On the procedure of payment and amounts of duties for patenting of inventions, industrial samples and utility models, registration of trade marks and service marks, registration and submitting the right of using the name of the place of goods origin

Pesolusion of the Cabinet of Ministers of the RK
as of October, 20, 1992, #889
(LAPG of the RK, 1992, #41, p. 605)

In accordance with Article 35 of the Patent Law of the RK and in connection with the necessity to register the industrial property objects the Cabinet of Ministries of the RK DECREES:

1. Approve the attached Payment Procedure and amount of duties fro patenting of inventions, industrial samples and useful models, registration of trade marks and marks of servicing, registration and submission the right of usage by the name of the place of gods origin.
2. Determine, that duties in foreign currency for implementation of legally important actions, connected with the protection of the of industrial property objects are collected by the national patent institutions at the Cabinet of Ministers of the RK and place into Republican currency fund.

< p.p. 1,2 lost their force in accordance with the Resolution of the Cabinet of Ministers of the RK as of December 5, 1994, #1369>

3. The necessary currency facilities for payments at patenting by the State fund of inventions of the RK abroad the industrial property objects, payment for services of foreign patent confidants, fees and other costs, necessary for provision of participation in international agreements, usage of international information banks, acquisitions of patent information, patent documentation and patent-conjectural literature, and also special office equipment for usage patent information to the Republican currency Committee.

Prime-Minister of the RK

APPROVED
by the Resolution of the Cabinet
of Ministers of the RK,
as of October 20, 1992, #889

PROCEDURE
of payment and amounts of duties for patenting of inventions, industrial samples and utility models, registration of trade marks and service marks, registration and submitting the right of using the name of the place of goods origin

1. The duty at the amount of 1\2 of minimum wage is paid for submitting to he National patent department at the cabinet of Ministers of the RK (hereinfurther - Kazpatent) the applications on issuing a patent on invention (herein after - application on invention), on industrial sample (hereinafter - application on invention), on utility model (hereinafter - application on utility model), on registration of trade mark and service mark (herein after - application on registration of a trade mark), on registration and submitting the right on usage of the name of the place of goods origin (hereinafter - application on the right of usage of the name of the place of goods origin).

Double size duty is paid for submitting an application with asking for conversion priority on the expiration of the periods, set up by the Paris convension on protection of industrial property, but not later, than within stipulated by the legislation periods, and also for submitting an application on registration of the collective trade mark.

2. Duty for submitting an application on invention, industrial sample, utility model, on registration of a trade mark or on the right to use the name of the place of goods origin is paid at submitting an application. If pay over the stipulated period, but not later than after expiration of 2 months since the day of receiving an application, the amount of duties is increased on 20%.

3. Duty at the amount of 1\4 of minimum wage is paid for introduction of changes and (or) specifications into an application on invention, industrial sample or utility model on expiration of 2 months since the day of receiving an application.

4. Duty at the amount of 1\4 of minimum wage is paid for conducting formal expertise until expiration of 2 months since the day of receiving an application on invention, industrial sample, utility model.

5. Duty at the amount of 2 minimum wages for conducting an expertise of an application on invention.

At availability in the application the report on international research or the conclusion of international preliminary expertise, prepared by one of the international bodies in accordance with International Agreement on patent co-operation, amount of duty for conducting an expertise on this application is reduced on 15%.

6. Additional duty at the amount of 80% of the sums, set up in point 5 of the present Procedure is paid for conducting an expertise on the substance of the matter on each invention more than one., if an application is relating to the group of inventions, connected between each other as much as they create united inventive idea.

7. Duty at the amount of minimum wage is paid for conducting an expertise on the substance of the matter on industrial subject.

8. Additional duty at the amount of 1\3 of minimum wage for conducting an expertise is paid, if an application on the industrial sample contains several variants on the substance of the matter containing up to 10 variants; more, than 10 variants - at the amount of 3\4 of minimum wage.

9. In case of non-compliance of the paid amount the duty for conducting an expertise on the substance of the matter of number of inventions, which compile the unified inventive idea and for which the duty shall be paid or to the number of variants of the industrial sample the additional payment is made within the 2 month period since the day of receiving by the Applicant a notification about it.

10. In case of separation of the initial application on invention or on the industrial sample into several independent applications each from new submitted picked out applications are paid a separate independent application. In this case the earlier paid sums of duties fro conducting an expertise are set

off, if the picked out applications are submitted in accordance with the established by the legislation requirements.

