

**NATIONAL INSTITUTE OF
INTELLECTUAL PROPERTY (NIIP)
(KAZAKHSTAN)
AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

Office: National Institute of Intellectual Property (NIIP) (Kazakhstan)

KPL: Kazakh Patent Law

SUMMARY**Designated
(or elected) Office****SUMMARY****KZ NATIONAL INSTITUTE OF INTELLECTUAL
PROPERTY (NIIP) (KAZAKHSTAN) KZ****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Kazakh or Russian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Request, description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: ^{2, 3}	Currency: Kazakh tenge (KZT) For patent: Filing fee: ⁴ KZT 20,320.16 Examination fee: ⁵ KZT 66,959.20 Annual fees for the first three years, per year: KZT 20,320.16 For utility model: Filing fee: ⁴ KZT 16,450.56 Annual fees for the first three years, per year: KZT 16,450.56
Exemptions, reductions or refunds of the national fee:	The examination fee is reduced by 20% where an international search report or an international preliminary examination report has been established.

[Continued on next page]

¹ Must be furnished within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1). This time limit can be extended by no more than two months if the applicant has paid additional fees.

² This fee is subject to value added tax (VAT). Applicants may consult the receiving Office or a registered patent attorney for the latest applicable VAT rate.

³ Applicants who reside in a State in which per capita national income is below USD 3,000 pay the following reduced amounts: in the case of a legal entity, 30% of the fee amount; in the case of a natural person, 15% of the fee amount.

⁴ Must be paid within the time limit applicable under PCT Article 22 or 39(1) or within two months from the date of entry into the national phase. This time limit can be extended by two months, provided that a surcharge of 20% is paid. [Fees for electronic and paper filing were amended to be equal by Order of the Director of the NIIP No. 254 dated 23 December 2020.](#)

⁵ Must be paid for requesting substantive examination after publication of the information on issuing the provisional patent within three years from the international filing date or five years from the international filing date if the duration of the provisional patent has been prolonged.

SUMMARY**Designated
(or elected) Office****SUMMARY****KZ NATIONAL INSTITUTE OF INTELLECTUAL
PROPERTY (NIIP) (KAZAKHSTAN) KZ***[Continued]*Special requirements of the Office
(PCT Rule 51*bis*):⁶Instrument of assignment of the priority application where the
applicants are not identical⁷Appointment of an agent if the applicant is not resident in
Kazakhstan

Who can act as agent?

Any patent attorney registered to practice before the Office

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?Yes, please refer to the Office for the applicable criteria and/or any
fee payable for such requests⁶ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of three months from the date of the invitation.⁷ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

KZ.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

PCT Rule 17.2(a)

KZ.02 PRIORITY DOCUMENT (TRANSLATION). The Office will require the applicant to furnish a translation of the priority document into Russian or Kazakh only in certain cases where required for the examination upon special invitation. The Office will invite the applicant to furnish a translation of the priority document within a time limit which shall be fixed in the invitation.

KZ.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KZ.I.

KPL Art. 22(7)
22(13)
5(3)

KZ.04 REQUEST FOR EXAMINATION. A patent is granted only after substantive examination. The substantive examination is carried out after payment of the prescribed fee (see Annex KZ.I), which can be made within three months from the date of notification of the result of the formal examination.

KZ.05 REPRESENTATION. Applicants having their residence outside Kazakhstan must appoint a patent attorney registered to practice before the Office. A list of registered patent attorneys is available upon request from the Office and may be obtained from the website at www.adilet.gov.kz or www.kazpatent.kz.

PCT Art. 28
41
KPL Art. 21

KZ.06 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant has the right to amend or correct any element in his international application on his own initiative without paying any fee within two months after entry into the national phase provided that the scope of the subject matter of the application is not broadened thereby. After the expiration of the said time limit but before the date of the decision of grant such amendments or corrections may be made only on payment of the prescribed fee (see Annex KZ.I).

PCT Art. 4(3)
43
PCT Rule 49bis.1
(a), (b)
76.5

KZ.07 UTILITY MODEL. If the applicant wishes to obtain a utility model instead of a patent in Kazakhstan, on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

KZ.08 If the international application is for a utility model instead of a patent, the requirements are basically the same as for a patent except that no substantive examination is carried out (see Annex KZ.I).

KZ.09 After the expiration of five years from the international filing date, the term of a utility model may be extended by the Office at the request of the owner of the patent by a maximum of three years.

