

**BELARUS**  
**Law of the Republic of Belarus**  
**On Patents for Inventions, Utility Models, and Industrial Designs**  
December 16, 2002 No 160-Z  
Amended as of December 22, 2011

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**CHAPTER 1. LEGAL PROTECTION OF INVENTION, UTILITY MODEL, AND INDUSTRIAL DESIGN**

**Article 1. Patent for Invention, Utility Model, and Industrial Design**

1. The right to an invention, utility model, and industrial design is protected by the state and is certified by a patent.

2. The patent for invention, utility model and industrial design certifies the authorship, priority of invention, utility model, and industrial design and the exclusive right to their use.

3. The patent is in effect from the date of submitting the application for the patent for invention, utility model, industrial design (unless otherwise indicated hereinafter - application) to the state institution "The National Center of Intellectual Property" (hereinafter - the patent body):

patent for invention - within twenty years. If from the date of submission of the application for patent for invention (unless indicated otherwise hereinafter - invention application) relating to a medicine, pesticide or agricultural chemical, for the use of which a permission of the authorized body is required in accordance with the legislation, more than five years have passed, the term of validity of the patent for this invention shall be prolonged by the patent body at the petition of the patentee. The term of validity of the patent shall be prolonged for the period which has passed from the date of submission of invention application till the date of receipt of the first permission to use the medicine, pesticide or agricultural chemical, in which the invention is used, minus five years. In this instance the term of validity of the patent may not be prolonged for more than five years. The petition for the extension of the validity term of the patent shall be filed within the validity term of the patent prior to the expiration of six months from the date of receipt of the first permission for the use of the medicine, pesticide or agricultural chemical, in which the invention is used, or the date of publication of the data about the patent in the official bulletin of the patent body (hereinafter - the official bulletin) depending on which of these time limits expires later;

the patent for utility model - within five years with a possible prolongation of this term by the patent body at the petition of the

patentee, but not more than for three years. The petition about the prolongation of the validity term of the patent for utility model shall be submitted to the patent body prior to the expiry of the validity term of the patent;

the patent for industrial design - within ten years with a possible prolongation of this term by the patent body at the petition of the patentee, but not more than for 5 years. The petition about the prolongation of the validity term of the patent for industrial design shall be submitted to the patent body prior to the expiry of the validity term of the patent.

The procedure for extension of validity terms of the patent for invention, the patent for utility model, the patent for industrial design is determined by the Council of Ministers of the Republic of Belarus, unless otherwise established by the President of the Republic of Belarus.

4. When computing the time limits mentioned in clause 3 of the present Article in relation to the patent granted on the application with the priority in accordance with clause 6 of Article 16 of the present Law, the date of filing the application is recognized to be the date of filing the first application.

5. The scope of legal protection granted by a patent for invention or utility model is determined by the claim (claims) of the invention or utility model. The claims of an invention (utility model) are a logic definition of the invention (utility model) by the total set of all its essential features. The description and the drawings are used only for interpretation of the claims of the invention (utility model).

6. The scope of legal protection granted by the patent for industrial design is determined by graphic images of the product (by a model, drawing) (hereinafter - images).

7. The procedure for granting the legal protection to inventions, utility models and industrial designs, recognized under the established procedure secret and the procedure of processing secret inventions, utility models and industrial designs are established by the legislation.

## **Article 2. Conditions for Granting Legal Protection to the Invention**

1. The present Law grants legal protection to an invention in any field of technology if it relates to a product or method, is new, has inventive step, and is industrially applicable.

For the purposes of the present Law the "product" means a thing as the result of the human work, the "method" - a process, way or method of carrying out inter-connected actions at an object(s) and also the application of a process, way, treatment or product for a certain purpose.

The invention is new if it is not a part of the prior art.

The invention has inventive level if it is not derived from the prior art in a manner obvious for a skilled person.

The prior art includes any information that became public in the world before the priority date of the invention. When the novelty of the invention is established, the prior art also include all applications, provided that they have an earlier priority date, filed, and not withdrawn, in the Republic of Belarus by other persons for patents for an invention and utility model, and inventions and utility models patented in the Republic of Belarus.

The invention is industrially applicable if it can be used in the industry, agriculture, healthcare and other spheres of activity.

The disclosure of information relating to the invention by the author, applicant or any person that has received this information from them directly or indirectly, which made public the information of the essence of the invention is not recognized to be a circumstance preventing the patentability of the invention, if the application for the invention is submitted to the patent body not later than 12 months from the date of disclosure of the information. In this instance the burden of proof of this fact is placed on the applicant.

2. The following is not considered inventions:

discoveries and also scientific theories or mathematical methods;

decisions concerning only the appearance of the product and aimed at the satisfaction of esthetic needs;

schemes, rules and methods for performing mental acts, playing games or doing business, and also algorithms and programs for electronic data processing machines;

simple presentation of information.

The mentioned objects and kinds of activity are not considered inventions in accordance with the present Law only in case if the

application for the invention concerns only those objects and kinds of activities as such.

3. The present Law does not grant legal protection as an invention to: plant and animal varieties; topologies of integrated circuits.

In accordance with the present Law are not considered as patentable inventions contrary to public interests, principles of humanity and morality.

### **Article 3. Conditions of Granting Legal Protection to the Utility Model**

1. The present Law recognizes as utility model to which the legal protection is granted a technical solution relating to devices and being new and industrially applicable.

The industrial model is new, if the set of its essential features does not form part of the state of the art.

The state of the art includes any information about the devices of the same purpose as the claimed utility model, which has been made available to public before the date of priority of the utility model and also the information about its open use in the Republic of Belarus. When the novelty of a utility model is being established, the state of the art also includes all applications, provided that they have an earlier priority date, filed, and not withdrawn, in the Republic of Belarus by other persons for patents for an invention and utility model, and inventions and utility models patented in the Republic of Belarus.

The utility model is industrially applicable if it can be used in the industry, agriculture, healthcare and other spheres of activity.

The disclosure of information relating to the utility model by the author, applicant or any person that has received this information from them directly or indirectly, which has made the information about the essence of the utility model available to the public is not recognized to be a circumstance preventing the patentability of the utility model, if the application for the patent for the utility model (unless otherwise indicated hereinafter - application for utility model) is submitted to the patent body not later than 12 months from the date of disclosure of the information. In this instance the burden of proof of this fact is placed on the applicant.

2. The legal protection is not granted in accordance with clause 1 of the present Article to:

decisions concerning only the appearance of the product and aimed at the satisfaction of aesthetic needs;

decisions being contrary to public interests, principles of humanity and morality.

