



On approval of the Agreement on cooperation for legal security and protection of intellectual property and establishment of the Interstate Council on legal security and protection of intellectual property

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated March 28, 2011 No. 282

Unofficial translation

The Government of the Republic of Kazakhstan hereby RESOLVED as follows:

1. To approve the attached Agreement on cooperation for legal security and protection of intellectual property and establishment of the Interstate Council on legal security and protection of intellectual property, done in St. Petersburg dated November 19, 2010.

2. This resolution shall come into force from the date of signing.

Prime Minister of the Republic of Kazakhstan

K. Massimov

AGREEMENT

on cooperation for legal security and protection of intellectual property and establishment of the Interstate Council on legal security and protection of intellectual property

Governments of the member states to this Agreement, hereinafter referred to as the Parties ,
desiring to develop scientific-technical, trade, economic and socio-cultural cooperation, recognizing that an indispensable condition for development of such cooperation shall be effective legal security, protection and management of intellectual property, conscious of the importance of taking concerted and coordinated measures to develop the legal security and protection of intellectual property in the territories of the member states to this Agreement,
bearing in mind the importance of improving intellectual property management mechanisms, including the commercialization and other use of intellectual property, guided by the international obligations and laws of the member states to this Agreement,
hereby agreed as follows:

Footnote. Preamble as amended by the regulatory resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

Article 1

In order to coordinate joint activities to improve the interstate system of security and protection of intellectual property, intellectual property management mechanisms to counter intellectual property offences, the Parties shall cooperate by:

a) strengthening contacts, conducting joint research and exchange of views in the sphere of intellectual property;

b) exchange of information on laws of the member states to this Agreement in the sphere of intellectual property;

c) coordination of the issues connected with security and protection and management of intellectual property, including commercialization and other use of intellectual property objects at implementation of cooperation in the sphere of economy, trade, science, the equipment and culture and also assistance in the conclusion of the relevant international treaties;

d) implementation of joint actions to prevent, detect and suppress offences in the sphere of intellectual property and to counter such offences;

e) taking effective measures to prevent and suppress offences in the sphere of intellectual property;

f) mutual protection of economic entities of the member states to this Agreement against unfair competition in the sphere of intellectual property.

Footnote. Article 1 as amended by the regulatory resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

Article 2

The Parties shall establish an Interstate Council on legal security and protection of intellectual property (hereinafter referred to as the Council).

The Council shall operate on the basis of the Regulation of the Council, which shall be an integral part of this Agreement.

Article 3

For the purposes of this Agreement, "intellectual property" shall be understood to be within the meaning indicated in Article 2 of the Convention establishing the World Intellectual Property Organization dated July 14, 1967 (as amended of October 2, 1979).

Article 4

The Parties shall cooperate through their authorized (competent) bodies in accordance with this Agreement in compliance with the legislation and international treaties of the member states to this Agreement.

Article 5

The Parties shall determine the list of their authorized (competent) bodies and shall inform the depositary thereof when giving notification of the implementation of the domestic procedures necessary for the entry into force of this Agreement. Each Party shall notify the depositary in writing through diplomatic channels within one month of amendments to the list of authorized (competent) bodies.

Article 6

Authorized (competent) bodies of the Parties shall cooperate in the sphere of intellectual property by coordinating and conducting joint research, measures to prevent, detect and suppress offences, exchange views and information.

Article 7

This Agreement shall not affect the rights and obligations of each Party arising under it from other international treaties to which the State shall be a party.

Article 8

This Agreement may, by mutual consent of the Parties, be amended and supplemented as an integral part thereof, which shall be formalized by the relevant protocol and shall enter into force in the manner provided for the entry into force of this Agreement.

Article 9

Disputes between the Parties arising in the application and interpretation of this Agreement shall be resolved through consultations and negotiations between the Parties concerned or through other procedure agreed by the Parties.

Article 10

This Agreement shall enter into force 30 days after the date of receipt by the depositary of the third written notification of the implementation by the signatories of the domestic procedures necessary for its entry into force.

For Parties that shall have implemented domestic procedures at a later date, this Agreement shall enter into force 30 days after the date of receipt by the depositary of the relevant documents.

Article 11

This Agreement shall be open to accession by any state which shares its purposes and principles by transferring to the depositary the instruments of accession.

For an acceding state, the Agreement shall enter into force:

a) 30 days after the date of receipt of the instrument of accession by the depositary, provided that at the time of delivery of the instruments of accession to the depositary, the Agreement entered into force;

b) from the date of entry into force of the Agreement, provided that at the time of delivery to the depositary of the instruments of accession, the Agreement shall have not be entered into force.

