

# NATIONAL EXPERIENCES AND FUTURE PLANS FOR THE USE OF PCT SYSTEM

Prepared by

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# IP Protection

## ❖ **Background:**

Protection of inventions in Mongolia commenced in 1944.

First patent (author's certificate) was granted on 13 January, 1963.

The first Intellectual property was recognized legally in 1992 by the Constitution of Mongolia:

*Art . 7(2) “ Intellectual values produced by the citizens are the property of their authors and the national wealth of Mongolia ”*

Government agency responsible for IP- Intellectual Property Office of Mongolia which pursuits under the Deputy Prime Minister's competence.

IPOM carries out its activities in conformity with the provisions of the Law on Patents, Law on Trademarks and Geographical Indications, Law on Copyright and Related Rights

## INTERNATIONAL TREATIES AND AGREEMENTS TO WHICH MONGOLIA HAS JOINED

- ❖ **1979-** Convention on Establishing the World Intellectual Property Organization
- ❖ **1985-** Paris Convention on the Protection of Industrial Property
- ❖ **1992** - Patent Cooperation Treaty (PCT)
- ❖ **1997** - TRIPs Agreement
- ❖ **2002-** Strasbourg Agreement Concerning the International Patent Classification

# PCT IMPLEMENTATION

- **LEGAL BASIS**

- The first Patent Law of Mongolia was adopted by Parliament on June 25, 1993 later on modified on December 19, 1996 and also in May 21, of 1999 and revised lately on January 19, of the year 2006.
- The target of this law is to protect the rights of creators on their inventions, industrial designs and utility models, owner of patent and certificate of registration and regulate relations arising in connection with the exploitation of inventions, industrial designs and utility models. (Article 1)

# PCT IMPLEMENTATION

## THE ARTICLES IN MONGOLIAN PATENT LAW

- If an international treaty to which Mongolia is party, provides rules different from those set forth in this law, the provisions of the international treaty shall be applicable (Article 2.2)
- “International Agreement to which Mongolia is party” means the Paris Convention for the Protection of Industrial Property (1883), the Hague Agreement Concerning the International Deposit of Industrial Design (1960), (1999), the Patent Cooperation Treaty (1970), the Strasbourg Agreement Concerning the International Patent Classification (1971), the Locarno Agreement Establishing an International Classification for Industrial Design (1968), the Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) of the World Trade Organization and other treaties and agreements to which Mongolia is party (Article 3.1.16.)

- “International application designating Mongolia” means; an application for a patent or utility model with a priority claim, which is filed according to PCT (Article 3.1.17.)
- A patent examiner, when determining whether the requirements set forth in Article 4.1 of this Law are complied with, may accept a preliminary examination report established by a Preliminary Examining Authority in relation to applications for an invention or utility model (Article 3.1.17.)
- Article 9. Filing International Application under PTC

# PATENT COOPERATION TREATY (PCT)

## NATIONAL PHASE – NATIONAL CHAPTER – MN

### 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**
- ❖ Translation of international application required into: **Mongolian**
- ❖ Required contents of the translation for entry into the national phase:  
Under PCT Article 22: **Description, claims** (if amended, both as originally filed and as amended, together with any statement under PCT Article 19),  
any text matter of **drawings, abstract**
- A patent application by a nonresident is to be made by patent agents practicing in Mongolia, *Patent Law*, Art. 7.
- Who can act as IP agent? **A patent agent must be a citizen of Mongolia** over the age of 25 years who has worked in the field of intellectual property for at least three years, with higher education and no previous criminal records.
- A patent agent shall obtain a license in accordance with relevant legislation.



