



**On approval of the Rules for conducting an examination of applications for selection achievements, objects of industrial property, trademarks, service marks, geographical indications, and appellations of goods origin, on registration of integrated circuits topologies**

*Unofficial translation*

Order of the Minister of Justice of the Republic of Kazakhstan of August 29, 2018 № 1349. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 2, 2018 № 17459.

*Unofficial translation*

**Footnote. The heading is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

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", subparagraph 2) of paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan "Patent Law of the Republic of Kazakhstan", subparagraph 2) of paragraph 2 of Article 3 of the Law of the Republic of Kazakhstan " On Trademarks, Service Marks, Geographical Indications and Appellations of Goods Origin ", subparagraph 2) of Article 4 of the Law of the Republic of Kazakhstan "On the Legal Protection of Integrated Circuits Topologies " **I HEREBY ORDER** :

**Footnote. The preamble is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

1. To approve the attached:

1) Rules for conducting a preliminary examination of applications for selection achievements in accordance with Appendix 1 to this order;

2) Rules for conducting an examination of applications for the objects of industrial property in accordance with Appendix 2 to this order;

3) Rules for conducting an examination of applications for trademarks, service marks, geographical indications and appellations of goods origin in accordance with Appendix 3 to this Order;

4) Rules for conducting an examination of applications for registration of integrated circuits topologies in accordance with Appendix 4 to this order.

**Footnote. Paragraph 1 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

2. The department for intellectual property rights of the Ministry of Justice of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:

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

2) within ten calendar days from the date of state registration of this order, sending it in the Kazakh and Russian languages to the Republican state enterprise on the right of economic management “Republican Center for Legal Information” for official publication and inclusion into the Standard control bank of regulatory legal acts of the Republic of Kazakhstan;

3) the placement of this order on the official Internet resource of the Ministry of Justice of the Republic of Kazakhstan.

4. Control over the implementation of this order shall be entrusted on the supervising Vice-Minister of Justice of the Republic of Kazakhstan.

5. This order shall be enforced upon expiry of ten calendar days after its first official publication.

*Minister of Justice  
of the Republic of Kazakhstan*

*M. Beketayev*

Appendix 1  
to the order of the  
Minister of Justice of the  
Republic of Kazakhstan  
dated August 29, 2018, № 1349

## **Rules for conducting a preliminary examination of applications for selection achievements Chapter 1. General Provisions**

1. These Rules for conducting a preliminary examination of applications for selection achievements (hereinafter- the Rules) are developed in accordance with paragraph 2 of subparagraph 2) of paragraph 2 of Article 3-1 of the Law of the Republic of Kazakhstan dated July 13, 1999 “On the Protection of Selection Achievements” (hereinafter- the Law) and shall determine the procedure for conducting a preliminary examination of applications for selection achievements (hereinafter - the application), which includes verification of execution of submitted documents and preliminary examination.

2. The following definitions are used in these Rules:

1) the author of a selection achievement (breeder) (hereinafter- the author) - an individual who created, discovered or developed a variety or breed;

2) selection achievement - a new plant variety, a new breed of the animal, resulting from a human's creative activity, for which a patent was granted;

3) the State commissions (hereinafter- the State commissions) - the State commission for variety testing of crops and the State commission on testing and stock approbation of the authorized body in the field of development of agro-industrial complex;

4) conventional application - an application filed in accordance with the International convention for the protection of selection achievements dated December 2, 1961;

5) applicant – an individual or a legal entity who has applied for a patent for the selection achievement;

6) the patent owner - the owner of the patent;

7) State Register of selection achievements - the State Register of the Republic of Kazakhstan of protected plant varieties and the State Register of the Republic of Kazakhstan of protected animal breeds, which include varieties, breeds for which patents have been granted;

8) bulletin – an official periodical on the protection of selection achievements;

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

10) an expert organization - an organization, in accordance with Article 3-2 of the Law, created by the decision of the Government of the Republic of Kazakhstan in the organizational and legal form of a republican state enterprise on the right of economic management, subordinate to the authorized body in its activities;

11) World intellectual property organization (hereinafter-WIPO) - an international organization providing and regulating international policy and cooperation in the field of intellectual property.

## **Chapter 2. Filing an application for a selection achievement**

3. An application for the patent in accordance with paragraph 1 of Article 5 of the Law shall be filed by the author of a selection achievement or his successor.

If the selection achievement is created, discovered or developed during the performance of an official task or official duties, the application for the patent for a selection achievement shall be filed by the employer, unless otherwise is provided between the author and the employer by the contract.

4. An application shall be submitted by a person who has the right to a title of protection (hereinafter - the applicant) through the office of the expert organization, the official website of the expert organization [www.kazpatent.kz](http://www.kazpatent.kz) (hereinafter - the website of the expert organization) or the e-government web portal [www.egov.kz](http://www.egov.kz) (hereinafter - the Portal).

In accordance with paragraph 3 of Article 5 of the Law, an application is made out for each plant variety, animal breed and shall contain:

1) an application for granting a patent (hereinafter - the Application);

2) a questionnaire of a selection achievement;

3) a power of attorney in case of record keeping through a representative.

A document confirming payment for filing an application in the prescribed amount, and a document confirming the grounds for reducing its size, shall be submitted together with the application or within two months from the date of receipt of the application.

If documents on payment are not submitted within the established period, the application shall be recognized as not submitted.

The application in two copies (when submitted through the website of the expert organization or through the Portal - one copy) shall be submitted in the form in accordance with Appendices 1 (animal industry), 2 (crop industry) to these Rules.

**Footnote. Paragraph 4 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

5. Individuals residing outside the Republic of Kazakhstan or foreign legal entities shall exercise their rights as an applicant, patent owner, as well as the rights of an interested person through patent attorneys.

If, along with the indicated persons, the applicant is an individual residing in the Republic of Kazakhstan or a legal entity located on the territory of the Republic of Kazakhstan, then obtaining a patent through a patent attorney shall be possible provided that the address for correspondence within the Republic of Kazakhstan is indicated.

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

### **Chapter 3. Requirements for the documents of application for selection achievement**

6. The application and other documents of the application shall be submitted in the Kazakh or Russian languages.

The questionnaire of a selection achievement shall contain information on the classification of a variety, a breed for identifying a selection achievement.

7. Botanical definitions shall be written in the Latin type block letters.

8. When filing an application through a patent attorney, the application shall be signed by the patent attorney.

Signatures in the fields of the application are decrypted with the names and initials of the signer.

Each additional sheet of the appendix to the application, which presents certain information relating to the application, shall be signed in the manner described above.

Corrections and erasures shall not be allowed in the application and its appendices. In the case of presence of the indicated deficiencies, a properly completed application or appendix to it shall be requested.

9. The selection achievement questionnaire shall contain:  
the name of the type and variety;

the proposed name of the selection achievement and the selection number;  
the origin of the selection achievement, indicating the method of creation and the original (parent) forms;  
features of the maintenance and reproduction of the selection achievement;  
signs of selection achievement, characterizing the distinctive features;  
names of similar selection achievements and signs by which the applied selection achievement differs from the similar ones;  
special conditions for testing selection achievements for distinctness, uniformity and stability (if any).

10. The questionnaire of a selection achievement shall be signed by the applicant ( applicants) in the manner determined by paragraph 8 of these Rules.

A table of signs of selection for the corresponding types and varieties shall be attached to the questionnaire, in which the applicant describes a plant variety or breed of animals according to the degree and index of features expressiveness.

#### **Chapter 4. The procedure for consideration of application for a selection achievement**

11. The application shall be registered by an expert organization with the date of their receipt and the assignment of a registration number.

The applicant shall be notified of the acceptance of an application within five working days by sending of one copy of application with details (registration number and date of receipt) by mail, affixed by the expert organization.

12. Registered application documents shall be checked for the presence of a document confirming payment for the application. In the absence of such a document and a document confirming the existence of grounds for reducing its amount when paying in an amount less than the established one, the applicant shall be notified within five working days from the date of registration of the application about the need to submit the missing document (s) and ( or) document on surcharge up to the established amount, which are submitted within two months from the date of receipt of the application.

**Footnote. Paragraph 12 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

13. When patenting a selection achievement in foreign countries (when an application is submitted to an expert organization), at the request of the applicant, the expert organization shall issue a certified copy of the first application.

14. Within one month from the date of filing the application and if there are results of checking the correctness of the name of a selection achievement, the expert organization shall conduct a preliminary examination on it. During the preliminary examination, the priority date of the application shall be established, the availability of necessary documents and their compliance with the requirements established for them shall be checked.

Preliminary examination of the application shall be carried out within two months.

When conducting a preliminary examination of the application it shall be checked:

availability of documents to be contained in the application or attached to it, as well as their content

compliance with the procedure for filing an application in cases provided for in paragraph 2 of Article 5 of the Law, including availability and correctness of a letter of attorney certifying the authority of the representative;

compliance with the lawfulness and procedure for requesting in the application of an earlier priority than the date of its filing.

**Footnote. Paragraph 14 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

15. When claiming a Convention priority in accordance with paragraph 2 of Article 7 of the Law, it shall be checked:

the applicant's compliance with the deadline for claiming the Convention priority (upon filing an application);

availability and observance of the deadline for submission of a certified copy of the first application submitted simultaneously with the application or within three months from the date of application to the expert organization and its translation into the state or Russian languages.

If these conditions are met, no additional documentation or material necessary for testing shall be requested within three years from the date of the first application.

If at least one condition is not fulfilled, the priority of the variety or breed shall be established by the date of filing the application to the expert organization.

16. Additional documents submitted to the application and containing signs that were not given in the primary documents of the application and changing the nature of the declared variety, breed, shall not be taken into account when considering the application, about what the applicant is notified during the preliminary examination.

17. If in the process of preliminary examination of the application it is established that the name of the selection achievement does not meet the specified requirements of the Law and (or) the application is issued with violation of requirements to its documents, a request indicating the detected deficiencies and a proposal to submit a new name of the selection achievement and (or) missing or corrected documents within two months from the date of its sending shall be sent to the applicant.

18. Verification of the correctness of the proposed name of the selection achievement shall be carried out by the State commission. The conclusion of the State commission on the results of verification of the name shall be transmitted to the expert organization.

19. In case of failure to provide a response to the preliminary examination request within two months, the expert organization shall make a decision on refusal of further consideration

of the application, about what the applicant shall be notified within one month from the date of the decision.

20. If, as a result of the preliminary examination, it is established that the application meets the established requirements, the expert organization shall make decision on further consideration of the application and shall notify the applicant within five working days from the date of the decision on the positive result of the preliminary examination.

**Footnote. Paragraph 20 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

21. The State commissions, in accordance with the Rules for conducting variety testing of agricultural plants, approved by the order of the Minister of Agriculture of the Republic of Kazakhstan dated July 2, 2015 No. 4-2 / 602 (registered in the Register of state registration of regulatory legal acts under No. 11879) and the Methodology for conducting testing and approbation of selection achievements in the field of animal industry, approved by the order of the Minister of Agriculture of the Republic of Kazakhstan dated October 21, 2014 No. 3-3 / 539 (registered in the Register of state registration of regulatory legal acts under No. 9901) shall make the conclusion with description of a variety, breed and send it to the expert organization.

22. With a positive conclusion of the State commission, the expert organization, in accordance with paragraph 4 of Article 10 of the Law, within ten working days shall make a decision on granting a patent and within ten working days shall notify the applicant of the decision.

23. With a negative conclusion of the State commission, the expert organization, in accordance with paragraph 5 of Article 10 of the Law, within ten working days shall make a decision on refusal to grant a patent, about what the applicant shall be notified within ten working days.

## **Chapter 5. Publication of information about the application**

24. Publication of information about the application for which a decision on further consideration was made as a result of the preliminary examination is made in the bulletin within a month from the date of the decision in accordance with paragraph 6 of Article 8 of the Law.

25. When publishing information about the application, the expert organization shall publish the following information in the state and Russian languages:

- 1) the number and date of filing the application;
- 2) the number, filing date and the country code of filing an application in accordance with the standard on the basis of which the priority of selection achievement is established, if the application has an earlier priority date than the date of application to the expert organization;
- 3) the name of the author (s), if the latter (s) did not refuse to be mentioned as such (s);



4) the name or nomination of the applicant;

5) the code (codes) of the country of residence of the author (authors) and place of residence (location) of the applicant in accordance with the standard (ST. 3 WIPO);

6) nomination of the selection achievement;

The author's refusal to be mentioned as such in the published information shall be taken into account when publishing this information, if it was received before the completion of technical preparation for publication. The specified refusal may be withdrawn by the author within the same time.

## **Chapter 6. Some questions on conducting an examination of applications for selection achievements**

26. Correspondence shall be conducted by an applicant or his representative, for each application separately.

Documents submitted with defects in registration, impossible to read shall not be considered.

A person, submitted documents with defects in registration, impossible to read, shall be notified within five working days from the date of receipt of these documents.

The originals of materials transmitted by facsimile (hereinafter-fax) shall be submitted within one month from the date of their receipt, together with a cover letter identifying the materials received earlier. The date of receipt of materials shall be the date of receipt by fax.

If the originals of materials were received after the expiration of a one-month period or the materials received by fax are not identical to the submitted originals, the materials shall be considered to be received on the date of receipt of the originals, and the content of the materials received by fax shall not be taken into account. Prior to the submission of originals, faxed materials shall be considered as not received. If any materials received by fax, or part of them, are not readable or not received, the relevant materials shall be considered as received on the date of receipt of the originals. Materials shall be considered to be received on the date of receiving the fax when the applicant withdraws the unreadable part.

27. According to paragraph 1 of Article 8 of the Law, an applicant shall have the right to make corrections and clarifications to the documents of the application without changing the essence of the selection achievement prior to adoption of an appropriate decision on this application.

28. A change in the composition of the authors means inclusion in the composition or exclusion from the composition of the author. The change shall be carried out as follows:

1) changes to the composition of authors shall be made by submitting a new application to the expert organization;

2) simultaneously with the new application, a petition shall be filed for making the relevant changes to the composition of authors, registered in arbitrary form indicating the



number and date of filing the application and signed by the applicant, and in case of exclusion from the composition of authors, by the excluded author;

3) in case of absence of the signature of the excluded author in the petition, the consent of the excluded author shall be taken in the form of a separate letter indicating the number and date of receipt of the application;

4) if at inclusion in composition of authors of a new person it is impossible to obtain the signature of the previously indicated author by the date of submission of a new application, the written consent issued in the following order shall be attached to the petition:

in case of death of the author, or declaring him dead, the consent for inclusion the changes on his behalf shall be signed by the heir, submitting a notarized copy of the certificate of inheritance;

in case of the author's departure abroad, the consent for inclusion the changes on his behalf shall be signed by authorized representative, having submitted the letter of attorney in the name of the patent attorney certifying such right;

in the absence of information about the place of stay of the author and impossibility of obtaining them, he shall be recognized by the court as missing in accordance with Article 28 of the Civil code of the Republic of Kazakhstan, and the interested party shall submit a copy of the court's decision on recognition of the author as missing, which is taken into account when deciding on the merits;

when the author is declared incapable or partially capable, the consent for inclusion of changes on his behalf shall be signed by the guardian or trustee, with submission of a copy of the court decision on the establishment of guardianship or trusteeship.

In case of violation of the procedure for submission of the documents specified in this paragraph, a new application shall be considered not filed and no changes shall be made, the applicant shall be notified within five working days upon the results of the expert organization's consideration on making changes.

29. A change in the composition of applicants means a partial change in the composition of applicants by including an additional person in the composition or exclusion of a person from the composition of applicants previously indicated in the application:

1) changes to the composition of applicants shall be made by filing a new application to the expert organization;

2) simultaneously with a new application, a petition shall be filed for making appropriate changes to the composition of applicants in an arbitrary form indicating the number and date of registration of the application. The petition must be signed by the applicant (s) specified (indicated) in the original application for granting a patent;

3) when replacing the deceased applicant indicated in the application with the legal heir under the petition, only the signature of the indicated heir is sufficient, submitting a notarized copy of the certificate of inheritance right;

4) when making changes in the composition of the applicants due to reorganization of a legal entity, the petition and a new application shall be signed by its successor with submission of a document confirming the succession to this type of rights (extract from the balance sheet or transfer act);

5) when making changes due to liquidation of a legal entity, the petition and a new application shall be signed by the person to whom the relevant rights have been transferred with submission of a document confirming the transfer of rights;

6) citizens residing outside the Republic of Kazakhstan and foreign legal entities shall file documents for making changes in the composition of applicants through patent attorneys of the Republic of Kazakhstan, with the letter of attorney issued in the name of the patent attorney containing an instruction to perform the specified actions.

In case of violation of the procedure for submission of the documents specified in this paragraph, a new application shall be considered not filed and no changes shall be made, the applicant shall be notified within five working days upon the results of the expert organization's consideration on making changes.

Appendix 1  
to the Rules for conducting  
examination of applications  
for selection achievements

The form

Date of receipt	(21) № of registration	(22) Filing date	Priority
<b>APPLICATION</b> <b>for granting a patent of the Republic of Kazakhstan on the selection achievement (animal industry)</b>			
By submitting the following documents, I ask (we ask) to grant a patent of the Republic of Kazakhstan for a selection achievement in the name of the applicant (s) (71) Applicant (s): (Full name or nomination and a place of residence or a location is indicated. Data on the place of residence of the authors-applicants are given in the column code 97)		Code of the country according to standard 3 of the World intellectual property organization (hereinafter - WIPO) (if installed)	
Type, variety _____ (name in the state or Russian language) _____ _____ (Latin name)			
Proposed nomination			
Selection achievement developed in the country (s) _____ Whether the variety (breed) was offered for sale or sold: In the country of application: <input type="checkbox"/> - no <input type="checkbox"/> - yes for the first time _____ under the name _____ (date) In other countries: <input type="checkbox"/> - no <input type="checkbox"/> - yes for the first time _____ (country, date)			

under the name \_\_\_\_\_

Address for correspondence (full postal address and name of the addressee)

Phone: Mobile Phone Fax:

(74) Patent attorney (registration number) or representative of the applicant (s) (surname, first name, patronymic (if any) or nomination)

List of attached documents	The number of sheets in 1 copy	The number of sheets	
<input type="checkbox"/> appendix to the application			Grounds for the right to file an application and obtain a patent (without submitting a document): <input type="checkbox"/> the applicant is an employer and the conditions of paragraph 1 of Article 5 of the Law are met <input type="checkbox"/> transfer of rights by the employer or his successor <input type="checkbox"/> transfer of rights by the author or his successor <input type="checkbox"/> inheritance right
<input type="checkbox"/> questionnaire of selection achievement			
<input type="checkbox"/> photos			
<input type="checkbox"/> negatives or color slides			
<input type="checkbox"/> information on previously made sale			
<input type="checkbox"/> document on payment of application			
<input type="checkbox"/> document confirming the grounds for reducing the amount of payment			
<input type="checkbox"/> copy of the first application (upon claiming convention priority)			
<input type="checkbox"/> translation of the application into the state or Russian language			
<input type="checkbox"/> letter of attorney certifying the powers of the patent attorney or representative			
<input type="checkbox"/> other document (specify)			

(72) Author (s) (indicate the surname, name, patronymic, (if available))	(97) Full postal address of the place of residence, including the name of the country and its code according to WIPO Standard 3, if established	Signature (s) of the author (s) of the applicant (s) and / or the author (s) who transferred the right to receive the patent, date
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I (we) \_\_\_\_\_

please (ask) not to mention me (us) as author (s) when publishing application materials

Signature (s) of the author (s)

I (we) declare that, according to the information I(we) have, the information necessary for consideration of the application and included in this application and into the appendices is final and correct.

I (we) confirm that the samples are received properly and represent a representative sample of the selection achievement.

I (we) agree to the use of information constituting a secret protected by law contained in information systems

Signature

Signature (s) of applicant (s) or patent attorney, date of signing (when signing on behalf of a legal entity, the signature of the head is sealed (if any)).

Appendix 2  
to the Rules of examination  
of applications for selection  
achievements

Date of receipt	(21) № of registration	(22) Filing date	Priority
<b>APPLICATION</b>			
<b>for granting a patent of the Republic of Kazakhstan on the selection achievement (crop industry)</b>			
<p>By submitting the following documents, I ask (we ask) to grant a patent of the Republic of Kazakhstan for a selection achievement in the name of the applicant (s)</p> <p>(71) Applicant (s): (Full name or nomination and a place of residence or a location is indicated. Data on the place of residence of the authors-applicants are given in the column code 97)</p>			<p>Code of the country according to standard 3 of the World intellectual property organization (hereinafter - WIPO) (if installed)</p>
<p>It is filled only when claiming priority on a date earlier than the date of filing an application in the Republican state enterprise "National institute of intellectual property"</p> <p>I ask (we ask) to establish the priority of a selection achievement by date of:</p> <p><input type="checkbox"/> filing the first application in a country party of International convention (paragraph 2 of Article 7 of the Law "On the protection of selection achievements") (hereinafter- the Law)</p> <p><input type="checkbox"/> receipt of application for admission to use by the state commission (paragraph 2 of Article 4 of the Law)</p>			
№ of the first application or application for admission to use	Date of claimed priority	Country code (WIPO ST.3)	Stage of consideration an application
Under what name the selection achievement was registered			
<p>I (we) declare that the material transferred with the first application represents this variety (breed) and corresponds to this application.</p> <p>Type, variety _____ (name in the state or Russian language) _____</p> <p>_____ (Latin name)</p>			
Proposed name			Selection number
<p>Selection achievement developed in the country (s) _____</p> <p>—</p> <p>Whether the variety (breed) was offered for sale or sold:</p> <p>In the country of application:</p> <p><input type="checkbox"/> - no <input type="checkbox"/> - yes for the first time _____ under the name _____ (date)</p> <p>In other countries: <input type="checkbox"/> - no <input type="checkbox"/> - yes for the first time _____ (country, date)</p> <p>under the name _____</p>			
Address for correspondence (full postal address and name of the addressee)			

Phone: Mobile Phone Fax:			
(74) Patent attorney (registration number) or representative of the applicant (s) (surname, first name, patronymic (if any) or nomination)			
List of attached documents	The number of sheets in 1 copy	The number of sheets	Grounds for the right to file an application and obtain a patent (without submitting a document): <input type="checkbox"/> the applicant is an employer and the conditions of paragraph 1 of Article 5 of the Law are met <input type="checkbox"/> transfer of rights by the employer or his successor <input type="checkbox"/> transfer of rights by the author or his successor <input type="checkbox"/> inheritance right
<input type="checkbox"/> appendix to the application			
<input type="checkbox"/> questionnaire of selection achievement			
<input type="checkbox"/> photos			
<input type="checkbox"/> negatives or color slides			
<input type="checkbox"/> information on previously made sale			
<input type="checkbox"/> document on payment of application			
<input type="checkbox"/> document confirming the grounds for reducing the amount of payment			
<input type="checkbox"/> copy of the first application (upon claiming convention priority)			
<input type="checkbox"/> translation of the application into the state or Russian language			
<input type="checkbox"/> letter of attorney certifying the powers of the patent attorney or representative			
<input type="checkbox"/> other document (specify)			
(72) Author (s) (indicate the surname, name, patronymic, (if any)	(97) Full postal address of the place of residence, including the name of the country and its code according to WIPO Standard 3, if established		
I (we) _____ please (ask) not to mention me (us) as author (s) when publishing application materials Signature (s) of the author (s)			
I (we) declare that, according to the information I(we) have, the information necessary for consideration of the application and included in this application and into the appendices is final and correct. I (we) confirm that the samples are received properly and represent a representative sample of the selection achievement. I (we) agree to the use of information constituting a secret protected by law contained in information systems			
Signature Signature (s) of applicant (s) or patent attorney, date of signing (when signing on behalf of a legal entity, the signature of the head is sealed (if any).			

Appendix 2  
to the order of the  
Minister of Justice  
of the Republic of Kazakhstan  
dated August 29, 2018, № 1349

## Rules of examination of applications for the objects of industrial property Chapter 1. General Provisions

1. These Rules of examination of applications for the objects of industrial property ( hereinafter – the Rules) are developed in accordance with paragraph 2 of subparagraph 2) of paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan dated July 16, 1999 " Patent law of the Republic of Kazakhstan" (hereinafter – the Law) and shall determine the procedure for examination of applications for the objects of industrial property, which includes verification of the documents submitted, formal examination and substantive examination.

2. The following definitions are used in these Rules:

1) bulletin - official periodical on the protection of objects of industrial property;

2) The World Intellectual Property Organization (hereinafter - WIPO) - an international organization, providing and regulating international policy and cooperation of countries in the field of intellectual property;

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

4) Eurasian patent - a patent issued in accordance with the Eurasian Patent Convention dated September 9, 1994;

5) conventional application - an application filed in accordance with the Paris Convention for the Protection of Industrial Property dated March 20, 1883, with subsequent amendments and additions (hereinafter - the Paris Convention);

6) an author of the object of industrial property - an individual by whose creative work it was created;

7) application – an application for granting a patent for an invention, utility design or industrial design;

8) expert organization - an expert organization created in the organizational-legal form of a republican state enterprise on the right of economic management, subordinated in its activities to the authorized body;

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

10) international application - an application filed in accordance with the Patent Cooperation Treaty (Patent Cooperation Treaty, hereinafter - PCT) dated June 19, 1970.

## **Chapter 2. Filing applications for the objects of industrial property**

3. An application is filed by a person having the right to a protection document ( hereinafter - the applicant) through the office, the official website of the expert organization [www.kazpatent.kz](http://www.kazpatent.kz) or the e-government web portal [www.egov.kz](http://www.egov.kz).

**Footnote. Paragraph 3 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 №. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

4. The application for an invention must contain the documents stipulated by paragraph 2 of Article 17 of the Law.

5. The application for an invention shall be filed for a technical solution in any area related to a product, method, as well as the application of a known product or method for a new purpose or a new product for a specific purpose.

The product as an object of invention shall be, in particular, a device, a substance, a biotechnological product, including a strain of a microorganism, a culture of plant or animal cells, which include the following.

Devices as objects of the invention include structures and products. To characterize the devices, the following features are used:

- the presence of a constructive element (s);
- the existence of a relationship between the elements;
- mutual arrangement of elements;
- the form of execution of the element (s) or device as a whole;
- the form of execution of relationship between elements;
- parameters and other characteristics of the element (s) and their relationship;
- the material from which the element (s) or device as a whole is made;
- the medium performing the function of the element.

Substances as objects of the invention include:

- chemical compounds;
- compositions (structures, mixtures);
- products of nuclear transformation.

To characterize chemical compounds, the following features are used:

for low-molecular compounds with an established structure - the qualitative composition (atoms of certain elements), the quantitative composition (the number of atoms of each element), the bond between the atoms and their mutual arrangement in the molecule, expressed by the chemical structural formula;

for high-molecular compounds with an established structure - the structural formula of elementary link of the macromolecule (links and their combinations), the structure of the macromolecule as a whole (linear, branched), the number of elementary links or molecular weight, molecular weight distribution, geometry and stereometry of the macromolecule, its end and side groups, for copolymers - additionally the ratio of comonomeric units and their periodicity;

for the compounds with an unidentified structure - physicochemical and other characteristics (including the signs of the preparation method), allowing to distinguish this compound from others.

To characterize the compositions, the following features are used:

- qualitative composition (presence of ingredients);
- quantitative composition (content of ingredients);
- composition structure;
- structure of ingredients.



To characterize the compositions of an unspecified composition, their physico-chemical, physical and utilitarian indicators and features of the production method shall be used.

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

- qualitative (isotope (isotopes) of an element) and quantitative (number of protons and neutrons) compositions;

- basic nuclear characteristics: half-life period, type and energy of radiation (for radioactive isotopes).

Biotechnological products as objects of the invention include products isolated from their natural environment or obtained by other means.

Biotechnological products as objects of inventions include:

- living objects, in particular plants, animals, except for objects specified in paragraph 2 of Article 2 and paragraph 3 of Article 6 of the Law, and microorganisms, plant and animal cells and other elements isolated from plant and animal organisms or obtained by other means, microorganism strains, cell cultures of plants or animals;

- non-living objects, including hormones, cytokines, enzymes, antigens, antibodies, nucleic acid sequences, plasmids, vectors isolated from plants, animals or microorganisms.

To characterize plants and animals, the following features are used:

- assignment;

- origin and method of production;

- taxonomic affiliation;

- useful property;

- genotype and / or phenotype features;

- features of the genetic construction that a plant or animal contains;

- features of structural elements of a plant or animal;

- information about the beneficial substance that a plant or animal produces, and the level of productivity;

- reproduction characteristics;

- stability of preservation of useful properties.

To characterize strains of microorganisms, plant or animal cell cultures, the following features are used:

- assignment;

- origin (source of receipt, pedigree of the strain, characteristics of the original or parental strains);

- taxonomic affiliation;

- cultural and morphological features;

- physiological and biochemical features;

- cytological features;

- molecular-biological features;

marker features (genetic, immunological, biochemical, physiological);  
oncogenicity (for strains and cells of medical and veterinary purposes);  
contamination information;

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

information about the stability of preservation of beneficial properties during prolonged cultivation;

virulence, immunogenicity, antigenic structure, antibiotic sensitivity, antagonistic properties (for strains and cultures of medical and veterinary purposes);

reproduction peculiarities;

the principle of hybridization (for strains of hybrid microorganisms);

information on cryopreservation.

To characterize plant or animal cell cultures, the following features are additionally used:

the number of passages;

karyological characteristic;

growth (kinetic) characteristics;

characteristics of cultivation in the animal organism (for hybrids);

ability to morphogenesis (for plant cells).

To characterize a consortium of microorganisms, plant or animals cells, in addition to the above characteristics, the following features are used:

factors and conditions of adaptation and selection;

taxonomic composition;

the ratio and substitutability of individual components;

divisibility;

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

stability and / or competitiveness;

physiological features of the consortium as a whole.

To characterize biotechnological products related to non-living objects, the following features are used:

for the products with an established or partially established structure - the structural formula or structural peculiarities, including the nucleotide sequence for nucleic acids, the amino acid sequence for proteins, polypeptides, peptides, presence and order of the constituent elements, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic structures, recombinant and hybrid molecules;

for the products with an unidentified structure physicochemical and other properties, including signs of the method of preparation, allowing to identify these products, in particular, to distinguish them from other known products.

For all biotechnological products, their function or type of activity and origin is indicated.

The way as an object of invention shall be the process of performing actions on a material object using material objects.

To characterize the method, the following features are used:

presence of an action or a set of actions;

the order of performance of such actions in time (successively, simultaneously, in various combinations, etc.);

conditions for action, mode;

the use of substances (including raw materials, reagents, catalysts), devices (including devices, tools, equipment), strains of microorganisms, plant or animal cell cultures.

The use of a known product or method for a new purpose as the object of invention is related to their use in accordance with a different purpose.

The first use of substances (natural and artificially produced) to meet the social need, that is, the establishment of a utilitarian purpose of natural substances, substances obtained in the experiment, industrial waste, and so on, for which such purpose has not been determined is related to the use for a new purpose.

To characterize the use of a previously known product or method, for a new purpose or to apply a new product for a specific purpose, a brief description of the object sufficient for its identification is used, and an indication of this new purpose.

6. The description begins with the name of the invention, which, in case of filing an application in Russian, is indicated in the Kazakh language and shall contain the following sections:

field of technique to which the invention relates;

level of technique;

the essence of invention;

list of figures of drawings and other materials (if they are attached);

information confirming the possibility of carrying out the invention.

It is not allowed to replace the description section with a reference to the source, which contains the necessary information (literary source, description in the previously filed application, description of the title document).

7. The name of the invention describes its purpose and shall be accurate and concise. The name of the invention does not use the words "patent", personal names, familiar names, advertising or trade names, trademarks or abbreviations and terms that do not serve the purpose of identifying an invention.

The name of the invention shall be stated in the singular. The exceptions shall be the names that are not used in the singular, or the names of inventions related to chemical compounds covered by general structural formula.

The name of the invention relating to a chemical compound includes its name in accordance with one of the accepted chemical nomenclatures or the name of the group (class) to which it belongs, also indicating the specific purpose of the compound.

The name of the invention relating to the method of obtaining a substance - a mixture of an unknown composition, includes an indication of its purpose or type of biological activity of this substance.

