



On amendments in the Order of the Minister of Justice of the Republic of Kazakhstan No. 91 dated February 24, 2012 "On approval of the Rules of drafting, processing and pendency of industrial design application, recording of the information in the State register of industrial designs of the Republic of Kazakhstan, as well as the issuance of title of protection"

Invalidated Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan no. 362 dated June 30, 2015 Registered in the Ministry of Justice of the Republic of Kazakhstan No. 11885 dated August 13, 2015. Abolished by the 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).

In order to bring it into conformity with the Law of the Republic of Kazakhstan from April 7, 2015 "On amendments in some legislative acts of the Republic of Kazakhstan on the issues of legal regulation in the field of intellectual property",

I ORDER:

1. To make the amendment in the Order of the Minister of Justice of the Republic of Kazakhstan no. 91 dated February 24, 2012 "On approval of the Rules of drafting, processing and pendency of application for the industrial property subject matter, recording of information in the State registers of industrial designs of the Republic of Kazakhstan, as well as the issuance of title of protection" (registered in the State Register of regulatory legal acts no. 7518, published in the Collection of the Acts of Central Executive and other Central Government bodies of the Republic of Kazakhstan No. 8, 2012 (release date July 24, 2012); "Kazakhstanskaya Pravda" dated August 23, 2012 no. 282-283 (27101-27102)) as follows:

Rules of drafting, execution and pendency of industrial design application, recording of the information in the State Register of industrial designs of the Republic of Kazakhstan, as well as the issuance of title of protection, approved by the specified order to state in a new version in accordance with the Annex to this Order.

2. The Department of Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan to provide:

1) the State registration of the present Order;

2) after the State registration of the present Order its official publication;
3) placement of this Order at the web-site of the Ministry of Justice of the Republic of Kazakhstan. 3. Control over the execution of this Order entrust on the supervising Deputy Minister of Justice of the Republic of Kazakhstan.

3. This Order comes into force on the expiry of ten calendar days after the date of its first publication

Minister of Justice

of the Republic of Kazakhstan B. Imashev

Annex
to the Order of the
Minister of Justice
of the Republic of Kazakhstan
No. 362 dated June 30, 2015
Annex
to Order of the
Minister of Justice
of the Republic of Kazakhstan
No. 91 dated February 24, 2012

Rules of drafting, execution and pendency of industrial design application, recording of the information in the State Register of industrial designs of the Republic of Kazakhstan, as well as the issuance of title of protection

1. General provisions

1. These Rules of drafting, execution and pendency of industrial design application, recording of the information in the State Register of inventions of the Republic of Kazakhstan, as well as the issuance of title of protection (hereinafter- the Rules) developed in accordance with paragraph 4 of article 19 of the "Patent law of the Republic of Kazakhstan" of the Law of the Republic of Kazakhstan (hereinafter- The Law) and define the procedures for the drafting, execution and pendency of industrial design application, recording of the information in the State Register of industrial design of the Republic of Kazakhstan (hereinafter - the State Register), as well as issuance of a title of protection.

2. In these Rules are used the following terms:

1) World Intellectual Property Organization is an international organization in the field of intellectual property protection (hereinafter referred to as WIPO);

2) Bulletin - official bulletin "Industrial property of the Republic of Kazakhstan" (hereinafter-the Bulletin);

3) conventional application - application filed in accordance with the Paris Convention for the protection of industrial property of March 20, 1883;

4) ENID international codes -numeric codes for the identification of bibliographic data relating to industrial designs (hereinafter referred to as "ENID");

5) application - an application for the grant of an industrial design patent (hereinafter - application);

6) International Classification of Industrial Designs - classification of industrial designs, adopted by the Locarno Agreement of October 8, 1968 (hereinafter-ICID);

7) Paris Convention - the Paris Convention for the Protection of Industrial Property dated March 20, 1883 with subsequent amendments and additions (hereinafter referred to as the Paris Convention);

8) expert organization - an organization under the authorized body which carries out activities in areas classified under State monopoly (rendering services in the field of the protection of inventions, utility models, industrial designs);

9) authorized body - Ministry of Justice of the Republic of Kazakhstan;

2. The procedure for compiling and processing applications for the industrial design

3. The application submitted by a person having the right to obtain a patent for an industrial design (hereinafter - the applicant):

1) the author (s) of the industrial design;

2) the employer, if the industrial design is a service;

3) the legal successor, including a person who has received a corresponding right in the assignment order;

4) co-owners, provided for in this paragraph, subject to the agreement between them.

The right to apply for and receive a patent for service industrial design belongs to the employer, unless otherwise stipulated in the contract between him and the employee.

The right to apply for and obtain a patent for an industrial design, created by the author and is not associated with the performance of his duties or received from the employer a specific job, and is not associated with the use of information, material, technical and other resources of the employer, belongs to the author, unless otherwise stipulated in the contract between the author and the employer.

Confirmation of the right to file an application in any document is not required.

4. Application is carried out by the applicant independently or through a patent attorney or other representative through the provision of a power of attorney.

The powers of the patent attorney or other representative certified power of attorney issued by the applicant, the patent owner.

5. The application includes:

1) application for issuance of the Republic of Kazakhstan design patent (hereinafter - the application) (3 copies) in the form according to the Appendix to this Regulation;

2) Kit suitable for reproducing images of the item (s) or layout, give a full and detailed understanding of the claimed sample (s) (of the general form - 8 copies, additional types - in 4 copies);

3) a description of the industrial design, which includes a list of its essential features (2 copies);

4) power of attorney, in the case of office work through a representative;

5) a document confirming the application filing fee of, in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated December 18, 2014 № 368 "On Approval prices for works and services sold by the republican state enterprise on the right of economic management" National Institute of Intellectual Property "(registered in the register of state registration of normative legal acts number 10045), confirming grounds for reduction of fees, which shall be submitted with the application or within two months from the date of receipt of the application.

the period is extended, but not more than two months if the corresponding payment

Failure to provide the documents on payment within the prescribed period, the application is considered filed.

An application for an industrial design seems to surround the contents of the general appearance of the product images in perspective, front 3/4, kind of left, right, back, top, bottom.

The images provide a comprehensive view of all decisions appearance of the product.

