DECREE

PRESIDENT OF THE RUSSIAN FEDERATION

On the temporary procedure for fulfilling obligations to certain right holders

In addition to the measures provided for by Decrees of the President of the Russian Federation of February 28, 2022 No. 79 "On the application of special economic measures in connection with the unfriendly actions of the United States of America and foreign states and international organizations that have joined them", dated March 1, 2022 No. 81 "On additional temporary economic measures to ensure the financial stability of the Russian Federation" and dated March 5, 2022 No. 95 "On the temporary procedure for fulfilling obligations to certain foreign creditors", I decide:

1. Establish a temporary procedure for the performance by the Russian Federation, constituent entities of the Russian Federation, municipalities, residents (hereinafter referred to as debtors) of financial obligations related to their use of the results of intellectual activity and (or) means of individualization (hereinafter referred to as obligations), the exclusive rights to which belong to:

a) foreign right holders who are foreign persons associated with foreign states who commit unfriendly actions in relation to the Russian Federation, Russian legal entities and individuals (including if such foreign persons have the citizenship of these states, the place of their registration, the place of their primary economic activities or the place of their primary profit from their activities are these states), or persons who are under the control of these foreign entities, regardless of their place of registration (including if the place of their registration is the Russian Federation) or the place of their primary conduct economic activity;

b) right holders who publicly supported the implementation of restrictive measures by a foreign state, state association and (or) union and (or) state (interstate) institution of a foreign state or state association and (or) union, expressed in the introduction or extension of political or economic sanctions in relation to the Russian Federation, citizens of the Russian Federation or Russian legal entities, or publicly calling for the implementation of such measures;

c) right holders who, after February 23, 2022, prohibited the use of the results of intellectual activity and (or) means of individualization in the Russian Federation or established a ban on such use for one or more legal entities and individuals, if these actions were due to the implementation of restrictive measures specified in subparagraph "b" of this paragraph, or for other reasons not related to economic feasibility;

d) right holders who terminated, suspended or significantly limited, after February 23, 2022, in the territory of the Russian Federation, the production (supply) of goods, the provision of services and (or) the performance of work, if these actions were due to the implementation of restrictive measures specified in subparagraph "b" "of this paragraph, or for other reasons not related to economic feasibility;

e) right holders who have committed public actions aimed at discrediting the use of the Armed Forces of the Russian Federation and (or) the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, maintain international peace and security, or publicly who disseminated, under the guise of reliable messages, deliberately false information containing data on the use of the Armed Forces of the Russian Federation and (or) the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for these purposes;

f) to the right holders who disseminated in information and telecommunication networks, including on the Internet, information expressing in an indecent form that offends human dignity and public morality, a clear disrespect for society, the state, the official state symbols of the Russian Federation, the Constitution of the Russian Federation or bodies exercising state power in the Russian Federation.

2. In order to fulfill obligations to the right holders named in subparagraphs "a" - "e" of paragraph 1 of this Decree (hereinafter also referred to as the right holders), the debtor, notified of the circumstances provided for in subparagraphs "a" - "e" of paragraph 1 of this Decree, pays remuneration, payments related to the exercise and protection of exclusive rights belonging to the right holder, and other payments, including penalties (fines, penalties) and other financial sanctions (hereinafter referred to as payments), by transferring funds to a special ruble account of type "O" , opened by the debtor in an authorized bank in the name of the right holder and intended for settlements of obligations (hereinafter referred to as a special account of type "O"). Payments are also subject to payment to a special account of type "O", which, in violation of the deadline for the debtor to fulfill obligations to the right holder, were not transferred to him on the day of the official publication of this Decree. The debtor is considered to have been notified of these circumstances if the relevant information was published in the media and (or) posted on the official websites of state bodies on the Internet information and telecommunication network.

3. The authorized bank (authorized banks) is determined by the Government of the Russian Federation. If several authorized banks are identified, the Government of the Russian Federation approves the procedure for exchanging information between such banks on special O-type accounts opened with them. At the same time, the exchange of information is allowed without obtaining the consent of the right holders and (or) debtors. The exchange of information in accordance with this paragraph is not a violation of banking secrecy.

4. A special account of type "O" shall include payments under license agreements, sublicense agreements, agreements on the transfer of powers to manage rights (including those concluded by an organization for the management of rights on a collective basis) and other agreements providing for the payment of remuneration in connection with with the use by the debtor of the results of intellectual activity and (or) means of individualization, the exclusive rights to which belong to the right holder (hereinafter referred to as agreements).

5. Only one special account of type "O" can be opened in the name of the right holder. A special type "O" account is opened on the basis of an application sent by the debtor to an authorized bank. If on the day of receipt of the application in the authorized bank to which it was received, or in another authorized bank in the name of the corresponding right holder, a special account of type "O" is opened, the authorized bank to which the application was received shall notify the details of the special account of type "O" to the debtor who submitted the application.

6. An authorized bank has the right to open a special account of type "O" without the personal presence of the right holder or his representative. The authorized bank identifies a new client - the right holder, his representative, beneficiary, beneficial owner in accordance with the requirements of the Federal Law of August 7, 2001 No. 115-FZ "On countering the legalization (laundering) of proceeds from crime and the financing of terrorism" and the regulations of the Central Bank of the Russian Federation adopted in accordance with it on the basis of documents and information about these persons available in the circumstances no later than 45 days after the date of opening a special account of type "O" in the name of the right holder.