For biologically active substances, an indication of the type of biological activity is given, and for biotechnological products, an indication of the function performed.

The name of the invention relating to the strain of a microorganism includes the generic and species (in accordance with the requirements of the international nomenclature) the name of the biological object shall be in Latin, indicating the purpose of the strain.

The name of the invention relating to the culture of plant or animal cells includes the name of the cell culture and the purpose.

The name of the invention relating to the use for a new purpose of a known product or method, as well as a new product for a specific purpose, shall be compiled according to the rules adopted for the corresponding object, and shall describe its purpose. The name of a group of inventions relating to the objects, one of which is intended for production ( manufacture), implementation or use of another one, contains the full name of one invention and the abbreviated name of the other. The name of the group of inventions relating to the objects, one of which is intended for the use in other, shall contain the full names of the inventions belonging to the group.

The name of the group of inventions relating to the variants shall contain the name of a single invention of the group, supplemented by the word "variants" indicated in parentheses.

8. In compiling the description of the section "The scope of technology to which the invention relates" indicates the scope of the invention, if there are several such areas, the preferential ones are indicated.

9. In compiling the description of the section "Level of technique", information including the following is presented:

1) information about the analogues of the invention known to the applicant with separation of the analogue closest to the invention by the combination of essential features ( prototype);

2) a means of the same purpose specified as an analogue of the invention, known from the information that has become publicly available before the priority date of the invention, characterized by a set of features similar to the set of essential features of the invention;

3) when describing each of the analogues directly in the text, the bibliographic data of the source of information in which it is disclosed, features characterizing the analogue, highlighting those that coincide with the essential features of the claimed invention, as well as the reasons known to the applicant that prevent the desired technical result;

4) if the invention relates to a method for producing a mixture of an unspecified composition with a specific purpose or type of biological activity, a method for producing a mixture with the same purpose or the same biological activity specified as an analogue;

5) if the invention relates to a method of obtaining a new chemical compound, information about the method of obtaining its known structural analogue;

6) when describing analogues of the invention relating to a biotechnological product, information about known products with the same function;

7) when describing the closest analogue of the invention relating to the strain of a microorganism, the culture of plant or animal cells — to the producer of the substance, information about the known producer of this substance and about the substance being produced.

If the invention relates to the use of a known product or method for a new purpose or a product for a specific purpose, then its analogues include known products or methods for the same purpose.

When describing a group of inventions, information about analogues is provided for each invention separately.

10. Section of the description "The essence of invention" includes the following information:

1) the essence of invention, expressed in the combination of essential features, sufficient to achieve the technical result provided by the invention.

Signs are significant if they affect the technical result achieved, that is, they are in causal connection with the specified result;

2) the task to be solved by the claimed invention, with an indication of the technical result, which is obtained by carrying out the invention;

3) all essential features characterizing the invention.

There are features that differ from the closest analogue, while the set of features is indicated, providing the technical result in all cases covered by the claimed scope of legal protection, and features, characterizing the invention only in particular cases, in specific forms of implementation or under special conditions of its use.

It is not allowed to replace the characteristic of the feature by sending it to the source of information in which this feature is disclosed;

4) the technical result, which is a characteristic of the technical effect, property, phenomenon that are obtained in implementation (manufacturing) or use of the means embodied in the invention.

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

The technical result is expressed, in particular, in reducing torque, reducing friction coefficient, preventing jamming, reducing vibration, increasing anti-tumor activity, localizing the action of the drug, eliminating cast structure defects, improving contact of the working body with the medium, reducing leakage of liquids, improving wettability, preventing cracking, increasing speed of data transfer, reducing data processing time or other characteristics, revealing technical effect.

The obtained result is not considered to be of a technical nature, in particular, if it: appears only because of the peculiarities of a person's perception with the participation of his mind;

is achieved through the observance of a certain order in the implementation of certain activities on the basis of an agreement between its participants or established rules;

consists only in receiving this or that information;

is caused only by peculiarities of the semantic content of information presented in this or that form on any carrier;

is diverting and entertaining.

If the creation of the invention solves the problem of only expanding the arsenal of technical means for a specific purpose or obtaining such means for the first time, the technical result consists in realizing this purpose (in creating a means realizing this purpose), and its special indication is not required, it is enough to give only an explanation that the proposed invention expands the arsenal of means of the same purpose.

The sequence of nucleotides or amino acids in the case of using it to characterize the invention is represented by indicating the sequence number in the sequence list as "SEQIDNO" (sequence identification number) with the corresponding free text, if the sequence characteristic in the sequence list is given using this text.

For a group of inventions, this information, including on the technical result, is given for each invention separately.

When describing each strain of a microorganism, a culture of plant or animals cells, additionally features are indicated by which the object differs from the original or closely related strains.

When describing an invention relating to the use of a known product or method for a new purpose, characteristics of this known object and the bibliographic data of the source of information in which it is described are given, its known and new purposes are indicated; if the invention has been characterized in the form of applying a new product for a specific purpose, in addition to the characteristics of the object and purpose being used, information about its properties that have caused such purpose is provided.

**Footnote. Paragraph 10 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 № 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

11. When making drawings and other materials, besides the list of figures, a brief indication of what is depicted on each of them shall be given. If other materials are presented that explain the essence of the invention, a brief explanation of their content shall be given.

12. The possibility of implementing the intended purpose and obtaining the technical result specified in the essence of the invention is disclosed in the information confirming the possibility of carrying out the invention.

The possibility of carrying out the invention, the essence of which is characterized using a sign expressed by a general concept, in particular, presented at the level of functional generalization, is confirmed either by a description directly in the application materials of the means for implementing such a sign or methods of obtaining it, or indicating that such means or methods of its obtaining are known.

When used to characterize the invention of quantitative characteristics, expressed as an interval of values, it indicates the possibility of obtaining a technical result in this interval.

13. In the information confirming the possibility of carrying out the invention relating to the device, a description of its construction in a static state is given with reference to the figures of the drawings. The numerical designations of the structural elements in the description should correspond to their numerical designations in the figure of the drawing in full.

After describing the design of the device, its action (work) or method of use is described with reference to the figures of the drawings, and, if necessary, to other explanatory materials (including diagrams, time diagrams).

If the device contains an element characterized at the functional level, and the described form of implementation involves the use of a programmable (customizable) multifunctional tool, then information is presented confirming the possibility of performing such a function by the specific function prescribed to it as part of the device. If among such information is an algorithm, in particular, a computational one, it is preferable to present it in the form of a flowchart, or, if possible, in an appropriate mathematical expression.

14. Information confirming the possibility of carrying out the invention relating to the substance.

For an invention relating to a chemical compound with an established structure, the structural formula proved by known methods, physicochemical constants, the way the compound is obtained, and the possibility to use the invention for the indicated purpose are described. For a biologically active compound, indicators of quantitative characteristics of activity and toxicity are also given, and, if necessary, selectivity of action and other indicators

If the invention relates to an agent for treating, diagnosing or preventing a certain condition or disease of people or animals, the description includes, in particular, information about the effect of this agent on certain links of physiological or pathological processes or about the connection with them.

If a new chemical compound is obtained using a strain of a microorganism, a culture of plant or animal cells, information on the biosynthesis method with participation of this strain, cell culture, data on them and information on deposition is given.

If the invention relates to a group (series) of chemical compounds with an established structure, described by the general structural formula, it is confirmed that all compounds of the group (series) can be obtained by reducing the general scheme of preparation method, as



well as an example of obtaining a specific group (series), and if a group (series) includes compounds with radicals of different chemical nature - examples that are sufficient to confirm the possibility of obtaining compounds with these different radicals.

For the compounds obtained, their structural formulas confirmed by well-known methods, physicochemical constants, and proofs of the possibility of realizing the specified purpose with confirmation of this possibility in respect to some compounds with radicals of different chemical nature are also given.

If the invention relates to an intermediate compound, the possibility of its processing into a known final product, or the possibility of obtaining a new final product with a specific purpose or biological activity from it, is also shown.

For inventions related to a new chemical compound with an unidentified structure or a mixture of an unknown composition and (or) structure, the data required to distinguish the given compound or mixture from others are indicated. Information about the initial reagents for the preparation of compounds or mixtures, as well as data confirming the possibility of implementing the specified purpose by the applicant of those compounds or mixtures, in particular, information about the properties that cause such purpose are given.

If the invention relates to a composition (mixture, solution, alloy, glass, and suchlike), examples shall be given in which the ingredients included in the composition, their characteristics and proportion shall be indicated. The way of obtaining the composition is described, and if it contains a new substance as an ingredient, the way of its obtaining shall be described.

In the examples given, the content of each ingredient is indicated in such a unit value that is within the range of values specified in the claims (when expressing the quantitative ratio of the ingredients in the claims as a percentage (by weight or by volume), the total content of all ingredients specified in the example is equal to 100 %).

15. Information confirming the possibility of carrying out an invention relating to a biotechnological product (to a living object).

For an invention relating to a plant or an animal, the origin of the plant or animal and the method for their preparation are disclosed, and the possibility of using it for the stated purpose and the fact that the plant or animal has that beneficial property for which the plant or animal was obtained is confirmed; features to identify the plant or animal are given. The same requirements apply to the offspring of a plant or animal, as well as to their individual parts (elements).

If the task in creating a plant or animal is to obtain with its help any product (substance), then information is provided confirming that such product (such substance) was actually obtained and possess the desired properties. If necessary, information about the level of productivity is provided.

For the invention relating to a strain of a microorganism, a culture of plant or animal cells, the nomenclature data and the origin of the strain, data on the quantitative and qualitative

composition of nutrient media (sowing and fermentation), conditions of cultivation (including temperature, pH, specific mass transfer, illumination), fermentation time, characteristics of biosynthesis, useful (target) products, product yield, level of activity (productivity) and methods for its determination (testing). The method of isolation and purification of target products (including for producers of new target products, for example, antibiotics, enzymes, monoclonal antibodies) is disclosed.

For consortia of microorganisms, plant or animal cells, the following data is indicated: the method of checking the presence of components, the method of isolation (selection) and the characteristics used for selection, the stability of the consortium as such during long-term cultivation, resistance to infection by foreign microorganisms.

The possibility of carrying out the invention relating to a strain of a microorganism, a culture of plant or animal cells, or the method in which it is used is confirmed by the description of the method of obtaining the strain, the culture of plant or animals cells by presenting information about the deposition (the name of the depository collection and the registration number assigned to the collection deposited object), the date of which must precede the priority date of the invention.

Deposition for the purposes of a patent procedure is considered to be carried out if the strain of a microorganism, the culture of plant or animal cells, a consortium is placed in an international or Kazakhstani collection guaranteeing the maintenance of the viability of the object for at least the term of the patent.

16. Information confirming the possibility of carrying out an invention relating to a biotechnological product (to a non-living object).

For all biotechnological products, the function or type of activity performed by them, the origin are indicated, the method in which these products are obtained is revealed, and the possibility of their use for the stated purpose is confirmed.

For the products with an established or partially established structure, in addition, the structural formula or structural features are given, including the nucleotide sequence for nucleic acids, the amino acid sequence for proteins, polypeptides, peptides, the presence and arrangement of constituent elements, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant and hybrid molecules.

For the products with an unidentified structure, a set of features is given that allows to identify them, in particular, to distinguished from other known products.

For monoclonal antibodies, information on the method of their preparation is given, in particular, on the hybridoma, producing the antibodies, including evidence of its depositing.

For medical and veterinary products, information on toxicity, pyrogenicity, contraindications or other restrictions is given.

If the invention relates to a group of new products having a common structural element (elements), the possibility of obtaining the products belonging to the group by disclosing a common method of obtaining them, as well as providing examples of obtaining specific

compounds of the group, is confirmed. In particular, if the invention relates to a nucleic acid or protein (polypeptide, peptide) with a specific sequence of nucleotides or amino acids, as well as their variants resulting from insertions, deletions or substitutions of nucleotides or amino acids, information on the localization of such insertions, deletions and substitutions is given, indicating the products that are formed in this way, and it is confirmed that the products thus obtained will have the same type of activity and a similar function as the original product.

For hybridizing nucleic acid sequences, hybridization conditions and the degree (percentage) of hybridization are indicated. At the same time, a method for evaluating the degree of hybridization is revealed, examples of specific sequences that hybridize to the original one to the specified extent, and information confirming the functional features of such sequences are given.

For homologous and complementary nucleic acid sequences, proteins, polypeptides and peptides, the degree (percentage) of homology or complementarity is indicated. At the same time, the method of assessing the degree of homology or complementarity is also revealed, examples of specific sequences that are homologous or complementary to the original, and information confirming the functional features of such sequences are given.

For a group of inventions, including intermediate and final products, the method of obtaining from the specified intermediate product of the final product with certain properties and type of activity is revealed.

17. Information confirming the possibility of carrying out the invention relating to the method.

For the invention relating to the method, the examples indicate the sequence of actions (techniques, operations) on the material object, as well as the conditions for the actions, the specific modes (temperature, pressure), the means used (devices, substances and strains), if necessary. If the method is characterized by the use of means known prior to the priority date, it is sufficient to indicate these means. When using unknown means, their characteristics are given and, if necessary, a graphic image is attached.

When used in the method of new substances, the method of their preparation is revealed.

For the invention relating to a method for obtaining a group (series) of chemical compounds described by a common structural formula, an example of obtaining a group (series) compound by this method is given, and if the group (series) includes compounds with radicals of different chemical nature, such a number of examples are given that is sufficient to confirm the possibility of obtaining compounds with these different radicals. For the obtained compounds included in the group (series), the structural formulas confirmed by known methods and physico-chemical characteristics are given. The description also includes information on the purpose and biological activity of new compounds.

For the inventions related to the methods of obtaining chemical compounds with an unidentified structure or mixtures of an unidentified composition, the data necessary for

distinguishing these compounds from others are indicated. Information about the initial reagents for preparation of compounds or mixtures, as well as data confirming the possibility of implementing the intended use of these compounds or mixtures by the applicant, in particular, information on the properties that cause such an assignment is given.

For the invention relating to the method of obtaining a biotechnological product, it is confirmed that the resulting product really has the desired properties and is used for the specified purpose, features, allowing to identify the product are given, in appropriate cases - structural formula, structural peculiarities and composition, as well as other features depending on the type of product.

For the invention relating to the method of obtaining a group of biotechnological products having a common structural element (s), such a number of examples that are sufficient to confirm the possibility of obtaining all the products of the group is given, thus confirming that all the obtained biotechnological products have one type of activity and carry out the same function.

When used in the method of unknown strains of microorganisms, cultures of plant or animals cells, information on their deposition or a description of the method for obtaining a strain or cell culture sufficient to carry out the invention is given.

For the invention relating to the method of obtaining the product, the element of which or the product itself is made of a material of unknown composition and (or) structure, data on the material and material properties and operational characteristics of the element and (or) the product as a whole are given.

For an invention relating to a method of treating, diagnosing, preventing a state or a disease in humans or animals, information on identified factors explaining the effect of its use on the etiopathogenesis of the disease, or other reliable data confirming its suitability for treating, diagnosing or preventing a specified state or disease (including those obtained in the experiment on adequate designs) is given.

18. Information confirming the possibility of carrying out an invention relating to the use of a known product or method for a new purpose or of a new product for a specific purpose, provides information confirming the possibility of realization of this purpose by them.

19. The purpose of the formula of invention and the contents of the formula:

1) the formula of invention is intended to determine the scope of legal protection granted by the patent;

2) the formula of invention shall determine the object of invention and express the essence of invention;

3) the formula of the invention must be clear, accurate, based on the description and characterize the invention with the concepts contained in the description;

4) the formula of the invention is recognized as expressing its essence if it contains a combination of its essential features sufficient to achieve the technical result specified by the applicant;

5) the features of the invention are expressed in the formula of invention in such a way as to ensure their identification, that is, an unambiguous understanding by a specialist on the basis of the prior art of their semantic content;

6) the characteristics of the feature in the formula of invention cannot be replaced by referring to the source of information in which this feature is revealed. Replacing the characteristics of a feature by referring to the description or drawings of the application shall be allowed only if it is impossible to characterize the feature without such reference, not violating its identification requirements. In these cases, the following expressions can be used : “as shown in the figure”, “as described in the description part”. Reference to the drawings can be used to characterize objects that differ in their form of execution, which cannot be described verbally or mathematically, as well as in cases when the object of invention is chemicals which properties can only be described using graphs and diagrams or biotechnological products, verbal characterization of which is difficult or leads to excessive clutter of the formula of invention.

In particular, if nucleotide and/or amino acid sequences are used to characterize the invention, then in the formula of invention, they can be referred to the number in the sequence listing as “SEQIDNO” or to the corresponding graphic material.

7) it is expedient to characterize a feature of the invention with a general concept ( expressing a function, a property) covering various particular forms of its implementation, if it is the characteristics contained in the general concept that provide, together with other features, the receipt of the technical result specified by the applicant;

8) a feature is expressed in the form of an alternative, provided that such a feature, in any choice made by the specified alternative, in combination with other features of the invention, provides the same technical result;

9) use in the formula of invention of conventional names of products, substances and the like shall be allowed if a different form of description of this object is difficult and provided that they are generally accepted and have an exact meaning.

10) if the claimed proposal relates to an invention in the field of information and communication technologies, then the invention formula shall be registered for the object “ method” and (or) “device” with indication of the relevant features in accordance with paragraph 5 of these Rules. The formula should not include the characteristic of the program for an electronic computer or the algorithm used in it.

**Footnote. Paragraph 19 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

20. The formula of invention shall be presented in the form of monolink and multilink and include, respectively, one or more items.

21. A monolink formula of invention shall be used to characterize one invention with a set of essential features that have no development and (or) clarification in relation to particular cases of its implementation or use.

22. A multilink formula shall be used to characterize one invention with development and (or) refinement of the totality of its features as applied to particular cases of carrying out or using the invention or for characterizing a group of inventions.

A multilink formula characterizing one invention has one independent item and the following it (them) dependent item (s).

A multilink formula characterizing a group of inventions has several independent items, each of which characterizes one of the inventions of the group. In addition, each invention of the group is characterized with the involvement of dependent items, subordinate to the corresponding independent.

Multilink items shall be numbered in Arabic numerals sequentially starting with “1”, in the order of their presentation.

23. The formula characterizing the group of inventions, shall be registered as follows:

1) independent items characterizing individual inventions do not contain references to other items of the formula (such a reference is permissible only if it allows to state the independent item without completely repeating the content of another item in it);

2) dependent items are grouped together with the independent item to which they are subordinate, including cases when dependent items of the same content are used to characterize different inventions of a group.

24. The items of the formula are made in the following way:

1) the item of the formula consists of a restrictive part, including the features of the invention, coinciding with the features of the closest analogue, including a generic concept reflecting the purpose from which the presentation of the formula begins, and a distinctive part, including the features that distinguish the invention from the closest analogue ;

2) in drafting an item of the formula after the statement of the restrictive part, the phrase “characterized in that” shall be introduced, immediately after which the distinctive part is stated;

3) in drafting an item of the formula without separating into restrictive and distinctive parts after the generic concept reflecting the purpose, the expression “characterized”, “consisting of”, “including” shall be introduced, after which the set of essential features that characterize the invention is given.

4) the item of the formula shall be stated as one sentence.

25. The formula of invention shall be made without dividing an item into restrictive and distinctive parts, if it characterizes:

1) chemical compound;

2) strains of microorganisms, cell culture of plants or animals;

3) the application of a known product or method for a new purpose or a new product for a specific purpose;

4) an invention that has no analogues.

26. Independent items of the formula shall be registered as follows.

An independent item of the formula of invention relates to only one invention. It characterizes the invention by the totality of its features, determining the scope of the requested legal protection, and shall be stated in the form of a logical definition of the object of invention.

An independent item of the formula is not recognized as belonging to one invention if the set of features contained in it includes:

features expressed as alternatives that do not provide the receipt of the same technical result, or groups of features expressed as alternatives, each of which includes several functionally independent features (unit or part of the device; operation of the method, substance, material, device used in; ingredient of the composition), including when the choice of one or another alternative for any of these features depends on the choice made for another (other) feature(s);

characteristics of inventions relating to the objects of different types, or a combination of means, each of which has its own purpose, without implementation of the specified set of general-purpose means.

27. Dependent items shall be registered as follows.

A dependent item of the invention contains the development and (or) clarification of the totality of the features of invention, given in the independent item, features characterizing the invention only in particular cases of its implementation or use.

The restrictive part of the dependent item consists of a generic concept reflecting the purpose of the invention, stated in abbreviated form compared with the one given in the independent item, and reference to the independent item and/or dependent item (s) to which this dependent item is related to.

When the dependent item is subordinate to several items of the formula, references to them shall be indicated using an alternative.

If for the characteristic of the invention in the particular case of its execution or use, along with the features of the dependent item, only the features of the independent item are necessary, then the subordination of this dependent item directly to the independent item is used.

If for the specified characteristic, features of one or several other dependent items of the formula are necessary, the subordination of this dependent item to the independent one through the corresponding dependent items is used.

The dependent item of the formula shall be stated in such a way that it does not replace or exclude the features of the invention described in the item of the formula to which it is



subordinate and also should not include the features which totality has the character indicated in paragraph 26 of these Rules.

If the dependent item is formulated in such a way that there is a replacement or exclusion of the characteristics of the independent item, it cannot be recognized that this dependent item, together with the independent item to which it is subordinate, characterizes one invention.

**Footnote. Paragraph 27 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after its first official publication);**

28. A peculiarity of the formula of invention relating to the device shall be that the features of the device are stated in the formula so as to characterize it in a static state.

When characterizing the performance of a structural element of a device, it is allowed to indicate its mobility, the possibility of its implementation of a certain function.

29. The formula of invention relating to a substance shall have the following peculiarities.

The formula of the invention characterizing a chemical compound with an established structure of any origin, includes the name of the compound according to one of the accepted nomenclature in chemistry or the designation of the compound and its structural formula (the purpose of the compound is not specified).

In the case of a chemical compound with an unspecified structure, a name that contains the characteristic of the compound's purpose, physicochemical, and other characteristics allowing to distinguish this compound from others, in particular, the characteristics of its preparation are given in the formula of invention.

In the formula of invention relating to the composition, its name, indicating the purpose, ingredients included in the composition and, if necessary, the quantitative content of the ingredients are given; if the formula of the invention, characterizing the composition, contains features relating to the quantitative content of ingredients, they are expressed in any unambiguous units, with two values characterizing the minimum and maximum limits of the content (lower and upper).

It is allowed to indicate the content of one of the ingredients of the composition with one value, and the content of the remaining ingredients as an interval of values with respect to this single value.

It is allowed to indicate the quantitative content of antibiotics, enzymes, anatoxins in the composition in other units than the units of the other components of the composition.

If the invention relating to the composition is characterized by introduction of an additional ingredient, the phrase "additionally contains" is included in the formula before indicating the corresponding distinctive feature.

For compositions, the purpose of which is determined only by the active principle and other components are neutral carriers from the circle traditionally used in the compositions for this purpose, only this active principle and its quantitative content in the composition, including in the form of "an effective amount" shall be allowed to specify in the formula.

Another variant of the characteristics of such a composition shall be the indication in it, besides the active principle, of other components (neutral carriers) in the form of the generalized concept “target additive”. In this case, the quantitative ratio of the active ingredient and the target additive shall be indicated.

If a characteristic of a complex composition is indicated as a feature of the invention, it is allowed to use its special name indicating the function or property of this substance and its basis. In this case, a source of information in which this substance is described, shall be given in the description of invention.

30. The formula of the invention relating to a biotechnological product has the following features.

The formula of the invention characterizing products relating to non-living objects with an established or partially established structure includes a structural formula or other features that make it possible to establish the structure of such products, in particular the nucleotide sequence for nucleic acids (genes, gene fragments) and the amino acid sequence for proteins, polypeptides and peptides.

For the products relating to non-living objects with an unidentified structure, the formula of the invention includes a set of physicochemical and other properties that make it possible to identify these products, in particular, to distinguish them from other known products. Such features include, for example, features of a method of obtaining a product.

In both of these cases, the function or type of activity and product origin are indicated.

In one independent item of the formula of invention, several biotechnological products are cited as one invention if they have the same function or type of activity, common origin, and common essential structural element (s). Combining products into one item based on only one activity is not allowed.

The formula of the invention, characterizing products related to living objects, includes features allowing to identify these products, including the features characterizing the method of obtaining the product, its origin, a description of the genetic element contained in it, useful properties and other features.

The formula of the invention characterizing a strain of a microorganism, a culture of plant or animal cells includes the generic and specific names of the strain in Latin in accordance with the requirements of the international nomenclature, or the name of plant or animal cells, as well as the name or abbreviation of the official collection-depository, registration number assigned by the collection to the deposited object, and its purpose.

31. A peculiarity of the formula of invention relating to the method is that the features of the method characterizing actions on a material object are stated using verbs in the Active voice for this purpose, in the indicative mood, in the third person, in the plural form (heated, moistened, calcined).

32. In cases when the object of the invention is the use of a known product or method for a new purpose or of a new product for a specific purpose, the formula of the following

structure is used: "Application (the name or characteristic of a known product, method, or new product is given) as (the purpose of the applied object is given)".

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

Explanatory materials shall be registered in the form of graphic images (diagrams, drawings, graphs, epures, oscillograms), photographs and tables.

Figures are presented in the case when it is impossible to illustrate the invention with drawings or diagrams.

Photos are presented as an addition to the graphic images. In certain cases, including for illustration the stages of surgery, photographs may be presented as the main form of explanatory materials.

Drawings, diagrams and figures are presented on separate sheets (sheet), in the upper right corner of which the name of the invention is given.

Submitted drawings and other materials should be aligned with the text of the description. All designations in the drawings must be referenced in the description.

34. The abstract is a summary of the invention, that is, an abbreviated statement of the content of the description of invention, including the name, characteristics of the field of technology to which the invention relates, and (or) the field of application, if it is not clear from the name, the characteristics of the essence of invention, indicating the achieved technical result described by a free presentation of the formula, preferably such that retains all the essential features of each independent item.

If necessary, the abstract includes a drawing or a chemical formula. The drawing included in the abstract is presented on a separate sheet in the same number of copies as the text of the abstract, including in the case when it is identical to one of the figures of the drawings illustrating the description.

The abstract contains additional information, in particular, an indication of the presence and number of dependent items of the formula, graphic images, tables.

The recommended volume of the abstract text is up to 1000 characters.

35. The application does not contain expressions, drawings, figures, photos and other materials that are contrary to morality and public order, disparaging statements in relation to products or technological processes, as well as applications or protection documents of other persons, statements or information that is clearly not related to the invention or those that are not necessary for the recognition of application documents that meet the requirements of these Rules.

36. When using terms and designations that are not widely used in the literature, their meanings are explained in the text when first used.

In the formula of invention, the description and the materials explaining it, as well as in the abstract, standardized terms and abbreviations are used, and in the absence, generally accepted ones in scientific and technical literature.

All symbols are deciphered, in the description and in the formula the unity of terminology is observed, that is, the same features in the text of the description and in the formula are called the same. The requirement of unity of terminology also applies to the dimensions of physical units and the conventions used.

The title of the invention, if necessary, contains Latin characters and Arabic numerals. The use of characters of other alphabets, special characters in the title of the invention is not allowed.

Physical quantities are expressed in units of the current international system of units of SI.

37. Application documents shall be registered as follows:

- 1) all documents shall be registered in such a way that their direct reproduction is possible ;
- 2) each sheet is used only on one side with the arrangement of lines parallel to the smaller side of the sheet.

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

39. The text shall be registered as follows:

- 1) documents are printed in standard black font. The texts of the description, formula and abstract are printed at one interval;
- 2) graphic symbols, Latin names, Latin and Greek letters, mathematical and chemical formulas or symbols can be written in ink, paste or black ink.

Mixed writing of formulas in print and by hand is not allowed.

40. In the description, formula of invention and the abstract chemical formulas shall be used:

- 1) when writing structural chemical formulas, commonly used symbols of elements should be used and the links between elements and radicals should be clearly indicated;
- 2) formulas are numbered in the order of their introduction into the text. It is recommended to put the number after each formula on the border of the right margin.

41. The list of sequences of nucleotides and (or) amino acids, presented in printed form, shall be registered in accordance with WIPO Standard ST.25.

42. In the description, formula of invention and abstract, mathematical expressions (formulas) and symbols are used.

The form of representation of a mathematical expression is not regulated.

All lettering symbols in mathematical formulas are decoded. Explanations to the formula should be written in a column and after each line put a semicolon.

The decoding of the lettering is given in the order of their use in the formula.

Mathematical signs: >, <, =, +, - and others are used only in mathematical formulas, and in the text they should be written in words (more, less, equal).

For the designation of intervals between positive values, it is allowed to use the “-: -” sign (from and to). In other cases, the words “from” and “to” should be written; the use of the sign (...) is recommended when designating the temperature range.

For percentage values, the percent sign (%) is placed after the number. If there are several values, then the percent sign is placed before their enumeration and is separated from them by a colon.

Transfer in mathematical formulas is allowed only by sign.

Formulas are numbered in the order of their introduction into the text. It is recommended to put down the number after each formula on the border of the right margin.

#### 43. The design of graphic images.

Graphic images (drawings, diagrams, graphs, figures and the like) shall be made with black non-erasable clear lines of the same thickness along the entire length, without feathering and coloring.

The scale and clarity of the image are chosen so that the photographic reproduction can distinguish all the details.

Numbers and letters should not be placed in brackets, circles and quotes. The height of numbers and letters should be at least 3.2 millimeters.

Each graphic image, regardless of its type, is numbered in Arabic numerals as a figure (figure 1, figure 2) in the order of a single numbering, in accordance with the order of mentioning them in the text of the description. If the description is explained with one figure, then it is not numbered.

There are several figures on one sheet, while they are clearly separated from each other. If figures located on two or more sheets represent parts of a single figure, they are placed so that this figure can be arranged without skipping any part of any of the figures shown on different sheets.

Individual figures are arranged on a sheet or sheets so that the sheets are as saturated as possible and the image can be read with the vertical arrangement of the long sides of the sheet

It is preferable to use on the drawing rectangular (orthogonal) projections (in various forms, cuts and sections); the use of axonometric projection is also allowed.

The cuts are made with oblique hatching, which does not hinder the clear reading of reference signs and main lines.

Each element in the drawing is made proportionally to all other elements, except for the cases when a distinct image of an element requires a difference in proportions.

Drawings are performed without any inscriptions, except for the necessary words, such as "water", "steam", "open", "closed", "A-A" (to denote the cut).

Dimensions in the drawings are not specified and are given in the description.

The elements shown in the drawing are denoted by Arabic numerals in accordance with the description of the invention.

The same elements represented on several figures are denoted by the same number. It is not necessary to designate the various elements presented on various figures, by identical digit. Designations not mentioned in the description are not put in the drawings.

If the graphic image is represented in the form of a diagram, then when it is executed, standardized conventional symbols are used.

It is allowed to depict the individual elements of the schemes of another type on the scheme of one type. If the scheme is presented in the form of rectangles as graphic symbols of elements, then in addition to the numerical designation, the name of the element also is written directly into the rectangle. If the dimensions of the graphic image of the element do not allow this, the name of the element may be indicated on the extension line (if necessary, in the form of a caption label placed in the field of the scheme).

Drawings, diagrams, figures are not given in the description and in the formula of invention.

44. The bibliographic data of the sources of information are indicated in such a way that the source of information can be discovered from them.

45. The application for the utility design must contain the documents stipulated by paragraph 2 of Article 18 of the Law.

46. The utility model includes technical solutions in any field related to a product (device, substance, microorganism strain, plant or animal cell culture), method (process of performing actions on a material object using material means), as well as the use of a known product or method for a new purpose or a new product for a specific purpose, with the exception of therapeutic and surgical methods for the treatment of humans or animals.

A product as an object of a utility design shall be, in particular, a device, a substance, a biotechnological product, including a strain of a microorganism, a culture of plant or animal cells.

Devices as objects of the utility design include structures and products. To characterize the devices, the following features are used:

- presence of a constructive \*element (s);
- connection between elements;
- mutual arrangement of elements;
- form of execution of the element (s) or device as a whole;
- form of execution of the link between elements;
- parameters and other characteristics of the element (s) and their relationship;
- material from which the element (s) or device as a whole is made;
- medium performing the function of the element.

