

## Some issues of legal protection of industrial property subject matters

### *Invalidated Unofficial translation*

Order of the Acting Minister of Justice of the Republic of Kazakhstan dated April 23, 2010 No. 136. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 17, 2010 No. 6234. Abolished by Order of the Acting Minister of Justice of the Republic of Kazakhstan dated August 25, 2018 No. 1302.

*Footnote. Abolished by Order of the Acting Minister of Justice of the Republic of Kazakhstan dated August 25, 2018 No. 1302 (effective ten calendar days after the date of its first official publication).*

*Explanatory note by RCLII!*

*The procedures for enacting order see. p. 4.*

In order to implement the Law of the Republic of Kazakhstan from July 13, 1999 "On the protection of selection achievements", the Law of the Republic of Kazakhstan from July 16, 1999 "Patent law", Law of the Republic of Kazakhstan from July 26, 1999 "On trademarks, service marks and appellations of origin of goods" and the Law of the Republic of Kazakhstan from June 29, 2001 "On the legal protection of integrated circuits' topographies".

I hereby ORDER:

1. to approve the attached:

1) Rules of filing and processing of applications for the grant of a selection patent according to Annex 1 to this order;

2) *loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication);*

3) *loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication);*

4) *loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication);*

5) Instructions for filing, registration and consideration of an application for an appellation of origin and grant the right to use the appellation of origin in accordance with Annex 5 to the present order;

6) Rules of recognition of a trademark (service mark), well-known in the Republic of Kazakhstan under Annex 6 to the present order;

7) *deleted by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 84 (the act is entered into force in ten calendar days after its first official publication);*

8) *deleted by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 84 (the act is entered into force in ten calendar days after its first official publication);*

9) Rules for compilation, submitting, pendency of applications for registration, registration and issue of certificate of integrated circuit topology according to Annex 9 to the present order.

*Footnote. Paragraph 1 as amended by orders of the Minister of Justice of the RK of 24.02.2012 No. 84 (the act is entered into force in ten calendar days after its first official publication), of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication);*

2. Shall be deemed to have lost force some orders of the Chairman of the Committee on the rights of intellectual property of the Ministry of Justice of the Republic of Kazakhstan, in accordance with Annex 10 to the present order.

3. The Committee on the rights of intellectual property of the Ministry of Justice of the Republic of Kazakhstan in accordance with the procedure established by Law to ensure the State registration of the present order.

4. The present order shall come into force on the expiry of ten calendar days after the date of its first publication.

*Acting Minister of Justice*

*of the Republic of Kazakhstan D. Kustavletov*

Annex 1

to order of the Acting Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

### **Rules of filing and processing of applications for the grant of a selection patent**

1. These Rules are developed in accordance with the Law of the Republic of Kazakhstan "On the protection of a selection achievements" (hereinafter - Law) and define the requirements and procedure for compilation, filing and pendency of applications for the grant of a selection achievement patent (hereinafter-Rules).

2. In the present Rules are used the following terms and concepts:

1) an author of a selection achievement (breeder) (hereinafter - author) – an individual who has created, developed or cultivated variety, breed;

2) selection achievement – a new plant variety, a new breed of the animal, resulting from human creativity, on which the patent is granted;;

3) State Commission - The State Commission for Testing of New Varieties of Agricultural Plants and the State Commission on Testing and Approbation of Breeds of the authorized body in the field of agro-industrial complex development;

4) application-an application for the grant of a patent for a selection achievement;

5) conventional application - application filed in accordance with the International Convention on the protection of new varieties of plants of 2 December, 1961

6) an applicant – an individual or legal entity who has applied for a selection patent ;

7) a patent owner – an individual or legal entity having the right for achievement;

8) originator- an individual or legal entity who preserves varieties (breeds);

9) the State Register of selection achievements – the State Register of the Republic of Kazakhstan of protected plant varieties and the State Register of the Republic of Kazakhstan of protected animal species, which include the variety or breed for which patents are granted;

10) authorized body is the Ministry of Justice of the Republic of Kazakhstan;

11) expert organization - an organization under the competent authority carrying out the activity in the spheres assigned to State monopoly (services in the field of the protection of new varieties of plants).

*Footnote. Paragraph 2 as amended by orders of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

## **2. Preparation and submission of application**

3. Application for the grant of a selection patent, in accordance with paragraph 1 of article 5 of the Law is filed by the author of a selection achievement or his assignee.

If a selection achievement created, developed or cultivated when performing official tasks or duties, the application for the grant of a selection patent is submitted by the employer unless the agreement between the author and the employer does not provide otherwise.

4. The application should be submitted to the expert organization directly, shall be sent by mail or in electronic form, certified by electronic digital signature.

*Footnote. Paragraph 4 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

5. In accordance with paragraph 2 of article 5 of the Law individuals residing outside of the Republic of Kazakhstan, or foreign legal entities do business to obtain patents and keeping them in force submitted objections to the Board of Appeal and participate in their consideration, only through patent attorneys of the Republic of

Kazakhstan registered in the authorized body, if otherwise is not regulated by an international agreement with the Republic of Kazakhstan.

Individuals permanently residing in the Republic of Kazakhstan, but temporarily outside the country do business associated with handling of application and obtaining a patent, without the patent attorney if specify the address for correspondence within the Republic of Kazakhstan.

In accordance with paragraph 3 of article 5 of the Law, an application for the grant of a patent is issued on one selection achievement and contains:

- 1) the application for the grant of a patent (hereinafter referred to as the Application );
- 2) a selection achievement form;
- 3) the Power of attorney, in the case of records management through a representative.

*Footnote. Paragraph 5 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

6. The application for the grant of a selection patent shall be accompanied by proof of payment of the filing of the application and the document certifying the reason to reduce its size (participants and invalids of the Great Patriotic War, people with disabilities, studying in educational institutions, implementing educational programs of primary, basic secondary, general secondary education, enrolled in educational institutions that implement professional training programs of technical and vocational education, post-secondary education, higher education, small and medium-sized enterprises) which are provided together with the application or within two months from the date of receipt of the application. Provided appropriate payment this period is extended, but not more than two months.

*Footnote. Paragraph 6 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

7. Application and other documents of the application shall be submitted in the Kazakh or Russian languages. The botanical definitions shall be recorded in Latin capital letters.

*Footnote. Paragraph 7 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

8. Application for the grant of a patent shall be submitted in four copies and a selection achievement form in triplicate.

Other documents shall be submitted in one copy.

9. The application and selection achievement form should contain information attainment on classification of variety, breed to identify a selection achievement.

All documents are printed bold in black on strong, white, smooth, unpolished paper on a computer or typewriter.

### **3. Procedure of filling application for the grant of a patent**

10. Application for the grant of a patent of the Republic of Kazakhstan for a selection achievement (hereinafter referred to as the Application) shall be in the form as set out in annex 1 to these Rules, and is filled in compliance with the following order:

1) if there is no possibility of information arrangement in the appropriate boxes completely, they shall be provided in the same form on additional sheet indicating in the appropriate box: "see. Annex to the Application" (in the corresponding column cell "List of annexed documents" shall bear the "x" mark);

2) boxes "date of receipt", "priority", the box under code 21, located in its upper part, intended to fill the expert organization after the receipt of the application and are not be filled by the applicant;

3) in box, containing a request for grant of a patent, after the words "in favor of the applicant(s)" provides information about the applicant (applicants) for whom a patent is sought: surname, name and patronymic (if any) (hereinafter referred to as the FULL NAME) of the individual, with surname indicated before the name, or the full official name of the legal entity according to the document of the State registration (copy attached), as well as information about their respective place of residence, location, including the official name of the country and full postal address. Foreign names and the names of legal entities shall be indicated also in transliteration in Kazakh or Russian language. Information about residence of applicants who are authors of a selection achievement are given in the second column of box under code 72.

For legal entities or individuals staying or residing outside the Republic of Kazakhstan, in favor of whom the patent is sought, indicates the country code according to standard 3 of the World Intellectual Property Organization (hereinafter referred to as WIPO).

If there are several applicants, the information are provided for each of them;

4) boxes under codes 31, 32 and 33, containing a request for the establishment of priority is filled when the priority of the earlier filing date in expert organization in accordance with article 7 of the Law. Affixation of mark "x" in the corresponding cells marks the date for claiming priority and indicates the number of the application from which priority is claimed, the date of priority claimed (filing date), the country of filing, the application phase and under which name registered a selection achievement.

Stage of pendency of application indicated by code:

A - application be pending;

- B - application is refused;
- C - application is revoked;
- D – application is satisfied, patent is granted.

Applicant states that the material passed with the first application represents the variety (breed) and corresponds to the present application;

5) in the box "Genus, specie" is specified the full name of the genus and species, for accurate identification of varieties, breeds on taxonomic affiliation and of production use.

This box indicates the Latin name of the taxonomic unit (genus, species, subspecies );

6) in the box "Proposed name" provides the name of a selection achievement.

Selection achievement of foreign selection indicates its original name in the language of the applicant and transcription in Kazakh or Russian language. Transcription of the name of the foreign selection achievement is offered by the applicant;

7) in the box "Selection number" specified selection number assigned on the stages of selection;

8) in the box "Selection achievement derived from country" is provided in full country name of a selection achievement as well as its code in accordance with the standard 3 of WIPO;

9) in the box "Whether variety (breed) was proposed for sale or sold", if the variety was sold or offered for sale in the Republic of Kazakhstan, the appropriate box shall be noted by sign "x" and indicated the first date and name under which the products are sold or offered for sale.

If variety (breed) are not sold or offered for sale to note the appropriate box with the sign "x".

Information about the sale or offer for sale in other countries are provided as similarly listed above, and adds the country;

10) in the box "Address for correspondence" shall be provided address for correspondence, telephone number. As the address for correspondence specified the address of the applicant's residence place (or one of the applicants)-an individual residing in the Republic of Kazakhstan, or location address of the representative of the applicant (s), or other address in the territory of the Republic of Kazakhstan;

11) in the box under code 74 shall be provided information on representative of the applicant (s), including patent attorney (patent attorneys). In the case of the appointment of a patent attorney prior to filing shall be indicated his surname, name and patronymic, the registration number in the authorized body, address, telephone number, fax number (if available). In the case of a designated representative shall be specified surname, name and patronymic of an individual and name for a legal entity,

address (location) in the Republic of Kazakhstan, telephone number, fax number. If there are several applicants and the application is not filed through a patent attorney, one of the applicants is chosen as a representative;

12) the box "List of annexed documents" is filed by mark "x" in the appropriate cells and specifying the number of copies and sheets in each counterpart of the attached documents. For attached documents which do not provided by the application form ("other document") shall be stated their purpose.

13) in the box "Base for the right to apply for and be granted a patent (without submission of document), by putting the sign "x" marks the appropriate reason (s) for applying and granting a patent. The specified box is filed in cases where a patent is sought in favor of the applicant (s), except where the applicant is the author, or if there are several applicants, their stuff is identical to the stuff of the authors;

14) in the box under code 72 shall be provided information about the author (authors): Full name, full postal address of the place of residence, for foreign citizens shall be indicated country code according standard 3 of WIPO;

15) in the box to the right of the box under code 72, shall be provided the author's signature and the date when the author is an applicant.

In the case of the death of the author prior to the filing of the application shall bear the signature of the heir and the date. It is not required to submit official documents proving the right to inheritance at the stage of filing;

16) the box located directly below the box with the code 72 is filled when the author requests not to mention him as such when publishing application materials and patent. In this case, shall be provided surname, name and patronymic (if any) of each of the authors who do not wish to be mentioned when published, and their signature.

Filling the last box "Signature" of the application showing the date is necessary in cases where the applicant is a person other than the author. On behalf of the legal entity the application shall be signed by the Head of an organization or other person authorized by constituent documents of legal entity, indicating his post, his signature de under the seal of the legal entity (if available). If there are several applicants, the application shall be signed by each of the applicants.

When applying through a patent attorney patent attorney shall sign the application.

Signatures in the application shall be decrypted with the names and initials of the signer;

each additional sheet (annex to the application), where you can see any information relating to the application shall be signed in the order listed above.

In the application and the annex thereto are not allowed alterations and erasures. In the event of such defects is requested properly filled application or an annex thereto.

