

## **What is an invention**

According to the paragraph 2 of the Article 6 of the Patent Law of the Republic of Kazakhstan, technical solutions in any area relating to the product (device, substance, microorganism strain, plant or animals cell culture), the method (the process of performing actions on a material object with the help of material means), as well as the use of a known product or method for a new purpose or a new product for a specific purpose are protected as an invention.

The legal protection of the invention is granted, if it is new, has an inventive level and is industrially applicable.

It should be noted that the paragraph 3 of the Article 6 of the Patent Law of the Republic of Kazakhstan provides for a list of objects that are not recognized as inventions:

1. methods of organization and management of the economy;
2. symbols, schedules, rules;
3. rules and methods of performing mental operations, gaming;
4. programs for computers and algorithms as such;
5. projects and arrangements for structures, buildings, territories;
6. proposals relating only to the trade dress of products;
7. proposals that are contradictory to public order, the principles of humanity and morality.

The rights to an invention are protected by a patent, which is issued on the basis of the results of an examination conducted in accordance with the Patent Law of the Republic of Kazakhstan.

A patent for an invention is issued after an examination as to form and examination of the application on the merits.

Expertise of applications for the grant of patents for inventions is carried out by an expert organization - the Republican State Enterprise on the right of economic management "National Institute of Intellectual Property" of the Ministry of Justice of the Republic of Kazakhstan.

The patent certifies the priority, authorship and exclusive right to an object of industrial property.

A patent for an invention is valid for twenty years from the application date. For an invention relating to a medicinal product, a pesticide for application of which permitting is required, in accordance with the procedure established by the legislation of the Republic of Kazakhstan on permits and notifications, the period of validity of the exclusive right and the patent certifying this right may be extended at the request of the patent owner, but not more than for five years. Indicated period is extended for the time from the date of application for the grant of a patent

for an invention until the date of receipt of the first authorization to use the invention after deduction of five years.

### **Application and attached documents**

An application for the grant of a patent for an invention must contain the following documents::

1) an application for the grant of a patent of the Republic of Kazakhstan for an invention indicating the authors of the invention and the persons in whose name the patent is requested, as well as their place of residence or location;

2) a description of the invention disclosing it with sufficient completeness to be carried out by a specialist in the relevant field of knowledge;

3) a claim defining the object of the invention and expressing its essence. The formula must be clear, accurate, and based on the description;

4) drawings and other materials, if they are necessary for understanding the essence of the invention;

5) abstract;

6) power of attorney, in case of conducting office work through a representative.

The application for an invention is accompanied by documents confirming::

1) payment for filing an application, including payment for conducting a formal expert examination;

2) grounds for reducing the amount of payment (*for applicants belonging to the preferential categories of persons, in accordance with paragraphs 1.1) and 3.1) of Appendix 2 to the order of the Director of the RSE "NIIP" of the Ministry of Justice of the Republic of Kazakhstan No. 254 нқ dated December 23, 2020*).

Subject to appropriate payment, this period is extended by two months.

Application documents must be drawn up in accordance with the requirements of the Rules for conducting an Expert Examination of Applications for Industrial Property objects, *Appendix 2 to Order No. 1349 of the Minister of Justice of the Republic of Kazakhstan dated August 29, 2018* <http://zan.gov.kz/client/#!/doc/124989/rus>.

### **Fee**

The full list of the prices of the RSE "NIIP" is available [here](#).

The main types of payments that must be paid for by an application for an INVENTION include:

1. Receipt of applications and conducting an examination as to form for an invention;
2. Examination on essence of an application for an invention;
3. Publication in the State registers on registration and issuance of document of title for the inventions.

