



On approval of the Rules for registration of the transfer of the exclusive right, the granting of the right to use industrial property, open or compulsory license in relevant state registers

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan of August 29, 2018 No. 1347. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 4, 2018 No. 17329.

Unofficial translation

In accordance with subparagraph 2) of paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan “Patent Law of the Republic of Kazakhstan” as of July 16, 1999, I **hereby ORDER:**

1. To approve the appended Rules for registration of the transfer of the exclusive right, the granting of the right to use industrial property, open or compulsory license in relevant state registers.

2. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Department of Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days of the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, send it in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” of the Ministry of Justice of the Republic of Kazakhstan for its official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the official website of the Ministry of Justice of the Republic of Kazakhstan after its official publication.

3. Control over execution of this order shall be entrusted to the supervising Vice-minister of Justice of the Republic of Kazakhstan.

4. This order shall take effect ten calendar days after its first official publication.

*Minister of Justice
of the Republic of Kazakhstan*

M. Beketayev

Approved
by the order of the
Minister of Justice of the
Republic of Kazakhstan
dated August 29, 2018 No. 1347

Rules for registration of transfer of exclusive rights in relevant state registers, granting the right to use an industrial property object, an open or compulsory license

Footnote. The Rules - as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 21.04.2020 No. 11 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for registration of the transfer of exclusive rights in the relevant state registers, granting the right to use an industrial property object, an open or compulsory license (hereinafter - the Rules) are developed in accordance with the Laws of the Republic of Kazakhstan dated July 16, 1999 "Patent Law of the Republic of Kazakhstan", dated April 15, 2013 "On public services" (hereinafter - the Law on public services), which establish the procedure for registration in the State register of inventions, State Register of utility models, State register of industrial designs, transfer of exclusive rights, granting the right to use an industrial property object, an open or compulsory license, and also determine the procedure for provision of public services.

2. The following concepts are used in these Rules:

1) exclusive right - the proprietary right of the patentee to use the industrial property object in any way at his own discretion;

2) bulletin - an official periodical on the issues of protection of industrial property objects;

3) industrial property objects - inventions, utility models and industrial designs;

4) patentee - the owner of the title of protection;

5) patent attorneys - citizens of the Republic of Kazakhstan who, in accordance with the legislation of the Republic of Kazakhstan, are granted the right to represent individuals and legal entities before the authorized body and expert organization;

6) the web portal of "electronic government" www.egov.kz, www.elicense.kz (hereinafter referred to as the portal) - an information system that is a single window of access to all consolidated government information, including the regulatory legal framework, and to public services, services for the issuance of technical specifications for connection to the networks of natural monopoly entities and services of entities of quasi-public sector provided in electronic form;

7) payment gateway of "electronic government" (hereinafter - PGEG) - an information system that automates the processes of transferring information about making payments as part of provision of paid services rendered in electronic form;

8) electronic digital signature (hereinafter referred to as EDS) - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its affiliation and invariability of its content.

Chapter 2. Procedure for registration of transfer of exclusive rights to industrial property objects

3. The public service "Registration of transfer of exclusive rights to the trademark, selection achievement and facility of industrial property, as well as the topology of the integrated circuit" (hereinafter referred to as the public service) shall be provided 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 referred to as the service provider).

Footnote. Paragraph 3 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

4. To obtain a public service, a natural and/or legal person (hereinafter referred to as the service recipient) shall submit an application via the portal accompanied by the documents listed in paragraph 8 of the list of basic requirements for the provision of the public service "Registration of Transfer of Exclusive Rights to a Trademark, Selection Achievement and Industrial Property Object, as well as Integrated Circuit Topology" as per Appendix 1 (hereinafter referred to as the list), in the form of an electronic document signed by EDS, in compliance with Appendices 2 and 3 hereto.

Footnote. Paragraph 4 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).

5. The list of basic requirements for the provision of a public service including the characteristics of the process, form, content and result of provision, as well as other details, considering the peculiarities of the provision of a public service is given in the list.

