

# Patent examination procedure of Mongolia

Effective Utilization of Search Results and Communication  
Derived from PCT System in National Stage  
Tokyo, February 27- March 1, 2013

- legal issue on patent
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## **Contents**



- ❖ **Location:** Central Asia, located between the Russian Federation and the People's Republic of China
- ❖ **Capital:** Ulaanbaatar
- ❖ **Area:** 1,566,500 sq. km
- ❖ **Climate:** Continental, 4 distinctive seasons
- ❖ **Natural resources:** Coal, copper, molybdenum, zinc, wolfram, fluorspar, gold, uranium, oil
- ❖ **Exports:** minerals, livestock, animal products and cashmere articles
- ❖ **Population:** 2.835 million ( 2012 )
- ❖ **Language:** Mongolian
- ❖ **Political system:** Multiparty parliamentary form of government



## Mongolia at a Glance

❖ **Background:**

Protection of inventions in Mongolia commenced in 1944.

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

Intellectual property as such was first recognized by the Constitution of Mongolia of 1992:

*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 is under the Deputy Prime Minister

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

**IP Protection**

- ❖ **1979**- Convention on Establishing the World Intellectual Property Organization
- ❖ **1985**- Paris Convention on the Protection of Industrial Property
- ❖ **1985**- Madrid Agreement Concerning the International Registration of Marks
- ❖ **1992** - Patent Cooperation Treaty (PCT)
- ❖ **1997** - Hague Agreement concerning the International Deposits of Industrial Design
- ❖ **1997** - TRIPs Agreement
- ❖ **1998**- Berne Convention for the Protection of Literary and Artistic, Works
- ❖ **2001**- Madrid Protocol Concerning the International Registration of Marks

## **MEMBERSHIP TO INTERNATIONAL CONVENTIONS AND AGREEMENTS**

- ❖ **2001-** Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
- ❖ **2001-** Locarno Agreement Establishing International Classification for Industrial Designs
- ❖ **2002-** Strasbourg Agreement Concerning the International Patent Classification
- ❖ **2002-** Nairobi Treaty on the Protection of the Olympic Symbol
- ❖ **2002 -** WIPO Copyright Treaty
- ❖ **2002-** WIPO Performances and Phonograms Treaty
- ❖ **2010-** Singapore Treaty on the Law of Trademarks

**INTERNATIONAL TREATIES AND  
AGREEMENTS MONGOLIA JOINED**

- **LEGAL BASIS**

Patent Law of Mongolia enacted in 1993 and revised in 2006

Article 3.1.1

“invention” means a new solution related to a product or an industrial process which involves an inventive step, and the essence of which is disclosed on the basis of a law of nature”

3.1.4. “patent” means a document granted by a responsible government authority certifying the recognition of the given solution as an invention or industrial design, and granting the exclusive right to own the invention or industrial design to the creator for a fixed period of time

**PATENT PROTECTION**



- A patent shall be granted to a creator of a new product or industrial process which involves an inventive step and capable of industrial application, or to a natural or legal person to whom the rights have been assigned.
- A product or industrial process shall be regarded as “new” if it is not anticipated by the prior art.
- An invention shall be regarded to “involve an inventive step” if it is not obvious to a person skilled in the art, which is determined by an examiner.
- An invention shall be regarded “to be capable of industrial application” if it can be used in any kind of industry.

## Patent protection

- a discovery, scientific theory or mathematical method;
- a computer program, algorithm;
- a scheme, rule or method for performing a mental act, playing game or doing business;
- a solution contrary to public order or morality, or which is prejudicial to environment or human health;
- diagnostic and therapeutic methods for the treatment of humans or animals;
- plants and animals other than micro-organisms, and biological processes for the production of plants and animals.

**Not patentable subject matter**

- After a filing date has been accorded, an examiner of the IPO shall conduct a substantive examination of an invention to determine whether there has been compliance with the requirements of Articles 4 and 5 Patent Law.

## **Patent examination procedure**



### Public service

**Homepage**

- Provide and distribute the IP information to the public
- Inquire the status of process