Substances as objects of the utility design include:

- chemical compounds;
- compositions (compounds, mixtures);
- nuclear transformation products.

The following features are used to characterize chemical compounds.

For low-molecular compounds with an established structure - the qualitative composition (atoms of certain elements), the quantitative composition (the number of atoms of each element), the link between the atoms and their mutual arrangement in the molecule, expressed by the chemical structural formula.

For high-molecular compounds with an established structure - the structural formula of the elementary link (links and their combinations) of macromolecules, the structure of the macromolecule as a whole (linear, branched), the number of elementary links or molecular weight, molecular weight distribution, geometry and stereometry of the macromolecule, its end and side groups, for copolymers - additionally the ratio of comonomer links and their periodicity;

For compounds with an unidentified structure, physicochemical and other characteristics (including features of obtaining method), allowing to distinguish this compound from others.

To characterize the compositions, the following features are used: qualitative composition (presence of ingredients);

quantitative composition (content of ingredients);

composition structure;

structure of ingredients.

To characterize the compositions of unknown composition, their physico-chemical, physical and utilitarian indicators and features of the method of production obtaining are used

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

qualitative (isotope (isotopes) of an element) and quantitative (number of protons and neutrons) compositions;

basic nuclear characteristics: half-life, type and radiation energy (for radioactive isotopes);

Biotechnological products as objects of a utility design include products isolated from their natural environment or obtained by other means.

Biotechnological products as objects of the utility design include:

living objects, in particular plants, animals, except for the objects specified in paragraph 2 of Article 2 and paragraph 2 of Article 6 of the Law, and microorganisms, cells of plants and animals and other elements isolated from organisms of plants and animals or obtained by other means, strains of microorganisms, cultures of plant or animal cells;

non-living objects, in particular hormones, cytokines, enzymes, antigens, antibodies, nucleic acid sequences, plasmids, vectors, etc., isolated from plants, animals or microorganisms or obtained by other means.

To characterize plants and animals, the following features are used:

purpose;

origin and method of obtaining;



- taxonomic affiliation;
- useful property;
- genotype and / or phenotype peculiarities;
- peculiarities of the genetic construct that a plant or animal contains;
- peculiarities of the structural elements of a plant or animal;
- information about the beneficial substance that a plant or animal produces, and the level of productivity;
- reproduction peculiarities;
- stability of preservation of useful properties.

To characterize strains of microorganisms, cultures of plant or animal cell, the following features are used:

- purpose;
- origin (source of receipt, pedigree of the strain, characteristics of the original or parental strains);
- taxonomic affiliation;
- cultural and morphological features;
- physiological and biochemical features;
- cytological features;
- molecular biological features;
- marker features (genetic, immunological, biochemical, physiological);
- oncogenicity (for strains and cells for medical and veterinary purposes);
- contamination data;
- biotechnological characteristics: the name and properties of a useful substance produced by a strain or culture, the level of activity (productivity) and methods for its determination;
- information about the stability of preservation of beneficial properties during prolonged cultivation;
- virulence, immunogenicity, antigenic structure, antibiotic sensitivity, antagonistic properties (for strains and cultures of medical and veterinary purposes);
- reproduction peculiarities;
- principle of hybridization (for strains of hybrid microorganisms);
- information on cryopreservation.

To characterize cultures of plant or animal cells, the following features are additionally used:

- number of passages;
- karyological characteristic;
- growth (kinetic) characteristics;
- characteristics of cultivation in the animal organism (for hybrids), the ability to morphogenesis (for plant cells).

To characterize a consortium of microorganisms, cells of plant or animals, in addition to the above features, the following features are used:

- factors and conditions of adaptation and selection;
- taxonomic composition;
- ratio and substitutability of individual components;
- divisibility;

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

- stability and / or competitiveness;

- physiological peculiarities of the consortium as a whole.

To characterize biotechnological products related to non-living objects, the following features are used:

- for the products with an established or partially established structure-the structural formula or structural peculiarities, including the nucleotide sequence for nucleic acids, the amino acid sequence for proteins, polypeptides, peptides, presence and order of arrangement of constituent elements, including the regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant and hybrid molecules;

- for the products with an unidentified structure, physicochemical and other properties, including features of the method of obtaining, allowing to identify these products, in particular, to distinguish them from other known products.

For all biotechnological products, their function or type of activity and origin are indicated;

The method as an object of a utility design is the process of performing actions on a material object with the help of material objects.

To characterize the method, the following features are used:

- presence of action or set of actions;

- the order of performance of such actions in time (successively, simultaneously, in various combinations, etc.);

- conditions for action, mode;

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

The use of a known product or method for a new purpose as an object of a utility design is their use in accordance with a different purpose.

The use for a new purpose is the first use of substances (natural and artificially obtained) to meet social needs, that is, establishment of utilitarian purpose of natural substances, substances obtained in the experiment, production waste, and so on, for which this purpose has not been defined.

To characterize the application of a previously known product or method, for a new purpose or to apply a new product for a specific purpose, a brief description of the used object is sufficient for its identification, and indication of this new purpose.

**Footnote. Paragraph 46 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

47. The requirements for the description, the name of the utility design are identical to the requirements for the description, the name of the invention specified in paragraphs 6, 7 of these Rules.

48. The requirements for the compilation of descriptions of sections "The technical field to which the utility design belongs", "The level of technology" are identical to the requirements for the application for an invention stipulated in paragraphs 8, 9 of these Rules.

49. The requirements for compilation of description of the section "Essence of a utility design", as well as information confirming the possibility of carrying out the utility design, are identical to the requirements for the application for an invention specified in paragraphs 10, 11, 12, 13, 14, 15, 16, 17 (with the exception of diagnostic, therapeutic and surgical methods of treating people or animals), 18 of these Rules.

**Footnote. Paragraph 49 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 №. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

50. The requirements for the formula of the utility design, the design of the drawings and (or) other materials and preparation of the abstract of the utility design are identical to the requirements for the application for an invention stipulated in paragraphs 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 of these Rules.

**Footnote. Paragraph 50 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 №. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

51. The application for an industrial design must contain the documents stipulated in paragraph 2 of Article 19 of the Law.

52. As an industrial design, an artistic and design solution is protected for an industrial or handicraft product, determining its appearance.

The product means any product of industrial or handicraft production, composite products, independent components for assembly into composite products, packaging, labels, emblems, fonts, sets (kits) of shared products, interiors design.

The independent part of the product means its separate part, visible during the process of normal operation of the product, in particular products that make up the set (kit) of products, drawings, graphic symbols, logos, printed on the surface of the product.

A component for assembly into a composite product is a functionally independent part of a composite product intended for its assembly, dismantled without violating its integrity and reused for assembling a composite product.

Composite products include products consisting of components intended for assembly of a composite product.

Kits include groups of products with general purpose and complex use.

Industrial designs can be volumetric or planar.

Bulk industrial designs represent a composition with a three-dimensional structure.

Planar industrial designs represent a composition with a two-dimensional structure.

Artistic design decision of the product is characterized by a set of essential features that determine the aesthetic and (or) ergonomic peculiarities of the product appearance.

53. The decisions specified in paragraph 2 of Article 8 of the Law are not recognized as industrial designs.

Solutions that may mislead include decisions that reproduce or incorporate elements that are identical or produce a general impression that will lead to confusion:

with state emblems, flags and other state symbols and signs;

with abbreviated or full names of international and intergovernmental organizations, with their emblems, flags, symbols and signs;

with official control, guarantee or assay marks, seals, awards and other insignia.

elements are included in the decision of the appearance of the product with the consent of the relevant competent authority;

with elements which state registration in the Republic of Kazakhstan as trademarks is not allowed in accordance with an international agreement, since the elements are protected in one of the states parties of an international agreement as a designation that allows identifying products as originating from its territory (produced within the boundaries of a geographical object of this state) and having a special quality, reputation, or other characteristics that are determined by their origin, if industrial design is intended for packaging, labeling of products not originating from the territory of the geographical object;

with official names or images of especially valuable objects of cultural heritage of the peoples of the Republic of Kazakhstan, or objects of the world cultural or natural heritage, images of cultural values, if the patent is requested in the name of persons who are not their owners, without the consent of the owners or persons authorized by the owners to register such decisions as industrial designs;

with trademarks of other persons known at the time of filing of the application that are protected in the Republic of Kazakhstan, including in accordance with the international agreement of the Republic of Kazakhstan, in relation to similar products;

with trademarks of other persons recognized in accordance with the Law of the Republic of Kazakhstan “On Trademarks, Service Marks and Appellations of Origin”, the order of well-known trademarks in the Republic of Kazakhstan in relation to similar products;

with well-known names, pseudonyms or designations derived from them, with portraits or facsimiles of persons well-known in the Republic of Kazakhstan on the date of filing the application, without the consent of these persons or their heirs.

54. The application relates to one industrial design or a group of industrial designs interconnected to such an extent that they form a single creative concept (requirements of the unity of the industrial design).

The unity of the industrial design is recognized as observed if:

on the product images one industrial design is presented, which is an artistic design decision of one product, including the whole product, its independent part, set (kit) from the group of shared products;

on the product images there is a group of industrial designs forming a single creative concept and representing the artistic and design decisions of the same product, belonging to the same subclass of the International classification of industrial designs, adopted by the Locarno Agreement dated October 8, 1968 (hereinafter - ICID), one of which determines the appearance of the product as a whole, and the other (others) - the appearance of its independent part (s) visible during the process of the product operation;

the product images represent a group of industrial designs forming a single creative concept and represent artistic and design decisions determining the appearance of the same product as a whole and belonging to the same class of the ICID, each of which determines its own version of the appearance of the product, and the main aesthetic and (or) ergonomic peculiarities of the product appearance, due to the decisions - options, coincide (options).

55. Requirements for application documents:

Images of the product appearance must contain visually perceptible information on the essential features of the industrial design, which determine the scope of legal protection of the industrial design requested by the applicant.

Photographs, products drawings, including those made by computer graphics, reproductions, or in other ways, can be presented as images.

A set of product images relating to one industrial design must contain such a number of types of images, which gives a complete picture of the totality of essential features of the industrial design, that determines the amount of legal protection requested by the applicant.

A set of product images related to one volumetric industrial design may contain an image of the general view of the product in the perspective of 3/4 in front.

Additional types of images, in particular, front view, behind, on the left, on the right, on the top, on the bottom, are presented at the choice of the applicant, if they are necessary to get a complete picture of the totality of essential features of the industrial design that determines the amount of legal protection requested by the applicant.

If a volumetric industrial design relating to a part of the appearance of the product is declared, the set of images of the product may contain an image of the general appearance of the product in the 3/4 front view.

Additional types of images, in particular, front view, behind, on the left, on the right, on the top, on the bottom, are also presented at the choice of the applicant.

For the products of the clothing industry, a set of images can be represented by front and behind views, in particular, on a mannequin, and shoes, hats, leather goods, and articles are presented as separate images of natural samples of products.

In additional photographs, the artistic and design solutions of clothing and footwear products are presented on demonstrators, the age group and anthropometric data of which (size, height, fullness) meet the requirements laid down in the basis of product development.

In order to more complete information about the features of the cut, line, design, pattern of the finishing elements, a photo of the product is presented. If the photo is not presented, then a sketch-drawing is presented in a color that allows to reveal the peculiarities of the claimed artistic design solution.

For a planar industrial design, one type of image is sufficient.

Industrial designs related to textiles are presented by a fragment of the product in the size of the pattern repeat (no more than 400x500 mm), if the product relates to such as decorative materials, fabrics, carpets, giving an idea of the structure, texture and color solution of the product.

If the application belongs to the group of industrial designs, then each variant of the claimed industrial design is presented by a separate set of images in all forms.

A group of industrial designs is presented by a kit of images, including images of the set as a whole (for a volumetric industrial design - as a set in front view 3/4 and additional types of images of the set as a whole at the applicant's choice), and kits of images of each product belonging to the group of products included in the set (kit).

In the case when the general view of a set (kit) of products cannot technically be presented on one image in its entirety, it is allowed to present fragments of the set (kit) on separate images.

Products that are closed, folded, transformed, additionally presented by images of these products in a closed and (or) open view.

When the colorographic (artistic and coloristic) solution is one of the essential features of the product, all necessary images are presented in color.

Images of products are presented distinct, clear, unconditional, on a neutral background, without foreign objects, and allow, without additional explanation, to identify the elements (features) of the appearance of the product both on the illuminated and on the shadow sides of it.

It is allowed to use a dotted line to display on the product image those parts (elements) of appearance that do not define its basic aesthetic and (or) ergonomic features (non-essential features of an industrial design), or the applicant does not claim legal protection of them.

Images are made in the size of 18x24 centimeters.

On the reverse side of each copy of photos of the general view are consistently indicated:

photo number;  
name of the industrial design;  
signatures of authors with decoding;  
nomination of the applicant.

On the reverse side of the photos of additional view are consistently indicated:  
photo number with an explanation of “side view”, “front view” and the like;  
name of the industrial design.

On the reverse side of the prototype photo the number of the photo, the name of the product, explanation - the prototype are indicated.

Photos are numbered - general view, other views, color photo, photo of the prototype. Photos of one view are presented under the same number.

Description of the industrial design.

The description reveals, in a verbal form, the elements (features) of the appearance of the product presented on the images.

The description begins with the name of the industrial design. Before the name the index of the heading of the current edition of the ICID is indicated, to which the industrial design belongs and is indicated in the upper right corner of the first sheet of description of the industrial design.

The description contains the following sections:

purpose and scope of industrial design;  
industrial design analogues;  
the essence of the industrial design.

If a group of industrial designs is declared, the description sections should contain relevant information for each industrial design of the group.

A list of industrial design images is indicated in the description, containing recitation of photographs, pictures, as well as drawings and other illustrated materials in accordance with their numbering and a brief indication of the image on each of them is provided.

The name of the industrial design is concise and accurate.

The name of the industrial design characterizes its purpose and is set forth in the singular form, except for names not used in the singular.

The name of the industrial design of a new or less-known purpose contains an indication of its scope. The name of the industrial design is recommended to be formulated in terms of the ICID.

The name of the industrial design relating to the set, kit of products, begins with the words "set", "kit".

The name of the group of industrial designs related to one product contains the name of the product, supplemented by indication in brackets of the word "options" and the number of options.

If a group of industrial designs related to a product and its parts is declared, and the product and (or) its part are presented as variants, the name should contain the name of the product as a whole, supplemented by indication of the word “options” in brackets and the number of options indicated in brackets ( product as a whole) and the name of its part, supplemented by indication of the word "options" in brackets and the number of variants, with an indication in brackets (an independent part of the product).

In the name of the industrial design it is not recommended to use abbreviations and other verbal designations that are not part of the common name of the product and do not serve the purpose of its identification.

The name of the industrial design contains a special name or proper name, if this does not violate the rights of third parties to the trademarks protected in the Republic of Kazakhstan.

In the description section "Purpose and scope of industrial design" information about the purpose, scope of the claimed industrial design are given.

In the section “Industrial design Analogues”, the characteristics of identified analogues are given, indicating the analogues closest to the claimed design, as well as an indication of bibliographic data of information sources containing the given analogues.

Artistic design solutions of the product of the same purpose as the claimed industrial design, similar to it in essential features, known from information that became publicly available prior to the date of its priority, belong to analogues of an industrial design; the analogue most similar in the aggregate of essential features belongs to the closest analogue with the claimed industrial design.

If the application contains variants of an industrial design, the closest analogue for each of them shall be indicated.

The section “The essence of the industrial design” is presented with the content of verbal description presented on the images (photographs, pictures) of an aggregate of essential features that influence the formation of the product appearance and determine its aesthetic and (or) ergonomic features.

At the same time, features allowing to distinguish the claimed industrial design from the closest analogue are highlighted.

In the parts of the description of the industrial design relating to the list of images of the product appearance, drawings of the general view of the product and confection cards, if any, all the submitted images of the product appearance, drawings of the general view of the product, confection cards are listed in full accordance with their numbering, and a brief indication of what is depicted on each of them is given.

If a group of industrial designs is declared, images of the appearance of each product, drawings of the general view of the product, confection cards are listed according to their numbering and are accompanied by a brief indication of what is depicted or presented on each



of them, highlighting information relating to each industrial design of the group with a heading indicating to which group of industrial designs the presented images of the product appearance, drawing, confection cards are related to.

In this section of description, the aesthetic and (or) ergonomic peculiarities of the product are indicated, and the influence of the features attributed to essential features, according to the applicant's opinion, determining its essence and influencing the formation of the product appearance is explained.

Aesthetic and (or) ergonomic features of the product appearance include:

artistic informational expressiveness;

rationality of the form, composition integrity;

ergonomics.

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

When describing a set, all the products included in its composition are indicated, which are performed using a single figurative, plastic and (or) stylistic principle of shaping.

When describing the product appearance, such verbal characteristics of features are used that unambiguously allow to identify the described feature with the corresponding visually perceived feature on the product images.

To characterize the solutions of the products appearance, the following features, in particular, are used:

to characterize the artistic and design solutions of products with a monoblock composition, as well as solutions built on ratios of elementary geometric volumes, the following features are used: composition and mutual arrangement of the composite elements, their plastic, graphic, color, textured solution;

for artistic and design solutions of products with a complex composition, which is based on a developed three-dimensional structure, the features, composition and mutual arrangement of the composite elements, the form, including the plastic elaboration of the composite elements, are used;

to characterize artistic and design solution with a plane composition, the following features are used: compositional construction, linear-graphic correlation of elements, motifs of an ornament, coloristic solution, nature of texture;

to characterize artistic and design solution of clothing, the following features are used:

the form, which is the volume characteristic of the model, proportions that determine the visually perceptible ratios of the parts among themselves;

silhouette, which is the plane characteristic of the model;

details - the elements superimposed on the surface of the clothes on any of its parts;

finishing - an element that has no functional significance from the point of view of utilitarian use of the product, playing a decorative role in the solution of the model, the use of which can be simultaneously a technological method;

fittings included in the product structure for connecting and disconnecting its individual parts, as well as being a decorative element;

material with its decorative features;

to characterize the artistic and design solutions for shoes, the following features are used:

the shape, which is the volume characteristic of the model, including the shape of the pad;  
top and bottom design;

composition, shape and mutual arrangement of structural elements;

material with its decorative features;

finishing details;

fittings;

color solution;

to characterize the artistic and design solutions of the kits (sets) of products, in addition to the features used to characterize the artistic and design solutions of the relevant products, features are used reflecting:

the nature of parts interaction;

subordination of elements;

proportional structure of both the original elements themselves and those products that are created on the basis of the use of these elements, and the whole kit (set) as a whole.

When characterizing the artistic and design solutions for printed materials, the features are used reflecting:

compositional construction;

elaboration of graphic elements, graphic motifs;

ornament;

location and execution of font graphics (without the semantic and / or phonetic content of the inscriptions);

color solution.

When disclosing the essence of the industrial design, the expression of a feature in the form of alternative concepts characterizing different forms of its implementation is not allowed.

In the presence of different forms of implementation of a feature, an application for variants of an industrial design is allowed, each of which contains a feature characterizing one of the above-mentioned forms.

Products of printed production in which there is no decoration and essential features characterizing the appearance, giving them aesthetic peculiarities, belong to unprotected.

If printed production intended to characterize the product, including letters, words, sentences, numbers, as well as elements having the character of special designations on the product, are made in the form of a plain text block, in font without graphic, font or color peculiarities, such declared object belongs to unprotected.

The classification of the claimed industrial design is carried out in order to correlate the subject of application with one or another area of its application in accordance with the ICID.

When classifying, the basis for choosing a classification index (indices) shall be the name of the industrial design, its image, description, as well as drawings, if any, in the application.

Classification indices established at the stage of formal examination may change in the process of substantive examination.

If there are products of other industrial property objects in the claimed artistic and design solution, for which applications have been filed or protection documents obtained that are known to the applicant, the data sufficient to reveal the sources of information about these documents are indicated.

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

Various abbreviations are not allowed to use.

Symbols of brands, types, series of products or substances are subject to decoding.

Bibliographic data sources of information are indicated so that the source of information can be detected.

Drawings are made in black non-erasable lines and sharp strokes.

The scale and clarity of graphic images are presented in such a way that when reproducing with linear reduction to  $2/3$ , all details are distinguished.

The image in the drawing is presented in rectangular (orthogonal) projections (in various forms, cuts and sections). For clarity, it is allowed its presentation in axonometric projection. Each element in the drawing is proportional to all other elements, except in cases when a clear image of an element requires a difference in proportions.

Each drawing (scheme) is numbered as a figure, for example, "FIG. 1, FIG. 2, etc." in the order of a single numbering, regardless of the type of image, in accordance with the order of mentioning them in the description text. If the description is explained with one figure, then it is not numbered.

Drawings, diagrams and explanatory pictures are presented on a separate sheet, on the upper right corner of which it is recommended to give the name of the industrial design, indicating the number of the variant.

**Footnote. Paragraph 55 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 № 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

56. The application in two copies (in case of electronic filing one copy in the form of an electronic document certified by an electronic digital signature) for the grant of a patent of the Republic of Kazakhstan for an invention, utility model or industrial design (hereinafter-the application) shall be submitted in accordance with Appendices 1, 2, 3 to these Rules.

57. A copy of the first application shall be attached to the application with the request of convention priority or is submitted no later than six months from the date of receipt of the convention application to the expert organization. If there are several first applications, copies of all these applications shall be attached.

In case of filing of a conventional application by another applicant, the permission of the applicant of the first application for the use of the right of priority shall be attached.

When claiming a convention priority on an application for an invention or utility model, received after twelve months from the date of filing the first application, and on an application for an industrial design that arrived six months later, but no later than two months before the expiration of the established period, the applicant confirms that term missed due to circumstances beyond his/her control.

Convention priority shall be claimed when the application is submitted or within two months from the date of the application receipt to the expert organization.

A depositary document in the official authorized depositary collection shall be attached to the application for an invention, which relates to a new strain of microorganism, culture of plant or animal cells.

A deposition document (certified copy of the passport on the deposit) shall be submitted simultaneously with the application or no later than two months from the date of application receipt to the expert organization. The date of deposition precedes the priority date of the invention.

The application containing the list of nucleotide and / or amino acid sequences is accompanied by a machine-readable information carrier recording a copy of the same list of sequences that meets the requirements of the WIPO ST.25 standard, and a statement signed by the applicant that the information presented in machine-readable form is identical to the list of sequences presented in the printed form.

**Footnote. Paragraph 57 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

58. Registration of application documents received on paper shall be made as follows:

1) the application documents received by the expert organization shall be registered with the date of their receipt;

The applicant shall be notified of the fact of receipt of the application documents by sending him one copy of the application with the details provided by the expert organization (registration number and the date of receipt);

2) outgoing correspondence from the expert organization shall be sent only to one address, if: in the column "address for correspondence" of the application, the address is indicated for correspondence other than the address of the applicant or one of the applicants, if there are several of them, or the address of representative of the applicant (s) then the correspondence shall be sent to this address in the name of the applicant or, if there are several applicants, in

the name of the applicant indicated first in the application, and if not all applicants reside or are on the territory of the Republic of Kazakhstan, then - in the name of the applicant residing or being on the territory of the Republic of Kazakhstan, specified first;

if the column “address for correspondence” of the application is not filled, then the correspondence shall be sent to the address in the name of the applicant or, if there are several applicants, in the name of the first applicant or the first applicant residing or being on the territory of the Republic of Kazakhstan, if not all applicants reside or are on the territory of the Republic of Kazakhstan;

3) in the absence of translation of the application documents into the state or Russian language, if they are presented in another language, the applicant is notified in writing of the need to submit the translation within two months from the date of receipt of the application. In accordance with paragraph 2 of Article 16 of the Law, the deadline for the submission of this translation may be extended for no more than two months, with appropriate payment.

### **Chapter 3. Examination of applications for the objects of industrial property Paragraph 1. The procedure for conducting a formal examination of application for invention**

59. If by a state body vested with powers in accordance with the Decree of the President of the Republic of Kazakhstan No. 371 dated April 13, 2000 “On approval of the List of officials of state bodies vested with powers to refer information to state secrets of the Republic of Kazakhstan” (hereinafter - Decree of the President) to refer information to state secrets, the claimed invention is recognized as secret, within three months from the date of receipt of the application, the applicant will be sent a letter on the impossibility of providing legal protection to an invention in accordance with paragraph 6 of Article 5 of the Law.

60. The information about the application from the moment it is received by the expert organization until publication of information on granting a patent shall be considered confidential and is not subject to disclosure.

61. When patenting an invention in foreign countries, on the application submitted to the expert organization, at the request of the applicant a certified copy of the first application is issued.

A certified copy of the first application is issued no earlier than three months after its submission to the expert organization. A certified copy of the first application may be issued before the deadline on the basis of the written request of the applicant in agreement with the expert organization.

62. The formal examination of the application is carried out within two months from the date of receipt of the application to the expert organization.

63. When conducting a formal examination of the application the following are checked:  
availability of documents contained in the application and attached to it;  
availability of a payment document for filing an application;

compliance with the requirements established by the Law for the execution of application documents, including compliance with the requirements of the unity of the invention without analyzing the substance of the invention

compliance with the established procedure for submission of additional materials;

correct classification of the invention according to the International Patent Classification established by the Strasbourg Agreement on the International Patent Classification dated March 24, 1971 (hereinafter - the IPC).

64. According to the application filed in violation of the requirements for its documents, the applicant shall be sent a request with a proposal to submit corrected or missing documents within three months from the date of its sending.

The request shall be sent in the following cases:

- 1) submission of an incomplete package of necessary documents;
- 2) absence in the application of necessary information, details, signatures, imprint of the seal (if any), as well as the need to clarify the information given in the application;
- 3) identify deficiencies in the design of documents that prevent their direct reproduction (print quality, making it difficult to read the application materials);
- 4) presence of references to sources in the application that are not publicly available, or indications that it is impossible to publish any information contained in it (except for information about authors who wished not to be listed as such when publishing information about a patent);
- 5) absence in the formula of invention of indication of the object of invention for which legal protection is sought;
- 6) presence in the formula of invention, instead of the object features of the corresponding type, only of data on its operational performance and consumer properties, effects and phenomena that occur in its implementation and (or) use;
- 7) violation of the requirements for presentation in the formula of invention of features allowing their identification;
- 8) presence in the dependent paragraphs of multilink formula of invention of features, determining the contradiction of the invention to public interests, principles of humanity and morality;
- 9) violation of the requirement of assigning an independent paragraph of the formula to one invention;
- 10) presence in the formula of invention of a dependent paragraph, which supposes the exclusion or replacement of the feature (s) of that paragraph of the formula to which it is subordinate;
- 11) inconsistencies of the application documents with each other (in particular, the name of the invention given in the application does not match the name given in the description; the drawings do not match the description of the invention);
- 12) violation of requirements for the abstract;

13) violation of the requirements for use in the description, formula of invention and abstract of generally accepted terminology, and on the observance of the unity of terminology in the text of the application materials;

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

15) presence of other violations of the requirements of these Rules to the description, the formula and the abstract established without analysis of the substance of the claimed invention (group of inventions).

In the request, the applicant is suggested to submit a revised description and formula relating to one invention or to a group of inventions that form a single inventive concept.

Examination of the application is suspended until the response to the request.

If the applicant does not submit the requested materials or a petition for extension of the deadline for their submission, the application is considered withdrawn, and the applicant shall be notified accordingly within five working days from the expiration of the established period

The deadlines missed by the applicant may be restored in accordance with paragraph 13 of Article 22 of the Law.

65. The subject of application is classified as follows.

In order to correlate the subject of the application with one or another branch of technology expert organization classifies the claimed invention in accordance with the IPC.

Classification is carried out:

when conducting a formal examination;

when conducting an information search and (or) substantive examination of the application.

When classifying, the basis for choosing a classification index shall be the formula of the claimed invention.

For a more complete understanding of the invention essence, the description and drawings are involved.

If the application covers several objects belonging to different headings of the IPC, all relevant classification indices are established. The choice of the first index is determined by the name of the invention.

The classification indices established at the stage of formal examination may be changed during the substantive examination of the application.

66. In accordance with paragraph 4 of Article 22 of the Law, upon an application filed in violation of the requirement of invention unity, the applicant is suggested within three months from the date of sending him a corresponding notice to inform which of the inventions should be considered and, if necessary, to clarify the application documents. Other inventions

included in the materials of the first application may be filed by the selected applications. The priority of the selected applications shall be established in accordance with paragraph 5 of Article 20 of the Law.

In the event that the applicant, within three months from the date of sending him a notice of violation of the requirements of unity, does not inform which of the inventions should be considered and does not submit clarified documents, the object specified in the formula first is considered as well as other inventions related to the first as far as they meet the requirement of unity of invention.

Compliance with the requirement of unity of the invention is checked against the original formula of invention or, if it has changed, with respect to the latter proposed by the applicant in the formula.

Additional materials change the essence of the claimed invention, if they contain features that were not in the original application materials and are subject to be included in the formula of invention.

Additional materials in the part that changes the essence of the claimed invention are not taken into account when considering the application and can be registered by the applicant as an independent application.

67. In the event that the application contains all necessary documents in which the requirements established thereto are complied with, the applicant shall be notified of a positive result within five working days from the date of completion of formal examination.

## **Paragraph 2. The procedure for conducting substantive examination of an application for invention**

68. Upon completion of formal examination with a positive result, the expert organization shall conduct substantive examination of an application.

Substantive examination of an application includes establishing the possibility of referring the claimed proposal to the objects protected as an invention, conducting an information search in relation to the claimed invention to determine the level of technology, checking the compliance of the claimed object (s) with the requirement of unity of invention and the conditions of patentability.

69. The substantive examination of the application shall be carried out subject to the completion of a formal examination with a positive result and upon submission of a document confirming the payment for conducting substantive examination of the application, within eighteen months from the date of receipt of the application by the expert organization, taking into account the provisions of paragraph 2 of Article 20 of the Law.

**Footnote. Paragraph 69 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

70. Establishment of priority by the date of filing an application for an invention shall be carried out in accordance with paragraph 1 of Article 20 of the Law.



71. If the applicant claims priority on a date earlier than the date of filing the application to the expert organization, the applicant's compliance with the conditions specified in paragraphs 2, 3, 4, 5, 6 of Article 20 of the Law, paragraph 57 of these Rules shall be checked

72. Establishment of the claimed priority on the date of receipt of additional materials to the previously filed application of the same applicant shall be carried out in accordance with paragraph 3 of Article 20 of the Law and compliance with the following requirements shall be checked:

the application for which such priority is claimed should be received by the expert organization within three months from the date of sending the applicant a notification of the expert organization about the impossibility of taking into account additional materials due to their recognition of changing the essence of the claimed invention;

The claimed invention should be disclosed in additional materials, on the date of which receipt the priority is claimed (taking into account the content of the application for which these materials were submitted).

73. Establishment of the claimed priority by the date of filing an earlier application to the expert organization of the same applicant shall be carried out in accordance with paragraph 4 of Article 20 of the Law and the following requirements shall be checked:

the application for which such priority is claimed must be received by the expert organization within twelve months from the date of filing an earlier application for an invention or within six months from the date of filing an earlier application for a utility model ;

the application for which such priority is claimed must be filed by the same applicant as the earlier application for an invention or utility model, or by its successor;

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

no earlier priority is claimed for a previously submitted application.

When claiming the priority on the basis of several previously filed applications, compliance with these requirements shall be established for each of them.

When claiming a specified priority, an earlier application (or all applications, if there are several) shall be considered withdrawn (withdrawn), about what an appropriate notification shall be sent to the applicant within five working days from the day of establishing the required priority.

74. Establishment of the priority of invention requested by the applicant on the divisional application by the date of submission to the expert organization of the original application of the same applicant that discloses the invention in accordance with paragraph 5 of Article 20 of the Law includes verification of compliance with the following requirements:

the divisional application must be received by the expert organization before the decision on refusal to issue a protection document on the initial application for an invention or utility

model is taken, which possibilities of appeal have been exhausted (during the period of existence the possibility to continue processing on the application); and in case of adoption on a specified application of the decision on issue by the expert organization – before the date of registration in the corresponding state register of the Republic of Kazakhstan;

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

75. In case when the applicant claims several priorities, depending on the reasons for the request specified by the applicant, compliance with the appropriate conditions for establishing priority shall be established.

