

BELARUS

Regulations on PATENT

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

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

SECTION I APPLICATION FOR INVENTION

CHAPTER 1 GENERAL PROVISIONS

2. This Regulation uses the terms in the meanings prescribed 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;

WIPO - World Intellectual Property Organization;

SCST - State Committee for Science and Technology;

Eurasian application - an application for the grant of a Eurasian patent for an invention in accordance with the Eurasian Patent Convention of September 9, 1994;

Eurasian Patent Convention - Eurasian Patent Convention of September 9, 1994;

application - an application for a patent of the Republic of Belarus for an invention;

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

IPC - International Patent Classification;

Paris Convention - Paris Convention for the Protection of Industrial Property of March 20, 1883;

Patent Regulations - Patent Regulations under the Eurasian Patent Convention;

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

Representative - patent attorney or common representative;

PCT - Patent Cooperation Treaty of June 19, 1970;

Register of Inventions - State Register of Inventions of the Republic of Belarus.

3. An invention that is granted legal protection is a technical solution in any field related to a product (in particular, a device, a substance, a microorganism strain, a plant or animal cell culture, another biotechnological product) or a method, as well as the use of a product or a method according to a specific purpose, which is new, has an inventive step and is industrially applicable.

CHAPTER 2 APPLICATION FOR INVENTION AND DOCUMENTS ATTACHED TO IT

4. An application for an invention must refer to one invention or a group of inventions so interrelated that they form a single inventive concept.

If a group of inventions is claimed in one application for an invention, the requirement of unity of invention is considered fulfilled only if there is a technical relationship between these inventions, expressed by one or more identical or corresponding special technical features. Special technical features are those technical features that determine the contribution made to the state of the art by each of the claimed inventions, taken together.

6. An application for an invention must contain:

6.1. an application for a patent for an invention;

6.2. a description of the invention, disclosing it in sufficient detail to carry out the invention;

6.3. the claims, which must express its essence, be clear, precise and fully based on the description;

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

6.5. abstract.

7. An application for an invention is submitted to the patent authority on paper or through the AIS by the applicant (applicants) independently or through a patent attorney.

If it is impossible to use the AIS for filing an application for an invention or sending other correspondence on an application for an invention, the patent authority places a corresponding notice on its official website on the global computer network Internet.

8. The application must be made in Belarusian or Russian.

9. Description of the invention, claims, drawings, abstract can be drawn up in Belarusian, Russian or foreign language. An application for an invention containing documents drawn up in a foreign language must be accompanied by their translation into Belarusian or Russian. The translation must be submitted at the time of filing the application or no later than two months from the date of receipt of the application for an invention by the patent authority. Prior to the submission of the translation, documents submitted in a foreign

language are considered not received. The correctness of the translation when filing an application for an invention on paper is certified by the signature of the applicant (applicants) or his (their) patent attorney.

10. Documents of the application for an invention, drawn up in Belarusian or Russian, if submitted on paper, shall be submitted in two copies.

11. Application documents for an invention drawn up in a foreign language, if submitted on paper, shall be submitted in one copy, their translation in two copies.

13. Instead of a translation of the first application for an invention filed in a state party to the Paris Convention, the applicant (applicants) or his (their) patent attorney may submit a statement confirming that the application for an invention filed with the patent authority is a complete translation of the first application for an invention.

14. An applicant (applicants) wishing to take advantage of the priority of the first application for an invention must submit a document confirming his (their) right to claim priority if the applicant (applicants) for the first application for an invention was another person. If the name of the applicant (applicants) (name, if the application for an invention is filed by a legal entity) has been changed after the filing date of the first application for an invention, then when filing an application for an invention with the patent authority, a document confirming such a change is submitted.

15. A copy of the first invention application must be duly certified by the Office receiving such application and must be accompanied by a certificate issued by that Office indicating the filing date of the first invention application.

A copy of the first application for an invention is submitted to the patent authority on paper.

16. An application for an invention shall be accompanied by a document confirming the payment of the patent fee in the prescribed amount or exemption from the payment of the patent fee, or a document confirming the partial payment of the patent fee, along

with documents confirming the existence of grounds for reducing its size.

These documents are submitted simultaneously with the application for an invention or within the period specified in paragraph 4 of Article 13 of the Law.

17. An application for an invention filed through a patent attorney must be accompanied by a power of attorney issued to it by the applicant (applicants).

18. The applicant (applicants) may appoint a representative to represent their interests in the application for an invention in the patent body.

A patent attorney may be appointed both before filing an application for an invention, and during its consideration.

19. If several applicants are named in one application for an invention, they may appoint a representative (patent attorney or common representative) to conduct business in the patent authority. If a common representative is not appointed for an invention application filed by several applicants, the filing of an invention application is carried out on paper, and all applicants must sign each document requiring the signature of the applicant.

20. In the case of filing an application for an invention on paper, a common representative may be indicated in the application form signed by all applicants.

21. The powers of a representative before the patent body shall be certified by a power of attorney.

A power of attorney to represent the interests of the applicant (applicants) before the patent authority can be issued both by the applicant (applicants) and his (their) representative (by way of substitution).

An application for an invention filed by a common representative must be accompanied by a power of attorney (powers of attorney) issued to him by the other applicants.

22. 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).

23. A power of attorney for representation before a patent authority does not require notarization, except in cases of substitution.

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

If the power of attorney is issued in a foreign language, its translation into Belarusian or Russian, made on a separate sheet, must be attached, the correctness of which is certified by the patent attorney in whose name such power of attorney was issued.

25. 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.

26. The power of attorney must meet the following requirements: the power of attorney must be signed by the person who issued it, indicating his last name and initials, as well as his 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 its execution.

27. A power of attorney may relate to one or more applications for inventions, both existing and future.

28. An application for an invention received by the patent body shall be assigned a number and the date of receipt by the patent

body shall be indicated on it.

29. Materials of a registered application for an invention are not subject to return.

CHAPTER 3 DIVISIONAL APPLICATION FOR INVENTION

30. An applicant (applicants) has the right to file a divisional application for an invention if:

- 30.1. the initial application for the invention was filed in violation of the requirement of unity of invention;
- 30.2. the invention when filing an application for an invention was not included in the claims, but disclosed in the description;
- 30.3. a group of inventions was applied for one patent, but the applicant(s) decided to obtain a patent for each invention.

31. A divisional application for an invention must be filed by the same applicant(s) as the original application for an invention. In the case of filing a divisional application for an invention by another applicant (applicants), documents on the transfer or transfer of the right to obtain a patent for the invention must be submitted.

32. If a divisional application is the source for a division of another divisional application, the invention must be disclosed in both the original application for invention and the first divisional application.

33. When filing a divisional application for an invention, it is not required to submit a copy of the first application for an invention if this copy was submitted for the original application for an invention.

34. If a decision is made on the initial application to grant a patent, the divisional application must be filed before the date of registration of the invention, and if a decision is made to refuse to grant a patent in accordance with paragraph 4 of Article 19 or paragraph 5 of Article 21 of the Law - before the expiration of the period to his appeal.

If, in accordance with paragraph 5 of Article 19 or paragraph 3 of Article 21 of the Law, a decision is made to refuse to grant a patent on the initial application, the time limit missed by the applicant must be restored as of the date of filing the divisional application.

35. On the date of receipt by the patent body of the divisional application for an invention, the initial application for an invention shall not be withdrawn.

36. A divisional application for an invention must comply with the requirements prescribed by these Regulations.

CHAPTER 4 EURASIAN AND INTERNATIONAL APPLICATIONS

37. Eurasian and international applications are filed with the patent authority if at least one of the applicants has a place of residence or location in the territory of the Republic of Belarus.

38. The Eurasian application must contain the documents provided for in Rule 211 of the Patent Regulations.

39. The documents of the Eurasian application must comply with the requirements prescribed in Rules 22-27 of the Patent Regulations and subparagraphs 2.5-2.8 of paragraph 2 of the Rules for Drafting, Filing and Considering Eurasian Applications at the Eurasian Patent Office.

40. An international application must contain the documents provided for in Article 3(2) of the PCT.

41. The documents of an international application must comply with the requirements set out in Articles 4-7 of the PCT and Rules 3-13 of the PCT Regulations.

42. When filing an international application with the patent authority, the applicant(s) shall pay a fee for forwarding the application documents to the International Bureau of WIPO in accordance with Rule 14 of the PCT Regulations. The postage fee is payable within one month from the date of receipt of the international application.

43. The patent authority accepts international applications in Russian or English.

43-1. Eurasian and international applications are not submitted through the AIS.

SECTION II APPLICATION DOCUMENTS

CHAPTER 5 STATEMENT

44. The application must contain:

44.1. a request for a patent of the Republic of Belarus for an invention with the name of the applicant (applicants);

44.2. information about the applicant (applicants):

surname, first name and patronymic (if any) of an individual (individuals), and the surname is indicated before the name, and (or) the full name of the legal entity (legal entities) in accordance with the constituent document;

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 invention, information about his (their) place of residence (place of stay) is indicated in the manner prescribed for indicating the place of residence (place of stay) of the author (authors) of the invention.

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 (OKPO), the payer identification number (UNP) and the name of the legal entity to which it is subordinate or in the composition (system) of which includes a legal entity of the applicant (applicants) (if any);

44.3. the name of the claimed invention (group of inventions), which must match the name given in the description of the invention;

44.4.1. information on the creation of an invention in whole or in part at the expense of the republican and (or) local budgets, including state targeted budget funds, as well as state extra-budgetary funds in the framework of the implementation of scientific and scientific-technical activities (hereinafter - STA), if the invention was created in as part of such activities (for national applicants). It specifies:

the program within which STA was carried out;

who is the applicant (applicants) within the framework of the program - the state customer, the executor, the person to whom the

rights to obtain a patent for the invention were transferred by the state customer (executor);

sources of funding for STA;

44.5. the filing date and number of the original application for an invention, if the application for an invention is filed as a division;

44.6. a request for establishing priority when requesting a priority earlier than the date of filing an application for an invention with the patent authority, indicating the grounds for requesting such priority (by the date of filing the first application for an invention in a state party to the Paris Convention, by the date of receipt of additional materials to the previously filed application for an invention, on the date of filing an earlier application for an invention with the patent authority);

44.7. the number of the first or earlier application for the invention 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 claimed 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 an invention, the date of the claimed priority, and the state in which the first application for an invention was filed shall be indicated when the application for an invention is filed or within the period specified in part two of paragraph 3 of Article 16 of the Law;

44.8. 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 available);

44.9. information about the representative if the application for an invention is filed through a representative:

surname, first name and patronymic (if any) 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);

44.10. a list of documents attached to the application for an invention indicating the number of sheets in one copy, and in the

case of filing an application for an invention on paper, also indicating the number of copies. For other attached documents, the type of which is not provided for by the application form, their purpose is indicated specifically;

44.11. an indication of the basis (grounds) for the emergence of the right to obtain a patent in accordance with paragraph 2 of Article 6 of the Law;

44.12. the figure number of the drawings (if there are several figures) proposed for publication with the claims in the official bulletin of the patent authority. If the figure number is not specified, then the first figure of the drawings is published;

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

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

45. The information specified in subparagraphs 44.5-44.7 of paragraph 44 of these Regulations shall be provided only when priority is claimed earlier than the date of receipt of the application for an invention by the patent authority.

46. 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 the person (s) authorized to do so, the surname, initials and position of the signing person (s) are indicated.

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.

47. 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 the continuation on the additional sheet (sheets)". The additional sheet(s) shall be signed by the applicant(s).

48. The fields of the application located above the word "application" are intended for entering details after the receipt of an application for an invention by the patent authority and are not filled in by the applicant (applicants).

CHAPTER 6 APPLICATION FOR TRANSFER OF THE INTERNATIONAL APPLICATION TO THE NATIONAL STAGE OF CONSIDERATION

49. An application for the transfer of an international application to the national stage of consideration must contain:

49.1. international application number;

49.2. publication number of the international application;

49.3. the filing date of the international application;

49.4. the date of publication of the international application;

49.5. the name of the claimed invention (group of inventions), which must match the name given in the description of the invention;

49.6. information about the applicant (applicants):

surname, first name and patronymic (if any) of an individual (individuals), and the surname is indicated before the name, and (or) the full name of the legal entity (legal entities) 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 invention, information about his (their) place of residence (place of stay) is indicated in the manner prescribed for indicating the place of residence (place of stay) of the author (authors) of the invention. 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 (OKPO), the payer identification number (UNP) and the name of the legal entity to which it is subordinate or in the composition (system) of which includes a legal entity - the applicant (applicants) (if any);

49.8. a request for an earlier start of consideration of the international application. At the same time, it is indicated from what date the applicant (applicants) requests the commencement of such consideration (from the date of receipt of the documents attached to the application for transferring the international application to the national stage of consideration, or from the specific date indicated by the applicant (applicants));

49.9. address for correspondence in accordance with the rules for addressing postal items indicating the surname, 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 available);

49.10. information about the representative if the application for an invention 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);

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

a description of an invention originally filed or modified under PCT Article 34(2) (b);

claims 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 in the description of the invention and (or) the claims and (or) drawings made when transferring the international application to the national stage of consideration;

49.12. a list of attached documents indicating the number of sheets in one copy, and in the case of filing an application for transferring an international application to the national stage of consideration on paper, also indicating the number of copies. For other attached documents, the type of which is not provided for by the application form, their purpose is indicated specifically;

49.13. information about the author (authors) of the invention:

surname, own name and patronymic (if any), and the surname is indicated before the name;

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

50. An application for the transfer of an international application to the national stage of consideration is submitted on paper in the form prescribed by the SCST. The requirements provided for in paragraphs 46-48 of these Regulations shall apply when drawing up an application for transferring an international application to the national stage of consideration.