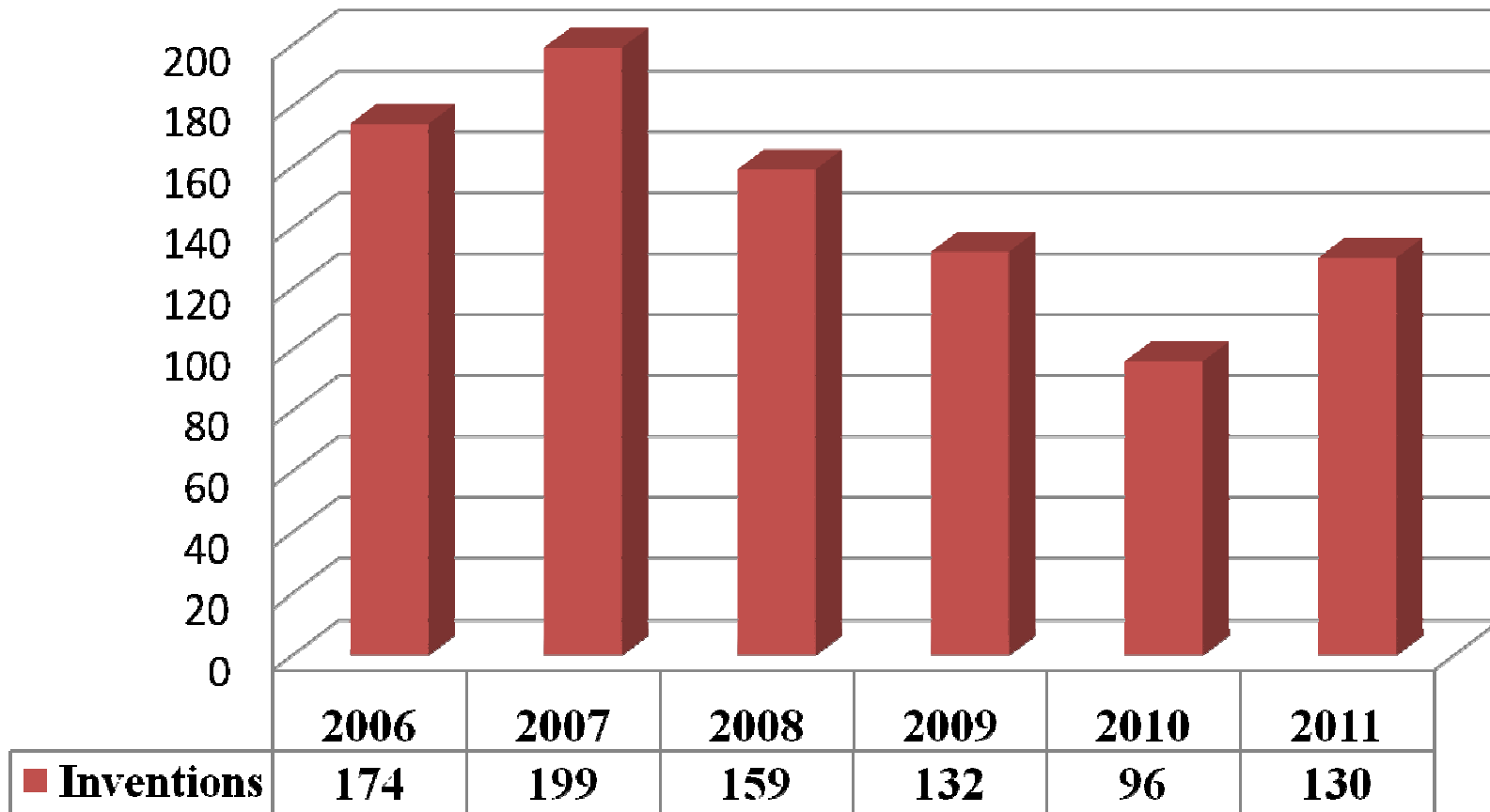
# PATENTS FOR INVENTIONS

- ❖ The IPOM of Mongolia shall process international applications in compliance with relevant legislation
- ❖ A filing date of an international application for an invention or utility model designating Mongolia shall be accorded under the Patent Law or according to the date of international registration under the Patent Cooperation Treaty.
- The IPOM of Mongolia examines patent applications (Domestic and Foreign), grants patents for qualified inventions.
- A patent may be granted for an invention if:
  - the invention as claimed is industrially applicable
  - the claims are novel
  - the claims are inventive
- ❖ Patents are valid for 20 years from the date of filing.

