

Expertise par excellence

KACHKIN & PARTNERS

attorneys at law

INTELLECTUAL PROPERTY /  
INFORMATION TECHNOLOGIES

# ABOUT THE COMPANY

Kachkin & Partners, the Russian-based law firm, was founded in St. Petersburg in 2001.

The company's workforce encompasses 25 attorneys specializing in the fields of real estate, construction, PPP, intellectual property and information technologies, as well as legal representation in court and arbitration in the spheres of land, commercial, labor and corporate law. The company's partners boast many years of professional experience in the legal realm; all of our attorneys are extremely well-versed in the specifics of doing business in the Russian Federation.

Thanks to our well-regarded expertise, extensive network of professional contacts and exceptional mobility, we're there where our clients are implementing their most ambitious projects both in Russia and abroad.

Since the moment of our founding until the present day, we've also remained committed to our large practice in St. Petersburg and throughout the Northwest Region, proud to be recognized as today's leader among local firms in our area of specialization.

The calibre of our legal expertise has been repeatedly heralded as among the best in Russia, both in terms of our scoring by Russian ratings agencies (Pravo.RU-300) and with respect to the rankings compiled by their foreign counterparts (Chambers Europe; The Legal 500 EMEA; Best Lawyers).

Maintaining our consistently-high level of service is made possible by our ability to understand and harmonize national and regional business traditions with the universally-recognized professional standards of legal-services delivery and high professional ethics firmly in place at the company.





## SERVICES

**Legal formalization and protection of intellectual property** in the fields of copyright law; industrial property; neighbouring rights; brand-identity regulation; and product-origin identification; as well as in the areas of trade secrets (know-how) and selection achievements, in particular:

- Consulting on issues concerning the legal regulation of intellectual property;
- Drafting of intellectual property assignment agreements, licensing agreements, franchise agreements, distribution agreements, and agreements on the creation of intellectual property, including their creation in the course of R&D pursuits, etc., as well as the comprehensive structuring of transactions involving the management of copyrighted items. Associated registration of intellectual property and the transfer of rights to such property items (in Russia, in the Eurasian Union, pursuant to the Madrid Agreement and the PCT);
- Due diligence and legal audit of intellectual property and transactions therewith;
- Formalization of the rights of employers to the intellectual property created by employees in the course of their professional duties;
- Handling of transactions involving the sale/purchase of companies, M&A and the specific items of intellectual property controlled by such companies;
- Representation of client interests at the specialised Court for intellectual property rights (the IPR Court), at courts of general jurisdiction, arbitration (state commercial)
- Legal purging of the market of counterfeit goods and the unauthorized use of intellectual property, development of comprehensive strategies for the protection of intellectual property;
- Development of legal and business models for the use and management of intellectual property, including in the Internet; its efficient utilization and tax optimization.

### Legal protection of honor and dignity, business reputation:

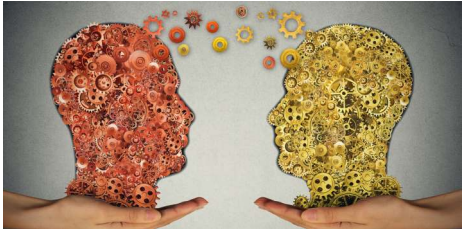
- Legal representation at courts of general jurisdiction and arbitration (state commercial) courts in disputes involving the protection of honor and dignity and business reputation (defamation disputes);
- Drafting of recommendations on preventing damage to honor and dignity, business reputation (safeguarding against defamation).

### Protection of personal data and confidential information:

- Legal support in terms of the safeguarding of personal data and confidential information, including representation at courts of general jurisdiction and arbitration (state commercial) courts;
- Elaboration of legal recommendations and drafting of the corporate and other documents required for the protection of personal data and confidential information.

### Legal formalization and protection of IT:

- Consulting on issues concerning the development, creation and use of information technologies;
- Drafting of agreements on the development and use of information technologies;
- Legal support for activities associated with e-commerce, the Internet and electronic payments.







# SELECTED PROJECTS

## Legal purging of the market of wrongdoers violating exclusive rights to the Karusel hypermarket chain trademark

Thanks to the persistent efforts of attorneys at Kachkin & Partners, in less than a year, roughly 2/3 of the violators voluntarily abandoned their unauthorized use of the trademark held by our client, a nationwide chain of hypermarkets. The remaining wrongdoers were subjected to enforcement proceedings in the form of court action, thereby clearing the way for the smooth launch of one of the client's chain projects unfettered by possible disputes involving intellectual property.

