

HOW TO GET A EURASIAN PATENT

The applicant has the right to option among the way of protection of his/her **invention** between national procedure of the patent protection separately in each Contracting State and the procedure of receipt of the uniform Eurasian Patent covering **invention** protection for all Contracting States.

What countries are participants of the Eurasian patent convention?

At present participants of the Convention are:

- *Republic of Azerbaijan;*
- *Republic of Armenia*
- *Belorussia*
- *Republic of Kazakhstan*
- *Kirghiz Republic*
- *Republic of Moldova*
- *Russian Federation*
- *Republic of Tajikistan*
- *Turkmenistan*

Filing of the Eurasian application assumes instructions of all the 9 states and at a filing stage it is impossible to limit other lists.

For how many years the Eurasian patent operates?

The term of the Eurasian patent is 20 years from the date of filing of the Eurasian application.

What are the ways of obtaining the Eurasian patent?

To obtain Eurasian patent, the applicant - non-resident has possibility of a choice of procedure of patenting between *actual Eurasian system of application* (registration the Eurasian application and its filing in the Eurasian patent office) or *filing application according to the Contract on patent cooperation (Patent Cooperation Treaty-PCT)*.

At choice of actual Eurasian system of patenting it is necessary to meant, that registration of the Eurasian application, its filing, consideration and delivery of the Eurasian patent is entirely regulated by the rules established by the Eurasian Convention and the Patent instruction.

If the application is submitted by the system PCT, then the initial part of procedure is regulated by rules PCT (international phase), while at the same time as manufacturing order under the application of national phase it is regulated by rules of standard legal certificates EAPO.

In what language the Eurasian application should be filed?

Official language of EAPO is Russian. The statement for delivery of the Eurasian patent is represented in Russian; other documents of the Eurasian application can be submitted in Russian or on other languages.

If documents are in other languages, the applicant should translate the materials of the Eurasian application into Russian within two months from the date of receipt of this application by the Eurasian patent office. If the translation of materials of the Eurasian application into Russian is not represented within these two months, then it can be represented in the next two months under the payment conditions of additional duty.

Who can be the agent for the non-residential applicant?

Applicants who do not have a permanent residence or located in territory of the state - participant of the Convention, should be represented by the *Eurasian patent attorneys*. Appointment of the representative of the manufacturer by the applicant is given through the power of attorney.

What requirements are to be shown in the power of attorney?

The power of attorney is made in simple written form and does not demands notarial assurance. The power of attorney should be present while filing of the Eurasian application or within two months from the date of

application receipt in the Eurasian patent office. If the power of attorney is not presented to this term, it can be represented within four months from the date of a sentence to the applicant an advice on necessity of representation of the power of attorney and under payment conditions of additional duty.

What should the applicant know while claiming to the conventional priority?

If the applicant (or its predecessor) has already been submitted the application for receiving patent for his invention or utility model in the state – participant of the Parisian convention on protection of the industrial property or the World Trade Organization, then, submitting the Eurasian application, the applicant can ask a conventional priority. To take advantage of this right, the Eurasian application should be submitted not later than twelve months from the date of filing of the previous application.

If the Eurasian application is submitted in connection with transition into national phase of international application PCT, then in claiming of priority on the basis of the previous application the applicant should specify:

- date of filing of the previous application(s),
- number of the application(s),
- name of the state(office) in which this application(s) has been submitted.

If the Eurasian application is submitted directly in EAPO, the applicant in addition should represent the copy of the previous application, assured by patent office to which it was submitted. The copy of the previous application should be presented within sixteen months from the date of the earliest priority.

What are the conditions of patentability of an invention?

The Eurasian patent is given on the invention which is new, has degree of inventiveness level and is industrially applicable. Action of Eurasian patent, which has been given for the way of receiving the product, extends also on the product, directly being received by this way.

The invention admits to be new, if it is not a part of previous level of techniques.

The invention has degree of inventiveness level, if it is for expert, evidently does not follow from previous level of techniques.

The invention is industrially applicable, if it can be used in the industrial, agricultural, public health services and other areas.

What documents the Eurasian application should contain?

The Eurasian application should contain:

- statement for delivery of the Eurasian patent,
- description of the invention,
- formula of the invention,
- drawings and other materials if they are necessary for understanding the essence of the invention,
- abstract

To the application attached:

- document confirming payment of uniform procedural duty,
- power of attorney
- copy of the first application (at claiming to conventional priority)

Eurasian application is represented in EAPO in triplicate copies.

What concludes the procedure of consideration of the Eurasian application?

Procedure of application consideration for delivery from the Eurasian patent is divided conditionally into two stages, first stage includes establishment of filing date of the Eurasian application for carrying out of formal expertise, search according to the application and publishing the application, and then second stage begins with examination carrying out in essence and ends with delivery and patent publication.

During carrying out of formal expertise – investigates presence and correctness of official registration papers, observance of formal requirements preferred to materials in the applications are also checked.

In case of positive result formal expertise for patent search is carried out.

After dowel of the report on patent search the Eurasian office sends it to its applicant. This stage ends with publication of the application and report on patent search after a span of 18 months from the date of its filing or if priority is demolished, from the date of priority, or according to the petition of the applicant before the specified term under payment conditions of additional duty.