No.	Name of works and services in accordance with the Patent Law of the Republic of Kazakhstan dated July 16, 1999	Price (in tenge, including VAT)			
		For legal entities	For small and medium-sized businesses	For individuals	For applicants belonging to the privileged category of persons in accordance with clause 1.1) and clause 3.1) of Appendix 2 to the order
1.	Acceptance of applications and formal examination of an invention:	20 320,16	16 256,13	6 096,16	1 017,00
2	Acceptance of applications and accelerated formal examination of an invention for objects for which favorable conditions for patenting are provided	23 367,68	18 694,14	7 010,08	1 168,00
3	Substantive examination of an invention application	66 959,20	53 567,36	20 088,32	3 350,00
1)	Additionally, for each independent clause in excess of one	53 519,20	43 815,36	16 055,20	2 676,00
4	Conducting an accelerated substantive examination of an application for an invention on objects for which favorable conditions for patenting are provided	80 351,04	64 280,83	24 104,64	4 020,00
1)	Additionally, for each independent clause in excess of one	53 519,20	43 815,36	16 055,20	2 676,00
5	Carrying out work on the publication in the State Register of information on registration	33 253,92	18 651,14	9 975,84	665,28

	and on the issuance of a document of title for an invention				
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**When extending the validity period of the document of title:**

No.	Name of works and services in accordance with the Patent Law of the Republic of Kazakhstan dated July 16, 1999	Price (in tenge, including VAT)			
		For legal entities	For small and medium-sized businesses	For individuals	For applicants belonging to the privileged category of persons in accordance with clause 1.1) and clause 3.1) of Appendix 2 to the order
1	Extension of the period of validity of a document of title for an invention, utility model, industrial design and publication of information on the extension	8 611,68	8 611,68	8 611,68	435,00
2	Restoration of the term of validity of a document of title for an invention, utility model, industrial design and publication of information on the restoration of the term of validity of a document of title	11 299,68	9 089,74	3 390,24	565,00

### **Stages**

Examination of the application for the grant of a patent for an invention consists of two stages: **examination as to form and examination of the application on essence.**

In the course of the examination as to form, the availability of documents provided for in the paragraph 2 of the Article 17 of the Patent Law of the Republic of Kazakhstan and compliance with the requirements established for them is checked.

On the application submitted with violation of the requirements to its documents, a request with a proposal to submit the corrected or missing documents within three months from the date of its submission is sent to the applicant.

After the positive examination as to form, the expert organization conducts examination of the application on essence.

Examination of the Application on essence includes determination of the possibility of classifying the claimed proposal to the objects protected as an invention, conducting information search with regard to the claimed invention to determine the state of the art, verification of conformity of the claimed object (objects) to requirement of unity of invention and to the conditions for patentability stipulated by the Article 6 of the Patent Law of the Republic Kazakhstan, and is carried out if payment for examination of the application on essence will be done.

Examination of the application on essence is made on condition of the submission to the expert organization of a document confirming payment for the examination of the application on essence within three months from the date of notification of the result of the examination as to form.

If in the result of examination of the application on essence, expert organization determines that the claimed proposal in the scope of protection claimed by applicant does not comply with the conditions of patentability (novelty, inventive level and industrial applicability), the application relates to objects not protected as inventions, the applicant does not change the formula of invention after notification that the proposed formula contains the features that are missing in the original materials of the application, or, in addition to the object, protected as the invention, also attributes a proposal that is not applicable to the objects protected as an invention, or which has not been considered due to violations of requirements of unity of invention, then the negative conclusion of expert organization is issued

In case of disagreement with the negative conclusion of RSE "NIIP" within three months from the date of sending the conclusion, the applicant has the right to file an objection to the Appeal Council of the Ministry of Justice of the Republic of Kazakhstan. The appeal is considered by the Board of Appeal within four months from the date of its receipt.

If in the result of examination of the application on essence RSE "NIIP" determines that the claimed proposal in the scope of protection claimed by applicant complies with the conditions of patentability (novelty, inventive level and industrial applicability), then positive conclusion of RSE "NIIP" on patent with formula of invention, agreed with the applicant, with the indication of the established priority is issued. After the adoption of the Ministry of Justice of the Republic of Kazakhstan the decision to grant a patent for an invention, RSE "NIIP" shall notify the applicant about the decision and the need to present documents supporting appropriate payment for the preparation of a patent to issue.

After the presentation by the applicant of the documents confirming payment for the preparations for the grant of a patent, publication and the state fee, if it is necessary, request for early publication, RSE "NIIP" shall enter the information into the State Register of inventions, publish information on issuing electronic bulletin, prepares patent. RSE "NIIP" delivers the patent to the patent owner by courier or through the postal service.

