

## **Regulation**

### **On Appeal of Board at the State**

#### **Intellectual Property Service of the Kyrgyz Republic**

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##### **I. General Regulations**

1. The Appeal of Board at the State Intellectual Property Service of the Kyrgyz Republic (Kyrgyzpatent) is compulsory primary body for disputes concerning eligibility for protection of Industrial Property and Selection Achievements in the Kyrgyz Republic, and also implements other powers within the competence of the Appeal of Board and the present Regulations other normative legal acts of the Kyrgyz Republic.

2. Appeal of Board under Kyrgyzpatent (Appeal of Board) is created in order to improve the activities of Kyrgyzpatent in providing legal protection of intellectual property.

3. Appeal of Board is guided by the Constitution and laws of the Kyrgyz Republic, international treaties for the protection of intellectual property, a party to which the Kyrgyz Republic, other normative legal acts of the Kyrgyz Republic, as well as the present Regulations.

##### **II. Tasks of the Appeal of Board**

4. The main objectives of the Appeal Board are:

a) Judicial review of disputes on protects ability of Industrial Property and Selection Achievements in the Kyrgyz Republic, the adjudication of Appeals and applications;

b) ensuring applicants' rights are protected by law, holders of titles of protection for Industrial Property and Selection Achievements, as well as the interests of other individuals and entities in the consideration of objections to the decision of Kyrgyzpatent and objections to the issuance documents of title or registration of Industrial Property and Selection Achievements;

c) Preparation of proposals to improve the legislation of the Kyrgyz Republic in the area intellectual property based on the practice of objections and statements submitted in the Appeal of Board;

d) Improving the consideration of objections and statements on the basis of analysis of the practice before the Appeal of Board and international practice;

e) Participation in international cooperation on matters of dispute resolution in the area intellectual property.

##### **III. The functions of the Appeal of Board**

5. The Appeal of Board in accordance with the tasks assigned to it performs the following functions:

– Consider objections to the decision of the examination of applications for Industrial Property rights, including the preliminary objections to the decision to refuse the registration of a trademark, service mark;

- Consider objections to the decision of the examination of applications for Selection Achievements, including the objections received during the examination of Selection Achievement on novelty;
- Consider objections to the issuance of security documents, as well as the registration of Industrial Property in the territory of the Kyrgyz Republic;
- Consider objections to the issuance of security documents for selection achievements;
- Ensure the confidentiality of the objections to the Appeal of Board;
- Considering the application for recognition of a Trademark, Service Mark generally known in the Kyrgyz Republic;
- Consider applications for recognition of the loss of well-known Trademark status of the well-known;
- Makes judgments and decisions when considering the objections and statements.

#### **IV. Rights of the Appeal of Board**

6. The Appeal of Board has the right to:

- a) Ask individuals to file an objection, as well as other interested persons additional information necessary to make a decision and carry with them the correspondence;
- b) Publish in the established order in publications Kyrgyzpatent results generalize the practice of dispute resolution of the Appeal of Board;
- c) In exceptional cases, to go beyond the stated requirements, depending on the circumstances of the case to find out;
- d) To appoint an independent examination of its ruling to clarify issues that requires special knowledge;
- e) To make a particular decision in respect of staff, departments Kyrgyzpatent and its subordinate organizations, as well as patent attorneys when it detects violations of law or significant shortcomings in their work;
- f) Participate in symposia, conferences, meetings, seminars, etc., as well as in international cooperation on issues related to the competence of the Appeal of Board

7. The Appeal of Board shall:

- a) Consider the objections and claims in accordance with the principle of collegiality;
- b) To provide a complete and comprehensive study of the submissions, objective evaluation the facts cited in the objections and statements;
- c) To make informed and reasoned decisions in accordance with the legislation of the Kyrgyz Republic;
- d) Ensure, where appropriate, the confidentiality of the objections and statements;
- e) To ensure the observance and protection of the rights and legitimate interests of the applicants, holders of security documents, and other persons in the consideration of objections and statements.

#### **V. Organization of the Appeal of Board**

8. The Board of Appeal form Kyrgyzpatent Chairman the Appeal of Board, his deputy, the members and the secretary.

The Chairman of the Appeal of Board is the Director of Kyrgyzpatent.

9. The composition of the Appeal of Board approved by order of the Director Kyrgyzpatent of the most competent staff of Kyrgyzpatent and its subordinate organizations of 7 members.

Secretary of the Appeal of Board is a permanent official acting as receptionist, without the right to vote on decisions by the Appeal of Board.

The composition of the Appeal of Board may not include persons who are in relationship with each other in the relationship with the participants of the complaint, objection or application, as well as persons who participated in making the examination of the contested decision or the decision to grant the disputed title of protection for industrial property and selection achievement.

10. The Chairman of the Appeal of Board held personally responsible for the activities of the Appeal of Board, and is responsible for organizing the work of the Appeal of Board, conducts meetings, ensures the implementation of its decisions, as well as sets the degree of responsibility the deputy, the members and the secretary of the Appeal of Board.

In the absence of the Chairman of the Appeal of Board its functions are performed by the Deputy Chairman of the Appeal of Board.

11. At a resolution of disputes between members of the Appeal of Board are independent and act in strict accordance with and under the law, ensuring the validity and legitimacy of submitted definitions and solutions.

## **VI. Final Regulations**

12. For cases not covered by this Regulation, the provisions of the Civil Procedure Code of the Kyrgyz Republic.

13. Applications submitted before the entry into force of this Regulation are considered further and fall under its scope.