CHAPTER 7 DESCRIPTION OF THE INVENTION

51. The description of the invention begins with the name of the invention indicated in the application, the heading index of the current version of the IPC and contains the following sections:

- 51.1. the field of technology to which the invention relates;
- 51.2. the level of technology;
- 51.3. the essence of the invention;
- 51.4. list of figures of drawings (if they are attached);
- 51.5. information confirming the possibility of carrying out the invention with the achievement of a technical result.

52. The titles of sections in the text of the description may not be indicated.

53. In the description of a group of inventions, in each section of the description, information must be given in relation to each invention of the group.

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

CHAPTER 8 NAME OF THE INVENTION. FIELD OF TECHNOLOGY TO WHICH THE INVENTION RELATES

55. The name of the invention characterizes its purpose, corresponds to the essence of the invention. 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 "and so on" and similar, which do not serve the purpose of identifying the invention.

The name of the invention is for informational purposes and may not coincide with the generic concept given in the claims, reflecting the purpose of the invention.

56. The title is stated in the singular. The exceptions are, in particular:

56.1. names that are not used in the singular (e.g. pliers, wire cutters, scissors);

56.2. names of inventions relating to chemical compounds covered by a general structural name (e.g. polypeptides, anthracycline derivatives, 5,6-dihydropyrone derivatives as);

56.3. names of inventions included in the group of inventions and related to means of one purpose, but not options (e.g. methods of obtaining, production).

57. The title of an invention relating to a chemical compound shall include its designation or name according to one of the accepted nomenclatures.

58. For biologically active substances, an indication of the type of biological activity may be given, and for biotechnological products, the function performed.

59. The title of an invention relating to a chemical may indicate its specific purpose.

60. The title of an invention relating to a method for obtaining a substance - a mixture of unknown composition, includes an indication of the purpose or biological activity of this substance.

61. The title of an invention relating to a strain shall include the generic and specific names of the biological object in Latin in accordance with the requirements of the international nomenclature and the purpose of the strain.

62. The name of an invention relating to the use of a device, method, substance, biotechnological product shall be drawn up in accordance with the rules adopted for the respective object and characterize its purpose.

63. The name of a group of inventions relating to various objects, one of which is intended for obtaining (manufacturing), implementing or using the other (in the other), may contain the full name of one invention and the abbreviated name of the other.

The name of a group of inventions related to variants may contain the name of one invention of the group, supplemented by the indication of the word "variants" in brackets.

64. In the section of the description of the invention "Field of technology to which the invention relates", the specific purpose of the object of the invention and the scope of its application are indicated. If there are several such areas, the preferred areas of application of the invention are indicated.

CHAPTER 9 PRIOR ART

65. In the section of the description of the invention "Level of technology" provides information about the analogues of the invention known to the applicant (applicants), highlighting among them the analogue closest to the invention in terms of the totality of features (prototype).

66. As an analogue of the invention, a means of the same purpose, close in essence to the claimed invention, known from information that became publicly available before the priority date, is selected.

67. When an analogue is indicated in the description of an invention, a digital reference is given to the source of information in which it is disclosed, the signs of the analogue, indicating those that coincide with the signs of the claimed invention.

68. If the invention relates to a method for obtaining a substance of unidentified composition with a specific purpose or biological activity, a method for obtaining a substance with the same purpose or the same biological activity is indicated as an analogue.

69. When describing analogues of an invention related to a biotechnological product, information is given on known products with the same function. When describing the closest analogue of the invention, relating to the strain - the producer of the substance, information is given about the known producer of this substance and the produced substance.

70. If the invention relates to the use of a device, method, substance, biotechnological product, then its analogues include known objects of the same purpose.

71. When describing a group of inventions, information about analogues is given for each invention separately.

CHAPTER 10 ESSENCE OF THE INVENTION

72. In the section of the description of the invention "Essence of the invention", the technical problem to be solved by the claimed invention is disclosed, indicating the technical result that can be obtained by using the invention.

The technical task, as a rule, is to create an object whose characteristics meet the specified requirements. This object may be the objects specified in paragraph 3 of these Regulations.

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

74. Devices as objects of the invention include structures and products, for the characteristics of which, in particular, the following features are used:

constructive implementation of the device, characterized by the presence and functional purpose of blocks, assemblies, structural elements, their mutual arrangement, the form of execution of the elements and (or) the device as a whole;
communication between blocks, nodes, elements;
form of connection between elements;
parameters and other characteristics of the elements and their relationship;
the material from which the elements and (or) the device as a whole is made;
environment that performs the function of the element.

75. Methods as objects of invention include processes for performing interrelated actions on a material object (objects) using material means.

76. To characterize the method, in particular, the following features are used:

actions (operations) performed;
sequence of actions (operations) to be performed;
conditions for the implementation of actions (operations), the use of substances (raw materials, reagents, catalysts), devices,

strains, microorganisms, plant and animal cell cultures, modes of operations.

77. Substances as objects of invention include:
chemical compounds, which also include macromolecular compounds;
compositions (compositions, mixtures);
products of nuclear transformation.

78. To characterize a chemical compound, the following features are used, in particular:

for a low-molecular compound with a prescribed structure - the chemical composition (atoms of certain elements and their number) and the structural claim of the compound;
for a macromolecular compound - the chemical composition and structure of one link of the macromolecule, the structure of the macromolecule as a whole, the periodicity of links, molecular weight, molecular weight distribution, geometry and stereometry of the macromolecule, its terminal and side groups;
for a compound with an undetermined structure, physicochemical and other characteristics (including signs of the method of preparation) that make it possible to identify this compound.

79. To characterize the composition, in particular, the following features are used:

qualitative composition (ingredients);
quantitative composition (content of ingredients);
structural characteristics.

80. To characterize a composition of unidentified composition, physicochemical, physical and utilitarian indicators and features characterizing the method of obtaining this composition can be used.

81. To characterize a substance obtained by nuclear transformation, in particular, the following features are used:

qualitative composition (isotope (isotopes) of the element);
quantitative composition (number of protons and neutrons);
basic nuclear characteristics: half-life, type and energy of radiation (for radioactive isotopes).

82. Biotechnological products as objects of invention include products isolated from their natural environment or obtained by

other means. Biotechnological products as objects of inventions may include:

living objects, in particular plants, animals, strains of microorganisms, plant and animal cell cultures;
non-living objects, in particular, hormones, cytokines, enzymes, antigens, antibodies, nucleic acid sequences, plasmids, vectors and others isolated from plants, animals or microorganisms or obtained by other means.

83. To characterize plants and animals, the following features are used, in particular:

appointment;
origin and method of obtaining;
taxonomic affiliation;
useful property;
features of the genotype and (or) phenotype;
features of the genetic construct that the plant or animal contains;
features of the structural elements of a plant or animal;
information about the useful substance that the plant or animal produces, and the level of productivity;
features of reproduction;
stability of the useful property.

84. To characterize individual strains of microorganisms, plant and animal cell cultures, in particular, the following features are used:

appointment;
origin (source of receipt, pedigree of the strain, characteristics of the original or parental strains, etc.);
taxonomic affiliation;
cultural and morphological features;
physiological and biochemical signs;
cytological signs;
molecular biological features;
marker signs (genetic, immunological, biochemical, physiological and others);
oncogenicity (for strains of medical and veterinary use);
contamination data;
biotechnological characteristics: the name and properties of the useful substance produced by the strain, the level of activity (productivity) and methods for its determination;

information about the stability of the preservation of useful properties during long-term cultivation;
virulence, immunogenicity, antigenic structure, sensitivity to antibiotics, antagonistic properties (for medical and veterinary strains);
features of reproduction;
information about cryopreservation.

85. To characterize a consortium of strains of microorganisms, plant and animal cell cultures, in addition to the features listed in paragraph 84 of this Regulation, characterizing individual strains, the following features are used, in particular:
factors and conditions of adaptation and selection;
taxonomic composition;
ratio and interchangeability of individual components;
divisibility;
cultural-morphological, cytological, physiological-biochemical and other signs of individual components;
stability and (or) competitiveness;
physiological characteristics of the consortium as a whole.

86. To characterize biotechnological products related to inanimate objects, the following features are used, in particular:
for products with a prescribed or partially prescribed structure, the structural claim or structural features, including the nucleotide sequence for nucleic acids (e.g. genes, gene fragments), the amino acid sequence for proteins, polypeptides, peptides, the presence and order of constituent elements, including the number of regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant and hybrid molecules;
for products with an undetermined structure - physicochemical and other properties, including signs of the method of preparation, which make it possible to identify these products and distinguish them from other known products.

87. For all biotechnological products, the function they perform is indicated.

88. The use of a device, method, substance, biotechnological product means its use for a specific purpose.

89. To characterize the use of a device, method, substance, biotechnological product, including for the specific purpose, the characteristic of the object used is sufficient to identify it, and an indication of this purpose.

90. The technical result is a characteristic of the technical effect, phenomenon, property and the like, objectively manifested in the implementation of the method or in the manufacture or use of the product, including the use of the product obtained directly by the method embodying the invention.

91. The technical result can be expressed, in particular, in reducing (increasing) the coefficient of friction, localizing the effect of the drug, increasing the sensitivity of the measuring device, reducing vibration, reducing signal waveform distortion, improving wettability, increasing the immunogenicity of the vaccine, obtaining antibodies with a certain direction, increasing computer speed.

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

92. The result obtained is not considered to be of a technical nature, in particular if it:

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;

due only to the peculiarities of the semantic content of information presented in one form or another on any medium;

is to be entertaining and spectacular.

93. If the invention relates to an information carrier, in particular a machine-readable one, or to a method for obtaining such a carrier and is characterized with the involvement of features that reflect the content of information recorded on the carrier, 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 the given invention, if it manifests itself only due to the implementation of the instructions contained in the specified information, except for the case when the invention relates to a machine-readable information carrier, including a removable one, intended for direct participation in the operation of a technical means under the control of a recorded on this program carrier, providing the specified result.

94. In the section of the description of the invention "Essence of the invention" (if the closest analogue is identified) the features that distinguish the invention from the closest analogue are highlighted, and the set of essential features that ensures the technical result is indicated.

It is not allowed to replace the characteristic of a feature with a reference to the source of information in which this feature is disclosed.

95. If the implementation of the invention provides several technical results, it is recommended to indicate all of them.

96. In the section of the description of the invention "Essence of the invention", a causal relationship between the features of the invention and the achieved technical result is disclosed and, if possible, justified.

CHAPTER 11 LIST OF DRAWING FIGURES

97. In the section of the description of the invention "List of figures of the drawings" is a list of figures of the drawings with a brief indication of what is shown in each of the figures.

98. If the applicant (applicants) submitted other materials explaining the essence of the invention, in the section of the description of the invention "List of figures of the drawings" a brief explanation of their content is given.

99. 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 proposed method is illustrated by a diagram, the given block diagram reflects).

CHAPTER 12 INFORMATION CONFIRMING THE POSSIBILITY OF IMPLEMENTING THE INVENTION RELATED TO A DEVICE, METHOD, SUBSTANCE

100. In the section of the description of the invention "Information confirming the possibility of carrying out the invention" shows the possibility of carrying out the invention with the implementation of the claimed purpose and obtaining a technical result if it does not follow in an obvious way from the essence of the invention. If in the claims any features are presented in the form of generalized concepts, then this section provides information about the specific means used to implement the invention. These means must either be described in this section or known from the prior art prior to the priority date of the invention, which must be confirmed by reference to the source of information.

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

101. When describing the invention, it is necessary that in the section of the description of the invention "Information confirming the possibility of carrying out the invention" all the features of the invention contained in the claims, both in the distinctive and in the restrictive parts, should be named. This applies to the signs of both independent and dependent items.

102. For an invention relating to a device, its description in a static state is given with reference 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.

After the description in a static state, a description of the operation of the device or a method of using it in a mode that ensures the achievement of the claimed technical result is given,

with references to the figures of the drawings or other explanatory materials (if they are attached). When new materials are used in the device, a method for their production is described.

