

ADVANT Beiten

LEGAL DIGEST

HEALTHCARE RUSSIA – JUNE 2025**Русская версия**

Below for your attention we present a digest of significant legal news in the field of pharmaceuticals and medical goods in Russia for June 2025.

I. MEDICAL GOODS

1. Measures against counterfeit and infringing medical goods

1.1 OOO Roche Diagnostics Rus (exclusive licensee of Roche Diagnostics GmbH and F. Hoffmann-La Roche AG, Germany) vs. Yu.S. Melnikova, individual entrepreneur

Background

On 20 June 2025 Vladimir V. Popov, Justice of the Supreme Court of Russia, denied Ms Melnikova the transfer of her cassation appeal for consideration by the court session of the Judicial Panel on Economic Disputes of the Supreme Court of Russia.^[1]

The lower courts declared the Roche-branded products supplied by the respondent (consumables for a gas analyser, sensor cartridges, and reagent containers (medical goods for *in vitro* diagnostics)) to be infringing products, prohibited their circulation in Russia, and ordered the offending party to destroy them.

Important conclusions of the Supreme Court of Russia

The Supreme Court of Russia stated that the supply of infringing goods "*involves risks to the life and health of the public, since they are not confirmed to be genuine*".

This conclusion was made in connection with the fact that there was no evidence that the rights holder had agreed to the import of goods into Russia.

1.2 Sysmex Corporation (Japan) vs. D.Yu. Buldakov, individual entrepreneur

On 5 June 2025 Ramziya A. Khatipova, Justice of the Supreme Court of Russia, denied Mr Buldakov the transfer of his cassation appeal for consideration by the court session of the Judicial Panel on Economic Disputes of the Supreme Court of Russia.^[2]

The court also denied Mr. Buldakov's request to suspend the enforcement of court orders that were already in effect.

The lower courts had declared the Sysmex-branded goods supplied by the respondent (diluent for blood samples, reagents for the lysis of blood cells, dyes, and other medical goods) to be infringing products, prohibited their circulation in Russia, and ordered the offending party to destroy them.

2. Early termination of a trademark as a result of non-use: the case of OOO Alliance Trading House vs. SCALEO Medical S.a.r.l. (France)

Background

The French company SCALEO Medical S.a.r.l. holds the trademark under international registration No. 1332330 "Respicare", which is protected for a single ICGS class (class 10) for the goods "Dynamic breathing training and assistance chairs".

Until recently, this trademark was also protected in Russia.

However, the Russian company OOO Alliance Trading House (hereinafter "**Alliance**") having decided to use the designation "Respicare" in its

operations, registered the corresponding Russian trademark No. 1010937 "Respicare" for ICGS class 35 (services), but it could not do so for ICGS class 10 due to the existing trademark of the French company.

In connection with the foregoing, Alliance filed a claim with the Russian Intellectual Property Court for the early termination in Russia of the trademark under international registration No. 1332330 "Respicare".

Notification of the French company

The French company should have been notified of the dispute in Russian court following the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (signed in The Hague on 15 November 1965).

Governed by this convention, the Russian court sent to the competent French authority a copy of the court ruling indicating the date of the court hearing.

However, the Russian court did not receive a response from France, and it was decided to send the ruling by ordinary mail directly to the respondent in France.

In the end, having received a response from neither the French authorities nor the French company, the Russian court resolved that the fact that the letters were actually delivered to the French state authority and the respondent (according to the data of the Russia Post tracking system) constituted sufficient notice.

Conclusions of the Russian court

The Russian claimant was able to show that it had an interest in using the disputed designation. To do so, it submitted a contract with a Chinese supplier, a customs declaration, and so on.

In the end, the Russian court granted the claimant's request without the involvement of the French respondent.

The decision of the Intellectual Property Court entered into force immediately, i.e. from 16 June 2025.

Since SCALEO Medical S.a.r.l. trademark No. 1332330 "Respicare" applied to only one class – ICGS class 10 – this trademark is no longer protected in Russia.

Recommendations

You can learn more about options for what to do in similar situations, and what tools are available to foreign rights holders to protect their rights, in our information letter ["Three years have gone by: how can foreigners avoid losing their trademarks in Russia for non-use?"](#), which is also available on [Lexology](#).

II. PHARMACEUTICALS AND NUTRITIONAL SUPPLEMENTS

1. Advertising of drugs

In April 2025, the musician Sergei Shnurov of the band Gruppировка Leningrad released a music video with the singer Zoya for the song "Tirzetta",^[3] which uses the name of the titular drug as a metaphor.

