

**Regulation
on Innovation Proposals in the Kyrgyz Republic**

Approved by -
Decision of the Government -
of the Kyrgyz Republic No.
336 of May 27, 2002

**Regulation
on Innovation Proposals in the Kyrgyz Republic**

(as amended by the Government of the Kyrgyz Republic on September 30, 2002 No. 665, October 13, 2016 No. 544)

See: Kyrgyzpatent's Order No. 315 of August 13, 2004 (On Approval of the Rules for Registration of the Innovation Proposals in the Kyrgyz Republic)

I. General Provisions

1. These Regulations regulate property, as well as related personal non-property relations arising in connection with the creation, legal protection and use of innovation proposals.
2. The innovation proposal recognizes a technical, organizational or other proposal that is new and useful to the enterprise.
3. For the purposes of this Regulation, an enterprise is any legal entity formed in accordance with the Civil Code of the Kyrgyz Republic, as well as an individual engaged in entrepreneurial activities.

II. Conditions for the recognition of the innovation proposal as new and useful

4. The offer is new to the enterprise if, prior to the filing of the application in the established form, the given or identical offer was not known at the enterprise from the sources available to it to a degree sufficient for its practical use.

It is not recognized as a circumstance affecting the novelty of the innovation proposal, its practical use on the initiative of the author within no more than three months before the submission of the application.

5. Предложение является полезным, если его практическое использование позволяет предприятию получить экономический или иной положительный эффект.

6. It is not recognized, in particular, by the innovation proposal: - a proposal that reduces reliability, longevity and other indicators of product quality or worsens working conditions and ecology; - conventional symbols, rules, normative and methodological materials; - a proposal concerning the appearance of products as such; - a proposal created by engineering and technical personnel of research, design, technological organizations and similar units of enterprises in the process of performing a service assignment or contract work.

Regulation on Innovation Proposals in the Kyrgyz Republic

7. The innovation proposal is checked for the presence of information constituting a state secret.

The innovation proposal, containing information whose disclosure may harm state interests, is classified in accordance with the legislation of the Kyrgyz Republic.

III. Rights of the authors of the innovation proposal

8. The right to an innovation proposal is protected by this Regulation and other regulatory legal acts of the Kyrgyz Republic and is certified by a certificate of innovation proposal that confirms the recognition of the claimed innovation decision, priority and authorship of this innovation proposal, and the right to receive remuneration when using it.

9. The right of authorship to the innovation proposal belongs to the citizen whose creative work he created.

The right of authorship is an inalienable personal non-property right of the author and is protected indefinitely.

If the innovation proposal is created by the joint creative work of several citizens, they are all considered co-authors of such a innovation proposal

Citizens who provided the author of the innovation proposal only with technical, organizational or material assistance, or contributed to the registration of rights to the innovation proposal and its use in production, are not recognized as co-authors.

The procedure for the use of rights belonging to the co-authors of the innovation proposal is determined by agreement between them.

IV. Formulation and submission of an application for registration of an innovation proposal

10. To acknowledge the proposal, the author submits to the State Agency for Science and Intellectual Property under the Government of the Kyrgyz Republic (Kyrgyzpatent) a written application for registration of the innovation proposal (hereinafter - application).

The application must relate to one decision. -

The application must contain: -

- the last name, first name, patronymic of the author, his place of residence or location, and - the place of work;

- a description of the nature of the proposal, including data sufficient for its use;

- indication of the enterprise (s) to which activity (s) the innovation proposal relates. The author must indicate the employer's enterprise if the innovation proposal is relevant to the employer's field of activity.

The application shall be accompanied by a document confirming the payment of the fee for filing and considering the application in the prescribed amount, or the grounds for exemption from its payment

The application is submitted in the state or official language.

Other requirements to the application are established by Kyrgyzpatent.

**Regulation
on Innovation Proposals in the Kyrgyz Republic**

(As amended by the Decision of the Government of the KR dated September 30, 2002 No. 665)

11. Priority innovation proposal is determined by the date of filing the application in Kyrgyzpatent.

V. Consideration of an application for an innovation proposal

12. Within three days from the date of filing the application Kyrgyzpatent checks the accuracy of its registration and payment of the fee.

If, as a result of the audit, it is determined that the application lacks the necessary information or if it is issued in violation of the established requirements, the applicant is sent a request with a proposal to provide, within ten days from the date of receipt, the corrected or missing information.

In the event that the applicant fails to submit the requested information within the prescribed time, the application is considered not to have been submitted.

If the result of the audit is positive, Kyrgyzpatent sends an application for conclusion to the enterprise specified in it.

The enterprise shall, within one month from the date of receipt of the application, consider the compliance of the submitted proposal with the criteria established in clauses 2, 4 and 5 of this Regulation. The order of consideration of the application is established by the enterprise.

Based on the results of the review, the enterprise sends a conclusion to Kyrgyzpatent on the recognition of the proposal as innovation or on the refusal to recognize the proposal as innovation.