Payment is made by non-cash method through the payment gateway of a second-tier bank integrated with the information system of the service provider newcab.kazpatent.kz using the bank details specified in Appendix 4 (hereinafter Appendix 4) to these Rules.

When the service recipient sends an application through the portal, the status of accepting the request for provision of a public service is automatically displayed in the "personal account".

Footnote. Paragraph 5 as amended by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall be enacted ten calendar days after the date of its first official publication).

6. Application for registration and documents attached to it are submitted in the Kazakh or Russian languages. Foreign names and names of legal entities are indicated in the Kazakh or Russian transliteration.

Individuals permanently residing in the Republic of Kazakhstan, but temporarily outside its borders, can exercise their rights as an applicant, as well as the rights of an interested

person without a patent attorney when specifying an address for correspondence within the Republic of Kazakhstan.

7. The application for the provision of public service shall be automatically assigned a registration number at the time of receipt by the service provider.

When the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, the acceptance of applications and the issuance of the results of the provision of public service shall be carried out the next working day.

The service provider shall check the completeness of documents within two (2) working days from the date of registration.

If the service recipient submits an incomplete package of documents or there is no information necessary for the provision of the public service in accordance with these rules, the service provider shall send a notification to the service recipient within the terms specified in part three of this paragraph indicating which requirements the package of documents shall not meet.

The period for bringing the documents specified in the notification into compliance shall be 2 (two) working days from the date of receipt of the notification by the service provider.

If, within two (2) working days from the date of receipt of the notification, the service recipient has not brought it into compliance with the requirements, the service provider shall send a refusal to further consider the application in accordance with Annex 6 of the Rules.

The service provider shall receive information about the document confirming payment from the corresponding state information system through the "electronic government" gateway.

Based on the results of checking the relevant documents and payment, as well as in the absence of grounds for refusal, the service provider within 5 (five) working days shall prepare a notification on the provision of public service and shall send it to the "personal account" of the service recipient in electronic form in accordance with Annex 5 to these Rules.

When making a decision on refusal to provide a public service, the service provider shall within one (1) working day notify the service recipient of the preliminary decision on refusal to provide a public service, as well as the time and place (method) of hearing to enable the service recipient to express a position on the preliminary decision.

A notice of hearing shall be sent at least three (3) working days prior to the completion of the term of the public service. The hearing shall be held no later than two (2) working days from the date of notification.

Based on the results of the hearing, the service provider shall issue a permit or a reasoned refusal to provide public service.

Footnote. Paragraph 7 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 30.06.2021 № 550 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

8. In case of registration, the service provider publishes information in the bulletin on the registration of transfer of exclusive rights to industrial property objects.

9. The service provider shall ensure that data on the stage of provision of a public service is entered into the information system for monitoring the provision of public services under the procedure established by the competent authority in the field of informatisation, as per sub-paragraph 11) of Article 5 of the Law on State Services.

In case of amendments and (or) additions hereto, the competent authority shall forward information on such amendments and (or) additions to the operator of the information and communication infrastructure of the electronic government, to the Unified Contact Centre, to the service provider within 10 (ten) business days after the state registration of the relevant regulatory legal act with the justice authorities.

Footnote. Paragraph 9 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall become effective ten calendar days after the date of its first official publication).

Chapter 3. Procedure for registration of granting rights to industrial property objects

10. The public service "Registration of granting the right to use the trademark, selection achievement and object of industrial property, as well as the topology of the integrated circuit" (hereinafter referred to as the public service) shall be provided by the service provider.

Footnote. Paragraph 10 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

11. To obtain a public service, a natural and (or) legal person (hereinafter referred to as the service recipient) shall forward an application via the portal accompanied by the documents mentioned in paragraph 8 of the list of basic requirements for the provision of the public service "Registration of the Granting of the Right to Use a Trademark, Selection Achievement and Industrial Property Object, as well as Topology of an Integrated Circuit" as per Appendix 7 (hereinafter referred to as the list), in the form of an electronic document signed by EDS, in compliance with Appendices 8, 9 and 10 hereof.

