

KYRGYZTAN

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents • Utility models 	N.A
Term of protection	<ul style="list-style-type: none"> • Patents: 20 years • Utility models: 5 years • Patent term extension is possible on the following grounds: <ul style="list-style-type: none"> - Regulatory approval for pharmaceuticals - Utility models (no more than 3 years) 	February 27, 2003 – Abolition of preliminary patent which term of protection was 7 years.
Subject matters excluded from patentability or not considered to be inventions	<ul style="list-style-type: none"> • The following subject matters are excluded from patentability: <ul style="list-style-type: none"> - Discoveries - Isolated part of human beings - Nucleotide and/or amino acid sequences - Traditional knowledge • The following subject matters are not considered to be inventions: <ul style="list-style-type: none"> - Scientific theories/mathematical methods - Aesthetic creations - Mental acts - Presentation of information - Computer programs - Business methods - Animals - Plants - Plant and animal varieties - Inventions contrary to morality/public order - Notation conventions, schedules, rules - Projects, planning schemes of constructions, buildings and territories - Topology of integrated circuits 	No
Filing language	<ul style="list-style-type: none"> • Filing an application in languages other than an official language is possible. Translation into Kyrgyz or Russian shall be submitted within 3 months from the filing date. 	No

Certain requirements relating to filing	<ul style="list-style-type: none"> The inventor rarely waives his right to be mentioned in the patent. 	No
<ul style="list-style-type: none"> It is not possible to file provisional applications. 		
<ul style="list-style-type: none"> The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty). 		
Link between different inventions in the same application	<ul style="list-style-type: none"> The applicable law allows that claims in a patent application relate to a group of inventions. The applicable standard is the unity of invention standard. 	No
Publication	<ul style="list-style-type: none"> The information related to the application is published or open for public access 18 months from the date of filing or from the priority date and when the patent is granted. PCT applications are published after the registration in the State Register of Inventions. 	February 27, 2003 – Before that date, applications were not published until the patent was granted.
Classification system	<ul style="list-style-type: none"> The patent classification system used is the International Patent Classification (IPC) system. 	N.A
Search and examination	<ul style="list-style-type: none"> The applicable law establishes a substantive search and examination system. Search and examination are combined. The applicant is required to request the search and examination through a combined request. The request for examination shall be made within 30 months. If the applicant fails to do so, the application is considered withdrawn. During the examination procedure, the following criteria are examined: Patents : Novelty Inventive step/non obviousness Industrial applicability Utility models: Novelty Industrial applicability 	N.A

Specific legal provision regarding ownership of patents derived from public (government) research funding	<ul style="list-style-type: none"> • No 	No
Exceptions to exclusive rights conferred by a patent	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Compulsory licenses - Research and/or experimental exception - Prior user's right - Exceptions of Article 5ter of the Paris Convention. 	No
Options to challenge a patent	<ul style="list-style-type: none"> • There are different options to challenge a patent or a utility model as follows: <ul style="list-style-type: none"> - Pre-grant administrative procedure within 2 months from the date of the examination's decision - Post-grant administrative procedure without any limit - Court procedure within 6 months from the date of receipt by the applicant of the decision of the Office (Board of Appellation). 	No