

**PATENT LAW
OF THE RUSSIAN FEDERATION
NO. 3517-1 OF SEPTEMBER 23, 1992
(with the Amendments and Additions of December 27, 2000)**

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Resolution of the Supreme Soviet of the Russian Federation
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Resolution of the Supreme Soviet of the Russian Federation
No. 3519-1 of September 23, 1992 on the Secondary
Consideration of the Patent Law of the Russian Federation

SECTION I. GENERAL PROVISIONS

Article 1. The Relationships Regulated by This Law

This Law and the legislation of the Republics within the Russian Federation, based upon this law shall regulate property and the relevant personal non-property relationships in connection with the development, legal protection and use of inventions an useful models and industrial designs (hereinafter also termed as objects of industrial property).

Article 2. The State Patent Agency of the Russian Federation.

The State Patent Agency of the Russian Federation (hereinafter referred to as the Patent Agency), in conformity with this Law, shall pursue a uniform policy to protect industrial property in the Russian Federation. The agency shall accept for consideration applications concerning inventions, useful models and industrial designs, and shall conduct the expert examination and state registration thereof, and shall issue patents, publish official information, patent regulations and explanations concerning the application of this Law, and shall execute other functions in conformity with the Regulations thereon endorsed by the President of the Russian Federation.

Federal Law No. 150-FZ of December 27, 20000 suspended for the year 2001 the effect of part 2 of Article 2 of this Federal Law in as much as it concerns the use of patent duties as the source of funding for the activities of the Patent Department

See the Regulations on the Russian Agency on Patents and Trade Marks approved by the Decision of the Government of the Russian Federation No. 1203 of September 19, 1997

Decree of the President of the Russian Federation No. 651 of May 25, 1999 abolished the Russian Agency for Patents and Trademarks, and transferred its functions to to the Ministry of Justice of the Russian Federation

The sources for financing the activity of the Patent Agency shall be patent duties, the resources of the Republican budget of the Russian Federation, and also payments made for the services and materials granted by the Patent Agency.

Rules for Submitting Objections and of Their Examination by the Chamber of Appeals of the State Committee of the Russian Federation for Patents was approved by the State Committee of the Russian Federation for Patents and Trademarkson on April 19, 1995

Article 3. The Legal Protection of Inventions, Useful Models and Industrial Designs

1. The rights to inventions, useful models, and industrial designs shall be protected by law and confirmed by invention patents, useful model certificates or industrial designs patents (hereinafter termed patents).

2. The patent shall certify the priority or authorship on the said invention, useful model or industrial design and the exclusive right to use them.

3. The invention patent shall run twenty years from the date that the application was filed with the Patent Agency.

See Rules for the Prolongation of the Validity of the Patent of the Russian Federation for the Industrial Design and Rules for the Prolongation of the Validity of the Certificate of the Russian Federation of a Useful Model, approved by the Rospatent on December 22, 1994

The useful model certificate shall be effective for five years from the date that the application arrives at the Patent Agency. The useful model certificate shall be extended by the Patent Agency upon the request of the patent holder, but for no more than three years.

The industrial design patent shall be effective for ten years from the date that the application arrives at the Patent Agency. The industrial design patent shall be prolonged by the Patent Agency upon the request of the patent holder, but for no more than five years.

4. The volume of the legal protection granted by the invention patent or useful model certificate shall be specified for by their formulas and granted by the industrial design patent shall be specified by its aggregate substantial properties which are reflected in the product (model, figure) photographs.

5. In conformity with this Law legal protection shall not be granted to inventions, useful models or industrial designs which are recognized as being secret by the State. The procedure for handling secret inventions, useful models or industrial designs shall be regulated by special legislation of the Russian Federation.

SECTION II. THE TERMS OF PATENTABILITY

Article 4. The Terms of Patentability for an Invention

1. The invention shall enjoy legal protection if it is novel, possesses an inventive level, and is industrially applicable.

The invention shall be deemed novel if it is not identifiable on a technological level.

The invention shall be deemed to have an inventive level, if it is evident to a specialist that the invention does not come from the technological level.

The level of technology shall include any information which had become universally available before the invention priority date.

When establishing the novelty of an invention, all applications concerning inventions and useful models (apart from those revoked), and also inventions and useful models patented in the Russian Federation, shall be included in the technological level, provided their earlier priority has been established.

The invention shall be deemed to be industrially applicable, if it is able to be used in industry, in agriculture, in the health service and in other sectors.

The disclosure of information about an invention (i.e. when information on the merits of the

invention has become generally available) by its author, the applicant, or any other persons who received it therefrom directly or indirectly shall not be deemed a circumstance which will prevent the recognition of the patentability of the given invention, if the application for the invention has been filed with the Patent Agency not later than six months from the date on which the information was disclosed. In this case, the duty to prove the said fact shall rest with the applicant.

2. The following may be the subject matter of an invention: a device, method, substance, microorganism strain, plant or animal cell culture, and also the use of a previously known device, method, substance, or strain for a new purpose.