Footnote. Paragraph 11 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall be put into effect ten calendar days after the date of its first official publication).

12. The list of basic requirements for the provision of a public service, including the specifications of the process, form, content and result of provision, as well as other details, given the peculiarities of the provision of a public service, is given in the list.

Payment is made by non-cash method through the payment gateway of a second-tier bank integrated with the information system of the service provider newcab.kazpatent.kz using the bank details specified in Appendix 4 to these Rules.

When the service recipient sends an application through the portal, the status of accepting the request for provision of a public service is automatically displayed in the "personal account".

Footnote. Paragraph 12 as amended by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall be enforced ten calendar days after the date of its first official publication).

13. The application for registration and the documents attached to it are submitted in the Kazakh or Russian languages. Foreign names and names of legal entities are indicated in the Kazakh or Russian transliteration.

Individuals permanently residing in the Republic of Kazakhstan, but temporarily outside its borders, can exercise their rights as an applicant, as well as the rights of an interested person without a patent attorney when specifying an address for correspondence within the Republic of Kazakhstan.

14. The application for the provision of public service is automatically assigned a registration number at the time of receipt by the service provider.

When the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, the acceptance of applications and the issuance of the results of the provision of public service are carried out the next working day.

The service provider shall check the completeness of documents within two (2) working days from the date of registration.

If the service recipient submits an incomplete package of documents or there is no information necessary for the provision of the public service in accordance with these rules, the service provider shall send a notification to the service recipient within the terms specified in part three of this paragraph indicating which requirements the package of documents shall not meet.

The period for bringing the documents specified in the notification into compliance shall be 2 (two) working days from the date of receipt of the notification by the service provider.

If, within two (2) working days from the date of receipt of the notification, the service recipient has not brought it into compliance with the requirements, the service provider shall send a refusal to further consider the application in accordance with Annex 13 of the Rule.

The service provider shall receive information about the document confirming payment from the corresponding state information system through the "electronic government" gateway.

Based on the results of checking the relevant documents and payment, as well as in the absence of grounds for refusal, the service provider within 5 (five) working days shall prepare a notification on the provision of public service and shall send it to the "personal account" of the service recipient in electronic form in accordance with Annexes 11, 12 to these Rules.

When making a decision on refusal to provide a public service, the service provider shall within one (1) working day notify the service recipient of the preliminary decision on refusal to provide a public service, as well as the time and place (method) of hearing to enable the service recipient to express a position on the preliminary decision.

A notice of hearing shall be sent at least three (3) business days prior to the completion of the term of the public service. The hearing shall be held no later than two (2) working days from the date of notification.

Based on the results of the hearing, the service provider shall issue a permit or a reasoned refusal to provide public service.

Footnote. Paragraph 14 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 30.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

15. In case of registration, the service provider publishes information in the bulletin on the registration of granting the rights to industrial property objects.

16. Service provider ensures that data on the stage of provision of a public service are entered into the information system for monitoring the provision of public services in the manner established by the authorized body in the field of informatization, in accordance with subparagraph 11) of Article 5 of the Law on public services.

Chapter 4. Procedure for appealing decisions, actions (inaction) of the service provider and (or) his officials on the issue of provision of public services

17. A complaint about the decision, actions (inaction) of employees of structural subdivisions of the authorized body shall be submitted to the head of the service provider and (or) to the authorized body for assessing and monitoring the quality of public services (hereinafter referred to as the body considering the complaint) in accordance with the legislation of the Republic of Kazakhstan.

The consideration of a complaint regarding the provision of public services shall be carried out by a higher administrative body, an official, and a body considering the complaint.

Complaints shall be submitted to the service provider and (or) to the official whose decision, action (inaction) shall be appealed.

The service provider, an official whose decision, action (inaction) shall be appealed, shall, no later than three (3) working days from the date of receipt of the complaint, shall send it to the body considering the complaint.

