
THE LAW OF THE KYRGYZ REPUBLIC

Bishkek, January 12, 2015, No4

On the Introduction of Amendments and Supplements to the Law of The Kyrgyz Republic “On the Legal Protection of Selection Achievements”

Article 1.

Introduce to the Law of The Kyrgyz Republic “On the Legal Protection of Selection Achievements” (Gazette of the Jogorku Kenesh of The Kyrgyz Republic, 1998, No10, p 375) following amendments and supplements:

1. In paragraph 2 of the preamble the words “in accordance with the list, approved by the Government of The Kyrgyz Republic” shall be excluded.

2. Throughout the whole text in state language:

The words “one of a kind” shall be replaced by the word “special”;

The words “not one of a kind” shall be replaced by the word “not special”.

3. In paragraph 5 of Article 1 text in state language the word “zygotes” shall be replaced by the word “zygotes”.

4. Article 3 shall be stated as follows:

“Article 3. State regulation concerning the legal protection of selection achievements.

State regulation concerning the legal protection of selection achievements is conducted by the Government of The Kyrgyz Republic.

Primary consideration of disputes on the issues of protection of selection achievements is carried out by the Appeal Council in the manner determined by the Government of the Kyrgyz Republic.

On the basis of the conducted testing of selection achievements for distinctness, uniformity and stability, an opinion on their protection is made.

The list of zoological genera and species of animals and the list of botanical genera and plant species, the seeds of which are allowed to grow on the territory of the enterprise for two years for their own use, are approved by the Government of the Kyrgyz Republic. ”

5. In the name of second section of text in state language the word “procedure” shall be replaced by the kyrgyz variety of word “procedure”.

6. In Article 5:

In Part 4 the words “authorized state organ in the field of intellectual property, if another is not mentioned by the international treaty of The Kyrgyz Republic” shall be replaced by the word “established order, determined by the Government of The Kyrgyz Republic”;

Part 5 shall be stated as follows:

“Employees of the state organs in the field of intellectual property and agriculture and melioration within the whole period of work at the office do not have a right to submit an application on issuance of a patent on selection achievement”.

7. In Part 3 of Article 6 the words “to the authorized state organ in the field of intellectual property” shall be excluded.

8. Article 7 shall be stated as follows:

“Article 7. Submitting an application on issuance of patent

The documents for application on issuance of patent are given in state and official languages. If the documents are presented in different language, the translation to the state or official language is attached to the application.

Application must contain:

- 1) Application
- 2) Description of the sort, breed:
For sorts of plants – resume of the sort:
For breed of animal – description in accordance with existing method of approbation of farm animals;
- 3) The document that confirms the payment of relevant duty for submitting the application or exempts from the payment of duty for submitting the application, or giving reasons for decreasing its amount.

Requirements for the application and attached documents are established by the Rules of compose, submitting an application on the selective achievement (hereinafter – Rules), approved by The Kyrgyz Republic.

Application must be related to one selection achievement.

Applicant takes responsibility of reliability of information, stated in the materials of the application.

Applicant has the right to recall the application in any time until the date of receiving the decision of issuance of patent.

9. In part 7 of Article 8 the words "the selectionist at the request of the authorized state body in the field of intellectual property" shall be replaced by the word "applicant".

10. In Article 9:

Throughout the whole text the words "to the authorized state organ in the field of intellectual property" in different case forms shall be excluded;

In part 5 the words "to the selectionist" shall be replaced by the words "to the applicant".

11. In article 11:

Part 1 shall be stated as follows:

"The preliminary examination of an application for a selection achievement shall be carried out within two months of its being filed with the authorized State Agency for Intellectual Property. During the preliminary examination the authorized State Agency for Intellectual Property shall verify that the documents specified in Article 7 of this Law are present and that the name of the selection achievement meets the requirements of Article 8 of this Law, and ascertains the priority of the selection achievement."

In part 3 the words "authorized state organ in the field of intellectual property" shall be excluded;

Part 6 shall be stated as follows:

"At the request of the applicant, if there are justifiable reasons and subject to the payment of the relevant fee, the time limit for responding to a request or for notification provided for in Parts 4 and 5 of this Article shall be extended to six months. "

12. Article 12 shall be stated as follows:

"Article 12. Publication of the application on selection achievement

Information about application is published in official bulletin not later than 4 months from the date of completing of preliminary examination of application on selection achievement. Capacity and content of publishing information is determined by the Government of The Kyrgyz Republic. After publication of information about the application any entity has the right to get acquainted with its materials. For familiarization with the materials of the application, an appropriate fee is paid.

Publication of information about the application is not made if prior to the publication date a decision has been taken to grant a patent or it has been withdrawn or a decision has been taken to refuse to issue a patent, the possibility of appeal of which has been exhausted.

Author of the selection achievement can refuse to be mentioned as so in publishing information on application, if he is not the owner of patent.

