

On amendments in the order of the Minister of Justice of the Republic of Kazakhstan No. 89 dated February 24, 2012 "On approval of the Rules of drafting, processing and pendency of applications for some industrial property subject matters, making the information in appropriate State registers of industrial property subject matters of the Republic of Kazakhstan, as well as the issuance of title of protection and amending the order of the Acting Minister of Justice of the Republic of Kazakhstan no. 136 dated April 23, 2010 "Some issues of legal protection of industrial property subject matters"

Invalidated Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan no. 364 dated June 30 2015 Registered in the Ministry of Justice of the Republic of Kazakhstan No. 11886 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.

Unofficial translation

Footnote. Abolished by the Order of the Acting Minister of Justice of the Republic of Kazakhstan dated August 25, 2018 No. 1302 (effective after 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 introducing 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. Amend the order of the Minister of Justice of the Republic of Kazakhstan no. 89 dated February 24, 2012 "On approval of the rules of drafting, processing and pendency of applications for some of the industrial property subject matters, recording of information in appropriate State registers of industrial property subject matters of the Republic of Kazakhstan, as well as the issuance of title of protection and amending the order of the Acting Minister of Justice of the Republic of Kazakhstan no. 136 dated April 23, 2010 "Some issues of legal protection of industrial property subject matters (Registered in the State Register of regulatory legal acts no. 7517, published in the Collection of the Acts of Central Executive and other Central Government bodies of the Republic of Kazakhstan No. 7, 2012 (release date of circulation July 15, 2012); " Kazakhstanskaya Pravda" № 290-291 dated 29.08.12 (27109-27110); 05.09.12, 290-291, 297-298 (27109-27110, 27116-27117); the following changes:

Rules of drafting, registration and processing of applications for invention, the recording of the information in the State Register of inventions of the Republic of

Kazakhstan, as well as the issuance of title of protection, according to Appendix 1 to this Order; Rules of drafting, registration and processing of applications for utility model, the 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 according to Annex 2 to this Order; Rules of drafting, registration and processing of applications for the trademark, in accordance with Annex 3 to this Order to present pursuant to Annexes 1, 2, 3 to this Order in the new edition;

to make the following amendments in paragraph 3 of the Order:

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

- 1) State registration of the present order;
- 2) official publication in periodicals and "Adilet" legal system.

2. The 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 1
to Order of the
Minister of Justice
of the Republic of Kazakhstan
No. 89 dated February 24, 2012

Rules of drafting, registration and processing of invention applications, the recording of the information in the State Register of inventions of the Republic of Kazakhstan, as well as the issuance of title of protection

1. General provisions

1. These Rules of drafting, registration and processing of invention applications, the recording of the information in the State Register of inventions of the Republic of Kazakhstan, as well as the issuance of title of protection developed in accordance with paragraph 4 of article 17 "Patent law of the Republic of Kazakhstan" of the Law of the Republic of Kazakhstan dated July 16, 1999 (hereinafter - Law) and define the procedures for the preparation, registration and processing of invention applications, the recording of the information in the State Register of inventions of the Republic of Kazakhstan, issuing title of protection.

2. In these rules are used the following terms:

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

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

3) Eurasian application - application filed in accordance with the Eurasian Patent Convention of September 9, 1994;

4) Eurasian patent - patent granted in accordance with the Eurasian Patent Convention of September 9, 1994;

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

6) author of invention - an individual whose creative work created it;

7) application - an application for the grant of an invention patent (hereinafter - application);

8) examination of an application for a invention patent – formal examination and examination of the application on the merits;

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

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

11) international application - application filed under the Patent Cooperation Treaty (hereinafter - PCT), of June 19, 1970.

2. Procedures for the preparation and submission of the invention application

3. The application contains the following documents:

1) application for the grant of a patent (hereinafter - the application) with the indication of authors of the invention and the persons in favor of who the patent is sought, and the addresses of their residences or places of business;

2) description of the invention, disclosing it with sufficient detail for the implementation by specialist in the relevant field of knowledge;

3) formula of an invention, that defines the object of the invention and expressing its essence. The formula is clear, precise, and is based on a description;

4) drawings and other materials, if they are necessary for the understanding of the invention;

5) the abstract;

6) the power of attorney.

4. The documents annexed to the application:

1) a document certifying payment of the filing in accordance with the Order of the Minister of Justice of the Republic of Kazakhstan № 368 dated December 18, 2014 " On approval of the prices for works and services implemented by the Republican State

enterprise on the right of economic management "National Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan (hereinafter - prices) (registered in the State Register of regulatory legal acts no. 11225). Participants and invalids of the Great Patriotic War, people with disabilities, pupils in general education schools, vocational schools, including educational institutions, colleges, small and medium enterprises of the Republic of Kazakhstan, in addition to the document confirming payment, shall submit also a document certifying the basis to reduce its size in accordance with the prices. These documents shall be submitted together with the application or within two months from the date of receipt of the application. This period is extended, but not more than two months;

2) a copy of the first application, attached to the application of the Convention's priority and submitted not later than six months from the date of receipt of the Convention's application in the expert organization. If there are several first applications, shall be submitted copies of all these applications.

In the case of conventional application by other applicant, shall be submitted permission of applicant of the first application for the use of the right of priority.

Where Convention priority application provided on the expiry of twelve months from the date of filing of the first application, but not later than two months after the expiry of the time limit, it shall be accompanied by a document indicating the applicant's circumstances beyond his control, which prevent filling an application in specified 12-month period, and a document certifying the existence of those circumstances, if there is no reason to assume that they are renowned to expert organization.

Request for the establishment of the Convention's priority is submitted with the application (contained in the relevant box of applications for an invention patent ИЗ-1П) or within two months from the date of receipt of the application in the expert organization;

3) document on depositing the official authorized depository collection is attached to an invention application, which belongs to a new strain of a microorganism, a culture of plant or animal cells. This document (certified copy of passport on deposit) is submitted together with the application or within two months from the date of receipt of the application in the expert organization. Deposit date must precede the date of priority of the invention;

4) an application that contains a list of the nucleotide and/or amino acid sequences, shall be attached by machine-readable information storage media (floppy-disc) with the record copies of the same list of sequences satisfying the requirements of the standard ST. 25 of the World Intellectual Property Organization (hereinafter referred to as WIPO) and signed by the applicant to the effect that the information submitted in machine-readable form, is identical to a sequence listing submitted in printed form;

5) applying the application in writing accompanied by a copy on the electronic media. Provided that the applicant submits declaration about the identity of the text in hard copy and on electronic media.

5. The application for the grant of an invention patent of the Republic of Kazakhstan (hereinafter - application) shall be in the form of Annex 1 to this Rule on the Kazakh or Russian language. The application documents shall be submitted in the Kazakh, Russian or another language. If the application documents submitted in another language, it shall be accompanied by their translation into Kazakh or Russian language. The translation is submitted within two months after receipt of the expert organization application containing documents in another language and subject to the payment the relevant period is extended, but not more than two months, in case of failure of the translation the application shall be recognized as not having been filed.

Other documents and their translations into Russian, Kazakh or languages if they are in another language, shall be submitted in one copy.

6. Application is filled as follows:

1) if it is not possible to fit in the appropriate boxes, information is given on the same form on a separate sheet indicating in the appropriate box: "see annex to the application" (corresponding box "list of annexed documents" shall bear "X" mark);

2) boxes under codes 21, 22, 85 are for filling by the expert organization after the receipt of the application and shall not filled by the applicant;

3) boxes under codes 86 and 87 are filled in by the applicant in the case of transfer to the national phase in the Republic of Kazakhstan of the international application that contains an indication of the Republic of Kazakhstan, and boxes under codes 96 and 97 , in the case of conversion of Eurasian application into the national application of the Republic of Kazakhstan.

In the box under the code 86 in the relevant cell shall be marked "X" and provide the registration number of the international application, the international filing date, established by the Receiving office.

In the box under the code 87 are number and date of the international publication of the international application.

In the box under the code 96 provides the registration number of the Eurasian application and the filing date, established by the Receiving office.

In the box under the code 97 provides number and date of the publication of the Eurasian application;

4) in boxes under code 71, requesting the grant of an invention patent, after the words "in favor of the applicant (s)" provides information about the applicant (applicants), in favor of whom the patent is sought: surname, first name, patronymic (if any) (hereinafter - Full name) of an individual, provided that surname indicated before the name, or the full official tile of the legal entity according to the document on

official registration (for residents of the Republic of Kazakhstan, a copy of the document is attached) as well as information about their respective residence, location, including the country's official name 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 the applicants who are the authors of inventions appears in the box next to the box under code 72 on the second page of the application.

For foreign legal entities or individuals, living or residing outside the Republic of Kazakhstan, in favor of whom an invention patent is sought, shall be specified the country code according to WIPO Standard ST. 3 (if any).

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

5) box to establish priority, shall be filled when priority of an earlier than filing date in expert organization is sought. Putting a mark "X" in the corresponding cells are marked reasons for requesting priority and indicates the number of the application on the basis of which or additional materials to which priority is claimed, and the date of priority claimed (filing date or additional materials to it).

Where priority is claimed on the basis of several applications, shall be specified all applications and the dates of the priority claimed. Where conventional priority sought, shall be specified the code of the country of the first application filing according to WIPO standard.

6) the box under code 54 provides the name of the claimed invention (a group of inventions), which must match the name given in the description of the invention;

7) the box "address for correspondence" provides full postal address on the territory of the Republic of Kazakhstan and the addressee's name or title, which should satisfy the customary requirements for prompt postal delivery. As the address for correspondence is indicated the address of a residence of the applicant (or one of the applicants)-an individual, residing in the Republic of Kazakhstan, or location address in the Republic of Kazakhstan of the applicant – whet it is a legal entity, or location address of the representative of the applicant (s), or other address in the territory of the Republic of Kazakhstan;

8) the box under code 74 provides 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 it shall be indicated surname, name and patronymic (if any), registration number in the authorized body, address, telephone number, fax number (if available). In the case of a designated representative shall indicate the Full name of the individual and the official name for a legal entity, the address of a residence (location) in the Republic of Kazakhstan, telephone number, fax number and e-mail address (if any);

9) box "List of annexed documents" on the second page of the application is filled by a mark "X" in the appropriate cells and specifying the number of copies and sheets in each copy of the attached documents. For documents which do not observed by the application form ("other document"), shall be specified their designation;

10) the box under code 72 provides information about the author (authors), full name, in the box next to the box under code 72 - full postal address residence for foreigners only country code according to WIPO Standard ST. 3;

11) the box right of the boxes under code 72, provides 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 no necessary to submit any official documents proving the right to inheritance, at the stage of filing;

12) box, located directly below the box with the code 72 is filled only when the author (authors) requests not to mention him (them) as such when publishing of the information on the grant of a patent. In this case, provides Full name of each of the authors who do not wish to be mentioned when published, and their signature;

13) filling the boxes of the application referred to in subparagraphs 10-11) of this paragraph of the Rules is replaced by the submission of documents simultaneously with the application, containing information and signature provided by those boxes;

14) filling the last box of the application "signature" is mandatory 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, duly authorized by the founding documents of the legal entity, indicating his position; signature sealed with stamp of that legal entity. If there are several applicants, application shall be signed by each applicant.

When applying through a patent attorney application signs patent attorney;

15) signatures in the boxes of the applications referred to in subparagraphs) 12 and 13) of this paragraph of the Rules are decrypted by indicating the names and initials of the signer;

16) each additional sheet (Annex to the application), where you can see information relating to the application, shall be signed in the same manner;

17) application and the annexes thereto shall not contain corrections and erasures. In the event of such defects is requested properly declaration or in an annex thereto.

7. An invention application is filed on a technical decision in any field relating to the product, method, as well as the application of known product or process on the new appointment or new product for a particular purpose.

Product as an object of the invention is, in particular, device, substance, a biotechnology product, including microorganisms, culture of plant or animal cells, which include:

1) devices as objects of the invention include structures and products. For the characteristics of devices uses the following features:

availability of constructive component (s);

connection between the elements;

the arrangement of the elements;

form of execution of the element (s) or device in general;

form of connection between elements;

settings and other features of the element (s) and their relationship to each other.

the material of the element (s) or device in whole;

environment, performing the function of an element;

2) substances as objects of the invention include:

chemical compounds;

compositions (preparations, mixes);

products of nuclear transformations.

To characterize the chemical compounds used by the following features:

for low-molecular compounds with determined structure - qualitative composition (atoms of certain elements), quantitative composition (number of atoms of each element), interatomic binding and their location in the molecule, expressed by the chemical structural formula;

for macromolecular compounds with determined structure - structural formula of macromolecules' building block (units and their combinations), the structure of macromolecules (linear, arm-like), number of building blocks, or molecular weight, molecular weight distribution, geometry and stereometry of macromolecule, its end and side groups, for copolymers - additional ratio of comonomer units and their frequency;

for compounds with undetermined structure - physical-chemical and other characteristics (including features of ways to obtain) that distinguish this compound from other.

To characterize the compositions are used the following features:

qualitative composition (ingredients availability);

quantitative composition (ingredients composition);

the structure of the composition;

the structure of the ingredients.

To characterize the compositions of undetermined composition used their physical-chemical, physical and practical indicators and features of ways to obtain.

To characterize substances obtained by nuclear transmutation, the following features are used:

quality (isotope (isotopes) of the element) and quantitative (number of protons and neutrons) compositions;

major nuclear characteristics: half-life, the type and energy of radiation (radioisotopes);

1) biotechnological products as objects of the invention are products isolated from their natural environment or obtained by other methods.

Biotechnology products as objects of inventions include:

live objects, in particular plants, animals, except those referred to in paragraph 2 of article 2 and paragraph 3 of article 6 of the Law, and micro-organisms, plant and animal cells and other elements isolated from organisms, plants and animals, or otherwise obtained, strains of microorganisms, cultures of plant or animal cells;

inanimate objects, in particular hormones, cytokines, enzymes, antibodies, antigens, nucleic acid sequences, plasmids, vectors, etc., isolated from plants, animals or micro-organisms or obtained by other methods.

For the characteristics of plants and animals use the following features:

designation;

origin and method of production;

taxonomic affiliation;

useful property;

features of genotype and/or phenotype;

features of genetic structure, which contains a plant or animal;

features of the structural elements of a plant or animal;

information about useful substance that produces a plant or animal, and the level of productivity; features of reproduction;

stability of preserving useful properties.

For the characteristics of the microorganism strains, cultures of plant or animal cells, uses the following features:

designation;

origin (source of obtain, pedigree strain, characteristics of master or parental strains);

taxonomic affiliation;

cultural-morphological features;

physiologic-biochemical features;

cytological features;

molecular and biological features;

marker features (genetic, immunological, biochemical and physiological);

oncogenicity (for strains and cells for medical and veterinary use);

data on contamination;

biotechnological characteristics: name and properties of useful substance produced by a strain or culture, the level of activity (productivity) and methods of its definition;

information about stability of keeping useful properties during a long cultivation;

virulence, immunogenicity, antigenic structure, sensitivity to antibiotics, antagonistic properties (strains and cultures for medical and veterinary use);
features of reproduction;
the principle of hybridization (strains of hybrid microorganisms);
information about cryopreservation.

For the characteristics of the cultures of plant or animal cells, uses the following additional features:

number of passages;
karyological characteristic;
growth (kinetic) characteristics;
characteristics of cultivation in an animal body (for hybrids);
ability for morphogenesis (for plant cell).

In order to characterize groups of microorganisms, plant or animal cells, in addition to the grounds listed above are used the following features:

factors and conditions of adaptation and selection;
taxonomic composition;
ratio and exchangeability of individual components;
separability;

cultural-morphological, cytological, physiological and biochemical and other features of individual components;

stability and/or competitiveness;
physiological features of the group as a whole.

For characteristics of biotechnological products related to inanimate objects, used the following features:

for products with determined or partially determined structure - structural formula or features of structure, including a sequence of nucleotides for nucleic acids, sequences of amino acids for proteins, polypeptides, peptides, availability and arrangement of components, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant, hybrid molecules;

for products with undetermined structure, physical and chemical and other properties, including features that identify methods to obtain these products, in particular to distinguish them from other famous products. For all biotechnology products shall indicate their function or activity and origin;

4) method as an object of the invention is a process to perform an action on the material object using material objects.

To characterize the methods are used the following features:

the existence of an action or the whole set of actions;

the order of execution of such action in time (sequentially, concurrently, in various combinations, etc.);

modalities for the implementation of the action;

the use of substances (raw materials, reagents, catalysts and so on), devices (appliances, tools, equipment and so on), strains of microorganisms, cultures of plant or animal cells;

5) to use known product or process on a new purpose as the object of the invention refers their use in accordance with other designation;

6) to use for a new purpose include the first use of substances (natural and artificially derived) to meet public needs, i.e. establishment of a utilitarian destination of natural substances, obtained in the experiment, waste and so on, for which such appointment has not been defined.

To characterize the use of known product or process, for new purpose or application of a new product for a specific purpose is used the brief characteristic of the applied object, sufficient for its identification, and specifying this new assignment.

8. The description discloses the invention fully, sufficiently for its implementation by a person skilled in the relevant field of expertise.

9. Description begins with the title of the invention, which in the case of the filing of the application in Russian specified in the Kazakh language too and contains the following sections:

technical field to which the invention relates;

the level of technology;

the essence of the invention;

list of drawings and other materials (if included);

information supporting the possibility of implementation of the invention.

It is not allowed to replace the description section by a reference to the source containing the necessary information (literary source, description in a previously filed application, description in a title of protection).

10. The title of the invention describes its purpose and is accurate and concise. In the title of the invention should not be used the words "patent", personal names, names of familiar, advertising or trade names, trademarks or abbreviations and terms that do not serve to identify the invention. The title of the invention described in the singular. The exceptions are the names that are not used in the singular or the names of inventions relating to chemical compounds covered by the overall structural formula.

In the title of the invention relating to a chemical compound, included its name on one of the items in the chemistry or the name of the group (class) to which it applies, also provides an indication of the specific purpose of the compound.

In the title of the invention relating to method of obtaining substances - mixtures of undetermined composition, included an indication of its purpose or type of biological activity of the substance. For biologically active substances provides an indication of the type of biological activity and for biotechnology products - function.

In the title of an invention relating to a strain of a microorganism, includes generic and specific (in accordance with the requirements of international nomenclature) name of a biological object in Latin with an indication of the designation of the strain.

In the title of the invention relating to a culture of plant or animal cells included cell culture name and designation.

The title of the invention relating to the application for a new designation of known product or process, as well as a new product for a particular purpose shall be drawn up in accordance with the rules adopted for the corresponding object, and describes its purpose.

The name of a group of inventions relating to the objects, one of which is to obtain (manufacturing), implementation or use of different contains full title of one invention and abbreviated of another. The name of a group of inventions relating to the objects, one of which is intended for use in another, contains the full title of the inventions that are members of the group.

The name of a group of inventions relating to options contains the name of the one invention of the group, supplemented as specified in brackets by the word "options".

11. In the section of description "Field of technology to which the invention relates" indicated the scope of the invention, if there are several such areas, specifies the priority.

12. Section of description "Technical level" includes the following:

1) information about the inventions analogs known to the applicant with the allocation of the analog, the most close to the invention on set of essential attributes (prototype);

2) as an analogue of the inventions indicated the mean of the same designation, known from information available to the public before the priority date of an invention, characterized by the combination of features, similar to the combination of essential features of the invention;

3) when describing each of the analog, shall be provided bibliographic data of the source of information, where it was disclosed, features that characterize the analog, by highlighting those that coincide with the essential characteristics of the claimed invention, as well as the causes known to the applicant, obstructing the desired technical result;

4) if the invention relates to a method of generating a mixture of undetermined composition with specific purpose or biological activity, as an analog shall be specified a method of generating a mixture with the same designation or the same biological activity;

5) if the invention relates to a method of obtaining a new chemical compound shall be provided information about a methods to obtain its known structural analog;

6) when describing analogs of inventions relating to biotechnology product, shall be provided information about known products with the same function;

7) when describing the most close analogue of an invention relating to a strain of a microorganism, plant or animal cell culture – producers of substances, shall be provided an information about known producer and about produced substance;

8) if the invention relates to the use of known product or process for a new purpose or product for a specific purpose, its analogs are known products or methods of the same designation.

9) when describing the invention group information about analogs are given for each invention.

13. Section of description "Essence of invention" includes the following:

1) in the section "Essence of invention" shall be disclosed the essence of the invention, expressed as a set of essential features sufficient to achieve the technical result provided by the invention;

2) features are significant if they affect the technical result achieved, i.e. are in a causal relationship with the specified result;

3) detail the challenge, the decision of which is the subject of the claimed invention, indicating the technical result, which is obtained during implementation of the invention;

4) provides all the essential features that characterize the invention, allocated features, distinctive from most close analog, this specifies the combination of features, which ensures obtaining technical result in all cases covered by the requested amount of legal protection, and features describing the invention only in particular cases, in specific forms of execution, or when specific conditions for its use;

5) is not allowed replacement of feature's characteristic by referring to the source, which discloses this feature;

6) technical result is a characteristics of the technical effect, properties, phenomena of which originate in the implementation (manufacturing) or use of tool embodied in the invention;

7) if the invention provides several technical results (including specific forms of its implementation or in special conditions of use), it is recommended to specify them;

8) technical result is in reducing torque, reducing the friction coefficient, preventing jamming, reducing of vibration, enhancing the antitumor activity, localization of drug action, removing defects of casting structure, improving the contact of the working body with environment, reducing fluid seepage, improving wettability, preventing cracking.

The result obtained is not considered as having technical character, particularly if: it emerges only as a consequence of human perceptual involving his mind;

achieved only through compliance with a specific order in carrying out activities on the basis of the agreement between the parties or established rules;

is only in obtaining information and can only be achieved through the application of mathematical method, program for electronic computing machines or used algorithm;

due to only features of the semantic content of the information provided in any form on any media;

is the intertainment and visual appeal;

9) when the invention challenge is only expanding arsenal of technical tools of a certain designation or receipt of such tools for the first time, the technical result is to implement this assignment (creation of tools implementing this designation), and did not require special instructions, it is sufficient to provide explanations that the proposed invention expands the arsenal of tools of the same designation;

10) for a group of inventions the specified information, including on the technical result are shown for each invention separately;

11) when used in the description of each microorganism strain, a culture of plant or animal cells shall be specified additional features that differ the object from the master or closely-related strains;

12) sequence of nucleotides or amino acids in case of its use to characterize the invention, shall be provided by specifying the sequence number in the list of sequences in the form of "SEQIDNO" with a corresponding free text, if the characteristic of sequence in the list of sequences given by using a such text;

13) when describing the invention relating to the use of known product or process for a new purpose, shall be provided characteristic of this well-known object and bibliographic data source where it is described, identified its known and new appointments; if the invention is described in the form of a new product for a specific purpose other than features of used object and designation provides information about the properties that led to this designation.

14. In the section "List of drawing views and other materials", in addition to a list of views, is a brief indication of what is depicted on each of them. If there are other materials explaining the essence of the invention, shall be provided a brief explanation of their contents.

15. The section "Details supporting the possibility of implementation of the invention" disclosed the possibility of implementation the invention with the realization of the designation specified by the applicant and the possibility to receive technical result specified in the section "Essence of the invention".

The possibility of implementation the invention, the essence of which is characterized by using feature expressed by the common concept, in particular at the level of the functional synthesis confirmed by either description directly in materials of

application for tool to implement this feature or methods of its obtain, or an indication of the availability of such tools or methods to obtain it.

When used to characterize the invention of quantitative features expressed as a range of values, referred to the possibility of obtaining a technical result in this interval

16. In confirming the possibility of carrying out the invention relating to a device that describes its design in a static state with references to the drawing's views. Digital symbols of constructive elements in the description must conform to the digital signs on the views of drawing in full.

After describing the construction of the device describes its action (work) or method to use with reference to drawing's views, and if it is necessary to other explanatory materials (epures, time diagrams, and so on).

If a device contains an element described on the functional level, and described form of implementation involves the use of a programmable (custom) multifunctional tools, shall be presented evidence of the ability to perform by tool such a specific function prescribed for it in the structure of this device. If such information contains algorithm, in particular, computing, it should preferably be submitted in the form of flowcharts, or, if possible, the corresponding mathematical expression.

17. Evidence of the possibility of implementation of the invention relating to the substance:

1) for inventions relating to chemical compound with the determined structure provides structural formula, proven by known methods, physical and chemical constants, describes the method in which the compound is received, and demonstrates the ability to use the invention for the specified designation. For biologically active compounds are also provides indicators of quantitative activity and toxicity and, if necessary, selectivity and other indicators;

2) if the invention relates to the means for treatment, diagnosis or prevention of a specific condition or disease in humans or animals shall be given the description, in particular information about the impact of the means on certain parts of a physiological or pathological processes or communication with them;

3) if a new chemical compound obtained using a microorganism strain, a culture of plant or animal cells, shall provide an information about biosynthesis involving this strain, cell culture, data and information on the deposit;

4) if the invention relates to a group (number) of chemical compounds with a structure described by overall structural formula, shall confirms the possibility of obtaining all the compounds of group (series) by bringing a common schema retrieval method, as well as an example of getting a specific compound of group (series), and if

the group (series) includes compounds with different chemical radicals - examples, sufficient to demonstrate the possibility of obtaining compounds with these different radicals;

5) for obtained compounds shall provide also their structural formulas, confirmed by known methods, physical and chemical constants, proof of the feasibility of the specified destination with proof of such a possibility in respect of certain compounds with different chemical radicals;

6) if the invention relates to an interstitial compound shall shown also the possibility of its processing in the famous final product, or the possibility of obtaining from it a new end product with specific purpose or biological activity;

7) for inventions relating to the new chemical compound with undetermined structure or a mixture of undetermined compound on and/or structure, shall specify the data that is required to distinguish this compound or mixture. Provides information about the source reagents to obtain compounds or mixtures, as well as evidence of ability to implement designation specified by the applicant, of those compounds or mixtures, inter alia, information about the properties of the underlying causes of such designation;

8) if the invention relates to a composition (mixture, solution, alloy, glass etc.), shall provide examples, where identified the ingredients in composition, their characteristics and proportion. Describes how to obtain the composition, and if it contains as an ingredient of a new substance, explains how to obtain it;

9) in these examples the content of each ingredient specified in such single value that is within the limits specified in the formula range of values (in terms of quantitative ratio of ingredients in the formula of an invention as a percentage (by mass or by volume) the total content of all ingredients listed in example, equals to 100%).

18. The information supporting the possibility of implementation of an invention relating to a biotechnological product (to a live object):

1) for inventions relating to a plant or animal, shall disclose plant or animal origin, and the methods of their receiving, as well as the ability to use it for the stated purpose and availability of plant or animal that useful properties for which this plant or animal were obtained; provides features that identify a plant or animal. The same requirements apply to progeny plants or animals and their parts (elements);

2) if task when during creation a plant or animal was getting with its help of any product (substance), then shall provide information proving that such a product (a substance) really have been received and have the desired properties. Optionally provides information about the level of productivity;

3) for inventions relating to a strain of a microorganism, a culture of plant or animal cells, shall specify the item data and the origin of the strain, data on quantitative and qualitative compositions of nutrient media (seeding and enzymatic), cultivation

conditions (temperature, pH, specific gravity, mass, and so forth), fermentation time, characteristic of the biosynthesis of useful (target) product, the output of the product, the level of activity (productivity) and how it was determined (testing). Discloses way of separation and purification of target products (for producers of newly targeted products, such as antibiotics, enzymes, monoclonal antibodies and etc.).

4) for consortia of microorganisms, plant or animal cells should contain the following data: test method, the method of selection (breeding) and features on which the selection was conducted, stability of the consortium itself with a long cultivation, resistance to contamination with extraneous organisms;

5) the possibility of implementation of an invention relating to a strain of a microorganism, a culture of plant or animal cells or to the method in which it is used, is confirmed by the description of a way of getting a strain, a culture of plant or animal cells presenting details on the deposit (names of collection-depository and registration number assigned to the deposited collection object), date which must be before the date of priority of the invention;

6) deposit for the purposes of patent procedure deemed to have been effected if a strain of microorganism, culture of plant or animal cells, consortia placed in international or Kazakhstan collection that guarantees maintaining the viability of the object for at least the term of the patent.

19. Information supporting the possibility of implementation an invention relating to a biotechnological product (to the unanimated object):

1) for all biotechnology products shall indicate their function or activity, origin, disclosed the method where these products were obtained and confirmed the possibility of their use for the purpose intended;

2) for products with determined or partially determined structure also provides structural formula or features, including sequence for nucleic acids, sequence of amino acids for proteins, polypeptides, peptides, availability and arrangement of constituent elements, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant, hybrid molecules; 3) for products with undetermined structure provides a set of features, allowing them to identify, in particular, to distinguish from other famous products;

4) for monoclonal antibody provides information about the method of obtain them, inter alia, of gibridome, producing antibodies, including, provides certificate of deposit . For products of medical and veterinary use provides information about toxicity, pyrogenicity, contra-indications or other limitations;

5) if the invention refers to a group of new products having a common structural element (elements) confirmed possibility to receive product incoming in group by disclosing the common ways of obtaining them, as well as providing examples of specific compounds of group. In particular, if the invention relates to a nucleic acid or

protein (polipeptide, peptide) with a specific sequence of nucleotides or amino acids as well as to their options, formed as a result of insertions, deletion or substitution of nucleotides or amino acids, provides information about the localization of such insertions, deletions and substitutions with an indication of the products that are formed, and affirms that the resulting products will have the same view of activity and similar function as the original product;

6) for hybridized sequences of nucleic acids shall specified hybridization conditions and the level (percentage) of hybridization. Thus discloses a method to assess the degree of hybridization, provides examples of specific sequences that hybridize in the specified degree with the source and evidence of functional features of such sequences;

7) for homologous and complementary sequences of nucleic acids, proteins, polypeptides and peptides shall indicated degree (percentage) of homology or complementarity. It also discloses the way to assess the extent of homology or of complementarity, examples of specific sequences within a specified degree is gomologous or complementary of source and evidence of functional features of such sequences;

8) for a group of inventions, including intermediate and final products, disclosed a way to retrieve from the specified an intermediate product of final product with certain properties and type of activity.

20. the information supporting the possibility of implementation of the invention related to a method of:

1) for inventions relating to method, in the examples shall specified sequence of actions (methods, operations) over the material object, as well as the modalities of action, specific modes (temperature, pressure), used equipment (devices, substances and strains), if necessary. If the method is characterised by the use of funds, known before the date of priority, it is enough to specify these features. If using unknown means shall disclose their characteristic and, if necessary, attached graphic image;

2) when used in the way of new substances is revealed method of their receive;

3) for inventions relating to the method of obtaining group (series) of chemical compounds described by general structural formula shall provide an example of obtaining by this method compounds of group (series), and if the group (series) includes compounds of different chemical radicals, appears the same number of examples, which is enough to confirm the possibility of receiving compounds with these different radicals. For compounds that are members of the group (series), provide structural formulas, confirmed by known methods, and physical and chemical characteristics. The description also specifies the designation information and biological activity of new compounds;

4) for inventions relating to the methods of obtaining chemical compounds with undetermined structure or mixtures of undetermined composition, shall specify the data that is required to distinguish these compounds from other compounds. Provides information about the source reagents to obtain compounds or mixtures, as well as data conforming ability to implement specified by the applicant, the designation of these compounds or mixtures, inter alia, information about the properties of the underlying causes of such designation;

5) for inventions relating to the method of obtaining the biotechnology product, confirms that the product really has defined properties and is used for the specified designation, provides features that identify the product, where appropriate - the structural formula, features of structure and composition, as well as other features depending on the type of product;

6) for inventions relating to the method of receiving a group of biotech products that have a common structural element (elements), provides such a number of examples, which is enough to confirm the possibility of obtaining all products of group , which confirmed that all biotechnological products have one kind of activity and exercise the same function;

7) when used in a method of undetermined microorganism strains, cultures of plant or animal cells contains information on their deposit or describes how to get the strain or cell culture, adequate for carrying out the invention;

8) for inventions relating to the method of receipt of the product, element of which or product itself made of material of undetermined composition and/or structure contains information about the material and material properties and performance characteristics of the element and/or product in general;

9) for inventions relating to the method of treatment, diagnosis, prevention of condition or disease of humans or animals, provides information on identified factors that explain the impact of its use on the etiopathogenesis of diseases or other evidence proving its fitness for the treatment, diagnosis or prevention of specified conditions or illnesses (in particular obtained during experiment on adequate models or otherwise).

21. In information confirming the possibility of implementation of the invention relating to the use of known product or process on the new designation or new product for a particular purpose, provides information of the ability to implementation of this designation.

22. Designation of invention's formula and content of formula:

1) the invention's formula is intended to determine the scope of the legal protection provided by a patent;

2) the invention's formula shall define the object of the invention and to express the essence of the invention;

3) the invention's formula must be clear, precise, and be based on descriptions and characterize the invention by the concepts contained in the description;

4) the invention's formula recognized expressing its essence if it contains the sum of its essential features sufficient to achieve the technical result specified by the applicant;

5) features of the invention is expressed in the invention's formula in such a way as to enable them to identify, then there is a clear understanding of specialist based on the level of technology of their semantic contents;

6) characteristic of the feature in the formula of the invention cannot be replaced by a reference to the source of the information, where this feature is disclosed. Replacement of characteristic of the feature by reference to the description or drawings of the application shall be allowed only where, without such reference feature cannot be described without violating the requirement to identify it. In these cases, can be used the expression: "as shown in view", "as described in description". References to the drawings may be used when describing objects, different form of execution, which cannot be described verbally or mathematically, as well as in cases where the object of the invention are chemical substances which properties can be described only through charts and boxes or biotechnological products, verbal characteristic of which difficult or results in excessive overloading of the invention's formula. In particular, if the characteristics of the invention uses a sequence of nucleotides and/or amino acid sequences, the invention's formula allowed referencing them to the number in the list of sequences in the "SEQIDNO" form or the corresponding graphic material;

7) the feature of the invention useful to characterize by the general notion (expressing the function, property) covering the different private forms of its realization, if just characteristics contained in the general concept, provide, together with other features obtaining of the technical result specified by the applicant;

8) feature is expressed as an alternative, provided that such feature whenever allowed by the specified alternative choice in conjunction with other features of the invention provide the same technical result;

9) usage in the invention's formula of conditional name of products, substances and the like is permitted if another form of description of this object is difficult, and provided that they are universally recognized and have a precise value.

23. The invention's formula shall be submitted in the form of single-claim and multiclaim formula and shall include, as appropriate, one or more claims.

24. Single-claim formula of the invention applies to characterize one invention by the totality of essential features, with no development and/or clarification in relation to the private cases its implementation or use.

25. The preparation of a multiclaims formula of the invention:

1) multiclaims formula of the invention applies to characterize one invention with the development and/or refinement of the totality of its features for private cases of implementation or use of the invention or for the characteristic of group of inventions;

2) multiclaims formula of the invention that characterizes one invention has one independent claim and the followed dependent claim (claims);

3) multiclaims formula of the invention that characterizes the group of inventions, has several independent claims, each of which describes one of the inventions of the group. Each invention of group is characterized involving dependent claims that are subordinate to the corresponding independent one;

4) claims of multiclaims formula are numbered in Arabic numerals sequentially starting with "1", in order of priority.

26. Making formula that characterizes a group of inventions:

1) independent claims describing the separate inventions do not contain references to other claims of the formula (such reference is valid only when it allows to reword the independent claim without a full repetition of other content therein);

2) dependent claims are grouped together with the independent claim, to which they are subordinated, including cases when the characteristics of the different inventions of the group engaged dependent claims of the same content.