3. The following inventions shall be deemed unpatentable:

- scientific theories and mathematical methods;
- methods of organizing and managing the economy;
- conventional symbols, timetables, and regulations;
- methods of fulfilling mental operations;
- algorithms and programmes for computers;
- projects and schemes for structures, buildings, and territorial layouts;
- solutions concerning only the outer appearance of items, and those aimed at satisfying aesthetic requirements;
- topologies of integrated microcircuits;
- plant varieties and animal breeds; and
- solutions contravening the public interest and the principles of humanity and morality.

Article 5. The Terms of Patentability for a Useful Model

1. The design of means of production and of consumer goods, and also of their component parts, shall relate to useful models.

The useful model shall be granted legal protection, if it is novel and industrially applicable.

The useful model shall be deemed novel, if its aggregate essential features are unknown on a technological level.

The technological level shall include universally published information that has become generally available before the priority date of the useful model, which concerns means of similar designation as that in the useful model filed, and also information about its use in the Russian Federation. All the applications concerning inventions and useful models (except those revoked), and also those patented in the Russian Federation, shall be included in the technological level, provided they enjoyed earlier priority.

The useful model shall be industrially applicable, if it is able to be used in industry, in agriculture, in the health service, and in other sectors.

The disclosure of information concerning the useful model (i.e. when the essence of the useful model has become generally available), by its author, by the applicant, or by any other persons who obtained it from them either directly or indirectly, and the application has been filed with the Patent Agency not later than six months from the date on which the information was disclosed, shall not be regarded as a circumstance which prevents the useful model from being patentable.

2. The following shall not be legally protected as useful models:

methods, substances, microorganism strains, plant and animal cell cultures, and also their novel utilization; and

items indicated in [Item 3 of Article 4](#) of this Law.

Article 6. The Terms of Patentability for Industrial Designs

1. Industrial designs shall include the artistic designs of given products which determine their outer appearance.

The industrial design shall be granted legal protection, if it is novel, original and industrially applicable.

The industrial design shall be deemed novel, if its aggregate essential properties determining its aesthetic and/or ergonomic features are unknown from the information that has become universally available before the date of the industrial design priority.

When establishing the novelty of an industrial design, all applications filed as industrial designs (except those revoked), and also those patented in the Russian Federation, shall be taken into account, provided they enjoyed earlier priority.

The industrial design shall be deemed original, if its essential properties determine the creative nature of the aesthetic features of the item in question.

The industrial design shall be recognized as industrially applicable, if it may be reproduced repeatedly by means of the manufacture of the corresponding item.

The disclosure of information related to the industrial design by its author, by the applicant or by any other person who obtained the said information therefrom either directly or indirectly shall not be deemed to be a circumstance which prevents the industrial design from being recognized as patentable, if the information concerning the essence of the industrial design has become generally available, and if the application for the industrial design has been filed with the Patent Agency not later than six months from the date when the said information was disclosed. In this case, the duty to prove this fact shall rest with its applicant.

2. The following shall not be deemed patentable industrial designs:

- those dependent exclusively on the technical function of a given product;
- architectural objects (except for minor architectural forms), industrial, hydraulic engineering and other stationary structures;
- printed matter as such;
- items of variable shape formed by liquid, gas, non-cohesive or similar materials;
- items contravening the public interest and the principles of humanity and morality.

SECTION III. AUTHORS AND PATENT HOLDERS

Article 7. The Author of an Invention, Useful Model, or of an Industrial Design

1. The author of an invention, useful model or industrial design shall be deemed to be a natural person by whose creative work they were developed.

2. If several natural persons have taken part in the development of an object of industrial property, they shall be deemed to be authors. The procedure for using the rights that belong to authors shall be specified by the agreements between them.

Natural persons who have failed to make a personal creative contribution to the development of an object of industrial property, and have rendered the author (authors) technical, organizational or material assistance alone, or have only helped formalize his rights and its utilization, shall not be deemed to be authors.

3. The right of authorship shall be an unalienable personal right enjoying permanent protection.

Article 8. The Patent Holder

1. The patent shall be granted to:

- the author (authors) of an invention, useful model, or industrial design;
- natural and/or legal persons (when they agree thereto) indicated by the author (authors) or his (their) successor identified in the patent application, or in the application filed with the Patent Agency prior to the registry of the invention, useful model, and industrial design; and
- the employer in the cases envisaged by Item 2 of this Article.

2. The right to obtain the patent for the invention, useful model or industrial design, which was developed by an employee in connection with the fulfillment of his official duties or of a specific assignment received from his employer shall rest with the latter, if the contract signed between the employer and the employee does not envisage otherwise.

In this case, the author shall have the right to compensation in proportion to the profit which has been obtained by the employer, or in proportion to the profit that may have been obtained by the employer as a result of the appropriate use of the object of the industrial property, in the cases where the employer has received the patent and the employer thereby transfers the rights to

another person, and/or in the event of the decision taken by the employer to keep the respective object in secret, or in the event of the non-receipt of the patent for the application filed by the employer for reasons depending on the latter. The compensation shall be paid in the amount and on the terms specified on the basis of the contract signed between the employer and the employee.

If the employer fails to file his application with the Patent Agency within four months of the date of the notification thereof by the author of a newly-developed invention, useful model or industrial design, or fails to cede the right to file the said application to another person, or to notify the author that the objects in question have been kept in secret, the author shall have the right to file his application and receive the patent in his own name. In which case, the employer shall have the right to use the said object of industrial property in his own production with the payment, to the patent holder, of the compensation specified for by the respective contract.

