

Decision
of the Government of the Russian Federation
No. 1132 of September 29, 1998
on Immediate Measure for the Legal Protection of the Interests of
the State in the Process of the Economic and Legal-Civil Turnover of
the Results of Special and Dual Purpose Military Research
and Development
(with the Amendments and Additions of December 14, 1999, December 15, 2000, April 16,
June 14, June 7, August 28, September 24, 2001)

See the [Regulations](#) for the state accounting of the results of scientific-research, development and technological works of military, special and dual purpose, the rights to which belong to the Russian Federation approved by [Decision](#) of the Government of the Russian Federation No. 131 of February 26, 2002

See the [Procedure](#) for the Submission and Consideration of Documents at the Ministry of Justice of the Russian Federation for Regulating the Issues of the Legal Protection of the Results of the Scientific-Research, Developmental and Technological Works of Military, Special and Dual Purpose the Rights to Which Belong to the Russian Federation, in the Export of Controllable Products, Works and Services, approved by [Order](#) of the Ministry of Justice of the Russian Federation No. 180 of June 27, 2002

In executing the [Decree](#) of the President of the Russian Federation No. 556 of May 14, 1998 on the Legal Protection of the Results of Special and Dual Purpose Military Research and Development (Collection of Legislation of the Russian Federation 1998, No. 20, item 2146) the Government of the Russian Federation resolves:

1. To establish that the rights to the results of military special and dual purpose research and development* (hereinafter called the results of intellectual activity) received from funds of the republic budget of the Russian Soviet Federated Socialist Republic, that part of the state budget of the Union of Soviet Socialist Republics that composed the union budget and funds of the federal budget belonging to the Russian Federation, if before coming into force of this decision they are not the sole rights of natural and juridical persons, as well as if the information of the said results are not generally accessible.

2. To entrust to the Ministry of Justice of the Russian Federation:
the command with federal organs of the executive power, which are state customers (hereinafter called state customers), in the name of the Russian federation rights to the results of intellectual activities;

the adoption with the approval of state customers decisions on the restriction of access to information pertaining to results of intellectual activity;

3. To agree with the proposal of the Ministry of Justice of the Russian Federation on the formation additionally at the Ministry of a state institution - the Federal Agency for Legal Protections of the Results of Intellectual Activities of the Military, of Special and Dual Purpose (hereinafter - Federal Agency).

The Federal Agency will be a juridical person. It will be headed by a general director who will be appointed to his duties and relieved from his duties by the Ministry of Justice of the Russian Federation.

The Ministry of Justice of the Russian Federation shall confirm within a month the charter of the Federal Agency, keeping in mind that its fundamental assignment shall be the following:

conducting a single registry of the results of intellectual activities;

As to the record keeping of the information about the results of research, development and technological works of military, special and dual purpose, see the [Order](#) of the Government of the Russian Federation No. 1613-r of November 9, 1998

control over the use of the results of intellectual activities involved in the economic and civil-legal turnover;

organisation of a report on the results of intellectual activities involved in economic and civil-legal turnover;

implementation with the consent of state customers of the functions of management of the rights to the results of intellectual activities involved in economic and civil-legal turnover;

preparation of decisions on the restrictions of access to information pertaining to results of intellectual activities;

preparation and conclusion with the agreement of state customers of civil legal agreements regarding the use of military research and development work of special and dual purpose on maintaining of confidentiality of information pertaining to the results of intellectual work;

providing legal protection for the results of intellectual work including the receiving of exclusive rights to results of intellectual activity;

preparation and conclusion with the consent of state customers licensing agreements for the commitment of the results of intellectual property to economic and civil-legal turnover;

implementation of the functions of a successor regarding the rights to the results of intellectual work belonging to state unitary enterprises, the property of which is subject to privatization.

By the [Order](#) of the Ministry of Justice of the Russian Federation No. 152 of October 30, 1998 there was approved the statute of the Federal Agency for the Legal Protection of the Results of the Intellectual Activity of Military, Special and Dual Purpose Attached to the Ministry of Justice of the Russian Federation

4. To establish that in state contracts (agreements) for the execution of special purpose and dual purpose military research and development it must be stated that:

the right to receive a patent for an invention, industrial prototype, selection achievement, license for a useful model, the exclusive right for the use of a computer programme, data bases, topologies of integrated microcircuits, as well as the right to use other results of intellectual work, protected in accordance with [Article 139](#) of the Civil Code of the Russian Federation being created during the execution of the said work, belong to the Russian Federation, in whose name acts the Ministry of Justice of the Russian Federation and state customers, or with their consent by a contractor;

the contractor of work on a state contract (agreement) is obligated in the course of 2 months to inform the Ministry of Justice of the Russian Federation and the state customer about all results of intellectual work being created within the framework of a state contract (agreement);

a contractor of special and dual purpose military research and development must conclude with employees civil legal agreements on the protection of confidential information pertaining to the results of intellectual work.