7. If there is reliable information about the postal address, e-mail address and (or) contact phone number of the right holder or his representative, the authorized bank notifies the right holder or his representative about the opening of a special type "O" account and informs them of its details. The right holder is obliged to provide the details of a special account of type "O" in the event that the debtor applies to him with the appropriate requirement.

8. If the activities of the right holder involve the conclusion of agreements with any person who has applied to him and (or) making payments in favor of the right holder by any person using the result of intellectual activity and (or) means of individualization, the exclusive rights to which belong to the right holder, he is obliged to publish information about the details a special account of type "O" on its website in the information and telecommunication network "Internet" and to ensure the technical possibility of making payments by debtors to a special account of type "O".

9. The mode of a special account of type "O", including the features of making payments to it and debiting funds from it, is established by a decision of the Board of Directors of the Central Bank of the Russian Federation, subject to official publication in accordance with Article 7 of the Federal Law of July 10, 2002 No. 86-FZ "On the Central Bank of the Russian Federation (Bank of Russia)". A special account of type "O" is kept in rubles.

10. The right holder may give the debtor a written consent (including using electronic or other technical means) to make a payment to a special account of type "O". Such consent may be given both in respect of an individual payment and in respect of all payments made by the debtor.

11. If the right holder has not given written consent to make a payment to a special account of type "O", the debtor has the right not to make payment until such consent is received. At the same time, the debtor is not considered to have violated its obligations, including the payment of penalties (fines, penalties) and other financial sanctions. For the purposes of this paragraph, the fulfillment by the right holder of the obligation provided for in paragraph 8 of this Decree is equated to giving written consent to make a payment to a special account of type "O".

12. If the debtor duly fulfills the requirements of this Decree, his right to use the result of intellectual activity and (or) means of individualization on previously applicable conditions shall be retained.

13. Regardless of whether the right holder gave written consent in accordance with paragraph 10 of this Decree, the debtor's making a payment to a special type "O" account is recognized as the debtor's proper performance of obligations. The execution of obligations by the debtor without the use of a special account of type "O" is not allowed. Obligations denominated in a foreign currency are recognized as duly fulfilled if a payment in rubles is made to a special account of type "O" in an amount equivalent to the value of obligations in foreign currency (regardless of the currency in which such value is expressed) and calculated at the official exchange rate the Central Bank of the Russian Federation, established on the day when the corresponding payment was made.

14. The right holder, the debtor or their representatives have the right to apply to the Government Commission for the Control of Foreign

Investments in the Russian Federation with an application for issuing permission to transfer to a bank or other account of the right holder (including one opened with a bank located outside the territory of the Russian Federation) funds transferred by the debtor to a special account of type "O". If necessary, this permission may contain the conditions for making such a transfer.

15. Write-off of funds from a special account of type "O" in favor of the right holder without obtaining permission provided for in paragraph 14 of this Decree is not allowed.

16. Foreign persons (persons who are under their control), named in subparagraph "a" of paragraph 1 of this Decree, do not recognize persons who simultaneously meet the following requirements:

a) they are under the control of Russian legal entities or individuals (the ultimate beneficiaries are the Russian Federation, Russian legal entities or individuals), including if this control is exercised through foreign legal entities associated with foreign states that commit against Russian Federation, Russian legal entities and individuals unfriendly actions;

b) information on control over them is disclosed by Russian legal entities or individuals named in subparagraph "a" of this paragraph to the tax authorities of the Russian Federation in accordance with the requirements of the legislation of the Russian Federation.

17. The provisions of this Decree shall not apply:

a) to agreements, the subject of which is the provision by the right holders, named in subparagraph "a" of paragraph 1 of this Decree, to debtors of the right to use the results of intellectual activity and (or) means of individualization, necessary:

for import into the territory of the Russian Federation and (or) production in the territory of the Russian Federation of medicines, medical devices, industrial and agricultural products, food products;

for the provision of communication services (including data transmission services, provision of access to the information and telecommunications network "Internet") and traffic transmission services;

for the creation and (or) use on the territory of the Russian Federation of programs for electronic computers, databases, information systems and data processing centers;

b) to payments not exceeding 100 thousand rubles or an amount in foreign currency equivalent to 100 thousand rubles, made by a resident individual in connection with the use of the result of intellectual activity and (or) means of individualization to satisfy personal, family, household or other needs not related to entrepreneurial activity, if the purpose of such use is not to obtain profit or income;

c) to the right holders named in subparagraph "a" of paragraph 1 of this Decree and duly fulfilling their obligations under agreements concluded with debtors.

18. Grant the right to give official clarifications:

a) to the Central Bank of the Russian Federation - on the application of the regime of a special account of type "O" and the implementation of settlements using a special account of type "O" in accordance with this Decree;

b) to the federal executive body determined by the Government of the Russian Federation - on other issues of application of this Decree.

19. To the Government of the Russian Federation within 10 days:

a) determine the authorized bank (authorized banks) and, if necessary, approve the procedure for the exchange between authorized banks of information on special "O" type accounts opened with them;

b) approve the procedure for the issuance by the Government Commission for Control over Foreign Investments in the Russian Federation of the permit provided for in paragraph 14 of this Decree;

c) determine the federal executive body, which, in accordance with subparagraph "b" of paragraph 18 of this Decree, has been granted the right to give official explanations on certain issues of the application of this Decree.

20. This Decree comes into force from the day of its official publication.

President of the Russian Federation V. Putin

Moscow Kremlin

May 27, 2022

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