## Comprehensive legal support for relations between the Russian division of SUBWAY and its Russian franchisees

Provision to the client of a full range of legal services in terms of its relations with its Russian franchisees: consulting on various aspects of applicable Russian law, drafting of commercial concession agreements, support for the client in the course of negotiations with franchisees, oversight over franchisees' compliance with the terms of franchise agreements, use of pre-trial measures to eliminate contractual breaches committed by franchisees and representation of the client's interests at courts of all levels, ensuring the appropriate termination of contracts, preparation of draft agreements on the safeguarding of confidential information and commercial secrets, coordination with oversight agencies and other government authorities.

## Development of a franchise-management model for a leading Russian chain of fitness centers

Kachkin & Partners attorneys developed a franchise model for the management of a chain of fitness centers with the aim of expanding the corporate network, improving management efficiency and elevating service quality. The rendering of our services resulted in the preparation of a legal conclusion elaborating viable models for the streamlined creation of a network of fitness-center franchises, including an algorithm of critical implementation actions, a list of civil-law and tax risks, and a number of legal recommendations.

## Legal support for the Russian architectural firm A.Len in a court dispute involving the recovery of compensation for the violation of exclusive rights to a work of architecture

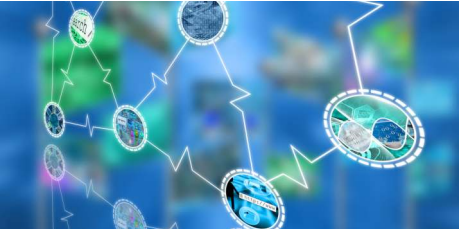
The architectural firm A.Len prepared and transferred to its customer a set of construction project drawings and specifications. The customer, without the approval of our client, made a number of deviations from the architectural solutions contained therein in the course of construction, proceeding from the assumption that it had been transferred with the right to modify the work of architecture as it saw fit. In the opinion of our client, this had significantly undermined the look of the property and distorted the architect's original idea to the point of unrecognizability. Within the scope of establishing the violation of author's rights, Kachkin & Partners attorneys managed to secure a court-ordered expert opinion confirming the respondent's unauthorized modification of the architectural solution.

## Preparation of a legal memorandum on the issue of the proper formalization of the client's intellectual property rights to the software of a foreign copyright holder within the territory of the Russian Federation

Kachkin & Partners drafted a legal memorandum on the issue of the proper formalization of the client's intellectual property rights to the software developed by a foreign copyright holder within the territory of the Russian Federation, including with respect to the formalization of the operations involved in the acquisition, under the respective sale-purchase agreement, of imported equipment and software from the seller, a corporate resident of the U.S., including an assessment of the associated tax risks.

## Representation in the matter of protecting the business reputation of an American company in a court dispute with a leading Russian social networking service

Kachkin & Partners attorneys were retained as outside experts in order to provide analysis and legal consultation on issues concerning the protection of the business reputation of a foreign company in connection with the spread of what the client perceived to be information disparaging to its good name via one of Russia's leading social networking service. Kachkin & Partners prepared legal recommendations on the drafting of the procedural documents needed to be filed with the arbitration (state commercial) court and evaluated the client's legal position, including an assessment of the possible risks.





## SELECTED PROJECTS

### Protection of a brand name that was used in a domain name in a court dispute

A company registered a domain name containing a brand name belonging to our client. The client had independently contacted the territorial administration of the RF Federal Antimonopoly Service seeking remediation of the violation, but the request was dismissed. Kachkin & Partners attorneys analyzed the outlook for the lawsuit and tailored the optimal strategy for the court-enforced protection of our client's rights.

### Protection of the author's rights of employees at an architectural design firm to an architectural design

Kachkin & Partners attorneys were retained to represent the interests of two architects, employees at an architectural design firm, with the aim of protecting their author's rights to an architectural design. The customer passed the design developed by the architects on for further elaboration to another design firm without the architects' approval. As a result the design was altered with minor modifications that had undermined the integrity of the author's original design concept. Moreover, the modified version of our client's architectural design had been stripped of any reference to its first authors and substituted with the names of other architects. The lawsuit was successfully concluded in favor of Kachkin & Partners' clients.

### Due diligence on the issue of the proper ownership of intellectual property rights to an item of industrial property at the territory of the Russian Federation and abroad

Kachkin & Partners conducted a thorough audit of the item of industrial property in question in a number of jurisdictions (USA, Russia, Europe) with the aim of determining the proper ownership of intellectual property rights to the item and identifying the possible risks associated with promoting the end product on the international market. As a result Kachkin & Partners attorneys developed a step-by-step strategy and recommendations on the legal formalization and protection of the client's rights to the item of industrial property.