**Appl. Preparation S/W**

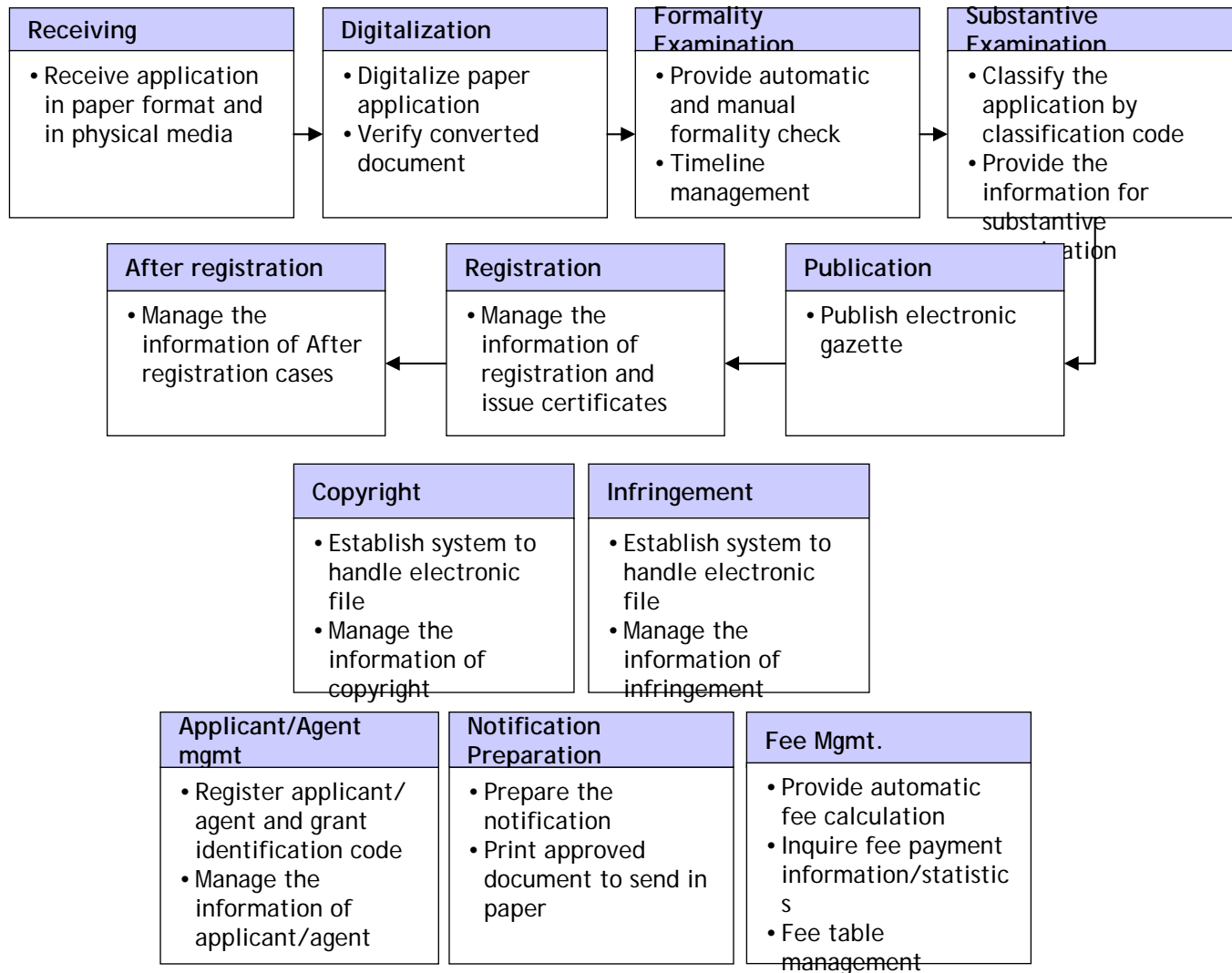
- bibliographic data of application in XML and attach word/image files