5. The Ministry of Justice of the Russian Federation together with state customers within three months confirm model state contracts (agreements) for fulfillment of special purpose and dual purpose military research and development with an account of their specific features.

6. To establish that:

monetary funds received from disposition of rights to results of intellectual work belonging to the Russian Federation shall be entered into accounts opened at institutions of the Central Bank of the Russian Federation and allocated for maintenance of the Federal Agency and for the implementation of other expenditures connected with providing legal protection of the results of intellectual work (including the payment of patent duties, fees, tariffs), the payment of royalties, the conducting of expert examinations and other legal protections of the results of intellectual activities, as well as for the financing of measures connected with the implementation of military reform and the realization of federal special purpose programs in the amounts agreed by the Ministry of Justice of the Russian Federation with the consent of the Ministry of Finance of the Russian Federation;

See The [Rules](#) For Crediting to the Federal Budget Revenues and for Using the funds Received from the Realization of the Contracts Concluded Upon the Involvement in the Economic and

civil-Law turnover of the Results of Scientific-Research and Dual Purpose approved by the Government Decision No. 372 of May 31, 2002

payments in accordance concluded licensing agreements shall be implemented from the internal funds of the juridical and natural persons. The maximum amounts of the said payments and the procedure of their collection shall be confirmed by the Ministry of Justice of the Russian Federation with the approval of the Ministry of Finance of the Russian Federation.

7. The Ministry of Finance of the Russian Federation together with the Ministry of Justice of the Russian Federation beginning on January 1, 1999 shall take into account in the revenues of the federal budget monetary funds received from management of rights belonging to the Russian Federation for the results of intellectual work and shall allocate it to goals stipulated by Item 6 of this decision.

8. Expenditures connected with current maintenance of the Federal Agency shall be implemented by an estimate being adopted by the Ministry of Justice of the Russian Federation with the consent of the Ministry of Finance of the Russian Federation.

9. To establish that the Federal Agency shall implement financial and economic activity with the use of accounts being opened in the establish manner in institutions of the Central Bank of the Russian Federation.

10. The Ministry for State Property of the Russian Federation shall ensure the granting to the Federal Agency office accommodations in the City of Moscow.

11. The State Committee for Communications and Information of the Russian Federation and the Federal Agency of Government Communication and Information under the President of the Russian Federation shall provide the Federal Agency for Legal Protection of the Results of Intellectual Work of the Military of Special and Dual Purpose with necessary types of communication, including governmental communication and communication along international channels as well as with information resources for implementing its activities.

12. The federal organs of the executive power, the state company "Rosvooryzheniye" and the federal state unitary enterprise "Promeksport" and the federal state unitary enterprise "Russiyskiye Tekhnologii" shall ensure the granting to the Federal Agency of informational resources and render assistance in its work.

13. To confirm the attached changes and additions introduced in a decision of the Government of the Russian Federation.

Chairman of the Government
of the Russian Federation

Ye. Primakov

**Amendments and Additions
That Are Being Introduced into Decisions
of the Government of the Russian Federation
(Approved by the Decision of the Government
of the Russian Federation No. 1132 of September 29, 1998)
(with the Amendments and Additions of December 14, 1999)**

Decision of the Government of the Russian Federation No. 296 of April 16, 2001 abolished Item 1 of these Amendments and Additions

~~1. Item 8 of the Regulations on the Procedure of Control Over Exports from the Russian Federation of Equipment, Materials and Technology, which applies when Creating Rocketry for Weapons confirmed by the Decision of the Council of Ministers of the Government of the Russian Federation No. 70 of January 27, 1993 (Collection of Acts of the President and Government of the Russian Federation 1993, No. 5, item 396; No. 48, item 4652; Collection of Legislation of the Russian Federation, 1995, No. 23, item 2229; 1996, No. 39, item 4567; 1997, No. 51, item 5807) shall be supplemented with a paragraph containing the following:~~

~~"Application for the issuance of a decision of the possibility of export (transfer, exchange) of~~

goods and services used for the creation of rockets, and an application for the issuance of a decision on the possibility of temporary export beyond the borders of the Russian Federation of equipment (articles), materials and technology contained in the List, for demonstration at shows and fairs are subject to mandatory approval by the Ministry of Justice of the Russian Federation."

