E.Jr. Inacio⁹, A. Grainger¹⁰, L. Liu, C. Yue¹¹, L. Gellert¹², H.-M. Wolfgang and K. Harden¹³.

¹ Intellectual property is the bundle of rights of the author and other copyright holders that allow to dispose of intangible objects, as well as to prohibit or permit their use by third parties who have such intentions.

² L. M. Kupriyanova y A. G. Basova, "Razvitie evraziiskogo i natsionalnogo rynkov intellektualnoi sobstvennosti", *Ekonomika. Biznes* num 1 Vol: 18 (2017): 121-130.

³ The European Patent Convention (Munich, October 5, 1973). Available at: www.wipo.int

⁴ Zecurios Analytics, Available at: <https://www.zecurion.ru/>

⁵ C. Morini; P. de Sa Porto y E. Jr. Inacio Costacurta, "Trade facilitation and customs revenue collection: Is that a paradox?", *World Customs Journal* Vol: 11 num 2 (2017): 23-36.

⁶ Regulation (EU) No 608/2013 of the European Parliament and the Council of 12 June 2013. Strasbourg, 12 June 2013.

⁷ L. M. Kupriyanova, "Intellektualnoe pravo na rynke intellektualnoi sobstvennosti", *Sovremennyi yurist* num 1 Vol: 22 (2018): 92-101.

⁸ Horizon 2020 - the Framework Programme for Research and Innovation. European Commission. Available at: http://ec.europa.eu/research/csfr/index_en.cfm3

⁹ C. Morini; P. de Sa Porto y E. Jr. Inacio Costacurta, "Trade facilitation and customs..."

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The Union Customs Code also elaborated the issue under consideration and defined the legal framework for customs rules and procedures in the EU customs territory adapted to modern trade models and means of communication. This legal document entered into force on May 1, 2016 and repealed the previous customs laws enshrined in the Community Customs Code (Council Regulation (EEC) No. 2913/92), the code for implementing provisions (Commission Regulation (EEC) No. 2454/93) and the renewed Union Customs Code (Regulation (EC) No 450/2008) in order to comply the EU customs legislation with the Treaty of Lisbon. Directive 2004/48/EC of the European Parliament and of the Council of April 29, 2004 serves as the most important regulatory act on the unification of legal norms for protecting intellectual property rights. This Directive provides equal rights and conditions for protecting copyright holders in the internal European market and obliges member states to adopt the necessary preventive measures against the intentional violation of intellectual property rights¹⁴. The Russian Federation continues the process of unifying and consolidating the rule of law determining the procedure for taking measures to protect the rights of copyright holders on intellectual property items based on the document issued by the World Trade Organization, i.e. the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)¹⁵.

The joint solution to the protection of intellectual property items is provided by the EU and Russian customs authorities through aligning the existing legal norms and forming effective mechanisms for copyright holders to protect their rights in accordance with the state laws¹⁶. It refers to the so-called *ex officio*. This norm is necessary to strengthen the fight against counterfeit products and bring the current customs law in line with international standards contained in Article 25-58 of the TRIPS Agreement (*ex officio*). At the same time, customs authorities should take certain measures to protect rights to intellectual property items without the copyright holder's application and the expert's involvement¹⁷.

¹⁰ A. Grainger, "The WTO trade facilitation agreement: Consulting the private sector", *Journal of World Trade* Vol: 48 num 6 (2014): 1167-1188. Available at: http://eprints.nottingham.ac.uk/28471A/TRAD%2048-6_Andrew%20GRAINGER.pdf

¹¹ L. Liu y C. Yue, "Investigating the impacts of time delays on trade", *Food Policy* Vol: 39 num 1 (2016): 108-114.

¹² L. Gellert, "The burden of proof in the context of a post-clearance recovery of customs duties", *Customs Scientific Journal CUSTOMS* Vol: 31 num 1 (2018): 81-85. Available at: http://umsf.dp.ua/documents/Jurnal_gazeta_knigi/CJC_2013_01all.pdf

¹³ H.- M. Wolfgang y K. Harden, "The new European customs law", *World Customs Journal* Vol: 10 num 1 (2016).

