

BELARUS

Regulations on utility model

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

February 2, 2011 No.120

As last amended by 2022-No.406 on June 29, 2022

TABLE OF CONTENTS

SECTION I UTILITY MODEL PATENT APPLICATION

CHAPTER 1 GENERAL PROVISIONS

CHAPTER 2 APPLICATION FOR UTILITY MODEL AND DOCUMENTS ATTACHED TO IT

CHAPTER 3 DIVISIONAL APPLICATION FOR UTILITY MODEL

SECTION II APPLICATION DOCUMENTS

CHAPTER 4 STATEMENT

CHAPTER 5 REQUEST FOR THE TRANSFER OF THE INTERNATIONAL APPLICATION
TO THE NATIONAL STAGE OF CONSIDERATION

CHAPTER 6 DESCRIPTION OF THE UTILITY MODEL

CHAPTER 7 THE NAME OF THE UTILITY MODEL. FIELD OF TECHNOLOGY TO
WHICH THE UTILITY MODEL RELATES

CHAPTER 8 PRIOR ART

CHAPTER 9 SUMMARY OF THE UTILITY MODEL

CHAPTER 10 LIST OF DRAWING FIGURES

CHAPTER 11 INFORMATION CONFIRMING THE POSSIBILITY OF IMPLEMENTING
THE UTILITY MODEL

CHAPTER 12 UTILITY MODEL CLAIMS

CHAPTER 13 ABSTRACT

CHAPTER 14 MATHEMATICAL CLAIMS AND SYMBOLS, TERMINOLOGY AND NOTATION

CHAPTER 15 REQUIREMENTS FOR FORMULATION OF DOCUMENTS FOR A UTILITY
MODEL APPLICATION IF IT IS FILED ON PAPER

CHAPTER 15-1 FEATURES OF APPLICATION FOR A UTILITY MODEL VIA AIS
"ELECTRONIC APPLICATION"

CHAPTER 16 REQUIREMENTS FOR UTILITY MODEL APPLICATION MATERIALS
SUBMITTED AFTER IT IS FILED TO THE PATENT AUTHORITY

CHAPTER 17 MAKING CORRECTIONS AND CLARIFICATIONS TO THE UTILITY
MODEL APPLICATION MATERIALS

CHAPTER 18 MAKING CHANGES TO THE INDICATION OF THE AUTHORS OF THE
UTILITY MODEL

CHAPTER 19 CHANGES TO THE INDICATION OF THE APPLICANT
(APPLICANTS) CHAPTER 20 CONVERSION OF A UTILITY MODEL APPLICATION
INTO An APPLICATION FOR INVENTION

SECTION III EXAMINATION OF THE UTILITY MODEL APPLICATION

CHAPTER 21 CONDITIONS AND CONTENT OF EXAMINATION OF THE UTILITY
MODEL APPLICATION. DATE OF FILING AN APPLICATION FOR UTILITY MODEL
CHAPTER 22 VERIFICATION OF CORRECT PAYMENT OF PRESCRIBED PATENT FEES
CHAPTER 23 VERIFICATION OF ATTRIBUTION OF THE DECLARED SOLUTION TO
OBJECTS PROTECTED AS UTILITY MODELS

CHAPTER 23-1 ESTABLISHING THE PRIORITY OF THE UTILITY MODEL

CHAPTER 24 REQUEST FOR MISSING OR CORRECTION MATERIALS IN A UTILITY
MODEL APPLICATION

CHAPTER 25 VERIFICATION OF MATERIALS SUBMITTED BY THE APPLICANT(S)
ON THEIR OWN INITIATIVE OR AT THE REQUEST OF THE PATENT AUTHORITY

CHAPTER 26 CLASSIFICATION OF UTILITY MODEL

CHAPTER 27 PARTICIPATION OF THE APPLICANT(S) IN EXAMINATION OF THE
UTILITY MODEL APPLICATION

CHAPTER 28 DECISION ON GRANTING A PATENT FOR A UTILITY MODEL

REGULATIONS on the procedure for conducting an information search on
an application for a utility model

SECTION I UTILITY MODEL PATENT APPLICATION

CHAPTER 1 GENERAL PROVISIONS

1. This Regulation establishes the requirements for the documents of an application for a patent for a utility model (hereinafter referred to as the application for a utility model), the procedure for conducting an examination of an application for a utility model and making a decision on its results.

2. This Regulation uses the terms in the meanings established in the Law and the Law of the Republic of Belarus dated December 28, 2009 No. 113-Z "On Electronic Document and Electronic Digital Signature", as well as the following terms:

AIS(Electronic filing of applications) - automated information system "Internet portal for electronic filing of applications for industrial property objects";

WIPO - World Intellectual Property Organization;

SCST - State Committee for Science and Technology;

power of attorney - a power of attorney to represent the interests of the applicant (applicants) before the patent authority;

application - an application for a patent of the Republic of Belarus for a utility model;

international application - an application filed in accordance with the Patent Cooperation Treaty of June 19, 1970;

IPC - International Patent Classification;

patent attorney - an individual certified and registered in the State Register of Patent Attorneys of the Republic of Belarus;

the first application - an application filed by the applicant in a foreign state that is a party to the Paris Convention for the Protection of Industrial Property of March 20, 1883;

representative - patent attorney or common representative;

PCT - Patent Cooperation Treaty of June 19, 1970;

Register of Utility Models - State Register of Utility Models of the Republic of Belarus.

CHAPTER 2 APPLICATION FOR UTILITY MODEL AND DOCUMENTS ATTACHED TO IT

3. An application for a utility model must refer to one utility model or to a group of utility models that are so interconnected that they form a single creative concept.

4. The requirement for the unity of a utility model shall be recognized as complied with if one utility model or a group of utility models is characterized in the utility model claims.

5. The requirement for the unity of a utility model is considered to be met if the application for a utility model relates to one utility model, that is, to one device, or to one utility model characterized with the development and (or) clarification of features for particular cases of execution and (or) use , which do not lead to the replacement or exclusion of one or more features.

6. The requirement of utility model unity is considered to be met for a group of utility models:
one of which is intended for the manufacture of the other (e.g., a device and a device for its manufacture), the use of another or in another (e.g., a device and its component part);
the same purpose, providing the same technical result (options).

7. An application for a utility model must contain:

7.1. statement;

7.2. description of the utility model, disclosing it in sufficient detail to implement the utility model;

7.3. the claim of the utility model, which should express its essence, be clear, precise and fully based on the description;

7.4. drawings, if they are necessary to understand the essence of the utility model;

7.5. abstract.

8. An application for a utility model is submitted to the patent authority on paper or through the AIS(Electronic filing of applications) by the applicant (applicants) independently or through a patent attorney.

If it is impossible to use the AIS "Electronic Filing of Applications" for filing an application for a utility model or sending other correspondence on an application for a utility model,

the patent authority places a corresponding notice on its official website on the global computer network Internet.

9. In the case of filing on paper, the utility model application documents shall be submitted in two copies.

10. The application is submitted in Belarusian or Russian. The description and claims of the utility model, drawings, abstract can be drawn up in Belarusian, Russian or foreign language. An application for a utility model containing documents drawn up in a foreign language must be accompanied by their translation into Belarusian or Russian. The correctness of the translation is certified by the signature of the applicant (applicants) or his (their) patent attorney. The translation must be submitted when filing an application for a utility model or no later than two months from the date of receipt of this application by the patent authority. Prior to the submission of the translation, documents submitted in a foreign language are considered not received.

11. Instead of a translation of the first application, a statement may be filed by the applicant(s) confirming that the utility model application filed with the patent authority is a complete translation of the first application.

12. An application for a utility model shall be accompanied by a document confirming the payment of a patent fee in the prescribed amount or exemption from paying a patent fee, or a document confirming partial payment of a patent fee, along with documents confirming the existence of grounds for reducing its size. These documents are submitted simultaneously with the application for a utility model or within the period specified in paragraph 4 of Article 13 of the Law.

13. The applicant (applicants) may appoint a representative to conduct business on an application for a utility model, to represent their interests when considering issues that arise during the examination of an application for a utility model.

14. The powers of a representative before the patent body shall be certified by a power of attorney. The power of attorney can be issued both by the applicant

(applicants), and his representative in the order of substitution.

15. The representative of the applicant (applicants) shall be the person directly indicated in the power of attorney. If the power of attorney is issued in the name of several individuals, each of them is recognized as the representative of the applicant (applicants).

16. A power of attorney does not require notarization, except in cases of reassignment.

17. Forms of power of attorney in Russian and English are prescribed by the SCST.

If the power of attorney is issued by the applicant (applicants) in a language other than Belarusian or Russian, it must be accompanied by a translation into Belarusian or Russian made on a separate sheet, the correctness of which is certified by the patent attorney in whose name such power of attorney was issued.

18. The original power of attorney or its copy is submitted to the patent authority.

The original of the power of attorney may be submitted on paper and signed by the applicant himself or presented as an electronic document signed with an electronic digital signature with the applicant's private key.

A copy of the power of attorney may be submitted on paper and certified by the applicant or his representative himself, or presented as an electronic copy of the document on paper, signed with an electronic digital signature, the owner of the personal key of which is the applicant or his representative.

When submitting a copy of the power of attorney, the original power of attorney, if necessary, may be requested by the patent authority by sending a corresponding request.

19. The power of attorney must meet the following requirements: the power of attorney must be signed by the person who issued it, indicating his surname, initials and position (if the power of attorney is issued on behalf of a legal entity). When appointing a common representative from among the applicants, the power of attorney is signed by the other applicants; the power of attorney must indicate the scope of powers granted to the representative, the date and place of the commission.

20. A power of attorney may relate to one or more utility model applications, both existing and future.

21. An application for a utility model received by the patent authority is assigned a number, and the date of receipt by the patent authority is indicated on it.

22. Materials of a registered application for a utility model are not subject to return.

CHAPTER 3 DIVISIONAL APPLICATION FOR UTILITY MODEL

23. An applicant (applicants) has the right to file a divisional application for a utility model if:

23.1. the initial application for the utility model was filed in violation of the unity requirement of the utility model;

23.2. the utility model, when filing an application for a utility model, was not included in the claims of the utility model, but disclosed in the description;

23.3. a group of utility models was applied for one patent, but the applicant(s) decided to obtain a patent for each utility model.

24. A divisional utility model application must be filed by the same applicant(s) who filed the original utility model application. In the case of filing a divisional application for a utility model by another applicant (applicants), documents on the transfer or assignment of the right to obtain a patent for a utility model must be submitted.

25. Verification of the compliance of the content of the utility model given in the divisional application with the content of the utility model in the original application is carried out during the examination of the divisional application.

27. The filing of a divisional application for a utility model must be carried out before the date of registration of the patent on the initial application, and in the event of a decision on the refusal to grant a patent on the initial application, before the expiration of the period for its appeal.