*Footnote. Paragraph 10 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

#### **4. The structure of the variety (breed) form**

11. Variety (breed) form contains:  
the name of the genus and species (in Kazakh and Russian languages and Latin);  
the proposed name of a selection achievement and selection number;  
origin of a selection achievement indicating the method of creation and the original (parent) form;  
details of the maintenance and reproduction of a selection achievement;  
signs of a selection achievement, characterizing the distinctive features;  
names of a similar selection achievements and the grounds on which the requested selection achievement differs from similar;  
special conditions for testing of a selection achievement for distinctness, uniformity and stability (if available).

*Footnote. Paragraph 11 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

12. Variety (breed) form shall be signed by the applicant (s) in the order of the subparagraphs 19) and 20) of paragraph 10 of this Rules.

The form shall be attached with table of signs of selection achievements for relevant genera and species, where the applicant describes the variety of plants or breed of animals according to the degree and index of signs' intensity.

#### **5. Power of Attorney**

13. Power of Attorney meets the following requirements:

- 1) The Power of attorney issued by the applicant (an individual) to an individual shall be notarial certified. Power of attorney on behalf of an legal entity shall be issued under the signature of the first head or other person and under the seal of the legal entity (if any);
- 2) the power of attorney should specify precise indication of assigned activities that can make representative on behalf of the principal;
- 3) the power of attorney specifies the place of issue;
- 4) the power of Attorney is issued for a period not exceeding three years. If the power of attorney is specified a longer period, it is valid for three years, and if there is no validity period - for one year from date of issue. The period of validity of the power of attorney issued outside the Republic of Kazakhstan without specifying the term of its validity is determined by the law of the country where the power of attorney was issued;



5) power of attorney issued by individuals residing outside of the Republic of Kazakhstan, or by foreign legal entities, may be issued only in favor of the individual registered in the authorized body as a patent attorney;

6) the power of attorney may be issued in favor of several patent attorneys registered in the authorized body, thus representation may be implemented by any one of them. If their actions contradict each other, the applicant shall be reported about it and acts shall be suspended until the approval by the applicant;

7) an individual in whose favor the power of Attorney was issued, personally carries out those activities for which he was authorized. Substitution is possible only in the case of such power of attorney issued to him;

8) the power of attorney is terminated due to:

the expiry of the power of attorney;

implementation of action not covered by power of attorney;

cancellation of power of attorney by the person who gave it;

the refusal of the person to whom the power of attorney was given;

liquidation of a legal entity on behalf of which the power of attorney was given;

liquidation of a legal entity in favor of whom the power of attorney was given;

the death of the person who gave the power of attorney, declaration of him as incapable, partially incapacitated, or missing;

death of a person for whom the power of attorney was given, declaration of him as incapable, partially incapacitated, or missing.

*Footnote. Paragraph 13 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

14. With the termination of a power of attorney becomes invalid delegation of power of attorney.

Person issued a power of attorney in case of cancellation immediately inform authorized body and expert organization about this.

*Footnote. Paragraph 14 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

## **6. Conducting of affairs to obtain a selection patent**

15. Correspondence is conducted by the applicant or his representative, on each application individually.

Documents sent after filing, contain its number and signature of the applicant or his representative. If the applicant is a legal entity, documents on its behalf shall be signed in accordance with the procedure referred to in subparagraph 19) and 20) of paragraph 10 of this Rules.

Documents sent during processing of application shall be submitted within the time limits prescribed by the Law and these Rules.

Processing is conducted in Kazakh or Russian language.

Documents submitted with paperwork irregularities that prevent their reading, are not considered. The person submitting such documents shall be sent corresponding notification.

Original application materials transmitted by facsimile machine shall be submitted within one month from the date of their receipt along with a covering letter that identifies materials received earlier. The date of receipt of materials is considered to be the date of their receipt by fax. If the original material received on the expiration of monthly term or material received by fax, not identical to the originals submitted, then materials are considered to be received on the date of receipt of the originals, and the contents of the received fax materials in future shall not be taken into account. Prior to the submission of originals materials relating to applications submitted by fax shall be considered as not received. If any application materials received by fax, or part of them not readable or not received, relevant materials shall be deemed received on the date of receipt of the originals. Materials are considered to be received on the date of receipt of the fax at withdrawal by the applicant of unreadable parts.

*Footnote. Paragraph 15 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

16. In accordance with parts 2-5 of paragraph 1 of article 8 of the Law, the applicant's right to make a further specifications in the documents of the application within two months from the date of its filing.

The applicant can make amendments and clarifications to the application documents without changing the essence of a selection achievement before a decision on that application.

When making these changes within two months of the date of receipt of the application fee will not be charged.

Changes concerning the applicant's instructions when the assignment of the right to receive title of protection or change the name of the applicant, as well as correcting errors in application documents of a technical nature, carried out before the date of making the information about the registered selection achievement in the State Register of selection achievements of the Republic of Kazakhstan, subject to the appropriate payment.

Additional documents available for the application on the variety, breed and containing signs that were not listed in the primary application materials and modifying the essence of the claimed variety, breed are not taken into account when considering the application.

*Footnote. Paragraph 16 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

17. Change of stuff of the authors is the inclusion in or exclusion from the author's stuff, specified in the application:

1) changes in the stuff of the authors shall be made by filing a new application in the expert organization in two copies, in accordance with Chapter 3 of these Rules;

2) simultaneously with the new application is filed in duplicate a petition request for appropriate changes in the stuff of the authors in any form with indication of the number and the filing date. The petition shall be signed by the applicant, in the manner prescribed by subparagraphs 18) and 19) of paragraph 10 of this Rules and, in the case of exclusion from the authors' stuff agreed with excluded author whose signature must be notarized (only for authors on national applications and authors of applications filed in accordance with the international treaties). The consent of the excluded author can be issued by separate letter stating the number and date of registration of the application;

3) in the case of inclusion in the authors' stuff to the date of filing of the new application it is impossible to get the signature of the author, specified in the previously filed statement, then to the petition shall be attached written consent executed in the following order:

in case of the death of the author, or declare him dead consent for changes on his behalf shall be signed by a heir who provide a notarized copy of the certificate of inheritance;

in case of author's departure outside the Republic of Kazakhstan consent to the amendment on his behalf shall be signed by the authorized person who submit a document proving such right.

Such a document is a power of attorney with a precise indication of the action assigned in favor of a patent attorney of the Republic of Kazakhstan or a power of attorney granted to another person, legalized in consular office of the Republic of Kazakhstan, except where legalization is not required by virtue of the international treaties of the Republic of Kazakhstan or on condition of reciprocity;

in the absence of information on the location of the author and the inability to get them, he is recognized by the Court as missing in accordance with article 28 of the Civil Code of the Republic of Kazakhstan and the party concerned submits a copy of the Court's decision to declare the author as missing person, which takes into account when deciding on the merits;

in recognition of the author as incompetent or of partially incapacitated, consent to the amendment on his behalf signs a guardian or trustee, with submission of copies of court decision on guardianship or curatorship;

4) citizens residing outside the Republic of Kazakhstan and foreign legal entities submit documents on amending the stuff of authors through patent attorneys of the Republic of Kazakhstan, with a power of attorney issued in favor of the patent agent, provides instruction to perform the specified actions;

5) if there are no documents listed in subparagraphs 1) -4) of this paragraph, and (or) the documents submitted did not meet the requirements of these subparagraphs, the applicant shall be notified with the proposal of within a period of three months from the date of the notice to submit the missing or corrected documents.

In the event of non-submission of requested documents a new application is considered unfiled and making changes are not made, and the applicant will be notified

*Footnote. Paragraph 17 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

18. The change of stuff of the applicants is a partial change in the stuff of the applicants by inclusion of the additional person in the stuff, or exclusion from stuff of applicants previously specified in the application:

1) changes in the stuff of the applicants shall be made by filing a new application to the expert organization in two copies, in accordance with Chapter 2 of this Rules not later than two months from the filing date. When submitting a new application with the changes in the stuff of the applicants authors' signatures on the new application is not necessary.

2) simultaneously with the new application is filed in duplicate the petition for making the relevant changes in the stuff of applicants in any form with indication of the number and date of registration of the application. The petition must be signed by the applicant (s) (listed) in the original application for the grant of a patent, in the manner prescribed by subparagraphs 18) and 19) of paragraph 10 of this Rules. Signature of an excluded applicant of an individual must be notarized (only for applicants of national applications and related persons in accordance with international treaties);

3) when replacing the dead applicant specified in the application, by the legal heir it is sufficient signature only specified heir under the petition with providing a notarized copy of the certificate of inheritance;

4) when changes in the stuff of the applicants as a result of reorganization of a legal entity, a petition and a new application signs his successor with submission of the document confirming the succession on the rights (extract from the separation balance sheet or assignment deed);

5) when changes are due to the liquidation of a legal entity the petitioner and a new application signs the person to whom the corresponding rights is transferred, with submission of the document confirming the fact of the transfer of rights;

6) citizens residing outside the Republic of Kazakhstan and foreign legal entities submits documents for changes in the stuff of the applicants through patent attorneys of the Republic of Kazakhstan, with a power of attorney issued in favor of the patent agent provides instruction to perform the specified actions;

7) when non-submission of the documents listed in this paragraph, and (or) the documents submitted did not meet the requirements of subparagraphs of this paragraph , the applicant shall be notified of the submission of missing documents and (or) removal of defects within a period of three months from the date of notification.

In the event of non-submission of requested documents a new application is considered unfiled and making changes are not made, and the applicant will be notified

*Footnote. Paragraph 18 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

#### **7. Calculation of periods of time**

19. Deadlines for committing procedural acts for obtaining a patent shall specify the period of time within which an action could be committed.

If the term is expressed by the phrase "within (no later than) (before expiration)... from the date...", its calculation starts from the day following the specified date. Term calculated in months shall expire on the corresponding date of the last month of the period. If the last day of the period falls on a holiday, the day of the expiration is considered to be the first next working day. If the deadline falls on a month without corresponding date, term expires on the last day of that month.

20. The documents submitted to communication providers on the last day of the period shall be deemed to be send in due time.

#### **8. Pendency of application and issuance of patent**

21. If the application contains a request for the grant of a patent and a selection achievement form on the State or Russian language, they recorded by an expert organization with date of their receipt and registration number.

The applicant shall be notified about the fact of receipt of application documents, within five days by sending to the applicant a single copy of the application with details, made by the expert organization (registration number and the date of receipt).

22. All outgoing correspondence is sent only to one address, in this case: If the "Address for correspondence" box of the application contains address for correspondence other than the address of the applicant or one of the applicants, if there are several, or address of the representative of the applicant (s), the correspondence is

sent to that address in favor of the applicant or, if there are several applicants, in favor of the applicant the first specified in the application, provided that not all the applicants reside or stay in the territory of the Republic of Kazakhstan, in favor of the specified first applicant who resides in the Republic of Kazakhstan;

If the box "Address for correspondence" of the application is not filled, the correspondence is sent to the address and in favor of the applicant or, if there are several applicants, in favor of the first applicant or applicant who resides in the Republic of Kazakhstan, if not all the applicants reside or stay in the territory of the Republic of Kazakhstan.

Registered application documents are non-refundable.

*Footnote. Paragraph 22 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

23. Registered application documents will be checked on availability of the document confirming the payment of the filing. In the absence of such a document and a document certifying the existence of grounds for a reduction of its amount or in the case of payment in the amount of less established, the applicant shall be notified of the need to submit absent (missing) document (s) and (or) document about payment to a fixed size which may be submitted within two months from the date of receipt of the application or provided appropriate payment at a later date, not exceeding two months.

The applicant shall also be notified that in case of failure to submit these documents on payment within the prescribed period and in the prescribed amount, the application shall be recognized as not having been filed.

24. When patenting abroad of a selection achievement (when the application is filed in an expert organization) at the applicant's request the expert organization produces a certified copy of the first application.

25. Preliminary examination of the application takes place on the expiry of two months from the date of its submission to the expert organization.

Preliminary examination of the application shall be conducted within two months.