Приложение 1  
к Правилам проведения  
экспертизы заявок  
на объекты промышленной  
собственности

Нужно отметить знаком X  
Заявление с реквизитами, проставленными РГП НИИС, является уведомлением о поступлении заявки

Дата поступления	(85) Дата перевода международной заявки на национальную фазу	(21) Регистрационный №	(22) Дата подачи
<input type="checkbox"/> (86) регистрационный номер международной заявки и дата международной подачи, установленные получающим ведомством <input type="checkbox"/> (87) номер и дата международной публикации международной заявки <input type="checkbox"/> (96) номер евразийской заявки и дата подачи заявки, установленные получающим ведомством <input type="checkbox"/> (97) номер и дата публикации евразийской заявки			
<b>ЗАЯВЛЕНИЕ</b> <b>о выдаче патента</b> <b>Республики Казахстан на изобретение</b>			
Предоставляя указанные ниже документы, прошу (просим) выдать патент Республики Казахстан на изобретение на имя заявителя (ей)			Код страны по стандарту ВОИС ST.3 (если он установлен)
(71) Заявитель (и):  (указывается полное имя или наименование и местожительство или местонахождение. Данные о местожительстве авторов-заявителей приводятся в графе, рядом с графой с кодом (72))			
Заполняется только при испрашивании приоритета по дате, более ранней, чем дата подачи заявки в Республиканское государственное предприятие «Национальный институт интеллектуальной собственности» (далее – РГП «НИИС»)			
Прошу (просим) установить приоритет изобретения по дате:			
<input type="checkbox"/> подачи первой (ых) заявки (ок) в государстве-участнике Парижской конвенции (пункт 2 статьи 20 Патентного Закона Республики Казахстан (далее – Закон) <input type="checkbox"/> подачи более ранней заявки в РГП «НИИС» в соответствии с пунктом 4 статьи 20 Закона <input type="checkbox"/> подачи первоначальной заявки в РГП «НИИС» в соответствии с пунктом 5 статьи 20 Закона <input type="checkbox"/> приоритета первоначальной заявки (пункт 5 статьи 20 Закона) (номер заявки _____, дата подачи _____) <input type="checkbox"/> поступления дополнительных материалов к более ранней заявке (пункт 3 статьи 20 Закона)			
(31) № первой, более ранней, первоначальной заявки	(32) Дата испрашиваемого приоритета	(33) Код страны подачи по ST.3 (при испрашивании конвенционного приоритета)	
(54) Название изобретения			
Адрес для переписки (полный почтовый адрес и имя адресата)			
Телефон:            Мобильный телефон:            Факс:            Адрес электронной почты:			
(74) Патентный поверенный (полное имя, регистрационный номер) или представитель заявителя (ей) (полное имя или наименование)			
<b>Перечень прилагаемых документов</b>		Количество листов в 1 экземпляре	Количество экземпляров
<input type="checkbox"/> приложение к заявлению			
<input type="checkbox"/> описание изобретения			
<input type="checkbox"/>			

Формула изобретения			
Чертеж (и) и иные материалы			
реферат			
<input type="checkbox"/> документ об оплате подачи заявки			
<input type="checkbox"/> документ, подтверждающий наличие оснований для уменьшения размера оплаты			
<input type="checkbox"/> копия (и) первой (ых) заявки (ок) (при испрашивании конвенционного приоритета)			
<input type="checkbox"/> документы заявки на иностранном языке			
<input type="checkbox"/> доверенность, удостоверяющая полномочия патентного поверенного или представителя			
<input type="checkbox"/> другой документ (указать)			
№ фигуры чертежей, предлагаемой для публикации с формулой (рефератом)			
(72) Автор (ы) (указывается полное имя)		Полный почтовый адрес местожительства, включая наименование страны и ее код по стандарту ВОИС ST.3, если он установлен	
Я (мы) _____ <span style="margin-left: 200px;">(фамилия, имя, отчество (при его наличии))</span>			
прошу (просим) не упоминать меня (нас) как автора(ов) при публикации сведений о выдаче патента на изобретение Подпись (и) автора (ов):			
Согласен на использование сведений, составляющих охраняемую законом тайну, содержащуюся в информационных системах Подпись Подпись (и) заявителя (ей), (при подписании от имени юридического лица подпись руководителя скрепляется печатью)			