

differentiation, taking into account the changing preferences of buyers in the field of product quality and characteristics. The competitiveness assessment should also take into account product attributes such as brand awareness in the market, the availability of different buying methods, and the location of stores and the benefits of shipping. These characteristics are not included in the group of technological or economic and are not calculated during the analysis, but today they play an important role in the choice of certain goods by consumers. Therefore, it is necessary to develop a comprehensive indicator of competitiveness, which should be based on taking into account all groups of product properties.

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«Aspects of the development of intellectual property in the context of the Eurasian integration»

Research area:

Intellectual property as an object of international trade

The problems of intellectual property from year to year are becoming more and more urgent all over the world, including the member states of the Eurasian Economic Union (hereinafter - the EAEU, the Union). The Eurasian area has a great potential for the transition to a digital economy, conducting joint research and development, taking into account the specifics of the development of the association. The creation of the digital economy will contribute to the improvement of the state of existing and the formation of new industries and their effective interaction, deepening of integration, and increasing the competitiveness of goods and services. Only by creating coordinated actions of the EAEU member states for the effective use and increase of intellectual, scientific, technical and production resources is it possible to ensure the dynamic development of the association. Strategic directions for the development of Eurasian economic integration until 2025 envisage stimulation of scientific and technical production as one of the goals¹.

To achieve this goal, the formation of 12 Eurasian Technology Platforms (ETP) has begun. They should carry out comprehensive activities to “accumulate advanced national and world achievements of scientific and technological development, mobilize the scientific potential

¹ Strategic directions for the development of Eurasian economic integration until 2025 [Electronic resource]. – Mode of access: http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_razv_integr/Pages/0.aspx. – Date of access: 02.05.2021.

of the EAEU member states to solve applied tasks of innovative products and technologies developments, as well as their implementation in industrial production”¹.

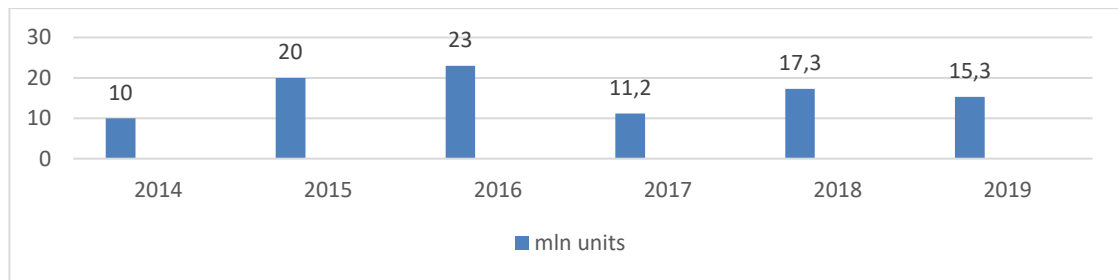
However, the question of not how to create an intellectual product, but how to promote it on the market and protect it from counterfeiting, is becoming even more urgent. The annual increase in the flow of counterfeit products to the EAEU market is due, among other things, to the growth of online commerce on the Internet, the role of which has increased even more in connection with the Covid-19 pandemic. According to the Chairman of the State Committee on Science and Technology of the Republic of Belarus Alexander Shumilin at the VIII International Forum “Anti-Counterfeiting 2020”, held in December 2020, “the existing practices of legal regulation and law enforcement in the field of protection of rights to intellectual property objects demonstrate insufficient effectiveness of the measures being taken and do not allow to radically change the situation”. Thus, according to the expert estimates, the total economic damage from counterfeit products by 2022 may reach 4.7 trillion US dollars. At the same time, damage from international trade of counterfeit goods will reach 990 billion US dollars, damage from digital piracy – about 850 billion US dollars.

According to the statistics of the customs services of the EAEU countries, published in the annual report on the state of law enforcement practice in the field of protection of intellectual property rights in the EAEU made by the Department for the Development of Entrepreneurship of the Eurasian Economic Commission in 2019, 15.3 million units of counterfeit products were revealed. In 2018, 17.3 million units of counterfeit products were revealed, which is 54% more than in 2017 (11.2 million units), and 73% more than in 2014 (10 million units)². Data for 2020 was not found on the Internet, so we present the comparative statistics for 2014-2019 in the form of Figure 1.

