

LAW OF THE KYRGYZ REPUBLIC
"On Patent Attorneys"

(Version of the Law of the Kyrgyz Republic of March 31, 2005 # 58)

Chapter I.	General Provisions
Chapter II.	Patent Attorney
Chapter III.	Receipt of Patent Attorney Right
Chapter IV.	Status of Patent Attorney
Chapter V.	Closing Provisions

Chapter I
General Provisions

Article 1. The Object of Regulation

The present Law shall regulate the legal basis of Patent Attorneys professional activity within the Kyrgyz Republic territory in the field of intellectual property subject matters protection.

Rules of this Law shall be in effect within whole territory of the Kyrgyz Republic relatively all Patent Attorneys, their juridical persons irrespective of organizing legal forms and property forms.

Article 2. State Body of Intellectual Property

With a view to regulate of professional activity of Patent Attorneys the representative State Body of Intellectual Property (hereinafter - Kyrgyzpatent) shall execute the attestation of Patent Attorneys candidates, reattestation and registration of Patent Attorneys. Commissions of attestation and appellation shall be set up to this effect.

The Attestation Commission shall approve the order of examination, examination tests, shall determine the board of examiners, shall decide whether or not the candidate can be admitted to the attestation examination, shall make decisions about attestation, limited activity attestation or non attestation under Article 7 of this Law.

The Appellation Commission shall consider complaints of applicants against Attestation Commission decisions, as well as complaints of clients against unprofessional activity of patent attorneys.

Article 3. Functioning of Patent Attorneys

Execution of titles of protection issue and legal protection of industrial property subject matters as well as selection achievements may be implemented by Patent Attorneys.

Natural persons residing out of the Kyrgyz Republic or foreign legal entities or their patent attorneys shall conduct operations related to protection of object of industrial property, selection achievements only through the patent attorneys registered at Kyrgyzpatent except cases specified by international treaties of the Kyrgyz Republic.

Chapter II
Patent Attorney

Article 4. Definition and legal status of the Patent Attorney

A Patent Attorney is the natural person attested and registered in the State Register of Patent Attorneys (hereinafter - Register) in accordance

with requirements of this Law and authorized to represent natural persons and entities at Kyrgyzpatent or other organization for receiving and realization of legal protection of intellectual property subject matters and selection achievements. The Patent Attorney's activity as an attested specialist shall be directed to implementation of skilled actions on protection of legal interests, rights and liberties of natural and juridical persons relatively the industrial property subject matters and selection achievements.

A Patent Attorney shall be able to implement his professional activity independently as an individual businessman or a juridical entity or as hired employee. A Patent Attorney working as an employee shall inform Kyrgyzpatent about his activity. He shall be bound to give this information to Kyrgyzpatent within one month for its registration in the Register and publication in the Official Bulletin.

Patent Attorneys working as juridical entities in accordance with the Kyrgyz Republic Legislation shall inform Kyrgyzpatent about his activity for registration and publication.

Article 5. Qualifying standards of Patent Attorneys

The entitlement to admission of Patent Attorneys shall be subject to the following conditions:

- 1) being of Kyrgyz citizenship;
- 2) having a domicile in the Kyrgyz Republic at the moment of application with juridical address;
- 3) holding a university degree;
- 4) having knowledge of normative and legal acts of the Kyrgyz Republic, international treaties that are necessary for implementation of activity on industrial property rights and selection achievements protection in volume determined by Kyrgyzpatent;
- 5) having the State language good command for the duties execution.

No one shall be attested as Patent Attorneys:

- 1) officials of the State body of Intellectual Property and lower organizations;
- 2) functionaries and officials, who are forbidden to practise business according the Legislation of the Kyrgyz Republic.

Article 6. Patent Attorneys Representation

The Patent Attorney shall be authorized to represent any person's interests after concluding with him the contract of consultation services.

Authority of the Patent Attorney to conduct affairs shall be confirmed by power of attorney from the person on behalf he shall conduct affairs. This power of attorney for representation in Kyrgyzpatent and other state patent organizations that are affiliate to the united state patent service shall be issued to Patent Attorney by principal and made in written form without notarial verification.