#### **Article 4. Conditions of Granting the Legal Protection to the Industrial Design**

1. The present Law recognizes as industrial design to which the legal protection is granted, an artistic or artistic and engineering solution of a product, which determines its appearance and is novel and original. In this instance the product is understood an article of industrial or handicraft production.

The industrial design is recognized to be new if it is unknown from the information that has been made available to the public in the world before the date of priority of the industrial design.

When establishing the novelty of the industrial design, all applications earlier submitted, and not withdrawn, in the Republic of Belarus by other persons for the patent for industrial design, and also industrial designs patented in the Republic of Belarus, are taken into consideration.

The industrial design is recognized to be original if the specific features of the appearance of the product are its substantial features are derived from the creative work of the author (co-authors) of the industrial design.

The disclosure of information relating to the industrial design by the author, applicant or any person that has received this information from them directly or indirectly, which has made the information about the essence of the industrial design available to the public is not recognized to be a circumstance affecting the patentability of the industrial design, if the application for the patent for the industrial design (unless otherwise indicated hereinafter - application for industrial design) is submitted to the patent body not later than six months from the date of disclosure of the information. In this instance the burden of proof of this fact is placed on the applicant.

2. The legal protection is not granted in accordance with clause 1 of the present Article to:

solutions derived exclusively from a technical function of the product;

solutions being contrary to public interests, principles of humanity and morality;

objects of architecture (including industrial, hydro-technical and other stationary structures) except for small pieces of architecture;

printed products as such;

objects with unstable shape from liquid, gaseous, free-flowing and similar substances.

## CHAPTER 2 AUTHORS AND PATENT OWNERS

### **Article 5. Author of the Invention, Utility Model, and Industrial Design**

1. The author of the invention, industrial model and industrial design is recognized to a natural person by whose creative work they are created.

A person indicated as the author in the application is deemed to be the author of the invention, utility model, industrial design, unless otherwise proved.

2. If the invention, utility model, and industrial design are created by joint creative work of two and more natural persons they are recognized co-authors. The order of enjoying the rights belonging to the co-authors is determined by an agreement among them.

3. The natural persons that did not make a personal creative contribution to the creation of the invention, utility model, and industrial design, but who rendered the author (co-authors) only technical, organizational or material assistance or only as facilitated the registration of rights to the invention, industrial model, and industrial design and their use, are not recognized to be co-authors.

### **Article 6. Patent Owner**

1. The patent owner (patent owners) is (are) a person (persons) to whom the patent for invention, utility model or industrial design is granted.

2. The right to obtain the patent belongs to:  
author (co-authors) of the invention, utility model, and industrial design;  
natural or legal person being the employer of the author of the invention, utility model, and industrial design in cases provided by clause 3 of the present Article;  
natural and/or legal person or several natural and/or legal persons to which the right to obtain the patent was transferred by the persons specified in indents two and three of this clause before the date of registration of the invention, utility model, and industrial design;  
successor (successors) of the persons specified in the present clause.

3. The right to obtain the patent for a service invention, utility model, and industrial design, created by an employee belongs to the employer, unless otherwise stipulated by the contract concluded between them.

Invention, utility model, and industrial design are deemed to be service ones if they relate to the field of activity of the employer provided that the activity that has led to their creation relates to the official duties of the employee or they are created in connection with the execution of a concrete task received by the employee from the employer or in the course of their creation the employee used the experience or means of the employer.

The employee who has created a service invention, utility model, and industrial design is obliged to notify the employer about it in a written form. If the employer within three months from the date of notification by the employee about created invention, utility model, and industrial design does not submit the application to the patent body, does not notify the employee about keeping them secret or about assigning the right to obtain the patent to another person, the right to obtain the patent is transferred to the employee. In this instance the employer is entitled to use the invention, utility model, and industrial design on the conditions determined by a licensing contract. If the employer obtains the patent for a service invention, utility model, and industrial design or takes the decision to keep them secret or to assign the right to obtain the patent to another person or does not obtain the patent on the application filed by him due to the causes that depend on him, the employee has the right to reward. The reward is paid in the amounts and on the conditions, determined by an agreement between the employee and the employer.

In case there is no agreement between the parties about the amount and order of payment of the remuneration, the dispute is considered by the court. The order and conditions of the reward, and also the minimal amount of the reward, are determined by the Council of Ministers of the Republic of Belarus. For a non-timely payment of the reward determined by the contract the guilty employer bears the liability in accordance with the legislation.

Termination of the labor contract does not affect the rights and duties of the employee and the employer, arising in connection with creation of service invention, utility model, and industrial design. The application for service invention, utility model, and industrial

design may be also filed by the employer before the expiry of one year from the moment of termination of the labor contract. Upon expiry of one year the right to file the application for service invention, utility model, and industrial design is transferred to the employee. Other relations arising in connection with creation of service invention, utility model, and industrial design are regulated by the legislation.

## CHAPTER 3 RIGHTS TO INVENTION, UTILITY MODEL, AND INDUSTRIAL DESIGN

### **Article 7. Author's Rights**

1. The author of an invention, utility model, and industrial design possesses moral rights and economic rights related to them.

2. The right to authorship (right to be recognized as the author) is a moral right and is protected indefinitely. The right to authorship is inalienable and non-transferable.

### **Article 8. Rights and Duties of the Patent Owner**

1. The patent owner possesses the exclusive right to use the patented invention, utility model, and industrial design.

The exclusive right to use the invention, utility model, and industrial design includes the right to use the invention, utility model, and industrial design at his own discretion if it does not violate the rights of other persons and also includes the right to prohibit the use of the invention, utility model, and industrial design to other persons.

2. The exclusive right to use the patented invention being the way to obtain a product covers also the product directly obtained in this way. In this instance the new product is deemed received in the patented way, until otherwise proved.

3. The exclusive right to use the patented invention, utility model, and industrial design is carried out by the patent owner within the period of validity of the patent starting from the date of publication of the information on the issue of this patent in the official bulletin.

4. The patent owner must use the rights granted by the patent without damaging the rights of other persons, interests of the society and the state.

5. At the request of the patent owner, the infringement of his exclusive right shall be terminated, and the person guilty of the infringement must compensate the patent owner the damages in accordance with legislation.

**Article 9. Actions Being Infringement of the Exclusive Right of the Patent Owner**

The infringement of the exclusive right of the patent owner is recognized to be the following actions carried out without his consent: manufacturing, using, importing, offering for sale, selling, other introduction into the civil turnover or storage for these purposes of the product or article manufactured using the patented invention, utility model, and industrial design, and also committing the mentioned actions in relation to a medium the functioning or exploitation of which in accordance with its purpose implements the method protected by the patent;

application of the method protected by the patent for the invention or introduction into the civil turnover or storage for these purposes of a product manufactured directly through the method protected by the patent for the invention.