28. As of the date of receipt by the patent authority of a divisional application for a utility model, the initial application for a utility model must not be withdrawn and no decision to refuse to grant a patent has been made on it.

29. A divisional application for a utility model must comply with the requirements prescribed by this Regulation.

30. Another divisional utility model application may be separated from a divisional application for a utility model. In such a case, the utility model must be disclosed in both the original application

and the first divisional application.

SECTION II APPLICATION DOCUMENTS

CHAPTER 4 STATEMENT

31. The application must contain:

31.1. a request for a patent of the Republic of Belarus for a utility model in the name of the applicant (applicants);

31.2. information about the applicant (applicants):

the surname, first name (the surname is indicated before the name) and patronymic (if any) of the individual and (or) the full name of the legal entity in accordance with the constituent documents in the nominative case;

address of the place of residence (place of stay) or location, as well as telephone, fax and e-mail address, if any. When indicating the country of residence (place of stay) or location, the country code according to WIPO Standard ST.3 is used, if it is set. If the applicant (applicants) is the author (authors) of the utility model, information about his place of residence (place of stay) shall be indicated in the manner prescribed for indicating the place of residence (place of stay) of the author (authors) of the utility model. If the applicant (applicants) is a legal entity (legal entities) of the Republic of Belarus, the application shall indicate its (their) code according to the National Classifier of Enterprises and Organizations of the Republic of Belarus, the payer's registration number and the name of the legal entity (legal entities) to which it is subordinate or a part of (system) which includes a legal entity (legal entities) - the applicant (applicants), if any;

31.3. The name of utility model (group of utility models), which must match the name given in the description of the utility model;

31.5. date of filing and number of the original application for a utility model, if the application for a utility model is filed as a divisional one;

31.6. a request for establishing priority when requesting a priority earlier than the date of filing an application for a utility model with a patent authority, indicating the grounds for requesting such a priority (filing the first application for a utility model or receipt of additional materials to a previously filed application for a utility model or filing an earlier utility model applications to the patent authority);

31.7. the number of the first or earlier utility model application

and the date of the claimed priority. If priority is claimed on the basis of several applications, the numbers of all applications and, where appropriate, several dates of priority shall be indicated. When requesting conventional priority, the code of the country of filing according to WIPO Standard ST.3 is indicated.

The number of the first application for a utility model, the date of the claimed priority and the state in which the first application for a utility model, invention was filed, are indicated when filing an application for a utility model or within the time period prescribed in part three of paragraph 3 of Article 16 of the Law.

If an application for a utility model with a request for conventional priority has been received by the patent authority later than the deadline prescribed in part one of paragraph 3 of Article 16 of the Law, but before the expiration of two months from the date of its expiration, the applicant (applicants) must submit a request for an extension of the deadline for filing such an application for a utility model indicating circumstances beyond the control of the applicant, due to which the application could not be filed within the prescribed period, and a document confirming the payment of the patent fee in the prescribed amount;

31.8. address for correspondence in accordance with the rules for addressing postal items, indicating the last name, first name, patronymic (if any) or the name of the addressee (applicant (applicants), patent attorney, general representative), as well as telephone, fax and e-mail address, if they are available;

31.9. information about the representative, if the utility model application is filed through a representative:

surname, first name and patronymic (if any) or the name of the representative;

an indication that the representative is a patent attorney or general representative;

registration number of a patent attorney, if a patent attorney has been appointed as a representative, and telephone, fax, e-mail address, if any;

31.10. a list of documents attached to the application for a utility model indicating the number of sheets in one copy, and in the case of filing an application for a utility model on paper - also indicating the number of copies. For attached documents, the type of which is not provided for by the application form, their purpose is indicated specifically;

31.11. an indication of the basis (grounds) for the emergence of the

right to obtain a patent for a utility model in accordance with paragraph 2 of Article 6 of the Law;

31.12. the figure number of the drawings (if there are several figures) proposed for publication with the utility model in the official bulletin of the patent authority (hereinafter referred to as the official bulletin). If the figure number is not specified, then the first figure of the drawings is published;

31.13. information about the author (authors) of the utility model: surname, own name (surname is indicated before the name) and patronymic (if any);

address of the place of residence (place of stay), including the country code according to WIPO Standard ST.3, if it is set.

32. The information specified in subparagraphs 31.5-31.7 of paragraph 31 of these Regulations shall be provided only when requesting a priority earlier than the date of receipt of an application for a utility model by the patent authority.

33. An application on paper shall be submitted in the form prescribed by the SCST and signed by the applicant (applicants) or his (their) patent attorney indicating the surname, initials and date of signing.

If the applicant (applicants) is a legal entity (legal entities), the application is signed by the head of this legal entity (legal entities) or a person(s) authorized by him, indicating the surname, initials and position of the signing person(s).

If the application submitted to the patent authority does not indicate the date of its signing, then the date of signing shall be the date of submission of the application to the patent authority.

34. Information that, due to their large volume, cannot be fully placed in the appropriate place provided for in the application form, is given in the same order on an additional sheet (sheets), which is indicated by the corresponding indication "see continuation on the additional sheet (sheets)". The additional sheet(s) shall be signed by the applicant(s).

35. The columns of the application form located above the word "Application" are intended for entering details after the receipt of an application for a utility model by the patent authority and are not filled in by the applicant (applicants).

CHAPTER 5 REQUEST FOR THE TRANSFER OF THE INTERNATIONAL APPLICATION TO THE NATIONAL STAGE OF CONSIDERATION

35-1. The Patent Authority does not commence consideration of the international application until 31 months have elapsed from the priority date of the international application.

At the request of the applicant (applicants), the patent authority, in accordance with Articles 23(2) and 40(2) of the PCT, may begin examination of the international application before the expiration of the specified period.

35-2. The applicant (applicants) may restore the rights relating to an international application in respect of which the deadline specified in the first paragraph of paragraph 36 of these Regulations has not been observed.

A request for the restoration of the right to an international application must be filed with the patent authority, and the actions specified in Article 22 of the PCT must be completed no later than 12 months from the date of expiration of the period missed by the applicant. The application must include valid reasons for the non-compliance with the deadline, showing that such non-compliance was unintentional. Submission of documentary evidence in support of the reasons for non-compliance with the deadline, which entailed the loss of rights in respect of the relevant international application, is not required.

An application for the restoration of the right to an international application shall be accompanied by a document confirming the payment of the patent fee for late entry through the fault of the applicant to the national stage of an international application filed in accordance with the PCT.

36. An international application is transferred to the national stage of consideration if, before the expiration of the 31st month from the priority date or no later than two months after its expiration, the applicant (applicants) has submitted to the patent authority:

36.1. a Request for the transfer of an international application to the national stage of consideration or a translation into Russian or Belarusian of the PCT application, if it was filed in another language;

36.2. a copy of the international application certified by the

receiving Office on paper, if the distribution of that international application, as provided for in Article 20 of the PCT, has not yet been made;

36.3. a document confirming the payment of the patent fee for the transfer to the national stage of an international application filed in accordance with the PCT;

36.4. translation of the international application into Russian or Belarusian, if the international application was not filed in these languages.

37. A translation into Russian or Belarusian of an international application must contain a translation of the utility model description, utility model claims, any text relating to the drawings, and the abstract in the form in which they were originally filed.

If the applicant (applicants) files an application to transfer the international application to the national stage of consideration with the utility model claims modified in accordance with Article 19 of the PCT, the translation of the international application must contain a translation into Russian or Belarusian of both the original and the modified utility model claims, and also a translation of the explanation made under Article 19(1) of the PCT. If the applicant(s) files an application to transfer the international application to the national stage with the utility model claims, description and drawings amended in accordance with Article 34(2)(b) of the PCT, he must submit a translation of the international application, taking into account the amendments, accepted by the International Preliminary Examining Authority, and a translation of the amended sheets of the international application as originally filed.

37-1. When transferring an international application to the national stage of consideration, the applicant may apply for the beginning of consideration of the international application on the basis of the amended utility model description, utility model claims, drawings submitted at the initiative of the applicant. The amended materials shall be submitted in Russian or Belarusian within the period specified in paragraph 36 of these Regulations, and in the case of filing an application in accordance with part two of paragraph 35-1 of these Regulations - before the date of commencement of consideration of the international application indicated in the

application. The accompanying letter to the amended materials must indicate the reasons for the changes and provide an explanation of the differences between the amended and original international application materials.

38. If, when submitting an application for transferring an international application to the national stage of consideration, the applicant (applicants) was changed, then the application shall be accompanied by a document confirming the rights of the applicant (applicants) in relation to this application, in particular a copy of the relevant notification of the International Bureau of WIPO (Form PCT / IB/306), if the change in the applicant(s) or composition of authors occurred at the international stage of consideration of this international application, or a transfer deed or other supporting documents.

39. The application must contain:

39.1. international application number;

39.2. publication number of the international application;

39.3. international filing date;

39.4. the date of publication of the international application;

39.5. the name of utility model (a group of utility models), which must match the name given in the description of the utility model;

39.6. information about the applicant (applicants):

the surname, first name (the surname is indicated before the name) and patronymic (if any) of the individual and (or) the full name of the legal entity in accordance with the constituent documents in the nominative case;

address of the place of residence (place of stay) or location, as well as telephone, fax and e-mail address, if any. When indicating the country of residence (place of stay) or location, the country code according to WIPO Standard ST.3 is used, if it is set. If the applicant (applicants) is the author (authors) of the utility model, information about his place of residence (place of stay) shall be indicated in the manner prescribed for indicating the place of residence (place of stay) of the author (authors) of the utility model. If the applicant (applicants) is a legal entity (legal entities) of the Republic of Belarus, the application shall indicate its (their) code according to the National Classifier of Enterprises and Organizations of the Republic of Belarus, the payer's registration number and the name of the legal entity (legal

entities) to which it is subordinate or a part of (system) which includes a legal entity (legal entities) - the applicant (applicants), if any;

39.8. a request for an earlier start of consideration of the international application. In this case, it is indicated from which date the applicant (applicants) requests to start consideration of the international application:

from the date of receipt of the documents attached to the application for transferring the international application to the national stage of consideration;

from a specific date specified by the applicant (applicants);

39.9. address for correspondence in accordance with the rules for addressing postal items, indicating the last name, first name, patronymic (if any) or the name of the addressee (applicant (applicants), patent attorney, general representative), as well as telephone, fax and e-mail address, if they are available;

39.10. information about the representative, if the utility model application is filed through a representative:

surname, first name and patronymic (if any) or the name of the representative;

an indication that the representative is a patent attorney or general representative;

registration number of a patent attorney, if a patent attorney has been appointed as a representative, telephone, fax, e-mail address, if any;

39.11. a request to commence consideration of the international application on the basis of:

a utility model description originally filed or amended pursuant to Article 34(2)(b) of the PCT;

claims of a utility model originally filed or amended under Article 19 or Article 34(2)(b) of the PCT;

drawings originally filed or modified in accordance with Article 34(2)(b) of the PCT;

changes made during the transfer of the international application to the national stage of consideration, the description of the utility model or the claims of the utility model or drawings;

39.12. a list of attached documents indicating the number of sheets in one copy, and for a hard copy application - also indicating the number of copies. For attached documents, the type of which is not provided for by the application form, their purpose is indicated specifically;

39.13. information about the author (authors) of the utility model:
surname, own name (surname is indicated before the name) and
patronymic (if any);
address of the place of residence (place of stay), including the
country code according to WIPO Standard ST.3, if it is set.

