

UDC 347.77

**INTELLECTUAL PROPERTY IN THE PHARMACEUTICAL INDUSTRY.  
REGISTRATION OF MEDICINES AND TRADEMARKS  
(BY THE EXAMPLE OF THE REPUBLIC OF BELARUS WITH PARTICIPATION OF OTHER COUNTRIES)**

**K. HAMENOK, V. BOGONENKO**  
Polotsk State University, Belarus

*In this article, we will look at the role and rights of intellectual property in pharmaceutical industry. We will also touch upon the concept of a trademark in this area.*

Pharmaceuticals is one of the industries dependent on the reliability of intellectual property rights protection. According to the statistics of the Executive Director of the Association "Pharmaceutical innovations" (InPharma) Vadim Kukava, it can take about 13-14 years to create a single drug. On the financial side, this will require up to 2 billion US dollars. However, the development of effective drugs and their entry into the market are possible only with the protection of intellectual property rights.

Despite of the attack on intellectual property, manufacturers of original drugs continue to invest in the development of new drugs at a faster pace. The volume of investment is also directly proportional to the level of trust and, accordingly, the level of intellectual property protection.

It is obvious that if the formula "growth of the pharmaceutical industry = trust x intelligence x investment", the level of intellectual property protection will tend to zero, then the growth of the pharmaceutical industry will slow down.

The resources of international pharmaceutical companies are not infinite. At a minimum, the volume of investment in the localization of innovative drug production will be reduced in those countries where the gaps in intellectual property protection are becoming wider. [2]

Innovative western pharmaceutical companies, that seek to bring their new products to the Russian market, often face violations of their rights and existing patents. Russian legislation, in turn, doesn't prohibit registering drugs-copies of innovative drugs that are protected by a patent. But as a result, companies that produce copy drugs violate the intellectual property rights of those who hold the patent. If you think that someone has violated your rights, please contact the court. However, in reality, trials in the field of pharmaceuticals do not last more than two years. Manufacturers of pharmaceutical products spend time and a lot of money, although the production of drugs does not stop at the time of this trial.

As for the Republic of Belarus, all medicines used in our territory must be registered with the appropriate authorized body. This body maintains the state registration form for medicines. In the Republic of Belarus, this is the RUP "Center for examinations and tests in health care".

For example, in terms of investment in research and development of innovative drugs, Russia lags far behind the leading countries of the world. "If the United States invests up to 40 billion US dollars in their research and development every year, in Russia these amounts are only about 60 million US dollars," said Nina Belozertseva, Director of rights and regulatory Affairs at InPharma.

According to the Great medical encyclopedia: "The Pharmaceutical industry is a branch of the economy that combines the production of medicines and therapeutic and preventive means." Based on this, if we consider intellectual property in this area, we should consider objects that are used in the distribution and production of medicines. These include: inventions, trademarks, and industrial designs. [1]

When a product (in our case, a pharmaceutical product) is released to the commercial market, it is most important for the copyright holder to separate and highlight their product. In this case, the most successful solution is to register the name product as a trademark. This action is obviously appropriate, since the exclusive rights to the trademark are absolute and justify prohibiting others from using it without the owner's permission.

In the Republic of Belarus, there is a separate Law of February 5, 1993 "On trademarks and service marks". Trademark registration in Belarus takes place at "The national intellectual property center" (NIPC). A trademark can be owned by legal entities or individuals, associations, unions, or other associations of legal entities.

Discussing the importance and place of intellectual property in the pharmaceutical industry, it should be noted that the registration of manufactured medicines and used trade names as intellectual property objects allows for the protection and exclusivity of the rights of drug manufacturers. A medicinal product is, in fact, the result of a person's creative work, and patenting as an invention allows for an exclusive mode of use and provides a monopoly on the production of a medicinal product during the period of validity of the rights to the invention.

By registering the trade name of a drug as a trademark, the manufacturer provides protection from unscrupulous competitors who may use the name of the drug to issue counterfeit medicines.

In this way, intellectual property plays a key role in the pharmaceutical industry, allowing manufacturing companies to secure the exclusive nature of their rights and thereby recover the financial costs incurred during the development and testing of new medicines.

#### REFERENCES

1. Большая Медицинская Энциклопедия: в 35./2-е изд.-М.:Советская энциклопедия,1969-1978гг.
2. Национальный образовательный интернет- портал [Электронный ресурс] — Режим доступа: [http//https://www.adu.by/ru/o-portale.html/](http://https://www.adu.by/ru/o-portale.html/). — Дата доступа: 01.03.2020.