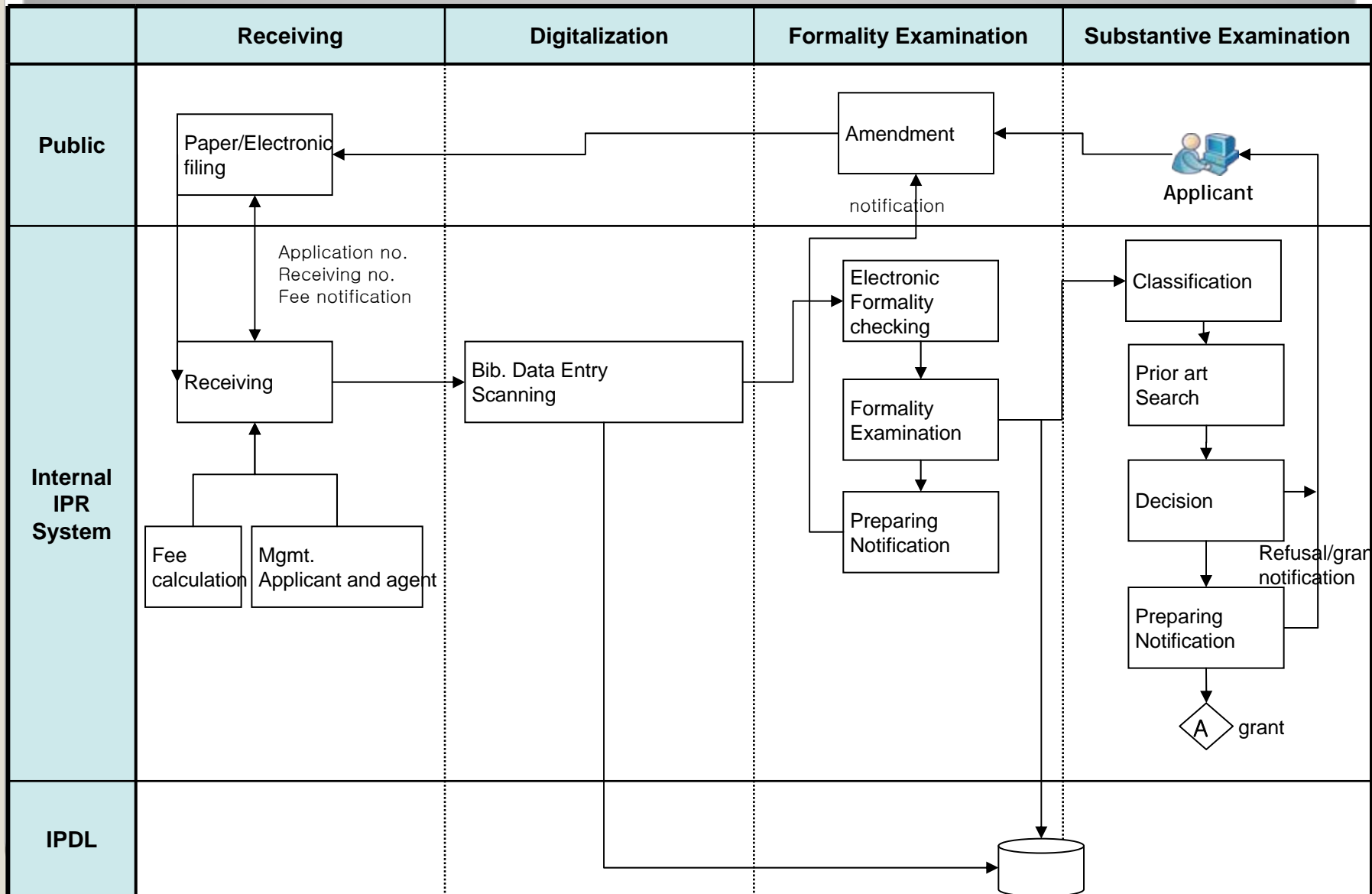
### Search

**Integrated search**

- Search domestic and foreign database
- Search foreign IPOs' database by integrated UIs

### IP administration system







Browser window showing IPOM Officer interface. URL: http://app.ipom.mn/system/commion/locale.do?locale=en. Search bar with Google, Translate, and Sign In options.

**Application Formality Check** | Investigation

Accept Amendment Reject Remark **List**

Receipt Number	1-1-2012-0000295
Type	walk-in
Document Name	PCT translation [ patent ]
Receiving Date	2012-02-29
Date of Translation Submit	<b>2012-04-29</b>
Title of Invention	11-2012-0004794 FT холимогийн бөмбөлгөн баганат реактораас гарах урвалын дулааныг арилгах зориулттай эргэлтэт хөргөх төхөөрөмж
Applicant	<u>Korea Institute of Energy Research</u>
Attached File	File not found.
Official Fee	Total Fee : 20,000 Paid Date : 2012-02-27
Due Date	2012-03-30 <b>[Elapse Due Date]</b>
Checked On	-
Status	Formality Check Waiting

Receiving/sending History						
Receiving/sending Number	Receiving/sending Date	Document Name	Case Number	Due Date	Status	Read Document
1-1-2012-0000295	2012-02-29	PCT translation	-	-	received	



