



КЫРГЫЗ РЕСПУБЛИКАСЫНЫН МАМЛЕКЕТТИК ИНТЕЛЛЕКТУАЛДЫК МЕНЧИК КЫЗМАТЫ
ГОСУДАРСТВЕННАЯ СЛУЖБА ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ КЫРГЫЗСКОЙ РЕСПУБЛИКИ
STATE INTELLECTUAL PROPERTY SERVICE OF THE KYRGYZ REPUBLIC

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Dr. Francis Gurry
Director General
WIPO
Geneva

Dear Dr. Gurry,

I refer to the Circular C.7999 of June 28, 2011 regarding gathering information about national and regional practices on the topic of Confidentiality of Communication between Clients and their Patent Advisors pursuant to the decision of the SCP, we are pleased to provide the following information.

According to Article 14 of the Law of the Kyrgyz Republic "On Patent Attorneys" any information, which a patent attorney (agent) receives from his or her client during the performance of his/her assignment, shall be considered confidential unless otherwise specifically provided by the client or unless clearly arises from his/her actions.

A patent attorney is required to ensure security of the documents he or she receives and/or composes during the performance of his/her duties. A patent attorney is not entitled to transmit such documents or copies thereof to the third parties or to disclose orally the information contained therein without prior written consent of the person whose interests he or she represents.

Pursuant to Article 13 of the above Law of the Kyrgyz Republic a patent attorney shall be subject to administrative and other sanctions for improper performance of his/her duties in accordance with the legislation of the Kyrgyz Republic (Article 7, Part I of the Civil Code of the Kyrgyz Republic).

Complaints of any persons related to improper performance of professional duties by a patent attorney and his/her actions violating normative legal acts of the Kyrgyz Republic shall be considered by the Board of Appeals of a competent state IP authority.

The IP authority may impose the following sanctions on a patent attorney should he/she improperly performs his/her duties:

- 1) Warning;
- 2) Reexamination (to be excluded from the Patent Attorneys Register in case of unsatisfactory result of the exam);
- 3) Provisional exclusion from the Register up to one year (to be included to the Register after reexamination);
- 4) Exclusion from the Register (with no right to reexamination during five years).

Generally Kyrgyzpatent supports item 52 (SCP/16/4), which states that there needs to be a clear distinction between the public disclosure of inventions in patent applications and the public disclosure of communications between patent advisors and their clients, since the national regulatory framework requires sufficient disclosure of the invention for its successful implementation (Article 18 of the Patent Law of the Kyrgyz Republic).

Regarding the outcomes of studies of this issue discussed in documents SCP/13/4 and SCP/14/2, Kyrgyzpatent also supports the conclusion that there are both public and private interests behind the regulation of the confidentiality of communications with patent advisors, including non-lawyer patent advisors.

Sincerely yours,

Azhibai Kalmamatov
Director