For products apparel industry sufficient front and rear (on the mannequin).

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2) Kit suitable for reproducing images of the item (s) or layout, give a full and detailed understanding of the claimed sample (s) (of the general form - 8 copies, additional types - in 4 copies);

3) the description of the industrial design, which includes a list of its essential features (2 copies);

4) the power of attorney, in the case of office work through a representative;

5) the document confirming the application filing fee of, in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated December 18, 2014 № 368 "On Approval prices for works and services sold by the republican state enterprise on the right of economic management" National Institute of Intellectual

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The information is not fully placed in the appropriate boxes are in the same form on additional sheet indicating the relevant application box "to watch attached to the application" (in the appropriate cell of the column "The list of accompanying documents" is put the sign "X");

2) the graphs statements under codes 21, 22, intended to fill the expert organization after receipt of the application, and the applicant shall not be filled;

3) in the column under code 71, requesting the grant of a patent for industrial design, after the words "in the name of the applicant (applicants)" provides information about the applicant (s) in whose name (which) the patent is requested: name, surname and patronymic (if any) (hereinafter - the name) of a natural person, or full legal name of the entity, according to the document of official registration, as well as information on the location, including the country's official name and full postal address. Foreign names of legal entities shall also and in transliteration in Kazakh or Russian language. Information on the residence of the applicant, the industrial design are the authors are listed in the column next to the column under code 72 on the second page of the application.

For foreign legal entities or natural persons or living outside of the Republic of Kazakhstan, in which the name is sought a patent for an industrial design, the country code is indicated according to WIPO Standard ST.3 (if available).

If there are several applicants, this data is provided for each of them;

4) Count containing priority setting, filled with claiming a priority earlier than the filing date in the expert organization. In this case, "X" mark in the appropriate boxes marked a basis for claiming priority and indicate the application number, on the basis of which priority is claimed, and claimed priority date (the date of filing of the application or additional materials to it).

If priority is claimed on the basis of several applications specify the numbers of all applications and the claimed priority date. When claiming a convention priority country code indicates the first filing by the WIPO Standard ST.3 (if any);

5) in the column under the code 54 is the name of the claimed industrial design (industrial design options), which coincides with the name given in the description of the industrial design;

6) in the column under code 98, provides full postal address in the Republic of Kazakhstan and the name or the name of the addressee, who must meet the usual requirements for prompt postal delivery. As the address for correspondence the address of the residence of the applicant (one of the applicants) - a natural person residing in the Republic of Kazakhstan or the location of an address in the Republic of Kazakhstan of the applicant - legal entity, or the applicant's representative for the location address (the applicants), including the patent attorney (patent attorneys) or another address in the Republic of Kazakhstan;

7) in the column under code 74 provides information about the applicant's representative (the applicants), including the patent attorney (patent attorneys). In case of appointment of a patent attorney before filing indicated its name, registration number of the authorized body, residence address, telephone number, fax number (if available). In the case of designated representative specified name for a natural person and the official name of a legal entity, the address of residence in the Republic of Kazakhstan, telephone number, fax number and e-mail address (e-mail) (if any);

8) Count "list of accompanying documents" is filled by placing the "X" mark in the appropriate boxes and specify the number of copies and sheets in each copy of the accompanying documents. For the attached documents, the form of which is not stipulated by the application form ("other document"), specifically states their purpose ;

9) in the column under code 72 contains information about the author (s), name, and in the column under code 97 - full postal address of residence to foreigners indicated only the country code according to WIPO Standard ST.3 (if any);

10) in the space provided under the code 72, the author's signature and provides data in the event that the author is the applicant.

In case of death of the author prior to the application and the signature of the heir to date. Submission of official documents confirming the right of inheritance, at the application stage is not required;

11) Count, located directly below the graph with the code 72 is filled only if the author (s) requested (asked), not to mention it (them) as such (per se) in the publication of data on granting a patent.

In this case, given name of each of the authors who did not wish to be mentioned in the publication, and their signatures;

12) filling in the last column "Signature" is mandatory in cases where the applicant specified person other than the author. On behalf of the legal entity shall be signed by the head of the organization or other person authorized by the constituent documents of a legal entity, with an indication of its position, the signature is sealed by the legal entity. If there are several applicants, a statement signed by each of the applicants.

When applying through a patent attorney statement signed by a patent attorney. Signatures are deciphered, indicating full name of the signatory;

13) each additional sheet (attached to the application), which shows certain information relating to the statement signed in the manner provided for in subparagraphs 8) 9) 10) 11) 12) of this paragraph;

14) the application and its annexes are available without corrections. In the case of these shortcomings is requested properly drawn up declaration or enclosure.

8. As an industrial design is protected by art-design solution products for industrial or handicraft production defining its external appearance.

Under the product means any industrial product or handicraft production, composite products, separate parts for assembly into composite products, packaging, labels, logos, fonts, sets (sets) shared items, interior design.

To separate parts of products are functionally independent parts that are visible during the operation of the product.

Components for assembly into a composite product is a functionally independent part of composite products intended for its assembly, detachable without breaking and re-used for the assembly of composite products.

By composite articles include articles composed of intended for assembling components of the composite product.

The sets are groups of products that have a common purpose and comprehensive utilization.

Industrial designs may be three-dimensional or planar.

Volumetric designs represent a crosslinked composition. Planar designs are formulated with a two-dimensional structure.

Art and design solution articles characterized by a set of essential features that define the aesthetic and / or ergonomic features of appearance of a product.