In the event that no agreement has been reached by the parties concerned about the amount and the procedure of the payment of a reward or of compensation, the dispute shall be considered in a court of law. For the untimely payment of a reward or of the compensation specified for by the contract, the employer guilty thereof shall bear responsibility in conformity with the civil legislation of the Russian Federation.

Other relationships arising in connection with the development by the employee of an invention, useful model or industrial design, shall be regulated by the legislation of the Russian Federation concerning official inventions, useful models and industrial designs.

Article 9. The Federal Inventions Fund of Russia

The Federal Inventions Fund of Russia shall select inventions, useful models and industrial designs, shall acquire the rights of patent holders thereon, on a contractual basis, and shall help to realize them in the interests of the State.

The sources for financing the Federal Inventions Fund of Russia shall be the proceeds from the sale of licenses for the objects of industrial property, the patents which belong to the Fund, and the voluntary contributions of enterprises and private citizens, and also the resources of the Republican budget of the Russian Federation, and other returns.

The Federal Inventions Fund of Russia shall perform its activity in conformity with the Charter endorsed by the Government of the Russian Federation.

SECTION IV. THE EXCLUSIVE RIGHT TO THE USE OF INVENTIONS, USEFUL MODELS AND INDUSTRIAL DESIGNS

Article 10. The Rights and Duties of the Patent Holder

1. The patent holder shall enjoy the exclusive right to use the patent-protected invention, useful model and industrial design at his own discretion, if such use does not infringe the rights of other patent holders, including the right to prohibit the use of the said objects by other persons, except in the cases where the said use, in conformity with this Law, does not infringe the rights of the patent holder.

The relationships arising due to the use of the object of industrial property, the patent of which belongs to several persons, shall be determined by the agreement between the persons. In the absence of such an agreement, each person may use the protected object at his own discretion, but shall not enjoy the right of granting a license therefor to another person without the consent of the other patent holders.

2. The product (article) shall be deemed to be manufactured upon the use of the patented invention or useful model, and the method, which is being protected by the invention patent, shall be deemed to have been utilized, if each respective feature of the invention or useful model which are included as independent items of the formula or the equivalent feature has been used therein.

The article shall be deemed to be manufactured upon the use of the patented industrial design, if it contains all its essential properties.

3. An infringement of the exclusive right of the patent holder shall be recognized as the unsanctioned manufacture, use, import, offer to sell, sale or other introduction into the economic

turnover, or storage, with these aims, of the product containing the patented invention, useful model or industrial design, and also the use of the patent-protected invention method or introduction into the economic turnover or storage with these aims, of the product manufactured directly by the patent-protected invention method. In this case, the new product shall be considered to have been obtained by the patented method in the absence of evidence to the contrary.

4. In the event of the non-use or the insufficient use by the patent holder of an invention or industrial design for four years, and a useful model for three years from the date of the issue of the patent, any person desiring and ready to use the patent-protected object of industrial property, in case of the refusal by the patent holder to conclude a license contract, may apply to the Supreme Patent Chamber of the Russian Federation (hereinafter referred to as the Supreme Patent Chamber) requesting a compulsory non-exclusive license. If the patent holder fails to prove that the non-use or the insufficient use of the object of industrial property has been caused by valid excuses, the Supreme Patent Chamber shall grant the said license, specifying the extent of the use, and the size, the terms and order of payments involved. The size of license payments shall be established not below that of the licenses' market price.

5. If the patent holder cannot use an invention, useful model or industrial design without infringing the rights of another patent holder, he shall be entitled to demand that the latter conclude a license contract.

6. The patent holder may cede the obtained patent to any natural or legal person. The patent cession contract shall be registered with the Patent Agency of Russia. Without such a registration, the contract shall be deemed invalid.

See [Rules for the Consideration and Registration of Agreements of Cession of Patents and of License Agreements on Granting the Right to Use an Invention, a Useful Model and Industrial Design, endorsed by the State Committee of the Russian Federation for Patents and Trademarks on April 21, 1995](#)

7. The invention, useful model or industrial design patent, and the right to obtainment thereof shall be inheritable.

Article 11. Actions Not Deemed to Be an Infringement of the Exclusive Right of the Patent Holder

The following shall not be deemed to be an Infringement of the exclusive right of the patent holder:

- the use of the facilities, involving patent-protected inventions, useful models and/or industrial designs, when designing or operating transport facilities (sea, river, air, land and space facilities) of other countries, provided the said facilities are either temporarily or accidentally present on the territory of the Russian Federation and used for the needs of the given transport facility. Such action shall not be deemed to be an Infringement of the exclusive right of the patent holder, if the transport facilities belong to the natural or legal persons of countries which grant the same rights to the owners of transport facilities in the Russian Federation;
- the conduct of research or experiments on means involving the patent-protected invention, useful model or industrial design;
- the use of the means involving patent-protected inventions, useful models and/or industrial designs in force majeure circumstances (natural calamities, disasters, and/or major accidents) with the subsequent payment to the patent holder of the commensurate compensation;
- the use of means involving patent-protected inventions, useful models and/or industrial designs for personal non-profit making purposes;
- the manufacture only once of medicines in pharmacies upon the physician's prescription; and
- the use of the means involving patent-protected inventions, useful models and/or industrial designs, if these means have been introduced legally into economic turnover.

