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## DECISION OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

*Bishkek, September 21, 2015 No. 652*

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

*(In the edition of the Decision of the Government of the Kyrgyz Republic No. 523 of  
October 3, 2016 )*

In order to bring certain decisions of the Government of the Kyrgyz Republic in line with the Law of the Kyrgyz Republic "Patent Law", 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. To introduce the following amendments and additions to the Decision of the Government of the Kyrgyz Republic "On approval of the Regulation on state registers of intellectual property objects of the Kyrgyz Republic" No. 155 of February 29, 2012 :

in the Regulation on state registers of intellectual property objects of the Kyrgyz Republic, approved by the above-mentioned decision:

- In the Clause 6 of the Annex 1:

Paragraph 5 shall be considered as invalid;

In paragraph 9 the sign "." shall be replaced with the sign ",";

Supplement with paragraph 10 of the following content:

"- on patent restoration.";

In Sub Clause 1:

Paragraph 11 shall be considered as invalid;

In paragraph 24 the word "patent" shall be replaced with the words "extra sheet to patent";

In the Clause 2:

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

In paragraph 5 the word "patent" shall be amended with the words "extra sheet to patent";

Paragraphs 12 and 15 shall be considered as invalid;

Sub Clause 5 shall be stated as follows:

"5) Restoration of the patent activity, patent under applicant's liability.

In accordance with Article 32-1 of the Law, the validity of the patent and patent under the applicant's liability, which was terminated due to the fact that the patent fee for maintaining it in force was not paid within the established time limit, can be restored upon the petition of the patent owner.

Request for the restoration of the validity of a patent shall be submitted to Kyrgyzpatent before the expiration of the established twenty-year period of validity of the patent in accordance with Article 4 of the Law, subject to payment of the fee for each year of operation and fees for filing such application in the prescribed amount.

For the management of cases on the restoration of the patent, the patent owner may authorize the patent attorney of the Kyrgyz Republic or another representative in cases provided for by the Law, with the issuance of a corresponding power of attorney.

Request is submitted in state or official language. The request is signed by the patent owner, patent attorney or other representative, in case of their appointment. On behalf of a legal entity, the request is signed by the head of the organization or other person authorized to do so in accordance with the established procedure, indicating his / her full name, position and stamp.

Request is annexed with:

- Patent on invention (original);

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- Document on payment of the established fee for the restoration of the patent;
  - A power of attorney certified in accordance with the established procedure if the application is submitted through a patent attorney or representative.

Request and the documents attached to it, submitted directly or received by mail, are considered within ten working days from the date of their receipt.

In the absence or incorrect execution of any of the necessary documents, a request is sent to the patent owner, patent attorney or other representative with a proposal to submit missing and / or corrected documents to Kyrgyzpatent within two months from the date of receipt of the request.

At the same time, the period for considering the application provided for in this Sub Clause shall be calculated from the date of receipt of the last of the missing or corrected documents.

The term of the patent is restored if the conditions for filing the application and the requirements for the documents provided for in this subparagraph are obeyed.

Herewith Kyrgyzpatent performs following:

- introduces corresponding information to the State Register of Trademarks within 10 working days;
- sends a notice of restoration of a patent to the publication within a month;
- sends to the owner of the patent, patent attorney or representative, security documents and a notice with a record on the restoration of the validity of the patent, providing information on the dates of maintenance and accounting of fees for maintaining the patent in force, within ten working days.

If in due time all the necessary, properly executed documents are not submitted, the patent is not restored, which is notified to the owner of the patent, patent attorney or other representative.";

Sub Clause 6 shall be reworded as follows:

"6) Making corrections of obvious and technical errors. Correction of obvious and technical mistakes is made by Kyrgyzpatent to the State Register of Trademarks.