When conducting a preliminary examination of the application is checked:

the availability of documents that should be contained in the application or attached thereto (par. 5 of this Rules);

compliance with the payment of the prescribed size according to the current legislation of the Republic of Kazakhstan;

compliance to requirements to the application documents (chapters 3, 4 and 5 of this Rules);

compliance with the procedure of applying to the cases provided in paragraph 2 of article 5 of the Law, including the availability and correctness of registration of the power of attorney, certifying the authority of the representative;

observance of lawfulness and order requesting in the application of an earlier priority date than the filing date.

26. The priority of variety, breed in accordance with paragraph 1 of article 7 of the Law is established on the date of filing of application in the expert organization.

Priority can be established in accordance with paragraph 2 of article 7 of the Law on the date of filing of the first application in a member country of the International Convention on Protection of New Varieties of Plants (Convention priority).

27. When claiming Convention's priority in accordance with paragraph 2 of article 7 of the Law shall be checked:

have the person (persons) indicated in the application, the right for the Convention's application;

compliance by the applicant with the time limit for claiming Convention priority (when applying);

availability and compliance with the deadline for the submission of a certified copy of the first application submitted simultaneously with the application or within three months from the date of filing in the expert organization and its translation into the State or Russian language;

use the applicant the right of Convention priority of first application within 12 months from the date of its filing.

If these conditions are met, additional documentation and necessary material for testing within three years from the date of filing of the first application is not required.

In case of failure to meet at least one of the conditions, the priority of variety, breed is established on the date of filing the application in the expert organization.

28. Additional documents available for the application and containing the signs that were not listed in the initial documents of the application and modifying the essence of the declared variety, breed, are not taken into account when pendency of the application, whereof the applicant shall be notified about.

29. Validation of the proposed name of a selection achievement is made by the State commissions. Conclusion of the State Commission on the results of check of the names passed in the expert organization.

30. If during the preliminary examination of the application is established that the name of a selection achievement does not conform requirements and (or) application is registered with violation of the requirements of its documents, the applicant shall be sent a request with the detected deficiencies and proposing to provide a new name of a selection achievement and (or) missing or corrected documents within two months from the date of its dispatch.

### **9. The decision on refusal or further pendency of application**

31. In case of failure to respond to the request of the preliminary examination within two months, as well as not matching the application to the requirements of

chapters 3, 4 and 5 of this Rules, the expert organization issues expert opinion about the negative result of the preliminary examination of an application for the grant of a selection patent in form according to annex 2 to this Rules, on the basis of which the authorized authority within ten working days, decide on the refusal of further pendency of the application and sends to the expert organization. Expert organization within one month from receipt of the decision, shall notify the applicant.

The decision of the Board of appeal may be appealed against in court within six months from the date of receipt of the decision.

*Footnote. Paragraph 31 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

32. If as a result of the preliminary examination, it is established that the application meets the requirements, the expert organization issues expert opinion on the positive result of preliminary examination in form, in accordance with annex 3 to this Rules, on the basis of which the authorized authority within ten working days, shall decide on the further pendency of the application and sends to the expert organization.

Expert organization within 10 working days from receipt of the decision, shall notify the applicant about the positive result of the preliminary examination, establishing the filing date, the priority of a selection achievement, on transfer of materials of the application in the State commission for conducting patentability examination, and reports on the need to send the required materials to test for distinctness, uniformity and stability.

*Footnote. Paragraph 32 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

#### **10. Publication of application data**

33. Publication of the application data for which preliminary examination decision on further pendency was made, is produced after 18 month from the date of receipt of the application in accordance with paragraph 6 of article 8 of the Law. At the request of the applicant, filed on form SD-2 in accordance with annex 4 to this Rules, the information on the application may be published before the specified deadline:

1) when publishing information on application expert organization publishes in the State and Russian languages the following information:

number and filing date of the application;

number, filing date and country code in accordance with the standard on the basis of which the selection achievement priority is established, if on application priority date is earlier than the date of filing the application with the expert organization;

the name of the author (s), if last not withdrawn to be mentioned as such;



the name or title of the applicant;

code (s) of the country of residence of the author (s) and place of residence (location) of the applicant in accordance with the standard (ST. 3 WIPO);

the name of a selection achievement;

2) author's refusal to be mentioned as such in the published information is taken into account when publishing this information, if it was received before the completion of the technical preparations for publication. The specified refusal can be withdrawn by the author in the same period.

### **11. Decision to grant the patent**

34. If as a result of the examination, carried out by the State commissions (The State Commission for Testing of New Varieties of Agricultural Plants and the State Commission on Testing and Approbation of Breeds), found that the claimed selection achievement conform to patentability conditions defined in article 4 of the Law, the State commissions constitute a conclusion describing varieties, breeds and sent in an expert organization an opinion in triplicate, a description of the variety or the breed in two copies. Expert organization shall send one copy of the conclusion of the State commission to the authorized body for decision. Authorized body in accordance with paragraph 4 of article 10 of the Law within ten working days, shall decide on the grant of a patent and sends it to the expert organization. Expert organization, within ten working days, shall notify the applicant about the decision.

*Footnote. Paragraph 34 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

34-1. Within three months from the date of notification of the applicant by the authorized body of the decision to grant the patent, applicant submits an expert organization document confirming payment for the appropriate preparation to the grant of a patent and publication, as well as the payment of the State fee. In case of failure to submit of the above-mentioned documents payment term can be restored within three months, subject to the submission of a document about payment of missed time recovery, otherwise the application is considered revoked, the processing of the application is stopped, as the applicant shall be notified within 10 working days from the date of expiry of the period of recovery.

*Footnote. Chapter 11 is completed with paragraph 34-1 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan of 30.06.2015 (the act is entered into force in ten calendar days after its first official publication).*

### **12. Decision on refusal to grant a patent**

35. When the State Commission establishing nonconformity of the declared selection achievement to one of the conditions of patentability, the Commission shall make a conclusion in triplicate with justification for reasons of nonconformity, and

sends to the expert organization. Expert organization shall send one copy of the conclusions of the State commission to the authorized body for decision.

*Footnote. Paragraph 35 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

36. The authorized body in accordance with paragraph 5 of article 10 of the Law, within ten working days, shall take a decision on refusal to grant the patent with the relevant studies and directs it to the expert organization. Expert organization, within ten working days, shall notify the applicant about the decision.

*Footnote. Paragraph 36 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

37. In accordance with paragraph 6 of article 10 of the Law, the applicant may request copies of documents from the authorized body opposing by expertise. Copies of documents are sent within one month from the date of receipt of the request of the applicant.

### **13. The grant of a patent and registration in the State Register of selection achievements**

38. On the basis of the decision on the grant of a patent and the confirmation of payment for (preparations for the issuance of title of protection, issue of certification of the author, the publication of the particulars of the grant) and payment of the State fee, a selection achievement shall be registered in the State Register of New Varieties of Plants (hereinafter referred to as the State register) with the assignment of the appropriate number.

In the State Register of New Varieties of Plants makes the following entries:

(19) code or other means identifying the Department or organization to complete a publication;

(12) the verbal designation of the document type;

(11) number of the patent;

(54) genus, species of plant, animal, the name of the variety, breed;

(73) name or title of a patent owner and address with country code of residence or place of stay in accordance with the WIPO standard 3;

(72) name of the author (s) and country code of his (their) place of residence in accordance with the WIPO standard 3;

(21) the registration number of the application;

(22) date of filing of the application on which the patent was issued;

(31) number of the application from which priority is claimed, (32) the filing date of the application from which priority is claimed, and (33) country code for filing the first application in accordance with the WIPO standard 3, on the basis of which is

established the selection achievement's priority, if on application priority date is earlier than the date of filing the application with the expert organization;

fact of transfer of the patent to another person, indicating his name and address, and the date of registration of the contract, the date of its publication in the Bulletin;

information about exclusive, open and compulsory licenses;

date of termination of validity of a patent, stating the reasons and the date of publication of information on termination;

renewal date of validity of the patent and the date of publication of the information about the extension;

information on the patent attorney;

author's refusal to mention as such in published information take into account in the publication of such information, if it was received before the completion of the technical preparations for publication. The specified refusal can be revoked by the author in the same period;

other information about changes to the entry in the State register.

The expert organization publishes in the Bulletin information on the grant of a patent, as well as subsequent changes to the legal status of a patent.

*Footnote. Paragraph 38 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

39. On the basis of the decision of the authorized body shall be issued a selection patent.

Patent filled in Kazakh and Russian languages.

A patent shall contain:

(19) code or other means identifying the Department or organization to complete a publication; (12) the verbal designation of the type of document;

(11) number of the patent;

(54) genus, species of plant, animal, the name of the variety, breed;

(73) name or title of a patent owner and address with country code of residence or place of stay in accordance with the WIPO standard 3;

(72) name of the author (s) and country code of his (their) place of residence in accordance with the WIPO standard 3;

(21) the registration number of the application;

(22) date of filing of the application on which the patent was issued;

(31) number of the application from which priority is claimed, (32) the filing date of the application from which priority is claimed, and (33) country code for filing the first application in accordance with the WIPO standard 3, on the basis of which is established the selection achievement's priority, if on application priority date is earlier than the date of filing the application with the expert organization;

*Footnote. Paragraph 39 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

40. A patent shall be issued simultaneously with the publication in the Bulletin of information about his issue.

If there are several persons in favor of whom the patent is sought, in accordance with article 13 of Law are issued one patent

41. The author of a selection achievement, not a patent owner is issued a certificate confirming his authorship.

42. A patent and certificates of the authors are sent to him by registered post to the registered address of the patent owner or the address of the representative in accordance with power of attorney issued to him, or any other address specifically stipulated by the applicant for the patent sending.

In the event of a change of address, the applicant immediately before the grant of a patent shall notify the expert organization on the change of address of residence or location (legal address).

*Footnote. Paragraph 42 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

43. Upon delivery of the patent to the patent owner, shall be provided an identity document for an individual or a power of attorney from the legal entity to receive a patent. Patents and authors' certificates to the patent for foreign patent owners are directed to patent attorney of the Republic of Kazakhstan.

If an application for the grant of a patent filed jointly by several persons residing or situated in the territory of the Republic of Kazakhstan, the patent and the authors' certificates shall be send to the patent owner, specified first.

If an application for the grant of a patent filed jointly by several persons, not all of which live or reside in the territory of the Republic of Kazakhstan, the patent and the authors' certificates shall be send to the patent owner, residing or situated in the territory of the Republic of Kazakhstan, specified first.

### **Chapter 13-1. Restoration of validity of a selection patent**

*Footnote. Rules completed by chapter 13-1 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

43-1. Validity of a selection patent, terminated in accordance with subp. 2 of par. 2 of art. 22 of the Law are restored on request (Annex 6) of the patent owner.

43-2. The petition is filed within three years from the date of expiry of the period of payment for patent keeping in force when submitting a document about payment of a

patent recovery but before the expiry the term of the patent, in accordance with the Law.

The petition shall be signed by the patent owner (if the patent owner is a group of individuals, the petition shall be signed by all the persons) or a patent attorney, or other representative acting under a power of attorney.

On behalf of the legal entity the petition shall be signed by the head of an organization or other person, duly authorized with indicating of the post.

43-3. The petition shall be accompanied by:

a document confirming the payment for the preparation of the documents for the restoration of a patent and publication;

a document confirming the payment for the maintenance of the missing year of the patent validity;

power of attorney (if the application is filed by a representative) or a copy of a power of attorney (if the petition is made through a patent attorney);

43-4. The expert organization not later than two months from the date of filing of the application for restoration shall publish in the Bulletin information on the restoration of the patent validity. Date of publication is the date of the patent restoration. The patent owner or his representative shall be sent the application on the restoration of the patent validity.

#### **Chapter 13-2. Selection patent term extension**

*Footnote. Rules completed by chapter 13-2 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

43-5. Petition for extension of a selection patent term (hereinafter - petition) send in the expert organization during the last year of its validity subject to maintain it in force (for varieties of plants - 25 years of the validity of the patent, for breed animals - 30 years of the validity of the patent, for grapes, woody ornamental, fruit and forest plants, including their rootstocks, over-35 year of validity of the patent).

43-6. For conducting of the affairs of a selection patent term extension patent owner authorizes a patent attorney of the Republic of Kazakhstan (hereinafter patent attorney) or a representative, with giving him power of attorney.