27. Formulation of claim of the formula

1) claim of the formula consists of introductory part that includes the features of the invention, coinciding with feature of the most close analog, including the generic term, reflecting the designation that begins the statement of the formula, and the distinctive feature including features that distinguish the invention from the closest analog.

2) when drafting claim of the formula after the introductory part introduces the words "characterized in that", immediately after which presents a distinctive feature;

3) when drafting claim of the formula without introductory and distinctive part after generic concept reflecting the designation, introduced the expression "characterized by," "composed of", "including", after which provides a combination of essential features that characterize the invention.

4) claim of the formula set out in the form of one sentence.

28. The formula of the invention shall be drawn up without separating the claim on introductory and distinctive part if it describes:

1) a chemical compound;

2) strains of microorganisms, cultures of plant or animal cells;

3) application of known product or process on the new designation or new product for a particular purpose;

4) invention, unparalleled.

29. Making an independent claim of the formula:

1) independent claim of the formula applies only to one invention. It characterizes the invention by a set of its features, which determines the amount of the claimed legal protection, and sets out in the form of a logical definition of the object of the invention;

2) independent claim of the formula is not recognized as relating to the invention, if the set of features:

includes features expressed as an alternative, do not providing obtaining of the same technical result or expressed as an alternative group of features, each of which includes several functionally distinct features (node or part of device; the operation method, substance, material, device, used in the method; the ingredient of the composition), including when the selection of one or another alternative for any of these features depends on the choice made for another feature (features);

includes characteristic of an inventions relating to different types of objects, or a set of means, each of which has its own purpose, without implementing a specified combination of general-purpose means.

30. Registration of a dependent claim of the formula:

1) the dependent claim of the formula of the invention contains the development and/or refinement of the set of the features of the invention contained in an independent claim, by features that characterize the invention only in particular cases of its implementation or use;

2) introductory part of the dependent claim of the formula consists of generic concepts, reflecting the purpose of an invention described, shortly from those listed in an independent claim, and a references to an independent claim and/or dependent claim (claims), to which the dependent claim is related.

When the subordination of the dependent claim to several claims of the formula references to them are specified using alternatives;

3) if for the characteristics of the invention in the particular case of its implementation or use along with features of a dependent claim is necessary only features of an independent claim, used the subordination of the dependent claim directly to an independent claim.

If the specified characteristics are required features of one or more of the other dependent claims of the formula, used subordination of the dependent claim to the independent one through appropriate dependent claims;

dependent claim of the formula is set out in a way that does not occur an exception or replacement of the invention's features described in that claim of the formula, to which it is subject to, and must not include features, the set of which has character indicated in paragraph 32 of this Rules;

If the dependent claim of the formula of the invention worded that there has been a change or deletion of features of the independent claim, it cannot be recognized that

this dependent claim together with the independent, which it is subject to, characterizes one invention.

31. Peculiarity of the invention's formula related to the device, is that features of the device are contained in the formula so that characterize it in a static state.

When describing the implementation of constructive element specifying of the device is allowed specifying of its mobility, the ability to achieve a particular function.

32. Peculiarities of the invention's formula relating to the substance:

1) the invention's formula, characterizing a chemical compound with an determined structure of any origin, include the name of the compound according to nomenclature accepted in the chemistry or denomination of the compound and its structural formula (designation is not indicated);

2) in the case of chemical compound with undetermined structure, invention's formula provides the name containing characteristic of the compound's designation, physical and chemical and other characteristics that distinguish this compound from others, in particular, features of the method to obtain it;

3) the invention's formula related to the composition, provides its name indicating the designation, ingredients, included in the composition and, where appropriate, the quantitative content of the ingredients;

If the invention's formula, characterizing the composition contains features relating to the quantitative content of the ingredients, they are expressed in any single units, by two values that characterize the minimum and maximum limits (lower and upper);

4) specifying the content of one of the ingredients of a composition by one value and the content of the rest of the ingredients in the form of interval of the values in relation to this single value is permitted;

specifying the quantity content of antibiotics, enzymes, toxoids, consisting of compositions in other units than the unit of the remaining components of the composition is permitted;

if the invention related to the composition, characterized by the introduction of an additional ingredient, in the formula before identifying the distinctive feature is included the phrase "additionally contains";

for compositions which designation is determined only by the active start, and other components are neutral carriers of the terms traditionally used in compositions of this designation, is permitted to specify in the formula only this active start and its content, consisting of compositions, including "effective quantity" form;

another option of this characteristic is to specify the composition of such features in it, but the active start, other components (neutral media) in the form of the generalized notion of "target additive". In this case, specifies the proportion of the active start and target additive;

if as a feature of the invention specified complex substance known, is allowed to use its special title, together with an indication of the functions or properties of the substance and its basis. In this case, the description provides a source of information, in which the substance is described.

33. Peculiarities of the invention's formula relating to biotechnology product:

1) to the invention's formula, characterizing products related to unanimated objects with determined or partially determined structure include structural formula or other features to establish construction of such products, in particular the sequence of nucleotides for nucleic acids (genes, fragments of genes) and the sequence of amino acids for proteins, polypeptides and peptides;

2) for products relating to unanimated objects with undetermined structure invention's formula included a set of physical and chemical and other properties that allow to identify the products, in particular to distinguish them from other known products. Such features include, for example, features of a method to obtain product;

3) in both of these cases, shall specified the function or activity carried out and the origin of the product;

4) in one independent claim of the invention's formula as an one invention provided a few biotechnology products, if they have the same function or activity, a common origin and a common essential structural element (elements). Combining products into one claim of the invention's formula based on only one activity is not allowed;

5) the invention's formula characterizing products related to living objects included features that identify these products, including features, describing the method of obtaining the product, its origin, its composition, the description of the genetic element included in its composition, useful properties and other features;

6) the invention's formula characterizing strain of microorganisms, plant or animal cell cultures include generic and specific names on the Latin language in accordance with the requirements of the international nomenclature or name of plant or animal cells, as well as the name or abbreviation of the official collection-depository, registration number assigned by collection to the deposited object and its purpose.

34. Peculiarity of the invention's formula relating to the method is, that the features of method characterizing the action over the material object outlines, using for this purpose the verbs in the active voice, in the indicative mood, in the third person, plural (нагревают, увлажняют, прокаливают - heat, moisten, ignite).

35. In cases where the object of the invention is the use of a known product or process on the new designation or new product for particular purpose the following formula is used: "Application of (provided name or characteristics of a known product, method or a new product) as (provided the designation of applied object).

36. Drawings and other materials shall be submitted if they are necessary for the understanding of the invention.

Explanatory materials are issued in the form of graphics (drawings, diagrams, boxes, epicure, waveforms), photos and tables.

The picture is provided when it is impossible to illustrate the invention by drawings or diagrams.

Pictures are provided as addition to graphic images. In exceptional cases, for example, to illustrate the stages of surgery the pictures can be presented as the main type of explanatory materials; Drawings, diagrams and pictures shall be submitted on the separate worksheet (worksheets) in the upper-right corner of which there is the title of the invention;

Submitted drawings and other materials should be harmonized with the text of the description. All denominations contained in the drawings should be referenced in the description.

37. Summary is a brief information about the invention, i.e., short presentation of the content of the description, including the title, the characteristic of the field of technology to which the invention relates, and/or scope, if this is not clear from the title, character of the invention, together with an indication of achievable technical result, described by free text formula, preferably such which retains all the essential features of each independent claim.

If necessary in summary include a drawing or chemical formula. The drawing included in summary, is provided on a separate sheet in the same quantities, as the text of the summary, including in the case where it is identical to one of the views of drawings illustrating the description.

Summary contains additional information, in particular, an indication of the availability and number of dependent claims, graphic images, and tables.

The size of the text of the summary is 1000 characters.

38. Power of Attorney for representation before the authorized body and the expert organization should look as follows:

1) the power of attorney is made in writing;

2) the power of attorney is issued (signed) by the applicant. Power of attorney on behalf of a legal entity shall be issued under the signature of its first Head, or other person authorized for this by the founding documents, with an indication of the capacity of the signer, and sealed (if any) by stamp of that legal entity. Power of attorney on behalf of the legal entity is not required if a representative is indicated in the application form signed by the applicant for the grant of an invention patent;

3) the power of attorney provides a precise indication of the action assigned to the representative on behalf of the applicant. The power of attorney must contain the date and place of issue, without which it shall be null and void;

4) validity of the power of attorney does not exceed three years. If the power of attorney is not specified the term, it remains valid for one year from the date of its issuance. 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 living outside of the Republic of Kazakhstan, or foreign legal entities, shall be issued only in favor of the individual registered in the authorized body as a patent attorney;

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

7) an individual whom the power of attorney was given must personally perform those acts for which he is authorized. Such 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 warrant;

revocation of power of attorney by the person issued it;

the refusal of the person to whom the power of attorney was given, from representing the interests of the truster;

termination of the activity of the legal entity on whose behalf the power of attorney was given; the death of the person who gave the power of attorney, declaration of him as incapable, of limited partially incapacitated, or missing;

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

39. With the termination of a power of attorney becomes invalid delegation of power of attorney. Person who issued a power of attorney in case of revocation shall notify the expert organization.

40. The application does not contain expressions, drawings, pictures and other materials which are contrary to morality or public order, disrespectful statements toward products or production processes, as well as applications or title of protections of others, statements or information not explicitly related to the invention or non-necessary for acceptance of application documents relevant to the requirements of these Rules.

41. When using terms and symbols not having wide application in literature, their meanings are explained in the text when it is first used.

In the invention's formula, description and materials explaining it, as well as in the summary are used standardized terms and abbreviations, and in the absence thereof - generally accepted in the scientific and technical literature.

All the symbols are decrypted, the description and the formula observed unity of terminology, i.e. the same features in the text of the description and in the formula are called the same way. The requirement of unity of terminology also applies to dimensions of physical units and to the legend. The title of the invention, if necessary, contains the characters of the Latin alphabet and Arabic numerals. Use of characters of other alphabets, special characters in the title of the invention is not allowed.

Physical quantities preferably are expressed in units of current International System of Units (SI).

42. Drawing up application documents:

- 1) all documents are processed in such a way as to be a direct reproduction;
- 2) each sheet is used with only one side with the location of lines parallel to the lower side of the sheet.

43. The documents of the application made on strong, white, smooth, polished paper.

44. Requirements for separate sheets, size:

- 1) each application shall begin on a separate sheet. Sheets have the format 210 x 297 millimeters (hereinafter - mm). The minimum margins of sheets containing the description, formula, summary is, mm:

top, bottom, and right – 20.

left -25.

The minimum margins of the sheets containing drawings is, mm:

top and left – 25,

right – 15,

bottom-10.

- 2) photo format is chosen such that it does not exceed the established size of sheets of application documents. Small format pictures appear to be pasted on sheets of paper in compliance with the requirements of sub-paragraph 1) of this paragraph to the format and quality of the sheet.

45. Sheets, starting with the second, in each document of application are numbered in Arabic numerals.

46. Text layout:

- 1) documents are printed in bold black. The texts of description, the formula and the summary is printed in one and a half or double spaced with a height of capital letters not less than 2.1 mm;

- 2) graphic symbols, Latin names, Latin and Greek letters, mathematical and chemical formulas or symbols may be written in ink, paste or ink black. Not allowed mixed writing of formulas in print and by hand.

47. In the description, invention's formula and summary are used a chemical formulas:

1) when writing of structural chemical formulae should use common symbols and clearly indicate the relationships between elements and radicals;

2) formulas are numbered in the order of introducing them in the text. It is recommended mark the number after each formula on the border of the right margin.

48. The list of nucleotide and/or amino acid sequence listings submitted in printed form shall be made in accordance with WIPO Standard ST. 25.

49. In the description, the invention's formula and the summary are used mathematical expression (formulas) and symbols:

1) presentation of mathematical expressions is not regulated;

2) all letter symbols available in mathematical formulas are decrypted. Clarifications to the formula should write a column and after each line to put a semicolons.

Explanation of the letter symbols are provided in order of their use in the formula;

3) mathematical symbols: $>$, $<$, $=$, $+$, $-$ and others are used only in mathematical formulas, and in the text, they should be writing words (more, less, equal);

4) to indicate the intervals between positive values is permitted to use the feature "- :-" (from and to). In other cases, should write the words: "from" and "to", describing the interval of temperatures it is recommended to use the mark (...);

5) with percentage values, the percent feature (%) put after the number. If there are several values, the percent feature is placed before enumerating them, and separated from them by a colon; syllabification in the mathematical formulas is only allowed by sign;

formulas are numbered in the order of introducing them in the text. It is recommended to put a number after each formula on the border of the right margin.

50. Execution of graphic presentations:

1) graphic presentations (drawings, diagrams, charts, pictures and so on) made by black indelible clear lines of even thickness throughout the length, without shading and coloring;

2) scale and clarity are chosen such that a photographic reproduction could discern all the details; 3) numbers and letters should not be placed in brackets, circles and quotes. The height of the numbers and letters shall be selected not less than 3.2 mm;

4) each graphic presentations, regardless of its type are numbered in Arabic numerals as a figure (Figure 1, Figure 2) in order of unified numbering in accordance with the order of mention in the text of the description. If the description explains by one piece, then it is not numbered;

5) on a single sheet are several figures, thus they are clearly separated from each other. If the figures on two or more sheets are part of a single figure, they are placed so that the shape can be configured without skipping of any part of the figures depicted on different worksheets;

6) separate figures are arranged on a sheet or sheets so that the sheets were maximally saturated and image can be read in the vertical location of the long sides of the sheet;

7) in the drawing is preferable to using rectangular (orthogonal) projection (in various forms, cuts and sections); you can also use the axonometric;

8) cuts performed sloping hatching that does not impede for the clear reading of the reference features and main lines;

9) every element on the drawing is performed proportionally to all other elements except for cases when for clear image of element is necessary distinction of proportions;

10) drawings are performed without any labels, except of the necessary words, such as "water," "steam," "open", "closed", "a-a" (to denote cut);

11) dimensions on drawings are not listed and are described in the description;

12) elements depicted in the drawing are indicated by Arabic numerals according to the description of the invention;

13) share the same elements presented on multiple shapes are denoted by the same number. Should not designate various elements in various shapes, by the same digit. Characters not mentioned in the description shall not in drawings

14) If a graphic presentation is represented as a scheme, when it is executed applies standardized conditional pictograms;

15) allowed one type of diagram to depict the individual elements of the schemes. If the schema is represented as rectangles as graphical symbols, in addition to elements, then except digital denotation directly into the rectangle fits the name of the element too. If the dimensions of a graphic presentation do not allow you to do so, the name of the element is allowed to indicate on the extension line (if necessary, in the form of the under-image inscriptions, placed in box schemes);

16) the drawings, diagrams, pictures do not appear in the description and the invention's formula.

51. Bibliographic data sources of the information are specified in such a way that the source of information can be found on them.

52. Execution of copy of the list of nucleotide and/or amino acid sequence listings in machine readable form.

A copy of the listing of nucleotide and/or amino acid sequence submitted in machine-readable form (electronic media) should be identical to the list submitted in printed form.

A copy of the sequence listing in machine readable form, allowing to implement its printout, should be placed in a single file, preferably in one electronic media. The data recorded on electronic media prepared using code pages for Windows 1251 or 866 for MSDOS (preferably using a text editor Word version 6 for Windows).

File compression is acceptable, provided that the compressed file is in the form of a self-extracting archive.

Electronic media must have attached to it a permanent way label which printed or handwritten in block letters the name of the applicant, title of the invention, the date on which the entry is made, the name of the operating system and text editor that created the file.

53. In the case of appointment of representative:

1) for filing, correspondence on application after its filing and defend their interests when considering the application, the applicant shall appoint a representative with issuing him power of attorney form drawn up in accordance with paragraph 38 of this Rule.

2) the power of attorney is submitted together with the application or in the course of proceedings and is attached to the application. In the case of appointment of a representative before filing an application power of attorney is submitted not later than two months from the date of receipt of the application or within three months from the date of corresponding request.

54. Correspondence with expert organization:

1) correspondence is carried out by the applicant or his representative on each application individually;

2) materials shall be submitted with the expert organization directly, sent by post or in electronic form, certified by electronic digital signature;

3) materials sent after the application shall contain the number and the signature of the applicant (if there are several applicants, the signature of each of them) or its representative. If the applicant is a legal entity, the application shall be signed by the head of an organization or other person authorized to this by constituent documents of legal entity, indicating his post, signature sealed by stamp (if available) of the legal entity;

4) material without an indication of the number of applications returned without review;

5) materials sent during process on the application shall be submitted within the time limits established by Law;

6) production in the expert organization is conducted in Kazakh or Russian language. The materials submitted by the applicant in another language shall be accompanied by a translation into Kazakh or Russian language. The materials presented in another language are not taken into account, until submission of translation within the prescribed period, the applicant shall be notified about it;

7) the materials presented in the expert organization with design flaws that prevent their reading, are not considered. The person submitting such material shall be sent corresponding notification;

8) original of the 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. Subject to the terms and conditions of submission date is the date of their receipt by fax. If the original material received after expiration or material received by fax, not identical to the originals submitted, 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 unreadable parts;

9) materials with security classification sent using specialized communication.

55. Making corrections and clarifications to the application documents:

1) in accordance with article 21 of the Law, the applicant may amend the application documents corrections and clarifications before the relevant decision on the application. Correction and clarification of application documents is carried out through the submission of substitute sheets. Substitute sheets are submitted for each copy of the relevant document in Kazakh or Russian language or translation into Kazakh or Russian language. If after the changes the text on the substitute sheet occupies incomplete page or text, earlier occupying one page goes beyond its limits, it is necessary to submit a subsequent substitute sheets. When presenting the substitute sheets provided brief explanations for the proposed changes in the letter accompanying the substitute sheets. If changes are made at the initiative of the applicant, the explanation is made in the letter of applicant. In accordance with paragraph 1 of article 21 of the Law for the amendment of the documents of the application on the initiative of the applicant within two months from the date of receipt of the application fee is not charged;

2) if corrections relate to misprints, errors in specifying the bibliographic data and the correction of document does not lead to negative consequences regarding the definition when direct reproduction, the need for corrections stated in the letter of the applicant without submission of substitute sheets;

3) changes concerning the Full name of the applicant, the applicant's representative provided that he is the same person, the name of the applicant as a result of the reorganization of a legal entity and/or address of the applicant, as well as the address for correspondence, specified in the application for the grant of a patent shall be made upon written request of the applicant, indicating the serial number of the application

attaching the document confirming the change in the name or titles of the applicant and /or his address and document about payment in accordance with paragraph 2 of article 21 of the Law.

4) changes concerning the marking of the applicant in the assignment of the right to receive the title of protection, or as a result of change of the name of the applicant, as well as correcting errors of a technical nature in the application documents are made prior to the date of registration of the invention in the corresponding State register, in accordance with paragraph 2 of article 21 of the Law.

The amendment is clear, if well-known specialist's knowledge goes that nothing other than the proposed amendment could not be undertaken.

56. Under the change of stuff of the authors understood the inclusion or exclusion of the author's stuff, specified in a patent application.

Changes in the stuff of the authors shall be made by filing a new application for the grant of a patent, issued in accordance with paragraph 7 of this Rule.

At the same time with a new petition for the grant of an invention patent on introducing appropriate changes in the stuff of the authors in any form with indication of the number and the filing date of the application. The petition shall be signed by the applicant and in the case of exceptions from the authors' stuff by excluded author too (only for national authors and inventors to applications filed in compliance with intergovernmental agreements) whose signature must be notarized. The consent of the excluded author is issued as separate letter stating the number and date of registration of the application.

In the case of inclusion in the authors' stuff to the date of filing of a new application for the grant of a patent cannot be obtained the signature of the author, specified in the previously filed application, attached to the petition written consent executed in the following order:

in case of the death of the author, or declare him dead the consent to change on his behalf signs his heir who must legally prove their right to inheritance by presenting a notarized copy of the certificate of inheritance;

in the case of the author's departure abroad the consent to change on his behalf signs a trustee by submitting a properly designed document certifying such a right. Such a document is a power of attorney with a precise indication of the assigned actions addressed to a patent attorney registered in the authorized body or the 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 it can be recognized by a 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 recognize the author of missing;

when recognition of the author as incapable or limited partially incapacitated, consent to the amendment on his behalf signs a guardian or trustee in the submission of copies of court decisions on guardianship or curatorship.

Citizens living outside of the Republic of Kazakhstan and foreign legal entities submits documents for changes in the stuff of authors through patent attorneys registered in the authorized body, with the power of attorney issued in favor of the patent attorney, provides instruction for the action.

Changes of the stuff of the authors on the expiry of two months from the date of receipt of the application shall be made on presentation of a document confirming the payment changes.

If there are no documents and/or the documents submitted did not meet the requirements of this paragraph, the applicant is invited, 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 documents requested a new application is considered as not have been submitted and making changes is not possible, as the applicant will be notified.

57. Under the change of stuff of the applicants refers to the change in the stuff in the case of inclusion of additional person in the stuff, the exclusion of the applicants, as well as changes to specify applicants when transfer for the grant of a patent. Under paragraph 1 of article 21 of the law Petition for amending the stuff of applicants is submitted by the applicant before a decision on the application, by providing a new application for the grant of a patent, as well as the document confirming payment for changes.

At the same time with a new petition for the grant of a patent for the invention is sought a petition on introducing appropriate changes in the stuff of applicants in any form with indication of the number and date of registration of the application, as well as the grounds for the requested changes, with submission of supporting documents.

The petition shall be signed by the applicant (s) listed in the original application for the grant of a patent. On behalf of the legal entity petition shall be signed by the head of an organization or other person, duly authorized by the founding documents of the legal entity, indicating his position; signature sealed with stamp of that legal entity.

In the case of transfer of the right to receive a patent the petition on changes in stuff of applicants when the transfer of the right to receive a patent is issued on form according to annex 2 to this Rules.

The petition provides signatures of the applicants that transfer and receive the right to receive a patent. Petition on behalf of a legal entity shall be signed by the first head of the organization or other person authorized to this by constituent documents of legal

entity, indicating his posts, the signature sealed (if available) with stamp of a legal entity, if the availability of such foreseen by the legislation of the country, which resident is a legal entity.

Signature of excluded applicant who is an individual must be notarized.

When replacing the dead applicant, specified in the application on the granting of an invention patent, by the heir, it is necessary the signature of the specified heir, who must legally prove his right to inheritance by presenting a notarized copy of the certificate of inheritance.

If it impossible when submitting a new application for the grant of a patent to receive the signature of the applicant specified in previously filed statement, then the petition must be attached with the written consent:

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

in the case of the applicant's consent to travel abroad to make changes on his behalf signed by an authorized person submitting appropriately designed document proving this right. That document is a power of attorney with a precise indication of entrusted activities in the name of the patent attorney registered with the authorized body, or power of attorney issued to another person, legalized in the Consulate of the Republic of Kazakhstan, except in cases where legalization is not required by virtue of international treaties of the Republic of Kazakhstan or in the condition of reciprocity;

in the absence of information about the place of residence of the author, and their inability to get it recognized by the court as missing in accordance with Article 28 of the Civil Code of the Republic of Kazakhstan, and the interested party submits a copy of the court decision on the recognition of the applicant's missing;

the recognition of the applicant as incapable or partially capable consent to amendments on behalf of the trustee or guardian shall sign the submission of a copy of a court decision on custody or guardianship.

When you make changes in the composition of the applicants as a result of the reorganization of the legal entity (merger, division, separation, transformation) of the application and the new application is signed by his successor to the documents submitted, confirming the succession of this type of rights (extract from dividing balance or the transfer certificate).

When changes are made as a result of liquidation of the legal entity the application and the new application is signed by the person to whom the appropriate rights to the documents submitted, confirming the transfer of rights.

Citizens residing outside the Republic of Kazakhstan and foreign legal entities to apply for a modification of the applicants through the patent attorneys registered in the

authorized body, and the power of attorney issued in the name of the patent attorney must contain an order for the implementation of these actions.

If a change in the composition of the applicants shall be made within two months from the date of receipt of the application, the application for grant of a patent attached document on payment.

If there are no documents and / or the documents submitted do not meet the requirements of this paragraph, the applicant is invited within three months from the date of the notice to submit the missing or corrected documents.

Failure to provide the requested documents a new application shall be considered not and making changes is not made, the applicant is notified.

58. The applicant (or his representative) shall be entitled to familiarize themselves with the application filed by him and materials related to it, directly to the expert organization, agreeing beforehand the date and time reference, and by requesting copies of the application, the related materials or parts.

59. In accordance with paragraph 12 of Article 22 of the Act the applicant may request the expert organization copies of the materials specified in the request, or the conclusion of the expert organization on the information search report. Copies of the patent materials sent within one month from the date of receipt of the request.

60. Consideration of issues related to the application, with the participation of the applicant held at the suggestion of the expert organization or the applicant's request after both parties are acquainted with these issues. Questions examination may be set out in the request, further reports on the feasibility of the meeting, the applicant matters - a request that it be held.

In the case of a request the answer is provided by the applicant, within three months, regardless of whether the applicant intends to take part in the consideration of the application.

Date and time of the application previously agreed. In the event of a change of circumstances the party not having the opportunity to participate in the consideration of the application at the scheduled time, immediately notify the other party.

If the expert organization or an applicant is considered a joint consideration of the application was premature or inappropriate, offer expert organization or a request of the applicant may be rejected with the reduction of corresponding reasons.

If the applicant's arrival in the expert organization without prior approval in its request for consideration of the application with its participation refuses.

In considering the application the applicant is involved, or the applicant's representative, authorized him to do so, subject to the conditions of paragraph 57 hereof.

A person who is not a sole applicant is involved in the consideration of the application in the absence of other applicants only if there is a power of attorney for representation.

Consideration of the application is carried out with the participation of the applicant by means of negotiations or at the expert meeting.

The negotiations are conducted when the issues could be resolved directly by the expert and the applicant. Expert Meeting held to resolve issues if you want to participate on the part of the examination of a number of specialists.

As a result of the negotiations or of the expert meeting is drawn up in two copies, containing information about the participants, arguments and suggestions given by the parties and the conclusions on further paperwork.

The protocol provides:

the new edition of the claims proposed by the applicant (his representative);
application for withdrawal of the application;
examination questions that require written explanations.

The protocol is signed by all participants of consideration. One copy shall be attached to the materials of the application, the other is transferred to the applicant (or his representative).

In the absence of agreement on the issues discussed in the report recorded a dissenting opinion the consideration of participants. A copy of the report transmitted by the applicant (or his representative), containing the appropriate conclusions, replaces the notice of termination of office (in case of withdrawal of application) or a request for examination, as the relevant record in the minutes.

The protocol replaces the applicant's response to the request of the examination (if not violated deadlines for submission of the response). In this case, the appropriate entry is made in the protocol.

61. If the time limit is expressed the phrase "for (at the latest) (before expiration) date... with...", 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 first 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.

Materials handed because the organization no later than the last day of the term, be deemed to have in life.

62. Extension of the submission of the requested documents and additional documents:

1) in accordance with paragraphs 3 and 8 of Article 22 of the Law the deadline for submission of documents requested by the applicant and other materials shall be extended when submitting a corresponding request and payment of an extension;

2) the specified period in accordance with paragraph 13 of Article 22 of the Act is extended expert organization for not more than six months from the date of expiry (including in the event that the petition was served several times);

3) application for extension shall be submitted in any form within three months from the date of the applicant's request, or from the date of copies opposed to the application of materials requested by the applicant in accordance with paragraph 8 of Article 22 of the Law within two months from the date of his request expert organization;

4) to extend the deadline for submission of the requested documents and other materials shall be notified to the applicant;

5) the request is not satisfied with the non-compliance with the deadline for submission of the application and failure to submit the proof of payment for the extension and the applicant is notified.

63. In accordance with Article 27 of the Law filed by the applicant withdraws their application to the registration of industrial property subject matter in the appropriate State Register of the Republic of Kazakhstan.

64. Application for withdrawal of the application in any form shall be submitted not later than the date of registration of the invention in the corresponding State Register of Inventions of the Republic of Kazakhstan.

At receipt of such declaration by the due date the applicant is notified of the withdrawal of the application.

After sending the applicant the notification of withdrawal of the application documentation in respect of the application is terminated.

3. The procedure for examining an application for invention

65. If the claimed invention is found to be a secret, the applicant shall be notified about the impossibility of the legal protection of the invention in accordance with paragraph 6 of Article 5 of the Law.

66. Payment Verification application is as follows:

registered documents of the application for a patent for the invention are tested for the presence of the document confirming payment of the filing;

in the absence of such a document and the document confirming the existence of grounds to reduce its size in the case of payment by the applicant (participants and invalids of the Great Patriotic War, invalids, students of secondary schools, vocational schools, technical secondary schools, students of higher educational institutions, small and medium-sized enterprises of the Republic of Kazakhstan) shall be notified within one month of the need to submit the missing (absent) document (s) and / or the instrument of a surcharge to the specified size, which can be submitted within two months from the date of receipt of the application documents in accordance with

paragraph 2 of article 17 Act. The applicant is notified also that the non-submission of these documents on payment within the prescribed period and in the prescribed amount, the application is considered not filed and records can not be restored to it.

67. The filing date is set:

1) on the date of receipt of an expert organization in the application containing the request for the grant of a patent for an invention, and the drawings, if they are necessary for understanding the invention.

If it is determined that the application of the date of its receipt does not contain the above information and / or documents, the filing date shall be the date of receipt of the last of them;

2) if the original documents received do not satisfy the requirements of subparagraph 1) of this paragraph shall be notified to the applicant with a proposal to address these shortcomings within three months from the date of notification;

3) Upon receipt of the requested materials, eliminating the deficiencies noted application, the filing date shall be the date of their receipt;

4) In case of failure in the case provided for in subparagraph 2) of this paragraph, within the period specified in this subparagraph, the requested materials application shall be deemed not filed. The applicant shall be notified of the recognition application is not filed.

68. Information about the application from the date of receipt by the expert organization to the publication of information about the grant of a patent shall be considered confidential and shall not be disclosed.

69. When patenting the invention in other countries, the application for which is submitted to the expert organization, at the request of the applicant's expert organization issues a certified copy of the first application not earlier than three months after its submission to the expert organization. According to the resolution of the expert organization certified copy of the first application is given before that time.

According to the applicant's request for the extradition of a certified copy of the first application is made before the deadline certified copy of the first application.

70. A formal examination of an application is carried out after the establishment of the filing date.

71. During formal examination of the application are checked:

availability of documents contained in the application and annexed to it in compliance with the requirements of paragraph 3 of this Regulation;

the presence of the payment of the filing;

compliance under these Rules requirements for registration of application documents, including compliance with the requirement of unity of invention without any analysis of the Invention;

compliance with the rules of conducting proceedings on the application in the cases provided for in paragraph 3 of Article 36 of the Law, including the availability and accuracy of the power of attorney, certifying the authority of the representative or patent attorney;

observance of the established procedure for the submission of additional materials;
correct classification of the invention according to the IPC carried out by the applicant (this classification is made, if it is missing).

72. When determining whether the registration of the application in violation of its documents in the course of the formal examination, the applicant shall request indicating the deficiencies found, bringing the necessary legal character arguments and inviting them to submit the missing or corrected documents within three months from the date of its direction. Absent (missing) a copy (copies) of the first (first) application (s) in the case of claiming a convention priority is submitted within six months from the date of receipt of the application in the expert organization.

The grounds for the request are as follows:

the absence of the application of one of the documents provided for in paragraphs 3 and 4 of this Regulation;

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

3) Submission of the application documents in the number of copies, a smaller set;

4) the need for the appointment of a patent attorney in the case of filing by individuals living outside of the Republic of Kazakhstan or by foreign entities not through the patent attorneys registered in the authorized body, if an international agreement of the Republic of Kazakhstan has not established a procedure providing for such filings;

5) the absence of a statement in the necessary information, details, signatures, seal impression under these Regulations, as well as the need to clarify the above statement data;

6) the need to clarify issues related to the payment;

7) identifying shortcomings in the preparation of documents, preventing their direct reproduction (violation of the format sheets, margins, print quality, which impairs reading application materials);

8) the need to clarify issues related to the possible infringement of third party rights protected in the Republic of Kazakhstan marks if the name of the invention included a special name;

9) 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 (except for the information about the authors, who asked not to be mentioned as such in the publication of information about the patent);

10) the absence of guidance in the claims of the subject matter for which legal protection is sought;

11) the presence in the claims instead of the features of the object of the corresponding type of data only on its performance indicators and consumer properties, effects and phenomena taking place in its implementation and / or use;

12) violation of the requirements of 27 of these Rules on the presentation of a claim in the form of a single sentence;

13) violation of the requirements of subparagraph 5) of paragraph 22 of these Rules on the presentation of the claims include features that provide the ability to identify them;

14) the presence in the dependent claims Multiple claims traits that determine a contradiction of the invention to the public interest, principles of humanity and morality, in the corresponding particular embodiments or use;

15) violation of the requirements of this Regulation 29, under which an independent claim must relate to only one invention;

16) the presence in the claims dependent claim, purport to exclude or replace the sign (signs) of the claim to which it is subject;

17) inconsistency of application documents to each other (in particular, the title of the invention, given in the statement does not match the name given in the description, the drawings do not meet the description of the invention);

18) violation of the requirements of this Regulation 37 to the essay;

19) violation of the requirements of 41 of these Rules on the use of the description, claims and abstract common terminology, and on the observance of the unity of terminology in the text of the application materials;

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

21) the presence of other violations of the requirements of this Regulation to the description, claims and abstract established without analyzing the substance of the claimed invention (group of inventions).

At the request of the applicant is requested to provide more accurate description and claims relating to one invention or to a group of inventions forming a single inventive concept.

Corrected the applicant a document containing, along with the corrections made in accordance with the request, and fixes at the initiative of the applicant, it is subject to the conditions of this Regulation 94.

The answer to the request of the examination shall be made within three months from the date of its sending.

Examination of an application shall be suspended until a response to the request.

If the applicant within the prescribed period does not submit the requested materials or a request for an extension of their submission to the conditions of paragraph 62 of this Regulation, the application shall be deemed withdrawn and the applicant is notified.

The deadline for submitting a response to the request of the examination is reduced in accordance with paragraph 13 of Article 22 of the Law.

73. Classification of the application object.

In order to correlate with the subject of the application of a technology industry expert organization classifies the claimed invention in accordance with the IPC.

Classification is carried out:

during the formal examination;

in conducting an information search and / or examination of the application on its merits.

Classification is carried out in accordance with the rules established by introducing in the IPC.

In the classification of the basis for selection of the classification of the index is the formula of the claimed invention.

For a more complete understanding of the invention are involved in the specification and drawings.

If the application covers several objects belonging to different places in the IPC, set all the appropriate classification symbols. The choice is determined by the first index name invention.

Classification codes are installed on the stage of formal examination can be changed in the course of the examination of the application on its merits.

74. The applicant is notified of non-compliance of the documents and amended or revised materials specified requirements in the case of:

1) if as a result of the application without the analysis being claimed inventions found that the application is filed in violation of the requirement of unity of invention, the applicant shall be notified about this and offers within three months from the date of its direction to announce which of the solutions should be considered, and to make appropriate specification in the application materials.

Compliance with the requirements of unity of invention is verified in relation to the original claims, or if it is changed, - in relation to the last proposed by the applicant in the formula.

