



On approval of the Regulation on the Certification Commission

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan dated August 28, 2018 No. 1319. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 29, 2018 No. 17326.

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Under sub-paragraph 2) of paragraph 2 of Article 3-1 of the Law of the Republic of Kazakhstan “On Protection of Selection Achievements”, sub-paragraph 2) of paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan “Patent Law of the Republic of Kazakhstan”, sub-paragraph 2) of paragraph 2 of Article 3 of the Law of the Republic of Kazakhstan “On Trademarks, Service Marks, Geographical Indications and Appellations of Origin of Goods” and sub-paragraph 2) of Article 4 of the Law of the Republic of Kazakhstan “On Legal Protection of Topologies of Integrated Circuits”, **I HEREBY ORDER:**

Footnote. The preamble - as reworded by order of the Minister of Justice of the Republic of Kazakhstan No. 736 dated 31.08.2022 (shall come into effect upon expiration of ten calendar days after the day of its first official publication).

1. To approve the attached Regulation on the Certification Commission.
2. The Department of Intellectual Property Rights in accordance with the procedure established by the legislation shall ensure:
 - 1) state registration of this order;
 - 2) within ten calendar days from the date of state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, the direction hereof in Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;
 - 3) placing this order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan.
3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Justice of the Republic of Kazakhstan.
4. This order shall be put into effect upon expiry of ten calendar days after the day of its first official publication.

Minister

M. Beketayev

Approved
by the order no. 1319 of the
Minister of Justice

Regulation on Certification Commission Chapter 1. General Provisions

1. The Regulations on the Certification Commission (hereinafter referred to as the Regulations) have been developed under the Law of the Republic of Kazakhstan “On Protection of Selection Achievements” (hereinafter referred to as the Law on Selection Achievements), the Law of the Republic of Kazakhstan “Patent Law of the Republic of Kazakhstan” (hereinafter referred to as the Patent Law), the Law of the Republic of Kazakhstan “On Trademarks, Service Marks, Geographical Indications and Appellations of Origin of Goods” (hereinafter - the Law on Trademarks), the Law of the Republic of Kazakhstan “On Legal Protection of Topographies of Integrated Circuits” (hereinafter - the Law on Integrated Circuits) and determines the activities of the Commission on Certification (hereinafter - the Commission).

Footnote. Paragraph 1 - as reworded by order of the Minister of Justice of the Republic of Kazakhstan No. 736 dated 31.08.2022 (shall be put into effect upon expiry of ten calendar days after the day of its first official publication).

2. The following concepts are used herein:

1) the Attestation Commission - Attestation Commission of the authorised body;

2) an expert organisation - an organisation established by the decision of the Government of the Republic of Kazakhstan, approved by Decree of the Government of the Republic of Kazakhstan No. 756 dated July 11, 2002 “On the Establishment of the National Institute of Intellectual Property Republican State Enterprise of the Committee for Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan”, in the organisational and legal form of a republican state enterprise under the right of economic management, subordinate in its activities to the authorised body;

3) the authorised body - the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Paragraph 2 - as reworded by order of the Minister of Justice of the Republic of Kazakhstan No. 736 dated 31.08.2022 (shall be enacted ten calendar days after the day of its first official publication).

3. The number of members of the Commission shall be odd and shall consist of at least five employees and the expert organization.

The composition of the Commission shall be approved by order of the Minister of Justice of the Republic of Kazakhstan or his deputy.

The Commission meetings shall be considered eligible if at least 2/3 of its members are present.

4. The chairman of the Commission shall be the Vice-Minister of Justice of the Republic of Kazakhstan.

During absence of the chairman of the Commission, his functions shall be performed by the deputy chairman of the Commission.

5. The objectives of the Commission shall be performance of the certification of candidates to patent attorneys, as well as ensuring openness and publicity of the meeting.

Chapter 2. Powers of the Commissions

6. The Chairman of the Commission shall:

- 1) perform general management of the activities of the Commission;
- 2) plan the work of the Commission;
- 3) chair the meetings of the Commission.

7. members of the Commission shall:

- 1) familiarize with the submitted documents for certification and results of testing;
- 2) consider issues that are subject to settlement at the meeting of the Commission in accordance with the legislation of the Republic of Kazakhstan in the field of intellectual property.

8. The Secretary of the Commission shall:

- 1) give notice to the members of the Commission about the date and venue of the meeting of the Commission;
- 2) perform preparation of materials for the meeting of the Commission; execute minutes following the results of the certification;
- 3) not be a member of the Commission.

9. Meetings of the Commission shall be held when necessary.

10. By protocol decision of the Certification Commission shall:

- 1) suspend the activities of a patent attorney:

based on the application of the patent attorney filed with the Certification Commission;
if there is a restriction to engage in entrepreneurial activities under the laws of the Republic of Kazakhstan, as well as attributed to the employees of the authorised body and its subordinate organisations;

to clarify the circumstances envisaged by paragraph 1 of Article 22-6 of the Law on Selection Achievements, paragraph 1 of Article 36-2 of the Patent Law, paragraph 1 of Article 46-2 of the Law on Trademarks, paragraph 1 of Article 15-2 of the Law on Integrated Circuits.

Pursuant to sub-paragraph 3) of part one of this paragraph, the activities of a patent attorney shall be suspended for a period of three months until the relevant decision is taken by the Certification Commission.

If the grounds for suspension of the patent attorney's activities are eliminated, his/her activities shall be resumed by a protocol decision of the Certification Commission;

- 2) removes a patent attorney from the register of patent attorneys:

based on a personal application of the patent attorney filed with the Certification Commission;

upon termination of citizenship of the Republic of Kazakhstan or upon departure for permanent residence outside the Republic of Kazakhstan;

when the professional activities of a patent attorney have been interrupted for more than five years;

upon entry into force of a court conviction by which the patent attorney has been convicted of an offence;

in case of establishing the fact of death of a patent attorney or declaring him/her missing or declared dead;

if the patent attorney is recognised as incapacitated or limited in his/her legal capacity;

following the findings of examination of complaints of natural and (or) legal persons, as well as submissions of the Chamber of Patent Attorneys.

Footnote. Paragraph 10 - as reworded by order of the Minister of Justice of the Republic of Kazakhstan No. 736 dated 31.08.2022 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).

11. The decision of the members of the Commission shall be held by open vote by a simple majority of votes from the number of members present and shall be declared the presiding officer.

In the event of equally divided votes, the vote of the chairman of the Commission shall be decisive.

12. The meeting of the Commission shall be registered by minutes.

The minutes of the meeting of the Commission shall be signed by the chairman, members of the Commission by results of the certification and the secretary.