

KAZAKHSTAN

Response to Question 1 : Till now in the Republic of Kazakhstan there are no special Regulations or special Laws providing protection for traditional knowledge. However, the valid legislation on the intellectual property protection, namely, the Patent Law of the Republic of Kazakhstan of July 16, 1999 and the Law “On the Trademarks, Service Marks and Appellations of Origin of the Goods” of July 26, 1999, don't exclude the possibility to protect inventions, industrial designs, trademarks. All they being based on traditional knowledge of Kazakh people.

Thus, for example, the patent protection is provided for “the method of producing kumis (mare's milk),” “Kazakhstan,” Patent of the RK, No. 33; for “the method of producing shubat (female camel's milk),” “Turkestan,” Patent of the RK, No. 6237, as for inventions. There is provided to grant patent protection for “the method “Kushkon” of manufacturing relief picture of leather,” Patent of the RK, No. 4619. All these are attributed to traditional knowledge.

The outward appearance of national outer clothes, headresses (saykele), carpets (tuskii), decoration of saddles, national dwellings (yurta) and their structural elements; women's decorations in form of bracelets (blezik), national children's cots -crib-cradles and tablewares (piala, torcyk) are protected as industrial designs.

The designations containing elements of Kazakh ornament are registered and protected as trademarks.

Response to Question 2 : In the Republic of Kazakhstan there is no till now elaborated special law on intellectual property protection for traditional knowledge.

Response to Questions 3 to 25 : No available.

Response to Question 26 : There are no available any special measures to assist the traditional knowledge holders in Kazakhstan to acquire, exercise, manage and enforce rights in traditional knowledge. Nevertheless, it will be suitable to point that there is a valid Law of the Republic of Kazakhstan No. 1488 -XII of July 2, 1992 “On the protection and use of historical and cultural heritage.” It being aimed at providing Government protection for subjects of historical and cultural heritage, architectural and cultural old relics and monuments and for other subjects as traditions of human communities. There are: historic, cultural, religious and genre arts.

Response to Question 27 : There are not any perceived limitations in the application of intellectual property Laws and procedures to the protection of traditional knowledge.