

## **PATENT REGULATIONS UNDER THE EURASIAN PATENT CONVENTION**

### **ADOPTED**

by the Administrative Council of the Eurasian Patent Organization at the thirty-seventh (10<sup>th</sup> extraordinary) session held on April 12, 2021, with amendments and addenda adopted at the forty-first (29<sup>th</sup> ordinary) session on September 20–21, 2022, forty-third (30<sup>th</sup> ordinary) session on December 5–7, 2023, forty-fifth (31<sup>st</sup> ordinary) session on September 9–10, 2024

## **PART II. INDUSTRIAL DESIGNS**

### **Chapter VII. GENERAL PROVISIONS**

#### **Rule 76. Subject of Regulation**

The provisions of this part of the Patent Regulations to the Convention (hereinafter – “the Regulations”) approved by the Administrative Council according to Article 3(3)(vii) of the Convention and Articles 2(1) and 23 of the Protocol shall govern relationship associated with filing and examination of Eurasian applications, grant of Eurasian patents and protection conferred by Eurasian patents in line with Articles 19 and 21 of the Protocol.

#### **Rule 77. Interpretation of Basic Concepts**

For the purposes of this part of the Regulations, the below concepts have the following meanings:

Convention – the Eurasian Patent Convention dated September 9, 1994;

Protocol – Protocol on Protection of Industrial Designs to the Convention dated September 9, 2019;

Organization – the Eurasian Patent Organization according to Article 2(1) of the Convention;

Administrative Council – the Administrative Council of the Organization according to Article 2(3) of the Convention;

Eurasian Office – the Eurasian Patent Office according to Article 2(3) of the Convention;

Contracting State – a State Party to the Protocol;

Eurasian patent – a Eurasian industrial design patent granted by the Eurasian Office according to Article 15 of the Protocol;

Eurasian application – an application for the grant of a Eurasian patent filed according to Article 13 of the Protocol;

Eurasian patent attorney – a person registered with the Eurasian Office as a patent attorney according to Article 16(1) of the Protocol;

unitary procedural fee – a fee for filing a Eurasian application, preliminary examination of a Eurasian application, substantive examination of a Eurasian application, publication of a Eurasian application and other procedural actions according to Article 14 of the Protocol;

applicant – a person filing a Eurasian application, eligible to obtain a Eurasian patent according to Article 4 of the Protocol;

request – a request for grant of a Eurasian patent;

International Classification of Industrial Designs – International Classification of Industrial Designs established by Locarno Agreement Establishing an International Classification for Industrial Designs of October 8, 1968;

national office – a national patent office of the State Party to the Protocol;

national application – an application for the grant of a national industrial design patent or application for national industrial design registration filed according to the legislation of the relevant Contracting State;

patent owner – a person having the exclusive right to an industrial design according to Article 9(2) of the Protocol;

representative – a person representing an applicant or patent owner before the Eurasian Patent Office according to Article 16 of the Protocol;

digital three-dimensional model – an electronic file created using a specialized software for mathematical representation of a product surface in three dimensions and used for visualization of such product appearance.

## **Chapter VIII. SUBSTANTIVE RULES OF LAW RELATED TO INDUSTRIAL DESIGNS**

### **Rule 78. Criteria of Industrial Design Patentability**

(1) A patentable industrial design means an industrial or artisanal product appearance, which, due to its essential features, is new and original.

Essential features of an industrial design include features that determine aesthetic characteristics of the product appearance, namely, its shape, configuration, ornamentation, combination of colors, lines, product contours, texture or pattern of the product material.

Features driven solely by the product's technical functions are irrelevant to the industrial design's essential features.

A product refers to any industrial or artisanal products, namely, packaging, label, composite product, set (series) of products, font, and independent part of the product.

(2) An industrial design shall be deemed new if the totality of its essential features shown in the images of the product appearance is not known from

information that becomes globally publicly available before the Eurasian application filing date, and if the priority is claimed, before the industrial design priority date.

(3) An industrial design shall be deemed original, if its essential features are driven by the creative nature of the product features, in particular, if no prior art product appearance having a similar purpose, producing the same general impression on the informed consumer as that produced by the industrial design shown in the images of the product appearance, follows from information that becomes publicly available anywhere in the world before the Eurasian application filing date, and in case the priority is claimed, before the industrial design priority date.

(4) Establishing the industrial design novelty and originality shall also consider Eurasian and national applications, provided that such Eurasian and national applications have not been withdrawn, are not deemed to be withdrawn, are not recognized as withdrawn and that such Eurasian and national application filing dates or, in case a priority is claimed, their priority dates precede the corresponding industrial design filing date or priority date.

(5) Public disclosure of information related to an industrial design by the author (his successor), applicant or any person directly or indirectly receiving such information therefrom, which results in becoming the totality of the industrial design essential features publicly available, is not recognized as a circumstance preventing recognition of the industrial design's patentability, provided that the Eurasian application is filed no later than twelve months from the date of such information disclosure. In addition, the burden of proof for information disclosure circumstances rests with the applicant.

(6) The following objects are not legally protected as industrial designs:

a) product appearance contrary to public interests or the principles of humanity and morality in at least one of the Contracting States;

b) product appearances that include, reproduce or simulate:  
official symbols, including state symbols and signs (flags, coats of arms, orders, banknotes, etc.);

abbreviated or full names of international and intergovernmental organizations, their flags, coats of arms, other symbols and signs;

official control marks, guarantee marks or assay marks, seals, awards and other identification marks;

recognizable parts of the above official symbols, names and signs;

c) product appearances that include, reproduce or simulate official names or images of cultural (including ethnic and religious) heritage items or their recognizable parts;

d) product appearance, all features of which are solely driven by the product's technical function;

e) product appearance identical or confusingly similar to trademarks of other persons, protected or registered and published in the territory of at least one of the Contracting States, having earlier priority, or including such trademarks;

f) product appearance identical or confusingly similar to the names of works of science, literature or art known in the territory of at least one of the Contracting

States, characters or quotations from such works, works of art or fragments thereof, if the rights to the corresponding work or part thereof arise before the industrial design priority date, and product appearance including the above objects;

g) product appearance capable of misleading the product consumer, including in respect of the product manufacturer, or product manufacture location, or goods for which the product serves as a container, packaging, label.

(7) The symbols, names and distinctive marks referred to in sub-paragraph (b) of paragraph (6) of this Rule, their recognizable parts or simulations may be included in an industrial design as unprotected elements subject to the consent of the relevant competent authority of the state or body of an international or intergovernmental organization whose interests are affected by the claimed product appearance.

(8) The official names or images of cultural (including ethnic and religious) heritage items referred to in sub-paragraph (b) of paragraph (6) of this Rule, their recognizable parts or simulations may be included in an industrial design as unprotected elements subject to the consent of the relevant competent authority of the Contracting State whose interests are affected by the claimed product appearance, or consent of the owner of the relevant cultural heritage item.

(9) The product appearances referred to in sub-paragraphs e) and f) of paragraph (6) of this Rule as industrial designs may be legally protected subject to the consent of the above items' right holders.

#### **Rule 79. Filing a Eurasian Application by Several Applicants**

(1) A Eurasian application may be filed by several applicants.

(2) Refusal of one of the applicants to participate in the Eurasian patent granting procedure shall not prevent the other applicant or applicants from performing actions necessary to obtain a Eurasian patent.

#### **Rule 80. Right of Priority**

(1) An applicant may claim establishing the priority based on one or more earlier applications for industrial designs filed in any Member State of the Paris Convention for the Protection of Industrial Property or World Trade Organization or in respect of any such state.

The industrial design priority may be established based on the earlier application filing date according to Article 4 of the Paris Convention for the Protection of Industrial Property, if the Eurasian application is filed with the Eurasian Office within six months from such date.

When a Eurasian application is filed within two months from the expiry date of said period, the right of priority may be restored at the applicant's request filed within such two months, provided that the Eurasian Office considers failure to comply with such term unintentional.

Restoration of the right of priority is subject to payment of the prescribed fee. When the submitted request mentions no reasons for failure to comply with the prescribed time limits, the applicant shall provide such information within the time limits specified in the Eurasian Office's notification.

(2) The industrial design priority may be established based on the date of receipt of additional files, provided that they are prepared by the applicant as an independent Eurasian application and filed before expiry of a four-month period from the date when a notification is sent to the applicant stating refusal to take into account additional files due to their recognition as changing the gist of the claimed industrial design.

(3) The industrial design priority may be established based on the date of filing with the Eurasian Office or national office of the same applicant's earlier Eurasian application disclosing such industrial design, provided that the Eurasian application for which such priority is claimed is filed no later than six months from the earlier Eurasian application filing date. At the same time, the earlier Eurasian application shall be recognized as withdrawn.

(4) The industrial design priority under a divisional Eurasian application may be established based on the priority date of the parent Eurasian application filed by the same applicant subject to Rule 113(3) of the Regulations.

(5) The industrial design priority may be established based on the commencement date of open display of an industrial design at an official or officially recognized international exhibition held in the territory of any Member State of the Paris Convention for the Protection of Industrial Property, provided that the gist of the industrial design is disclosed as a result of its exposure, when the Eurasian application is filed with the Eurasian Office within six months from such date.

(6) Multiple priorities may be established for the same Eurasian application in case it contains several industrial designs, even if earlier applications were filed in different states.

(7) The industrial design priority may not be established based on the filing date of an application for which an earlier priority has already been claimed.

### **Rule 81. Consequences of Filing Eurasian Application by Non-Entitled Persons**

(1) When a person other than an applicant or person which has not transferred the right to obtain a Eurasian patent to the applicant, is recognized as an author for whose industrial design a Eurasian application is filed, or person entitled to file a Eurasian application, based on the binding judgment of the court or other competent authority of a Contracting State, then, in case the Eurasian patent has not yet been granted, such person may, within three months of the above decision entry into force:

subject to payment of the prescribed fee, continue the processing of the Eurasian application instead of the applicant as if it were his own Eurasian application;

file a new Eurasian application for the same industrial design with the same filing and priority date as that of the first Eurasian application (in such case, the first Eurasian application shall be deemed withdrawn on the date of receipt of a new Eurasian application by the Eurasian Office);

withdraw the Eurasian application filed by a non-entitled person.

(2) During the procedure related to the Eurasian patent validity in connection with unlawful indication of the author or patent owner in the Eurasian patent, a person recognized as an author of an industrial design or patent owner by a decision of a court or other competent authority of a Contracting State, may request to mention him-/herself as an author or grant a Eurasian patent in his/her name subject to payment of the prescribed fee.

### **Rule 82. Author's Right to Be Mentioned in Eurasian Application and Eurasian Patent**

The author has the right to be mentioned as such in the Eurasian application and in the Eurasian patent. At the same time, the author may refuse such mention in the Eurasian Office's publications by a written request filed with the Eurasian Office before the completion date of technical preparation of the Eurasian application or Eurasian patent for publication.

The above refusal may be withdrawn by the author within the same term.

### **Rule 83. Right to Eurasian Patent**

(1) The right to obtain a Eurasian patent belongs to the author or successor thereof subject to provisions of Article 4(1) of the Protocol.

(2) A natural person whose creative work results in an industrial design shall be recognized as an author.

When an industrial design results from a joint creative work of multiple persons, all of them shall be recognized as authors. At the same time, the right to obtain a Eurasian patent belongs to them jointly or their successors subject to provisions of Article 4 (1) of the Protocol.