According to [Decision](#) of the Government of the Russian Federation No. 686 of September 24, 2001 Item 2 of these Amendments and Addenda shall be abolished as of the moment of coming into force of [Decree](#) of the President of the Russian Federation No. 1082 of August 28, 2001

~~2. [Item 6](#) of the Regulations on the procedure for control of exports from the Russian Federation of chemicals, equipment and technology, which have peaceful purposes but can be used when creating chemical weapons, confirmed by the [Decision](#) of the Government of the Russian Federation No. 50 of January 16, 1995 (Collection of Legislation of the Russian Federation, 1995, No. 4, item 313; No. 51, item 5807), shall be supplemented with a paragraph containing the following:~~

~~"An appeal to the Federal Service of Russia for Currency and Export Control to receive a decision on the possibility of export (transfer, exchange) of chemicals, equipment or technology of dual application and an application for the issuance of a decision on the possibility of temporary export of individual types of chemicals and equipment of dual application for demonstration at shows, fairs and for advertising purposes are subject to mandatory approval of the Ministry of Justice of the Russian Federation."~~

[Decision](#) of the Government of the Russian Federation No. 973 of December 15, 2000 abolished [Item 3](#) of these amendments

~~3. [Item 12](#) of the Regulations on the Export and Import of Nuclear Materials, Equipment, Special Nuclear Materials and the Corresponding Technology, confirmed by the [Decision](#) of the Government of the Russian Federation No. 574 of May 8, 1996 (Collection of Legislation of the Russian Federation, 1996, No. 20, item 2358; 1997, No. 51, item 5807), shall be supplemented with a paragraph containing the following:~~

~~"An appeal to the Federal Service for Currency and Export Control of the Russian Federation to receive a decision on the possibility of the realization of contracts for the export of critical nuclear products is subject to the mandatory approval of the Ministry of Justice of the Russian Federation."~~

Decision of the Government of the Russian Federation No. 462 of June 14, 2001 abolished [Item 4](#) of these Amendments

~~4. In the [Regulations](#) on the Procedure of Control of Exports from the Russian Federation of Equipment and Materials of Dual Purpose and Corresponding Technology, Being Used for Nuclear Purposes, the Export of which is Controlled, confirmed by the [Decision](#) of the Government of the Russian Federation No. 575 of May 8, 1996 (Collection of Legislation of the Russian Federation, 1996, No. 20, item 2359; 1997, No. 51, item 5807; 1998, No. 2, item 277):~~

~~[Item 10](#) shall be supplemented with a paragraph having the following content:~~

~~"A letter with the request on the issuance of the a decision of the possibility of the export of equipment, materials and technology of dual purpose is subject to mandatory approval from the Ministry of Justice of the Russian Federation;"~~

~~[Item 14](#) shall be supplemented by a paragraph having the following content:~~

~~"A letter with the request for the issuance on the possibility of temporary export of equipment and materials of dual purpose for demonstration at shows, fairs is subject to mandatory approval of the Ministry of Justice of the Russian Federation;"~~

[Decision](#) of the Government of the Russian Federation No. 580 of August 3, 2001 abolished [Item 5](#) of these Amendments

~~5. The [eighth paragraph of \[Item 12\]\(#\)](#) of the Regulations on the Procedure for Control of Exports from the Russian Federation of Goods and Technology of Dual Purpose, the export of which is~~

controlled, confirmed by the Decision of the Government of the Russian Federation No. 1172 of October 7, 1996 (Collection of Legislation of the Russian Federation, 1996, No. 42, item 4804; 1997, 1997, No. 51, item 5807), shall be set forth as follows:

"An application for the issuance of a decision on the possibility of the export of goods or technology of dual purpose is subject to mandatory approval of the ministry (department) of the Russian Federation that is implementing the functions of a state customer and by the Ministry of Justice of the Russian Federation."

Decision of the Government of the Russian Federation No. 1388 of December 14, 1999 abolished
Item 6 of these Amendments

6. The first paragraph of Item 13 of the Regulations on the Ministry of Justice of the Russian Federation, confirmed by a Decision of the Council of Ministers of the Government of the Russian Federation No. 1187 of November 4, 1993 (Collection of Acts of the President and Government of the Russian Federation, 1993, No. 48, item 4650), shall be set forth as follows:

"13. Under the Ministry of Justice of the Russian Federation is the Russian Federal Center of Judicial Commissions of Experts, the Federal Agency for the Legal Protection of the Results of Intellectual Work of the Military of Special and Dual Purpose as well as Scientific Center for Legal Information, which support the courts, organs and institutions and organisations of the system of the Ministry of Information on Legal Acts."

*) In this decision results of research and development and technology of dual purpose is understood to mean the results of scientific and technological activities pertaining on the whole to objects of dual purpose or in essence important parts of objects of dual purpose the export of which is controlled in accordance with the legislation of the Russian Federation.