

КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
ӨКМӨТҮНӨ КАРАШТУУ
ИНТЕЛЛЕКТУАЛДЫК МЕНЧИК
ЖАНА ИННОВАЦИЯЛАР
МАМЛЕКЕТТИК КЫЗМАТЫ



ГОСУДАРСТВЕННАЯ СЛУЖБА
ИНТЕЛЛЕКТУАЛЬНОЙ
СОБСТВЕННОСТИ И ИННОВАЦИЙ
ПРИ ПРАВИТЕЛЬСТВЕ
КЫРГЫЗСКОЙ РЕСПУБЛИКИ

STATE SERVICE OF INTELLECTUAL PROPERTY AND INNOVATION
UNDER THE GOVERNMENT OF THE KYRGYZ REPUBLIC

720021, Кыргыз Республикасы
Бишкек ш. Москва көчөсү, 62
Тел.: 996 (312) 68 08 19
Тел/факс: 996 (312) 68 17 03
e-mail: info@patent.kg
<http://www.patent.kg>

720021, Кыргызская Республика
г. Бишкек, ул. Московская, 62
Тел.: 996 (312) 68 08 19
Тел/факс: 996 (312) 68 17 03
e-mail: info@patent.kg
<http://www.patent.kg>

62, Moskovskaya Street
720021, Bishkek, Kyrgyz Republic
Tel.: 996 (312) 68 08 19
Tel/fax: 996 (312) 68 17 03
e-mail: info@patent.kg
<http://www.patent.kg>

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Dr. Francis Gurry
Director General
World Intellectual Property Organization

Dear Dr. Gurry,

Referring to you Circular C.8828 of February 13, 2019 according to the decision of the Standing Committee on the Law of Patent (SCP), at its twenty-ninth session which was held in Geneva from December 3 to 6, 2018 we would like to inform you on the following.

I. On the question on draft reference document on the exception regarding compulsory licenses, please be informed that in practice compulsory licenses have not been applied.

II. Regarding the inventive step in the chemical sector inform you that according to the clause 5 of paragraph 19.17 of the Rules for compiling, filing and consideration of the application for a patent for invention, condition of inventive step are correspond, in particular:

- methods for the preparation of new individual compounds (class, group) with a fixed structure;

- methods for the preparation of known individual compounds (class, group) with a fixed structure, if they are based on for the new class or group of compounds or a known reaction for a given class or group of compounds of the reaction conditions of which are not known;

- a composition comprising at least two known ingredients providing a synergistic effect, which is not possible to achieve results from the prior art (i.e., exhibiting the properties of both components, but quantitative indicators of at least one of these properties higher than the properties of the individual ingredient);

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

III. Regarding an update documents on the confidentiality of communications between clients and patent advisors based on document (SCP/29/5) please be informed, that according to the Article 14 of “Law on Patent Attorneys”, information that patent attorney receives from a client in connection with his commission shall be considered as confidential, if other does not indicated by client or does not obviously follow from his/her actions.

Patent attorney is obliged to provide safety of documents which he receives and/or draws up in connection with his obligation as a patent attorney. Patent attorney shall not hand these documents or their copies to the third parties or orally disclose information containing in these documents without written permission of his client.

Article 13 of this Law defines the responsibility of patent attorney. Patent attorney bears material and other liability for unqualified and deficient meeting commitments of agreement with a client in accordance with legislation of the Kyrgyz Republic.

Appellation Commission of authorized state body in the field of Intellectual Property shall consider all complaints against unsatisfactory implementation of a patent attorney’s professional duties and infringement of legal acts of the Kyrgyz Republic.

IV. Regarding the information on patent law provisions and practices that contributed to effective transfer of technology in Member States please be informed that said Law of the Kyrgyz Republic “On innovation Activity” of November 26, 1999 No.128 intended level increase economic, environmental and social welfare of the population and the security of the state by enhancing and effective management of innovation and investment activities, the transfer of scientific achievements and mastered technologies to the production of goods and services on the whole territory of the republic.

The purpose of innovation is the effective transfer to the production of the technological solutions in the form of knowledge, technology, equipment and methods of organizing production in order to obtain new products (services) or goods (services) with new qualities.

In order to maintain the information collected through the activities of the SCP up-to-date:

I. Effective data on Patent legislation of the Kyrgyz Republic are available on the WIPO website at: http://wipo.int/scp/en/annex_ii.html.

II. Regarding national and regional laws on opposition system and other administrative revocation and invalidation mechanisms please be informed, that according to the Article 31 of the Patent law, patent during its valid period could be invalidated completely or partly upon objection against in the following cases:

a) The protected solution does not comply with criteria of patentability as provided by this Law;

б) The formula of the invention, utility model or the list of essential features of the industrial design contain features missing in the initial documents of the application;

в) author (authors) or owners incorrectly indicated in the patent.

A person who initiated an objection must give his/her reasons for it and submit a document certifying payment fee.

An objection should be applied in official or state language and it should be in duplicate.

An objection against the grant of a patent on the grounds provided in points 1) and 2) of this Article and must be examined by the Appellation Council within six months after date of its receipt; patent owner must be got acquainted with the objection.

A person who filed an objection and the patent owner may participate in its consideration. In this case, the Appellation Council shall not go beyond the reasons, contained in the objection against the grant of a patent.

If applicant does not agree with the decision of the Appellation council on the objection against the grant of a patent any of the parties may, within the period of six months from the date of making a decision, file claim with the court.

III. Regarding question on "International worksharing and collaborative activities for search and examination of patent applications" please be informed that according to the agreement on carrying out patent search and examination on applications for inventions and industrial designs within scientific and technical cooperation between Scientific-Research Institute of the State Patent Examination and Patent Department of the Kyrgyz Republic of September 2, 1993, the Federal Institute of Industrial Property of Rospatent is carrying out research and examination on the basis of requests initiated by Kyrgyzpatent within a framework of mentioned agreement and contract to this agreement.

Sincerely yours,



Dinara Moldosheva
Chairperson