### **Rule 84. Temporary Legal protection of Industrial Design**

(1) An industrial design for which a Eurasian application has been filed, is granted temporary legal protection in the territory of all Contracting States from the date of its publication until the Eurasian patent publication date.

The scope of temporary legal protection is determined by the totality of the industrial design essential features shown in the product images published by the Eurasian Office.

(2) The patent owner may, from the Eurasian patent publication date, claim a proportionate compensation from persons who used the claimed industrial design during the period specified in paragraph (1) of this Rule according to the national legislation of the Contracting State in whose territory the industrial design was used.

(3) Temporary legal protection shall be deemed non-occurred if a decision is made on refusal to grant a Eurasian patent, whose appealability has been exhausted, or if the Eurasian application is deemed withdrawn.

### **Rule 85. Scope of Industrial Design Legal Protection**

The scope of legal protection granted by the Eurasian industrial design patent is determined by the totality of the industrial design essential features shown in the product images.

**Rule 86. Disposal of Right to Obtain Eurasian Patent or Exclusive Right to Industrial Design. Succession of Eurasian Application or Eurasian Patent**

(1) The right to obtain a Eurasian patent or exclusive right to an industrial design may be transferred to another person under a contract, and transferred to another person by inheritance or other succession.

(2) The right to obtain a Eurasian patent may be transferred to another person under a contract or transferred to another person by succession only in respect of the territory of all Contracting States.

(3) The exclusive right to an industrial design may be transferred to another person under a contract or transferred to another person by succession during its validity term only in respect of the territory of all Contracting States where the Eurasian patent is valid.

No transfer of the exclusive right to an industrial design is allowed if it may be misleading for the consumer, in particular, with respect to the product manufacturer or product manufacture location.

(4) The right to obtain a Eurasian patent or exclusive right to an industrial design may be transferred to another person under a contract both in respect of all industrial designs mentioned in the Eurasian application or protected by the Eurasian patent, and in respect of individual ones.

(5) The right to obtain a Eurasian patent or exclusive right to an industrial design may be transferred by succession only in respect of all industrial designs mentioned in the Eurasian application or protected by the Eurasian patent.

(6) Transfer of the right to obtain a Eurasian patent and exclusive right to an industrial design, including when transferred under a contract, shall be registered by the Eurasian Office upon a written request of a person(s) specified in Rule 126(3) of the Regulations. For these purposes, any document confirming transfer of the relevant right shall be submitted, unless otherwise specified in Rule 126(4) of the Regulations.

Transfer of the right to obtain a Eurasian patent and exclusive right to an industrial design shall be registered subject to payment of the prescribed fee.

(7) Agreements on transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design shall be concluded in writing and drawn up as a single document signed by the parties.

Transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design under a contract shall come into force in respect of third parties only upon its registration with the Eurasian Office.

(8) The Eurasian Office shall include the documents related to transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design into the Eurasian application or Eurasian patent files.

Information on registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design is subject to publication in the official

Eurasian Office Gazette, if the Eurasian application has been earlier published therein.

(9) The Eurasian Office shall enter information on registration of transfer of the exclusive right to an industrial design to the Eurasian Industrial Design Patent Register and publish the relevant information in the official Eurasian Office Gazette.

(10) The exclusive right to an industrial design may be a subject of pledge in respect of the territory of all Contracting States where the Eurasian patent is valid.

The pledge of the exclusive right to an industrial design shall be registered by the Eurasian Office upon an interested person's written request and subject to payment of the prescribed fee.

The pledge of the exclusive right to an industrial design arises from the pledge agreement date or from another date specified in the pledge agreement.

The pledge agreement for the exclusive right to an industrial design shall be concluded in writing and drawn up as a single document signed by the parties.

The pledge agreement for the exclusive right to an industrial design shall specify the agreement subject matter, results of evaluation of the exclusive right to an industrial design being pledged, merits, amount and term of the obligation secured with the pledge.

The pledgor (patent owner) may dispose of the exclusive right to an industrial design for the purposes of fulfilling the pledge obligation, unless otherwise specified in the agreement.

The Eurasian Office shall publish information on registration of the pledge of the exclusive right to an industrial design in the official Eurasian Office Gazette.

Information on registration of the pledge of the exclusive right to an industrial design shall be entered to the Eurasian Industrial Design Patent Register.

(11) License agreements and contracts concluded according to the national legislation of the Contracting States based on the third part of Article 10(1) of the Protocol shall be registered by the national office of the Contracting State in respect of whose territory the relevant contract is concluded.

The National Office shall notify the Eurasian Office of such registration immediately after registration of the license agreement or contract concluded according to the national legislation of a Contracting State based on the third part of Article 10(1) of the Protocol.

(12) The Eurasian Office shall enter information on registered license agreements and contracts concluded according to the third part of Article 10(1) of the Protocol to the Eurasian Industrial Design Patent Register and publish the relevant information in the official Eurasian Office Gazette.

### **Rule 87. Submission of Eurasian Patent Translation**

According to Articles 11(4) and 12(2) of the Protocol, each Contracting State may obligate the plaintiff (other interested person) to submit the Eurasian patent translation into its official language within the term prescribed by such Contracting State of at least three months from the date of receipt of the request issued by the



national court or other competent authority of the Contracting State by the plaintiff (other interested person).

### **Rule 88. Exclusive Right to Industrial Design and Extension of Eurasian Patent Term**

(1) According to Article 9(2) of the Protocol, the exclusive right to an industrial design belongs to the patent owner and, subject to Article 11(3) of the Protocol, remains valid in the territory of all Contracting States from the date specified in Article 8(1) of the Protocol.

Actions performed with respect to an industrial design and recognized as its use in the territory of each of the Contracting States shall be specified according to the second part of Article 9(2) of the Protocol according to the national legislation of the relevant Contracting State.

The relationship regarding use of the industrial design, which Eurasian patent belongs to several patent owners, in the territory of each of the Contracting States shall be governed by the legislation of the relevant Contracting State.

(2) No person may use an industrial design without the patent owner's consent, except in cases established by the national legislation of the Contracting State in whose territory the industrial design is used.

(3) The Eurasian patent term specified in Article 8(1) of the Protocol may be repeatedly extended according to Article 8(2) of the Protocol in respect of the territory of all Contracting States, where the Eurasian patent is valid, for five years, at the patent owner's request filed during the last year of the Eurasian patent term. At the same time, the total Eurasian patent term shall not exceed twenty-five years from the Eurasian application filing date.

(4) Extension of the Eurasian patent term is subject to payment of the prescribed fee.

The patent owner may request extension of the Eurasian patent term within six months of expiry of the term specified in paragraph (3) of this Rule. Such request is subject to payment of an additional fee.

As soon as the request for extension of the Eurasian patent term is satisfied, the Eurasian Office shall enter the mention of the extension of the Eurasian patent term to the Eurasian Industrial Design Patent Register and immediately publish such information in the official Eurasian Office Gazette.

### **Rule 89. Infringement of Rights Certified by Eurasian Patent**

(1) Infringement of rights certified by a Eurasian patent includes actions recognized as such according to the national legislation of the Contracting State in whose territory such actions are performed.

(2) For infringement of rights certified by the Eurasian patent, each Contracting State provides for the same civil or other liability as for infringement of rights to an industrial design granted according to the national legislation of the Contracting State in whose territory the relevant rights are infringed.

(3) According to Article 12(1) of the Protocol, disputes related to protection of rights certified by the Eurasian patent shall be resolved based on the substantive and legal procedures of the Contracting State in whose territory protection of such rights is claimed.

#### **Rule 90. Right of Prior Use**

(1) Any person who, before the Eurasian application filing date or, in case the industrial design priority is established, before its priority date, has used, in good faith in the territory of a Contracting State, an identical product appearance created independently of the industrial design author or has made necessary preparations for such use, shall remain entitled to its further gratuitous use without expanding the scope (right of prior use) in the territory of said Contracting State.

(2) The right of prior use may be transferred to another person only together with the production facility, where the identical product appearance is used or necessary preparations are made for such use.

### **Chapter IX. PROCEDURAL RULES OF LAW RELATED TO INDUSTRIAL DESIGNS**

#### **Rule 91. General Requirements for Processing of Eurasian Applications and Eurasian Patents**

(1) A Eurasian application and documents related to a Eurasian application and Eurasian patent may be filed in writing on paper or in the electronic form under the terms and conditions and according to in the procedure prescribed by the Eurasian Office.

(2) The requirements for the Eurasian application contents and drafting individual documents of the Eurasian application and Eurasian patent, provided for in this part of the Regulations and other regulatory legal acts of the Organization, shall be met regardless of the Eurasian application and (or) relevant document filing form, unless otherwise specified in the regulatory legal acts of the Organization.

(3) The Eurasian application and documents related to the Eurasian application and Eurasian patent filed with the Eurasian Office in the electronic form according to paragraph (1) of this Rule have the same legal status as if they were filed on paper.

The Eurasian Office may forward its notifications, decisions and other correspondence to the applicant or patent owner in the electronic form under the terms and conditions and according to the procedure prescribed by the Eurasian Office. In such cases, said documents sent in the electronic form shall have the same legal status as if they were sent on paper.

The Eurasian Office's documents, where information is presented in the electronic form, signed with an electronic signature according to the procedure and under the terms and conditions established by the Eurasian Office (electronic documents), may be printed out and sent to the addressee on paper specifying information on the electronic signature used to prepare them. In such case, an electronic document or its hard copy containing information on such electronic

signature used to prepare an electronic document shall have the same legal status as the documents prepared on paper and signed with the authorized person's handwritten signature.

(4) The Eurasian Office shall prepare and certify a paper copy of the Eurasian application and Eurasian patent files submitted in the electronic form in cases provided for by Rules 123(2), 124(3) of the Regulations and in other established cases when a certified copy of the Eurasian application and (or) Eurasian patent files is required.

(5) Eurasian applications and Eurasian patents are processed in the Eurasian Office in writing on paper or in another form provided for by the Eurasian Office, including in the electronic form. The procedure for Eurasian applications and Eurasian patents processing in the Eurasian Office is established by the President of the Eurasian Office.

### **Rule 92. Confidentiality of Eurasian Applications Processing**

(1) Within the framework of Eurasian applications processing, the Eurasian Office, as well as national offices, prohibits third parties to access a Eurasian application before its publication, unless there is the applicant's request or permit or request issued by judicial and other competent authorities.

At the same time, the term "access" shall mean any actions that enable receipt of information contained in the Eurasian application, including its disclosure and publication.

(2) Prior to publication of a Eurasian application, the Eurasian Office shall, at the third parties' request and subject to payment of the prescribed fee, provide the following data:

Eurasian application number;

Eurasian application filing date and, in case a priority is requested, priority date, filing country of the earlier application and its number;

applicant' surname, first name, patronymic (if any) or designated name.

(3) The Eurasian Office shall authorize access to the parent Eurasian application prior to its publication when the Eurasian application divided according to Rule 113(3) of the Regulations or Eurasian application filed according to the third item of Rule 81(1) of the Regulations is published.

### **Rule 93. General Requirements to Eurasian Application**

(1) A Eurasian application shall pertain to one or more industrial designs, but not more than one hundred industrial designs belonging to a single class under the International Classification for Industrial Designs.

(2) A Eurasian application shall contain:

request;

set of images;

general view drawing of the product, team chart, if necessary, to disclose the industrial design gist;

other documents provided for by this part of the Regulations.