40. A Request for the transfer of an international application to
the national stage of consideration is submitted on paper in the
form prescribed by the SCST. A Request for the transfer of an
international application to the national stage of consideration
must be executed in accordance with the requirements prescribed in
paragraphs 33-35 of these Regulations.

CHAPTER 6 DESCRIPTION OF THE UTILITY MODEL

41. The description of the utility model begins with the name of the utility model specified in the application, the heading index of the current version of the IPC and contains the following sections:

- 41.1. the field of technology to which the utility model belongs;
- 41.2. the level of technology;
- 41.3. the essence of the utility model;
- 41.4. list of figures of drawings and other materials (if they are attached);
- 41.5. information confirming the possibility of implementing the utility model.

42. The titles of sections in the text of the description may be omitted.

43. In the description of a group of utility models, in each section of the description, information must be given in relation to each utility model of the group.

44. It is not allowed to replace a section of the description as a whole or part of it with a reference to the source that contains the necessary information (to a literary source, to a description in a previously filed application for a utility model, to a description in a title of protection, etc.).

CHAPTER 7 THE NAME OF THE UTILITY MODEL. FIELD OF TECHNOLOGY TO WHICH THE UTILITY MODEL RELATES

45. The name of the utility model characterizes its purpose, corresponds to the essence of the utility model. The name should be short, concise (preferably no more than 10 words) and should not contain fictitious, familiar names, abbreviations, trademarks and service marks, advertising, trade and other special names, appellations of origin of goods, the words etc. and similar ones that do not serve the purpose of identifying the utility model.

46. The name of the utility model is stated in the singular. The exception is names that are not used in the singular (e.g., "pliers", "nippers", "scissors" and the like).

47. The name of a group of utility models, one of which, in particular, is intended for obtaining (manufacturing), implementing or using the other (in the other), must contain the full name of one utility model and the abbreviated name of the other.

The name of a group of utility models related to options, that is, objects of the same purpose, providing the same technical result in a fundamentally similar way, should contain the name of one utility model of the group, supplemented by the indication of the word "options" in brackets.

48. In the section "Field of technology to which the utility model belongs" the specific purpose of the object of the utility model and the scope of its application are indicated. If there are several such areas, the preferred areas of application of the utility model are indicated.

CHAPTER 8 PRIOR ART

49. The section "Level of technology" provides information about the analogues of the utility model known to the applicant, highlighting among them the analogue closest to the utility model in terms of the totality of features (prototype).

50. As an analogue of the utility model, a means of the same purpose is chosen, close in essence to the utility model, known from the information that became publicly available before the priority date.

51. When an analog is indicated in the description of a utility model, a numerical reference to the source of information in which it is disclosed, the features of the analog with indicating those which coincide with the features of the claimed utility model are given.

52. When describing a group of utility models, information about analogues is given for each utility model separately. The reasons known to the applicant that prevent the applicant from obtaining the technical result provided by the utility model shall be indicated.

CHAPTER 9 SUMMARY OF THE UTILITY MODEL

53. The section "Summary of the utility model" discloses the technical problem to be solved by the utility model, indicating the technical result that can be obtained by using the utility model. The technical task is to create an object whose characteristics meet the specified requirements. This object can be a technical solution related to devices.

Devices as objects of a utility model include structures and products, namely, the constructive implementation of means of production and consumer goods, as well as their components. To characterize the utility model, in particular, the following features of the device are used:

- the presence of a structural element;
- the presence of a connection between the elements;
- mutual arrangement of elements;
- the form of execution of the element or device as a whole, in particular the geometric shape;
- form of connection between elements;
- parameters and other characteristics of the element and their relationship;
- the material from which the element or device as a whole is made, with the exception of signs that characterize the substance as an independent type of product that is not a device (a material is understood to be a substance characterized by signs that are not related to its composition, but to its properties, e.g., austenitic steel);
- environment that performs the function of the element.

You should not use to characterize the utility model features that are characteristic of solutions that are not utility models, in particular, expressing the presence on the device as a whole or on its element of designations (verbal, pictorial or combined) that do not affect the operation of the device and the realization of its purpose.

54. The essence of a utility model is expressed by a set of essential features inherent in the relevant object, sufficient for the implementation of the utility model with the achievement of the technical result specified in the application for the utility model and the identification of the utility model.

55. The technical result is a characteristic of a technical effect, phenomenon, property, and the like, objectively manifested during the manufacture or use of the device.

56. The technical result can be expressed, in particular, in reducing (increasing) the coefficient of friction; jamming prevention; vibration reduction; improving the contact of the working body with the environment; reduction of waveform distortion; increase the speed of the computer, and other.

If, when creating a utility model, the task is only to expand the arsenal of technical means for a certain purpose or to obtain such tools for the first time, the technical result consists in the implementation of this purpose.

57. The result obtained is not considered to be of a technical nature if it, in particular:
manifests itself only as a result of the peculiarities of the perception of a person with the participation of his mind;
is achieved only due to the observance of a certain order in the implementation of certain types of activities on the basis of an agreement between its participants or prescribed rules;
consists only in obtaining this or that information and is achieved only through the use of a mathematical method, a program for an electronic computer or an algorithm used in it;
is determined only by the peculiarities of the semantic content of information presented in one form or another on any medium.

58. Where the utility model relates to a medium, in particular a machine-readable medium, and is characterized by involving features reflecting the content of the information recorded on the medium, in particular a program for an electronic computer or an algorithm used in such a program, then the technical result is not considered to be related to the means , embodying this utility model, if it manifests itself only due to the implementation of the instructions contained in the specified information, except for the case when the utility model refers to a machine-readable information medium, including a removable one, intended for direct participation in the operation of a technical means under the control of the information recorded on this medium program that provides the specified result.

59. In the "Substance of the utility model" section, all essential

features that characterize the utility model are given, features that are distinguished from the closest analogue are highlighted. At the same time, a set of features is indicated that ensures the achievement of a technical result in all cases that are covered by the requested scope of legal protection, and features that characterize the utility model only in particular cases, in specific forms of implementation or under special conditions for its use.

60. If the utility model provides several technical results, it is recommended to indicate all of them.

61. In the "Substance of the utility model" section, the causal relationship between the features of the utility model and the achieved technical result is disclosed and, if possible, justified.

CHAPTER 10 LIST OF DRAWING FIGURES

62. In the section "List of figures of drawings" a list of figures of drawings is given with a brief indication of what is shown on each of the figures.

63. If the applicant (applicants) presented materials explaining the essence of the utility model, a brief explanation of their content is given in the "List of figures of the drawings" section.

64. If there is only one figure in the text of the description, it is indicated what exactly the graphic image illustrates (e.g., "the drawing shows a general view of the claimed device", "the given block diagram reflects").

CHAPTER 11 INFORMATION CONFIRMING THE POSSIBILITY OF IMPLEMENTING THE UTILITY MODEL

65. The section "Information Confirming the Possibility of Implementing the Utility Model" shows the possibility of implementing the utility model with the implementation of the stated purpose and obtaining a technical result, if it does not follow in an obvious way from the essence of the utility model. If in the claim of the utility model any features are presented as generalized concepts, then this section provides information about the specific means used to implement the utility model. These tools must either be described in this section or known from the prior art prior to the utility model priority date, as evidenced by reference to the source of information.

This section provides information confirming the possibility of obtaining a technical result in the implementation of the utility model, which is indicated in the section "Essence of the utility model" when describing the problem being solved. If a utility model is characterized using general concepts, then the possibility of achieving a technical result in particular forms of its implementation should be shown. When using quantitative features expressed as an interval of values to characterize a utility model, the possibility of obtaining a technical result in this interval is shown.

66. When describing a utility model, it is necessary that in the section "Information Confirming the Possibility of Implementing the Utility Model", all the features of the utility model contained in the claims, both in the distinctive and restrictive parts, should be mentioned. This applies to the attributes of both independent and dependent items.

67. To characterize the utility model, a description of the design of the device in a static state is given with references to the figures of the drawings, if they are attached. The numerical designation of a structural element in the description must be indicated immediately after the word to which it refers, and correspond to its digital designation on the figure of the drawing.

68. After describing the design of the device in a static state, a description is given of the operation of the device or the method of

its use in a mode that ensures the achievement of the technical result, with references to the numerical designations of structural elements in the figures of the drawings and other explanatory materials, if they are attached. When new materials are used in the device, a method for their production is described.

CHAPTER 12 UTILITY MODEL CLAIMS

69. A utility model claim is a logical definition of a utility model by the totality of all its essential features, which serves to determine the scope of legal protection provided by a patent. To interpret the claims of a utility model, its description and drawings are used.

70. The claim of a utility model must be fully based on its description and characterize the utility model by the features and concepts contained in the description. This requirement is deemed to be met if all the essential features contained in the utility model claims are at least mentioned in the description, that is, the feature cannot first appear in the utility model claims. The utility model claim must express the essence of the utility model, i.e. contain a set of its essential features sufficient to achieve the technical result specified by the applicant.

71. The claim of a utility model must be clear and precise, that is, the features in the claim must be expressed in such a way as to ensure the possibility of their identification, unambiguous understanding by a specialist on the basis of the known prior art of the semantic content of the concepts by which these features are characterized.

72. If several forms of implementation of a feature are possible, providing, in combination with other features, obtaining the same technical result, it is advisable to express the feature as a general concept covering the identified forms of implementation. If such a concept is absent or it also covers such forms of feature implementation that do not provide the specified technical result, which makes the generalization illegal, then the feature can be expressed in the form of alternative concepts that characterize different forms of feature implementation.

73. A feature characteristic in a utility model claim cannot be replaced by a reference to the source of information in which this feature is disclosed.

Replacing a feature characteristic in a utility model claim with a reference to the description or drawings contained in the application is allowed only if, without such a reference, the

feature cannot be characterized without violating the requirements of paragraph 71 of this Regulation.

74. In the claims of a utility model, terms and expressions whose meaning is vague, e.g., "thin", "wide", "special" and the like, should not be used.

75. The claim of a utility model should not contain expressions of a commercial or advertising nature, reflecting other, non-technical aspects of the utility model.