Article 12. The Right of Prior Use

Any natural or legal person that prior to the priority date of the invention, useful model and/or

industrial design has voluntarily used on the territory of the Russian Federation an identical solution developed independently of its author, or has made due preparations therefor, shall retain the right to further use it free of charge without expanding its scope of use.

The right of prior use may be transferred to another natural or legal person only jointly with the production, in which an identical solution was used or the necessary preparation for the use of which was made.

Article 13. The Granting of the Right to Use the Invention, Useful Model or Industrial Design

1. Any person who is not a patent holder shall have the right to use the patent-protected invention, useful model and/or industrial design only with the permission of the patent holder (on the basis of a license contract). In accordance with the said license contract, the patent holder (licensee) shall pledge to grant the right to use the protected object of industrial property in the scope envisaged by the contract to another person (licensor), and the latter shall take on the duty to make the payments stipulated for by the contract to the licensor and execute other acts envisaged by the contract.

With the exclusive license, the licensor shall be granted the exclusive right to use an object of industrial property within the limits specified by the contract, with the retention by the licensee of the right to use the part not transferred to the licensor; with the nonexclusive license, the licensee, in granting the licensor the right to use an object of industrial property, shall retain all the rights confirmed by the patent, including when granting licenses to third persons.

2. The license contract shall be subject to registration in the Patent Agency, and without the said registration, shall be deemed to be invalid.

See [Rules for the Consideration and Registration of Agreements of Cession of Patents and of License Agreements on Granting the Right to Use an Invention, a Useful Model and Industrial Design, endorsed by the State Committee of the Russian Federation for Patents and Trademarks on April 21, 1995](#)

3. The patent holder may file, with the Patent Agency, his application to allow him to grant to any person the right to use an object of industrial property (open license). The duty for keeping the patent in force shall be reduced in that case by 50 per cent from the year that follows the year in which the information about the said application has been published by the Patent Agency.

A person who has expressed his desire to use the said object of industrial property shall conclude a payments contract with the patent holder. Disputes over the contract terms shall be considered by the Supreme Patent Chamber. The application by the patent holder, for the right to be granted to him to hold an open license, shall be irrevocable.

See [Rules for Filing and Considering the Patent Holder's Application for Granting the Right to an Open License and for the Publication of Information about Such Application, approved by the Rospatent on November 30, 1994](#)

4. In the interests of national security, the Government of the Russian Federation shall enjoy the right to allow the use of an object of industrial property without the patent holder's consent with the payment of the commensurate compensation to the patent holder.

Disputes over the amount of compensation shall be resolved by the Supreme Patent Chamber.

Article 14. The Infringement of the Patent

1. Any natural or legal person using the patent-protected invention, useful model or industrial design in violation of this Law shall be deemed to be a patent infringer.

2. Upon the demand of the patent holder, the infringement of the patent must be terminated, and the natural or legal person guilty thereof shall be obliged to compensate the patent holder for the losses he has incurred, in conformity with the civil legislation of the Russian Federation.

3. Claims against the patent infringer may also be filed by the exclusive license holder, unless otherwise stipulated for by the license contract.

SECTION V. OBTAINING THE PATENT

Article 15. Filing the Application for a Patent to Be Granted

1. The application for a patent shall be filed by the author, employer or by their respective successor in law (hereinafter referred to as the applicant) with the Patent Agency of Russia.

2. The application for a patent shall be submitted in the Russian language, the other documents of the application shall be submitted in the Russian language or in another language. If the documents in the application have been submitted in another language, their translation into Russian shall be appended to the application. The translation into Russian may be submitted by the applicant during two months after the application has arrived at the Patent Agency with the other documents appended in another language.

3. The application may be submitted through a patent attorney who is registered at the Patent Agency. Natural persons residing outside the Russian Federation, or foreign legal persons, or their patent attorneys, shall conduct business upon obtaining a patent and the business shall be kept valid by the patent attorneys who are registered at the Patent Agency. The authority of the patent attorney shall be certified by a power of attorney granted by the applicant.

The requirements for becoming a patent attorney, and the procedure for his certification and registration shall be specified by the [Regulations](#) for Patent Attorneys endorsed by a [Decision](#) of the Government of the Russian Federation.

Article 16. The Application for the Issue of the Invention Patent

See the [Rules](#) for Compiling, Submitting and Considering an Application for the Issue of a Patent on an Invention approved by [Order](#) of the Russian Agency on Patents and on Trademarks No. 82 of April 17, 1998

1. An application for the invention patent (hereinafter referred to as an invention application) shall concern only one invention or a group of inventions interconnected to such an extent as to form a single invention scheme (the requirement for the unity of an invention).

2. The invention application must contain:

- the application for the patent, indicating the author (authors) of the invention and person (persons) in whose name (names) the patent is requested, and also his (their) place of residence or location;
- a description of the invention disclosing it in full which is sufficient for it to be implemented;
- the formula of the invention expressing its substance and which is fully based on its description;
- drawings and other materials, if they are necessary to understand the substance of the invention; and
- a summary.