¹⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, Committee of Regions. *Europe 2020 Flagship Initiative Innovation Union*. SEC (2010) 1161, Brussels, 06.10.2010. Available at: http://ec.europa.eu/research/innovationunion/pdf/innovation-union-communication_en.pdf#view=fit&pagemode=none

¹⁵ P. A. Kalinichenko, *Rol i mesto myagkogo prava v regulirovanii otnoshenii mezhdu Rossiei i Evropeiskim soyuzom. Sovremennoe mezhdunarodnoe pravo: teoriya i praktika* (Moscow: Original-maket, 2015).

¹⁶ R. C. Blattberg; G. D. Eppen y J. Lieberman, "A theoretical and empirical evaluation of price deals for consumer nondurables", *Journal of Marketing* Vol: 45 num 1 (1981): 116-129.

¹⁷ A. Nesterov, "Ekspertnye issledovaniya v tamozhennom dele", *Zakon* num 3 (2003): 80-84; Reshenie Komissii Tamozhennogo soyuza ot 20 maya 2010 g. № 258 "O poryadke provedeniya tamozhennoi ekspertizy pri provedenii tamozhennogo kontrolya" *Tamozhennyi vestnik* 13 (2010); E. I. Andreeva, "Identifikatsiya tovarov v tamozhennykh tselyakh", *Rossiiskii vneshneekonomicheskii vestnik* num 1 (2016): 112-118; I. V. Glazunova, "Novatsii instituta tamozhennoi ekspertizy",

While conducting customs examination, experts act as a necessary link in the process of protecting copyrights and patent rights. In relation to the customs issues between the Russian Federation and the European Union, customs experts determined key activities and began the joint development of operational instructions for each activity with due regard to the structure of intellectual property (Figure 1).

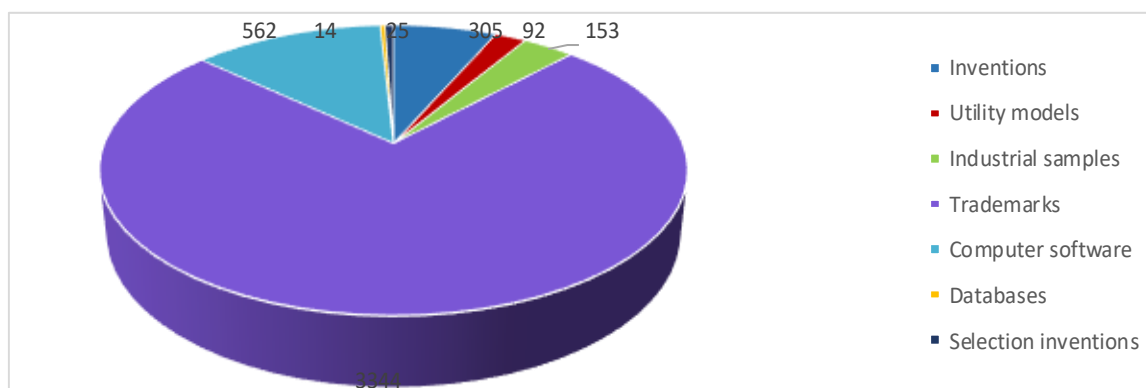


Figure 1
The number of applications for registering intellectual property items submitted in the first half of 2018

The customs experts of member states have defined nine additional areas of activity, therefore the number of customs standards reached 22. These experts put considerable efforts into considering the different history, culture, structure, system and working methods of customs authorities in the European Union and the Russian Federation¹⁸.

The TRIPS Agreement completely changes the protection of intellectual property at the international level and is based on the following provisions: the agreement establishes protection standards for authors, artists, performers, producers, television and radio broadcasters in a large number of countries, including those that are not members of the TRIPS Agreement; the agreement introduces a new procedure for resolving disputes between countries regarding the implementation of intellectual property rights; the agreement comprises procedures that guarantee the effective application of rights in the national law of the countries that signed this Agreement¹⁹.