11. Duty at the amount of minimum wages for one class of goods or services and additionally 1\4 of the minimum wages for each class of goods or services more than one for conducting the full expertise of an application on a trade mark is paid.

In case of non-compliance of the paid amount of the sum the duty for conducting the full expertise to the quality of the declared classes of goods or services the additional payment is made within 2 month period since the date of receiving by the applicant a notification about it.

Duty at the amount of minimum wages is paid for conducting the full expertise of an application on the right to use he name of the place of origin of the goods.

12. Duty for conducting an expertise of an application as a substance of the matter on invention, industrial sample is paid at submitting a petition on conducting an expertise within the periods, set up by the patent law of the RK.

13. Duty at the amount of 1\2 of minimum wages is paid for the submission to the Kazpatent the objection on the decision on refusal to issue a preliminary patent on invention, industrial sample.

Duty at the amount of minimum wages is paid for submission the objection on the decision on refusal to issue a patent on invention, industrial sample.

Duty at the amount of 3\4 of minimum wages is paid for submission an objection o the decision on refusal to issue patent on a useful model, on registration of a trade mark or registration of the name of the place of origin of the goods and issuing the certificate on the right to use the name of the place of origin of the goods.

14. Duties at the amounts, set up in point 13 are paid for submission to the Kazpatent the objection against issuing the preliminary patent or patent on invention or industrial sample, patent on a useful model against registration of the name of the place of origin of the goods.

15. Duty at the amount of minimum wages is paid fro submitting a petition on restoration of the missed period by the applicant.

16. Duty in points 13-15 is paid at submission of the corresponding documents.

17. Duty at the amount of 1\2 of minimum wages is paid for issuing a preliminary patent or industrial sample, patent on a useful model, for registration and issuing the certificate on a trade mark and on the right to use the name of the place of origin of the goods.

Duty at the amount of 1\4 of minimum wages is paid for changing the preliminary patent to the patent.

Duty at the amount of 1\2 of minimum wages is paid for re-registration of a preliminary patent or patent at the request of patent owner.

Duty is paid within 2 months since the day of receiving the permission on issuing a preliminary patent or patent, decision on registration of a trade mark or the name of the place of origin of the goods and submitting the right of usage by him or at submitting a petition on correction the mistakes in the preliminary patent or patent.

The amount of payment is increased on 50 % in case of the payment of duties after mentioned above period, but not later, than months after its expiration. If the duty is not paid within this period, the application is considered to be annulled.

18. Duties for maintaining into force the preliminary patents on inventions and industrial samples, patents on useful models (annual duties) are paid since the first year of its operation, and on the patents on inventions and industrial samples - since the third year of operation, calculating since the date of submission an application on issuing a patent in the following amounts (per year):

Year of patent validity	Preliminary patent for invention	Patent on invention	Patent on a useful model
1 and 2	1\2 of min. wage	-	1\3 of min. wage
3	1\2 of min. wage	1\2 of min. wage	1\3 of min. wage
4 and 5	3\4 of min. wage	3\4 of min. wage	min. wage
6 and 7	-	min. wage	min. wage
8	-	1\5 of min. wage	min. wage
9	-	1\5 of min. wage	-

10	-	2 min. wages	-
11 and 12	-	2 min. wages	-
13 and 14	-	3 min. wages	-
15	-	3 min. wages	-
16 - 18	-	3,5 min. wages	-
19 - 20	-	4 min. wages	-

Year of patent validity	Preliminary patent on industrial sample	Patent on industrial sample
1 and 2	1\3 of min. wage	-
3	1\3 of min. wage	1\3 of min. wage
4 and 5	1\2 of min. wage	1\2 of min. wage
6 and 7	-	3\4 of min. wage
8	-	min. wage
9	-	min. wage
10	-	1,5 of min. wage
11 and 12	-	2 min. wages
13 and 14	-	2 min. wages
15	-	2 min. wages
16 - 18	-	-
19 - 20	-	-