**Article 10. Actions Not Recognized as Infringement of the Exclusive Right of the Patent Owner**

The following is not recognized as an infringement of the exclusive right of the patent owner:

application of the means in which inventions, utility models, and industrial designs protected by the patent are used, in the construction or at the exploitation of transportation means (sea, river, air, road and space) of other countries provided that the mentioned means temporarily or accidentally are in the territory of the Republic of Belarus and are used for the needs of the relevant transportation means. Such action is not recognized as infringement of the exclusive right of the patent owner, if the transportation means belong to the citizens or legal persons of the countries granting the same rights to the citizens and legal persons of the Republic of Belarus;

conducting scientific research or experiment on the means in which the invention, utility model, and industrial design protected by the patent are used;

application of the means containing inventions, utility models, and industrial designs protected by the patent in cases of occurrence of extraordinary or unavoidable circumstances at the given conditions (force majeure) with the subsequent payment to the patent owner of a proportionate compensation;

application of the means in which inventions, utility models, and industrial designs protected by the patent are used for the personal needs without obtaining the profit;

one time manufacturing of the medicines at the chemist drug stores on the prescription of a doctor with application of the invention protected by the patent;

using, importing, offering for sale, selling, importing or storage for these purposes of the product or article containing the invention, utility model, and industrial design protected by the patent and introduced into the civil turnover in the Republic of Belarus without infringement of rights of the patent owner.

**Article 11. Assignment of the Patent, Transfer of Rights Deriving from the Patent to Another Person, Transfer of Rights to Patent, Pledge of Economic Rights**

1. The patent owner may, under a contract, assign the patent to another natural or legal person and also to transfer the right to use the invention, utility model, and industrial design to another natural or legal person under a licensing contract.

2. The exclusive right of the patent owner to use the patented invention, utility model, and industrial design and also the author's right to reward are transferred to other persons by way of succession, including by inheritance.

3. The economic rights attested by the patent may be the subject matter of pledge.

## CHAPTER 4 OBTAINING THE PATENT

### **Article 12. Filing the Application**

1. The application is filed with the patent body by the applicant. The applicant (applicants) is (are) a person (persons) having (possessing) the right to obtain the patent in accordance with clause 2 of Article 6 of the present Law.

Filing the application with the patent body, conducting the affairs with the patent body may be carried out by the applicant independently or through a patent agent registered in the patent body

2. The application submitted through a patent agent must be accompanied by a power of attorney issued to him by the applicant (applicants).

3. The requirements to the documents, the order of conducting expert examination of the application and taking the decision according to its results are established by the Council of Ministers of the Republic of Belarus.

### **Article 13. Application for the Invention**

1. The application for the invention must relate to one or a group of inventions so linked among them as to form a single general inventive concept (requirement of unity of invention).

2. The application for invention must contain:

2.1. request to grant the patent with indication of the author (co-authors) of the invention and the person (persons) on whose behalf the patent is asked and also their place of residence or the place of stay;

2.2. description of the invention disclosing it sufficiently clear and complete to be carried out;

2.3. claims of the invention expressing its essence and fully supported by the description;

2.4. drawings if they are necessary for understanding the essence of the invention;

2.5. abstract.

3. The date of filing the application for invention with the patent body is established according to the date of receipt of the documents necessary for establishing the priority in accordance with clause 1

of Article 16 of the present Law, and if the mentioned documents are submitted not at the same time - according to the date of receipt of the last document.

4. Together with the application for invention or within two months from the date of receipt of such application by the patent body, a document is to be submitted confirming the payment of patent duty in the established amount or the exemption from the payment of patent duty, or a document confirming a partial payment of patent duty simultaneously with the documents confirming the presence of grounds for reducing the duty amount. In case of not presenting the mentioned documents within the established time limit, the decision shall be taken about the refusal to accept the application for invention.

#### **Article 14. Application for the Utility Model**

1. The application for the utility model must relate to one utility model or a group of utility models linked among them as to form a single general inventive concept (requirement of unity of utility model).

2. The application for utility model must contain:

2.1. request to grant the patent with indication of the author (co-authors) of the utility model and the person (persons) on whose behalf the patent is asked and also their place of residence or the place of stay;

2.2. description of the utility model disclosing it sufficiently clear and complete to be carried out;

2.3. claims of the utility model expressing its essence and fully supported by the description;

2.4. drawings if they are necessary for understanding the essence of the utility model;

2.5. abstract.

3. The date of filing the application for utility model with the patent body is established according to the date of receipt of the documents necessary for establishing the priority in accordance with clause 1 of Article 16 of the present Law, and if the mentioned documents are submitted not at the same time - according to the date of receipt of the last document.

4. Together with the application for utility model or within two months from the date of receipt of such application by the patent body, a document is to be submitted confirming the payment of patent duty in the established amount or the exemption from the payment of patent duty, or a document confirming a partial payment of patent duty simultaneously with the documents confirming the presence of grounds for reducing the duty amount. In case of not presenting the mentioned documents within the established time limit, the decision shall be taken about the refusal to accept the application for utility model.

#### **Article 15. Application for the Industrial Design**

1. Application for the industrial design must relate to one industrial design or to a group of industrial designs belonging to one class of the International Classification established by the Locarno Agreement of October 8, 1968 (requirement of the unity of industrial design).

2. Application for the industrial design must contain:

2.1. request to grant the patent with indication of the author (co-authors) of the industrial design and the person (persons) on behalf of who the patent is asked and also their place of residence or the place of stay;

2.2. set of images giving a full detailed idea about the appearance of the product;

2.3. description of the industrial design, including its essential features. Essential features of the industrial design include features that determine aesthetic and/or ergonomic peculiarities of the appearance of the product, its shape and configuration, ornament and colour scheme.

3. The date of filing the application for industrial design with the patent body is established according to the date of receipt of the documents necessary for establishing the priority in accordance with clause 2 of Article 16 of the present Law, and if the mentioned documents are submitted not at the same time - according to the date of receipt of the last document.

4. Together with the application for industrial design or within two months from the date of receipt of such application by the patent body, a document is to be submitted confirming the payment of patent duty in the established amount or the exemption from the payment of patent

duty, or a document confirming a partial payment of patent duty simultaneously with the documents confirming the presence of grounds for reducing the duty amount. In case of not presenting the mentioned documents within the established time limit, the decision shall be taken about the refusal to accept the application for industrial design.

