

Approved
by the Government Decree
of the Kyrgyz Republic
from October 27, 2011 N 686

RULES
on drafting, submission and consideration of an application for a patent
for selection achievement

(As amended by the Decree of the Government of the Kyrgyz Republic from September 7, 2015 No. 619)

These Rules for drafting, submitting and considering of an application for a patent for selection achievement have been developed in accordance with article 3 of the Law of the Kyrgyz Republic "On legal protection of selection achievements".

1. General provisions

1. Basic terms and concepts:

Rules - Rules for drafting, submitting and considering of an application for a patent for selection achievement;

Law - law of the Kyrgyz Republic "On legal protection of selection achievements";

Kyrgyzpatent - authorized state body in the field of intellectual property;

application - application for a patent for a selection achievement;

application - application for a patent for a selection achievement;

State register - State register of protected breeding achievements of the Kyrgyz Republic;

State center - **State center for testing varieties and genetic resources of plants of the Ministry of agriculture and land reclamation of the Kyrgyz Republic;**

Gosplemtsentr - State selection and breeding center of the Ministry of Agriculture and Melioration of the Kyrgyz Republic;

UPOV-Union for the protection of new plant varieties approved by the 1961 Act and further referred to in the 1972 Act, the 1978 Act and in the International Convention for the protection of new plant varieties of 2 December 1961, revised in Geneva on 10 November 1972, 23 October 1978, 19 March 1991. The Kyrgyz Republic joined in accordance with the law of the Kyrgyz Republic "On accession to the International Convention for the protection of new plant varieties" of 14 January 2000 N 10.

(As amended by the government of the Kyrgyz REPUBLIC resolution No. 619 of September 7, 2015)

2. Drafting and filing an application for a patent for selection achievement

2. In accordance with part 1 of article 5 of the Law, the author of the selection achievement, the employer or their legal successor (hereinafter - the applicant) has the right to submit an application.

If the selection achievement was created during the performance of a job assignment or official duties, the right to submit an application belongs to the employer, unless the contract between the breeder and the employer provides otherwise.

If a selection achievement is created by several persons together, they are granted the right to submit an application together.

3. The application is submitted to Kyrgyzpatent directly or sent by mail.

The application can be submitted by the applicant directly or through a proxy who, according to the power of attorney, conducts business related to obtaining a patent.

Individuals or legal entities of other States that do not have permanent residence or location in the Kyrgyz Republic, conduct business to obtain a patent and maintain it in force through patent attorneys of the Kyrgyz Republic, registered in the manner determined by the Government of the Kyrgyz Republic.

(As amended by the government of the Kyrgyz REPUBLIC resolution No. 619 of September 7, 2015)

4. In accordance with article 4 of the Law, a patent is issued for a selection achievement that meets the criteria for protection and relates to Botanical and Zoological genera and species.

Criteria for protection of selection achievements are:

- novelty;
- distinguishability;
- uniformity;

- stability.

5. The application must contain:

- statement;

- description of the variety, breed:

- questionnaire of the variety that meets the requirements of the UPOV (for plant varieties);

- description of the animal breed in accordance with the existing methodology for testing farm animals (for animal breeds).

6. The following documents are attached to the application:

1) Document confirming payment of the established fee for filing an application and conducting a preliminary examination. The document is submitted together with the application. If you do not submit a document confirming payment of the fee, the application is considered not submitted.

The person who has a basis for granting benefits for payment of the fee shall attach the application and a copy of the document confirming the right to benefits.

2) Application submitted through a patent attorney shall be accompanied by a duly executed power of attorney issued by the applicant and certifying his authority, or a duly certified copy of the power of attorney.

The power of attorney outside the Kyrgyz Republic, prepared in the manner and for the term provided by the legislation of the country where it was committed and in case of doubt as to its validity at the request of Kyrgyzpatent legalized in consular institution of the Kyrgyz Republic, except in cases where legalization is not required by virtue of international treaties of the Kyrgyz Republic or based on reciprocity.

