
Decree of the Government of the Kyrgyz Republic

Bishkek, May 20, 2014 No 263

On the Introduction of Amendments and Supplements to certain Regulations of the Government of the Kyrgyz Republic

(In the edition of the Resolution of the Government of the KR dated October 3, 2016 No. 523)

In order to bring the decisions of the Government of the Kyrgyz Republic in line with the Law of the Kyrgyz Republic "On Trademarks, Service Marks and Appellations of Origin", guided by Articles 10 and 17 of the Constitutional Law of the Kyrgyz Republic "On the Government of the Kyrgyz Republic", the Government of the Kyrgyz Republic decides:

1. - (Expired in accordance with the Resolution of the Government of the KR dated October 3, 2016 No. 523)
2. - Introduce the following amendments and additions to the Resolution of the Government of the Kyrgyz Republic "On the Implementation of the Law of the Kyrgyz Republic" On Trademarks, Service Marks and Appellations of Origin "dated August 24, 2000 No. 520:
 - in the Regulations on well-known trademarks in the Kyrgyz Republic, approved by the above-mentioned resolution: -
 - in Clause 1 the words "State Agency for Science and Intellectual Property under the Government of the Kyrgyz Republic" shall be replaced by the words "Authorized state body in the field of intellectual property"; -
 - In Clause 3: -
 - Paragraph 2 of the Clause 3 shall be stated as follows: -
 - "The well-known trademark is protected in respect of all goods in connection with which the sign has gained its fame. The legal protection of a well-known trademark also applies to goods that are not homogeneous with those in respect of which it is recognized as well-known if the use by another person of this trademark in respect of goods will be associated with consumers with the owner of the exclusive right to a well-known trademark and may infringe upon the legitimate interests of such owner. "; -
 - supplement with the third paragraph of following content: -
 - "Legal protection of a well-known trademark is valid for an unlimited period."; -
 - supplement with the Clause 8-1 of following content: -
 - "8-1 The trademark and designation cannot be recognized as well-known trademarks if they become widely known after the priority date of the identical or similar to the degree of confusion of the trademark of another person intended for use with respect to similar goods."
3. - Introduce the following amendment to the Resolution of the Government of the Kyrgyz Republic "On Approval of the Regulation on the Procedure for Customs Control with respect to Goods Containing Intellectual Property Items" dated November 27, 2000 No. 694:
 - in the second paragraph of sub clause 2 of clause 4 of the Regulation on the procedure of customs control with respect to goods containing objects of intellectual property approved by the above-mentioned resolution, the words "the State Intellectual Property Service of the Kyrgyz Republic" shall be replaced by the words "authorized state body in the field of intellectual property".

4. - Introduce the following amendments and additions to the Decree of the Provisional Government of the Kyrgyz Republic "On Approval of the Rules for Submitting Objections, Applications and Their Considerations to the Appeals Council under the State Service for Intellectual Property of the Kyrgyz Republic" dated July 9, 2010 No. 117:

in the title and Clause 1 the words "State Service of Intellectual Property of the Kyrgyz Republic" shall be replaced by the words "State Service of Intellectual Property and Innovations under the Government of the Kyrgyz Republic";

in the Rules for submission of objections, applications and their consideration in the Appeals Council under the State Service of Intellectual Property of the Kyrgyz Republic, approved by the above-mentioned resolution:

- in the title of the word "State Service of Intellectual Property of the Kyrgyz Republic" shall be replaced by the words "State Service of Intellectual Property and Innovations under the Government of the Kyrgyz Republic";

- Clause 1 shall be stated as follows:

"1. These Rules determine the procedure for filing objections, applications and their consideration in the Appeals Council under the State Service of Intellectual Property and Innovations under the Government of the Kyrgyz Republic (hereinafter - the Rules). ";

- In Clause 2 the words "State Service of Intellectual Property of the Kyrgyz Republic" in various cases shall be replaced with the words "State Service of Intellectual Property and Innovations under the Government of the Kyrgyz Republic" in the relevant cases;