# STATISTICS-PATENTS

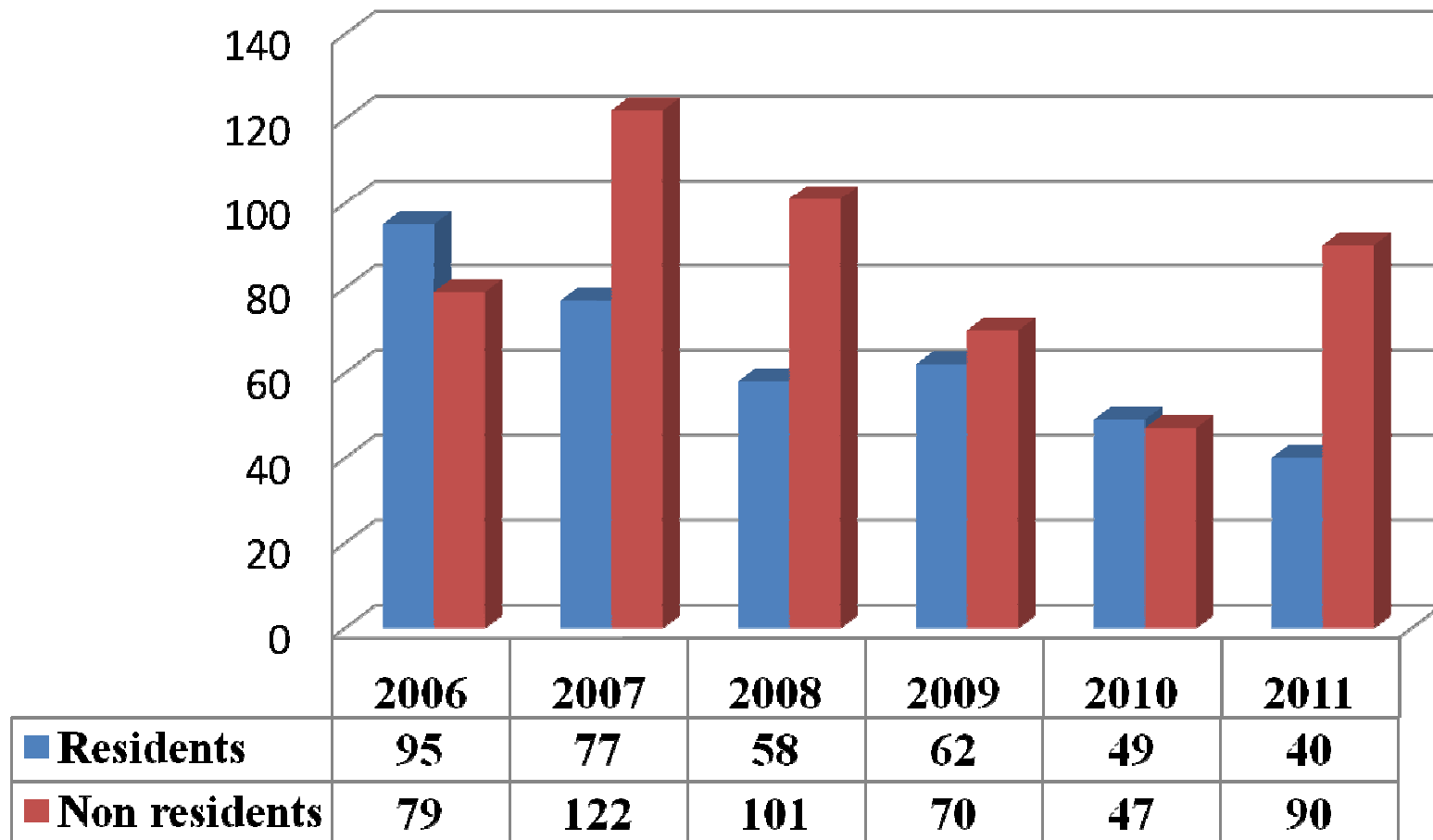
(2006-2011 PATENT - GRAND TOTAL)

