

The Unseen Arsenal: IPRs as a Weapon in Armed Conflicts

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Armed conflict is inevitable most of the time between two high-contracting parties. The world has seen two world wars that killed millions of humans and injured many more. Armed conflict in the last few decades has seen a surge of new means and methods of warfare. Various nations are investing money in developing their war preparedness and devising new ways of combating it. It is not uncommon for countries to take advantage of armed conflicts to gain an advantage in various areas, including intellectual property (IP) rights. The world had never imagined that intellectual property rights could be used as an economic weapon during the war and as a countermeasure to economic sanctions and other soft law mechanisms for the implementation of international law. Intellectual property piracy has become a new method of economic sanctions, and many high-contracting parties to the armed conflict are using it during war or will use it in future armed conflicts. The present paper will discuss three major dimensions of IPR and armed conflicts, i.e., (i) the role of intellectual property rights during armed conflict; (ii) how countries can use intellectual property rights to impose economic sanctions; and (iii) how intellectual property rights can be used as countermeasures to economic sanctions imposed on any state by other states.

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In 2022, Russia invaded Ukraine with full force and captured a large part of Ukrainian territory. The war with Russia and Ukraine cost Ukraine a lot of human and economic losses in Ukrainian territory. The world has come out in solidarity with Ukraine, as according to them, the actions of Russia amount to aggression. Many countries, like the US, the UK, and Europe, have implemented economic and trade sanctions on Russia to break it down and put an end to the war.¹ The Russia-Ukraine armed conflict impacted the world economy, and studies these days are mostly based on the geopolitical implications of this armed conflict. However, one element that requires more discussion and deliberation is intellectual property and its role during armed conflict.²

Violation of IPR during peacetime and war is not a new phenomenon, and many countries all but violate IPR during peacetime. Many countries are placed already on the checklist of various countries for IPR violations and the Office of the United States Trade Representative has placed already Russia on its priority watch list.³ The reasons for placing Russia on the watch list were that Russia was taking insufficient IP protection and enforcement actions. Russia was put on the watch list with nine other states: Argentina,

Chile, China, India, Indonesia, Russia, Saudi Arabia, Ukraine, and Venezuela. The United States ranks second in terms of patents filed in 2022 and is a country known for tech giants and entrepreneurs.⁴ All these tech giants and entrepreneurs make trillions of dollars through intellectual property rights. The US planned to have strict scrutiny of priority watch list countries and intense bilateral engagement to reduce IPR violations by these countries.⁵

The United States of America and many other countries are facing issues in protecting their IPR in Russia because of Russia's IPR waiver policy, which came into force during the Russia-Ukraine war. On October 18, 2021, with resolution number 1767, the Russian Federation added clause 2 to the method of determining compensation for patent owners.⁶ The clause mentions that for foreign states who commit unfriendly actions against Russian legal entities and individuals, the amount of compensation is zero if anyone uses their patent, utility model, or industrial design. The clause also states that the consent of the patent holder is not necessary before the use and abuse of such a patent.⁷ No proceeds from the patent right will be given to the patent holder in cases of production, sales of goods, work of performance, or delivery of services.⁸ A comprehensive list of unfriendly states is also provided by a different

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resolution, which includes the following states: Australia, Albania, Andorra, Great Britain (including the island of Jersey (crown possession of the British crown) and controlled overseas territories—the island of Anguilla, the British Virgin Islands, Gibraltar), European Union Member States, Iceland, Canada, Liechtenstein, Micronesia, Monaco, New Zealand, Norway, The Republic of Korea, San Marino, North Macedonia, Singapore, USA, Taiwan (China), Ukraine, Montenegro, Switzerland, and Japan.