Appendixed to the invention application shall be a document confirming the payment of the duty to the established amount, or grounds whereon payment of the duty is to be exempted or reduced.

3. The requirements for the documents that are to be included in the invention application shall be established by the Patent Agency.

Article 17. The Application for a Certificate on the Useful Model

1. The application for a useful model certificate (hereinafter referred to as application for the useful model) shall concern only one useful model or a group of useful models interconnected with each other so as to form a single scheme (the requirement for the unity of the useful model).

2. The application for the useful model must contain:

- an application for the certificate indicating the author (authors) of the useful model and the

person (persons) in whose name (names) the certificate is being requested, and also his (their) place of residence or location;

- a description of the useful model disclosing it in with full, which is sufficient for it to be implemented;
- the useful model formula expressing its substance and which is fully based on its description;
- drawings; and
- a summary.

Appendixed to the application for the useful model shall be a document confirming the payment of the duty in the established amount or grounds whereon payment of the duty is to be exempted or reduced.

3. The requirements for the documents that are to be included in the application for the useful model, shall be established by the Patent Agency.

See the [Rules](#) for Compiling, Submitting and Considering an Application for the Issue of a Patent on an Industrial Sample, and on Cancelling the Formerly Operating Rules approved by Order of the Russian Agency on Patents and on Trademarks No. 84 of April 17, 1998

Article 18. Application for an Industrial Design Patent

1. The application for an industrial design patent (hereinafter referred to as application for the industrial designs) shall concern a single industrial design and may include versions of the said design (the requirement for the unity of the industrial design).

2. The application for the industrial design must contain:

- an application for a patent indicating the author (authors) of the industrial design and the person (persons) in whose name (names) the patent is being requested, and also his (their) place of residence or location;
- a set of pictures, reflecting the article, model, or figure providing a full and detailed idea of the external appearance of the said article;
- a drawing, showing the general view of the said article, its ergonomic scheme, and a confection chart, if they are necessary to reveal the substance of the industrial design; and
- a description of the industrial design, including a list of its essential properties.

Appendixed to its application for the industrial design shall be a document confirming the payment of the duty in the established amount, or grounds whereon payment thereof is to be either exempted or reduced.

3. The requirements for the documents to be included in the application for an industrial design shall be specified by the Patent Agency.

Article 19. The Priority of the Invention, Useful Model or Industrial Design

1. The priority of the invention shall be established from the date of the arrival at the Patent Agency of the application containing the request for a patent to be granted, the description, the formula and drawings, if the latter are referred to in the description.

The priority of a useful model shall be specified from the date of the arrival at the Patent Agency of the application containing the request for granting a certificate, the description, the formula and drawings.

The priority of the industrial design shall be specified from the date of the arrival of the application containing the request for a patent to be granted, plus the set of photographs and the description.

2. Priority may be established as of the date of the filling of the first application in a state which is a member of the [Paris Convention](#) for Protection of Industrial Property (conventional property), if the application for an invention or for a useful model has arrived at the Patent Agency during twelve months of the said date, while the application for an industrial design - during six months of the said date, in the event of circumstances independent of the applicant, which prevent the application with the request for conventional priority being filed within the said term, the term may be prolonged, but not by more than two months.

The applicant wishing to use the right of conventional priority is obliged to indicate this when filing the application, or during two months of the date of the arrival of the application at the Patent Agency, and is obliged to appendix the copy of the initial application or submit it not later than three months of the date of the arrival of the application at the Patent Agency.

3. Priority may be established from the date of the arrival of the additional materials, if the latter have been drawn up by the applicant as an independent application filed before the expiry of the three-month term from the date of the receipt by the applicant of the notification from the Patent Agency concerning the impossibility of taking into consideration the additional materials in connection with the recognition thereof as changing the substance of the declared decision.

4. Priority may be established from the date of the arrival at the Patent Agency of the earlier application from the same applicant to disclose this invention, useful model or industrial design, if the application requesting for the priority has arrived not later than twelve months of the date of the arrival of the earlier application for the invention, but not later than six months after the arrival of the earlier application for a useful model or industrial design. In this case, the earlier application shall be deemed revoked.

Priority may be established on the basis of several applications filed earlier with the observance of the terms for each of them.

Priority may not be established from the date of the arrival of an application which has already been requested for earlier priority.

5. Priority for an invention, useful model or industrial design under the specified application shall be established from the date of the arrival at the Patent Agency of the initial application disclosing them, provided the said application has arrived before the ruling was made to reject the issue of a patent, the possibility to appeal against which having been exhausted, and in case of issuing the patent, according to the application, until the date of its registration in the state register.

6. If in the course of expert examination, it has been established that identical objects of industrial property have the same priority date, the patent may be granted according to the application for which the earlier date of its dispatch to the Patent Agency has been proven, and in case those dates coincide - in accordance with the application bearing the earlier registration number of the Patent Agency, unless otherwise stipulated for by the agreement between the respective applicants.