## Inventions



# STATISTICS-PATENTS (REGISTRATIONS)

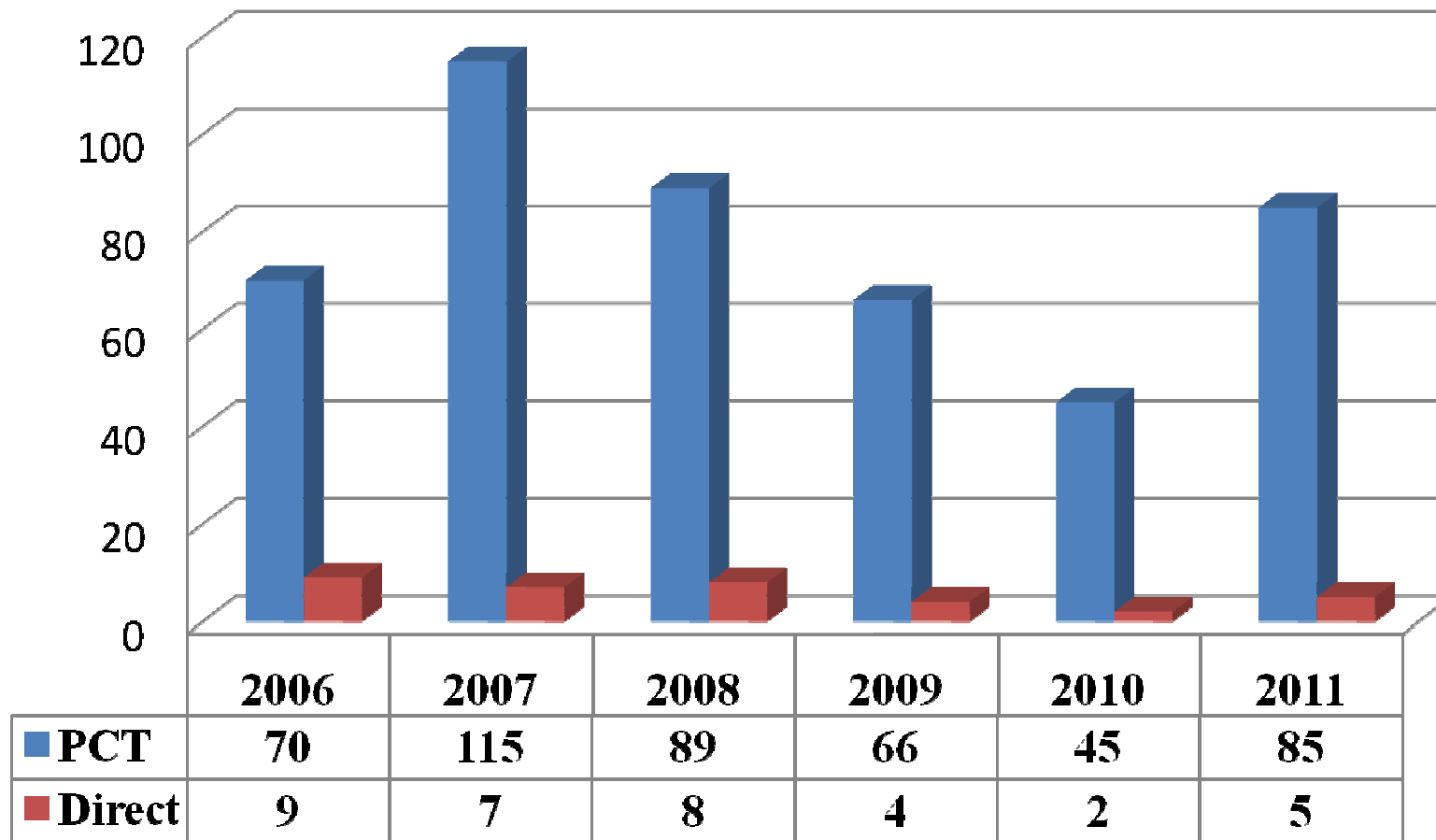
**2006-2011**



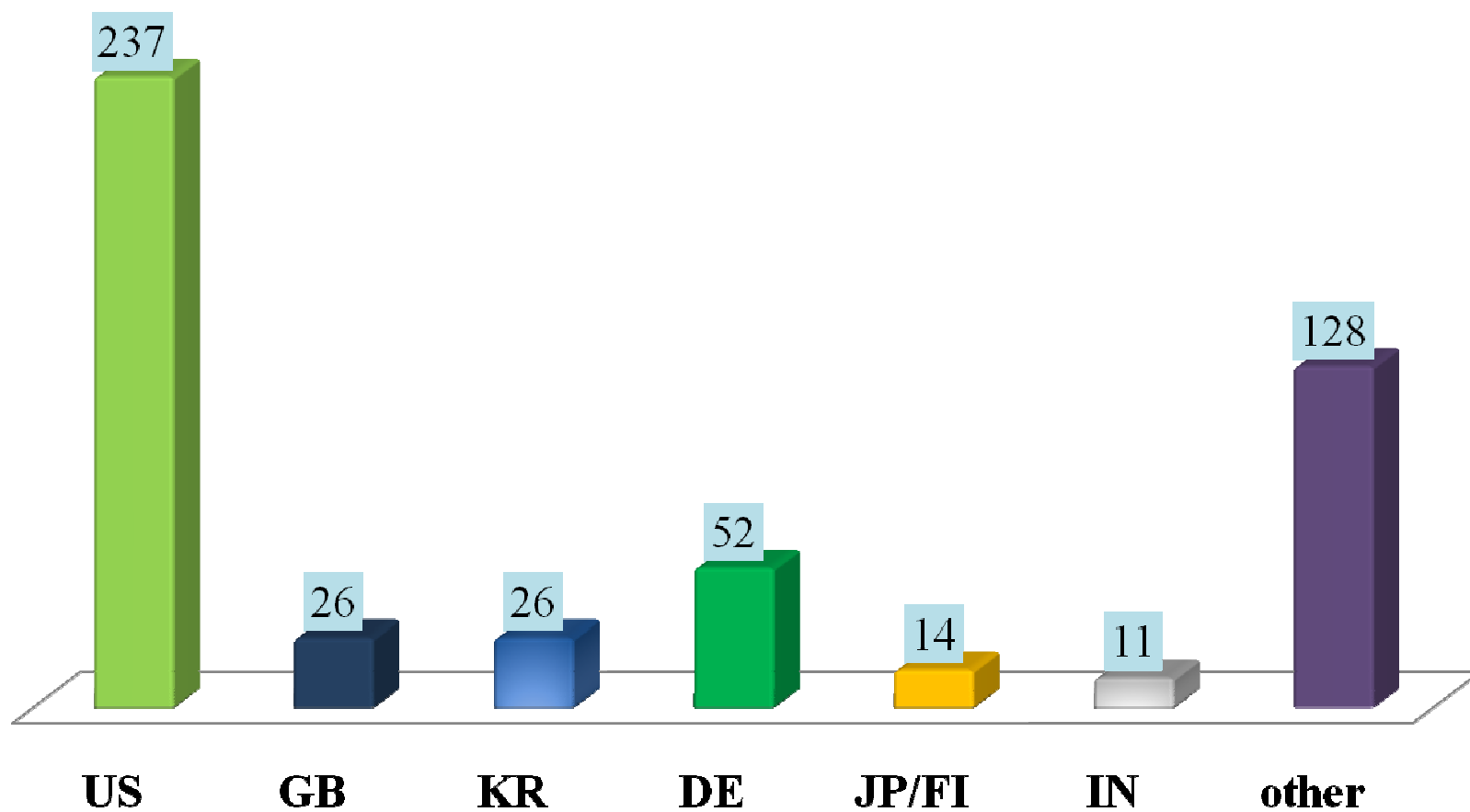