#### **Article 16. Priority of the Invention, Utility Model, and Industrial Design**

1. The priority of invention, utility model is established on the date of filing with the patent body of the application for invention, utility model, containing a request for the grant of the patent, description, claims of the invention, utility model, and drawings if there is a reference to them in the description.

2. The priority of the industrial design is established on the date of filing with the patent body of the application for industrial design, containing a request for the grant of the patent and a set of images.

3. The priority can be established according to the date of filing the first application in a state party to the Paris Convention on Protection of Industrial Property (conventional priority) if the filing with the patent body of the application for invention, utility model is carried out within twelve months, and for the industrial design - within six months, from the date of filing the first application. Upon a petition of the applicant, this time limit may be prolonged by the patent body, but not more than by two months.

The applicant wishing to use the right of conventional priority in relation to the application for invention is obliged to note that upon the filing of the application for invention or within two months from the date of receipt of the application by the patent body and to present a certified copy of the first application not later than sixteen months from the date of its filing. In case of non-observance of the mentioned time limit, upon the petition of the applicant filed before its expiration, the right of priority may be restituted provided that the copy of the first application is requested by the applicant not later than fourteen months from the date of filing the first application and is presented to the patent body within two months from the date of its receipt by the applicant.

The applicant wishing to use the right of conventional priority in relation to the application for utility model or industrial design is

obliged to note that upon filing the application for utility model or industrial design or within two months from the date of receipt of the application utility model or industrial design by the patent body.

4. The priority may be established according to the date of receipt of additional materials if they are formalized by the applicant as an independent application filed before the expiration of the three-month term from the date of receipt by the applicant of the notification of the patent body about impossibility to take into account of the additional materials in connection with recognition thereof as changing the essence of the claimed invention, utility model or industrial design and on the date of its filing, the application under which the additional materials have been presented, is not recalled.

5. The priority may be established on the date of filing with the patent body of an earlier application of the same applicant, disclosing the essence of this invention, utility model, industrial design, not recalled on the date of filing the application under which such priority is asked if the submission of this application is carried out not later than twelve months from the date of filing the earlier application for invention and not later than six months from the date of filing an earlier application for utility model, industrial design. In case of submitting the application with claiming the mentioned priority on the earlier application, the decision about the refusal of the grant of the patent shall be taken.

The priority may not be established according to the date of filing the application under which the earlier priority has already been asked.

6. The priority of the invention, utility model, and industrial design at a divisional application is established on the date of filing of the first application disclosing their essence with the patent body by the same applicant, and when there is the right to establish an earlier priority according to the first application - on the date of this priority if on the date of filing the divisional application, the first application has not been recalled and the filing of the divisional application is carried out before the moment of expiration of the time limit for appealing the decision about the refusal to grant the patent, and in case of taking the decision to grant the patent on the first application - before the date of registration of

the invention, utility model, and industrial design in accordance with Article 28 of the present Law.

For the purposes of the present Law the "divisional application" means an application that can be detached from the first application, if the first application is filed with violation of the requirement of unity of invention, utility model or industrial design. The divisional application for invention may be filed by the applicant of the first application also in the cases, if:

invention was not included into the claims of the invention upon filing the application for invention, but disclosed in the description of the application for invention;

a group of inventions have been claimed for obtaining one patent, but the applicant decided to receive the patent for every invention.

7. The priority of invention, utility model, and industrial design may be established on the basis of several applications filed earlier or additional materials to them subject to observance of the conditions determined by clauses 3 - 6 of the present Article.

8. If in the course of expert examination of the application it is established that identical inventions, utility models, industrial designs have the same date of priority, so the patent is issued on the application determined by an agreement between the applicants. The applicants shall inform the patent body about an agreement reached within two months after the receipt by them of a respective notice of the patent body. In case of absence of the said agreement, the decision shall be taken about the refusal to grant the patent on the applications.

When the patent is granted, all authors of identical inventions, utility models, and industrial designs are indicated as co-authors.

#### **Article 17. Introduction of Changes into Application Materials**

1. The applicant has the right to introduce into materials of an application for invention corrections and clarifications not changing the essence of the claimed invention before the patent body takes the decision about the grant or about the refuse to grant the patent under the application on invention.

The applicant has the right within two months from the date of filing the application for utility model, industrial design to introduce into

its materials corrections and clarifications not changing the essence of the claimed utility model, industrial design.

Additional materials change the essence of the claimed invention, utility model if they contain the features subject to inclusion in the claims of the invention, utility model, absent in the first description (claims) of the invention, utility model.

Additional materials change the essence of the claimed industrial design if they change the appearance of the product present in the first images.

2. Changes in indication of the applicant upon transferring the right to obtain the patent or changes occurred as a result of change of the designation of the applicant and also correction of obvious and technical mistakes in the documents of the application may be effected before the date of registration of the invention, utility model, and industrial design.

#### **Article 18. Expert Examination of the Application for Invention**

1. The expert examination of the application for invention is conducted by the patent body in accordance with the present Law and resolutions of the Council of Ministers of the Republic of Belarus. The expert examination of the application for invention includes the preliminary and patent expert examination.

2. If the applicant presents additional materials of the application for invention, it is checked whether or not they change the essence of the claimed invention.

Additional materials in the part changing the essence of the claimed invention are not taken into account in the course of consideration of the application for invention and may be formalized by the applicant as an independent application.

3. If the application for invention is filed with violation of the requirement of unity of invention, the patent body offers to the applicant to report within two months from the date of receipt of the relevant notification which of the inventions shall be considered and, if necessary, to introduce the clarifications to the documents of the application for invention.

In case when the applicant does not report within two months after the receipt of the notification of the patent body on violation of the

requirement of unity of invention which of the inventions should be considered and does not present the clarified documents, the consideration of the invention mentioned as the first in the claims of the invention shall be effected.

4. The application for invention may be recalled by the applicant before the date of registration of the invention.

**Article 19. Preliminary Expert Examination of the Application for Invention**

1. Preliminary expert examination of the application for invention (hereinafter - preliminary examination) is conducted within three-month period from the date of its receipt by the patent body.

2. In the course of conducting the preliminary examination the presence of documents contained in the application for invention, observance of requirements established for them are checked and the question whether or not the claimed solution relates to the objects that can be recognized inventions.

3. The patent body directs to the applicant a notification in the written form about this decision taken according to the results of preliminary examination and also about the date of filing the application established in accordance with Article 16 of the present Law within five working days from the date of taking the decision.