Concerning the application of Article 20 of this Law see [Explanation No. 2 approved by Order of the Russian Patent Agency No. 48 of August 2, 1994](#)

Article 20. The Correction of Application Documents upon the Applicant's Initiative

During two months after receipt of the application, the applicant shall have the right to make corrections and specifications in its materials, without changing the substance of the invention, useful model or industrial design.

In the event that the duty has been paid, corrections and specifications may be submitted in the application for an invention patent, and on the expiry of the said term, but no later than the date of the ruling about the results of the expert examination of its merits. Such corrections and specifications shall be taken into consideration when publishing information about the invention patent application, if they have arrived at the Patent Agency, during twelve months after the date of the arrival of the application.

Article 21. The Expert Examination of the Application for an Invention Patent

1. Upon the expiry of the two months from the date of the arrival of the application, the Patent Agency shall conduct an official expert examination thereof. Upon the written request of the applicant, the official expert examination may be started prior to the expiry of the said term. In this case, the applicant, from the moment of the filing of the said request, shall be deprived of the right to make corrections or specifications to the application documents at his own initiative, without the payment of a duty as envisaged by the first part of [Article 20](#), of this Law.

In the course of the official expert examination of the patent application, the presence of the necessary documents and the observance of the statutory requirements thereto shall be checked, and the question shall be considered whether the filed suggestion concerns the facilities which are granted legal protection.

2. If in conformity with [Article 20](#) of this Law, the applicant had submitted the materials in addition to the application, the expert examination shall verify whether or not they would change the substance of the invention claim.

The additional materials shall change the essence of the invention claims, if they contain properties subject to inclusion in the invention formula that were absent in the initial application materials. The additional materials which change the essence of the claimed invention shall not be taken into consideration when examining the application, and may be drawn up by the applicant as an independent claim.

3. The applicant shall be notified about the positive results of official expert examination and about the establishment of priority in accordance with [Item 1, Article 19](#) of this Law. If as a result of the official expert examination it has been established that the claim has been drawn up for a suggestion that has no relevance to patentable facilities, the decision shall be taken to reject the issue of the patent. An appeal may be filed against the said ruling in the Appeal Chamber of the Patent Agency within two months of the date of the receipt of the patents' rejection by the applicant. The complaint shall be examined by the Appeal Chamber of the Patent Agency during two months of the date of its arrival.

4. For the application drawn up in violation of the requirements for its respective documents, an inquiry shall be sent to the applicant to suggest that the latter submit the corrected or absent documents within two months of the date of the receipt of the said inquiry.

In case the applicant fails to submit the requested materials within the said time-limit, or in the event that he requests to extend it, the application shall be deemed to have been revoked.

5. For the application filed with a violation of the requirement of unity, the applicant shall, within two months of the date of the receipt thereby of the corresponding notice, be advised precisely which invention should be considered and, in case of the need, shall specify this in his application documents. Other inventions included in the materials of the initial application may be formalized by separate claims.

In case the applicant, within two months after the receipt of the notice concerning the violation of the requirement of unity, fails to advise which of the suggestions are to be examined, and fails to submit the specified documents, the facility mentioned in the claim shall be examined first.

6. The Patent Agency, upon the expiry of eighteen months from the date of the arrival of the application that has passed official expert examination with positive results, shall publish information thereon with the exception of the cases when it was revoked. The composition of the published information shall be determined by the Patent Agency. Any person, following the publication of the information about the application, shall have the right to familiarize himself with its materials.

Upon the request of the applicant, the Patent Agency may publish information about an application before the specified time-limit.

The author of the invention shall have the right to refuse to be mentioned as such in the information published about the application.

7. Upon the request of the applicant or of a third person made during the three years after submission of the application, the Patent Agency shall conduct an expert examination of the application, including the establishment of the invention priority, if it was established during an official expert examination, or during the verification of the patentability of the invention. If the request to conduct an expert examination is not filed within the specified time-limit, the application shall be deemed to be revoked.

The applicant shall be notified by the Patent Agency about the request from third persons.

8. During the expert examination of the application on its merits the Patent Agency shall have the right to ask the applicant to send additional materials, without which the expert examination is impossible, including a modified invention formula. Upon the request of the experts, the additional

materials shall be submitted without changing the substance of the invention within two months of the date of the receipt by the applicant of an inquiry or of copies of materials which are opposed to the application, provided said copies were asked for by the applicant within one month of the date of his receipt of the inquiry of the experts. In case the applicant fails to submit the requested materials within the said time-limit, or fails to meet the request to prolong the specified time-limit, his application shall be deemed to have been revoked.

The procedure established by [Item 2](#) of this Article shall be applicable to the additional materials regarding the variation of the substance of the invention.

If as a result of the expert examination of the application on its merits, the Patent Agency has established that the formulated invention suggested by the applicant corresponds to the patentability terms, the corresponding ruling shall be made to grant the patent for the said formula.

In case the formulated invention suggested by the applicant is found to violate the formula suggested by the applicant and the patentability terms, the ruling shall be made to refuse the patent.

The applicant may submit to the Appeal Chamber of the Patent Agency his objections to the ruling to refuse to grant the patent within three months of the date of the receipt of the ruling or of the copies of the materials opposed to the application requested from the Patent Agency, provided three copies were requested by the applicant within two months of the date of the receipt of the ruling thereby. The objection shall be examined by the Appeal Chamber of the Patent Agency, within four months of the date of arrival.