**Patent Substantial Examination** | Investigation

Examination Deadline: 2011-01-07

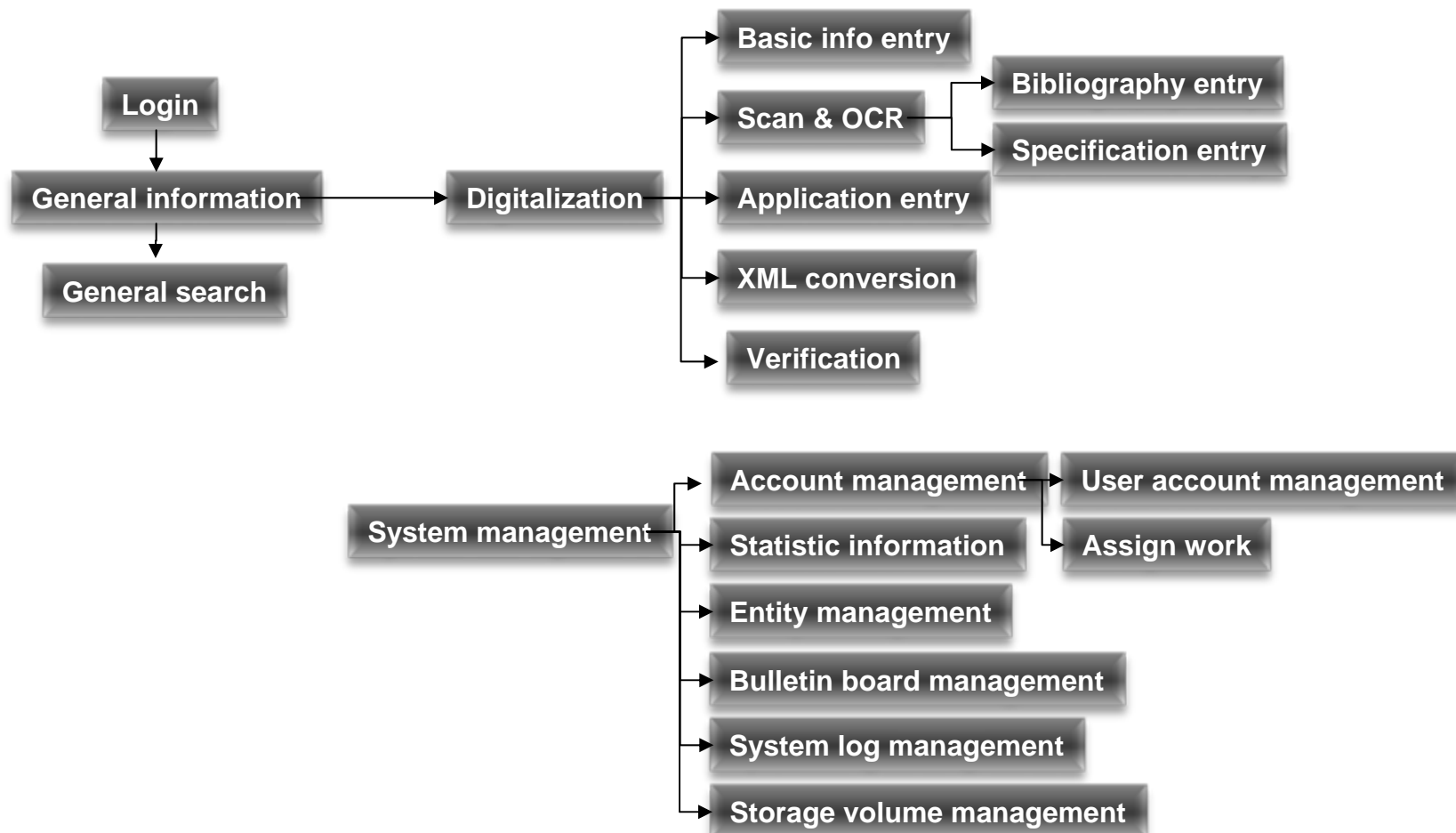
Application Number	10-2010-0004408	
Application Type	order of revert	
Filing Date of Application	2010-04-12	<input type="button" value="Update"/>
Title of Invention	Бүрэн шаталтыг дэмжигчтэй, гэрийн зуух <input type="button" value="Update"/>	
Classification	Main	F24B 1/26
	Sub	- <input type="button" value="Update"/>
	Version	8
the number of Claims	0	
joint copyright owner	Очот-Уул (Corporation) / MN УБ ХУД, 3-р хороо, Үйлдвэрийн гудамж 107 <input type="button" value="Search"/>	
approval requested	Пүрэвхүү Чойжилдорж (Natural Person) / MN УБ БГД, 6-р хороо, 16-15 <input type="button" value="Search"/>	
material returned	-	
revert to National Treasury	Очот-Уул (Corporation) / MN УБ ХУД, 3-р хороо, Үйлдвэрийн гудамж 107 <input type="button" value="Search"/>	
Priority claim	N	

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No.	Receiving/sending Number	Document Name	Date of Writing	Due Date	Status
1	<a href="#">1-1-2010-0004408</a>	patent application	2010-04-12 (Receiving)	-	Accept



## Procedure Diagram





- Patent family
- AIPN
- Translation documents
- Expand information recourses
- Human recourses
- Technical assistance

**Utilization examination results**

- Effective cooperation
- Work –sharing schemes
- Quality of results
- PPH
- **Utilization requires that results produced by the Office of First Filing are available** on-time at the Office of Second Filing

## **Conclusion**