76. The claim of a utility model can be single-link and multi-link.

77. The one-link claim of a utility model is used to characterize one utility model by the totality of its features, which does not have development or clarification in relation to particular cases of its implementation or use.

78. A multi-link claim is used to characterize one utility model with the development and (or) refinement of the totality of its features in relation to particular cases of the implementation or use of a utility model or to characterize a group of utility models.

79. A multi-link claim of a utility model that characterizes one utility model has one independent and following dependent claims.

80. A multi-link claim of a utility model characterizing a group of utility models has several independent clauses, each of which characterizes one of the utility models of the group. Moreover, each utility model of the group can be characterized using dependent items subordinate to the corresponding independent one.

81. A multi-link claim may characterize a group of utility models, which are variants of utility models.

82. When presenting a claim characterizing a group of utility models, the following rules are observed:

82.1. independent claims characterizing individual utility models, as a rule, do not contain references to other claims (such a link is only permissible if it allows to state this independent claim without repeating the content of another claim in it);

82.2. dependent claims are grouped with the independent claims to which they are subordinate;

82.3. if the condition for combining utility models into a group is the purpose of one of the utility models for the manufacture of another or the use of the other (in another), then the first independent claims contain the characteristics of the utility model for which the other utility model is intended.

83. Paragraphs of a multi-link claim are numbered in Arabic numerals sequentially, starting from the first, in the order in which they are presented.

84. An independent claim includes a generic term reflecting the purpose for which the claim begins and consists, as a rule, of a limiting part comprising features of the utility model which are the same as those of the closest analogue and a distinctive part comprising features which distinguish the utility model from the closest analogue.

When drafting a claim divided into restrictive and distinctive parts, the restrictive part is followed by the phrase "differing in that" immediately after which the distinctive part is set forth.

85. The utility model claim is drawn up without dividing the clause into restrictive and distinctive parts, in particular, if it characterizes a utility model that, in the applicant's opinion, has no analogues.

When compiling an independent claim without the specified division, after the name of the utility model, the words "characterized", "consisting", "including", "under which" and the like are entered, after which the set of features that characterize the utility model is given.

86. A claim is presented as a single sentence.

87. An independent claim of a utility model must refer to only one utility model.

88. An independent claim is not recognized as belonging to one utility model if the combination of features contained in it includes:

88.1. features expressed as alternatives that do not provide the

same technical result, or the alternative does not refer to individual features, but to a group of functionally independent features (unit or part of a device, etc.), including when choosing one or another alternative for any of these features depends on the choice made for the other features;

88.2. a sign expressed in such a way that the possibility of its absence in the totality of signs characterizing the utility model is allowed;

88.3. options for utility models;

88.4. a characteristic of the set of funds, each of which has its own purpose, without the implementation of the specified set of general-purpose funds.

89. The dependent claim of the utility model develops and (or) refines the set of essential features of the utility model given in the independent claim with features that characterize the utility model only in particular cases of its implementation or use.

90. The restrictive part of the dependent claim consists of a generic concept, as a rule, abbreviated compared to that given in the independent claim, and a reference to the independent and (or) dependent claims to which this dependent claim relates.

To express the direct subordination of a dependent claim to several claims (multiple dependency), they are referred to using an alternative (e.g., "... under claim 3 or 4 ...", "under any of claims 2-6 ..." and the like). A claim with multiple dependencies must not form the basis for other claims with multiple dependencies.

91. A dependent claim of a utility model should not be stated in such a way that it replaces or excludes the features of the utility model described in the claim to which it is subordinate.

92. If a utility model claim is used that contains restrictive and distinctive parts, then the dependent clause may refer to both the features of the distinctive and restrictive parts of the utility model claim.

93. The features are set out in the claim in such a way as to characterize the utility model in a static state. When characterizing the performance of a structural element of the device, it is allowed to indicate its mobility, the possibility of

realizing a certain function by it (e.g., "with the possibility of braking", "with the possibility of fixing", etc.).

94. Features of the device do not have to be presented as specific material means. These features can be described through the functional characteristics of these means, if the specialist does not doubt the possibility of implementing these functions by known material means.

E.g., instead of indicating that the device is equipped with a fan that serves to cool a component, you can indicate that the device is equipped with a means for cooling the node, if the characteristics of this means itself do not affect the essence of the proposal.

95. If it is an improvement of a component in a well-known object, it is not necessary to list in the limitation part of the utility model claim all its essential features, which are integral parts of this object.

96. If a utility model claim is characterized by the use of alternative means, the generic definition of which is difficult, these means can be represented by listing them through the union "or".

CHAPTER 13 ABSTRACT

97. The abstract is compiled for informational purposes only. It should contain a brief description of the utility model.

98. The abstract shall indicate:

98.1. the name of the utility model, the field of technology to which the utility model belongs, and (or) the scope, if this is not clear from the title;

98.2. the essence of the utility model, which is characterized by a free statement of the claim, preferably one that retains all the essential features of each independent claim.

99. The drawing is included in the abstract if the text contains references to this drawing.

Each feature specified in the abstract and illustrated by a drawing in the application must be accompanied by a reference symbol.

100. The volume of the abstract, if the content of the utility model allows it, should not exceed 150 words.

CHAPTER 14 MATHEMATICAL CLAIMS AND SYMBOLS, TERMINOLOGY AND NOTATION

101. Mathematical formula and symbols can be used in the description, utility model claim, abstract.

102. A utility model claim may contain mathematical claims (expressions), the use of which is necessary for understanding the utility model and may characterize, e.g., the ratio of dimensions.

103. A mathematical formula (expression) may take a different place in a utility model claim.

104. All letter designations contained in mathematical formulas are deciphered.

The decoding of the letter designations is given in the order of their application in the claim.

105. Mathematical symbols, e.g., $>$, $<$, $=$ and others, are used only in mathematical formulas, and in the text they should be written in words (greater than, less than, equal to).

106. To indicate the intervals between positive values, the use of the “-” sign (from and to) is allowed. In other cases, you should write the words: “from” and “to”.

107. When expressing values as a percentage, the percent sign (%) is placed after the number.

108. Units of measures and weights are expressed in units of the metric system or are converted into these units if they were originally expressed in units of another system.

109. When denoting heat, energy, light, sound, magnetism, as well as when writing mathematical formulas and electrical units, the rules adopted in international practice are observed. When writing chemical formulas, commonly used symbols, atomic weights, and molecular formulas should be used.

110. In the claims of a utility model, description, abstract and explanatory materials, standardized terms, designations and abbreviations are used, and in their absence, generally accepted in

the scientific and technical literature.

It is not allowed to use concepts classified in the scientific and technical literature as non-scientific.

When using terms, designations and abbreviations that are not widely used in the scientific and technical literature, their meaning is explained in the text at the first use. All symbols are deciphered.

111. In the description and claims of the utility model, the unity of terminology is observed, that is, the same features in the text of the description and in the claims of the utility model are called the same.

The requirement for the unity of terminology also applies to the dimensions of physical quantities and to the conventions used.

112. The application documents for a utility model must not contain expressions, drawings, pictures, photographs and other materials that are contrary to public order and morality, including those representing symbols and paraphernalia, information products recognized as extremist materials on the basis of a court decision that has entered into force, disparaging statements in relation to utility models and other results of creative activity of other persons, as well as information not related to the utility model or the corresponding utility model.

CHAPTER 15 REQUIREMENTS FOR FORMULATION OF DOCUMENTS FOR A UTILITY MODEL APPLICATION IF IT IS FILED ON PAPER

113. All utility model application documents must be drawn up on thick white, smooth, non-shiny paper in such a way that an unlimited number of readable copies can be obtained by directly reproducing documents using standard copying or scanning tools.

114. Each utility model application document (application, utility model description, utility model claims, drawings, abstract) must begin on a new page.

115. Each sheet must be used on one side only, with the exception of the application, which is drawn up on one sheet on both sides. Each sheet must be used in an upright position.

116. Sheets should not be crumpled, torn or have kinks.

117. Sheets should not have erasures, corrections, inscriptions and inserts. Exceptions to this rule may be allowed if the clarity of the content is not in doubt and the requirements for quality reproduction are not violated.

118. All sheets of a utility model application shall be fastened in such a way that, when viewed, they can be easily turned over, easily separated and joined again if they have been separated for reproduction.

119. Fields of sheets when filing an application for a utility model must be clean.

Sheets of the application for a utility model must be in A4 format (210 x 297 mm).

On sheets of an application for a utility model containing drawings, the size of the usable area must not exceed 170 x 262 mm. Sheets should not have borders around the area used or usable.

120. The second and subsequent pages of each utility model application document shall be sequentially numbered with Arabic numerals.

121. Numbers of sheets are put down in the middle of the top or bottom part of a sheet and should not be put down on margins.

122. Application, utility model description, utility model claims and abstract must be printed.

Graphic symbols and signs, chemical or mathematical formulas, if necessary, can be written by hand or drawn.

123. The text of the description of the utility model, the claim of the utility model and the abstract are printed with one and a half line spacing, in a font with capital letters of at least 2.1 mm in height. The text should be indelible, black.

124. An application, description of a utility model, claims of a utility model must not contain drawings.

125. The description of the utility model and the abstract may contain tables.

126. Tables and chemical or mathematical formulas may be placed on a sheet in a horizontal position if they cannot be placed in a vertical position. Sheets on which tables or chemical or mathematical formulas are arranged in a horizontal position must be presented in such a way that the top of the tables and formulas fall on the left side of the sheet.

127. Drawings are made with persistent black lines and strokes, sufficiently dense and dark, of the same thickness and good clarity, without coloring.

Sections are shown with slanted shading, which does not interfere with clear reading of reference symbols and main lines.

128. The scale of the drawings and the clarity of their graphic execution must be such that when photographic reproduction with a linear reduction in size to $2/3$, all details can be easily distinguished.

129. All numbers, letters and extension lines in the drawings must be simple and clear. Numbers and letters should not be placed in brackets, circles or quotation marks.

130. All lines in the drawings are usually made using drawing tools.

131. Each element of any figure shall be executed in appropriate proportion to all other elements of that figure, except where a different proportion is necessary to depict the figure more clearly.

132. The height of numbers and letters on graphic images should not be less than 3.2 mm.

133. Several figures can be placed on one sheet of drawings. If the figures located on two or more sheets constitute a single figure, they are arranged so that the figure can be arranged without missing any part of any of the figures depicted on different sheets.

134. Individual figures are arranged on a sheet or sheets so that the sheets are as saturated as possible. It is desirable to place the figures in a vertical position, clearly separated from each other. If the figures are not in a vertical position, they should be placed in a horizontal position so that the top of the figures falls on the left side of the sheet.

135. Each graphic image, regardless of its type, is numbered as a figure (figure 1, figure 2, etc.) in the order of a single numbering, in accordance with the order in which they are mentioned in the text of the description. If the description is explained by one figure, then it is not numbered.