Using intellectual property (IP) as a sanction during the war is a complex issue that raises many legal and ethical questions. Generally speaking, IP refers to creations of the human mind, such as inventions, literary and artistic works, and symbols and designs, that are protected by various legal regimes, including patents, copyrights, trademarks, etc. During the war, a country may choose to use IP as a sanction against another country by suspending or revoking intellectual property rights or by refusing to recognize IP rights granted by the other country. For example, a country may refuse to honor patents or trademarks granted by an enemy country, or it may impose restrictions on the export of patented technologies or copyrighted works. We understand that global IP protection is based on the principle of reciprocity, and violations by one nation, even during armed conflict, will lead to violations of IP by many other nations. Many observers stated that Russia's action of not paying the patent and trademark holders is a violation of TRIPS Agreement Article 31-H.⁹ This means that Russians can use the IPR of unfriendly states to pay any money or seeking permission from the patent or IPR holder. The affected patent holders cannot enforce their patents against those violating their patent rights. This action gives a great economic advantage to the Russian Federation, such as:¹⁰

- (i) There is no need to pay the patent price;
- (ii) Can use reverse engineering to develop their own products and generic drugs; and
- (iii) Can save a lot of money, which in return can be used for purposes related to war or to sustain the economy during the war.

IP Waiver: A Disputed but often used War Tactic

During armed conflict between high-contracting parties, Russia is not the first country to allow IP waivers. In the past, during WWI and WWII, the United States of America seized alien enemy property through its alien property custodian (APC). The USA

seized around 4000 enemy patents during WWII, which was made possible through the adoption of the Enemy Act of 1917.¹¹ The American Constitution, under Article 1 Section 8, Clause 11, bestows the power to Congress to declare war, grant letters of marque, reprisal etc.¹² Under Article 1 Section 8, Clause 18, Congress grants more power by mentioning that Congress will have auxiliary power to make any laws that shall be necessary and proper for the execution of any foreign powers.¹³ The above provisions allow the APC to seize any property, and because of this, they have seized many properties belonging to Italian, German, and Japanese corporations and nationals.¹⁴

All assets seized from enemy nations will be controlled by APC in order to prevent enemy nations from gaining any kind of trade benefit. Many of these seized assets were nationalized and sold to American citizens after the First World War ended in 1919.¹⁵ The United States, through Executive Order No. 9193, also empowered APC to take any action they deemed necessary for the national interest, including the seizure of property, including intellectual property, of citizens and corporations of enemy countries.¹⁶ During WWI, APC also seized and sold the assets of "Bayer AG," which is one of the world's biggest pharmaceutical and biotechnology companies which belonged to Germany. Bayer lost its assets in an auction of its trademarks and factory, which were sold to Sterling Products, Inc. for \$5.3 million in trade benefits. Many of these seized assets were nationalized and sold to American citizens after the First World War ended in 1918. The United States, under Executive Order No. 9193, also empowered APC to take any action they deemed necessary for national interest, including the seizure of property, including intellectual property, of citizens and corporations of an enemy country.¹⁷ Sterling lacked the know-how to run Bayer's and hence entered into an agreement with Bayer to provide them with technical know-how, and Sterling, in return, will share the proceeds of the profit of selling drugs in the USA, Great Britain, Australia, and South Africa.¹⁸ Many lawsuits were filed against APC for being unjust and discriminatory, but because of solid legal provisions in the American Constitution, the Trading with Enemy Act of 1917, and executive order number 9193, all such parties lost their case against the American government.¹⁹

Bayer was again hit by the IP waiver during WWII when Sterling's assets were seized by the US

government because of a profit-sharing agreement between Bayer AG (Germany) and Sterling.²⁰ The assets were seized because they could have helped Germany continue the war. Bayer AG bought back the sterling business for US\$1 billion in 1994, and almost seven decades later, Bayer recovered its trademark rights.²¹ This is a perfect example of how it can take decades for a company to get back its IP rights if they are waived during armed conflicts. Even during World War I, the word ANZAC was declared not to be trademarked anywhere in the world by the Australian Government War Precaution (Supplementary Regulation) of 1916.²² The recent action by Russia is a reminder that intellectual property rights protection at the international level is fragile and vulnerable to being undermined by states, especially those that are economically and politically sound and are members of the Security Council.