In case of refusal to recognize the proposal as innovation, the conclusion shall indicate the reasons for which the refusal was made.

Based on the conclusion of the enterprise on the recognition of the proposal as innovation or on the refusal to recognize the proposal as innovation, Kyrgyzpatent within five days from the date of its receipt shall decide on registration of the innovation proposal or on refusal to register it.

The decision on registration of the innovation proposal or on refusal to register it is sent or handed to the author within 3 working days from the date of its issuance.

(As amended by the Decision of the Government of the KR dated October 13, 2016 No. 544)

13. If the author disagrees with the decision to refuse the registration of the innovation proposal, he may file an objection to Kyrgyzpatent within two months after the date of receipt. Kyrgyzpatent sends an objection to the enterprise that issued an opinion on the refusal to recognize the proposal as innovation.

The objection must be considered by the Enterprise Innovation Commission (hereinafter referred to as the Commission) within a month from the date of its receipt.

The author has the right to participate in the consideration of his complaint.

The commission is created from representatives of the administration of the enterprise with the participation of representatives of Kyrgyzpatent and the Society of Inventors and Innovators.

**Regulation
on Innovation Proposals in the Kyrgyz Republic**

The conclusion of the Commission is sent to Kyrgyzpatent. -

Kyrgyzpatent on the basis of the conclusion of the Commission makes a decision. -

VI. Registration and issue of a certificate of Innovation Proposals

14. Based on the decision on registration of the innovation proposal, Kyrgyzpatent shall, within five days from the date of receipt of the document on payment of the fee for registration of the innovation proposal and issuance of a certificate of its registration, of the established size, register the innovation proposal in the registry of innovation proposals (hereinafter - the Register) and within a month from the date of registration issues a certificate of registration of the innovation proposal.

The fee is paid within fourteen days from the date of receipt by the author of the Kyrgyzpatent's decision on recognition of the offer as innovation.

The list of information and the procedure for their entry into the Register are determined by Kyrgyzpatent.

VII. Publication of information on registration of innovation proposal

15. At the author's request, with the permission of the enterprise and subject to payment of the fee for publication of registration information, information relating to the registration of the innovation proposal may be published in the official bulletin of Kyrgyzpatent. The list and completeness of published information is determined by Kyrgyzpatent in agreement with the author.

VIII. Use of innovation proposal and payment of royalties

16. The innovation proposal is considered used if it is used in the manufactured products, technological or other process, as well as in the technical documentation transferred to third parties on a reimbursable basis, the license contract.

The innovation proposal relating to the design (device) or material (substance) is recognized as being used from the day the manufacture of the product was started using the innovation proposal.

The innovation proposal relating to the method (technology) is recognized as being used from the day of its application at the enterprise.

The innovation proposal containing the organizational decision is recognized as being used from the day of its application at the enterprise.

The fact of use is confirmed by a special document (certificate) containing the name and registration number of the innovation proposal, the date and place of commencement of use.

17. If the enterprise does not begin using it within six months from the date of registration of the innovation proposal in the Register, the right to use the innovation offer goes to the

Regulation on Innovation Proposals in the Kyrgyz Republic

author, including the right to apply without restriction to the innovation proposal, having previously notified the enterprise about it.

18. When using the innovation proposal, the enterprise is obliged to pay the author a fee.

The amount of remuneration for the use of the innovation proposal, the terms and procedure for its payment are determined by the agreement between the author and the enterprise.

19. If one and the same innovation proposal of the same author is recognized as innovation at several enterprises, then each of these enterprises pays a reward independently of each other.

20. The enterprise is responsible for non-payment of the author's remuneration and violation of the terms and conditions for its payment in accordance with the legislation of the Kyrgyz Republic.

21. If the author is involved in the work on preparing for the use of his innovation proposal, then an agreement must be concluded with him for the performance of this work, except for works performed in the performance of the official task.

22. Enterprises may establish additional measures of material and moral encouragement to persons who promote the use of the innovation proposal, including the authors of the innovation proposal.

The type and amount of incentives for promoting the use of the innovation proposal is determined by the enterprise independent.

IX. Sources of costs for innovation

23. Expenses of the enterprise on innovation activity concern on the cost price of production (works, services, etc.).

The budget organization finances the innovation activity by saving the funds allocated for the maintenance of this organization, as well as at the expense of funds received from other authorized activities.

X. Final Provisions

24. The amount of the fee for filing and reviewing an application, for registering a innovation proposal and issuing a certificate of its registration, for publishing information on registration, as well as for committing other legally significant actions related to the registration of the innovation proposal, as well as the grounds for exemption from payment of a fee or reduction of its size are established by the Government of the Kyrgyz Republic.

See also: Regulations on fees for registration of the innovation proposals (approved by the Decision of the Government of the Kyrgyz Republic of April 27, 2004 No. 297)

25. Disputes related to innovation are considered in the courts.