If the applicant does not report within the prescribed period, some of the inventions (or group of inventions that meet the requirement of unity, if such a group is contained in the number of claimed inventions) should be considered, and not submit updated

documents, the examination is carried out only in relation to the invention of the formula first (or those of the claimed inventions, first mentioned in the claims, which form a group that meets the requirement of unity of invention);

2) if additional materials, in whole or in part changing the essence of the claimed invention and / or represented by non-compliance with the conditions provided for in paragraph 94 of this Regulation, the applicant shall be notified that they can not be taken into consideration in the examination as a whole or in relevant part.

In the case where it is determined that additional materials correcting or clarifying the application documents, are in violation of the requirements of paragraph 55 of this Regulation, the applicant is notified.

In that case, when the application materials are admitted as violations and other requirements of these Regulations, which are the basis for the request, notification of these irregularities can be given in the request.

75. The applicant is notified of the positive result of the formal examination within one month, if the application contains all the necessary documents and met the established requirements to them.

76. In the substantive examination carried out:

establishment of priority of the invention;

by the claims;

verification of compliance with the additional materials if such materials submitted by the applicant in accordance with paragraph 8 of Article 22 of the Law;

search in respect of the invention as defined in the formula for determining the state of the art;

verification of compliance with the conditions established by the Law of the invention with the patentability of making a decision to grant a patent or to refuse to grant a patent, or a decision to recognize the application as withdrawn.

77. The substantive examination is carried out subject to the completion of the formal examination with a positive result and the presentation of the proof of payment of the examination of the application on its merits.

78. Establishment of the priority date of the application for the invention is carried out in accordance with paragraph 1 of Article 20 of the Law.

79. At purchase by the applicant on the priority date earlier than the date of filing in the expert organization, observance by the applicant of conditions referred to in paragraphs 2-6 of Article 20 of the Law.

80. The establishment of the applicant requested the convention priority is carried out in accordance with paragraph 2 of Article 20 of the Act and includes checking:

whether the person (face), indicated in the application, the right to file a convention application;

compliance by the applicant deadline for claiming convention priority (no more than two months from the date of receipt of the application in the expert organization);

I have a copy of the first application and observance of the term of its presentation (no more than six months from the date of receipt of the application in the expert organization). If the first few applications, these conditions must be met in relation to a copy of each application;

observance by the applicant of twelve months starting from the date of filing of the first application in which conventional application must be received in the expert organization. If the application is received after the deadline but before the expiration of two months from the date of its termination, it is checked whether or not the applicant is not referred to circumstances beyond his control, have prevented applying the specified period of twelve months, and the need to set their documentary evidence if such evidence is not available.

81. Establishment of the claimed priority date of receipt of additional materials to earlier application by the same applicant shall be in accordance with paragraph 3 of Article 20 of the Law and checked the following requirements:

application, which claims a priority should go to expert organization within three months from the date of notification to the applicant of the expert organization of the impossibility of taking into account the additional materials in connection with the recognition of their changing essence of the claimed invention;

the claimed invention must be disclosed in the supplementary materials, on the date of receipt of which priority is claimed (based on the content of an application in which these materials were submitted).

82. The establishment of priority claimed by the filing date of an earlier application to an expert organization of the same applicant in accordance with paragraph 4 of Article 20 of the Law and checked the following requirements:

application, which claims a priority should go to expert organization within twelve months from the filing date of an earlier application for an invention or within six months from the filing date of an earlier application for a utility model;

application on which a priority is claimed, must be submitted by the same applicant as that of the earlier application for an invention or utility model, or its successor;

the claimed invention must be disclosed in an earlier application for an invention or utility model;

on the previously filed application is not claimed earlier priority.

Where priority is claimed on the basis of several earlier filed applications observance of these requirements is set for each of them.

At purchase the specified priority earlier application (or all applications, if more than one) is considered to be withdrawn (revoked), the applicant is notified.

83. The establishment of priority claimed by the applicant of the invention for a divisional application on the filing date of an expert organization in disclosing the present invention the initial application by the same applicant in accordance with paragraph 5 of Article 20 of the Act includes the verification of compliance with the following requirements:

divisional application must be received in the expert organization prior to the initial application for an invention or utility model, the decision to refuse to issue a protective document, the possibility of appeal have been exhausted (in the period of the possibility of continuation of the application office), and in the case of determination by said application of a positive conclusion of the expert organization - to the date of registration in the corresponding public register of the Republic of Kazakhstan;

the invention claimed in the divisional application must be disclosed in the original application and if the application is isolated from the conventional application and priority is claimed on the date of its priority, then - in the first application.

84. In the case where the applicant claims multiple priorities, depending on the applicant specified grounds for requesting such priorities established its compliance with the relevant conditions listed in 80-83 hereof.

So, if in respect of the invention as defined in the independent and dependent claims, requested different convention priority based on the first two applications with different filing date in accordance with paragraph 2 of Article 20 of the Act, when establishing compliance with the requirements of the applicant referred to in paragraph 80 of this Regulation, checked the availability of copies of the first two orders, adherence to twelve months in respect of the filing date of the first two applications.

85. Verification of compliance with the conditions of establishing the priority of the invention includes:

1) verification of compliance with the conditions of the establishment of the priority of the invention in accordance with paragraphs 81-83 of this Regulation is established, is not whether the application from which priority is claimed, or the application to which the submitted additional materials, which are the basis for this is claimed, withdrawn or deemed to be withdrawn. If the application is considered withdrawn, the applicant shall be notified of the need to restore the missed deadline.

When verifying compliance with the terms of the applicant referred to as a condition of establishing the requested priority should be guided by 61 of these Rules;

2) when establishing compliance with the applicant's claim relating to the disclosure of the claimed invention in the previously submitted materials (previously filed application, additional materials), serving as a basis for claiming priority, check indicated whether these materials (in the description, claims previously filed application, in the text parts of additional materials), all features included in the formula of the claimed invention;

3) subject to the applicant's claims set out in paragraphs 80-84 of this Regulation, set priority claimed in respect of the claimed invention;

4) in the case where the priority of the invention claimed by the application derived from the conventional application, subject to the requirements of paragraph 83 of this Regulation, the invention priority shall be established by the priority date of the Convention's application. At the same date of filing the divisional application shall be the date of filing of the conventional application in expert organization;

5) non-compliance with the requirements of the applicant referred to in paragraphs 81-84 of this Regulation, the priority of the invention is installed (with prior notice to the applicant) on the filing date in the expert organization in accordance with paragraph 1 of Article 20 of the Law.

If these requirements are not complied with in respect of the invention as defined in one of the points ladder formula, the priority date of the application to the expert organization established only for this invention.

86. Verification of the claims:

1) check is carried out in respect of the claims accepted for consideration by the results of the formal examination, and if it is changed by the applicant after the completion of the formal examination - in respect of the modified formula, subject to the requirements of paragraph 94 hereof. In the case where during the formal examination it was found violation of the requirement of unity of invention and the applicant within the prescribed period reported some invention to be considered as part of the application as filed, verification is carried out with respect to the formula of the invention.

If the due date of the applicant's message is not received, verification is carried out in respect of the invention referred to in the first formula;

2) when checking the claims set that it contains all the essential features of the claimed invention, the totality of which is sufficient to obtain the technical result by the applicant under subparagraph 4) of paragraph 22 of this Regulation.

If an essential feature, without which the technical result (none of the results, if the applicant has indicated more than one) is not achieved, not included in the independent claim, but is contained in the description or in the dependent claims, the applicant proposed to include this feature in the independent claim. At the same time argues that confirm the need for this feature to achieve a technical result.

one of which is intended to produce (manufacture) of another (or the device material and process for producing (manufacturing) device or substance in whole or parts thereof);

one of which is intended for the other (for example, a method and apparatus for performing the method as a whole or of one of its action);

one of which is designed to use a different (another) (for example, a method and material for use in the process, method or apparatus, and part of, the application device or substance on new or on a particular purpose and method of using them in accordance with this purpose; use of a device or substance on new or particular purpose and the device or composition, part of which they are);

relating to the objects of one type (several devices, several substances are several ways) of the same destination, providing obtain the same technical effect (variants).

When checking the correctness of classifying the invention as defined in the independent claims, to the embodiments set, indicated by the applicant are the same whether the appointment of inventions and technical results.

Match criteria of technical results is not considered to be impaired if, for each of the inventions of the group (or one of them) indicated a number of technical results, and the coincidence is established only in respect of some of these technical results;

7) a condition not matching the technical results is considered impaired in the case when, in addition to the general technical result of invention specifications, one of which formulation further comprises an indication of some particular feature;

8) for determining non-compliance with the requirements of unity of invention by the applicant shall be notified to the applicant in the manner prescribed by paragraph 74 of this Regulation.

If the analysis of the claims submitted by the applicant revealed its non-compliance with the established requirements, but it does not preclude verification of patentability of the claimed invention, all the issues related to the adjustment of the claims are being investigated with the applicant upon receipt of the preliminary finding of the patentability of the invention as defined by such claims.

To check the patentability of an invention formula was adopted as amended, confirmed by the applicant;

9) in the case where when testing found that odnozvennaya formula or multiple claims with a single independent claim relates to more than one invention, and the applicant refuses to correct the formula, continued examination of the application it is possible only if you specify the invention by the applicant, subject to further consideration and assessment of patentability performed only with respect to this invention;

10) during the audit provided for in subparagraph 6) of this section, the provisions of subparagraph 9) of this paragraph.

87. Checking the patentability of the invention comprises:

1) verification of patentability of the claimed proposal begins with the establishment of whether it can be considered related to the inventions in accordance with paragraph 2 of Article 6 of the Act and whether it provides such a result, which could be attributed to the technical result.

Checks also does not apply if the claimed proposal for the number of solutions that are not recognized as patentable in accordance with paragraph 3 of Article 6 of the Law.

When the alleged attribution to the claimed proposal excluded from the protection of the applicant the inquiry with statement of corresponding reasons.

Claimed offer in respect of which no conclusion that it refers to exclusion from protection is checked for compliance with the terms of industrial applicability, novelty and inventive step;

2) when considered in the formula contains an alternative concept, patentability check is carried out for each set of attributes comprising one of these concepts.

If the output of the non-patentability received in respect of one of these sets, further consideration of the application suschestvlyaetsya in accordance with paragraph 98 of these Rules;

3) verification of patentability especially in cases where the application contains multiple claims (both single and multiple independent points), specified in paragraph 86 of this Regulation;

4) when setting the date of disclosure relating to a particular source, the provisions of paragraph 101 of this Regulation.

At check of patentability of the claimed invention in the prior art does not include sources containing information related to the invention disclosed by the author, applicant or any person who has received from them, directly or indirectly, this information, so that information about the scope of the invention became public, if the application for The invention filed expert organization not later than six months from the date of disclosure.

The audit patentability of the decision to grant a patent or to refuse to grant a patent

88. Verification of industrial application include:

1) the invention is industrially applicable if it can be used in industry, agriculture, healthcare and other sectors of activity;

2) when establishing the possibility of using the invention to verify whether the application materials contain destination designation claimed subject matter.

Also checked, whether described in materials and methods of application means with which it is possible embodiment of the invention in the form as it is described in any of the claims. In the absence of such information in the application materials is acceptable that said means and methods have been described in the source, which became available to the public before the priority date of the invention.

Furthermore, it is checked whether or not the applicant is possible to realize the specified destination in the case of the invention according to any one of the claims;

3) if it is established that at the priority date of the invention meet all these requirements, the invention recognizes the relevant industrial applicability.

Failure to comply with at least one of these requirements the conclusion of non-conformity of industrial applicability of the invention. In this case the applicant shall be requested to set out the relevant arguments and, with the proposal to express their opinion concerning these reasons and adjust the claims (unless, in the opinion of the examination, the application materials allow for the adjustment, as a result of which said output can be changed). In this case the query specific recommendations for adjustments of the formula can be reduced;

4) in respect of the invention, which is set for a mismatch condition of industrial applicability, verification of novelty and inventive step is not carried out.

89. novelty check:

1) the invention is new if it is not known from information on state of the art.

Checking novelty of the invention is carried out in relation to the totality of features contained in the independent claim;

2) an application for an invention or utility model of an earlier priority date is included from that date in the prior art (only for the novelty), subject to all of the following conditions:

application filed in the Republic of Kazakhstan, including the international application on which the international filing date and which contains an indication of the Republic of Kazakhstan and the Eurasian application in respect of which complied with the conditions of this Regulation;

application is not withdrawn or deemed withdrawn.

In the prior art from the priority date shall also include all inventions and utility models patented (including the same person) in the Republic of Kazakhstan, that is registered in the corresponding state register of the Republic of Kazakhstan.

The application with an earlier priority date included in the prior art to the description and formulas contained in this application to its filing date. If this date is later than the priority date of the application under consideration, the application with earlier priority is included in the state of the art in terms of its content, which coincides with the content of the materials that served as the basis for establishing priority (first application previously filed application, additional materials for this application).

Patented in the Republic of Kazakhstan inventions and utility models are included in the prior art only with respect to the formula, which was registered invention or utility model in the corresponding State register of the Republic of Kazakhstan;

3) the invention is not deemed relevant novelty condition, if detected vehicle, which is characterized by symptoms in the prior art, identical to all the features contained in the claims under consideration, including the characteristic purpose.

If the invention relates to the use of a known method or product for a new purpose, it is not deemed appropriate condition of novelty detection source, which discloses the use of the same product or method of the destination indicated by the applicant;

4) in the case where the prior art identified in the information source from which the subject invention is well known, it is an application with an earlier priority is set that the application is not withdrawn or deemed to be withdrawn.

The applicant is informed of the subject invention the presence of such an application (without it the applicant and the disclosure of the contents) and the possibility to defer consideration of its application before the determination of the application with an earlier priority.

In case of disagreement of the applicant to defer consideration of the application of the claimed invention is set mismatch condition of novelty.

If it is determined that the invention defined in the independent claim, containing dependent items corresponds to the condition of novelty, the state of the art analysis of the dependent claims is not carried out.

In that case, when it is not considered a new invention defined in the independent claim, containing dependent items, further consideration of the application is carried out in accordance with subparagraph 1) of paragraph 91 of this Regulation.

In determining the lack of novelty of the invention as defined by the formula that does not contain the dependent claims, the applicant shall set out the arguments of expertise and inviting them to submit their views on these arguments and, if necessary - on the basis of the corrected application materials the claims.

With respect to the invention, which is set for a mismatch condition of novelty, inventive step test is not carried out.

90. inventive step test:

1) The invention involves an inventive step, if it is obvious to a person skilled not follow from information about the state of the art;

2) The invention is not recognized as follows for the expert is explicitly from the level of engineering information, particularly in the case where not detected solutions having attributes matching with its characterizing features, or such solutions identified but not confirmed known impact distinguishing features on indicated by the applicant technical result.

Verification of these conditions include:

defining the closest prior art in accordance with paragraph 12 of these Rules;

identify signs that the claimed invention defined in the independent claim, is different from the closest analogue (distinctive features);

identifying from the prior art solutions having features identical to the features of the subject invention;

3) not recognized by the relevant condition of inventive step of the invention, based , in particular:

on the complement of the known means of any known part (s), the connecting (joining) to it according to certain rules, in order to achieve a technical result, in respect of which it is established the influence of such amendments;

on the replacement of any part (s) of the known means of other known part to achieve a technical result, in respect of which it is established the influence of such replacement;

to the exclusion of any part of the means (element steps) while excluding function caused by its presence, and thus achieving the usual result of such an exception (simplification, reduction of weight, dimensions, materials consumption, increased reliability, reduced process time);

to increase the number of the same elements, actions to strengthen the technical result due to the presence in the vehicle is such elements of action;

means for performing a known or part (s) of the known material to achieve a technical result due to the known properties of the material;

on the creation of funds, consisting of well-known pieces, which are selected and the relationship between them made on the basis of known rules, recommendations, and achieved technical result is due only to the known properties of the parts of this equipment and the connections between them;

applying the product to a known method or according to a particular purpose, if the possibility of realizing this purpose due to its well-known properties, the structure, implementation, and it is known that these are the properties, structure and performance required for this purpose.

It may not be recognized as an inventive step and inventions based on the change of a quantitative trait (characteristics), the representation of such signs in the relationship, or a change in its appearance, if you know the fact of influence of each of them on the technical result and the new values ??of these signs or their relationship could be obtained from known dependencies laws;

4) The condition of inventive step correspond, in particular:

new chemical process for preparing compounds (class, group) with a fixed structure;

known chemical process for preparing compounds (classes, groups) with a fixed structure, if it is based on a new class for the reaction of compounds or groups or known for the reaction of a class or group of compounds which is of unknown condition;

composition comprising at least two known ingredients that provides a synergistic effect, which is not possible to achieve results from the prior art (i.e., showing the

properties of both components, but quantitative indicators of at least one of these properties higher than the properties of the individual ingredient);

chemical compound falling within the general structural formula group of known compounds, but not specifically described as received and investigated, and at the same time developing new unknown for this group of properties in qualitative or quantitative terms (selective invention);

5) the invention is not considered as not conforming to an inventive step because of its apparent simplicity and disclosures in the materials of the application of the mechanism to achieve a technical result, if such disclosure was not known from the prior art, but only from the application materials;

6) the effect of known distinctive features of the claimed invention on the technical result is confirmed both single and multiple sources of information. Engaging allowed arguments based on well-known in the particular art knowledge, without providing any information sources. However, this does not exempt the expert from the obligation to indicate such sources in the further consideration of the application, if it will insist the applicant;

7) Confirmation of influence fame distinctive features on the technical result is not required if these attributes against such a result is not defined by the applicant or in the case where it is determined that the specified technical result it is not achieved;

8) if the claimed invention defined in the multi-hop formula, containing dependent items found to comply with the condition of inventive step in the independent claim, further testing in respect of the dependent claims is not carried out;

9) if it is established that the invention according to independent claim having dependent items, does not meet the inventive step, further consideration of the application is carried out in accordance with paragraph 92 of these Rules;

10) if it is determined the lack of inventive step of the invention as defined by the formula without having the dependent claims, the applicant shall set out the relevant arguments and inviting them to submit their views on these arguments and, if necessary , adjusted claims.

91. Checking the patentability of the invention as defined by the formula ladder:

2) in the case where the patentability of the invention in relation to the independent claim, dependent claims having checked that the characteristic features contained in these paragraphs invention does not prevent the realization of this invention or destination applicant. In addition, it is checked as to whether the public interest, principles of humanity and morality invention defined with the assistance of signs of the dependent claims.

If a positive test result for all the above conditions of the invention defined by the formula ladder having dependent claims to be patentable, and issue an opinion on the granting of a patent in accordance with paragraph 96 of this Regulation.

With a negative result of verification in respect of any of the conditions the applicant shall be notified in the request and invited to submit arguments to refute the conclusion of examination, or to correct or eliminate such dependent claims of claims;

3) if the declared group of inventions, patentability check is carried out for each of its constituent inventions. Patentability group ascertained only when all patentable invention group.

If it is determined that all of the groups are not patentable inventions, the applicant shall be notified and invited to submit their views on the reasons given and, if necessary, be excluded from the formula independent claims, which are characterized by non-patentable inventions, or to present these items, as amended;

4) if the applicant in the cases set out above represents the change in the claims, the further consideration of the application is carried out in accordance with the provisions of this Regulation in respect of the invention (inventions), characterized (characterized) in this formula.

In that case, the applicant, without providing arguments to refute the conclusion of expertise, or a modified formula, insists on the grant of a patent with the original formula (the formula for which were examined), the further consideration of the application is not carried out and issue an opinion on the refusal to grant a patent in pursuant to paragraph 98 of this Regulation.

92. Request of additional materials, including the invention, the modified formula, sent to the applicant in case no such materials is not possible to examine the application on the merits, including an opinion.

The grounds for the request are the following circumstances:

the need to clarify issues relating to the correctness of the payment;

the need to clarify the claims based on the results of its inspections;

the need to address issues related to the establishment of priorities, in particular, to the disclosure of the claimed invention in the first application while claiming a convention priority;

the need to address issues related to the verification of the patentability of the claimed invention in accordance with paragraph 93 of these Rules;

the need to clarify the claims on the audit of the patentability of the claimed invention;

the need to address issues related to the consideration of applications for identical industrial property, having the same priority date in accordance with paragraph 94 of this Regulation.

In the case of the establishment of patentability considered (examined) of the invention (inventions), the applicant in the request is informed and again offered to adjust the formula by excluding from it the characteristics of the invention (inventions) , in respect of whom (which) was not assessed for patentability, or by isolating the

invention (each such inventions) in an independent claim with the appropriate fee. In this case the applicant shall be notified within one month, in the case of failure to provide in due time the requested materials or a request for extension of the deadline with the relevant payment application in accordance with paragraph 8 of Article 22 of the Law shall be deemed to have been withdrawn.

If the applicant insisting to include the claims in respect of which received a conclusion on patentability, unidentifiable or absent in initial materials sign the application or feature, characteristic of which is replaced by a reference to the source of the information, or for the inclusion of a new independent claim proposed by the applicant after the application was filed and not accepted into account, the applicant shall be invited to submit a formula that does not contain the specified tag and / or points. In this case the applicant also states that in case of failure of the requested material shall be considered withdrawn.

The request sent to the applicant along with a statement of the circumstances that served as a barrier to (or end) of the substantive examination, are all questions, comments and suggestions that arose during consideration of the application, including on the grounds specified in paragraph 72 of this Regulation.

Driven to seek the views of expertise on any question reinforced the arguments of a technical or legal nature. If necessary, reference is made to the technical literature, the provisions of the Act, these Regulations and other documents.

At the direction of the applicant proposals related to the adjustment formula, such as the refinement of the characteristics essential feature, the exclusion of non-essential feature of the formula, it is appropriate to point out the legal consequences of such adjustments and the rejection of her.

In the case where the query is a link to an information source, should be indicated all its bibliographic data necessary for the detection of the source and other data (pages , paragraphs, shapes, graphics number) necessary for detecting a source of the information, which were taken into account when considering the application.

In the case where the reason for the request is the need to clarify the claims on the audit of the patentability of the claimed invention and refinement of the formula require appropriate adjustments to the description and / or drawings, the applicant is invited to submit the specified description and / or drawings (or replacement sheets) within three months the date of such offer.

A similar proposal is made in the presence of the specification and / or drawings of drawbacks, including the previously mentioned examination, but not eliminated by the applicant. The answer to the request of the examination must be submitted within three months from the date of the applicant's request. The deadline for submitting a response to the request of the examination is reduced in accordance with paragraph 13 of Article 22 of the Law.

93. Inventions (or invention and utility model) shall be deemed identical if the same content is completely independent of the claims.

If the patentability of the invention, pending application, but there is another not withdrawn or considered withdrawn the application for an identical invention or utility model, having the same priority date, the conclusion of the grant of a patent granted on the application for which has been demonstrated earlier date it is sent to the expert organization, and if these dates coincide - for the application having an earlier registration number of expert organizations.

94. Check of additional materials submitted by the applicant at the request of the expert organization or on the initiative of the applicant includes the following:

1) Upon receipt of additional materials correcting or clarifying the application documents submitted and on the initiative of the applicant, the applicant verify the compliance deadline for the submission of such materials.

In the case of submission of these additional materials within two months from the date of receipt of the application and failure to submit a document with them, confirming the appropriate payment, these materials are not taken into account when considering the application, the applicant is notified. Such notice shall be included in the content of another document examination, sent to the applicant;

2) With respect to additional materials submitted by the applicant at the request of the expert organization, observance by the applicant of their submission deadlines.

These materials must be submitted within three months from the date of the applicant's request.

When verifying compliance by the applicant deadlines should be guided by paragraph 62 of this Regulation.

If it is determined that the applicant had submitted additional materials in violation of these terms (and these periods have been extended in accordance with 62 of the Regulation), the application shall be deemed withdrawn and the applicant shall be notified within one month from the date of expiry of the deadline;

3) when you receive additional materials submitted by the applicant on his own initiative or at the request of the expert organization and accepted for consideration, to verify if they do not change the essence of the claimed invention. Additional materials admit changing essence of the claimed invention if they contain a formula to be included in the features which are absent in the initial materials of the application.

Symptoms are considered to be included in the claims, not only in the case where they are contained in the claimant refined formula, but only when the applicant indicates such inclusion.

The features are listed in the supplementary materials and subject to a formula incorporating recognized absent in initial materials of the application, if they were not disclosed to them on the date on which in expert organization received an application

for a patent, the description and drawings (if the description there are references on them) or the formula if it was provided.

If the initial materials of the application feature of the invention was expressed general concept without disclosing the particular forms of its implementation, the provision of such execution in the form of additional materials from its allocation to the grounds, to be included in the claims, is the basis for the recognition of additional materials changing essence of the claimed invention.

Features mentioned herein only with respect to the prior art, including the closest analogue, are not features of the claimed invention, the materials contained in the original application.

If the invention relates to the use of the product or method known for a new purpose, it is recognized that changing essence additional materials containing an indication other than a destination specification and claims a known object, or other features used to characterize the known object.

In the case where the application relates to a group of inventions, any features of the invention group contained in the initial materials of the application considered features mentioned in the description with respect to this invention is the group.

An exception is the group of inventions, one of which is intended for use in another . Thus the materials contained in the original features of the invention for use in the other, and considered that other features of the invention.

Additional materials containing absent in initial materials of the application data on the claimed invention is not related to the features to be included in the formula are not considered to change the subject matter of the invention. These reports can be attributed, in particular, new (additional) information on the conditions of the invention , examples of the invention, an indication of the possibility of obtaining additional technical result, updated graphics.

Additional materials that contain in addition to the lack of initial materials of the application features to be included in the claims, and other information necessary for the consideration of the application, change the subject matter is recognized only to the extent containing the specified attributes.

Other data are taken into account during the examination;

4) the applicant modified the verification of the claims presented in the supplementary materials being specified are any changes to the claimed (claimed) invention (inventions).

When replacing the original generic term reflecting the purpose of the invention, another concept of changing the formula is recognized relating to the claimed invention , if these concepts are equivalent, are in regard to subordination or intersect.

Changing recognized claims relating to the invention claimed in the following cases:

changes only indicate the nature of the object, the invention as claimed, if the newly specified type to a greater degree than the original, corresponds to the character attributes contained in the claims of the original;

replacing the original object 'application for a new purpose "of the invention the subject of this new appointment, if it is established that the stated object of the application, details of which were not available to the public before the priority date;

replacing the originally specified object of the invention to the object of the invention 'application for a new purpose, "unless the public before the priority date of the information set means known to differ from the declared purpose only;

5) When the additional materials comprise amended claims is set, provide any changes formula insertion of one or more independent claims of the invention are not isolated as such in the given formula, and if coupled with additional paper materials presented confirming appropriate payment with the timetable for their submission.

In case of failure of the document together with additional material changes when considering the application of the formula is not taken into account.

Changes in the claims do not relate to the claimed invention, not taken into account , the applicant is notified;

6) in case of recognition of additional materials changing essence of the claimed invention, the applicant shall (in the next to send it a document examination) about which of the included additional material information formed the basis for the conclusion of examination;

7) in the case where the applicant requested a copy of the materials opposed to the application, additional materials may be submitted within three months from the date of the applicant referred to copies, provided that they have been requested by the applicant within two months from the date of his examination of the request.

95. The application for the invention is converted into an application for a patent for utility model pending the conclusion of a patent for an invention. Converting to an application for a patent for utility model does not apply to applications in which objects are patenting diagnostic, therapeutic and surgical methods for treating humans or animals. In the case where the application is declared group of inventions, which in addition to diagnostic, therapeutic and surgical treatments of humans or animals and containing the objects recognized as a useful model, the transformation is carried out on the latter.

When you receive a request for such a transformation, submitted in accordance with Appendix 3 to this Regulation, it is verified the correctness of design, as well as established, whether it is presented to the judge whether to grant a patent for the invention and attached to a document request the relevant payment of the prescribed fee.

In the case where the request is not executed in accordance with the requirements, the applicant is informed about it.

Along with the application for conversion and a document on payment of the prescribed fee is submitted request for a patent for utility model, description, claims, drawings, drawn up in accordance with Article 18 of the Law drafting rules, registration and consideration of the utility model application, the entry of data into the State Register of utility models of the Republic of Kazakhstan, as well as the granting of a patent in 3 copies.

When you receive a request after an opinion on the granting of the patent applicant shall be notified that the application transformation can not take place.

In case of failure of the payment together with the submission of the request shall be considered not last, and the applicant notified.

The application, which has not taken place transformation is the application for the invention and its relation to the provisions of Chapter 2 of this Regulation shall apply in the future.

The request for conversion shall be in accordance with statutory requirements and presented in compliance with the established by paragraph 1 of Article 28 of the Law of life and along with it seems document on payment of the prescribed fee.

In this case, the conclusion is confirmed the patentability of the other (s) of the invention (inventions), in respect of which (are) received such a conclusion.

99. Information retrieval is performed for determining the state of the art, in comparison with which evaluation patentability.

As stated proposal is characterized in such a way that the understanding of its nature is difficult or there are grounds for referring it to the objects that are not recognized as inventions, it requires an appeal to the applicant and, accordingly, the timing of the information search extended.

Information search is not carried out while maintaining the particular characteristics of the claimed proposal.

100. The subject of information retrieval:

1) information search is conducted on the basis of the claims, taking into account the description and drawings (if any).

2) fixes, updates and changes in the application documents are taken into account in conducting an information search, if they are made by the applicant prior to the beginning of information retrieval;

If the applicant within the prescribed period has not responded to a report of violation of the requirement of unity, the information search is carried out according to the invention (group of inventions forming a single inventive concept) specified (specified) in the formula first (first).

101. In determining the state of the art information considered public, the information contained in the source, to which any person may familiarize itself or on the contents of which he may be lawfully communicated.

The date that determines the inclusion of source information in the prior art is:

to published descriptions to the guarding documents - presented on their date of publication;

for domestic publications and publications of the former Soviet Union - are presented on the date of printing;

for domestic publications and printed editions of the former USSR, which did not indicate the date of printing, as well as other publications - the date of issue in the light, and in the absence of the possibility of its establishment - the last day of the month or December 31 of the edition of the year, if the time of publication of the work is determined only by the month or year, respectively;

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 bodies, reports - the date of their arrival to these bodies;

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

materials for dissertations and theses published in the manuscript, - the date of their admission to the library; confirmed by documents relating to the conduct of the competition;

for the visually perceived sources of information (posters, models, products, etc.) - documentary confirmed date from which it was possible to display them:

for exhibits, placed in the exhibition - documentary confirmed date the beginning of their show;

for oral presentations, lectures, performances - the report date, lectures, performances, if they recorded the sound recording equipment or shorthand in the manner prescribed in force at that date of the rules of the relevant activities;

for messages on radio, television, cinema - the date of such communication, unless it is fixed on the media information in the prescribed manner, in force at that date;

for information on the technical means, which became known as a result of its use - documented date on which the information became available to the public.

For information received electronically - via the Internet, through online access, other than the Internet, and a CD and DVD-ROM drives - or the date of the publication of documents that have become available through this electronic medium, if it is to them to be indicated or if this date is not available, - date of placing the information in the electronic environment, provided its documentary evidence.

102. As an indication of the search space (the set of fields of science and technology, information on which can be seen to set the level for this application technique) used indices IPC headings.

In determining the search area are taken into account the object of the invention as a whole and its functionally independent features under subparagraph 30 of the Rules, distinctive from the closest analogue. In determining the search area are recorded as functionally independent features that are common to the invention and the closest prior art, if any relating to him features that are not functionally independent. The search for these traits carried in the known objects and parts thereof without regard to the destination of the objects and their parts.

Expert organization ensures the implementation of information retrieval in the volume, which includes:

- Sheets of security documents of the Republic of Kazakhstan;
- descriptions to the guarding documents of the Republic of Kazakhstan;
- official bulletins of the federal executive authorities of the Russian Federation on intellectual property, as well as the former Soviet Union Patent Office;

- descriptions to the guarding documents of the former USSR and the Russian Federation;

- descriptions of Eurasian patents;
- published application for the grant of the Russian Federation patents for inventions and patents of the Russian Federation and certificates for utility models;
- published application for the grant of Eurasian patents;

- Patent of the United States documentation, the UK, Germany, France, Japan, the People's Republic, the Republic of Korea (in a volume of essays on the Russian and English languages), Switzerland (French and German), Austria, Australia and Canada, as well as patent documents European patent Office, WIPO, the African intellectual property organization and the African regional industrial property organization;

- non-patent literature in the list published by the International Bureau of WIPO, with a retrospective of at least five years.

During the information retrieval in search volume for the purpose of checking the novelty of the claimed invention are also included, provided their earlier priority, all submitted in the Republic of Kazakhstan applications for inventions and utility models (except revoked).

103. Registration of information retrieval and the procedure for reviewing the search results report:

- 1) information about the search report shall include:
 - number of the application for which the search is conducted;
 - the date of filing of the application in an expert organization;

index (indices) Headings (headings) of the IPC, established (installed) when classifying the claimed invention;

title of the invention in respect of which the information search is conducted;

index (indices) Headings (headings) of the IPC, which characterizes (characterize) the search area;

given in the form of bibliographic references to documents in their specific parts related to the subject of information retrieval. If the link does not refer to all of those claims indicated the corresponding specific item or claims. Specially marked documents published before the date of application to the expert organization, but later priority date, if priority is claimed earlier on request;

completion date of information retrieval;

2) copies of the documents mentioned in the search report, except for copies of applications, details of which are not available for examination to third parties, are subject to the respective payment;

3) one copy of the report on the information search, conducted at the request of a third party is sent to the patentee;

4) Any person may obtain a copy of the report on the information search conducted on the application;

5) sent from the applicant, the patent owner or a third party copies of the report on the information search or a copy thereof shall be withdrawn bibliographic data applications included in the scope of the search.

104. Functions of the Receiving Office in the Republic of Kazakhstan (hereinafter - the receiving Office) referred to the Patent Cooperation Treaty (PCT) (hereinafter - the Agreement) performs expert organization, guided by the Treaty, the Regulations to the Treaty, Administrative Instructions to the Agreement (hereinafter - the Administrative Instructions), the relevant guidelines published by the International Bureau of WIPO, as well as the Law and these Regulations.

105. Filing of the international application:

1) the expert organization is a competent receiving Office in respect of an international application for an invention (hereinafter - the international application), if at least one of its applicants is a citizen of the Republic of Kazakhstan or a person residing or having its seat in the Republic of Kazakhstan.

Any person in possession of the current industrial or commercial establishment in the territory of the Republic of Kazakhstan, is considered as residing or having its seat in the Republic of Kazakhstan (Rule 18.1 (b) Regulations under the Treaty).

In case of doubt as to the applicant's citizenship, his stay in the Republic of Kazakhstan or the location of the expert organization request the applicant to documentary evidence of the relevant facts;

2) An international application shall be filed in three copies, each of which must be suitable for direct reproduction.

If the international application is filed in a smaller number of copies, in accordance with Rule 21.1 (c) of the Regulations to the Treaty at the request of the applicant the required number of copies of the international application is made by the receiving Office;

3) application of the international application is served on a special form or in the form of computer printout.

If the international application is registered using the PCT-EASY to the international application software on the paper attached readable medium comprising application to the PCT-EASY format, and an abstract in txt format.;

4) The international application is filed directly with the receiving Office by mail, as well as by other means.