Use of IPR Waiver as a Counter measure to Economic Sanctions Imposed by other Countries

During the Russia-Ukraine war, Russia faced many sanctions and trade boycotts, including US, UK, and EU bans on the purchase of Russian oil and gas and a stop on the import of Russian coal by the EU. These sanctions also included the asset freezing of President Vladimir Putin and Sergei Lavrov (the Foreign Minister) in the states of the United States, European Union, United Kingdom, and Canada.²³ Travel bans were also imposed on President Vladimir Putin and Sergei Lavrov (the Foreign Minister). Many banks belonging to Russian business giants and allies of the Russian presidents are also frozen, i.e., Bank Rossiya, Black Sea Bank for Development and Reconstruction, IS Bank, Genbank, and Promsvyazbank.²⁴

Russia (Sanctions) (EU Exit) (Amendment) (No. 13) Regulations 2022 also provide provisions for targeting designated individuals and the management of Russian state-controlled enterprises so that they will not be able to benefit Russia financially. This resulted in sanctions and the asset freezing of many relatives of Russian state-run enterprises, including the property of Polina Kovaleva, who is the step daughter of Sergey Lavrov. Polina Kovaleva's property, worth £4 million, is sanctioned in London. Sanctions and asset freezes were also imposed on many Russian military leaders, family members of President Putin, ministers and their family members, and close allies of the Putin inner circle, etc.²⁵

Russia is also excluded from the SWIFT international payments system because of which

banking transactions with foreign countries have become tough and the Russian international trade system is not working, which is a big worry for Russia.²⁶ Many kinds of transport sanctions are also imposed on Russian ships, flights, and individuals. The UK government has banned all Russian ships (ships owned by Russians, operated by Russians, controlled by Russians, chartered by Russians, registered by Russians, or flagged with a Russian flag) from accessing UK ports.²⁷ The UK has also come up with new legislation to make its position clearer and more mandatory. Russian flights are also banned and cannot use UK or USA airspace for their functions. The UK government, through its resolutions, also banned the sale of unused landing slots for Russian flights at all UK airports, which were estimated to have a value of £50 million.²⁸ Russian exports and services were also banned in the UK, USA, and EU within a few months of the day of Russian aggression in Ukraine. As part of the sanctions plan against Russia, imports were subject to additional tariffs. The UK Government has imposed an additional 35% of the nine import tariffs on iron, steel, wood, railway containers, copper, aluminum, silver, lead, iron ore, glass, oil, paper, machinery, etc. since 25 March 2022.²⁹

Even after many of the sanctions discussed above, no collapse of the Russian economy could stop the Russian invasion of Ukraine because of the various economic measures that Russia took, and one of the most important of them was the use of intellectual property rights to sustain the Russian economy. It has been more than one year of war, and the Russian economy has still not collapsed, raising questions about how the Russian economy survived after so many international sanctions.³⁰

Russia, with Resolution 1767, created a measure to protect its economy. Western nations have placed various sanctions on trade and commerce with Russia; some of them have totally ceased business with Russia.³¹ Many countries have suspended the trade benefits and privileges they used to give Russian nations and have placed various sanctions on trade and commerce with Russia. These sanctions and boycotts hit the Russian economy massively during the first few months of the Russian war with Ukraine. The Russian economy was on the verge of collapsing when Russian President Vladimir Putin reformed the way of carrying out economic activities, local currency payments by countries, and intellectual property to build a sound economic structure at the

local level.³² All these economic changes allowed Russia to decrease its dependence on the western world for the supply of goods or services. The 'ruble' of the Russian currency has again moved towards stability and may soon attain its prior market value. As a war measure, Russia also allowed parallel imports and made them legal by Decree No. 506, amending 1359³³ and 1487³⁴ of the RCC (Russian Civil Code).³⁵

Assessment of Drawbacks of Intellectual Property Waiver

Russia's waiver of IP has opened up the Russian market to copy any trademark and infringe IP for unfriendly nations. We saw the first significant IP violation in Russia recently when a Russian business started using a trademark similar to McDonald's. McDonald's is a big brand, and misusing it will cause financial loss to the country that legitimately owns its trademark. This fake business using the trademark of McDonald's is not just a loss to the country that has its patent but also to Russia. As brand value is rated because of quality, in the case of McDonald's, people have developed a taste and expect a certain quality product. This fake brand may not meet the health, hygiene, and taste requirements of the public³⁶. Hence, it will reduce the brand value of McDonald's not just in Russia but also around the globe. People in Russia will stop buying from the fake brand after they realize or are made aware of the fact that what they are consuming is not McDonald's.³⁷ This will reduce the market value of McDonald's and its future prospects.³⁸