76. When verifying the compliance with the conditions for establishing the priority of an invention, it is checked whether the application, on the basis of which priority is claimed, or the application to which additional materials are submitted that are the basis for such a request, is withdrawn.

If the application is considered to be withdrawn, the applicant shall be sent a corresponding notification within five working days from the date of its withdrawal.

Upon establishing the compliance with the requirements related to the disclosure of the claimed invention in previously submitted materials by the applicant (previously filed application, additional materials), which are the basis for claiming priority, it is checked whether these materials are indicated (in the description, the formula of the previously filed application, in the text part materials) all features included in the formula of the claimed invention.

In case when the priority of the invention is claimed on the application separated from the conventional application, if the relevant requirements are met, the priority of the invention shall be established by the priority date of the conventional application. In this case, the filing date of the divisional application shall be considered the date of filing the conventional application to the expert organization.

If the applicant does not comply with the relevant requirements, the priority of the invention shall be established with prior notification of the applicant within five working days from the date of establishing priority by the date of filing the application to the expert organization in accordance with paragraph 1 of Article 20 of the Law.

If the specified requirements are not met with respect to the invention described in one of the multilink formula paragraphs, the priority according to the date of filing the application to the expert organization shall be established only for this invention.

77. Verification shall be carried out in relation to the formulas of invention, accepted for consideration on the basis of the results of the formal examination, and if it was changed by the applicant after the completion of the formal examination, then in relation to the corrected formula. In the event that, during the formal examination of the application, a violation of the requirement of unity of invention was found, and the applicant, within the prescribed period,

reported which invention should be considered in the framework of the application, the verification shall be carried out with respect to the formula of this invention.

If within the prescribed period the message from the applicant has not been received, the verification shall be carried out in respect of the invention specified in the formula first.

When checking the formula of invention, the presence in it of all the essential features of the claimed invention shall be established, the totality of which is sufficient to obtain the technical result indicated by the applicant.

If the essential feature, without which the technical result (none of the results, if the applicant has indicated several of them) is reached, not included in the independent paragraph of the formula of invention, but is contained in the description or in the dependent paragraph of the formula, the applicant is suggested to include such feature into the independent paragraph of the formula. At the same time, the arguments confirming the need for this feature to achieve a technical result are given, including those based on the causal relationship between the features and the technical result disclosed in the description or on the theoretical analysis of the claimed invention carried out by the examination.

In the event that it is established that an independent paragraph of the formula under consideration contains insignificant features or features that characterize only particular forms of implementation or use of the claimed invention, the opinion of the applicant on the practicability of maintaining such a revision of the formula of invention is requested.

If it is established that the specified condition is not met (the feature is characterized by the concepts not providing the possibility of its identification), the examination requests from the applicant information confirming that concerning the feature containing in the formula of invention there is a possibility of understanding by the expert on the basis of the prior art of its semantic content.

If, in order to comply with the specified condition, a characteristic adjustment is required based on the description of the invention, the applicant is requested to make such an adjustment.

If a correction of the feature based on the description of the invention is necessary to comply with this condition, the applicant is suggested to make such correction.

If the specified condition is met, but obsolete terminology is used to characterize the feature or does not correspond to the technology adopted in this field of technology, a letter with a proposal to make appropriate adjustment to the formula of invention shall be sent to the applicant.

If the applicant refuses to correct the formula of invention in the written form, then upon further consideration of the application, such a feature or the concepts used to characterize it, included in the formula of invention, shall not be taken into account.

If the formula of invention includes a feature expressed by the general concept, the legitimacy of its use shall be established.

In the case when the examination reveals such particular forms of realization of the feature that fall under this general concept, but do not provide (together with other essential features) the receipt of the technical result specified by the applicant, the applicant shall be given the relevant arguments and suggested to refute them or correct the formula based on the description of the invention.

If the application contains a monolink formula or a multilink formula with one independent paragraph, it is checked whether one invention is characterized in such a formula

In the event that a violation of these requirements has been established, the applicant is informed in a written request about the need to correct the formula to eliminate the identified violation. At the same time, it is also indicated that the requirement of unity in the corrected formula and the surcharge must be observed in the case of inclusion in the corrected formula of new independent paragraphs for invention, not previously submitted by separate independent paragraphs, or in the case of refusal to correct the formula - indications of the invention to be further considered.

If the reason for this conclusion was that the claimant's non-compliance with the conditions of use of alternative concepts to characterize the features, the nature of the violation was shown, indicating specific alternative characteristics (all or some of them given by the applicant) in respect of which such a violation was identified.

If the applicant has proposed a multilink formula containing several independent paragraphs, each of them shall be analyzed (together with the dependent paragraphs subordinate to them, if any).

Regarding the multilink formula, each independent paragraph of which (together with the dependent paragraphs subordinate to it, if any) characterizes only one invention, it is established whether the inventions included in the invention represent a group of inventions forming a single inventive concept.

An application relates to one invention or group of inventions if they are interconnected so that they form a single inventive concept.

in the formula of the invention one invention is characterized;

in the formula of the invention a group of inventions is characterized:

one of which is intended to produce (manufacture) the other (a device or substance and a method for producing (manufacturing) a device or a whole substance or part thereof);

one of which is intended to implement the other (for example, a method and device for carrying out the method as a whole or one of its actions);

one of which is intended to be used by another (in another) (for example, a method and substance intended for the use in a method; a method or device and its part; using a device or substance in a new or specific purpose and method of using them accordingly with this purpose; use of a device or substance for a new or specific purpose and device or composition of which they are a part);

relating to the objects of the same type (several devices, several substances, several methods) of the same purpose, providing the same technical result (variants).

When checking the correctness of assignment of inventions described in independent paragraphs to the variants it is established whether the purpose of the inventions and the technical results specified by the applicant coincide.

The condition of coincidence of technical results is not considered violated if for each of the inventions of the group (or one of them) several technical results are indicated, and a coincidence is established only for some of the specified technical results.

The condition of coincidence of technical results is not considered to be violated in the case when, besides the general characteristic of the technical result for all inventions, the formulation of one of them additionally includes an indication of some specific peculiarity.

If non-compliance with the requirement of unity of invention by the applicant is established, the applicant shall be notified at the time of conducting an examination.

If upon analysis of the formula of invention submitted by the applicant, its inconsistencies with the established requirements are revealed, but this does not prevent verification of the patentability of the claimed invention, then all issues related to the correction of the formula of invention are clarified with the applicant after receiving a preliminary conclusion on the patentability of the invention described by such a formula.

To verify the patentability of the invention, the formula with the changes is adopted confirmed by the applicant.

In the event that, when verifying, it is established that a monolink formula or a multilink formula with one independent relates to more than one invention and the applicant refuses to the formula, the examination of the application can be continued only if the applicant specifies the invention to be further reviewed and respect of this invention only.

In case when the verification found that a single-link formula or a multi-link formula with one independent paragraph relates to more than one invention and the applicant refuses to correct the formula, the continuation of the examination of the application is possible only if the applicant indicates the invention to be further considered, and the patentability assessment is carried out in respect of this invention only.

78. Checking the patentability of a solution claimed as an invention includes:

establishing the compliance of the declared proposal with the number of solutions not recognized as an invention in accordance with paragraphs 3 and 3-1 of Article 6 of the Law;

establishing the compliance of the declared proposal with the technical solutions protected as an invention, in accordance with paragraph 2 of Article 6 of the Law, and ensuring the achievement of a result of a technical nature by the declared proposal.

The declared proposal is one of the solutions that are not recognized as an invention in accordance with paragraph 3 of Article 6 of the Law, when only the specified objects are disclosed in the application materials, as such.

The declared proposal is recognized as relating to objects not recognized as an invention in accordance with paragraphs 3 and 3-1 of Article 6 of the Law, if the invention formula contains only a mathematical method, a program for an electronic computer or an algorithm used in it.

When referring the declared proposal to objects that are not recognized as an invention, the applicant shall be sent a request outlining the relevant arguments.

The declared proposal, in respect of which it is not concluded that it relates to objects not recognized as an invention, shall be checked for compliance with the conditions of industrial applicability, novelty and inventive level.

In the event that the considered formula contains an alternative concept, the patentability test shall be carried out in relation to each set of features that includes one of such concepts.

When checking the patentability of the declared invention, the prior art does not include sources containing information related to the invention disclosed by the author, the applicant or any person who received this information from them directly or indirectly in such a way that information about the essence of the invention became publicly available if the application for the invention was submitted to an expert organization no later than six months from the date of information disclosure.

Based on the results of the patentability check, a decision shall be made to grant a patent or to refuse to grant a patent.

**Footnote. Paragraph 78 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

79. The industrial applicability test includes the following.

An invention is industrially applicable if it can be used in industry, agriculture, health care and other fields of activity.

When establishing the possibility of using the invention, it is checked whether the application materials contain an indication of the purpose of the claimed subject matter.

It is also checked whether the materials of the application describe means and methods by which it is possible to carry out the invention as described in any of paragraphs of the formula of invention. In the absence of such information in the materials of the application, it is permissible that the indicated means and methods be described in the source that became publicly available prior to the priority date of the invention.

In addition, it is checked whether the implementation of the specified purpose by the applicant in case of carrying out the invention according to any of paragraphs of the formula.

If it is established that on the priority date of the invention all these requirements are met, the invention is recognized as corresponding to the condition of industrial applicability.

In case of non-compliance with at least one of these requirements, it is concluded that the invention does not meet the condition of industrial applicability. In this case, the applicant is sent a request with a statement of the relevant arguments and, with a proposal to express their

opinion on these arguments and correct adjust the formula of invention (if, in the opinion of the examination, the application materials allow such correction, as a result of which this conclusion can be changed). In this case, specific recommendations on correction the formula can be given in the request.

In respect of invention for which the non-compliance with industrial applicability condition is established, the novelty and inventive level shall not be checked.

80. An invention shall be new if it is unknown from the information of the level of technology.

Checking the novelty of the invention shall be carried out in relation of the totality of features contained in the independent paragraph of the formula of invention.

An application for an invention or utility model with an earlier priority date is included from this date in the prior art (only for novelty testing) provided that the following conditions are met:

the application is filed in the Republic of Kazakhstan, including the international application, on which the international filing date is set and which contains an indication of the Republic of Kazakhstan, as well as Eurasian application, in respect of which the conditions of these Rules are met;

the application is not withdrawn and is not considered to be withdrawn.

All inventions and utility models patented (including by the same person) in the Republic of Kazakhstan, that is, registered in the relevant state registers of the Republic of Kazakhstan, are also included in the prior art from the priority date.

An application with an earlier priority date is included in the prior art in respect of description and formula contained in this application on the date of its filing. If this date is later than the priority date of the considered application, then an application with an earlier priority is included in the prior art in terms of its content, which coincides with the content of the materials that served as the basis for establishing priority (the first application, previously submitted application, additional materials to this application ).

An invention is not recognized as conforming to the condition of novelty, if a means has been identified in the prior art that has features that are identical to all the features contained in the considered formula of invention, including the characteristic of the purpose.

If the claimed invention relates to the use of a known product or method for a new purpose, then it is not recognized as conforming to the novelty condition upon detecting a source of information from which the use of the same product or method for the purpose indicated by the applicant is known.

In case when the source of information identified in the prior art, from which the considered invention is known, is an application with earlier priority, it shall be established that the application is not withdrawn or is not considered to be withdrawn, the Applicant of the considered invention during the substantive examination is informed about the availability of such application (without specifying its applicant and disclosing the content) and about the

possibility of postponing consideration of his/her application until certainty on an application with an earlier priority.

If the applicant disagrees to postpone consideration of the application, the discrepancy of the claimed invention to the condition of novelty shall be established.

If it is established that the invention described in the independent paragraph of the formula containing the dependent paragraphs comply with the condition of novelty, then the analysis of the prior art in respect of the dependent paragraphs shall not be carried out.

When establishing the absence of novelty of the invention, characterized by a formula that does not contain dependent paragraphs, during the substantive examination, a request shall be sent to the applicant with statement of the examination arguments and a proposal to present his/her opinion on these arguments and, if necessary, the corrected on the basis of materials the application of invention formula.

In respect of an invention for which a discrepancy to the condition of novelty is established, an inventive step is not checked.

81. The invention has an inventive level, if it is for a specialist does not explicitly follow from the information about the technical level.

The invention is not recognized as follows for a specialist explicitly from the information on the technical level, in particular, in the case where no solutions are identified having features that coincide with its distinctive features, or such solutions are identified, but not confirmed the popularity of influence of distinctive features on the technical result specified by the applicant.

Verification of compliance with the specified conditions includes:

determination of the closest analogue;

identification of features by which the claimed invention, described in the independent paragraph, differs from the closest analogue (distinctive features);

identification from the level of technology of solutions, having the features that match the distinctive features of the considered invention.

Not recognized as conforming to the condition of inventive level the inventions, based in particular on:

the addition of a known means by any known part (s) attached to it (s) by known rules in order to achieve a technical result in respect of which the influence of just such additions is established;

replacing any part (s) of a known means with another known part in order to achieve a technical result for which the effect of such a replacement has been established;

exclusion of any part of the means (element, action) with the simultaneous exclusion of the function due to its presence and achievement of the usual result for such exclusion (simplification, reduction of mass, size, material consumption, increase of reliability, reduction of the process duration);



increasing the number of similar elements, actions to enhance the technical result, due to the presence in the means of such elements, actions;

performance of a known means or part (s) thereof of a known material to achieve a technical result due to the known properties of this material;

creation of a means consisting of known parts, the choice of which and the connection between them are made on the basis of known rules, recommendations, and the technical result achieved in this case is due only to the known properties of the parts of the means and the connections between them;

the application of a known product or method for a specific purpose, if the possibility of realizing this purpose is due to its known properties, structure, performance, and it is known that precisely such properties, structure, implementation are necessary for the realization of this purpose.

To the condition of the inventive level corresponds, in particular:

the method of obtaining new chemical compounds (class, group) with an established structure;

a method of obtaining known chemical compounds (class, group) with an established structure, if it is based on a new reaction for a given class or group of compounds or on a reaction known for a given class or group of compounds, the conditions for which are unknown;

a composition consisting of at least two known ingredients, providing a synergistic effect, the possibility of achieving which does not follow from the prior art;

chemical compound falling under the general structural formula of a group of known compounds, but not described as specially obtained and studied, and at the same time showing new properties unknown for this group in qualitative or quantitative terms (selective invention).

The invention is not considered to be inconsistent with the inventive level due to its apparent simplicity and disclosure in the application materials of the mechanism for achieving a technical result, if such disclosure became known not from the prior art, but only from the application materials.

The popularity of the influence of the distinctive features of the claimed invention on the technical result is confirmed by both one and several sources of information. It is allowed to attract arguments based on knowledge well-known in a particular field of technology, without specifying any sources of information. However, this does not release the expertise from the obligation to indicate such sources upon further consideration of the application, if the applicant insists on this.

Confirmation of the prominence of the influence of distinctive features on the technical result is not required if, with respect to these features, such a result is not determined by the applicant or in the case when it is established that the technical result indicated by him/her is not achieved.

If the claimed invention, characterized in a multilink formula containing dependent paragraphs, is found to comply with the condition of the inventive level with respect to the independent paragraph, no further check shall be performed in respect of the dependent paragraphs.

If the absence of an inventive level of the invention, characterized by a formula that does not have dependent paragraphs, is established, the applicant, during the period of the examination, shall be sent a request stating the respective arguments and a proposal to present his opinion on these arguments and, if necessary, the corrected formula of invention.

82. If the invention is characterized by a multilink formula containing dependent paragraphs, and a conclusion about the non-patentability of an independent paragraph due to the lack of novelty or inventive level is obtained, the applicant during the substantive examination is informed about this and is suggested to express an opinion on the practicability of further consideration of the application with submission, in case of confirmation of such practicability, corrected formula of invention. In the case when the expertise knows the sources of information that could be taken into account, provided that the content of the dependent paragraphs is included in an independent paragraph, the applicant is informed of this.

In the event that the patentability of an invention is established in respect of an independent paragraph of the formula having dependent paragraphs, it is checked that the characteristics of features of the invention contained in these paragraphs do not preclude the implementation of the invention or realization of the purpose indicated by the applicant. In addition, it is checked whether the invention characterized with the use of features of dependent paragraphs does not contradict public interests, principles of humanity and morality.

If a group of inventions is claimed, the patentability check shall be carried out for each of its inventions. The patentability of the group is ascertained only when all the inventions of the group are patentable.

If it is established that not all inventions of the group are patentable, a letter shall be sent to the applicant with a proposal to present his/her opinion on the reasons given and, if necessary, to exclude from the formula independent paragraphs that characterize the non-patentable inventions, or to present these paragraphs in a corrected form.

If the applicant, in the cases described above, presents in written form a corrected formula of invention, further consideration of the application shall be carried out in accordance with the provisions of these Rules in relation to the invention (s) described (characterized) in this formula.

In the event that the applicant, without submitting arguments refuting the conclusion of the examination, or a corrected formula, insists on granting a patent with the original formula

(the formula in respect of which the examination was carried out), further consideration of the application shall not be carried out and the decision to refuse to grant the patent shall be made

83. A request for additional materials, including corrected formula of invention, shall be sent to the applicant if it is impossible to conduct substantive examination of the application, including making the conclusion, without such materials.

The reasons for the request shall be the following circumstances:

the need to clarify the formula of invention according to the results of its verification;

the need to solve the issues related to the establishment of priority, in particular, with the disclosure of the claimed invention in the first application when requesting the convention priority;

the need to solve the issues related to the verification of the patentability of the claimed invention;

the need to clarify the formula of invention according to the results of verification of patentability of the claimed invention;

the need to solve the issues related to consideration of applications for identical objects of industrial property having the same priority date.

In case of establishing the patentability of the considered invention (s), the applicant shall be sent a request about the need to correct the formula by excluding from it the characteristics of the invention (s) in relation of which the patentability has not been assessed, or by separating this invention (each of such inventions) to an independent paragraph with appropriate payment. At the same time, the applicant shall be notified within one month that if he fails to submit the requested materials within the prescribed time or a petition to extend the deadline with appropriate payment, the application in accordance with paragraph 8 of Article 22 of the Law will be considered withdrawn.

In case when the applicant insists on the inclusion in the formula of the invention, in respect of which a conclusion about patentability, unidentifiable or missing in the initial materials of the application feature or feature, the characteristic of which is replaced by a reference to the source of information, or the inclusion of a new independent paragraph proposed by the applicant after filing the application and not taken into account, the applicant shall be sent a request with a proposal to submit a formula that does not contain the specified feature and (or) paragraph. At the same time, the applicant is also informed that in case of failure to submit the requested material, the application will be considered withdrawn.

In the request sent to the applicant, along with a description of the circumstances that served as an obstacle to the conduct (or completion) of the substantive examination, all questions, comments and suggestions arising during the consideration of the application shall be given.

The opinion of the expertise on any issue given in the request is supported by arguments of a technical or legal nature. If necessary, references to technical literature, the provisions of the Law, these Rules and other documents are provided.

When sending proposals related to the correction of the formula to the applicant, such as clarification of the characteristics of essential feature, exclusion from the formula of a non-essential feature, it is necessary to indicate the legal consequences of such correction and rejection of it.

In case when the request provides a reference to the source of information, all its bibliographic data necessary for detecting this source, as well as other data (page, paragraph, figure number of graphic images) necessary for detecting the source of information that was taken into account when considering the application are indicated.

In case when the basis for the request is the need to clarify the formula of invention based on the results of the patentability test of the claimed invention and clarification of the formula requires the appropriate correction of the description and (or) drawings, the applicant is suggested to submit an updated description and (or) drawings (or replacement sheets) within three months from the date of such proposal.

The same offer is made in the presence in the description and (or) drawings of shortcomings including earlier specified by the expertise, but not eliminated by the applicant. The response to the request of expertise is submitted within three months from the date of sending the request to the applicant. The deadline for submitting a response to the request for expertise shall be restored in accordance with paragraph 13 of Article 22 of the Law.

84. Inventions (or invention and utility model) are recognized as identical if the contents of the independent paragraphs of the formulas completely coincide.

If the patentability of the invention on the considered application is established, but there is another non-withdrawn or not considered withdrawn application for the same invention or utility model that has the same priority date, the conclusion on granting the patent shall be made on the application, which proved the earlier date of its sending to expert organization, and if these dates coincide - by the request, which has an earlier registration number of the expert organization.

85. Verification of additional materials submitted by the applicant at the request of an expert organization or at the initiative of the applicant includes the following.

Upon receipt of additional materials correcting or clarifying the documents of the application and submitted on the initiative of the applicant, the applicant's compliance with the deadline for submission of such materials shall be checked.

In case of submission of these additional materials after two months from the date of receipt of the application and failure to submit with them a document confirming the appropriate payment, these materials are not taken into account when considering the application.

Such notification is included in the content of the next examination document sent to the applicant.

In respect of additional materials submitted by the applicant on his own initiative or at the request of expert organization, the applicant's compliance with the deadlines for their submission shall be checked.

Additional materials submitted by the applicant on his own initiative or at the request of expert organization and accepted for consideration shall be checked to see if they change the essence of the claimed invention. Additional materials are recognized as changing the essence of the claimed invention, if they contain features subject to be included in the formula that are absent in the original application materials.

The features are considered to be included in the formula of invention not only when they are contained in the specified formula submitted by the applicant, but also when the applicant merely points to such inclusion.

The features given in the supplementary materials and subject to be included in the formula are considered to be missing in the original application materials if they were not disclosed in them as of the date on which the patent application, description of the invention and drawings were received by the expert organization (if there are references on them in the description) or in the formula, if it was submitted.

If in the original application materials the feature of the invention was expressed by a general concept without disclosing particular forms of its implementation, then the presentation of this form of implementation in additional materials with its assignment to the feature subject to be included in the formula of invention shall be the basis for recognition of additional materials changing the essence of the claimed invention.

The features mentioned in the description only in relation to the prior art, including the closest analogue, do not relate to the features of the claimed invention contained in the original application materials.

If the claimed invention relates to the use of a known product or method for a new purpose, then additional materials are recognized as changing the essence, containing an indication of something other than in the description and in the assignment formula of a known object, or other features used to characterize a known object.

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

An exception is the group of inventions, one of which is intended for the use in another. At the same time, the features of one invention contained in the original materials, intended for the use in another, are also considered as features of this other invention.

Additional materials containing information on the claimed invention missing in the original application materials, not related to the features subject to be included in the formula

shall not be considered as changing the essence of the invention. Such information may include, in particular, new (additional) information about the conditions for carrying out the invention, examples of the invention realization, an indication on the possibility of obtaining additional technical result, updated graphic materials.

Additional materials containing, along with the features missing in the original application materials subject to be included in the formula of invention, also other information necessary for consideration of the application shall be recognized as changing the essence only in the part containing the indicated features.

Other information is taken into account during the examination.

When checking the formula if invention changed by the applicant, presented in the additional materials, it is established whether the changes relate to the claimed invention (s).

When replacing the original generic concept, reflecting the purpose of the invention, with another concept, a change in the formula is considered to be related to the claimed invention, if these concepts are equivalent, are in relation to subordination or overlap.

Changing of the formula of invention is recognized to be related to the claimed invention also in the following cases:

the changes only of indication of the type of object claimed as an invention, if the newly specified type more than the original, corresponds to the nature of the features contained in the original formula of invention;

replacement of the original object of invention “use for a new purpose” to the object of the specified new purpose, if it is established that the application of the object is declared, information about which did not become publicly available before the priority date;

replacement of the originally specified object of the invention with the object of the invention “use for a new purpose”, if from information generally available before the priority date information of a means is established which differs from that stated only by purpose.

In the case when additional materials contain a changed formula of invention, it is established whether the changes of the formula include the inclusion of one or more independent paragraphs of invention that are not separated as such in the formula, and whether a document confirming the relevant payment is presented with such additional materials taking into account the timing of their submission.

If the specified document is not submitted together with additional materials, changes of the formula are not taken into account when considering the application.

Changes in the formula of invention that are not related to the claimed invention are not taken into account, of which the applicant shall be sent a relevant notification within five working days from the date of establishment of this fact.

In case of recognition of additional materials changing the essence of the claimed invention, the applicant shall be informed (in the next examination document sent to him) about which of the information included in the additional materials served as the basis for such a conclusion of the examination.

86. The application for an invention in accordance with paragraph 1 of Article 28 of the Law shall be converted into an application on granting a patent for a utility model before a decision to grant a patent for an invention is made.

Upon receipt of the application after the decision on granting a patent is made, the applicant shall be sent a notification that the application cannot be converted within five working days from the date the application is received.

Conversion into an application for granting a patent for a utility model shall not be carried out in respect of applications in which the objects of patenting are diagnostic, therapeutic and surgical methods of treating people or animals.

In case when the application claims a group of inventions, which, in addition to diagnostic, therapeutic and surgical methods of treating people or animals, contains objects recognized as utility models, the transformation shall be carried out in relation to the latter ones.

When a petition for such a conversion is received, availability of all necessary information for carrying out the conversion shall be checked, and it is established whether it was submitted prior to the decision on granting a patent for an invention and whether a document on the relevant payment in the prescribed amount was attached to the petition.

In the event that the petition is not registered in accordance with the established requirements, the applicant shall be informed of this in written form.

At the same time with the petition for conversion and the document on payment in the prescribed amount, the application on granting a patent for utility model, description, formula, drawings shall be submitted.

If the required documents are not submitted together with the petition or within one month from the date of receipt of the petition, the latter shall be considered not to be submitted, and an appropriate notification shall be sent to the applicant within five working days from the date of expiration of the deadline.

The application, which conversion did not take place, remains as the application for the invention.

The petition for conversion shall be registered in accordance with the established requirements and be submitted in compliance with the period established by paragraph 1 of Article 28 of the Law, and a document on payment in the prescribed amount shall be submitted together with it. The applicant shall be notified of the conversion taken place within a month from the date of conversion, and that further consideration of application will be conducted in accordance with the requirements for application for the utility model.

In case that the applicant submits additional materials correcting or clarifying the application for invention or the corrected formula of invention, on the date of filing the petition for conversion of the application, verification of these materials shall be carried out before consideration of the petition for conversion.

Conversion shall not be carried out in respect of applications for inventions, withdrawn or considered withdrawn.

If the petition for conversion was received on an application considered to have been withdrawn in accordance with paragraphs 3 and 8 of Article 22 of the Law, and a request for restoration of the missed deadline was submitted, the latter shall be considered in accordance with paragraph 13 of Article 22 of the Law.

Upon receipt of the petition from the applicant for the reverse conversion of application for a utility model into the application for invention after sending him a notice of the previous conversion, the applicant within five working days from the date of receipt of such a petition shall be sent a notification of impossibility of conversion.

When a petition is submitted from the applicant to reverse the application for a utility model to an application for an invention, after sending a notification to him of the conversion that had taken place earlier, the applicant is notified within five business days of the date of receipt of such application that the conversion is impossible.

The request of the applicant to consider his/her petition for conversion of application not submitted, received after sending him a notification of conversion of the application for an invention into an application for a utility model, is not a reason for the reverse conversion of the application.

**Footnote. Paragraph 86, as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 №. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

87. The expert organization, in accordance with paragraph 9 of Article 22 of the Law, shall make a decision on granting a patent with the formula of invention agreed with the applicant if, as a result of substantive examination of application, it will be established that the stated proposal in the scope of legal protection requested by the applicant meets the conditions for patentability of an invention determined by Article 6 of the Law.

A positive decision of the expert organization, notification of the need to pay for the grant of a patent shall be sent to the applicant within five working days from the date of the decision.

Within three months from the date of sending to the applicant of notification on acceptance of the decision on granting a patent by the expert organization, the applicant submits to the expert organization the document confirming the corresponding payment on preparation for granting a patent and publication in the bulletin. In case of failure to submit these documents, the payment term shall be restored within three months, subject to the submission of a document on the payment of restoration of the missed deadline. In case of failure to submit these documents, the application shall be considered withdrawn, office work on the application is terminated, and the applicant shall be notified within one month from the date of expiration of the restoration period.

88. At the petition of the applicant, the examination of the application for granting a patent for an invention shall be carried out in an accelerated form if the claimed invention is related to the objects for which favorable conditions of patenting are provided.



Objects for which favourable patenting conditions are provided shall include renewable energy inventions (solar energy, wind energy, hydrodynamic energy of water, geothermal energy: heat from soil, groundwater, rivers, reservoirs, as well as anthropogenic sources of primary energy resources: biomass, biogas and other fuel from organic waste) aimed at reducing emissions of pollutants into the environment and used to produce electricity and/or heat, inventions in the field of information and communication technologies, inventions in the diagnosis, prevention and treatment of infectious diseases that are threatened by the emergence and spread of which restrictive measures, including quarantine, are imposed, as well as cancer diseases.

A petition for an accelerated examination of an application for granting a patent for an invention shall be filed by the applicant upon filing the application. Together with the petition, a document confirming the examination shall be submitted. If the document confirming the payment of accelerated formal examination, substantive examination is not submitted, the petition shall be considered not to be filed, and the applicant shall be notified accordingly within five working days from the date the petition is recognized as not submitted.

Accelerated examination for granting a patent for an invention includes accelerated formal examination within ten working days, accelerated conducting of information search within two months, accelerated substantive examination within three months.

Accelerated conducting of a formal examination of an application for granting a patent for an invention begins from the date of receipt by the expert organization of a petition for accelerated examination, subject to the applicant's submission of all documents (information) necessary to begin a formal examination. If the applicant has not submitted the required documents (information) as of the date of receipt of the petition for accelerated examination, the formal examination begins from the date the applicant submits all the necessary documents.

Accelerated conducting of information search to determine the level of technology shall be carried out within two months, subject to payment for accelerated examination.

Accelerated conducting of the application substantive examination shall be carried out after the receipt of the report on search and within three months from the date of beginning the substantive examination, the expert organization shall send to the applicant:

the decision on granting a patent, if the claimed invention (group of inventions) satisfies the conditions of patentability, the description and formula of invention meet the requirements, and the abstract and description of the invention can be published in the form in which they are presented;

a request for the need to supplement, clarify or correct the documents of application, payment of the established payments in the cases provided.

decision on refusal to grant a patent:

if the claimed invention does not meet the conditions of patentability in the scope of legal protection requested by the applicant;

if the application relates to the objects not protected as inventions;

if the applicant does not change the formula of invention after notification that the proposed formula contains features missing in the original application materials, or, in addition to the object protected as an invention, also describes a sentence that is not related to the objects protected as an invention or in respect of which consideration was not conducted in connection with violation of the requirement of invention unity.

Calculation of the term of the accelerated examination begins with the date on which the applicant submitted a petition for conducting an accelerated examination, as well as a document confirming the established payment for conducting an accelerated examination. In case of failure to submit a document confirming the established payment, the petition for conducting an accelerated examination shall not be taken into account, and the applicant shall be notified accordingly within five working days from the date the petition recognized as not filed.

The term for calculating the accelerated examination of an application shall be suspended until the necessary documents are received from the applicant, including replies to notifications and examination requests, documents confirming the appropriate payment.

The petition for conducting an accelerated examination shall not be taken into account in relation to applications for inventions that are not included in the list of objects for which favorable conditions of patenting are provided.

**Footnote. Paragraph 88 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 № 1630 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 67 of 30.11.2020 (shall be enacted from the date of its first official publication).**

89. In accordance with paragraph 10 of Article 22 of the Law, the expert organization shall make a decision on refusal to grant a patent.

90. An information search shall be conducted out to determine the level of technology, in comparison with which an assessment of patentability of an invention is carried out.

When the claimed proposal is characterized in such a way that the understanding of its essence is difficult or there are grounds for referring it to the objects not recognized as inventions, an appeal to the applicant shall be required and, accordingly, the terms of the information search is extended.

Information search shall not be conducted while maintaining the peculiarities of characteristics of the claimed proposal.

91. Subject of information search:

1) information search shall be carried out on the basis of the formula of invention, taking into account the description and drawings (if any).

2) corrections, clarifications and changes to the application documents shall be taken into account during the information search, if they are made by the applicant before the information search.

If the applicant within the prescribed period did not respond to the message of violation of the unity requirement, information search shall be carried out on the invention (a group of inventions forming a single inventive idea) specified in the formula first.

92. In determining the level of technology, the information contained in the source of information, with which any person can familiarize himself or about the content, which he can be legally informed, shall be considered publicly available.