A Eurasian application may include a description and (or) digital three-dimensional model explaining the industrial design, but not used for the purposes of its legal protection scope.

A digital three-dimensional model shall not pertain to the Eurasian application files referred to in Rules 91(4), 113(1), 123(2), 124(3) of the Regulations, and shall not be the basis for filing a divisional Eurasian application according to Rule 113(3) of the Regulations.

When a Eurasian application is filed by the applicant's representative and its representation is mandatory according to Rule 99 of the Regulations, a document confirming payment of a unitary procedural fee in the prescribed amount and power of attorney shall be attached to the Eurasian application.

The Eurasian Office may claim presentation of evidence in respect of any document contained in the Eurasian application, when it has reasonable doubts as to the document authenticity or accuracy of its translation into Russian.

(3) The request shall be submitted in Russian. Other Eurasian application documents shall be submitted in Russian or another language. If the Eurasian application documents are submitted in another language, their translation into Russian shall be attached thereto. The applicant may submit translation into Russian within two months from the date when the Eurasian Office receives a Eurasian application containing documents in another language. Subject to payment of the established additional fee, the applicant shall be given an opportunity to submit translation into Russian within two months from the date of expiry of the previous two-month period.

In case of failure to submit translation into Russian within the above time limits, the Eurasian application shall be deemed withdrawn.

(4) A document confirming payment of a unitary procedural fee according to Article 13(3) of the Protocol shall be submitted to the Eurasian Office simultaneously with the Eurasian application or within the term specified in Rule 102(4) of the Regulations, when the Eurasian application is filed according to the second part of Article 13(3) of the Protocol through the national office.

In case said document is not submitted within the term specified in the previous item of this paragraph, it may be submitted thereafter within two months, subject to providing a document to confirm payment of the established additional fee.

In case the document confirming payment of the unitary procedural fee is not submitted within the above time limits, the Eurasian application shall be deemed withdrawn.

(5) Requirements for a digital three-dimensional model shall be specified by the Eurasian Office.

#### **Rule 94. Requirements for Eurasian Application Execution**

(1) When a Eurasian application is filed according to Article 13(1) of the Protocol, all Eurasian application documents shall be submitted in one copy.

When a Eurasian application is filed according to Article 13(2) of the Protocol, the Eurasian application documents shall be submitted in two copies, except for the document confirming payment of a unitary procedural fee and power of attorney for representation before the Eurasian Office, to be submitted in one copy. The second copy of the Eurasian application shall be kept by the national office.

The requirement for the number of submitted copies of the Eurasian application shall not apply to filing Eurasian applications in the electronic form.

(2) All Eurasian application documents submitted on paper shall be made so as to ensure their long-term storage and direct reproduction in the unlimited number of copies.

The sheets shall not be crumpled, torn, or have kinks. Each sheet shall only be used on one side.

Each Eurasian application document shall begin on a new sheet. The Eurasian application documents shall be made on elastic, durable, white, smooth matte A4 (210 x 297 mm) paper, except in cases when a different format of certain Eurasian application documents is required by this part of the Regulations.

The second and subsequent sheets of each Eurasian application document shall be numbered with Arabic numerals.

The Eurasian application documents shall be printed in black font, unless otherwise specified in this part of the Regulations.

### **Rule 95. Request Requirements**

(1) A request shall contain:

request for grant of a Eurasian patent;

applicant's surname, first name, patronymic (if any) and (or) name of legal entity, address and other applicant details;

surname, first name, patronymic (if any) and other author details;

address for correspondence;

name of the industrial design;

product indications, which appearance represents an industrial design or in connection with which the industrial design will be used;

class and subclass (classes and subclasses) of the International Classification for Industrial Designs to which the industrial design pertains.

When specifying the applicant's (author's) surname, first name, patronymic, the surname shall be indicated first, followed by the first name and patronymic (if any).

In appropriate cases, the request shall contain:

priority claim as specified in Rule 104 of the Regulations;

indication of the fact that the Eurasian application is filed as a divisional Eurasian application with a reference to the earlier Eurasian application number;

indication of the fact that the Eurasian application is filed according to the third item of Rule 81(1) of the Regulations.

(2) The request shall be submitted in the form approved by the Eurasian Office.

(3) The request shall be signed by the applicant or his/her representative when the Eurasian application is filed through this representative.

Signatures on the request shall be followed by the signatory's full surname and initials.

When an applicant is a legal entity or organization equated thereto, the full name of such legal entity or organization shall be indicated, and the request shall be signed by its manager or authorized person.

(4) Other request requirements, including when a Eurasian application is filed in the electronic form, shall be specified by the Eurasian Office.

### **Rule 96. Requirements for Set of Images**

(1) A set of images related to each industrial design within a Eurasian application shall contain the number of images capable of giving a complete detailed idea of the industrial design essential features, not exceeding seven images.

(2) Photos, figures, including those made by means of computer graphics, and their copies may be presented as images.

Photos of 180 x 240 mm are usually presented.

Images related to industrial designs of products, which either overall dimension is equal to or less than 300 mm, may be presented with a size of 130 x 180 mm or 90 x 120 mm.

(3) Images shall be sharp and clear and shall enable identifying the industrial design essential features on both illuminated and shaded product sides without additional explanations. At the same time, the products shall be presented in the images against a neutral background, without foreign objects, explanatory text, sizes, axes, lines, arrows, break marks for long products.

It is allowed to use a dotted line or color marking in the product image to show the parts (elements) of the product appearance, in which respect the applicant does not claim legal protection. In such case, parts (elements) of the product appearance to which the claimed industrial design belongs shall be shown by a solid line.

(4) On the front side of the sheets containing images (for photos—on their reverse side), the name of the industrial design, image number, and explanations (“general view”, “side view”, “front view”, “rear view”, “top view”) shall be sequentially indicated.

The images shall be progressively numbered with Arabic numbers in the following order: general view, other views (if presented).

When an industrial design is represented by a single image only, the image does not require numbering.

(5) The requirements for images of certain industrial design types shall be specified by the Eurasian Office.

### **Rule 97. Requirements for Product General View Drawing and Team Chart**

(1) The image may be represented in the drawing in rectangular (orthogonal) projections (in various views, cuts and sections) or in the axonometric projection.

Each element of the drawing shall be proportional to all other elements, except when a difference in proportions is necessary for a clear element image.

Each drawing shall be presented on a separate sheet specifying the industrial design name in the upper right corner and progressively numbered as a figure applicable to the industrial design.

(2) The team chart shall be presented when an industrial design pertains to consumer goods and textile products.

Samples of materials with a recurrent pattern shall be presented with the size of each pattern rapport.

(3) Other requirements for the product general view drawing and team chart may be specified by the Eurasian Office.

### **Rule 98. Expressions and Images Unacceptable for Use in Eurasian Application**

A Eurasian application shall not contain expressions and images contrary to public interests or the principles of humanity and morality, including disparaging statements in respect of any persons' products.

### **Rule 99. Representation**

(1) The representative referred to in Article 16 of the Protocol shall be appointed by the applicant, patent owner, or other interested person by issuing a power of attorney to the representative in a simple written form requiring no notarization.

The power of attorney shall be signed by the applicant, patent owner, or other interested person, and shall specify the surname, first name, patronymic (if any) or legal entity name and address of the representative's residence or location in the territory of the Contracting State.

The representative may substitute actions specified in the power of attorney to another person if authorized to do so by a power of attorney or forced to do so due to circumstances to protect interests of the power of attorney issuer.

A representative may also be appointed by an applicant through indication thereof in the request form signed by the applicant when submitting the Eurasian application.

When several representatives having different addresses are appointed, the power of attorney shall specify the address for correspondence.

(2) The power of attorney issued by the applicant confirming powers of the representative, including the Eurasian patent attorney, to conduct business with the Eurasian Office in respect of the Eurasian application, shall be submitted together with the Eurasian application or within two months from the date of the request receipt by the Eurasian Office.

A power of attorney confirming powers of a Eurasian patent attorney shall be submitted at his/her discretion, except for cases specified in paragraph (7) of this Rule, when presentation of a power of attorney by a Eurasian patent attorney is mandatory.

The power of attorney confirming powers of the representative issued by the applicant shall be deemed valid for conducting business thereby with the Eurasian Office in respect of the Eurasian patent, when the relevant powers are specified in the power of attorney and when the Eurasian patent is issued in the applicant's name.

If the Eurasian patent belongs to a person other than the applicant, then to conduct business with the Eurasian Office in respect of the Eurasian patent through a representative, the patent owner shall submit a new power of attorney specifying the representative's powers.

In such case, the patent owner shall submit to the Eurasian Office the power of attorney together with the document by which the representative is appointed, or within two months from the date of such document receipt by the Eurasian Office.

If the power of attorney is not submitted within the two-month period specified in the first item or, respectively, the fifth item of this paragraph, it may be submitted within four months from the date of notification of the need to submit it, subject to payment of the prescribed additional fee.

If a power of attorney or request for extension of such power of attorney submission term is not provided within a four-month period, the representative's actions based on the power of attorney shall be deemed uncommitted, except for filing of the Eurasian application and payment of the prescribed fees.

Should the procedural actions be deemed uncommitted for the above reasons, the Eurasian application shall be deemed withdrawn in the cases set forth by this part of the Regulations.

To conduct business with the Eurasian Office through a representative, other interested persons shall submit a power of attorney together with a document intended for submission by the representative being appointed.

(3) The representative's powers may be confirmed by an earlier issued power of attorney (general power of attorney), whereby the applicant appoints such person to represent his/her interests before the Eurasian Office in respect of any Eurasian applications that have been filed or will be filed thereby, and the patent owner—in respect of Eurasian patents that have been or will be granted thereto. In case of a general power of attorney, the representative's powers in respect of the Eurasian application and Eurasian patent may be confirmed by submitting a copy of the general power of attorney.

The general power of attorney shall be kept in the Eurasian Office. Copies of the general power of attorney shall be submitted within the time limits specified in paragraph (2) of this Rule.

(4) Any representative's action within powers granted thereto or any Eurasian Office's action in respect of the representative shall have the same consequences as those of the applicant's (patent owner's, other interested person's) actions or actions in respect of the applicant (patent owner, other interested person). This rule shall apply to each representative if several representatives are specified in the power of attorney.

(5) Any appointment of a representative may be changed at the applicant's, patent owner's, or other interested person's written request subject to payment of the



prescribed fee. For the purposes of the Eurasian procedure, when a new representative is appointed and a power of attorney is issued in his/her name, the power of attorney earlier issued in the name of another person shall be deemed terminated, unless otherwise specified in the request.

If several applicants for the same Eurasian application, entitled to conduct business with the Eurasian Office independently according to Article 16(3) of the Protocol, fail to appoint a common representative, the Eurasian Office shall deem the applicant indicated in the application first as a common representative and exchange therewith correspondence related to the Eurasian application.

This provision shall accordingly apply to both several patent owners entitled to conduct business under the same Eurasian patent and to other interested persons that conduct business with the Eurasian Office.

(6) The applicant, patent owner, or other interested person entitled to conduct business directly with the Eurasian Office in respect of procedures related to establishing the Eurasian application filing date, payment of fees, including the fee to be paid according to Article 8(2) of the Protocol, submission of copies of earlier applications, and receipt of the Eurasian Office's notifications in respect of procedures listed in this paragraph.