19. Annual duty is paid for the full year of operation of the preliminary patent or patent. First fee of annual duty of maintaining in force the preliminary patent on the invention or industrial sample, patent on a useful model is paid simultaneously with duty payment fro issuing safe document.
First fee of the annual duty for maintaining into force the patent on invention or industrial sample is paid before the third year of validity of a patent or simultaneously with payment of duty for issuing patent.
For each following year of validity of the preliminary patent or patent the duty is paid up to expiration of the current year of validity of the corresponding safe document.
20. Duty at the amount of one minimum wage for the one class of goods or services and additionally 1\2 of the minimum wage for each class of the goods and services more, than one is paid for submitting a petition on prolongation of the period of validity of the certificate on a trade mark or certificate on the right to use the name of the place of origin of the goods.
Duty is paid at submission an application by the owner according to the established by the legislation period.
21. In case of payment of annual duty, duty for prolongation of the period of validity of a patent on a useful model or certificate on a trade mark or on the right of usage by the name of the place of origin of the goods after the established period, but not later, than 6 months after its expiration, the amount of duties, set up in point 18,20 of the present procedure are increased on 50 %.
In case of delay to pay duty for prolongation of the period of validity of the certificate on a trade mark and certificate on the right to use the name of the place of origin of the goods and annual duty more than 6 months registration of a trade mark in accordance with the current legislation is annulled and the validity of a preliminary patent or a patent on invention, industrial sample, patent on useful model and certificate on the right to use the name of the place of goods origin is ceased.
22. Duty at the amount of 1\4 of minimum wage is paid for submission a petition on the transformation of an application on invention into an application on a useful model or an application on a useful model into an application on invention.
23. Duty at the amount of 1\2 of minimum wage is paid for submission by the owner of the certificate on a trade mark or on the right of usage by the name of the place of origin of the goods the notification on the necessity of introduction of changes into the register and certificate, stipulated by the law.
24. Duty at the amount of minimum wage is paid for registration of the agreement on transferring the right on preliminary patent or patent, on concession of a trade mark or licensing agreement.
25. Duty at the amount of minimum wage is paid fro registration of patent attorney.

26. Actions on a separate requests, petitions, stipulated by the legislation and which are nor enumerated in the present Procedure, and also implementation of the services is paid in the tariffs, established by Kazpatent.

27. For the patent owner for granting any person a right to obtain a license (open license) in filing of a corresponding application to the Kazpatent the fee for keeping the patent in force will be reduced by 50% from the date of publication.

28. The citizens-authors of inventions, industrial designs, utility models requesting for a protection document on the name thereof and also nonprofit organizations (universities, higher schools and others) whose activity do not produce any profit will pay fees stipulated by items 1 and 17 of this Procedure at the rate of 50% of the established amounts.

The citizens whose aggregate income do not exceed minimal wages will be exempt from payment of fees under item 1 of this procedure.

The basis for reduction of the fee level will be the corresponding request with the attachment (for organizations) of a document confirming the nonprofit nature of the activity and for exemption from the fee - a request confirmed by documents from appropriate bodies of the state tax inspection by place of residence of citizens.

29. Citizens-authors of inventions, industrial designs requesting the protection document on their name in case of filing the appropriate request can pay fees stipulated by items 5-9 and 18 of this procedure (but not more than for the tenth year of the validity of the patent) at the level of 50% of the established amounts with subsequent additional payment.

The deferral will be granted until obtaining of profits from the use of the invention or industrial design, transfer of the right for preliminary patent or a patent or the right to use or the industrial design (concluding of the license contract) to other persons but for no longer than three years. The lacking amounts to the established rates of the fee will be paid with the 20% increment for each year of deferral.

30. The fees will collected by the Kazpatent and will be credited to the current account of the agency for special resources".

<with the changes in accordance with the resolution of the cabinet of Ministers of the Republic of Kazakstan
of December 5 1994 No 1369>.

31. Foreign citizens and legal entities which do not have permanent place of residence of location in the republic of Kazakstan will pay fees as prescribed by this Procedure by remittance of the amounts in the freely convertible currency. The fees can be paid in any other currency if this is provided for by international treaties thereto the Republic of Kazakstan is a party.

The rates of fees in the forex will be approved by the Cabinet of Ministers of the Republic of Kazakstan by proposals of the National patent office under the cabinet of ministers of the Republic of Kazakstan taking into consideration the practice of collection of the said fees by foreign patent offices <*>

Footnote. Paragraph 2 of item 31 - as worded by the Resolution of the Cabinet of Ministers of the Republic of Kazakstan of April 6, 1993 No 265.

32. The paid fees will not to be returned except when the fee is paid in the wrong way or the fee was not used.

The paid amount can be credited against payment of other fees minus actual expenditures, if any, or returned by the request of the person paid the fee.

The fee will be returned by financial bodies of the same rayon or city to which budget they came before the expiry of one year from the date of crediting the amount to the budget.

The fee return will be made by the application of the payer. The certificates of the Kazpatent of the circumstances which provide a basis for full or partial return of the fee and also the original documents confirming payment of the fee if the fee is returtable in full will be attached to the request.