The date determining the inclusion of the source of information in the prior art shall be:

for published descriptions of security documents - the publication date indicated on them;

for domestic print media and print publications of the former Union of Soviet Socialist Republics (hereinafter - the USSR) - the date of publication in print indicated on them;

for domestic print media and print publications of the former USSR, on which the date of publication in printing is not indicated, as well as for other print publications - the date of their publication, and in the absence of the possibility of its establishment - the last day of the month or December 31st of the year specified in the publication if the time of publication is determined respectively by only a month or a year;

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

for the reports on scientific-research works, explanatory notes to development works and other design, technological and project documentation being in scientific and technical information bodies, the date of their receipt to these bodies;

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

for materials of dissertations and abstracts of dissertations published as a manuscript - the date of their receipt in the library; confirmed by documents relating to the conduct of the competition;

for visually perceived sources of information (posters, models, products, and the like) - a documentarily confirmed date from which it became possible to view them:

for exhibits placed at the exhibition - a documentarily confirmed date of beginning of their display;

for oral reports, lectures, speeches - the date of the report, lecture, speech, if they are fixed by sound recording equipment or stenographically in the manner prescribed by the rules for the relevant events on the specified date;

for messages on radio, television, cinema - date of such message if it is recorded on the corresponding carrier of information in accordance with the established procedure acting on the specified date;

for information about a technical means that has become known as a result of its use, - the documented date from which this information has become publicly available.

For information received in electronic form - via the Internet, via online access other than the Internet, and CD and DVD-ROM discs - either the date of documents publication made

available via the specified electronic medium, if it is stamped on them, or if this date is absent, - the date of placing the information into this electronic medium, provided its documentary confirmation.

93. As the characteristics of the area of search (the set of sections of science and technology, information on which can be seen to establish the level of technology of the present application) are the symbols of the IPC.

In determining the scope of the search, the object of the invention as a whole and its functionally independent features distinguishing from the closest analogue shall be taken into account. When determining the search area, functionally independent features common to the invention and the closest analogue shall also be taken into account, if there are distinctive features related to them that are not functionally independent. The search for these features is carried out both in known objects and in their parts regardless of the purpose of these objects and their parts.

The expert organization provides conducting information search in the volume including:

- bulletins of security documents of the Republic of Kazakhstan;
- descriptions of the security documents of the Republic of Kazakhstan;
- official bulletins of the federal executive authority of the Russian Federation on intellectual property, as well as the former patent office of the USSR;
- descriptions to the security documents of the former USSR and the Russian Federation;
- descriptions of Eurasian patents;
- published applications for granting of patents of the Russian Federation for inventions and patents and certificates of the Russian Federation for utility models;
- published applications for granting of Eurasian patents;
- patent documentation of the United States of America, Great Britain, Germany, France, Japan, the People's Republic of China, the Republic of Korea (in the volume of abstracts in Russian and English), Switzerland (in French and German), Austria, Australia and Canada, as well as patent documentation of the European patent office, WIPO, the African intellectual property organization and the African regional industrial property organization;
- non-patent literature on the list published by the International bureau of WIPO, with a retrospective of at least five years.

When conducting an information search, the scope of the search for the purpose of checking the novelty of the claimed invention also includes, subject to their earlier priority, all applications for inventions and utility models filed in the Republic of Kazakhstan (except those withdrawn).

94. Registration of a report on information search and the procedure for reviewing the search results.

The information search report shall indicate:

- the number of application that was searched;
- the date of submission of application to the expert organization;

index (indices) of the IPC headings (rubrics) established when classifying the claimed invention;

title of the invention in respect of which an information search was conducted;

index (indices) of the IPC headings (rubrics) characterizing the search area;

references in the form of bibliographic data to documents, to their specific parts relating to the subject of information search. If the reference is not related to all paragraphs of the formula of invention, the specific paragraph or paragraphs corresponding to it are indicated. The documents published earlier than the date of receipt of the application by the expert organization shall be specially mentioned, but later than the priority date, if an earlier priority is claimed on the application;

date of completion of information search.

Copies of the documents specified in the search report, except for copies of applications information about which is not available for review to third parties, are provided subject to appropriate payment.

One copy of a copy of the information search report conducted at the request of a third party shall be sent to the patent owner.

Any person shall have the right to receive a copy of the report on the information search conducted on the application.

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

### **Paragraph 3. The procedure for examination of application for utility model**

95. If by the state body authorized by the decree of the President to classify information as state secrets, the declared utility model is recognized as secret, within three months from the date of the application receipt, the applicant shall be sent a letter on impossibility of providing legal protection in accordance with paragraph 6 of Article 5 of the Law.

96. The information about the application from the moment it is received by the expert organization until publication of information on granting a patent shall be considered confidential and is not subject to illegal disclosure.

97. When patenting a utility model in foreign countries, upon the application filed with an expert organization, a certified copy of the first application shall be issued at the request of the applicant.

A certified copy of the first application shall be issued no earlier than three months after its submission to the expert organization. A certified copy of the first application may be issued before the deadline on the basis of the petition of the applicant in consultation with the expert organization.

98. The examination shall be carried out on the application in accordance with Article 23 of the Law within four months from the date of application receipt to the expert organization.

99. During the conduct of examination of an application, the following shall be checked:  
compliance of the declared proposal with technical solutions protected as a utility model in accordance with paragraph 1 of Article 7 of the Law;

compliance of the declared proposal with the number of solutions not recognized as a utility model in accordance with paragraphs 3 and 3-1 of Article 6 of the Law;

availability of documents that must be contained in the application or attached to it;

availability of a document confirming payment for filing an application;

compliance with the requirements established by the Law for the execution of application documents;

compliance with the requirement of utility model unity;

the correctness of the classification of the utility model according to the IPC, carried out by the applicant in accordance with (such a classification is made if it is absent)

the validity of the request in the application of an earlier priority than the date of its submission to the expert organization.

observance of the established procedure for the submission of additional materials.

**Footnote. Paragraph 99 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

100. If in the process of examination it is established that the application is executed with violation of requirements or application is filed to an object that is not granted protection as a utility model, the applicant in the period of examination shall be sent a request, specifying the identified deficiencies, bringing necessary arguments of a legal nature and offer to provide the missing or corrected documents within three months from the date of its sending in accordance with paragraph 2 of Article 23 of the Law. The missing copy (copies) of the first application (s) in the case of claiming Convention priority shall be submitted within six months from the date of receipt of application to the expert organization.

The basis for the request shall be:

1) incomplete package of necessary documents;

2) absence in the application of necessary information, requisites, signatures, imprint of the seal (if any) provided for by these Rules, as well as the need to clarify the information provided in the application;

3) identification of deficiencies in registration of documents that prevent their direct reproduction (print quality, making it difficult to read the application materials);

4) identification of deficiencies in registration of documents, preventing their direct reproduction, publication, storage and (or) making it impossible to familiarize stakeholders with them;

5) absence in the description of a utility model of structural sections (if the information to be stated in the relevant section is given in another section, the request shall not be sent), and

also replacement of the characteristic in the description or formula of the utility model of the feature by sending to the source of information in which this feature is disclosed;

6) the presence in the application of references to sources that are not publicly available, or indications that it is impossible to publish any information contained in it (not including information about the authors who wished not to be listed as such when publishing information about the patent);

7) violation of the requirements for the statement of the formula of the utility model in the form of one sentence;

8) absence in the formula of a generic concept reflecting the purpose of the utility model for which legal protection is sought;

9) presence in the formula instead of the features of the utility model only of data on its operational performance and consumer properties, effects and phenomena that occur in its implementation and (or) use;

10) violation of the requirements for presentation in the formula of the utility model of features that ensure the possibility of their identification;

11) presence in dependent paragraphs of a multi-link formula of a utility model of features, determining the contradiction of the utility model to public interests, principles of humanity or morality in the relevant particular cases of its implementation or use;

12) violation of the requirements for independent paragraphs of the formula;

13) presence in the formula of the utility model of a dependent paragraph, which supposes the exclusion or replacement of the feature (s) of that paragraph of the formula to which it is subordinate;

14) discrepancy between the application documents to each other (in particular, the name of the utility model given in the application does not match the name given in the description, the description of the utility model does not contain the features indicated in the formula of the utility model, there is no feature in the formula of the utility model which significance is noted by the applicant in the description section "The essence of the utility model", the drawings do not correspond to the description of the utility model);

15) violation of the requirements for the abstract;

16) violation of the requirements for the use of generally accepted terminology in the description, the formula the utility model and the abstract, on the observance of the unity of terminology in the text of the application materials; presence in the formula of an incorrectly expressed feature ("particular", "special", "improved"), combined with the presence in the description of a specific characteristic of the same feature;

17) presence in the formula of features that have the character of verbal, figurative or combined designations on the device, which is the object of the utility model. At the same time, the applicant shall be informed about the possibility of coincidence of such designations or their similarity to the degree of confusion with trademarks (service marks), which are registered or may be registered by other persons for goods of the same purpose as the device

or relevant types of services, or with the appellation of origin and in case of using the utility model, - to the conflict of rights of the patent owner and the owner of the trademark (service mark);

18) absence in the description of information confirming the adequacy of the feature, characterized in a generalized form, in conjunction with the other features included in the independent paragraph of the utility model, to obtain a technical result specified by the applicant;

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

20) presence of other violations of the requirements of these Rules to the description and formula of the utility model.

In the request, the applicant shall be suggested to submit a revised description and formula relating to one utility model or to a group of utility models, forming a single inventive concept.

This term is extended at the request of the applicant for no more than six months in accordance with sub-paragraph 3 of paragraph 13 of Article 22 of the Law. Examination of the application shall be suspended until the response to the request.

If the applicant fails to submit the requested materials or a petition for extending the deadline for their submitting, the application shall be considered withdrawn, and an appropriate notification shall be sent to the applicant within five working days from the expiration date.

101. In order to correlate the subject of the application with a particular branch of technology, expert organization shall classify the claimed utility models in accordance with the IPC.

Classification shall be carried out during the application examination.

When classifying, the basis for choosing a classification index shall be the formula of the claimed utility model. For a more accurate classification of the utility model, description and drawings shall be used. If the application covers several objects belonging to different headings of the IPC, all relevant classification indices shall be established. The choice of the first index is determined by the name of the utility model.

102. Notification of non-compliance of the application and additional materials with the established requirements shall be sent in the following cases.

If, as a result of consideration of application without analyzing the merits of the claimed utility models, it has been established that the application was filed in violation of the requirement of utility model unity, the applicant shall be sent a notification of this during the examination within three months and shall be suggested to report which utility model should be considered, and, if necessary, to clarify the application materials.

The unity of the utility model shall be recognized as observed if:

in the formula of the utility model, one utility model is characterized;



in the formula of the utility model, a group of utility model is characterized:

one of which is intended to produce (manufacture) the other (a device or substance and a method for producing (manufacturing) a device or a whole substance or part thereof);

one of which is intended to carry out the other (for example, a method and device for carrying out the method as a whole or one of its actions);

one of which is intended to be used by another (in the other) (for example, a method and substance intended for use in a method; a method or device and a part thereof.

use of the device or substance in a new or for a specific purpose and method with their use in accordance with this purpose; use of the device or substance for a new or specific purpose and device or composition, of which they are an integral part);

relating to the objects of the same type (several devices, several substances) of the same purpose, providing the same technical result (variants).

Compliance with the requirement of the utility model unity shall be checked in relation to the original formula of the utility model or, if it has changed, - in relation to the last proposed by the applicant in the formula in the prescribed manner.

If the applicant does not inform within the prescribed period, which of the utility models (or group of utility models that meet the requirement of unity, if such a group contains the number of the claimed utility models) should be considered, and do not submit the updated documents, the examination shall be conducted only in respect of the utility model specified in the formula first (or those from the claimed utility models specified in the formula first, which form the group that meet the requirement of the utility model unity).

If the additional materials in whole or in part change the essence of the claimed utility model and (or) are presented with non-compliance with the conditions provided for in paragraph 152 of these Rules, the applicant shall be notified that they cannot be taken into account in the examination in whole or in the relevant part. In the event that it is established that additional materials correcting or clarifying the application documents are submitted in violation of the requirements of paragraph 152 of these Rules, the applicant shall be notified of this.

The applicant shall also be notified of these violations in the request sent if there are grounds for doing so.

103. The priority of the utility model shall be determined by the date of submission of the application to the expert organization.

Priority shall be established on the date of filing the first application in the state - a party of the Paris Convention, as well as its international and regional organizations (conventional priority).

When the applicant claims Convention priority, compliance with the following conditions shall be checked.

Submission to the expert organization of the convention application of the first application in the state party of the Paris Convention by the applicant, or his successor within twelve

months from the date of the first application. This period shall be extended, but not more than two months, if due to circumstances beyond the control of the applicant, it could not be observed. If the application is submitted within the specified two months, it shall be checked whether such circumstances are named and, if they are named, the necessity of documentary confirmation of the fact that these circumstances have occurred is established.

When the applicant claims the priority of the utility model by the date of receipt of additional materials to the previously filed application in accordance with paragraph 3 of Article 20 of the Law, compliance with the following conditions shall be checked.

Submission to the expert organization of the application for which such priority is claimed, by the applicant of the first application or his successor within three months from the date of sending the notification to the expert organization about the impossibility of taking into account of additional materials in connection with recognizing them as changing the essence of the claimed utility model.

When the applicant claims the priority of the utility model by the date of submission to the expert organization of its earlier application, compliance with the following conditions shall be checked:

submission to the expert organization of the application for which such priority is claimed by the applicant of an earlier application or his successor within twelve months from the date of filing an earlier application for an invention or within six months from the date of filing an earlier application for a utility model;

when claiming priority on the basis of several previously submitted applications, these conditions must be met in respect of each of them;

when submitting an application with the claim of the specified priority, the earlier application is considered to be withdrawn, and the applicant shall be notified about it.

When the applicant claims priority on the selected application in accordance with paragraph 5 of Article 20 of the Law compliance with the following conditions shall be checked:

whether the essence of the utility model of the selected application disclosed in the original application of the same applicant;

submission to the expert organization of the selected application by the applicant or his successor before the conclusion of the expert organization on the refusal to grant a patent, the possibility of filing an objection to which is exhausted, and in case of conclusion of the expert organization to grant a patent on a specified application - before the date of registration in the relevant state register of the Republic of Kazakhstan;

the original application is not withdrawn and is not considered withdrawn before the date of submission of the selected application.

If these conditions are met, the priority of the utility model shall be established by the date of filing of the original application, and if there is a right of priority for the original application - by the date of this priority. If the original application is a conventional one, then

the date of filing the separated application shall be the date of filing the conventional application to the expert organization, if there is a corresponding request from the applicant.

104. In the event that a violation of the requirement of the unity of the utility model was established, and the applicant informed in due time which utility model was to be considered in the framework of the filed application, the verification shall be carried out with respect to the formula of this utility model.

If a message from the applicant has not been received within the prescribed period, the verification shall be carried out with respect to the utility model indicated first in the formula.

When checking the formula of a utility model, it shall be established that it contains all the essential features of the claimed utility model, the totality of which is sufficient to obtain the technical result specified by the applicant.

If the essential feature, without which the technical result (none of the results, if the applicant indicated several) is not achieved, is not included in the independent paragraph of the formula of the utility model, but is contained in the description or in the dependent paragraph of the formula, the applicant shall be suggested to include such feature in the independent paragraph of the formula. In this case, arguments are given confirming the need for this feature to achieve a technical result. Such arguments can be based on the causal relationship between the features and the technical result disclosed in the description, or on the theoretical analysis carried out by the expertise of the claimed utility model.

In case when it is established that the independent paragraph of the formula under consideration contains insignificant features or features, characterizing only particular forms of implementation or use of the claimed utility model, the applicant's opinion on practicability of maintaining such a redaction of the formula of the utility model shall be requested .

If it is established that the specified condition is not met (the feature is characterized by the concepts not providing the possibility of its identification), examination requests from the applicant the information confirming that in respect of the feature containing in the formula of utility model there is a possibility of understanding by the specialist on the basis of the level of technology of its semantic content.

If in order to comply with the specified condition it is necessary to correct the feature on the basis of the description of the utility model, the applicant shall be suggested to make such correction.

if the specified condition is met, but obsolete terminology or inconsistent with the accepted in this field of technology is used to characterize the feature, the applicant will need to make an appropriate correction to the formula of the utility model.

If the applicant refuses to correct the formula of the utility model, then upon further consideration of the application, such a feature or concepts used for its characteristics, included in the formula of the utility model, shall not be taken into account.

If the formula of the utility model includes a feature expressed by a general concept, the legitimacy of its use shall be established.

In the case when such particular forms of implementation of a feature that fall under this general concept, but do not provide (in conjunction with other essential features) the receipt of the technical result indicated by the applicant, are identified by the examination, the applicant shall be given appropriate arguments and suggested to refute them or correct the formula based on description of the utility model;

105. Check of additional materials.

The applicant shall have the right to make corrections and clarifications to the application documents without changing the essence of the claimed utility model before the decision on granting a patent or refusal of granting a patent is taken on this application.

In case of submission of additional materials correcting or clarifying the documents of application (that is subject to inclusion in their contents) after two months from the date of receipt of the application it shall be checked, whether the specified changes relate to the ones made at the initiative of the applicant and if they belong to those, whether the document confirming payment in the established manner presented with the specified materials. In case of failure to submit a document on payment, these materials shall not be taken into account when considering the application, and the applicant shall be sent a corresponding notification within five working days from the date of receipt of additional materials.

Such notification is included in the content of the next examination document sent to the applicant.

When deciding whether changes to the application documents are made on the initiative of the applicant, the following should be taken into account:

changes in the application document submitted by the applicant after receiving a written examination message, including a request, and without receiving such a message are not considered to be made at the initiative of the applicant, if these changes are aimed at eliminating the violation of the requirements for the application document made during its preparation;

changes in the application document submitted by the applicant after receiving any written message of the examination, including the request, are not considered to be made at the initiative of the applicant if these changes are related to the content of such written message of the examination.

All other changes in the application documents submitted by the applicant, either after receiving a written message of the examination, including the request, or without receiving such a message, shall be changes to the documents initiated by the applicant.

In respect of additional materials submitted by the applicant at the request of the expert organization, the applicant's compliance with the established deadlines for their submission shall be checked.

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

If it is established that the applicant submitted additional materials in violation of the specified terms and these terms were not extended, the application is considered withdrawn, and the applicant shall be notified accordingly within five working days from the date of expiration of the established period.

Upon receipt of additional materials submitted by the applicant on its own initiative or at the request of the expert organization and accepted for consideration, it shall be checked whether they do not change the essence of the claimed utility model. Additional materials are recognized as changing the essence of the claimed utility model if they contain features to be included in the formula that are missing in the original application materials.

The features are considered subject to be included in the formula of the utility model not only when they are contained in the clarified formula provided by the applicant, but also when the applicant merely points to such inclusion.

The features given in the additional materials and subject to be included in the formula are recognized to be missing in the original application materials, if they were not mentioned in the formula or in the description contained in the application for the date on which the application for a patent was submitted to the expert organization, the description, the formula utility models and drawings.

If in the original application materials the feature of a utility model was expressed by a general concept without disclosing particular forms of its implementation, then the presentation of such a form of execution in additional materials with its assignment to a feature subject to be included in the formula of the utility model shall be the basis for recognition of additional materials that change the essence of the claimed utility model.

The features mentioned in the description only in relation to the prior art, including the closest analogue, do not relate to the features of the claimed utility model contained in the original application materials.

In case when the application relates to a group of utility models, the features of any utility model of the group contained in the original application materials are considered to be the features mentioned in the description in relation to this particular utility model of the group.

The exception is a group of utility models, one of which is intended for use in the other. At the same time, the features of one utility model intended for the use in another, contained in the original materials, are considered to be the features of this other utility model.

Additional materials containing information missing in the original materials about the claimed utility model that is not related to the features subject to be included in the formula are not considered changing the essence of the utility model. Such information includes, in particular, new (additional) information about the conditions of the utility model implementation, examples of the utility model realization, an indication to the possibility of obtaining additional technical results, refined graphics. Additional materials containing, along with the missing in the original materials of the application features to be included in the formula of the utility model, and other information necessary for consideration of application,

are recognized as changing the essence only in the part containing these features. Other information shall be taken into account during the examination.

When checking the changed formula of the utility model by the applicant, presented in additional materials, it shall be established whether the changes relate to the claimed utility model (utility models).

When replacing the original generic concept, reflecting the purpose of the utility model with another concept, change of the formula is considered to be related to the claimed utility model, if these concepts are equivalent, and are in the relationship of subordination or overlap, that is, their volumes are fully or partially coincide.

A change in the formula of a utility model is recognized to be related to the claimed utility model also in the case of formation of a new independent paragraph (or several such paragraphs) as a result of elimination of deficiencies.

A modified formula is recognized containing a different utility model if an additional independent paragraph is included in the formula.

Changes in the formula of a utility model that are not related to the claimed utility model shall not be taken into account, of which the applicant is notified within one month from the date of receipt of the relevant documents on the formula change.

If additional materials are recognized as changing the essence of the claimed utility model, the applicant shall be informed (in the next examination document sent to him) which of the information included in the additional materials served as the basis for this conclusion of the examination.

106. In accordance with Article 28 of the Law, an application for a utility model is converted into an application for an invention by filing a petition. This transformation is possible before the relevant decision of the expert organization on the application for a utility model.

When a petition for such a conversion is received, the correctness of its execution shall be checked, and it is established whether it is submitted before the decision on granting a patent for an invention is made and whether a document on the corresponding payment in the prescribed amount is attached to the petition.

In the event that the petition is not executed in accordance with the established requirements, the applicant shall be informed about this.

Upon receipt of the petition after the decision on granting a patent is made, the applicant shall be sent a notification that the application cannot be converted within five working days from the date of the petition receipt.

The application, which was not converted, remains the application for a utility model, and the provisions of these Rules will be applied to it in the future. At the same time, the priority and the filing date of the first application remain.

If the petition for conversion was submitted on an application deemed to be withdrawn, and along with the petition a request for restoration of the missed deadline was submitted, the latter shall be considered in accordance with paragraph 2 of Article 23 of the Law.

Conversion shall not be carried out in respect of applications for utility models, withdrawn or considered withdrawn.

When a petition is received from an applicant for reverse conversion of an application for an invention into an application for a utility model, after sending him a notification of the conversion that had taken place earlier, an applicant shall be sent within five working days from the date of receipt of such an application that the conversion is impossible.

Upon receipt of the applicant's petition for the reverse conversion of the application for the invention in the application for a utility model after sending him a notice of conversion that took place earlier, the applicant within five working days from the date of receipt of such an application shall be notified of the impossibility of conversion.

The applicant's request to consider his petition for conversion of application not filed, received after sending him a notice of conversion of application for a utility model into the application for granting a patent for an invention, is not the basis for reverse conversion of the application.

107. A decision on refusal to grant a patent shall be made if, as a result of the examination of the application, it is established that it is based on a proposal that does not relate to objects protected as utility models.

The declared proposal shall not be recognized as related to the proposals for objects protected as utility models if, as a whole, in the form described in the paragraph of the formula, it falls under the list given in paragraphs 3 and 3-1 of Article 6 of the Law.

If the declared object is characterized in a multi-link formula and the content of the dependent clause causes the contradiction of this object to public interests, principles of humanity and morality, such an object shall not also be recognized as a utility model.

If the object described in any paragraph of the formula is not recognized as a utility model, taking into account the above, a request shall be sent to the applicant stating the arguments that serve as the basis for the conclusion of refusal to grant a patent, references to relevant sources of information, if necessary, and a proposal to refute the arguments given with confirmation of the utility model formula or change the formula of the utility model by correcting or removing the corresponding point from it.

If the applicant has not refuted the expert's arguments in his response and has not given the formula with the changes proposed in the request, a conclusion shall be made on the refusal to grant a patent.

At the same time, the conclusion notes the fundamental protectability of the proposals described in other points of the formula (if this is established during the examination).

The decision to refuse to grant a patent additionally informs about the right of the applicant, in case of disagreement with the arguments given, to file an objection to the Board of Appeal of the authorized body within three months from the date of sending the decision.

**Footnote. Paragraph 107 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

108. In accordance with paragraph 2 of Article 23 of the Law, the expert organization shall make a decision on granting a patent for a utility model in the following cases.

In the cases provided for by Article 33 of the Law, when considering the issue of compliance of a utility model with the conditions of patentability, the following shall be taken into account.

A utility model protected by a patent is considered to correspond to the condition of “novelty” if the prior art does not know the means of the same purpose as the utility model, which has all essential features given in the independent paragraph of the utility model (the latter do not include features that do not satisfy the requirement for the utility model formula, since in relation to them the impact on the technical result achieved cannot be determined, including the assignment characteristic).

Information on the level of technology includes those that have become publicly available prior to the priority date of the utility model, published in the world information about the means of the same purpose as the claimed utility model, information about their use in the Republic of Kazakhstan, as well as subject to their earlier priority for utility models and inventions and patented in the Republic of Kazakhstan.

The prior art does not include applications withdrawn by applicants, as well as applications deemed to be withdrawn.

The level of technology includes Eurasian applications, as well as international applications indicating the Republic of Kazakhstan.

The application is included in the prior art in respect of description and formula contained in this application on the date on which the application, description, formula and drawings were received (for applications for an invention, only if the description contains references to them). If this date is later than the priority date of the considered application, then an application with an earlier priority is included in the prior art in terms of its content, which coincides with the content of the materials that served as the basis for establishing priority (the first application, previously submitted application, additional materials to this application).

A utility model protected by a patent is considered to meet the condition of "industrial applicability" if the following conditions are met:

in the application on the basis of which the patent is granted, the specific purpose of the utility model as a means of production or object of consumption or their components or this assignment directly follows from the name of the utility model or from the formula of the



utility model, when the utility model in accordance with each paragraph of the formula, without taking into account the features that do not meet the requirement to the formula of the utility model, the specified purpose is actually implemented, there are known on the priority date or described in the application (and when establishing an earlier priority than the date of the application receipt, - both in the application and in the materials on the basis of which the priority is established) the means and methods allowing to implement the utility model in the form as it is described in any of the formula paragraphs.

#### 109. Conditions of conducting information search.

Information search is carried out at the request of the applicant at any stage of the application consideration, and at the request of the patent owner or a third party - after the publication of information on granting a patent for a utility model, subject to appropriate payment (paragraph 4 of Article 23 of the Law).

In case when the claimed proposal is characterized in such a way that its understanding is impossible or there are grounds for classifying it as objects that are not recognized as utility models in accordance with paragraph 3 of Article 7 of the Law, in connection with which an appeal to the applicant is required, conducting of information search shall be extended accordingly.

Information search in the above mentioned cases shall not be carried out, if after the appeal to the applicant, the above-mentioned peculiarities of the characteristics of the claimed proposal remained;

The patent owner shall be notified of the receipt of a petition on conducting an information search from a third party.

If the petition for information search was received on the application, which is withdrawn or is considered withdrawn, or if, after the receipt of petition for information search on the application as a result of examination on granting a patent for a utility model, the decision on refusal of granting a patent shall be made, then the applicant who filed the application, shall be informed about the impossibility of its satisfaction.

Upon completion of the information search conducted at the petition of the applicant, the patent owner or a third party, a report on it shall be sent to the person who filed the petition. If the information search is carried out at the request of a third party, the information search report shall also be sent to the patent owner.

In case when, on the date of receipt of the petition for information search, a similar request has already been submitted, or an information search has already been conducted or is being conducted, the person who filed such petition shall be informed of the circumstances and of the conditions for providing him with a copy of the information search report.

#### 110. The subject of information search.

Information search is carried out on the basis of the utility model formula, taking into account the description and drawings, as well as taking into account possible permissible changes to the formula of the utility model.

Corrections, clarifications and changes in the documents of the application shall be taken into account when conducting an information search, if they are made by the applicant in the prescribed manner before the date of filing the corresponding petition.

If the applicant did not respond to the message about the violation of the requirement of unity on the date of the request for information search, the information search is carried out using a utility model (group of utility models that form a single inventive concept) indicated in the formula first. Conducting an information search on other utility models will be considered as a separate information search, about which the expert organization notifies the person who submitted the application for information search.

If on the date of receipt of the petition for information search the applicant within the prescribed period did not respond to the message about the violation of the requirement of unity, information search shall be carried out on the utility model (group of utility models forming a single inventive design) specified in the formula first. Conducting information search on other useful models shall be considered as a separate information search, about what the expert organization notifies the person who filed a petition for information search.

111. Requirements for the level of technology, the scope and volume of the search, the report on information research shall be determined in accordance with paragraphs 92, 93, 94 of these Rules.

#### **Paragraph 4. The procedure for conducting a formal examination of application for an industrial design**

112. If the state body authorized by the decree of the President to classify information as state secrets, the claimed industrial design will be recognized as secret, within three months from the date of receipt of application, the applicant shall be sent a letter on the impossibility of providing the industrial design with legal protection in accordance with paragraph 6 of Article 5 of the Law.

Registration of documents received on paper carrier, with assignment of the corresponding number and indication of the date of their receipt shall be carried out in availability of an application in the Kazakh or Russian languages, description of the image of the claimed industrial design. Documents not containing the claimed design shall not be registered and returned to the person submitting them within five working days from the date of the documents receipt.

A notification about the fact of acceptance of documents for consideration shall be sent to the applicant within five working days from the date of the application receipt, where the registration number of the application and the date of the documents receipt are indicated.

The application for issuing a security document shall be submitted in the Kazakh or Russian languages.

Additional application documents are provided in the Kazakh, Russian or foreign languages.

If additional application documents are submitted in a foreign language, their translation into Kazakh or Russian shall be attached to the application.

A translation is submitted within two months after the application receipt to the expert organization containing documents in another language. Subject to appropriate payment, this period shall be extended, but not more than two months.

In case of failure to submit a translation within the time limit, the application is deemed not submitted.

Access to the application and information on the course of its consideration to third parties prior to publication of information on the issuance of the protection document is not allowed, except in cases provided for by paragraph 3 of Article 16 of the Law.

Outgoing correspondence on the application shall be sent by the expert organization to the address for correspondence indicated by the applicant in the application.

A certified copy of the application filed with the expert organization shall be provided at the request of the applicant for the purposes of foreign patenting if there is a document confirming the appropriate payment.

113. Correspondence shall be conducted by the applicant or the authorized representative for each application independently.

Materials sent after the application submission contain its number and signature of the applicant or his representative.

Office work in an expert organization on the application for an industrial design is conducted in Kazakh or Russian. The materials submitted by the applicant in a foreign language are attached with their translation into Kazakh or Russian.

The translation is submitted within two months after the application materials are received by the expert organization.

Prior to the submission of a translation, materials submitted in a foreign language shall not be considered, of which the applicant shall be notified in written form within five working days from the date of receipt of materials without translation.

If the original application is not received by the expert organization, the application sent by e-mail is considered withdrawn and the office work on it shall be terminated, of which the applicant shall be notified in written form.

If the originals of the materials were received after the deadline or the materials received by e-mail are not identical to the submitted originals, the materials are considered to be received on the date of receipt of the originals, and the content of the materials received by e-mail shall not be considered further.

If any application materials received by e-mail, or part thereof, are unreadable or not received, the relevant materials are deemed received at the date of receipt of the originals.

**Footnote. Paragraph 113 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

114. A formal examination of the application shall be carried out after registration of the application with the expert organization and if there is a document confirming the payment made for accepting and conducting a formal examination within two months from the date of filing the application.

When conducting a formal examination of the application shall be checked:

availability of documents contained in the application or attached to it, provided for in subparagraphs 1), 2) and 4) of paragraph 2 of Article 19 of the Law;

compliance of the payment made to the established amount;

compliance with a single creative idea (the requirements of the unity of the industrial design);

whether the additional materials, if they are submitted, do not change the essence of the claimed industrial design;

the correctness of classification of the industrial design by the ICID by the applicant;

justification of the earlier priority claimed in the application than the date of its receipt.

115. According to an application filed in violation of the requirements for its documents, the applicant shall be sent a request with a proposal to submit corrected or missing documents within three months from the date of its submission. Examination of the application shall be suspended until a response to the request is received.