At the same time, the service provider, official, decision, action (inaction) shall be appealed, does not send a complaint to the body considering the complaint, if within 3 (three) working days it takes a decision or an administrative action that fully meets the requirements specified in the complaint.

The complaint of the service recipient received by the service provider, in accordance with subparagraph 2) of paragraph 3 of Article 25 of the Law on Public Services, shall be subject to consideration within 5 (five) working days from the date of its registration.

The complaint of the service recipient received by the body considering the complaint shall be subject to consideration within 15 (fifteen) working days from the date of its registration.

Footnote. Paragraph 17 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 30.06.2021 № 550 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

18. In cases of disagreement with the results of the public service provided, the service recipient applies to the court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Chapter 5. Procedure for registration of granting the right to an open or compulsory license to an industrial property object

19. To grant the right to an open license, the patent holder shall submit to the Republican State Enterprise on the right of economic management "National Institute of Intellectual Property" (hereinafter referred to as the Republican state enterprise on the right of economic management "National Intellectual Property Institute") an application for granting any person the right to obtain a license to use an object of industrial property.

The Republican state enterprise on the right of economic management "National Intellectual Property Institute" shall publish information on the granting of an open license in the bulletin.

A person wishing to purchase the specified license shall enter into an agreement with the patent holder in writing. Disputes under the terms of the contract shall be considered in court in accordance with the current legislation.

Footnote. Paragraph 19 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

20. Based on the court's decision to grant a compulsory license to the Republican state enterprise on the right of economic management "National Intellectual Property Institute" shall enter the relevant information into the State Register and shall publish it. The date of registration shall be the date of the court decision.

Footnote. Paragraph 17 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 30.06.2021 № 550 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

granting the right to use
 an industrial property object,
 an open or compulsory license
 Document form

List of basic requirements for the provision of a public service

“Registration of the Transfer of Exclusive Right to the Trademark, Selection Achievement, and Industrial Property Object, as well as Integrated Circuit Topology”

Footnote. Appendix 1 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall be put into effect upon expiry of ten calendar days after the day of its first official publication).

1	Name of the service provider	National Institute of Intellectual Property Republican State Enterprise on the Right of Economic Management of the Ministry of Justice of the Republic of Kazakhstan (hereinafter – NIIP RSE REM).
2	Ways of providing the public service	Via the e-government web portal: www.egov.kz (hereinafter referred to as the portal).
3	Term of rendering the public service	10 (ten) business days
4	Form of public service provision	Electronic (fully automated) one
5	Result of providing a public service	Notification of the registration of the transfer of exclusive rights to industrial property objects or a reasoned response on the refusal to render the public service. The form of provision of the result of rendering a public service shall be electronic.
6	The amount of payment charged from the service recipient when rendering a public service and ways of its collection in cases stipulated by the laws of the Republic of Kazakhstan	The public service shall be rendered on a paid basis pursuant to the Prices for Services in the Field of Protection of Industrial Property Objects, adopted under paragraph 2 of Article 4-1 of the Law of the Republic of Kazakhstan “Patent Law of the Republic of Kazakhstan” and posted on the official websites of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz.
		of the Service Provider - from Monday to Friday, from 9.00 a.m. to 6.30 p.m. with a lunch break from 1.00 p.m. to 2.30 p.m., excluding weekends and public holidays under the Labour Code of the Republic of

7	Working hours	<p>Kazakhstan (hereinafter - the Code) and the Law of the Republic of Kazakhstan “On Holidays in the Republic of Kazakhstan” (hereinafter - the Law).</p> <p>of the Portal - round the clock, excluding technical interruptions due to repair works (when the service recipient applies after working hours , on weekends and public holidays under the Code and the Law, the application acceptance and issuance of the result of public service provision shall be performed on the next business day).</p>
8	List of documents and data required from the service recipient for rendering the public service	<p>1) an application of a natural person and (or) a legal entity for registration of transfer of the exclusive right to industrial property objects under an assignment/partial assignment agreement in electronic form as per the forms as set out in Appendices 2 and 3 hereto;</p> <p>2) an electronic copy of the agreement on the transfer of the exclusive right to use the object of industrial property or a notarised copy of the agreement;</p> <p>3) an electronic copy of the decision of the management bodies of the owner of the protection document or exclusive rights, general meeting of founders or shareholders on the conclusion of the agreement and the submission of the authority to sign the agreement by the head of the company, in case the application is filed by the national service recipient ;</p> <p>4) an electronic copy of the power of attorney in case the application is filed through a representative.</p> <p>Details of the document confirming payment shall be obtained by the service provider from the relevant state information system via the e-government gateway.</p>
		<p>1) expiry of the term for restoration of the terminated exclusive right to the object;</p> <p>2) expiry of the term for removal of the grounds temporarily preventing registration;</p>