136. The structural elements of the device shown in the drawing are denoted by Arabic numerals in accordance with the description of the utility model. The numerical designation of a structural element in the text of the description of the utility model should be indicated immediately after the word to which it refers.

The same elements presented in several figures are denoted by the same number. You should not designate different elements presented in different figures with the same number. Reference signs not mentioned in the description do not appear in the drawings and vice versa. The same reference designations shall correspond to the same elements of the drawings throughout the text of the description. If there are a large number of reference symbols in the drawings, it is recommended to attach a separate sheet listing all the reference symbols and the names of the elements to which these symbols refer.

137. The drawings should not contain any inscriptions, with the exception of the necessary individual or several words, such as "water", "steam", "open", "closed", "section along A-A", and when depicting electrical circuits, block diagrams, or process diagrams and a few brief key words to understand.

Dimensions on the drawing are not indicated. If necessary, they are given in the description.

138. Any words used in the drawings are placed in such a way that they can be pasted over during translation without disturbing the lines of the drawings.

139. Bibliographic data of the source of information are indicated in such a way that the source of information can be found from them. Bibliographic data of information sources are given at the end of the description with references to information sources in the text of the description.

140. The requirements of paragraphs 113-139 of this Regulation also apply to the execution of any document submitted to the patent authority after filing an application for a utility model (e.g., pages containing corrections, translations).

CHAPTER 15-1 FEATURES OF APPLICATION FOR A UTILITY MODEL VIA AIS "ELECTRONIC APPLICATION"

140-1. An application submitted through the AIS(Electronic filing of applications) is formed by means of the AIS(Electronic filing of applications) in the form of an electronic document.

Other documents of an application for a utility model (a description of a utility model, a claim for a utility model, drawings, an abstract) filed through the AIS(Electronic filing of applications) are drawn up in accordance with the requirements of Chapters 6-15 of these Regulations and are executed in the form of an electronic document or an electronic copy of the document on paper.

140-2. Application documents for a utility model (application, utility model description, utility model claims, drawings, abstract) are signed with an electronic digital signature, the owner of the personal key of which is the applicant or his representative.

If the applicant is a legal entity, the utility model application documents are signed with an electronic digital signature, the owner of the private key of which is the head of this legal entity or a person authorized by this head to sign the utility model application.

Signing with an electronic digital signature is carried out using a private key, the public key certificate of which is issued in the State Public Key Management System for verifying the electronic digital signature of the Republic of Belarus.

Confirmation of the powers of the persons who signed the application for a utility model is carried out in accordance with the Law of the Republic of Belarus "On Electronic Document and Electronic Digital Signature".

Confirmation of the authority to sign an application for a utility model by the applicant or his representative is carried out by the AIS(Electronic filing of applications) using the information contained in the submitted attribute certificate, or by verifying the electronic digital signature, the owner of the private key of which is the legal entity on behalf of which the application was filed.

140-3. Each utility model application document, with the exception of the application and drawings, must be presented as a separate pdf or PDF/A file created by converting a text document or a text part

of a document. The actual page size in pdf format must match the size of an A4 page.

Drawings are submitted as separate files in .tif or .jpg format with a resolution of 300 DPI in monochrome. The file size should not exceed 5 MB.

Documents attached to an application for a utility model must be submitted as a separate file in pdf or PDF/A format. The actual page size in pdf format must match the size of an A4 page.

Password protection of application documents is not allowed.

140-4. If the documents submitted through the AIS(Electronic filing of applications) do not meet the prescribed technical requirements, such documents are not taken into account, and the applicant is notified about it.

CHAPTER 16 REQUIREMENTS FOR UTILITY MODEL APPLICATION MATERIALS SUBMITTED AFTER IT IS FILED TO THE PATENT AUTHORITY

141. Consideration of an application for a utility model in the patent authority is conducted in Belarusian or Russian. All materials submitted by the applicant in a foreign language after filing an application with the patent authority must be accompanied by an appropriate translation. The correctness of the translation must be certified by the applicant (applicants) or his representative. Until the translation is submitted, the materials are considered not received.

142. Materials submitted to the patent authority after the filing of the application, with design flaws that make them difficult to read, as well as materials submitted by a person who is not the applicant (applicants) or his representative, are not considered. An appropriate notice shall be sent to the person who submitted such materials.

143. If the materials submitted to the patent authority on behalf of the applicant (applicants) or his representative are drawn up in violation of the requirements prescribed by this Regulation, the actions performed by the applicant (applicants) in connection with their submission are considered invalid, and the submitted materials are not accepted for consideration, about which the applicant (applicants) is notified.

144. Correspondence on an application for a utility model is conducted by the applicant (applicants) or his representative for each application for a utility model separately.

144-1. When conducting correspondence on an application for a utility model filed using the AIS(Electronic filing of applications), it is allowed for the applicant to send correspondence on an application for a utility model through the AIS(Electronic filing of applications) in the form of an electronic document or an electronic copy of the document on paper or on paper in the patent authority directly or using the public postal service. Information messages automatically generated by the AIS(Electronic filing of applications) are for reference only and do not constitute correspondence on the application.

144-2. Correspondence on an application for a utility model sent by the applicant through the AIS(Electronic filing of applications) must be drawn up in accordance with the requirements prescribed in parts two and three of paragraph 140-3 of these Regulations.

144-3. In the case of filing an application for a utility model, sending correspondence on an application for a utility model through the AIS(Electronic filing of applications), the date of receipt of the application for a utility model, as well as the date of sending correspondence on an application for a utility model, are automatically set by the AIS(Electronic filing of applications) .

145. Materials sent after filing an application for a utility model must have a reference to the number of the utility model application assigned by the patent authority.

Materials that do not contain a utility model application number shall not be considered if the utility model application number cannot be prescribed indirectly. An appropriate notice shall be sent to the person who submitted such materials.

146. Materials submitted to the patent authority must be signed by the applicant (applicants) or his representative.

147. Materials submitted on behalf of a legal entity (legal entities) are signed by its (their) head or another person authorized by the constituent documents of the legal entity or by a duly executed power of attorney, and must contain an indication of the position, surname and initials of the signatory.

Materials submitted on behalf of a legal entity are also considered signed by the person authorized to do so if they are submitted with a cover letter signed by the person authorized to do so.

148. Correspondence sent by a legal entity must be submitted on the letterhead of this legal entity.

When making correspondence, it is allowed to use a corner stamp.

149. Any document relating to an application for a utility model sent before the deadline for its submission, or a document sent by the applicant (applicants) or his representative or another person on his own initiative by facsimile or by e-mail in a facsimile image

of this document, shall be considered submitted on time if its original was received within one month from the date of expiration of the deadline.

150. When submitting the original document, which was previously sent by the means of communication listed in paragraph 149 of this Regulation, it is necessary to indicate that the submitted document is the original of what was sent earlier.

151. If a document or part of it received by facsimile or e-mail is illegible or incomplete, then it is considered not received, of which the sender of the document is notified in writing.

CHAPTER 17 MAKING CORRECTIONS AND CLARIFICATIONS TO THE UTILITY MODEL APPLICATION MATERIALS

152. The applicant has the right to make corrections and clarifications in the application documents for a utility model that do not change the essence of the utility model, before the patent authority makes a decision to grant or refuse to grant a patent for a utility model.

Correction of obvious and technical errors in the application materials for a utility model may be made before the date of registration of the utility model in the Register of Utility Models. Obvious errors are considered to be errors resulting from the fact that something other than what is clearly implied in the utility model application is written.

Technical errors include grammatical and spelling errors due to incorrect spelling of words, the presence of typos and errors in indicating the bibliographic data of information sources, and the like.

153. Correction and clarification of the materials of the application for a utility model are carried out by submitting replacement sheets of the relevant documents of the application for a utility model, which are amended. Replacement sheets are drawn up in accordance with the requirements for the relevant utility model application documents and are submitted for each copy of the utility model application document being amended. The cover letter to the replacement sheets indicates the differences between the replacement and replacement sheets and contains an explanation of the reasons for the changes being made.

If changes are made to the utility model claims, the cover letter also contains links to pages and paragraphs of the original description and (or) utility model claims confirming the legitimacy of the changes being made. In this case, in addition to the replacement sheets, copies of the sheets to be replaced with handwritten changes must be submitted.

154. If the corrections relate to typographical errors, errors in indicating bibliographic data and the correction of the document will not lead to negative consequences in terms of clarity in direct reproduction, the need for corrections may be expressed in a letter from the applicant (applicants) without submitting replacement

sheets.

155. If corrections and clarifications are made to the application materials for a utility model at the initiative of the applicant (applicants), simultaneously with the corrected and clarified materials, a document confirming the payment of the patent fee in the prescribed amount is submitted to the patent authority. A document on payment of the prescribed patent fee may be submitted within three months from the date of sending the applicant (applicants) a notice of its absence.

156. If a document confirming the payment of the fee is not submitted within the specified period, corrections and clarifications of the application materials for a utility model are not taken into account, about which the applicant (applicants) is notified.

156-1. It is not considered to be a correction or clarification of the utility model application document at the initiative of the applicant (applicants), if the correction or clarification submitted by the applicant (applicants) both after he (they) received a request from the patent authority, and without receiving such a request, is aimed at eliminating violations of the requirements to the application materials for a utility model prescribed by these Regulations.

157. The patent authority notifies the applicant (applicants) of the changes made to the application for a utility model.

CHAPTER 18 MAKING CHANGES TO THE INDICATION OF THE AUTHORS OF THE UTILITY MODEL

158. The inclusion in the list of authors of the utility model of persons not specified in the application, and (or) the exclusion from the list of authors of the utility model of persons indicated in the application as authors of the utility model, is carried out on the basis of the application of the applicant (applicants) to amend the indication of authors of the utility model due to a change in the composition of the authors filed before the decision to grant or refuse to grant a patent for a utility model was made by the patent authority.

159. An application for making changes to the indication of the authors of a utility model in connection with a change in the composition of authors is submitted in Russian or Belarusian, must contain the number of the relevant application for a utility model and be signed by all interested parties: the applicant (applicants), the author (authors), including those included and (or) excluded from the indication of authors.

In the absence of the consent of all interested parties to change the composition of the authors of the utility model, changes to the indication of the authors of the utility model are made on the basis of a court decision.

159-1. A change in the surname, first name, patronymic (if any) of the author (authors) and (or) his (their) address of the place of residence (place of stay) is carried out on the basis of an application for making changes to the indication of the authors of the utility model in connection with a change in the surname, own name, patronymic (if any) of the author (authors) and (or) his (their) address of the place of residence (place of stay), filed before the date of registration of the utility model in the Register of Utility Models.