43-7. The petition shall be in the form as set out in Annex 5 to this Rules in the Kazakh or Russian languages. The petition shall be signed by the patent owner (if the patent owner is a group of individuals, the petition shall be signed by all the persons) or a patent agent, or other representative acting under a power of attorney.

On behalf of the legal entity the petition shall be signed by the head of an organization or other person authorized to do so.

43-8. The petition shall be accompanied by proof of the appropriate fee for selection patent term extension and publication information about the extension.

43-9. Petition and documents attached thereto shall be considered within one month from the date of their admission to the expert organization. The deadline for the pendency of the petition and the annexed documents faxed is calculated from the date of receipt of their originals.

43-10. Upon non-availability or incorrect registration of any of the required documents, as well as when it is necessary to get additional documents and explanations from the patent owner, on the address for correspondence, indicated in the petition is directed a request with the proposal, within two months from the date of the request to submit the missing and/or corrected documents.

43-11. Thus the term of pendency of the application, shall be calculated from the date of receipt of the last of the missing and/or corrected documents.

43-12. If, within the prescribed period all necessary well-formed documents are not submitted, the period of validity of a selection patent shall not be extended, as shall be notified to the person who filed the petition.

43-13. In the case of selection patent term extension, "Annex to the Patent" shall be send to the person submitting the petition, with the record on the extension of the selection patent for 10 years.

Information on the extension of the selection patent shall be entered in the State Register of New Varieties of Plant of the Republic of Kazakhstan and shall be published in "Industrial property" official bulletin.

43-14. In the event of failure to pay the annual fee for keeping a selection patent in force, extension of the patent validity shall cease to have effect, and the Annex is terminated.

#### **Chapter 14. Final provisions**

*Footnote. Chapter 14 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

44. In accordance with article 3-2 of the Law for actions of the expert organization, including accepting applications for patents, their registration, examination of new varieties and other acts which give rise to rights and obligations for their participants, the expert organization charge under paragraph 3 of art. 146 of the Law of the Republic of Kazakhstan "On State property".

Annex 1  
to the Rules of  
filing and processing of  
application for grant  
of a selection patent

*Footnote. Annex 1 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form

Date of receipt	(21) registration No.	(22) Date of filing	Priority
Application for the grant of a patent of the Republic of Kazakhstan for a selection achievement		"National Institute of Intellectual Property" of the Ministry of Justice of the Republic of Kazakhstan, 010000 Astana, Left bank, House of Ministries, Orynbor st., 8, entrance No.1	
Providing the following documents, please grant a patent of the Republic of Kazakhstan for a selection achievement in favor of the applicant (s) (71) Applicant (s): (Specify the full name or title and domicile or location of residence Data on authors-applicants place of residence are given in box with code 97)			Country code according to WIPO Standard ST. 3 (if any)
To be filled only where priority date earlier than the date of receipt of application in RSE NIIP Please set priority of a selection achievement according to: <input type="checkbox"/> the first application filing date in a member country of the International Convention (para. 2 of art. 7 of the Law) <input type="checkbox"/> receipt of the application for admission for use in the State commission (para. 2 of art. 4 of the Law)			
Number of the first application or an application for admission to use	Date of priority claimed	Country code (ST. 3 WIPO)	Stage of the application pendency
The name under which a selection achievement registered			
I (we) declare that the material passed with the first application, represents the variety (breed) and corresponds to the present application. Genus, species _____ (name on the State or Russian language) _____ (Latin name)			
The proposed name		Selection number	
A selection achievement developed in country (countries) _____ Whether variety (breed) have been offered for sale or sold: In the country of application filing: <input type="checkbox"/> No			

Yes, for the first time \_\_\_\_\_ called \_\_\_\_\_  
(date)

In other countries:

No

Yes, for the first time \_\_\_\_\_  
(country, date)  
under the name \_\_\_\_\_

Address for correspondence (full mailing address and the addressee's name)

Telephone: Mobile. Fax:

(74) Patent attorney (full name, registration number) or a representative of the applicant (s)  
(full name or title)

List of annexed documents	Number of sheets in 1 copy	Number of copies	
<input type="checkbox"/> Annex to application			Base for the right to apply for and be granted a patent (without submission of document):  <input type="checkbox"/> the applicant is an employer and the conditions of p. 1 of art. 5 of the Law are observed  <input type="checkbox"/> assignment of the right of the employer or his successor  <input type="checkbox"/> assignment of the right of the author or his assignee  <input type="checkbox"/> the right of inheritance
<input type="checkbox"/> selection achievement form			
<input type="checkbox"/> photos			
<input type="checkbox"/> negatives or color slides			
<input type="checkbox"/> information about previously made sale			
<input type="checkbox"/> document confirming the payment for the filing			
<input type="checkbox"/> document evidencing the grounds to reduce the size of the payment			
<input type="checkbox"/> a copy of the first application (where claimed Convention priority)			
<input type="checkbox"/> translation of the application into the State or Russian language			
<input type="checkbox"/> power of attorney, certifying the authority of the patent attorney or representative			
<input type="checkbox"/> any other document (to be specified)			



(72) Author (s) (specify full name)	(97) Full postal address, including the name of the country and its code in WIPO Standard ST. 3, if any	Signature (s) of the author (s) - applicant (s) and/or author (s), assigned right to obtain patent, date
I (we) _____ ask not to mention me (us) as the author(s) when publishing the application materials Signature (s) of the author (s)		
I (we) declare, that to the best of my (our) knowledge and belief information needed to process application and amended to this application and annexes, is final and valid. I (we) certify that samples obtained properly and are a representative sample of a selection achievement.		
Signature Signature (s) of the applicant (s) or patent attorney, date of signature (when signing on behalf of the legal entity, the signature of the head shall be sealed)		

Annex 2  
to the Rules of  
filing and processing of  
application for grant  
of a selection patent

*Footnote. Annex 2 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form  
Approve  
Director of RSE NIIP  
\_\_\_\_\_  
\_\_\_\_\_ 20\_\_

Please refer to application No. \_\_\_\_  
in correspondence  
(74)

**Expert opinion  
on the negative result of the preliminary examination  
of an application for the grant of a selection patent  
(plant variety) or (animal breed)**

(21) Application No. \_\_\_\_  
 (22) Date of filing \_\_\_\_\_  
 (71) Applicant (s)  
 (72) Author (s)  
 (54) Name of a selection achievement

As a result of the preliminary examination of the application materials for a selection achievement is established not compliance with the requirements of art. 5 and 6 of the Law of the Republic of Kazakhstan "On the selection achievements protection", namely:

Expert \_\_\_\_\_ (Full name) (if any)  
(signature)

Head of Department \_\_\_\_\_ (Full name) (if any)  
(signature)

Annex 3  
to the Rules of  
filing and processing of  
application for the grant  
of a selection patent

*Footnote. Annex 3 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form

Please refer to application No. \_\_\_\_  
in correspondence  
(74)

**Expert opinion  
on the positive result of the preliminary examination  
of an application for the grant of a selection patent  
(plant variety) or (animal breed)**

(21) Application No. \_\_\_\_

(22) Filing date \_\_\_\_\_

PRIORITY SET ON

(22) date of filing of the application

date of filing of the first application in a member country of the International Convention for the Protection of New Plant Varieties:

(31) number of the (32) Filing date (33) Code of  
first application of the first application the country  
of the first  
application

(71) Applicant (s)

(72) Author (s)

(54) Name of a selection achievement

As a result of the preliminary examination of the application materials for a selection achievement is established compliance with the requirements of art. 5 and 6 of the Law of the Republic of Kazakhstan "On the selection achievements protection".

The application shall be further examined, and information about it published in the Bulletin.

Expert \_\_\_\_\_ (Full name) (if any)  
(signature)

Head of Department \_\_\_\_\_ (Full name) (if any)  
(signature)

Annex 4  
to the Rules of  
filing and processing of  
application for the grant  
of a selection patent

*Footnote. Annex 4 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form

To "National Institute of intellectual property" RSE  
of the Ministry of Justice of the Republic of Kazakhstan,  
010000, Astana, Left bank, House of Ministries ,  
Orynbor str., 8, entrance No. 1

**Petition**

**for early publication of the data on application  
for the grant of a selection patent**

In accordance with paragraph 6 of article 8 of the Law "On the protection of selection achievements" ask to perform in the bulletin of the Expert organization publish of information on an application for the grant of a selection patent

on application No. \_\_\_\_\_  
(registration number and the filing date)

\_\_\_\_\_  
(name of a selection achievement)  
before the time prescribed by Law.

Applicant (s) \_\_\_\_\_  
(full name or title) (signature)

L.S.

Annex 5  
to the Rules of

*Footnote. Annex 5 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form

To "National Institute of intellectual property" RSE  
of the Ministry of Justice of the Republic of Kazakhstan,  
010000, Astana, Left bank, House of Ministries,  
Orynbor str., 8, entrance No. 1

**Petition**

**for extension of validity  
of a selection patent**

In accordance with paragraph 5 of article 3 of the Law "On the protection of selection achievements" ask to extend the period of validity of the selection patent

No. \_\_\_\_\_

\_\_\_\_\_  
(patent number)

\_\_\_\_\_

\_\_\_\_\_  
(name of a selection achievement)

on \_\_\_\_\_

\_\_\_\_\_  
Note:

document confirming the payment for the publication of information on the extension of patent

document confirming the payment for keeping patent in force for \_\_\_\_\_ (year)  
(in accordance with subparagraph 3 of paragraph 5 of article 14 of the Law)

Patent owner \_\_\_\_\_

(signature)

(L.S.)

of a selection patent

*Footnote. Annex 6 as amended by order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Form

**Petition  
for restoration of the validity  
of a selection patent**

In accordance with paragraph 1 of article 21-1 of the Law "On the protection of selection achievements" ask to restore the validity of the selection patent (plant variety or animal breed)

No. \_\_\_\_\_

\_\_\_\_\_  
(patent number)

\_\_\_\_\_  
(name of a selection achievement)

on \_\_\_\_\_

\_\_\_\_\_  
Payment term for keeping the patent in force was omitted for the following legitimate reasons Application: a document certifying payment of the restoration of the validity of the selection patent.

Patent owner \_\_\_\_\_

(signature)

(L.S.)

Annex 2  
to the order of the acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

**Instruction for drafting, execution and pendency of an  
application for the grant of an innovation patent  
or invention patent**

*Footnote. Application 2 loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication).*

Annex 3  
to the order of the acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

**Instruction for drafting, execution and pendency of an application for the grant of an utility model patent**

*Footnote. Application 3 loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication).*

Annex 4  
to the order of the acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April 23, 2010 No. 136

**Instruction for drafting, execution and pendency of an application for registration of a trademark, service mark**

*Footnote. Application 4 loose effect by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 89 (the act is entered into force in ten calendar days after its first official publication).*

**Instructions for drafting, execution and pendency of an application for an appellation of origin and grant the right to use the appellation of origin of goods**

**1. General provisions**

1. This Instruction is designed in accordance with the Law of the Republic of Kazakhstan "On Trademarks, Service Marks and Appellation of Origin of Goods ( hereinafter referred to as the Law) and details the procedure for drafting applications for registration and (or) granting the right to use the appellation of origin of goods, procedure for its drafting and review, as well as the procedure for the registration of the appellation of origin and (or) the right to use the appellation of origin.

*Footnote. Paragraph 1 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

2. In this Instruction used the following concepts:

1) a geographical indication is an indication which identifies a product originating from a territory, region or locality;

2) World Intellectual Property Organization (hereinafter referred to as WIPO) is an international organization providing and regulating international policies and cooperation in the field of intellectual property;

3) the applicant is an individual or legal entity who submitted the application for registration of the appellation of origin and grant the right to use the appellation of origin;

4) expert organization-an organization under the competent authority carrying out the activity in the spheres assigned to the State monopoly (provision of services in the area of trademarks, service marks, appellations of origin);

5) International Classification of Goods and Services (hereinafter referred to as ICGS)-classification adopted by the Nice Agreement of June 15, 1957 with subsequent amendments and additions;

6) appellation of origin of goods – description which is either a containing the name of a country, region, community, locality or other geographical indications, as well as specifying derived from this name and became known as a result of its use in relation to goods, special properties, quality, reputation or other characteristics which are mainly attributable to its geographical origin, including typical environmental conditions and/or human factors;

7) authorized State body (hereinafter referred to as the authorized body)-the Ministry of Justice of the Republic of Kazakhstan.

