

Administrative Revocation and Invalidation Mechanisms

Kyrgyz Republic

According to the Article 31 of the Patent Law of the Kyrgyz Republic, the patent within its validity can be acknowledged as invalidated totally or partially due to exception against of its issuance in cases:

- 1) Non-conformity of protected decision to the patentability condition, stipulated by the Patent Law of the Kyrgyz Republic;
- 2) Existence of utility models at the claims of the invention or attributes of essential features of industrial designs in the list, demands absent in the original materials of the application;
- 3) False indication of an author in the patent (authors) or their holders.

Entity, filing on objection is obliged to motivate it, as well as to submit a document on fee payment. The objection shall be filed in the official or state languages and served in two copies.

The objection for the granting of a patent due to basis, stipulated by before mentioned Articles 1, 2 must be considered by the Appeal Board within six months from the date of its acceptance; Patent owner must be introduced with objection.

The entity filing objection as well as patent owner can participate in its consideration. Herewith the appeal board stays within springs, contained in objection against of issuance of a patent. In case of disagreement with decision of an Appeal Board on objection against of issuance of a patent any of the side can apply for lawsuit within six month from the date of taking decision.

According to the Article 32 of the patent law, patent is to be acknowledged as totally invalid or partially upon a decision of the Appeal Board or the Court decision, which took a legal effect.

Effect of patent will be terminated in the following cases:

- 1) Upon expiry of upon expiry of the term of its validity established in accordance with this Law;
- 2) In case of failure to pay the fee for maintenance of the patent in force within the prescribed period - from the date of expiry of the prescribed period for payment of the fee for maintenance of the patent in force;
- 3) On the basis of the application filed by the patent owner in Kyrgyzpatent, if the refusal does not violate the interests of third parties - from the date of publication in the official Bulletin of Kyrgyzpatent information on early termination of the patent in connection with the application of the patent owner.