

Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

██████

Last Name:

██████

Country:

Russian Federation

IP Office

Eurasian Patent Office

Job title

Deputy Director Examination Department

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Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.

It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

Security clearance

'First filing' or first domestic filing requirement (FDFR)

2. Please list the statutes or guidance documents that patent applicants in your country can consult to inform themselves of the foreign filing requirements and the procedure to follow.

Eurasian Patent Convention (EAPC):

Art. 15(1) Eurasian Application and Grant of the Eurasian Patent

Patent Regulations under EAPC:

Rule 34. Processing and Transmittal of the Eurasian Application by a National Office

Rule 35. Requirements under National Law

4. What specific criteria will trigger the Foreign Filing Conditionality?

Impact on the country's national security or national defense;
Nationality or residency of the applicant;

Please provide any further details on the scope of the specific criteria applicable in your jurisdiction.

For applicants from EAPC's Member States the Eurasian application shall be filed through national Patent Offices, where provided in the legislation of the Member State. The Eurasian application filed through a national Office shall have the same effect as if it had been filed with the EAPO on the same date, provided that it is transmitted to the EAPO within 14 months of its receipt by the national Office.

For applicants from non-Member States are applicable the foreign filing conditions provided by their national law. Divisional applications should be filed directly with the EAPO.

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.