9. Do not recognized as industrial designs referred to in paragraph 2 of Article 8 of the Law.

The decisions that can be misleading are solutions that reproduce or include elements that are identical or produce the overall impression, which will lead to confusion:

with the state coat of arms, flags and other state symbols and signs;

with abbreviations, and names of international and intergovernmental organizations , with their coats of arms, flags, symbols and signs;

official control, warranty or hallmarks, seals, awards and other marks of distinction

The elements included in the decision of appearance of a product with the consent of the competent authority;

with the elements, the state registration of which in the Republic of Kazakhstan as trademarks is not permitted in accordance with the international treaty, since the elements are protected in one of the member states of the international treaty as the designation, allowing the identification of goods as originating from its territory (produced within the borders of geographical object that state) and having a particular quality, reputation or other characteristics, which are defined by their origin, if the industrial design is intended for packaging, labeling of products not originating in the territory of the geographical area;

official names or images of especially valuable objects of cultural heritage of the peoples of the Republic of Kazakhstan, a world cultural and natural heritage, images of cultural values, if a patent is sought on behalf of persons who are not their owners, without the consent of the owners or persons authorized by the owners of the registration of such decisions as industrial designs;

with well-known at the date of filing trademarks of other persons protected in the Republic of Kazakhstan, including in accordance with the international treaty of the Republic of Kazakhstan in respect of similar goods product;

trademarks of other entities recognized in accordance with the Law of the Republic of Kazakhstan "On Trademarks, Service Marks and Appellations of Origin of Goods" procedure well-known in the Republic of Kazakhstan trade marks in respect of similar goods product;

with famous names, nicknames, or derived from them symbols, portraits or facsimile of known in the Republic of Kazakhstan on the date of application of persons without the consent of these persons or their heirs.

10. The application relates to one industrial design or a group of industrial designs so linked as they form a single creative concept (unity of industrial design requirement)

The unity of the industrial design is recognized to have been met if:

on the representations of the article and the list of essential features of the industrial design one industrial design is presented, which is art-design decision of the product, including the entire product, its independent parts, a set (kit) from the group of shared items;

on the representations of the article and the list of essential features of industrial design is represented by a group of industrial designs, which form a single creative concept and representing the artistic and design solutions of the same articles belonging to one subclass ICID, one of which determines the appearance of the product

as a whole, and more (other) - the appearance of the visible during use of the product of his self-part (s);

on the representations of the article and the list of essential features of industrial design is represented by a group of industrial designs, which form a single creative concept and representing the artistic and design decisions that determine the appearance of the same product as a whole and belonging to the same class of the INCD, each solution determines his version of the appearance of the products, and the main aesthetic and (or) ergonomic features of appearance of a product resulting from the decisions - the options are the same (options).

11. Each embodiment of the claimed industrial design represented by a separate set of images of all kinds.

12. Products that are closed, folded, transform, additionally submit images of these products in closed and (or) the clear.

13. Photo-art design solutions with items of clothing appears three-dimensional image on a mannequin, and shoes, hats, leather goods represented as individual photos natural product samples.

For additional photos of artistic and design solution articles of clothing and footwear submitted to the demonstrators, age group and anthropometric data are (size, growth, fullness) comply with the requirements, laid the basis for product development

For a more complete information about the features of cut lines, design, pattern trims is a photograph of the product. If the picture does not appear, it seems the sketch-sketch in a color that reveals the features of the claimed art-design solution.

14. When artistic and colorist solution is one of the essential features of the product , all the images will be displayed in color.

Images of products are presented clear, unambiguous, not contingent, presented on the neutral background, no foreign objects, and allows no further explanation to identify the elements (signs) appearance of the product as the lighting, and the shadow of its sides.

15. Images in the form of photographs carried in size 18x24 cm (further - cm.), other images - in A4 format.

For small-size products or layout allowed to submit photos of the size of 13x18 cm or 9x12 cm.

On the reverse side of each instance of the general form of the photos in sequence specified:

- photo number;
- the name of the industrial design;
- Signature authors with details;
- the applicant's name.

On the reverse side of the additional types of photos in sequence specified:
the number of photos with the explanation "side view", "front view", and the like;
the name of the industrial design.

On the reverse side of the prototype pictures indicate the photo number, product name, the explanation - prototype.

Pictures are numbered - general view, other, color photo, the photo of the prototype . Photos of one species are represented by a single number.

16. Description opens in verbal elements (signs) of the appearance of the products shown in the pictures.

Description starts with the name of the industrial design. Before the name specified index column IPCI current wording to which the industrial design.

Description contains the following sections:

- 1) the purpose and scope of the industrial design;
- 2) industrial design analogues;
- 3) The essence of the industrial design;
- 4) list of essential features of the industrial design.

If the declared group of industrial designs, sections should be in the appropriate information for each of the industrial design group.

The description includes the industrial design image list containing the listing photos, graphics, and drawings and other pictorial materials in accordance with their numbering and a brief indication of the image on each of them.

17. The name of the industrial design is concise and accurate.

The name of the industrial design describes its purpose and is presented in the singular, except the names are not used in the singular.

The name of the industrial design of a new or little-known destination contains an indication of the scope of its application. The name of the industrial design is recommended to formulate in terms of ICID.

The name of the industrial design relating to a kit of components, begins with the word "set", "set".

The name of the group of industrial designs belonging to the same product, contains the name of the product, supplemented by an indication in brackets of the word "options" and many options.

If declared a group of industrial designs relating to the product and its parts, and the product (or) part of a variant name must contain the product name on the whole, supplemented by an indication in brackets of the word "options" and the number of options indicated in parentheses (the product in general) and the name of its parts, supplemented by an indication in brackets of the word "options" and the number of options indicated in parentheses (an independent part of the product).

The name of the industrial design contains a special name or your own name if it does not violate the rights of third parties are protected in the Republic of Kazakhstan trademarks.

18. In the description of the "Purpose and scope of the industrial design" provides information about the purpose, the scope of the claimed industrial design.

19. "Analogues of the industrial design" section describes the characteristics of the identified counterparts, indicating the closest to the claimed pattern analogues, as well as an indication of bibliographic data sources containing given analogues.

By analogues of the industrial design are artistic and design solutions products for the same purpose as the claimed industrial design, similar to it on the essential features known from information generally available to the public before the date of priority, to the nearest analogue refers analog most similar to the essential features the claimed industrial design.

If there is a request of the industrial design options for the closest analogue indicated for each of them.

Section 20. "The essence of the industrial design" seems content with verbal descriptions presented in images (photographs, drawings) of the set of essential features that affect the formation of the appearance of the product and determine its aesthetic and / or ergonomic features. Description contains references to the submitted photographs, drawings. They point out the signs that distinguish the claimed industrial design from the closest analogue.

In this section, description indicated the aesthetic and / or ergonomic features of the product and explains the impact of symptoms related to the formation of a significant appearance of the product.

For aesthetic and (or) ergonomic features of appearance of a product are:
artistic expression and information;
rationality form the integrity of the composition;
ergonomics.