9. In case of the applicant's disagreement with the ruling made by the Appeal Chamber, the former may within six months of the date of its receipt, file his complaint with the Supreme Patent Chamber, whose ruling shall be final.

See [Rules of Submission of Complaints, Applications and Petitions and Examination of Same by the Higher Patent Chamber of the Russian Agency for Patents and Trademarks approved by Order of Russian Patent Agency No. 107 of May 21, 1998](#)

10. The applicant and third persons may ask for conducting according to the application which underwent official expert examination with a positive result, of informational retrieval to specify the level of technics in comparison with which the novelty and inventional level of the claimed proposal shall be carried out. The procedure for performing the said retrieval and presentation of information shall be specified by the Patent Agency.

11. The applicant shall have the right to familiarize himself with all the materials indicated in the request of the experts, and with their ruling or report about the information retrieval. The Patent Agency shall send copies of patent materials requested by the applicant within one month of the date of the receipt of the applicant's request.

12. The time-limits envisaged by this Article, except those specified by [Items 7](#) and [9](#), and those missed by the applicant, may be restored by the Patent Agency, provided the applicant has corroborated valid excuses and paid the duty therefor.

The request to restore the said time-limit may be filed by the applicant no later than twelve months of after the date of the expiry of the missed time-limit.

Article 22. Temporary Legal Protection

1. The filed invention shall be given temporary legal protection within the scope of the published formula from the date of the publication of the information about the application to the date of the publication of the information about the granting the patent.

2. The temporary legal Protection shall not be deemed to have been established if the ruling has been issued to refuse to grant a patent, and if the possibilities to appeal against the said ruling have all been exhausted.

3. The natural or legal person using the claimed invention during the period indicated in Item 1 of this Article shall pay to the patent holder a monetary compensation after he has received the patent. The amount of the compensation shall be specified by the agreement of the parties

concerned.

4. The provisions of Item 3 of this Article shall be applicable to inventions, useful models and industrial designs from the date when the applicant has informed the persons who use them that the application for the issue of the patent has been filed, if with regard to inventions that date was set before the date of the publication of the information on the said claim, and with regard to useful models and industrial designs that date was set earlier than the date of the publication of the information about the issue of the patent.

Article 23. The Expert Examination of the Application for a Useful Model

1. During the expert examination of the application for a useful model, the correspondence to the patentability terms specified by Item 1, Article 5 of this Law shall not be verified. A certificate shall be issued under the applicant's responsibility without guarantee of validity.

2. When conducting the official expert examination of the application for a useful model, the provisions contained in Item 1-5 of Article 21 of this Law shall be applicable.

If the expert examination results have established that the application was filed according to the suggestion related to the patentable facilities, and the relevant documents have been drawn up correctly, the decision shall be made to issue a certificate.

3. The applicant and third persons shall have the right to request the retrieval of information about the application for a useful model without specifying the level of technology, according to which the patentability of the useful model may be assessed. The procedure for the retrieval of information and for granting information thereon shall be specified by the Patent Agency.

4. After the information about the issue of the certificate for a useful model has been published, any person shall have the right to acquaint himself with the application materials.

Article 24. The Expert Examination of the Application for an Industrial Design

1. With regard to the application for an industrial design, the Patent Agency shall conduct an official expert examination, and an expert examination concerning its merits.

2. During the official expert examination of the application for an industrial design, the provisions contained in Items 1-5 of [Article 21](#) of this Law shall be duly applicable.

With the positive result of an official expert examination, an expert examination concerning its merits shall be conducted.

During the expert examination of the application concerning its merits, the provisions contained in [Items 8, 9, 11](#) and [12](#) of Article 21 of this Law shall be applicable accordingly.

3. After the information concerning the granting of the patent for an industrial design has been published, any person shall be entitled to familiarize himself with the application materials.

Article 25. The Publication of Information Concerning the Issue of a Patent

The Patent Agency, after adopting its ruling about the issue of a patent, provided the applicant has paid the duty for the said patent, shall publish in its official bulletin, information about the granting of the patent, which includes the name of the author (authors), if he (they) agreed to be mentioned as such, and of the patent holder, the name and the formula of the invention or useful model, or the list of the essential features of the industrial design and its image. The full composition of the information to be published shall be specified by the Patent Agency.

Article 26. The Registration of Inventions, Useful Models and Industrial Designs and the Issue of Patents

1. Simultaneously with the publication of the information about the issue of a patent, the Patent Agency shall enter in the State Register of Inventions of the Russian Federation, the State Register of Useful Models of the Russian Federation or the State Register of Industrial Designs of the Russian Federation the corresponding invention, useful model or industrial design, and issue the patent therefor to the person in whose name it was claimed.

In the event that there are several persons in whose name the patent was claimed, they shall all be issued a single patent.

2. The form of the patent and the composition of the information indicated therein shall be

specified by the Patent Agency.

3. Upon the demand of the patent holder, the Patent Agency shall enter the corrections of obvious and technical errors in the patent.