KZ.10 ANNUAL FEE. After a patent has been granted, an annual fee must be paid for maintaining the patent in force. The first annual fee is to be paid within two months from the date of publication of information on the grant of a patent. All subsequent fees are to be paid before the beginning of the corresponding year. If an annual fee is paid after the specified term has expired, but not later than six months, the amount of the fee is increased by 50%. A patent lapsed because of lack of payment of the annual fee can be restored within three years from the date of expiration of the time limit for payment of the corresponding annual fee. The amounts of the annual fees are indicated in Annex KZ.I.

PCT Art. 25
PCT Rule 51

KZ.11 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the national appeals body.

PCT Art. 24(2)
48(2)
PCT Rule 82*bis*

KZ.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where, during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, such time limit may be extended by the Office upon request by the applicant and where justified and subject to payment of the reinstatement fee (see Annex KZ.I).

FEES^{1,2}**(Currency: Kazakh tenge (KZT))****Patents**

Filing fee: ³	20,320.16
Examination fee:	
— for one invention	66,959.20
— for each invention in excess of one	53,519.20
(reduced by 15% where an international search report or an international preliminary examination report has been established)	
Reinstatement fee:	
— within 12 months from the expiration of the missed time limit	31,534.72
Fee for correction or amendment of application	5,224.80
Fee for the preparation of the documents for grant of the title of protection, the inventor's certificate and the publication of patent data	33,253.92
Annual fees for patents:	
— for the 1 st to the 3 rd years, per year	20,320.16
— for the 4 th and 5 th years, per year	30,150.40
— for the 6 th and 7 th years, per year	39,279.52
— for the 8 th to the 10 th years, per year	60,295.20
— for the 11 th and 12 th years, per year	79,950.08
— for the 13 th and 15 th years, per year	120,574.72
— for the 16 th to the 18 th years, per year	140,229.60
— for the 19 th and 20 th years, per year	159,875.52
Reinstatement fee:	
— within three years from the expiration of the missed time limit for payment of the annual fee for patents	11,299.68

Utility models

Filing fee: ³	16,450.56
Fee for correction or amendment of application	5,224.80
For the preparation of the documents for grant of the title of protection, the inventor's certificate and the publication of patent data	33,253.92
Annual fees:	
— for the 1 st and 3 rd years, per year	16,450.56
— for the 4 th and 8 th years, per year	47,855.36

¹ This fee is subject to value added tax (VAT). Applicants may consult the receiving Office or a registered patent attorney for the latest applicable VAT rate.

² Applicants who reside in a State in which per capita national income is below USD 3,000 pay the following reduced amounts: in the case of a legal entity, 30% of the fee amount; in the case of a natural person, 15% of the fee amount.

³ Fees for electronic and paper filing were amended to be equal by Order of the Director of the NIIP No. 254 dated 23 December 2020.

How can payment of fees be effected?

The payment of fees must be effected in Kazakh tenge, but the equivalent amounts in US dollars, Russian rouble or euro may be accepted. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid by money order or bank draft or cash. Payment is also possible by bank transfer via a correspondent bank of “Nurbank” JSC.

Bank requisites for payment***in tenge***

Beneficiary	State Enterprise “National Institute of Intellectual Property” Committee for Intellectual Property rights of the Ministry of Justice of the Republic of Kazakhstan
Address	010000, Nur-Sultan, Korgalzhyn Highway, Building 3B
VAT number	620300220118 / 020940003199
Bank name	“Nurbank” JSC
SWIFT	NURSKZKX
Identification client code	KZ8584905KZ006015415
Beneficiary code	16
Bank requisites for funds transfer in currency account	“Nurbank” JSC
SWIFT	NURSKZKX
Identification client code	KZ7684905RU006015130

in US dollars

Correspondent bank	Bank of New York Mellon
SWIFT	IRVTUS3N
Correspondent account	8900514833 (USD)

Correspondent bank	Commerzbank
SWIFT	COBADEFF
Correspondent account	400887061000 (USD)

in Russian rouble

Correspondent bank	SBERBANK
SWIFT	SABRRUMM
BIC	044525225
Correspondent account	30111810200000000343 (RUB)
TIN	7707083893
Identification client code	KZ1584905US006015020

in Euro

Correspondent bank	Commerzbank AG
SWIFT	COBADEFF
Correspondent account	400887061000 (EUR)
Correspondent bank	Bank of New York Mellon Frankfurt
SWIFT	IRVTDEFX
Correspondent account	6447229715