Within six months after the date of publication the claim of any interested entity is considered.

The claim is submitted by the interested person in the form of an objection to the Appeals Board. For filing and reviewing an objection, a fee is paid.

In case of disagreement with the decision of the Appeals Board on the objection any of the parties can file a suit to the Court within 6 months after the making decision.”.

13. Article 14 shall be stated as follows:

“Article 14. Testing of a selection achievement on distinctiveness, uniformity and stability.

Testing of a selection achievement on distinctiveness, uniformity and stability conducted in the order established by the Government of The Kyrgyz Republic.

For conducting a test on sort fee is paid.

Applicant can get acquainted with materials, used during examination, observe the process of testing.

Applicant can require copies of materials confronting the application within the period of 2 months, in case of refusal for issuance of patent, and the information on the results of conducted tests.”.

14. In Article 15:

Part 2 shall be considered as invalid;

In part 5 the words “by authorized organ in the field of intellectual property” shall be excluded.

15. In Article 16:

In Parts 1 and 7 the words “by the authorized organ in the field of intellectual property” shall be excluded;

Part 3 shall be stated as follows:

"The order of filling and the list of information entered in the State Register of Protected Selective Achievements shall be determined by the Government of the Kyrgyz Republic.";

Parts 5 and 6 shall be considered as invalid.

16. Article 17 shall be stated as follows:

“Article 17. The period of patent’s effect

The period of patent’s effect on selection achievement is 25 years from the date of registration of application in the State Register of Protected Selective Achievements.”.

17. Article 19 shall be stated as follows:

“Article 19. Publication of Information on the patent

Information on the patent’s issuance is published in the official bulletin within two months from the date of registration in the State Register of protected selection achievements.”.

18. In Article 20:

In Part 3 the words “to the authorized state organ in the field of intellectual property” shall be excluded;

Part 4 shall be considered as invalid.

19. In Article 21:

Part 6 shall be stated as follows:

“Author has the right to receive remuneration from the patent’s owner for usage of the selection achievement.”.

Part 8 shall be excluded.

In Article 22 of the text in state language:

Name of the Article after the words "to the author" shall be supplemented by the word "respect";

Part 1 after the words "within the period" shall be supplemented by the word "respect".

20. Part 2 of Article 25 shall be stated as follows:

"Privilege indicated in 5th paragraph of Part 1 of this Article, is applied in accordance with the List of botanic and plants species, as provided for by the Article 4 of this Law."

21. Part 2 of Article 26 shall be considered as invalid.

22. In Article 29:

Part 1 shall be stated as follows:

"From the date of publication of information on the patent, any person can apply with a justified objection to the recognition of the patent as invalid." A fee is paid for filing and consideration of an objection to the recognition of a patent. ";

Part 2 shall be considered as invalid.

23. In Article 30:

In paragraph 3 of Part 1 the words "State Committee, State Inspection" shall be excluded;

Part 2 shall be stated as follows:

"Data on the prescheduled termination of a patent is published in the official bulletin."

24. In Article 30-1:

In Part 1 the words "to the authorized state organ of intellectual property" shall be excluded:

Part 2 shall be stated as follows:

"Data on the renewal of the patent shall be published in the official bulletin.";

In Part 3 the words "authorized state organ in the field of intellectual property" shall be excluded.

25. In the name of Article 31 the words "authorized state organ in the field of intellectual property" shall be excluded.

26. In Article 33:

In Part 1 the words "authorized state organ in the field of intellectual property" shall be excluded;

Part 3 shall be stated as follows:

"Information on the granting of an open license with indication of the amount of payments and a record of the termination of an open license shall be entered in the State Register of Protected Selection Achievements. ";

Part 4 shall be considered as invalid.

27. Part 6 of Article 34 in the text in state language after the words "when conditions come" shall be supplemented with the word "is given".

28. In Part 1 of Article 35 the words "authorized state organ in the field of intellectual property" shall be replaced by the words "organ determined by the Government of the Kyrgyz Republic".

29. Article 36 shall be stated as follows:

"Article 36. The rights of foreign and legal entities

Foreign individuals and legal entities hold the rights, specified by this Law, in line with individual and legal entities of the Kyrgyz Republic in accordance with international agreements which has come into force in the order set by the Law, to which the Kyrgyz Republic is a party, or on the basis of the principle of reciprocity. "

30. In Article 38 the words "customs organs" , "customs" shall be excluded.\

31. Article 39 shall be considered as invalid.

Article 2.

This Law is subject to publication and comes into force from the date of entry into force of the international treaty on accession of the Kyrgyz Republic to the Treaty on the Eurasian Economic Union of May 29, 2014.

**President of The Kyrgyz
Republic**

A. Atambaev

**Passed by the Jogorku
Kenesh of The Kyrgyz
Republic**

December 10, 2014