Article 27. The Revocation of the Application

The applicant shall have the right to revoke the application prior to the publication of the information about the invention, but not later than the date of the registration of the industrial design or useful model.

Article 28. The Transformation of Applications

Prior to the publication of the information about the application for an invention patent, the applicant shall have the right to transform it into an application for a useful model by filing the corresponding statement. The application for the useful model may be transformed into the application for the issue of an invention patent before the ruling is passed to issue a certificate therefor.

In the said transformation, the priority of the initial application shall be valid.

SECTION VI. THE TERMINATION OF PATENTS

Article 29. Disputing a Patent

1. Throughout its term of validity, the patent may be disputed and deemed to be invalid either partially or completely in the following cases:

(a) when the patent-protected object of industrial property fails to correspond to the terms of patentability specified by this Law;

(b) when the formula of an invention or useful model contains aggregate essential features of an industrial design that were absent in the initial application materials; and

(c) when the author (authors) or patent holder (patent holders) is (are) incorrectly indicated in the patent.

2. An objection to grant a patent on grounds envisaged by subitems (a) and (b), Item 1 of this Article shall be examined by the Appeal Chamber within six months of the date of the arrival and the patent holder shall be familiarized with the said objection. In this case, the Appeal Chamber shall consider the said objection within the bounds of the motives contained therein.

3. In case of disagreement with the ruling of the Appeal Chamber concerning the objection to grant a patent, any of the parties concerned are able to within six months of the moment of the ruling, file a complaint with the Supreme Patent Chamber, whose ruling shall be final.

Article 30. The Termination of Patents Before the Appointed Time

1. The patent will terminate before the appointed time:

- when the patent is deemed to be invalid in accordance with [Article 29](#) of this Law;

- on the grounds of the application filed by the patent holder in the Patent Agency; and

- in case of non-payment within the established time-limit of the duties for keeping the patent in force.

2. The Patent Agency shall publish in its official bulletin information about the termination of the patent before the appointed time.

SECTION VII. THE PROTECTION OF THE RIGHTS OF THE PATENT HOLDERS AND THE AUTHORS

Article 31. The Consideration of Disputes in the Courts of Law

Disputes connected with the application of this Law shall be considered in line with the procedure specified by the legislation of the Russian Federation.

The courts of law, including arbitration courts, shall within their competence examine the following disputes:

- involving the authorship of inventions, useful models and industrial designs;

- about the identification of a patent holder;
- about the infringement of the exclusive right to use the patent-protected object of industrial property and other property rights of the patent holder;
- about the conclusion and execution of license contracts for the use of a patent-protected object of industrial property;
- about the right of prior-use;
- about the payment of compensation to the author by the employer in conformity with [Item 2, Article 8](#) of this Law;
- about the payment of compensation envisaged by this Law with the exception of the cases envisaged by [Item 4, Article 13](#) of this Law; and
- other disputes connected with the patent-certified protection of rights with the exception of those relating to the competence of the Supreme Patent Chamber.

Article 32. The Responsibility for the Infringement of the Authors' Rights

The appropriation of authorship, compulsion to co-authorship, and the illegal disclosure of information concerning an industrial property object shall entail criminal liability in accordance with the legislation of the Russian Federation.

SECTION VIII. CONCLUDING PROVISIONS

[Federal Law No. 150-FZ of December 27, 2000](#) suspended for the year 2001 the effect of [Article 33](#) of this Federal Law in as much as it concerns the payment of patent duties to the Patent Department of Patent

Article 33. Patent Duties

Patent duties shall be collected for the execution of the legal acts connected with patents. Patent duties shall be paid to the Patent Agency. The list of acts, for the execution of which, patent duties shall be collected, and the amounts and terms of payment thereof, and also the grounds for the exemption from the payment of duties or for the diminishment of their amounts, or for the return of duties, shall be specified by the Government of the Russian Federation.

Article 34. State Incentives for Developing and Using Objects of Industrial Property

The State shall promote the development and use of industrial property objects and shall establish taxation and credit preferences, as well as other allowances in accordance with the legislation of the Russian Federation, for authors and persons engaged in economic activity who are using the said objects.

Article 35. Patenting Industrial Property Objects in Foreign Countries

Concerning the procedure for application of this Article see [Explanation](#) of the Committee of the Russian Federation for Patents and Trademarks No. 3, approved by Order of the Committee of the Russian Federation for Patents and Trademarks No. 14 of February 10, 1995

The patenting in foreign countries of inventions, useful models and industrial designs developed in the Russian Federation shall be executed no earlier than three months after the filing of the patent applications in the Patent Agency.

The Patent Agency may, when need be, permit the patenting of inventions, useful models and industrial designs in foreign countries before the said time-limit.

Article 36. The Rights of Foreign Natural and Legal Persons

Foreign natural and legal persons shall enjoy the rights envisaged by this Law on an equal level with the natural and legal persons of the Russian Federation by virtue of the international treaties of the Russian Federation or on the basis of the principle of reciprocity.

Article 37. International Treaties

If an international treaty signed by the Russian Federation has established rules other than those contained in this Law, the rules of the international agreement shall be apply.

President of the Russian Federation

B.Yeltsyn

Moscow, House of the Soviets of Russia