The section describes the advantages of the product, due to the marked features of his appearance.

In describing the set lists all its constituent products, which are performed using a single shaped, plastic and (or) the principle of stylistic formation.

When understanding of the disclosure is not permitted expression feature in the form of alternative concepts that characterize the different forms of its realization.

In the presence of different forms of realization of the characteristic may be applying for industrial design options, each of which contains a feature that characterizes one of the above forms.

21. A list of the essential features of the industrial design, as reflected in the representations of the article is intended, together with the image of the product to determine the scope of legal protection.

In the "list of essential features of the industrial design" reflects all the features related to the essential and formulated more concisely than in the understanding of the disclosure, characterized by the appearance of the product in its static state. In describing the appearance of the product may be an indication of the possibility of its transformation, change the position of the form elements.

In the presence of the industrial application of the sample embodiment, the list of essential features as outlined in the part containing all common variants of the essential features, including the generic term reflecting the purpose of industrial design, the essential features of which are inherent in the said embodiment.

The features included in the list, are not expressed in absolute size, or is not visually distinguishable ratio of the image elements dimensions. It is not allowed to include in the list of graphic images to describe the service and consumer values, which are the product label if they are made in a standard way, without aesthetic and / or ergonomic features.

In describing the appearance of the product may be an indication of the performance of the elements with the possibility of changing the position and mutual arrangement.

Signs of an industrial design are expressed in the list, by enabling them to visually identify with the elements presented by the applicant image products.

22. To characterize the artistic and design solutions of products with a one-piece composition, as well as solutions based on the ratios of elementary geometrical volumes, the signs used: composition and relative placement of composite elements of plastic, graphic, color, textured decision.

23. Art and design decisions of products with complex composition, which is based on advanced space-spatial structure, used signs, composition and relative placement of composite elements, the form, including the elaboration of a plastic composite elements.

To characterize the artistic and design solutions with in-plane composition, the following indications: the compositional structure, linear-graphic elements ratio, ornamental motifs, color palette, character texture.

24. The signs used to characterize the artistic and design solution of clothing:
form, which is characteristic of the volume model, the proportions of which determine visually perceived relation of parts to each other;
silhouette, which is characteristic of the planar model;
Details - elements imposed on the garment surface on any of its area;

finish - an element that has no functional significance in terms of utilitarian use of the product, playing a decorative role in the decision model, the use of which may be simultaneously receiving process;

Accessories included with the product structure for connection and separation of its individual parts, as well as being a decorative element;
material with its decorative characteristics.

25. The signs used to characterize the artistic and design solutions of shoes:
form, which is characteristic of the volume models, including the form of pads;
design top and bottom;
composition, form and mutual arrangement of the structural elements;
decorative material with its characteristics;
trim;
accessories;
color palette.

26. To characterize the artistic and design solutions sets (sets) products, in addition to the characteristics used to describe the artistic and design solutions of the respective products, are used, signs, reflecting:

the nature of the interaction of parts;
hierarchy of elements;

proportional system of both the source and the elements of those products, which are based on the use of these elements, and the entire set (set) as a whole.

27. In characterizing the artistic design of printed materials solutions used signs reflecting:

compositional structure;
elaborate graphics, pictorial motifs;
ornament;

layout and graphics performance of the font (without the sense and / or phonetic content of the inscriptions);

color palette.

Articles printed products, in which there are no decoration and characterize the appearance of the essential features that give them the aesthetic features are unguarded.

If the printed matter intended for product characteristics, including letters, words, sentences, numbers, including elements having the character of the special symbols on the product is made in plain text box, type without graphics, font, or color features, such claimed subject matter relates to the unguarded.

This section also contains information about the possibility of implementing the claimed industrial design, ie the manufacture of industrial products embodying his way to the realization of this purpose by the applicant, indicating the materials used and the manufacturing processes.

In the case of the claimed art-design decision of the product of other objects of industrial property, which are applied for or obtained documents of title, which are known to the applicant, indicated data sufficient to detect the sources of information about these documents.

28. When applying for products of light industry products are presented in the amount of fragment repeat pattern (no more than 400h500 mm), if the product belongs to such as decorative materials, fabrics, carpets, giving an idea of ??the structure, texture and color solutions product.

29. In the description of the industrial design are used as generally accepted in the scientific literature and technical terms.

Inadmissibility of the use of different cuts.

Symbols of brands, types, series of articles or material to be deciphered.

30. Bibliographic data sources are specified so that the source of information could be found.

31. Drawings perform indelible black lines and sharp strokes.

The scale and clarity of graphic images are presented so that a reproduction with a linear reduction to 2/3 distinguish all the details.

The image on the drawing presented in rectangular (orthogonal) projections (in various forms, cuts and sections). For clarity, it may be an idea in perspective. Each element in the drawing is performed in proportion to all other elements, except when a pixel for clear distinction must proportions.

Each drawing (circuit) is numbered as a figure, for example, "1, 2, etc." fine uniform numbering regardless of the type of the image, in accordance with the order of references in the specification. If the description is explained in one piece, it is not numbered.

Drawings, diagrams and explanatory drawings are presented on a separate page in the upper right corner is recommended to give the name of the industrial design, an indication of variant numbers.

32. Correspondence is conducted by the applicant or authorized representative for each application independently.

The application is submitted to the expert organization directly, by mail, fax or in an electronic document, certified by digital signature.

Materials submitted to the expert organization, either directly or sent by mail.

Materials sent after filing, contain its number and signature of the applicant or his representative.

The official language of the expert organization on the application for an industrial design is conducted in the Kazakh or Russian language. The materials submitted by the applicant in a foreign language, accompanied by their translation into Kazakh or Russian language.

Translation will be submitted within two months after receipt of the application in the expert organization.

Before submitting the translation, the materials presented in a foreign language are not considered, and the applicant shall be notified in writing within ten working days.

Materials can be transferred by facsimile. The original application materials, sent by fax, shall be submitted within one month from the date of receipt of their fax. The date of receipt of materials shall be the date of their receipt by fax.

If the original material received upon expiration or materials received by fax are not identical to the submission of the original materials are considered received on the date of the original receipt, and the content of the materials received by fax in the future are not considered.