If the international application and related documents submitted to the expert organization in accordance with Rule 92.4 instructions to the Treaty by any other means, for example, by fax, the date of submission of this document will be considered as the date of its transmission to the expert organization (the transfer of the last part of the full image transmission on different days) only to the extent that the applicant without reminders within fourteen days from that date to ensure receipt of the expert organization of the original (two copies) so transmitted document, together with a letter identifying the earlier transmission;

5) the international application for an invention created in the Republic of Kazakhstan, served in compliance with any of the following conditions:

prior to the filing of the international application has been filed with the expert organization corresponding to an application for the issuance of the Republic of Kazakhstan of the patent for invention or utility model patent (hereinafter - national application);

prior to the filing of the international application has been filed by an expert organization corresponding application for the grant of a Eurasian patent;

the statement of the international application contains the Republic of Kazakhstan as a state in which the applicant intends to obtain a patent for an invention or utility model patent;

6) expert organization checks the international application for compliance with the requirements of Article 11 (1) and Article 14 of the PCT.

According to the international application, the last test with a positive result, set the date of its international filing.

106. Forwarding of the international application.

1) the record copy of the international application on which the international filing date, expert organization sends to the International Bureau of WIPO;

2) expert organization sends a copy of the registration upon receipt of the international application if, before its submission was filed with the Eurasian application or national application, provided that the international application is filed after the expiration of three months from the filing date of the Eurasian or national application;

3) the expert organization shall transmit the record copy of the international application before the deadline after the legally established right of checking the contents of information constituting a state secret;

4) a copy of the international application - "search copy" is sent to the expert organization to the International Searching Authority referred to in the statement of the international application.

107. The expert organization as a competent Receiving Office receives international applications in Russian or English. If the applicant for the purposes of Article 15 of the Treaty as an International Searching Authority chooses the Federal State Institution "Federal Institute of Industrial Property of the Federal Service for Intellectual Property, Patents and Trademarks" international application is filed in Russian, if you select the European Patent Office, the international application is filed in English language.

108. Application PCT issued on Form PCT / RO / 101, provided by the applicants by the receiving Office (Rules 3 and 4 of the Regulations under the Treaty).

for registration by the applicant of the international application documents Requirements regulated by the Treaty and the Regulations under the Administrative Instructions.

109. Correspondence Receiving Office of the applicant:

1) all correspondence, provided the procedure of the Treaty, sent to an address in the Republic of Kazakhstan, and in one instance, at the same time:

if the PCT application in the space provided for the rules 3 and 4 of the Regulations under the Treaty, specified agent or common representative, and his address is given as prescribed, the correspondence is sent to that person's name and the address;

If the specified column is represented by the address for correspondence, the correspondence sent to this address in the name of the applicant, referred to in the first statement of the number of persons entitled to file international applications with the receiving Office, that is, in the name of the common representative within the meaning of rule 90.2 (b);

If the specified field is not filled, the correspondence sent to the applicant's name, represented in the first statement of the number of persons entitled to file international applications with the receiving Office, and its address;

2) Receiving Office correspondence with the applicant, and the applicant's correspondence with the receiving Office is conducted in the Kazakh or Russian language.

110. Any information about the international application before it is published or provided to the applicant in person (representative) or at the written request of the applicant (representative) the person specified in the request.

111. The functions of designated and elected Offices in the Republic of Kazakhstan in accordance with Article 2 of the Treaty performs expert organization, guided by the Treaty, the Regulations to the Treaty, the Law and these Regulations and the provisions of the Treaty and the Regulations to the Treaty have the advantage under Article 3 of the Law.

112. Terms of the transfer to the national phase:

1) the international application containing the designation of the Republic of Kazakhstan, is translated into the national phase before the expiration of the thirty-one months from the date of priority;

2) The applicant shall submit to the expert organization of a patent application for an invention or an application for granting a patent for utility model of the Republic of Kazakhstan in Kazakh or Russian language or translation of PCT application into Kazakh or Russian language, if it is presented in another language, as well as submit a document of the corresponding payment;

3) the period of entry into the national phase, referred to in the first paragraph of this paragraph is restored within twelve months at the request of the applicant and the corresponding payment in compliance with the rules 49.6 of the PCT Regulations;

5) In the absence of received materials transfer application documents into Kazakh or Russian language, if they are presented in a different language, the applicant shall be notified of the need for its presentation within two months from the date of expiry of the deadline for entry into the national phase. a translation period is extended, but not more than two months in accordance with paragraph 2 of Article 16 of the Law. Failure to provide the translation within the specified period the application is deemed not entered the national phase, the applicant is notified. Registered materials will not be returned, paperwork is not restored;

6) translation into Kazakh or Russian language of the international application must include:

Description, claims (if has been modified in accordance with Article 19 of the Treaty, transfer only the changed formula and translation changes explanations), any text, referring to the drawings, and the abstract;

7) if the international application was made choice of Kazakhstan for the purposes of international preliminary examination: Description of the Invention (changed description, attached to the international preliminary examination), claims (modified

formula attached to the international preliminary examination), any text, referring to the drawings (the amended text annexed to the international preliminary examination), and an abstract. Failure to provide the translation into Kazakh or Russian language these explanations expert organization has the right not to take them into account;

8) If the date from which the applicant has requested to begin consideration of the international application, the distribution of the application has not yet been carried out by the International Bureau of WIPO, the applicant in addition to the documents referred to in subparagraph 2 of paragraph of this paragraph shall also be represented by a certified receiving Office a copy of the international application for which the international filing date. If the applicant fails to submit a copy certified by the receiving Office of the international application and its consideration begins after the mailing of the application by the International Bureau of WIPO.

113. If the international application contains a claim to convention priority and the International Bureau of WIPO has notified of its receipt, the expert organization, if necessary, request the International Bureau of WIPO a copy of the priority document. Where the priority document is in a language different from the language adopted by the expert organization, in accordance with rule 17.2 (a) of the Treaty, the applicant at the request of the expert organization is the translation of the priority document within three months from the date of the request.

114. Consideration of the international application in the national phase in accordance with the provisions of Chapter 3 of the Regulation.

115. The date of filing of the international application in the Patent Organisation shall be the date of its international filing date (Article 11 (3) of the Treaty).

In the implementation of activities related to the submission of the translation requests, the payment of its submission, the examination of a patent application, a period calculated from the filing date shall be calculated from the date of commencement of the national phase.

Deadline for submitting materials to the international application corrections and clarifications in accordance with paragraph 1 of Article 21 of the Law shall be counted from the date of commencement of the national phase.

116. The transformation of the international application for an invention into an application for a utility model in accordance with the provisions of this Regulation.

117. The expert organization in accordance with Article 15 (1) (ii) of the Eurasian Patent Convention and paragraph 2 of Article 37 of the Law shall perform the functions associated with the procurement, testing and shipment of the Eurasian application to the Eurasian Patent Office (hereinafter - the Eurasian Office).

118. Filing of the Eurasian application:

1) in accordance with Article 15 (1) (ii) of the Eurasian Patent Convention, the Eurasian application shall be filed in the expert organization, if at least one of its claimants residence or location in the Republic of Kazakhstan.

Any person in possession of the current industrial or commercial establishment in the territory of the Republic of Kazakhstan, is considered as residing or having its seat in the Republic of Kazakhstan;

2) pursuant to Rule 29 of the Patent Regulations under the Eurasian Patent Convention (hereinafter - the Patent Regulations) all documents shall be submitted in four copies;

3) to the Eurasian application accompanied by proof of payment of the tariff for the verification of the Eurasian application to meet the requirements for the examination of the application form and transmittal, as well as power of attorney, if the Eurasian application is filed by the representative of the applicant;

4) a statement of the Eurasian application is filed in Russian;

5) other documents shall be submitted in Russian or another language.

The documents of the Eurasian application filed in another language, accompanied by their translation into Russian;

6) In accordance with Rule 34 of the Patent Regulations, information on obtaining a Eurasian application with the date of its receipt, registration number in the patent organization, title of the invention and the information relating to the applicant or his representative, if appointed, as well as the filing date of the Eurasian application, if it is installed, are sent to the Eurasian Office and the applicant.

119. The establishment of the filing date of the Eurasian application:

1) Expert organization sets the date of filing of the Eurasian application the date of receipt of the expert organization, if it is established that the Eurasian application on that date contains at least:

mention of the fact that the applicant requires the issuance of a Eurasian patent;

information for the determination of the applicant or to contact him;

the part that looks like a description of the invention;

2) If the documents specified in sub-paragraph (1) of this paragraph, the applicant has not presented simultaneously, the filing date of the Eurasian application shall be the date of receipt in the expert organization of the document submitted by the latter;

3) In accordance with Rule 33 of the Patent Regulations, instead of the part that looks like a description of the invention, it is a statement that, for the purposes of establishing the filing date of the description of the invention is replaced by a reference to a previously filed by the applicant (original or previous) application. The case must be set out in Russian and indicate the number of the previously filed application, Office

with which that application was filed, and the date of its filing. If the original or previous application was filed by another person, attached to the application a document confirming the applicant's succession.

In the presence of the said application the applicant within four months from the date of receipt in the expert organization of the Eurasian application containing such a declaration shall submit a certified copy of the previously filed application, except for the case when the original or previous application or a copy of the relevant application has been submitted to the Eurasian Office;

4) When establishing the filing of the Eurasian application the date of the expert organization considers that part of the description of the invention, presented in accordance with subparagraph 1) of this paragraph or drawing, on which the Eurasian application has a link, supposedly absent, the expert organization shall promptly notify the applicant of the need submission of the missing materials within four months from the date of notification.

When submitting the applicant specified in the notice materials during this four-month period are included in the Eurasian application. In this case the date of receipt of the description or drawing shall be the date of receipt in the expert organization of these materials.

120. Examination and transfer of the Eurasian application:

1) expert organization in accordance with Article 15 (1) (ii) of the Eurasian Patent Convention in respect of checks received Eurasian application:

presence of the documents necessary for the filing date of the Eurasian application and the documents to be attached thereto;

compliance with the form and content of documents of the Eurasian application requirements of the Eurasian Patent Convention and the Patent Regulations (without analysis of the essence of the claimed invention (inventions));

2) expert organization sends the Eurasian Office three copies of the Eurasian application, which is installed on the compliance with the requirements established by Rule 33 of the Patent Regulations, subject to the payment of the prescribed fee for reviewing the application for compliance with the form and transmittal;

3) if in the course of the audit found that the Eurasian application is framed in violation of its documents, expert organization sends the applicant a notice indicating the identified deficiencies and inviting them to submit the missing documents (information) within four months from the date of notification;

4) if the applicant has not submitted in due time the requested documents (information), the Eurasian application shall be considered filed.

The applicant shall be notified. The Eurasian Office shall be notified about the impossibility of transfer of the Eurasian application;

5) in accordance with Rule 34 (3) of the Patent Regulations, the Eurasian application is sent to the Eurasian Office within four months, and is claimed by the Eurasian application convention priority - within one month from the date of its receipt in the expert organization, provided that, respectively, Eurasian application or in the application from which priority is claimed, do not set content information constituting a state secret, in the manner prescribed by law.

The fourth instance of the Eurasian application is stored in the expert organization.

The applicant shall be notified about the shipment of its Eurasian application to the Eurasian Office, as well as the need to pay the Eurasian Office of the unitary procedural fee and the submission to the agency document confirming its payment, within three months from the date of notification;

6) in the event of disagreement between the applicant and the expert organization, the Eurasian application is sent to the Eurasian Office in accordance with Rule 34 (3) of the Patent Regulations.

121. Conversion of the Eurasian application and consideration of the converted application to the expert organization:

1) in accordance with Article 16 of the Eurasian Patent Convention, the Eurasian application, on which the Eurasian Office decision to refuse to grant a patent or to refuse satisfaction of objection to this decision, is converted into an application for a patent for an invention, utility model patent of the Republic of Kazakhstan (hereinafter - reorganized application).

An application for conversion of a Eurasian application shall be filed by the applicant with the Eurasian Office before the expiry of six months from the date of receipt of the notice.

A certified copy of the Eurasian application is forwarded to the expert organization, subject to payment by the applicant, the Eurasian Office of the prescribed fee;

2) Consideration of the converted application in accordance with the Act and these Regulations expert organization begins with the date of receipt of the certified copy of the Eurasian Office of the Eurasian application;

3) The applicant shall be notified about the fact of receipt of copies of the Eurasian application, as well as the need to submit the application for granting a patent for an invention or utility model, description, claims, abstract, drawings, if they are necessary for understanding provided by the Law, and the proof of payment for filing an application;

4) the documents referred to in sub-paragraph 3) of this paragraph of the Rules shall be submitted by the applicant within two months from the date of receipt of the notification;

5) The converted application shall be considered a regular application for a patent for invention or utility model patent having the same filing date as the Eurasian application and the same priority date, if it has been installed.

4. The procedure for entering information into the state register inventions of the Republic of Kazakhstan and the issuance of the security document

122. Registration in the State Register of Inventions of the Republic of Kazakhstan (hereinafter - the State Register), carried out on the basis of the decision to grant a patent and the presentation of a document confirming the payment for the appropriate preparation for the grant of a patent and the publication and payment of the state fee.

Writing in the State Register contains the following information:

number of patent for an invention;

code type security document in accordance with WIPO Standard ST. 16;

index (indices) Headings (headings) of the IPC;

number and date of filing of the application on which the patent is issued;

the date of publication of the patent;

number, filing date, and the code in accordance with WIPO Standard ST. 3 countries of filing the application (date of receipt of additional materials on it), on the basis of which (are) set the priority of the invention, if at the request of an earlier priority date than the date of filing in an expert organization;

number of the earlier publication which is "reissued";

date of transfer of the application for the national phase in accordance with Articles 23 (1) or 40 (1) of the PCT;

registration number of the international application and the international filing date specified by the receiving Office;

number and date of the international publication of the international application; name of the author (authors), code (s) of the country of residence (location) of the author in accordance with WIPO Standard ST. 3;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

title of the invention;

Information on Patent Attorneys.

In the State Register records all changes to the legal status of the patent after its issuance.

Expert organization contributes to the State Register information on subsequent changes in the legal status of the patent after grant on the basis of decisions of the Board of Appeal, the judiciary, the notification of the authorized body or an expert organization and patent applications (their successors or representatives).

Any interested person is entitled to receive, at the request of the patent information contained in the State Register.

123. Based included in the State Register of information The authorized body shall issue a patent.

The patent is filled in the Kazakh and Russian languages.

The patent shall contain:

code in accordance with WIPO Standard ST. 3 or other means of identifying the department or organization that carried out the publication of the document;

number of patent for an invention;

code type security document in accordance with WIPO Standard ST. 16;

number and date of filing of the application on which the patent is issued;

title of the invention;

the date of publication of the patent;

number, filing date, and the code in accordance with WIPO Standard ST. 3 countries of filing the application (date of receipt of additional materials on it), on the basis of which (are) set the priority of the invention, if at the request of an earlier priority date than the date of filing in an expert organization;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

name of the author (authors), if the latter (last) did not refuse to be mentioned as such (per se), code (s) of the country of residence (location) of author (s), in accordance with WIPO Standard ST. 3.

The patent an entry in Russian: "Information on changes given on a separate sheet in the form" Annex to this patent, "(translated into Kazakh language). The patent is issued simultaneously with the publication in the Bulletin of information about the patent;

2) if there are several persons to whom the patent is sought name, issued one patent . The author of the invention, not the patent is issued an official certificate confirming his authorship;

3) description of the invention with a patent and license the authors included are sent by registered mail to the registered address of the patent owner or the address of the representative (patent attorney) in accordance with the power of attorney issued by the latter, or at the written request - in other address indicated by the applicant (patent owner). The applicant, prior to the issuance of a patent shall notify the authorized body or expert organization on the change of address of residence or location for the direction of the patent.

Patent awarded personally:

the patent holder - a natural person upon presentation of an identity document;

the representative of the patent owner (natural person or legal entity) on the basis of power of attorney issued to.

Foreign Patents and patent license to the authors awarded him a patent attorney registered with the authorized body on the basis of power of attorney issued.

If a patent application is filed jointly by several persons residing or located in the Republic of Kazakhstan, the patent and license the authors are given or sent to the patentee, living or staying in the territory of the Republic of Kazakhstan listed first.

If a patent application is filed jointly by several persons, not all of which are resident or located in the Republic of Kazakhstan, the title of protection and identification of authors sent or handed over to the national patent holder, said first;

4) subsequent changes (including information on registered contracts), additions, clarifications or corrections concerning patent, extending the duration of action and recovery of a patent after its entry in the State Register, the authorized body issues to the application patent. The application makes a record in the Russian and Kazakh languages ?? "This annex is an integral part of the patent."

The application is filled in the Kazakh and Russian languages.

Official documents presented by the representatives of foreign applicants (patent), certified by apostille on the relevant documents;

5) in case of loss or reduction in useless duplicate of the original patent issued at the request of the patentee, his successor, the authorized representative (patent attorney) in the power of attorney of the patent holder (assignee).

In the case of applying the legal successor of the statement is attached a certified copy of the document confirming the succession. The duplicate is issued only if there is a record of grant of a patent in the State Register.

Duplicate the composition of the information contained therein corresponds to the original of the granted patent, it has the same legal force and shall be issued on the appropriate form of security document prostanovkoy die in Kazakh and Russian languages "Duplicate issued by the Ministry of Justice of the Republic of Kazakhstan". In the case of issuance of a duplicate of the original patent is considered null and void from the date of publication of an issue of a duplicate.

124. Publication of information about the grant of a patent:

Information about the grant of a patent for an invention is published after the expiration of eighteen months from the filing date. According to the applicant's request, submitted in accordance with Annex 5 of this Regulation, details of the grant of a patent may be published before the deadline.

When publishing information about the patent for the invention of expert organization publishes the bulletin "Өнеркәсіп меншігі - Industrial property" in section "Өнертабыстар - Inventions" in the Kazakh and Russian languages, the following information:

number of patent for an invention;
code type security document in accordance with WIPO Standard ST. 16;
index (indices) Headings (headings) of the IPC;
number and date of filing of the application on which the patent is issued;
the date of publication of the patent;

number, filing date, and the code in accordance with WIPO Standard ST. 3
countries of filing the application (date of receipt of additional materials on it), on the
basis of which (are) set the priority of the invention, if at the request of an earlier
priority date than the date of filing in an expert organization;

number of the earlier publication which is "reissued";

date of transfer of the application for the national phase in accordance with Articles
23 (1) or 40 (1) of the PCT;

registration number of the international application and the international filing date
specified by the receiving Office;

number and date of the international publication of the international application;

name of the author (authors), if the latter (last) did not refuse to be mentioned as
such (per se), code (s) of the country of residence (location) of the author in
accordance with WIPO Standard ST. 3;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

title of the invention;

information about the patent attorney;

Claim.

The refusal of the author to be mentioned as such in the published data is taken into
account in the publication of this information, if it is done before the technical
preparations for publication. This waiver is revoked by the author in the same period.

Expert organization publishes the bulletin "Өнеркәсіп меншігі - Industrial
property" in the "Habarlama - Notices" in the Kazakh and Russian languages,
information about the change in the legal status of protection documents issued.

125. Following the publication of an issue of security document expert organization
in accordance with paragraph 5 of Article 26 of the Law provides application
documents (description, claims, drawings, if any, abstract), as well as additional
materials correcting, clarifying and modifying these documents, if they are presented
by the applicant in the prescribed manner, for review by any interested parties upon
their written request.

126. expert organizations in the State Register and the authorized body in the
amended patent:

the correction of obvious and technical errors in the records of the State Register;
of a registered patent assignment agreement;

of the registered license (sublicense) agreement;
about registered changes related to the essential conditions of the registered license (sublicense) agreement;
of termination (early termination) of the registered license (sublicense) agreement;
revocation of the patent in connection with the annulment in whole or in part;
the termination of the patent at the request of the patentee;
early termination of the patent, if payment within the prescribed payment period for maintaining the patent in force;
the restoration of the patent;
to change the name and / or address of the location, an address for correspondence of the patent owner - a legal entity;
to change the author's name, the patent holder - a natural person and / or change of address of residence, address for correspondence of the patentee;
a change in the composition of the inventors on the basis of a court decision.

By altering the composition of the authors meant inclusion in or exclusion from the author of the grant.

Changes in the composition of the authors made on the basis of the judgment by filing a petition for amending the part of the authors in any form with the number of document of title, name, address of residence to include or exclude the author.

In accordance with paragraph 2 of Article 21 of the Law after the authority makes a decision on granting a patent applicant shall be entitled to apply:

Amendment;

to extend the validity of the patent;

a duplicate of the patent;

Applications for the extradition of a patent;

Applications for a duplicate of the patent;

any other records changes in the State Register.

127. The patent owner may request the extension of the patent for the invention in accordance with paragraph 3 of Article 5 of the Law. The procedure for extension is made in accordance with the "Rules of the extension of the patent for invention."

The patent does, terminated on the grounds specified in subparagraph 2) of paragraph 2 of Article 30 of the Law, is reduced 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 application is submitted in accordance with Annex 6 to this Regulation.

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.

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 the missed years of the patent;

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 Paper information on the restoration of the patent. Publication date is the date of the restoration of the patent.

Annex 2 to the Rules
of drafting, registration and pendency
of applications for invention,
recording of the information in the State
Register
of inventions of the Republic of
Kazakhstan,
as well as the issuance of title of
protection
Form

**Petition for amendments in stuff of
applicants when transfer of rights for patent**

1. I hereby request to make changes in the stuff of applicants by transfer of rights for the grant of a patent, specified in this petition.

2. The title (titles) and number (s) of the application(s)

3. Applicant (s), whose right was (were) transferred

(Full name of the individual or legal entity)

Address (including postal code and country name) and phones.

4.Applicant (s) to whom the right(s) was (were) transfered

((Full name of the individual or legal entity)

Address (including postal code and country name) and phones.

5. Patent attorney or other representative of the applicant _____

Address (including postal code and country name) and phones _____

6. Address for correspondence

7. Annex:

Documents confirming the reason for the requested change on
_____ sheets;

Power of Attorney confirming authority of the patent attorney or other authorized
representative;

Document confirming the payment;

Any other document (specify) _____

Both parties confirm that information contained in the petition is valid

Applicant _____ L.S. Applicant _____ L.S.

post, Full name (if any) post, Full name (if any)

and signature and signature

**Petition
for conversion of an invention application
to a utility model application**

I (we) hereby request to convert the invention application to a utility model application

(21) Application No. _____ (22) Date of filing _____

(54) Title of the invention _____

(71) Applicant _____

(86) PCT application registration information _____

(31) No. of the first, earlier application	(32) Date of priority claimed	(33) Country code of filing according to ST. 3 (where Convention priority is sought)
1.		
2.		
3.		

Annex: document certifying payment for the conversion of an application _____

(№ of document and date of payment)

The signature of the person submitting the petition of _____
_____ (when signing on behalf of the legal entity, the signature of the head shall be sealed by stamp (if available))

**Petition
for accelerated examination of
an application for an invention patent**

I (we) hereby request to conduct accelerated examination on an invention application

(21) No of application or reference number of an expert organization

(22) Application date _____

(54) Title of invention _____

(71) Applicant _____

Reason for filing petition for accelerated examination

Signature of the person (s) who submitted the petition

(when signing on behalf of the legal entity, the signature of the head shall be verified by the seal (if any)

Annex:

Document certifying payment of _____

(no and date of payment)

Petition for accelerated examination of an application for an invention patent is only valid when presenting to expert organization document confirming payment for an accelerated examination and accelerated substantive examination

**Petition
for early publication of the information for grant
of an invention patent**

In accordance with paragraph 1 of article 26 of the Patent Law please publish in the Bulletin the information on the grant of an invention patent

According to application No. _____
(registration number and the filing date)

(title of the invention)
previously than the term established by the Patent Law.
Applicant (s) Signature (s)
(L.S.)

Annex 6 to the Rules
of drafting, registration and pendency
of applications for invention,
recording of the information in the State
Register
of inventions of the Republic of
Kazakhstan,
as well as the issuance of title of
protection
Form
Petition
to revive a patent for the invention
In accordance with paragraph 1 of article
31 of the Patent Law please revive the
validity of the patent for an invention No.

-
(patent number)

-
(title of the invention)
Payment deadline for maintaining the
patent in force was omitted for the
following legitimate reasons
Annex: document certifying payment of
the restoration of the invention (utility
model) patent validity
Patent owner (signature)
(L.S.)
Annex 2
to the Order of the Minister of Justice

of the Republic of Kazakhstan from no.
364
dated June 30, 2015
Annex 2
to the Order of the Minister of Justice
of the Republic of Kazakhstan from no.
89
dated February 24, 2012

**Rules of drafting, registration and pendency of applications
for utility model, the 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**

1. General provisions

1. These Rules of drafting, registration and pendency of applications for utility model, the 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 (hereinafter-the Rules) developed in accordance with paragraph 4 of article 18 of the "Patent Law of the Republic of Kazakhstan", the Law of the Republic of Kazakhstan dated July 16, 1999 (hereinafter – the Law) and define the procedures for the preparation, registration and pendency of applications for utility model, the recording of the information in the State Register of utility models of the Republic of Kazakhstan as well as issuing of title of protection.

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

1) Eurasian application - application filed in accordance with the Eurasian Patent Convention of September 9, 1994;

2) Eurasian patent - patent granted in accordance with the Eurasian Patent Convention of September 9, 1994;

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

4) application - an application for the grant of a utility model patent (hereinafter - application);

5) analog of the utility model is a tool for the same designation, known from information published in the world and have become publicly available before the priority date of the utility model, and characterized by the combination of features, similar to the set of essential features of the utility model. As an analog of a utility model stated tool of the same designation, known from the information on the application of tool of the same designation in the Republic of Kazakhstan before the date of priority of the utility model.

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

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

11) international application - application filed under the Patent Cooperation Treaty (hereinafter - PCT) of June 19, 1970.

2. Procedures for the preparation and submission of the application for utility model

3. The application contains the following documents:

1) application for the grant of a utility model patent of the Republic of Kazakhstan (hereinafter - the application) shall be in the form as set out in Annex 1 to this Rule, together with an indication of authors of the utility model and the persons in favor of who the patent is sought, as well as their addresses of their residences or location;

2) description of the utility model, disclosing it with sufficient detail for the implementation;

3) utility model formula expressing its essence and fully supported by the description;

4) drawings and/or other materials, if they are necessary for the understanding of the utility model; 5) the abstract;

6) the power of attorney, in the case of record management through a representative

4. The documents annexed to the application:

1) a document certifying payment of the filing in accordance with the Order of the Minister of Justice of the Republic of Kazakhstan № 368 dated December 18, 2014 " On approval of the prices for works and services implemented by the Republican State enterprise on the right of economic management "National Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan (hereinafter - prices) (registered in the State Register of regulatory legal acts no. 11225).

Participants and invalids of the Great Patriotic War, people with disabilities, pupils in general education schools, vocational schools, including educational institutions, colleges, small and medium enterprises of the Republic of Kazakhstan, in addition to the document confirming payment, shall submit also a document certifying the basis to reduce its size in accordance with the prices for works and services exclusively provided by an expert organization. These documents shall be submitted together with the application or within two months from the date of receipt of the application. In accordance with paragraph 2 of article 17 of the Law provides for the possibility of extension, but not more than two months;

2) with the application claiming convention priority attached copy of the first application, which is submitted not later than six months from the date of receipt of the Convention's application in the expert organization. If there are several first applications, shall be attached all copies of these applications.

In the case of conventional application by other applicant, shall be submitted permission of applicant of the first application for the use of the right of priority.

Where Convention priority upon application provided on the expiry of twelve months from the date of filing of the first application, but not later than two months after the expiry of the time limit, it shall be accompanied by a document indicating the applicant's circumstances beyond his control, which prevent filling an application in specified 12-month period, and a document certifying the existence of those circumstances.

Request for the establishment of the Convention's priority is submitted with the application (contained in the appropriate box) or within two months from the date of receipt of the application in the expert organization.

5. The application shall be submitted in Kazakh or Russian language. Other documents of the application are submitted in Kazakh, Russian or another language.

If other application documents submitted in another language, it shall be accompanied by their translation into Kazakh or Russian language. The translation is submitted by the applicant within two months after receipt of the expert organization application containing documents in another language.

In accordance with paragraph 2 of article 20 of the Law, the period is extended, but not more than two months. In case of failure to submit translation within the prescribed period the application shall be recognized as not having been filed, in accordance with paragraph 2 of article 16 of the Law.

6. The application shall be submitted in triplicate, a description of the utility model, the formula of a utility model, the drawings and/or other materials necessary for the understanding of the subject of a utility model, as well as summary prepared in Kazakh or Russian, shall be submitted in two copies. The same documents, if they are in another language, are presented in a single copy, and their translation into Russian or Kazakh language in two copies.

Other documents and their translations into Russian, Kazakh or languages if they are in another language, shall be submitted in one copy.

7. Application is filled as follows:

1) if it is not possible to fit in the appropriate boxes, information is given on the same form on a separate sheet indicating in the appropriate box: "see annex to the application" (corresponding box "list of annexed documents" shall bear "X" mark);

2) boxes of the application located in its upper part: "date of receipt" under codes 21, 22, 85 are for filling by the expert organization after the receipt of the application and shall not be filled by the applicant;

3) boxes under codes 86 and 87 located directly above the word "application" shall be filled in case of translation into the national phase in the Republic of Kazakhstan of the international application that contains an indication of the Republic of Kazakhstan;

In the box under the code 86 in the relevant cell shall be marked "X" and provide the registration number of the international application, the international filing date, established by the receiving office.

In the box under the code 87 are number and date of the international publication of the international application.

4) in box under code 71, requesting the grant of patent, after the words "in favor of the applicant (s)" provides information about the applicant (applicants), in favor of whom the patent is sought: surname, first name, patronymic (if any) (hereinafter - Full name) of an individual, provided that surname indicated before the name, or the full official title of the legal entity according to the document on official registration (a copy of the document is attached) as well as information about their respective residence, location, including the country's official name and full postal address. Foreign names and the names of legal entities shall be indicated also in transliteration into Kazakh or Russian language. Information about residence of the applicants who are the authors of utility model submits in the box next to the box under code 72 on the second page of the application.

For foreign legal entities or individuals, living or residing outside the Republic of Kazakhstan, in favor of whom an invention patent is sought, shall be specified the country code according to WIPO Standard ST. 3 (if any).

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

5) box containing a request for the establishment of priority, shall be filled when priority of an earlier than filing date in expert organization is sought. Putting a mark "X" in the corresponding cells is marked reasons for requesting priority and indicates: the number of the earlier (first, initial) application based on which or additional materials to which priority is claimed and the date of priority claimed (date of filing of the earlier application, or additional materials to it).

Where priority is claimed on the basis of several applications, shall be specified all applications and the dates of the priority claimed. When conventional priority is sought, shall be specified the code of the country of the first application filing according to WIPO standard.

6) the box under code 54 provides the name of the claimed utility model (a group of utility model), which must match the name given in the description of the utility model;

7) the box "address for correspondence" provides full postal address on the territory of the Republic of Kazakhstan and the addressee's name or title, which should satisfy the customary requirements for prompt postal delivery.

As the address for correspondence is indicated the address of a residence of the applicant (or one of the applicants)-an individual, residing in the Republic of Kazakhstan, or location address in the Republic of Kazakhstan of the applicant – whet it is a legal entity, or location address of the representative of the applicant (s), or other address in the territory of the Republic of Kazakhstan;

In the absence in the application of address for correspondence as such is considered to be the address of a patent agent or other representative, if they are assigned to, and otherwise - if there is an address on the territory of the Republic of Kazakhstan in the application's boxes pertaining to information about the applicant, the address of the applicant (if there are several applicants, the first of these addresses).

Additionally, in the box "address for correspondence" specifies the phone number and fax number, e-mail address (if any);

8) the box under code 74 provides 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 it shall be indicated surname, name and patronymic (if any), registration number in the authorized body, address, telephone number, fax number. In the case of a designated representative shall indicate the Full name of the individual and the official name for a legal entity, the address of a residence (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, indicates the general representative of the applicants, designated from among them;

9) box "List of annexed documents" on the second page of the application is filled by a mark "X" in the appropriate cells and specifying the number of copies and sheets in each copy of the attached documents. For documents which do not observed by the application form ("other document"), shall be specified their designation;

10) the box under code 72 provides information about the author (authors), full name, in the box next to the box under code 72 - full postal address of residence, for foreigners only country code according to WIPO Standard ST. 3;

11) the box right of the boxes under code 72, provides the author's signature, when the author is an applicant, or if the author has assigned right to apply for and receive a patent to 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. It is no necessary to submit any official documents proving the right to inheritance, at the stage of filing;

12) box, located directly below the box with the code 72 is filled only when the author (authors) requests not to mention him (them) as such when publishing of the information on the grant of a patent. In this case, provides Full name of each of the authors who do not wish to be mentioned when published, and their signature;

13) filling the boxes of the application referred to in subparagraphs 12-13) of this paragraph is replaced by the submission of documents simultaneously with the application, containing information and signature provided by those boxes;

14) filling the box of the application "signature" is mandatory 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, duly authorized by the founding documents of the legal entity, indicating his position; signature (if any) sealed with stamp of that legal entity. If there are several applicants, application shall be signed by each applicant.

When applying through a patent attorney application shall be signed by patent attorney;

15) signatures in the boxes of the application referred to in subparagraphs) 14 and 15) of this paragraph are decrypted by indicating the names and initials of the signer;

16) application and the annexes thereto shall not contain corrections and erasures. In the event of such defects is requested correctly issued application or an annex thereto.

8. A utility model are technical solutions in any field related to the product (device, substance, strain of a microorganism, plant or animal cell culture), method (the process of implementation of the action over the material object using material resources), as well as the use of a known product or process on the new designation or new product for a particular purpose, except for diagnostic, therapeutic and surgical methods for treatment of humans or animals.

Product as an object of a utility model is, in particular, device, substance, a biotechnology product, including microorganisms, culture of plant or animal cells:

1) devices as objects of the utility model include structures and products. For the characteristics of devices uses the following features:

availability of constructive component (s);

connection between the elements;

the arrangement of the elements;

form of execution of the element (s) or device in general;

form of connection between elements;

settings and other features of the element (s) and their relationship to each other.

the material of the element (s) or device in whole;

media, performing the function of an element;

2) substances as objects of a utility model include:

chemical compounds;
compositions (preparations, mixes);
products of nuclear transformations.

To characterize the chemical compounds used the following features:

for low-molecular compounds with determined structure - qualitative composition (atoms of certain elements), quantitative composition (number of atoms of each element), interatomic binding and their location in the molecule, expressed by the chemical structural formula;

for macromolecular compounds with determined structure - structural formula of macromolecules' building block (units and their combinations), the structure of macromolecules (linear, arm-like), number of building blocks, or molecular weight, molecular weight distribution, geometry and stereometry of macromolecule, its end and side groups, for copolymers - additional ratio of comonomer units and their frequency;

for compounds with undetermined structure - physical-chemical and other characteristics (including features of ways to obtain) that distinguish this compound from other.

To characterize the compositions are used the following features:

qualitative composition (ingredients availability);
quantitative composition (ingredients composition);
the structure of the composition;
the structure of the ingredients.

To characterize the compositions of undetermined composition used their physical-chemical, physical and practical indicators and features of method to obtain.

To characterize substances obtained by nuclear transmutation, the following features are used:

quality (isotope (isotopes) of the element) and quantitative (number of protons and neutrons) compositions;

major nuclear characteristics: half-life, the type and energy of radiation (radioisotopes);

3) biotechnological products as objects of the a utility model are products isolated from their natural environment or obtained by other methods.

Biotechnology products as objects of a utility model include:

live objects, in particular plants, animals, except those referred to in paragraph 2 of article 2 and paragraph 3 of article 6 of the Law, and micro-organisms, plant and animal cells and other elements isolated from organisms, plants and animals, or otherwise obtained, strains of microorganisms, cultures of plant or animal cells;

inanimate objects, in particular hormones, cytokines, enzymes, antibodies, antigens, nucleic acid sequences, plasmids, vectors, etc., isolated from plants, animals or micro-organisms or obtained by other methods.