# APPLICATIONS RECEIVED

2006-2011

## PCT and Direct application



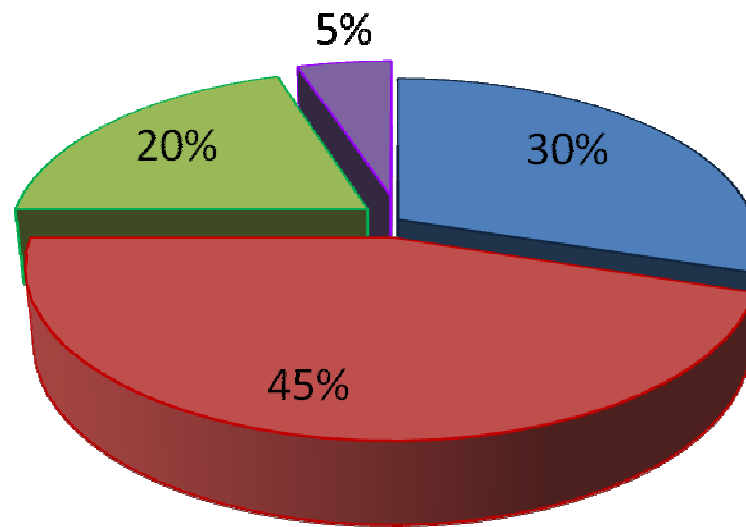
## Top countries origins of PCT Applications (2006-2011)