If any application materials received by fax, or part of them are not readable or not obtained relevant materials considered received on the date of the original receipt.

An application filed in electronic form using digital signature, be registered on the official website of the expert organization, or through the site of the Electronic Government of the Republic of Kazakhstan "www.egov.kz", if its submission met the requirements specified in this paragraph as of the date of its filing.

The original set of images the application filed in electronic form submitted on paper in an expert organization within one month from the date of their electronic form

33. Before the adoption of the relevant decision, the applicant has the right to make the application documents corrections and clarifications, without changing the essence of the claimed subject matter, as well as changes concerning the applicant specified in the transmission rights to the title of protection by filing the corresponding application in the expert organization.

Correction and clarification of the application documents shall be effected by the provision of replacement sheets. Replacement sheets are presented for each instance of the appropriate document in the Kazakh or Russian language or the translation of the document into the Kazakh or Russian language and meet the requirements of this Regulation.

If you make changes to the text of a replacement sheet takes incomplete page or text, who was formerly one page, goes beyond it, are also replaced by the following lists. When submitting replacement sheets are given a brief explanation of the proposed changes in the letter accompanying the replacement sheets. If changes are made on the initiative of the applicant's explanations are given in the letter to the applicant. For changes in the application documents at the initiative of the applicant within two months from the date of receipt of the application fee is charged. If fixes typos, errors in the indication of the bibliographic data and correction of the document would not lead to negative consequences in relation to the direct-definition reproduction, the need

to make corrections in the letter expressed the applicant without replacing sheets. The changes concerning the applicant notes for assignment of the right to obtain a patent or changes in the applicant's name, as well as technical corrections of errors in the application documents are produced before the date of registration of the industrial design in the State Register in the presence of a document confirming the proper payment.

34. By altering the composition of the authors meant inclusion in or exclusion from the author, said in a statement. Changes in the composition of the authors are entered by submitting a new application for the issuance of a patent.

Towards a new application for a patent is applied a petition to amend (hereinafter - the application) of the authors with the number and the filing date. In the case of exclusion of the author from the authors, a petition signed by graduating author (only for national authors, and authors of industrial designs for applications filed in accordance with intergovernmental agreements), which is evidenced by the signature of a notary. The consent of the author the excluded issue a separate letter with the number and date of registration of the application.

If it is not possible to obtain the signature of the author, in the case of inclusion of the authors attached to the petition written agreement drawn up:

in case of death of the author or declaring him dead consent to the amendment on his behalf signed by the heir is a notarized copy of the certificate of inheritance;

in the author's case by the court as missing recognition in accordance with Article 28 of the Civil Code of the Republic of Kazakhstan, the interested party is a copy of the court decision on the recognition of the author's missing;

the recognition of the author having limited or no legal capacity, consent to the amendment on behalf of the trustee or guardian signs the submission of a copy of a court decision on custody or guardianship.

If there are no documents listed in this paragraph and / or the documents submitted do not meet the requirements of this paragraph, the applicant shall be notified within three months from the date of notification, submit the missing or corrected documents.

Failure to provide the requested documents a new application shall be deemed withdrawn and the applicant shall be notified within ten working days.

35. The time limit for procedural acts for obtaining a patent are defined by the time period during which the action takes place.

If the period is expressed the phrase "for a period not later than before the expiry, the date ", numbered starting from the day following the said date. Expiration expire on the corresponding day of the last month of the period. If the last day of the period falls on a non-working day, the end of the term is considered to be the closest, the next working day. If the end of the period falls on a month in which there is no corresponding date, the period shall expire on the last day of that month.

36. Deadline for submission of documents requested by the applicant shall be extended when submitting the corresponding application is submitted within three months from the date of the request to the applicant. The applicant is notified of the extension of the deadline for submission of the requested documents within ten working days.

The application shall be accompanied by proof of the relevant payment.

In case of failure, within three months of the requested documents or petition, the application shall be deemed withdrawn and the applicant shall be notified within ten working days.

This period may be extended, subject to due payment, but not more than three months.

37. Dates, missed by the applicant may be reinstated at the request of the expert organization for relief (hereinafter - the application).

The petition filed by the applicant no later than six months from the date of expiry of the missed deadline. Such a request is submitted in the expert organization at the same time requested the examiner or appeal with the Appeal Board.

The application shall be accompanied by proof of the relevant payment in accordance with paragraph 5 of this Regulation.

Failure to provide this document within the specified period, the application recognizes not filed and the applicant shall be notified within ten working days.

38. An applicant may withdraw an application filed by them to the industrial design registration with the State Register.

When you receive a request for withdrawal of the application, the applicant shall be notified within ten working days and records in respect of the application is terminated.

Withdraw the application has no legal effect, no legal actions on it is not committed and the applicant's rights in the future are not based on this application. Withdraw the application does not take part in the establishment of compliance with the conditions of patentability of industrial design.

Please applicant considered invalid his statement about the withdrawal of applications received after the notification of withdrawal of the application the applicant is not satisfied.

3. The procedure for examining the application for the industrial design

39. Registration received by the expert organization application documents and assigned a corresponding number and the date of receipt of the application is carried out in the presence of the Kazakh or Russian language and description of the claimed industrial design. The documents do not contain the claimed application of the sample, are not registered and are returning to present them in person within three working days.

The fact of acceptance documents for the consideration of the applicant shall be notified within ten working days, stating the registration number of the application and the date of receipt of the documents.

Application for issuance of a title of protection is represented in the Kazakh and Russian languages.

Additional application documents are available in Kazakh, Russian and foreign languages.

If additional application documents submitted in a foreign language, the application shall include a translation into Kazakh or Russian.

Translation will be submitted within two months after receipt of an expert organization in the application containing documents in another language. This period shall be extended, subject to due payment, but not more than two months.

In case of failure to transfer in time the application is considered filed.

Access to the application to third parties prior to the publication of information on the issue document of title is not permitted, except in cases provided for in paragraph 3 of Article 16 of the Law.

Outgoing mail is sent at the request of the expert organization in the address for correspondence referred to by the applicant in the application.

Certified copy filed in the expert organization the application is available at the request of the applicant for the purposes of foreign patenting in the presence of a document confirming the proper payment.