*Footnote. Paragraph 2 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

## **2. Preparation and drafting of the application for an appellation of origin**

3. The exclusive right to use the appellation of origin shall be granted to individuals or legal entities engaged in entrepreneurial activities that produce in the geographical object goods which special properties are exclusively or primarily associated with geographic environment, including environmental conditions and/or human factors.

4. Application for registration of an appellation of origin of the goods and (or) granting the right to use an appellation of origin of the goods (hereinafter referred to as the application) shall be sent by mail or facsimile to the expert organization.

If the application is transmitted by facsimile, it must be confirmed by the original on paper no later than one month from the date of receipt by fax. Subject to this provision the date of receipt of the application will be deemed to be the date of receipt by fax. If the application documents were received in the expert organization on expiry or contain information which differ from the presented by fax, the documents shall be considered received on the date of receipt of their originals.

*Footnote. Paragraph 4 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

5. The application should be submitted in the Kazakh or Russian language. If the documents attached to the application submitted in another language, they should be accompanied by a translation into the State or Russian language. The translation is submitted not later than one month from the date of receipt of the application.

*Footnote. Paragraph 5 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

6. The application shall be submitted in triplicate.

### **3. Application requirements**

7. The application shall relate to one appellation of origin of the goods and contain:

- 1) request for an examination of the name and (or) granting the right to use the appellation of origin of goods with an indication of the applicant (s), as well as his (their) residence or domicile;
- 2) declared designation;
- 3) type of goods;
- 4) description of the specific properties of the goods;
- 5) specify the place of manufacture of the product (the boundaries of geographic object).

In the absence of the above information in the application, the expert organization shall notify the applicant of the refusal in acceptance to pendency.

*Footnote. Paragraph 7 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

8. The application shall be accompanied by:

1) for applicants from the Republic of Kazakhstan:

the opinion of the competent authorities to the effect that the applicant is in the specified geographical object and produces goods which specific properties are associated with characteristic environmental conditions and/or human factors of the geographical object;

the actual location of the producer and his production in this geographical object is confirmed by the opinion of the competent authority;

a copy of the certificate of registration of legal entities and individual entrepreneurs , if an application has been filed by an individual;

2) for a foreign applicant:

as proof of the right of a foreign applicant to use the claimed appellation of origin in the country of origin may be submitted the certificate of registration in the country of origin, issued by the competent authority of the country of origin of the goods, in the original or as certified copy;

3) the power of Attorney, in the case of records management through a representative;

4) a document confirming the payment of services of the expert organization.

All these documents must be submitted not later than two months from the date of receipt of the application.

When failure to submit the requested documents within specified time limits, the application is deemed not to have been filed and records management on it is not restored as the applicant shall be notified in writing.



Documents that do not contain the application number will be returned without pendency.

9. The application is submitted on the letterhead on the NM-1 form according to the annex to the present Instruction.

Boxes, located above the word "application", filled with expert organization.

If any information cannot be placed fully in the appropriate boxes, they must be provided in same form on an additional sheet.

10. Boxes of the applications filled in accordance with the WIPO codes.

In the box of the application under code 711 specifies the full name of the legal entity, in accordance with the document of the State registration or surname, name and patronymic (if any) of an individual.

Country code specified in WIPO Standard ST. 3.

In the box of an application following the box under code 711 specifies the full mailing address of the applicant (the location of legal entity or individual's place of residence), as well as a telephone number, telex and fax numbers.

In the box of the application under code 750 shall be indicated address for correspondence, name, surname, patronymic (if any) or the name of the addressee. As the correspondence address may be indicated the address of the representative on the territory of the Republic of Kazakhstan.

In the box of the application under code of 740, which is applicable in the case where the applicant has appointed a representative, including a patent attorney, provides information about it: surname, first name, patronymic (if any).

*Footnote. Paragraph 10 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

11. In the box of the application under the code 540 indicated alleged designation, including the name of the geographical object or a combination of the name with a specific designation of the goods.

Species (generic) product designation is not subject to independent legal protection.

As appellations of origin can be registered modern or historical, formal or informal, full or abbreviated name of a country, region, locality, community or other geographical object as well as the symbol derived from this name.

Alleged symbol can additionally contain an indication of the species (generic) item designation, which is not subject to independent legal protection.

Declared designation may be registered as an appellation of origin only when it is used to denote goods, special properties of which solely or primarily defined by characteristic of the geographical object's environmental conditions or human factors or environmental conditions and human factors at the same time.

*Footnote. Paragraph 11 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

12. Not registered as appellations of origin designations:

1) which constitute or contain geographical indications capable of misleading regarding the place of production of the goods;

2) formally indicating a true place of production of the goods, but giving the mistaken impression that this product comes with another territory;

3) containing geographical indications that are not related to the place of manufacture of the goods, and came in the Republic of Kazakhstan in general use as designations of goods of known species.

13. When specifying a type of goods in respect of which appellation of origin is claimed shall be used the terminology corresponding to ICGS. While the applicant stated really produced goods, special properties of which are obtained through (solely or primarily) environmental conditions and/or human factors of geography.

14. The description contains the properties of the goods in respect of which registered the name of geographic object that distinguish this product from similar products from other regions. The description should reflect an objective dependence of the specific properties of the goods from the area-specific environmental conditions and/or human factors.

The description should be informative, in particular, indicate the presence of initial raw material of this geographical object, corresponding to climatic, geological or other environmental conditions, people (stuff), capable to manufacture goods in the traditional way.

*Footnote. Paragraph 14 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

15. In the box of the application "Place of origin (manufacture) of goods" provides information on the limits of the geographical object, the name of which is declared as an appellation of origin, as well as information about the actual place of production of the goods. The border area must be defined accurately and clearly.

*Footnote. Paragraph 15 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

16. When completing the box "List of annexed documents" put an "X" in the corresponding rows and specify the number of copies and sheets in each copy of the attached documents. For attached documents, type of which is not provided in the application, specify their purpose in the "Other documents".

17. The completion of box of the application "Signature" with the indication of the date of the signature is obligatory in all cases.

On behalf of the legal entity application shall be signed by the head of the organization or a person duly authorized by the charter documents, with an indication of its position and sealed.

On behalf of the individual entrepreneur application form shall be signed by the applicant.

Upon filing the application through a patent attorney shall be signed by the patent agent.

The signature is decrypted with indication of the surname and initials of the signer. If the application has additional sheets they signed in the same manner.

#### **4. Conduct of business on application**

18. Amendment of the application changes, additions and corrections without changing its essence and increase of the protection sought is made at the written request of the applicant, submitted prior to the completion of the examination from the filing date.

Changes, additions and corrections, changing the application on the merits is not possible.

*Footnote. Paragraph 18 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

19. Corrections in the application are made at the request of the applicant.

20. Extension of the response time to the request made during the examination, by the expert organization is carried out at the request of the applicant, submitted no later than the deadline for submission of the response. The maximum extension of the response time for a request is six months.

21. A time limit for the response to the request, filing of the objection, as well as providing documents of payment for registration of the appellation of origin and (or) granting the right to use the appellation of origin and publish of information about registration missed by the applicant, may be restored at the request of the applicant submitted no later than two months from the date of expiration of the missed time limit

*Footnote. Paragraph 21 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

22. In accordance with paragraph 1 of article 13 of the Law recall of the application can be made at the request of the applicant at any stage of the examination. On request, recognized to be recalled are not made legally significant actions.

#### **5. Examination**

23. Examination is carried out within six months from the filing date. During the examination is carried out analysis for compliance of the claimed designation with the requirements of articles 26 and 27 of the Law, validated content of the applications, availability of the required documents and their compliance with the requirements set out in this Instruction.

24. According to the results of examination the authorized body make a decisions on the registration of the appellation of origin and (or) granting the right to use them, or the decision on the refusal to register the appellation of origin and (or) granting the right to use them.

25. In the course of the examination are checked:

conformity of the declared designation with the requirements provided for in articles 26, 27 and 29 of the Law.

conformity of description of the custom property of product with data contained in the State register of appellations of origin of goods of the Republic of Kazakhstan ( hereinafter referred to as the State Register), if the claimed designation is already registered as an appellation of origin;

the existence of a geographical object, the name of which is declared as an appellation of origin on the date of filing of the application;

conformity of declared designations with official modern name of geographic object or its official historic name;

availability of information verifying a presence of geographical object, the name of which is declared as an appellation of origin, just in the area, the boundaries of which are indicated in the application.

If the name of the geographical object has lost its original ability to specify place of the actual origin of the good and its special properties, it is regarded as a geographical name that is not associated with the place of manufacture of the goods of a certain kind

*Footnote. Paragraph 25 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

26. Check of the contents of the competent authorities' opinions is to establish the existence of evidence conforming:

existence of the applicant in the locality, the name of which declares as an appellation of origin;

production by the applicant of the goods specified in the application, on the territory of the locality, the name of which declares as an appellation of origin;

availability at the goods produced by the applicant of special properties defined solely by and (or) mainly specific environmental conditions and/or human factors of geographical object specified in the application.

*Footnote. Paragraph 26 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

27. If the State register has a registration of the appellation of origin, identical to the declared, then the expert organization conducts a comparative analysis of the properties of the goods in respect of which the claimed appellation of origin and properties specified in the State register.

In case of inconsistency between quality and/or other characteristics of the goods in respect of which geographical name is claimed, to the good with the characteristics of the object which name is entered in the State register, declared designation is refused registration and (or) granting the right to use the appellation of origin of the goods.

*Footnote. Paragraph 27 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

28. Upon detection of breaches during examination of requirements for preparation of application and documents attached to the application set by the present Instruction, the applicant is sent a request with indication of breaches and requesting the missing or corrected information and/or documents within three months from the date of the request to the applicant.

29. The grounds for the request are:

lack of or incomplete information about the payment for examination;

incomplete payment;

lack of or improper registration of the power of attorney issued for the representative;

clarification of declared designation;

clarification of the type of goods for which registration is sought, and (or) the provision of the right to use the appellation of origin;

clarification of the place of manufacture of the goods for which registration is sought, and (or) the provision of the right to use the appellation of origin;

clarification of the description of the specific properties of the goods specified in the application;

clarification of information contained in the opinion of the competent authority referred to in paragraph 8 of the present Instruction, including evidence of the presence in the product of special properties and their sustained dependence on environmental conditions and/or human factors specific for the object specified in the application.

**6. The decision on registration and (or) granting the right to use the appellation of origin**

30. On the basis of expert opinions the authorized body make decisions on the registration of an appellation of origin of the goods and (or) granting the right to use them.

31. In compliance of a declared designation and other application materials and documents annexed thereto to the requirements established by the present Instruction, the authorized body decides on the registration of the appellation of origin and granting the right to use them.

32. In the event that there is available registration of the appellation of origin in the State register and in compliance of application materials to the requirements established by the present Instruction, including the requirements of paragraph 8 of the present Instruction, shall be make a decision on granting the right to use already registered appellation of origin.

33. The decision on registration and (or) granting the right to use the appellation of origin provides the following information:

designation registered as an appellation of origin of the goods in respect of which is granted the right to use;

information about the person to whom provided the right to use the appellation of origin;

date of receipt of application;

type of goods;

description of the specific properties of the product, which is registered and (or) provided the right to use the appellation of origin;

place of origin (manufacture) of the good (borders of geographic object).

*Footnote. Paragraph 33 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

## **7. The decision on refusal of registration and (or) granting the right to use the appellation of origin**

34. If as the result of the expertise of declared designation found that the claimed designation does not meets at least one of the requirements established by the articles 27 and 29 of the Law, or the application and accompanying documents are made with breach of the requirements of the present Instruction, the authorized body shall refuse the registration of the appellation of origin and granting the right to use them.

35. The decision on refusal of registration and (or) granting the right to use the appellation of origin provides the reasons of refusal of registration.