A patent attorney who has been issued a power of attorney to represent the interests of individuals or legal entities of other States that do not have permanent residence or location in the Kyrgyz Republic must personally perform the actions for which he is authorized. He may entrust their execution to another patent attorney, if authorized to do so by power of attorney or forced by force of circumstances, to protect the interests of the person who issued the power of attorney in accordance with the legislation of the Kyrgyz Republic. In this case, both of the above-mentioned duly executed powers of attorney or their duly certified copies shall be submitted.

The power of attorney must meet the following conditions:

- signed by the person who issued it;

- issued in the name of an individual registered in Kyrgyzpatent as a patent attorney;
- the power of attorney must specify the scope of the patent attorney's powers;
- the power of attorney must specify the date of its execution, without which it is invalid.

If the power of attorney is issued in the name of several patent attorneys registered in Kyrgyzpatent, then the case for obtaining a patent on the application is conducted by any of them.

Any action of the patent attorney to which he is authorized in the power of attorney is regarded as the action of the applicant.

3) Power of attorney issued and certified in accordance with the requirements of paragraph 12 of these Rules shall be attached to an application submitted by individuals or legal entities residing in the Kyrgyz Republic, which is processed through a proxy.

4) Applicant who wishes to exercise the right of priority on the basis of the first application must attach copies of the original application materials certified by the body that received them, samples or other evidence that the selection achievement is the same subject of both applications, with their subsequent submission within three months from the date of filing the application established by these Rules.

5) Brief summary of the description of the variety, breed.

7. Application documents must be submitted in the state or official language.

If the application documents are submitted in a different language, their translation into the state or official language is attached to the application.

If the documents submitted during the preliminary examination of the application are submitted in a different language, they shall be accompanied by a translation into the state or official language. The applicant is responsible for the accuracy of the translation.

8. The application is submitted in the form given in Annex 1 to these Rules.

If any information cannot be placed in the appropriate boxes, they bring the same form on additional sheet, specifying in the relevant column of the application: "see annex on additional sheet".

The application form consists of seven sections, some of which contain subsections "a" and "b".

In the column " 1 (a). Applicant (s)" specify the official name of the legal entity (according to the constituent document) or the surname, first name, patronymic of the individual (in the specified order) and the address of their location/residence, indicating the country.

The name of the applicant's country is indicated by the country code according to the WIPO standard ST.3 (hereinafter referred to as the country code) (Annex 2). If there are several applicants, you must specify the last name, first name, patronymic, and addresses of all applicants. If there is not enough space for all the necessary information, you should enter only surnames, first names and patronymics, and specify the addresses in the Appendix. If the name or address is changed, the applicant must notify Kyrgyzpatent in an official letter.

Column " 1 (b). Citizenship " is filled in if the applicant is an individual.

In the column " 2 (a). Address for correspondence " indicates the full address (in the upper corner, the postal code is entered in the squares), phone number, Fax number and e-mail address (hereinafter - e-mail), (if any) of the person authorized to conduct correspondence on the application.

In the column " 2 (b). Address " the person whose address is specified in column 2 (a) is marked with the [x] mark in the corresponding cells.

In the column " 3 (a). Genus, species " the name of the genus and species must be complete, for accurate identification of the variety, breed, both by taxonomic affiliation (Appendix 3) and by production use. (For example: soft winter wheat, F1 hybrid corn, parent line corn, table grapes, rough-haired sheep, etc.).

In the column " 3 (b). Genus, species " indicates the Latin name (in block letters) of the taxonomic unit (genus, species, subspecies).

In the column " 4 (a). Proposed name" when selecting a name, you should follow the Law and paragraph 9 of these Rules.

A foreign selection achievement must have its official name in the applicant's language and in the Kyrgyz (Russian) transliteration.

A fee is charged for changing the name of a selection achievement at the initiative of the applicant, after accepting the application.

In the column " 4 (b). Selection number " indicates the selection number assigned at the selection stages.

In the column " 5 (a). The real(and) the author(s) is(are):":

- if the applicant or all applicants are authors, mark the left square with [x];
- if not all applicants are authors and / or another person (s) is the author(s), mark the right square with [x].