9	Grounds for refusal to provide a public service established by the laws of the Republic of Kazakhstan	<p>3) receipt of an application for registration from a person not being a party to the agreement;</p> <p>4) absence of registration of the right to dispose of the exclusive right to industrial property objects.</p> <p>If the requirements to the execution of documents are breached or if there are grounds preventing the registration of the agreement, but which can be eliminated, the service provider shall send a notification to the service recipient with a proposal to submit the missing or corrected documents or to make the required amendments and additions within three months from the date of its sending. In such a case, the deadline for verification of documents shall be calculated from the date of filing of missing or revised documents.</p>
10	Other requirements considering the specifics of the provision of a public service, including those provided in electronic form and via the State Corporation	<p>1) the service recipient may obtain information on the procedure and status of the provision of a public service in the remote access mode via the personal account of the portal , as well as the unified contact centre 1414, 8-800-080-7777;</p> <p>2) contact numbers of reference services on the issues of rendering the public service are available on the internet resources of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz.</p>

Appendix 2
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Form

APPLICATION

on transfer of exclusive rights under an assignment agreement

I ask you to register the transfer of exclusive rights under an assignment agreement in relation to the title of protection (titles of protection) specified in this application.

1. Name (names) and number (numbers) of the title of protection (titles of protection):

2. Owner (full name, if any (hereinafter - full name) of an individual / name of a legal entity¹; legal address):

3. Assignee (full name of an individual / name of a legal entity²; legal address):

4. Patent attorney or other representative of the applicant _____

5. Address for correspondence, contact phone _____

Appendixes:

√ Agreement on __ sheets;

√ Power of attorney confirming the authority of a patent attorney or other authorized representative on __ sheets in __ copies;

√ A document confirming payment for the services of the service provider;

√ Other document (specify)

date EDS (full name)

(role)

Appendix 3
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Form

APPLICATION

on transfer of exclusive rights under a partial assignment agreement

I ask to register the transfer of exclusive rights under a partial assignment agreement in relation to the title of protection (titles of protection) specified in this application.

1. Name (names) and number (numbers) of the title of protection (titles of protection):

2. Owner (full name, if any (hereinafter - full name) of an individual / the name of the legal entity³; legal address):

3. Assignee (full name of an individual / name of a legal entity;
legal address): _____

4. Patent attorney or other representative of the applicant

5. The scope of the transferred rights provided for by the agreement

6. Address for correspondence, contact phone number

Appendixes:

√ Agreement on __ sheets;

√ Power of attorney confirming the authority of a patent attorney or other
authorized representative on __ sheets in __ copies;

√ A document confirming payment for the services of the service provider;

√ Other document (specify)

Date EDS (full name)

(role)

Appendix 4
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license

Document form

Bank details required for payment for the service provider's services

Footnote. Appendix 4 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall come into effect upon expiration of ten calendar days after the day of its first official publication).

