

〈米国〉



ロシアの民間航空機を抑 圧する欧米の知的財産権 利用法

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技術革新が進むにつれ、戦争もまた、新しいタイプの武器や脅威を生み出しながら、その姿を変えてきました。ロシアのウクライナ侵攻は、火炎瓶から核兵器に至るまで、この発展が利用されていることを示しています。西側諸国はこの戦いに参戦していませんが、技術提供だけでなく、それを阻害することによってウクライナの努力に貢献しているのです。

米国商務省は2022年3月18日、米国製または部品の25%以上が米国で製造された航空機であることを求める新たなライセンス要件を課すと発表しました。さらに、これらの航空機を支援するために行われる給油、整備、修理などの行為も禁止されます¹。この措置により、ロシアに到着した100機の飛行機が地上待機機となりました。この新しい規則により、ロシアの航空会社は、欧米のプロトコルに違反することなく飛行機が飛行できるよう、有効でない禁止部品の代替品を探し始めることを余儀なくされました²。

これは、ロシアとの経済的・技術的關係を断ち切ろうとする商務省の大きな取り組みの一部です。米国特許商標庁と欧州特許庁は、ロシアの知的財産機関およびユーラシア特許機構の両方との關係を断ち切りました³。これに対し、ロシアは、「非友好的な国」の特許権者が発明の対価を受け取ることを禁じる法令を發布しました⁴。その上、中国国家知識産権局は、特許審査ハイウェイプログラムへのユーラシア特許権者の参入を拡大しました⁵。両者は、敵の特許を牙城として、味方の

1 <https://www.commerce.gov/news/press-releases/2022/03/commerce-department-identifies-commercial-and-private-aircraft-exported>

2 <https://www.reuters.com/world/exclusive-us-targets-abramovich-plane-99-others-over-russia-export-violations-2022-03-18/>

3 <https://www.uspto.gov/about-us/news-updates/uspto-statement-engagement-russia-and-eurasian-patent-organization>
<https://www.jdsupra.com/legalnews/united-states-halts-work-with-russian-1849952/>

<https://www.epo.org/news-events/news/2022/20220301a.html>

4 <https://www.natlawreview.com/article/russia-suspends-compulsory-license-payments-some-non-russians?amp>

5 <https://www.natlawreview.com/article/uspto-cuts-ties- Eurasian-patent-organization-china-national-intellectual-property>

特許を支援しようとしています。ウクライナで戦争と暴力が進むにつれ、兵士の間だけでなく、各国の特許庁の間でも戦いが続くことは明らかです。

(邦訳：当研究所)

< the United States >

The West's Use of Intellectual Property to Stifle Russia's Commercial and Private Aircraft

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As technology and innovation have progressed, war has transformed close behind, generating new types of weapons and threats. Russia's invasion of Ukraine demonstrates the use of this development, including everything from Molotov cocktails to nuclear warfare. Though the West has not entered the fight, it has contributed to Ukraine's efforts by not only supplying technology but by stifling it.

The United States Department of Commerce announced March 18, 2022, that it was imposing a new license requirement on aircrafts made in the United States or manufactured with more than 25% of its parts in the United States. Additionally, any action taken to assist these aircrafts, including refueling, maintenance, or repair, is prohibited.¹ In essence, the action has grounded 100 planes that arrived in Russia. The new rules have forced Russian airlines to start looking for alternatives to the ineffective and banned parts so their planes can fly without violating Western protocols.²

This is a part of a larger effort by the Department of Commerce to cut economic and technological ties with Russia. The United States Patent and Trademark Office and the European Patent Office cut ties with both Russia's intellectual property agency and the Eurasian Patent Organization. The USPTO will also not grant requests for Russian patents for entrance into the Global Patent Prosecution Highway, which allows expedited processing once approved in the originating patent office.³ In response, Russia issued a decree that prevents patent holders from "unfriendly countries" to receive any compensation for the invention.⁴ On top of that, the Chinese National Intellectual Property Administration has expanded entrance for Eurasian patent holders

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into its Patent Prosecution Highway program.⁵ Both sides are attempting to stronghold their enemies' patents while supporting its allies. Clearly, as war and violence progress in Ukraine, the fight will continue among the soldiers but also among the countries' patent offices.

⁵ <https://www.natlawreview.com/article/uspto-cuts-ties- Eurasian-patent-organization-china-national-intellectual-property>