

ADVANT Beiten

LEGAL DIGEST

HEALTHCARE RUSSIA - MARCH 2026



Русская версия

We present for the consideration of foreign rightsholders and manufacturers, as well as their Russian subsidiaries, a digest of significant legal news in the field of pharmaceuticals and medical goods in Russia for March 2026.

I. MEDICAL GOODS

1. Changes to legislation and legal regulation: Strategies to counter the unlawful circulation of industrial products in Russia

On 28 March 2026, the Russian government approved the Strategy to Counter the Unlawful Circulation of Industrial Products in Russia for the Period up to 2030 and the Action Plan on implementing the Strategy.^[1] The Strategy is aimed at reducing the economic share of the grey market and ensuring that the public has access to safe, high-quality products.

The State Commission to Counter the Unlawful Circulation of Industrial Products has identified medical goods (in the medium term) and

pharmaceuticals (in the near term) as priorities for observation and action.

For medical goods, it is characteristic of unlawful circulation that products do not meet quality and safety requirements and are accompanied by falsified registration certificates and accompanying documentation.

The Russian government also notes that for pharmaceutical products, instances of the counterfeiting and unlawful circulation of high-demand medicines, including medicines for cancer treatment remain relevant today, as well as the provision of false information on the composition and manufacturers of various medicines.

2. State procurement of medical goods: *IP Gaponov vs Buryatia Republican Clinical Oncological Centre*

The procurement documentation issued by the customer, the Buryatia Republican Oncological Centre, set requirements on the specifications of medical goods: the operating controls were to be located on the front surface of the body.

The items to be supplied were single-use Chinese-made handle attachments for a soft-tissue ultrasonic surgical system, bearing the trademark Ezisurg Medical.

If the control switches for minimum and maximum power are located specifically on the front of the attachment, this enables the personnel to have rapid access to activating the attachment using these switches.

However, the supplier delivered medical goods where the controls were located on the side.

As a result, the customer refused to take delivery and cancelled the contract. The supplier appealed this refusal in court, but the court ruled in favour of the customer.

The Fourth Commercial Court of Appeal upheld the decision of the court of first instance and stated that the customer was entitled to make such requirements on the procurement documentation, since it is specifically the location of the controls on the front that makes it possible to quickly access the device, which means efficient provision of medical services to patients.^[2]

3. Fight against counterfeit and infringing medical goods: *OOO Reckitt Benckiser IP vs OOO Versal*

The Russian state commercial court of the second instance, the Eighteenth Commercial Court of Appeal, granted in part the claims of

ООО Reckitt Benckiser IP (a Russian subsidiary of the Dutch company Beleggingsmaatschappij Lomore BV) against individual entrepreneur Mirgalib Mikail ogly Aliev in the amount of RUB 10,000 (about EUR 100) for the infringement of exclusive rights to Russian trademarks No. 296275 "Контекс" [Contex], No. 462950 "Contex Forced" and others, which are protected *inter alia* for condoms.^[3]

The case materials show that the respondent sold condoms bearing designations similar to the claimant's trademarks. This infringement was identified during a test purchase organised by the claimant.

As evidence, the claimant provided a receipt showing the identifying details of the respondent as the vendor, as well as a video recording of the process of the purchase of the disputed goods.

In a filing with the court, the claimant asserted that it had not authorised the use of the disputed trademarks and also that the goods sold by the respondent were not introduced into civil commerce by the claimant or third parties with its consent.

The court of first instance denied the claim of the rightsholder.

However, the court of appeal ruled in favour of ООО Reckitt Benckiser IP and granted the claim in part. The court established that (1) the branding on the medical goods does not list the details of the registration certificate, (2) the branding does not meet the requirements that it be legible, indelible, and wear-resistant under the conditions of handling of the disputed goods, (3) the condoms of the Forced line were removed from the product range in 2017.

In turn, the respondent did not provide the court with any evidence of the legitimate use of the claimant's trademarks, the source of disputed medical goods, the mandatory state registration of the goods, or mandatory branding of the goods.