Natural persons residing out of the Kyrgyz Republic and foreign juridical persons shall draw up a power of attorney in order stipulated by legislation of the document country origin. In the presence of doubt about authenticity of the document it shall be certify on demand of Kyrgyzpatent in the consular body of the Kyrgyz Republic except those cases when the legalization is not necessary in pursuance of international treaties of the Kyrgyz Republic on mutual principles.

Chapter III

Receipt of Patent Attorney Rights

Article 7. Attestation

Persons who meet requirements of subparagraphs 1-3 of Article 5 in the first part of this Law shall be admitted to examination.

The examination shall test applicant's knowledge of normative legal acts of the Kyrgyz Republic, international treaties that are necessary for patent attorney activity implementation.

Applicant may declare about the restriction of his activity by separate object matters of industrial property, selection achievements or separate kind of service. The examination shall be taken with consideration of this restriction. Information about restriction shall enter into the Register and into the certificate given to a Patent Attorney.

A Patent Attorney refusal of his activity restriction may be admitted after the additional attestation in accordance with this Article.

Should any applicant not agree with the decision of the Attestation Commission he may within the period of 3 months file an appeal with the Appellation Commission after payment the corresponding fee. The Appellation Commission under results of complaint consideration may remain in force the decision of Appellation Commission, fix the repeated attestation or cancel this decision.

Kyrgyzpatent shall execute the attestation and additional attestation of Patent Attorneys candidates in proportion as applications will be coming and after corresponding fee payment.

Kyrgyzpatent shall execute the reattestation of Patent Attorneys not rarely than once a five years by the same order as the attestation.

The order of Patent Attorneys attestation and registration shall be determined by Kyrgyzpatent in accordance with rules of this Law.

Article 8. Patent Attorneys Registration

Persons passed the examination successfully shall be registered in the Register by Kyrgyzpatent within the period of one month from the application date and after payment of corresponding fee.

Decision on the attestation shall be in force from the moment of its delivery. Any person shall have the right for implementation of the Patent Attorney professional activity only since the registration date in the Register. Persons who shall not have the Patent Attorney registration in accordance with this Law shall not use the nomination "patent attorney" within the territory of the Kyrgyz Republic.

Patent Attorneys shall be liable to inform Kyrgyzpatent about all changes and additions in registration data as well as in the entity statutes during one month. The Register and the Patent Attorney certificate shall be amended after payment of the corresponding fee.

Article 9. Publication of Patent Attorney Registration Data

On account of registration Kyrgyzpatent shall issue certificate to the Patent Attorney and shall publish information about registration in the Official Bulletin. Certificate form and published information shall be defined by Kyrgyzpatent.

Every change and addition in registration data as well as changes and additions in the entity statutes shall be published in the Official Bulletin.

Article 10. Elimination of Patent Attorney from the Register

Patent Attorney shall be eliminate from the Register on account of:

- his own application;
- loss of Kyrgyz citizenship and his juridical address in the Kyrgyz Republic territory, as well as appearance of circumstances defined by part 2 of Article 5 of this Law;
- reveal of any non-conformity with real facts in documents presented by Patent Attorney to Kyrgyzpatent;
- decision of Appellation Commission after client or any person's complaint examination;

- decision of Appellation Commission after examination of misuse facts of authority committed by a Patent Attorney which are specified by this Law, systematic and gross violations of the Kyrgyz Republic Legislation and rules of the professional ethics;-

- inactivity of a Patent Attorney during 3 years;
- coming in force of Court decision on prohibition of Patent Attorney activity or other punishment excluding this activity;
- death of a Patent Attorney.

In the case of a Patent Attorney elimination from the Register on account of this Article his certificate shall lose the effect and shall be handed over to Kyrgyzpatent.

In the case of his activity cessation a Patent Attorney shall inform Kyrgyzpatent in writing within the period of one month.