If the requested documents are not submitted by the applicant within the established period, the application shall be considered withdrawn, about which the applicant shall be notified accordingly within five working days from the date of expiration of the established period.

This period shall be extended subject to appropriate payment, but no more than three months.

**Footnote. Paragraph 115 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

116. The grounds for the request shall be:

absence of the required package of documents in the application;

absence of necessary information, signatures and seal imprint (if available) in the application, as well as the need to clarify the information given in the application;

identifying deficiencies in the registration of documents that impede their direct reproduction (violation of the requirements for the format of sheets, size of fields, print quality, complicating the discretion of the application materials);

the need to clarify issues related to the possible violation of the rights of third parties to trademarks protected in the Republic of Kazakhstan;

presence in the application of references to the sources that are not publicly available, or indications on impossibility to publish any information contained therein, except for

information about authors who wished not to be listed as such when publishing information about the patent;

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

presence of other violations of the requirements of these Rules to the documents of application, established without analyzing the substance of the claimed industrial design.

117. According to the application filed in violation of the requirement of the industrial design unity, the applicant, during the examination period, shall be sent a request about which industrial design is to be reviewed and, if necessary, to clarify the application documents. The response to the request must be submitted within three months from the date of the request.

Other industrial designs included in the materials of the original application may be filed with the selected applications.

If the applicant within three months from the date of notification of violation of the unity requirements does not inform which of the industrial designs is subject to consideration and will not submit the specified documents, consideration of the object specified in the description first, and also other industrial designs connected with the first so that they meet the requirement of the industrial design unity shall be carried out.

118. During the examination, the applicant may, on his own initiative or at the request of the examination, supplement, clarify or change the application materials without changing the essence of the declared object.

Additional materials that do not change the essence of the claimed industrial design shall be attached to the application materials.

Additional materials in the part that changes the essence of the claimed industrial design shall not be taken into account when considering the application and are issued as an independent application, about which an appropriate notification shall be sent to the applicant within five working days from the day of establishing this fact.

At the same time, if an independent application is filed within three months from the date of notification to the applicant by an expert organization, in accordance with paragraph 3 of Article 20 of the Law, its priority shall be established by the date of receipt of additional materials.

If additional materials are submitted without compliance with the requirements of these Rules, the applicant shall be notified of the failure to take into account in the examination as a whole or in the relevant part.

119. The term for the submission by the applicant of the requested documents shall be extended upon submission of the relevant petition, which is submitted within three months from the date of sending the request to the applicant. An appropriate notification shall be sent to the applicant within five working days from the date of extension.

The petition shall be accompanied by a document confirming the relevant payment.

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

If the requested documents or petition are not submitted within three months, the application shall be considered withdrawn, about which the applicant shall be notified within five working days from the date of expiration of the established period.

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

**Footnote. Paragraph 119 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

120. The terms missed by the applicant may be restored by the expert organization upon the petition for restoration of the term (hereinafter - the petition).

The petition is filed by the applicant no later than six months from the date of expiration of the missed term. Such a petition is submitted to the expert organization together with the materials requested by the examination or with objection to the appeals board.

A document confirming the appropriate payment is attached to the petition.

If this document is not submitted within the specified period, the petition is deemed not to be submitted, and the applicant shall be notified accordingly within five working days from the day the petition was received.

121. At the stage of formal examination, the application date and priority date shall be established.

The filing date is established by the date the application is submitted to the expert organization containing an application for issuing a security document for an industrial design with the surname, name, patronymic (if any) or full name of the applicant, description, product image (layout), and if the specified documents not presented at the same time, then on the date of receipt of the last of the submitted documents.

In case of submission of the application as not allowing to identify the information specified in the application, the filing date of the application shall be set by the date of receipt of good quality application to the expert organization.

Priority cannot be established on the filing date of the application if the convention priority is claimed in accordance with paragraphs 2 of Article 20 of the Law.

Priority is established by the date of filing the application with the expert organization, by the date of filing the first application (convention priority).

If an application is separated, the priority of the separated applications shall be established by the date of submission to the expert organization of the original application of the same applicant disclosing its essence, and if there is a right to establish an earlier priority on the original application - by the date of its priority, if the selected application is submitted before the original application of a negative conclusion of an expert organization, the possibilities for appeal of which have been exhausted, and in the case of making a positive conclusion of an

expert organization on the specified application - before the date of registration in the state register of industrial designs of the Republic of Kazakhstan.

In accordance with subparagraph 1 of paragraph 2 of Article 4-1 of the Law, at the request of the applicant or his representative acting on the basis of a power of attorney, the expert organization shall submit a certified copy of the application (priority document) for submission to the countries-participants of the Paris Convention for protection of industrial property priority in order to establish the convention priority. A copy of the payment document confirming the payment made for the certification of the copy (priority document) shall be attached to the application.

122. According to the results of formal examination, the applicant within five working days from the date of completion of the examination shall be notified of the positive result of the formal examination or of termination of office work.

In case of timely submission of documents and (or) information requested by the expert organization that meets the requirements of the formal examination, the applicant shall be notified of positive result of the formal examination.

123. The substantive examination of the application shall be carried out subject to the completion of a formal examination with a positive result and upon presentation of a document confirming the payment for substantive examination of application, within seven months from the date of receipt of the application to the expert organization taking into account the provisions of Article 20 of the Law.

#### **Paragraph 5. The procedure for conducting substantive examination on application for an industrial design**

124. At the stage of conducting of the substantive examination shall:

establish the possibility of assigning the claimed proposal to the objects protected as an industrial design;

conduct an information search in relation to the claimed industrial design to determine the level of artistic and design solution;

carry out the check of compliance of the solution with the conditions of patentability based on the results of information search.

125. When conducting a substantive examination, the patentability of an industrial design for compliance with the conditions of novelty and originality shall be checked.

If a group of industrial designs is claimed, patentability shall be checked against each of its industrial designs. The patentability of industrial designs is recognized only when all industrial designs of the group are patentable.

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

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

An industrial design shall be recognized as new if the set of its essential features reflected in the product images is unknown from the information that has become publicly available in the world before the priority date of the industrial design and differs from the set of essential features of the closest analogue.

The check of novelty shall be carried out in relation to a set of features of the industrial design, which are reflected on the image of the product, accepted for consideration according to the results of the formal examination.

128. Information contained in the source of information with which any person may become familiar shall be considered to be publicly available.

The date of determining the possibility of classifying the above mentioned information as generally available shall be:

- the date of publication of information on industrial designs - the date of their publication; for printed publications with a specified date of signing in print - the specified date;

- for other publications – the date of publication or, if it cannot be established, the last day of the month of the year indicated in the publication;

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

- for the reports on scientific-research works, explanatory notes to experimental design works and other design, technological and project documentation located in scientific and technical information bodies - the date of their receipt to these bodies;

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

- for the materials of dissertations and abstracts of dissertations published as a manuscript - the date of their receipt in the library;

- for the exhibits placed at the exhibition - a documentary confirmed date of their display;

- for the messages on television - the date of such a message, if it is recorded on the appropriate information carrier.

129. An industrial design shall not be recognized as conforming to the condition of novelty, if the sources of information reveal information about the artistic design solution, which is characterized by features identical to all the features presented on the images in the application under consideration.

130. When establishing the novelty of an industrial design, applications for industrial designs filed in the Republic of Kazakhstan by other persons (except for withdrawn ones), industrial designs patented in the Republic of Kazakhstan and Eurasian applications shall also be taken into account, subject to their earlier priority.



In the event that the source of information containing information about the industrial design under consideration is an application with an earlier priority, it shall be established that the application is not withdrawn or is not considered withdrawn.

If the application is not withdrawn and the deadline for the withdrawal has not expired, the applicant of the industrial design under consideration is informed of the availability of such an application without specifying its applicant and disclosing its content and the possibility of postponing consideration of the application until certainty arises with the application with earlier priority. If the applicant disagrees to postpone consideration of the application, the discrepancy of the claimed industrial design to the condition of novelty shall be established.

**Footnote. Paragraph 130 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

131. In the course of information search, it may be necessary to clarify the field of information search, in particular, by including a new ICID classification index in the characteristics of the information search area or changing such an index, while the information search shall be carried out taking into account all established ICID indices.

132. An information search is conducted on the databases of patent offices, using the information and telecommunications network “Internet” (hereinafter- the Internet) on the sites of periodicals, manufacturers' sites, other sites containing information on products of a similar purpose.

133. According to the results of the information search on the Internet, information published earlier than the priority date of the claimed industrial design shall be taken into account.

134. If the information found on the Internet does not contain the date of publication and there is no possibility to establish the date of its placement in an electronic medium, such information shall not be taken into account when establishing patentability.

135. According to the results of the information search, prior to making a decision on the results of the application examination, an information search report is compiled, which includes information sources containing publicly available information relating to the closest per totality essential features of products similar to the claimed industrial design of purpose and appearance known from information that has become publicly available prior to the priority date of the claimed industrial design (hereinafter - the sources of information).

136. The information search report shall indicate:

application number for which the information search was conducted;

date of submission of the application to the expert organization;

priority date of the industrial design;

ICID rubrics indices established when classifying the claimed industrial design;

the name of the industrial design in respect of which an information search was conducted with its translation into the state language;

ICID rubrics indices characterizing the field of information search, a list of patent documents of countries required for inclusion in the search area, other literature on relevant topics;

bibliographic data of references to documents, to their specific parts related to the subject of information search. At the same time, documents published earlier than the date of filing the application with the expert organization are noted, but later than the priority date, if the application claims an earlier priority.

137. In respect of the industrial design, for which a non-conformity with the condition of novelty has been established, verification of originality shall not be carried out.

138. An industrial design is recognized as original if its essential features determine the creative nature of the product peculiarities.

Verification of the originality of the claimed industrial design is carried out and includes:  
determination of the closest analogue;

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

identification of information that has become publicly available in the world prior to the priority date of artistic and design solutions having features that coincide with the distinctive features of the industrial design under consideration.

An industrial design is recognized as conforming to the condition of originality, if for one of its essential features no artistic and design solutions have been identified that are inherent in this feature.

An industrial design is recognized as conforming to the condition of originality in cases when artistic and design solutions with such features have been identified for all its essential distinguishing features, but these features ensure that the industrial design under consideration has aesthetic and (or) ergonomic features that are not inherent in the identified artistic and design solutions.

The industrial design embodied in the product is not recognized as meeting the condition of originality:

differing from the closest analogue only by the feature (s) reflected in the product images for which the influence on the aesthetic and (or) ergonomic peculiarities of this product is not confirmed;

only the dimensions are changed, the number of elements is increased, or the color (but not coloristic solution) of the product is changed compared to a known product;

in the form of a single simplest geometric volume or a single simplest geometric figure;

repeating the form characteristic of products for a specific purpose, but made on a different technical basis;

the appearance of which is borrowed from known objects, with the fame of two objects for various purposes, which are given a similar appearance;

in a set made up of well-known separately products, without changing their appearance.

139. During the substantive examination of the application, the expert organization shall have the right to request additional materials from the applicant, without which it is impossible to conduct the examination.

If it is impossible to identify the essential feature reflected in the image, the expert organization requests the applicant to clarify this feature based on the images and the description of the industrial design.

140. Additional materials at the request of the expert organization shall be submitted without changing the essence of the industrial design within three months from the date of sending the request.

The term shall be extended subject to appropriate payment, but no more than three months

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

A petition for the restoration of the missed deadline shall be submitted by the applicant simultaneously with additional materials or with a request for an extension of the deadline for their submission.

**Footnote. Paragraph 140 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

141. Additional materials in the part that changes the essence of the industrial design shall not be taken into account when considering the application and shall be registered by the applicant as an independent application, about which the applicant shall be sent a corresponding notification within five working days from the date of establishment of this fact.

142. Questions, comments and motivated expert proposals shall be formulated in the request with references, if necessary, to the literature on artistic design, scientific and technical literature, the provisions of the law.

143. If the applicant does not submit the requested materials or a petition for an extension of the deadline within the prescribed period, the application shall be considered withdrawn and the processing of it continues in accordance with paragraph 8 of Article 24 of the Law, about which the applicant shall be sent an appropriate notification within five working days from the date of expiration of the established deadlines.

The period of examination shall be suspended until the necessary response to the request for examination is received.

Footnote. Paragraph 143 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

144. If, as a result of the substantive examination of the application, the expert organization establishes that the proposal in the amount of legal protection requested by the applicant, determined by a set of essential features of the industrial design, reflected in the images of the appearance of the product meets the conditions of patentability of the industrial design (if a group of industrial designs is claimed, then each industrial design of the group), namely the novelty and originality, then a positive conclusion of the expert organization on the patent indicating the established priority shall be issued.

145. In accordance with paragraph 5 of Article 24 of the Law, on the basis of the decision to grant a patent for an industrial design, an expert organization within five working days from the date of the decision shall send the applicant a conclusion of the expert organization and a notification on the need to pay fees for issuing a protection document.

Within three months from the date of sending the decision on granting a patent to the applicant, the applicant shall submit to the expert organization a document confirming the appropriate payment for preparation of the patent for grant and publication.

If the specified document is not submitted, the payment term can be restored within three months, subject to submission of a document confirming payment for restoration of the missed deadline, in accordance with paragraph 5 of Article 24 of the Law.

146. Otherwise, the application is considered to be withdrawn, the office work on the application is terminated, of which the applicant shall be notified within one month from the date of expiration of the recovery period.

147. In determining the non-compliance of the claimed industrial design in the amount of legal protection requested by the applicant to the conditions of patentability of the industrial design, a decision on refusal to grant a patent for the industrial design shall be made.

148. A decision on refusal to grant a patent shall also be made if the application relates to the objects that are not protected as industrial designs, or for which consideration has not been conducted due to violation of the requirement of industrial design unity, in accordance with paragraph 6 of Article 24 of the Law.

149. After the decision on refusal to grant a patent for an industrial design is made, the applicant shall be sent an expert conclusion on the refusal to grant a patent for an industrial design with an attached copy of the nearest identified analogue.

150. The forms of expert conclusions shall be determined by the expert organization.

#### **Chapter 4. Other issues on consideration of applications for the objects of industrial property**

151. Conducting correspondence with an expert organization.

Correspondence is conducted by the applicant or his representative for each application separately.

Materials sent after the submission of application must contain its number and the applicant's signature (if there are several applicants, then the signature of each of them) or his (their) representative. If the applicant is a legal entity, the application shall be signed by the head of the organization or another person authorized by the constituent documents of the legal entity, indicating his position, the signature shall be sealed (if available) by that legal entity.

Materials without specifying the application number shall be returned without consideration.

Materials sent during the production process on the application shall be submitted in the terms established by the Law.

All outgoing correspondence from the expert organization shall be sent only to one address, if: in the column “address for correspondence” of the application, the address is indicated for correspondence other than the address of the applicant or one of the applicants, if there are several of them, or the address of representative of the applicant (s) then the correspondence shall be sent to this address in the name of the applicant or, if there are several applicants, in the name of the applicant indicated first in the application, and if not all applicants reside or are on the territory of the Republic of Kazakhstan, then - in the name of the applicant residing or being on the territory of the Republic of Kazakhstan, specified first;

If the column “address for correspondence” of the application is not filled, then the correspondence shall be sent to the address in the name of the applicant or, if there are several applicants, in the name of the first applicant or the first applicant residing or being on the territory of the Republic of Kazakhstan, if not all applicants reside or are on the territory of the Republic of Kazakhstan;

Production in the expert organization is conducted in Kazakh or Russian. The materials submitted by the applicant in a different language, their translation into Kazakh or Russian shall be attached. The materials submitted in another language shall not be taken into account, before submitting the translation in the established terms, about which the applicant shall be sent a corresponding notification within five working days from the date of receipt of the documents.

Materials submitted to the expert organization with design deficiencies that impede their reading shall not be considered. The person submitting such materials shall be notified accordingly within one month from the date of receipt of such materials.

The originals of materials transmitted by facsimile shall be submitted within one month from the date of their receipt, together with a cover letter identifying the materials received earlier. Subject to this condition the date of receipt of materials shall be the date of receipt by fax. If the originals of materials were received after the expiration of a specified term or the materials received by fax are not identical to the submitted originals, the materials shall be considered to be received on the date of receipt of the originals, and the content of the materials received by fax shall not be taken into account. Prior to the submission of originals,

faxed materials shall be considered as not received. If any materials of the application received by fax, or part of them, are not readable or not received, the relevant materials shall be considered as received on the date of receipt of the originals. Materials shall be considered to be received on the date of receiving the fax when the applicant withdraws the unreadable part.

152. Correction of application documents on the initiative of the applicant.

In accordance with Article 21 of the Law, the applicant shall have the right to make corrections and clarifications to the application documents prior to the adoption of an appropriate decision on the application.

Correction and clarification of the application documents shall be carried out by submitting replacement sheets. Replacement sheets shall be submitted for each copy of the relevant document in Kazakh or Russian or translation of a document into Kazakh or Russian. If, after making changes, the text on the replacement sheet occupies an incomplete page or the text that previously occupied one page goes beyond it, it is necessary to submit also the replacement of further sheets.

When submitting replacement sheets, a brief explanation of the proposed changes in the cover letter to the replacement sheets shall be provided. If changes are made at the initiative of the applicant, an explanation shall be given in the letter of the applicant.

In accordance with paragraph 1 of Article 21 of the Law for making changes in the documents of the application on the initiative of the applicant within two months from the date of the application receipt payment is not charged.

If corrections concern typographical errors, errors in indicating bibliographic data and correcting the document do not lead to negative consequences in terms of clarity in direct reproduction, the need for corrections shall be indicated in the letter of the applicant without submitting replacement sheets.

Changes regarding the surname, name, and patronymic (if any) of the applicant, the representative of the applicant, despite the fact that he remained the same person, the name of the applicant as a result of reorganization of the legal entity and (or) the address of the applicant, as well as the address for correspondence specified in the application for granting a patent, shall be made at the written request of the applicant with indication of the registration number of the application, with attachment of a document confirming the change of the name or the name of the applicant and (or) his address, and payment document in accordance with paragraph 2 of Article 21 of the Law.

Changes regarding the applicant's instructions when assigning the right to obtain a protection document or as a result of changing the applicant's name, as well as correcting technical errors in the application documents shall be made before the date of registration of the object of industrial property in the relevant state register in accordance with paragraph 2 of Article 21 of the Law.

The amendment shall be obvious, if it follows from well-known knowledge for a specialist that nothing other than the proposed amendment could be undertaken.

153. A change in the composition of authors means inclusion in the composition or exclusion from the composition of the author indicated in the application for granting a patent . Changes in the composition of the authors shall be made by filing a new application for granting of a patent, registered in accordance with the requirements of these Rules.

Simultaneously with the new application for granting of a patent, a petition shall be filed for making appropriate changes in the composition of the authors in an arbitrary form indicating the number and date of filing the application. The petition is signed by the applicant, and in case of exclusion from the list of authors by an excluded author (only for national authors and authors on applications filed in accordance with intergovernmental agreements), the signature of which must be notarized. The consent of the excluded author is issued in a separate letter indicating the number and date of the application registration.

In case of inclusion in the composition of authors by the date of filing a new application for granting a patent, it is impossible to obtain the signature of the author indicated in the previously filed application, then the written consent issued in the following order shall be attached to the application:

in the event of the author's death or declaring him dead, the consent to sign amendments on his behalf is signed by the heir, who must legally prove his right to the inheritance by submitting a notarized copy of the certificate of the right to inheritance;

in the event of the author's departure abroad, the consent on making amendments on his behalf is signed by an authorized representative, having submitted the power of attorney in the name of the patent attorney certifying such right.

in case of absence of information about the location of the author and impossibility to obtain them, he can be recognized by the court as missing in accordance with Article 28 of the Civil code of the Republic of Kazakhstan dated December 27, 1994 (hereinafter - the Civil Code), and the interested party provides a copy of the court's decision on recognition the author as missing;

in recognition of the author as incapable or partially incapable the consent on making the amendments on its behalf shall be signed by the guardian or trustee with submission of the copy of the court decision on establishment guardianship or trusteeship.

Citizens living outside the Republic of Kazakhstan and foreign legal entities shall submit documents for making changes in the composition of the authors through patent attorneys, while the power of attorney issued in the name of the patent attorney, contains an order to perform these actions.

Changes in the composition of the authors after two months from the date of receipt of the application shall be made in availability of a document confirming the payment of making changes.

If there are no documents and (or) submitted documents do not meet the requirements of this paragraph, the applicant shall be suggested to submit the missing or corrected documents within three months from the date of notification.

In case of failure to submit the requested documents, a new application shall be considered not filed and no changes are made, and the applicant shall be notified of this within five working days from the date of expiry of the term for submission of necessary materials.

154. A change in the composition of applicants means a change in the composition of applicants in the event of inclusion of an additional person in the composition, exclusion of a person from the list of applicants, as well as changes relating to the indication of applicants when transferring the right to receive a patent. On the basis of paragraph 1 of Article 21 of the Law, a petition for making changes in the composition of applicants shall be filed by the applicant before the relevant decision on the application is made, by submitting a new application for granting a patent, as well as a document confirming payment for making changes.

Simultaneously with the new application for granting a patent, a petition shall be filed for making appropriate changes to the composition of applicants in an arbitrary form, indicating the number and date of registration of the application, as well as indicating the reasons for the requested changes, with submission of confirming documents.

The petition shall be signed by the applicant (s) specified (indicated) in the original application for granting a patent. On behalf of a legal entity, the petition shall be signed by the head of the organization or another person authorized by the constituent documents of the legal entity, indicating his position; the signature shall be sealed (if available) by this legal entity.

The petition contains the signatures of the applicants who transfer and receive the rights to obtain a patent. On behalf of the legal entity, the application shall be signed by the first head of the organization or other person authorized to do so by the constituent documents of the legal entity, indicating his position, the signature is sealed (if any) by the legal entity, if the mandatory availability of such is provided by the legislation of which the legal entity is a resident.

The signature of the excluded applicant - an individual must be notarized.

When replacing the deceased applicant specified in the application for granting a patent, the heir under the petition must sign the specified heir, who must legally prove his right to inheritance by submitting a notarized copy of the certificate of inheritance.

If, when filing a new application for granting a patent, it is impossible to obtain the signature of the applicant indicated in the previously filed application, the written consent shall be attached to the application.

In case of the death of the applicant or declaring him dead, the heir shall sign the consent to make changes on his behalf by submitting a notarized copy of the certificate of inheritance.



In case of an applicant's departure abroad, the consent to make changes on his behalf shall be signed by the authorized representative, having submitted a duly executed document certifying such right. Such a document is a power of attorney with an exact indication of the requested actions in the name of a patent attorney registered with the authorized body, or a power of attorney issued to another person, legalized in the consular office of the Republic of Kazakhstan, except when legalization is not required by virtue of international treaties of the Republic of Kazakhstan or on the condition of reciprocity.

In case of absence of information about the author's location and impossibility of obtaining them, he is recognized by the court as missing in accordance with Article 28 of the Civil code, and the interested party shall provide a copy of the court's decision on recognizing the applicant as missing.

When an applicant is declared incapable or partially capable, the consent for making amendments on his behalf shall be signed by the guardian or trustee with submission of a copy of the court decision establishing guardianship or trusteeship.

When changes are made to the composition of applicants as a result of reorganization of a legal entity (merger, division, separation, transformation), a petition and a new application shall be signed by its successor with submission of a document confirming the succession to this type of rights (extract from the separation balance sheet or transfer act).

When making changes due to liquidation of a legal entity, the petition and a new application shall be signed by the person to whom the relevant rights were transferred with submission of a document confirming the transfer of rights.

Citizens living outside the Republic of Kazakhstan and foreign legal entities shall submit documents for making changes in the composition of the applicants through patent attorneys registered with the authorized body, while the power of attorney issued in the name of the patent attorney must contain an order to perform these actions.

If changes in the composition of the applicants are made after two months from the date of receipt of the application, a payment document shall be attached to the application for granting a patent.

If there are no documents and (or) the submitted documents do not meet the requirements of this paragraph, the applicant shall be suggested to submit the missing or corrected documents within three months from the date of notification.

If the requested documents are not submitted, a new application shall be considered not submitted and no changes shall be made, and the corresponding notification shall be sent to the applicant within five working days from the date of expiration of the established term.

155. The applicant (his representative) shall have the right to familiarize himself with the application submitted by him and materials relating to it, both directly with the expert organization, having previously agreed on the date and time of familiarization, and by requesting copies of the application, related materials or parts thereof.

156. In accordance with paragraph 12 of Article 22 and paragraph 7 of Article 24 of the Law, an applicant shall have the right to request copies of the materials indicated in the request from the expert organization, conclusion of the expert organization or information search report. Copies of patent materials shall be sent within one month from the date of receipt of the applicant's request.

157. Extension of the term for submission of the requested documents and additional materials:

1) in accordance with paragraph 13 of Article 22 of the Law, the term for submission of the requested documents and additional materials by the applicant shall be extended upon filing the relevant petition and payment for extension;

2) the specified period shall be extended by the expert organization for no more than six months from the date of its expiration;

3) the petition for extension of the term is submitted in any form within three months from the date of sending the request to the applicant or from the date of sending copies of materials opposed to the application requested by the applicant in accordance with paragraph 8 of Article 22 of the Law within two months from the date of sending him a request of an expert organization;

4) a corresponding notification on extension of the term for submitting the requested documents and additional materials shall be sent to the applicant within five working days from the date of extension;

5) the petition shall not be satisfied if the term for submitting the petition is not observed and the document confirming the payment for extension has not been submitted, the corresponding notification of which shall be sent to the applicant within five working days from expiration of the established term.

158. In accordance with Article 27 of the Law, the applicant withdraws the application submitted by him before registering the object of industrial property in the relevant State register of the Republic of Kazakhstan.

An application for withdrawal of the application in any form shall be submitted no later than the date of registration of the object of industrial property in the relevant State register of the Republic of Kazakhstan.

Upon receipt of such an application within the established term, the applicant shall be notified of the withdrawal of the application within five working days from the date of receipt of the application.

After sending a notification of the application withdrawal to the applicant, the office work regarding this application shall be terminated.

A withdrawn application has no legal consequences, no legally significant actions shall be taken on it, and the applicant's rights are not based on this application in the future. The withdrawn application will not participate in determination of compliance with the conditions of patentability of an industrial design.

The request of the applicant to consider invalid his petition for application withdrawal which arrived after the sending the applicant of the notice of the application withdrawal shall not be satisfied.

Appendix 1  
to the Rules of conducting  
examination of applications for  
the objects of industrial property  
Form IV-1P

Date of receipt	(85) Date of transfer of international application to the national phase	(21) Registration №	(22) Filing date	
<input type="checkbox"/> (86) the registration number of an international application and the date of international filing as established by the receiving office <input type="checkbox"/> (87) number and date of international publication of an international application <input type="checkbox"/> (96) Eurasian application number and the date of filing an application established by the receiving office <input type="checkbox"/> (97) number and date of publication of Eurasian application				
<b>APPLICATION</b>				
<b>on granting a patent of the Republic of Kazakhstan for an invention</b>				
By submitting the following documents, I ask (we ask) to grant a patent of the Republic of Kazakhstan for an invention in the name of the applicant (s) (71) Applicant (s): (full name or nomination and place of residence or location are indicated. The data on the residence of the authors-applicants are given in the box next to the box with the code ( 72)			Country code according to WIPO standard ST.3 (if established)	
It is filled only when claiming a priority on a date earlier than the date of filing an application with the Republican state enterprise “National Institute of Intellectual Property” (hereinafter - RSE “NIIP”)				
<input type="checkbox"/> I ask (we ask) to establish the priority of the invention on a date: <input type="checkbox"/> filing of the first application (s) in the state party of the Paris convention (paragraph 2 of Article 20 of the Patent Law of the Republic of Kazakhstan (hereinafter - the Law) <input type="checkbox"/> filing an earlier application to the RSE “NIIP” in accordance with paragraph 4 of Article 20 of the Law <input type="checkbox"/> filing of the original application to the RSE “NIIP” in accordance with paragraph 5 of Article 20 of the Law of the original application priority (paragraph 5 of Article 20 of the Law) <input type="checkbox"/> (application number _____, filing date _____ ) <input type="checkbox"/> receipt of additional materials for an earlier application (paragraph 3 of Article 20 of the Law)				
(31) №. of the first, earlier, original application	(32) Date of the claimed priority		(33) Code of the country of filing according to ST.3 (upon claiming a convention priority )	
(54) Name of the invention				
Address for correspondence (full postal address and name of the addressee)				
Phone: Mobile phone Fax: e-mail address:				
(74) Patent Attorney (full name, registration number) or representative of the applicant (s) (full name or nomination)				
		The number of sheets in 1 copy	The number of copies	(place for the stamp of

List of attached documents			RSE "NIIS")
<input type="checkbox"/> appendix to the application			
<input type="checkbox"/> description of the invention			
<input type="checkbox"/> formula of invention			
<input type="checkbox"/> drawing (s) and other materials			
<input type="checkbox"/> abstract			
<input type="checkbox"/> document on payment of application filing			
<input type="checkbox"/> document confirming the reasons for reducing the amount of payment			
<input type="checkbox"/> copy (copies) of the first application (s) (when claiming convention priority )			
<input type="checkbox"/> application documents in a foreign language			
<input type="checkbox"/> power of attorney certifying the powers of the patent attorney or representative			
<input type="checkbox"/> other document ( specify)			
№ of drawings proposed for publication with the formula (abstract)			
(72) Author (s) (full name is indicated)		Full postal address of the place of residence, including the name of the country and its code according to WIPO standard ST.3, if established	
I (we) _____ ( surname, first name, patronymic (if any)			
I ask (we ask) not to mention me (us) as the author (s) when publishing information on granting a patent for an invention			
Signature (s) of author (s):			
I agree to the use of information constituting a secret protected by law contained in information systems			
Signature			
Signature (s) of the applicant (s), (when signing on behalf of a legal entity, the signature of the head is sealed).			

to the Rules of conducting  
examination of applications for the  
objects of industrial property  
Form UM-1

Date of receipt	(85) Date of transfer of international application to the national phase	(21) Registration №	(22) Filing date
<input type="checkbox"/> (86) the registration number of an international application and the date of international filing as established by the receiving office			
<input type="checkbox"/> (87) number and date of international publication of an international application <input type="checkbox"/> (96) Eurasian application number and the date of filing an application established by the receiving office <input type="checkbox"/> (97) number and date of publication of Eurasian application			
<b>APPLICATION</b>			
<b>on granting a patent of the Republic of Kazakhstan for a utility model</b>			
By submitting the following documents, I ask (we ask) to grant a patent of the Republic of Kazakhstan for a utility model in the name of the applicant (s)			Country code according to
(71) Applicant (s): (full name or nomination and place of residence or location are indicated. The data on the residence of the authors-applicants are given in the box next to the box with the code (72)			WIPO standard ST.3 (if established)
It is filled only when claiming a priority on a date earlier than the date of filing an application with the Republican state enterprise "National Institute of Intellectual Property" (hereinafter - RSE "NIIP")			
<input type="checkbox"/> filing of the first application (s) in the state party of the Paris convention (paragraph 2 of Article 20 of the Patent Law of the Republic of Kazakhstan (hereinafter - the Law)			
<input type="checkbox"/> filing an earlier application to the RSE "NIIP" in accordance with paragraph 4 of Article 20 of the Law			
<input type="checkbox"/> filing of the original application to the RSE "NIIP" in accordance with paragraph 5 of Article 20 of the Law			
<input type="checkbox"/> priority of the original application (paragraph 5 of Article 20 of the Law)			
<input type="checkbox"/> receipt of additional materials for an earlier application (paragraph 3 of Article 20 of the Law)			
(31) №. of the first, earlier, original application	(32) Date of the claimed priority	(33) Code of the country of filing according to ST.3 (upon claiming a convention priority)	
(54) Name of the utility model			
Address for correspondence (full postal address and name of the addressee)			
Phone: Mobile phone Fax: e-mail address:			
(74) Patent Attorney (full name, registration number, address) or representative of the applicant (s) (full name or nomination, address)			
(75)			
List of attached documents	The number of sheets in 1 copy	The number of copies	
<input type="checkbox"/> appendix to the application			
<input type="checkbox"/> description of the utility model			
<input type="checkbox"/> formula of utility model			
<input type="checkbox"/> drawing (s) and other materials			
<input type="checkbox"/> abstract			

<input type="checkbox"/> document on payment of application filing			(place for the stamp of RSE "NIIS")
<input type="checkbox"/> document confirming the reasons for reducing the amount of payment			
<input type="checkbox"/> copy (copies) of the first application (s) (when claiming convention priority)			
<input type="checkbox"/> application documents in a foreign language			
<input type="checkbox"/> power of attorney certifying the powers of the patent attorney or representative			
<input type="checkbox"/> other document (specify)			
№ of drawings proposed for publication with the formula (abstract)			
(72) Author (s) (full name is indicated)		Full postal address of the place of residence, including the name of the country and its code according to WIPO standard ST.3, if established	
I (we) _____ (surname, first name, patronymic (if any))			
I ask (we ask) not to mention me (us) as the author (s) when publishing information on granting a patent for a utility model			
Signature (s) of author (s):			
I agree to the use of information constituting a secret protected by law contained in information systems			
Signature			
Signature (s) of the applicant (s), (when signing on behalf of a legal entity, the signature of the head is sealed).			