If the right square is marked, you must specify the last name, first name, patronymic of the author or authors and their addresses. If the left square is marked, this item is not filled in.

Column " 5 (b). Selection achievement received by the applicant (s): "filled in if the right square of item 5 (a) is marked.

The mark [x] in the corresponding cells indicates how the applicant obtained the right to submit the application.

In the column " 5 (b)."the full name and country code of the breeding achievement are given.

In the column " 6."the first application is filled in if the applicant wishes to use the priority right of the first application. In this case, a request is made to establish priority by the date of filing of the first application filed in a foreign country with which the Kyrgyz Republic is bound by a bilateral or multilateral international Treaty on the protection of plant varieties and animal breeds, if the application was received by Kyrgyzpatent within twelve months from the specified date.

Also filled with the country code of the filing, the filing date assigned the application number, the stage of the application and the name of the selection achievement.

The stage of consideration of the application is indicated by the code:

- "A" - the application is pending;
- "B" - application withdrawn;
- "C" - the application is satisfied, the patent is issued.

In the column " 7. Was the variety (breed) offered for sale or sold":

"(a) in the country of application: "if the variety (breed) was sold or

if it was offered for sale in the Kyrgyz Republic, it is necessary to mark the right square with the [x] sign and specify the first date and name under which it was offered for sale.

If the variety (breed) was not sold or offered for sale, the left square should be marked with the [x] sign.

"(b)in other countries: "is filled in the same way, in addition, you must specify the country code.

The column "application documents Attached to the application" is filled in by placing the sign [x] in the appropriate cells.

Square 1. "The description of the selection achievement". It is drawn up on a special form for the corresponding genus or species.

For plant varieties, a variety questionnaire (corresponding to the UPOV requirements) is attached.

For animal breeds - description in accordance with the existing methodology for testing farm animals.

Square 2. "Proxy". When submitting an application through a proxy or patent attorney, a power of attorney must be attached.

Square 3. "Copy of the first application" and its translation into the state or official language (if it is attached).

Square 4. "Document confirming payment of the application fee and preliminary examination".

Applicants who are entitled to a reduced rate must provide documents confirming this right.

Square 5. "Photos". The "X" mark in the specified square marks the photos attached to the description of the selection achievement.

Square 6. "Abstract". Brief summary of the selection achievement description (no more than one typewritten sheet).

Squares 7, 8 - names of other attached documents (application for benefits for payment of duties, etc.).

In cases where the applicant is not the author, the applicant confirms in the application that there is a contract with the author(s) of the selection achievement.

The application form is filled out on a typewriter or computer.

Botanical definitions are indicated in Latin script and block letters.

The application is signed by the applicant. If the applicant is a legal entity, the application is signed by the head or authorized person, the position of the signatory is indicated, and the signature is sealed. If there are several applicants, the application is signed by all applicants.

The signature on the application is decrypted with the initials and names of the signers. In the case of bringing any of the information on an additional sheet he signed in the same manner. The presence of the signature of the applicants or the patent attorney on the additional sheet is mandatory.

When submitting an application through a patent attorney, the application is signed by the patent attorney.

9. The description of the selection achievement must contain:

- name of the genus and species;
- the proposed name of the selection achievement and the selection number;
- the origin of the selection achievement indicating the method of creation and the original (parent) forms;
- 9x12 or 13x18 color photographs (if necessary), certified on the reverse side with the applicant's signature and seal (if available).

On a white background with the scales presented pictures of flowers: a bud, flower form top, side, bottom, flowers, reproductive parts of plants: stalks, cobs, panicles, grains, fruits, berries, tubers, roots etc. and normally developed plants in the phase of economic use.

For perennial tree crops: the entire tree or shrub and its individual parts (annual seedling, fruiting organs, shoot, leaf, clusters, fruits, etc.).

By animal breed: images that characterize the appearance and characteristics of the breed;

- features of maintenance and breeding of the selection achievement;
- signs of selection achievement that characterize distinctive features;
- names of similar selection achievements and signs by which they differ from the claimed selection achievement;
- special conditions for testing the selection achievement for distinctness, uniformity and stability (if any).