(7) The Eurasian patent Attorney shall submit a power of attorney in the following cases:

- a) appointment as a new representative according to paragraph (5) of this Rule;
- b) filing a request to withdraw a Eurasian application, abandon an earlier claimed priority;
- c) filing a request to surrender a Eurasian patent or limit a Eurasian patent;
- d) filing a request for registration of transfer of the exclusive right to an industrial design, pledge of such exclusive right, or change in the applicant's or patent owner's name or designated name;
- e) filing oppositions according to Rules 112, 116 of the Regulations and their processing;
- f) appeal regarding the Eurasian application or Eurasian patent on behalf of any other person other than the applicant or patent owner;
- g) the Eurasian Office's reasonable doubt that the Eurasian patent attorney has appropriate powers.

#### **Rule 100. Eurasian Patent Attorneys Specializing in Industrial Designs**

(1) A person entitled to be a representative before the national office in respect of industrial designs according to Article 16(1) of the Protocol and meeting requirements specified by the Eurasian Office may be registered as a Eurasian patent attorney specializing in industrial designs.

(2) The procedure for certification and registration of Eurasian patent attorneys specializing in industrial designs shall be specified by the Eurasian Office.

(3) The Eurasian Office shall keep records in the Register of Eurasian Patent Attorneys and enter thereto information on persons registered by the Eurasian Office as Eurasian patent attorneys specializing in industrial designs.

### **Rule 101. Establishing Eurasian Application Filing Date**

(1) The Eurasian application filing date shall be established based on the date of its receipt by the Eurasian Office or national Office, depending on the Eurasian application filing office from among those above mentioned according to Articles 13(1) and 13(2) of the Protocol, if found out that as of said date the Eurasian application includes at least:

a) an indication that the attached files represent a Eurasian application filed according to the Protocol;

b) details enabling to identify the applicant;

c) a set of images giving a clear and complete idea of the industrial design;

d) contact details of the applicant or representative, if any.

(2) Should a Eurasian application fail to meet requirements set forth in subparagraph a)—c) of paragraph (1) of this Rule, the Eurasian application filing office shall immediately notify the applicant to that effect and offer to submit the missing documents and/or details within four months from the date of forwarding such notification.

Should a Eurasian application fail to meet requirements specified in subparagraph d) of paragraph (1) of this Rule, the Eurasian application shall be deemed unfiled.

When the requested documents and/or details are submitted within the prescribed term, the Eurasian application filing date shall be established based on the date of their receipt by the relevant office. If said documents and/or details are not submitted simultaneously, the Eurasian application filing date shall be established based on the date of receipt of the document or details submitted by the latter.

Should the applicant fail to submit the requested documents and/or details within the prescribed term, the Eurasian application shall be deemed unfiled, and the applicant shall be provided with a corresponding notification to that effect.

### **Rule 102. Eurasian Application Processing and Transmittal by National Office**

(1) If a Eurasian application is filed with the national office according to Article 13(2) of the Protocol, the latter shall establish its filing date and provide the applicant with a certificate of the Eurasian application receipt specifying the filing date and registration number with the national office, name of the industrial design and details of the applicant and the representative, if the latter is appointed.

(2) The National Office shall verify availability of the documents required to establish the Eurasian application filing date according to Rule 101(1) of the Regulations and files specified as attachments to the application.

Should a Eurasian application meet the requirements set forth in Rule 101(1) of the Regulations, the national office shall, subject to payment of the prescribed fee for

the Eurasian application processing and transmittal, if prescribed by the legislation of the relevant Contracting State, transmit one copy of the Eurasian application to the Eurasian Office within one month from the date of its receipt by the national office, subject to paragraph (6) of this Rule, provided that the Eurasian application is filed in compliance with the procedure established by the national legislation of the Contracting State for patenting industrial designs in other countries.

In case of disagreements between the national office and the applicant unrelated to payment of the Eurasian application processing and transmittal fee and compliance with requirements of the national legislation of the Contracting State regarding patenting of industrial designs in other countries, the Eurasian application shall be transmitted to the Eurasian Office.

If a Eurasian application is accepted for examination, the applicant shall be notified of establishing the Eurasian application filing date.

(3) The National Office shall notify the applicant of transmittal of his/her Eurasian application to the Eurasian Office and need to pay a unitary procedural fee to the Eurasian Office according to Article 13(3) of the Protocol.

(4) The applicant shall submit a document confirming payment of the unitary procedural fee to the Eurasian Office, subject to Rule 93(4) of the Regulations, within three months from the date of the notification referred to in paragraph (3) of this Rule sent thereto by the national office.

In case the document confirming payment of the unitary procedural fee is not submitted within the above time limits, the Eurasian application shall be deemed withdrawn.

(5) Upon receipt of the Eurasian application transmitted according to paragraph (2) of this Rule, the Eurasian Office shall immediately notify the applicant to that effect, specifying the date of receipt of the Eurasian application.

(6) A Eurasian application shall be deemed unfiled when it is not received by the Eurasian Office before expiry of fourteen months from the date of its receipt by the national office.

In such case, the unitary procedural fee shall be returned to the applicant less expenses incurred by the Eurasian Office.

### **Rule 103. Requirements of National Legislation**

(1) When a Eurasian application is filed through a national office, the latter may not reject the Eurasian application on the grounds of its failure to comply with requirements of the Protocol or this part of the Regulations without giving the applicant an opportunity to correct said application to the extent and in line with the procedure provided for by the national legislation for the same or similar situations with respect to national applications.

Similarly, the national office may provide the applicant with an opportunity to correct the Eurasian application, even if such opportunity is not provided for by the national legislation.

(2) The national legislation of a Contracting State may not impose other or additional requirements to the form or content of the Eurasian application, other than those provided for by the Protocol and this part of the Regulations.

(3) The Eurasian Office shall transmit the Eurasian application submitted by the applicant of a Contracting State directly to the Eurasian Office to the national office, when such Eurasian application shall, according to the legislation of the Contracting State, be filed by the applicant of a Contracting State through the national office, and notify the applicant of transmittal of the Eurasian application submitted thereby to the national office.

Upon receipt of the specified Eurasian application, the National Office shall examine it according to Rules 101, 102 of the Regulations and establish the filing date on the date of receipt of the Eurasian application by the Eurasian Office subject to requirements of Rule 101(1) of the Regulations.

Postage expenses for transmittal of the Eurasian application to the national office shall be reimbursed by the applicant at the Eurasian Office's request.

Provisions of this rule do not apply to cases when applicants file divisional Eurasian applications and Eurasian applications claiming priority according to Rule 80 of the Regulations directly to the Eurasian Office.

#### **Rule 104. Priority Claiming Procedure**

(1) An applicant wishing to exercise the right of priority provided for by Rule 80(1) of the Regulations shall indicate this when filing a Eurasian application or within two months from the date of receipt of the Eurasian application by the national or Eurasian Office and attach the required documents confirming the validity of such claim.

Such documents include a copy of the earlier application duly certified by the office with which it was filed and document confirming the applicant's right to claim priority in case another person is an applicant of the earlier application. If the applicant's name (legal entity name, if the application is filed by a legal entity or organization equated thereto) is changed after the earlier application filing date, a document confirming such change shall be submitted when the Eurasian application is filed.

(2) Submission of a certified copy of the parent or earlier application is not required when priority is claimed according to Rules 80(2), 80(3), 80(4) of the Regulations.

A certified copy of the earlier application shall not be submitted if such copy of the application is available to the Eurasian Office through the priority documents digital access service of the World Intellectual Property Organization.

(3) A certified copy of the earlier application may be submitted within three months from the date of filing of the Eurasian application for which the convention priority is claimed.

A certified copy of the earlier application may be submitted later than the term specified in the first item of this paragraph, subject to submission by the applicant a corresponding request before expiry of such term. This request may be satisfied

provided that a certified copy of the earlier application is requested by the applicant in the office to which it is filed within eight months from its filing date.

If the earlier application is drafted in the language other than Russian, the applicant shall submit its translation into Russian at the Eurasian Office's request.

(4) To claim priority, the following details shall be specified:

filing date of the earlier or parent application and its number;

name of the State (or office) where the earlier or parent application is filed.

(5) When priority is claimed as provided for in Rule 80(5) of the Regulations, documents certified by the exhibition organizers shall be submitted to confirm the exhibition status, its time and venue, and date of beginning of the industrial design open display.

### **Rule 105. Time Limits Granted by Eurasian Office**

(1) The time limits granted by the Eurasian Office for procedural actions in respect of a Eurasian application or Eurasian patent shall not be less than two or more than four months.

(2) The time limits referred to in paragraph (1) of this Rule shall be extended at the request filed with the Eurasian Office before expiry of the specified time limit.

The term extension required by the applicant or patent owner may be requested thereby both coincidentally and by successive filing of multiple requests, each to be filed before expiry of deadlines specified by the Eurasian Office.

A document confirming payment of the prescribed fee shall be submitted to the Eurasian Office together with the request.

(3) Should an applicant or patent owner fail to meet the term established for any procedural action, he/she may, within two months from the established term expiry date, file a request with the Eurasian Office to continue processing, subject to submission of a document confirming the prescribed fee payment together with the request.

When said request is filed, all requirements for the time limits of the relevant actions shall be met on its filing date.

When a request for continuation of processing is filed according to the above requirements, legal consequences of failure to meet such term provided for by Rules 109(2), 109(3), 113(2), 114(1) of the Regulations shall be deemed non-occurred.

(4) Provisions of this Rule shall not apply to the time limits set forth in Rules 80(1), 80(2), 80(3), 104(3), 107(2), 108(5), 112(1), 112(2), 112(6), 116(2), 116(6) of the Regulations and time limits established for filing a request for extension of the time limit or continuation of processing.

Provisions of paragraph (2) of this Rule shall not apply to the time limits set forth in Rules 81(1) and 114(1) of the Regulations.

### **Rule 106. Computation of Terms**

(1) The time limits for procedural actions in respect of Eurasian applications or Eurasian patents shall be determined by a calendar date, indication of an event,

adoption of an appropriate act, decision, or period of time during which the action may be performed.

(2) The time limits are computed in years, months or days. The term begins on the day following one of the circumstances referred to in paragraph (1) of this Rule.

(3) If the term is computed in years, it expires on the corresponding month and date of the last year of the term.

If the term is computed in months, it expires on the corresponding month and date of the last month of the term. If the time limit computed in months expires in a month having no corresponding date, the time limit expires on the last day of such month.

If the term is computed in days, it expires on the day being the last computation day.

If the last day of the term falls on a non-working day, the day of the end of the term shall be deemed the next working day following it.

In cases where the last day of the term falls on the day when the Eurasian Office or national office is closed due to other circumstances, such term shall be extended until the first day following the end of such circumstances.

(4) If the term is established for any action related to functioning of the Eurasian system for protection of industrial designs and grant of Eurasian patents, said action may be performed before twelve o'clock midnight of the last day of the term.

However, if such action shall be performed in the national office, the term expires at the hour when the working day ends in this office according to the established rules. At the same time, such office may derogate from the above provisions by extending the term for any action up to twelve o'clock midnight of the last day of the term.

(5) Written statements and notices submitted to the communication organization before twelve o'clock midnight of the last day of the term shall be deemed filed in a timely manner.

