



On approval of the Rules for registration of the transfer of the exclusive right, the granting of the right to use a selection achievement, open or compulsory license in the State Register of Selection Achievements

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan of August 29, 2018 No. 1346. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 4, 2018 No. 17332.

Unofficial translation

In accordance with subparagraph 2) of paragraph 2 of Article 3-1 of the Law of the Republic of Kazakhstan “On the Protection of Selection Achievements” as of July 13, 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 a selection achievement, open or compulsory license in the State Register of Selection Achievements.

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 order of the Minister of Justice
of the Republic of Kazakhstan
dated August 29, 2018 No. 1346

Rules for registration in the State Register of Selection Achievements of Transfer of Exclusive Right, Granting the Right to Use Selection Achievement, Open or Compulsory License

Footnote. Rules is in the wording by order of the Minister of Justice of the Republic of Kazakhstan dated 21.04.2020 No. 10 (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 in the State Register of Selection Achievements of Exclusive Right, Granting the Right to Use Selection Achievement, Open or Compulsory License (hereinafter referred to as the Rules), shall be developed in accordance with the Laws of the Republic of Kazakhstan dated July 13, 1999 "On Protection of Selection Achievements", of April 15, 2013 "On Public Services" (hereinafter referred to as the Law on Public Services), which establish the procedure for registration in the State Register of Breeding Achievements, Transfer of Exclusive Rights, Granting the Right to Use Selection Achievements, and also determine the procedure for provision of public services.

2. The following concepts shall be used in these Rules:

1) exclusive right - property right of the owner to use a trademark or appellation of origin of goods in any way at his own discretion;

2) bulletin - official periodical on protection of industrial property;

3) owner - an individual or legal entity with the exclusive right to selection achievement;

4) patentee - 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, shall be granted the right to represent individuals and legal entities before the authorized authority and expert organization;

6) 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 issuance of technical specifications for connection to networks of natural monopoly entities and services of quasi-public sector entities provided in electronic form;

7) payment gateway of "electronic government" (hereinafter referred to as PGEG) - an information system that automates the processes of transferring information about making payments as part of the provision of paid services provided 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 ownership and invariability of its content.

Chapter 2. Procedure for registering transfer of exclusive right to use selection achievement

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 "Republican 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 state service, a natural and (or) legal person (hereinafter referred to as the service recipient) shall forward via the portal an application accompanied by the documents specified in paragraph 8 of the list of basic requirements for the provision of the state service "Registration of the Transfer of the Exclusive Right 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, as per 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 be brought into force upon expiry of ten calendar days after the day of its first official publication).

5. The list of basic requirements for the provision of state services, including the characteristics of the process, form, content and result of provision, as well as other data, with due regard to the peculiarities of the provision of state services, is provided in the list.

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

When the service recipient sends an application through the portal, the status of acceptance of request for provision of public services shall be 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 become effective ten calendar days after the date of its first official publication).

6. Application for registration and documents attached thereto shall be submitted in Kazakh or Russian languages. Foreign names and names of legal entities shall be indicated in 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 does 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 to 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 about the registration of transfer of exclusive right to a trademark.

9. The service provider shall ensure that data on the stage of provision of a state service shall be entered into the information system for monitoring the provision of state services under the procedure set by the competent authority responsible for 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 come into effect upon expiry of ten calendar days after the day of its first official publication).

Chapter 3. The procedure for registration of granting the right to use selection achievement

10. The public service "Registration of granting the right to use 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 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 state service, a natural and (or) legal person (hereinafter referred to as the service recipient) shall send via the portal an application accompanied by the documents listed in paragraph 8 of the list of basic requirements for the provision of the state 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, as per Appendices 8, 9 and 10 hereto.

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 enacted ten calendar days after the date of its first official publication).

12. The list of basic requirements for the provision of state services, including the characteristics of the process, form, content and result of provision, as well as other data, with due regard to the peculiarities of the provision of state services, is provided in the list.

Payment shall be made by non-cash method through the payment gateway of a second-tier bank integrated with the information system of 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 acceptance of request for provision of public services shall be 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 thereto shall be submitted in Kazakh or Russian languages. Foreign names and titles of legal entities shall be indicated in 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 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 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 to these 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 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) 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 14 - 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).

15. In case of registration, the service provider publishes in the bulletin information about the registration of granting the right to use trademark.