- in Clause 3:

in Sub Clauses 3 and 4, the words "for provisional refusal" shall be replaced by the words "on pre-refusal";

in Sub Clause 5, the words "selective achievement" should be deleted;

Sub Clause 14 shall be stated as follows:

"14) against the grant of a patent for an invention, including a patent for an invention obtained in accordance with the Eurasian Patent Convention, an industrial design, utility model, selection achievement;"

- in Paragraph 12 of the Clause 7 the word "generally known" shall be excluded;

- Clause 8 shall be amended with paragraph 2 of the following content:

"For the objection provided for in Sub Clauses 2, 3, 4, 7, 8, 9 and 12 of paragraph 3 of these Rules, in respect of similar goods, the consent of the owner of the trademark specified in clauses 5 (1) 1), 2 and 3 of the Law of the Kyrgyz Republic "On Trademarks, Service Marks and Appellations of Origin of Goods", for registration of the filed designation. ";

- in Clause 14 after the word "writing" shall be supplemented with the words "objection or";

- in Clause 19:

in the first Clause after the words "for consideration" add the words "Appeals Board";

Paragraph 2 shall be stated as follows:

"An application shall be submitted in writing, indicating valid reasons, and shall be accepted if it is received three working days before the announced time for consideration of the objection or application.";

- in Paragraph 2 of the Clause 22 after word "confirmed", supplement the words "properly designed";

- in paragraph 2 of the Clause 25 after the word "objection" supplement by the words "or application";

- Clause 32 shall be reworded as follows:

32. A reasoned decision of the Appeals Board shall be drawn up and sent to the person who filed an objection or application, in case of challenging the protection document or registration, also to the owner of the protection document, within a month from the date of the decision, if necessary, a copy of the decision may be forwarded to the appropriate units of Kyrgyzpatent. ";

- Clause 34 shall be considered as invalid;

- In Clause 35 the words "from the date of adoption" shall be replaced by the words "from the date of receipt".

5. To include in the Decree of the Provisional Government of the Kyrgyz Republic "On approval of the Rules for the registration of a contract on the assignment of a title to an industrial property subject, selection achievement, a license agreement on granting the right to use it, a pledge agreement on an industrial property object and a technology transfer agreement" from July 9, 2010 No. 118 the following amendments and supplements:

in the title and in Clause 1 the words "patent pledge agreement" shall be replaced by the words "of the contract on the pledge of the exclusive right";

in the Rules of registration of a contract on the assignment of a title to an industrial property object, a selection achievement, a license agreement on the grant of the right to use them, a pledge agreement for a patent for an industrial property object and a technology transfer agreement approved by the above-mentioned resolution:

- in the title and throughout the text the words "patent pledge agreements" in various cases are replaced by the words "contract on the pledge of the exclusive right" in the corresponding cases;

- the second paragraph of Clause 1 shall be reworded as follows:

"Registration in the authorized state body in the field of intellectual property (hereinafter - Kyrgyzpatent) in accordance with the legislation of the Kyrgyz Republic is subject to an agreement on the assignment of a title to an industrial property object, a selection achievement and a license agreement on granting the right to use it, object of industrial property registered in the State Inventory of Inventions, the State Register of Utility Models, State Register of Trademarks and Service Marks, the State Register of Trade Names and the State Register of Selection Achievements. ";

- in the Clause 2:

the third paragraph should be reworded as follows:

"Kyrgyzpatent is an authorized state body in the field of intellectual property;"

the fifth paragraph after the words "service mark" is supplemented with the words ", firm name";

the sixth paragraph after the words of the "Kyrgyz Republic" supplement with the words ", Eurasian patents";

the ninth paragraph after the words "their use" shall be supplemented with the words ", the agreement on the pledge of the exclusive right to the object of industrial property";

paragraph fourteenth after the words "concluding the contract" shall be supplemented by the words "or their representatives";

the fifteenth paragraph after the words "their use," shall be supplemented by the words "agreement on the pledge of the exclusive right to the object of industrial property,";

- in the Clause 4:

Sub Clause 1 shall be supplemented with the third paragraph of the following content:

"- the subject of the contract;"

paragraph 8 of the Sub Clause 1, after the word "goods", shall be supplemented by the words "and services";

the first paragraph of Sub Clause 2 shall be reworded as follows:

"2) a copy of the title of protection.";

Paragraph 2 of the Sub Clause 2 shall be considered as invalid;

- in the Clause 10:

In the second paragraph, the words "and the security document" shall be deleted;

Paragraph 3 shall be reworded as follows:

"A technology transfer agreement can be registered in Kyrgyzpatent after submitting an application and submitting documents required for registration.";

in the paragraph 4 the words "and the contract of pledge of a patent for an industrial property object" shall be excluded;

- Paragraph 4 of the Clause 14 shall be reworded as follows:

"- a copy of the title of protection;"

- Clause 17 shall be supplemented with a sixth paragraph of the following content:

"- notifies the Eurasian Patent Office of registration of a license agreement on the use of the Eurasian patent.";

- Annexes 1, 2 and 3, after the words "their use," shall be supplemented with the words "agreement on the pledge of the exclusive right to an object of industrial property and";

- Paragraph 4 of Annex 1 shall be reworded as follows:

"[] - a copy of the patent (a patent under the applicant's liability) or a certificate of an industrial property object or an extract from the Register on registration of an industrial property object, a selection achievement;"

- in the Annex 3:

in the first paragraph the words "patent pledge agreement" shall be replaced by the words "agreement on the pledge of the exclusive right";

in the third paragraph the word "original" shall be replaced by the word "copy";

Paragraph 5 shall be supplemented with the words of the following content:

"- power of attorney to conduct business.".

6. Introduce to the Resolution of the Government of the Kyrgyz Republic "On approval of the Rules for the preparation, filing and examination of an application for the grant of a patent for an invention, the Rules for drawing up, filing and examining an application for the grant of a patent for an industrial design, the Rules for drawing up, filing and examining an application for the grant of a patent for a utility model, Rules of drawing up, filing and consideration of an application for registration of a trademark and service mark "dated October 27, 2011 No. 685, the following amendments and additions:

in the Rules for the preparation, filing and consideration of an application for registration of a trademark and service mark approved by the abovementioned decree:

- in the Clause 6:

Paragraph 5 of Sub Clause "a" in the text in the State language should be stated in two paragraphs as follows:

"a) which doesn't have a distinctive ability.

Marks which doesn't have a distinctive ability are basically as follows::

- In the last paragraph the letter "a)," shall be excluded;

- Sub Clauses "b" and "c" of paragraph 10 of the text in State language should be stated as follows:

"б) object of art, literature and science commonly known in the Kyrgyz Republic, as well as the characters or citation, pieces of art and fragments they contain, without permission of owners or their legal inheritors;

в) family names of popular people, their names, secret names and their derivatives, as well as their portraits with facsimiles – without their or inheritors permission; and in cases when such indicators are the part of the history of the Kyrgyz Republic – without permission of the Government of the Kyrgyz Republic;"

- Paragraphs 3 and 4 of the Clause 12 of the text in State language shall be reworded as follows:

"- indication of request;

- list of goods for the registration of trademark which is grouped by the international classification of trademarks and service marks.";

- in the Clause 22:

Paragraph 2 shall be stated as follows:

" The notified designation is presented in an amount of 25 copies.";

Paragraph 3 shall be supplemented with the sentence 2 of the following content: -

"In the presence of small, unreadable designations, one additional copy in A4 format is required."; -

Clause 23 shall be supplemented with paragraph 2 and 3 of the following content: -

" If the symbol contains foreign words, translations and transliteration must be provided. -

If the verbal designation contains a special spelling or font, you must specify their meaning in the -
description.";

- in Paragraph 2 of the Clause 27 the words "by virtue of international treaties of the Kyrgyz Republic" shall be replaced by the words "by virtue of international treaties to which the Kyrgyz Republic is a party to the procedure established by law".

7. This Decree comes into force from the day of the official publication.

Published in the "Erkin Too" newspaper, dated May 27 of 2014, No 40

**Prime-Minister
Of the Kyrgyz Republic**

Dzh.Otorbaev