Figure 1 - Volumes of detected counterfeit products in the EAEU Member States from 2014 to 2019

¹ Eurasian Economic Integration: Development Prospects and Strategic Objectives for Russia: rep. to XX Apr. international scientific. conf. on the problems of economic and social development, Moscow, April 9–12, 2019/T.V. Bordachev, K.O. Vishnevsky, M.K. Glazatova and others; resp. ed. T. A. Meshkova; Nat. Research University Higher School of Economics. – M.: Ed. house of the Higher School of Economics, 2019. – 123 c.

² Report on the state of law enforcement practice in the field of intellectual property rights protection in the Eurasian Economic Union for 2019 [Electronic resource]. / Eurasian Economic Commission. - 2020. - Moscow. – Mode of Access: <http://www.eurasiancommission.org/ru/act/finpol/dobd/intelsobs/Documents/%D0%9C%D0%BE%D0%BD%D0%B8%D1%82%D0%BE%D1%80%D0%B8%D0%BD%D0%B3%20%D0%9F%D0%9F%D0%9F/%D0%9E%D1%82%D1%87%D0%B5%D1%82%20%D0%9F%D0%9F%D0%9F%20%D0%B7%D0%B0%202019%20%D0%B3%D0%BE%D0%B4.pdf>. - Date of access: 05.17.2021.



Source: prepared by the author based on data³.

To fully ensure the protection of intellectual property objects (hereinafter referred to as IPO), it is necessary to register promptly the rights to such objects. One of the most important points is the registration of a trademark in the national customs registers of the IPO. This will help to ensure an adequate protection against the importation of counterfeit goods. Let's consider the statistical data on the number of IPOs in the national customs registers of IPOs of the EAEU member states, presented in Table 1.

Table 1 - The number of IPOs in the national customs registers of IPOs of the EAEU Member States

Year	Belarus	Russia	Kazakhstan	Kyrgyzstan	Armenia
2020	381	2083	755	-	-
2019	331	5141	740	333	309
2018	289	4953	640	288	267
2017	301	4617	550	253	201

Source: prepared by the author based on data from the national customs registers of the IPO of the EAEU member states¹.

According to the Table 1 in the Republic of Belarus for the period from 2017 to 2020 the number of IPOs varies in the range of 300-380 objects, in the Russian Federation there is a tendency to their decrease, in the Republic of Kazakhstan, in the Kyrgyz Republic and the Republic of Armenia there is a tendency of an increase in the number of such objects. To simplify procedures related to the protection of intellectual property rights throughout the EAEU, the Eurasian Economic Commission (hereinafter referred to as the EEC), together with the EAEU member states, is developing a regulatory framework in order to ensure the functioning of the Unified Customs Register of Intellectual Property Objects. At the same time, it is important to distinguish such terms as brand, trade (company) name, trademark and geographical

¹ Report on the state of law enforcement practice in the field of intellectual property rights protection in the Eurasian Economic Union for 2019 [Electronic resource]. / Eurasian Economic Commission. - 2020. - Moscow. – Mode of Access:

<http://www.eurasiancommission.org/ru/act/finpol/dobd/intelsobs/Documents/%D0%9C%D0%BE%D0%BD%D0%B8%D1%82%D0%BE%D1%80%D0%B8%D0%BD%D0%B3%20%D0%9F%D0%9F%D0%9F/%D0%9E%D1%82%D1%87%D0%B5%D1%82%20%D0%9F%D0%9F%D0%9F%20%D0%B7%D0%B0%202019%20%D0%B3%D0%BE%D0%B4.pdf>. - Date of access: 05.17.2021.

indications. So, for example, in the Republic of Belarus the term “brand” is not legally enshrined. In legislative acts, the terms of trade (company) name, trademark and geographical indication are used. The latter is of particular importance on the territory of the EAEU, due to the need to ensure the protection in a special way.