(6) Any document related to a Eurasian application or Eurasian patent, sent by e-mail in a facsimile image of the document before expiry of the established term, shall be deemed submitted on time if its original is received within one month from the date of expiry of the established term.

(7) The applicant or patent owner may provide evidence that the time limit established for any procedural action is not met due to war, revolution, civil unrest, strike, natural disaster, general failure of electronic communication systems or other similar reasons at the applicant's or patent owner's residence place, location or domicile, and that the relevant action is performed in the shortest reasonable time.

Any such proof shall be sent to the Eurasian Office within six months of expiry of the term applicable in such case. Should the Eurasian Office be satisfied with the evidence of such circumstances, legal consequences of failure to meet such term provided for in this part of the Regulations shall be deemed non-occurred.

### **Rule 107. Restoration of Rights**

(1) Rights in respect of a Eurasian application lost due to failure to meet the term established for any procedural action may be restored at the applicant's request if the Eurasian Office deems such failure unintentional.

Restoration of rights in respect of a Eurasian application is subject to payment of the prescribed fee.

(2) A request for restoration of rights in respect of a Eurasian application shall be filed no later than twelve months from the date of expiry of the term established for the relevant procedural action, or no later than two months from the date of elimination of the reason for failure to meet such missed time limit, whichever term expires earlier. In such case, the unexecuted action shall be performed before the request filing date.

(3) The provisions of this Rule shall not apply to the time limits set forth in Rules 80(1), 80(2), 80(3), 80(5), 104(3), 105(2), 105(3), 116(2), 116(6) of the Regulations.

(4) Should no reasons for failure to meet the relevant term be specified when filing the request for restoration of rights in respect of a Eurasian application, the applicant shall submit such information within the term indicated in the Eurasian Office's notification.

#### **Rule 108. Fees and Other Payments**

(1) The list of legally significant actions for which fees are payable to the Eurasian Office and amount of fees, fee reductions, the procedure for payment and refund of fees are specified in the Statute on Fees of the Organization for Legally Significant and Other Actions Performed in Relation to Eurasian applications and Eurasian Patents (hereinafter—the Statute on Fees), approved by the Administrative Council.

When calculating the amount of a unitary procedural fee, the number of industrial designs specified in the Eurasian application is taken into account.

When calculating the amount of fees provided for in Articles 8(2) and 15(5) of the Protocol, the number of industrial designs specified in the Eurasian patent is taken into account.

The list, procedure, amounts and terms of payment for the services rendered by the Eurasian Office, and the procedure for rendering the services by the Eurasian Office are specified by the President of the Eurasian Office.

(2) The Eurasian Office shall begin legally significant actions or rendering of services upon receipt of relevant fees or payments.

(3) In the country of the Organization's headquarters, settlements with the Eurasian Office for fees and payments for services shall be made in the currency of such country.

Outside the country of the Organization's headquarters, settlements with the Eurasian Office for fees and payments for services shall be made in US Dollars or in Euros in the amounts equivalent to the established amounts of fees or, accordingly, payments at the exchange rate of the Central Bank of the country of the Organization's headquarters effective on the date of the transaction.

(4) The fee shares payable to the Contracting States according to Article 18(3) of the Protocol shall be transferred by the Eurasian Office to the relevant national offices according to the procedure and within the term specified by the Administrative Council.

(5) The Eurasian Office shall monitor correctness and timeliness of the Eurasian patent term extension fee payment by the patent owner.

Should the patent owner fail to pay the Eurasian patent term extension fee in full, the Eurasian Office shall notify the patent owner and suggest to make an additional payment within three months from the notification date.

Subject to payment of the established additional fee, the patent owner shall be granted a grace six-month period for payment of the Eurasian patent extension fee.

(6) The fees paid are not subject to refund, except when their payment is made in the amount exceeding the amount set forth in the Statute on Fees, or when the paid action fails to be performed. In such case, the Eurasian Office shall notify the applicant (patent owner, subject of transfer of the right to obtain a Eurasian application or exclusive right to an industrial design) to that effect.

At the request of the applicant (patent owner, subject of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design), filed within three years from the fee payment date, the overpaid fee amount shall be refunded or credited towards payment of other fees provided for by the Statute on Fees.

#### **Rule 109. Preliminary Examination of Eurasian Application**

(1) According to Article 14(1) of the Protocol, a Eurasian application received by the Eurasian Office is subject to preliminary examination.

(2) Preliminary examination of a Eurasian application is subject to payment of a unitary procedural fee according to Article 13(3) of the Protocol, availability of translation of the Eurasian application documents into Russian, if submitted in another language, and power of attorney in cases where its submission is mandatory according to Rule 99 of the Regulations.

If the unitary procedural fee is not paid in a timely manner or translation of the Eurasian application documents into Russian is not submitted, the Eurasian application shall be deemed withdrawn.

(3) During the preliminary examination:

availability and correctness of the Eurasian application documents is verified, including documents required according to Rule 101(1) of the Regulations for establishing the Eurasian application filing date, and the Eurasian application filing date is established, if not established earlier by the national office;

it is verified that each industrial design included in the Eurasian application does not consist of a design which is contrary to the public interest or to the principles of humanity and morality in at least one of the Contracting States;

correctness of classification of each industrial design included in the Eurasian application is verified according to the International Classification for Industrial Designs;



compliance with the procedure for claiming priority provided for in Rule 104 of the Regulations is verified;

compliance with requirements for the drafting and filing of a divisional Eurasian application set forth in Rule 113(3) of the Regulations is verified.

In necessary cases, the applicant is suggested to make corrections and clarifications to the Eurasian application within the term specified in the Eurasian Office's notification. At the same time, should at least one of industrial designs included in the Eurasian application be recognized as contrary to the public interest or to the principles of humanity and morality in at least one of the Contracting States, the applicant is suggested to exclude the corresponding industrial design(s) from the Eurasian application.

If the applicant fails to make necessary corrections and clarifications in the Eurasian application within the prescribed term, the Eurasian application shall be deemed withdrawn.

If, subject to violation of requirements for the drafting and filing of the divisional Eurasian application, the applicant fails to make necessary corrections and clarifications in the Eurasian application within the prescribed term, the divisional Eurasian application shall be deemed unfiled.

Should the applicant fail to exclude an industrial design(s) is contrary to the public interest or the principles of humanity and morality in at least one of the Contracting States from the Eurasian application within the prescribed term, provided that the Eurasian application complies with other relevant requirements, a decision shall be made on refusal to grant a Eurasian patent.

In all other cases, the applicant shall be notified of the successful result of preliminary examination of the Eurasian application.

The procedure for preliminary examination of a Eurasian application shall be specified by the President of the Eurasian Office.

**Rule 110. Publication of Eurasian Application and third party observations against Grant of Eurasian Patent**

(1) A Eurasian application shall be published by the Eurasian Office within one month from the date of the applicant notification of the successful result of preliminary examination of the Eurasian application.

A Eurasian application shall be published in the electronic form.

Publication of a Eurasian application includes:

a title page containing bibliographic data;

images of each industrial design included in the Eurasian application;

a digital three-dimensional model, if submitted by the applicant.

The industrial design images shall be reproduced based on the Eurasian application files.

(2) Any person who presumes that an industrial design included in the application is not new and original or relates to product appearance and (or) objects whose protection as industrial designs is not provided according to Rule 78(6) of the

Regulations, may file an opposition against the grant of Eurasian patent with the Eurasian Office.

An opposition against the grant of Eurasian patent may be filed, including by the national office, if the right to file such opposition by the national office is provided for by the national legislation of the relevant Contracting State, within two months from the publication date of the Eurasian application.

An opposition against the grant of Eurasian patent shall be filed in writing in Russian.

An opposition against the grant of Eurasian patent shall be deemed filed subject to payment of the prescribed fee.

The Eurasian Office shall notify the applicant of the received oppositions against grant of a Eurasian patent and publish information thereabout within seven days from the expiry date specified in the second item of this paragraph.

The applicant may submit observations on the received oppositions against grant of a Eurasian patent within one month from the date of the notification referred to in the fifth item of this paragraph.

The procedure for filing and examination of oppositions to the granting of a Eurasian patent and observations on such oppositions shall be specified by the President of the Eurasian Office.

### **Rule 111. Substantive Examination of Eurasian Application**

(1) The Eurasian Office shall perform substantive examination of the Eurasian application for which preliminary examination is completed with a positive outcome.

(2) During substantive examination of a Eurasian application, the following shall be verified:

possibility to attribute each industrial design included in the Eurasian application to industrial designs according to Article 3 (1) of the Protocol;

whether or not each industrial design included in the Eurasian application pertains to product appearance which essential features are evidently not driven by a creative nature of the product features as provided for in Rule 78(3) of the Regulations;

whether or not each industrial design included in the Eurasian application pertains to product appearance that may be considered non-compliant with Rule 78(2) of the Regulations resulting from a combination of their essential features being known from publicly available information at the disposal of the Eurasian Office, and/or information obtained by the Eurasian Office within other verifications provided for in this paragraph;

whether or not each industrial design included in the Eurasian application pertains to product appearance and objects specified in sub-paragraphs b), c) and d) of Rule 78(6) of the Regulations;

whether or not each industrial design included in the Eurasian application pertains to product appearance specified in sub-paragraphs e), f) and g) of Rule 78(6) of the Regulations;

legality of claiming priority according to Rule 80 of the Regulations;

compliance of each industrial design included in the Eurasian application, in respect of which the Eurasian Office receives an opposition against the grant of Eurasian patent due to the fact that the industrial design is not new and (or) original, relevant patentability condition, within the scope of information contained in the opposition against the grant of a Eurasian patent;

conformity of each industrial design included in the Eurasian application, in respect of which the Eurasian Office receives an opposition against the grant of Eurasian patent due to the fact that the industrial design pertains to product appearance referred to in Rule 78(6) of the Regulations, to the corresponding patentability criterion, within the scope of information contained in the opposition against the grant of a Eurasian patent.

The procedure for substantive examination of a Eurasian application shall be specified by the President of the Eurasian Office.

(3) In case the Eurasian Office receives an opposition against grant of a Eurasian patent in respect of **an decision, which**, in the opinion of the person filing the opposition, pertains to one of the product appearances referred to in subparagraphs e) or f) of Rule 78(6) of the Regulations, and infringes rights belonging thereto, the relevant dispute may be settled through mediation.

**The mediation procedure may be initiated by the person opposing the grant of a Eurasian patent, by the applicant or proposed by the Eurasian Office prior to the Eurasian Office's decision to grant a Eurasian patent or to refuse to grant a Eurasian patent. The mediation procedure shall be carried out with the consent of both the person who filed an opposition to the grant of a Eurasian patent and the applicant.**

**The consent to the mediation procedure shall be issued in the form of one petition for mediation signed by the person who filed an opposition to the grant of a Eurasian patent and the applicant jointly, or in the form of two petitions signed by each party to the dispute separately.**

The mediation procedure shall be specified by the President of the Eurasian Office.

In case of **mediation**, the Eurasian Office shall suspend substantive examination of the Eurasian application for a term not exceeding six months.

Substantive examination of the Eurasian application shall be resumed from the instant where it was suspended:

upon expiry of its suspension term, if the person filing an opposition against the grant of Eurasian patent and applicant fail to reach an agreement on the dispute merits as stipulated in the mediation agreement;

during the suspension term, at the request of the person filing an opposition against the grant of Eurasian patent or applicant or mediator, if, in his/her opinion, further efforts are unlikely to result in the dispute settlement between the person **filing an opposition and applicant.**

A mediation agreement, which terms and conditions are not contrary to provisions of this part of the Regulations and other regulatory legal acts of the

Organization, shall be taken by the Eurasian Office into consideration when making a decision on the results of substantive examination of the Eurasian application.