40. Filing Date shall be the date of receipt in the expert organization application containing a request for grant of protection for an industrial design with indication of name or full name of the applicant, descriptions, product images (layout), but if these documents are not presented simultaneously, then by date receipt of the last of the documents submitted.

41. After registration applications received by the expert organization, held its formal examination.

42. During formal examination of the application is checked:
availability of documents contained in the application or attached to it provided for in subparagraphs 1) and 4) of the first part of paragraph 2 of Article 19 of the Law;
conformity of payments made to the sizes;
compliance with the rules of application, including verification of the presence on the correctness of the power of attorney, certifying the authority of the patent attorney;
adherence to a single creative concept (unity of industrial design requirement);

It does not change any additional materials if they are presented, the claimed industrial design;

correct classification of the applicant of the industrial design on the ICID;

validity requested in the application of earlier priority than the date of its receipt.

In the formal examination stage set the filing date and priority date.

43. On request, drawn up with infringement of its documentation requirements, the applicant shall be invited, within three months from the date of its direction to submit the corrected or missing documents.

If the applicant within a reasonable time not to submit the requested documents or petition application shall be deemed withdrawn and the applicant shall be notified within ten working days.

This period shall be extended, subject to due payment, but not more than three months.

44. The grounds for the request are as follows:

the lack of application of one of the documents specified in subparagraphs 1), 2), 3) and 4) of paragraph 5 of this Regulation;

violation of the requirements for registration of power of attorney for the representative;

the absence of a statement of necessary data, signature and seal, as well as the need to clarify the above statement data;

the absence of a document confirming payment of the corresponding amount in the prescribed;

identification of gaps in the preparation of documents, preventing their direct reproduction (violation of the format sheets, margins, print quality, which impairs the discretion of the application materials);

the need to clarify issues related to the possible infringement of third party rights on the protected in the Republic of Kazakhstan trademarks;

the presence in the application links to sources that are not publicly available, any indication of the impossibility of the publication of certain information contained in it, in addition to information about the authors, who asked not to be mentioned as such in the publication of information about the patent;

the need to clarify issues related to the establishment of the requested in the application earlier priority;

the existence of other violations of the requirements of this Regulation to the documents of the application installed without an analysis of the claimed industrial design being.

45. Classification of the claimed industrial design is made in order to reflect the application of the subject with a particular area of application in accordance with the ICID.

When classifying a basis for selection of the classification index (indices) is the name of the industrial design, its image, description and drawings if available in the application.

Classification codes are installed on the stage of formal examination, may change in the course of substantive examination.

46. According to the application filed in violation of the requirement of unity of industrial design, the applicant shall, within three months from the date of notification to let you know which industrial design is subject to review and make corrections in the application documents, if necessary.

Other designs included in the initial application may be submitted as divisional applications.

Priority of divisional applications is established by the filing date in the expert organization disclosing its essence the initial application by the same applicant, and if the right to establish an earlier priority of the initial application - on the date of its priority, if the divisional application is filed before the delivery of the initial application of the negative conclusion of expert organization, the possibility of appeal have been exhausted, and in the case of determination by said application of a positive conclusion of the expert organization - to the date of registration in the state register of industrial designs of the Republic of Kazakhstan.

If the applicant, within three months from the date of his violations of the requirements of unity notification, to which of the industrial designs subject to review and to submit updated documents held object consideration specified in the description of the first, as well as other industrial designs related to first so that they meet the requirement of unity of industrial design.

47. During the examination of the applicant may on its own initiative or at the request of examination, to supplement or modify the application documents without changing the essence of the claimed subject matter.

Additional materials which do not change the substance of the industrial design, shall be attached to the materials of the application.

Additional materials in the part changing the essence of the claimed industrial design shall not be taken into account when considering the application and executed as an independent application, the applicant is notified.

In this case, if the self-application is filed within three months from the date of notification to the applicant expert organization, in accordance with paragraph 3 of Article 20 of the Law its priority will be determined by the date of receipt of additional materials.

If the supplementary materials presented without complying with the requirements of this Regulation, the applicant is notified of non-acceptance into consideration in the examination as a whole or in relevant part.

48. If the application contains all the necessary documents and met their requirements, the applicant shall be notified of the positive result of the formal examination and the date of filing of the application within ten working days.

49. Upon completion of the formal examination with a positive result of the expert organization conducts a substantive examination, the presentation of the proof of payment of the examination on the merits.

50. At the stage of substantive examination:

It established the possibility of classifying the claimed proposal to the objects protected as an industrial design;

conducted search in respect of the claimed industrial design to determine the level of artistic and design solutions;

Compliance is checked conditions of patentability of the claimed decision based on the results of information retrieval.

51. During the substantive examination carried out verification of the industrial design of patentability on its compliance with the conditions of novelty and originality.

If the declared group of industrial designs, checked the patentability in respect of each of its member industrial designs. Patentability of Industrial Designs is recognized only when all patentable industrial design group.

52. In the case of non-compliance conditions of the industrial design in the patentability of the claimed industrial design group, the expert organization shall issue an expert opinion on the partial refusal to grant a patent for an industrial design.

53. An industrial design shall be granted legal protection if it is new and original, in accordance with paragraph 1 of Article 8 of the Law.

The industrial design shall be deemed new if the sum of its essential features, as reflected in the representations of the article and in the list of essential features is not known from information generally available in the world before the date of the industrial design priority.

novelty test is performed with respect to the aggregate of the industrial design features, reflected in the image and the products listed in the list of essential features of industrial design adopted to review the results of the formal examination, if it is changed by the applicant after the completion of the formal examination, in relation to changes in the list of essential features.

Publicly considered the information contained in the data source to which any person may be found.

The date of determining the possibility of assigning the above information to the public is:

the date of publication of information on industrial designs - the date of their publication;

for prints with the specified date of printing - the specified date;

for other publications - the date of issue in the light or if can not be established, the last day of the month of the publication of the year;

for deposited manuscripts of articles, reviews, monographs and other materials - the date of the deposit;

for about research works, explanatory notes to the development work and other engineering, technology and design documentation, located in the scientific and technical information agencies report - the date of their arrival to these bodies;

for regulatory and technical documentation - the date of its registration in the authorized body;

materials for dissertations and theses published in the manuscript, - the date of their admission to the library;

for exhibits placed on display - documented date of commencement of the show;

for messages on television - the date of the message, if it is recorded on the corresponding recording medium.