Based on the experts' conclusions, the TRIPS Agreement provides for the right to require competent (customs) authorities to act on their own initiative and to suspend the free circulation of goods in respect of which the above-mentioned experts have prima facie evidence that someone's intellectual property rights are violated. If competent (customs) authorities receive the assertion of a claim, they have the right to contact the copyright holder for any information that can help them in the exercise of these powers at any time.

Tamozhennoe delo num 2 (2012): 10-14 y M. B. Kazurov, "Osnovnye polozheniya tamozhennoi ekspertizy", Molodoi uchenyi num 7 (2014): 453-456.

¹⁸ Federal Law of December 29, 2014 No. 483-FZ "On territories of rapid socio-economic development in the Russian Federation".

¹⁹ Soglasenie po torgovym aspektam prav intellektualnoi sobstvennosti (Soglasenie TRIPS), Vsemirnaya organizatsiya intellektualnoi sobstvennosti. Available at: http://www.wipo.int/wipolex/ru/treaties/text.jsp?file_id=329636

Objectives

The identification and assessment of the current trends in rulemaking in the Russian Federation and the European Union based on a comparative analysis of customs laws aimed at the protection of intellectual property rights have the following objectives:

1. To study the lawmaking and law enforcement process of using laws for the protection of intellectual property rights in the European Union and the Russian Federation, to highlight its advantages and disadvantages; 2. To propose methods for improving the existing mechanism of intellectual property protection during the interaction between customs authorities of the Russian Federation and the European Union; 3. To analyze the existing experience in relation to other measures ensuring the protection of intellectual property and harmonization of laws regulating public relations in the field of intellectual property.

Hypothesis

It is necessary to rely on the existing customs legislation of the European Union and the Russian Federation, international agreements, the practice of lawmaking and law enforcement, as well as to avoid unreasonable procedures complicating the turnover of intellectual property items between the countries and improve the legal role of experts. In addition, experts need to develop international legal norms and use universally recognized stable terms enshrined in the Russian and EU legislation, which will help eliminate controversies and legal gaps.

The research hypothesis is that the improvement of customs relations between the European Union and the Russian Federation, namely technologies for customs operations without the direct participation of officials (the automatic registration of declarations and automatic release of goods), will reduce risks and economic costs when intellectual property items cross state borders and increase the cost recovery of intellectual property²⁰.

Methods

1. The method of comparative analysis to identify and determine the specifics of using regulatory documents in the Russian Federation and the European Union, as well as to justify ways of harmonizing their legislations in the field of protecting intellectual property rights;

2. The statistical method to consider the application of the relevant regulatory acts and their economic efficiency in quantitative terms;

3. The analytical method and the method of system-oriented analysis to generalize advantages and disadvantages common to different regulations and determine the mechanism for optimizing and harmonizing various customs laws;

4. Methods for comparing historical and logical facts to analyze regulatory legal acts²¹. This comparison combines the systemic, structural and functional analysis of

²⁰ C. Morini; P. de Sa Porto y E. Jr. Inacio Costacurta, "Trade facilitation and customs..."

²¹ R. Cotterrell, *Comparative Law and Legal Culture. The Oxford Handbook on Comparative Law* (Oxford: 2006).

macroobjects and studies sources of customs law in the European Union and the Russian Federation, legal ideology and legal policy, the interaction of legal systems belonging to different legal systems and the impact of international and European laws on the Russian and EU customs laws²².

Results and discussion

Regarding the used methods of comparative law, we should note that the system of protecting intellectual property in the European Union and the Russian Federation is based on certain provisions of the WTO Agreement, namely the TRIPS Agreement²³. Article 7 "Objectives" of the TRIPS Agreement explains that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare". The above-mentioned EU documents aim at achieving the same objectives²⁴.

Public relations between the European Union and the Russian Federation in the field of intellectual property protection are regulated by a number of legal documents, including the Partnership and Cooperation Agreement of 1994²⁵, the EU-Russia Roadmap for the Common Economic Space²⁶ and the Partnership for Modernization. These documents contain provisions affecting customs cooperation²⁷. To ensure the effective collaboration between the Russian Federation and the European Union, it is necessary to use appropriate powers in the field of customs administration within the framework of customs cooperation²⁸.