Appendix 3  
to the Rules of conducting  
examination of applications for the  
objects of industrial property  
Form № 1-ID

	Incoming number Date of receipt	(21) Registration №	(22) Date of filing a priority
<b>APPLICATION on granting a patent of the Republic of Kazakhstan for an industrial design</b>			
By submitting the following documents, I ask (we ask) to grant a patent of the Republic of Kazakhstan in the name of the applicant (s)			Country code according to WIPO standard ST.3 (if established)
(71) Applicant (s): (full name or nomination and place of residence or location are indicated. The data on the residence of the authors-applicants are given in the box with the code (97)			

It is filled only when claiming a priority on a date earlier than the date of filing an application with the Republican state enterprise “National Institute of Intellectual Property” (hereinafter - RSE “NIIP”)		
<input type="checkbox"/> filing of the first application (s) in the state party of the Paris convention (paragraph 2 of Article 20 of the Patent Law of the Republic of Kazakhstan)		
<input type="checkbox"/> filing an earlier application to the RSE “NIIP” in accordance with paragraph 4 of Article 20 of the Law		
filing of the original application to the RSE “NIIP” in accordance with paragraph 5 of Article 20 of the Law <input type="checkbox"/> (№ of application _____, filing date _____)		
<input type="checkbox"/> receipt of additional materials for an earlier application (paragraph 3 of Article 20 of the Law)		
№. of the first, earlier, original application	Date of the claimed priority	(33) Code of the country of filing according to ST.3 (upon claiming a convention priority)
(54) Name of the industrial design		
(98) Address for correspondence (full postal address and name of the addressee) Phone: Mobile phone: Fax:		
(76) Patent Attorney (full name, registration number, address) or representative of the applicant (s) (full name or nomination, address)		
List of attached documents	The number of sheets in 1 copy	The number of copies
<input type="checkbox"/> appendix to the application		
<input type="checkbox"/> description of the industrial design		
<input type="checkbox"/> set of images of the product		
<input type="checkbox"/> drawing (s) and other materials		
<input type="checkbox"/> document on payment of application filing		
<input type="checkbox"/> document confirming the reasons for reducing the amount of payment		
<input type="checkbox"/> copy (copies) of the first application (s) (when claiming convention priority)		
<input type="checkbox"/> application documents in a foreign language		
<input type="checkbox"/> power of attorney certifying the powers of the patent attorney or representative		
<input type="checkbox"/> other document (specify)		
(72) Author (s) (full name is indicated)	(97) Full postal address of the place of residence, including the name of the country and its code according to WIPO standard ST.3, if established	

I (we) _____ _____ (surname, first name, patronymic (if any)) I ask (we ask) not to mention me (us) as the author (s) when publishing information on granting a patent Signature (s) of author (s):	
I agree to the use of information constituting a secret protected by law contained in information systems Signature Signature (s) of the applicant (s), who is not (are not) an author (s), date of signing (when signing on behalf of the legal entity, signature of the head (sealed) Signature of the head sealed by the legal entity Signature of the head is sealed by the legal entity, signature of the head (sealed)	

Appendix 3  
 to the order of the  
 Minister of Justice of the  
 Republic of Kazakhstan  
 dated August 29, 2018,  
 № 1349

## **The rules for conducting examination of applications for trademarks, service marks, geographical indications and appellations of goods origin**

Footnote. The heading is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (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 conducting examination of applications for trademarks, service marks, geographical indications and appellations of goods origin (hereinafter - the Rules) have been developed in accordance with paragraph one of subparagraph 2) of paragraph 2 of Article 3 of the Law of the Republic of Kazakhstan "On Trademarks, Service Marks, Geographical Indications and Appellations of Goods Origin" (hereinafter - the Law) and shall determine the procedure for conducting examination of applications for trademarks, service marks, geographical indications and appellations of goods origin, which includes preliminary examination, full examination and examination.

Footnote. Paragraph 1 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. The following definitions are used in these Rules:

1) Paris convention - Paris convention for protection of industrial property dated March 20, 1883, with subsequent amendments and additions;



2) International bureau of the World Intellectual Property Organization - an international organization providing and regulating international policy and cooperation of countries in the field of intellectual property;

3) unprotected elements (disclaimer) - granting protection to a trademark as a whole with removal from protection of non-protectable elements of designation;

4) international non-patentable names of medicinal products (hereinafter - INN) - a unique name of active substance of a medicinal product recommended by the World Health Organization (hereinafter - WHO) and entered into the list of INNs that are recognized worldwide and being the public property;

5) expert organization - an organization established by the decision of the Government of the Republic of Kazakhstan in the organizational and legal form of a republican state enterprise on the right of economic management, subordinate to the authorized body in its activities;

6) an authorized body - the Ministry of Justice of the Republic of Kazakhstan;

7) international classification of goods and services; classification of goods and services (hereinafter - ICGS) - used for registration of trademarks, adopted in the framework of the Nice agreement on June 15, 1957, with subsequent amendments and additions;

8) bulletin - an official periodical on the protection matters of trademarks, appellations of origin.

The concept of a trademark in these Rules in accordance with subparagraph 8) of Article 1 of the Law also includes the concept of a service mark.

## **Chapter 2. The procedure for filing an application for a trademark**

3. The application shall be submitted through the office of the expert organization, the official website of the expert organization [www.kazpatent.kz](http://www.kazpatent.kz) (hereinafter - the website of the expert organization) or the e-government web portal [www.egov.kz](http://www.egov.kz). (hereinafter - the Portal).

The application must contain:

a request for conducting an examination of the designation indicating the applicant, as well as his location or place of residence;

claimed designation;

list of goods and (or) services in accordance with ICGS.

The application shall be attached by:

a copy of the document confirming the payment of services for conducting examination;

a copy of the power of attorney in case of office work through a representative;

a charter of a collective trademark (in case of filing an application for a collective trademark), including the name of the organization authorized to register a collective trademark in its name, the purpose of registering this mark, a list of entities having the right to

use this mark, a list and common qualities or other characteristics of goods and services to be designated by a collective trademark, the conditions of its use, the procedure for control its use, responsibility for violation of the provisions of the collective charter trademark.

An application for registration of a trademark shall be submitted in the form in accordance with Appendix 1 to these Rules. The application on paper shall be submitted in two copies.

**Footnote. Paragraph 3 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 №. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

4. The designation is given to one trademark.

Verbal, alphabetic, digital, pictorial, volumetric and other designations or their combinations allowing to distinguish the goods and services of some individuals from the similar goods and services of others are registered as trademarks, service marks.

A trademark is given in any color or color combination.

Verbal designations include words; combinations of letters having a verbal character; phrases; sentences; other units of language, as well as their combinations.

Letter designations include letters and combinations of letters, abbreviations that do not have a verbal character.

Numeric designations include Arabic, Roman numerals, and their combinations.

Graphic designations include graphic images on the plane, in particular, images of various living beings, objects, other objects, figures, artistically executed font elements, as well as various compositions of the above mentioned elements.

Volumetric designations include three-dimensional objects, the shape of which is original and not exclusively related to the function of the product.

Combined designations include combinations of various verbal, alphabetic, digital, figurative, three-dimensional and other elements.

Other designations provided for by Article 5 of the Law include holographic, sound and olfactory designations.

The claimed designation is presented in the format of 8x8 cm. On paper, the designation is given in the amount of three copies.

If the application is submitted through the website of the expert organization or the Portal in the form of an electronic document, the image of the claimed designation shall be presented in a format that allows printing it in compliance with the prescribed dimensions.

The image is presented clear, contrast, suitable for reproduction by means of copying equipment.

Designations for registration of a trademark shall be presented in the color or color combination in which the registration of the trademark is requested.

Labels and special types of trademarks can be presented in full, if they do not exceed the size of 20x20 centimeters. In case of exceeding the specified size, the image is presented in a reduced form. On paper, labels are given in an amount of three copies.

If protection of a volumetric trademark is requested, besides the image of the general form of this designation (schematic, photographic or made in a graphic editor using computer hardware), images of various types of volumetric trademark in views, providing a complete picture of the claimed designation and (or) its verbal description shall be presented.

If protection of a holographic trademark is requested, then several images clearly revealing the holographic effect as a whole (the observed reflections of images, changes in brightness and contrast), holographic designations from various directions, in particular, perpendicular and at an angle above and below the perpendicular direction shall be attached to the application.

If in the holographic designation the image of objects changes, then the image of each object is represented.

If protection of a sound trademark is requested, the application shall be accompanied by its musical notation and soundtrack on a digital medium. If a part of a musical work is declared for registration, it is necessary to indicate the name of the work and its author, as well as documents confirming the consent of the author to use his intellectual property.

If protection of olfactory trademark is requested, a description of composition of the substance, the formula of chemical compound and other information characterizing the source of smell, as well as a sample of the proposed designation, shall be submitted.

Those designations that cannot be reproduced in the application form shall be attached as appendix.

If registration of a varying mark is requested, then a designation shall be attached to the application, consisting of one or a number of still or changing images reflecting the change.

If the submitted image or images do not show a change, additional images and / or its verbal description explaining the change shall be presented.

If registration of a color mark is requested, a designation is provided that represents the color itself or a combination of colors without contoured contours, the image of such a sign should consist of a sample of color or colors.

If registration of a positional sign is requested, then an image of such a sign shall be attached to the application, which should consist of one type of sign indicating its location on the product.

If necessary, an indication of the object is provided, for which protection is not requested and a description explaining the location of the mark in relation to the goods. Unprotected part of the image is filled with dotted lines.

If registration of a light mark is requested, then a general view of designation and description of the sequence and duration of the luminescence of signals and / or light symbols and their characteristics shall be attached to the application.

The description of the claimed designation shall be given when the content of the characteristics of all the elements contained in the claimed designation, their semantic meaning, as well as the method of forming fictional words that have no semantic meaning.

The description serves to explain the essence of the claimed designation and its identification.

Footnote. Paragraph 4 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 № 1630 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. The list of goods in respect of which the registration of a trademark is requested, classified and grouped by the applicant into classes of the ICGS. Each class of ICGS contains a heading and is accompanied by the necessary explanation.

The heading of the class indicates in general terms the areas to which the goods or services of this class relate. The heading of the class can be considered as a brief description of the class content.

The heading of the class does not refer to the equivalent replacement of the list of goods contained in this class.

If the product name is not in the ICGS, it is necessary to classify it in accordance with the function, purpose, material from which it is made or the principle of its action, which corresponds to the selected class.

If the name of the service is not in ICGS, it is necessary to classify it in accordance with direction of activity that corresponds to the chosen class.

For a more unambiguous assessment of the class, when describing goods or services, you should avoid using indefinite concepts, abbreviations, brand names or models of goods, as well as expressions such as “and the like”, “and others”, “etc.” and be guided by the terminology defined in accordance with ICGS.

Goods and (or) services should not be duplicated.

The list of names of goods and services is indicated by increasing the numbering of classes.

6. When submitting in accordance with paragraph 3 of Article 10 of the Law of a certified document confirming the legality of requesting exhibition priority, the following conditions shall be observed:

1) international status of the exhibition, time and place of its holding, the object of display with the designation claimed as a trademark are indicated;

2) the document is declared by the administration or the organizing committee of the exhibition, must contain information about the time and place of its holding, the name of the object of display with the designation claimed as a trademark and confirm the international status of the exhibition.

**Chapter 3. The procedure of conducting examination of application for registration of a trademark**  
**Paragraph 1. The procedure for preliminary examination of application for a trademark**

7. Preliminary examination of the application shall be carried out within one month from the date of filing an application.

During the preliminary examination, the content of the application, the availability of materials necessary for the examination, the priority date, the list of goods and services in accordance with the current edition of the ICGS shall be checked.

The expert organization shall request additional or clarifying information, without which a preliminary examination is impossible, in the following cases:

1) submission of an incomplete package of documents provided for in paragraph 3 of these Rules;

2) the absence in the application of the necessary information, details, signatures, as well as the need to clarify the information provided in the application;

3) identifying shortcomings in the execution of documents that prevent their direct reproduction (print quality, which makes it difficult to read the application materials);

4) the need to present a three-dimensional, holographic, sound or olfactory designation and (or) its description, if the materials submitted by the applicant do not sufficiently reflect the features of the declared designation;

5) non-compliance of the list of goods and (or) services with the requirements of paragraph 5 of these Rules.

Questions, comments and motivated proposals of the expert shall be formulated in the request with references to the provisions of the law.

When sending a request to the applicant, the period for conducting a preliminary examination shall be extended by three months from the date of sending the request.

A document confirming the payment for extending the deadline for responding to a request or for restoring a missed deadline shall be attached to a request for an extension of deadlines for providing a response to a request or for restoring a missed deadline.

In the absence of a response to the request or a petition to extend the deadline for submitting a response to the request after the expiration of the established deadlines, the processing of the application shall be terminated, about which the applicant shall be sent a corresponding notification within five working days from the date of expiration of the established deadline.

Footnote. Paragraph 7 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 10.02.2022 No. 118 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

8. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

9. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated

31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

10. At the petition of the applicant or his representative, the expert organization shall submit a certified copy of the application (priority document) for submission to the member states of the Paris Convention for protection of industrial property to establish the convention priority. A copy of the payment document confirming the payment for the services of the expert organization shall be attached to the petition.

The payment document shall be submitted no later than one month from the date the invoice is sent for payment. If the document on payment is not submitted, the petition for submission of a certified copy of the application for a trademark (priority document) shall not be accepted for consideration, of which the applicant shall be notified in written form within five working days.

**Paragraph 2. The results of preliminary examination. The procedure for publishing information on the application for a trademark**

11. Based on the results of the preliminary examination, the applicant shall be sent a notification on acceptance of the application for consideration or termination of the paperwork no later than one month from the date of filing the application.

The notification on acceptance of the application for consideration shall contain the following data:

- 1) registration number of the application;
- 2) filing date of the application;
- 3) declared designation;
- 4) full name and address of the applicant;
- 5) code of filing country according to standard 3 of the World Intellectual Property Organization (hereinafter - ST.3 WIPO);
- 6) address for correspondence;
- 7) priority date, for applications with a request for conventional or exhibition priority (if any);
- 8) list of goods and (or) services.

**Footnote. Paragraph 11 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

12. Within five working days from the date of completion of the preliminary examination, information on the application accepted for consideration shall be published weekly in the bulletin.

The information in the bulletin on the application for a trademark shall be published in the volume determined in paragraph 11 of these Rules.

Footnote. Paragraph 12 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Paragraph 3. The procedure for conducting a full examination of application for a trademark.**

13. A full examination shall be conducted within seven months from the date of filing the application.

An expert organization at any stage of a full examination shall request additional or clarifying information, without which a full examination is impossible.

When sending a request to the applicant, the period for conducting a full examination shall be extended by no more than three months from the date of sending the request.

The term of full examination shall be suspended until the necessary response to the examination request is received, but not more than three months from the date of sending the request.

In the absence of a response to a request for a full examination or a petition to extend the deadline for submitting a response to a request for a preliminary examination after the expiration of the established deadlines, the processing of the application shall be terminated, about which the applicant shall be sent a corresponding notification within five working days from the date of expiration of the established period.

Footnote. Paragraph 13 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

14. During the full examination, the compliance of the claimed designation with the requirements established by Articles 6, 7 of the Law shall be checked.";

Designations that do not have a distinctive ability shall not be registered as trademarks.

Footnote. Paragraph 14 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

15. Do not have distinctive ability the designations, consisting only of the elements: included in the universal use for designation of goods (services) of a certain type;

A designation that has come into general use is a designation that, as a result of its long-term use by different manufacturers for the same product (service) or product (service) of the same type, has become an indication of a certain type of product (service), that is, a specific concept.

being generally accepted symbols and terms;

By the designation, which is a generally accepted symbol, is recognized a designation symbolizing the country, branch of economy or area of activity to which the goods claimed for registration belong.



The generally accepted terms include various lexical units characteristic for certain areas of science and technology. The semantic meaning of a generally accepted term is not necessarily known to a wide range of consumers. The term is well-established among a certain circle of specialists in specific areas of science and technology related to the production of goods or provision of services for which trademark protection is sought.

The main sources for the definition of the term shall be terminological dictionaries, specialized literature.

indicating the type, quality, quantity, property, purpose, value of goods, as well as the place and time of production or marketing;

Such designations include, in particular, the designations of the following categories:

quality of goods;

indication of the property of the goods;

indication of the material or composition of the raw material;

indication of the weight, volume, price of goods;

date of production of goods;

data on the history of production creating;

designations consisting partly or in whole of geographical names that may be taken as indications of the location of the goods manufacturer.

Type of goods (services) - a set of goods, differing in individual purpose and features.

The quality of goods - a set of consumer properties of goods that determine its suitability to meet current and future needs in accordance with its purpose.

The property of goods - the properties, physical and non-physical characteristics of the goods, which are manifested in the process of purchase and use by the consumer for their intended purpose, affecting the buyer.

The value of goods - a characteristic of goods, indicating its importance and usefulness to the consumer.

Quantity - a category characterizing goods on the part of size, weight, volume, number.

The time of production and sale of goods - indication in the designation of the day, month, year or date as a whole, which indicate the time of the goods production, the transfer of goods from the manufacturer to the consumer.

representing INN of medicinal products;

In the examination of designations filed for registration as a trademark in relation to pharmaceutical products (medicines), the INN list shall be taken into account, which is formed and maintained by WHO.

having a direct descriptive relationship with the goods or services for which designations they are used.

Descriptive designations include designations describing a product or service as a whole or any of its characteristics and (or) peculiarities.



It can be recognized as a descriptive element, which, although differs from the descriptive element by spelling, but can be perceived as descriptive by the consumer.

To establish the distinctiveness of the designation, information shall be used, including encyclopedias, reference books, explanatory and other dictionaries, information obtained from the Internet.

**Footnote. Paragraph 15 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

16. The designations specified in paragraph 1 of Article 6 of the Law shall be used as unprotected elements of a trademark, if they do not occupy a dominant position in it. The indicated designations shall be registered as a trademark if, as of the filing date of the application, the designation has acquired a distinctive ability as a result of use.

The acquisition of distinctiveness as a result of the use of the designation shall be confirmed by the applicant by submitting documents indicating that the designation is perceived by the consumer as the designation of goods of a particular manufacturer or person providing services before the date of filing an application for the declared goods and (or) services.

The designation shall be registered exclusively in relation to goods and (or) services for which the acquisition of the distinctive ability of the designation as a result of its use is confirmed.

Distinguishing ability refers to the characteristics of designations that make it possible to distinguish goods (services) of some individuals and (or) legal entities from similar goods (services) of other individuals and (or) legal entities.

A trademark shall be granted legal protection as a whole, with the removal of verbal, alphabetic, and (or) figurative elements, symbols from protection, if the trademark includes or represents a designation made in the original font style, but by its semantic meaning refers to unprotectable designations (elements).

The designation or element(s) of the designation shall be considered "unified" if they are integrated, so united together that they are not considered separately.

When determining the dominant position of an element in the declared designation, it is necessary to evaluate the semantic meaning, spatial position (size, location in the composition), performance features (use of original font graphics and other visual means and techniques, original color design) of the designation, consider the entire composition of the designation as a whole taking into account the role of the non-protectable element in this composition, its perception in combination with other elements of the composition (the possibility of a new semantic meaning appearing in this case), the degree of influence of each of the elements of the declared designation on the distinctiveness of the designation as a whole.

Footnote. Paragraph 16 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

17. Designations are not registered as trademarks reproducing:  
state symbol, flags and emblems;  
abbreviated or full names of international organizations and their emblems, flags and emblems;  
official control, guarantee and assay marks, seals, Olympic symbols, awards and other insignia;  
certification marks;  
designations similar to the degree of confusion with the above listed.

When examining designations reproducing state symbols, flags and emblems, a search in the international database of protected marks by virtue of Article 6 of the Paris Convention shall be conducted.

18. Designations that are false or capable of misleading about the product or its manufacturer, service or service provider, as well as names of geographical objects that can mislead about the place of production of the product, shall not be registered as trademarks or their elements.

Designations that are false or capable of misleading in relation to the declared goods and services include designations that contain the names of goods or services that do not correspond to those declared, as well as capable of generating in the minds of consumers an idea of a certain type of product and (or) service, its properties, quality and (or) features.

Designations that are false or capable of misleading regarding the manufacturer include designations that are capable of generating in the mind of the consumer an idea about the manufacturer of the product (service) or connection with the manufacturer of the product (service), which does not correspond to reality.

The designations that can mislead the consumer regarding the manufacturer of goods (services) include imitations of designations known to consumers.

The ability of the designation to mislead the consumer regarding the manufacturer of goods (services) shall be determined as a result of identifying, during the search, information about the manufacturer using the designation in civil circulation to individualize homogeneous goods (services) declared for registration, which are known to consumers through various sources.

Designations that are false or capable of misleading about the place of production of goods include designations that include geographical names that can mislead the consumer about the location of the applicant.

A designation shall be considered false or misleading if the trademark consists of or includes elements that are false or capable of misleading.

When conducting an examination for compliance of the designation with the requirements of this paragraph, information obtained from the Internet shall be used.

**Footnote. Paragraph 18 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

19. Geographical names or signs including geographical names capable to mislead the consumer concerning the location of the applicant and if registration of the nomination in the name of one owner infringes the rights of the third parties shall not be registered as trademarks.

Designations consisting exclusively of geographical names, which are perceived as indications of the place of manufacture or sale of goods and the location of the manufacturer, shall not be registered.

20. The geographical name declared for registration as a trademark shall be granted legal protection if the registration is submitted with a little-known geographical name indicating the place of production or sale of goods and location of the manufacturer, but the sources of information do not contain information about it or the sources do not contain information about the presence in this geographic object of goods production in respect of which protection is sought, such designations are considered to be fantasy.

Designations containing names of geographical objects and being figurative expressions shall be granted legal protection as a trademark, service mark, if the list of declared goods and services is not associated with such geographical name and does not mislead the consumer regarding the manufacturer of the goods or the service provider.

21. If the designation declared for registration as a trademark, service mark, reproduces the heritage of the history and culture of the Republic of Kazakhstan, an expert organization sends a letter to the authorized body in the field of protection of trademarks, service marks, appellations of origin for approval by the authorized body in field of culture for the use as a trademark, service mark, appellations of origin.

The applicant shall be sent a request to determine whether the claimed designation or its elements is not a reproduction of:

the names of well-known works of literature, science and art, famous works of art and their fragments in violation of copyright, acquired earlier in the Republic of Kazakhstan on the filing date of the application;

surnames, first names, pseudonyms and derivatives from them, also portraits and facsimiles in violation of personal non-property rights.

In the absence of a response to a request, an expert conclusion on refusal to register a trademark or service mark shall be issued.

Objects of copyright and related rights, names, surnames, pseudonyms, portraits are used in trademarks with the written consent of these persons or their successors.

#### **Paragraph 4. Checking and conducting a search for identity and similarity to the degree of confusion of designations**

22. The search for identity and similarity to the degree of confusion at the stage of full examination begins taking into account the deadline for establishing the priority established by Article 10 of the Law.

When checking for identity and similarity, the following actions shall be carried out:

search of identical and similar to the degree of confusion of trademarks and designations declared for registration;

the degree of similarity of the declared designation and identified in conducting the search trademarks and designation declared for registration shall be determined.

the homogeneity of the declared goods for the goods for which the identified identical or similar marks and designations are registered (declared) shall be determined.

23. The search shall be conducted in the national and international databases of trademarks and designations declared for registration:

1) among the trademarks previously registered in the Republic of Kazakhstan and designations declared for registration as trademarks that have an earlier priority;

2) among those recognized as well-known trademarks of the Republic of Kazakhstan;

3) among previously registered and declared for registration as appellations of origin of goods having an earlier priority;

4) among industrial designs previously registered or declared for registration with an expert organization in the name of third parties having an earlier priority.

24. The search shall take into account the trademarks of third parties that are protected in the Republic of Kazakhstan without registration by virtue of international treaties.

This takes into account trademarks for which the one-year period has not expired since the date of termination of registration in accordance with Article 17 of the Law, as well as trademarks that are denied registration and the period for challenging the decision has not expired.

In this case, trademarks for which the one-year period from the date of registration termination in accordance with Article 17 of the Law has not expired, as well as trademarks that have been denied registration and the term of challenging the decision has not expired shall be taken into account.

25. The similarity of verbal designations shall be determined by comparing:

with verbal designations, made both in a standard font and in a special graphic design;

with combined designations, which include verbal elements.

The similarity of verbal designations shall be determined on the basis of such criteria as: phonetics (sound similarity), graphics (visual similarity) and semantics (similarity in meaning).

The listed criteria shall be taken into account in combinations.

If a verbal designation consists of two or more words, the examination takes into account each word separately, and its influence on the designation as a whole.

**Footnote. Paragraph 25 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

26. Sound (phonetic) similarity shall be determined on the basis of such characteristics as:

- presence of close and coinciding sounds in the compared designations;
- proximity of sounds that make up designations;
- location of similar sounds and sound combinations in relation to each other;
- presence of coinciding syllables and their location;
- number of syllables in the designations;
- place of coinciding sound combinations as a part of designations;
- proximity of composition of vowels;
- proximity of composition of consonants;
- nature of coinciding parts of designations;
- occurrence of one designation in another;
- stress

27. When determining the similarity, it is necessary to take into account the letters, the pronunciation of which will sound similar.

Letters and their combinations will be recognized as similar according to Appendix 2 of these Rules.

These characteristics can be taken into account separately and in various combinations, depending on their determining value when creating a sound image and when perceived by the consumer.

28. Graphic (visual) similarity shall be determined on the basis of the following features:

- general visual impression;
- type of font;
- graphic writing taking into account the nature of the letters (for example, typed or written, uppercase or lowercase);
- arrangement of letters relative to each other;
- alphabet in which letters the word is written;
- number of letters;
- location of the words in the line;
- color or color combination.

29. The semantic similarity shall be determined on the basis of the following features:

- similarity of notions and ideas laid down in the designations (for example, coincidence of meanings in different languages);
- coincidence of one of the elements of designations, on which the logical stress falls, and which has an independent meaning;

the opposite of the concepts and ideas inherent in the designations.

30. Designations that are identical or similar to the degree of confusion with the appellations of origin of goods registered in the Republic of Kazakhstan in the name of third parties shall not be registered in relation to any classes of goods.

31. The assessment of the similarity of designations shall be made on the basis of general impression, which is formed taking into account unprotected elements. In this case, formation of a general impression may occur under the influence of any features of the designation, including the dominant verbal or graphic elements, their composition and color performance.

32. When determining the similarity of letter designations features of sound similarity of verbal designations shall not be applied.

The similarity of letter designations shall be determined in terms of graphic (visual) execution based on the following features:

- general visual impression;

- type of font;

- graphic writing taking into account the nature of the letters (for example, typed or written, uppercase or lowercase);

- arrangement of letters relative to each other;

- alphabet;

- color or color combination.

33. Pictorial or volumetric designations are compared with:

- pictorial designations;

- combined symbols, the compositions of which include figurative and / or volumetric elements;

- volumetric designations.

34. The similarity of pictorial or volumetric designations shall be determined on the basis of the following characteristics:

- external form;

- presence or absence of symmetry;

- semantic meaning;

- type and character of images (naturalistic, stylized, caricature);

- combination of colors and tones.

The listed characteristics can be taken into account either individually or in various combinations.

35. Combined designations shall be compared:

- with combined designations;

- with those types of designations that are part of the checked combined designation as elements.

When determining the similarity of combined designations, the provisions of paragraphs 26-29, 32, 34 of these Rules shall be used.

**Footnote. Paragraph 35 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

36. When identifying identical or similar to the degree of mixing of individual elements, the combined designation shall be denied in registration as a whole.

37. Designations reproducing industrial designs shall not be registered as trademarks if they are protected in the Republic of Kazakhstan as industrial designs in the name of third parties, or a similar application for an industrial design with an earlier priority is submitted to the expert organization on behalf of a third party.

38. Establishment of homogeneity of goods shall be carried out in order to determine the possibility of occurrence at the consumer of an idea of goods/services belonging to one producer and a service provider.

To establish the homogeneity of the goods, the features shall be taken into account:

kind (species) of goods;

their consumer properties and functionality (volume and purpose of the application),

type of material from which they are made;

complementarity or interchangeability of goods;

conditions for their implementation (including a common point of sale, sale through a retail or wholesale network);

range of consumers, traditional or preferential way of using goods, consumer goods and products for industrial-technical purposes;

application area;

purpose of service.

Features of homogeneity of goods and services can be taken into account both individually and in totality with one another.

39. In determining the homogeneity of goods, a comparison of the list of goods contained in the application with the list of goods for which identical or similar trademarks are registered or declared shall be made.

40. Goods are not regarded as homogeneous only on the basis that they belong to the same class of ICGS, and belonging to different classes is not a proof of their heterogeneity.

**Footnote. Paragraph 40 as amended by order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 № 1630 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

41. The list of sequences of nucleotides and (or) amino acids, presented in printed form, is made in accordance with WIPO Standard ST.25.

42. Goods and services are recognized as homogeneous among themselves.

43. The conclusion about the homogeneity of goods and services is made according to the results of the analysis of the criteria listed in their totality in the event that the goods or

services, due to their nature or purpose, can be attributed by consumers to the same source of origin.

44. Registration of a designation similar to the degree of confusion with the trademark specified in subparagraphs 1), 2), 3) of paragraph 1 of Article 7 of the Law shall be allowed with the written consent of the owner.

The written consent of the owner shall be submitted for each application separately.

The letter of consent must contain complete information about the person giving the consent to register the declared designation as a trademark, complete information about the person who is given consent to register the declared designation as a trademark, expressing the consent of the owner of the trademark to register the declared designation as a trademark indicating the application number, if assigned, the declared designation, the list of goods and / or services in respect of which the trademark owner does not object to registration of the declared designation as a trademark, the date of the document and signature of the authorized person.

The letter of consent shall be submitted in the Kazakh or Russian language. If the documents are presented in another language, the applicant or his representative by attorney shall submit their translation into Kazakh or Russian within one month.

#### **Paragraph 5. Expert conclusions and decisions taken on the results of a full examination.**

45. If the declared designation does not contradict the requirements established by Articles 6, 7 of the Law, the expert organization shall issue an expert conclusion on the registration of a trademark in relation to all declared goods and (or) services.

46. The expert conclusion on registration of a trademark contains the following information:

designation registered as a trademark;

type of a trademark;

address for correspondence;

nomination or the name, surname and patronymic (if available) of the applicant;

country code according to WIPO standard ST.3;

application number;

filing date;

date of convention priority, as well as the number, date and code of the country of application, on the basis of which it is established, if the convention priority is claimed;

exhibition priority date, if exhibition priority is requested;

the list of goods and services grouped by classes of ICGS;

indication of a collective trademark, if a collective trademark is registered;

indication of a color or color combination if the trademark is registered in color.

After making the expert conclusion on registration of the trademark, within five working days the applicant or his representative shall be sent a notification about the registration of the



declared designation, to which the decision on registration, the expert conclusion and the invoice for payment for the trademark registration are attached.

47. If the declared designation contradicts the requirements established by Articles 6, 7 of the Law, in full or in part of the declared goods and (or) services, the expert organization shall issue an expert conclusion on the preliminary refusal or partial registration.