4. Antitrust practice

4.1 Including in the procurement documentation the requirement of proving the consent of the rightsholder

An individual entrepreneur filed a complaint with the Samara Office of the Federal Antimonopoly Service of Russia (the "**FAS Office**") regarding the following provision in the terms of reference of the customer, Samara Municipal Hospital No. 7:

"If the goods (the lot of goods) to be supplied under the Contract bear designations registered as trademarks (other means of identification), where the Supplier is not the rightsholder, then within three business

days from the conclusion of the Contract the Supplier must provide the Customer with a document received from the rightsholder of the trademarks (other means of identification), giving its consent to the introduction into civil commerce in Russia of the goods (lot of goods) to be supplied under this Contract (including their import)."

The FAS Office drew the following conclusions that are significant for antitrust practice:

- such provisions in the procurement documentation comply with the requirements of the legislation on state procurement;
- the absence of precise information on the original source of the goods and how they arrived in Russia means that it cannot be reliably established that the special conditions of storage had been followed while the goods were being shipped from the manufacturer's factory to the medical institution.

Therefore, the supplier's complaint was declared to be unfounded^[4].

4.2 Including a parallel importer in the register of bad-faith suppliers

Under a contract with a state healthcare institution, the supplier was expected to supply single-use aspiration/biopsy needles. However, when the client submitted the delivery order, the supplier did not perform it on time.

While it was considering the case, the Maritime Territory Office of FAS of Russia discovered that the supplier had procured the products from the Turkish company CSS Tıbbi Ürünler İç ve Dış Ticaret Limited Sirketi.

It also established that the rightsholder Boston Scientific Corporation had not authorised the supplier and importer to import the contested trademarked products into Russia.

In connection with the above, the Commission of the Maritime Territory Office of FAS of Russia drew the following conclusions:

- In the absence of supporting documents which confirm the quality of the products and the existence of risks regarding the performance of warranty obligations under the contract, the products were not duly supplied;
- The acceptance of medical goods that have signs of falsification or had been imported by counterfeit means and their subsequent use endangers the lives and health of the public, and runs counter to the operating goals of the medical institution;

- The supplier did not submit evidence to the case materials that the supplied goods were original products.

Consequently, the supplier was included in the register of bad-faith suppliers.^[5]

II. PHARMACEUTICAL

1. Amendments to legislation and legal regulation

1.1 Rules on compiling a list of strategically important medicines

The Russian Government approved the rules containing the criteria and procedure for compiling a list of strategically important medicines^[6]. The list will be compiled by a commission created by the Ministry of Healthcare of the Russian Federation (hereinafter the "**Ministry of Healthcare**") and will consist of two sections. In particular, the first section of the list will consist of the medicines required for the healthcare system, medicines for preventive treatment and the treatment of individual infectious and parasitic diseases, and in the second section – medicines that have no Russian-made analogues.

1.2 Unified Federal Patent Register

Effective 1 March 2026, the Rules on Maintaining the Unified Federal Register of Individuals with Certain Diseases, combining data on patients with twelve categories of diseases, for example, diabetes, cancer, etc., entered into force on 1 March 2026.^[7]

Information from the system will be accessible to a number of state authorities (the Ministry of Healthcare, the Federal Service for Supervision of Health Care, the Ministry of Internal Affairs of the Russian Federation) in the scope established by the law to medical organisations and pharmaceutical organisations (with the consent of patients).

2. Compulsory licensing

On 12 March 2026 the Constitutional Court of the Russian Federation issued a detailed interpretation and conducted a check of the constitutionality of Article 1362(1) of the Civil Code of the Russian Federation, which regulates issues arising from the issue of compulsory licences, including on inventions used to manufacture medicines.

As a result of the interpretation issued by the Russian Constitutional Court, the likelihood that new compulsory licences to foreign inventions in the pharmaceutical sector will be issued increased materially.

You can read more details on the conclusions of the Russian Constitutional Court in a [separate material](#) that we have prepared.