16. The service provider shall ensure that data on the stage of provision of state services shall be entered into the information system for monitoring the provision of state services under the procedure prescribed by the competent authority in the field of informatisation, pursuant to subparagraph 11) of Article 5 of the Law on State Services.

In case of amendments and (or) additions hereto, the competent authority shall send 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 16 - 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).

Chapter 4. The procedure for appealing decisions, actions (inaction) of service provider and (or) its officials on provision of public services

17. A complaint about the decision, actions (inaction) of employees of structural divisions 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 (omission) 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, send it to the body considering the complaint.

At the same time, the service provider, official, decision, action (inaction) shall be appealed, shall 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 provided public service, the service recipient applies to the court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Chapter 5. The procedure for registering the granting of the right to open or compulsory license for selection achievement

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 "Republican Institute of Intellectual Property" (hereinafter referred to as the Republican State Enterprise on the right of economic management "Republican Institute of Intellectual Property") an application for granting any person the right to obtain a license to use a selection achievement.

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

A person wishing to purchase the said 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 "Republican Institute of Intellectual

Property" 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 20 - 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)).

Appendix 1
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License

Document form

**List of basic requirements for the provision of a state service
“Registration of the Transfer of the Exclusive Right to a Trademark, Selection Achievement
and Industrial Property Object, as well as Topology of an Integrated Circuit”**

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 enforced 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 on REM).
2	Ways of rendering the state service	Via e-government web portal: www.egov.kz (hereinafter referred to as the portal)
3	Term of rendering the state service	10 (ten) business days
4	Form of provision of state service	Electronic (fully automated) one
5	Result of rendering a state service	Notification on registration of transfer of the exclusive right to the breeding achievement or a reasoned response on refusal to provide the state service. The form of providing the result of rendering the state service shall be electronic.
	The amount of payment charged from the service recipient when rendering a state service and	The state service shall be rendered on a paid basis as per the Prices for Services in the Field of Protection of Breeding Achievements approved pursuant to paragraph 2 of Article 3-

6	methods of its collection in cases stipulated by the laws of the Republic of Kazakhstan	2 of the Law of the Republic of Kazakhstan “On Protection of Selection Achievements” and published on the official websites of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz .
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 the state service shall be performed on the next business day).</p>
8	List of documents and data required from the service recipient for rendering the state service	<ol style="list-style-type: none"> 1) an application of a natural person and (or) a legal entity for registration of transfer of the exclusive right to a selection attainment under an assignment/partial assignment agreement in electronic form as per Appendices 2 and 3 hereto; 2) an electronic copy of the agreement on the transfer of the exclusive right, granting the right to use the selection attainment or a notarised copy of the agreement; 3) an electronic copy of the decision of the management bodies of the owner of the protection document or exclusive rights, or of the general meeting of founders/shareholders on the issue of concluding the agreement and presenting the authority to sign the agreement by the head of the company, in case of filing the application by the national service recipient; 4) an electronic copy of the power of attorney if the application for the

		<p>delivery of a state service 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	<p>Grounds for refusal to provide a state service specified by the laws of the Republic of Kazakhstan</p>	<p>1) expiry of the term for reinstatement of the terminated exclusive right to a selection achievement;</p> <p>2) expiry of the deadline for removing the grounds temporarily preventing registration;</p> <p>3) acceptance of a registration application from a person who is not a party to the agreement;</p> <p>4) failure to register a licence agreement or additional agreement thereto;</p> <p>5) the party has accepted obligations preventing the granting of the right to use the selection attainment.</p> <p>If the requirements to the execution of documents are infringed or there are grounds preventing the registration of the agreement, but which can be eliminated, the service provider shall forward a notification to the service recipient with a proposal to provide missing or revised documents or to make the required amendments and additions within three months from the date of its forwarding. 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	<p>Other requirements with due regard to the specifics of the provision of a state service, including those rendered in electronic form and via the State Corporation</p>	<p>1) the service recipient has a possibility to obtain data on the procedure and status of rendering the state service in the remote access mode via the “personal profile” of the portal, as well as the unified contact centre 1414, 8-800-080-7777 ;</p> <p>2) contact telephone numbers of reference services on the issues of rendering the state service are available on the internet resources of</p>

the competent authority
www.adilet.gov.kz and the service
provider www.kazpatent.kz.