4. If in the course of preliminary examination it is established that the claimed solution relates to the objects that are not considered inventions in accordance with the present Law, the decision about the refusal to grant the patent shall be taken.

5. If submitted documents or data contained in them do not conform to the established requirements, the patent body directs a query to the applicant with a proposal to submit materials drawn up duly within a two-month period from the date of receipt of the query. Upon a petition of the applicant this time limit may be prolonged, but not more than by three months providing that the petition has arrived before the expiration of this time limit.

If the applicant has not presented required documents or a petition about prolongation of the established time limit, the decision about

the refusal to grant the patent for invention shall be taken, about which the applicant shall be informed.

**Article 20. Publication of Data about Application for Invention**

1. Data about the application for invention that has passed the preliminary examination according to the results of which a positive decision is taken is published in the official bulletin after the expiration of eighteen months from the date of filing of such application and if the priority is claimed - from the date of the earliest priority. The list of the published data is determined by the patent body.

2. At the petition of the applicant, the patent body may publish the data about the application for invention prior to the time limit established by clause 1 of the present Article.

3. After the publication of data about the application for invention, any person is entitled to look through its materials being in the patent body.

4. The data about the application for invention are not published if prior the expiration of the time limit for publication it is recalled or the decision about the grant of the patent has been taken or its registration in the State Register of Inventions is effected or the decision about the refusal to grant the patent has been taken, the possibility of appealing which are exhausted.

5. The author of the invention is entitled to refuse to be mentioned as such in the data published about the application for invention, unless he is the applicant.

**Article 21. Patent Expert Examination of the Application for Invention**

1. When filing the application for invention or within three years form the date of filing of the application for invention with the patent body, the applicant or any interested person files the petition to the patent body about holding a patent expert examination of the application for invention (hereinafter - patent examination). In case the petition on holding the patent examination is not received within

the mentioned period, the decision about the refusal to grant the patent for invention shall be taken.

2. In the course of patent examination the patentability of the invention is checked and the priority of the invention is established.

3. In the period of holding the patent examination in case the data contained in the documents presented in accordance with clause 2 of Article 13 of the present Law do not comply with established requirements, the patent body is entitled to request from the applicant the documents duly drawn up, including the changed claims of the invention.

The applicant is entitled, within one month from the date of receipt of the mentioned request of the patent body, to inquire the patent body about the copies of the materials opposed in the course of the patent examination to his application for invention.

The additional materials requested by the patent body, drawn up in due manner, must be presented without the change of the essence of the invention within two months from the date of receipt by the applicant of the request or copies of the materials opposed to the application for invention. Upon a petition of the applicant this time limit may be prolonged, but not more than for twelve months provided that the petition has arrived before the expiration of this time limit.

In case, if the applicant does not present, within the mentioned time limit, the documents duly drawn up or a petition on prolongation of the time limit for presenting the answer to the request of the patent body, the decision about the refusal to grant the patent shall be taken.

Documents duly drawn up, presented by the applicant, are not taken into consideration in the part changing the essence of the claimed invention when processing the application for invention, about which the applicant shall be informed.

4. If as a result of conducted patent examination it is established that the claimed invention expressed in the claims of the invention offered by the applicant complies with the terms of patentability, the patent body takes the decision about the grant of the patent with such claims and with indication of the established priority.

If in the course of the patent examination is established that the applicant filed several application for identical inventions, the

patent is granted only on the application for invention with the earliest priority.

5. At establishing the non-compliance of the claimed invention expressed by the claims proposed by the applicant with the terms of patentability, the patent body takes the decision to refuse to grant the patent.

The decision about the refusal to grant the patent is taken also in the case when the applicant does not change the claims of the invention after being notified about the fact that the claims proposed by him characterizes the invention complying with the terms of patentability but contain the features absent in the first description (claims) of the invention.

6. The patent body shall send a notification to the applicant in written form within five working days from the date of taking the decision taken according to the results of the patent examination and also about establishing the priority of the invention.

7. The applicant is entitled to request the copies of the materials opposed to his application for invention as a result of conducting the patent examination within one month from the date of receipt of the decision on the application for invention.

8. The decision about the grant of the patent may be revised by the patent body before the registration of the invention in connection with the receipt of an application for invention, utility model enjoying an earlier priority in accordance with clauses 3-6 of Article 16 of the present Law and also in connection with detecting an application or a granted patent for identical invention or utility model with the same priority.

9. The patent body may revise the decision on the results of the patent examination if it has been taken with violation of the order of processing the application for invention established by the present Law. The decision about granting the patent may be revised before the registration of the invention in the State Register of Inventions.

10. When the applicant does not agree with the decision of the patent body about the refusal to grant the patent, the applicant has the

right, within three-month time limit from the day of receipt of the decision or copies of the materials requested by him, which were opposed to the application for invention, to apply to the patent body with a petition on holding a repeat patent examination.

11. The repeat patent examination is held within six months from the day of receipt by the patent body of the relevant petition of the applicant.

#### **Article 22. Temporary Legal Protection of Invention**

1. The claimed invention is granted temporary legal protection in the amount of the published claims of invention from the date of publication of the data about the application for invention till the date of publication of the data about the patent.

2. A natural or legal person using the claimed invention within the period of validity of its temporary legal protection shall pay monetary compensation to the patent owner after the receipt of the patent for invention. The amount and order of paying such compensation are determined by an agreement of the parties, and in case of a dispute - through court proceedings.

3. Temporary legal protection is considered as not existing if the application for invention is recalled or the decision about the refusal to grant the patent has been taken, the possibility of appealing which are exhausted.

#### **Article 23. Expert Examination of the Application for Utility Model**

1. The expert examination of the application for utility model is conducted by the patent body in accordance with the present Law and resolutions of the Council of Ministers of the Republic of Belarus.

2. In the course of the expert examination of the application for utility model, the compliance of the claimed utility model with the conditions of patentability established by the present Law is not checked.

3. In the course of holding the expert examination of the application for utility model, availability of the necessary documents, observance of the requirements established for them shall be checked and the

question whether the claimed proposal relates to subject matters of the utility model shall be considered.

4. The expert examination of the application for utility model is conducted within three months from the date of its receipt by the patent body.

5. If as a result of the expert examination of the application for utility model it is established that the application for utility model is drawn up on the proposal that does not relate to subject matters of the utility model, the patent body takes the decision about the refusal to grant the patent.

6. If submitted documents or data contained in them do not conform to the established requirements, the patent body directs a query to the applicant with a proposal to submit duly drawn up or absent documents within a two-month period from the date of receipt of the query. Upon a petition of the applicant this time limit may be extended, but not more than for twelve months provided that the petition has arrived before the expiration of this time limit.