Information about correcting obvious and technical errors is sent to the publication.";

In the Sub Clause 7:

Third sentence of the paragraph 2 shall be stated as follows:

"Information on the issuance of a duplicate is entered in the State Register of Trademarks.";

In the second sentence of the Paragraph 12 the word "director" shall be replaced by the word "manager";

- Paragraph 22 of the Clause 4 of the Annex 2 shall be stated as invalid;

- in Sub Clause 1 of the Clause 6 of the Annex 4:

Paragraph 11 shall be stated as invalid;

In paragraph 24 the word "certificate" shall be replaced by the words "extra list to certificate";

Paragraph 15 of the Sub Clause 3 shall be considered as invalid;

In Sub Clause 4:

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

In paragraph 5 the word "certificate" shall be replaced by the words "extra list to certificate";

Paragraphs 12 and 15 shall be considered as invalid;

Paragraph 10 of the Sub Clause 7 shall be considered as invalid;

Sub Clause 8 shall be stated as follows:

"8) Introduction of corrections of obvious and technical errors.

Correction of obvious and technical mistakes is made by Kyrgyzpatent to the State Register of Trademarks.

Information about correction of obvious and technical errors is forwarded to publication. ";в подпункте 9:

Second sentence of the Paragraph 2 shall be stated as follows:

"Information about the duplicate's issuance is introduced in the State Register of Trademarks.";

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In the second sentence of the Paragraph 13 the word “director” shall be replaced with the word “manager”;

- In the Clause 5 of the Annex 6:

In the Sub Clause 1:

Paragraphs 11 and 14 shall be considered as invalid;

In the Paragraph 12 the word “certificate” shall be replaced by the words “extra sheet to certificate”;

In the Sub Clause 2:

In paragraph 7 the words “and certificates invalid” shall be replaced by the words “name of the supply’s place of origin as invalid”;

Paragraph 8 after the word “certificate” shall be supplemented with words "for the right to use the appellation of origin";

Paragraph 12 of the Sub Clause 4 shall be considered as invalid;

Sub Clause 5 shall be stated as follows:

"5) Introduction of the corrections of the obvious and technical errors.

Correction of obvious and technical mistakes is made by Kyrgyzpatent to the State Register of Names of Place of Origin of Goods.

Information about correcting obvious and technical errors is sent to the publication.";

in the second sentence of the Paragraph 13 Sub Clause 6, replace the word "director" with the word "leader";

- Paragraph 11 of the Sub Clause 1 of the Clause 4 of the Annex 7 shall be considered as invalid;

- in the Provision 8:

In the Clause 4:

Paragraph 11 of the Sub Clause 1 shall be considered as invalid;

In the Sub Clause 2:

In paragraph 3 the words “and in the presence of the patent’s original” shall be excluded;

In paragraph 5 the word “patent” shall be replaced by the words “extra sheet to the patent”;

Paragraphs 12 and 15 shall be considered as invalid;

Sub Clause 5 shall be stated as follows:

"5) Making corrections of obvious and technical errors. Correction of obvious and technical errors is submitted by Kyrgyzpatent to the State Register of Selection Achievements.

Information about correction of obvious and technical errors is sent to the publication.";

In paragraph 13 of the Sub Clause 6:

After the words “and additional sheet” shall be supplemented with words “, in case of its presence”;

The word “director” shall be replaced by the word “manager”;

Supplemented by the Sub Clause 7 of the following content:

"7) In accordance with Article 32-1 of the Law, the validity of a patent that was terminated due to the fact that the patent fee for maintaining it in force was not paid within the prescribed period can be restored upon the request of the patent owner.

Request for the restoration of the validity of a patent shall be submitted to Kyrgyzpatent within three years for plant varieties, and for varieties of grapes, tree ornamental, fruit crops and forest species, including their rootstocks, as well as for animal breeds - within five years from the expiration date payment of the specified patent fee until the expiry of the established twenty-five-year period of validity of the patent in accordance with Article 17 of the Law, subject to payment of the fee for each missed year of operation and the fee for filing such application in the established size.

The owner of the patent may authorize the patent attorney of the Kyrgyz Republic (hereinafter - the patent attorney) or another representative in cases stipulated by the Law of the Kyrgyz Republic "On the Legal Protection of Selection Achievements", with the issuance of an appropriate power of attorney for the conduct of the restoration of the patent.

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Request shall be submitted in the state or official language in accordance with the model given in the annex to this procedure.

Request is signed by the patent owner, patent attorney or other representative, if they are appointed.