For the characteristics of plants and animals use the following features:

- designation;
- origin and method of production;
- taxonomic affiliation;
- useful property;
- features of genotype and/or phenotype;
- features of genetic structure, which contains a plant or animal;
- features of the structural elements of a plant or animal;
- information about useful substance that produces a plant or animal, and the level of productivity; features of reproduction;
- stability of preserving useful properties.

For the characteristics of the microorganism strains, cultures of plant or animal cells, uses the following features:

- designation;
- origin (source of obtain, pedigree strain, characteristics of master or parental strains);
- taxonomic affiliation;
- cultural-morphological features;
- physiologic-biochemical features;
- cytological features;
- molecular and biological features;
- marker features (genetic, immunological, biochemical and physiological);
- oncogenicity (for strains and cells for medical and veterinary use);
- data on contamination;
- biotechnological characteristics: name and properties of useful substance produced by a strain or culture, the level of activity (productivity) and methods of its definition;
- information about stability of keeping useful properties during a long cultivation;
- virulence, immunogenicity, antigenic structure, sensitivity to antibiotics, antagonistic properties (strains and cultures for medical and veterinary use);
- features of reproduction;
- the principle of hybridization (strains of hybrid microorganisms);
- information about cryopreservation.

For the characteristics of the cultures of plant or animal cells, uses the following additional features:

- number of passages;
- karyological characteristic;

growth (kinetic) characteristics;
characteristics of cultivation in an animal body (for hybrids);
ability for morphogenesis (for plant cell).

In order to characterize groups of microorganisms, plant or animal cells, in addition to the grounds listed above are used the following features:

factors and conditions of adaptation and selection;
taxonomic composition;
ratio and exchangeability of individual components;
separability;

cultural and morphological, cytological, physiological and biochemical and other features of individual components;
stability and/or competitiveness;
physiological features of the group as a whole.

For characteristics of biotechnological products related to inanimate objects, used the following features:

for products with determined or partially determined structure - structural formula or features of structure, including a sequence of nucleotides for nucleic acids, sequences of amino acids for proteins, polypeptides, peptides, availability and arrangement of components, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant, hybrid molecules;

for products with undetermined structure, physical and chemical and other properties, including features that identify methods to obtain these products, in particular to distinguish them from other famous products.

For all biotechnology products shall be indicated their function or activity and origin;

4) method as an object of the invention is a process to perform an action on the material object using material objects.

To characterize the methods are used the following features:

the existence of an action or the whole set of actions;
the order of execution of such action in time (sequentially, concurrently, in various combinations, etc.);

modalities for the implementation of the action;

the use of substances (raw materials, reagents, catalysts and so on), devices (appliances, tools, equipment and so on), strains of microorganisms, cultures of plant or animal cells;

5) to use known product or process on a new purpose as the object of the invention refers their use in accordance with other designation;

6) to use for a new purpose include the first use of substances (natural and artificially derived) to meet public needs, i.e. establishment of a utilitarian destination

of natural substances, obtained in the experiment, waste and so on, for which such appointment has not been defined.

To characterize the use of known product or process, for new purpose or application of a new product for a specific purpose is used the brief characteristic of the applied object, sufficient for its identification, and specifying this new designation.

9. The description of the utility model discloses the utility model fully, sufficiently for its implementation.

10. Description begins with the title of the utility model, as in the case of category of the current edition of the Strasbourg Agreement on the International Patent Classification of March 24, 1971 (hereinafter-IPC) for which the claimed utility model, the index of this column) and contains the following sections:

- 1) technical field to which the utility model relates;
- 2) the level of technology;
- 3) the essence of the utility model;
- 4) list of drawings' views and other materials (if included);
- 5) information supporting the possibility of implementation of the utility model.

It is not allowed to replace the description section by a reference to the source containing the information (literary source, description in a previously filed application, description in a title of protection and so on).

11. The title of the utility model describes its purpose and is accurate and concise. In the title of the utility model should not be used the words "patent", personal names, names of familiar, advertising or trade names, trademarks or abbreviations and terms that do not serve to identify the utility model. The title of the utility model described in the singular. The exceptions are the names that are not used in the singular or the names of utility model relating to chemical compounds covered by the overall structural formula.

In the title of the utility model relating to a chemical compound, included its name on one of the items in the chemistry or the name of the group (class) to which it applies, also provides an indication of the specific purpose of the compound.

In the title of the utility model relating to method of obtaining substances - mixtures of undetermined composition, included an indication of its purpose or type of biological activity of the substance. For biologically active substances provides an indication of the type of biological activity and for biotechnology products - function.

In the title of the utility model relating to a strain of a microorganism, includes generic and specific (in accordance with the requirements of international nomenclature) name of a biological object in Latin with an indication of the designation of the strain.

In the title of the utility model relating to a culture of plant or animal cells included cell culture name and designation.

The title of the utility model relating to the application for a new designation of known product or process, as well as a new product for a particular purpose shall be drawn up in accordance with the rules adopted for the corresponding object, and describes its purpose.

The name of a group of utility model relating to the objects, one of which is to obtain (manufacturing), implementation or use of another contains full title of one utility model and abbreviated of another. The name of a group of the utility model relating to the objects, one of which is intended for use in another, contains the full titles of the utility models that are members of the group.

The name of a group of utility model relating to options contains the name of the one utility model of the group, supplemented as specified in brackets by the word "options".

The title of the utility model in the case of the filing of the application in Russian must be specified also in the Kazakh language.

12. In the section of description "Technology to which the utility model relates" indicates the scope of the utility model. If there are several such areas, specifies the priority.

13. Section of description "Technical level" includes the information about the utility model's analogs known to the applicant with the allocation of the analog, the most close to the utility model on set of essential features (prototype);

14. When describing each of the analog directly into text, shall be provided bibliographic data of the source of information, where it was disclosed, features of the analog by highlighting those that coincide with the essential features of the claimed utility model, as well as the causes known to the applicant, obstructing the desired technical result, provided by an useful model;

15. If the utility model relates to a method of generating a mixture of undetermined composition with specific purpose or biological activity, as an analog shall be specified a method of generating a mixture with the same designation or the same biological activity.

If the utility model relates to a method of obtaining a new chemical compound shall be provided information about a method to obtain its known structural analog;

When describing analogs of utility model relating to biotechnology product, shall be provided information about known products with the same function;

When describing the most close analogue of an utility model relating to a strain of a microorganism, plant or animal cell culture – producers of substances, shall be provided an information about known producer of this substance and about produced substance;

If the utility model relates to the use of known product or process for a new purpose or product for a specific purpose, its analogs are known products or methods of the same designation.

When describing a group of utility models, information about analogs are provided for each utility model individually.

16. Section of description "Essence of the utility model" provides information disclosing the essence of the utility model. Essence is expressed as a set of essential features sufficient to achieve the technical result (technical results) provided by the the utility model.

Features are significant if they affect the technical result achieved (including the impact of different features on different technical results), i.e. are in a causal relationship with the specified result (results).

17. Technical result is a characteristic of the technical effect, properties, and phenomena and so on, which originate in the implementation (manufacturing) or use of a utility model.

18. Technical result is in reducing torque, reducing the friction coefficient, preventing jamming, reducing of vibration, enhancing the antitumor activity, localization of drug action, removing defects of casting structure, improving the contact of the working body with environment, reducing fluid seepage, improving wettability, preventing cracking.

19. The result obtained is not considered as having technical character, particularly if:

it emerges only as a consequence of human perceptual involving his mind;

achieved only through compliance with a specific order in carrying out activities on the basis of the agreement between the parties or established rules;

is only in obtaining information and can only be achieved through the application of mathematical method, program for electronic computing machines or used algorithm;

due to only features of the semantic content of the information provided in any form on any media;

is the entertainment and visual appeal;

If utility model relates to the information media, in particular, machine readable, and is characterized by involving features reflecting the content of the information recorded on the media, in particular the programme for electronic computing machine or the algorithm used in such a program, then technical result shall not be deemed to apply to the mean embodies this utility model if it appears only through implementation of the regulations contained in such information (except when a utility

model relates to the machine readable media of information, including exchangeable, intended for direct participation in the work of the technical means controlled by program recorded on the media, which provides the retrieval of the specified result).

20. Section of description "Essence of a utility model" details the challenge, the decision of which is the subject of the claimed utility model, indicating the technical result, which is carried out implementing the utility model.

21. If provided obtainment of additional technical results in specific forms of implementation of the utility model or under special conditions of its use, it is recommended to specify them.

22. The section "Essence of the utility model" provides all the essential features that characterize the utility model, allocated features distinctive from the most close analog, thus specifies the combination of features, which ensures obtaining of technical result in all cases covered by the requested amount of legal protection, and features describing the utility model only in particular cases, in specific forms of execution, or when specific conditions of its use.

23. It is not allowed replacement of feature's characteristic by referring to the source, which discloses this feature;

24. When the utility model challenge is only expanding arsenal of technical tools of a certain designation or receipt of such tools for the first time, the technical result is to implement this designation (creation of tools implementing this designation), and did not require special instructions, it is sufficient to provide explanations that the proposed utility model expands the arsenal of tools of the same designation;

For a group of utility model the specified information, including on the technical result are shown for each utility model separately;

When used in the description of each microorganism strain, a culture of plant or animal cells shall be specified additional features that differ the object from the master or closely-related strains;

Sequence of nucleotides or amino acids in case of its use to characterize the utility model, shall be provided by specifying the sequence number in the list of sequences in the form of "SEQIDNO" with a corresponding free text, if the characteristic of sequence in the list of sequences given by using a such text;

When describing the utility model relating to the use of known product or process for a new purpose, shall be provided characteristic of this well-known object and bibliographic data source where it is described, identified its known and new designations; if the utility model is described in the form of a new product for a specific purpose other than features of used object and designation provides information about the properties that led to this designation.

25. 14. In the section "List of drawing views", in addition to a list of views, is a brief indication of what is depicted on each of them. If there are other graphic materials

explaining the essence of the utility model, shall be provided a brief explanation of their contents.

26. The section “Details supporting the possibility of implementation of the utility model” disclosed the possibility of implementation the utility model with the realization of the designation specified by the applicant and the possibility to receive technical result specified in the section "Essense of the utility model".

The possibility of implementation the utility model, the essence of which is characterized by using feature expressed by the common concept, in particular at the level of the functional synthesis confirmed by either description directly in materials of application for tool to implement this feature or methods of its obtain, or an indication of the availability of such tools or methods to obtain it.

When used to characterize the utility model of quantitative features expressed as a range of values, referred to the possibility of obtaining a technical result in this interval

27. Information supporting the possibility implementation of the utility model relating to a device shows how utility model implemented with the realization of the designation specified by the applicant:

describes the utility model design (in static condition) with references to the views of the drawings. digital symbols in the description must conform to the digital signs of corresponding elements on the views of drawing.

after describing of construction of the utility model describes its action (work) or method to use with reference to drawing's views.

The possibility of implementation the utility model, the essence of which is characterized by using feature expressed by the common concept, in particular at the level of the functional synthesis confirmed by either description directly in materials of application for tool to implement this feature or methods of its obtain, or an indication of the availability of such tools or methods to obtain it;

if a utility model contains an element described on the functional level, and described form of implementation involves the use of a programmable (custom) multifunctional tools, shall be presented evidence of the ability to perform by tool such a specific function prescribed for it in the structure of this utility model.

If such information contains algorithm, in particular, computing, it should preferably be submitted in the form of flowcharts, or, if possible, of corresponding mathematical expression.

provides information conforming the possibility of obtaining a technical result in implementing a useful model which is specified in the section "Essence of the utility model".

When using for the characteristics of the utility model of quantitative features expressed as a range of values, shows the possibility to obtain a technical result in this interval;

if about the possibility of the implementation of the utility model and its realization of the specified designation can testify only experimental data, in the description of the utility model must be provided examples of its implementation with the relevant data. The examples should be sufficient to conclude the observance of this requirement applied to different private forms of realization of feature covered by the notion submitted by the applicant in the formula of a utility model.

28. The information supporting the possibility of implementing a utility model relating to the substance:

1) for utility model relating to chemical compound with the determined structure provides structural formula, proven by known methods, physical and chemical constants, describes the method in which the compound is received, and demonstrates the ability to use the utility model for the specified designation. For biologically active compounds are also provides indicators of quantitative activity and toxicity and, if necessary, selectivity and other indicators;

2) if a new chemical compound obtained using a microorganism strain, a culture of plant or animal cells, shall provide an information about biosynthesis involving this strain, cell culture, data and information on the deposit;

3) if the utility model relates to a group (number) of chemical compounds with determined structure, described by overall structural formula, shall confirms the possibility of obtaining all the compounds of group (series) by bringing a common schema retrieval method, as well as an example of getting a specific compound of group (series), and if the group (series) includes compounds with different chemical radicals - examples, sufficient to demonstrate the possibility of obtaining compounds with these different radicals;

4) for obtained compounds shall provide also their structural formulas, confirmed by known methods, physical and chemical constants, proof of the feasibility of the specified destination with proof of such a possibility in respect of certain compounds with different chemical radicals;

5) if the utility model relates to an interstitial compound shall shown also the possibility of its processing in the famous final product, or the possibility of obtaining from it a new end product with specific purpose or biological activity;

6) for utility models relating to the new chemical compound with undetermined structure or a mixture of undetermined compound on and/or structure, shall specify the data that is required to distinguish this compound or mixture. Provides information about the source reagents to obtain compounds or mixtures, as well as evidence of ability to implement designation specified by the applicant, of those compounds or

mixtures, inter alia, information about the properties of the underlying causes of such designation;

8) if the invention relates to a composition (mixture, solution, alloy, glass etc.), shall provide examples, where identified the ingredients in composition, their characteristics and proportion. Describes how to obtain the composition, and if it contains as an ingredient of a new substance, explains how to obtain it;

7) if the utility model relates to a composition (mixture, solution, alloy, glass etc.), shall provide examples, where identified the ingredients in composition, their characteristics and proportion. Describes how to obtain the composition, and if it contains as an ingredient of a new substance, explains how to obtain it;

8) in these examples the content of each ingredient specified in such single value that is within the limits specified in the formule range of values (in terms of quantitative ratio of ingredients in the formula of an invention as a percentage (by mass or by volume) the total content of all ingredients listed in example, equals to 100%).

29. The information supporting the possibility of implementation of a utility model relating to a biotechnological product (to a live object):

1) for utility model relating to a plant or animal, shall disclose plant or animal origin, and the methos of their receiving, as well as the ability to use it for the stated purpose and availability of plant or animal that useful properties for which this plant or animalwere obtained; provides features that identify a plant or animal. The same requirements apply to progeny plants or animals and their parts (elements);

2) if task during creation a plant or animal was getting with its help of any product (substance), then shall provide information proving that such a product (a substance) really have been received and have the desired properties. Optionally provides information about the level of productivity;

3) for utility model relating to a strain of a microorganism, a culture of plant or animal cells, shall specify the item data and the origin of the strain, data on quantitative and qualitative compositions of nutrient media (seeding and enzymatic), cultivation conditions (temperature, pH, specific gravity, mass, and so forth), fermentation time, characteristic of the biosynthesis of useful (target) product, the output of the product, the level of activity (productivity) and how it was determined (testing). Discloses way of separation and purification of target products (for producers of newly targeted products, such as antibiotics, enzymes, monoclonal antibodies and etc.).

4) for consortia of microorganisms, plant or animal cells should contain the following data: test method, the method of selection (breeding) and signs on which the selection was conducted, stability of the consortium itself with a long cultivation, resistance to contamination with extraneous organisms;

5) the possibility of implementation of an utility model relating to a strain of a microorganism, a culture of plant or animal cells or to the method in which it is used, is

confirmed by the description of a way of getting a strain, a culture of plant or animal cells presenting details on the deposit (names of collection-depository and registration number assigned to the deposited collection object), date which must be before the date of priority of the utility model;

6) deposit for the purposes of patent procedure deemed to have been effected if a strain of microorganism, culture of plant or animal cells, consortia placed in international or Kazakhstan collection that guarantees maintaining the viability of the object for at least the term of the patent.

30. The information supporting the possibility of implementation of a utility model relating to a biotechnological product (to a live object):

1) for all biotechnology products shall indicate their function or activity, origin, disclosed the method where these products were obtained and confirmed the possibility of their use for the purpose intended;

2) for products with determined or partially determined structure also provides structural formula or features, including sequence for nucleic acids, sequence of amino acids for proteins, polypeptides, peptides, availability and arrangement of constituent elements, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant, hybrid molecules; 3) for products with undetermined structure provides a set of features, allowing them to identify, in particular, to distinguish from other famous products;

4) for monoclonal antibodies provides information about the method of obtain them , inter alia, of gibridome, producing antibodies, including, provides certificate of deposit. For products of medical and veterinary use provides information about toxicity , pyrogenicity, contra-indications or other limitations;

5) if the utility model refers to a group of new products having a common structural element (elements) confirmed possibility to receive product incoming in group by disclosing the common ways of obtaining them, as well as providing examples of specific compounds of group. In particular, if the invention relates to a nucleic acid or protein (polipeptide, peptide) with a specific sequence of nucleotides or amino acids as well as to their options, formed as a result of insertions, deletion or substitution of nucleotides or amino acids, provides information about the localization of such insertions, deletions and substitutions with an indication of the products that are formed, and affirms that the resulting products will have the same view of activity and similar function as the original product;

6) for hybridized sequences of nucleic acids shall specified hybridization conditions and the level (percentage) of hybridization. Thus discloses a method to assess the degree of hybridization, provides examples of specific sequences that hybridize in the specified degree with the source and evidence of functional features of such sequences;

7) for homologous and complementary sequences of nucleic acids, proteins, polypeptides and peptides shall indicated degree (percentage) of homology or complementarity. It also discloses the way to assess the extent of homology or of complementarity, examples of specific sequences within a specified degree is gomologous or complementary of source and evidence of functional features of such sequences;

8) for a group of inventions, including intermediate and final products, disclosed a way to retrieve from the specified an intermediate product of final product with certain properties and type of activity.

31. The information supporting the possibility of implementation of the utility model relating to a method of:

1) for utility model relating to method, in the examples shall specified sequence of actions (methods, operations) over the material object, as well as the modalities of action, specific modes (temperature, pressure), used equipment (devices, substances and strains), if necessary. If the method is characterized by the use of means, known before the date of priority, it is enough to specify these features. If using unknown means shall disclose their characteristic and, if necessary, attached graphic image;

2) when used in the way of new substances is revealed method of their receive;

3) for utility model relating to the method of obtaining group (series) of chemical compounds described by general structural formula shall provide an example of obtaining by this method compounds of group (series), and if the group (series) includes compounds of different chemical radicals, appears the same number of examples, which is enough to confirm the possibility of receiving compounds with these different radicals. For compounds that are members of the group (series), provide structural formulas, confirmed by known methods, and physical and chemical characteristics. In the description also specifies the designment information and biological activity of new compounds;

4) for utility models relating to the methods of obtaining chemical compounds with undetermined structure or mixtures of undetermined composition, shall specify the data that is required to distinguish these compounds from other compounds. Provides information about the source reagents to obtain compounds or mixtures, as well as data conforming ability to implement specified by the applicant, the designation of these compounds or mixtures, inter alia, information about the properties of the underlying causes of such designation;

5) for utility model relating to the method of obtaining the biotechnology product, confirms that the product really has defined properties and is used for the specified designation, provides features that identify the product, where appropriate - the structural formula, features of structure and composition, as well as other features depending on the type of product;

6) for utility model relating to the method of receiving a group of biotech products that have a common structural element (elements), provides such a number of examples, which is enough to confirm the possibility of obtaining all products of group, which confirmed that all biotechnological products have one kind of activity and exercise the same function;

7) when used in a method of undetermined microorganism strains, cultures of plant or animal cells contains information on their deposit or describes how to get the strain or cell culture, adequate for carrying out the utility model;

8) for utility model relating to the method of receipt of the product, element of which or product itself made of material of undetermined composition and/or structure contains information about the material and material properties and performance characteristics of the element and/or product in general;

32. In information confirming the possibility of implementation of the utility model relating to the use of known product or process on the new designation or new product for a particular purpose, provides information of the ability to implementation of this designation.

33. Designation of utility model's formula and content of formula:

1) the utility model's formula is intended to determine the scope of the legal protection provided by a patent;

2) the utility model's formula must based on description and characterize the utility model by the concepts contained in the description;

3) the utility model's formula recognized expressing its essence if it contains the sum of its essential features sufficient to achieve the technical result specified by the applicant;

4) features of the utility model is expressed in the utility model's formula in such a way as to enable them to identify, then there is a clear understanding of specialist based on the level of technology of their semantic contents;

5) characteristic of the feature in the formula of the utility model cannot be replaced by a reference to the source of the information, where this feature is disclosed. Replacement of characteristic of the feature by reference to the description or drawings of the application shall be allowed only where without such reference feature cannot be described without violating the requirement to identify it. In these cases, can be used the expression: "as shown in view", "as described in description". References to the drawings may be used when describing objects, different form of execution, which cannot be described verbally or mathematically, as well as in cases where the object of the invention are chemical substances which properties can be described only through charts and boxes or biotechnological products, verbal characteristic of which difficult or results in excessive overloading of the utility model's formula.

In particular, if the characteristics of the utility model uses a sequence of nucleotides and/or amino acid sequences, the utility model's formula allowed referencing them to the number in the list of sequences in the "SEQIDNO" form or the corresponding graphic material;

6) the feature of the utility model characterized by the general notion (expressing the function, property and so on) covering the different private forms of its realization, if the description provides information to prove that the characteristics contained in the general concept, provide, together with other features of the retrieval of the technical result specified by the applicant;

8) feature is expressed as an alternative, provided that such feature whenever allowed by the specified alternative choice in conjunction with other features of the utility model provide the same technical result;

8) drawings in the formula of the utility model is not provided;

9) usage in the utility model's formula of conditional name of materials and the like shall be permitted if they are universally recognized and have a precise value.

34. The peculiarity of the formula of a utility model relating to a device, is that feature of the device are contained in the formula in such a way to characterize it in a static state.

When describing the implementation of constructive element of the device is permitted specifying on its mobility, the ability to achieve a particular function;

35. The peculiarities of the utility model's formula relating to the substance:

1) to the formula of a utility model, describing a chemical compound with determined structure of any origin, include the name of the compound according to one of nomenclature accepted in the chemistry or denomination of compound and its structural formula (designation is not indicated);

2) in the case of a chemical compound with undetermined structure in the formula of utility model provides the name of the containing features of connection destination, physical and chemical and other characteristics that distinguish this compound from other features, in particular, ways to obtain it;

3) a utility model's formula related to the composition, provides its name indicating the designation, ingredients, included in the composition and, where appropriate, the quantitative content of the ingredients;

If the utility model's formula, characterizing the composition contains features relating to the quantitative content of the ingredients, they are expressed in any single units, by two values that characterize the minimum and maximum limits (lower and upper);

4) is allowed specification of the content of one of the ingredients of a composition by one value and the content of the rest of the ingredients in the form of interval of the values in relation to this single value is permitted;

specifying the quantity content of antibiotics, enzymes, toxoids, consisting of compositions in other units than the unit of the remaining components of the composition is permitted;

if a utility model relating to the composition, characterized by the introduction of an additional ingredient in the formula before identifying the distinctive feature is included the phrase "Additionally contains";

for compositions which appointment is determined only by the active start, and other components are neutral carriers of the terms traditionally used in compositions of this assignment, shall be specified in the formula only this active start and its content, consisting of compositions, including "effective quantity" form;

another option of this characteristic is to specify the composition of such features in it, but the active start, other components (neutral media) in the form of the generalized notion of "target additive". In this case, specifies the proportion of the active start and target additive;

if as a feature of the utility model specified complex substance known, is allowed to use its special title, together with an indication of the functions or properties of the substance and its basis. In this case, the description provides a source of information, in which the substance is described.

36. Peculiarities of the utility model's formula relating to biotechnology product:

1) to the utility model's formula, characterizing products related to unanimated objects with determined or partially determined structure include structural formula or other features to establish construction of such products, in particular the sequence of nucleotides for nucleic acids (genes, fragments of genes) and the sequence of amino acids for proteins, polypeptides and peptides;

2) for products relating to unanimated objects with undetermined structure utility model's formula included a set of physical and chemical and other properties that allow to identify the products, in particular to distinguish them from other known products.

3) in both of these cases, shall specified the function or activity carried out and the origin of the product;

4) in one independent claim of the utility model's formula as an one utility model provided a few biotechnology products, if they have the same function or activity, a common origin and a common essential structural element (elements). Combining products into one claim of the utility model's formula based on only one activity is not allowed;

5) the utility model's formula characterizing products related to living objects included features that identify these products, including features, describing the method of obtaining the product, its origin, its composition, the description of the genetic element included in its composition, useful properties and other features;

6) the utility model's formula characterizing strain of microorganisms, plant or animal cell cultures include generic and specific names on the Latin language in accordance with the requirements of the international nomenclature or name of plant or animal cells, as well as the name or abbreviation of the official collection-depository, registration number assigned by collection to the deposited object and its purpose.

37. Peculiarity of the utility model's relating to the method is, that the features of method characterizing the action over the material object outlines, using for this purpose the verbs in the active voice, in the indicative mood, in the third person, plural (нагревают, увлажняют, прокаливают - heat, moisten, ignite).

38. In cases where the object of the utility model is the use of a known product or process on the new designation or new product for particular purpose the following formula is used: "Application of (provided name or characteristics of a known product, method or a new product) as (provided the designation of applied object).

39. The formula shall be submitted in the form of single-claim and multiclaim formula and shall include, as appropriate, one or more claims.

Single-claim formula applies to characterize one utility model by the totality of essential features, with no development and/or clarification in relation to the private cases its implementation or use.

The multiclaims formula applies to characterize one utility model with the development and/or refinement of the totality of its features for private cases of implementation or use of the utility model or for the characteristic of group of utility model;

40. The multiclaims formula that characterizes one utility model has one independent claim and the followed dependent claim (claims);

41. The multiclaims formula that characterizes the group of utility models has several independent claims, each of which describes one of the utility models of the group. Each utility model of group is characterized involving dependent claims that are subordinate to the corresponding independent one;

42. Claims of multiclaims formula are numbered in arabic numerals sequentially.

43. Presenting the formula describing a group of utility models is as follows:

1) independent claims describing the separate utility models do not contain references to other claims of the formula (such reference is valid only when it allows to reword the independent claim without a full repetition of other content has a large amount of the claim relative to the other utility model of the declared group);

2) dependent claims are grouped together with the independent claim, to which they are subordinated, including cases when the characteristics of the different utility models of the group engaged dependent claims of the same content.

44. Formulation of claim of the formula

1) claim of the formula consists of the essential features of the utility model, including, including the generic term, reflecting the designation of the utility model that begins the statement of the formula, and consists of introductory part that includes the essential features of the utility model, coinciding with features of the closest analog, and the distinctive feature including essential features that distinguish the utility model from the closest analog.

2) when drafting claim of the formula after the introductory part introduces the words "characterized in that", immediately after which presents a distinctive feature;

3) when drafting claim of the formula without introductory and distinctive part after generic concept reflecting the designation, introduced the expression "characterized by," "composed of", "including", after which provides a combination of essential features that characterize the utility model;

4) The formula of a utility model shall be drawn up without separating the claim on introductory and distinctive part if it describes:

- 1) a chemical compound;
- 2) strains of microorganisms, cultures of plant or animal cells;
- 3) application of known product or process on the new designation or new product for a particular purpose;
- 4) invention, unparalleled.

claim of formula is set out in the form of one sentence.

45. Making an independent claim of the formula:

1) claim of the formula of a utility model characterise the utility model by a set of its features, which determines the amount of the claimed legal protection, and sets out in the form of a logical definition of the object of the utility model;

2) claim of the formula related only to one utility model;

3) independent claim of the formula is not recognized as relating to one utility model, if the set of features containing here:

includes features expressed as an alternative, do not providing obtaining of the same technical result or expressed as an alternative of group of features, each of which includes several functionally distinct features (node or part of device; the operation method, substance, material, device, used in the method; the ingredient of the composition), including when the selection of one or another alternative for any of these features depends on the choice made for another feature (features);

includes characteristic of an utility model relating to different types of objects, or a set of means, each of which has its own purpose, without implementing a specified combination of general-purpose means.

46. Making of a dependent claim of the formula:

1) the dependent claim contains the development and/or refinement of the set of the features of the utility model contained in an independent claim, by features that characterize the utility model only in particular cases of its implementation or use;

2) summary of dependent claim begins by specifying a generic concept that reflects the designation of a utility model, as described, usually shortly as compared with an independent claim, and reference to independent claim and/or dependent claim (claims), to which the dependent claim is related, followed by features that characterize the utility model in particular cases of its implementation or use.

When the subordination of the dependent claim to several claims of the formula references to them are specified using alternatives;

If for the characteristics of the utility model in the particular case of its implementation or use along with features of a dependent claim is necessary only features of an independent claim, used the subordination of the dependent claim directly to an independent claim.

If the specified characteristics are required features of one or more of the other dependent claims of the formula, used subordination of the dependent claim to the independent one through appropriate dependent claims;

3) claim of the formula is set out in a way that does not occur an exception or replacement of the utility model's features described in that claim of the formula, to which it is subject to, and must not include features, the set of which has character indicated in subparagraph 3) of paragraph 44 of this Rules;

If the claim of the formula worded that there has been a change or deletion of features of the independent claim, it cannot be recognized that this dependent claim together with the independent, which it is subject to, characterizes one utility model.

47. Execution of drawings and/or other materials:

1) drawings and/or other materials shall be submitted if they are necessary for the understanding of the essence of a utility model;

2) explanatory materials are issued in the form of graphics (drawings, diagrams, boxes, epures, waveforms), photos and tables;

3) the pictures are provided when it is impossible to illustrate the utility model by drawings or diagrams;

4) photos are presented as addition to graphical presentations;

5) drawings, diagrams and pictures submitted on separate sheets in the upper-right corner of which provides the name of the utility model;

6) submitted drawings and other materials should be harmonized with the text of the description. For all denominations contained in the drawings should be referenced in the description.

48. Formulation of summary:

1) summary is a brief information on utility model, i.e. short summary of the description of the utility model, which includes the title, characteristic of the field of technology to which the utility model relates, and/or scope, if this is not clear from the title, characteristic of essence of the utility model, with an indication of achievable technical result, described by free text field formulas, preferably such which retains all the essential features of each independent claim;

2) if necessary in summary include drawing, which are provided on a separate sheet in the same quantities, as the text of the summary, including in the case where it is identical to one of the views of drawings illustrating the description;

3) summary contains additional information-an indication of the presence and number of dependent claims, graphic images, tables;

4) recommended amount of the summary text - up to 1000 characters.

49. The power of attorney for representation before the authorized body and the expert organization should look as follows:

1) the power of attorney is made in writing;

2) the power of Attorney is issued (signed) by the applicant. Power of attorney on behalf of a legal entity shall be issued under the signature of its first Manager, or other person authorized for this by the founding documents, with an indication of the capacity of the signer, and sealed (if any) by seal of the legal entity. Power of attorney on behalf of the legal entity is not required if a representative is indicated in the signed by applicant application form for grant of a utility model patent;

3) the power of attorney should be given precise indication of assigned actions which may produce a representative on behalf of the applicant; the power of attorney must contain the date of its issuance, without which it shall be null and void;

4) the power of attorney must specify place of issue;

5) validity of the power of attorney does not exceed three years. If the power of attorney is not specified the term, it remains valid for one year from the date of its issuance. 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;

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

7) the power of attorney issued in favor of several patent attorneys registered in the authorized body, herein representation is carried out by any of them. If their actions contradict each other it shall be reported the applicant and acts shall be suspended until the approval of the applicant;

8) an individual whom the power of attorney was given must personally perform those acts for which he is authorized. Such is possible only in the case of such power of attorney issued to him;

9) the power of attorney is terminated due to:

the expiry of the warrant;

revocation of power of attorney by the person issued it;

the refusal of the person to whom the power of attorney was given, from representing the interests of the truster;

termination of the activity of the legal entity on whose behalf the power of attorney was given; the death of the person who gave the power of attorney, declaration of him as incapable, of limited partially incapacitated, or missing;

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

10) with the termination of a power of attorney becomes invalid delegation of power of attorney. Person who issued a power of attorney in case of revocation shall notify the expert organization.

50. The application does not contain expressions, drawings, pictures and other materials which are contrary to morality or public order, disrespectful statements toward products or production processes, as well as applications or title of protections of others, statements or information not explicitly related to the utility model or non-necessary for acceptance of application documents relevant to the requirements of these Rules.

51. In the utility model's formula, description and materials explaining it, as well as in the summary are used standardized terms and abbreviations, and in the absence thereof -generally accepted in the scientific and technical literature.

When using terms and symbols not having wide application in literature, their meanings are explained in the text when it is first used.

It is not allowed to use the terms describing concepts related in scientific and technical literature to the unscientific.

All the symbols are decrypted, the description and the formula observed unity of terminology, i.e. the same features in the text of the description and in the formula are called the same way. The requirement of unity of terminology also applies to dimensions of physical units and to the legend. The title of the utility model, if necessary, contains the characters of the Latin alphabet and Arabic numerals. Use of characters of other alphabets, special characters in the title of the utility model is not allowed.

Physical quantities preferably are expressed in units of current International System of Units (SI).

52. All documents are processed in such a way as to be a direct reproduction in an unlimited number of copies.

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

53. The documents of the application made on strong, white, smooth, polished paper.

54. Each application document shall begin on a separate sheet. Sheets have the format 210 x 297 millimeters (hereinafter - mm). The minimum margins of sheets containing the description, formula, summary are, mm:

top, bottom, and right – 20.

left -25.

The minimum margin of the sheets is, mm:

top and left – 25,

right – 15,

bottom-10.

Photo format is chosen such that it does not exceed the established size of sheets of application documents. Small format pictures appear to be pasted on sheets of paper in compliance with the requirements of format and quality of sheet.

55. Execution of application documents:

1) documents are printed in bold black. The texts of description, the formula and the summary is printed in double spaced with a height of capital letters not less than 2.1 mm;

2) graphic symbols, Latin names, Latin and Greek letters, mathematical and chemical formulas or symbols may be written in ink, paste or ink black. Not allowed mixed writing of formulas in print and by hand.

56. In the description, utility model's formula and summary are allowed to use mathematical expressions (the formula), symbols and chemical formulas.

Form of presentation of mathematical expressions is not regulated. All letter symbols available in mathematical formulas are decrypted. Clarifications to the formula should write a column and after each line to put a semicolons. Thus explanations of the letter symbols are provided in order of their use in the formula;

Mathematical denotations in the description are used as follows:

1) mathematical symbols: $>$, $<$, $=$, $+$, $-$ and others are used only in mathematical formulas, and in the text, they should be writing words (more, less, equal);

2) to indicate the intervals between positive values is permitted to use the feature "- :-" (from and to). In other cases, should write the words: "from" and "to", describing the interval of temperatures it is recommended to use the mark (...);

3) with percentage values, the percent sign (%) put after the number. If there are several values, the percent sign is placed before enumerating them, and separated from them by a colon;

4) syllabification in the mathematical formulas is only allowed by sign;

5) formulas are numbered in the order of introducing them in the text. It is recommended to put a number after each formula on the border of the right margin.

6) when writing structural chemical formulae should use common symbols and clearly indicate the relationships between elements and radicals.