### Legal support of an Internet TV-channel and video library start-up project during its launch phase

Kachkin & Partners were engaged to provide legal consultancy services for an Internet TV-channel development project. As a result, we provided detailed recommendations in the following areas: legal aspects of intellectual property use during formation of the content base of the Internet channel and video library with regards to copyright and neighboring rights; protection of the TV-channel websites' appearance and structure. Kachkin and Partners' lawyers also advised the client on formalization of the intellectual property items used in the project; conclusion of contracts with other TV-channels, authors of plots and other materials and other partners.

### Legal due diligence of the intellectual property assets amassed during the creation of Russian animated TV-show

Kachkin and Partners lawyers carried out legal due diligence of a wide range of intangible assets relating to multimedia and animation for a major Russian company, dealing with development, production and distribution of animated and multimedia products. During this project we performed a complex legal audit of the intellectual property assets created for the show, including audiovisual and other works, trademarks, domains, etc. We also prepared recommendations for the legal formalization of the relationship between the right holders, contractors, licensees and employees with regards to creation, use and assignment of the company's intellectual property items. In addition, general risk assessment of the project was carried out.

### Legal expertise of legal relations in the social media sphere in the interests of computer games developer

Kachkin and Partners lawyers performed a legal analysis of the relationship between the copyright holder of the computer game "Sladkaya Zavarushka" and the company responsible for promoting computer games and applications in social media. We performed a legal analysis of the service contract draft, including the game distribution in the social network "Vkontakte", a volume increase of a certain amount of users installing the game, advertising and consulting services for the game developer. As a result the contract body was significantly modified to include more flexible and practically applicable legal constructions.





## SELECTED PROJECTS

### Legal support for the activities of an international company involving the issuance of microloans in connection with the provision of financial services via the Internet

At the instruction of our client, Kachkin & Partners attorneys conducted an analysis of the procedure used by the international microfinancing organization for the remote provision of financial services via the Internet for the purposes of formulating recommendations on ensuring the legality of the concerned operations and protecting the client's interests. The analysis resulted in the formulation of proposals concerning the identification of users and procedure governing agreement conclusion with the aid of a dedicated website, as well as ensuring compliance with the requirements governing the protection of personal data, collection of evidence on the circumstances surrounding agreement conclusion and the receipt of loan funds in the event of a legal dispute. Based on these recommendations, the client modified its arrangement of interaction between users and the microfinancing organization's Internet resource, making it possible to retain the validity of the transactions conducted via the website, while at the same time ensuring compliance with the numerous and stringent legal requirements binding on the financial sector.

### Assistance in the legal formalization of contractual relations at the negotiation stage with respect to the integration of an ERP-system in the informational infrastructure of Autokontinent Group

Kachkin & Partners provided legal assistance to a major wholesale supplier of auto parts in the course of negotiations on the conclusion of an agreement on the integration into the client's informational infrastructure of an Enterprise Resource Planning (ERP) system. In the course of this legal support, the client was given consultations on the various aspects of interacting with the IT-company, an analysis of the anticipated agreement on integration of the information system, and an alternate version of the agreement factoring in the specific needs of the client and better protecting its interests.

### Legal formalization of the processes involved in creating software and transferring the related intellectual-property rights to a company in the USA.

Kachkin & Partners attorneys are providing legal accompaniment for the activities of our client, engaged in the development and technical maintenance of various types of software. The related issues requiring top-notch legal support encompass: analysis and retooling of the arrangement governing the origination and transnational transfer of intellectual-property rights to software; formulation of proposals on refinement of the contractual relations associated with the creation and technical servicing of software; legal assistance in the formalization of interaction with the company's developers; legal protection of the confidentiality of know-how and commercial secrets; client consulting in the area of intellectual property and information technologies.

### Consulting of international companies on the issues associated with the application of Russian legislation on personal data

Kachkin & Partners attorneys have held numerous consultations for the employees of international companies working in a range of economic sectors on the issues associated with the anticipated tightening of Russian legislation in the area of personal data, the need to transfer personal data to Russian servers, and opportunities for ensuring compliance with legislative amendments while maintaining current business processes.

### Comprehensive legal support for a transaction involving the sale of a set of rights to a popular website

Structuring and formalization of a transaction involving the sale of a set of rights to a popular website (traffic: upto 100,000 unique users per day), including the detailed formulation of agreement terms designed to protect the interests of the client while factoring in the preferences of its partner. Kachkin & Partners attorneys were assigned the following tasks: ensuring the functionality and traffic indicators of the Internet resource, resolving the issues associated with advertising during the transition period, and implementation of an idea envisioning the joint administration of the website with the seller. Legal support encompassed the provision to the client of assistance in the course of negotiations held prior to transaction conclusion.



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