The description of the variety (breed) is signed by the applicant (s).

If the application is submitted for a multi-line variety (breed) or population (self-pollinators and vegetatively propagated plants), it must contain questionnaires for all lines of this variety (breed), indicating their percentage.

10. Application documents must be processed in such a way that they can be directly reproduced in an unlimited number of copies.

Each sheet is used only on one side, with rows parallel to the smaller side of the sheet.

Sheets should not be crumpled or torn and should not have kinks. The sheets must have a format of 210x297 mm. the Fields on the sheets containing a brief description of the selection achievement are executed:

- upper - 20-40 mm;
- right and bottom - 20-30 mm;
- left - 25-40 mm.

Document sheets are numbered with Arabic numerals in the upper-right corner of the sheet.

Application documents are printed on strong, white, smooth, non-shiny paper, in black font. Texts describing the selection achievement, references, and responses to preliminary examination requests are printed at 1.5 intervals with a height of capital letters of at least 2.1 mm.

In the questionnaire of the variety, the image of parts of the plant drawn by hand with ink (ink) of black color is allowed.

11. A selection achievement must have a name indicating its ancestral origin.

The name of the selection achievement should allow identifying the selection achievement, be short, and differ from the names of existing selection achievements of the same or similar Botanical or Zoological genus. It should not consist of only numbers, mislead about the properties, origin, value of the selection achievement, the personality of the breeder, contradict the principles of public morality.

All taxonomic units are considered closely related if they belong to the same Botanical genus or belong to the same class listed in Annex 3 to these Rules.

The name of a selection achievement in applications for protection of a selection achievement submitted in the Kyrgyz Republic and other States must be identical and acceptable on the territory of the Kyrgyz Republic.

3. Conducting business with Kyrgyzpatent

12. To submit an application, conduct correspondence after it is submitted and protect their interests when considering the application, the applicant has the right to appoint a proxy with the issuance of a duly executed power of attorney, in accordance with the procedure provided for in these Rules.

Individuals or legal entities of other States that do not have permanent residence or location in the Kyrgyz Republic, conduct business to obtain a patent and maintain it in force through patent attorneys of the Kyrgyz Republic, registered in the manner determined by The government of the Kyrgyz Republic.

For other applicants, one of the applicants, if there are several of them, the author of the selection achievement, the patent attorney or another person may be specified as a proxy.

A power of attorney issued by an individual or legal entity to a Trustee, issued in the Kyrgyz Republic, is made in simple written form and does not require notarization.

The power of attorney for representation must be submitted at the time of filing the application or within two months from the date of filing the application. Before submitting the power of attorney, the actions performed by the authorized person are considered invalid and are not taken into account.

Any action of a Trustee that he is authorized to perform by proxy or any action of Kyrgyzpatent in relation to him has the same consequences as the actions of the applicant or in relation to the applicant.

Representation is valid until the powers specified in the power of attorney are exhausted, their validity period expires, or until Kyrgyzpatent is notified of the termination of powers.

The appointment of a proxy may be canceled by the applicant by submitting a written application.

(As amended by the government of the Kyrgyz REPUBLIC resolution No. 619 of September 7, 2015)

13. Correspondence is conducted by the applicant or his authorized representative for each application separately.

Materials sent after the application is submitted must contain the application number and the signature of the applicant or his authorized representative.

Materials that do not contain the application number are returned without consideration if the number cannot be set indirectly.

Materials sent in the course of the application process are submitted within the time limits established by Law. If the last day of the term falls on a non-working day, the day of the end of the term is considered to be the next working day following it. If the deadline falls on a month that does not have a corresponding date, the deadline expires on the last day of that month.

If the correspondence on the application is carried out by an authorized representative of the applicant, the terms of submission of materials in connection with the correspondence of Kyrgyzpatent are calculated from the moment of receipt of this correspondence.