159-2. An application for making changes to the indication of the authors of the utility model in connection with a change in the last name, first name, patronymic (if any) of the author (authors) and (or) his (their) address of residence (place of stay) is submitted in Russian or Belarusian, must contain the number of the relevant application for a utility model, last name, first name, patronymic

(if any) of the author (authors) and (or) his (their) address of the place of residence (place of stay) before and after their change and be signed by the applicant (applicants)) and the author(s) for whom such changes are made.

159-3. The applications specified in paragraphs 159 and 159-1 of these Regulations are submitted on paper in the forms prescribed by the SCST.

160. The applications referred to in paragraphs 159 and 159-1 of this Regulation shall be accompanied by a document confirming the payment of the patent fee in the prescribed amount. The document on the payment of the patent fee may be submitted within three months from the date of sending to the applicant (applicants) a notification of its absence.

If a document confirming the payment of the patent fee in the prescribed amount is not submitted, the applications specified in paragraphs 159 and 159-1 of this Regulation are not accepted for consideration and changes are not made by the patent authority, of which the applicant (applicants) is notified within five days.

In case of change of surname, first name, patronymic (if any) of the author (authors) and (or) his (their) address of residence (place of stay), a document confirming the change is also attached to the application specified in paragraph 159-1 of this Regulation.

160-1. It is allowed to submit, through the AIS(Electronic filing of applications), copies of the applications specified in paragraphs 159 and 159-1 of this Regulation, drawn up in the form of an electronic copy of the document on paper in accordance with the requirements prescribed in part three of paragraph 140-3 of this Regulation.

Submission of original applications on paper in the cases specified in part one of this paragraph is not required. If necessary, the originals of such statements may be requested by the patent authority by sending an appropriate request.

161. The patent authority notifies the applicant (applicants) of the changes made to the application for a utility model.

CHAPTER 19 CHANGES TO THE INDICATION OF THE APPLICANT (APPLICANTS)

162. When changing the name of a legal entity - applicant (applicants), last name, first name and patronymic of the applicant (applicants), transferring or assignment of the right to obtain a patent for a utility model, changes in the indication of the applicant (applicants) are made before the date of registration of the utility model in the Register of Utility Models.

163. In order to make changes to the indication of the applicant (applicants) upon transfer or assignment of the right to obtain a patent by the applicant (applicants) or the person to whom the right to obtain a patent is transferred or assignment, an application is submitted to the patent authority for amendments to the indication of the applicant (applicants) upon transfer of the right to obtain a patent for a utility model as a result of succession or an application for amendments to the indication of the applicant (applicants) upon transfer of the right to obtain a patent for a utility model under an agreement. These applications are submitted on paper according to the forms prescribed by the SCST.

163-1. An application for making changes to the indication of the applicant (applicants) upon transfer of the right to obtain a patent for a utility model as a result of succession shall be submitted in Russian or Belarusian and must contain:

163-1.1. a request to amend the indication of the applicant (applicants) and the basis for its implementation;

163-1.2. the number of the relevant utility model application;

163-1.3. surname, first name, patronymic (if any) of individuals and (or) full name of legal entities in accordance with the constituent documents before and after the succession;

163-1.4. place of residence (place of stay) or location of the successor (successors);

163-1.5. address for correspondence in accordance with the rules for addressing postal items, as well as a telephone, fax and e-mail address (if any).

163-2. The application specified in paragraph 163-1 of this Regulation must be signed by the person(s) who is (are) the successor(s) of the applicant (applicants).

164. An application for amending the indication of the applicant (applicants) when transferring the right to obtain a patent under an agreement is submitted in Russian or Belarusian and must contain:

164.1. a request to amend the indication of the applicant

(applicants) and the basis for its implementation;

164.2. an indication of the number of the relevant utility model application;

164.3. surname, first name, patronymic (if any) of the individual (persons) and (or) full name of the legal entity (persons) according to the constituent documents that are parties to the agreement on the transfer of the right to obtain a patent;

164.4. place of residence or location of the person (persons) receiving the right to obtain a patent;

164.5. address for correspondence in accordance with the rules for addressing postal items, as well as a telephone, fax and e-mail address, if any.

165. An application for amending the indication of the applicant (applicants) when transferring the right to obtain a patent under an agreement must be signed by the persons who are parties to the agreement on the transfer of the right to obtain a patent. If the party (parties) of the agreement on the transfer of the right to obtain a patent is a legal entity (legal entities), the application is signed by the head of this legal entity or a person authorized to do so, and the position of the signatory is indicated.

166. Applications referred to in paragraph 163 of this Regulation shall be accompanied by a document confirming the payment of the patent fee in the prescribed amount. This document may be submitted within three months from the date of sending to the applicant (applicants) notification of its absence.

If a document confirming the payment of the patent fee in the prescribed amount is not submitted within the prescribed period, the applications specified in paragraph 163 of this Regulation are not accepted for consideration and changes are not made by the patent authority, of which the applicant (applicants) is notified within five days.

167. In the event of a change in the last name, first name, patronymic (if any) or the name of the applicant (applicants) and (or) his (their) address of residence (place of stay) or location,

an application is submitted to the patent authority in Russian or Belarusian on amendments to the indication of the applicant (applicants) on an application for a patent for a utility model in connection with a change in the surname, first name, patronymic (if any) or the name of the applicant (applicants) and (or) his (their) address of residence (place of stay) or location. Such an application must contain the number of the relevant utility model application, surname, first name, patronymic (if any) or full name of the applicant (applicants) and (or) his (their) address of the place of residence (place of stay) or location before and after their changes and be signed by the applicant(s). The specified application is submitted on paper in the form prescribed by the SCST.

168. The application specified in paragraph 167 of this Regulation shall be accompanied by:

168.1. a document confirming the change of the last name, first name, patronymic (if any) or the name of the applicant (applicants) and (or) his (their) address of residence (place of stay) or location;

168.2. a document confirming the payment of the patent fee in the prescribed amount. The document on the payment of the patent fee may be submitted within three months from the date of sending to the applicant (applicants) a notification of the absence of this document.

If a document confirming the payment of the patent fee in the prescribed amount is not submitted within the prescribed period, the application specified in paragraph 167 of this Regulation is not accepted for consideration and no changes are made by the patent authority, of which the applicant (applicants) is notified within five days.

168-1. It is allowed to submit, through the AIS(Electronic filing of applications), copies of the applications specified in paragraphs 163 and 167 of these Regulations, executed in the form of an electronic copy of the document on paper in accordance with the requirements prescribed in part three of paragraph 140-3 of this Regulation , if changes in the indication of the applicant (applicants) does not entail the termination of the powers of the representative conducting business with the patent body and (or) changing his surname, first name, patronymic (if any), name.

Submission of original applications on paper in the cases specified in part one of this paragraph is not required. If necessary, the originals of such statements may be requested by the patent authority by sending an appropriate request.

169. The patent authority notifies the applicant (applicants) of the changes made to the indication of the applicant (applicants).

CHAPTER 20 CONVERSION OF A UTILITY MODEL APPLICATION INTO AN APPLICATION FOR INVENTION

170. Until the date of the decision to grant a patent for a utility model, and in the event of a decision to refuse to grant a patent, until the expiration of the period for appealing against such a decision, the applicant (applicants) has the right to convert the application for a utility model, for which the filing date is set, into an application for an invention.

171. Upon receipt of an application for converting an application for a utility model into an application for an invention, the following shall be checked:

whether the application has been submitted within the period specified in paragraph 170 of this Regulation;
availability of a document confirming the payment of a patent fee for converting an application for a utility model into an application for an invention.

172. If the deadlines for submitting an application for the transformation of an application for a utility model into an application for an invention are not met, the applicant (applicants) is notified that the transformation of the application cannot take place.

In case of failure to submit a document confirming the payment of the fee together with the application, this application shall be considered not submitted, and the applicant (s) shall be notified thereof.

173. An application for a utility model, the transformation of which did not take place, remains an application for a utility model, further consideration of which is carried out in accordance with these Regulations.

174. If an application for the transformation of an application for a utility model into an application for an invention is submitted within the prescribed period and together with it a document confirming the payment of the patent fee in the prescribed amount is submitted, the applicant (applicants) shall be notified of the conversion.

175. The transformation of an application for a utility model into an application for an invention shall not be carried out in respect of withdrawn applications for utility models.

176. Upon receipt of an application from the applicant (applicants) for the withdrawal of the application filed by him for the transformation of an application for a utility model into an application for an invention, the transformation is not performed if the application was received before the notification of the conversion to the applicant (applicants) was sent.

The fee paid for the transformation of the application at the request of the applicant (applicants) may be returned or offset in accordance with the prescribed procedure.

177. Upon receipt of an application from the applicant (applicants) for the withdrawal of the application filed by him for the transformation of an application for a utility model into an application for an invention after sending him a notification about the transformation of an application for a utility model into an application for an invention, the reverse transformation of the application and the return of the fee paid are not made.

177-1. If an application for a utility model was filed using the AIS(Electronic filing of applications), after sending a notice to the applicant (applicants) about the transformation of the application for a utility model, further office work on the application for an invention is carried out on paper.

178. When converting an application for a utility model into an application for an invention, the applicant (applicants), within three months from the date of filing the application for transformation, must submit a copy of the first application for a utility model (invention), if the conventional priority was requested for the application for a utility model.

SECTION III EXAMINATION OF THE UTILITY MODEL APPLICATION

CHAPTER 21 CONDITIONS AND CONTENT OF EXAMINATION OF THE UTILITY MODEL APPLICATION. DATE OF FILING AN APPLICATION FOR UTILITY MODEL

179. Examination of an application for a utility model is carried out within the time period prescribed in paragraph 4 of Article 23 of the Law.

180. When examining an application for a utility model, verification of the compliance of the utility model with the conditions of patentability is not carried out.

181. During the examination of an application for a utility model, the following shall be checked:

181.1. the availability of documents that must be contained in the application for a utility model or attached to it;

181.2. compliance with the prescribed requirements for the application documents for a utility model, including the correct payment of the prescribed patent fees;

181.3. whether the proposed proposal relates to objects protected as a utility model.

182. During the examination of an application for a utility model, the date of filing the application for a utility model and the priority of the utility model are prescribed.

183. The date of filing an application for a utility model with the patent authority is the date on which the applicant (applicants) submitted an application for the grant of a patent, a description and drawings, if there is a link to them in the description.

If these documents are submitted by the applicant (applicants) non-simultaneously, then the filing date is the date of receipt by the patent authority of the last of the submitted documents.

184. The filing date of an application for a utility model when an applicant (applicants) submits a Request for the transfer of an international application corresponding to it to the national stage of consideration in the patent authority shall be considered the international filing date of the application, prescribed by the receiving Office.

185. The filing date of a divisional application for a utility model shall be the date of filing with the patent authority of the initial application for a utility model from which the utility model application was separated.