Under the conditions of globalization, the role of customs service is no longer limited to revenue collection²⁹. Now customs service strives to manage and control external borders to eliminate trade threats and ensure the safety of citizens, protect intellectual property rights upon crossing borders and strengthen legitimate trade³⁰.

²² N. V. Varlamova, "Pravovye kultury: vvedenie v sravnitenoie izuchenie", *Voprosy pravovedeniya* num 3 (2019): 128-143.

²³ Rezultaty Urugvajskogo raunda mnogostoronnih torgovyh peregovorov. Legal texts (Moscow: MAIK "Nauka/Interperiodika", 2002).

²⁴ I. I. Djumulen, *Vsemirnaja torgovaja organizacija. Jekonomika, politika, prav.* The 3rd enlarged edition (Moscow: VAVT Minjekonomrazvitija Rossii (serija: Jekonomist-mezhdunarodnik), 2012).

²⁵ Soglashenie o partnerstve i sotrudnichestve, uchrezhdayushchee partnerstvo mezhdru Rossiiskoi Federatsiei, s odnoi storony, i Evropeiskimi soobshchestvami i ikh gosudarstvami-chlenami, s drugoi storony, 1994 g., *Byulleten mezhdunarodnykh dogovorov* num 8 (1998): 3-74.

²⁶ The Treaty on European Union and the Treaty on the functioning of the European Union. Available at: http://eur-lex.europa.eu/lisbon_treaty/index_en.htm

²⁷ Dogovor o Evraziiskoi ekonomicheskoi komissii ot 18 noyabrya 2011 g.

²⁸ D. A. Turlanov, "Strategicheskaya programma tamozhennogo sotrudnichestva ES i Rossii: mesto i rol v razvitiu pravovoi bazy sotrudnichestva Rossii i ES v tamozhennoi sfere", *Molodoi uchenyi* num 11 (2012): 307-310.

²⁹ Report on the EU customs enforcement of intellectual property rights. Results at the EU border 2012 (Luxembourg: 2013).

³⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, Committee of Regions. Europe 2020 Flagship Initiative Innovation Union. SEC (2010) 1161, Brussels, 06.10.2010. Available at: http://ec.europa.eu/research/innovationunion/pdf/innovation-union-communication_en.pdf#view=fit&pagemode=none

The list of items falling into the category of intellectual property was determined in the Convention establishing the World Intellectual Property Organization (WIPO) adopted in Stockholm on July 14, 1967. The Russian Federation is a member of this convention. In this regard, the type of customs cooperation should presuppose the supranational (within the powers that Russia has transferred to customs authorities) and national level (within the powers that Russia has retained).

Some scholars emphasize that the Russian Federation and the European Union should not compete with each other in the sphere of customs cooperation. On the contrary, they should complement each other ensuring the best protection of intellectual property³¹. While considering customs cooperation at the supranational level (with the involvement of the Eurasian Customs Union), we should note the following specifics: powers of member states of the Eurasian Customs Union in the field of customs administration of its Commission cannot be transferred, which makes these powers impossible to implement in the framework of international cooperation with foreign states and international organizations, including the European Union. This state of affairs is conditioned by the lack of international legal personality of the Customs Union Commission³².

Another important means for protecting the interests of copyright holders is the customs register of intellectual property administered by the Federal Customs Service of the Russian Federation and based on applications from holders of exclusive rights (Figure 2).