Imagine a situation where, after some years, the war between Russia and Ukraine is over, sanctions on Russia are removed, and McDonald's wants to start its operations in Russia again. Now McDonald's will have a brand that is identical to its trademark, and people in Russia may not be very fond of the brand because of the substandard operation of the fake brand. Misuse of IP will not only create challenges for a company in the present but will also create challenges in the future that will be stiff and hard to tackle.³⁹

In 2021, Entertainment One UK Ltd., the official IP rights holder of Peppa Pig, sued a Russian company for copyright infringement, but the new ruling waiving all IP rights will make it impossible for Entertainment One UK Ltd. to protect copyright infringement of Peppa Pig. Many experts in the domain of IP law have called this the first victim of IP

warfare.⁴⁰ The world fears that Russia may encourage more trademark, copyright, patent, and industrial design violations from unfriendly nations. This encouragement will leave the unfriendly nations with no option but to settle any compensation and damages for unlawful use of IP, which is a serious concern in the global economic world.⁴¹

Assume a pharmaceutical company 'A' violates the patent of another well-known pharmaceutical company 'B' during an armed conflict. During this time of IP waiver, company 'B' will lose a lot of its market share, brand value, and financial benefits, whereas company 'A' can use this to build new drugs by using reverse engineering. Company 'A' can violate both product and process patents and create a generic drug similar to that of company 'B'. Company 'A' can sell these drugs at a much lower cost than company 'B' because they do not need to invest much in research and development. This way, company 'A' will capture the local market, and company 'B' will find it difficult to sustain itself once the armed conflict is over and the IP waiver is removed. The company that lost its reputation in the market will not be able to gain the same market share and reputation after the IP waiver ceases to exist. This will also be a barrier for new companies to enter the market of any state that once used an IP waiver due to armed conflict and will slow down global trade and competition, which can lead to stagnation in the development and growth of industries.

The IP waiver can also lead to ugly wars, as we have seen in the recent case of the Russia-Ukraine war, in which the Ukrainian defense ministry hacked and leaked confidential documents that claimed to be from a Russian nuclear power station. While such measures may be effective in restricting the flow of goods and services between countries, they raise several legal and ethical concerns. The TRIPS Agreement of the WTO protects IP rights in international settings. Thus, any action that impinges on IP rights may be seen as a violation of international law and may be subject to legal challenges.

The second concern is that the IP war may have unintended consequences, such as harming national industries that rely heavily on IP protection. This will stifle innovation and creativity and ultimately hamper the scientific and technological progress of the country. If Russia has placed an IP waiver, other countries can also do the same against Russia, resulting in many Russian enterprises losing IP

protection for innovation and technology, which will affect the Russian economy as well.⁴² Finally, using IP as a sanction during the war may be viewed as a form of economic warfare that targets civilians and innocent parties rather than combatants. Such measures may be seen as unfair and unethical and may even violate the principles of just war theory. Many innovations and technologies related to essentials for life, i.e., medicine, will not reach civilians, making them a party to the war. The 4th Geneva Convention on Protection of Civilians does not take IP war into consideration, but even if there is no law at the international level, IP sanctions can be treated as against war ethics.⁴³

Benefits of IP Waiver to High Contracting Parties during the War

During armed conflicts, high-counteracting parties use various methods and sanctions to win the war over other nations. IP warfare is one such tool that is used during the war, sometimes to sustain the nation's economy and sometimes as a weapon to destroy the economies of other countries and their allies.

Promotes Access to Medicine, Medical Technologies and Innovation

Ukraine passed a law on the protection of intellectual property under Martial Law (Law No. 7228).⁴⁴ Under this Law, Ukraine has suspended all rights and deadlines relating to intellectual property; it has also suspended deadlines for the acquisition of intellectual property. These steps are very significant for Ukraine during this armed conflict, as this law will ease the hurdles in the access and availability of medical products and medicine.⁴⁵ These medicines and medical products are very important for providing humanitarian assistance to hors de combat and also to civilians who are victims of war.⁴⁶ We saw the waiver of IP during the Second World War when America seized copyrights and patents, including the patent on aspirin (a pain-relieving drug), which was a German invention.