Article 12

This Agreement shall be entered into indefinitely. Each Party may withdraw from this Agreement by giving written notification to the depositary of such intention not later than 6 months prior to withdrawal and by settling obligations arising during the term of the Agreement.

Article 13

The Agreement on measures for the protection of industrial property and on the establishment of the Interstate Council for the protection of industrial property dated March 12, 1993 and the Agreement on cooperation in the suppression of intellectual property offences dated March 6, 1998, this Agreement from the date of entry into force shall be terminated for the member states.

Done in the city of St. Petersburg on November 19, 2010 in Russian, in one original copy. The original copy shall be kept by the Executive Committee of the Commonwealth of Independent States, which shall send to each signatory State a certified copy thereof.

For the Government of the Republic of Azerbaijan

For the Government of the Republic of Armenia

For the Government of the Republic of Belarus

For the Government of the Republic of Kazakhstan

For the Government of the Kyrgyz Republic

For the Government of the Russian Federation

For the Government of the Republic of Tajikistan

For the Government of Turkmenistan

For the Government of the Republic of Uzbekistan

For the Government of Ukraine

For the Government of the Republic of Moldova

Annex

to Agreement on cooperation for
legal security and protection
of intellectual property and
establishment of Interstate Council on
legal security and protection
of intellectual property
dated November 19, 2010

REGULATION

on the Interstate Council for legal security and protection of intellectual property

I. General provisions

1.1. Interstate Council on legal security and protection of intellectual property (hereinafter referred to as the Council) shall be established in accordance with the Agreement on cooperation in the sphere of legal security and protection of intellectual property and the establishment of the Interstate Council on legal security and protection of intellectual property of _____ (hereinafter referred to as the Agreement) in order to coordinate the joint activities of the member states to the Agreement to improve the interstate system of security and protection of intellectual property, to counter intellectual property offences, to establish conditions for improving intellectual property management mechanisms, including commercialization and other use of intellectual property.

The Council shall work closely with the CIS Executive Committee as well as other Commonwealth bodies.

Footnote. Paragraph 1.1 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

1.2. The Council shall be a body of branch cooperation of the CIS, carrying out its activities within the limits of its powers and reporting to the Council of Heads of Government and the Economic Council of the CIS.

1.3. In its activities, the Council shall be guided by the CIS Charter, treaties and decisions adopted within the Commonwealth, the General Regulation on CIS branch cooperation bodies , as well as this Regulation.

II. Functions of the Council

The functions of the Council shall be as follows:

2.1. Coordination of joint activity of the member states of the Agreement on creation, development and improvement of mechanisms of legal security and protection of intellectual property of management of intellectual property, including commercialization and other use of intellectual property, to development of scientific and technical, trade and economic and welfare cooperation, implementation of joint actions in prevention, identification and suppression of offenses in the sphere of intellectual property.

Footnote. Paragraph 2.1 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

2.2. To facilitate the exchange of legislative, regulatory, methodological and other information in the sphere of intellectual property.

Footnote. Paragraph 2.2 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

2.3. Development of recommendations for the establishment of the system:
increasing efficiency of legal security, protection and management of intellectual property
;
countering unfair competition in intellectual property;
counteracting the production and distribution of counterfeit products;
improvement of mechanisms for the protection of industrial property, copyright and related rights.

Footnote. Paragraph 2.3 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

2.4. Preparation for consideration at meetings of Council of CIS Heads of Government and bodies of branch cooperation of the CIS of offers on development of cooperation on legal security, protection and management of intellectual property.

Footnote. Paragraph 2.4 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

2.5. Development of proposals for cooperation between member states to the Agreement in the sphere of intellectual property.

Footnote. Paragraph 2.5 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

2.6. Promotion of organizational and methodological support by specialists in the sphere of intellectual property.

III. Rights of the Council

The Council shall have the right to:

3.1. Submit to the Council of Heads of Government and the Economic Council of the CIS draft documents, as well as information on the implementation of decisions on issues within the competence of the Council, in accordance with the established procedure.

3.2. Request, in accordance with established procedure, information from the member states to the Agreement and the CIS branch cooperation bodies on matters within its competence.

3.3. Establish standing working commissions on:

a) copyright and related rights;

b) industrial property;

c) counteracting offences in the sphere of intellectual property,

and both permanent and temporary interstate expert working groups:

for development of drafts of the international treaties and other documents necessary for realization of mechanisms of legal security, protection and management of intellectual property, including commercialization and other use of intellectual property, development of effective ways of counteraction to offenses in the sphere of intellectual property and to distribution of counterfeit products;

consideration of issues of exchange of patent, regulatory and methodological documentation and other information in the sphere of security and protection of intellectual property;

development of proposals to improve the system of security and protection of intellectual property and intellectual property management mechanisms, including commercialization and other use of intellectual property.