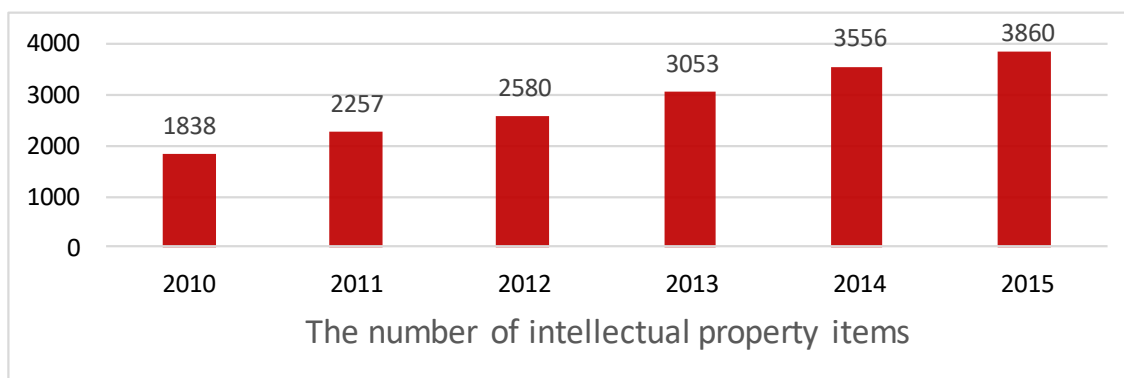


Figure 2

The increased activity of copyright holders to protect intellectual property items through the customs register

As of December 31, 2018, 4,916 intellectual property items belonging to both Russian and foreign companies were registered in the customs register, including 4,879 trademarks, 32 copyright items and 5 appellations of origin (Figure 3).

³¹ R. Lüssi y E. Marolf, "Customs revenue benchmarking database (CRBD)", World Customs Journal Vol: 11 num 1 (2017): 85-87 y C. Morini; P. de Sa Porto y E. Jr. Inacio Costacurta, "Trade facilitation and customs..."

³² D. A. Turlanov, Podkhody k formirovaniyu budushchei normativnoi pravovoi bazy tamozhennogo sotrudnichestva Rossii i ES. Vestnik MGIMO Universiteta, 2012. Available at: <https://cyberleninka.ru/article/n/podhody-k-formirovaniyu-budushey-normativnoy-pravovoy-bazy-tamozhennogo-sotrudnichestva-rossii-i-es>



Figure 3
The number of intellectual property items

After examining provisions of the Strategic Customs Cooperation Program between the Russian Federation and the European Union, we can provide their verifiable assessment, in particular, their potential ability to make the Russian and EU customs cooperation an effective tool for trade relations. It is also necessary to use the Joint Statement on Customs Cooperation between the Russian Federation and the EU Commission of 1997. We have analyzed the regulatory framework and revealed both similarities and differences in the premises that necessitate close contacts between the Russian Federation and the European Union in the customs sphere³³.

Thus, the above-mentioned Program and the Joint Statement see the role of customs in ensuring economic development but the means they suggest are different. According to the Joint Statement, customs service should combat legal offenses and organized crime. At the same time, the Program considers customs service primarily as a factor facilitating trade and investment, which ensures economic growth³⁴. Unlike the Joint Statement, the Program highlights a fundamentally different set of directions, whose main feature is the desire of the Russian Federation and the European Union to create favorable conditions for mutual trade through the harmonization of customs procedures and the development of modern customs administration institutions. Despite the interdepartmental nature and lack of international legal status, the Program holds a prominent place in the system of legal acts regulating the customs cooperation between the Russian Federation and the European Union. While describing the role of customs authorities in the context of modern trade relations between the Russian Federation and the European Union, the Program also determines a vector of further development of the legal framework of customs cooperation regarding the EU export to the Russian Federation³⁵.

³³ R. Lüssi y E. Marolf, "Customs revenue benchmarking database (CRBD)", *World Customs Journal* Vol: 11 num 1 (2017): 85-87.

³⁴ A. Grainger, "The WTO trade facilitation agreement: Consulting the private sector", *Journal of World Trade* Vol: 48 num 6 (2014): 1167-1188 y L. Liu y C. Yue, "Investigating the impacts of time delays on trade", *Food Policy* Vol: 39 num 1 (2016): 108-114.

³⁵ I. V. Gomon; M. V. Neparko y N. I. Reshetova, "Tamozhennye platezhi kak osnova formirovaniya federalnogo byudzheta", *Ekonomika i predprinimatelstvo* Vol: 9 num 3 (2017): 37-40.

In 2018, customs authorities of the Russian Federation revealed over 16 million counterfeit goods and prevented the damage that could be caused to copyright holders of intellectual property in the amount of more than 6.8 billion rubles (in 2017, it was more than 10 million counterfeit goods in the amount of 4.5 billion rubles)³⁶.