Counter Measures against Sanctions

IP waivers can help a country counteract soft law measures by other countries, such as trade sanctions, embargoes, and diplomatic relations seizures. IP waivers will not just counteract the soft law enforcement mechanism but will also help in the development and design of products at the national or regional level. Many countries use IP seizure as a tool

to weaken the economies of enemy nations, whereas others use it to build a robust economic order at the national level. IP waiver also leads to the segregation of IP and also industries that belong to enemy nationals, and by doing this, the country becomes more economically sound and self-reliant. Due to IP waivers, many nations do reverse engineering and develop generic drugs and other products without paying any royalty for patents and trademarks. This reverse engineering also helps nations understand the innovative steps that could be useful for future discoveries and innovations and could lead to new inventions. IP waivers can help build a long-term, self-reliant, and sustainable generic industry, which can be helpful in nation-building.

International Laws Relating to IPR During Armed Conflict

IP rights are protected and enforced at the domestic level, which gives full rights to any sovereign nation to suspend IP protections under its jurisdiction. However, an IP waiver by Russia will definitely conflict with its international obligations under various international conventions (most of which don't have implementation mechanisms and can be taken into the category of soft law).

During armed conflict, all parties to the conflict try to make their laws foolproof so that when an IP waiver takes place, no one can claim anything from them. National laws of countries always justify acts of the country for not respecting IP rights, especially during armed conflict. When national laws are not competent to protect IP rights during armed conflict, international law can provide some help in protecting IP rights. A WTO Agreement on TRIPS was signed by Russia in 2012, which states reasonable remuneration even if patented products are manufactured in armed conflict and similar situations.⁴⁷

Olga Gurgula, a patent law lecturer at Brunel University, states that Russia is an aggressor, and an aggressor country, which is the reason for war, cannot violate IP rights and use the security exceptions in the TRIPS Agreement. TRIPS Article 73 provides security exceptions and provisions for IP waiver during armed conflict. Under this article, no nation will be forced to disclose any information that may be contrary to national security interests.⁴⁸

Article 73 of TRIPS clearly states that nothing in this agreement shall be construed to implement IP law during war and international conflicts. Article 73 is

very important as it provides a security exception and provides situations when a nation does not need to follow TRIPS. Article 73, Clause A, of the TRIPS Agreement, states that no nation will be forced to declare anything that is against the national interest related to security. Article 73, Clause B, empowers all states to take any action or do any activity that they consider necessary for the protection of their national security.⁴⁹ The IP waiver by Russia can be seen as a right exercised under Section 73, Clause B. Section 73, Clause B, subclause (III) allows states to take any action necessary during an armed conflict or other emergency situations at the international level.⁵⁰ The above provisions of TRIPS support the interim measure of an IP waiver taken by Russia to counter Western sanctions. Russia's action of IP waiver is protected by Article 73 of the TRIPS agreement, and the domestic laws of Russia no doubt support all actions taken by Russia during the war.

Conclusion

It is worth noting that during times of armed conflict, certain IP protections may be suspended or relaxed to allow for the production of essential goods and services, such as medicine and defense equipment. However, this is done through legal means and is typically temporary in nature. The Russian government also hinted that soon they may unblock the torrent suite RuTacker, which will help Russians pirate Hollywood films. The United States Patent and Trademark Office (USPTO) declared a break in relations with Rospatent. The USPTO will no longer use the Global Patent Prosecution Highway (GPPH) if the patent work is based on the work of Rospatent. The USPTO also warned all patents filed under the Patent Corporation Treaty (PCT) to exercise extreme caution before selecting Rospatent as an international search or preliminary examination authority.

In the IP war, there is no clear winner; nations that waive IP have a long-term impact on their own economies. They will face no new inventions, and technology will not reach them because of the IP waiver, which will keep their industrial development on the back foot. Seizing IP rights may not be very productive because the country seizing them may not have the technical know-how to use the IP for its own benefit. In some cases, through reverse engineering and compulsory auctions, some nations can benefit from IP waivers, but that is not beneficial in the long run. During armed conflict, sovereign nations that do

not obey national law and make laws that give them absolute rights to IP waiver. International law remains weak in countering misuse or breach of IP rights. TRIPS also vested power in nations so that during armed conflict they can use IP and other properties related to it freely if it is going to benefit the enemy nation. A WTO Court can resolve disputes and can also impose penalties in cases of IP waiver. TRIPS Article 73 Security Exceptions protects sovereign states from violating IP rights. The WTO can also expel a nation if they go against the basic principles of the WTO, but expelling a nation is not always a solution and can make a situation worse. For example, we have seen that many nations around the world have suggested that Russia be expelled from the WTO because of its invasion of Ukraine. The expulsion of Russia from the WTO club will be a bad idea, as this will create further challenges to the IPR regime around the world. Russians, once out of the WTO, cannot be penalized for breaching IPR belonging to other nations, and the WTO will lose its jurisdiction over Russia once it expels Russia.⁵¹