An industrial design is not recognized by the relevant condition of novelty if information sources revealed information about the artistic and design solutions, which has features identical to all the features shown in the images in the pending application as defined in the list of essential features of industrial design.

When the novelty of the industrial design are also included, provided their earlier priority filed in the Republic of Kazakhstan by other persons applications for industrial models (except revoked) and patented in the Republic of Kazakhstan industrial designs

In the case where the source of information, containing information considered an industrial design, is an application with an earlier priority, it establishes that the application is not withdrawn or deemed withdrawn.

If the application is not withdrawn and the withdrawal period has not expired, the applicant is considered an industrial design is informed about the presence of such an application without its applicant and the disclosure of its contents and of the possibility to postpone the consideration of the application until the determination of the application with an earlier priority. In case of disagreement of the applicant to defer consideration of the application, set the discrepancy claimed industrial design novelty condition.

With regard to the industrial design for which established discrepancy condition of novelty, originality check is not performed.

54. An industrial design shall be deemed original if its essential features determine the creative nature of the features of the product.

Check the originality of the claimed industrial design is carried out and includes:
defining the closest prior art;

identification of essential features which distinguish the claimed industrial design from the closest analogue (distinctive features);

the identification of the information available in the world before the priority date of artistic and design solutions, with features identical to the features of the industrial design under consideration.

An industrial design is recognized corresponding condition of originality, if one of its essential features, included in the list have been identified art-design decisions, which are subject to this feature.

An industrial design is recognized corresponding condition of originality in those cases where all its essential features identified art-design decisions that have such features, but these features provide the presence of the considered industrial design aesthetic and / or ergonomic features not inherent to the identified artistic and engineering solutions.

Not recognized by the relevant condition originality of the industrial design, embodied in the product:

differs from the closest prior only a sign (signs), on (enabled), the applicant in the list of essential features for which (are) not confirmed effect on the aesthetic and / or ergonomic features of this product;

change only sizes, increased the number of items or change the color (but not the color palette) products compared to the known;

as a separate take a simple geometrical volume or a single simple geometric figures ;

echoing the shape typical of single-purpose products, but performed on other technical grounds;

the appearance of which, borrowed from the known objects, under certain two different objects, which give a similar appearance;

complete, composed of well-known products separately, without changing their appearance.

55. During the substantive examination the expert organization has the right to request from the applicant additional materials without which the examination is not possible, including changing the list of essential features.

Additional materials on the request submitted to the expert organization without changing the essence of the industrial design within three months from the date of the request.

The term is extended, subject to due payment in accordance with paragraph 5 of this Regulation, but no more than three months.

For additional materials in the part changing the essence of the industrial design shall not be taken into account when considering the application and made out by the applicant as a separate application, and the applicant notified within ten working days.

If the applicant fails to submit in due time the requested materials or a request for extension of the deadline, the application shall be deemed withdrawn.

56. If as a result of substantive examination expert organization determines that the claimed proposal Claimant seeks the amount of the legal protection of industrial design complies with the conditions of patentability, namely novelty and originality, then issued a positive opinion of the expert organization for a patent with a set of essential features, consistent with the applicant indicating the set priority.

57. In determining the discrepancy claimed industrial design in the applicant demanded scope of legal protection of the conditions of patentability of industrial design, issued a negative opinion of the expert organization.

A negative conclusion of expert organization also issued if the application relates to the object, unguarded as industrial designs, and if the applicant does not alter the essential features after the notification of the proposed set of essential features provides features that are absent in initial materials of the application, or, in addition to an object protected as an industrial design, also characterizes the proposal, which does not belong to the objects protected as an industrial design, or in respect of which the consideration is not carried out in connection with the violation of unity of industrial design requirement under paragraph 6 of article 24 of the Law.

58. When reviewing the list of essential features, established the presence of essential features, the totality of which is sufficient to form the appearance of the products shown in the pictures with the above applicant aesthetic and / or ergonomic features.

If the sign is present in the images, but does not include the applicant in the list of essential features and influences the formation of appearance of a product, the applicant proposed to include this feature in the list of essential features. If the applicant's refusal of such an adjustment in the audit patentability of the industrial design that appropriate features of its appearance is not counted.

If it is impossible to identify a sign, an expert organization is requesting clarifications from the applicant and (or) proposes to adjust the characteristics of such a feature based on the images and description of the industrial design.

In the case of the applicant outdated or unacceptable to the industry terminology, the applicant sent a request for making appropriate adjustments to the list of essential features.

If the sign can not be identified, and the applicant refuses to adjust the list of essential features, when considering the application of such a sign is not taken into account.

When reviewing the list of essential features of the identified non-compliance to its structure and presentation, the applicant shall be invited to correct the list of essential features.

Upon request of the applicant for inclusion in the list of essential features unidentifiable or missing in the original application materials signs, the applicant shall be invited to submit a list without these signs.

59. Questions, comments and suggestions motivated expert stated in the request, with reference, where appropriate, to the literature on the art of design, scientific and technical literature, the provisions of the legislation.

60. If the applicant within the prescribed period does not submit the requested materials or a request for an extension, the application shall be deemed withdrawn and her paperwork can be extended in accordance with paragraph 8 of Article 24 of the Law, the applicant is notified.

61. In accordance with paragraph 5 of Article 24 of the Law, based on the decision of the authorized body to grant a patent for an industrial design expert organization within ten working days, send to the applicant the conclusion of expert organization and notification of the need to pay fees for the issuance of the security document.

Within three months from the date of notification of acceptance to the applicant authority makes the decision to grant the patent applicant submits an expert organization in the document confirming the payment for the appropriate preparation for the grant of a patent and the publication and payment of the state fee.

Failure to provide these documents payment period can be recovered within three months subject to the submission of the payment restore a missed deadline in accordance with paragraph 5 of Article 24 of the Law.

Otherwise, the application shall be deemed withdrawn and the prosecution of the application is terminated, and the applicant shall be notified within one month from the date of expiry of the period of recovery.

