

KYRGYZ INTELLECTUAL PROPERTY OFFICE

*(KYRGYZ RESPUBLIKASYNYN OKMOTUNUN ALDYNDAGY
INTELLEKTUALDYK MENCHIK BOJUNCHA MAMLEKETTIK
AGENTSTVOSU)*

AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees	Annex KG.I
Power of attorney	Annex KG.II

List of abbreviations:

Office: Kyrgyz Intellectual Property Office

KPL: Kyrgyz Patent Law¹

¹ The text of the Kyrgyz Patent Law may be obtained on the Internet at www.kyrgyzpatent.kg.

SUMMARY**Designated
(or elected) Office****SUMMARY****KG****KYRGYZ INTELLECTUAL PROPERTY****KG****OFFICE****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Kyrgyz or Russian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: US dollar (USD) Filing and provisional examination fee: ² USD 110 Claim fee for each independent claim in excess of one: ² USD 40 Examination fee: ³ USD 200 Claim examination fee for each independent claim in excess of one: ³ USD 100 Renewal fee for the third year: USD 120
Exemptions, reductions or refunds of the national fee:	Fees are reduced by 90% where the applicant is a natural person or a non-commercial organization, and by 70% where the applicant is a small enterprise
Special requirements of the Office (PCT Rule 51bis): ⁴	Instrument of assignment of the priority application where the applicants are not identical ⁵ Appointment of an agent if the applicant is not resident in Kyrgyzstan
Who can act as agent?	Any person registered to practice before the Office as patent attorney

[Continued on next page]

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

² Must be paid within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with within two months from the expiration of that time limit, provided that a surcharge is paid.

³ A written request for examination must be made and the examination fee simultaneously paid.

⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with Rule 4.17.

SUMMARY**Designated
(or elected) Office****SUMMARY****KG****KYRGYZ INTELLECTUAL PROPERTY
OFFICE****KG***[Continued]*

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?

Yes, the Office applies both the “unintentional” and the “due care”
criteria to such requests

THE PROCEDURE IN THE NATIONAL PHASE

KG.01 FORMS FOR ENTERING THE NATIONAL PHASE. The Office has no special form for entering the national phase.

KG.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

PCT Rule 17.2(a) **KG.03 PRIORITY DOCUMENT (TRANSLATION).** The Office requires the applicant to furnish a translation of the priority document into Russian or Kyrgyz only in certain cases where required for the examination. If not already furnished, the Office will invite the applicant to furnish a translation of the priority document within a time limit which shall be fixed in the invitation.

KG.04 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KG.I.

KPL Art. 23 **KG.05 REQUEST FOR EXAMINATION.** The Office examines patent applications. At the request of the applicant, the Office will examine the application with or without conducting examination as to substance. The request for examination must be filed within 30 months from the date of entry into the national phase. If the request is not filed within the prescribed time limit, the application is considered withdrawn.

KPL Art. 17 **KG.06 REPRESENTATION.** An applicant must be represented before the Office if he is not resident in Kyrgyzstan. Any applicant may be represented by a patent attorney authorized to practice before the Office and the address for service should normally be that of a registered patent attorney. A list of registered patent attorneys is available upon request from the Office.

KPL Art. 28 **KG.07 FEE FOR GRANT.** A fee for grant must be paid within two months after receipt by the applicant of the decision to grant the patent. Where the applicant fails to pay the fee within that time limit, he can make this payment, together with a prescribed surcharge for late payment, within three months from the date of the expiration of the above-mentioned time limit.

KG.08 INVENTOR. The indication of the name and address of the inventor must be in the request but may be furnished at a later stage. The Office will invite the applicant to furnish the name and address of the inventor within two months from the date of the receipt of the invitation.

PCT Art. 28
41
KPL Art. 22 **KG.09 AMENDMENT OF THE APPLICATION; TIME LIMITS.** Within two months after entry into the national phase, the applicant has the right to amend or correct any element of his international application on his own initiative, without paying any fee for that purpose, provided that the amendments or corrections do not modify the subject matter of the claimed invention or utility model beyond the original disclosure. After the expiration of the said time limit, such amendments or corrections may be made only on payment of the prescribed fee and only until the final decision on the results of the substantive examination.

KG.10 RENEWAL FEES. After a patent has been granted, a continuation (renewal) fee must be paid for maintaining the patent in force. The first continuation fee is to be paid simultaneously with payment of the fee for granting the patent. All subsequent fees are to be paid before the beginning of the corresponding year. Payment can still be made, upon application for extension of time together with the payment of a corresponding fee, within six months from the final date. The amounts of the annual fees and of the fees for late payment are indicated in Annex KG.I.

PCT Art. 24(2)
48(2)
PCT Rule 82*bis*

KG.11 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where, during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, such time limit may be extended by the Office upon request by the applicant and where justified.

PCT Art. 25
PCT Rule 51

KG.12 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.

PCT Art. 4(3)
43
PCT Rule 49*bis*.1
(a), (b)
76.5

KG.13 UTILITY MODEL. Where the applicant wishes to obtain a utility model, on the basis of an international application, instead of a patent, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

KG.14 CONVERSION. The applicant may, prior to publication of a patent application, convert the said application into a utility model application by filing a request to that effect. The utility model application may be converted into a patent application at any time before the decision to grant is taken. The converted application shall have the priority date of the initial application.

FEES

(Currency: US dollar)

Filing and provisional examination fee	110
— plus, for each additional invention	40
Examination fee	200
— claim examination fee for each independent claim in excess of one	100
The examination fee is reduced by 25% where an international search report has been established and by 50% where an international preliminary examination report has been established.	
Reinstatement fee for each delayed month up to six months from the expiry date	75
— between the 6 th and the 12 th month (per month).	160
Conversion fee	30
Fee for grant and publication of description up to 35 pages	120
— for each page in excess of 35	10
Renewal fees for patents:	
— for the 3 rd year	120
— for the 4 th year	150
— for the 5 th year	180
— for the 6 th year	200
— for the 7 th year	240
— for the 8 th year	300
— for the 9 th and 10 th years, per year	360
— for the 11 th and 12 th years, per year	480
— for the 13 th , 14 th and 15 th years, per year	720
— for the 16 th , 17 th and 18 th years, per year	840
— for the 19 th and 20 th years, per year	960
Renewal fees for patents related to pharmaceuticals at the request of the owner:	
— for the 21 st year	1,000
— for the 22 nd year	1,050
— for the 23 rd year	1,100
— for the 24 th year	1,150
— for the 25 th year	1,200
Fee for restoration of the right of priority	100

How can payment of fees be effected?

Foreign legal and natural persons must pay the fees in US dollars through patent attorneys of Kyrgyzstan, registered with the Office, or in person.

Доверенность - Power of Attorney

Настоящая доверенность выдана (имя патентного поверенного, его N регистрации)

The present Power of attorney is granted to (name of the attorney and the number of his certificate)

Адрес (и наименование фирмы, если имеется):

Address (and the name of the firm if any):

в том, что ему поручается представлять интересы

which is hereby empowered to represent the interests of

по всем вопросам, связанным с приобретением, поддержанием и охраной прав промышленной собственности на территории Кыргызской Республики

in all matters related to application for granting, maintenance and protection of industrial property rights within the territory of the Kyrgyz Republic

Место:

Place:

Дата:

Date:

Подпись

Signature