If the trademark contains the designations specified in paragraphs 1 and 2 of Article 6 of the Law, and they do not occupy a dominant position in it in accordance with paragraph 16 of these Rules, an expert conclusion on preliminary partial registration shall be issued, indicating the elements that are not provided with independent legal protection (disclaimer).

The expert conclusion on preliminary refusal or partial registration contains the following information:

declared designation;

type of declared designation;

address for correspondence;

nomination or the name, surname and patronymic (if any) of the applicant;

country code according to WIPO ST.3;

application number;

filing date;

date of convention priority, as well as the number, date and code of the country of application, on the basis of which it is established, if the convention priority is claimed;

exhibition priority date, if exhibition priority is requested;

the list of goods and services grouped by classes of ICGS;

unprotected elements;

indication that the declared designation is filed for registration as a collective trademark;

indication of color or color combination, if the trademark is registered in color;

motive of complete or partial refusal with justification and indication of the norms of the Law.

After the conclusion of the preliminary partial registration is made, an expert conclusion on the preliminary partial registration shall be sent to the applicant or his representative.

If the applicant agrees with the made preliminary expert conclusion on partial registration within five working days after the registration decision is made, a notification about registration shall be sent to the applicant or his representative, to which the partial registration decision, the invoice for payment for the trademark registration are attached.

In the event that the applicant fails to submit a letter of agreement with the preliminary expert conclusion on partial registration after five months from the date of sending the expert conclusion, the expert organization shall make a final conclusion and take a decision on partial registration of the trademark, which shall be sent to the applicant or his representative within five working days together with notification about registration and invoice for payment for the trademark registration.

Footnote. Paragraph 47 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 26.12.2018 No. 1630 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Chapter 4. Some questions on conducting examination of trademark applications Paragraph 1. Conversion of a collective trademark application into a trademark application and a trademark application into a collective trademark application**

48. The applicant may, on his own initiative, apply for converting a collective trademark application into a trademark application and a trademark application into a collective trademark application before making a final decision on the converted application.

49. The petition for converting a trademark application into a collective trademark application shall be attached with a charter of the collective trademark, including the name of organization authorized to register the collective trademark in its name, the purpose of registering this mark, the list of entities entitled to use this mark, a list and common qualities or other characteristics of goods and services, which will be designated by a collective trademark, the terms of its use, the procedure for controlling its use, responsibility for violation of the provisions of the charter of the collective trademark.

50. A petition on converting a trademark application into a collective trademark application and a collective trademark application into a trademark application shall be signed by the applicant for the trademark application or an authorized person.

51. A document of payment for converting a trademark application into a collective trademark application and a collective trademark application into a trademark application shall be attached to the petition for converting a trademark application into a collective trademark application and a collective trademark application into trademark application. In the absence of a document confirming the payment, an expert organization shall issue an invoice for payment. The payment document shall be submitted no later than one month from the date the invoice is sent for payment.

In the absence of a document confirming payment, a petition for converting a trademark application into a collective trademark application and a collective trademark application into a trademark application shall not be accepted for consideration, of which the applicant shall be notified within five working days.

52. The expert organization shall have the right to request additional materials necessary for consideration petition for converting a trademark application into a collective trademark application and a collective trademark application into a trademark application.

53. Within five working days from the date of receipt of the document confirming the payment, the applicant shall be sent a notification about conversion of a trademark application into a collective trademark application and a collective trademark application into a trademark application that contains the designation declared for registration as a trademark, application number, filing date, name of the association authorized to register a collective mark on its

name/name of the new applicant on the application for a trademark, the list of classes of ICGS.

### **Paragraph 2. The procedure of applications separation**

54. The applicant shall have the right, on his own initiative, to apply for separation of application at any stage of its consideration until the final expert conclusion with distribution of goods and services listed in the original application between the separated applications is made.

In case of separation of the application, the priority for each of applications shall be determined by the priority date of the first application.

The priority for separated applications shall be determined by the priority date of the original application of the same applicant, and if there is a right to establish an earlier priority for the original application - by the date of this priority, if at the filing date of the separated application the original application is not withdrawn and is not considered withdrawn and filing of the separated application was carried out before the decision on the original application.

55. A document of payment for separation of application for a trademark into classes at the initiative of the applicant shall be attached to the petition for separation of application.

In the absence of a document confirming the payment, an expert organization shall issue an invoice for payment. The payment document shall be submitted no later than one month from the date the invoice is sent for payment. If the document on payment is not submitted, the petition on separation of application for a trademark shall not be accepted for consideration, and the applicant shall be notified of this within five working days.

56. The separated application shall be assigned the number of the original application with the addition of a letter index.

57. The applicant shall be notified of the allocation of the application for a trademark, which contains the designation claimed for registration as a trademark, the number of the application highlighted, the date the application was filed, the name of the applicant, the list of classes of the Nice Classification.

57. The applicant shall be sent a notification on separation of application for a trademark, which contains the designation declared for registration as a trademark, the number of the selected application, the date of filing, the name of the applicant, the list of classes of the ICGS.

### **Paragraph 3. The procedure of making changes, additions, clarifications and corrections to the application materials**

58. The applicant shall have the right, on his own initiative, to add, clarify or correct the application materials at any stage of its consideration before the completion of the full examination, without changing them on the merits.

59. A petition for amendments, additions, clarifications and corrections to the application materials shall be made in writing. The petition shall be submitted on behalf of the applicant or his/her representative and contains the number of the application, the name of the applicant, information to be changed according to the application for a trademark.

**Footnote. Paragraph 59 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

60. Additions, clarifications or corrections relating to the declared designation shall be accepted by the expert organization if they do not change the designation on the merits and do not change the visual and/or phonetic impression of the designation.

61. Clarifications and corrections in the list of goods shall be allowed if they do not lead to its addition with new goods and / or services, and do not expand the scope of rights in comparison with the first submitted list of goods and / or services.

62. The petition for amendments, additions, clarifications and corrections to the application materials, filed at the initiative of the applicant, shall be accompanied by a document on payment for making changes to the application materials for registration of a trademark. In the absence of a document confirming payment, the application for amendments shall not be accepted for consideration, of which the applicant is notified within five working days.

**Footnote. Paragraph 62 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

63. The applicant shall be sent a notification on making changes to the application materials, which contains the designation declared for registration as a trademark, application number, application filing date, applicant's name, changed information on the trademark application.

64. The expert organization shall have the right to request additional materials necessary for consideration of a petition for making changes, additions, clarifications and corrections to the application materials.

65. During the consideration of an objection to the expert conclusion on a preliminary refusal in registration or partial registration of a trademark, it shall be allowed to enter changes to the application materials and the designation, which do not alter the declared designation on the merits, in order to eliminate the grounds preventing the registration of a declared designation as a trademark.

66. A petition for making changes to the application in terms of changing the nomination and/or address of the applicant may be filed with the expert organization before the registration of a trademark in the State register of trademarks.

The petition shall be attached with:

a document confirming the change of the surname, name/or patronymic (if any) of the individual and/or his place of residence or the name of the legal entity and/or his location;

a copy of the document confirming the payment of services of the expert organization for making changes;

a copy of the power of attorney, in case of conducting the office work on the application through a representative.

67. A petition for correction of an error (errors) in the application form, for entering clarifications, corrections and additions to the application shall be submitted to the expert organization before the completion of the examination.

The petition shall be attached with:

a new application form with entered clarifications;

a copy of the document confirming the payment of services of the expert organization for making changes;

a copy of the power of attorney, in case of conducting the office work through a representative

68. A petition for making changes shall be considered by the expert organization within fifteen calendar days from the date of receipt of the petition. According to the results of consideration of the petition that meets all the requirements, the applicant within five working days shall be sent a notification on entering the changes to the application materials.

#### **Paragraph 4. Making changes to the nomination or surname, name, patronymic of the applicant due to assignment of the right to receive the trademark**

69. A petition for the assignment of the right to obtain a trademark shall be made in writing. The petition shall be submitted on behalf of the applicant or his/her representative and contains an expression of the applicant's consent to the assignment of the right to obtain a trademark to another person, full information about the person to whom the right to obtain a trademark is assigned.

**Footnote. Paragraph 69 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

70. A document confirming the payment for making changes to the application materials for registration a trademark shall be attached to the petition. In the absence of a document confirming the payment, a petition for assignment the right to receive a trademark shall not be accepted for consideration, of which the applicant shall be notified within five working days.

71. A petition for making changes shall be considered by an expert organization within fifteen calendar days from the date of receipt of the petition. According to the results of consideration the petition, the applicant or the representative within five working days shall be sent a notification on entering the changes in the name of the applicant due to assignment of rights.

72. The expert organization shall have the right to request additional materials necessary to consider a petition for assignment of the right to receive a trademark.

**Chapter 5 Submission and examination of an application for registration of a geographical indication, appellation of origin of goods and/or granting the right to use a geographical indication, appellation of goods origin**

**Footnote.** The heading of chapter 5 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

73. The application shall be submitted through the office of the expert organization, the website of the expert organization or the Portal. The list of documents contained in the application for a geographical indication, appellation of origin of goods shall be established by Article 29 of the Law. An application for registration of a geographical indication, an appellation of origin of goods and (or) granting the right to use a geographical indication, an appellation of origin of goods shall be submitted in the form in accordance with Appendices 3 , 4 to these Rules. The application on paper shall be submitted in two copies.

**Footnote.** Paragraph 73 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Paragraph 2. Procedure for conducting the examination of an application for a geographical indication, appellation of origin of goods**

**Footnote.** The heading of paragraph 2 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

74. An expert organization, within three months from the date of filing an application, shall conduct an examination, during which the compliance of the designation with the requirements established by Articles 26, 27 and 29 of the Law shall be checked. When determining the designation to meet the requirements of Articles 26, 27 and 29 of the Law, an expert opinion shall be issued and a decision shall be made on the registration of a geographical indication, appellation of origin of goods and (or) granting the right to use a geographical indication, appellation of origin of goods.

**Footnote.** Paragraph 74 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten

calendar days after the day of its first official publication).

75. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

76. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

77. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

78. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

79. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

80. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

81. Is excluded by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

82. When filing an objection to the decision of an expert organization to refuse registration of a geographical indication or appellation of origin of goods and (or) granting the right to use a geographical indication or appellation of origin of goods, a document confirming the payment for consideration of the objection shall be attached to the objection. In the absence of a document confirming payment, the expert organization issues an invoice for payment. The payment document shall be submitted no later than one month from the date of sending the invoice for payment. If the payment document is not submitted, the objection shall not be considered.

Footnote. Paragraph 82 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

83. At the petition of the applicant, the deadline for filing an objection shall be extended, but not more than six months.

84. The deadline for filing an objection missed by the applicant shall be restored at the petition of the applicant filed within two months from the date of expiration of this term, indicating the reason for which this term was missed in the petition.



85. A petition for restoration of the missed deadline shall be filed by the applicant simultaneously with the objection, or with the petition for extension of the term of its submission.

86. A document for payment shall be attached to the petitions for extension of the term for filing an objection, restoration the term missed by the applicant. In the absence of a document confirming payment, an expert organization shall issue an invoice for payment. The payment document shall be submitted no later than one month from the date the invoice is sent for payment. If the document on payment is not submitted, the petitions shall not be accepted for consideration, of which the applicant shall be notified in written form within five working days.

87. After considering the objection to the decision to refuse registration of a geographical indication or appellation of origin of goods and/or granting the right to use a geographical indication or appellation of origin of goods, the expert organization shall make a final decision.

**Footnote. Paragraph 87 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 6. Certain issues of examination of an application for a geographical indication or appellation of origin**

**Footnote. The heading of chapter 6 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

88. During the examination of an application for registration of a geographical indication or appellation of origin of goods and/or granting the right to use a geographical indication or appellation of origin of goods, the applicant shall supplement, clarify or correct the application materials without changing them in essence.

**Footnote. Paragraph 88 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

89. A petition for amendments, additions, clarifications and corrections to the application materials shall be made in writing. The petition shall be submitted on behalf of the applicant or his/her representative and contains the number of the application, the name of the applicant, information to be changed according to the application.

**Footnote. Paragraph 89 is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

90. A petition for amendments to the application in terms of the name and address of the applicant, including the address of correspondence and information about the representative



of the applicant, shall be submitted to the expert organization before registration of a geographical indication or appellation of origin of goods and/or granting the right to use a geographical indication or appellation of goods origin in the State register.

The petition shall be attached with:

a document confirming the change of the name, surname and/or patronymic (if any) of the individual and/or his place of residence or nomination of the legal entity and/or its location;

a copy of the document confirming the payment of services of the expert organization for making changes;

a copy of the power of attorney, in case of conducting the office work on the application through a representative.

**Footnote. Paragraph 90 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

91. Petitions for correction of errors (errors) in the application materials, on making clarifications and additions to the application in terms of specifying the type of goods, descriptions of special properties, quality, reputation or other characteristics of the goods, place of origin (production) of the goods (borders of a geographical object) shall be presented to an expert organization before the completion of examination.

The petition shall be attached with:

a new application form with made clarifications;

a copy of the document confirming the payment of services of the expert organization for making changes;

a copy of the power of attorney, in case of conducting the office work on the application through a representative

92. If the petition does not meet the specified requirements, the petition on making changes shall not be accepted for consideration, and the applicant shall be notified of this in written within five working days.

In the absence of a document confirming the payment, a petition on making changes shall not be accepted for consideration, and the applicant shall be notified of this in written form within five working days.

93. A petition on making changes shall be considered by the expert organization within fifteen calendar days from the date of receipt of the application. According to the results of consideration of the application that meets all the requirements, the applicant within five working days shall be sent a notification on making changes in the application materials.

Appendix 1

to the Rules for conducting  
examination of applications for  
trademarks, service marks,  
geographical indications and  
appellations of goods origin

Footnote. The upper right corner is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The form

Date of receipt	Date of filing	№ of application
APPLICATION for trademark registration		Republican state enterprise “National Institute of Intellectual Property” of the Ministry of Justice of the Republic of Kazakhstan 010000, Astana, Korgalzhyn highway, building 3B
Registration of the submitted designation as a trademark (service mark) in the Republic of Kazakhstan is hereby requested		
		Collective trademark
Full name of the applicant indicating the organizational-legal form (or surname, first name, patronymic (if any), if the applicant is an individual).	Country code according to WIPO ST.3 standard (if established)	
Information about the state registration of a legal entity, BIN number (business identification number) or individual entrepreneur, TIN number (taxpayer identification number) (for applicants of the Republic of Kazakhstan)		
Information from the identity document, TIN number (taxpayer identification number) - for an individual (for applicants of the Republic of Kazakhstan)		
Address of the applicant, telephone, mobile phone, fax, E-mail		
Patent attorney or other representative: The applicant does not have a representative or a patent attorney. The applicant has a representative or a patent attorney Representative identification surname, name, patronymic (if any) Address (including postal code and country name):		
Address for correspondence (full postal address with indication of the addressee), telephone, mobile phone, fax, E-mail		
Convention priority is requested for previously filed application (s)		
First application number	Date of priority claimed	Code of filing country ST.3
Exhibition priority requested	Open show start date	
The claimed designation:		
place for placement trademark image (8x8 centimeter; 20x20 centimeter for labels)	Trademark in standard font execution Transliteration Non-protected elements Translation Trademark volumetric Holographic trademark Olfactory trademark Sound trademark Trademark in color execution Collective trademark Indication of colors:	
* The name is filled in the Kazakh and / or Russian languages for the applicants of the Republic of Kazakhstan;		

\*\* transliteration is completed in Russian for foreign applicants  
 tick necessary

Goods and services for which trademark protection is sought, grouped by classes of ICGS:

The claimed designation has an earlier registration in the Republic of Kazakhstan. № \_\_ registration

List of attached documents:  
 Images of the claimed designation in the amount of three copies, according to paragraph 4 of the Rules  
 List of goods / services (in case of a large list of goods / services that are not placed in the application form)  
 Copy of payment document: receipt / payment order  
 Copy of power of attorney  
 Certified copy of previously filed application (s)  
 Translation of a copy of the previously filed application  
 Charter of a collective trademark  
 Other documents (specify), including those noted in paragraph 4 of the Rules  
 Total sheets \_\_\_\_\_  
 List of attached documents note \_\_\_\_\_

I hereby confirm that the filing of an application for registration of the claimed designation does not violate the intellectual property rights of others

I agree to the use of information constituting a secret protected by law contained in information systems

Signature  
 Position of the authorized person (surname, first name, patronymic (if any)  
 date

Appendix 2  
 to the Rules for conducting  
 examination of applications for  
 trademarks, service marks,  
 geographical indications and  
 appellations of goods origin

Footnote. The upper right corner is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The form

### Similar letters and their combination

Kazakh transliteration	Russian transliteration	Latin transliteration
h-F- X	Ш=Ж	SH=SCH=J=G
Т-Д	Т=Д	T=D=GHT=TH
С-З-Ц	С=З=Ц	S=C=Z=SS
К-Г-Қ-Ғ	К=Г=X	K= Q= G=H
В-Ф	В=Ф	V=F=PH=FF=W
П-Б	П=Б	P=B
Ш-Ч	Ч-Ш	CH=TCH=SH
У-У-Ү	У=Ю	U=OO=YOU=OU
И-І	Е=И	E=Y=EE=EA=I
А-Ә	А=Я	

O-Ө	O=Y	
M-H-H	M=H	

Appendix 3  
to the Rules for conducting  
examination of applications for  
trademarks, service marks,  
geographical indications and  
appellations of goods origin

Footnote. The upper right corner is in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The form

Date of receipt	Date of filing	№ of application
Republican state enterprise “National Institute of Intellectual Property” of the Ministry of Justice of the Republic of Kazakhstan 010000, Astana, Korgalzhyn highway, building 3B		
APPLICATION for registration of the appellation of origin and (or) granting the right to use the appellation of origin		
for registration of the appellation of origin and granting the right to use it By submitting the documents specified below, I ask you to register the designation indicated in the application as an appellation of origin and grant the right to use it.	for granting the right to use the previously registered appellation of origin By submitting the documents specified below, I ask you to grant the right to use the previously registered appellation of origin	
Full name of the applicant indicating the organizational-legal form (or surname, first name, patronymic (if any), if the applicant is an individual entrepreneur).		Country code according to WIPO ST.3 standard
Information about the state registration of a legal entity or individual entrepreneur (for applicants of the Republic of Kazakhstan)		
Address of the applicant, telephone, mobile phone, fax, E-mail		
Patent attorney or other representative: The applicant does not have a representative or a patent attorney. The applicant has a representative or a patent attorney Representative identification nomination or surname, name, patronymic (if any) of the representative Address (including postal code and country name):		
Address for correspondence (full postal address with indication of the addressee), telephone, mobile phone, fax, E-mail		
The claimed designation (type in capital letters)		
Type of goods		
Description of special properties of the goods or information about its quality, reputation, and other characteristics		
Place of origin (production) of goods (boundaries of geographic object)		
List of attached documents		Number of sheets
document on payment for conducting examination of the application		
conclusion of local executive body		

document confirming the presence of special properties, quality, reputation and other characteristics	
power of attorney certifying the authority of the representative	
other documents (specify)	
List of attached documents note _____	
Signature	
Position (surname, name, patronymic (if any))	
date	

Appendix 4  
to the Rules for conducting  
examination of applications for  
trademarks, service marks,  
geographical indications and  
appellations of goods origin

Footnote. The rules are supplemented by Appendix 4 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 730 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

	Date of receipt	Date of filing	Application No.
	Republican state enterprise "National institute of intellectual property" of the Ministry of Justice of the Republic of Kazakhstan 010000, Nur-Sultan, Mangilik el Avenue, 57A		
	APPLICATION for registration of a geographical indication or granting the right to use a geographical indication		
<input type="checkbox"/> for the registration of a geographical indication and granting the right to use it By submitting the following documents, I hereby ask to register the designation indicated in the application as a geographical indication and grant the right to use it		<input type="checkbox"/> to grant the right to use the previously registered geographical indication By submitting the following documents, I hereby ask to grant the right to use the previously registered geographical indication	
Full name of the applicant, indicating the organizational-legal form (surname, name, patronymic (if any), if the applicant is an individual entrepreneur)			Country code according to the WIPO standard 3
Information on state registration of a legal entity or individual entrepreneur (for applicants of the Republic of Kazakhstan)			
Applicant's address, phone, mobile phone, telefax, E-mail			
Patent attorney or other representative:			
<input type="checkbox"/> The applicant has a representative or patent attorney			

Representative identification: name or surname, name, patronymic (if any) of the representative Address (including e-mail address, postal code and country name) <input type="checkbox"/>	
The applicant does not have a representative or patent attorney	
Applicant's address, phone, mobile phone, telefax, E-mail	
Address for correspondence (full postal address with addressee), telephone, mobile phone, telefax, E-mail	
The declared designation (print in capital letters)	
Type of goods	
Description of a certain quality, reputation or other characteristics of the goods	
Place of origin (production) of goods (borders of a geographical object)	
List of attached documents	Number of sheets
<input type="checkbox"/> document on payment for conducting an examination of the application	
<input type="checkbox"/> conclusion of the local executive body	
<input type="checkbox"/> a document confirming a certain quality, reputation or other characteristics of goods	
<input type="checkbox"/> power of attorney certifying the authority of the representative	
<input type="checkbox"/> other documents (specify)	
The list of attached documents note _____ Signature Position (surname, name, patronymic (if any) Date	

Appendix 4  
 to the order of the  
 Minister of Justice of the  
 Republic of Kazakhstan  
 dated August 29, 2018,

## **Rules for conducting examination of applications for registration of integrated circuits topologies**

### **Chapter 1. General Provisions**

1. These Rules for examination of applications for registration of integrated circuits topologies (hereinafter - the Rules) are developed in accordance with paragraph 2 subparagraph 2) of Article 4 of the Law of the Republic of Kazakhstan dated June 29, 2001 "On the legal protection of integrated circuits topologies" (hereinafter - the Law) and shall determine the procedure for examination of applications for registration of integrated circuits topologies.

2. The following definitions are used in these Rules:

1) integrated microcircuit - a microelectronic product of final or intermediate form, designed to perform the functions of an electronic circuit, the elements and connections of which are inseparably formed in the volume and (or) on the surface of the material on the basis of which the product is made;

2) the topology of an integrated microcircuit (hereinafter - topology) - the spatial-geometric arrangement of the elements set of the integrated microcircuit fixed on the material carrier and the connections between them;

3) the right holder - the author, his successor, as well as any individual or a legal entity who has the exclusive right acquired by virtue of the law or the contract;

4) patent attorneys - citizens of the Republic of Kazakhstan who, in accordance with the legislation of the Republic of Kazakhstan, have been granted the right to represent individuals and legal entities before the authorized body in the field of intellectual property and an expert organization;

5) expert organization - an organization established in accordance with Article 4-1 of the Law by decision of the Government of the Republic of Kazakhstan in the organizational and legal form of a republican state enterprise on the right of economic management, subordinate to the authorized body in its activities;

6) the authorized body - the Ministry of Justice of the Republic of Kazakhstan.

### **Chapter 2. The procedure for filing an application for examination on the registration of integrated circuits topologies**

3. The author of a topology or other right holder shall have the right to register the topology by submitting an application for registration the topology of an integrated circuit ( hereinafter- the application) to an expert organization.

The exclusive right to a topology created in the order of performance of official duties or a specific task of the employer belongs to the employer, unless otherwise provided by the contract between him and the author.

The author of the topology shall submit an application in the following cases:

if the topology is not created in the order of performance of official duties or a specific task of the employer;

if the topology is performed in the order of performance of official duties or a specific task of the employer, but the contract between the author and the employer provides for the author's right to receive a certificate of registration.

4. The application shall be submitted to the expert organization on purpose through the office of the expert organization, or sent by mail.

5. The application shall be submitted by the applicant directly or through a representative, including through a patent of attorney registered with an authorized body.

The powers of the representative are confirmed by the power of attorney.

The application contains the following documents:

1) an application for registration of the integrated circuits topology indicating the author (s) and the person (s) in whose name the registration is requested, as well as their place of residence or location, date of first use of the topology, if any, in according to the Appendix these Rules;

2) materials identifying the topology, including the abstract;

3) a copy of the power of attorney issued in accordance with the requirements of the Civil code of the Republic of Kazakhstan dated December 27, 1994 (hereinafter- the Civil Code), if the application for registration is submitted through a representative;

A document confirming the payment for the services of an expert organization for registration of integrated circuits topologies shall be attached to the application.

6. The application and the document attached to it shall be submitted in the Kazakh and Russian languages. The translation is submitted simultaneously with the application or no later than two months from the date of receipt of the application.

7. All documents shall be registered with the possibility of their subsequent reproduction.

Each sheet is used only on one side with the arrangement of lines parallel to the smaller side of the sheet.

8. Application documents are made on durable, white, smooth, opaque, non-glossy paper.

9. The second and subsequent sheets are numbered in Arabic numerals in each document of the application.

When applying from two or more applicants, the application and addition (s) to it shall be signed by each of them.

10. Materials identifying a topology not used for commercial purposes prior to the date of the application receipt for registration shall contain:

1) a complete set of one of the types of visually perceptible materials displaying each layer of the topology;

2) the combined topological drawing or layered topological drawings.

The abstract intended for subsequent publication in the official bulletin shall contain the following information:



surname, name, patronymic (if any) of each author (s) indicated in the application and addition (s) to it;

surname, name, patronymic (if any) or the name of each right holder;

topology name;

type of technology used for the manufacture of integrated circuits;

an annotation including the field of application, purpose, or function of an integrated circuit.

annotation volume - up to 700 characters.

11. In order to identify the topology used for commercial purposes prior to the date of receipt of the application for registration, the materials identifying the topology, additionally contain samples of an integrated circuit, including this topology, in the form in which it was used for commercial purposes, in two copies, and the abstract additionally contains information about the date of first use for commercial purposes and the main technical characteristics of the sample of an integrated circuit.

12. In visually perceptible materials, images are represented on a scale of at least 20: 1.

Images in photos should be contrasted.

All copies of drawings and photographs shall indicate the scale of the images.

13. If a topology layer contains confidential information in visually perceptible materials, the corresponding part of this layer (or the entire layer) shall be removed and included in the materials identifying the topology in coded form.

### **Chapter 3. The procedure for conducting business on applications for examination of registration of integrated circuits topologies**

14. To conduct correspondence on an application after it has been submitted and to protect his interests when considering an application, an applicant can appoint a representative with issuing him a power of attorney registered in accordance with the requirements of the Civil code.

15. Individuals residing outside the Republic of Kazakhstan or foreign legal entities shall conduct business on registration of topology through patent attorneys.

Individuals permanently residing in the Republic of Kazakhstan, but temporarily staying outside its borders, may conduct business related to registration of a topology without a patent attorney when indicating the address for correspondence within the Republic of Kazakhstan.

16. Materials sent after the application is submitted shall contain its number and the signature of the applicant or his representative, otherwise the materials are returned without consideration.

17. Proceedings shall be conducted in Kazakh or Russian.

Materials submitted with deficiencies of registration that are impossible to read shall not be considered. The person submitting such materials shall be sent an appropriate notification.

18. At the request of the authorized body or on his own initiative, the applicant shall add, correct and clarify the application materials prior to publication of information in the official bulletin.

Corrected materials shall be submitted by the applicant in the form of replacement sheets.

If corrections concern typographical errors, errors in specifying bibliographic data and do not lead to negative consequences in terms of clarity in direct reproduction, the need for corrections can be expressed in the letter of the applicant without submitting replacement sheets.

**Chapter 4. The procedure for examination of applications for registration of integrated circuits topologies**

19. If the received documents contain an application and drawings or a copy of the topology, then they shall be registered with the date of their receipt. The application shall be assigned an incoming number.

The applicant shall be notified of the fact of receipt of the application materials by issuing or sending him a single copy of the application with the details provided by the authorized body (incoming number and date of receipt).

20. The expert organization within five working days when considering the application shall check:

availability of documents contained in the application or attached to it;

compliance with the requirements for application documents established by these Rules.

Consideration of application shall be carried out without checking the originality of the topology, the applicant's right to protection or accuracy of the information specified in the application.

21. In the absence of documents provided for in paragraph 5 of these Rules in the application, or identifying deficiencies in registration of documents that prevent their direct reproduction (violation of the requirements for the format of sheets, size of fields, print quality) or impossible to read of application materials, registration of the topology shall not be made, and the application shall be considered withdrawn.

Appendix  
to the Rules of conducting  
examination of applications for  
registration of integrated circuits  
topologies  
The form

INCOMING NUMBER _____	21) REGISTRATION number of the application _____	(22) Filing Date _____
Date of receipt: _____ _____ 20____ _____		

APPLICATION on registration of integrated circuit topology	CORRESPONDENCE ADDRESS (Postal code, address on the territory of the Republic of Kazakhstan; surname, first name, patronymic (if any) or nomination of the legal entity)	
	Phone:	Fax:
	E-mail address:	
By submitting the specified below documents, the applicant confirms the absence of information constituting state secrets in the object submitted for registration and grants the Republican state enterprise "National Institute of Intellectual Property" of the Ministry of Justice of the Republic of Kazakhstan the right to reproduce materials identifying the registered object on paper and by recording on electronic media, including recording to the memory of an electronic computer, for the purposes necessary to provide public services.		
1. NAME OF INTEGRATED CURCUIT with REGISTERED TOPOLOGY ALTERNATIVE NAME: ABBREVIATION:		
2. RIGHT HOLDER (APPLICANT (AND) BUSINESS IDENTIFICATION NUMBER: _____ _____ IDENTIFICATION (INDIVIDUAL) TAXPAYER NUMBER: Identity document number: _____ (Surname, name, patronymic (if any) and place of residence (for an individual) or nomination of a legal entity ( according to constituent documents) and location, (for a legal entity), including the name of the country are indicated. Data on the residence of the author (s)-the applicant(s) are given in column 5A)		
3. GROUNDS FOR ACCRUAL THE RIGHT TO REGISTERED TOPOLOGY (mark [X]) (to be completed if the applicant is a legal entity, or the list of applicants does not correspond to the list of authors) <input type="checkbox"/> the applicant is the author's employer <input type="checkbox"/> transfer of rights by the author or his successor to the applicant <input type="checkbox"/> transfer of rights by the employer to the applicant <input type="checkbox"/> as a universal succession (inheritance, reorganization) <input type="checkbox"/> applicant is the author <input type="checkbox"/> _____ Other - specify		
4. PLACE AND DATE OF FIRST USE OF REGISTERED TOPOLOGY Country: _____ date: month: year:		
5. AUTHORS Total authors _____ <input type="checkbox"/> authors refused to be mentioned as such		
5A. INFORMATION ABOUT THE AUTHOR Surname, name, patronymic (if any): Date of birth: date: month: year: Nationality: I agree to the use of information constituting a secret protected by law contained in information systems Permanent address, including country, telephone number: Brief description of the author's creative contribution to creation of the registered topology:		
6. DATA ABOUT THE RIGHT HOLDER ON THE DATE OF TOPOLOGY USE Surname, name, patronymic (if any): Citizenship: Address: Phone:		
6A. INFORMATION ON PROTECTED TOPOLOGIES (used to create this topology)		
7. PAYMENT OF SERVICES OF THE REPUBLICAN STATE ENTERPRISE "NATIONAL INSTITUTE OF INTELLECTUAL PROPERTY" <input type="checkbox"/> paid <input type="checkbox"/> not paid		

INFORMATION ABOUT THE PAYER (surname, first name and patronymic (if any) of the individual or nomination of the legal entity are indicated):

For an individual

Number and date of Identity document:

INT:

for a legal entity

BIN:

CBC:

BIC:

8. CONTACT DETAILS FOR SUBMISSIONS TO THIRD PARTIES

(telephone, email, and others):

9. SIGNATURE (S) OF THE APPLICANT (S) (OF THE RIGHT HOLDER (S) OR HIS (THEIR) REPRESENTATIVE (S))

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(On behalf of the legal entity, the application shall be signed by the head of the organization or another person authorized to do so in accordance with the procedure established by the legislation of the Republic of Kazakhstan, indicating his position, and sealed by the legal entity if there is a seal.

The signature of any person must be decrypted with the name and initials and the date of signing the application must be indicated.

The right holders - individuals confirm their agreement with the processing of the personal data specified in this application for the purposes and scope necessary for the provision of state service, and during the term of the exclusive right to the registered object)