Decree No 949
of the Cabinet of Ministers of the Republic of Kazakhstan

Concerning the Approval of the Procedure for Issuing the Protection Documents of the Republic of Kazakhstan on Inventions, Industrial Samples, Trade Marks and Service Marks Which are Protected by the Protection Documents of the USSR

the 11th of November, 1992

For the purposes of protecting in the territory of the Republic of Kazakhstan of the rights of inventors and patent holders of the inventions, industrial samples, trade marks and service marks which are protected by the protection documents of the USSR, and also those the applications whereon are being considered by the Committee of the Russian Federation for Patents and Trade Marks (Rospatent), the Cabinet of Ministers of the Republic of Kazakhstan RESOLVES:

1. That the effect in the territory of the Republic of Kazakhstan of the protection documents of the USSR which were issued earlier for the items of an industrial property prior to issue their own protection documents of the Republic of Kazakhstan shall be recognised.

2. That the right shall be granted to authors in conjunction with the applicant and patent holder to petition the cessation of the effects of the protection documents of the USSR in respect of the items of industrial property in the territory of the Republic of Kazakhstan with the simultaneous issuance of patents and certifications of the Republic of Kazakhstan.

3. That the procedure shall be approved for issuing protection documents of the Republic of Kazakhstan for the inventions, industrial samples, trademarks and service marks which are protected by the protection documents of the USSR (attached).

The requirements to the materials and proforma petitions for the issue of patents and certificates of the Republic of Kazakhstan in respect of author's certificates and patents of the USSR as well as applications which are being considered by Rospatent shall be established by the National Patent Department attached to the Cabinet of Ministers of the Republic of Kazakhstan.

Prime Minister of the Republic of Kazakhstan
S. Tereshchenko

Procedure

for issuing protection documents of the Republic of Kazakhstan on the inventions, industrial samples, trademarks, and service marks which are protected by the protection documents of the USSR

In order to issue protection documents of the Republic of Kazakhstan for inventions, industrial samples, service marks, trademarks (henceforth - trade marks) on the protection documents of the USSR petitions shall be presented to the National Patent Department attached to the Cabinet of Ministers of the Republic of Kazakhstan (henceforth - Kazpatent).

1. The inventions which are protected by author's certificates and patents of the USSR, the patents of the Republic of Kazakhstan shall be issued for a term which does not exceed 20 years accounting from the date of the receipt of the application (with the option of extending the term of the effect of a patent for another 5 years) on the condition of satisfying of the petition submitted by the author in conjunction with the applicant or patent holder before the 1st of December, 1993 concerning the issue of the patent of the Republic of Kazakhstan and upon the payment of the state duty in the amount of one half of the minimum wage.

Patents of the Republic of Kazakhstan shall be issued for industrial samples which are protected by the certificates and patents of the USSR for a term of 10 years counting from the date of the receipt of the application (with the option of extending the term of the effect of the patent for another 5 years) under the condition of satisfying the petition submitted by the author in conjunction with the applicant or patent holder before the 1st of December, 1993 concerning the issue of the patent of the Republic of Kazakhstan and upon the payment of the state duty in the amount of one half of the minimum wage.

An exclusive right to inventions and industrial samples shall arise from the date of the issue of the patent of the Republic of Kazakhstan

2. A payment document confirming the payment of the state duty and the protective documents of the USSR shall be attached to the petition concerning the issue of patents of the Republic of Kazakhstan for each item.

In the case where the agreement between the applicant and patent holder and author (authors) of an invention or an industrial sample concerning the joint submission of the petition is not reached the issue of the patent shall not be made.

3. In accordance with the applications for the issued patents for inventions, certificates or patents for industrial samples which are being considered by Rospatent and the document processing in respect thereof is not accomplished and the protection documents have not been issued, the applicants in conjunction with the author shall have the right to submit petitions to be issued the patents of the Republic of Kazakhstan with the preservation of the priority based on the initially submitted applications.

The submission of petition shall be conducted till the 1st of March, 1993. Copies of materials of the application which are certified by the Research and Development Institute of the State Patent Expert Evaluations (henceforth NIIGPE) of the Rospatent and also the document confirming the payment of the state duty in the amount of one half of the minimum wage shall be attached to the petition.

4. Physical persons and legal entities of the Republic of Kazakhstan which use or who have made all the required preparations for the use of inventions and industrial

samples for which author's certificates have been issued or certificates for industrial samples prior to the date of submission of the petition to be issued the patent of the Republic of Kazakhstan and shall further use them independently from the will of the patent holder without extending the volume of the scope.

5. The current trademarks which are protected by the certificates of the USSR shall be registered with the issue of the certificates of the Republic of Kazakhstan for 10 years (with the option of extending) upon the petition of their owner submitted before the 1st of November 1993 together with the copy of the certificates and the documents concerning the payments of the state duty in the amount of one half of the minimum wage.

6. Trademarks which have been submitted for the registration to Rospatent prior to the 4th of December, 1992 upon the petition of the applicant shall be registered by Kazpatent with the preservation of priority and consideration of the resolution of the experts.

The petition shall be presented before the 1st of November, 1993 and attached to it there shall be the decision of the exports of “NIIGPE” or the notice of acceptance for consideration of the application of the resolution has not been received and also the documents confirming the payment of the state duty in the amount of one half of the minimum wage.

7. If owing to the circumstances of which the applicant has no control, the petitions to be issued the patents of the Republic of Kazakhstan for invention and industrial samples might not be submitted before the 1st of November, 1993 , their terms may be extended for 2 months.

8. Kazpatent upon the issue of the appropriate protection documents of the Republic of Kazakhstan shall publish the information thereon.