List of nucleotide and/or amino acid sequence submitted in printed form, shall be made in accordance with WIPO Standard ST. 25.

Execution of copies of the list of nucleotide and/or amino acid sequence in machine readable form.

A copy of the listing of nucleotide and/or amino acid sequence submitted in machine-readable form (electronic media) should be identical to the list submitted in printed form.

A copy of the sequence listing in machine readable form, allowing implementing its printout, should be placed in a single file, preferably in one electronic media. The data recorded on electronic media prepared using code pages for Windows 1251 or 866 for MSDOS (preferably using a text editor Word version 6 for Windows).

File compression is acceptable, provided that the compressed file is in the form of a self-extracting archive.

Electronic media must have attached to it a permanent way label which printed or handwritten in block letters the name of the applicant, title of the invention, the date on which the entry is made, the name of the operating system and text editor that created the file.

57. Execution of graphic presentations:

1) graphic presentations (drawings, diagrams, charts, pictures and so on) made by black indelible clear lines of even thickness throughout the length, without shading and coloring;

2) the scale and clarity are chosen such that a photographic reproduction with a linear reduction of sizes up to $2/3$ you can discern all the details;

3) numbers and letters should not be placed in brackets, circles and quotes. The height of the numbers and letters shall be selected not less than 3.2 mm. Digital and literal denotation make clear, their lines thickness corresponds to the thickness of the lines of the image;

4) each graphic presentations, regardless of its type are numbered in Arabic numerals as a figure (Figure 1, Figure 2) in order of unified numbering in accordance with the order of mention in the text of the description.

If the description explains by one figure, then it is not numbered;

5) on a single sheet are several figures, thus they are clearly separated from each other. If the figures on two or more sheets are part of a single figure, they are placed so that the shape can be configured without skipping of any part of the figures depicted on different sheets;

Separate figures are arranged on a sheet or sheets so that the sheets were maximally saturated and image can be read in the vertical location of the long sides of the sheet;

In the drawing is preferable to using rectangular (orthogonal) projection (in various forms, cuts and sections); you can also use the axonometric;

7) cuts performed sloping hatching that does not impede for the clear reading of the reference features and main lines;

8) every element on the drawing is performed proportionally to all other elements except for cases when for clear image of element is necessary distinction of proportions;

9) drawings are performed without any labels, except of the necessary words, such as "water," "steam," "open", "closed", "a-a" (to denote cut);

10) dimensions on drawings are not listed and are described in the description, if necessary;

11) elements depicted in the drawing are indicated by Arabic numerals according to the description of the utility model;

The same elements presented on multiple shapes are denoted by the same number. Should not designate various elements in various shapes, by the same digit.

Characters not mentioned in the description shall not in drawings.

12) If a graphic presentation is represented as a scheme, when it is executed applies standardized conditional pictograms. Allowed on one type of diagram to depict the individual elements of the schemes of another type (for example, on the wiring diagram-elements of kinematic and hydraulic circuits).

If the schema is represented as rectangles as graphical symbols, in addition to elements, then except digital denotation writes directly into the rectangle fits the name of the element too. If the dimensions of a graphic presentation do not allow to do so, the name of the element is allowed to indicate on the extension line (if necessary, in the form of the under-image inscriptions, placed in box schemes);

13) the drawings, diagrams, pictures do not appear in the description and formula of the utility model.

58. Bibliographic data sources of the information are specified in such a way that the source of information can be found on them.

59. For filing, correspondence on application following the filling and implementation of the other actions when considering an application, the applicant may appoint a representative with issuing him a letter of attorney executed in accordance with paragraph 49 of this Rules.

As the representative stated, inter alia, one of the applicants, if there are several, the author of the utility model, the patent attorney or other person.

In accordance with paragraph 2 of article 36 of the law for individuals residing outside the Republic of Kazakhstan, or foreign legal entities do business associated with handling of application and obtaining a patent, only through patent attorneys registered in the authorized body, unless otherwise regulated by an international agreement of the Republic of Kazakhstan.

Power of Attorney is submitted together with the application or in the course of processing and is attached to the application. In the case of appointment of a representative before filing, a power of attorney is submitted not later than two months from the date of receipt of the application or within three months from the date of enquiry.

Any action of the representative for what he authorized by power of attorney, or any action authorized body and expert organization with respect thereto has the same effect as the actions of the applicant, or in relation to the applicant.

If a duly issued a power of attorney is not filed in a timely manner, actions committed by the representative shall be deemed null and void and shall not be taken into account.

Appointment of a representative is canceled by the applicant or his assignee by filing a written request in the expert organization. 60. Correspondence is carried out by the applicant or his representative, duly authorized, on each application individually. Materials shall be submitted in an expert organization, directly or by mail. Materials sent after the application shall contain the number and the signature of the applicant or his representative. If the applicant is a legal entity, materials shall be signed by the head of organization or other person authorized to this by constituent documents of legal entity, indicating his post, signature shall be sealed;

Materials can be transmitted by facsimile or other communication. Originals of the materials shall be submitted within one month from the date of their receipt by fax or other communication along with a covering letter that identifies them.

Subject to this provision submission date is the date of their receipt by fax or other communication. If the originals of the materials received after the specified deadline or materials received by fax or otherwise, are not identical to the originals submitted, materials are considered to be received on the date of receipt of the originals, and the content of materials received by facsimile or other communication in the future is not taken into account.

Prior to the submission of originals, the materials submitted by facsimile or other communication shall be considered as not received.

If any 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 unreadable parts.

Materials without specifying an application number will be returned without review if the number cannot be set indirectly;

Materials sent during the processing of the application shall be submitted within the time limits set by Law.

Record management in the expert of the Expert organization shall be presented in the State or Russian language. The materials submitted by the applicant in another language must be accompanied by a translation into the State or Russian language. Before submission of a translation within the prescribed time limits the material presented in another language is not taken into account, as the applicant will be notified.

The materials presented in the expert organization with design flaws that prevent their reading, are not considered. The person submitting such material shall be sent corresponding notification;

Materials having security classification are sent using special communications.

61. The applicant may amend the application documents corrections and clarifications without changing the essence of the declared object before a decision on that application.

Correction and clarification of application documents is carried out through the submission of substitute sheets. Substitute sheets are submitted for each copy of the relevant document in Kazakh or Russian language or translation into Kazakh or Russian language and shall meet the requirements of paragraphs 50-57 of these Rules.

When presenting the substitute sheets provided brief explanations for the proposed changes in the letter accompanying the substitute sheets. If changes are made at the initiative of the applicant, the explanation is made in the letter of applicant. In accordance with paragraph 1 of article 21 of the Law for the amendment of the documents of the application on the initiative of the applicant within two months from the date of receipt of the application fee is not charged;

2) if corrections relate to misprints, errors in specifying the bibliographic data and the correction of document does not lead to negative consequences regarding the definition when direct reproduction, the need for corrections stated in the letter of the applicant without submission of substitute sheets;

3) changes concerning the Full name of the applicant, the applicant's representative provided that he is the same person, the name of the applicant as a result of the reorganization of a legal entity and/or address of the applicant, as well as the address for correspondence, specified in the application for the grant of a patent shall be made upon written request of the applicant, indicating the registration number of the application attaching the document confirming the change in the name or titles of the

applicant and/or his address and document about payment in accordance with paragraph 2 of article 21 of the Law.

Changes concerning the indicating of the name of the applicant, the applicant's representative providing that he is the same person, address or address for correspondence, name of the applicant, as well as correcting errors of a technical nature (including obvious amendments) in the documents of the application can be made before the date of the utility model registration in the State Register of utility models (hereinafter-State register) in accordance with paragraph 2 of article 21 of the Law. If the change relates to the name of the applicant and is the result of a reorganization of a legal entity, then the letter about it shall be attached with a copy of the document executed in the established order, made by the competent authority and confirming that this reorganization took place. The amendment is clear, if well-known specialist's knowledge goes that nothing other than the proposed amendment could not be undertaken.

62. Changes in the stuff of the authors:

1). under the change of stuff of the authors understood the inclusion or exclusion of the author's stuff, specified in a patent application.

2) changes in the stuff of the authors shall be made by filing a new application for the grant of a patent, issued in accordance with paragraph 7 of this Rule.

3) at the same time with a new application for a grant of patent shall be submitted petition on introducing appropriate changes in the stuff of the authors in any form with indication of the number and the filing date of the application. The petition shall be signed by the applicant and in the case of exceptions from the authors' stuff by excluded author too (only for national authors and inventors to applications filed in compliance with intergovernmental agreements) whose signature must be notarized. The consent of the excluded author is issued as separate letter stating the number and date of registration of the application is also taken into account;

4) If, in the case of inclusion of authors to the date of filing of a new application for the grant of a patent cannot be obtained the signature of the author, specified in the previously filed application, then the petition shall be attached by written consent executed in the following order:

in case of the death of the author or declared him dead, consent for changes on his behalf signs a heir, which legally proves his right to inheritance by presenting a notarized copy of the certificate of inheritance;

in the case of the author's departure abroad consent for changes on his behalf signs a trustee by submitting a properly prepared document certifying such a right. Such a document is a power of attorney with a precise indication of the assigned actions in favor of a patent attorney registered in the authorized body or the 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 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 on declared of the author missing, which is taken into account when considering the petition on amendments;

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

5) citizens residing outside the Republic of Kazakhstan and foreign legal entities submits documents for changes in the stuff of authors through patent attorneys registered in the authorized body, with the power of attorney issued in favor of the patent attorney must contain the instruction to perform the specified actions;

6) changes in the stuff of the authors on the expiry of two months from the date of receipt of the application shall be made on presentation of a document about payment;

7) if there are no documents listed in subparagraphs 2)-6) of this paragraph, and/or the documents submitted did not meet the requirements of these subparagraphs, the applicant is invited, within a period of three months from the date of the notice to submit the missing or corrected documents. In the failure to submit documents requested, a new application shall be deemed not to have been filed and no changes are made, the applicant shall be notified about it.

63. Changes in the stuff of applicants:

1) under the changing of stuff of the applicants is a partial change in the stuff of applicants through the inclusion of additional person in stuff or exclusion of a person from the applicants' stuff, as well as amendments regarding the guidance of applicants during transfer of the right to obtain patent, previously specified in the application for the grant of a patent;

3. The procedure for examining an application for the utility model

70. If, after the registration of the application, which is not an application for a secret utility model, it is found that the information contained therein constitutes a state secret, measures are being taken to security classification application in the prescribed manner.

71. Application registered materials are checked for the presence of the document confirming the payment of filing in the prescribed amount. In the absence of such the document and the document confirming the existence of grounds to reduce its size in the case of payment in the amount of less established, the applicant shall be notified of

the need to submit the missing (absent) document (s) and / or the instrument of the surcharge to the specified size, which can be represented within two months from the date of receipt of the application and upon payment of the later period not exceeding two months, in accordance with paragraph 2 of Article 18 of the Law.

The applicant is notified also that the non-submission of these documents on payment within the prescribed period and in the prescribed amount of the application is considered not filed.

72. Information about the application from the date of receipt by the expert organization to the publication of information about the grant of the patent shall be considered confidential and are not subject to unlawful disclosure.

73. When patenting in foreign countries a utility model application which is filed in the expert organization, at the applicant's request, the expert organization shall issue a certified copy of the first application not earlier than three months after its submission to the expert organization. The certified copy of the first application is given before that time. To this end, the applicant must submit a request in expert organization in any form to issue the certified copy of the first application before the deadline.

74. The examination is conducted on the application in accordance with Article 23 of the Law.

75. The date of filing is the date of receipt of an expert organization in the following application materials:

- the statement giving details of the applicant (full name or the official name of the applicant);

- the description of the utility model;

- drawings and / or other materials, if they are necessary for understanding the essence of the utility model.

If the expert organization determines that the application of the date of its receipt does not contain the above information and / or documents, expert organization notifies the applicant about that and proposes to submit the missing documents (information) within three months from the date of such notice. The date is set by the last date of receipt of the requested documents (information), and the applicant notified. In case of failure by the applicant requested documents (information) within the prescribed period the application shall be considered not, as a notification sent to the applicant.

76. During the examination of the application is checked:

- availability of documents that must be contained in the application or attached to it in accordance with paragraphs 3 and 4 of this Regulation;

- conforming to the sizes of payment;

- Compliance to the documents of the application in accordance with paragraphs 8-58 of these Rules;

compliance with the rules of conducting proceedings on the application in the cases provided for in paragraph 3 of Article 36 of the Law, including the availability and accuracy of the power of attorney, certifying the authority of the patent attorney;

whether the application submitted to the proposal relating to the objects protected as utility models;

compliance with the requirement of unity of utility model;

do not change any additional materials if they represented the essence of the claimed utility model, and whether the established order of their submission met;

correct classification of the utility model by the International Patent Classification, the applicant's (or such classification is made, if it is absent);

validity is claimed in the application of earlier priority than the date of its filing with the expert organization.

77. If in the course of the examination established that the application is framed in violation of its documents or the application is submitted to the site that does not provide protection the utility model, the applicant shall request indicating the deficiencies found, bringing the required arguments of the legal nature, and inviting them to submit the missing or corrected documents within three months from its date of dispatch (article 23, paragraph 2 of the Law). Absent (missing) the copy (copies) of the first (first) application (s) in the case of claiming a convention priority is submitted within six months from the date of receipt of the application in the expert organization.

The grounds for the request are follows:

lack of application, at least one of the documents provided for in paragraphs 3 and 4 of this Regulation;

violation of the requirements of paragraph 8 of this Regulation;

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

presentation of the application documents in the number of copies, a smaller set;

Applying for individuals living outside of the Republic of Kazakhstan or by foreign entities not through patent attorneys registered with the authorized body, if the international agreement of the Republic of Kazakhstan has not established a procedure providing for such filings;

the absence of a statement of grant of a patent details, signatures, seal impression under these Regulations, as well as the need to clarify the above statement data;

the need to clarify issues related to the payment;

the identification of gaps in the preparation of documents, preventing their direct reproduction, publication, storage, and / or make it impossible to familiarize them with interested parties (violation of the format sheets, margins, print quality, which impairs reading application materials);

the need to clarify issues related to the possible infringement of third party rights on the protected in the Republic of Kazakhstan marks if the name of the utility model included a special name;

the lack of specification of the utility model structural sections under these Regulations (if the information to be set out in the relevant section are given in another section, the request is not sent), as well as replacement in the description or claims of a utility model characteristics of attribute reference to the information source, where this feature is disclosed;

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 (except for the information about the authors, who asked not to be mentioned as such in the publication of information about the patent);

violation of subparagraph 4) the requirements of paragraph 44 of these Rules on the presentation of a claim of the utility model in the form of a single sentence;

in the absence of the formula generic term reflecting the purpose of the utility model for which legal protection is sought;

the presence in the formula instead of the features of the utility model only data on its operational performance and consumer properties, effects and phenomena taking place in its implementation and / or use;

violation of the requirements of subparagraph 4) of paragraph 33 of these Rules on the presentation in the claims of the utility model features, enabling them to identify;

presence in the sub-ladder formula utility model attributes, causing the contradiction of the utility model in the public interest, humanitarian principles or morality in the corresponding particular cases of its implementation or use;

violation of the requirements of paragraph 45 of this Regulation, under which an independent claim should only refer to a utility model;

the presence in the claims of the utility model dependent claim, purport to exclude or replace the sign (signs) of the claim to which it is subject;

inconsistency of the application documents to each other (in particular, the name of the utility model cited in the application does not match the name given in the description, in the description of the utility model no signs indicated in the formula of a utility model, in the formula of the utility model is not the sign, the materiality of which is marked by the applicant description section "Summary of the utility model", the drawings do not correspond to the description of the utility model);

violation of the requirements of paragraph 48 of this Regulation to the abstract;

violation of the requirements on the use of the description, utility model claims and abstract common terminology, on the observance of the unity of terminology in the text of the application materials in accordance with paragraph 51 of these Rules;

the presence in the formula incorrectly expressed trait ("special", "special", "improved"), combined with the presence in the description of the specific characteristics of the same sign;

the presence of signs in the formula having the character of verbal, visual or combined symbols on the device which is the object of the utility model. In this case the applicant is informed about the possibility of coincidence of such signs or the similarity of them to the point of confusion with the trademarks (service marks) which are registered or may be registered by others for goods identical with the destination device or relevant types of services or with an appellation of origin and, in the case of utility model - a collision of the rights of the patent holder and the owner of the trademark (service mark);

the lack of specification of information confirming the adequacy of the characteristic as defined in summary form, in conjunction with the other features included in the independent claim of the utility model, to obtain a technical result specified by the applicant;

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 description and claims of the utility model.

At the request of the applicant is requested to provide more accurate description and claims related to one utility model or the group of utility models, which form the single inventive concept.

Corrected the applicant a document containing, along with the corrections made in accordance with the request, and fixes at the initiative of the applicant, it is subject to the conditions of paragraph 81 hereof.

The answer to the request of the examination must be submitted no later than three months from the date of its sending. This period shall be extended at the applicant's request of not more than six months, in accordance with paragraph 2 of Article 23 of the Law. Examination of an application shall be suspended until the response to the request.

If the applicant within a period not to provide the requested documents in full or a request for an extension of their submission subject to the conditions provided for in paragraph 67 of this Regulation, the application shall be deemed withdrawn and the applicant is notified. Paperwork going on in the case of recovery expert organization missed deadline in accordance with paragraph 68 of this Regulation.

78. In order to reflect the application of the subject with one or another branch of engineering expert organization classifies claimed utility model in accordance with the International Patent Classification (hereinafter - MPC). Classification is carried out during the examination of the application. Classification is carried out in accordance

with the requirements established by the introduction of the IPC. In the classification of the basis for selection of the classification of the index is a formula of the claimed utility model. For a more precise classification of the utility model uses the description and drawings. If the application covers several objects belonging to different places in the IPC, set all the appropriate classification symbols. The choice of the first index is defined by the name of the utility model.

79. Notification of non-compliance of the application and additional materials sent to the specified requirements in the following cases:

1) if as a result of the application without analyzing the merits of the application utility models found that the application is filed with the requirement of unity of utility model, the applicant shall be notified about this and offers within three months from the date of its direction to announce which of the utility models should be considered and, if necessary, to make adjustments in the application materials. The unity of the utility model is recognized to have been met if: in the formula of the utility model is characterized by a utility model; in formula utility model is characterized by a group of useful models, one of which is intended to produce (manufacture) of another (or the device material and process for producing (manufacturing) device or substance in whole or parts thereof); one of which is intended for the other (for example, a method and apparatus for performing the method as a whole or of one of its action); one of which is designed to use the different (another) (for example, a method and material for use in the process, method or apparatus, and part of, the application device or substance on new or on a particular purpose and method of using them in accordance with this purpose; use of the device or substance on new or particular purpose and the device or composition, part of which they are); relating to the objects of one type (several devices, several substances) the same destination, providing obtain the same technical effect (variants). Compliance with the requirement of unity of utility model is verified with respect to the original formula of the utility model, or if it is changed, - in relation to the last proposed by the applicant in the prescribed manner to the formula. If the applicant does not report within the prescribed period, which of the utility models (or a group of utility models to meet the requirement of unity, if such a group is contained in the number of applications of utility models) should be considered, and not submit updated documents, the examination is carried out only in respect of the utility model specified in the formula of the first (or those of the claimed utility model, referred to in the first formula to form the group that meets the requirement of unity of utility model);

2) if additional materials, in whole or in part changing the essence of the claimed utility model and / or represented by non-compliance with the conditions provided for in paragraph 81 of this Regulation, the applicant shall be notified that they cannot be taken into consideration in the examination as a whole or in relevant part. In the case

where it is determined that additional materials correcting or clarifying the application the documents, are in violation of the requirements of paragraph 61 of this Regulation, the applicant is notified. On the applicant shall be notified of these violations in requests sent if there are grounds to do so.

80. The establishment of priority of the utility model:

1) the priority of the utility model shall be the date of filing in the expert organization;

2) Priority shall be the date of filing the first application in a country - party to the Paris Convention for the Protection of Industrial Property (hereinafter - the Paris Convention), and also provided for its international and regional organizations (convention priority). At purchase by the applicant convention priority checked the following conditions:

submission to the expert organization the conventional application by the applicant of the first application in a State party to the Paris Convention, or its successor within twelve months from the date of filing of the first application. This period shall be extended, but not more than two months, if for reasons beyond the applicant's circumstances. If the application is filed within the two months, check whether these circumstances are called and if they are called, set the need to document the fact that these circumstances have taken place;

Does the applicant have the desire to use the right of conventional priority before the expiration of two months from the date of receipt of the application in the expert organization;

representation in the expert organization certified copy of the first application before the expiry of six months from the date of receipt of the application in the expert organization;

3) establishing the priority date of receipt of additional material to a previously filed application.

At purchase by the applicant of priority of the utility model on the date of receipt of additional material to a previously filed application in accordance with paragraph 3 of Article 20 of the following conditions is verified:

supply in expert organization application, which claims a priority of the first application by the applicant or its successor within three months from the date of notification to the applicant of the expert organization of the impossibility of taking into account the additional materials in connection with the recognition of their changing essence of the declared industrial model. In that case, when the output of the recognition of additional materials changing essence is obtained as a result of the application at the expert meeting and recorded in the minutes, the date of sending to the applicant of the notification is the date of signing of the protocol;

application to which filed additional materials, which are the basis for the priority claim is not withdrawn and considered to be withdrawn before the date of application for which priority is claimed;

4) if the applicant claiming a priority of the utility model by the filing date in the expert organization of its earlier application is verified that the following conditions are met:

supply in expert organization application, which claims a priority earlier application by the applicant or its successor within twelve months from the filing date of an earlier application for an invention or within six months from the filing date of an earlier application for a utility model;

on the earlier application has not been claimed priority of invention or utility model earlier than the date of filing of this application;

the previously filed application is not withdrawn or considered withdrawn before the filing date by which a priority is claimed.

Where priority is claimed on the basis of several earlier applications mentioned conditions must be met in respect of each of them.

When submitting an application claiming priority of this earlier application is considered withdrawn, the applicant is notified;

5) if the applicant claiming a priority for the divisional application is verified that the following conditions (paragraph 5 of Article 20 of the Law):

disclosed the essence of the utility model if the divisional application in the initial application by the same applicant;

supply in expert organization dedicated application by the applicant or his legal successor, pending on the initial application to enter into an expert organization to refuse to grant a patent, the possibility of filing an objection to that possession, and in the case of determination by said application to enter into an expert organization to grant a patent - to the date of registration in the corresponding state register of the Republic of Kazakhstan;

the initial application is not withdrawn or considered withdrawn before the date of filing the divisional application.

Subject to these conditions the priority of the utility model is established by the filing date of the initial application, and if the right of priority on the initial application - on the date of this priority. If the original application is the Convention's, the date of filing the divisional application shall be the date of filing of the conventional application in the expert organization, if there is a request of the applicant;

6) in the case where the applicant claims multiple priorities, depending on the applicant specified the grounds for claiming priority verified compliance with the conditions referred to in subparagraphs 2) -5) of this paragraph.

In particular, if the utility model, characterized in one of the independent claims of the utility model, claims priority to the filing date of an earlier application by the same applicant in accordance with paragraph 4) of this paragraph, and in the case of a utility model, characterized in another independent claim - on the date of receipt of additional materials for this application in accordance with subparagraph 3) of this paragraph, in respect of each of these utility models must be met the conditions set out in the relevant paragraph. Or in respect of the utility model, characterized by an independent and dependent claims, requested different convention priority based on the first two applications with different filing date (paragraph 2 of Article 20 of the Law), then in determining compliance by the applicant specified in subparagraph

2) of this paragraph, checked the availability of copies of the first two orders, adherence to twelve months in respect of the filing date of the first application.

If the applicant while claiming multiple priorities are not separated date the points ladder formula utility model, the applicant is invited to indicate how the claims correspond to the claimed priority date, in this case the applicant is informed that in case of non-relevant information, priority shall be established in respect of all claims for the date of the most recent;

When verifying compliance with conditions set the priority of the utility model in accordance with subparagraphs 3) -5) of this paragraph is set, it is not whether the application from which priority is claimed, or the application to which the submitted additional materials, which are the basis for this is claimed, or is deemed to be withdrawn withdrawn. If the application is considered withdrawn, the applicant shall be notified of the need to restore a missed deadline in accordance with paragraph 68 of this Regulation.

When verifying compliance with the terms of the applicant referred to as the condition of establishing the requested priority should be guided by paragraph 66 of this Regulation.

In establishing compliance with the applicant's claim relating to the disclosure of the claimed utility model in the previously submitted materials (previously filed application, additional materials), serving as a basis for claiming priority, check indicated whether these materials (in the description, claims previously filed application, in the text of the additional materials), all features are included in the stated utility model formula.

Subject to the requirements of the applicant specified in clauses 2) -5) of this section in respect of the requested priority is claimed invention.

7) In the case where the priority of the utility model is sought on the application, the selection of the conventional application, subject to the requirements of paragraph

5) of this paragraph, the priority of the utility model is established by the priority date of the Convention's application. At the same date of filing the divisional application shall be the date of filing of the conventional application in expert organization.

Failure to comply with the applicant at least one of the specified in subparagraphs 2) -6) of this paragraph, the requirements of the priority of the utility model is installed (with prior notice to the applicant) on the filing date in the expert organization.

If these requirements are not complied with in respect of the utility model, characterized in one of the points ladder formula, the priority date of the application to the expert organization established only for this utility model.

81. Check of additional materials:

1) the applicant has the right to make to the application documents corrections and clarifications, without changing the essence of the claimed utility model before a decision on this application, the decision to grant a patent, or a decision to refuse to grant the patent.

In the case of submission of additional materials correcting or clarifying the application documents (that is to be included in the content) within two months of receipt of the application date is checked are whether these changes to the effected on the initiative of the applicant and, if they are such, whether together represented with these materials document confirming payment of the established order. In case of failure of the document on the said payment, these materials are not taken into account when considering the application, the applicant is notified. Such notice shall be included in the content of another document examination, sent to the applicant.

In deciding whether to change the application documents are amended by the initiative of the applicant, the following should be considered:

The document change requests submitted by the applicant after the receipt of any written message of examination, including inquiry, and without such notification shall not be considered as amended on the initiative of the applicant, if these changes are aimed at addressing violations of requirements to the application documents, authorized under its preparation;

The document change requests submitted by the applicant after receipt of any written message of examination, including a request shall not be deemed as amended on the initiative of the applicant, if these changes are related to the content of the written communication expertise.

All other changes in the application documents submitted by the applicant after the receipt of any written message of examination, including inquiry, and without such posts are amended documents on the initiative of the applicant;

2) With respect to additional materials submitted by the applicant at the request of the expert organization, observance by the applicant of their submission deadlines.

These materials must be submitted within three months from the date of the applicant's request.

When verifying compliance by the applicant deadlines should be guided by paragraph 66 of this Regulation.

If it is determined that the applicant had submitted additional materials in violation of these terms and these terms shall not be extended in accordance with paragraph 67 of this Regulation, the application shall be deemed withdrawn and the applicant shall be notified;

3) When you receive additional materials submitted by the applicant on his own initiative or at the request of the expert organization and accepted for consideration, to verify if they do not change the essence of the declared industrial model. Additional materials admit changing essence of the declared industrial model, if they contain to be included in the formula signs are absent in initial materials of the application.

Considered to be included in the model formula are not only useful in the case where they are contained in the claimant refined formula, but only when the applicant indicates such inclusion.

The features are listed in the supplementary materials and be included in the formula, recognized as missing in the original application materials, if they were not mentioned in the claims or in the description contained in the application on the date on which in expert organization received an application for grant of the patent, the description, the formula utility model and drawings.

If the initial materials of the application attribute utility model was expressed by the general concept without disclosing the particular forms of its implementation, the provision of such embodiments of the additional materials with such her to the ground, to be included in the formula of the utility model is the basis for the recognition of additional materials changing essence of the declared industrial model.

Features mentioned herein only with respect to the prior art, including the closest analogue, not related to the claimed utility model attributes contained in the initial materials of the application.

In the case where the application relates to a group of utility models, features the useful model group, contained in the original application, considered features mentioned in the description of it in relation to the utility model group.

The exception is a group of utility models, one of which is intended for use in another. At the same time contained in the original materials of the signs of the utility model, intended for use in another, and are considered to be signs of other useful models.

Additional materials containing absent in initial materials of the application data on the claimed utility model, not related to the features to be included in the formula are not considered to change the subject matter of the utility model. Such information

includes, in particular, new (additional) information on the conditions of the utility model, examples of the utility model, an indication of the possibility of obtaining additional technical result, updated graphics. Additional materials that contain in addition to the lack of initial materials of the application features to be included in the formula of the utility model, and other information necessary for the consideration of the application, change the subject matter is recognized only to the extent containing the specified attributes. Other data are taken into account during the examination;

4) when checking the applicant modified the formula of a utility model, provided additional materials, set, include any changes to the application (statement) of the utility model (utility models).

When replacing the original generic term reflecting the purpose of the utility model, the concept of other changes in the formula is recognized relating to the claimed utility model, if these concepts are equivalent, are in regard to subordination or intersect, that is, their volumes completely or partially coincide.

Amendment of the utility model is recognized relating to the claimed utility model in the case of formation of a new independent claim (or several points) as a result of elimination of deficiencies specified in paragraphs 18, 19, paragraph 77 of this Regulation.

The modified formula is recognized containing other utility model in the case of inclusion in the formula of the additional independent claim.

Changes in the formula of the utility model is not related to the claimed utility model shall not be taken into account, the applicant is notified;

5) in case of recognition of additional materials changing essence of the declared industrial model, the applicant shall (in the next to send it the document examination) about which of the included additional material information formed the basis for the conclusion of examination;

6) for additional materials received by fax, the provisions of this Regulation, paragraph 50 shall apply.

82. In accordance with article 28 of the application for the utility model is converted into the application for an invention by filing a petition in accordance with Appendix 3 to this Regulation. This transformation is possible prior to the appropriate conclusion of the expert organization on the application for the utility model.

The application, which has not taken place transformation is the application for the utility model, and its relation to the provisions of these Rules shall be applied in the future. This saves the priority and the date of filing of the first application.

If it is determined that the petition filed in accordance with the established requirements, submitted in accordance with in accordance with paragraph 2 of Article 28 of the Law period, the applicant is notified of the held conversion, and that further consideration of the application will be carried out in accordance with the drawing up

of the Rules of registration and consideration of the application for the invention, the entry of data into the State Register of inventions of the Republic of Kazakhstan, as well as the issuance of the security document.

If the application for conversion received by the application, which is considered to have been withdrawn, and, together with the petition submitted a request for restoration of the missed deadline, the latter is considered in accordance with paragraph 2 of Article 23 of the Law and paragraph 69 of this Regulation.

In the case where the date of filing the application for conversion of the application the applicant submitted additional materials correcting or clarifying an application or the modified formula of the utility model, to consideration of the application for conversion of these materials is checked in accordance with paragraph 82 of this Regulation.

Conversion does not apply to applications for utility models, withdrawn or deemed to be withdrawn.

When you receive from the applicant before sending him a notice of conversion held application request is considered not to convert his application is considered invalid, and the applicant notified.

Request the applicant to consider his application for conversion of the application is not filed, received subsequent notice to it on taken place conversion application for the utility model application for a patent for the invention, is not the reason to reverse the order.

83. Conclusion on the refusal to grant a patent shall be made, if the result of examination of the application is installed, it is framed in the bid that does not belong to the objects protected as utility models.

The claimed proposal is not deemed relevant to the objects protected as utility models if it is generally in the form, as characterized in the claim falls under the list of proposals, contained in paragraph 3 of Article 6 of the Law.

If the claimed subject matter described in the ladder to the formula and the content of the dependent claim causes the contradiction of the object to public interests, principles of humanity and morality, the object is not recognized as the useful model.

In the case where the object as defined in any claim, taking into account the above, cannot be considered the useful model, the applicant sent a request outlining the reasons that can serve as a basis for the conclusion on the refusal to grant a patent, links to relevant sources of information if they are needed, and demand to refute the arguments of the confirmation of the utility model or formula to change the formula of the utility model, corrected or removed from its corresponding item.

In the concluding notes in principle proposals patentability as defined by the other claims (if it is established in the course of the examination);

in prison to refuse to grant a patent further reports on the applicant's rights in the event of disagreement with the given arguments to file an objection to the Appeals Board of the authorized body within three months from the date of conclusion of direction.

84. In accordance with paragraph 2 of Article 23 of the Law expert organization, make a determination to grant a patent for utility model in the following cases:

1) if the result of the examination established that the application contains all the necessary documents, met their requirements, established by this Regulation and the declared offer refers to the objects protected as utility models, make a determination to grant a patent for utility model with a formula suggested by the applicant.

The conclusion of the expert organization is sent to the authorized body for decision within ten working days of the decision to grant a patent, which (in the case of such a decision), the applicant is notified.

On the basis of the opinion of the expert organization the authorized body within ten working days to make a decision on granting a patent for utility model.

Based on the decision of the authorized body to grant a patent for utility model 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 is restored within three months, subject to the submission of the payment restore the missed deadline. 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.

2) the conclusion of the grant of a patent is accepted without checking the conformity of the declared industrial model of the patentability requirements set forth in paragraph 1 of Article 7 of the Law;

3) if in the course of examination of an application for a utility model is established that there is another not withdrawn or considered withdrawn the application for an identical invention or utility model, which has the same priority date, the conclusion is given on the application for which has been demonstrated earlier date it is sent to the expert organization, and if these dates coincide - for the application having an earlier registration number of expert organizations;

4) in the cases provided for in Articles 29 and 33 of the Law, in considering the utility model under the conditions of patentability considerations:

utility model protected by the patent is considered to be an appropriate condition "novelty" if the prior art known agent for the same purpose as the utility model, which has all given in the independent claim of the utility model the essential features (the latter does not include features that do not meet the requirement of subparagraph 4) of paragraph 33 of this Regulation, as against them can not be established impact on the technical result is achieved), including a description of the destination.

Information about the state of the art include become available to the public before the priority date of the utility model, published in the world of information about tools for the same purpose as the claimed utility model, information on their application in the Republic of Kazakhstan, as well as on the condition of their earlier priority filed in the Republic of Kazakhstan application utility models and inventions patented in the Republic of Kazakhstan.

The art does not include applications withdrawn by the applicant, as well as the application shall be deemed withdrawn.

In the prior art included Eurasian applications and international applications indicating the Republic of Kazakhstan in accordance with Rule 4.9 (a) of the Patent Cooperation Treaty (PCT).

The application is included in the prior art with respect to the description and claims contained in the application on the date on which the received request, the description, claims and drawings (for applications for invention - only if in the description there are references to them). If this date is later than the priority date of the application under consideration, the application with earlier priority is included in the state of the art in terms of its content, which coincides with the content of the materials that served as the basis for establishing priority (first application previously filed application, additional materials for this application).

Patented (including the same person) in the Republic of Kazakhstan inventions and utility models, that is registered in the corresponding state register shall be included in the prior art only with respect to the formula, which was registered invention or utility model in the corresponding state register.

Protected utility model patent is considered to be an appropriate condition of "industrial applicability", if the following conditions are met:

in the application, on the basis of which the patent is granted, given the specific purpose of the utility model as a means of production or articles of consumption or their constituents or appointment follows immediately, as prescribed by paragraph 10 of this Regulation, the name of a utility model, or as prescribed by paragraph 33 of the present Regulation of the formula of the utility model;

when the utility model in accordance with each claim, excluding signs that do not meet the requirement of subparagraph 4) of paragraph 33 of this Regulation, actually realized the above purpose;

There are well-known at the priority date or described in the application (and in establishing an earlier priority than the date of receipt of the application, - in the application and the materials on which the priority is set) the means and methods to implement a utility model in the form it is characterized in any one of claims.