If the applicant has not presented required documents or a petition for the extension of the established time limit, the decision about the refusal to grant the patent shall be taken, about which the applicant shall be informed.

7. If on the application for utility model the applicant submits additional documents, in the course of the expert examination it is checked whether they change the essence of the claimed utility model.

8. Additional materials in the part changing the essence of the claimed utility model are not taken into account in the course of consideration of the application for utility model and may be formalized by the applicant as an independent application for utility model.

9. If the application for utility model is submitted with violation of the requirement of unity of utility model, the applicant is offered to inform within two months term which of the proposals shall be considered and to specify the relevant description, claims of the utility model and the drawings.

In case when the applicant does not inform within two months after the receipt of the notification about violation of the requirement of unity of utility model which of the proposals should be considered and does not present the clarified documents, the decision about the refusal to grant the patent shall be taken.

10. The applicant and interested persons have the right to petition for conducting information search on the application for utility model for determining the state of the art in comparison with which the estimation of the novelty of the utility model can be carried out. The order of holding the information search and presentation of the data about it is determined by the Council of Ministers of the Republic of Belarus.

11. If as a result of expert examination of the application for utility model it is established that the application is submitted for the proposal relating to the subject matters of the utility model and its documents are drawn up accurately, the patent body shall take the decision to grant the patent.

12. The patent body sends to the applicant the notification about the decision taken according to the results of the expert examination of the application for utility model, and also about establishing the priority of the utility model in accordance with Article 16 of the present Law, in a written form within five working days from the day of taking the decision.

13. Before the registration of the utility model, the application has the right to recall the application for utility model.

#### **Article 24. Expert Examination of the Application for Industrial Design**

1. The expert examination of the application for industrial design is conducted by the patent body in accordance with the present Law and resolutions of the Council of Ministers of the Republic of Belarus.

2. In the course of the expert examination of the application for industrial design, the compliance of the claimed industrial design with the conditions of patentability established by the present Law is not checked.

3. In the course of holding the expert examination of the application for industrial design, availability of the necessary documents, observance of the requirements established for them shall be checked, and the question whether the claimed proposal relates to subject matters of the industrial design shall be considered.

4. The expert examination of the application for industrial design is conducted within three months from the date of receipt of the application for industrial design by the patent body.

5. If as a result of the expert examination of the application for industrial design it is established that the application for industrial design is drawn up on the proposal that does not relate to subject matters protected as industrial designs, the patent body takes the decision about the refusal to grant the patent.

6. If submitted documents or data contained in them do not conform to the established requirements, the patent body directs a query to the applicant with a proposal to submit duly drawn up or absent documents within a two-month period from the date of receipt of the query. Upon a petition of the applicant this time limit may be extended, but not more than for twelve months provided that the petition has arrived before the expiration of this time limit.

If the applicant has not presented required documents or a petition for the extension of the established time limit, the decision about the refusal to grant the patent shall be taken, about which the applicant shall be informed.

7. In the course of the expert examination of the application for industrial design, additional materials presented by the applicant changing the appearance of the product, presented on the images filed earlier are not taken for consideration. Such materials may be formalized by the applicant as an independent application for industrial design.

8. If the application for industrial design is submitted with violation of the requirement of unity of industrial design, the applicant is offered to inform within a two-month period which of the industrial designs shall be considered and to specify the relevant documents.

In case when the applicant does not inform within two months after the receipt of the notification about violation of the requirement of unity of industrial design which of the industrial designs should be considered and does not present the clarified documents, the decision about the refusal to grant the patent shall be taken.

9. If as a result of the expert examination of the application for industrial design it is established that the application for industrial design is drawn up on the proposal that relates to subject matters protected as industrial designs and the documents of the application for industrial design are drawn up accurately, the patent body takes the decision to grant the patent.

10. The patent body sends to the applicant the notification about the decision taken according to the results of the expert examination of the application for industrial design, and also about establishing the priority of the industrial design in accordance with Article 16 of the present Law, in a written form within five working days from the day of taking the decision.

11. Before the registration of the industrial design, the applicant has the right to recall the application for it.

#### **Article 25. Appeal of the Decision of the Patent Body on the Results of Application Expert Examination**

1. Upon disagreement with the decision of the patent body on the results of the preliminary or patent expert examination, and also with the decision on the results of the expert examination of the application for utility model or industrial design, the applicant has the right to file a motivated complaint with the Appeal Council at the patent body (hereinafter - the Appeal Council) and/or to court. The Appeal Council is the body for appealing the decisions on the results of expert examination of applications and also the body for considering and taking the decision on the objections against granting the patents.

2. Filing of the complaint with the Appeal Council is carried out by the applicant within one year from the day of receipt of the relevant decision of the patent body or copies of materials requested from the patent body that oppose his application for invention.

The complaint must be considered within one month from the day of its receipt.

3. The decision of the Appeal Council may be appealed by the applicant in court within six months from the day of its receipt.

#### **Article 26. Transformation of Applications for Invention, Utility Model**

1. Before the publication of the data about the application for invention, but not later than the date of receipt of the decision on granting the patent for invention, the applicant is entitled to transform it into the application for utility model by filing with the patent body a relevant request.

Transformation of the application for utility model into the application for invention is possible before the date of receipt by the applicant of the decision on granting the patent for utility model, and in case of taking the decision about the refusal to grant the patent - before the moment of expiration of the time limit for appealing such a decision.

2. Upon transformation of the application for invention into the application for utility model, the priority and the date of filing the application for invention, and upon transformation of the application for utility model into the application for invention - the priority and the date of filing of the application for utility model, maintain (maintenance of the priority and the date of filing of the first application).

Upon transformation of the application for utility model into the application for invention, the applicant must, within three months from the date of filing the request about transformation, present a copy of the first application for utility model filed in a state party to the Paris Convention for the Protection of Industrial Property of 20 March 1883 if the conventional priority was claimed on the application for utility model.

#### **Article 27. Renewal of Missed Time Limits**

1. The time limits provided by clause 5 of Article 19, clauses 3 and 10 of Article 21, clause 2 of Article 25, missed by the applicant may be renewed, on his petition, by the patent body provided that the

patent duty is paid in the established amount and there are good reasons for missing a relevant time limit.

2. The petition for renewal of the time limit may be filed by the applicant to the patent body not later than twelve months from the day of expiration of the relevant missed time limit.

3. Upon renewal on a petition of the applicant of time limits provided by clause 5 of Article 19 and clause 3 of Article 21 of the present Law, the patent body cancels the decision about the refusal to grant the patent, which was taken earlier.