Documentation in Kyrgyzpatent is conducted in the state or official language. The materials submitted by the applicant in a different language must be accompanied by their translation into the state or official language. Thus, for purposes of determining the applicant's execution of the established deadlines for submission of materials, the material presented in another language, are considered submitted on the date of receipt in Kyrgyzpatent if the transfer was received within two months from the date of receipt of materials in another language, otherwise, the content to be presented on the date of receipt of the translation.

Prior to the submission of the translation, materials submitted in a different language are considered not received.

14. From the moment the application is submitted and until Kyrgyzpatent notifies the applicant of the acceptance of the application for consideration, the applicant has the right to Supplement, correct or clarify the application materials on its own initiative without changing the essence of the claimed selection achievement, subject to payment of the fee.

If the document on payment of the fee is not submitted or the amount of the paid fee does not correspond to the established amounts, the changes are not taken into account when considering the application.

Correction and clarification of application documents are carried out by submitting replacement sheets. Replacement sheets shall be submitted for each copy of the relevant application document in the state or official language or translation of the document into the state or official language and must meet the requirements of these Rules.

If the corrections relate to typos, stylistic errors, errors in the indication of bibliographic data, etc. and the correction of the document will not lead to negative consequences for the clarity of reproduction, the need for corrections may be expressed in the applicant's letter without submitting replacement sheets.

If the name of the selection achievement does not meet the requirements of the Law, the applicant must change the name of the selection achievement. The document confirming payment of the fee is submitted together with the application for changing the name. If the application is not accompanied by a document confirming payment of the fee in the prescribed amount, the application is considered not submitted.

15. The applicant has the right to get acquainted with the materials used during the examination, to monitor the progress of the tests.

Copies of the requested materials are sent within a month from the date of receipt of the applicant's request, subject to payment of the corresponding fee.

16. Consideration of issues related to the application with the participation of the applicant is carried out at the suggestion of Kyrgyzpatent or at the request of the applicant after both parties are familiar with these issues. Questions about the application that arise during the preliminary examination are set out in the request, which additionally informs about the appropriateness of the meeting, the applicant's questions are set out in the request for its conduct.

The response to the request is submitted by the applicant within the time limit established by Law, regardless of whether the applicant intends to participate in the examination of the application.

The date and time of consideration of the application shall be agreed upon in advance. If circumstances change, the party that is not able to participate in the

review of the application at the appointed time immediately notifies the other party.

If Kyrgyzpatent or the applicant consider the joint consideration of the application premature or inappropriate, the proposal of Kyrgyzpatent or the request of the applicant is rejected with the relevant arguments.

Upon arrival of the applicant in Kyrgyzpatent without prior approval, the applicant's request for consideration of the application with his participation is refused.

Consideration of the application with the participation of the applicant is carried out through negotiations.

Based on the results of negotiations, a Protocol may be drawn up containing arguments and proposals made by the parties, and conclusions about further record-keeping.

The Protocol may contain changes proposed by the applicant, questions that arose during the preliminary examination, requiring written explanations, etc.

If there is no agreement on the issues under discussion, the Protocol may contain dissenting opinions of the reviewers.

The Protocol is signed by the reviewers and attached to the application materials.

17. In accordance with part 6 of article 11 of the Law, the deadline for submitting a response to a request or notification provided for in parts 4 and 5 of article 11 of the Law may be extended to six months if the relevant application is submitted and there are valid reasons.

Together with the application, a document confirming the payment of the fee for the extension of the term in the prescribed amount is submitted. If such a document is not submitted, the application is considered unsubstantiated.

The request for extension of the term is submitted within two months from the date of receipt of the request by the applicant.

The applicant is notified of the extension of the deadline for submitting the requested materials.

If the deadline for submitting the application is not met, the applicant's request is not satisfied, and the application is considered withdrawn.

18. In accordance with part 5 of article 15 of the Law, the following deadlines that the applicant missed may be restored:

- response to the preliminary examination request for submission of corrected or missing materials;

- response to the notification of the preliminary examination on changing the name of the selection achievement;
- filing an objection to the appeal Board of Kyrgyzpatent (hereinafter-the Appeal Board) on the decision to refuse to grant a patent.