103. To characterize the invention related to the method, the operations, actions, methods of the method, the sequence and conditions for their implementation, as well as the means used in the implementation of the method are given. If any are known before the priority date of the invention, it suffices to mention them. When using unknown operations, techniques, means, their characteristics and detailed description are given.

104. When new substances are used in the method, the method for their preparation is described.

105. As information confirming the possibility of implementing the method, examples of its implementation, including the preferred option, can be given.

106. For an invention relating to a method for obtaining a group (series) of chemical compounds described by a general structural claim, the possibility of obtaining all compounds of a group (series) is confirmed by providing information that includes a general scheme for their preparation, an example of obtaining at least one compound of a group (series). If a group (series) of new chemical compounds with a common essential structural element includes (is) compounds with radicals of different chemical nature, then examples are given that are sufficient to confirm the preparation of compounds with these radicals and the possibility of using all such compounds for the indicated purpose. For the obtained compounds included in the group (series), the structural claims are given, confirmed by known methods, and the physicochemical characteristics necessary for their identification.

107. For an invention relating to a method for obtaining a compound of an unidentified structure, the data necessary for its identification, information about the initial reagents for obtaining the compound, information confirming the possibility of using the compound for the purpose indicated by the applicant (applicants), as well as information about the properties that determine such an appointment.

108. For an invention related to a method for producing a biotechnological product, it is confirmed that the resulting product actually has the desired properties and can be used for the specified purpose. Signs are given that allow identifying the product, in appropriate cases - the structural claim, features of the structure and composition, as well as other signs depending on the type of product.

For an invention relating to a method for producing a group of biotechnological products having a common structural element (elements), such a number of examples is given that is sufficient to confirm the possibility of obtaining all products of the group. This confirms that all obtained biotechnological products have the same type of activity and perform the same function.

109. The possibility of carrying out the invention related to the method in which the strain is used, in terms of the use of the strain, is confirmed by the description of the method for its preparation, providing information about the deposition of the strain, and providing a document on such deposition, drawn up in the prescribed manner. The deposit must be made before or on the priority date.

110. For an invention relating to a method for producing a product, the element of which or the product itself is made of a material of unknown composition and (or) structure, information about the material and material properties that allow it to be identified, as well as data on the operational characteristics of the element and (or) products.

111. For an invention relating to a method for the treatment, diagnosis or prevention of an animal disease, information (in particular, the results of in vivo and (or) in vitro studies and (or) clinical trial data) confirming the suitability of the method for treatment, diagnosis or prevention the specified disease. Information is provided on the identified factors that affect the etiopathogenesis of the disease or determine the presence of a relationship between the etiopathogenesis and the diagnostic indicators used, and in the absence of such information, other data confirming the suitability of the method for the treatment, diagnosis or prevention of the specified disease (in particular,

obtained in the experiment on appropriate models).

112. For an invention relating to a new chemical compound with a prescribed structure, the structural claim of the compound is given, as well as its physicochemical characteristics necessary for identifying the compound.

113. For an invention relating to a chemical compound or other substance with an unidentified structure, a set of features is provided to identify it.

113-1. For a chemical compound with a prescribed structure, a chemical compound or another substance with an unidentified structure, the method by which they were obtained is described and the possibility of using the compound or substance for the stated purpose is confirmed, and for biologically active substances, indicators of their activity (if necessary, toxicity and (or) selectivity of action) and other indicators.

114. If the invention relates to an agent for the treatment, diagnosis or prevention of a specific disease in humans and animals, the description of the invention provides reliable information to confirm its suitability for the treatment, diagnosis or prevention of the specified disease, respectively.

115. If a new chemical compound is obtained using a strain, then information about the biosynthesis process is given and an indication of where or how the corresponding strain can be obtained, a document on the deposit of the strain is submitted.

116. If the invention relates to a group (series) of new chemical compounds with an prescribed structure, described by a common structural claim, the possibility of obtaining all compounds of the group (series) is confirmed by providing information that includes a general scheme for their preparation, an example of obtaining at least one compound of the group (series) and confirmation of the possibility of using at least one of the compounds of the group (series) for the purpose indicated in the initial materials of the application for the invention.

If a group (series) of new chemical compounds with a common essential structural element includes (is) compounds with radicals

of different chemical nature, then examples are given that are sufficient to confirm the preparation of compounds with these radicals and the possibility of using all such compounds as indicated in the original application materials for the purpose of the invention.

117. If the invention relates to an intermediate compound, the possibility of obtaining from it a new end product with a specific purpose or biological activity is shown.

118. If the invention relates to a composition (mixture, solution, alloy, glass, etc.), examples are given that indicate the ingredients that make up the composition, their quantitative ratio, structural characteristics, describe the method for obtaining the composition, and if it contains as ingredient is a new substance, then a method for its preparation is described.

In the examples, the content of each ingredient is indicated in such a single value that is within the range of values specified in the claims (when expressing the quantitative ratio of the ingredients in the claims as a percentage (by weight or by volume), the total content of all ingredients specified in the example is 100 percent).

CHAPTER 13 INFORMATION CONFIRMING THE POSSIBILITY OF IMPLEMENTING THE INVENTION RELATED TO A BIOTECHNOLOGICAL PRODUCT, APPLICATION OF A DEVICE, METHOD, SUBSTANCE, BIOTECHNOLOGICAL PRODUCT FOR A PARTICULAR PURPOSE

119. For an invention relating to a plant or animal, the origin of the plant or animal and the method of their production shall be disclosed, as well as the possibility of its use for the declared purpose and the presence of the useful property of the plant or animal for which this plant or animal was obtained shall be confirmed. In addition, signs are given that allow you to identify a plant or animal. The same requirements apply to the offspring of a plant or animal, as well as to their individual parts (elements). If the task in creating a plant or animal is to obtain a product (substance) with its help, then information is indicated confirming that such a product (such a substance) was actually obtained and has the desired properties. If necessary, information about the level of productivity is provided.

120. For an invention relating to a strain, the nomenclature data and designation of the strain are indicated, as well as its origin is disclosed and cultural-morphological, physiological-biochemical, genetic and other features are given that make it possible to identify the claimed strain. In addition, the possibility of using the strain for a specific purpose is confirmed, in particular, for producing strains, methods for isolating and purifying the target product and properties of the target product (e.g. strains producing antibiotics, enzymes, monoclonal antibodies) are disclosed. The possibility of carrying out an invention relating to a strain of a microorganism, a culture of plant and animal cells, is confirmed by the description of the method for obtaining this strain and information about its deposition, the submission of a document on the deposition of this strain, drawn up in the prescribed manner. The deposit must be made before or on the priority date of the invention.

121. For all biotechnological products, the function or type of activity performed by them, the origin is indicated, the method by which these products are obtained is disclosed, and the possibility of their use for the stated purpose is confirmed.

122. For products with a prescribed or partially prescribed structure, the structural claim or structural features are given, including the nucleotide sequence for nucleic acids (e.g. genes, gene fragments), the amino acid sequence for proteins, polypeptides, peptides, the presence and order of constituent elements, including regulatory and coding regions, sites and markers for plasmids, vectors, genetic constructs, recombinant and hybrid molecules. A nucleotide or amino acid sequence, when used to characterize a feature, is represented by indicating its number in the sequence listing in the form "SEQ ID NO ..." with appropriate free text, if the characterization of the sequence in the sequence listing is given using such text.

123. For products with an unidentified structure, a set of features is provided that allows them to be identified, in particular, distinguished from other known products.

124. For monoclonal antibodies, information is indicated on the method of their production, in particular, on the antibody-producing hybridoma, including a certificate of its deposition. Additionally, for medical and veterinary products, information on toxicity, pyrogenicity, contraindications or other restrictions is indicated.

125. If the invention relates to a group of new products having a common structural element (elements), the possibility of obtaining these products included in the group is confirmed by disclosing a general method for their preparation, as well as providing examples of obtaining specific products of the group. If the invention relates to a nucleic acid or protein (polypeptide, peptide) with a specific sequence of nucleotides or amino acids, as well as to their variants resulting from insertions, deletions or substitutions of nucleotides or amino acids, information on the localization of such insertions, deletions and substitutions is indicated, indicating products that are thus formed, and it is confirmed that the products thus obtained will have the same kind of activity and a similar function as the original product.

126. For hybridizing nucleic acid sequences, hybridization conditions and the degree (percentage) of hybridization are indicated. At the same time, a method for assessing the degree of hybridization is disclosed, examples of specific sequences are given

that hybridize with the original to a specified degree, and information confirming the functional features of such sequences.

127. For homologous and complementary sequences of nucleic acids, proteins, polypeptides and peptides, the degree (percentage) of homology or complementarity is indicated. It also discloses a method for assessing the degree of homology or complementarity, provides examples of specific sequences that are to a specified degree homologous or complementary to the original, and information confirming the functional features of such sequences.

128. For a group of inventions, including intermediate and final products, a method is disclosed for obtaining a final product from the specified intermediate product with certain properties and type of activity.

129. For an invention relating to the use of a product or method for a specific (claimed) purpose, the description includes information confirming the possibility of implementing the invention for this declared purpose, indicating the properties and characteristics of the object itself that is used.

If the invention relates to the use of a product for the treatment, diagnosis or prevention of a specific disease in humans, or to the use of a product or method for the treatment, diagnosis or prevention of a specific disease in animals, reliable information is indicated confirming the suitability of the object for the treatment, diagnosis or prevention of this disease, respectively.

129-1. If the invention relates to a substance or biotechnological product obtained from a wild plant or wild animal, or a method in which this substance or biotechnological product is used, or the use of such a substance or biotechnological product, the place of growth of the wild plant or the habitat of the wild animal (region district, if they are known).

CHAPTER 14 CLAIMS

130. The claims must be fully based on the description, that is, characterize the invention in terms of the concepts contained in its description. This requirement is recognized as fulfilled if all the features contained in the claims are at least mentioned in the description, that is, the feature of the invention cannot first appear in the claims.

The claims must express the essence of the invention, that is, contain a set of its essential features sufficient to achieve the technical result indicated by the applicant (applicants).

131. The claims must be clear and precise, that is, the features in the claims must be expressed in such a way as to enable 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.

132. If several forms of implementation of a feature are possible, providing, together 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.

133. The characteristic of a feature in the claims cannot be replaced by a reference to the source of information in which this feature is disclosed.

134. References to the description of the invention, as well as drawings, graphics and other supporting materials may be contained in the claims, if necessary for understanding the essence of the invention.

135. References to drawings are usually used when describing objects that differ in their form of execution, which cannot be described verbally or mathematically, as well as when the objects of the invention are substances whose properties can only be described

using graphs and diagrams, or biotechnological products, a verbal characteristic which is difficult or leads to excessive clutter of the claims.

In particular, if nucleotide and (or) amino acid sequences are used to characterize the invention, then the claims use a reference to their number in the sequence listing in the form "SEQ ID NO ..." or to the corresponding graphic material.

136. In the claims, terms and expressions should not be used, the meaning of which is indefinite (e.g. thin, broad).

137. The claims should not contain expressions of a commercial or advertising nature and expressions reflecting other, non-technical aspects of the invention.

138. The claims may be single-link or multi-link.

139. A single-link claim is used to characterize one invention by a set of features that does not have development or refinement in relation to particular cases of its implementation or use.

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

141. A multi-link claim characterizing one invention has one independent and following (following) dependent (subsidiaries) claim (clauses).

142. A multilink claim characterizing a group of inventions has several independent claims, each of which characterizes one of the inventions of the group. Moreover, each invention of the group can be characterized using dependent claims subordinate to the corresponding independent one.

143. When presenting a claim characterizing a group of inventions, the following rules are observed:

143.1. independent claims characterizing individual inventions, as a rule, do not contain references to other claims (such references are permissible only if it is possible to state any independent claim

without repeating the content of another claim in it);

143.2. dependent claims are grouped together with the independent claim to which they are subordinate, including cases where dependent claims of the same content are used to characterize different inventions of the group;

143.3. if the condition for combining inventions into a group is the purpose of one of the inventions for the production, implementation or use of another (in the other), then the first independent paragraph provides a description of the invention for which the other invention is intended.

144. A multi-link claim may characterize a group of inventions, which are variants of the invention, that is, objects of the same type for the same purpose, having a technical relationship and providing the same technical result.

A group of inventions can be made up of objects that relate to each other as a part and a whole.

145. Clauses of a multi-link claim are numbered consecutively in Arabic numerals, starting from the first, in the order in which they are presented.

146. An independent claim includes a generic concept that reflects the purpose from which the statement of the claim begins, and consists, as a rule, of a restrictive part, including features of the invention that coincide with the features of the closest analogue, and a distinctive part, including features that distinguish the invention from closest analogue.

When compiling a claim with a division into a restrictive and a distinctive part, after the statement of the restrictive part, the phrase "differing (differing) in that" is introduced, immediately after the distinctive part is stated.