Recipient: National Institute of Intellectual Property Republican State Enterprise on the Right of Economic Management of the Ministry of Justice of the Republic of Kazakhstan

Address: 8 non-residential premise, 57A Mangilik Yel Avenue, Yessil District, the city of Astana, 010000, Republic of Kazakhstan

BIN: 020940003199

Beneficiary code: 16

Payment purpose code: 859

Name of the bank, IIC, BIK (sort code): Nurbank Joint Stock Company
KZ8584905KZ006015415NURSKZKX

Halyk Bank of Kazakhstan Joint Stock Company KZ386010111000288323 HSBKKZKX,
KZ366017111000000792 HSBKKZKX

Bereke Bank Joint Stock Company KZ14914012203KZ0047J SABRKZKA

Branch of ForteBank Joint Stock Company in the city of Astana
KZ1096503F0007611692IRTYKZKA

Annex 5 to Rules
for registration in the relevant
state registers transfer of exclusive
right, granting the right to using
the facility of industrial property,
open or compulsory license
Form

Agreement registration number:

Date of registration of the agreement:

Patentee:

Assignee:

NOTICE

on the provision of the public service "Registration of the transfer of exclusive rights to the trademark, selection achievement and object of industrial property, as well as the topology of the integrated circuit"

Footnote. Annex 5 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The National Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan notifies that in accordance with clause _ of article _ of the Patent Law of the Republic of Kazakhstan "On the Protection of Breeding Achievements," the agreement of the comprehensive entrepreneurial (sub) license on granting (not) an exclusive license for the use of selection achievements (s) No. _ is registered in the State Register of Breeding Achievements of the Republic of Kazakhstan.

(Electronic digital signature)

Annex 6 to Rules
for registration in the relevant
state registers transfer of exclusive
right, granting the right to using
the facility of industrial property,
open or compulsory license
Form

Agreement registration number:

Date of registration of the agreement:

Patent Holder, Licensor (Sublicensor),

Comprehensive Licensor (Sublicensor):

Assignee, Licensor (Sublicensor):

Complex Licensee (Sublicensee):

MOTIVATED REFUSAL

further consideration of the application

Footnote. Annex 6 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The Republican Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan reports that in connection with the _____, according to Article 19 of the Law of the Republic of Kazakhstan "On Public Services," the application was refused further consideration.

(Electronic digital signature)

Appendix 7
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Document form

List of basic requirements for rendering a public service “Registration of Granting the Right to Use a Trademark, Selection Achievement and Industrial Property Object, as well as Topology of an Integrated Circuit”

Footnote. Appendix 7 - as reworded by order of the Acting Minister of Justice of the Republic of Kazakhstan No. 876 dated 21.10.2022 (shall take effect ten calendar days after the date of its first official publication).

1	Name of the service provider	National Institute of Intellectual Property Republican State Enterprise on the Right of Economic Management of the Ministry of Justice of the Republic of Kazakhstan (hereinafter – NIIP RSE REM).
2	Ways of providing the public service	Via the e-government web portal: www.egov.kz (hereinafter referred to as the portal).
3	Term of rendering the public service	10 (ten) business days
4	Form of public service provision	Electronic (fully automated) one
		Notification on registration of granting of the right to industrial

5	Result of providing a public service	<p>property objects or a motivated response on refusal to render the public service.</p> <p>The form of providing the result of rendering a public service shall be electronic.</p>
6	The amount of payment charged from the service recipient when rendering a public service and ways of its collection in cases stipulated by the laws of the Republic of Kazakhstan	<p>The public service shall be rendered on a paid basis pursuant to the Prices for Services in the Field of Protection of Industrial Property Objects, adopted under paragraph 2 of Article 4-1 of the Law of the Republic of Kazakhstan “Patent Law of the Republic of Kazakhstan” and posted on the official websites of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz.</p>
7	Working hours	<p>of the Service Provider - from Monday to Friday, from 9.00 a.m. to 6.30 p.m. with a lunch break from 1.00 p.m. to 2.30 p.m., excluding weekends and public holidays under the Labour Code of the Republic of Kazakhstan (hereinafter - the Code) and the Law of the Republic of Kazakhstan “On Holidays in the Republic of Kazakhstan” (hereinafter - the Law).</p> <p>of the Portal - round the clock, excluding technical interruptions due to repair works (when the service recipient applies after working hours , on weekends and public holidays under the Code and the Law, the application acceptance and issuance of the result of public service provision shall be performed on the next business day).</p>
		<p>1) an application of a natural person and (or) legal entity for registration of granting the right to use an object of industrial property under a licensing agreement, an integrated business licence agreement or other agreement including the terms and conditions of the licensing agreement in electronic form in the forms as per Annexes 8, 9 and 10 hereto;</p> <p>2) an electronic copy of the agreement on granting the right to</p>