The petition for reinstatement of term served by the applicant no later than six months from the date of expiry of the missed deadline with proof of valid reasons why the deadline was missed. Kyrgyzpatent has the right to request documentary confirmation of the presence of these reasons.

Together with the application, a document confirming the payment of the corresponding fee in the prescribed amount is submitted.

If such a document is not submitted, the application is considered unsubstantiated, and the applicant is notified of this.

The applicant is notified of the restoration of the missed deadline.

4. Consideration of the application in Kyrgyzpatent

19. The application materials received by Kyrgyzpatent are assigned an incoming number and the date of their receipt is fixed.

The applicant or his representative is issued a receipt for acceptance of the application materials indicating the incoming number, the date of receipt, and the number of sheets of accepted documents.

At presence in the documents submitted the request, the description of the variety or breed and document about payment of the fee for filing and preliminary examination, or exemption from payment of duties or providing grounds for reduction of its size, is set to the date of filing with Kyrgyzpatent and the application is assigned a registration number (four digits significant digits indicate the year of filing of the application, the following two digits indicates the serial number of the application in a series this year, the figure 5 after the point - symbol selection achievements).

Information about the application for selection achievement from the moment it is received by Kyrgyzpatent until the publication of information about the application is considered confidential and is not subject to illegal disclosure.

20. In accordance with part 1 of article 11 of the Law, the preliminary examination is carried out within two months from the date of filing an application with Kyrgyzpatent.

During the preliminary examination of the application, it is checked:

- the composition of the application and the documents attached to it, as defined in paragraphs 5 and 6 of these Rules;

- correct execution of documents in accordance with the requirements of paragraphs 6-11 of these Rules;
- compliance with the rules for filing an application in cases of filing an application through a patent attorney, including the availability and correctness of a power of attorney certifying the powers of the patent attorney;
- name of the selection achievement in accordance with paragraph 23 of these Rules;
- novelty of the declared selection achievement in accordance with paragraph 24 of these Rules.

The priority of selection achievement is set in accordance with parts 1-4 of article 9 of the Law and paragraph 25 of these Rules.

The power of attorney for representation must be submitted at the time of filing the application or within two months from the date of filing the application. Before submitting the power of attorney, the actions performed by the authorized person are considered invalid and are not taken into account.

Any action of a Trustee that he is authorized to perform by proxy or any action of Kyrgyzpatent in relation to him has the same consequences as the actions of the applicant or in relation to the applicant.

Representation is valid until the powers specified in the power of attorney are exhausted, their validity period expires, or until Kyrgyzpatent is notified of the termination of powers.

The appointment of a proxy may be canceled by the applicant by submitting a written application.

(As amended by the government of the Kyrgyz REPUBLIC resolution No. 619 of September 7, 2015)

20. In accordance with part 1 of article 11 of the Law, the preliminary examination is carried out within two months from the date of filing an application with Kyrgyzpatent.

During the preliminary examination of the application, it is checked:

- the composition of the application and the documents attached to it, as defined in paragraphs 5 and 6 of these Rules;
- correct execution of documents in accordance with the requirements of paragraphs 6-11 of these Rules;
- compliance with the rules for filing an application in cases of filing an application through a patent attorney, including the availability and correctness of a power of attorney certifying the powers of the patent attorney;

- name of the selection achievement in accordance with paragraph 23 of these Rules;
- novelty of the declared selection achievement in accordance with paragraph 24 of these Rules.

The priority of selection achievement is set in accordance with parts 1-4 of article 9 of the Law and paragraph 25 of these Rules.

21. In accordance with part 4 of article 11 of the Act, if during the preliminary examination it is established that the application is filed with violation of requirements to the design and preparation of documents or for examination purposes requires additional materials, the applicant sent a request, indicating the deficiencies and the proposal within two months from the date of receipt to present corrected or missing materials.