#### **Article 28. Registration of the Invention, Utility Model, and Industrial Design**

1. On the basis of the decision to grant the patent and provided that the payment duty is paid in the established amount, the patent body effects the registration of the invention in the State Register of Inventions, of the utility model - in the State Register of Utility Models, of the industrial designs - in the State Register of Industrial Designs (hereinafter - the state registers). Data relating to the registration of the invention, utility model, and industrial design, and also changes of these data, are entered into the state registers. The list of data about the invention, utility model, and industrial design, which are entered in the state registers is determined by the patent body.

2. When entering of changes in the state registers, the patent owner, simultaneously with the request for entering the changes in the relevant state register, sends to the patent body the documents confirming the grounds for entering these changes.

3. The patent body may, on its own initiative or at the request of the applicant, to enter corrections of grammar, printing or other obvious mistakes into the record about the registration of invention, utility model, and industrial design in the state registers.

4. When the document confirming the payment of the patent duty in the established amount for the registration of invention, utility model, and industrial design and the grant of the patent are not paid, the registration of invention, utility model, industrial design in the

state registers is effected, and the decision about the refusal to grant the patent on the relevant application shall be taken.

**Article 29. Publication of Data on Patent**

1. The data about the patent for invention, utility model, and industrial design are published by the patent body in the official bulletin within six months after the registration of the invention, utility model, and industrial design in the state registers. The list of data for publication is determined by the patent body.

2. All changes entered in the state registers are also published in the official bulletin.

**Article 30. Grant of the Patent**

1. Grant of the patent to the patent owner is made by the patent body within five days from the day of publication of the data about the patent for invention, utility model, and industrial design.

2. When there are several persons having the right to obtain the patent, they are granted one patent with indication of all patent owners.

3. Upon coincidence of the priority dates of an invention and a utility model identical on applications for the invention and the utility model of the same applicant, after the grant of the patent on one of such applications, the grant of the patent on the other application is possible only subject to filing with the patent body of the request of the patent owner of the patent granted earlier for termination of its effect in relation to the identical invention or identical utility model. The effect of the patent granted earlier in relation to the identical invention or identical utility model is terminated from the date of publication of the data about the grant of the patent on the other application. The data about the grant of the patent on the application for invention or utility model and the data about the termination of the effect of the patent granted earlier in relation to the identical invention or utility model shall be published at one time.

### **Article 32. Patenting in Foreign Countries**

1. Natural and legal persons of the Republic of Belarus have the right to patent inventions, utility models, and industrial designs in foreign countries.

2. Before filing the application in foreign countries, the applicant is obliged to file such an application in the Republic of Belarus and inform the patent body about the intention to patent the invention, utility model, and industrial design in foreign countries.

If within three months from the date of filing the application, there is no ban of the patent body, the application may be filed in foreign countries.

Filing the application in foreign countries may be carried out earlier than the mentioned time limit, but after the completing of an inspection, held in the order established by the Council of Ministers of the Republic of Belarus, of the application for availability of the data disclosure of which can inflict harm to the security of the Republic of Belarus.

Inventions, utility models, and industrial designs containing the data disclosure of which can inflict harm to the security of the Republic of Belarus must be classified in the manner prescribed by the legislation and may not be patented in foreign countries.

3. Expenses connected with patenting an invention, utility model, industrial design in foreign countries are borne by the applicant or another natural or legal person under an agreement with him.

4. Applications in accordance with the treaties valid for the Republic of Belarus are submitted directly to the patent body, unless otherwise established in accordance with the norms of these treaties.

**CHAPTER 5 RECOGNIZING THE PATENT INVALID, PREMATURE LOSS OF EFFECT OF THE PATENT, RESTITUTION OF THE EFFECT OF THE PATENT**

**Article 33. Recognizing the Patent Invalid**

1. A patent for invention, utility model, and industrial design may, within all term of its validity, be recognized invalid at full or partly in the cases:

1.1. non compliance of the protected invention, utility model, and industrial design with the conditions of patentability established by the present Law;

1.2. presence in the claims of the invention, utility model of features absent in the first description (claims);

1.3. unlawful designation in the patent of the author (co-authors) or patent owner(s).

2. The patent body shall publish in the official bulletin the data on recognition of the patent invalid.

3. Any natural or legal person may file an objection against the grant of the patent to the Appeal Council on the grounds specified in clauses 1.1 and 1.2 of clause 1 of the present Article.

An objection against the grant of the patent must be considered by the Appeal Council within six months from the date of its receipt. The person that submitted the objection, and also the patent owner, has the right to participate in its consideration.

A decision of the Appeal Council on the objection against the grant of the patent may be appealed by the person that submitted the objection against the grant of the patent or by the patent owner in court within six months from the day of receipt of such a decision.

4. Objections against the grant of the patent on the grounds provided for by clause 1.3 of clause 1 of the present Article are considered by court.

5. A patent for invention, utility model, and industrial design recognized invalid in full or in part is deemed to be invalid from the date of filing the application with the patent body.

6. Licensing contracts concluded on the basis of the patent later recognized invalid cease their effect from the date of taking the decision about the invalidity of this patent.

**Article 34. Premature Loss of Effect of the Patent**

1. The effect of the patent is terminated prematurely:

1.1. on the ground of a request of the patent owner filed with the patent body;

1.2. when the patent duty for maintaining the patent in effect is not paid in the established time limit.

2. The patent body shall publish in the official bulletin the data about the premature loss of effect of the patent.

**Article 35. Restitution of the Effect of the Patent**

1. If the effect of the patent has been terminated as a result of not payment of the patent duty for maintaining the patent in force within the established time limit and the term of validity of the patent has not expired, so on the petition of the patent owner the effect of such a patent may be restituted by the patent body subject to payment of the patent duty indebtedness and the patent duty for restituting the effect of the patent in the established amount.

2. Any natural or legal person that from the moment of loss of effect of the patent for invention, utility model, and industrial design till the date of its restitution in accordance with clause 1 of the present Article used in the territory of the Republic of Belarus an identical solution or made preparations necessary for that preserves the right to its further gratuitous use without the broadening the scope of such use (the right to after-use).

## CHAPTER 6 USE OF INVENTION, UTILITY MODEL, AND INDUSTRIAL DESIGN

### Article 36. Order of Use of Invention, Utility Model, and Industrial Design

1. Use of an invention is deemed to be introduction into the civil turnover of the product manufactured with working of the patented invention and also of the process protected by the patent.

The product is recognized to be manufactured with working of the patented invention, and the process protected by the patent is considered to be used, if every element of invention included into independent claim or an element equated to it is used in the product.