*[paragraph (3) as amended on September 9-10, 2024. Effective from October 1, 2024.]*

(4) Following the results of substantive examination of the Eurasian application, the Eurasian Office shall take a decision to grant a Eurasian patent or refuse to grant a Eurasian patent, and notify the applicant to that effect.

(5) If, during substantive examination of the Eurasian application, it is found that Eurasian applications filed in respect of identical industrial designs have the same filing date, and if priority is claimed, the same priority date, they are granted a single Eurasian patent subject to the applicants' consent. **For the purpose of reaching an agreement between the applicants, the Eurasian Office may invite them to participate in a mediation procedure established by the President of the Eurasian Office.**

In case the consent is not reached, the Eurasian patent shall not be granted, and Eurasian applications shall be deemed withdrawn.

*[paragraph (5) as amended on September 9-10, 2024. Effective from October 1, 2024.]*

(6) If, during substantive examination of the Eurasian application, it is found that the Eurasian Office receives Eurasian applications for identical industrial designs from the same applicant and said Eurasian applications have the same priority date, the Eurasian Office shall grant a single Eurasian patent under the Eurasian application selected by the applicant.

Should the applicant, in response to the Eurasian Office's notification on the need to select a Eurasian application under which a Eurasian patent will be granted by the Eurasian Office according to the first item of this paragraph, fail to submit his/her decision, the Eurasian applications shall be deemed withdrawn.

(7) If, during substantive examination, it is found that the industrial design under the divisional Eurasian application is identical to the industrial design under the parent Eurasian application, in which respect a decision is taken to grant a Eurasian patent, the Eurasian patent shall not be granted under the divisional Eurasian application.

### **Rule 112. Appeals against Decisions of the Eurasian Office**

(1) In case of disagreement with the Eurasian Office's decision on refusal to grant a Eurasian patent, the applicant may, according to Article 14(5) of the Protocol, file a corresponding appeal within three months from the date of notification of refusal to grant a Eurasian patent sent thereto by the Eurasian Office.

(2) Should the applicant or patent owner disagree with the Eurasian Office's decision taken on any request filed in the course of the Eurasian application or Eurasian patent processing, the applicant or patent owner may file a corresponding appeal within three months from the date of the decision sent thereto by the Eurasian Office.

(3) Appeals against decisions of the Eurasian Office referred to in paragraphs (1) and (2) of this Rule shall be deemed filed subject to payment of the prescribed fees.

(4) The filed appeal shall be examined within four months from its receipt by the Eurasian Office.

(5) Following the result of examination of appeals against the Eurasian Office's decisions referred to in paragraphs (1) and (2) of this Rule, a decision may be taken to reject or satisfy the appeals and cancel the decision earlier taken by the Eurasian Office.

(6) A decision on the appeal may be further appealed by filing a subsequent appeal addressed to the President of the Eurasian Office within four months from the date of such decision sent by the Eurasian Office.

A subsequent appeal shall be deemed filed subject to payment of the prescribed fee to the Eurasian Office.

The decision based on results of examination of the subsequent appeal shall come into force from the date of its approval by the President of the Eurasian Office and is not subject to appeal.

(7) The procedure for filing and examination of appeals against the Eurasian Office's decisions shall be specified by the President of the Eurasian Office.

**(8) Where, during the examination of an appeal against a Eurasian Office decision refusing to grant a Eurasian patent or an appeal filed against the decision on such an appeal, it is established that the refusal to grant a Eurasian patent is based on the fact that the product appearance claimed in the Eurasian application, relates to one of the product appearances referred to in subparagraph (e) or (f) of Rule 78(6) of the Regulations and the applicant has not obtained the consent to its use required by Rule 78(9) of the Regulations, the Eurasian Office may invite the applicant to initiate a mediation procedure in order to reach such consent.**

**The mediation procedure shall be conducted subject to the consent of both the applicant and the person whose consent is required for the grant of a Eurasian patent pursuant to Rule 78(9) of the Regulations.**

**Consent to the mediation procedure shall be issued as a single petition for mediation signed by the applicant and the person whose consent is required for the grant of a Eurasian patent pursuant to Rule 78(9) of the Regulations jointly, or as two petitions signed by each party to the dispute separately.**

**The mediation procedure shall be specified by the President of the Eurasian Office.**

**In case of a mediation procedure, the Eurasian Office suspends the examination of an appeal against a refusal to grant a Eurasian patent or, respectively, a subsequent appeal against the decision taken on such an appeal, for a period not exceeding three months.**

**The examination of an appeal against a refusal to grant a Eurasian patent or, respectively, a subsequent appeal against a decision taken on such an appeal, shall be resumed from the moment from which it was suspended:**

**after the expiration of the suspension period for mediation proceedings, if no such consent has been reached between the applicant and the person whose consent is required for the grant of a Eurasian patent pursuant to Rule 78(9) of the Regulations;**

**during the suspension period, upon request of the applicant or of a person whose consent is required for the grant of a Eurasian patent pursuant to Rule 78(9) of the Regulations, or of the mediator if, in his opinion, further efforts are not reasonably certain to settle the dispute between the applicant and such person.**

**The Eurasian Office shall approve a mediation agreement, which do not violate the provisions of this part of the Regulations and other regulatory legal acts of the Organization, and which shall be considered when making a decision on the results of the examination of an appeal against the decision to refuse to grant a Eurasian patent or, respectively, a subsequent appeal against the decision made on such an appeal.**

*[Rule 112 is supplemented with paragraph (8) on September 9-10, 2024. Effective from October 1, 2024.]*

### **Rule 113. Rights of Applicant under Procedure for Obtaining Eurasian Patent**

(1) An applicant may supplement, clarify or correct the Eurasian application files until completion of technical preparation of the Eurasian patent publication.

Additional files submitted by the applicant that change the totality of essential features of the product appearance shown in the initial images shall not be accepted for examination. The applicant may prepare an independent Eurasian application on the basis of such files.

Supplements, amendments and corrections to the Eurasian application are subject to payment of the prescribed fee.

(2) Additional files shall be submitted at the request of the examination office within four months from the date of the request. Should the applicant fail to submit the requested additional files or request for extension of their submission term within the specified time limits according to the procedure provided for in Rule 105 of the Regulations, the Eurasian application shall be deemed withdrawn.

(3) An applicant may file a divisional Eurasian application subject to inclusion of other industrial designs in the parent Eurasian application filed by the same applicant. A divisional Eurasian application has a filing date and, where appropriate, priority date of the parent Eurasian application wherefrom it is divided, if the divisional Eurasian application is filed only in respect of industrial designs contained in the parent Eurasian application.

A divisional Eurasian application may be filed if, as of its filing date, the parent Eurasian application is not withdrawn or is not deemed to be withdrawn and is filed before the date of the Eurasian patent grant under the parent application, and in case a decision on refusal to grant a Eurasian patent is taken in its respect, until its appealability is exhausted.

The unitary procedural fee related to the divisional Eurasian application shall be paid within the term specified in Rule 93(4) of the Regulations to be counted from the date the Eurasian Office receives the divisional Eurasian application.

(4) A Eurasian application may be withdrawn by the applicant at his/her request received by the Eurasian Office no later than the Eurasian patent registration date.

Should a Eurasian application filed according to Article 13(2) of the Protocol be withdrawn at the applicant's request, the Eurasian Office shall notify the national office of withdrawal of the Eurasian application filed through such national office.

(5) An applicant may request a copy of correspondence sent by the Eurasian Office and non-received by the former for reasons beyond his/her control.

In such case, the term for the applicant's response to the correspondence, which has expired or is insufficient for response, shall be counted from the date of forwarding of the relevant copy.

(6) At any stage of the Eurasian application or Eurasian patent processing, an applicant or, accordingly, patent owner may apply to the President of the Eurasian Office on any issues related to the Eurasian application or, accordingly, Eurasian patent processing.

An applicant or, accordingly, patent owner may participate in the examination of the appeal filed thereby with the Eurasian Office.

#### **Rule 114. Registration of Industrial Design, Publication of Mention of Grant of Eurasian Patent and Grant of Eurasian Patent**

(1) The Eurasian Office shall register an industrial design with the Eurasian Industrial Design Patent Register based on the decision to grant a Eurasian patent and subject to payment by the applicant of the fee for the industrial design registration, publication of information on grant of the Eurasian patent and grant of the Eurasian patent.

An applicant shall pay a fee for registration of an industrial design, publication of mention of grant of a Eurasian patent and grant of a Eurasian patent within two months from the date when a notice of readiness to grant a Eurasian patent is forwarded to the applicant or within two months upon completion of the above two-month term, subject to payment of an additional fee.

In case of failure to pay the above fee, and, where necessary, an additional fee, within the prescribed term and in the prescribed amount, the Eurasian application shall be deemed withdrawn, and the industrial design shall not be registered with the Eurasian Industrial Design Patent Register, information on the Eurasian patent grant shall not be published, and the Eurasian patent shall not be granted.

(2) The Eurasian Office shall publish the mention of the grant of the Eurasian patent in the official Eurasian Office Gazette within two months from the date of registration of an industrial design with the Eurasian Industrial Design Patent Register.

Mention of grant of a Eurasian patent shall be published in the electronic form and include details referred to in Rule 122 of the Regulations.

(3) The Eurasian Office shall grant the Eurasian patent to the applicant immediately after publication of mention of its grant. In this case, the date of publication of mention of grant of the Eurasian patent in the official Eurasian Office Gazette shall be deemed the date of its grant.

**Rule 115. Exclusion of Dual Protection**

In a Contracting State, the rights arising from a Eurasian application or Eurasian patent with an earlier filing date of the Eurasian application or with an earlier priority shall prevail over the rights arising from a subsequent national application filed before such Eurasian application publication date, or from a national patent or national certificate for an identical industrial design received on its basis *pari passu* with national applications and national patents, and vice versa.

**Rule 116. Administrative Revocation of Eurasian Patent**

(1) A Eurasian patent may be revoked by the Eurasian Office under the administrative revocation procedure in full or in part if:

an industrial design fails to meet the patentability criteria set forth in Rule 78(1) of the Regulations;

an industrial design pertains to product appearance or objects referred to in Rule 78(6) of the Regulations;

images of an industrial design attached to the decision on grant of a Eurasian patent contain essential features of an industrial design that are missing in the images submitted on the Eurasian application filing date, or such images lack essential features available in the images submitted on the Eurasian application filing date;

a Eurasian patent is granted in violation of provisions set forth in Rules 111(5), 111(6), 111(7) of the Regulations.

(2) A Eurasian patent may be revoked under the procedure of administrative revocation based on the opposition filed with the Eurasian Office within three years from the date of publication of mention on grant of a Eurasian patent, even in case the Eurasian patent is no longer valid or surrendered.

The opposition to Eurasian patent may be filed by any person, including by the national office, if the right to file such opposition by the national office is provided for by the national legislation of the relevant Contracting State.

(3) The notice of opposition to Eurasian patent shall be filed in writing in Russian.