8	List of documents and data required from the service recipient for rendering the public service	<p>use the object of industrial property or a notarised copy of the agreement;</p> <p>3) an electronic copy of the decision of the management bodies of the owner of the protection document or exclusive rights, general meeting of founders or shareholders on the conclusion of the agreement and submission of the authority to sign the agreement by the head of the enterprise, in the case of submission of the application by the national service recipient;</p> <p>4) an electronic copy of the power of attorney in case the application is filed through a representative.</p> <p>Details of the document confirming payment shall be obtained by the service provider from the relevant state information system via the e-government gateway.</p>
9	Grounds for refusal to provide a public service established by the laws of the Republic of Kazakhstan	<p>1) expiry of the term for restoration of the terminated term of the exclusive right to the object;</p> <p>2) expiry of the term for elimination of the grounds temporarily preventing registration;</p> <p>3) receipt of an application for registration from a person who is not a party to the agreement;</p> <p>4) failure to register a licence agreement or an additional agreement thereto;</p> <p>5) the party has assumed obligations that prevent the granting of the right to use the facility.</p> <p>If the requirements to the execution of documents are breached or if there are grounds preventing the registration of the agreement, but which can be eliminated, the service provider shall send a notification to the service recipient with a proposal to submit the missing or revised documents or to make the necessary amendments and additions within three months from the date of its filing. In such a case, the deadline for verification of documents shall be calculated from the date of filing of missing or revised documents.</p>
		1) the service recipient may obtain information on the procedure and

10	Other requirements considering the specifics of the provision of a public service, including those provided in electronic form and via the State Corporation	status of the provision of a public service in the remote access mode via the personal account of the portal , as well as the unified contact centre 1414, 8-800-080-7777; 2) contact numbers of reference services on the issues of rendering the public service are available on the internet resources of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz.
----	--	--

Appendix 8
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Form

APPLICATION

on granting the rights under a license or sublicense agreement

I ask to register the granting of rights under a license or a sublicense agreement in relation to a title of protection (titles of protection), specified in this application.

1. Name (names) and number (numbers) of the title of protection (titles of protection):

2. Licensor (Sublicensor) (full name, if any (hereinafter - full name) of an individual / the name of the legal entity⁵; legal address):

3. Licensee (Sublicensee) (full name of an individual / name of the legal entity⁶; legal address):

4. Patent attorney or other representative of the applicant

5. The scope of the transferred rights, taking into account the types of use provided for by the agreement

6. Address for correspondence, contact phone number

Appendixes:

√ Agreement on __ sheets;

√ Power of attorney confirming the authority of a patent attorney or other authorized representative on __ sheets in __ copies;

√ A document confirming payment for the services of the service provider;

√ Other document (specify)

date EDS (full name)

(role)

Appendix 9
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Form

APPLICATION

on granting the rights under a complex entrepreneurial license or sublicense (franchising) agreement

I ask to register the granting of the rights under a complex entrepreneurial license or sublicense (franchising) agreement in relation to the title of protection (titles of protection) specified in this application.