2. Use of a utility model is deemed to be introduction into the civil turnover of the product manufactured with application of the patented utility model.

The product is recognized to be manufactured with application of patented utility model, if every element of the utility model included into an independent claim or an element equated to it is used in the product.

3. Use of an industrial design is recognized to be introduction into the civil turnover of the product containing the patented industrial design.

The product is recognized to contain the industrial design if its appearance does not differ from the appearance presented on the images.

4. Persons not being patent owner have no right to use the invention, utility model, and industrial design without the authorization of the patent owner except for the cases when such use is not recognized, in accordance with the present Law, as infringement of rights of the patent owner.

5. Any natural or legal person wishing to use the invention, utility model, and industrial design is obliged to conclude with the patent owner a contract on transfer of the rights to use the invention, utility model, and industrial design (hereinafter - licensing contract).

6. Licensing contract, contract on assignment of the patent, and also introduction of changes into a registered licensing contract, contract

on pledge of property rights certified by the patent shall be registered in the patent body under the procedure determined by the legislation, unless otherwise established by legislative acts, and are considered invalid without such registration.

7. Relations on use of the invention, utility model, and industrial design, the patent on which belong to several persons are determined by an agreement among them. In the absence of the agreement every such person has the right to use the invention, utility model, and industrial design at his discretion except for concluding a licensing contract and also of a contract of assignment of the patent.

8. In case when a Eurasian patent and a patent of the Republic of Belarus for identical inventions or identical invention and utility model, having the same priority date belong to different patent owners, such inventions or invention and utility model may be used only with observance of rights of all patent owners.

#### **Article 37. Open License**

1. The patent owner may file with the patent body for the official publication the petition on granting the right to use the invention, utility model, and industrial design to any person on the terms of a simple non-exclusive license (hereinafter - open license).

2. A person wishing to use the mentioned invention, utility model, and industrial design has the right to request from the patent owner to conclude a licensing contract with him on the terms corresponding with those mentioned in the declaration about the open license.

#### **Article 38. Compulsory License**

In case of failure to use or insufficient use of the invention by the patent owner within five years, and of the utility model or industrial design within three years from the date of publication of the data about the patent, any person wishing and ready to use the patented invention, utility model, and industrial design in the event of refusal of the patent owner to conclude a licensing contract may go to court with a request for granting him a compulsory non-exclusive license. If the patent owner does not prove that failure to use or insufficient use of the invention, utility model, and industrial design is caused by good reasons, the court shall grant the mentioned license,

determining the scope of use, and amounts, time limits and procedure of payments.

**Article 39. Right of Prior Use**

1. Any natural or legal person that before the date of priority of the invention, utility model, and industrial design protected by the patent and regardless of their author has created and bona fide used in the territory of the Republic of Belarus an identical solution or has made preparations necessary for this, maintains the right to its further gratuitous use without broadening the scope of such use (right of prior use).

2. The right of prior use may be transferred to another natural or legal person only together with the enterprise where the use of the identical solution has taken place or where the preparations necessary for it have been made.

**CHAPTER 7 ORGANIZATIONAL BASICS OF LEGAL PROTECTION OF INVENTIONS,  
UTILITY MODELS, AND INDUSTRIAL DESIGNS. INFRINGEMENTS OF RIGHTS OF  
AUTHORS AND PATENT OWNERS, ENTAILING THE LIABILITY**

**Article 40. Functions of the Patent Body**

1. The patent body in accordance with the present Law accepts for consideration the applications, carries out the state registration of inventions, utility models, and industrial designs, grants the patents effective in the territory of the Republic of Belarus, within its powers carries out control over the observance of the patent legislation, gives clarifications about the order of its application, generalizes the practice of application of the patent legislation, renders the methodical assistance to the interested natural and legal persons on the mentioned matters, carries out the preparation of the patent engineers, conducts the patent information work, conducts the state attestation and registration of the patent agents, carries out other functions in accordance with the legislation.

2. The patent body has the right, when conducting the patent examination of the applications for inventions relating to the methods of treatment of human beings, to forward, after the publication of the data about the relevant application, the inquiries to the competent state bodies and other organizations about possibility of the use of the claimed invention.

3. Officials and other employees of the patent body have no right, within the period of the service and within one year after its end has, to file an application, to acquire directly or indirectly the right to a patent, and also to draw up an application for anybody.

**Article 40-1. Official Bulletin**

1. The official bulletin is an official printed edition of the patent body.

2. The official bulletin is issued in a printed and/or electronic form. The official bulletin in an electronic form is placed on the official site of the patent body in the global computer network Internet.

**Article 41. Infringements of Right of Authors and Patent Owners  
Entailing the Liability**

1. Appropriation of the authorship, coercion into the co-authorship, unlawful disclosure of the essence of suggested invention, utility model, and industrial design before the filing of the application for them without the consent of the author, and also infringement of exclusive rights of the patent owners, entail the liability in accordance with the legislation.

2. Officials and experts of the patent body and also of the body authorized to grant a permission to apply the product or process being patented bear responsibility for disclosing the essence of an application before its publication in accordance with the legislation.

## **CHAPTER 8 FINAL PROVISIONS**

### **Article 42. Treaties**

If a treaty of the Republic of Belarus establishes other rules than those contained in the present Law, the rules of the treaty are applied.

### **Article 43. Rights of Foreign Citizens, Stateless Persons, and Foreign Legal Persons**

Foreign citizens, stateless persons, and foreign legal persons enjoy the rights provided by the present Law and other acts of legislation of the Republic of Belarus on patents for inventions, utility models, and industrial designs, and bear liability equally to the citizens and legal persons of the Republic of Belarus, unless otherwise determined by laws of the Republic of Belarus and treaties.

### **Article 44. Entry of the Present Law into Force**

1. The present Law enters into force in six months after its official publication with the exception of Article 46 that enters into force from the day of official publication of the present Law.

2. Till the bringing the legislation of the Republic of Belarus in compliance with the present Law, normative legal acts of the Republic of Belarus are applied in that part in which they do not contradict the present Law, unless otherwise provided by the Constitution of the Republic of Belarus.

### **Article 46. Bringing the Legislation of the Republic of Belarus in Compliance with the Present Law**

The Council of Ministers of the Republic of Belarus shall, within a six-month period:

bring the decisions of Government of the Republic of Belarus in accordance with the present Law;

ensure the bringing by the republican bodies of state administration of their normative legal acts in compliance with the present Law;

ensure the adoption of normative legal acts necessary for implementation of the present Law.