4. The procedure for entering information into the state register industrial designs of the Republic of Kazakhstan

62. At any stage of the application for registration of industrial design in the State Register of the applicant may transfer the right to obtain a patent for an industrial design to another person by sending a corresponding request to the expert organization.

63. Based on the decision of the authorized body to grant a patent and the payment confirmation for the preparation of documents for the issue, as well as the state duty, industrial design is registered in the public register and assigned a corresponding number to him.

64. When registering an industrial design in the State Register shall contain the following information in accordance with International INID codes:

the number of industrial design registration (document number of security); code (s) (ICID); number of the application for an industrial design; application date; priority application number;

the filing date of the priority application;

Country code of the priority application WIPO Standard;
author (s) of the industrial design (country code);
patent (country code);
the date of the publication of an issue document of title and number of the Official Bulletin;
the name of the industrial design;
industrial image of the sample;
list of essential features of the industrial design;
the number and filing date of the earlier application from which the present document;
the number and the filing date of an earlier application to which filed additional materials that served as the basis for registration of this document;
country code, the type and number of the document of title, the date of the original publication and the Bulletin number.

Adding to the above information is accompanied by affixing to them in brackets the corresponding INID code, if applicable WIPO standard, and is used in the publication.

5. The issuance of a title of protection for industrial designs

65. Based on the information entered in the public registry, the authorized body shall issue a patent, in accordance with paragraph 2 of Article 25 of the Law.

The authorized body shall issue to the patentee a patent for industrial design at the same time with the publication in the Gazette of information on the grant of a patent for industrial design at the end of twelve months from the filing date.

If there are several persons in whose name the patent is sought for an industrial design, they are given a title of protection.

The patent is filled in the Kazakh and Russian languages.

The industrial design author who is not the patent, issued an official certificate confirming his authorship.

The patent is a record "About Amendments given on a separate sheet in the form of annexes to this patent," and the Kazakh language– "Енгiзiлген өзгерiстер туралы мәліметтер осы патентке Қосымша түрiнде жекеленген парақта келтiрiледi".

The patent with the image of the industrial design and identification of authors to him shall be issued in person or sent by registered mail to the registered address of the patent owner or address of the representative (patent attorney) in accordance with a copy issued to him by proxy or at the request (in writing) to another address specified the applicant (patent owner) in a statement.

In granting a patent the patentee is required identity document of a natural person or a legal power of attorney from the person to receive a patent. Patent and official

identification of the author, confirming his authorship thereto foreign patent issued patent attorneys registered in the authorized body.

66. The patent shall, terminated on the grounds specified in subparagraph 2) of paragraph 2 of Article 30 of this Law, may be restored at the request of the patentee within three years from the expiry date of payment for the maintenance of the patent. To request the restoration of the document confirming the payment for the preparation of documents for the restoration of the patent and for maintaining it in force for the period, of which the payment deadline was missed.

The petition is signed by the patent owner (if the patentee is a group of persons, a statement signed by all the persons in the group), or a patent attorney or other representative acting under a power of attorney. On behalf of the legal person petition signed by head of the organization or other person authorized to do so with reference to their positions.

67. The application shall be accompanied by the following documents:

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

document confirming the payment for the maintenance of missed (-s) of the year (s) of the patent;

the power of attorney (if the application is lodged by the representative) or a copy of a power of attorney (if the application is carried out through a patent attorney).

Expert organization no later than two months from the date of filing of the application for restoration publish in the Gazette information on the restoration of the patent. Publication date is the date of the restoration of the patent.

Patentee or his representative sent an application for the restoration of the patent.

68. Changes in the name and address of the patentee made at the written request of the patent holder, indicating the patent number and the application of the payment when you change the name and the document confirming the appropriate changes.

69. Amendments to the case of the transfer of patent rights to any other person other than the assignment of the right to a patent, is made at the request of the legal successor with the number of the patent application and the document on payment. The request shall contain information about the assignee with certified copies of documents confirming the transfer of patent rights.

Annex 1 to the Rules
of drafting, execution and pendency
of a utility model application,
recording of the information in the State
Register
of utility models of the Republic of
Kazakhstan,
as well as the issuance of title of
protection

	Date of receipt	(85) Date of transfer of the international application to the national phase	(21) Registrati on No.	(22) Date of submission
	(86) registration number of the international application, and filing date established by receiving office			
	(87) date and number of the international publishing of the international application			
	APPLICATION on grant of a patent of the Republic of Kazakhstan for utility model		Attn: "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	
Tick appropriate box	Providing the following documents, hereby I (we) request to grant a patent of the Republic of Kazakhstan for a utility model in favor of the applicant (s)			Country code according to WIPO Standard ST. 3 (if any)
	(71) Applicant (s): (Specify the full name or title and residence or location Data on authors-applicants' place of residence are given in box with code (72)			
	To be filled only where priority date earlier than the date of receipt of application in RSE NIIP is sought Please set priority of a utility model on date: <input type="checkbox"/> of the first application filing date in a member country of the Paris Convention (para. 2 of art. 20 of the Law) <input type="checkbox"/> of filing of the earlier application in NIIP in accordance with para. 4 of art.20 of the Law			
	Address for correspondence (full mailing address and the addressee's name) Telephone: Mobile. Fax: E-mail:			
	(74) Patent attorney (full name, registration number and address) or a representative of the applicant (s) (full name or title, address)			
	List of annexed documents	Number of sheets	Number of copies	
	<input type="checkbox"/> Annex to application			
	<input type="checkbox"/> utility model's description			
	<input type="checkbox"/> utility model's formula			
	<input type="checkbox"/> drawings and other materials			

<input type="checkbox"/>	summary			For NIIIP seal
<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 (copies) of the first application (s) (where Convention priority is claimed)			
<input type="checkbox"/>	application documents on the foreign 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)			
No. of drawing's views offered for publication with formula (summary)				
(72)	Author (s) Full postal address, including the name of the country and its code (specify full name) according to WIPO Standard ST. 3, if any			Signature (s) of the author (s) - applicant (s) or author (s)
Hereby I (we) _____ ask not to mention me (us) as the author(s) when publishing the application materials				
Signature (s) of the author (s)				
Signature Signature (s) of the applicant(s) who is (are) not author (s) (when signing on behalf of the legal entity, the signature of the head shall be sealed)				