185-1. If the patent authority establishes that an application for a utility model has been filed by several applicants and an organization that is not a legal entity is indicated as one of them, other applicants who own the right to obtain a patent for a utility model are notified of the need within three months from the date of filing notice to make changes to the application materials related to the exclusion of an organization that is not a legal entity from the indication of the applicant (applicants). If no changes are made to the indication of the applicant (applicants) within the prescribed period, a decision is made on the application for a utility model to refuse to issue a patent for a utility model, of which the applicant (applicants) is notified within five days.

185-2. If the patent authority establishes that the organization indicated in the application as the sole applicant is not a legal entity, a decision is made on the refusal to issue a patent for the utility model on the application for a utility model.

CHAPTER 22 VERIFICATION OF CORRECT PAYMENT OF PRESCRIBED PATENT FEES

186. When checking the correctness of payment of prescribed patent fees, the following shall be checked:

observance of terms of payment and submission of payment documents;
compliance of the amounts paid with the prescribed amounts.

187. If a document confirming the payment of a patent fee for filing and conducting an examination of an application for a utility model is not submitted within the time period prescribed in paragraph 4 of Article 14 of the Law, a decision is made to refuse to accept the application for a utility model, of which the applicant (applicants) is notified within five days.

188. When a patent fee is paid in an amount less than the prescribed one, the applicant (applicants) shall be notified of the need to pay such a fee and submit a document confirming the additional payment within two months from the date the applicant (applicants) received the notification.

The applicant (applicants) is sent a decision to refuse to accept an application for a utility model, if the document confirming the additional payment was not received by the patent authority within the specified period.

189. When verifying the correctness of payment of patent fees, the possibility of applying the benefits provided for by law is prescribed.

CHAPTER 23 VERIFICATION OF ATTRIBUTION OF THE DECLARED SOLUTION TO OBJECTS PROTECTED AS UTILITY MODELS

190. When checking the patentability of a utility model, it is determined whether the declared utility model belongs to objects that are not granted legal protection.

191. A decision to refuse a patent shall be taken on the application if, as a result of examination of the utility model application, it is established that it is for a proposal which does not relate to objects protected as utility models, or it relates to solutions concerning only the appearance of the product and aimed at satisfying aesthetic needs; contrary to the public interest, principles of humanity and morality.

192. In the event that the object described in any claim of the utility model does not apply to objects protected as utility models, the applicant (applicants) is sent a request stating the arguments that may serve as a basis for refusing to issue a patent, and suggestion to refute the arguments.

If it is prescribed that such a proposal is declared as part of a group of utility models, the applicant (applicants) is invited to remove it from the claims and description of the utility model.

If in his response the applicant (applicants) did not refute the arguments of the examination and did not submit the utility model claim with the changes proposed in the request, a decision is made to refuse to grant a patent, of which the applicant (applicants) is notified within five days.

CHAPTER 23-1 ESTABLISHING THE PRIORITY OF THE UTILITY MODEL

192-1. The priority of a utility model is prescribed on the grounds provided for in Article 16 of the Law.

192-2. When the applicant (applicants) requests the conventional priority, the following shall be checked:

192-2.1. availability of an indication of the requested conventional priority;

192-2.2. observance by the applicant (applicants) of the deadline for filing an application for a utility model with the request for conventional priority, prescribed in part one of paragraph 3 of Article 16 of the Law. If an application for a utility model with a claim for conventional priority is received later than the deadline, but before the expiration of two months from the date of its expiration, the applicant (applicants) must submit a request for an extension of the deadline for filing such an application, indicating circumstances beyond his (them) control, under which the application could not be submitted within the time limit. The application must be accompanied by a document confirming the payment of the patent fee for the extension of the term for filing an application for a patent for a utility model with a claim for conventional priority.

192-3. When an applicant (applicants) asks for the priority of a utility model by the date of receipt of additional materials to a previously filed application for a utility model of the same applicant (applicants) in accordance with paragraph 4 of Article 16 of the Law, the following is checked:

192-3.1. availability of an indication of the requested priority;

192-3.2. observance by the applicant (applicants) of the deadline for filing an application for a utility model with a priority claim on the date of receipt of additional materials, prescribed in paragraph 4 of Article 16 of the Law;

192-3.3. disclosure of the utility model in additional materials, according to the date of receipt of which priority is claimed (taking into account the content of the original utility model application on which these materials were submitted).

192-4. When an applicant (applicants) asks for the priority of a utility model by the date of filing with the patent authority of an earlier application for a utility model of the same applicant

(applicants) in accordance with paragraph 5 of Article 16 of the Law, the following is checked:

192-4.1. availability of an indication of the requested priority;

192-4.2. observance by the applicant (applicants) of the deadline for filing an application for a utility model with a priority claim on the date of receipt by the patent authority of an earlier application for a utility model of the same applicant (applicants), prescribed in paragraph 5 of Article 16 of the Law;

192-4.3. disclosure of the utility model in an earlier application for a utility model, while an earlier application for a utility model should not claim an earlier priority.

When requesting priority by the date of filing with the patent authority of an earlier application for a utility model, a decision is made to refuse to grant a patent for an earlier application for a utility model, of which the applicant (applicants) is notified within five days.

192-5. When the applicant (applicants) requests the priority of a utility model under a divisional application for a utility model in accordance with paragraph 6 of Article 16 of the Law, the following shall be checked:

192-5.1. availability of an indication of the requested priority;

192-5.2. observance by the applicant (applicants) of the conditions for filing an application for a utility model with a priority claim for a divisional application for a utility model, provided for in paragraph 6 of Article 16 of the Law;

192-5.3. disclosure of the utility model in the original utility model application.

When establishing priority on a divisional application for a utility model, the date of filing of the initial application for a utility model is recognized as the date of its filing, and if there is a right to establish an earlier priority for the initial application for a utility model, the date of this priority.

192-6. The applicant (applicants) may request several priorities relating to different claims of the utility model, while it is necessary to indicate the specific claims in respect of which each priority is claimed. Depending on the grounds indicated by the applicant (applicants) for requesting several priorities, compliance by the applicant (applicants) with the relevant conditions specified in paragraphs from 192-2 to 192-5 of these Regulations is

prescribed.

192-7. Establishing a priority or several priorities in accordance with paragraphs 4-6 of Article 16 of the Law is possible provided that the application for a utility model on the basis of which priority is claimed, or an application for a utility model for which additional materials that are the basis for claiming priority are filed, do not revoked or no decision has been made on it to refuse to issue a patent for a utility model.

192-8. When verifying the applicant(s) compliance with the condition of disclosure of the claimed utility model in the previously filed materials (previously filed utility model application, supplementary materials) being the basis for claiming priority, it is checked whether the materials (description, claims of the previously filed utility model application, text part of supplementary materials) contain all the features included in the claims of the claimed utility model.

192-9. If the applicant (applicants) complies with the conditions specified in paragraphs from 192-2 to 192-8 of these Regulations, the claimed priority is prescribed in relation to the utility model.

192-10. If the applicant (applicants) fails to comply with at least one of the conditions specified in paragraphs from 192-2 to 192-8 of this Regulation, the priority of the utility model is prescribed (with prior notification of the applicant (applicants) on the date of filing the utility model application with the patent authority). If these conditions are not met in relation to a utility model described in one of the claims of a multi-link claim, priority by the date of filing an application for a utility model with a patent authority is prescribed only by the corresponding claim.

CHAPTER 24 REQUEST FOR MISSING OR CORRECTION MATERIALS IN A UTILITY MODEL APPLICATION

193. If during the examination of an application for a utility model it is prescribed that the application for a utility model does not contain all the necessary documents or they are drawn up in violation of the requirements for them, a request is sent to the applicant (applicants) indicating the deficiencies found and a proposal to submit the missing or corrected documents within three months from the date of sending the request to the patent authority.

194. Grounds for a request may be:

194.1. the absence in the application of at least one of the documents provided for in paragraphs 7 and 14 of these Regulations (with the exception of an application for a patent);

194.2. lack of the required number of copies of the document (documents);

194.3. incorrect execution of utility model application documents (e.g., lack of signatures);

194.4. the need to discuss with the applicant (applicants) the further procedure for considering an application for a utility model in case of violation of the requirement for the unity of the utility model;

194.5. the need to discuss with the applicant (applicants) issues related to the payment of patent fees;

194.6. identification of violations of the requirements for the description of the utility model, claim of the utility model, abstract, drawings;

194.7. non-compliance of the power of attorney with the prescribed requirements;

194.8. identification of inconsistencies in the information contained in the application materials for a utility model;

194.9. identification of other shortcomings that prevent the completion of the examination.

195. In case of non-compliance with the requirement of the unity of the utility model, the applicant (applicants) shall be sent a request with a proposal to indicate which of the utility models should be considered and clarify the relevant documents within three months from the date of sending the request. In this case, the applicant(s) may file one or more divisional applications for other

utility models or groups of utility models that meet the unity requirement.

196. The determination of whether a group of utility models is so interconnected that it forms a single creative concept is made regardless of whether these utility models are claimed in separate claims or alternatively in one claim.

197. If the description contains references to drawings that are not submitted by the applicant (applicants) with the application, then the applicant (applicants) is invited to either submit the missing drawings or to exclude information relating to these drawings from the description.

198. The term for the submission by the applicant (applicants) of duly executed documents at the request of the patent authority, provided for in paragraphs 193 and 195 of this Regulation, may be extended at the request of the applicant (applicants) received before the expiration of this period, but not more than 12 months. The request for an extension of the term for the submission of duly executed documents (petition for an extension of the term) indicates the requested extension period for the submission of duly executed documents requested by the patent authority.

199. A document confirming the payment of the patent fee in the prescribed amount is attached to the request for an extension of the term.

200. In case of non-compliance with the prescribed deadlines for filing a request for an extension of the term and failure to submit a document confirming the payment of the patent fee, the request for an extension of the term is not subject to satisfaction, of which the applicant (applicants) is notified.

201. When a request for an extension of time is granted, the applicant(s) will be notified of the extension of that time.

202. If the applicant (applicants) did not submit the requested materials within the prescribed period, or did not eliminate the shortcomings indicated by the patent authority in the application documents, or did not submit a request for an extension of the

deadline for their submission, a decision is made to refuse to issue a patent for a utility model, about which the applicant (applicants) shall be notified within five days.

**CHAPTER 25 VERIFICATION OF MATERIALS SUBMITTED BY THE APPLICANT(S)
ON THEIR OWN INITIATIVE OR AT THE REQUEST OF THE PATENT AUTHORITY**

203. With regard to additional materials filed at the request of the patent authority or at the initiative of the applicant (applicants), compliance by the applicant (applicants) with the prescribed deadlines for their submission is checked.

With regard to additional materials submitted at the initiative of the applicant (applicants) and providing for the correction or clarification of the application materials for a utility model, it is checked whether, together with the additional materials, a document confirming the payment of the patent fee in the prescribed amount has been submitted.