3. Antitrust regulation: *OOO AxelPharm vs Federal Antimonopoly Service of Russia*

Background information

Agouron Pharmaceuticals LLC is the rightsholder of the invention "Indazole Compounds and Pharmaceutical Compositions for Inhibiting Protein Kinases and Methods for their Use" under a Eurasian patent that expired on 30 June 2025, with due account of an extension.

OOO AxelPharm released the generic drug Axitinib prior to the expiry of the aforementioned patent and without the consent of the rightsholder.

FAS of Russia declared the indicated actions of OOO AxelPharm to be bad-faith competition which violate Article 14.5 of Federal Law No. 135-FZ "On the Protection of Competition" and ordered that the income obtained by the company from the infringement be transferred to the state.

OOO AxelPharm filed a petition with the court to invalidate the decision and order of FAS of Russia. The petition was satisfied by the decision of the court of first instance; the court's conclusions were upheld by the courts of appeal and cassation.

Conclusions of the Supreme Court of the Russian Federation:

The Russian Supreme Court^[8] disagreed with the conclusions of the review courts that FAS of Russia had not established the fact of use of each patent feature and had not proved that there was competition between the patent holder and the offender.

The declaration of the actions of companies to be bad-faith competition is not contingent on establishing the existence of competitive relations directly between the infringer of the exclusive rights and the patent holder. The fact that harm was caused to the interests of the rightsholder, which operates on the market through official distributors, is sufficient.

The Russian Supreme Court applied the estoppel principle, stating that the conduct of OOO AxelPharm had been inconsistent, it had rejected the use of the patent, but had at the same time sent an offer to conclude a licence agreement and had also filed a claim to be granted a compulsory licence for the patent of Agouron Pharmaceuticals LLC.

After considering the facts, the Russian Supreme Court overturned the lower court orders and dismissed the petition of OOO AxelPharm.

Should you have any questions regarding the protection of the rights of foreign companies in Russia and in CIS countries and in the Eurasian

Economic Union, rest assured that ADVANT Beiten is always at your disposal.

[1]. Russian Government [Directive No. 645-r](#) dated 28 March 2026 "On Approving the Strategy to Counter the Unlawful Circulation of Industrial Products in the Russian Federation for the Period up to 2030 and the Action Plan to Implement the Strategy".

[2]. [Judgment](#) No. 04AP-252/2026 of the Fourth Commercial Court of Appeal dated 1 April 2026 in case No. A10-4480/2025.

[3]. [Judgment](#) No. 18AP-12743/2025 of the Eighteenth Commercial Court of Appeal dated 5 March 2026 in case No. A47-565/2025.

[4]. Decision No. 063/06/105-319/2026 of the Samara Office of the Federal Antimonopoly Service of Russia dated 12 March 2026.

[5]. Decision No. 25-88/04-2026 the Maritime Territory Office of FAS of Russia dated 23 March 2026 "On the Inclusion of Information in the Register of Bad-Faith Suppliers".

[6]. Russian Government [Resolution No. 277](#) dated 17 March 2026 "On Approval of the Rules on Compiling the List of Strategically Important Medicines".

[7]. Russian Government [Resolution No. 822](#) dated 31 May 2025 "On the Approval of the Rules on Maintaining the Federal Register of Individuals with Certain Diseases".

[8]. [Ruling 305-ES25-15716](#) of the Judicial Panel on Economic Disputes of the Supreme Court of the Russian Federation dated 16 March 2026 in case No. A40-264483/2024.

Kind regards,



**Alexander
Bezborodov**
Lawyer, LL.M.
Partner

[vCard](#)



Ilya Titov
Lawyer, LL.M.

[vCard](#)



Artem Nikolaev
Lawyer

[vCard](#)

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Beiten Burkhardt Rechtsanwaltsgesellschaft mbH

Ganghoferstrasse 33, 80339 Munich, Germany

Registered under HR B 155350 at the Regional Court Munich / VAT Reg. No: DE11218811

Tel.: +49 89 35065-0, Fax: +49 89 35065-123 | E-Mail: munich@advant-beiten.com

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