1. Name (names) and number (numbers) of the title of protection (titles of protection):

2. Complex licensor (Complex sublicensor) (full name, if any (hereinafter - full name) of an individual / name of the legal entity⁷; legal address):

3. Complex licensee (Complex sublicensee) (full name of an individual / name of the legal entity⁸; legal address):

4. Patent attorney or other representative of the applicant

5. The scope of the transferred rights, taking into account the types of use provided for by the agreement

6. Address for correspondence, contact phone number

Appendixes:

- √ Agreement on __ sheets;
- √ Power of attorney confirming the authority of a patent attorney or other authorized representative on __ sheets in __ copies;
- √ A document confirming payment for the services of the service provider;
- √ Other document (specify)
- √ date EDS (full name)
- (role)

Appendix 10
to the Rules of registration in
relevant state registers of
transfer of exclusive rights,
granting the right to use
an industrial property object,
an open or compulsory license
Form

APPLICATION

**on registration of an additional agreement to the license
(sublicense, complex entrepreneurial license) agreement**

I ask to register an additional agreement to the license
(sublicense, complex entrepreneurial license) agreement concluded
in relation to the title of protection (titles of protection) specified in this application.

1. Name (names) and number (numbers) of the title of protection (titles of protection):

2. Registration number and date of registration of the agreement:

3. Licensor (Sublicensor, Complex Licensor) (full name
(if any) (hereinafter - full name) of an individual / name of the legal entity*; legal address)

:

4. Licensee (Sublicensee, Complex Licensee) (full name of an individual / name of the legal entity *; legal address):

5. Patent attorney or other representative of the applicant:

6. Address for correspondence, contact phone number:

Appendixes:

√ Agreement on __ sheets;

√ Power of attorney confirming the authority of a patent attorney or other authorized representative on __ sheets in __ copies;

√ A document confirming payment for the services of the service provider;

√ Other document (specify)

Date EDS (full name)

(role)

⁵Foreign names of legal entities are indicated in the Kazakh and Russian transliteration

⁶Foreign names of legal entities are indicated in the Kazakh and Russian transliteration

Annex 11 to the Rules
registration in relevant state
registers transfer exceptional
rights, granting the right to
using the object industrial
property, open or compulsory
license
Form

Agreement Registration Number:

Date of registration of the contract:

Licensor (Sublicensor):

Licensee (Sublicensee):

NOTICE

on the provision of the public service "Registration of granting the right to use the trademark, selection achievement and object of industrial property, as well as the topology of the integrated circuit"

Footnote. Annex 11- in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The Republican Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan notifies that in accordance with paragraph _ of Article _ of the Law of the

Republic of Kazakhstan "Patent Law of the Republic of Kazakhstan," the grant of (non) exclusive (sub) license under a license agreement for the use of an invention (utility model, industrial model) under patent (there) No. _ is registered in the State Register of Utility Models of the Republic of Kazakhstan.

(Electronic digital signature)

Annex 12 to the Rules
registration in relevant state
registers transfer exceptional
rights, granting the right to
using the object industrial
property, open or compulsory
license
Form

Agreement Registration Number:

Date of registration of the contract:

Comprehensive Licensor (Sublicensor):

Complex Licensee (Sublicensee):

NOTICE

on the provision of the public service "Registration of granting the right to use the trademark, selection achievement and object of industrial property, as well as the topology of the integrated circuit"

Footnote. Annex 12- in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The Republican Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan shall notify that in accordance with paragraph _ of Article _ of the Law of the Republic of Kazakhstan (sub) license to register a comprehensive entrepreneurial (sub) license agreement to grant (not) an exclusive license under the license agreement for the use of the invention (utility model, industrial design) according to the patent (there) No. _ shall be registered in the State Register of Utility Models of the Republic of Kazakhstan.

(Electronic digital signature)

Annex 13 to the Rules
registration in relevant state
registers transfer exceptional
rights, granting the right to
using the object industrial
property, open or compulsory
license
form

Agreement Registration Number:

Date of registration of the agreement:

Patent holder, Licensor (Sublicensor),

Comprehensive Licensor (Sublicensor):
Assignee, Licensee (Sublicensee),
Complex Licensee (Sublicensee):

MOTIVATED REFUSAL

further consideration of the application

Footnote. Annex 13- in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 15.06.2021 № 508 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The Republican Institute of Intellectual Property of the Ministry of Justice of the Republic of Kazakhstan reports that in connection with the _____, according to Article 19 of the Law of the Republic of Kazakhstan "On Public Services," the application was refused further consideration.

(Electronic digital signature)