If a country puts sanctions on another country, it always comes with a cost. For example, all Western and European states that discontinue trade with Russia will suffer losses not only in IP revenue but also in the value of industrial property and equipment on the territory of Russia. The IP waiver will give very little chance to any country to protect their IP revenue in the state of Russia. On the other hand, Russia will use the IP without paying any revenue but will face issues related to maintaining standards and having technical know-how. Only then will they be able to completely utilize all resources.

Countries that implement IP waivers will also face political, economic, and reputational losses, and it will take decades for countries to gain the trust of businesses and investors to invest in their country. Businesses will always have the fear that the IP waiver may be applied again during an armed conflict in the future, and they may lose all their tangible and non-tangible, moveable and immovable resources.

Russia's action on IP waiver may be ethically wrong, but it is correct according to the procedure established by law at both the national and international levels. Also, the counteraction by Ukraine to the IP waiver will help Ukraine procure medicines and medical supplies without much problem, and they will be able to help Hors de Combat and civilians who are in need of medicines.

During armed conflict, martial laws are applied, and many countries in the past have used IP waivers to protect their economies.

In conclusion, while IP sanctions may be an effective tool in times of war, they should be used with caution and by international law and ethics. Any such measures should take into account the potential impact on both domestic and international stakeholders and be subject to rigorous legal and ethical scrutiny. Countries using IP waivers and sanctions should also consider the long-term effects of such waivers and sanctions, not just the benefits they will receive during the war. IP waivers may impact domestic industries as well and hamper the research and development of new goods and services. Russia's actions will be detrimental to its economy in the long run, as the present action of IP waiver by Russia will result in the loss of confidence of the international community in Russia's ability to do business. Russia's reputation may take decades to rebuild, and international businesses will not feel safe investing in or working with Russia until that time.