Information appeared on the band's Telegram channel that the Advertising and Unfair Competition Administration of the Federal Antimonopoly Service had received a complaint that the song was a violation of the law on advertising. After considering the complaint, the FAS released the following statement:

"the video clip is a creative work The purpose of posting it on the performer's website and on social networks is to provide the opportunity to hear the audio work. Such information does not fall under the concept of advertising and cannot be considered to be an advertisement"^[4].

This conclusion by the antitrust authority is worth discussing, for the following reasons.

Firstly, Russian law generally prohibits the advertising of prescription drugs.

According to information on the official drugs register^[5], Tirzetta is a prescription drug used to treat diabetes mellitus.

Article 24(8) of Federal Law No. 38-FZ dated 13 March 2006 "On Advertising" explicitly prohibits the advertising of medicines in forms and dosages that require a doctor's prescription, other than at the sites of medical and pharmaceutical exhibitions, seminars, conferences and other similar events, and in specialised print publications intended for medical and pharmaceutical workers.

Secondly, a number of lines in the song's lyrics could be considered a violation of the advertising law. One line of the song goes:

"I don't need Ozempic, day gives way to night, But Tirzetta's epic; no side effects in sight".

The package insert for the drug (available on the official register) contains information on a significant number of potential adverse reactions, including reduced blood sugar, nausea, abdominal pain, and others.^[6]

The violation on the ban on prescription drug advertising may be subject to administrative liability for a breach of the requirements on drug advertising, and also for failing to follow an order by the antitrust authority to cease the violation of the advertising law.

2. Changes in legislation and legal regulation

2.1 Creation of the Anti-Cartel government information system (GIS)

Pharmaceuticals has traditionally been one of the leading sectors in terms of the number of anti-competitive agreements identified by the Federal Antimonopoly Service of Russia.

On 24 June 2025 a Federal Law was signed amending the Federal Law "On Protecting Competition"^[7], which establishes the framework for regulating the state information system Anti-Cartel. This Federal Law enters into force from 1 August 2025.

FAS of Russia will be the operator of the new state information system. The Regulation on the state information system is to be approved by the Russian Government.

The state information system Anti-Cartel will contain information on the risk of concluding and implementing anti-competitive agreements on the basis of a daily processing of trading information, specifically information from the Unified Information System on Procurement, the state information system Trades, and other information systems of the Russian state authorities, including through the use of elements of artificial intelligence.

3. Additional regulations on the provision of national treatment

The Russian Government has introduced amendments^[8] to previously implemented measures on granting national treatment in the course of procurement^[9].

From 19 June 2025, the measure limiting procurement of drugs originating in foreign states is only in effect for drugs included on the list of life-saving and essential medicines.

The measure providing advantages to goods manufactured in Russia applies to drugs that are not on the list of life-saving and essential medicines.

ADVANT Beiten is always at your disposal for any questions you may have related to protecting the rights of foreign companies in Russia, the CIS, and the EAEU.

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- [1]. Judgment No. 307-ES25-4769 of the Supreme Court of Russia dated 20 June 2025 in case No. [A21-12122/2023](#).
 - [2]. Judgment No. 304-ES25-4095 of the Supreme Court of Russia dated 5 June 2025 in case No. [A70-14978/2024](#).
 - [3]. <https://www.youtube.com/watch?v=FwyQV2OrvXQ>
 - [4]. <https://t.me/LeningradShnurov/1756>
 - [5]. Information on Tirzetta® in the State Register of Pharmaceuticals (in Russian): https://grls.rosminzdrav.ru/Grls_View_v2.aspx?routingGuid=832f5961-a4c8-487d-9315-a5e8d0fb19dc
 - [6]. https://grls.rosminzdrav.ru/Grls_View_v2.aspx?routingGuid=832f5961-a4c8-487d-9315-a5e8d0fb19dc.
 - [7]. [Federal Law No. 182-FZ](#) dated 24 June 2025 "On Amending the Federal Law 'On Protecting Competition'".
 - [8]. [Russian Government Resolution No. 879](#) dated 10 June 2025 "On Amending Certain Acts of the Government of the Russian Federation on Issues of Granting National Treatment in the Procurement of Goods, Work, and Services to Meet State and Municipal Needs, and in the Procurement of Goods, Work, and Services by Certain Types of Legal Entities".
 - [9]. [Russian Government Resolution No. 1875](#) dated 23 December 2024 "On Measures to Grant National Treatment in the Procurement of Goods, Work, and Services to Meet State and Municipal Needs, and in the Procurement of Goods, Work, and Services by Certain Types of Legal Entities"

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