Appendix 2
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License
Form

APPLICATION

on transfer of exclusive rights under assignment agreement

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

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

2. Owner (full name if any (hereinafter referred to as the full name) of an individual/name of legal entity¹; legal address):

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

4. Patent attorney or other representative of the applicant

5. Correspondence address, contact phone number

Appendices:

Agreement on __ lists;

Power of attorney confirming the powers of a patent attorney or other authorized representative on __ lists in __ copies;

A document confirming payment for services of service provider;

Other document (specify)

EDS date (full name) (role)

¹ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

² Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

Appendix 3
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License
Form

APPLICATION

on transfer of exclusive rights under partial assignment agreement

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

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

—

2. Owner (full name, if any (hereinafter referred to as the full name) of an individual/
name of legal entity; legal address):

—

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

—

4. Patent attorney or other representative of the applicant

—

5. Scope of the transferred rights provided by the contract

—

6. Correspondence address, contact phone number

—

Appendices:

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

³ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

⁴ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

Appendix 4
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
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 take effect ten calendar days after the date 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-resident premises, 57A Mangilik Yel Avenue, Yessil District, the city of Astana, 010000, Republic of Kazakhstan

BIN: 020940003199

Beneficiary Code: 16

Payment purpose code: 859

Bank name, 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 the Rules
of registration with the state
register of selection transmission
achievements of exclusive right,

granting the right to use of
selection achievements, 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 facility of industrial property, as well as the topology of the integrated circuit"

Footnote. Paragraph 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).

Republican state enterprise on the right of economic management "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 " On the Protection of Breeding Achievements," the transfer of exclusive right under the agreement (partial) assignment of rights to breeding achievement under patent (s) No. _ shall be registered in the State Register of Breeding Achievements of the Republic of Kazakhstan.

(Electronic digital signature)

Annex 6 to the Rules
for registration with the state
register of selection transmission
achievements of exclusive right,
granting the right to use of
selection achievements, 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

for 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).

Republican state enterprise on the right of economic management "Republican Institute of Intellectual Property" of the Ministry of Justice of the Republic of Kazakhstan shall report 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 for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License

Document form

List of basic requirements for the delivery of the state service

“Registration of the Transfer of an Exclusive Right to 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 go into effect upon expiration 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 on REM).
2	Ways of rendering the state service (access channels)	Via e-government web portal: www.egov.kz (hereinafter referred to as the portal)
3	Term of rendering the state service	10 (ten) business days
4	Form of provision of state service	Electronic (fully automated) one
5	Result of rendering a state service	Notification on registration of transfer of the exclusive right to the breeding achievement or a reasoned response on refusal to provide the state service. The form of providing the result of rendering the state service shall be electronic.

6	The amount of payment charged from the service recipient when rendering a state service and methods of its collection in cases stipulated by the laws of the Republic of Kazakhstan	The state service shall be offered on a paid basis as per the Prices for Services in the Field of Protection of Selection Achievements approved under paragraph 2 of Article 3-2 of the Law of the Republic of Kazakhstan “On Protection of Selection Achievements” and published on the official websites of the competent authority www.adilet.gov.kz and the service provider www.kazpatent.kz .
7	Working hours	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). 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 the state service shall be performed on the next business day).
8	List of documents and data required from the service recipient for rendering the state service	1) an application of a natural person and (or) a legal entity for registration of transfer of the exclusive right to a selection attainment under an assignment/partial assignment agreement in electronic form as per Appendices 2 and 3 hereto; 2) an electronic copy of the agreement on the transfer of the exclusive right, granting the right to use the selection attainment or a notarised copy of the agreement; 3) an electronic copy of the decision of the management bodies of the owner of the protection document or exclusive rights, or of the general meeting of founders/shareholders on the issue of concluding the agreement and presenting the authority to sign the agreement by