36. The applicant within three months from the date of the decision to refuse registration on the basis of paragraph 2 of article 31 of the Law submits to the expert organization motivated objection requesting a review of decision of the examination.

37. In case of disagreement with the repeatedly made decision of the examination the applicant submits an objection in the manner provided for in paragraph 5 of article 12 of the Law.

### **8. Registration of the appellation of origin and grant the right to use the appellation of origin**

38. On the basis of the decision on registration, as well as a document confirming payment of the State fee for registration and (or) granting the right to use the appellation of origin of the goods and payment for services of expert organization for registering and publishing information about the registration of the appellation of origin and (or) granting the right to use by the expert organization shall be registered appellation of origin of the goods and (or) the right to use the appellation of origin in the State register by assigning it a sequence number (hereinafter referred to as " registration number) and indicating the date of recording of the information ( hereinafter registration date).

*Footnote. Paragraph 38 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

39. After the registration of the appellation of origin and (or) the right to use the appellation of origin, the applicant is sent a notification on registration in the State register.

*Footnote. Paragraph 39 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

40. Extract from the State Register of appellations of origin (hereinafter referred to as Extract) confirms the fact of registration of the appellation of origin and the exclusive right of the owner to use it in respect of the goods specified in the State Register of appellations of origin.

Extract is provided according to the Annexes no. 2, no. 3 of the present Instruction.

*Footnote. Paragraph 40 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

41. The State register shall contain the appellation of origin of goods, number and date of registration of the appellation of origin, the description of the specific properties of the product, information about all owners of the right to use the appellation of origin indicating their location, as well as the number and date of filing and all subsequent changes of the specified information.

*Footnote. Paragraph 41 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

42. Concerning subsequent changes relating to the registration, after their entry in the State register, the authorized body shall issue an Appendix to the Certificate, which is an integral part of the certificate. The Certificate also filled in the Kazakh and Russian languages.

43. Information relating to the registration and (or) the provision of the right to use the appellation of origin, shall be published in the bulletin.

44. In accordance with article 45 of the Law for implementation by the expert organization of actions under this Law, including the acceptance of applications for trademark registration, applications for registration and granting the right to use the appellation of origin of the goods, examination and other actions which give rise to rights and obligations for their participants, the expert organization charge according to article 40 of the Law of the Republic of Kazakhstan "On the State Enterprise".

Annex  
to the Instructions on drafting, preparation  
and pendency of an application  
for an appellation of origin of goods  
and grant the right to use the  
appellation of origin of goods

*Footnote. Paragraph as amended by orders of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

### Form HM-1

Date of receipt	(220) Date of filing	(210) Application No.
Application for registration and/or provision of the right to use the appellation of origin	To the Republican State Enterprise "National Institute of Intellectual Property" of the Ministry of Justice of the Republic of Kazakhstan Astana, 010000, Left bank, House of Ministries, 35 st., h.8, entrance № 18	
Submitting the following documents please register designation specified in the application as an appellation of origin of good and grant the right to use them		
(711) Applicant	Country code according to WIPO Standard ST. 3 (if any)	
(Full name of the legal entity or individual, information on the State registration or full name, if the applicant is an individual).		
The full address of the applicant Telephone: Fax:		
(750) Address for correspondence (full mailing address, the addressee's name) Telephone: fax:		
(740) Patent attorney (name, registration number) or other representative of the applicant		
(540) The claimed designation (print in block letters)		
Type of goods or a particular goods		
Description of the specific properties of the goods		



Place of origin (manufacture) of the goods (with an indication of the boundaries of geographic object)		
List of attached documents	Quantity of sheets in 1 copy	Quantity of copies
<input type="checkbox"/> proof of payment: account/payment order No dated __		
<input type="checkbox"/> opinion of the competent authority		
<input type="checkbox"/> translation of documents into the State and Russian languages		
<input type="checkbox"/> power of attorney		
<input type="checkbox"/> other documents (specify) including marked in p.		
all sheets		
Signature Post (Full name) L.S. Date Applicant's signature (stamped, if the applicant is a legal entity) or a patent attorney and date		

Annex 2  
to the Instructions on drafting, preparation  
and pendency of an application  
for an appellation of origin of goods  
and grant the right to use the  
appellation of origin of goods

*Footnote. Instruction is supplemented by Annex 2, in accordance with the order of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*



**ВЫПИСКА ИЗ ГОСУДАРСТВЕННОГО РЕЕСТРА НАИМЕНОВАНИЙ  
МЕСТ ПРОИСХОЖДЕНИЯ ТОВАРОВ РЕСПУБЛИКИ КАЗАХСТАН**

**МИНИСТЕРСТВО ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН**

(111) Порядковый номер регистрации:	(210) Номер заявки:
(151) Дата регистрации:	(220) Дата подачи заявки:
(450) Дата публикации:	(181) Срока действия регистрации:
(540) <b>Заявляемое обозначение</b>	
(730) Наименование и местонахождение владельца НМПТ:	
<b>Вид товара с указанием места его производства:</b>	

**Изменения в Госреестре:**

**ABSTRACT FROM THE STATE REGISTER OF AN APPELLATION  
OF ORIGIN OF GOODS OF THE REPUBLIC OF KAZAKHSTAN  
MINISTRY OF JUSTICE OF THE REPUBLIC OF KAZAKHSTAN**

(111) Registration number	(210) Number of application
(151) Date of registration	(220) Application filling date
(450) Date of publication	(181) Registration validity term
(540) Claimed designation	
(730) Title and location of owner of an appellation of origin of goods	
Type of goods with indication of its manufacturing place:	
Changes in the State register	



(111) Registration number	(210) Number of application
(151) Date of registration	(220) Application filling date
(450) Date of publication	(181) Registration validity term
(540) Claimed designation	
(730) Title and location of owner of an appellation of origin of goods	
Type of goods with indication of its manufacturing place:	
Changes in the State register	

Annex 6  
to the order of the Acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 36

**Rules of recognition of a trademark (service mark)  
as well-known in the Republic of Kazakhstan**

1. These Rules of recognition of a trademark (service mark) as well-known in the Republic of Kazakhstan are developed in accordance with subparagraph 2-1) of paragraph 2 of article 3 of the Law of the Republic of Kazakhstan "On Trademarks, Service Marks and Appellations of Origin of Goods" from July 26, 1999 (hereinafter Law) and establish the procedure for the recognition of trademark, service mark (hereinafter referred to as the trademark) as well-known in the Republic of Kazakhstan by virtue of articles 6 bis and 10 bis of the Paris Convention for the Protection of Industrial Property dated March 20, 1883 (hereinafter-the Paris Convention).

2. For the purposes of these Rules of recognition of a trademark (service mark) as well-known in the Republic of Kazakhstan in the Republic of Kazakhstan as well-known trademark recognized trademark, registered on the territory of the Republic of Kazakhstan or protected under international treaties, as well as the symbol used as a trademark without its legal protection in the Republic of Kazakhstan, but have acquired as a result of the extensive use of widely known in the Republic of Kazakhstan.

*Footnote. Paragraph 2 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

3. The authorized body for the recognition of trademark as well-known is the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as the authorized body).

*Footnote. Paragraph 3 as amended by orders of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

**2. An application for recognition of a trademark as well known**

4. On the application of an individual or legal entity, as well-known trademark in the Republic of Kazakhstan recognized trademark, registered on the territory of the Republic of Kazakhstan or protected under international treaties, as well as the symbol used as a trademark without its legal protection in the Republic of Kazakhstan, but have acquired as a result of the extensive use of the widely known in the Republic of Kazakhstan.

5. The application shall relate to one trademark and contain:

a declaration of acceptance of the mark as well-known;

the name or title of the trademark owner;

the address of his place of residence or location;

address for correspondence;

data on the legal protection of the trademark, including in the Republic of Kazakhstan;

specifying the date from which, in the applicant's view, the mark has become well-known;

the image of the trademark;

the list of goods and services in respect of which, according to the applicant, the mark has become well known.

6. The application shall be accompanied by:

1) information evidencing the trademark publicity;

2) trademark image of 8 x 8 cm format (next-see) in five copies;

3) the power of attorney, in the case of filing through a representative;

4) a document certifying payment of the State fee.

A document certifying payment of the State fee is provided to the competent authority prior to the issuance of a certificate on a well-known trademark (service mark ).

In the case of non-submission of the application for extension of the deadline for submission of documents established by paragraphs 5 and 6 of this Rules, records management shall be stopped and the application shall be considered withdrawn.

7. Information on the de facto recognition of a trademark as well-known confirmed by the results of a survey of consumers, which is made by a specialized independent organization on the territory of the Republic of Kazakhstan. The survey covers the city of the Republican significance, capital and at least five cities of oblast subordination. Total number of respondents in the same locality shall be not less than one hundred people.

The survey is conducted among relevant groups of consumers. For consumer goods survey is conducted among "typical" users (on the grounds of sex, age, education, social and material status), as well as among professionals of relevant industries and trade. For products of industrial and technical purpose survey is conducted among

specialists of production, trade or other business, which are consumers of products of this type. During the consumer survey should be obtained data on does a consumer know trademark, where and when consumers known this trademark, the goods for which the trademark is used and whether he is a consumer of these goods.

In addition to the survey results, information confirming the well-known status of a trademark are: data on the intensive use of the trademark on the territory of the Republic of Kazakhstan (coverage of specific territories, terms of use);

how to use the trademark;

volume of sales of goods with the trademark and marketing channels;

annual average number of consumers of the goods with the trademark;

price of the trademark;

about the intensity of the trademark's advertising (in the media, at exhibitions, trade fairs) and the cost of advertising in accordance with the annual financial statements;

degree of initial or acquired distinctiveness of the mark (marks with initially weak distinctive capacity may acquire a high degree of distinctiveness as a result of a long and intensive use);

use of the same or a similar mark by third parties, the nature and extent of such use;

number of licensees, producers, distributors, importers, sellers;

degree of notoriety of a trademark-local, regional, in neighboring states, world;

vailability of trademark registrations abroad;

other information.

*Footnote. Paragraph 7 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

8. The image of the trademark shall be suitable to reproduce. As the image of the trademark the label is submitted. If the image is three-dimensional (3D), shall be provided an image of general appearance, as well as image of other necessary projections, giving an exhaustive representation about it. The image provided in the color or color combination, in which publicity is claimed on well-known of the trademark.

### **3. Examination of the application and publication of data about it**

9. Within two months from the filing date the authorized body checks for necessary documents stipulated by the legislation of the Republic of Kazakhstan, notify the applicant of acceptance of the application to pendency and publish information on the Web site for review and possible direction of disagreements by third parties to the authorized body.

Three months after the date of publication in the Bulletin, the application and accompanying materials, confirming the well-known status of the mark shall be reviewed by the authorized body. After this deadline the authorized body within three months is reviewing the application.

The applicant has the right to make corrections, additions and clarifications to the application materials before the end of its pendency.

If there is disagreement by a third party applicant shall be sent a notification, respond on which the applicant submits before an opinion based on the results of the pendency of the application.

*Footnote. Paragraph 9 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

10. Based on the results of the examination of the application by the Commission of the authorized body issued a decision on recognition of a trademark as well-known or the decision to refuse such recognition, which is sent to the owner of the trademark within 10 working days from the date of adoption of this decision.

The decision to refuse recognition of trademark as well-known is made, if it is established that:

- 1) the information is not sufficient for the recognition of trademark as well-known;
- 2) a trademark identical or similar to the applicant's trademark, protected or designated in favor of other person in relation to similar goods with earlier priority than the date on which the applicant seeks to recognize his trademark as well-known.

Decision on recognition of a trademark as well-known contains:

registration number of the well-known trademark;

the date on which the mark was recognized as well known;

the image of the the well-known trademark;

the name or the title of its owner, his location or place of residence;

the list of goods and services for which the trademark is recognized as well known.

The decision of the authorized body's commission can be appealed before the courts.

*Footnote. Paragraph 10 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

#### **4. Registration of well-known in the Republic of Kazakhstan trademarks in the State register and publication of information about them**

11. Based on the recognition of designations or of a trademark as well known in the State Register of trademarks of the Republic of Kazakhstan (hereinafter referred to as the State Register) is amended the relevant details.

