



КЫРГЫЗ РЕСПУБЛИКАСЫНЫН ӨКМӨТҮНӨ КАРАШТУУ ИНТЕЛЛЕКТУАЛДЫК МЕНЧИК ЖАНА ИННОВАЦИЯЛАР МАМЛЕКЕТТИК КЫЗМАТЫ
ГОСУДАРСТВЕННАЯ СЛУЖБА ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ И ИННОВАЦИЙ ПРИ ПРАВИТЕЛЬСТВЕ КЫРГЫЗСКОЙ РЕСПУБЛИКИ
STATE SERVICE OF INTELLECTUAL PROPERTY AND INNOVATION UNDER THE GOVERNMENT OF THE KYRGYZ REPUBLIC

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№ 02/1819

Director General
World Intellectual Property
Organization (WIPO)
Francis Gurry
E-mail: scp.forum@wipo.int

Dear Dr. Gurry,

I have a pleasure to refer to the WIPO Circular C.8687 of August 21, 2017, and would like to inform you on the following.

The requested information on certain aspects of the national patent law was sent to WIPO in May 2017 (Letter from May 2, 2017 # 01/791). WIPO Secretariat has updated the web-page of the e-forum of SCP, based on data given by 8 countries including the Kyrgyz Republic (document SCP/26/2).

Regarding the additional inputs for the preparation of the draft reference about restrictions and exception of the IPR, please be informed that there is no additional information or inputs to this moment.

Concerning the inputs with respect to the constraints faced by developing countries in making full use of patent flexibilities and their impacts on the access to affordable especially essential medicines for public health purposes, there is no requirement to specify INN (International Nonproprietary Name) for the purpose of determining active moiety in patent applications and/or patents when filing a patent application for pharmaceuticals in the Kyrgyz Republic. If an invention in the

application relates to the pharmaceuticals which has already an appropriate INN, applicants may voluntarily indicate this INN at the time of filing an application.

In respect to your query on the national and regional laws on opposition systems and other administrative revocation and invalidation mechanisms, the Article 31 of the Patent Law of the Kyrgyz Republic says within the whole period of its validity a patent may be considered invalid in full or in part, due to the objection against its granting in the following cases:

1. the protected solution does not meet requirements of patentability as provided by Patent Law of Kyrgyz Republic;
2. the formula of the invention, utility model or the list of the essential features of the industrial design contain features missing in the initial documents of the application;
3. author (authors) or their owners have been incorrectly indicated in the patent.

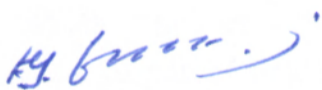
A person who filed an objection shall give his/her reasons for it and submit a document certifying payment of a fee. An objection shall be prepared in two languages (Kyrgyz and Russian) in two copies.

An objection against the grant of a patent on the grounds provided in abovementioned points 1 and 2 shall be considered by the Appeal Board within the term of six months after the date of its receipt; the patent owner shall be get acquainted with the objection.

A person who filed an objection and the patent owner may participate in its consideration. In this case, the Appeal Board shall not go beyond the reasons, contained in the objection against the grant of a patent.

Should the applicant not agree with the decision of the Appeal Board on the objection against the grant of a patent, any of the parties may, within the period of six months from the date of making a decision, file an appeal with court.

Sincerely,



Zhaparkul Tashiev
First Deputy Chairman

Enclosure: Questionnaire on 2 p.