		<p>the head of the company, in case of filing the application by the national service recipient;</p> <p>4) an electronic copy of the power of attorney if the application for the delivery of a state service 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>9</p>	<p>Grounds for refusal to provide a state service specified by the laws of the Republic of Kazakhstan</p>	<p>1) expiry of the term for reinstatement of the terminated exclusive right to a selection achievement;</p> <p>2) expiry of the deadline for removing the grounds temporarily preventing registration;</p> <p>3) acceptance of a registration application from a person who is not a party to the agreement;</p> <p>4) failure to register a licence agreement or additional agreement thereto;</p> <p>5) the party has accepted obligations preventing the granting of the right to use the selection attainment.</p> <p>If the requirements to the execution of documents are infringed or there are grounds preventing the registration of the agreement, but which can be eliminated, the service provider shall forward a notification to the service recipient with a proposal to provide missing or revised documents or to make the required amendments and additions within three months from the date of its forwarding. In such a case, the deadline for verification of documents shall be calculated from the date of filing of missing or revised documents.</p>
<p>10</p>	<p>Other requirements with due regard to the specifics of the provision of a state service, including those</p>	<p>1) the service recipient has a possibility to obtain data on the procedure and status of rendering the state service in the remote access mode via the "personal profile" of the portal, as well as the unified contact centre 1414, 8-800-080-7777 ;</p>

rendered in electronic form and via the State Corporation

2) contact telephone numbers of reference services on the issues of rendering the state 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 for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License
Form

APPLICATION

on granting rights under license or sublicense agreement

Request to register the granting of rights under license or sublicense 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 (title of protection):

2. Licensor (Sublicensor) (full name, if any (hereinafter referred to as the full name) of an individual/name of legal entity; legal address):

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

4. Patent attorney or other representative of the applicant

5. Scope of the transferred rights, taking into account the types of use provided by contract

6. Correspondence address, contact phone number

Appendices:

√ Agreement on __ lists;

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

√ A document confirming payment for services of service provider;

√ Other document (specify)

EDS date (full name) (role)

⁵ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

⁶ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

Appendix 9
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License
Form

APPLICATION

on provision of rights under comprehensive business license or sublicense (franchising) agreement

Request to register the granting of rights under comprehensive business 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 (title of protection):

2. Comprehensive Licensor (Comprehensive Sublicensor) (full name if any (hereinafter referred

to as the full name) of an individual/name of legal entity; legal address):

3. Comprehensive Licensee (Comprehensive Sublicensee) (full name of an individual/
name

of legal entity; legal address):

4. Patent attorney or other representative of the applicant

5. Scope of the transferred rights, taking into account the types of use provided by contract

6. Correspondence address, contact phone number

Appendices:

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

⁷ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

⁸ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

Appendix 10
to the Rules for registration
in the State Register
of Selection Achievements
of Transfer of Exclusive Right,
Granting the Right
to Use Selection Achievement,
Open or Compulsory License
Form

APPLICATION

on registration of additional agreement to license (sublicense, comprehensive business license) agreement

Request to register additional agreement to license (sublicense, comprehensive business license) agreement concluded in relation to the title of protection (title of protection) specified in this application.

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

2. Registration number and date of registration of contract:

3. Licensor (Sublicensor, Comprehensive Licensor) (Surname, Name, Patronymic (if any) (hereinafter referred to as the full name) of an individual/name of legal entity*; legal address):

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

5. Patent attorney or other representative of the applicant:

6. Correspondence address, contact phone number:

Appendices:

√ Agreement on __ lists;

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

√ A document confirming payment for services of service provider;

√ Other document (specify)

EDS date (full name) (role)

⁵ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

⁶ Foreign names of legal entities shall be indicated in Kazakh and Russian transliteration

Annex 11 to the Rules
for registration with the state
register of selection transmission
achievements of exclusive right,
granting the right to use of
selection achievements, open or
compulsory license

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 facility 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).

Republican state enterprise on the right of economic management "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 "On Protection of Breeding Achievements," the granting of (non) exclusive (sub) license under the license agreement for the use of breeding achievement under patent (-tam) No. _ shall be registered in the State Register of Breeding Achievements of the Republic of Kazakhstan.

(Electronic digital signature)

Annex 12 to the Rules
of registration with the state
register of selection transmission
achievements of exclusive right,
granting the right to use of
selection achievements, open or
compulsory license
Form

Agreement Registration Number:

Date of registration of the agreement:

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 facility 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 notifies that in accordance with paragraph _ of Article _ of the 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 13 to the Rules
of registration with the state

register of selection transmission
achievements of exclusive right,
granting the right to use of
selection achievements, open or
compulsory license

Form

Contract Registration Number:

Date of registration of the contract:

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 revision 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 report that in connection with the _____, according to Article 19 of the Law of the Republic of Kazakhstan "On Public Services," the application was refused for further consideration.

(Electronic digital signature)