An independent claim should not contain features that characterize the invention in particular cases of its implementation, indicated in brackets or introduced using introductory words, such as "e.g.", "in particular", "mainly", "preferably" and similar.

147. An independent claim is stated without division into restrictive and distinctive parts, in particular, if the claim characterizes:

an individual chemical compound and a method for its preparation;

microorganism strain, plant and animal cell cultures;
application of a device, method, substance, biotechnological
product;
an invention that has no analogues.

An independent claim may also be drawn up without division into
restrictive and distinctive parts for the purpose of its more
concise presentation, if such a claim allows to exclude unreasonable
repetition of the features of the invention already included in the
claims.

When stating an independent claim without the specified separation,
after the generic concept reflecting the purpose, the word (s)
"characterized", "consisting", "consisting", "including", "in
which", after which a set of features is given, which characterizes
the invention.

148. The claim is set out in one sentence.

149. An independent claim must refer to only one invention.

150. An independent claim does not apply to one invention if the
combination of features contained in it includes:
features expressed as an alternative that do not provide the same
technical result and affect, when they are mutually replaced, other
features of the invention;
characteristics of inventions relating to different types of
objects;
a set of means, each of which has its own purpose without specifying
the general purpose of the totality of such means.

151. The dependent claim develops and (or) specifies the totality of
the features of the invention given in the independent claim,
features that characterize the invention only in particular cases of
its implementation or use.

152. A dependent claim consists of a restrictive and a distinctive
part, between which the phrase "differing (distinguished) in that"
is introduced.

The restrictive part of a 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 (dependent) claim (clauses) to which (to which) this

dependent claim relates . When a dependent claim is subordinate to several claims, references to them are indicated using an alternative.

Dependent clauses are grouped together with the clause to which they are subordinate.

153. Dependent claims may also have multiple dependencies on multiple dependent claims. A claim with multiple dependencies must not form the basis for other claims with multiple dependencies. If an independent claim contains a limiting and a distinctive part, then the dependent claim may refer to both the features of the limiting and a distinctive part of the claims.

154. The characteristic of the invention contained in the dependent claim should not lead to the replacement or exclusion of any feature of the independent claim.

The development and (or) clarification in the dependent claim of the feature, which is a generic concept reflecting the purpose of the invention, can only be carried out by concretizing or supplementing the purpose contained in the independent claim.

155. The features of the device are set out in the claims in such a way as to characterize it 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 fixation).

156. 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. So, for example, instead of indicating that the device is equipped with a fan that serves to cool a node, 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.

157. If we are talking about the improvement of any node in a well-known object, then in the restrictive part of the claims it is not necessary to list all its essential features that are integral parts

of this object.

158. If the claims are characterized by the use of alternative means, the generic definition of which is difficult, these means can be represented by listing them through the word "or".

159. The claims relating to the method include features reflecting the presence of actions or operations, the totality of which makes it possible to implement the method, the procedure for performing such actions or operations, the conditions and modes of their implementation, as well as the means by which the method is implemented (raw materials , reagents, devices).

160. Operations are given in the sequence corresponding to the actual reproduction of the method.

161. Verbs characterizing action are stated in the active voice, indicative mood, third person, plural (e.g. fill, crush, heat).

162. If the method is characterized by the use of alternative means, the generic definition of which is difficult (e.g. when it comes to the use of chemicals that can be mutually replaced in the implementation of the method), in an independent claim of the invention, these means can be represented by listing them through the union " or" (e.g. substance A or substance B is used, a substance selected from the group including (consisting of)). This construction is characteristic of a claim describing a method using interchangeable chemicals having identical properties or activities that can be characterized in the claims as alternative features.

163. The following features must be included in the claims describing a substance of any origin:
name or designation of the compound according to one of the nomenclatures accepted in chemistry;
for a compound with a prescribed structure, its structural claim;
for a compound with an undetermined structure, its characteristics (properties) that make it possible to identify this compound, including a description of the method for its preparation;
for a composition, signs characterizing the ingredients included in it, and, if necessary, signs characterizing their quantitative

content, expressed in any units, as a rule, two values that determine the minimum and maximum limits of the content.

164. If the invention relating to the composition is characterized by the introduction of an additional ingredient, the phrase "additionally contains" is included in the claim before indicating the corresponding distinguishing feature.

165. For compositions whose purpose is determined only by a new active principle, and other components are neutral carriers from the circle traditionally used in compositions for this purpose, it is allowed to indicate only this active principle and its quantitative content in the composition, including in the form "effective amount".

Another option for characterizing such a composition can be an indication in it, in addition to the active principle, of other components (neutral carriers) in the form of a generalized concept of "target additive". In this case, if necessary, the quantitative ratio of the active principle and the target additive is indicated.

166. If a well-known substance of complex composition is indicated as a feature of the invention, it is allowed to use its special name with the obligatory indication of the function and (or) properties of this substance and its basis. In this case, in the description of the invention, the full composition and, if necessary, the method for obtaining this substance should be given, or the source of information in which this substance is described should be given.

167. For substances characterized by their method of preparation, the claims are predominantly of the form "substance X obtained by way of Y".

168. If the composition is characterized by the use of chemicals, the generic definition of which is difficult and which can be interchanged in the implementation of the composition, then these chemicals can be represented in one claim by listing them through the union "or" (e.g. contains substance A or substance B, a substance selected from the group consisting of (consisting of)). This design is typical for inventions that use interchangeable chemicals that have identical properties or activities that can be characterized in the claims as alternative features.

169. Claims characterizing biotechnological products relating to inanimate objects with a prescribed or partially prescribed structure shall include a structural claim or other features that make it possible to establish the structure of such products, in particular, the nucleotide sequence for nucleic acids (genes, gene fragments, etc.) and amino acid sequence for proteins, polypeptides and peptides.

The sequence of nucleotides or amino acids, when used to characterize a feature in the claims, is represented by indicating its number in the sequence listing in the form "SEQ ID NO ".

170. For products related to inanimate objects with an unidentified structure, the claims include a set of physicochemical and other properties that make it possible to identify these products. Such features include, e.g. features of the method of obtaining the product.

In both cases, the function or activity performed and the origin of the product are indicated.

171. In one independent claim, several biotechnological products may be cited as one invention if they have the same function or activity, common origin and common essential structural element (elements). Combining products in one claim on the basis of only one activity is not allowed.

172. The claims characterizing products related to living objects shall include features that allow identifying these products, including features that characterize the method of obtaining the product, its origin, description of the genetic element included in its composition, useful properties and other features.

173. The claims characterizing the strain of a microorganism, cell cultures of plants and animals shall include the generic and specific names of the object in Latin in accordance with the requirements of the international nomenclature, the abbreviation of the official collection-depository, the registration number assigned by the collection to the deposited object, and the purpose of the strain.

174. In cases where the object of the invention is the use of a device, method, substance, biotechnological product, the following structure of the claims is used: "Application (the designation or characteristic of the applied object is given) as (for) (the purpose of the applied object is given)".

CHAPTER 15 ABSTRACT

175. The abstract is compiled for informational purposes only. It should contain a brief description of the invention.

176. The abstract shall indicate:

name of the invention;

the field of technology to which the invention relates, and (or) the field of application, if this is not clear from the title;

the essence of the invention indicating the achieved technical result (features necessary for the implementation of the invention in the claimed quality are given).

177. If necessary, the abstract includes the chemical formula that best characterizes the invention.

178. A drawing is included in the abstract if its text contains references to this drawing.

Each feature specified in the abstract and illustrated by a drawing in the application for an invention must be accompanied by a reference designation.

179. The length of the abstract, if the content of the invention allows it, should not exceed 150 words.

CHAPTER 16 MATHEMATICAL FORMULA (EXPRESSIONS) AND SYMBOLS, TERMINOLOGY AND NOTATION

180. Mathematical formulas (expressions) and symbols can be used in the description, claims and abstract.

181. The claims may contain mathematical formulas (expressions), the use of which is necessary for understanding the invention. Formulas (expressions) can characterize, e.g. the ratio of sizes, the parameters of a process, or contain information about the method for obtaining the desired value, if it is a method of analysis, determination or control.

182. A mathematical formula (expression) may take a different place in the claims (e.g. if a method is characterized by the execution of a calculation operation carried out in the course of its implementation, the result of which affects the nature of the implementation of further operations of the method, the calculation formula will occupy the appropriate place when listing operations, implementing this method).

183. 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 formula.

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

185. 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".

186. In percentage terms, the percent sign (%) is placed after the number.

187. Units of measures and weights are expressed in units of the metric system or are also converted into these units if they were originally expressed in units of another system.
Temperature is expressed in degrees Celsius or converted to degrees

Celsius if it was originally expressed otherwise.

188. When designating 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.

189. In the claims, description and explanatory materials, as well as in the abstract, standardized terms, designations and abbreviations are used, and in their absence, generally accepted in the scientific and technical literature.

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.

190. In the description and claims, the unity of terminology is observed (the same features in the text of the description and in the claims are called the same). The requirement for the unity of terminology also applies to the dimensions of physical quantities and to the conventions used.

191. The text of the description and other documents of an invention application must not contain expressions, drawings, drawings, photographs and other materials that are contrary to public order and morality, including those that are symbols and paraphernalia, information products recognized as extremist materials on the basis of the legal force of the court decision, as well as disparaging statements in relation to inventions and other results of the creative activity of other persons, as well as information that is not related to the subject of the invention or the corresponding level of technology.

CHAPTER 17 REQUIREMENTS FOR FORMULATION OF DOCUMENTS FOR AN APPLICATION FOR INVENTION IF IT IS FILED ON PAPER

192. All documents of an invention application must be drawn up on thick, white, smooth, non-shiny paper in such a way that it is possible to obtain an unlimited number of readable copies when the documents are directly reproduced using standard copying or scanning means.

193. Each application document for an invention (application, description of the invention, claims, drawings, abstract) must begin on a new page.

194. Each sheet of an invention application 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 of the application for an invention must be used in a vertical position (the short sides of the sheet are at the top and bottom).

195. The sheets of an application for an invention must not be wrinkled, torn or have kinks.

196. Each sheet of an application for an invention must 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.

197. All sheets of an invention application shall be bound 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.

198. Sheets of an application for an invention must be in A4 format (210 x 297 mm).

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

200. The margins of the sheets when filing an application for an invention must be clean.

201. The second and subsequent pages of each document of the application for an invention are consecutively numbered with Arabic numerals.

Sheet numbers are affixed in the middle of the top or bottom of the sheet and should not be affixed in the margins.

202. Application, description of invention, claims and abstract must be printed.

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

203. The text of the description of the invention, the claims 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.

204. The application, description of the invention, claims should not contain drawings.

205. The description of the invention, the claims and the abstract may contain chemical formulas.

206. The description of the invention and the abstract may contain tables. The claims may contain tables only if the expediency of their use follows from its essence.

207. Tables and chemical or mathematical formulas (expressions) 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 (expressions) are located in a horizontal position must be presented in such a way that the top of the tables and formulas falls on the left side of the sheet.

208. 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 in the case of electrical circuits, block diagrams, or process diagrams are a few brief key words to understand.

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

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

211. 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 two-thirds, all details can be distinguished without difficulty.

212. 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.

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

214. Each element of any figure is performed in the appropriate proportion with all other elements of this figure, except in cases where a different proportion is necessary for a clearer image of the figure.

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

216. 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.

217. 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 straight position, clearly separated from each other. If the figures are not in a straight position, they should be placed in a lateral position so that the top of the figures falls on the left side of the sheet.

218. Each graphic image is numbered sequentially and regardless of page numbering.

219. Reference designations not named in the description are not affixed to the drawings and vice versa.

The same reference designations must correspond to the same elements of the drawings throughout the text of the application for the invention.

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.

220. Bibliographic data of information sources are indicated in such a way that the source of information can be found from them.

Bibliographic data are given at the end of the description with references to them in the text of the description.

221. Documentation requirements for an invention application also apply to any materials submitted to the patent authority after the filing of an invention application (e.g. pages containing corrections, amended claims, translations).

CHAPTER 17-1 FEATURES OF FILING AN APPLICATION FOR INVENTION THROUGH AIS "ELECTRONIC APPLICATION"

221-1. An application submitted through the AIS is formed by means of the AIS in the form of an electronic document.

Other documents of an invention application filed through the AIS (description of the invention, claims, drawings, abstract) are drawn up in accordance with the requirements of Chapters 7-17 of these Regulations and are executed in the form of an electronic document or an electronic copy of the document on paper.

221-2. Documents of the application for an invention (application, description of the invention, claims, drawings, abstract) are signed by an electronic digital signature, the owner of the private key of which is the applicant or his representative.

If the applicant is a legal entity, the application documents for an invention 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 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 an invention 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 an invention by the applicant or his representative is carried out by the AIS 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.

221-3. Each application document for an invention, with the exception of the application and drawings, must be presented as a separate file in .pdf or PDF/A format, 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 JPEG format with a resolution of 300 DPI in monochrome. The file size should not

exceed 5 MB.

