

LAW
OF THE REPUBLIC OF TAJIKISTAN

**«On introduction of amendments and supplements into
the Law of the Republic of Tajikistan
“On inventions”**

Article 1. That the Law of the Republic of Tajikistan "On inventions" of February 28, 2004 be amended and supplemented as follows:

1. In Article 1:

- the following paragraph 4 shall be added:

«license shall mean assignment by the right holder to other legal entity or natural person the right to use the inventions protected by patents;».

2. In Article 26:

- paragraph 9 shall be amended to read as follows:

«If a patent holder cannot use an invention to which he has an exclusive right, without infringing on the rights of the holder of another patent (first patent) which has refused to conclude a license contract on the terms complying with the prevailing practices, the holder of the patent shall have the right to file a claim with the court for the issuance of a compulsory license (Article 28 of this Law) for the use of that invention on the territory of the Republic of Tajikistan. In the claim the conditions for granting such license to the holder of the second patent shall be indicated, including the scope of use of the invention, the amount of, procedure and terms for payments.

If the holder of the second patent, having an exclusive right to such dependent invention, proves that it is an important technical achievement and that it has significant economic advantages over the invention of the holder of the first patent, the court shall take a decision on granting him a compulsory license.

The right obtained under such license of using the invention may not be assigned to other persons, except for the case of alienation of the second patent. When a compulsory license is granted in accordance with the present item, the holder of the first patent, on the terms complying with the prevailing practices, shall have the right to obtain a nonexclusive license for the use of the dependent invention.»

3. In Article 27:

- the following paragraph 9 shall be added:

«Operation of the Law of the Republic of Tajikistan «On licensing of certain types of activities» shall not cover grant of such licenses.».

4. In Article 28:

- in paragraph 1 the words "claim" shall be replaced with the words "statement of claim"

5. In Article 30:

- in subparagraph 3 the words "with subsequent payment of commensurate compensation to the patent owner" shall be replaced with the words "provided that any such use shall be authorized predominantly for the supply of the domestic market; and providing commensurate compensation and prompt notification of the patent owner;

- the following paragraph 2 shall be added:

«Actions provided for in this Article shall not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner.».

6. In Article 34:

- in paragraph 1 the words "Article 32" shall be replaced with the words "Article 33"

Article 2. That this Law enter into force after its official publication.

**President
of the Republic of Tajikistan**

**Emomali
Rahmon**