*Footnote. Paragraph 11 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

12. Information on registration of the well-known trademark, its owner and subsequent modifications, concerning such registration shall be entered in the State register and published in the bulletin.

*Footnote. Paragraph 12 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

13. The legal protection of well-known trademarks shall terminate:

1) in connection with the expiry of the registration;

2) in connection with the entry into force of the decision of the Court on cancellation of the decision of the authorized body's commission on recognition of a trademark as well-known.

*Footnote. Paragraph 13 as amended by orders of the Minister of Justice of the RK of 30.06.2015 No. 363 (the act is entered into force in ten calendar days after its first official publication).*

Annex  
to the Rules of recognition  
of a trademark (service mark)  
as well-known

*Footnote. Paragraph as amended by orders of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

OT3-1 (Well-known Trademark)

(191) MINISTRY OF JUSTICE OF THE REPUBLIC OF KAZAKHSTAN

(121)

**CERTIFICATE**

OF RECOGNITION OF A TRADEMARK AS WELL-KNOWN

(111) No \_

(730) Name and location of the owner of the trademark:

(511) ICGS classes

(151) Was registered in the State register of well-known trademarks

(152) Date of acceptance of the trademark as well-known

(181) Date of expiry of the certificate

Certificate applies to the whole territory of the Republic of Kazakhstan

Deputy Minister of Justice

of the Republic of Kazakhstan



Full name \_\_\_\_\_

Information on amendments are provided on separate sheet in the form of an annex to this certificate

(510) List of goods and/or services:

(591) Specifying of colors:

Annex 7  
to the order of Acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

**Instruction on registration of license, sub-license agreements  
on the use of industrial property subject matters**

*Footnote. Annex 7 removed by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 84 (the act is entered into force in ten calendar days after its first official publication).*

Annex 8  
to the order of Acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

**Instruction on registration of agreement on the assignment of  
the exclusive right for industrial property subject matters**

*Footnote. Annex 8 removed by order of the Minister of Justice of the Republic of Kazakhstan of 24.02.2012 No. 84 (the act is entered into force in ten calendar days after its first official publication).*

Annex 8  
to the order of Acting  
Minister of Justice  
of the Republic of Kazakhstan  
of 23 April, 2010 No. 136

**Rules on the preparation and registration of the application  
for registration, registration and issue of certificate of  
integrated circuit topologies**

**1. General provisions**

1. These Rules are developed in accordance with the Law of the Republic of Kazakhstan "On the legal protection of an integrated circuits topology (hereinafter - Law) and determine the order of drafting, filing and processing of an application for registration of an integrated circuit topology, registration and issuance of certificates on the topology.

2. In these Rules are used the following terms and concepts:

1) Bulletin is the official periodical publication on the protection of integrated circuits topology;

2) application-application for registration of an integrated circuit topology;

3) integrated circuit - microelectronic product of the final or intermediate form intended to perform electronic circuitry functions, the elements and connections of which inseparably formed in body and (or) on the surface of the material from which the product is made;

4) patent attorneys - citizens of the Republic of Kazakhstan, which has been granted in accordance with the law the right of representation of individuals and legal entities before the authorized body;

5) topology of an integrated circuit (hereinafter referred to as the topology) is fixed on a tangible medium spatial and geometric arrangement of the elements of an integrated circuit and connections between them;

6) authorized body is the Ministry of Justice of the Republic of Kazakhstan.

*Footnote. Paragraph 2 as amended by orders of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

## **2. Preparation and submission of application**

3. In accordance with paragraph 1 of article 11 of the Law, the author of topology or other rightholder submits an application (hereinafter referred to as the applicant).

The author of topology submits an application for the registration and obtaining the certificate of registration of topology in the following cases:

If the topology is not created in order to perform the duties or specific tasks of the employer;

If the topology is created in execution of duties or specific tasks of the employer, but the contract between the author and the employer establishes the right of the author to obtain a certificate of registration.

Confirmation of the right to apply by any document is not required.

4. An application may be filed within a period not exceeding two years from the date of first use of topology, if it occurred.

An application should be submitted to the competent authority directly or sent by mail.

5. An application may be filed by the applicant directly or through representatives, including through a patent attorney registered in the authorized body.

The powers of the representative are confirmed by a power of attorney.

6. In accordance with paragraph 3 of article 11 of the Law, the application shall relate to one topology and contain:

1) application for the registration of a topology with the indication of the author (s) and a person (or persons) in favor of who registration is sought, as well as their place of residence or location, the date of the first use of topology, if it took place;

2) materials identifying the topology, including the summary;

3) the power of attorney, if the application for registration is filed through a representative.

7. Application for registration of a topology that is used for commercial purposes prior to the date of its receipt in the authorized body shall additionally contain proof of the date of first use this topology for commercial purposes.

8. Application for registration of a topology is submitted in the State or Russian language. Other documents of applications are submitted in the State language, Russian or another language. If other application documents submitted in another language, it shall be accompanied by a translation into the State or Russian language. The translation must be submitted together with the application or within two months from the date of receipt of the application containing the documents in another language, to the competent authority.

9. Application for registration of a topology shall be submitted in triplicate, materials, identifying the topology, including the summary and their translation to the State or Russian language, shall be submitted in two copies.

Other application documents are submitted in one copy.

10. All documents are processed in such a way as to be a direct reproduction.

Each sheet is used with only one side with the location of lines parallel to the lower side of the sheet.

11. Documents of the application shall be typed on strong, white, smooth, opaque, combined paper.

12. Each document of the application begins on a separate sheet. Sheets have the format of 210 x 297 mm. The minimum margins of the sheets (mm):

top-20,

right and bottom-20,

left -25.

The minimum margins of the sheets containing drawings (mm):

top and left – 25,

right -15,

bottom-10.

Format of folded sheets shall be 210 x 297.

Fields of sheet should be clean.

13. Every document of application second and subsequent sheets are numbered in arabic numerals.

14. Documents are printed bold in black with a height of capital letters at least 2.1 mm. The text of the application documents must be complete and clear and not contain discrepancies.

15. The application for registration of topology shall be in the KT form, set out in annex 1 to this Rules.

If there are several authors of topology, information about them is presented as a supplement (s) to the application on the form given in annex 2 to this Rules.

Boxes of application "Ref.No. \_\_ ", "Registration No. \_\_ ", located in its upper part, intended to fill by the authorized body after receipt of the application and shall not be filled by the applicant.

In the box "Applicant(s)" provides information about the applicant (s): surname, name and patronymic (if any) of the individual or legal entity, as well as information about his (their) place (s) of residence or location (s).

For foreign individuals or legal entities staying or residing outside the Republic of Kazakhstan, in favor of whom registration of the topology is asked, shall be specified a country code in accordance with the international standards of the World Intellectual Property Organization (if any).

Box "Basis of rights for this topology" applicable in the case where the applicant is not the author. Here by putting a mark "x" in the appropriate cell notes a basis for applying. Also shall be submitted a document confirming the right to apply to the authorized body.

In the box "Information about the near analog of this topology" provided an equivalent, if available. As an analogue of topology can be indicated the topology both not previously used for commercial purposes and used for commercial purposes.

In the box "Name of topology" specified full and abbreviated name of the topology.

"Alternative name" box is filled if there is an additional name for the topology being registered, which could be a previously written document related to a topology.

"Date and place of first use of topology" box indicates the date (day, month, year) and the country of the first use of topology for commercial purposes.

"Data on the legal owner on the date of first use of this topology" box provides information about its rightholder on the date of first use.

"Information on protected topologies" box provides information about the topologies used in creating of topology submitted on registration. The concept of "protected topology" includes both registered and unregistered topology that is used for commercial purposes not more than two years. This may be the closest analogs of topology declared, as well as the other topology in the declared topology, consisting of elements well-known to developers and manufacturers of integrated circuit on the date

of its creation, the combination of which is the original. Shall be provided information about basic matrix and crystal topologies and the topologies of custom-made integrated circuits created on its basis.

"Surname, name, patronymic of the author" box provides surname, name and patronymic (if any) of the author in the nominative case, nationality, place of residence, telephone.

The same box provides a brief description of the creative input of the author when creating the topology.

"Information on documents contained in the application" box filled by putting a mark "x" in the appropriate cells and specifying the number of sheets in each copy of the attached documents.

"Address for correspondence" box specifies the place of residence of the applicant (or one of the applicants) – an individual residing in the Republic of Kazakhstan, or location in the Republic of Kazakhstan of the applicant who is a legal entity, or the location of the applicant's representative (s), or other address in the territory of the Republic of Kazakhstan.

Application and supplement (s) shall be signed by the applicant (s) or his (their) representative (s).

Signatures must be decrypted with indication of the surname and initials of the signer.

On behalf of the legal entity the application shall be signed by the head of the organization or other duly authorized person in accordance with the current legislation, with indicating of his post, his signature must be sealed by seal of that legal entity.

When applying for registration directly from two or more applicants, the application and supplement (s) shall be signed by each of them.

16. In order to identify the topology not used for commercial purposes prior to the date of receipt of the application for registration, materials, identifying the topology must include:

- 1) full set a visually perceptible materials that show each layer of topology;
- 2) topological drawing or level-by-level topological drawings;
- 3) photos of each topology layer, fixed in the integrated circuit;
- 4) summary that contains information intended for future publication in the Official Bulletin, where shall be indicated:

surname, name and patronymic (if any) of each author specified in the application and supplement (s) thereto;

surname, name and patronymic or the title of each applicant;

name of the topology;

the kind of technology used for the manufacture of integrated circuit;

annotation that includes scope, purpose, or function of IC.

Volume of annotation is up to 700 characters.

17. In order to identify the topology that is used for commercial purposes prior to the date of receipt of the application for registration, materials, identifying the topology must additionally contain samples of integrated circuit, including the topology in the form in which it was used for commercial purposes, in two copies, and the summary should contain additional information about the date of the first commercial use and the basic technical characteristics of IC sample.

18. The visually perceived materials images should be presented on a scale of not less than 20:1.

Images in the photographs must be contrasting.

In all copies of drawings and photographs must be specified a scale of images.

19. If any layer of topology contains information of a confidential nature in visually perceived materials, the relevant part of this layer (or whole layer) is withdrawn and is included in the materials, identifying the topology in an encoded form.

### **3. Business management to obtain a certificate of topology registration.**

20. For correspondence on request after its filing and defend of the interests during pendency of the application, the applicant may appoint a representative issuing him a Power of attorney executed in accordance with the legislation of the Republic of Kazakhstan.

21. Individuals residing outside the Republic of Kazakhstan, or foreign legal entities conduct business on topology registration through patent attorneys.

Individuals with permanent residence in the Republic of Kazakhstan, but temporarily abroad may conduct business relating to the topology registration, without a patent attorney if specifies the address for correspondence within the Republic of Kazakhstan.

22. Correspondence is carried out by the applicant or his representative, duly authorized, on each application individually.

23. Materials sent after the application shall contain the number and the signature of the applicant or his representative, otherwise the materials will be returned without pendency.

24. Record management is conducted in the State or Russian language.

Materials submitted with design flaws that prevent their reading, are not considered . The person submitting such material shall be sent a corresponding notification.

25. At the request of the authorized body or on his own initiative, the applicant prior to publication in the Official Bulletin supplement, corrects and refines the application materials.

Fixed materials shall be submitted by the applicant in the form of substitute sheets.

If corrections relate to misprints, errors in specifying bibliographic data and will not lead to negative consequences regarding the definition with the direct reproduction, the need for corrections can be showed in a letter of the applicant without submission of substitute sheets.

#### **4. Pendency of application**

26. If the received application materials include statement and a copy of the drawings or topology, then they are registered with putting the date of their receipt. Application is assigned to the incoming number.

The applicant shall be notified on the fact of receipt of materials by issue or delivering to him a single copy of the application with the details provided by the authorized body (incoming number and date of receipt).

27. Check the application to ensure availability of the necessary documents and compliance with requirements of the current legislation is carried out by the authorized body, within two months from the date of its receipt.

28. During pendency of the application is checked:

availability of documents that should be contained in the application or be attached to it;

compliance with the requirements for application documents established by these Rules.