85. Terms of information retrieval:

1) information search is conducted, at the request of the applicant at any stage of the application, and at the request of the patentee or a third party - after the publication of data on granting a patent for utility model, provided the corresponding payment (paragraph 4 of Article 23 of the Law). A request for information retrieval is represented in accordance with Appendix 5 of this Regulation, established by the authorized body;

2) in the case where the stated proposal is characterized in such a way that the understanding of it is not possible or there is reason to assign it to the object, do not accept utility models in accordance with paragraph 3 of Article 7 of the Law, and therefore the need to appeal to the applicant, holding information search extended accordingly.

Information search is not carried out in the cases mentioned above, if after treatment the applicant remained the above characteristics of the claimed features of the proposal;

3) the patent holder is notified of the receipt of a request for information retrieval from a third party;

4) If the request for information retrieval received on the application, which is withdrawn or deemed to be withdrawn, or if, after receipt of a request for information retrieval on the application as a result of the examination for a patent for utility model, the decision to refuse to grant a patent, the applicant, Petitioner reported on the impossibility of its satisfaction;

5) Upon completion of the information search, conducted at the request of the applicant, patent owner or a third party, for him a report sent to the person who submitted the petition. If the information held by the search request filed by a third party, the information about the search report is also sent to the patentee;

6) Where the date of receipt of a request for information retrieval has already filed a similar motion, either already carried out or carried out information search, the person who submitted such a request, reports on the circumstances and the conditions for granting him a copy of the report on the information search in accordance with paragraph 106 of this Regulation.

86. The subject of information retrieval:

1) information search is conducted on the basis of the formula of the utility model, taking into account the description and drawings, as well as taking into account

possible changes in the formula of valid utility model in accordance with paragraph 84 of these Rules;

2) fixes, updates and changes in the application documents are taken into account in conducting an information search, if they are made by the applicant in the prescribed manner prior to the filing date of the corresponding application.

If on the date of receipt of a request for information search the applicant within the prescribed period has not responded to a report of violation of the requirement of unity, the information search is conducted for a utility model (a group of utility models, which form a single inventive concept), this (specified) in the formula first (first). Conducting of information search for other utility models will be considered as a separate information retrieval, as an expert organization notifies the person who filed the request for information retrieval.

87. In determining the state of the art information considered public, the information contained in the source, to which any person may familiarize itself or on the contents of which he may be lawfully communicated. The date that determines the inclusion of source information in the prior art is:

to published descriptions to the guarding documents - presented on their date of publication;

for domestic publications and publications of the former Soviet Union - are presented on the date of printing;

for domestic publications and publications of the former USSR, which did not indicate the date of printing, as well as other publications - the date of issue in the light, and in the absence of the possibility of its establishment - the last day of the month or December 31 of the edition of the year, if the time of publication of the work is determined only by the month or year, respectively;

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 bodies, reports - the date of their arrival to these bodies;

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

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

accepted for the competition works - the date of their calculations for review, verification of documents relating to the conduct of the competition;

for the visually perceived sources of information (posters, models, articles) - documented date on which it was possible to display them;

for exhibits, placed in the exhibition - documentary confirmed date the beginning of their show;

for oral presentations, lectures, performances - the report date, lectures, performances, if they recorded the sound recording equipment or shorthand in the manner prescribed in force at that date of the rules of the relevant activities;

for messages on radio, television, cinema - the date of such communication, unless it is fixed on the media information in the prescribed manner, in force at that date;

for information on the technical means, which became known as a result of its use - documented date on which the information became available to the public;

2) information received electronically - via the Internet, through online access, other than the Internet, and CD and DVD-ROM drives - or the date of the publication of documents that have become available through this electronic medium, if they bear the or, if this date is not available, - date of placing the information in the electronic environment, provided its documentary evidence.

88. The area and the volume of search:

1) as a characteristic of the search space (the set of fields of science and technology, information on which can be seen to set the level for this application technique) used indices IPC headings.

In determining the search area accounted object of the utility model as a whole and it is functionally independent features in accordance with subparagraph 1) of paragraph 44 of this Regulation, distinctive from the closest analogue. In determining the search area are recorded as functionally independent features that are common to the utility model and the closest prior art, if any relating to him features that are not functionally independent. The search for these traits carried in the known objects and parts thereof without regard to the destination of the objects and their parts;

2) expert organization ensures the implementation of information retrieval in the volume, which includes:

Sheets of security documents of the Republic of Kazakhstan;

descriptions to the guarding documents of the Republic of Kazakhstan;

descriptions of Eurasian patents;

published application for the grant of Eurasian patents;

the official bulletins of security documents of the Russian Federation, as well as the former Soviet Union;

descriptions to the guarding documents of the Russian Federation and the former Soviet Union;

published application for the grant of the Russian Federation patents for inventions and patents of the Russian Federation and certificates for utility models;

US patent documents, the UK, Germany, France, Japan, the People's Republic, the Republic of Korea (in a volume of essays on the Russian and English languages),

Switzerland (French and German), Austria, Australia and Canada, as well as the patent documentation of the European Patent agency, WIPO, the African intellectual property organization and the African regional industrial property organization;

patent literature on the list published by the International Bureau of WIPO, with a retrospective of at least five years.

3) during the information retrieval in search volume for originality verification purposes claimed utility model are also included, provided their earlier priority, all filed by the Republic of Kazakhstan applications for inventions and utility models (except revoked) and patented in the Republic of Kazakhstan inventions and utility models;

4) Information search is terminated and carried through in full, even if the search found a means for the same purpose, characterized by symptoms identical to all the signs of a utility model in respect of which the search is conducted. The number of identified in the search for analogues should be determined from the condition of the most complete and meaningful information about level without explicit repetition and unnecessary duplication of information.

89. A report on the information search and familiarization with the search results:

1) in the search report shall include: the number of the application for which the search is conducted; the date of filing of the application in an expert organization; index (indices) Headings (headings) of the IPC, established (installed) when classifying the claimed utility model; the name of the utility model for which the information search is conducted; index (indices) Headings (headings) of the IPC, which characterizes (characterize) the search area; given in the form of bibliographic references to documents in their specific parts related to the subject of information retrieval. If the link does not refer to all the claims of the utility model, specify the corresponding specific item or claims. Specially marked documents published before the date of application to the expert organization, but later priority date, if priority is claimed earlier on request; completion date of information retrieval;

2) one copy of the report on the information search, conducted at the request of a third party is sent to the patentee;

3) sent from the applicant, the patent owner or a third party copies of the report on the information search or a copy thereof shall be withdrawn bibliographic data applications included in the scope of the search.

90. In accordance with Article 2 of the Patent Cooperation Treaty (hereinafter - the Agreement) expert organization performs functions respectively receiving office in the Republic of Kazakhstan to the instructions to the Agreement (hereinafter - the Regulations under), the Administrative Instructions under the Patent Cooperation Treaty (hereinafter - Administrative instructions), the relevant guidelines published by the International Bureau of WIPO, as well as the Law and these Regulations. On the

basis of Article 43 of the Treaty in respect of any designated or elected State whose law provides for the issuance of titles of protection for utility models, the applicant may indicate that in relation to the State in its international application utility model protection is sought.

91. Filing of the international application:

1) the expert organization is a competent receiving Office in respect of an international application, if at least one of the applicants is a citizen of the Republic of Kazakhstan or a person residing or having its seat in the Republic of Kazakhstan. Any person in possession of the current industrial or commercial establishment in the territory of the Republic of Kazakhstan, is considered as residing or having its seat in the Republic of Kazakhstan;

2) the international application is filed in an expert organization in Russian or English;

3) the international application is filed in three copies, each of which must be suitable for direct reproduction. If the international application is filed in a smaller number of copies, in accordance with Rule 21.1 (c) of the Regulations to the contract at the request of the applicant the required number of copies of the international application is made by the receiving Office upon payment of the tariff set by the applicant;

4) application of the international application is served on a special form or in the form of computer printout. If the international application is registered using the PCT-EASY software, the international application on paper included a computer-readable medium comprising application to the PCT-EASY format, and an abstract in txt format;

5) the international application claiming protection of a utility model, created in the Republic of Kazakhstan, served in compliance with any of the following conditions:

prior to the filing of the international application has been filed with the expert organization corresponding application for a patent for invention or utility model patent of the Republic of Kazakhstan (hereinafter - the national application);

prior to the filing of the international application has been filed by an expert organization corresponding application for the grant of a Eurasian patent;

the statement of the international application contains the Republic of Kazakhstan as a state in which the applicant intends to obtain a patent;

6) expert organization checks the international application for compliance with the requirements of Article 11 (1) and Article 14 of the Treaty. According to the international application, the last test with a positive result, set the date of its international filing.

92. Forwarding of the international application:

1) the record copy of the international application on which the international filing date expert organization sends to the International Bureau of WIPO;

2) expert organization sends a copy of the registration upon receipt of the international application if, before its submission was filed with the Eurasian application or national application, provided that the international application is filed after the expiration of three months from the filing date of the Eurasian and national applications;

3) the expert organization shall transmit the record copy of the international application within three months respectively from the date of an earlier national application, if the international application is filed before the period specified in sub-paragraph 2) of this paragraph, or from the date of receipt of the international application if it is filed with the indication of Kazakhstan as a state in which the applicant intends to obtain a patent or with an indication of the Eurasian patent.

Expert organization shall transmit the record copy of the previously mentioned period, but after checking the content, respectively, in the earlier national application or Eurasian application of information constituting a state secret, in the manner prescribed by law;

4) the copy of the international application - "search copy" subject to payment of an appropriate fee by the applicant ("tariff for the search"), referred to the International Searching Authority, said in a statement the international application;

5) the statement issued on the letterhead of the PCT PCT / RO / 10, submitted by the applicant by the receiving Office (Rules 3 and 4 of the Regulations under the Treaty).

for registration by the applicant of the international application documents Requirements regulated by the Treaty and the Regulations under the Administrative Instructions.

93. Conducting correspondence:

1) all correspondence, provided the procedure of the Treaty, sent to an address in the Republic of Kazakhstan, and in one instance, at the same time:

if the statement of the PCT, in the column provided for rules 3 and 4 of the Regulations under the Treaty, specified agent or common representative, and his address is given as prescribed, the correspondence is sent to that person's name and the address;

If the specified column is represented by the address for correspondence, the correspondence sent to this address in the name of the applicant stated in the application first of the number of persons entitled to file international applications with the receiving Office, that is, the common representative name within the meaning of rule 90.2 (b);

If the specified field is not filled, the correspondence sent to the applicant's name, represented in the first statement of the number of persons entitled to file international applications with the receiving Office and its address;

2) Receiving Office correspondence with the applicant, and the applicant's correspondence with the receiving Office conducted in the state or Russian language.

94. Any information about the international application before it is published or provided to the applicant in person (representative) or at the written request of the applicant (representative) the person specified in the request.

95. Functions of designated and elected Offices, in accordance with Article 2 of the Agreement in the Republic of Kazakhstan performs expert organization, guided by the Treaty, the Regulations to the Treaty, Administrative Instructions, the relevant guidelines published by the International Bureau of WIPO, as well as in the cases provided for by the Treaty and Law these Rules.

96. Translation of the international application in the expert organization on national phase:

1) the international application containing the designation of the Republic of Kazakhstan as a state in which the applicant intends to obtain a patent for a utility model in respect of which, in accordance with Article 11 (1) of the Treaty established the international filing date, not withdrawn and not considered withdrawn under Article 24 of the Treaty as well as the effect of which is stored in relation to the Republic of Kazakhstan, is considered an expert organization in accordance with the Law (hereinafter - the national phase);

2) as the date of commencement of the expert organization in the international application under the Act is considered the date on which expires thirty-one month from the priority date of the international application referred to in Article 11 (1) of the Treaty;

3) the translation of the international application into the national phase the applicant must be before the expiration of the thirty-one months from the priority date of the international application to submit to the expert organization, at least, the application of the international application in Russian or translated into Kazakh or Russian statements the language contained in the international application filed in another language, as well as to pay the established payment.

Instead, the translation into Kazakh or Russian language contained in the international application is submitted application request for the patent of the Republic of Kazakhstan for a utility model.

This time limit entry into the national phase is reversed within twelve months at the request of the applicant and the corresponding payment in compliance with Regulation 49.6 of the Regulations under the PCT;

4) to the translation into Kazakh or Russian language the application of the international application accompanied by a translation into the state or Russian language description of the international application, the formula of the utility model, any text, referring to the drawings, and the abstract, in the form as they were submitted to the international filing date of the application.

If the applicant translated into the national phase of the international application of the formula, as modified in accordance with Article 19 of the Treaty, the applicant must submit a translation into the state or Russian language modified formula utility model together with a translation into Kazakh or Russian language explanation as made by the applicant changes. If the applicant takes an international application for the national phase of the review, taking into account changes in the formula of the utility model, the description and drawings of the international application, made in accordance with Article 34 (2) (b) of the Treaty, the applicant must submit a translation into the state or Russian language of the international application to the extent modified changes adopted by the international preliminary Examining Authority. In the absence of transfer of the material submitted documents into the state or Russian language, if they are presented in a different language, the applicant shall be notified of the need for its presentation within two months from the date of expiry of the deadline for entry into the national phase. The translation period is extended, but not more than two months. Failure to provide the translation within the specified period the application is deemed not entered the national phase, the applicant is notified. Registered materials will not be returned, paperwork is not restored.

97. Consideration has been translated into the national phase of the international application in the expert organization:

1) in accordance with paragraph 2 of Article 23 of the Law expert organization begins consideration of the international application at the end of the thirty-one months from the date of the international application priority, provided that the applicant, as a minimum, the statement contained in the international application, in Russian or the translation into the state or Russian language or application for grant of a patent of the Republic of Kazakhstan for a utility model;

2) At the request of the applicant of the international application before the deadline begins. If the date on which the applicant has requested to begin consideration of the international application, the distribution of the application has not yet been carried out by the International Bureau of WIPO, the applicant is certified by the receiving Office a copy of the international application in respect of which the international filing date. If the applicant fails to submit a copy certified by the receiving Office of the international application and its consideration begins after the mailing of the application by the International Bureau of WIPO;

3) in accordance with this Regulation of the fact of receipt of documents translated into the national phase of the international application to the applicant shall be notified with a message assigned to the expert organization registration number and date of receipt of the application documents. Documents submitted after the deadline may be taken into consideration, subject to confirmation by the applicant a good reason skip the deadline, as well as the payment of the prescribed fee.

98. The examination of the international application examination of the international application in the national phase in accordance with the provisions of Chapter 3 of this Regulation.

4. The procedure for entering information into the State Register of mineral models of the Republic of Kazakhstan and the issuance of the security document

99. Registration in the State Register of utility models of the Republic of Kazakhstan is made on the basis of the decision to grant a patent and confirming the respective state fee payment for the issuance, the utility model is registered by expert organization in the State Register of utility models of the Republic of Kazakhstan (hereinafter - the State Register) and assigned a corresponding sequence number and application date information.

Writing in the State Register contains the following information:

the number of the patent for utility model;

code type security document in accordance with WIPO Standard ST. 16;

index (indices) Headings (headings) of the IPC;

number and date of filing of the application on which the patent is issued;

the date of publication of the patent;

number, filing date, and the code in accordance with WIPO Standard ST. 3 countries of filing the application (date of receipt of additional materials on it), on the basis of which (are) set the priority of the utility model, if at the request of an earlier priority date than the date of filing in an expert organization;

Number of the earlier document, which "re-registered";

Date of transfer applications for the national phase in accordance with Articles 23 (1) or 40 (1) of the PCT;

registration number of the international application and the international filing date specified by the receiving Office;

number and date of the international publication of the international application;

name of the author (authors), code (s) of the country of residence (location) of the author in accordance with WIPO Standard ST. 3;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

the name of the utility model;

Information on Patent Attorneys.

Expert organization makes to the State Register information on subsequent changes in the legal status of the patent after its issuance by the decision of the Board of Appeal, the judiciary, the notification of the authorized body or an expert organization and patent applications (their successors or representatives)

100. patent and the procedure for issuing

On the basis of information included in the State Register of the authorized body shall issue a patent.

The patent is filled in the Kazakh and Russian languages.

The patent shall contain:

code in accordance with WIPO Standard ST. 3 or other means of identifying the department or organization that carried out the publication of the document;

the number of the patent for utility model;

code type security document in accordance with WIPO Standard ST. 16;

number and date of filing of the application on which the patent is issued;

the name of the utility model;

the date of publication of the patent;

number, filing date, and the code in accordance with WIPO Standard ST. 3 countries of filing the application (date of receipt of additional materials on it), on the basis of which (are) set the priority of the utility model, if at the request of an earlier priority date than the date of filing in an expert organization;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

the name of the author (authors), if the latter (last) did not refuse to be mentioned as such (per se), code (s) of the country of residence (location) of author (s), in accordance with WIPO Standard ST. 3.

The patent is a record in the Kazakh and Russian languages "About Amendments given on a separate sheet in the form of annexes to this patent."

The patent is issued simultaneously with the publication in the Bulletin of the authorized body of information about the patent;

if there are several persons to whom the patent is sought name, issued one patent.

The author of a utility model, not the patent is issued an official certificate confirming his authorship;

Patent description of the utility model certificate and the authors included are sent by registered mail to the registered address of the patent owner or the address of the representative (patent attorney) in accordance with the power of attorney issued by the latter, or at the written request - in other address indicated by the applicant (patent owner). The applicant prior to issuance of a patent shall notify the authorized body or

expert organization on the change of address of residence or location for the direction of the patent.

In presenting the patentee of a patent requires a personal identification document for an individual or a power of attorney from a legal person to receive a patent. Patent and license writers to his foreign patent awarded a patent attorney registered with the authorized body.

If a patent application is filed jointly by several persons residing or located in the Republic of Kazakhstan, the patent and license writers to him handed over or sent to the patentee, is listed first.

If a patent application is filed jointly by several persons, not all of which are resident or located in the Republic of Kazakhstan, the patent and license writers to him handed over or sent to the national patent holder, said first;

subsequent changes (including information on registered contracts), additions, clarifications or corrections concerning patent to extend the validity of the patent and the restoration of its action, after their entry in the State Register, the authorized body issues to the application patent. The Annex is a record "This annex is an integral part of the patent." The application is filled in the Kazakh and Russian languages.

Changes in the name and address of the patentee made upon written request indicating the number of the security document confirming the appropriate changes (eg , a copy of the legal entity of the state re-registration).

Official documents presented by the representatives of foreign applicants (patent), certified by apostille on the relevant documents;

in case of loss or reduction in disrepair original patent is issued a duplicate at the request of the patentee, his successor, the authorized representative (patent attorney) in the power of attorney of the patent holder (assignee).

In the case of applying the legal successor of the statement is attached a certified copy of the document confirming the succession. The duplicate is issued only if there is a record of grant of a patent in the State Register.

Duplicate the composition of the information contained therein corresponds to the original of the granted patent, it has the same legal force and shall be issued on the appropriate form of the patent with prostanovkoy die in Kazakh and Russian languages

The duplicate issued by the Ministry of Justice of the Republic of Kazakhstan. In the case of issuance of a duplicate of the original patent is considered null and void from the date of publication of an issue of a duplicate.

101. The publication of information about the patent for utility model shall be subject to its registration in the State Register.

When publishing data on granting a patent for utility model within twelve months from the filing date of the expert organization publishes the bulletin " Өнеркәсіп

меншігі - Industrial property" in the "Пайдалы модельдер - Utility Models" in the Kazakh and Russian languages, the following information:

the number of the patent for utility model;

code type security document in accordance with WIPO Standard ST. 16;

index (indices) Headings (headings) of the IPC;

number and date of filing of the application on which the patent is issued;

the date of publication of the patent;

number, date of issue and the code in accordance with WIPO Standard ST. 3 countries of filing the application (date of receipt of additional materials on it), on the basis of which (are) set the priority of the utility model, if at the request of an earlier priority date than the date of filing in an expert organization;

number of the earlier publication which is "reissued"; Date of transfer applications for the national phase in accordance with Articles 23 (1) or 40 (1) of the PCT; registration number of the international application and the international filing date specified by the receiving Office;

number and date of the international publication of the international application; name of the author (authors), if the latter (last) did not refuse to be mentioned as such (per se), code (s) of the country of residence (location) of the author in accordance with WIPO Standard ST. 3;

the name or the name of the patent holder, code (s) of the country of residence (location) of the patentee in accordance with WIPO Standard ST. 3;

the name of the utility model; information about the patent attorney;

the formula of the utility model.

On request of the applicant, represented by the form of Appendix 4 to this Regulation, an expert organization publishes information before that time. The refusal of the author to be mentioned as such in the published data on granting a patent is included in the publication of this information, if it is done before the technical preparations for publication. This waiver is revoked by the author in the same period.

Expert organization publishes the bulletin " Өнеркәсіп меншігі - Industrial property" in the "Habarlama - Notices" in the Kazakh and Russian languages, information about the change in the legal status of patents granted.

102. Following the publication of information about the grant of the patent expert organization provides application documents (description, claims, drawings, abstract), as well as additional materials correcting, clarifying and modifying these documents when they are submitted by the applicant in the prescribed manner, to introduce any person they written request.

103. The amended Patent:

1) the name and / or address of the location of the patent owner - the legal entity, in the author's name, the patent holder - the natural person and / or address of the place of residence of the patentee.

Changes can be made by filing an application for appropriate amendments in any form indicating the number of the security document, the official name of a legal entity, the name, surname (and patronymic, if any), address of residence and / or domicile. The petition must be signed by the patent owner (the patentee).

When changes are made in the name of the patent holder (patent) due to restructuring and / or liquidation of the legal entity signed a petition and submitted in accordance with the legislation of the Republic of Kazakhstan. At the same interested party submits documents confirming the appropriate changes (during the reorganization), and / or proving the fact of liquidation of legal entity and non-transmission of the relevant rights. Citizens residing outside the Republic of Kazakhstan and foreign legal entities to apply for a modification through patent attorneys of the Republic of Kazakhstan, with the power of attorney issued in the name of the patent attorney must contain an order for the implementation of these actions.

If there are no documents and / or the documents submitted do not meet the requirements, the patent holder is offered within two months from the date of the notification to submit missing or printed in accordance with the requirements of the documents.

Failure to provide the requested documents in a timely manner the application is considered not filed, changes are not made, as notified to the patent owner;

2) to the authors of the utility model changes are made on the basis of a court decision. By altering the composition of the authors meant inclusion in or exclusion from the author of the grant.

Changes in the composition of the authors made on the basis of the judgment by filing a petition for amending the part of the authors in any form with the number of document of title, name, surname (and patronymic, if any), address of residence to include or exclude the author;

3) changes in the case of the transfer of patent rights to any other person (other than the assignment of patent rights) is produced at the request of the legal successor, indicating the patent number. The request shall contain information on the assignee. To request must be accompanied by certified copies of documents confirming the transfer of patent rights.

104. Extension of patent actions, restoration of the patent:

1) in the accordance with paragraph 3 of Article 5 of the patent owner shall be entitled to request an extension of the patent term. The petition filed before the expiry

of patent validity and subject to keep it in force. The deadline for application is extended for good cause, but not more than six months. The application shall be accompanied by the document of payment;

2) the patent, terminated on the grounds specified in subparagraph 2) of paragraph 2 of Article 30 of the Law, is reduced 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 the patent attorney or other representative acting under the 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.

The application shall be accompanied by the following documents:

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

the document confirming the payment for the maintenance of the missed years of the patent;

the power of attorney (if the application is lodged by the representative) or a copy of the 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 information paper on the restoration of the patent. Publication date is the date of the restoration of the patent.

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

Annex 1 to the Rules
of drafting, registration 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
Form

Нужно отметить знаком X
Заявление с реквизитами, представленными РГП НИИС, является уведомлением о поступлении заявки

Дата поступления	(85) Дата перевода международной заявки на	(21) Регистрационный № подачи	(22) Дата
<input type="checkbox"/> (86) регистрационный номер международной заявки и дата международной подачи, установленные получателями ведомством <input type="checkbox"/> (87) номер и дата международной публикации международной заявки			
ЗАЯВЛЕНИЕ о выдаче патента Республики Казахстан на полезную модель		В РГП «Национальный институт интеллектуальной собственности» Министерства юстиции Республики Казахстан 010000, г. Астана, Демеуберен, Дем. Манастарев, ул. Орманбор, дом 8, подъезд №1	
Предоставляя указанные ниже документы, прошу (просим) выдать патент Республики Казахстан на полезную модель на имя заявителя(ей) (71) Заявитель(и):			Код страны по стандарту ВСИС ST.3 (если он установлен)
(72) <small>Указывается полное имя или наименование и местожительство или местонахождение. Данные о самостоятельности авторов-заявителей приводятся в графе рядом с графой с кодом</small> Заполняется только при испрашивании приоритета по дате, более ранней, чем дата подачи заявки в НИИС Прошу (просим) установить приоритет полезной модели по дате:			
<input type="checkbox"/> подачи первой(ых) заявки(ок) в государстве-участнике Парижской конвенции (п. 2 ст. 20 Закона) <input type="checkbox"/> подачи более ранней заявки в НИИС в соответствии с п. 4 ст. 20 Закона <input type="checkbox"/> подачи первоначальной заявки в НИИС в соответствии с п. 5 ст. 20 Закона <input type="checkbox"/> приоритета первоначальной заявки (п. 5 ст. 20 закона) <small>(номер заявки _____, дата подачи _____)</small> <input type="checkbox"/> поступления дополнительных материалов к более ранней заявке (п. 3 ст. 20 Закона)			
<input type="checkbox"/> (31) № первой, ранней, первоначальной заявки	<input type="checkbox"/> (32) Дата испрашиваемого приоритета	<input type="checkbox"/> (33) Код страны подачи по ST.3 (при испрашивании конвенционного приоритета)	
(54) Название полезной модели			

Адрес для переписки (полный почтовый адрес и имя адресата)			
Телефон:	Мобильный тел.	Факс:	Адрес электронной почты
(74) Патентный поверенный (полное имя, регистрационный номер, адрес) или представитель заявителя(ей) (полное имя или наименование, адрес)			
Перечень прилагаемых документов		К от-во п. з	К от-во экз.
<input type="checkbox"/>	приложение к заявлению		
<input type="checkbox"/>	описание полезной модели		
<input type="checkbox"/>	формула полезной модели		
<input type="checkbox"/>	чертеж(и) и иные материалы		
<input type="checkbox"/>	реферат		
<input type="checkbox"/>	документ об оплате подачи заявки		
<input type="checkbox"/>	документ, подтверждающий наличие оснований для уменьшения размера оплаты		
<input type="checkbox"/>	копия(и) первой(ых) заявки(ок) (при испрашивании конвенционного приоритета)		
<input type="checkbox"/>	документы заявки на иностранном языке		
<input type="checkbox"/>	доверенность, удостоверяющая полномочия патентного поверенного или		
<input type="checkbox"/>	другой документ (указать)		
(место для штампа ИНИС)			
№ фигуры чертежей, предлагаемой для публикации с формулой (рефератом)			
(72) Автор(ы) (указывается полное имя)	Полный почтовый адрес местожительства, включая наименование страны и ее код по стандарту ВОИС ST.3, если он установлен		Подпись(и) автора(ов)-заявителя(ей) и/или автора(ов)

Я _____ (име)
(ФИО (при его наличии))
прошу (просим) не упоминать меня (нас) как автора(ов) при публикации сведений о выдании патента на полезную модель
Подпись(и) автора(ов):
Подпись:
подпись(и) заявителя(ей), не являющегося(ихся) автором(ами), (при подписании от имени юридического лица подпись руководителя скрепляется печатью)

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			

Tick appropriate box	APPLICATION on grant of a patent of the Republic of Kazakhstan for utility model		"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, hereby I (we) request to grant a patent of the Republic of Kazakhstan for a utility model 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 (72)			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 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				
	<input type="checkbox"/> document confirming the payment for the filing				
	<input type="checkbox"/>				
				For NIIP seal	

document evidencing the grounds to reduce the size of the payment			
<input type="checkbox"/>	a copy (copies) of the first application (s) (where claimed Convention priority)		
<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 in WIPO Standard ST. 3, if any full name)		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)			

Annex 3
to the Order of the Minister of Justice
of the Republic of Kazakhstan no. 364
dated June 30, 2015

Annex 3
to the Order of the Minister of Justice
of the Republic of Kazakhstan no. 89
dated February 24, 2012

The rules preparation, registration and consideration of the application for the trademark

1. General Provisions

1. These Rules for compiling, processing, and review of the application for the trademark (hereinafter - Rules) are developed according to the Law of the Republic of Kazakhstan "On Trademarks, Service Marks and Appellations of Origin of Goods" of 26 July 1999 (hereinafter - the Law) and determine the procedure for compiling, processing, and review of the application for the trademark.

2. In this Regulation, the following definitions:

1) The World Intellectual Property Organization (hereinafter - WIPO) - an international organization that provides and regulates the international policy and cooperation between the countries in the field of intellectual property;

2) well-known trademark - the trademark registered in the Republic of Kazakhstan or protected by virtue of international agreements, as well as a sign used as the trade mark without legal protection in the Republic of Kazakhstan, but has acquired as a result of the active use of widely known in the Republic of Kazakhstan;

3) The Madrid Agreement - the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891 with subsequent amendments and additions;

4) applicant - a natural or legal person who has submitted an application for registration of the trademark;

5) expert organization - an organization subordinated to the authorized body, carrying out activities in areas related to state monopoly (provision of services in the field of protection of trademarks, service marks, appellations of origin);

6) International Classification of Goods and Services (hereinafter - the Nice Classification) - the classification adopted by the Nice Agreement of 15 June 1957, as subsequently amended and supplemented;

7) the trademark, service mark (hereinafter - mark) - a designation registered in accordance with the Law or protected without registration by virtue of international treaties to which the Republic of Kazakhstan, which serves to distinguish the goods (services) certain legal or natural persons from the similar goods (services) of other legal entities or individuals;

8) the appellation of origin - a designation that constitutes or contains the name of the country, region, locality, locality or other geographical indications, as well as an indication of a derivative of such a name and became known as a result of its use in relation to the goods, special features, quality, reputation or other characteristics of which are mainly related to its geographical origin, including the typical natural conditions and (or) human factors;

9) authorized state body (hereinafter - the authorized body) - The Ministry of Justice of the Republic of Kazakhstan;

10) collective mark - the trademark of the association (union) or other association of legal entities and (or) individual entrepreneurs (hereinafter - the Association), which serves to designate issued or sold their products (services) that have common qualitative or other characteristics.

2. The procedure for the preparation and registration of the application to the trademark, service mark,

3. the trademarks, service marks registered verbal, graphic, letter, digital, three-dimensional and other signs or combinations thereof serving to distinguish goods and services of one person from similar goods and services of others.

The trademark is registered in any color or color combination.

By verbal designations include the word; combination of letters, with a verbal character; phrases; offers; other language units and their combinations.

By visual markings are on the graphics plane, in particular, images of various living beings, objects, other objects, shapes, made art font elements and the various elements of the composition above.

By volume designations are three -dimensional objects, the shape of which is original and is not connected with the exclusive product function properly.

By the combined designations are the combination of different kinds of elements of verbal, visual, volume.

For other designations provided for in Article 5 of the Act are sound and other designations.

4. The application for registration of the trademark, service mark (hereinafter - the application) shall be sent to the expert organization by mail or facsimile. If the application is transmitted by fax, it is confirmed by the original in hard copy no later than one month from the date of receipt of the application by fax. If the application documents are received in the expert organization at the end of this period, or contain information, which differ from those presented by facsimile, they are considered received on the date of receipt of their originals.

The application is submitted to the expert organization in triplicate.

5. The application must be submitted on the form according to the Annex to this Regulation, and shall relate to one trademark only and shall contain:

1) the indication of the fact that protection is sought collective mark if the application is for registration of the collective trademark;

2) full name of the legal entity or name, surname, patronymic (if any) of a natural person, as well as their location or place of residence, including postal code and country name, phone number, and fax number and e-mail address (if available);

3) information on the state registration of the legal entity or individual entrepreneur (for the Republic of Kazakhstan of the applicants);

4) name, surname, patronymic, or name the representative, including the patent attorney, if appointed, as well as the address for correspondence, including postal code, telephone number, fax number and e-mail address (if available);

5) the date of filing country code ST.3 WIPO standard and application number on which the Convention priority is claimed in accordance with paragraph 2 of Article 10 of the Law;

6) the date of the open display of the document object to an officially recognized international exhibition in the claimed designation as a trademark if requested exhibition priority in accordance with paragraph 3 of Article 10 of the Law;

7) the designation that is placed on the form in the square indicated the spot;

8) an indication of the fact that the protection of a trademark is sought in a standard font design, if the designation, made in regular font;

9) transliteration, translation of verbal designation if the designation is presented in a different language;

10) the indication that the protection of the bulk of the trademark is requested, if the volume claimed designation;

11) the indication of the fact that protection is sought in the color version, if the designation in color, indicating the color or color combination;

12) the list of goods and (or) services for which registration is sought trademark, grouped by classes of the Nice Classification, indicated in precise terms, allowing to identify the goods (services);

13) produced on the payment data;

14) the indication of the available earlier registration in the Republic of Kazakhstan (if any);

15) the indication of the fact that the filing for registration of the declared designation does not violate the copyright of third parties;

16) the signature of the applicant or the patent attorney.

The application is signed by:

authorized officer, if the application is filed on behalf of a legal entity indicating the position, surname and initials of the signatory;

the applicant, if the application is filed by an individual entrepreneur or a natural person;

patent attorney, if the application is filed through a patent attorney.

Registered application is not refundable.

6. The application shall be accompanied by:

1) Fifteen reproductions of the claimed designation. Claimed designation appears to format 8x8 centimeters (hereinafter - cm). Labels and special kinds of trademarks

can be submitted in the full amount if they do not exceed 20x20 cm sizes. In case of exceeding the specified size of the image is represented in a reduced form.

The image must be clear, contrast, suitable for reproduction.

The image of the claimed designation on registration appears in the color or combination of colors, in which the registration of the trademark. Specifying colors or color combinations should be made in the application image in color represents an additional, but not later than one month from the filing date.

If protection is sought surround trademark, except the general form of an image representing the image of different kinds of bulk trademark in angles, ensuring completeness of the submission of the designation.

If the sound protection of the trademark is sought, it shall be accompanied by musical notation and the soundtrack. If the registration is declared part of a piece of music, you must specify the author and title;

2) the description of the claimed designation (if the applicant deems it necessary to explain the meaning of it), which contains the characteristics of the claimed designation and an indication of the constituent elements, the meaning of the notation as a whole and / or parts thereof.

Description is used to explain the essence of the claimed designation, its identification;

3) a document confirming the payment for the services expert organization. Payment is made when filing the application or within two months from the date of receipt of the application. Failure to provide the documents on payment within the prescribed period, the application is considered not been filed;

4) the agreement on use of the collective trademark association members of association in accordance with paragraph 2 of Article 8 of the Act, if the application is for registration of the collective trademark. The agreement must contain the association name, the list of companies eligible to use the trademark, with indication of their location, the purpose of the registration of the collective trademark, list and common qualitative or other common characteristics of goods (services) in respect of which the registered collective mark, its conditions use and order of control over its use;

5) the power of attorney, in the case of doing things for the trademark registration with the competent authority or expert organization through the representative, submitted together with the application or in the course of proceedings within one month from the filing date;

6) the certified copy of the first application, if convention priority is claimed, and its translation into Kazakh or Russian language. A copy shall be made within three months from the date of the Convention's application to the expert organization.

