
DECISION OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Bishkek, October 27, 2015 № 753

on Amendments to Certain Decisions of the Government of the Kyrgyz Republic

In order to bring certain decisions of the Government of the Kyrgyz Republic in line with the Law of the Kyrgyz Republic "On the Protection of Traditional Knowledge", in accordance with 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 decrees:

1. Introduce the resolution of the Government of the Kyrgyz Republic "On approval of the Regulation on the conditions and procedure for the provision of a compulsory license for an industrial property object and its use" of December 24, 1998 No. 862, the following amendments and additions:

1) the title should be stated as follows:

"On approval of the Regulations on the conditions and procedure for the provision of a compulsory license for an industrial property object, traditional knowledge and their use";

2) in Clause 1 the words "Regulations on the conditions and procedure for granting a compulsory license for an object of industrial property and its use" shall be replaced by the words "Regulations on the conditions and procedure for the provision of a compulsory license for an industrial property object, traditional knowledge and their use";

3) in the Regulations on the conditions and procedure for granting a compulsory license for an industrial property object and its use approved by the above-mentioned resolution:

- the title should be stated as follows:

" Regulations on the conditions and procedure for granting a compulsory license for an industrial property object, traditional knowledge and their use ";

- Clause 1 should be stated as follows:

"1. This Regulation is developed in accordance with the Patent Law of the Kyrgyz Republic, the Law of the Kyrgyz Republic "On the Protection of Traditional Knowledge" and defines the conditions and procedure for issuing a compulsory license to use the invention, industrial design (hereinafter - the object of industrial property) and traditional knowledge.";

- In Clause 2:

Paragraph 1 should be stated as follows:

"2. The use of an industrial property object, a traditional knowledge protected by a prior patent, a patent (hereinafter referred to as a patent), a certificate without the permission of the patent owner, without the permission of the certificate holder is allowed in the presence of one of the following conditions:";

Sub Clause "a" should be stated as follows:

"a) if the object of industrial property, traditional knowledge is not used or insufficiently used by the patent owner, the owner of the certificate or persons to whom the rights to them have been transferred (hereinafter - the rightholder), within three years from the date of grant of the patent, the certificate, which leads to an inadequate supply of the relevant goods or services in the market of goods and services of the Kyrgyz Republic;";

- Clause 3 after the words "industrial property," shall be supplemented with the words "traditional knowledge";

- Clause 4 after the words "industrial property," shall be supplemented with the words "traditional knowledge";

- Sub Clause "a" of the Clause 5 after the words "industrial property," shall be supplemented with the words "traditional knowledge".

2. Introduce to the Decree of the Provisional Government of the Kyrgyz Republic "On approval of the Rules of registration of the agreement on the assignment of a title to an industrial property subject, selection achievement, a license agreement on granting the right to use them, a contract on the pledge of an exclusive right to an industrial property object and a technology transfer agreement" from July 9, 2010 No. 118 the following additions and changes:

1) Title and the Clause 1 after the words "on their use," shall be supplemented with words "agreement on the use of traditional knowledge,";

2) 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 contract on the pledge of the exclusive right to an industrial property object and a technology transfer agreement approved by the above-mentioned resolution:

a) Title after the words "for their use," shall be supplemented with the words " agreement on the use of traditional knowledge,";

б) In Clause 1:

- Paragraph 1:

after the words "for their use," shall be supplemented with the words " agreement on the use of traditional knowledge,";

after the words "on the legal protection of selection achievements" supplement with words "On the protection of traditional knowledge";

- Paragraph 2:

After the words "for their use shall be supplemented with the words " agreement on the use of traditional knowledge,";

After the words "State Register of the firm names" shall be supplemented with words ", State Register of the traditional knowledge";

в) In Clause 2:

- Paragraph 9 after the words "license agreement on granting the right to use them," shall be supplemented with the words "contract for the use of traditional knowledge,";

- In Paragraph 11 the words "selection achievement" shall be amended by the words "of the selection achievement, traditional knowledge";

- in Paragraphs 12-14:

In the text in state language after the words "to selection achievement", "selection achievement" and "to the selection achievement," supplement with words ",to traditional knowledge", "traditional knowledge", "to the traditional knowledge," correspondingly;

in the text in the official language after the words "selection achievement", supplements with the words "traditional knowledge";

- the fifteenth paragraph after the words "license agreement on the granting of the right to use them," supplement with the words "contract for the use of traditional knowledge,";

г) In Clause 4:

- Sub Clause 1 shall be supplemented with Paragraph 10 of following content:

" A contract for the use of traditional knowledge must necessarily include provisions on payments of payments for the use of traditional knowledge to the Local Community Development Fund or the State Fund for the Development of the System of Using Traditional Knowledge. ";

- in the third paragraph of subparagraph 2, replace the words "of an international trademark" with the words "trademark by international registration".

1) in the name and paragraph of the second paragraph of Clause 1 in the official language, replace the word "use" with the word "use";

2) in the Rules for drawing up, filing and examining applications for registration and granting the right to use traditional knowledge and applications for granting the right to use the already registered traditional knowledge approved by the above-mentioned resolution:

- in the name and throughout the text of the Rules and Annexes in the official language, replace the word "use" with the word "use";

- in the Clause 32 the words "in the official bulletin "Intellectual property" shall be replaced by the words "within 3 months from the date of their introduction to the Register in the official bulletin "Intellectual property";

3. In the Order of the State Register of Traditional Knowledge of the Kyrgyz Republic approved by the above-mentioned decree:

a) In Clause 3:

- In Sub Clause 1:

paragraphs 5, 6 and 9 shall be considered as invalid;

in paragraph 18 the words "certificate's original and" shall be excluded;

- In Sub Clause 3:

Paragraphs 6 and 11 shall be considered as invalid;

In paragraph 12 the words "certificate's original and" shall be excluded;

- In Sub Clause 4:

In paragraph 3 the words "and in the presence of the certificate's original" shall be excluded;

In paragraph 5 the words "certificate and" shall be excluded;

- Sub Clause 5 shall be stated as follows:

"5) Introduction of the correction of obvious and technical mistakes.

Correction of obvious and technical mistakes is made by Kyrgyzpatent to the State Register. Information about correction of obvious and technical errors is forwarded to publication. ";

6) in the Annex to the word's order the words "certificate's original" shall be excluded.

4. This Decision enters into force ten days after the date of its official publication. -

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**Prime-minister of the
Kyrgyz Republic**

T.Sariev