Documents attached to the application for an invention 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.

221-4. If the documents submitted through the AIS do not meet the prescribed technical requirements, such documents are not taken into account, and the applicant is notified about it.

SECTION III EXAMINATION OF THE APPLICATION FOR THE INVENTION

CHAPTER 18 CONSIDERATION OF THE APPLICATION FOR THE INVENTION AND THE MATERIALS SUBMITTED ON IT IN THE PATENT AUTHORITY

222. Examination of an application for an invention is carried out by the patent authority and includes preliminary and patent examinations.

223. Consideration in the patent body of an application for an invention and materials submitted on it is carried out in Belarusian or Russian. All materials submitted by the applicant (applicants) in a foreign language must be accompanied by an appropriate translation. The correctness of the translation must be certified by the applicant (applicants) or his (their) representative. Until the translation is submitted, the materials are considered not received.

225. Materials submitted to the patent authority 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 (their) representative, are not considered. An appropriate notice shall be sent to the person who submitted such materials.

226. Correspondence on an application for an invention is conducted by the applicant (applicants) or his (their) representative for each application for an invention separately.

226-1. When conducting correspondence on an invention application filed through the AIS, it is allowed for the applicant to send correspondence on an application for an invention through the AIS in the form of an electronic document or an electronic copy of the document on paper or on paper to the patent authority directly or via public postal service.

Information messages automatically generated by the AIS are of a reference nature and are not correspondence on an application for an invention.

226-2. Correspondence on an application for an invention sent by the applicant through the AIS must be drawn up in accordance with the requirements prescribed in parts two and three of paragraph 221-3 of the Regulations.

226-3. In cases of filing an application for an invention, sending correspondence on an application for an invention through the AIS, the date of receipt of the application for an invention, as well as the date of sending correspondence on an application for an invention, are automatically set by the AIS.

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

Materials that do not contain the number of the application for the invention are not considered if the number of the application for the invention cannot be established indirectly. An appropriate notice shall be sent to the person who submitted such materials. Materials submitted to the patent authority must be signed by the applicant (applicants) or his (their) representative.

228. 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.

229. Correspondence on behalf of a legal entity must be submitted on the letterhead of that legal entity.

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

230. Any document relating to an application for an invention sent before the expiration of the deadline for its submission by facsimile or by e-mail in a facsimile image of this document is considered submitted on time if its original was received within one month from the date of expiration of the deadline . When the applicant (applicants) or his (their) representative or another person, on his own initiative, submits any document by facsimile or by e-mail in a facsimile image of this document, not due to any deadlines, the date of submission of this document to the patent authority is considered the date of its receipt in a facsimile image, if its original is submitted within one month from the date

of its submission by the above means of communication.

231. When submitting the original document, which was previously sent by the means of communication referred to in paragraph 230 of this Regulation, it is necessary to indicate that the submitted document is the original of the previously sent document.

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

233. The patent authority suspends consideration of an application for an invention if:

the request sent to the applicant (applicants) or the decision of the patent authority is returned with a postmark confirming the fact that the applicant (applicants) did not receive the correspondence of the patent authority;

the patent authority receives a notification of the death of an individual - the applicant or of the reorganization of the legal entity - the applicant, and the heir (legal successor) has not made appropriate changes to the applicant's indication;

a dispute arises between the applicant (applicants) and (or) the author (authors) of the invention, the resolution of which is possible only in court.

234. Consideration of an application for an invention is suspended: for a period of up to 12 months from the date of receipt by the patent authority of information about the circumstances specified in paragraphs two and three of clause 233 of this Regulation. After the expiration of the said period, a decision is made on the refusal to issue a patent on the application; until the circumstances specified in the fourth paragraph of clause 233 of this Regulation disappear.

235. Prior to the publication of information about an application for an invention, the patent authority does not allow access to it by any person, except in cases where there is a request or permission from the applicant (applicants) or a request from the judicial authorities.

236. The applicant (applicants) has the right to withdraw the application for an invention before the date of registration of the invention in the Register of Inventions, including during the examination.

237. The applicant (applicants) may withdraw the application for an invention by:

submission to the patent authority of an application indicating the number of the application for invention being withdrawn, the last name, first name, patronymic (if any) or the name of the applicant (applicants);

notification of the patent authority on the inexpediency of further clerical work on an application for an invention or on the termination of clerical work on it.

238. If the document on the withdrawal of the application is received before the date of registration of the invention in the Register of Inventions, the patent authority sends a notification to the applicant (applicants) that consideration of his application for the invention has been terminated.

The request of the applicant (applicants) to consider invalid his (their) application (notification) on the withdrawal of the application for an invention, received after the patent authority sent him (them) a notification that the consideration of his (their) application for the invention was terminated, is not taken into account, about which the applicant (applicants) is notified.

CHAPTER 19 INTRODUCTION OF CORRECTIONS AND CLARIFICATIONS TO THE APPLICATION MATERIALS FOR INVENTION

239. Before the patent authority makes a decision to grant or refuse to grant a patent on an application for an invention, the applicant (applicants) has the right to make corrections and clarifications to the materials of the application for an invention that do not change the essence of the claimed invention.

Correction of obvious and technical errors in the materials of the application for an invention submitted by the applicant (applicants) may be made before the date of registration of the invention in the Register of Inventions.

Obvious errors are considered errors that are the result of writing something other than what was clearly implied in the application for the invention.

240. Correction and clarification of the materials of the application for an invention are carried out by submitting replacement sheets of the relevant documents of the application for an invention, in which changes are made. Replacement sheets are drawn up in accordance with the requirements for the relevant documents of the application for an invention, and are submitted for each copy of the amended document of the application for an invention. 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 claims, the cover letter also contains links to pages and paragraphs of the original description and (or) claims, confirming the legitimacy of the changes. In this case, in addition to the replacement sheets, copies of the sheets to be replaced with handwritten changes must be submitted.

241. 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.

242. If corrections and clarifications are made to the materials of the application for an invention 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 established patent fee may be submitted within three months from the date of sending the applicant (applicants) a notice of its absence.

243. The patent authority notifies the applicant (applicants) of the changes made to the application for an invention.

CHAPTER 20 AMENDMENTS TO THE INDICATION OF THE AUTHORS OF THE INVENTION

244. Inclusion in the composition of the authors of the invention of persons not indicated in the application, and (or) exclusion from the composition of the authors of the invention of persons indicated in the application as the authors of the invention, shall be carried out on the basis of the application of the applicant (applicants) for amendments to the indication of the authors of the invention in connection with with a change in the list of authors filed before the decision to grant or refuse to grant a patent on an invention application was made by the patent authority.

245. An application for making changes to the indication of the authors of an invention in connection with a change in the list of authors shall be submitted in Russian or Belarusian, must contain the number of the corresponding application for the invention and be signed by all interested parties:

the applicant (applicants), the author (authors), including 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 invention, amendments to the indication of the authors of the invention may be made on the basis of a court decision.

245-1. 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 amendments to the indication of the authors of the invention in connection with a change in the surname, proper 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 invention in the Register of Inventions.

245-2. An application for amendments to the indication of the authors of the invention in connection with 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 submitted in Russian or Belarusian, must contain the number of the relevant application for the invention, surname, 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 by the author(s) in respect of whom such changes are made.

245-3. The applications specified in paragraphs 245 and 245-1 of this Regulation are submitted on paper in the forms prescribed by the SCST.

246. The applications referred to in paragraphs 245 and 245-1 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 period specified in part one of this paragraph, the applications specified in paragraphs 245 and 245-1 of this Regulation are not accepted for consideration and no changes are made by the patent authority, of which the applicant (applicants) is notified within five days.

a document confirming the change is also attached to the application specified in paragraph 245-1 of this Regulation . surname, first name, patronymic (if any) of the author (authors) and (or) his (their) address of the place of residence (place of stay).

246-1. It is allowed to submit, through the AIS, copies of the applications specified in paragraphs 245 and 245-1 of this Regulation, executed in the form of an electronic copy of the document on paper in accordance with the requirements prescribed in part three of paragraph 221-3 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.

247. The patent authority notifies the applicant (applicants) of the changes made to the application for an invention.

CHAPTER 21 AMENDMENT OF APPLICANT (APPLICANTS) INFORMATION

248. Changes in the indication of the applicant (applicants) may be made before the date of registration of the invention in the Register of Inventions in the following cases:

transfer of the right to obtain a patent for an invention as a result of succession (inheritance, reorganization of a legal entity - the applicant);
transfer of the right to obtain a patent under an agreement;
changes in the last name, first name, patronymic (if any), name of the applicant (applicants) and (or) his (their) address of residence (place of stay) or location.

249. In order to amend the indication of the applicant (applicants) in the event of transfer of the right to obtain a patent as a result of succession by a person (persons) who is the successor (successors) of the applicant (applicants), 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 an invention as a result of succession. The specified application is submitted on paper in the form prescribed by the SCST and must contain:

a request to amend the indication of the applicant (applicants) and the basis for its implementation;
an indication of the number of the corresponding application for the invention;
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;
place of residence or location of the successor (successors);
address for correspondence in accordance with the rules for addressing postal items, as well as a telephone, fax and e-mail address (if any).

250. The application specified in paragraph 249 of this Regulation must be signed by the person (s) who is the successor (s) of the applicant (s).

251. The application specified in paragraph 249 of this Regulation shall be accompanied by:
a document confirming the fact of the transfer of the right to

obtain a patent as a result of inheritance, reorganization of the legal entity - the applicant;

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 application specified in paragraph 249 of this Regulation is not accepted for consideration and the patent authority does not make changes, of which the applicant (applicants) is notified within five days.

252. In order to amend the indication of the applicant (applicants) when transferring the right to obtain a patent under an agreement by the applicant (applicants) or the person (persons) to whom the right to obtain a patent is transferred, an application is submitted to the patent authority for amendments to the indication of the applicant (applicants) when transferring the right to obtain a patent under an agreement.

253. The application specified in paragraph 252 of this Regulation is submitted in Russian or Belarusian on paper in the form prescribed by the SCST and must contain:

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

an indication of the number of the corresponding application for the invention;

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

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

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

254. The application specified in paragraph 252 of this Regulation must be signed by the 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 (legal entities) or a person authorized to do so, the position of the signatory is indicated.

255. The application referred to in paragraph 252 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 application specified in paragraph 252 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.

256. In the event of a change in the surname, first name, patronymic (if any) or the name of the applicant (applicants) and (or) his (their) address of the place 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 an invention 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 the place of residence (place of stay) or location. Such an application must contain the number of the relevant application for the invention, 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.

257. The application specified in paragraph 256 of this Regulation shall be accompanied by:

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;
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 application specified in paragraph 256 of this Regulation is not accepted for consideration and changes are not made by the patent authority, of which the applicant (applicants) is notified within five days.

257-1. If an identical 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 concerns several applications for inventions belonging to one applicant, it may be one application specified in paragraph 256 of these Regulations has been submitted, listing the numbers of all applications for inventions in which the corresponding change is made. In this case, the patent fee is paid in respect of each application for an invention named in the application specified in paragraph 256 of this Regulation.

257-2. It is allowed to submit, through the AIS, copies of the applications specified in paragraphs 249, 252 and 256 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 221-3 of this Regulation, in the event that if the introduction of 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 case specified in part one of this clause is not required. If necessary, the originals of such statements may be requested by the patent authority by sending an appropriate request.

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

260. If the patent authority establishes that an application for an invention has been filed by several applicants and an organization that is not a legal entity is indicated as one of the applicants, other applicants who own the right to obtain a patent are notified

of the need, within three months from the date of sending the notification, to make amendments 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 refusal to grant a patent on the application for an invention, of which the applicant (applicants) is notified. At the same time, the term for making these changes may be extended in accordance with part three of paragraph 3 of Article 21 of the Law or restored in accordance with paragraph 1 of Article 27 of the Law.

261. 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 to refuse to grant a patent on the application for an invention.

CHAPTER 22 EXAMINATION OF THE APPLICATION FOR INVENTION WITH THE PARTICIPATION OF THE APPLICANT(S)

262. Consideration of issues that have arisen during the examination of an application for an invention, with the participation of the applicant (applicants) is carried out at the proposal of the patent authority or at the request of the applicant (applicants) after the parties have been previously acquainted with the issues to be considered. The questions of the patent authority may be set out in its request, which additionally informs about the advisability of considering them together with the applicant (applicants), the questions of the applicant (applicants) - in a request for joint consideration of issues that arose during the examination of the application for an invention, in which arguments are given on the feasibility of such consideration.

In the case of a request of the patent authority, the answer to it shall be submitted by the applicant (applicants) within the time period prescribed by the Law, regardless of whether the applicant (applicants) intends to take part in the joint consideration of the issues raised in it.

263. The date and time of consideration of an application for an invention with the participation of the applicant (applicants) are preliminarily agreed upon.