On behalf of a legal entity, the request is signed by the head of the organization or other person authorized to do so in accordance with the established procedure, indicating his / her full name, position and stamp.

The signature is deciphered by indicating the name and initials of the signatory.

The request shall be accompanied by:

- patent for selection achievement (original);
- document on payment of the established fee for the restoration of the patent;
- document on payment of the established fee for missed years;
- a power of attorney certified in the established manner, if the application is submitted through a patent attorney or representative.

Request and attached documents submitted directly or received by mail are considered within ten days from the date of their receipt.

In the absence or incorrect execution of any of the necessary documents, a request is sent to the patent owner, patent attorney or other representative with a proposal to submit missing and / or corrected documents to Kyrgyzpatent within two months from the date of receipt of the request.

At the same time, the period for considering the application provided for in this subparagraph shall be calculated from the date of receipt of the last of the missing or corrected documents.

The term of the patent is restored if the conditions for filing the application and the requirements for the documents provided for in this subparagraph are met.

At the same time Kyrgyzpatent carries out the following:

- makes relevant information to the State Register of the Selection Achievements within ten working days;
- sends a notice of restoration of the patent to the publication within a month;
- sends to the owner of the patent, patent attorney or representative, a security document and a notice with a record about the restoration of the patent validity period, giving it information on the maintenance dates and accounting for fees for maintaining the patent in force, within ten working days.

If, within the established period, all the necessary, properly executed documents are not submitted, no restoration of the patent is made, which is notified to the owner of the patent, patent attorney or other representative. ";

- in paragraph 4 of annex 9:

Paragraph eleventh of subparagraph 1 shall be declared invalid;

in paragraph twenty-three of subparagraph 1 and sub-paragraph 5 of subparagraph 2 the word "certificate" shall be replaced by the words "additional sheet to the certificate";

in the paragraph of the thirteenth subparagraph 4:

after the words "and additional sheet" add the words ", if available";

the word "director" is replaced by the word "leader";

- in paragraph 4 of annex 12:

Paragraph eleventh of subparagraph 1 shall be declared invalid;

in paragraph twenty-four of subparagraph 1 and sub-paragraph 5 of subparagraph 2 the word "certificate" shall be replaced by the words "additional sheet to the certificate";

in the third paragraph of subparagraph 2, the words "and in the presence of the original of the certificate" shall be deleted;

in the paragraph of the thirteenth subparagraph 4:

after the words "and additional sheet" add the words ", if available";

the word "director" is replaced by the word "leader";

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- in the paragraph 13 of the Sub Clause 4 of the Annex:  
after the words "and additional sheet" add the words ", if available";  
the word "director" is replaced by the word "leader".

2. (Expired in accordance with the Decision of the Government of the Kyrgyz Republic No. 523 of October 3, 2016)

3. Introduce in the Decision of the Government of the Kyrgyz Republic "On approval of the Regulation on Conditions and Procedures for the Granting of Compulsory Licenses for the Use of Industrial Property Rights" No. 862 of December 24, 1998, the following amendments and additions:

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 decision:

- Subclause "b" of Clause 2 after the word "major accidents" add the word "epidemic";

- In the second paragraph of Clause 4 the words "proportional compensation" shall be replaced with the words "commensurate remuneration";

- In Sub Clause "c" of clause 5 and in the second Paragraph of Clause 6, the word "commercial" shall be deleted;

- In paragraph 9, 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".

4. Introduce in the Decision of the Government of the Kyrgyz Republic "On approval of the Rules for extending the period of validity of the patent of the Kyrgyz Republic for an invention relating to pharmaceuticals, the Rules for extending the term of the patent of the Kyrgyz Republic for a utility model, the Rules for extending the period of validity of a patent of the Kyrgyz Republic for an industrial design" No. 7 of January 5, 2011, the following changes:

to be considered as invalid:

- paragraph two of paragraph 1;

- Rules for extending the term of validity of the patent of the Kyrgyz Republic for an invention related to pharmaceuticals approved by the above-mentioned decision.

5. This Decision shall enter into force ten days after the date of its official publication.

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**Prime-Minister of  
The Kyrgyz Republic**

**T. Sariev**