References

- Greenpeace International, (11 March 2022), <https://www.greenpeace.org/international/story/52662/ukrain-e-peace-activists-solidarity-protests-oil/>.
- Dyquiangco E, When IP Goes to War, *Asia IP*, 30 April 2022, <https://www.asiaiplaw.com/article/when-ip-goes-to-war>.
- Office of United States Trade Representative, *USTR Releases Annual Special 301 Report on Intellectual Property Protection*, Press Release, 30 April 2021.
- World Intellectual Property Organisation, *WIPO IP Facts and Figures 2022*, WIPO, 2022, <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-943-2022-en-wipo-ip-facts-and-figures-2022.pdf>.
- International Intellectual Property Alliance, *IIPA's 2009 Special 301 Report on Copyright Protection*, IIPA, 17 February 2009, https://iipa.org/files/uploads/2018/01/2009_Special_301.pdf.
- Overview of the plans to restrict IP rights in Russia, *Papula-Nevinpat*, 14 March 2022, <https://www.papula-nevinpat.com/overview-of-the-plans-to-restrict-ip-rights-in-russia/>.
- Order of the Government of the Russian Federation dated 5.3.2022, No. 430-p, Ministry of Justice of the Russian Federation, 2022, <http://actual.pravo.gov.ru/text.html#pnun=0001202203070001>.
- Order of the Government of the Russian Federation dated 5.3.2022, No. 299, Ministry of Justice of the Russian Federation, 2022, <http://publication.pravo.gov.ru/Document/View/0001202203070005?index=1&rangeSize=1>.
- Mills C, Sanctions Against Russia, *Commons Library Research Briefing*, CBP-9481, 20 September 2023, <https://researchbriefings.files.parliament.uk/documents/CBP-9481/CBP-9481.pdf>.
- Trapova A & Bonadio E, How Russia is using intellectual property as a war tactic, *The Conversation*, 18 March 2022, <https://theconversation.com/how-russia-is-using-intellectual-property-as-a-war-tactic-179260>.
- United States Senate, Constitution of the United States, https://www.senate.gov/civics/constitution_item/constitution.htm#:~:text=Written%20in%201787%2C%20ratified%20in,exists%20to%20serve%20its%20citizens.
- Constitution Annotated, Article I, Section 8, Clause 11, <https://constitution.congress.gov/browse/article-1/section-8/clause-11/>.
- Cohen J H, The Obligation of the United States to Return Enemy Alien Property, *CLR*, 21 (7) 1921, <https://www.jstor.org/stable/pdf/1112770.pdf>.
- Ryan P A, United States trading with the Enemy Act; Effect of vesting by alien property custodian, *Am J Comp L*, 1 (4) (1952) 395.
- The American Presidency Project, Executive Order 9567—Amending Executive Order No. 9095, as amended by Executive No. 9193 to Define further the functions and duties of the alien property custodian with respect to Germany and Japan and nationals thereof, 8 June 1945, <https://www.presidency.ucsb.edu/documents/executive-order-9567-amending-executive-order-no-9095-amended-executive-order-no-9193>.
- Carlston K, Foreign fund control and the alien property custodian, *CLR*, 31 (1) 1945.
- Myron P V, The work of the alien property custodian, *Law And Contemporary Problems*, Winter-Spring, 11 (1) (1945) 76-91, <https://www.jstor.org/stable/1189896>.
- Alien Property Custodian Report to 15 February, 1919, 18, https://www.govinfo.gov/content/pkg/SERIALSET-08558_00_00-010-0094-0000/pdf/SERIALSET-08558_00_00-010-0094-0000.pdf.
- US Government Publishing Office, Alien Property Custodian Annual Report for the year 1925, Document No. 94, 1926, https://www.govinfo.gov/content/pkg/SERIALSET-08558_00_00-010-0094-0000/pdf/SERIALSET-08558_00_00-010-0094-0000.pdf.
- Salinas G, Below the surface of war is a battle for IP Rights, *IE Insights*, 28 March 2022, <https://www.ie.edu/insights/articles/below-the-surface-of-war-is-a-battle-for-ip-rights/>.
- Chip Law Group, Intellectual Property in Wartime, *Lexology*, 4 April 2022, <https://www.lexology.com/library/detail.aspx?g=7fcaf86e-d7f4-4a58-877a-bd0fd5e17b5d>.
- Manya A, IP suspension during war crimes: In the light of Russia —Ukraine atrocities, *Khurana And Khurana Advocates and IP Attorneys*, 7 March 2023, https://www.khuranaandkhurana.com/2023/03/07/ip-suspension-during-war-crimes-in-the-light-of-russia-ukraine-atrocities/?utm_source=rss&utm_medium=rss&utm_campaign=ip-suspension-during-war-crimes-in-the-light-of-russia-ukraine-atrocities.
- Nice A, *Ukraine Crisis: Financial and International Trade Sanctions*, Institute for Government, 22 February 2022, <https://www.instituteforgovernment.org.uk/article/explainer/ukraine-crisis-financial-and-international-trade-sanctions> accessed.
- The Russia (Sanctions) (EU Exit) (Amendment) (No. 13) Regulations 2022, <https://www.legislation.gov.uk/ukxi/2022/814/contents/made>.