In the event of a change in circumstances, the party that is unable to participate in the consideration of the application for an invention at the agreed time shall immediately notify the other party of this.

264. Examination of an application for an invention with the participation of the applicant (applicants) is carried out through negotiations, if the issues can be resolved directly by the examiner and the applicant (applicants), or at an expert meeting, if the participation of a number of specialists from the patent authority is required to resolve issues.

265. 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, and conclusions on further examination of the application for an invention.

266. The minutes may contain a new wording of the claims proposed by the applicant (applicants), issues of the patent authority requiring written explanations, and other results of joint consideration of the issues that have arisen.

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

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

CHAPTER 23 CONVERSION OF AN APPLICATION FOR INVENTION INTO AN APPLICATION FOR UTILITY MODEL

268. An application for the transformation of an application for an invention into an application for a utility model (hereinafter referred to as an application for the transformation of an application for an invention) shall be submitted to the patent authority before the publication of information about the application for an invention, including during the examination, but no later than the date of acceptance decision to grant a patent for an invention.

269. A document confirming the payment of the prescribed patent fee shall be attached to the application for the transformation of an application for an invention.

270. In case of failure to submit a document confirming the payment of the prescribed patent fee together with an application for transformation, the latter shall be considered not submitted, of which the applicant (s) shall be notified.

271. If an application for the transformation of an application for an invention is filed in violation of the time limit prescribed in paragraph 1 of Article 26 of the Law, and (or) it is prescribed that the application for the transformation of an application for an invention was filed on an application for an invention withdrawn by the applicant (applicants), and (or) the claimed invention does not apply to objects protected as a utility model, the patent authority sends the applicant (applicants) a notice of refusal to transform the application for the invention.

272. The applicant (applicants) has the right to withdraw the application for the transformation of the application for an invention.

273. Upon receipt by the patent authority of a request for withdrawal of an application for the transformation of an application for an invention, the transformation shall not be carried out if the request for withdrawal was received before the notification of the transformation of the application for an invention was sent to the applicant (applicants).

274. A request for withdrawal of an application for the transformation of an application for an invention, received by the patent authority after the notification of the transformation of the application for an invention has been sent to the applicant (applicants), shall not be taken into account, of which the applicant (applicants) shall be notified.

274-1. If an application for an invention was filed through the AIS, after sending a notification to the applicant (applicants) about the transformation of the application for an invention, further office work on the application for a utility model is carried out on paper.

SECTION IV PRELIMINARY EXAMINATION OF THE APPLICATION FOR THE INVENTION

CHAPTER 24 CONDITIONS AND CONTENT OF THE PRELIMINARY EXAMINATION OF THE APPLICATION FOR THE INVENTION. DATE OF INVENTION APPLICATION

275. Preliminary examination of an application for an invention shall be carried out within the period specified in paragraph 1 of Article 19 of the Law, if the following are submitted:

a document confirming the payment of the patent fee for filing and conducting a preliminary examination of an application for an invention;

translation of the application documents for an invention into Belarusian or Russian, if they are in a foreign language;

power of attorney, if required.

276. During the preliminary examination, the existence of the documents contained in the application for an invention and compliance with the prescribed requirements for them are checked, whether the claimed solution relates to objects that can be recognized as inventions, the correctness of payment of the prescribed patent fees, the correctness of the classification of inventions according to the IPC.

277. During the preliminary examination, the date of filing an application for an invention is established.

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

If the indicated 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.

279. The filing date of an application for an invention in the event of the transfer of the corresponding international application to the national stage shall be the international filing date of the application as set by the receiving Office.

280. The filing date of a divisional application for an invention shall be the date of filing the original application for an invention from which the division of the application for an invention was made.

CHAPTER 25 VERIFICATION OF THE CORRECTNESS OF PAYMENT OF THE PRESCRIBED PATENT FEES

281. When checking the correctness of payment of prescribed patent fees, the following are checked:

compliance with the deadlines for submitting a document confirming the payment of a patent fee for filing and conducting a preliminary examination of an application for an invention;

Compliance of the paid patent fees with the prescribed amounts.

282. If a document confirming the payment of the patent fee for filing and conducting a preliminary examination of an application for an invention is not submitted within the time period prescribed in paragraph 4 of Article 13 of the Law, a decision is made to refuse to accept the application for an invention, of which the applicant (applicants) is notified in within five days.

283. 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 such an additional payment within two months from the date of receipt by the applicant (applicants) of the notification.

The applicant (applicants) shall be sent a decision to refuse to accept an application for an invention if the document confirming such additional payment has not been received by the patent authority within the specified period.

284. When paying a patent fee in an amount exceeding the prescribed one, at the request of the applicant (applicants), the overpaid amount of the patent fee may be returned or set off against the forthcoming payment of the patent fees of the applicant (applicants).

285. When checking the correctness of payment of a patent fee, the possibility of applying the benefits provided for by the legislation of the Republic of Belarus is established.

CHAPTER 26 VERIFICATION OF THE CLASSIFICATION OF THE CLAIMED INVENTION AS OBJECTS THAT MAY BE RECOGNIZED AS INVENTIONS.

286. During the examination of patentability, it is determined whether the claimed solution is clearly related to objects that are not considered inventions, do not qualify for legal protection as inventions, and are not recognized as patentable according to paragraphs 2 and 3 of Article 2 of the Law.

287. A decision to refuse the grant of a patent is made for an application for invention if, during the preliminary examination, it is determined that the applicant's proposal belongs to objects and areas of activity that are not considered inventions and/or are not recognized as patentable according to paragraphs 2 and 3 of Article 2 of the Law.

288. If it is determined that the applicant's proposal, classified under the objects and areas of activity specified in paragraphs 2 and 3 of Article 2 of the Law, is claimed as part of a group of inventions, a notice is sent to the applicant(s) suggesting its removal from the claims and description of the invention.

289. If the necessary corrections and clarifications are not made or no arguments are presented that refute the conclusions of the patent authority, a decision is made to refuse to grant a patent.

CHAPTER 27 THE VERIFICATION OF THE PRESENCE OF DOCUMENTS CONTAINED IN THE APPLICATION FOR THE INVENTION AND COMPLIANCE WITH THE PRESCRIBED REQUIREMENTS IS CARRIED OUT. A REQUEST IS MADE FOR THE PROPERLY FORMATTED DOCUMENTS.

290. When determining the number of inventions to which an invention application relates, compliance with the formal requirements for the documents of an invention application is checked in cases where it relates to one invention or a group of inventions.

291. The presence of a single inventive concept when characterizing a group of inventions is verified during a patent examination.

292. In the absence of the necessary information and (or) documents in the application and (or) in case of violation of the requirements for their execution, the applicant (applicants) is sent a request indicating the identified violations and a proposal to submit duly executed documents within three months from the date of sending him (them) request. At the request of the applicant (applicants), received before the expiration of this period, it can be extended for no more than three months, subject to payment of the prescribed patent fee.

293. The terms missed by the applicant (applicants) specified in paragraph 292 of this Regulation may be restored by the patent authority at the request of the applicant (applicants). An application for the restoration of the missed period, indicating the good reasons for which it was missed, is submitted by the applicant (applicants) within the period prescribed in paragraph 2 of Article 27 of the Law. The application for the restoration of the missed deadline shall be accompanied by a document, the deadline for which has been missed, and a document confirming the payment of the patent fee in the prescribed amount.

294. The grounds for a request during the preliminary examination are:

the absence in the application for an invention of at least one of the documents provided for in subparagraphs 6.2-6.5 of paragraph 6 and in paragraph 17 of these Regulations;
lack of the required number of copies of the document (documents);
incorrect execution of the documents of the application for an

invention (e.g. the absence of signatures);
the need to clarify with the applicant (applicants) the issue of further consideration of the application for an invention in case of violation of the requirement of unity of invention;
the need to clarify with the applicant (applicants) issues related to the payment of patent fees;
detection of violations of the requirements for the description of the invention, claims, abstract, drawings;
non-compliance of the power of attorney for representation before the patent authority with the prescribed requirements;
identification of inconsistencies in the information contained in the materials of the application for an invention;
identification of other shortcomings preventing the completion of the preliminary examination.

295. If the description of the invention contains references to drawings that are not submitted by the applicant (applicants) together with the application for the invention, then the applicant (applicants) is invited to either submit the missing drawings or exclude information about these drawings from the description.

296. If the applicant (applicants) fails to submit the requested materials or an application for an extension of the deadline for their submission within the prescribed period, a decision is made to refuse to grant a patent for an invention.

297. For the purposes of examining a Eurasian application on formal grounds in accordance with Article 15(1)(ii) of the Eurasian Patent Convention, the Patent Authority shall verify the availability of documents and information necessary to establish the filing date of the Eurasian application in accordance with Rule 33 of the Patent Regulations, as well as the materials specified as an attachment to the application.

298. If the Eurasian application complies with the requirements prescribed in Rule 33 of the Patent Regulations, the patent authority, subject to payment of the prescribed fee for checking the application for compliance with formal features and forwarding, sends one copy of the Eurasian application to the Eurasian Patent Office within four months, and in case of request for Eurasian application of priority in accordance with the Paris Convention -

within one month from the date of its receipt by the patent authority.

One copy of the Eurasian application shall be kept by the patent authority.

299. If there are disagreements between the patent authority and the applicant, the application for an invention is sent to the Eurasian Patent Office.

300. The patent authority sends to the applicant (applicants) a notification about the transfer of his (their) Eurasian application to the Eurasian Patent Office and about the need to pay the Eurasian Patent Office a single procedural fee in accordance with Article 15(2) of the Eurasian Patent Convention.

**CHAPTER 28 THE VERIFICATION OF THE CORRECTNESS OF THE CLASSIFICATION
OF THE INVENTION ACCORDING TO THE INTERNATIONAL PATENT
CLASSIFICATION (IPC)**

301. Verification of the correctness of the classification of the invention is carried out in order to establish the subject heading to which the claimed invention belongs in accordance with the IPC.

302. During classification, the claim of the invention serves as the basis for selecting the classification index.

303. If an application for invention relates to multiple objects corresponding to multiple IPC categories, all relevant classification indexes are established.

The classification indexes determined during the preliminary examination stage can be further refined during the patent examination process.

CHAPTER 29 NATIONAL STAGE OF INTERNATIONAL APPLICATION

304. The Patent Authority does not commence consideration of the international application before the expiration of 31 months from the priority date of the international application.

At the special request of the applicant(s), the patent authority, in accordance with Articles 23(2) and 40(2) of the PCT, may commence consideration of the international application before the expiration of the specified period, provided that the international search report and the international preliminary examination report are included in the materials of the international application, if it was carried out. In the absence of these documents, the patent authority informs the applicant (applicants) about this.

305. The applicant(s) may restore the rights relating to an international application in respect of which the time limit specified in paragraph 304 of these Regulations has not been complied with. A request for the restoration of the right to an international application must be filed to 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 request must include valid reasons for the failure to comply with this 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.

The application for the restoration of the right to the international application shall be accompanied by a document confirming the payment of the prescribed patent fee.

306. An international application is transferred to the national stage if, before the expiration of 31 months from the priority date, the applicant(s) has submitted to the patent authority:

306.1. an application 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;

306.2. 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;

306.3. a document confirming the payment of the patent fee in the prescribed amount;

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

307. The documents specified in subparagraphs 306.2-306.4 of paragraph 306 of this Regulation may be submitted within the period specified in paragraph 306 of this Regulation, or no later than two months after its expiration.

308. A translation into Russian or Belarusian of an international application must contain a translation of the description of the invention, the claims, any text relating to the drawings, and the abstract in the form in which they were originally filed. If the applicant (applicants) transfers to the national stage an international application with the claims amended 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 amended claims, as well as a translation of the explanation, made in accordance with Article 19(1) of the PCT.

Where the applicant(s) submits to the national stage an international application with the claims, description and drawings amended in accordance with Article 34(2)(b) of the PCT, the applicant(s) must submit a translation of the international application, as amended and accepted by the international preliminary examination authority, and translation of the amended sheets of the international application as originally filed.

309. 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 description of the invention, claims, drawings submitted at the initiative of the applicant. The amended materials may be submitted in Russian or Belarusian within the period specified in paragraph 306 of these Regulations, and in the case of filing a special request in accordance with part two of paragraph 304 of these Regulations, before the date of commencement of consideration of the international application indicated in the request. 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.

310. If, when transferring an international application to the national stage of consideration, changes are made to the indication of the applicant (applicants), then the application shall be accompanied by documents confirming the rights of the applicant (applicants) in relation to this application - a copy of the relevant notification of the International Bureau of WIPO (Form PCT / IB / 306) in the event that a change in the indication of the applicant (applicants) was made at the international stage of consideration of this international application, and (or) a deed of transfer or other documents confirming the transfer of rights.

311. Within three years from the date of filing an international application for an invention, the applicant(s) has the right to file a request for a patent examination.

