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# Russia's IP dilemma: continuity, disruption, risk

Riikka Palmos of Papula-Nevinpat explores how Russia's intellectual property system continues to function in 2026, while presenting new and evolving risks for foreign rights holders; highlighting the growing importance of proactive portfolio management, enforcement, and strategic oversight in an increasingly complex and unpredictable market.

Riikka Palmos

> "Simply owning intellectual property is no longer enough; careful monitoring, documentation, and enforcement are critical to safeguarding rights in a fast-evolving landscape."

In 2026, Russia's intellectual property system continues to function under rules broadly in line with international standards. However, the environment for foreign rights holders has become more challenging. The main risks are no longer sudden changes in the law, but losing rights due to non-use, difficulties in enforcement, and increasingly aggressive local filings.

Companies that actively manage their IP—keeping clear records of use, monitoring new filings, and responding promptly to challenges—can protect their rights and maintain flexibility in the market. Foreign companies should also consider refiling unused trademarks to keep their rights valid and reduce the risk of them being challenged or canceled.

Those who take a passive approach risk diluting their IP, incurring reputational damage, and facing costly disputes. The key takeaway is that preparedness and proactive management are essential. Simply owning intellectual property is no longer enough; careful monitoring, documentation, and enforcement are critical to safeguarding rights in a fast-evolving landscape.

## A familiar question in a new context

A few years ago, foreign brand owners were primarily concerned with disruption: shifting trade routes, disrupted supply chains, and local companies filing new trademarks to replace brands that had left the market.

In 2026, the situation is both familiar and different. The legal system is still working, and trademarks can still be registered, renewed, and challenged. But the main risks now often arise from foreign companies' own business decisions—whether they fully exit, maintain limited activity, sell quietly through distributors or parallel channels, or actively consider returning.

Even when companies distance themselves from the Russian market, their trademark portfolios cannot be left unattended. Rights depend on showing use, keeping records, and responding to legal or administrative challenges. Without attention, rights can become harder to enforce or even vulnerable to cancellation over time.

## What remains stable: the system still works

Despite geopolitical changes, Russia's IP system continues to operate:

- trademark, patent, and design applications are examined;
- oppositions and cancellation actions are heard;
- courts continue issuing legally grounded decisions.

For anyone familiar with the system before 2022, the legal procedures remain largely the same.

What has changed is who is using the system and why. Filing activity has shifted toward domestic companies and applicants from "friendly" jurisdictions. Unused foreign trademarks are easier targets for local players looking to take advantage.

Some foreign companies assume that distancing themselves reduces their risk. In reality, the system is still functional: third parties can monitor filings, challenge unused marks, and build legal positions that may later be leveraged in negotiations, licensing, or disputes over parallel imports.

In short, the system is still there—and it is actively being used by both legitimate rights holders and opportunistic actors.

Importantly, protecting, maintaining, and defending IP rights in Russia is not currently restricted by sanctions. Foreign companies can still renew trademarks, monitor filings, challenge bad-faith applications, and refile unused marks without breaching legal or financial restrictions. Ignoring these options carries real consequences: unused or unmonitored trademarks can be challenged, registered by third parties, or otherwise weakened, making future enforcement more difficult and costly.

## Non-use: the most predictable—and most exploited—risk

One of the biggest trademark risks for foreign brands in Russia is non-use. Marks that are not actively used can be challenged and even canceled. Russian law generally allows cancellation if a mark has not been used for three continuous years.

Non-use challenges are not always about clearing unused marks—they are often used to pressure foreign owners, encourage imitation, or gain leverage in negotiations.

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## Recent IP Court decisions: bad faith matters too

Recent rulings show that non-use alone is not always decisive. The IP Court now considers whether the challenger acts in good faith:

- HUGO BOSS case (SIP 1315/2024): The IP Court rejected a cancellation for non-use because the claimant lacked a legitimate interest. The action was considered abusive;
- Starbucks/Stars Coffee (SIP 420/2024): similarly, the IP Court dismissed the claim, highlighting that the claimant acted opportunistically rather than pursuing genuine business concerns.

Even inactive marks can be protected if challenges come from bad-faith players.

## How to stay protected

Even if marks are not actively used, companies should:

- maintain controlled, lawful use where possible;
- keep records of authorized use by partners or distributors;
- align registrations and specifications with realistic commercial plans.

The key takeaway is that discipline and documentation matter. Regular, defensible use—or evidence that a challenge would be abusive—is the strongest protection.

## Enforcement challenges: parallel imports, political sensitivity, and business risk

Russia's market has been reshaped. Parallel imports and sanctions have created supply chains that are harder to track, making it easier for infringers to hide among legitimate gray-market goods.

For trademark owners, enforcement is no longer just about whether legal action is possible. The question is: what outcome is realistically achievable, against whom, and with what evidence, given current trade routes?

Foreign companies also worry about political optics. Because of the "unfriendly countries" narrative, some fear that enforcing rights could be seen as inconsistent with

public statements or politically sensitive.