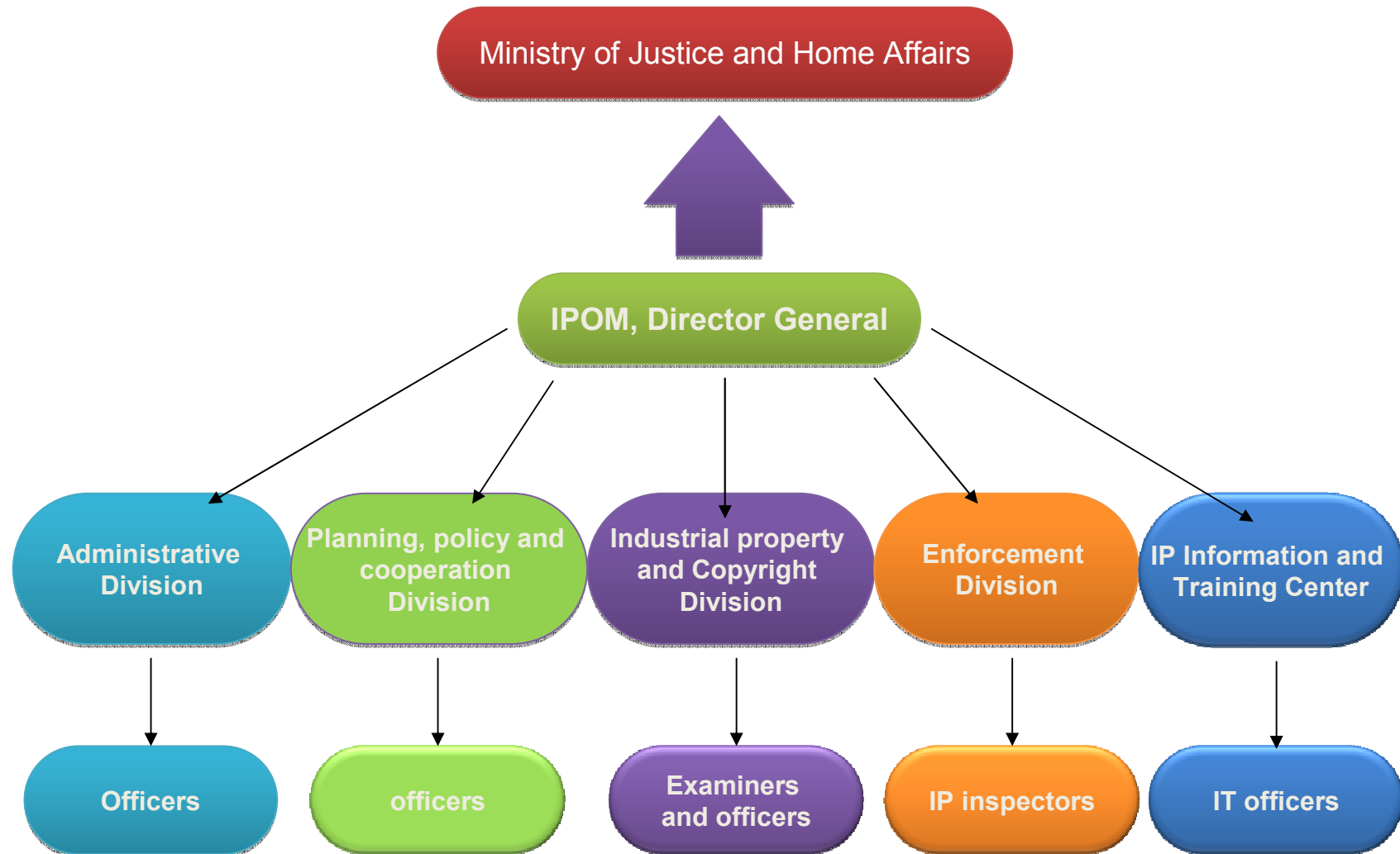
# Subject Matter of PCT applications

**2006-2011**

■ Medical Science ■ Mechanical Engineering ■ Chemical technology ■ Other



# IPOM Organizational Chart



# THANK YOU

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Office of Mongolia*