When a divisional application for an invention is filed after three years from the date of filing the original application, a request for a patent examination must be filed with the patent authority simultaneously with the filing of the divisional application or within two months from the date of receipt of such an application by the patent authority.

Simultaneously with the request for a patent examination, a document confirming the payment of the patent fee in the prescribed amount shall be submitted.

CHAPTER 30 DECISIONS MADE ON THE RESULTS OF THE PRELIMINARY EXAMINATION

312. If the application for an invention contains all the necessary documents drawn up in accordance with the prescribed requirements, and the declared solution does not apply to objects or activities that are not considered inventions and (or) are not recognized as patentable in accordance with paragraphs 2 and 3 of Article 2 of the Law , the applicant (applicants) is notified of the positive decision of the preliminary examination of the application for an invention and the date set for filing an application for an invention.

313. Based on the results of the preliminary examination, in the cases provided for in paragraphs 289 and 296 of this Regulation, a decision is made to refuse to grant a patent for an invention.

CHAPTER 31 PUBLICATION OF THE APPLICATION FOR THE INVENTION

314. Information about an application for an invention that has passed a preliminary examination, as a result of which a positive decision has been made, is published by the patent authority within the period specified in paragraph 1 of Article 20 of the Law.

315. At the request of the applicant (applicants), the patent authority may publish information about the application for an invention earlier than the specified period, subject to payment of the prescribed patent fee.

316. The person named as the author is mentioned as such in the publication of the application for the invention. Such mention is not made if the author, who is not the applicant, sends a written refusal to indicate his name.

SECTION V PATENT EXAMINATION OF AN APPLICATION FOR INVENTION

CHAPTER 32 CONDITIONS AND CONTENT OF PATENT EXAMINATION OF AN APPLICATION FOR INVENTION

317. Patent examination of an application for an invention is carried out at the request of the applicant (applicants) or any interested person.

318. A request for a patent examination of an application for an invention shall be filed within the period specified in paragraph 1 of Article 21 of the Law, which shall not be extended.

If a request for a patent examination of an application for an invention is not filed within the prescribed time limit, a decision is made to refuse to grant a patent.

319. When filing a request for a patent examination of an application for an invention before the completion of the preliminary examination of the application for an invention, the patent examination begins after sending to the applicant (applicants) a notification of a positive decision of the preliminary examination of the application for an invention.

320. A request for a patent examination of an application for an invention shall be submitted in writing and must contain a request for a patent examination, the number of the application for the invention and the name of the invention.

321. Simultaneously with a request for a patent examination of an application for an invention, a document confirming the payment of the patent fee in the prescribed amount or exemption from payment of the patent fee, or a document confirming the partial payment of the patent fee, and documents confirming the existence of grounds for reducing it shall be submitted to the patent authority. In case of non-submission of the said documents, the application for a patent examination of an application for an invention shall be considered not filed.

322. Verification of the compliance of the amount of the paid patent fee with the prescribed amount is carried out in relation to the claims contained in the initial materials of the application for the

invention, and if the claims were changed by the applicant (applicants) on their own initiative or request for preliminary examination, then in relation to the amended claims taken into account.

If the amount of the paid patent fee does not meet to the prescribed amount, including if the amount of the paid patent fee does not meet to the number of inventions described in independent claims subject to examination, the applicant (applicants) is sent a notification about the need to submit to the patent authority a document confirming the additional payment of the patent fee up to of the prescribed size, and (or) indicate the inventions that are subject to examination, or submit the claims, from which items not subject to examination are excluded.

323. If within three months from the date of sending the notification specified in part two of paragraph 322 of these Regulations, a document confirming the additional payment of the patent fee is not submitted, a request for a patent examination of an application for an invention containing one independent claim of the invention shall be considered not filed, and the examination of an application for an invention, which includes several independent claims, is carried out in relation to those claims that are chosen by the applicant (applicants) or, in the absence of such a choice, are indicated first, subject to payment.

324. The international search report or the international examination report prepared by one of the international authorities in accordance with the PCT, as well as the search report prepared by the international search authority, on the first application for an invention, if there is an indication of the claim of conventional priority by the date of its filing, are the basis to reduce the amount of the fee for conducting a patent examination of an application for an invention in respect of inventions declared in independent claims, on which an international search or an international preliminary examination has been carried out. In the case when a group of inventions (Markush claim) is claimed in one independent claim, these documents are the basis for reducing the amount of the fee for conducting a patent examination of an application for an invention in relation to this independent claim, if an international search or an international preliminary examination has been carried out for all inventions of the claimed

groups.

325. When a petition for a patent examination of an application for an invention is filed by any interested person and the amount of the fee paid does not meet to the number of inventions described in the independent claims subject to examination, the application shall be considered not filed.

326. The patent authority notifies the applicant (applicants), as well as the interested person who filed the application, if the application was not received from the applicant (applicants), about the results of consideration of the application for a patent examination of an application for an invention.

Upon receipt of several requests for a patent examination on the same application for an invention from several persons, a request having a later date of receipt is considered not filed, of which the person who filed it is notified.

327. A patent examination of an application for an invention is not carried out and the person who filed a request for a patent examination of an application for an invention is notified of the impossibility of conducting a patent examination of an application for an invention, if such a request was received on an application for an invention previously withdrawn by the applicant (applicants), as well as if a decision has been made on it to refuse to accept an application for an invention or to refuse to grant a patent.

328. A person who is not an applicant and who has filed a request for a patent examination of an application for an invention shall not take part in its consideration. Correspondence on an application for an invention is conducted with the applicant (applicants). A person who filed a request for a patent examination of an application for an invention shall be sent a copy of the decision taken as a result of consideration of the application for an invention. In the event that information about the application for an invention has not yet been published at the time of the decision, the person who filed a request for a patent examination of an application for an invention is informed only about the decision made on the application for an invention, and a copy of this decision is sent after publication information about the application for an invention.

If the applicant (applicants) withdraws the application for an invention before the completion of the patent examination on it, the consideration of the application for the invention is terminated, and the person who filed a request for a patent examination of the application for the invention is notified of this.

329. If prior to the start of the patent examination, the person who filed a request for a patent examination of an application for an invention received a notice to consider this request is not filed, the request shall be deemed not filed.

A notice to consider a request for a patent examination of an application for an invention is not filed, received after the notification of the results of the consideration of the request, is not taken into account.

330. When conducting a patent examination of an application for an invention, the compliance with the conditions of patentability of the claimed invention, characterized in the claim proposed by the applicant (applicants) in the initial materials of the application for the invention or materials submitted by the applicant (applicants) on their own initiative or at the request of the patent authority, taken into account when considering an application for an invention, establishing the priority of the invention, including verification of the claims submitted by the applicant (applicants), materials submitted by the applicant (applicants) on their own initiative or at the request of the patent authority, and conducting an information search in relation to the invention characterized in the claim, to determine the state of the art.

331. A patent examination of an application for an invention is carried out in relation to the claims of the invention specified in the notice of consideration of a request for a patent examination.

CHAPTER 33 VERIFICATION OF THE CLAIMS

332. If the applicant (applicants) amended the claims of an invention after filing a request for a patent examination of an application for an invention, then the possibility of taking into account the amended claims in accordance with paragraph 1 of Article 17 of the Law is verified beforehand. If an amended claim is taken into account, then examination is made on that claim.

333. Verification of the claims of an invention includes, in accordance with the requirements prescribed in Chapter 14 of this Regulation,

verification of:

claims in terms of expressing the essence of the invention;

the basis of the claims on the description;

the clarity and accuracy of the claims;

compliance with the requirement of unity of invention.

334. If during the verification of the claims submitted by the applicant (applicants) it is revealed that they do not comply with the requirements prescribed in Chapter 14 of these Regulations, the applicant (applicants) shall be sent a request with a proposal to amend the claims.

335. When verifying the claims from the point of view of expressing the essence of the invention, based on the analysis of the materials of the application for the invention, it is determined that it contains essential features of the claimed invention, the totality of which is sufficient to obtain the technical result indicated by the applicant (applicants). The presence of a public need to obtain such a technical result is not verified.

Features are considered essential if they are in a causal relationship with the technical result.

336. If an essential feature, without which the technical result is not achieved (or none of the technical results, if the applicant (applicants) indicated several of them), is not included in the independent claim of the invention, but is contained in the description or in the dependent claim, a request is sent the applicant (applicants) with a proposal to include such a feature in an independent claim. The request is accompanied by arguments

supporting the necessity of this feature for achieving the technical result. These arguments may be based on the disclosed causal relationship between the features and the technical result in the description or on a theoretical analysis conducted by the patent authority.

337. If it is determined that the claims submitted by the applicant (applicants) contain non-essential features or features that characterize only particular forms of execution and use of the claimed invention, the applicant (applicants) may be asked about the advisability of retaining such a wording of the claims.

338. Verification of the claims includes the identification of features in it that are necessary only to obtain a result that is not technical, or a result that cannot be recognized as related to the means embodying the invention (for an invention characterized by the features of a program for an electronic computer). An assessment of the nature of the result, for which the features included in the claims are required, is carried out taking into account paragraphs 92 and 93 of this Regulation.

339. If there are features in the claims that are necessary only to obtain a result that is not technical, or a result that cannot be recognized as related to the means embodying the invention, the applicant (applicants) is sent a request with a proposal to amend the claims to exclude such features from it. At the same time, it is explained that these features are not taken into account when verifying the compliance of an invention with the condition of inventive step, and in the case of a patent being granted, their preservation in the claims may lead to a narrowing of the scope of legal protection.

340. One type of features necessary solely for obtaining a non-technical result is features that consist of verbal, graphic, or combined designations, particularly on a device that is the object of the invention or used in the method. If there are such features in the claims, the applicant (applicants), in addition to the proposal to amend the claims, is informed about the possibility of similarity or resemblance to the extent of confusion with registered or potentially registered trademarks (service marks) owned by other parties. The use of the invention may potentially infringe upon the

rights of the trademark (service mark) owner.

341. When verifying compliance with the requirement that the claims must be based on the description, it is determined whether the description contains the concepts that characterize the claimed invention in the claims.

The requirement that a claim be based on a description is recognized as fulfilled in the case when there is a terminological coincidence of the concepts contained in the claims and the description.

The use by the applicant (applicants) in the claim and the description of concepts that coincide in content but differ in terminology, and also if the concept specified in the claim is not named in the description, is not recognized as a violation of the requirement under consideration, but its content is fully disclosed in the description.

If the concept contained in the claim is not reflected in the description either in the terminological or in the substantive sense, the requirement that the claim be based on the description is recognized as violated, and the applicant (applicants) is sent a request with a proposal to eliminate such a violation by excluding from the claim the feature missing in the description or appropriate adjustment of the description while keeping the characteristic in the claim.

342. Verification of the basis of the claims of the invention on the description in the event that the claim includes a feature expressed by a general concept, and the description contains a number of examples of the implementation of the invention using particular forms of realization of the feature characterized by this concept, is accompanied by the establishment of the legitimacy of using the general concept.

343. When establishing the legitimacy of the generalization used by the applicant (applicants), it must be verified whether the general concept does not include such particular forms of implementation of the feature that do not provide (in conjunction with other essential features) the technical result indicated by the applicant (applicants). If such particular forms of implementation of a feature are identified during a patent examination, the applicant (applicants) are given appropriate arguments and are invited to either refute them or correct the characteristic of the feature

based on the description of the invention.

344. If the claims include a feature characterized at the level of a function or property, the presence in the description of information confirming the sufficiency of the feature characterized in this form in conjunction with the other features included in the independent claim is verified to obtain the indicated by the applicant (applicants) technical result.

345. If the possibility of obtaining the technical result indicated by the applicant (applicants) can only be evidenced by experimental data, the presence in the description of examples of the invention, in which the relevant data are given, and their sufficiency to conclude that it is possible to achieve the technical result in all cases of the invention, characterized using generalized features, and not only in the special cases covered by the examples presented.

346. If it is established that the degree of generalization of the feature used is illegal, the applicant(s) are invited to amend the claims based on the original description of the invention.

346-1. The requirement of clarity and accuracy means the ability of a specialist to understand the content of the claims, that is, the set of features that is used by the applicant to characterize the claimed invention. The content of the claims can be considered clear and precise if, on the basis of the information specified in the application and the state of the art, a specialist can accurately determine the subject matter for which legal protection is sought and the scope of legal protection.

347. To comply with the requirement of clarity and precision, the features included in the claims must be identifiable.

Signs are considered identifiable if they are characterized by such concepts, the semantic content of which is perceived by specialists unambiguously on the basis of the prior art.

Cannot be recognized as identifiable features, characterized by terms that have become known only from the materials of the application for the invention.

Features characterized by terms classified as non-scientific in the scientific and technical literature cannot be recognized as identifiable despite the fact that they were used in sources

included in the prior art.

348. If there are doubts about the identifiability of a feature, the patent authority has the right to request from the applicant (applicants) confirmation of the possibility of its unambiguous understanding.