In practice, however, doing nothing carries its own risk. A lack of enforcement signals that the brand is not protecting its rights, encouraging copycats, weakening deterrence, and complicating future relaunches or global due diligence. Enforcement is a business decision—but not enforcing is also a business risk.

## Rising local risks: bad-faith filings, copycat use, and cross-class filings

A clear trend in 2025–2026 is aggressive behavior by local applicants toward foreign brands that appear inactive. Opportunistic players exploit gaps in use or enforcement. This takes three main forms:

1. **Bad-faith filings targeting unused marks:** Local applicants register marks identical or similar to foreign brands when they are not actively used. These filings can then be used to sell the mark, negotiate coexistence agreements, or gain leverage in distribution or licensing discussions.
2. **Unauthorized use of foreign brands:** Copycat products now appear across consumer goods, cosmetics, electronics, food, and apparel. Reduced enforcement means marks may be used on products of inconsistent quality or even in unrelated sectors, weakening brand identity and creating long-term reputational risks.
3. **Cross-class filings for unrelated goods:** A newer tactic is filing well-known marks in unrelated Nice classes—e.g., a clothing brand for beverages or household goods. These filings can block expansion, confuse the market, or pressure the owner to repurchase the mark. Monitoring now needs to extend beyond core business categories.

Brands that appear inactive quickly become targets. Even a limited presence—monitoring filings, filing oppositions, and maintaining evidence of use—helps prevent dilution of rights.

## The 'controversial stance' dilemma: understandable, but IP protection cannot pause

Most foreign companies fall into one of three approaches to Russia, each with its own IP risks:

- complete exit (principled disengagement): marks become vulnerable over time, lookalikes appear, and returning later is costly;
- quiet continuity (distributors or parallel imports): use exists, but evidence is scattered; proving authorized use and quality control is harder;
- option value (keeping the door open): common in M&A or licensing contexts; risks include missed renewals, unrecorded assignments/licenses, and specifications drifting from realistic use.

A values-driven approach does not conflict with managing IP. Companies can keep public statements separate from asset protection, ensuring lawful use where possible, monitoring filings, opposing improper

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applications when needed, and treating the Russian portfolio as an active part of global brand governance.

## Policy signal to watch: proposals for "temporary administration" of foreign IP

Recent reports suggest that the Ministry of Economy and Rospatent are exploring temporary management of foreign-owned IP.

A temporary administrator could be appointed to protect IP and, where justified, issue licenses to local manufacturers for products deemed necessary.

This mechanism is described as administration and licensing, not termination. No automatic cancellation of rights is suggested. The real impact will depend on the final legal design, including scope, triggers, safeguards, and royalty mechanisms.

## Looking ahead: risk is manageable—but only if actively managed

Russia's IP system still works, but parallel imports, payment issues, shifting litigation incentives, and oversight of foreign involvement make outcomes less predictable.

Staying away from the market is often intentional, but the real risk arises when caution becomes complete disengagement. Globally, brands retain value—but locally, they can quietly lose it through non-use, dilution, procedural gaps, and unchallenged third-party activity.

The safest long-term approach is a disciplined "minimum viable presence": enough to keep rights defensible while staying aligned with sanctions and corporate policy.

### Practical steps:

- assign a portfolio owner and maintain a budget for monitoring, oppositions, and evidence collection;
- conduct regular checks to defend against non-use challenges;
- tighten licenses and approvals for goods reaching Russia via distributors;
- coordinate with compliance and finance on payments, renewals, and permissible licensing.

### For companies not currently operating:

- maintain basic portfolio hygiene: renew registrations, record changes, ensure specifications reflect plausible use;
- preserve credible "option value": document minimal authorized use to avoid evidentiary gaps;
- monitor the registry for similar or blocking filings;
- refile important brands;
- stay alert for policy shifts, like temporary administration proposals, which show why inactive portfolios should not be ignored.

The recommendation is to treat a paused Russian portfolio as inactive but valuable, not abandoned. Structured upkeep now is far cheaper than rebuilding rights later.

## Conclusion

For international brand owners, the key message is clear: Russia has not abandoned IP law, but the market rewards active management and punishes neglect. The registry and courts still function, but rerouted trade, fragmented evidence, and policy pressures can quickly turn a passive portfolio into a contested one.

Foreign companies should treat Russian IP as an asset needing "minimum viable" upkeep: documented use where allowed, continuous monitoring, and disciplined record-keeping. Policy discussions, like temporary administration proposals, should be seen as signals to plan for licensing and enforcement—not proof that rights will vanish.

In the end, being prepared, rather than just taking a stance, keeps doors open. Ignoring the landscape or assuming inaction is safe carries real costs: lost control, weakened deterrence, and limited options if the market normalizes. Strategic vigilance today ensures flexibility tomorrow.

RÉSUMÉ

**Riikka Palmos** is a Master of Laws and European Trademark Attorney at Papula-Nevinpat in Helsinki, where she has worked since 1995. She is a senior partner, a member of the management team and board, and head of the firm's Legal Team. With over 30 years of experience, she specializes in trademark law and practice across Finland, Europe, and Eurasia. Riikka is a recognized expert, regularly publishing in leading IP journals and ranked in multiple editions of the WTR 1000.

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