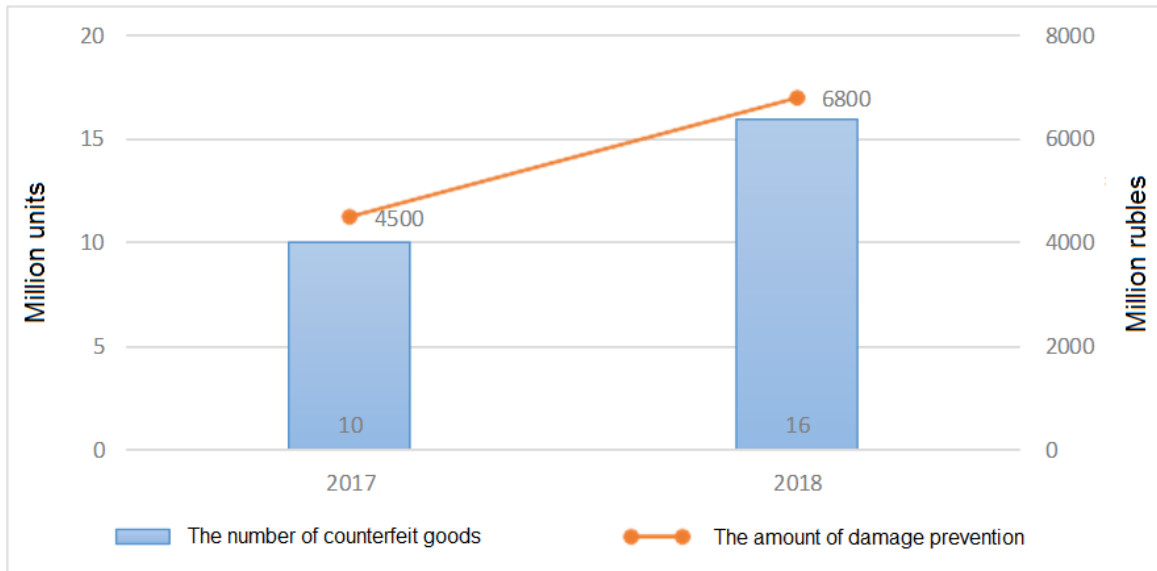


Figure 4

The effectiveness of the Russian customs authorities in identifying counterfeit products

To increase the efficiency of state services keeping the customs register of intellectual property, the Federal Customs Service of the Russian Federation has formed a legislative framework that provides the right to receive public services in the electronic form.

Within the framework of the World Customs Organization, there is a Group of the European Customs Laboratories (GCL). It is a structure coordinating activities of customs laboratories of member states of the European Union³⁷. The main GCL achievement is the creation of a General Quality Policy based on ISO 17025 and the unification of methods for researching goods and their samplings (samples). In addition, representatives of GCL customs laboratories contribute to the uniform interpretation of EU standards in the field of goods, which is later studied by customs authorities of the Russian Federation³⁸.

International cooperation aimed at harmonizing national legislations and international standards in the field of expert activity allows to uniformly understand expert competence, expert training and certification programs, as well as to conduct the mutual accreditation of expert structures.

³⁶ A. N. Zemerov, Deyatelnost tamozhennykh organov v oblasti zashchity prav na obekty intellektualnoi sobstvennosti Proceedings of the 7th International scientific conference. Penza, 2019, 80-83.

³⁷ Horizon 2020 - the Framework Programme for Research and Innovation. European Commission. Available at: http://ec.europa.eu/research/csfr/index_en.cfm3

³⁸ V. A. Likhachev, Sovremennoe sostoyanie prav intellektualnoi sobstvennosti v ES", Rossiiskii ekonomicheskii vestnik num 5 (2019).

The thing is that the Labor Code of the Russian Federation still regards tariff classification as the main factor determining the origin of goods (i.e. the country of goods origin is the country of the last processing operations that changed their commodity nomenclature at the level of commodity items). This approach differs from the European one which considers the factor of tariff classification among other methods for applying the criterion of sufficient processing. The elimination of these discrepancies in the rules defining the origin of goods seems to be one of the primary tasks of aligning the Russian-EU customs laws³⁹.