204. If it is prescribed that the applicant (applicants), at the request of the examination, submitted additional materials in violation of the specified deadlines and these deadlines were not extended, a decision is made to refuse to issue a patent, of which the applicant (applicants) is notified.

In the absence of a document confirming the payment of the patent fee in the prescribed amount, the applicant (applicants) is notified of the need to submit it. If this document is not submitted within three months from the date of sending the notification, the materials changed or specified by the applicant (applicants) are not taken into account when considering an application for a utility model, of which the applicant (applicants) is notified within five days.

205. Upon receipt of additional materials submitted by the applicant on his own initiative or at the request of the patent authority, it is checked whether they change the essence of the utility model. Additional materials are recognized as changing the essence of the utility model if they contain features to be included in the claims that are not in the original description of the utility model.

206. Features of a utility model shall be deemed to be included in the utility model claims not only if they are contained in the revised claims submitted by the applicant(s), but also when the applicant(s) merely indicates such inclusion.

207. Features of a utility model given in supplementary materials and subject to inclusion in a claim shall be recognized as missing in the initial materials of the application for a utility model, if they were not mentioned in the claim or in the description contained in the application as of the date of filing.

208. If in the original materials of the application for a utility model the feature of the utility model was expressed by a general concept without disclosing particular forms of its implementation, then the presentation of such a form of implementation in additional materials, referring it to the feature to be included in the claim of the utility model, is the basis for recognizing additional materials that change the essence of the utility model.

209. The features mentioned in the description only in relation to the prior art, including the closest analogue, do not apply to the features of the utility model contained in the initial materials of the utility model application.

210. If an application for a utility model belongs to a group of utility models, the features of any utility model of the group contained in the original materials of the application for a utility model are considered to be the features mentioned in the description in relation to this particular utility model of the group.

An exception is a group of utility models, one of which is intended for use in another. At the same time, the features of one utility model contained in the original materials, intended for use in another, are also considered features of this other utility model.

211. If additional materials are recognized as changing the essence of the utility model, the applicant (applicants) is informed about this.

CHAPTER 26 CLASSIFICATION OF UTILITY MODEL

212. When classifying a utility model, the basis for choosing a classification index is the claim of the utility model.

213. If an application for a utility model relates to several utility models corresponding to several sections of the IPC, all relevant classification indices are prescribed. The choice of the first index is determined by the purpose of the utility model, reflected in the title.

CHAPTER 27 PARTICIPATION OF THE APPLICANT(S) IN EXAMINATION OF THE UTILITY MODEL APPLICATION

214. Issues that have arisen during the examination of an application for a utility model may be considered with the participation of the applicant (applicants).

Consideration of issues that have arisen during the examination of an application for a utility model, with the participation of the applicant (applicants) is carried out at the suggestion of the patent authority or at the request of the applicant after the parties have previously familiarized themselves with the issues to be considered. The issues of the patent authority may be set out in a request, which additionally informs about the advisability of considering them jointly with the applicant (applicants), the questions of the applicant (applicants) - in a request for joint consideration of issues that arose during the examination of an application for a utility model.

In the case of a request of the patent office, the applicant(s) shall reply to it within the time limit established by the Law, irrespective of whether the applicant(s) intend to participate in the joint examination of the issues raised therein.

215. The date and time of consideration with the participation of the applicant (applicants) of issues that arose during the examination of an application for a utility model are preliminarily agreed upon.

A party that is unable to participate in the consideration of an application for a utility model at the agreed time shall immediately notify the other party of this.

216. Consideration of issues that have arisen during the examination of an application for a utility model, with the participation of the applicant (applicants) is carried out through negotiations, if the issues can be resolved directly by the expert and the applicant (applicants), or at an expert meeting, if the resolution of issues requires participation from outside patent authority of a number of specialists.

217. Based on the results of negotiations or an expert meeting, a protocol is drawn up in two copies containing information about the participants, arguments and proposals made by the parties, as well

as conclusions reached by the participants.

218. The protocol is signed by all participants in the negotiations or expert meeting. One copy is attached to the application materials for a utility model, the other is transferred to the applicant (applicants).

219. In the absence of agreement on the issues discussed, the minutes may record the dissenting opinions of the participants in the consideration.

CHAPTER 28 DECISION ON GRANTING A PATENT FOR A UTILITY MODEL

220. If, as a result of the examination, it is prescribed that the application for a utility model is filed for a technical solution protected as a utility model, contains all the necessary documents and these documents are drawn up in compliance with the requirements prescribed by this Regulation, a decision is made to grant a patent for a utility model.

221. The decision to grant a patent for a utility model sent to the applicant (applicants) informs about the need to submit, within three months from the date of sending the decision to grant a patent, a document confirming the payment of the fee for registering a utility model, granting a patent and for maintaining a patent in force. The payment of the patent fee for maintaining the patent in force for each paid expired and next year of validity of the patent that began on the date of the decision to grant a patent must be made simultaneously with the payment of the patent fee for the grant of a patent.

222. The decision to grant a patent for a utility model states that a patent is issued without checking whether the utility model complies with the conditions of patentability under the responsibility of the applicant (applicants).

REGULATIONS on the procedure for conducting an information search on an application for a utility model

1. This Regulation, developed in accordance with paragraph 10 of Article 23 of the Law, determines the procedure for conducting an information search on an application for a utility model (hereinafter referred to as information search) and providing information about it.
2. Information search is carried out to determine the state of the art, in comparison with which the novelty of the utility model can be assessed.
3. Information search may be carried out at the request of the applicant (applicants) or an interested person and subject to appropriate payment.
4. The applicant (applicants) is notified of the receipt of a third party's application, in accordance with which an information search is carried out.
5. If a request for an information search has been received on an application for a utility model that has been withdrawn or on which a decision has been made to refuse to grant a patent, then the person who filed the request is informed that it is impossible to satisfy it.
6. If, as of the date of receipt of a request for an information search, such a search has already been carried out, the person who filed the said request is informed of the indicated circumstances and the conditions for providing him with a copy of the information search report.
7. Information search is carried out on the basis of the utility model claim, taking into account the description and drawings, if any, as well as taking into account the changes in the utility model claim taken into account when considering the utility model application.
8. The prior art includes any information about devices of the same purpose as the utility model, which became publicly available in the

world before the priority date of the utility model, as well as information about their open use in the Republic of Belarus. When determining the state of the art, publicly available information is considered to be information contained in the source of information, with which any person can familiarize himself or about the content of which he can be legally informed.

9. The date determining the inclusion of the source of information in the prior art is for:

published patent documents - the date of publication indicated on them;

applications for inventions filed with the patent authority, available for review by any person with their materials - the date of publication of information about the application for an invention in the official bulletin;

applications for utility models filed with the patent authority - the date of publication in the official bulletin of information about the patent for a utility model;

domestic printed publications and printed publications of the USSR - the date of signing for publication indicated on them;

domestic publications and printed publications of the USSR, which do not indicate the date of signing for printing, as well as for other printed publications - the date of their publication, and if it is impossible to establish it - the last day of the month or December 31 of the year indicated in the publication, if the time of issue into the world is determined respectively only by a month or a year;

deposited manuscripts of articles, reviews, monographs and other materials - the date of their deposit;

reports on research work, explanatory notes to development work and other design, technological and project documentation located in the bodies of scientific and technical information - the date of their receipt by these bodies;

normative and technical documentation - the date of its registration in the authorized body;

materials of dissertations and abstracts of dissertations published as a manuscript - the date of their receipt by the library;

for works accepted for the competition - the date of their laying out for review, confirmed by documents related to the competition;

visually perceived sources of information (posters, models, products, etc.) - a documented date from which it became possible to view them;

exhibits placed at the exhibition - a documented date of the start of their display;

oral reports, lectures, speeches - the date of the report, lecture, speech, if they are recorded by sound recording equipment or verbatim in the manner prescribed by the rules for holding relevant events in force on the specified date;

messages on radio, television, cinema - the date of such a message, if it is recorded on the appropriate information medium in the prescribed manner, valid on the specified date;

information about the technical means that became known as a result of its use on the territory of the Republic of Belarus - a documented date from which this information became publicly available;

information received in electronic form - either the date of publication of documents made available through the electronic environment, or, if this date is not available, the date of placement of information in the electronic environment, subject to its documentary confirmation.

10. As a characteristic of the area of information retrieval (a set of sections of science and technology, information on which is viewed to establish the level of technology for a given application for a utility model), indexes of headings of the International Patent Classification (hereinafter - IPC) are used.

11. When determining the area of information retrieval, the object of the utility model as a whole is taken into account. An information search is carried out both for known objects, including irrespective of their purpose, and for their parts.

12. When conducting an information search, the state of the art includes documents to which the patent authority has access as of the end date of the search.

Information search is carried out in the scope, including:

official bulletins of the patent authority;

descriptions to titles of protection of the Republic of Belarus;

applications for inventions filed with the patent authority, the materials of which, after the publication of information about the application for an invention, became available for review by any person;

applications for utility models after the publication of information

about patents for utility models on these applications;
patent documentation of the USSR, Russia, the Eurasian Patent Office, the USA, Great Britain, Germany, France, Japan, Switzerland, the European Patent Office and the World Intellectual Property Organization, as well as patent documentation of other countries;
non-patent literature.

Any public documents can be included in the scope of information retrieval. The volume of information search may also include information on the use in the Republic of Belarus of means of the same purpose as the utility model.

13. When conducting an information search, the scope of the search for the purposes of checking the novelty of the utility model also includes, subject to their earlier priority, all unwithdrawn applications for utility models and inventions filed in the Republic of Belarus by other persons and utility models and inventions patented in the Republic of Belarus, regardless of whether information about them was published as of the priority date of the application for a utility model for which information search is carried out.

14. The information search does not stop and is carried out to the end in full, even if during the search a means of the same purpose is found, characterized by features identical to all the features of the utility model in respect of which the search is being carried out. The number of analogues identified in the search process should be determined from the condition of the most complete and meaningful information about the prior art without explicit repetition and unnecessary duplication of information.

15. The results of the information search are drawn up in the form of an information search report.

The information retrieval report contains the following data:

the number of the utility model application for which the information search was carried out;

utility model priority;

the name of the utility model;

information about the applicant (applicants) (surname, first name and patronymic (if any) of an individual or full name of a legal entity);

IPC heading index, prescribed during the classification of the

utility model;
area of information retrieval;
references given in the form of bibliographic data to documents, to
their specific parts related to the subject of information
retrieval. If the link does not refer to all claims of the utility
model, the corresponding specific claim (clauses) of the claim shall
be indicated;
date of completion of the information search.

16. Upon completion of the information search, a report on it is
sent to the person who submitted the application.

17. Copies of the documents indicated in the information search
report, with the exception of copies of applications, information
about which is not available for review by third parties, are
provided subject to appropriate payment for their production.