

**By the Judgement of 10 January 2023 No.1-II, Constitutional Court of the Russian Federation assessed constitutionality of Article 1248, item 2 of the Civil Code of the Russian Federation and Article 106 of the Arbitration Procedural Code of the Russian Federation**

The mentioned legal provisions in their connection become subject to consideration to the extent that on their basis in the system of the current legal regulation the question of reimbursement to the person participating in the case on contesting the decision of the Federal Service for Intellectual Property, the costs previously incurred by him in connection with the consideration by this state body of the objection against the granting of a patent for an invention is resolved.

The challenged interrelated legal provisions were found to be inconsistent with the Constitution of the Russian Federation insofar as they prevented such reimbursement, while the system of current legal regulation lacked any mechanism for effective protection of the right to reimbursement of these expenses.

Until appropriate legislative changes are made, costs incurred by a party in the course of administrative proceedings in a dispute over the granting of legal protection to the results of intellectual activity and means of individualization may be attributed (in the event that the decision taken by the Federal Service for Intellectual Property is challenged in court) to the losing party under the rules for compensation of court costs provided by the arbitration procedural legislation, based on the universal principles of reasonableness and proportionality