Footnote. Paragraph 3.3 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

3.4. Monitor the activities of the permanent working commissions, as well as the permanent and temporary interstate working groups of experts established under the Council, and to take measures to ensure their smooth functioning.

3.5. Hear the reports of the Chairman of the Council and to prepare appropriate proposals for the member states to the Agreement.

3.6. Develop, approve and amend its Rules of procedure.

IV. Procedure for formation of the Council

4.1. The Council shall be formed of heads of state authorities of the member states to the Agreement responsible for the security and protection of intellectual property and the commercialization and other use of intellectual property.

When persons replacing members of the Council are sent to meetings of the Council, their credentials must be confirmed.

The Council may be composed of the head of the Council secretariat and representatives of the CIS Executive Committee, with a consultative vote.

Footnote. Paragraph 4.1 as amended by the resolution of the Government of the Republic of Kazakhstan date 13.11.2017 № 737.

4.2. The chairmanship of the Council shall be exercised in turn by each member state to the Agreement, represented by its representative, elected in the order of the Russian alphabet of the names of the CIS member states, for a period of not more than one year, unless otherwise established by the decision of the Council.

The previous and subsequent Chairman of the Council shall be the co-chairman of the Council.

In the event of the temporary absence of the Chairman of the Council, the responsibilities of the Chairman of the Council shall lie with one of the co-chairmen.

V. Organization of work

5.1. Meetings of the Council shall be held at least once a year. Extraordinary meetings may be convened as necessary.

An extraordinary meeting of the Council shall be convened by the Chairman on his initiative or on the proposal of at least three members of the Council.

5.2. Decisions of the Council shall be valid if at least two thirds of the members of the Council are represented at the meeting.

5.3. The venue shall be determined by prior agreement of the members of the Council.

5.4. The Council annually shall provide the CIS Executive Committee with information on its activities.

5.5. By the decision of the Council, representatives of interested departments of non-CIS member states and organizations, including international organizations, may be present as observers in its meetings.

5.6. The decisions of the Council shall be of an advisory nature.

Decisions of the Council shall be taken by a simple majority of the members present at the meeting, unless otherwise determined by the Council.

Each state shall have one vote in decision-making.

Any member of the Council may declare his or her lack of interest in a matter, which should not be considered an obstacle to a decision.

Members of the Council who shall not agree with the decision may express a dissenting opinion, which shall be included in the minutes of the meeting.

5.7. Decisions of the Council shall be signed by the Chairman and the responsible secretary of the Council.

5.8. Meetings of the Council shall be held in accordance with the Regulations of Procedure approved by the Council.

5.9. The materials for the regular meeting of the Council shall be sent to the members not later than 30 days before the date of its holding.

5.10. Organizational, technical and information support for the activities of the Council shall be provided by its secretariat.

5.11. The functions of the secretariat of the Council shall be performed by the relevant state authority of the state member to the Agreement, whose representative shall preside over the Council, together with the structural division of the CIS Executive Committee.

The Head of the Secretariat of the Council shall be the representative of the state authority of the state member to the Agreement presiding over the Council, and the deputy head of the secretariat shall be the representative of the CIS Executive Committee.

5.12. Decisions of the Council directly affecting the interests of a state member to the Agreement may not be taken in the absence of its representative.

5.13. The Council shall elect a Chairman at the first meeting.

5.14. The Chairman shall organize the work of the Council, direct its meetings and ensure compliance with the Regulations.

VI. Final provisions

6.1. The expenses of organizing the meetings of the Council shall be borne by the relevant public authorities of the host state member to the Agreement.

The expenses for the assignment of the members of the Council and the participants of the meeting shall be borne by the sending bodies of the state authorities and organizations of the member states to the Agreement.

6.2. The working language of the Council shall be Russian.

6.3. The decision to abolish the Council shall be taken by the Council of Heads of Government of the Commonwealth of Independent States.

I hereby certify that the attached text shall be an authentic copy of the Agreement on cooperation in the sphere of legal security and protection of intellectual property and the

establishment of the Interstate Council on legal security and protection of intellectual property adopted at the meeting of the Council of Heads of Government of the Commonwealth of Independent States held on November 19, 2010 in St. Petersburg. The original copy of the above-mentioned Agreement shall be kept in the Executive Committee of the Commonwealth of Independent States.

*The First Deputy Chairman
of the Executive committee -
CIS Executive Secretary*

V. Garkun

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