Pendency of the application is carried out without checking the originality of the topology, the applicant's right to protection or reliability of the information specified in the application.

29. If during the pendency of the application was established that application is registered with violation of requirements provided by legislation, the applicant is sent a request with the detected deficiencies and offering to submit missing or corrected documents within three months from the date of the request.

30. The basis for the request is:

lack of one or more documents stipulated by paragraph 6 of this Rules;

violation of requirements of legislation for execution of power of attorney;

absence in the application of the topology registration of the required information, details, signature, stamp, required under these Rules, as well as the need to clarify the data given in the application;

identification of gaps in the preparation of documents to prevent their immediate reproducing (violation of the requirements for the format of the sheets, field size, print quality, which prevents reading of the application materials).

In the event of non-submission of the corrected or missing materials within the established deadlines, the registration of the topology is not made, and the application shall be considered withdrawn.

31. If as a result of the pendency of the application it is established that application relates to objects not protected as topologies or where an applicant fails to conform requirement of the first paragraph of point 4 of this Rules, the applicant shall be sent the decision on refusal of registration of a topology.

#### **5. Registration, issuance of certificate, publishing**

32. If as a result of the application will be established that application materials meet the requirements of this Rules, an authorized body enter the topology in the State Register of integrated circuits topology (hereinafter-State register) with the assignment of corresponding registration number, provides the applicant with registration certificate and publishes information about registered topology in the Bulletin.

33. The State register records all changes relating to the registration of the topology

34. The particulars entered in the State register, are considered reliable until proved otherwise.

35. For the implementation of actions, including receiving applications for the topology registration, their registration, certification, and other actions giving rise to rights and obligations for the participants will be charged a payment in accordance with the law.

36. The certificate of the topology registration (hereinafter Certificate) is filled in the State and Russian languages, in accordance with the form prescribed in Annex 3 to this Rules.

The Certificate shall indicate:

number of the certificate (registration);

name of the topology;

right holder-surname, name and patronymic (if any) of the individual and/or full title of the legal entity;

country;

author (s) - surname, name and patronymic (if any);

application number;

date of first commercial use (if it occurred);

registration date.

If there are several persons in favor of whom the topology registration is sought, is issued one certificate.

37. The Certificate shall be submitted personally or sent by registered post mail to an address of the right holder.

If there are several right holders, the certificate shall be sent to the right holder, the first specified in the topology registration application.

When issuing the certificate it is required identity documents, as well as power of attorney in the cases of representing the interests of the legal entity for the right to



obtain a certificate and a document certifying payment of the State fee. Certificates of foreign right holders shall be handed in or sent to patent attorney.

For author of topology other than the right holder authorized body shall issue a certificate confirming his authorship.

38. When publishing information on the topology registration the authorized body in the bulletin "Onerkasiptik menshik -Industrial property" in section "Topology" in the State and Russian languages publishes the following information:

registration number;

date of registration;

date of first use (if it occurred);

surname, name, patronymic of the author (authors);

surname, name, patronymic, or title of the right holder (s);

code (s) of the country of residence of the author (s) of topology and place of residence (location) of the right holder (s) in accordance with the international standards of the World Intellectual Property Organization;

name of the topology;

annotation.

Information about the changes relating to the registration of the topology are published by the authorized body in the bulletin " Onerkasiptik menshik -Industrial property" under "Habarlama – Announcements” section in the State and Russian languages.

Appendix 1  
to the Rules for compilation, submitting,  
pendency of applications for registration,  
registration and issue of certificate  
of integrated circuit topology

*Footnote. Annex 1 as amended by order of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

KT Form

Ref.No.\_\_\_\_ Registration No.\_\_\_\_\_

from \_\_\_\_\_ from \_\_\_\_\_

Ministry of Justice

of the Republic of Kazakhstan

**Application**

**for registration of an integrated circuit topology**

Country code according to WIPO Standard ST. 3 (if any)

1. Applicant (s) \_\_\_\_\_

(full name or title of the applicant (s) and his (their) residence or location. Data on the residence of the authors-applicants are shown in box 9)

2. The basis of rights for this topology  
(to be completed if the applicant is not the author) (Note x)

applicant is an employer

transfer of rights by the  
author of the author or his assignee  
to other person

transfer of rights by employer

inherit right

to another person

3. Information about the near analog of this topology

---

4. Full name of topology:

---

short name:

---

5. Alternative name

---

6. Date and place of the first use of topology \_\_\_\_\_

date \_\_\_\_ month \_\_\_\_ year \_\_\_\_\_ country

---

7. Data about the legal owner on the date of the first use of topology

Name/title

---

Nationality

---

Address telephone

---

8. Information about protected topologies  
(used when creating the topology)

---

9. Author's full name (information about other authors is  
provided as a supplement(s) to the application (form KT/DOP))

---

Nationality

---

Address of residence, telephone

---

Brief description of the creative input of the author when creating the topology

---

10. Information on the documents contained in the application (Note x) materials identifying the topology:

integrated circuit samples, including the topology in the form in which it was used in 2 copies

full set of one of the following types of visually perceived materials that render each layer of this topology, including the specification in 2 copies

topological drawing or level-by-level topological drawings on \_\_\_ sheets

photos of each topology layer contained in the integrated circuit \_ pcs

abstract on 1 sheet in 2 copies

copy of the document confirming the date and place of first use of topology on \_\_\_ sheets in 2 copies.

---

document on payment of the State fee:

document about payment

exemption from payment

on \_\_\_\_\_ sheets on \_\_\_\_\_ sheets

reduction of size of the payment  
on \_\_\_\_\_ sheets.

---

supplement to the application (form KT/DOP on \_\_\_\_ sheets.)

power of attorney (s) on 1 sheet.

---

11. Address for correspondence: (full mailing address including full postcode,  
name or title of the addressee)

---

Phone number, including area code Fax Telephone

---

(signature (s) of applicant (s) or his representative; date of signature (s))

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Appendix 2  
to the Rules for compilation, submitting,  
pendency of applications for registration,  
registration and issue of certificate  
of integrated circuit topology  
Footnote. Annex 2 as amended by order  
of the Minister of Justice of the RK of  
17.03.2015 No. 158 (the act is entered  
into force in ten calendar days after its  
first official publication).

KT/DOP Form

Ref.No.\_\_\_\_ Registration No.\_\_\_\_\_

from \_\_\_\_\_ from \_\_\_\_\_

Ministry of Justice  
of the Republic of Kazakhstan

**Supplement to the application  
for registration of an integrated circuit topology**

Country code according to  
WIPO Standard ST. 3

(if any)

1. Applicant (s)

(full name or title)

---

Name of topology (abbreviated)

---

Addition to paragraph 9 of the application

Author's name

---

Nationality, domicile, telephone

---

Brief description of the creative input of the author when creating the topology

---

Addition to paragraph 9 of the application

Author's full name

---

Nationality, domicile, telephone

---

Brief description of the creative input of the author when creating the topology

---

Addition to paragraph 9 of the application

Author's full name

---

Nationality, domicile, telephone

---

Brief description of the creative input of the author when creating the topology

---

Addition to paragraph 9 of the application

Author's full name

---

Nationality, domicile, telephone

---

Brief description of the creative input of the author when creating the topology

---

Addition to paragraph 9 of the application

Author's full name

---

Nationality, domicile, telephone

---

Brief description of the creative input of the author when creating the topology

---

Addition to paragraph 9 of the application

Author's full name

---

Nationality, domicile, telephone

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Brief description of the creative input of the author when creating the topology

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Addition to paragraph \_\_\_\_ of the application

---

Addition to paragraph \_\_\_\_ of the application

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(signature (s) of applicant (s) or his representative; date of signature (s))

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Appendix 3  
to the Rules for compilation, submitting,  
pendency of applications for registration,  
registration and issue of certificate  
of integrated circuit topology

*Footnote. Annex 3 as amended by order of the Minister of Justice of the RK of 17.03.2015 No. 158 (the act is entered into force in ten calendar days after its first official publication).*

**MINISTRY OF JUSTICE OF THE REPUBLIC OF KAZAKHSTAN  
REGISTRATION CERTIFICATE**

No. \_\_\_\_

Name of topology:

Rightholder:

Country:

Authors:

Application No.

Date of the first commercial use (if any):

Registered in the State Register (date and registration number):

Certificate applies to the whole territory of the Republic of Kazakhstan

Deputy Minister of Justice

of the Republic of Kazakhstan Full name

Annex 10  
to the order of Acting

**A list of recognized void orders of the Chairman of the Committee on the Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan**

1) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 15 August, 2002 No. 133 "On Approval of Instruction on Recognition of a Trademark (Service mark) as Well-known in the Republic of Kazakhstan" (registered in the State Register of regulatory legal acts No. 1960 published in the Bulletin of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan No. 36, p. 685, 2002);

2) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 9 November, 2002 No. 192 "On Approval of the Rules for Drafting, Submitting, Pendency of Application for Registration, Registration and Issue of Certificate of Integrated Circuit Topology" " (registered in the State Register of regulatory legal acts No. 2043 published in the Bulletin of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan No. 2, p. 769, 2003);

3) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan No. 60-p of 28 September, 2004 "On Amendments to the Order of the Chairman of the Committee on the Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 9 November, 2002 No. 192 "On Approval of the Rules for Drafting, Submitting, Pendency of Application for Registration, Registration and Issue of Certificate of Integrated Circuit Topology" " (registered in the State Register of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan No. 3125);

4) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan No.72-p of 14 October, 2004 "On Approval of the Rules of filing and processing of applications for the grant of a selection patent" " (registered in the State Register of regulatory legal acts No. 3183 published in the Bulletin of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan No. 45-48, art. 1049, 2004);

5) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan No. 70-OD of 30 December, 2005 " On Amendments to the Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 9 November, 2002 No. 192 "On Approval of the Rules for drafting, submitting,

reviewing of applications for registration, registration and issue of certificate of integrated circuit topology" (registered in the State Register of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan No. 4028);

6) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 30 December, 2005 No. 71-OD, "On Amendments to the Order "On Approval of Instruction on Recognition of a Trademark (Service mark) as Well-known in the Republic of Kazakhstan" (registered in the State Register of regulatory legal acts No. 4019 published in the "Legal Newspaper" ("Юридическая газета") of 25 January, 2006 No. 11 (991);

7) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 24 April, 2007 No. 52-OD, "On Approval of Instruction for drafting, execution and pendency of an application for the grant of an innovation patent or invention patent" (registered in the State Register of regulatory legal acts No. 4643 published in the Bulletin of normative-legal acts of Central Executive and other State bodies of the Republic of Kazakhstan of August, 2007 No. 8, art.278);

8) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 24 April, 2007 No. 53-OD, "On Approval of Instruction on Drafting, Execution and Pendency of an Application for Utility Model Patent" (registered in the State Register of regulatory legal acts No. 4643 published in the "Legal Newspaper" ("Юридическая газета") of 17 August, 2007 No. 126 (1329);

9) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 24 April, 2007 No. 55-OD, "On Approval of Instruction on Drafting, Execution and Pendency of an Application for a Trademark" (registered in the State Register of regulatory legal acts No.4645 published in the "Legal Newspaper" ("Юридическая газета") of 14 September, 2007 No. 141 (1344);

10) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 24 April, 2007 No. 56-OD "On Approval of Instruction on Drafting, Execution and Pendency of an Application for an Appellation of Origin and Grant of the right to Use the Appellation of Origin" (registered in the State Register of regulatory legal acts No. 4646 published in the "Legal Newspaper" ("Юридическая газета") of 14 September, 2007 No. 141 (1344);

11) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan No. 57-OD of 24 April, 2007 "On Approval of Instruction on Registration of License, Sub-license Agreements on the Use



of Industrial Property Subject Matters" (registered in the State Register of regulatory legal acts No. 4647 published in the "Legal Newspaper" ("Юридическая газета") of 5 September, 2007 No. 135 (1338);

12) Order of the Chairman of the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan of 24 April, 2007 No. 58-OD, "On Approval of Instruction on Registration of Treaties on Assignment of Exclusive Rights for Industrial Property Subject Matters"(registered in the State Register of regulatory legal acts No. 4648 published in the "Legal Newspaper" ("Юридическая газета") of 30 August, 2007 No. 133 (1336).

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