- 25 UK Chamber of Shipping, Statement following the banning of Russian ships from UK ports, 28 February 2022, <https://www.ukchamberofshipping.com/news-and-campaigns/news/2022/02/28/statement-following-the-banning-of-russian-ships-from-uk-ports/> (accessed on 19 April 2023).
- 26 Foreign, Commonwealth and Development Office, Press Release, 19 May 2022; HM Treasury, Financial Sanctions Notice, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144893/General_Guidance_-_UK_Financial_Sanctions_Aug_2022_.pdf, 19 May 2022.
- 27 Mills C, Sanctions against Russia, *Commons Library Research Briefing*, CBP-9481, 20 September 2023, <https://researchbriefings.files.parliament.uk/documents/CBP-9481/CBP-9481.pdf>.
- 28 UK orders its ports to block all Russian-linked ships, *Reuters*, 22 February 2022, <https://www.reuters.com/world/uk/uk-bans-russian-ships-docking-its-ports-2022-02-28/>.
- 29 UK Financial Sanctions, General guidance for financial sanctions under the Sanctions and Anti-Money Laundering Act 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144893/General_Guidance_-_UK_Financial_Sanctions_Aug_2022_.pdf, 19 May 2022.
- 30 Russian invasion of Ukraine: UK Government response, 28 March 2022, <https://www.gov.uk/guidance/additional-duties-on-goods-originating-in-russia-and-belarus#contact-hmrc>.
- 31 Inu Manak, Suspend Russia's Trade Benefits Now, Greenberg Center for Geoeconomic Studies, <https://www.cfr.org/article/suspend-russias-trade-benefits-now>.
- 32 European Council, Sanctions against Russia - Explained, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/>.
- 33 Order of the Government of the Russian Federation of 29.3.2022 No. 506, Ministry of Justice of the Russian Federation, 30 March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203300003>.
- 34 World Intellectual Property Organization, Russian Federation: Exceptions and Limitations to Copyright, World Intellectual Property Organization, <https://www.wipo.int/scp/en/exceptions/replies/russia.html>.
- 35 Aylen D, Russian Court Says Parallel Importation is Legal, 18 January 2018, <https://www.mondaq.com/russianfederation/trademark/665230/russian-court-says-parallel-importation-is-legal>.
- 36 Keenan A, McDonald's, Starbucks, and others have no recourse for stolen IP in Russia, <https://finance.yahoo.com/news/mc-donalds-starbucks-and-others-have-no-recourse-for-stolen-ip-in-russia-174530523.html>.
- 37 The Peppa Pig revenge: Explained how Russia is retaliating to sanctions by encouraging copyright infringement, <https://www.firstpost.com/world/the-peppa-pig-revenge-explained-how-russia-is-retaliating-to-sanctions-by-encouraging-copyright-infringement-10459191.html>.
- 38 Carman T, McDonald's trademarks in Russia are under threat as Putin aims to retaliate for U.S. sanctions, *The Washington Post*, 18 March 2022, <https://www.washingtonpost.com/food/2022/03/18/mcdonalds-russia-trademarks-uncle-vanya/>.
- 39 Calia M, McDonald says it will sell its Russia business after previously pausing operations due to Ukraine war, *CNBC*, 16 May 2022, <https://www.cnbc.com/2022/05/16/mcdonalds-says-it-will-sell-its-russia-business-after-previously-pausing-operations-due-to-ukraine-war.html>.
- 40 Peppa Pig loses trademark battle in Russia and Ukraine, *The Independent*, 14 March 2022, <https://www.independent.co.uk/news/world/europe/peppa-pig-russia-trademark-ukraine-b2034842.html>.
- 41 Little J & Imasogie O, McRussia: The weaponization of intellectual property, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4404421.
- 42 Order of the Government of the Russian Federation of 29.03.2022 No. 506, Ministry of Justice of the Russian Federation, 30 March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203300003>.
- 43 Ranjan P, Russia-Ukraine War and WTO's National Security Exception, <https://journals.sagepub.com/doi/abs/10.1177/00157325221114586?journalCode=ftra>.
- 44 Richter H, Competition and Intellectual Property Law in Ukraine: Navigating the Landscape, https://link.springer.com/chapter/10.1007/978-3-662-66101-7_1.
- 45 Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf.
- 46 Law of Ukraine, <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/ua/ua207en.pdf>.
- 47 Chorążewska A, Stanimirova I & Oster K, Ethics and IPR - Much needed legal solutions for tomorrow, *Journal of Intellectual Property Rights*, 28 (6) (2023) 518-528, <https://or.nispr.res.in/index.php/JIPR/article/view/1917>.
- 48 Love B, Russian patents grab deemed 'Act of War', *Financial Times*, 16 June 2022.
- 49 World Trade Organization (WTO) - Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), <https://www.wipo.int/wipolex/en/text/190812>.
- 50 World Trade Organization, Review of Article 73: Members' Obligations, WTO, 2017, https://www.wto.org/english/res_e/publications_e/ai17_e/trips_art73_jur.pdf.
- 51 Upadhyay N K & Rathee M, Impact of artificial intelligence on Intellectual Property Rights, *Proceedings of International Young Scholars Workshop*, 1 (9) June 2020, ISSN 2709-1120. Available at: <https://journals.sdu.edu.kz/index.php/iysw/article/view/192>.