The basis for the request, in particular, is:

- the absence in the application of at least one of the documents provided for in paragraph 6 of these Rules;
- no translation of documents into Kyrgyz or Russian, if the documents are presented in another language;
- absence of a power of attorney for representation or violation of the requirements for its registration;
- submission of application documents in the number of copies less than the established number;
- absence in the application of the required information, signatures, seal impression (when necessary) or other details provided for by these Rules;
- identification of shortcomings in the design of documents that prevent their publication, storage and/or make it impossible to familiarize interested parties with them (violation of the requirements for the format of sheets, field sizes, etc., print quality, making it difficult to read the application materials, etc.);
- the need to clarify issues related to the correct payment of fees.

If the applicant shall not submit requested documents or petition for prolongation of term of their presentation subject to the conditions provided by these Rules, the application is considered withdrawn, the applicant is notified. No further legally significant actions are performed on the withdrawn application.

22. When additional materials are received that correct or clarify the application documents (i.e. subject to inclusion in the content) and submitted at the initiative of the applicant or at the request of the preliminary examination, compliance with the established deadlines is checked.

When checking the applicant's compliance with the calculation of deadlines, these Rules should be followed.

If it is established that the applicant submitted additional materials in violation of the specified terms and these terms were not extended in accordance with these Rules, the application is considered withdrawn, and the applicant is notified of this.

When additional materials are submitted by the applicant on their own initiative or at the request of Kyrgyzpatent and accepted for consideration, they are checked for the possibility of changing the essence of the claimed selection achievement.

23. Verification of the name of the selection achievement is carried out in accordance with the requirements of article 8 of the Law and paragraph 11 of these Rules.

If during the preliminary examination of the application it is established that the name of the selection achievement does not meet the established requirements, the applicant is notified with a proposal to submit another name within two months from the date of its receipt.

If the applicant shall not submit another denomination of the selection achievement or the petition for prolongation of term of its presentation subject to the conditions provided by these Rules, the application is considered withdrawn, the applicant is notified. No further legally significant actions are performed on the withdrawn application.

When testing proposed by the applicant of the selection achievement shall consist of a search for the following sources of information:

- UPOV database containing information on previously registered varieties in UPOV member States;
- application materials submitted by the applicant at the time of completion of the preliminary examination;
- selection achievements registered in the relevant State register.

24. A selection achievement is considered new if, on the date of filing the application, the seeds or breeding material of this selection achievement were not sold or otherwise transferred to other persons by the breeder, his successor or with their consent for the use of the selection achievement on the territory of the Kyrgyz Republic earlier than one year before this date, or on the territory of another state earlier than four years, or, if this applies to grapes, tree ornamental and fruit crops, earlier than six years before this date.

Data on the sale or offer for sale are provided by the applicant in column 7 of the application (Annex 1).

The applicant is responsible for the submitted data according to the novelty criterion.

25. Setting the priority of selection achievement is carried out by:

- the date of filing the application with Kyrgyzpatent;
- the date of submission of the first application in a foreign country with which the Kyrgyz Republic is bound by a bilateral or multilateral international Treaty on the protection of plant varieties and animal breeds, which the Kyrgyz Republic is a party to, if the application was received by Kyrgyzpatent within twelve months from the specified date.

26. Priority is set by the date of filing an application with Kyrgyzpatent, unless an earlier priority is requested for the application.

27. When setting the priority by the date of filing the first application in a foreign country, it is checked for:

- compliance by the applicant with the obligation established by part 4 of article 9 of the Law to indicate priority when submitting an application (column 6 of the application, Annex 1);
- compliance by the applicant with the twelve-month period starting from the date of filing the first application in a foreign country;
- compliance deadline (for three months from the date of application) copies of the initial application materials certified by the receiving authority as well as samples or other evidence that the selection achievement of both applications is the same.

The applicant can provide any necessary information, documents or materials required for the purpose of the examination:

- within two years after the expiration of the priority;
- or, in cases where the first application is rejected or withdrawn.

28. If the application contains all the necessary documents issued in accordance with the requirements of these Rules and the name of the selection achievement meets the requirements, the applicant is notified of the acceptance of the application for consideration.