In the case of Patent Attorney elimination from the Register on the basis of his/her application or permanent residence change, mentioned in the third subparagraph of the first part of the present Article the registration can be made without a reattestation within a period of 5 years from the date of his/her late attestation.

The information about a patent attorney exclusion from the Register shall be published by Kyrgyzpatent in official issues with reasons indication.

Patent attorney may appeal against the exclusion from the Register in legal form.

CHAPTER IV

Status of a Patent Attorney

Article 11. Patent Attorney's Rights

Patent Attorney shall have the right to represent interests of any person concluding a commission contract or other similar agreement in accordance with the Kyrgyz Republic Legislation.

Patent Attorneys may carry out other kinds of activity unforbidden by the Legislation of the Kyrgyz Republic.

Article 12. Patent Attorney Duties

Patent Attorney representing a principal's interests, shall be obliged to act in accordance with rights granted him by a principal, to take all steps necessary for prevent any infringement of principal's rights.

Patent Attorney shall not take a commission if he had represented or consulted third parties on this affair whose interests conflicted with his implicit client interests. He also shall not run affair that an official considers being his close relative.

After receiving of materials from the principal a Patent Attorney shall be obliged to confirm this receiving and to return the original materials of the affaire after expiration term of the power of attorney as well as on principal's requirement.

Patent Attorney shall be obliged to suspend his professional activity if he works for State body.

In the case of patent attorney's activity cessation, liquidation or reorganization of the juridical entity, a patent attorney shall be obliged to inform Kyrgyzpatent and his principal about it and preserve affair materials for handing them to successor.

In the case of juridical entity liquidation or principal's death whose interests were represented by patent attorney he shall be obliged to inform Kyrgyzpatent and principal's successors.

Article 13. Responsibility of the Patent Attorney

For unqualified and inferior duties realization of a contract with principal, the patent attorney shall bear the property and any other responsibility under the provisions of the Kyrgyz Republic Legislation.

Appellation Commission shall consider anyone's complaints against unsatisfactory implementation of a patent attorney professional duties or infringement of normative legal acts of the Kyrgyz Republic.

The punishments that may be imposed by Kyrgyzpatent on a patent attorney committing a qualified standards infringement are as follows:

- 1) notice;
- 2) procedure of attestation with exclusion from the Register in the case of unsatisfactory examination result;
- 3) temporary exclusion from the Register during one year and reinstatement only after attestation;
- 4) exclusion from the Register without the right of attestation during 5 years.

Article 14. Confidentiality of information

Information that a patent attorney shall obtain from a principal in connection with his commission shall be considered as confidential if a principal does not give a special commission or it follows from his actions.

A Patent Attorney shall be obliged to provide a safety of documents which he obtains and/or draws up in framework of his professional activity. He shall not hand these documents or copies to third parties as well as disclose the information containing in these documents without written permission of his principal.

CHAPTER V Closing Provisions

Article 15. Fees

The fee shall be paid for juridical significant actions, connected with the attestation, registration, granting of certificates, appellations examination and amendments into the Register.

The amount and terms of payment of the fee shall be established by the Government of the Kyrgyz Republic.

All means entered to the account of Kyrgyzpatent in the form of fees, including currency shall be used by Kyrgyzpatent for technical provision, creation and exploitation of automated system, complexation of patent information's fund as well as training and stimulation of the personnel.

Article 16. Entering into effect of the Present Law

The Present Law enters into effect since the moment of its publication ("Erkin Too" of February 28, 2001 № 17).

The Government of the Kyrgyz Republic shall be due to bring normative acts into line with the present Law.

Normative legal acts of the Kyrgyz Republic if they do not conflict with the present Law shall be in force until the Legislation of the Kyrgyz Republic shall bring into line with the present Law.

Results of the attestation examinations and registrations of patent attorneys on their basis, executed not earlier before 3 years since this Law comes into force, shall be considered as effective.

President of the Kyrgyz Republic

A.A.Akaev

Adopted by the Legislative Assembly
of Jogorku Kenesh of the Kyrgyz Republic on January 22, 2001.