The request for the establishment of convention or exhibition priority is submitted when applying for a trademark or within one month from the date of application to the expert organization;

7) notarized document confirming the legitimacy for requesting exhibition priority with the international status of the exhibition, time and venue, with the object of exposure in the claimed designation as a trademark, if exhibition priority is claimed.

The document notifying administration or by the organizing committee of the exhibition and submitted no later than two months from the date of receipt of the application in the expert organization.

The document should contain information about the time and venue, name of the object with the exposure to the claimed designation as the trademark, and confirms the international status of the exhibition;

8) approval of the competent authority on the use of the trademark elements of state symbols - emblems, flags and emblems; abbreviations and names, of international intergovernmental organizations; official, control, guarantee and hallmarks, seals, awards and other distinctions;

9) The copy of state registration of the legal entity or individual entrepreneur (for the Republic of Kazakhstan of the applicants);

10) The copy of the certificate of registration of mass media if the registration the trademark claimed the title of the periodical (for the Republic of Kazakhstan of the applicants).

The documents referred to in this paragraph of the Rules, as well as the translation of the application into the state or Russian language submitted no later than one month from the date of receipt of the application in the expert organization. Failure to provide the relevant documents within a specified time the application is considered filed.

The applicant has the right to supplement or amend the application materials at any stage of its consideration until the completion of a thorough examination and to make changes when you change the applicant as a result of concession rights to the trademark.

Supplements, clarifications and corrections regarding the claimed designation, the list of goods and services accepted by examination if these changes do not alter the substance of the application, including the scope of protection and the overall visual and phonetic perception of the mark (Detail 3 of 8 Article 13 of the Law).

In accordance with Article 9 quinquies of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks person who is the owner of the international application, excluded from the registry office of origin, can apply for registration of the trademark in the national patent office. This application

will be treated as if it had been filed on the date of the international registration in accordance with Art. 3 (4) or on the date of recording of the territorial extension according to Art. 3 ter (2).

3. Preliminary examination

7. During the preliminary examination, the application content, the presence of the necessary documents, determined the completeness and compliance of the submitted application documents and the information contained in them, the requirements established by these Rules. Payment Verification expert organization of services is made in accordance with subparagraph 3) of paragraph 7 of this Regulation. Checking and adjustment of the list of goods and services produced in accordance with the current edition of the Nice Classification.

The preliminary examination is carried out within one month from the date of receipt of the application in the expert organization. When sending a request to the applicant, this period is extended. When the application is sent by fax to the duration of the preliminary examination is calculated from the date of the original application.

As a result of the preliminary examination within ten days from the date of completion of the applicant shall be notified of the acceptance of the application for consideration or to refuse to accept the application for consideration.

8. Notification of acceptance of the application is sent for consideration in the case of full compliance with the application requirements set out in Chapter 2 of this Regulation and contains the following data:

the application number and the filing date;

Full name or the name of the applicant;

address of the applicant;

the image of the claimed designation;

indication of the classes of the Nice Classification;

priority date for the application claiming convention priority - the number of the first application, the filing date and the filing country code ST.3 WIPO standard.

9. Date of filing the application for trademark registration shall be the date of receipt of application for registration of the trademark, indicating full name / name and address of the applicant, the list of goods and services claimed for the registration of images or the filing date of the last of them.

10. If at the stage of preliminary examination revealed that the application is framed in violation of the requirements to its documents, under these Rules, the applicant shall request with violations and inviting them to submit the corrected or missing documents and / or information within three months from the date of the request.

11. The answer to the request of the examination shall be made within three months from the date of its sending. This period may be extended at the request of the applicant not more than six months. The applicant sent a second request if submitted the requested documents and (or) information, does not satisfy the requirements of the examination. Preliminary examination of the application is suspended until a response to the request.

In the case of the timely provision of the requested documents and (or) information that satisfy the requirements of the examination, the applicant will be notified of the acceptance of the application for review and establishment of the filing date.

12. If there is no response to the request of the examination and the violation of the applicants the deadline for reply, the application is deemed to be withdrawn, and the applicant at the end of five months from the date of the request shall be notified of the refusal to accept the application for consideration.

13. Notice of refusal to accept the application for review is sent expert organization the applicant in the absence of the application of information and attached to the application documents provided by these Rules, as well as failure to submit, within three months from the date of the request the proof of payment for the examination application trademark registration and power of attorney - when administered through a representative office.

14. Electronic filing of an application through the e-government portal e-gov or kazpatent.kz site. (Detail 3 of Article 8 of the Law).

4. Complete examination

14. Gross examination of the claimed designation is carried out on completion of the preliminary examination of applications accepted for consideration.

15. In the course of carrying out a thorough examination of compliance of the claimed designation to the requirements laid down in Articles 6-7 of the Law, the requirements of the application materials, requirements for the content and design of the application and accompanying documents provided for in paragraph 7 of this Regulation, except for the documents, which are checked in the course of the preliminary examination. Gross examination is carried out within nine months from the filing date.

At the direction of the applicant to request examination of the application is suspended until a response to the request.

If during the examination of the mark is detected designation identical or confusingly similar to a statement and having earlier priority, the processing of the application shall be suspended pending a decision on the application with earlier priority.

As a result of the thorough examination of the expert organization imposed an expert opinion about the registration of the trademark or to refuse registration.

If the result of the examination established that the designation corresponds to one of the requirements laid down in Articles 6-7 of the Law, the expert organization imposed an expert opinion on the refusal to register the trademark.

On the basis of the expert opinion by the authorized body within fifteen working days from the date of completion of the thorough examination of the decision on registration or refusal to register the claimed designation the trademark.

16. When setting discrepancy claimed designation to the requirements laid down in Articles 6-7 of the Law, the expert organization imposed an expert opinion about the registration of the trademark.

If the claimed designation meets the requirements of the submitted list of goods, imposed on the conclusion of the registration of the trademark in that part of the goods.

If the trademark contains the notation referred to in paragraph 1 of Article 6 of the Law, and they do not occupy a dominant position therein, - the conclusion shall be made specifying the elements that do not provide an independent legal protection - with disclaimer.

The expert opinion with the recitation of the following information:

registered as the trademark symbol; the name or the name, surname and patronymic (if any) of the trademark owner, the country code according to WIPO Standard ST.3; application number;

the filing date;

convention priority date and number, date of filing and the country code of the application, on the basis of which is set if the Convention priority is claimed;

date of exhibition, if exhibition priority is claimed;

the list of goods and services, grouped according to the classes of the Nice Classification;

excluded from the protection of the elements;

an indication that the trademark is collective, if registered collective trademark;

color indication or color combination, if the trademark is registered in color.

Expert opinions are drawn up according to Annex number 4, 5, 6 and 7 of this Regulation.

Expert opinions on the international applications are made according to the forms of the International Bureau.

Expert opinion with disclaimer / registration and partial provisional refusal is in accordance with the conclusions of the International Bureau of the forms of provisional refusal, which are sent to the applicant by the International Bureau.

17. The objection to the preliminary report on the refusal of registration of the disclaimer shall be made within three months from the date of the direction of the

partial registration. Deadline for submission of objections to the applicant's request be extended for not more than six months.

18. After considering the objections to the preliminary conclusion of the thorough examination, the authorized body makes a decision on registration or refusal of registration of the trademark.

19. Check the absolute grounds for refusal of registration of the trademark on the basis of Article 6 of the Law.

20. False or liable to mislead the consumer as to the product or its manufacturer recognized designations generating in the consumer's mind a certain idea of ??the quality of the product, its manufacturer or place of origin, which do not correspond to reality.

Designation deemed false or misleading, if false or misleading is one of its elements.

21. Not be registered the trademarks, geographical indications or signs, including geographical indications, able to mislead the consumer as to the applicant's place of residence and if registration of the name of the owner violates the rights of third parties

Not registered designations consisting solely of geographic names, which are perceived as the indication of the place of production or distribution of goods, and of the manufacturer.

If the name is perceived as a geographical indication of the place of production of goods and is part of the claimed designation, the registration is carried out, indicating it as unprotected elements.

If the registration is stated the little-known geographical name indicates the place of production or distribution of goods, and of the manufacturer, but the sources do not contain any information about him, given the geographical name granted legal protection.

22. Contrary to public interest, principles of humanity and morality recognized designations obscene, inhumane, insulting human dignity, national or religious feelings

If the declared designation contains as its elements is one of the symbols referred to in paragraphs 22, 23 and part 1 of this paragraph of the Rules, or consist exclusively of signs referred to in paragraph 1 of Article 6 of the Law, the examination concludes the impossibility of its registration as a trade mark.

The designations referred to in paragraph 2 of Article 6 of the Law, used in the trademark as unprotected elements, with the consent of the competent authorities or the owners, if you do not hold a dominant position therein.

23. Verification of marking on the identity and similarity with the owners of the earlier rights on intellectual property objects is carried out in accordance with paragraphs 1-2 of Article 7 of the Law.

The identity of recognized designations that coincide in all the elements.

24. The examination is conducted on the search results on the similarity to the trademark and identity symbols.

The search is performed:

among previously registered in the Republic of Kazakhstan and trademarks stated on the registration as trademarks with earlier priority;

among the well-known trademarks;

among previously registered and declared before the priority date for the registration of appellations of origin;

among industrial designs already registered or filed for registration in the expert organization on the name of third parties having an earlier priority.

Searching accounted trademarks of third parties, protected in Kazakhstan without registration by virtue of international agreements.

25. When checking for identity and similarity, the following steps:

conducted search of identical and similar designations;

determined by the degree of similarity declared and known symbols;

is determined by the uniformity of the declared goods in respect of which registered (declared) revealed identical or similar signs.

This takes into account the trademarks, which has not yet expired one year from the date of termination of the registration in accordance with Article 17 of the Law, as well as trademarks, which refused to register the term and challenging decision has not expired.

Combined designation examined for similarities with the combined symbols in general and with the types of identifiers that are part of the combined designations.

The similarity of verbal signs is determined by comparing:

with verbal symbols;

with the combined symbols, which include verbal elements.

The similarity of verbal designations defined in terms of phonetics (sound resemblance), graphics (visual similarity) and semantics (similarity in meaning).

Sound (phonetic) the similarity is determined on the basis of characteristics such as

:

the number of syllables;

the existence of similar sound and matching letters and sounds;

the proximity of the sounds that make up the designation;

availability of matching syllables and their location;

place coinciding sound combinations in the composition of symbols;

the proximity of the composition of vowels;
The compositions according to proximity;
the character of the same portions designations;
entering a designation in the other;
stress and others.

These characteristics may be considered individually and in various combinations depending on the determining value when creating the sound image and consumer perception.

Graphic (visual) similarity of verbal symbols is determined based on:
the overall visual impression;
font type;
ways of writing, including the arrangement of the letters and the alphabet;
colors and color combinations.

The search is performed among the verbal and graphic symbols, having a verbal character.

Semantic (semantic) similarity is determined by taking into account the perception of the trade mark of Kazakhstan on consumer criteria:

coincidence of concepts, ideas;
contrary to concepts and ideas.

Taken into account the coincidence of one of the elements of notation, which falls on the logical stress and which has independent significance.

The similarity of graphic and volumetric designations is determined based on characteristics:

external form;
the presence or absence of symmetry;
the type and nature of the images;
color combination.

26. Colour and color combinations are not the only signs of the trademark, and considered it important additional features.

27. Establishment of similarity of goods is carried out in order to determine the potential for consumer representation on these supplies of goods to one manufacturer.

Similar goods are products that perform a single function, relating to the same genus (kind) that for the labeling of identical or similar marks can cause the consumer an idea of ??their belonging to one manufacturer.

Similarity of commodities is determined on the basis of characteristics: gender (the form), destination, marketing conditions, the range of consumers.

When determining the similarity of goods, the comparison of the list of goods contained in the application, the list of goods in respect of which are registered or claimed are identical or similar trademarks.

Goods cannot be regarded as similar on the grounds that they belong to the same class of the Nice Classification, and belong to different classes is not proof of their heterogeneity.

Register designate similar goods, confusingly similar to the trademark specified in subparagraphs 1), 2) and 3) of paragraph 1 of Article 7 of the Law shall be made with the consent of the copyright owner. Consent of each application is presented separately

28. During the examination, the applicant sent a request to determine not whether the claimed designation or reproduction of elements:

known names in the Republic of Kazakhstan on the date of application of works of literature, science and art, famous works of art, and fragments thereof, in violation of copyright rights acquired previously;

surnames, names, pseudonyms and their derivatives, portraits and facsimile in violation of the moral rights of these individuals, and if these designations are property of history and culture of the Republic of Kazakhstan.

If there is no response to the request for expertise conclusion about the impossibility of registering the claimed designation the trademark.

Checking refer to the requirements of subparagraphs 3) -4) Article 7, paragraph 2 of the Act is carried out based on the amount of information that is publicly available at the time of the examination.

29. The objects of copyright and related rights, names, surnames, nicknames, portraits of well-known persons and other symbols used in the trademark with the written consent of these persons or their successors.

If these designations are property of history and culture of Kazakhstan, authorized to use them the trade mark is necessary.

No violation of moral rights when used the trademark is mentioned last names in the phone book more than 20 times.

30. The designations reproducing designs cannot be registered as trademarks if they have protection in the Republic of Kazakhstan as industrial designs to third parties the name of or on behalf of a third party in an expert organization filed the similar industrial design application with an earlier priority.

Search is carried out by the Fund declared and registered in the Republic of Kazakhstan of industrial designs.

31. Search by fund registered in the Republic of Kazakhstan appellations of origin. The designations are identical or confusingly similar to the registered in Kazakhstan in the name of third parties appellations of origin are not registered in respect of any class of goods.

32. Certification marks, quality marks of conformity not be registered the trademarks.

33. Checking the payment of the relevant actions carried out during the preliminary examination and complete way:

check the proof of payment;

check the amount of payment;

verify the details in the document confirming the payment.

The document confirming payment for carrying out the thorough examination, submitted no later than two months from the date of notification of acceptance of the application for consideration.

In the absence of the document within the prescribed period, the proof of payment, the application shall be deemed withdrawn and the applicant shall be notified in writing.

If there is insufficient amount paid for the filing of an application, the applicant shall be invited to make an additional payment.

5. Registration of the trademark, service mark

34. On the basis of the decision to register the trademark, and confirming the state duty payment, the trademark is registered by expert organization in the State Register of protected trademarks, service marks, appellations of origin of the Republic of Kazakhstan (hereinafter - the State Register) by assigning him the serial number (hereinafter - registration number) and the date of making the information (hereinafter - the date of registration).

Upon registration of the trademark in the State register of the following particulars shall be entered:

number and date of registration of the trademark;

image of the trademark;

ICGS index;

the name or the name, surname, patronymic (if any) of the holder and an indication of his place of residence or location;

number and date of applying to the expert organization;

list of goods (services) in regard to which the trademark is registered;

country, number and date of filing the first application where the conventional priority is established;

address for correspondence;

information representative (Patent attorney);

the date of the publication of an issue of the license, and the number of the Official Bulletin;

other information concerning the registration of the trademark including information about the assignment of right in protected trademark.

Adding to the above information is accompanied by presentation to them of the corresponding INID code (according to WIPO Standard) and is used in the publication. The country code is put under the relevant WIPO standard.

35. Expert organization makes to the State register of information on the latest changes and additions to the legal status of the trademark registration on the basis of the decisions of the authorized body, the Board of Appeal, the judiciary and petitions (applications) owners (their successors or representatives):

- of the registered agreement on the transfer of rights to a registered trademark;
- of the registered license agreement granting the right to use the trademark;
- on the recognition of the trademark registration invalid in whole or in part;
- granting the right to an open license;
- the termination of the registration of the trademark term;
- the termination of the registration of a trademark on the initiative of the owner;
- the extension of the trademark registration period;
- to change the owner's name in connection with its reorganization (the succession) and / or change of address of its location;
- to change of surname, name and patronymic (if any) of the owner and / or change of address of residence;
- to change of address for correspondence;
- the correction of obvious and technical errors, as well as the other changes relating to the registration of the trademark.

36. Extract from the State Register of Trademarks confirms the registration of the trademark and submitted in accordance with Annexes No. 2 and No.3 of this Regulation.

- The statement shall contain the following information:
- registration serial number;
 - date of registration;
 - trademark image;
 - indication of colors;
 - name and location of the trademark owner;
 - application number;
 - application date;
 - duration of the registration;
 - the list of goods and services in respect of which the trademark is registered;
 - the country, number and date of filing of the first application, if convention priority is set;
 - the date of publication of the trademark registration information;
 - other information relating to the registration of the trademark.

37. In the State Register of the Trademarks amended relating to the name and / or address of the owner of the location - a legal entity, change of name, the name (and patronymic, if any) of the owner - an individual and / or address of the owner of the residence.

Changes can be made by filing a request for the appropriate changes with the number of registration, the official name of a legal entity, the name, surname and patronymic (if any), address of residence and / or domicile. The petition shall be signed by the owner or his patent attorney by proxy.

When changes are made in the name of the owner as a result of reorganization and / or liquidation of the legal entity signed a petition and submitted in accordance with the legislation of the Republic of Kazakhstan. At the same interested party submits documents confirming the changes (in the reorganization), and / or proving the fact of liquidation of legal entity and non-transmission of the relevant rights.

Official documents presented by the representatives of the foreign applicant (the owner), certified by apostille of the country.

If documents no or submitted documents do not meet the requirements, the owners offer within two months from the date of the notification to submit them.

Failure to provide the requested documents in a timely manner, the application is considered not filed, changes are not made, as notified to the trademark owner.

Changes in the case of transfer of the right to the trademark to another person (other than the transfer of the right to the trademark) made at the request of the legal successor of the trademark with the indication of the registration number. The request shall contain information about the assignee and the attached certified copies of documents confirming the transfer of trademark rights.

Changes in case of transfer of trademark rights is conducted in accordance with the legislation of the Republic of Kazakhstan.

During the term of the trademark registration at the request of the owner, filed with the expert organization prior to the expiration of the trademark registration, national registration may be replaced by an international registration. National registration after replacement is canceled.

38. Correcting errors in the content of the application or submitted to the owner of the trademark document reflected in the State Register, and the information published in the bulletin, produced at the request of the trademark owner.

39. Information relating to the registration of trademarks, made in the State Register, as well as any subsequent changes concerning the registration shall be published in the Paper.

40. At the request of interested persons expert organization provides an excerpt from the State Register.

Rules for compiling, execution and
consideration of the
application for a trademark
Form

filled by RSE NIIP

Дата поступления	Дата подачи	№ заявки
ЗАЯВКА на регистрацию товарного знака		В Республиканское государственное предприятие «Национальный институт интеллектуальной собственности» Министерства юстиции Республики Казахстан 010000, г. Астана, Левобережье, Дом Министерств, ул. Орынбор, д. 9, корпус №1 подъезд № 1
Настоящим испрашивается регистрация представленного обозначения в качестве товарного знака (знака обслуживания) в Республике Казахстан.		
		<input type="checkbox"/> Коллективный товарный знак
Полное наименование заявителя с указанием организационно-правовой формы (или фамилия, имя, отчество, если заявитель - физическое лицо)*.	Код страны по стандарту ВОИС st. 3 (если он установлен)	
Сведения о государственной регистрации юридического лица или индивидуального предпринимателя (для заявителей Республики Казахстан)		

Адрес заявителя**, телефон, мобильный телефон, телефакс, E-mail		
<i>Патентный поверенный или иной представитель</i>		
Адрес для переписки, (полный почтовый адрес с указанием адресата), телефон, мобильный телефон, телефакс, E-mail		
<input type="checkbox"/> Испрашивается конвенционный приоритет по ранее поданной заявке (заявкам)		
Номер первой заявки	Дата испрашиваемого приоритета	Код страны подачи по ST.3
<input type="checkbox"/> Испрашивается выставочный приоритет		Дата начала открытого показа
Заявляемое обозначение:		
		<input type="checkbox"/> Товарный знак в стандартном шрифтовом исполнении <input type="checkbox"/> Транслитерация <input type="checkbox"/> Неохраноспособные элементы <input type="checkbox"/> Перевод <input type="checkbox"/> Товарный знак объемный <input type="checkbox"/> Товарный знак в цветовом исполнении <input type="checkbox"/> Указание цветов:



*Наименование заполняется на казахском и/или русском языках для заявителей Республики Казахстан;

**транслитерация заполняется на русском языке для иностранных заявителей нужно отметить

Товары и услуги, для которых испрашивается охрана товарного знака, сгруппированные по классам

МКТУ

Заявляемое обозначение имеет более раннюю регистрацию в Казахстане. № регистрации _____

Перечень прилагаемых документов:

- Документ, подтверждающий гос. регистрацию индивидуального предпринимателя в Республике Казахстан
- Изображения заявляемого обозначения: черно-белые в количестве _____, цветные в количестве _____
- Описание обозначения
- Перечень товаров/услуг (если он не поместился на бланке)
- Документ об оплате: счет/ платежное поручение № _____ от _____
- Доверенность
- Заверенная копия ранее поданной заявки(-ок)

Перевод копии ранее поданной заявки

Соглашение о коллективном знаке

Другие документы (указать), в т.ч. отмеченные в п. _____

Всего листов _____

_ Перечень прилагаемых документов отметить _____

Настоящим подтверждаю, что подача на регистрацию заявляемого обозначения не нарушает права интеллектуальной собственности других лиц

Подпись
Должность (Ф.И.О. (при его наличии))
МП
Дата

Date of receipt	Date of filing:	Application №
Application for a trademark registration	To Republican State Enterprise "National Institute of Intellectual Property" Of the Ministry of Justice of the Republic of Kazakhstan 010000, Astana, Left bank, House of Ministries, 8 Orynbor st, building №1 entrance №1	
By this registration is sought represented by the notation as a trademark (service mark) in Republic of Kazakhstan		
		Collective trademark
Applicant's full name with the registration and legal form indication (or surname, name, patronymic, if applicant is a natural person)	Country code under the standard WIPO st.3 (if it is installed)	
Information on state registration of a legal person or an individual entrepreneur (for the applicants of Republic of Kazakhstan)		

Address of an applicant, phone number, mobile phone number, telefax, E-mail		
Patent attorney or other representative		
Address for correspondence, (complete mailing address indicating the addressee) phone number, mobile phone number, telefax, E-mail		
Convention priority is claimed for the earlier application (applications)		
Number of the first application	Date of claimed priority	The date of the show opening
Claimed designation:		
		<ul style="list-style-type: none"> - Trademark in standard font design - Transliteration - Unregistrable elements - Translation - Trademark of volumetric - Trademark in color performance - Designation of colors:

Denomination is filled in Kazakh and/or Russian languages for applicants of the Republic of Kazakhstan;

Transliteration is filled in Russian for foreign applicants, check the necessary

Goods and services, for which the security of a trademark is claimed, grouped in classes

ICGS

The claimed designation has the earliest registration in Kazakhstan. № of registration

List of attached documents:

Document certifying state registration an individual entrepreneur in Republic of Kazakhstan

Images of the claimed designation: black and white in an amount_____, color in an amount_____

Item description

The list of goods/services (if it did not fit in the form)

Document on payment: check/ payment order №____ from_____

Power of attorney

A certified copy of the previously filed application(s)

Translation of the previously filed application

Agreement on the collective mark

Another documents (specify), including marked in p._____

Pages in whole_____

Check the list of attached documents_____

Hereby certify that apply for registration of the claimed designation does not violate the intellectual property rights of others

Signature

Post S.N.P. (at it presence)

Place for print

Date

Annex № 2
Rules for compiling, execution and
consideration of the
application for a trademark
Form



**ВЫПИСКА ИЗ ГОСУДАРСТВЕННОГО РЕЕСТРА ТОВАРНЫХ ЗНАКОВ
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:
(310)-(330) Номер и дата приоритетной заявки:	
(540) Изображение товарного знака	
(591) Указание цветов:	
(730) Наименование и местонахождение владельца товарного знака:	
(511) Перечень товаров и услуг:	

Изменения в Госреестре

№ 1.

№ 2.

Подпись

**MINISTRY OF JUSTICE OF THE REPUBLIC OF KAZAKHSTAN
REGISTRATION CERTIFICATE
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 № 3

Rules for compiling, execution and
consideration of the
application for a trademark

Form



**ВЫПИСКА ИЗ ГОСУДАРСТВЕННОГО РЕЕСТРА ТОВАРНЫХ ЗНАКОВ
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:
(310)-(330) Номер и дата приоритетной заявки:	
(540) Изображение товарного знака	
(591) Указание цветов:	
(730) Наименование и местонахождение владельца товарного знака:	
(511) Перечень товаров и услуг:	

Изменения в Госреестре

№ 1.

№ 2.

**MINISTRY OF JUSTICE OF THE REPUBLIC OF KAZAKHSTAN
REGISTRATION CERTIFICATE
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 № 4
Rules for compiling, execution and
consideration of the
application for a trademark
Form

<p>ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ӘДІЛЕТ МИНИСТРЛІГІНІҢ «ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК ИНСТИТУТЫ» ШАРՄАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК КӨСІПОРНЫ</p>		<p>РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ ПРЕДПРИЯТИЕ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «НАЦИОНАЛЬНЫЙ ИНСТИТУТ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ» МИНИСТЕРСТВА ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН</p>
<p><u>Лаг алмасу және электрондық мекен-жай</u></p>	<p><u>Адрес для переписки и электронный адрес</u></p>	
<p>Заявленное обозначение</p>	<p>Адрес переписки:</p> <p>БЕКІТЕМІН/УТВЕРЖДАЮ Директор РГП «Национальный институт интеллектуальной собственности»</p> <p>_____</p> <p>« ____ » _____ г.</p>	

EXPERT OPINION (final)
trademark registration (combined, verbal, visual,
literal, digital, etc.)

(210) Application Number:	
(220) Date of filing:	
(300) Priority	

After reviewing the arguments made in the objection materials to an expert opinion on the provisional refusal in trademark registration (expert opinion on trademark registration with the disclaimer / partial refusal) management of trademark examination and origin appellations of RSE "NIIP" found them compelling enough to issue an expert opinion on the registration of a trademark on the name:

(730) Applicant:	
Legal address of the applicant:	
to the following products and / or services: (511) (510) (ICGS classes and list of products / services)	
Specifying of colors:	
Unregistrable elements:	
The basis for the expert opinion issuance on refusal in registration of a trademark / service mark:	
The head of trademark examination and origin appellations management	
The expert of trademark examination and origin appellations management	

Note:

In case of your detection of any errors / typos in the text of the expert opinion, please report it for further correction.

Annex № 5
Rules for compiling, execution and
consideration of the
application for a trademark
Form

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ӘДІЛЕТ МИНИСТРЛІГІНІҢ «ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК ИНСТИТУТЫ» ШАРУАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК КӘСІПОРНЫ		РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ ПРЕДПРИЯТИЕ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «НАЦИОНАЛЬНЫЙ ИНСТИТУТ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ» МИНИСТЕРСТВА ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН
<u>Лат алмасу және электрондық мекен-жай</u>	<u>Адрес для переписки и электронный адрес</u>	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div> Заявленное обозначение	Адрес переписки: <div style="text-align: center;"> БЕКТЕМІН/УТВЕРЖДАЮ Директор РГП «Национальный институт интеллектуальной собственности» _____ « _____ » _____ г. </div>	

Заявленное обозначение	Claimed designation
Адрес переписки	Address of correspondence

EXPERT OPINION
trademark registration (combined, verbal, visual,
literal, digital, etc.)

(210) Application Number:	
(220) Date of filing:	
(300) Priority	

Having considered the application materials, management of trademark examination and origin appellations of RSE "NIIP" issued an expert opinion on refusal in (combined, verbal, visual, literal, digital, etc.) trademark registration (service mark) in the name of applicant:

(730) Applicant:	
Legal address of the applicant:	
to the following products and / or services:	
(511) (510) (ICGS classes and list of products / services)	
Specifying of colors:	

Unregistrable elements:

The basis for the expert opinion issuance on refusal in registration of a trademark / service mark:


The head of trademark examination and origin appellations management

The expert of trademark examination and origin appellations management

Note:

In case of your detection of any errors / typos in the text of the expert opinion, please report it for further correction.

Annex № 6
Rules for compiling, execution and
consideration of the
application for a trademark
Form

<p>ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ӘДІЛЕТ МИНИСТРЛІГІНІҢ «ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК ИНСТИТУТЫ» ШАРУАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК КӘСІПОРНЫ</p>		<p>РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ ПРЕДПРИЯТИЕ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «НАЦИОНАЛЬНЫЙ ИНСТИТУТ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ» МИНИСТЕРСТВА ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН</p>
<p><u>Лат алмасу және электрондық мекен-жай</u></p>	<p><u>Адрес для переписки и электронный адрес</u></p>	

<div data-bbox="250 1438 724 1927" style="border: 1px solid black; height: 233px; width: 292px;"></div> <p data-bbox="337 1927 659 1957" style="text-align: center;">Заявленное обозначение</p>	<p data-bbox="781 1430 1016 1459">Адрес переписки:</p> <div data-bbox="781 1514 1367 1703" style="border: 1px dashed black; height: 90px;"></div> <p data-bbox="802 1717 1349 1814" style="text-align: center;">БЕКТЕМІН/УТВЕРЖДАЮ Директор РГП «Национальный институт интеллектуальной собственности»</p> <p data-bbox="915 1871 1235 1885" style="text-align: center;">_____</p> <p data-bbox="938 1923 1214 1948" style="text-align: center;">« ____ » _____ г.</p>
--	--

Заявленное обозначение	Claimed designation
Адрес переписки	Address of correspondence

**EXPERT OPINION (final)
of refusal in (combined, verbal, visual, literal,
digital, etc.) trademark registration
(service mark)**

(210) Application Number:	
(220) Date of filing:	
(300) Priority	

After reviewing the arguments made in the objection materials to an expert opinion on the provisional refusal in trademark registration (expert opinion on trademark registration with the disclaimer / partial refusal) management of trademark examination and origin appellations of RSE "NIIP" found them compelling enough to issue an expert opinion on the registration of a trademark on the name:

(730) Applicant:	
Legal address of the applicant:	
to the following products and / or services:	
(511) (510) (ICGS classes and list of products / services)	
Specifying of colors:	
Unregistrable elements:	
The basis for the expert opinion issuance on refusal in registration of a trademark / service mark:	
The head of trademark examination and origin appellations management	
The expert of trademark examination and origin appellations management	

Conclusion on the trade mark registration refusal may be challenged by the applicant to the Appeals Board in a 3-month period from the date of its direction.

2 of Article 12 of the Law "On trademarks, service marks and origin appellations "(hereinafter - the Law), in case of disagreement with the conclusion of expertise the


applicant shall be entitled to submit motivated objection, within three months from the date of this expert opinion, attaching a document confirming payment.

If objection is not received within the prescribed period provisional refusal will be considered as a final rejection, without applicant further notice.

Note:

In case of your detection of any errors / typos in the text of the expert opinion, please report it for further correction.

Annex № 7
Rules for compiling, execution and
consideration of the
application for a trademark
Form

КАЗАҚСТАН РЕСПУБЛИКАСЫ ӘДІЛЕТ МИНИСТРЛІГІНІҢ «ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК ИНСТИТУТЫ» ШАРУАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК КӘСІПОРНЫ		РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ ПРЕДПРИЯТИЕ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «НАЦИОНАЛЬНЫЙ ИНСТИТУТ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ» МИНИСТЕРСТВА ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН
<u>Дат алмасу және электрондық мекен-жай</u>	<u>Адрес для переписки и электронный адрес</u>	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div> <p style="text-align: center; margin-top: 5px;">Заявленное обозначение</p>	<p>Адрес переписки:</p> <div style="border: 1px solid black; width: 100%; height: 100%;"></div> <p style="text-align: center; margin-top: 20px;">БЕКТЕМІН/УТВЕРЖДАЮ Директор РГП «Национальный институт интеллектуальной собственности»</p> <p style="text-align: center; margin-top: 10px;">_____</p> <p style="text-align: center; margin-top: 5px;">«__» _____ Г.</p>	

Заявленное обозначение	Claimed designation
Адрес переписки	Address of correspondence

EXPERT OPINION (final)
of refusal in (combined, verbal, visual, literal,
digital, etc.)
trademark registration
(service mark)

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(210) Application Number:	
(220) Date of filing:	
(300) Priority	


After reviewing the arguments made in the objection materials to an expert opinion on the provisional refusal in trademark registration (expert opinion on trademark registration with the disclaimer / partial refusal) management of trademark examination and origin appellations of RSE "NIIP" did not find them compelling enough to change the conclusion in favor of the applicant and leaves the decision on " _ " _____ in force.

(730) Applicant:	
Legal address of the applicant:	
to the following products and / or services:	
(511) (510) (ICGS classes and list of products / services)	
Specifying of colors:	
Unregistrable elements:	
The basis for the expert opinion issuance on refusal in registration of a trademark / service mark:	
The head of trademark examination and origin appellations management	
The expert of trademark examination and origin appellations management	

In case of disagreement with the conclusion of expertise on refusal the applicant is entitled to submit motivated objection, within three months from the date of this expert opinion, attaching a document confirming payment.

Note:

In case of your detection of any errors / typos in the text of the expert opinion, please report it for further correction.

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ӘДІЛЕТ МИНИСТРЛІГІНІҢ «ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК ИНСТИТУТЫ» ШАРУАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК КӘСІПОРНЫ		РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ ПРЕДПРИЯТИЕ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «НАЦИОНАЛЬНЫЙ ИНСТИТУТ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ» МИНИСТЕРСТВА ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН
<u>Хат алмасу және электрондық мекен-жай</u>	<u>Адрес для переписки и электронный адрес</u>	

<div style="border: 1px solid black; height: 200px; width: 100%;"></div> <p>Заявленное обозначение</p>	<p>Адрес переписки:</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <div style="border: 1px solid black; height: 100px; width: 100%; text-align: center;"> <p>БЕКІТЕМІН/УТВЕРЖДАЮ Директор РГП «Национальный институт интеллектуальной собственности»</p> <hr style="width: 20%; margin: 0 auto;"/> <p>« » г.</p> </div>
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Заявленное обозначение	Claimed designation
Адрес переписки	Address of correspondence

EXPERT OPINION
on provisional refusal in (combined, verbal, visual,
literal, digital, etc.)
trademark registration
(service mark)

(210) Application Number:	
(220) Date of filing:	
(300) Priority	

Having considered the application materials, management of trademark examination and origin appellations of RSE "NIIP" issued an expert opinion on refusal in (combined, verbal, visual, literal, digital, etc.) trademark registration (service mark) in the name of applicant:

(730) Applicant:	
Legal address of the applicant:	

to the following products and / or services: (511) (510) (ICGS classes and list of products / services)
Specifying of colors:
Unregistrable elements:
The basis for the expert opinion issuance on refusal in registration of a trademark / service mark:
The head of trademark examination and origin appellations management
The expert of trademark examination and origin appellations management

In case of disagreement with the conclusion of expertise on refusal the applicant is entitled to submit motivated objection, within three months from the date of this expert opinion, attaching a document confirming payment.

According to Art. 13 of RK Law <About Trademarks, Signs Service...> applicant is entitled to request an extension of the deadlines for objections, but no more than for six months, as well as to apply for restoration of missed deadlines, but not later than two months from the date of expiry of the missed deadline.

If objection is not received within the prescribed period provisional refusal will be considered as a final rejection, without applicant further notice.

Note:

In case of your detection of any errors / typos in the text of the expert opinion, please report it for further correction.