If the application does not request an earlier priority than the date of filing the application with Kyrgyzpatent, the applicant is also notified of the priority of the selection achievement.

29. In accordance with part 1 of article 12 of the Law, Kyrgyzpatent shall publish information about the application in the official Bulletin no later than four

months from the date of completion of the preliminary examination of the application. Published information consists of:

- registration number of the application;
- application dates;
- priority dates of the application;
- name of the applicant (s));
- names of selection achievements;
- selection number (if available);
- genus, species;
- name of the author (s) of the selection achievement;
- a brief summary of the description.

After the publication of information about the application, any person has the right to read its materials. The corresponding fee is paid for familiarization with the application materials.

The publication of information about the application is not made in cases where, before the expiration of the publication period, a decision was made to grant a patent for this application, or it was withdrawn, or a decision was made to refuse to grant a patent, the possibility of appeal of which has been exhausted.

30. Within six months from the date of publication of the application, any interested person can submit a claim for novelty in the form of an objection to the Appeal Board. A document confirming payment of the fee for filing and consideration of the objection shall be attached to the objection.

(Paragraph 2 has no force in accordance with the Decree of the Government of the Kyrgyz Republic dated September 7, 2015 No. 619)

The appeal is considered by the Appeal Board within four months from the date of its receipt.

(Paragraph 4 has no force in accordance with the Decree of the Government of the Kyrgyz Republic dated September 7, 2015 No. 619)

(Paragraph 5 has no force in accordance with the Decree of the Government of the Kyrgyz Republic dated September 7, 2015 No. 619)

The decision of the Appeal Board can be appealed to the court by the applicant within six months from the date of its receipt.

(As amended by the government of the Kyrgyz REPUBLIC resolution No. 619 of September 7, 2015)

31. If the preliminary examination results are positive, the application materials are sent to test the selection achievement for distinctness, uniformity and stability.

Tests of plant varieties are carried out subject to payment of the established fee.

The document confirming payment fee shall be provided depending on the form of the claimed selection achievement in the state or in Golemancer within two months from the date of receipt of the notification of acceptance of application for consideration.

If a document confirming payment of the fee in the prescribed amount is not submitted within the specified period, tests for compliance with the conditions of protection are not carried out.

In the evaluation of a selection achievement for distinctiveness, uniformity and stability of the state, Golemancer can be based:

- on the results of tests carried out under contracts with legal entities and individuals of the Kyrgyz Republic or competent organizations of foreign countries to test breeding achievements with which the Kyrgyz Republic is associated with bilateral or multilateral agreements on the protection of plant varieties and animal breeds that the Kyrgyz Republic is a party to;

- on tests conducted by the applicant or on his behalf in the Kyrgyz Republic or abroad.

The state center or Gosplemtsentr may require the applicant to provide all necessary information, documents, or planting or breeding material, as well as offer the applicant to conduct certain tests of the variety or breed.

The state, Golemancer the results of tests of the selection achievement, make an opinion on the conformity of selection achievement the conditions for making an official description of the selection achievement.

In the course of technical development, the state center and Gosplemtsentr have the right to Supplement the description of the selection achievement at any time during the validity of the patent.

32. If the selection achievement has passed tests for distinctness, uniformity and stability with a positive result, Kyrgyzpatent, based on the materials of reports and conclusions of the state center, Gosplemtsentra, decides to issue a patent and sets a priority, if it was not established during the preliminary examination.

33. If the selection achievement has not passed the test for distinctness, uniformity and stability, Kyrgyzpatent, based on the materials of reports and conclusions of the state center, Gosplemtsentra, decides to refuse to issue a patent.

The decision additionally States the right of the applicant, in case of disagreement with the decision, to request copies of the materials opposed to the application, as well as full information about the results of the tests, within two months from the date of its receipt.

If you disagree with the decision to refuse to grant a patent, the applicant has the right to submit an objection to the decision to refuse to grant a patent to the Appeal Board within three months from the date of receipt of the decision on the application or copies of the materials requested by them, opposed to the application, and full information about the results of tests.