

LEGAL ALERT

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July 2019

Temporary protection of rights to industrial designs in Kazakhstan



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A few days ago we received a draft Concept for the draft Law of the Republic of Kazakhstan “On Amendments into some Legislative Acts of the Republic of Kazakhstan related to Intellectual Property Legislation Development” (the “Concept”).

Currently, Kazakhstan has legal protection of industrial designs (“ID”); in this context, the certificate of registration of the ID is issued upon completion of a formal and substantial examinations of the application and is valid for 15 years and can be extended for another 5 years.

The draft Concept in the form in which we received it, suggests the following:

- Provision of a short-term protection to unregistered industrial designs in certain industries which have relatively short period of use in connection with constant development of market for similar goods (for example, in the fashion industry and etc.), and
- Reduction of the “basic” term of validity of the registration certificate of ID and increasing the term of renewal of such certificate.

It is not clear yet; however it can be discussed and worked out in details with the law-making bodies how it is supposed to amend the Patent Law and the Civil Code. However, it is already can be supposed that the



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following amendments are planned.

- publication of applications to register industrial designs;
- possibility of receiving remuneration for use by the third parties of unregistered ID;
- reduction of the basic term of its registration maybe even to 3 years; and
- considerable, however still unclear possible extension of validity term of ID registration certificate.

We believe that the provision of short-term legal protection for published and original, but unregistered ID shall also ensure the protection of the rights of creators and owners of ID from their illegal use, which, in turn, shall require amendments to other legislative and regulatory acts.

As we understand the amendments also have opponents, and Bolotov & Partners LLP is ready to assist its clients in analyzing and developing the suggested amendments.

Our lawyers are engaged in registration, maintenance, transfer and challenging rights to industrial designs and have deep understanding and extensive experience in protecting clients' rights to trademarks, patents and domain names. We shall be happy to assist in above matters. Please contact us via telephone or e-mail info@BolotovIP.com

Yuri Bolotov, Saule Kulzhambekova -July, 2019