Expertise of the declared invention in essence is spent under condition of giving corresponding petition of the applicant and taking into account the analogues revealed in the course of patent search. If it is established that the invention replies patentability conditions, the Eurasian patent office makes decision on delivery of the Eurasian patent.

After the decision made for delivery of the Eurasian patent by the Eurasian patent office, its registration is carried out in the Eurasian Patent Registry with an assignment number.

What duties are considered as obligatory?

Procedure of delivery of the Eurasian patent provides stage-by-stage **payment of duties** during consideration of the application and patent delivery:

1. Single procedural duty on filing of Eurasian application – **25500 rubles** (additional duty for each point in the formula of the invention above the fifth – 2200 rubles);

2. for carrying out substantive examination of the Eurasian application - **25500 rbl.** in concern to one invention (in concern to a group of inventions - an addition of 19000 rbl.)

3. for delivery of the Eurasian patent and its publication - **16000 rbl.**

Whether there are any privileges on payment of duties for applicants?

If the application contains reports on the international search or reports on searches of international type, prepared by one of the international search department, then the duty on application decreases by 25 % for those inventions on which the report is and if such reports are prepared by Federal Agency of intellectual property, patents and trade marks — by 40 %.

Persons having permanent residence or located in territory of any states - participants of the Parisian convention, in which the level of total national income per capita, does not exceed \$3000 USA, pays a number of duties under the reduced rate 80 % (to list of these states)

What is necessary to know for maintenance of patent in force?

The Eurasian patent after its delivery enforces in all Contracting State, which are on the date of Eurasian application receipt in the Eurasian patent department as participants of the Convention. Territorial expansion of sphere of action of the Eurasian patent is not provided.

For maintenance of the Eurasian patent in force it is necessary annually to pay the annual fee after its delivery till the date corresponding to the date of filing of the Eurasian application, which is equivalent to the sum of the annual duties established by each of the Contracting State for maintenance in enforcement of the Eurasian patents in their territory.

The annual duty on maintenance in enforcement of the Eurasian patent is paid to the Eurasian patent office which carries out in transfer of the corresponding paid sums to each of the Contracting State in which the Eurasian patent is valid.

The subsequent action of the Eurasian patent extends on those Contracting States, in relation to which the patent-owner gives the corresponding instructions. The countries, in which the patent-owner intends to support the Eurasian patent, are specified to them on payment of the annual duty for each next year of patent actions.

Contracting States have established various terms, initiating with the annual duties on maintenance of the Eurasian patent in force.

In Azerbaijan Republic, Belorussia, Republic of Kazakhstan, Kirghiz Republic, Russian Federation, Republic of Tajikistan annual duties on maintenance of the Eurasian patent in enforce are raised from the third year of action of the Eurasian patent; in Republic of Armenia — from the second year; in Republic of Moldova and Turkmenistan — from the first year.

What term is occupied by the expertise for Eurasian application before receiving patent?

Average term for consideration of application in Eurasian patent office is from the date of its filing to patent reception and usually prolongs for 12-18 months. In payment of additional tariffs it is possible to accelerate procedure for consideration of the Eurasian application.

	Acceleration carrying out for formal examination at the desire of the applicant:	Rbl.
1.	within five working days.	3000
	within ten working days.	1500
2.	Accelerated publication at the desire of the applicant for the Eurasian application.	1500
	Acceleration carrying out at the desire of the applicant for substantive examination:	
3.	within three months.	3000
	within two months.	6500
	within a month.	10000
4.	Acceleration publication of Eurasian patent.	1500

What services our company can render you?

Being a Eurasian patent attorneys, our company can render You with a qualified help in preparation of the Eurasian application, translation of description of the invention into Russian and its adaptations to requirements of the Patent instruction to the Eurasian Patent Convention, application in EAPO and clerical duties conducting under the application before reception of the patent and its further maintenance in enforcement.

If you decide to obtain Eurasian patent for the invention we would like to ask to direct us to our address (by fax, e-mail) with information including:

1. The full text of the description, formulas, abstract, drawings (in Russian, English, German or French languages);
2. Data on the applicant(s) with instructions of the address of a residence/location;
3. Data on the author(s) with instructions of the residential address.
4. Data on earlier submitted applications (№ of applications, priority date, filing country);
5. The full contact information (your address, phone, fax, E-mail)

We in-turn within one working day after receiving your report, will give you a reckoning of cost, which includes the following positions:

- duties of EAPO taking into account quantity of points in the formula;
- privileges of the applicant;
- translation into Russian and its adaptation application according to requirements of the Patent instruction;
- service-charges of our company.
 - a) \$750 USD for filing an application
 - b) \$200 USD for carrying out substantive examination. (not including VATs of 18%)

Please feel free to contact me at the under mentioned contact details in the event of any query.

Sincerely yours,

Mr. Alexander Leonov,

Director General,

Patent attorney of the Russian Federation, Eurasian patent attorney,

In & on behalf

Mr. Samir Rahman, International Department Manager +7(495)232-39-68