The issue of protecting geographical indications is particularly acute. In the Russian Federation, 262 geographic names are registered in specialized bodies. Let’s compare, according to the statistics provided by the National Center of Intellectual Property, only three are registered in the Republic of Belarus. A positive aspect on the way of IPO regulation is the entry into force on April 26, 2021 of the Agreement on Trademarks, Service Marks and Appellations of Goods Origin of the Eurasian Economic Union dated by February 3, 2020. The agreement became the fundamental document on the formation of the regional system of trademarks, service marks and appellations of goods origin of the EAEU.

The Agreement, in particular, introduces the concepts of the “EAEU trademark” and the “EAEU appellation of origin”, the possibility of filing one application form for the EAEU trademark or one application form for the appellation of the EAEU goods origin to any of the patent offices of the Union member states with subsequent receipt of legal protection simultaneously on the territory of all EAEU countries, the applicant's interaction with only one department – the principle of “one window”, maintaining the Unified Register of EAEU Trademarks and the Unified Register of Appellations of Goods Origin of the EAEU, posted on the official website of the EAEU¹. At the same time, speaking about the state of affairs in the field of geographical indications, it should be noted that the Agreement does not share the concepts of appellations of goods origin and geographical indications. At the national level, for example, in the Republic of Belarus, in the new edition of the Law on Geographical Indications, adopted on December 18, 2019 No. 275-3 “On Amendments to the Laws”, the appellation of origin (hereinafter – AO) is not excluded from the list of protected objects, but defined as a special case of geographical indication, i.e. an appellation of origin is included in a geographical indication, which increases the degree of its protection. It should be noted that the legislation of foreign states and international treaties also do not have a uniform approach in the area of the terms such as “geographical indication”, “appellation of goods origin” and “indication of the goods origin”. Speaking about the international system of registration of appellations of goods origin and geographical indications (Lisbon system), it should be noted that the EAEU member

¹ Agreement on trademarks, service marks and appellations of goods origin of the Eurasian Economic Union [Electronic resource]: ed. February 3, 2020 – M., 2021. – Mode of Access: <https://www.alt.ru/tamdoc/20bn0007/>. – Date of access: 05.11.2021.

states do not participate in the international system, which creates a significant gap in the protection system. The Lisbon System makes it easier to obtain international protection for appellations of origin by registering them once. This system eliminates the need to submit multiple applications in different offices and is used in more than two dozen countries in Africa, Asia, Europe and Latin America.

Currently, the EEC, together with the member states of the Union with the involvement of scientific specialists in the field of strategic planning, is developing a draft of the Strategy for the protection, defence and use of intellectual property in the Eurasian Economic Union¹. The draft of the Strategy contains provisions aimed at the formation of an integrated intellectual property system in the EAEU in order to enhance scientific, inventive, innovative and creative activities, as well as increase the competitiveness of the economies of the Union member states⁶. However, it is impossible to create a unified strategy without maximum unification of legislative provisions, bringing them in accordance with international norms, as well as ensuring close interaction of authorized bodies. For the further effective development of the EAEU as an integrated association, it is necessary:

To improve the EAEU legislation by analogy with the best world practices.

To introduce the “Unified customs register of the IPOs”.

To conduct seminars and conferences on the topic of fight against counterfeit products in order to maximize the awareness of the population about the damage caused by counterfeit to the state, conscientious manufacturers, consumers.

To strengthen the digitalization of the economies and markets of the EAEU member states.

Thus, the problem of selling counterfeit products on the Internet is extremely acute. To solve it, a detailed study and improvement of legislation in the EAEU, taking into account global practices, is necessary. This will strengthen the Eurasian integration, allow to achieve positive results in the development of innovations, technologies and the fight against counterfeiting. Paying attention to joint research and development, modernization of production will allow the integration to increase its importance in the global economic market, labor mobility and competitiveness of goods and services.

¹ Official site of the Eurasian Economic Commission [Electronic resource]. – 2016. – Mode of Access: <http://www.eurasiancommission.org/> - Date of access: 05.14.2021.