

STATE COMMITTEE FOR STANDARDIZATION, METROLOGY AND PATENT OF  
THE REPUBLIC OF AZERBAIJAN

13 March 2015

Standing Committee on the Law of Patents (SCP)

According to the decision of the Twenty-First Standing Committee on the Law of Patents (SCP) we would like to submit the relevant information below.

In accordance with Article 7 paragraph 6 of the Law of the Republic of Azerbaijan on Patent:

"An invention shall be considered as having an inventive step, if it is not obvious from the existing knowledge to a person skilled in this art."

In the legislation of the Republic of Azerbaijan the definition of a person skilled in the art is not established.

For the examination of invention expert uses:

- Rules on the content, petition and review of the application for obtaining patent for an invention (1999) and,
- if necessary, rules and methodical materials of EAPO, as well as documents and guidelines of WIPO.

In accordance with Article 7 paragraph 3 and 5 of the Law of the Republic of Azerbaijan on Patent:

"3. An invention shall be considered to be new, if it does not repeat the part of the existing state of the art. The existing state of the art shall comprise any information, which has become available to everyone in the world before the filing date of the application on invention. The existing state of the art shall also comprise the applications on invention and utility model filed to the respective body of executive power of the Republic of Azerbaijan having earlier priority while determining novelty of invention, as well as the invention and utility model protected by patent in the Republic of Azerbaijan.

5. The novelty of object indicated in the application shall not be affected in the case if the disclosure of information concerning the subject matter of an invention is made by the author, applicant and any other person having obtained such information directly or indirectly from them during 12 months before the filing date of the application on invention to the respective body of executive power. The duty to prove the fact of disclosure of information shall be undertaken by the author or applicant."

In accordance with Article 43 of the Law of the Republic of Azerbaijan on Patent:

"In the case of divergence between the rules determined in the international agreements to which the Republic of Azerbaijan is a party and the rules stipulated in this Law, the rules of international agreement shall apply."

With best regards,

Deputy Head of Administration

Niyazi Rahimov