

RSE “National Institute of Intellectual Property” of the Ministry of Justice of the
Republic of Kazakhstan

For the paragraph ii of WIPO Circular 8940, reports the following:

In accordance with the Patent Law of the Republic of Kazakhstan, a title of protection is invalidated in whole or in part on the basis of a court decision.

In case of the title of protection is invalidated partially at the remaining protected object, variant of the invention, utility model or industrial design, a new patent shall be issued.

A patent for an invention, utility model or industrial design, invalidated in whole or in part, is canceled from the date of filing the patent application.

Licensed agreements concluded on the basis of a patent subsequently declared invalid remain valid to the extent that they were executed at the time of the decision on the invalidity of the patent.

Invalidation of a patent means canceling the decision to issue a patent for an invention, utility model or industrial design and canceling recordings in the appropriate state register.

The force of the title of protection shall be terminated ahead of schedule:

1) on the basis of an application submitted by the patent holder to the authorized body, from the date of publication in the bulletin of information on the early termination of the title of protection. If the title of protection has been issued to a group of industrial property objects, and the patent holder's application has been filed with respect to only part of this group of objects, the title of protection shall be terminated only with respect to the industrial property indicated in the application;

2) in case of non-payment within the established period of maintaining the title of protection in force from the date and confluence of the established payment term.

The expert organization publishes information on security documents declared invalid in whole or in part in the bulletin, as well as the effect of which is prematurely terminated.

Under paragraph iv (compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors), information published on the mentioned link about Republic of Kazakhstan is relevant.