

## **What is an utility model**

In accordance with the paragraph 1 of the Article 7 of the Patent Law of the Republic of Kazakhstan, the utility model includes technical solutions in any field related to the product (device, substance, strain of microorganism, cell culture of plant or animals), to the method (the process of performing actions on a material object by means 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, with the exception of diagnostic, therapeutic and surgical methods of treatment of humans or animals.

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

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

The rights to a utility model 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 utility model patent is issued on the basis of the examination of an application for the grant of a utility model patent.

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 is conducting an expert examination of applications for the grant of utility model patents.

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

A patent for a utility model is valid for five years from the date of the application. The term of its validity can be extended at the request of the patent owner, but not for more than three years.

### **Application and attached documents**

An application for the grant of a utility model patent must contain the following documents::

1) an application for the grant of a patent of the Republic of Kazakhstan for a utility model 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 utility model that discloses it with sufficient completeness to perform the following tasks;

3) a utility model formula expressing its essence and based entirely on the description;

4) drawings;

5) abstract;

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

The application for a utility model is accompanied by documents confirming::

1) payment for submitting an application in the prescribed amount;

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 RSE "NIIS" of the Ministry of Justice of the Republic of Kazakhstan No. 254 нқ dated December 23, 2020*).

Payment documents attached to the utility model application may be submitted together with the application or within two months from the date of receipt of the application. Subject to appropriate payment, this period may be extended, but not for more than 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 main types of payments that must be paid for by an application for a UTILITY MODEL include:

1. Receipt of applications and conducting an examination as to utility model;
2. Publication in the State registers on registration and issuance of document of title for utility models.

No	Name of works and services in accordance with the Law of the Republic of Kazakhstan dated July 16,	Price (in tenge, including VAT)			
		For legal entities	For small and medium-sized business entities	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

	<b>1999 "Patent Law of the Republic of Kazakhstan"</b>				
1.	Filing an application and preliminary examination	16 450,56	13 160,45	4 934,72	825,00
2.	Publication in the State registers on registration and issuance of document of title for utility models	33 253,92	18 651,14	9 975,84	665,28

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

On the application for granting a utility model patent, in accordance with the paragraph 1 of the Article 23 of the Patent Law of the Republic of Kazakhstan, an examination of the application is carried out, during which the availability of documents and compliance with the requirements established for them is checked, the priority date of the utility model is determined,

the possibility of classifying the submitted proposal to objects protected as utility models, the utility model unity is tested.

The compliance of the claimed utility model with the conditions of patentability is not conducted. The patent is issued at the risk and under the responsibility of the applicant.

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

If, as a result of the examination, it is determined that the application relates to objects that are not protected as utility models, a negative conclusion from the RSE "NIIP" 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.

If, as a result of the examination, it is established that the application relates to objects protected as utility models, the documents comply with the established requirements, a positive conclusion of the expert organization for the grant of a utility model patent is issued.

After the Ministry of Justice of the Republic of Kazakhstan made a decision to issue a utility model patent, the RSE "NIIP" notifies the applicant of the decision taken and the need to present documents confirming the appropriate payment for preparing for the grant of the patent.

After the applicant submits documents confirming payment for preparation for granting a patent, publication and state fee, if necessary, an application for early publication, RSE "NIIP" enters information into the State Register of Utility Models, publishes information on issuance in an electronic bulletin, prepares a utility model patent. RSE "NIIP" delivers the patent to the patent owner by courier or through the postal service.

Приложение 2

к Правилам проведения  
экспертизы заявок  
на объекты промышленной  
собственности

Нужное 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 Республики Казахстан</b> <b>на полезную модель</b>			
Предоставляя указанные ниже документы, прошу (просим) выдать патент Республики Казахстан на полезную модель на имя заявителя (ей) (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)			Код страны по стандарту ВОИС ST.3 (если он установлен)
Заполняется только при испрашивании приоритета по дате, более ранней, чем дата подачи заявки в Республиканское государственное предприятие «Национальный институт интеллектуальной собственности» (далее – РГП «НИИС») <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) <input type="checkbox"/> поступления дополнительных материалов к более ранней заявке (пункт 3 статья 20 Закона)			
<input type="checkbox"/> (31) № первой, более ранней,	<input type="checkbox"/> (32) Дата испрашиваемого приоритета	(33) Код страны подачи по ST.3 (при испрашивании конвенционного	
(54) Название полезной модели			

Адрес для переписки (полный почтовый адрес и имя адресата)

Телефон: Мобильный телефон: Факс: Адрес электронной почты:

(74) Патентный поверенный (полное имя, регистрационный номер, адрес) или представитель заявителя (ей) (полное имя или наименование, адрес)

Перечень прилагаемых документов	Количество листов в 1	Количество экземпляров
<input type="checkbox"/> приложение к заявлению		
<input type="checkbox"/> описание полезной модели		
<input type="checkbox"/> формула полезной модели		
<input type="checkbox"/> чертеж (и) и иные материалы		
<input type="checkbox"/> реферат		
<input type="checkbox"/> документ об оплате подачи		
<input type="checkbox"/> документ, подтверждающий наличие оснований для уменьшения размера оплаты		
<input type="checkbox"/> копия(и) первой(ых) заявки(ок) (при испрашивании)		
<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)

(фамилия, имя, отчество (при его наличии))

прошу (просим) не упоминать меня (нас) как автора (ов) при публикации сведений о выдаче патента на полезную модель

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)