The opposition to Eurasian patent shall contain:

number of the Eurasian patent in which respect an opposition is filed;

surname, first name, patronymic (if any) or name of a legal entity, address of his/her place of residence or location, details of the representative, if the opposition is filed through a representative;

name of the industrial design;

exact statement of claims of the person filing the opposition, their legal grounds and relevant substantiation;

list of attached documents.



An opposition to the Eurasian patent shall be signed by the person filing the opposition or representative thereof, if the opposition is filed through a representative.

An opposition to a Eurasian patent shall be deemed filed subject to payment of the prescribed fee.

Requirements for filing an opposition to a Eurasian patent and procedure for its filing and examination shall be specified by the President of the Eurasian Office.

(4) An opposition to a Eurasian patent shall be examined by the Eurasian Office within six months from the date of its receipt thereby, unless otherwise specified in this Rule. At the same time, the Eurasian Office shall notify the patent owner of the received opposition to the Eurasian patent.

The patent owner may participate in the examination of opposition to the Eurasian patent and submit observations on the received opposition within the term specified by the Eurasian Office.

An opposition to a Eurasian patent shall be examined by the Eurasian Office on a collegiate basis. The composition of the collegium shall be appointed by the President of the Eurasian Office.

(5) Following the result of examination of an opposition to a Eurasian patent, the Eurasian Office shall decide on the opposition satisfaction, satisfaction in part or rejection.

The decision on the opposition against a Eurasian patent revocation shall come into force upon expiry of its appeal term, if it has not been appealed, and is valid in the territory of all Contracting States.

(6) A dispute on the opposition to the Eurasian patent granted in respect of an industrial design, which, in opinion of the person filing the opposition, pertains to one of product appearances referred to in sub-paragraph e) or f) of Rule 78(6) of the Regulations, and infringes the rights belonging to said person, may be settled through mediation.

**The mediation procedure may be initiated by the person filing an opposition to a Eurasian patent, by the patent owner or proposed by the Eurasian Office before the Eurasian Office takes a decision on the opposition. The mediation procedure shall be conducted subject to the consent of both the person filing an opposition to a Eurasian patent and the patent owner.**

**The consent to the mediation procedure shall be issued as one petition for mediation signed by the person filing the opposition to a Eurasian patent and the patent owner jointly, or as two petitions signed by each party to the dispute separately.**

The mediation procedure shall be specified by the President of the Eurasian Office.

In case **of mediation**, the Eurasian Office shall suspend examination of the opposition against a Eurasian patent revocation for a term not exceeding six months.

Examination of opposition to a Eurasian patent shall be resumed from the instant where it is suspended:

upon expiry of the its suspension term, if the person filing the opposition and patent owner fail to reach an agreement on the dispute merits as stipulated in the mediation agreement approved by the Eurasian Office;

during its suspension term, at the request of the person filing the **opposition to invalidate the Eurasian patent**, or patent owner, or mediator, if, in his/her opinion, further efforts are unlikely to result in settlement of the dispute between the person filing the **opposition to invalidate the Eurasian patent**, and patent owner.

Examination of **opposition to invalidate the Eurasian patent** shall be terminated in case the Eurasian Office approves a mediation agreement signed by the opposing party and patent owner.

The mediation agreement shall be approved by the Eurasian Office, if its terms and conditions are consistent with provisions of this part of the Regulations and other regulatory legal acts of the Organization.

*[paragraph (6) as amended on September 9-10, 2024. Effective from October 1, 2024.]*

(7) The decision on the opposition may be appealed by the interested party through filing an appeal to the President of the Eurasian Office within four months from the date when such decision is forwarded to the interested person.

An appeal shall be deemed filed subject to payment of the prescribed fee to the Eurasian Office.

Requirements for the appeal form and procedure for its filing and examination shall be specified by the President of the Eurasian Office.

The appeal shall be examined by the Eurasian Office on a collegiate basis. The composition of the collegium shall be appointed by the President of the Eurasian Office.

**In the cases and in the procedure established in paragraph (6) of this Rule, a mediation procedure may be initiated and conducted between the person filing the opposition to invalidate the Eurasian patent and the patent owner during the examination of the appeal.**

The decision based on results of the examination of the appeal shall come into force from the date of its approval by the President of the Eurasian Office and is not subject to further appeal.

The decision on the appeal shall be valid in the territory of all Contracting States.

*[paragraph (7) as amended on September 9-10, 2024. Effective from October 1, 2024.]*

(8) A Eurasian patent or part thereof revoked under the procedure of administrative revocation shall be deemed as non-entered into force in all Contracting States from the Eurasian application filing date.

(9) The Eurasian Office shall publish information on filed oppositions to Eurasian patents and decisions taken following their examination in the official Eurasian Office Gazette, and enter information on such decisions to the Eurasian Industrial Design Patent Register.

## **Rule 117. Eurasian Patent Revocation by Judicial or Other Competent**

### **Authorities of Contracting States**

(1) A Eurasian patent may be revoked during the term of the Eurasian patent by judicial or other competent authorities of a Contracting State in full or in part according to provisions of the procedural legislation of such Contracting State in cases where:

an industrial design fails to meet the patentability criteria set forth in Rule 78(1) of the Regulations;

an industrial design pertains to product appearances or objects referred to in Rule 78(6) of the Regulations;

images of an industrial design attached to the decision on grant of a Eurasian patent contain essential features of an industrial design that are missing in the images submitted on the Eurasian application filing date, or such images lack essential features available in the images submitted on the Eurasian application filing date;

a Eurasian patent is granted in violation of the terms and conditions set forth in Rules 111(5), 111(6), 111(7) of the Regulations;

a person is specified in a Eurasian patent as an author or patent owner who is not such according to Article 4 of the Protocol.

(2) When the Eurasian Office conducts the administrative revocation procedure for a Eurasian patent according to Rule 116 of the Regulations, a decision on a Eurasian patent invalidity may be taken by the Contracting State only upon completion of said procedure.

(3) A decision on a Eurasian patent revocation taken by judicial or other competent authorities of a Contracting State may be appealed according to the procedure and within the term established by the legislation of the relevant Contracting State.

The decision taken shall enter into force upon expiry of its appeal term and be valid in the Contracting State, which judicial or other competent authorities take it.

(4) Upon the entry into force of a decision on the invalidation of a Eurasian patent for an industrial design adopted by judicial or other competent authorities of a Contracting State, the common legal protection for the industrial design shall be terminated. At the same time, a Eurasian patent shall be deemed to have entered into force on the filing date of the Eurasian application in the Contracting States in which respect such decision is not taken.

When a decision on the revocation of a Eurasian patent in part, taken by judicial or other competent authorities of a Contracting State, enters into force, the Eurasian patent shall be deemed to have entered into force in all Contracting States as of the filing date of the Eurasian application in respect of industrial designs to which such decision does not apply. In respect of industrial designs to which such decision applies, the Eurasian patent shall be deemed to have entered into force in the Contracting States, in which respect such decision is taken, on the Eurasian application filing date.

(5) National offices shall forward copies of effective decisions on the Eurasian patent revocation, taken by judicial or other competent authorities of the Contracting

States, to the Eurasian Office and attach thereto translation of their operative (substantive) provisions into Russian.

Based on copies of the decisions received, the Eurasian Office shall enter the relevant information into the Eurasian Industrial Design Patent Register and publish them in the official Eurasian Office Gazette.

**Rule 118. Eurasian Patent Surrender. Eurasian Patent Limitation**

(1) A patent owner may surrender a Eurasian patent by forwarding a written request to the Eurasian Office.

A patent owner may surrender a Eurasian patent only in full and in respect of all Contracting States where the Eurasian patent is valid.

Surrender in respect of certain Contracting States or certain industrial designs covered by the Eurasian patent is prohibited.

(2) A patent owner may limit the Eurasian patent validity by forwarding a written request for the Eurasian patent limitation to the Eurasian Office to exclude one or more industrial designs from the Eurasian patent.

(3) A request for a Eurasian patent surrender or Eurasian patent limitation may be filed by the patent owner during the Eurasian patent term, except for a period of time when the Eurasian Office is examining an opposition against the grant of the Eurasian patent filed according to Rule 116 of the Regulations.

A request for a Eurasian patent surrender or Eurasian patent limitation shall be accepted for consideration subject to payment of the prescribed fee.

Requirements for the form of requests for a Eurasian patent surrender and Eurasian patent limitation, including procedure for their filing and examination shall be specified by the President of the Eurasian Office.

(4) The Eurasian Office shall enter information on a Eurasian patent termination due to Eurasian patent surrender or on amendments made to a Eurasian patent due to Eurasian patent limitation to the Eurasian Industrial Design Patent Register and publish it in the official Eurasian Office Gazette.

**Rule 119. Eurasian Patent Termination**

(1) A Eurasian patent shall be terminated due to expiry of the term specified in Article 8(1) of the Protocol, provided that the Eurasian patent term is not extended by the patent owner according to Article 8(2) of the Protocol.

(2) A Eurasian patent shall be prematurely terminated in the following cases:  
 at the patent owner's request for surrender of the Eurasian patent filed according to Rule 118 of the Regulations, in whole;  
 at the patent owner's request for limitation of the Eurasian patent filed according to Rule 118 of the Regulations in respect of industrial designs specified in the request.

On the grounds provided for in the first item of this paragraph, the Eurasian patent shall be terminated from the date of publication of information on the Eurasian patent termination according to Rule 118(4) of the Regulations.

### **Rule 120. Amendments to Eurasian Patent**

(1) A patent owner may apply to the Eurasian Office with a request for amendments to the Eurasian patent. The patent owner shall, simultaneously with the request for amendments to the Eurasian patent, forward to the Eurasian Office documents confirming the grounds for the relevant amendments.

Amendments related to details of the author(s) may be made to the Eurasian patent subject to the author's (authors') mutual consent only.

The Eurasian Office may amend the Eurasian patent as necessary to correct evident and technical errors at its own discretion.

(2) Amendments to the Eurasian patent shall be made subject to payment of the prescribed fee, unless the amendments relate to evident and technical errors made through the Eurasian Office's fault.

(3) Amendments made to the Eurasian patent shall be published in the official Eurasian Office Gazette and entered by the Eurasian Office to the Eurasian Industrial Design Patent Register.

### **Rule 121. Eurasian Industrial Design Patent Register**

(1) The Eurasian Office shall keep records in the Eurasian Industrial Design Patent Register.

(2) Such information shall be entered to the Eurasian Industrial Design Patent Register as information on granted Eurasian patents, including the surname, first name, patronymic (if any) or legal entity name of the patent owner and details of his/her residence or, accordingly, location, and information on all changes to the legal status of Eurasian patents, license agreements and other contracts related thereto.

Information on changes to the surname, first name, patronymic (if any) or legal entity name of the patent owner, his/her residence or location shall be entered to the Eurasian Industrial Design Patent Register at the request of the patent owner subject to payment of the prescribed fee. Such request shall relate to a single Eurasian patent.

(3) Any person may receive an extract from the Eurasian Industrial Design Patent Register subject to payment of the prescribed fee.

(4) The form of the Eurasian Industrial Design Patent Register, composition of information entered thereto and procedure for its entry shall be specified by the President of the Eurasian Office.

### **Rule 122. Official Eurasian Office Gazette**

(1) The official Eurasian Office Gazette referred to in the Protocol and this part of the Regulations refers to the Gazette "Inventions (Eurasian applications and Patents)".

(2) The official Eurasian Office Gazette is published in the electronic form.

