

Information regarding the question:

(ii) Examination of the substantive and procedural requirements for voluntary unbundling of patent applications by applicants.

- In addition to the requirements relating to the voluntary sharing of patent applications by applicants, the materials may include issues relating to the prohibition of double patenting and other relevant information.

In accordance with paragraph 8 of Article 16 of the Law of the Republic of Belarus dated December 16, 2002, No. 160-Z “On Patents for Inventions, Utility Models, Industrial Designs” (hereinafter referred to as the Law), if during the examination of an application it is established that different applicants have applied for identical inventions and/or utility models or applications for identical industrial designs with the same priority date, a patent shall be granted for the application determined by agreement between the applicants. The applicants must report the agreement reached to the patent authority within three months from the date of the relevant notification by the patent authority. In the absence of such an agreement, decisions shall be taken to refuse the issuance of a patent, of which the applicants shall be notified within five days.

When granting a patent, all authors of identical inventions, utility models, or industrial designs shall be indicated as co-authors.

If applications for identical inventions and/or utility models or applications for identical industrial designs have been filed by the same applicant and have the same priority date, a patent may be granted only on the basis of one application selected by the applicant.

The Resolution of the Council of Ministers of the Republic of Belarus of February 2, 2011, No. 119 “On Approval of the Regulations on the Procedure for Compiling an Application for the Grant of a Patent for an Invention, Examination thereof and Adoption of a Decision on the Results of the Examination” contains Chapter 451 “Peculiarities of Examination of an Invention Application in the Presence of Another Application for an Identical Invention or Utility Model Having the Same Priority Date”.

The chapter contains the following provisions:

«5341. If the compliance of the claimed invention with all the conditions of patentability is established, but there is another application for an identical invention (and the other application is not withdrawn, and if a decision was taken to refuse to issue a patent in accordance with Article 19(5) or Article 21(3) of the Law, the time limit missed by the applicant is restored) having the same priority date, the Patent Office shall notify the applicants of such applications that, in accordance with Article 16(8) of the Law, a patent may be granted for only one application as determined by the agreement of the applicants.

The notice from the Patent Office shall also indicate the number of the application containing the identical invention, the date of filing, and the address for correspondence with the applicant of that application.

If applications for identical inventions are filed by the same applicant, the notice shall inform him that a patent may be granted on only one application to be designated by him.

Within three months from the date of notification by the Patent Office, applicants shall indicate which of the applications and to whom the patent should be granted, and the applicant filing applications for identical inventions shall indicate his choice. In case a decision is made to grant a patent on one of the applications, all authors listed in the applications for identical inventions shall be indicated as co-inventors.

If the said notice is not received within the prescribed time limit, in accordance with Article 16.8 of the Law, the decision to refuse to grant a patent shall be taken on the applications.

5342. In case the priority dates of identical invention and utility model applications of the same applicant coincide, a patent has already been granted for the utility model application and it is in force, the applicant shall be notified that a decision on granting a patent for the identical invention application may be taken only if the utility model patent holder submits to the Patent Office, within three months from the date of the notification, a request for termination of its validity.

If this application is not filed with the patent authority within the time limit specified in part one of this paragraph, a decision shall be taken to refuse to issue a patent in respect of an application for an identical invention.

5343. The identity of inventions shall be established on the basis of the claims in respect of which the conclusion has been reached regarding the

compliance of the invention with the conditions of patentability, and the identity of an invention and utility model shall be established on the basis of the claims in respect of which the conclusion has been reached regarding the compliance of the invention with the conditions of patentability and the claims of the utility model with which the patent has been granted.

The invention or invention and utility model are recognized as identical if the contents of the independent claims are identical. And in case the independent claims (or one of them) contain features characterized by alternative concepts, the inventions or the invention and the utility model are recognized as identical if there is a coincidence of the totality of features comprising at least one of such concepts.

An update of information regarding the Republic of Belarus on the topics specified in WIPO Letter No. C. dated January 31, 2025, 9260, is not required.