Given that this rule-making activity should be based on scientifically grounded recommendations of scholars working in this field, it is necessary to conduct such studies since the implementation of the above-mentioned activity will take some time.

After analyzing the regulatory framework, growth and structure of filing applications for claiming certain intellectual property, we have concluded that the main aspects of harmonization and protection of intellectual property rights in the European Union and the Russian Federation in the coming years should be as follows:

- The alignment of regulatory standards in the field of customs regimes, i.e. a significant number of issues require further harmonization with the EU laws, including customs documentation since the Russian Federation recognizes the need to bring its own customs documents in accordance with the documents used in the European Union;

- The transition to a new form of customs declarations that will correspond to the pan-European form of customs declarations;

- Simplified declaration, in particular, requirements to the documents needed for simplified procedures;

- The object of harmonization should be requirements and standards in relation to electronic declarations and access to computer databases of customs clearance;

- The formation of a unified package of certification documents for intellectual property items based on the WTO norms and the EU experience in the codification of customs clearance rules and specifics of customs clearance.

If the goods imported into the territory of a country falling into a free trade zone from a third country are accompanied by documents confirming its origin and these documents fully meet the legislation of the first country, then these documents should be recognized as the full-fledged evidence of goods origin in another country (a member of the above-mentioned free trade zone)⁴⁰. This procedure would greatly simplify the customs clearance of goods transferring between the European Union and the Russian Federation produced in third countries⁴¹.

³⁹ S. A. Zheryagin. Pravovoe regulirovanie otnoshenii v sfere rynka intellektualnoi sobstvennosti v Evropeiskom soyuze i Evraziiskom ekonomicheskom soyuze na regionalnom i natsionalnom urovnyakh. Proceedings of the 11th International scientific congress "Business role in transforming society – 2016". MFPU "Sinergiya".

⁴⁰ Commission Regulation (EC) No. 772/2004 of April 27, 2004. Available at: http://www.wipo.int/wipolex/ru/text.jsp?file_id=181672

⁴¹ L.M. Kupriyanova, T.Kh. Usmanova. Analiz Pokazatelei Intellektualnoi Sobstvennosti [The analysis of intellectual property indicators]. Ekonomika. Biznes. Banki 9 (2016): 9-23.

The subject of harmonization should be requirements for certificates of origin for goods produced by member states, conditions for exempting importers from providing such certificates, the use of cumulation in relation to goods produced in the territory of integration associations of third countries, etc.⁴²

Conclusion

To comply with intellectual property rights and fight against their violation, it is necessary to develop effective methods, organizational structures and training events that would allow customs service to monitor and appropriately respond to the latest trends in the infringement of intellectual property indicators.

The most important conclusion we have drawn is the need to develop the legal module of the IT database to ensure intellectual property rights and to create a mechanism for domestic and international cooperation in the field of harmonizing the regulatory framework of the EU-Russian customs legislation. This process should include the exchange of data and experience in the sphere of protecting intellectual property rights, the harmonization of the legal framework for compliance with intellectual property rights and international agreements and standards (for instance, the TRIPS Agreement, Regulations (EC), General Agreement on Tariffs and Trade), the optimized commodity nomenclature of intellectual property items used in the Russian Federation and the European Union for the purposes of customs classification and a new paradigm of scenario planning aimed at minimizing risks during the intellectualization of cognitive capital. As a result, it justifies a positive effect of intellectual property protection on economy⁴³.

We should conduct further research and elaborate the possibility of adopting the EU legislation to the Russian Federation. There is also a need to actively participate in establishing and strengthening the status of the Russian Federation as a reliable partner. As previously stated, the disunity of the legislative framework in the field of intellectual property does not contribute to effective decision-making by public authorities or the formation of policies in this area. Therefore, public administration in the field of intellectual property should be centralized.

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⁴² The EU Council Website. Available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011 DC0808>

⁴³ A. S. Rodionov y L. M. Kupriyanova, "Riski intellektualizatsii kognitivnogo kapitala: stsenarnoe planirovanie", Ekonomika. Biznes. Banki num 7 Vol: 33 (2019): 19-37.

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