(3) The following information is published in the official Eurasian Office Gazette:

official announcements;

information on Eurasian applications for which preliminary examination have concluded with positive outcomes, including indexes of Eurasian applications;

information on Eurasian patents entered to the Eurasian Industrial Design Patent Register, including indexes of Eurasian patents;

information on all changes to the legal status of earlier published Eurasian applications and Eurasian patents.

(4) The following information shall be published in the official Eurasian Office Gazette on a mandatory basis:

for Eurasian applications:

a) bibliographic data, including:

Eurasian application registration number;

document kind code;

Eurasian application filing date;

Eurasian application publication date;

priority information;

details of the applicant, his/her residence or location;

details of the Eurasian patent attorney or other representative, if specified in the Eurasian application, his/her residence or location;

class and subclass (classes and subclasses) of the International Classification of Industrial Designs to which the industrial design pertains;

b) industrial design images;

b<sup>1</sup>) digital three-dimensional model, if submitted by the applicant;

c) information on the opposition against grant of a Eurasian patent;

d) information on the Eurasian application withdrawal, restoration of the right to the Eurasian application and decision on refusal to grant a Eurasian patent;

e) information on registration and invalidation of registration of transfer of the right to obtain a Eurasian patent;

for Eurasian patents:

a) bibliographic data, including:

Eurasian patent number;

document kind code;

Eurasian application registration number;

Eurasian application filing date;

Eurasian application publication date;

priority information;

details of the patent owner, his/her residence or location;

details of the Eurasian patent attorney or other representative, if specified in the Eurasian application, his/her residence or location;

commencement date of the exclusive right granted by the Eurasian patent;

class and subclass (classes and subclasses) of the International Classification of Industrial Designs to which the industrial design pertains;

b) industrial design images;

b<sup>1</sup>) digital three-dimensional model, if submitted by the applicant;

c) information on the opposition to a Eurasian patent, filed under the administrative revocation procedure, and decision taken based on its examination;

d) information on a Eurasian patent revocation in a Contracting State;

- e) the mention of the extension of the Eurasian patent term;
- f) information on the Eurasian patent limitation;
- g) information on registration and invalidation of registration of transfer of the exclusive right to an industrial design;
- h) information on registration and invalidation of registration of a pledge of the exclusive right to an industrial design;
- i) information on registered license agreements and other contracts concluded in respect of an industrial design according to national legislations of Contracting States;
- j) information on amendments to a Eurasian patent;
- k) information on a Eurasian patent termination, including premature termination.

(5) The form of the official Eurasian Office Gazette, composition of information published therein and procedure for its publication shall be specified by the President of the Eurasian Office.

### **Rule 123. Conversion of Eurasian Application into National Application**

(1) A Eurasian application may be converted into a national application according to Article 17(1) of the Protocol at the applicant's request filed with the Eurasian Office.

A request for conversion of a Eurasian application into a national application shall specify the Contracting States where the applicant wishes to obtain a patent for an industrial design (register an industrial design) according to the national procedure.

A request for conversion of a Eurasian application into a national application may be filed before expiry of six months from the date when the Eurasian Office forwards to the applicant a decision on refusal to grant a Eurasian patent for an industrial design or decision on refusal to satisfy an appeal filed against such decision.

A request for conversion of a Eurasian application into a national application shall be deemed filed subject to payment of the prescribed fee to the Eurasian Office.

(2) Upon receipt of the prescribed fee, the Eurasian Office shall immediately transmit certified copies of the original files of the Eurasian application and copy of the applicant's relevant request to the national offices of the Contracting States where the applicant wishes to obtain a patent for an industrial design (register an industrial design) according to the national procedure.

The Eurasian Office shall notify the applicant of such transmission and need to pay the fees to the national offices of the Contracting States designated in the request and to comply with procedural requirements established by the national legislations of the respective Contracting States.

### **Rule 124. Procedure for Consultation of Files of Eurasian Applications and Eurasian Patents**

(1) Upon publication of a Eurasian application, any person may consult Eurasian application files, except for restricted access documents due to confidential information contained therein, including personal data of a natural person and information constituting a trade secret.

The full list of information and documents excluded from consultation shall be specified by the President of the Eurasian Office.

The procedure for consultation of the Eurasian application and Eurasian patent files consists in providing third parties with copies of accessible documents upon their written request.

Consultation of the Eurasian application and Eurasian patent files is subject to payment of the prescribed fee.

Consultation of the Eurasian application or Eurasian patent files is possible, unless the storage term of the Eurasian application or Eurasian patent files, specified in Rule 125(2) of the Regulations, is expired, and if documents requested for consultation are available in the Eurasian application or the Eurasian patent files.

(2) Consultation of the files of a withdrawn Eurasian application is allowed only at the request of judicial and other competent authorities of the Contracting States or subject to applicant's written consent.

(3) If the Eurasian application or Eurasian patent files are requested by judicial or other competent authorities of the Contracting States, a certified copy of the files specified in the request shall be forwarded at their address or at the address of the person specified in the request.

#### **Rule 125. Storage of Eurasian Application and Eurasian Patent Files**

(1) The Eurasian application and Eurasian patent files shall be stored in the electronic form.

The Eurasian application and Eurasian patent files received by the Eurasian Office on paper shall be converted into electronic form.

The Eurasian application and Eurasian patent files received by the Eurasian Office on paper and converted into electronic form shall have the same legal status as if they were stored on paper.

(2) The Eurasian application and Eurasian patent files shall be stored in the Eurasian Office for at least thirty years from the corresponding Eurasian application filing date.

(3) During the entire storage term of the Eurasian application and Eurasian patent files, the Eurasian Office shall ensure their immutability and possibility of submitting copies on paper.

(4) Requirements for storage of the Eurasian application and Eurasian patent files and procedure for their destruction shall be specified by the President of the Eurasian Office.

#### **Rule 126. Registration and Invalidation of Transfer of Right to Obtain Eurasian Patent, Transfer of Exclusive Right to Industrial Design, Pledge of Exclusive Right to Industrial Design**



(1) A request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design provided for by Rule 86(6) of the Regulations, and request for registration of a pledge of an exclusive right to an industrial design provided for by Rule 86(10) of the Regulations, may be filed with the Eurasian Office in writing on paper or in electronic form according to the procedure established by the Eurasian Office.

(2) A request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design and request for registration of a pledge of an exclusive right to an industrial design, shall be filed with the Eurasian Office in Russian and shall contain, inter alia, the following information:

details of registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design, respectively;

number of a Eurasian application in which respect registration of transfer of the right to obtain a Eurasian patent is claimed, or number of a Eurasian patent in which respect registration of transfer of the exclusive right to an industrial design or pledge of the exclusive right to an industrial design is claimed;

details of an applicant or patent owner or pledgor;

details of a new applicant or new patent owner or pledgee;

date of the applicant or the patent owner change or pledge agreement for the exclusive right to an industrial design conclusion;

name of a new applicant's or new patent owner's or pledgee's permanent residence or location country;

grounds for requested transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design;

declaration on correctness and reliability of information contained in the request.

A request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design shall be accompanied by a document confirming payment of the prescribed fee.

(3) A request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design and request for registration of a pledge of an exclusive right to an industrial design may be signed jointly or separately by an applicant and (or) new applicant, patent owner and (or) new patent owner, pledger and (or) pledgee, respectively. Said requests may also be signed by a representative acting on behalf of one of the parties to the relevant contract or as their common representative.

Should a Eurasian application be filed by several applicants, or should a Eurasian patent be owned by several patent owners, a request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design shall be signed by them jointly.

If a request is not signed by all persons being applicants of a Eurasian application or patent owners for a Eurasian patent, a consent of persons who have not sign the request for transfer or pledge of the relevant right shall be submitted to the Eurasian Office.

(4) Copies of respective documents confirming transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design shall be submitted to the Eurasian Office together with the relevant request according to Rules 86(6) and 86(10) of the Regulations.

When the request is signed jointly by the applicant and new applicant or patent owner and new patent owner, submission of documents to confirm transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design, if transferred under a contract, is not required.

If the document confirming transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design is made in any language other than Russian, its translation without need for notarization or legalization shall be attached thereto.

(5) If a request for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design concerns several Eurasian applications or Eurasian patents, copies of the request and documents attached to the request shall be attached to the request in the quantity equal to the number of Eurasian applications or Eurasian patents in which respect the appropriate registration is claimed.

At the same time, the prescribed fee for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design shall be paid in respect of each Eurasian application or each Eurasian patent specified in the request.

(6) The Eurasian Office shall review the submitted documents to verify whether said documents confirm transfer of the right to obtain a Eurasian patent or transfer of an exclusive right to an industrial design or pledge of an exclusive right to an industrial design, accordingly, and parties in whose respect registration of transfer or pledge of the relevant right is requested.

(7) Should the Eurasian Office have reasonable doubt as to accuracy of any details or translations referred to in this Rule, or as to reliability of any document specified in Rules 86(6) and 86(10) of the Regulations, evidence of correctness, accuracy or reliability of the relevant details, translations and documents shall be submitted to the Eurasian Office at its request.

(8) When transfer of the right to obtain a Eurasian patent in respect of certain industrial designs specified in the Eurasian application is registered according to Rule 86(4) of the Regulations, a separate Eurasian application shall be deemed filed in respect of such industrial designs, retaining the filing date and, as appropriate, priority date of the Eurasian application used as a basis to register transfer of the right to obtain a Eurasian patent.

When transfer of an exclusive right to an individual industrial design protected under a Eurasian patent is registered according to Rule 86(4) of the Regulations, a

new Eurasian patent shall be granted in respect of such industrial designs. In such case, the date of publication or mention of such Eurasian patent grant in the official Eurasian Office Gazette shall be deemed the date of its grant.

(9) In case of failure to meet requirements necessary for registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or registration of a pledge of an exclusive right to an industrial design, such registration shall not be performed.

(10) Registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design, and registration of a pledge of an exclusive right to an industrial design, may be invalidated by the Eurasian Office on the following grounds:

identification of material circumstances preventing registration, which were not and could not be known to the Eurasian Office at the time of examination of the relevant request and appropriate decision-making by the Eurasian Office;

establishment by a judicial act that has entered into legal force of the fact of falsification of documents confirming transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design, entailing the Eurasian Office's decision on registration of transfer of the corresponding right or pledge of an exclusive right to an industrial design;

recognition of the contract for transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge agreement for an exclusive right to an industrial design as invalid by a judicial act that has entered into legal force.

Information on invalidation of registration of transfer of the right to obtain a Eurasian patent or exclusive right to an industrial design or pledge of an exclusive right to an industrial design by the Eurasian Office shall be published in the official Eurasian Office Gazette, if information on registration of transfer or pledge of the corresponding right has earlier been published.

(11) The procedure for registration and invalidation of transfer of the right to obtain a Eurasian patent, exclusive right to an industrial design and pledge of an exclusive right to an industrial design shall be specified by the President of the Eurasian Office.

#### **Rule 127. Document Forms for Procedural Actions**

The forms of documents for procedural actions provided for in this part of the Regulations shall be established by the President of the Eurasian Office.

### **Chapter X. FINAL PROVISIONS**

#### **Rule 128. Entry into Force of Part II of Regulations**

This part of the Regulations shall enter into force on the date of its approval by the Administrative Council according to Article 3(3) (vii) of the Convention, subject to Article 23 of the Protocol, and shall apply in all Contracting States.