If a feature is found to be unidentifiable, but it is disclosed in the description to the required extent, the Applicant(s) are invited to correct the identified deficiency of the claim by adjusting based on the original description.

If an unidentifiable feature is not disclosed in the original description and it is impossible to clarify its characteristics without going beyond the original materials of the application for the invention, the applicant (applicants) is informed about this and invited to exclude the unidentifiable feature from the claims.

349. If the applicant (applicants) insists on maintaining the wording of the claims containing an unidentifiable feature (regardless of whether it is disclosed in the description or not), such a claim is accepted for further consideration, but the specified feature is not taken into account when checking patentability.

350. If the condition for the possibility of identifying a feature is met, but outdated or rarely used terminology in a particular field of technology is used to characterize it, the applicant (applicants) may be sent a request with a recommendation to amend the claims.

351. The applicant (applicants) may use in the claims difficult to identify features (e.g. the temperature of the material is maintained at about 160°C, the axis of rotation of the lever is located near the shaft support) or features, the identification of which is not possible in all areas of exercising the rights of the patent owner. The latter include signs that are called external in relation to the object for which legal protection is requested (e.g. a device is characterized by the indicators of the product for which it is intended, or the indicators of another device with which it interacts only during operation). In such situations, the applicant(s) may be notified that, if the invention thus characterized is recognized as patentable, he (they) may encounter

difficulties in establishing the fact of its use. The patent authority is not entitled to insist in these cases on the correction of the claim.

352. When verifying the compliance of the claims with the requirement of unity of invention, it is verified whether the claims containing one independent claim refer to one invention.

353. An independent claim does not apply to one invention if it contains the characteristic:
means, each of which has its own purpose, without indicating the general purpose of the totality of such means. If in the primary description there is a direct or indirect disclosure of a common purpose for these means, then the claim can be adjusted by the applicant (applicants) by introducing into it a generic concept that reflects this general purpose;
inventions related to different types of objects.

354. It is allowed to characterize several inventions-variants in one independent claim, if they differ only in such features that are expressed as an alternative in the case when it is necessary to characterize several forms of implementation of the feature that provide (in conjunction with other features of the invention) obtaining one and the same technical result.

If alternative concepts are used without taking into account the condition for obtaining the same technical result and (or) affect other features of the invention when they are mutually replaced, the requirement of unity of invention in one independent claim is considered violated.

If in an independent claim, only features that are not functionally independent are expressed as an alternative, such an independent claim is considered to be related to one invention.

355. If it is established that the requirement of unity of invention is violated in an independent claim, the applicant (applicants) is informed about this and invited to amend it in such a way that the indicated violation is eliminated. If the inventions described in the claims may constitute a group of inventions, the applicant(s) shall be informed of this possibility.

356. If the application for an invention contains a multi-link claim with one independent claim, in addition to verifying the independent claim, it is verified whether the characteristic of the invention contained in the dependent claim leads to the replacement or exclusion of any feature of the invention described in the claim to which it is subordinate, in particular, an independent item.

357. In order to comply with the requirement of unity of invention, the development and (or) clarification in the dependent claim of the feature, which is a generic concept reflecting the purpose of the invention, can be carried out only by concretizing or supplementing the purpose contained in the independent claim.

358. If it is established that a dependent claim is claimed in violation of the requirement of unity of invention, then the applicant (applicants) is informed about this and is invited to amend the claims, subject to the requirement of unity of invention, by:

exclusion from the independent clause of a feature that prevents the implementation of the invention on the dependent claim, if the totality of the remaining features ensures that the specified technical result is obtained, while the dependent clause is retained in its previous version;

exceptions from the claims of the dependent claim;

inclusion of the contents of the dependent claim in a new independent claim;

transfer of a substitute feature from a dependent clause to an independent or corresponding dependent clause, as a result of which a feature appears in it, expressed as an alternative.

359. In the event that it is established that a single-link or multi-link claims with one independent claim relate to more than one invention, the applicant (applicants) is informed about this and invited to amend the claims to eliminate the identified violation. At the same time, it is also indicated that it is necessary to comply with the requirement of unity of invention in the amended claims and pay the appropriate fee in case of inclusion in the amended claims of new independent claims on inventions that were not previously submitted by separate independent claims, or in case of refusal to amend the claims - indications of an invention subject to further consideration.

360. If it is established that a single-link or multi-link claim with one independent claim relates to more than one invention and the applicant(s) refuses to amend the claims, the applicant(s) is informed that the patentability test is carried out only in relation to the first of the inventions specified in the claims.

361. If an invention application contains a multi-link claim containing several independent claims, each of them is analyzed (together with subordinate dependent claims, if any) in accordance with clauses 353-360 of this Regulation .

362. With regard to a multi-link claim containing several independent claims, each of which (together with dependent claims, if any) characterizes only one invention, it is established whether the inventions included in it represent a group of inventions that form a single inventive concept.

363. A group of inventions can be formed both by inventions relating to objects of different types (e.g. a device and a method, a substance and a method), and inventions relating to objects of the same type of invention (variants of an invention, inventions related as a whole and a part).

364. The requirement of unity of invention is considered to be fulfilled when there is a technical relationship between the inventions of the group, expressed by one or more identical or corresponding special technical features. Special technical features are features that define the contribution made to the state of the art by each of the claimed inventions, taken together.

365. If inventions-variants are characterized in several independent claims of the invention, then the coincidence of the purpose of the inventions indicated by the applicant (applicants) and the technical result is also verified.

366. The condition of coincidence of technical results is not considered violated if for each of the inventions of the group (or one of them) several technical results are indicated, and the coincidence is established only in relation to some of the indicated technical results.

367. The condition of coincidence of technical results is not considered to be violated even if, in addition to the technical result characteristic common to all inventions, the wording of one of them additionally includes an indication of some specific feature (e.g. friction reduction, friction reduction in conditions of high humidity).

368. When establishing a violation of the requirement of unity of invention in a multi-link claim containing several independent claims, or in a claim with an independent claim containing variant inventions, the applicant (applicants) is informed about this and invited to report within the time period prescribed in paragraph 3 of Article 18 of the Law which of the inventions should be considered, and, if necessary, to make clarifications in the application materials for the invention.

369. If the applicant (applicants) does not report within the prescribed period which of the inventions (or a group of inventions that meet the requirement of unity of invention, if such a group is included in the number of claimed inventions) should be considered, and does not submit revised documents, a patentability test is carried out only in respect of invention listed first in the claims (or those claimed inventions listed first in the claims that form a group that meets the requirement of unity of invention).

370. In case of violation of the requirement of unity of invention, the applicant (applicants) may file one or more divisional applications for other inventions or groups of inventions that meet the requirement of unity.

371. To test the patentability of an invention, the claims are adopted with changes confirmed by the applicant (applicants).

CHAPTER 34 VERIFICATION OF MATERIALS SUBMITTED BY THE APPLICANT(S) ON THEIR OWN INITIATIVE OR AT THE REQUEST OF THE PATENT AUTHORITY

372. When the patent authority receives additional materials submitted at the initiative of the applicant (applicants) that provide for correction or clarification of the materials of the application for an invention, 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.

373. If the materials submitted at the initiative of the applicant (applicants) or at the request of the patent authority contain an amended claim, it shall be established whether the changes in the claims provide for the inclusion of one or more independent claims in it that are not highlighted as such in the original claims. If changes and clarifications of the materials of the application for an invention at the initiative of the applicant (applicants) or at the request of the patent authority involve the inclusion in the claims of independent claims that are absent in the claims originally filed and accepted for consideration, it is checked whether a document is submitted along with these changes and clarifications confirming payment of a patent fee in the prescribed amount.

374. In the absence of documents confirming the payment of the patent fee specified in paragraphs 372 and 373 of this Regulation, the applicant (applicants) shall be notified of the need to submit them. If these documents are 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 the application for an invention, of which the applicant (applicants) is notified.

375. It is not considered a correction or clarification of the document of the application for an invention on the initiative of the applicant (applicants), if:
the correction or clarification submitted by the applicant (applicants) both after receiving a request from the patent authority and without receiving such a request is aimed at eliminating violations of the prescribed requirements for the materials of an application for an invention;

the correction or clarification submitted by the applicant (applicants) after receiving by him (them) the request of the patent authority is related to the content of the request of the patent authority.

376. If amended or revised materials are submitted by the applicant (applicants) after the decision to grant or refuse to grant a patent on an invention application is made by the patent authority, they are not taken into account, of which the applicant (applicants) is notified.

377. Changes in the indication of the applicant (applicants) upon transfer of the right to an application for an invention as a result of succession, transfer under an agreement or in connection with a change in the name of the applicant (applicants), as well as the correction of obvious and technical errors can be made before the date of registration of the invention in the Register of inventions.

378. With regard to duly executed documents submitted by the applicant (applicants) at the request of the patent authority, compliance by the applicant (applicants) with the deadlines for their submission prescribed in part three of paragraph 3 of Article 21 of the Law is checked.

379. If the applicant (applicants) fails to submit duly executed documents requested by the patent authority or a request for an extension of the deadline for submitting a response to the request of the patent authority within the specified period, a decision is made to refuse to grant a patent.

380. Upon receipt of modified and revised materials submitted by the applicant (applicants) on their own initiative or at the request of the patent authority and accepted for consideration, it is checked whether they change the essence of the claimed invention.

381. Modified or revised materials change the essence of the claimed invention if they contain features to be included in the claims that are not in the original description (claims) of the invention.

382. Features are considered to be included in the claims not only when they are contained in the amended claims submitted by the

applicant(s), but also when the applicant(s) only indicates such inclusion.

383. The features to be included in the claims are recognized as missing in the original description (claim) of the invention, if on the date of filing the application for the invention they were not contained either in the terminological or substantive sense, neither in the description, nor in the claims of the invention, including and in the event that the indicated features were illustrated in the drawing or other graphic material contained in the application for an invention on the date of its filing.

384. If in the original materials of the application for an invention an essential feature of the invention was expressed by a general concept without disclosing particular forms of its implementation, then the presentation of such a form of implementation in the modified materials, referring it to the feature to be included in the claims, is the basis for recognizing the presented materials as changing essence of the claimed invention.

If in the initial materials of the application an essential feature is expressed in the form of a wide range of numerical values and only one specific example of the invention is given, then the presentation in additional materials of this feature in the form of specific values that differ from those given in the original materials serves as the basis for recognizing the presented materials as changing the essence of the claimed invention.

385. The features mentioned in the description only in relation to the state of the art, including the closest analogue, do not refer to the features of the claimed invention contained in the initial materials of the application for the invention.

386. In the event that an application for an invention belongs to a group of variant inventions, the features of any invention of the group contained in the initial materials of the application for the invention are considered to be the features named in the description in relation to this particular invention of the group.

387. If the claimed object of the invention relates to the use for a specific purpose, then materials that contain indications of the

purpose of the object or other features used to characterize the object, other than in the original materials of the application for the invention, are recognized as changing the essence.

388. Modified or revised materials containing missing in the original materials of the application for the invention information about the claimed invention, not related to the features to be included in the claims, are not considered to change the essence of the invention. Such information may include new (additional) information about the conditions for the implementation of the invention, examples of the implementation of the invention, additional information about the technical result, updated graphic materials, and more.

389. Materials containing, along with the features missing in the initial materials of the application for an invention, to be included in the claims, as well as other information necessary for the consideration of the application for an invention, are recognized as changing the essence only in the part containing these features.

390. Materials indicating the achievement of a technical result, information about which was not contained in the original materials of the application for the invention, are taken into account if the newly indicated technical result can be unambiguously derived from the original materials of the application for the invention.

391. If the materials submitted by the applicant (applicants) on their own initiative or at the request of the patent authority are recognized as changing the essence of the claimed invention, they are not taken into account when considering the application for the invention, of which the applicant (applicants) is notified. These materials may be filed by the applicant (applicants) as an independent application for an invention, including claiming priority by the date of their receipt in accordance with paragraph 4 of Article 16 of the Law.

392. When verifying the claims amended on their own initiative or at the request of the patent authority by the applicant (applicants), it is established whether an independent claim has appeared in the claims that is not related to the invention disclosed in the

original description of the invention.

393. A change in the claims is recognized as related to the invention disclosed in the original description of the invention, in the following cases:

replacement of the original generic concept, reflecting the purpose of the invention, with another, if as a result of such a replacement the essence of the invention does not change, that is, all clarifying concepts are contained in the terminological or substantive sense in the original description and (or) claims, including dependent claims;

changing the indication of the type of the subject matter of the invention (device, method, substance), if the newly indicated type, to a greater extent than the original, corresponds to the nature of the features contained in the original claims;

replacement of the originally declared subject of the invention "application for a specific purpose" with an object of the specified purpose;

replacing the originally specified subject matter with the "application for a particular purpose" subject matter of said subject matter;

the formation of a new independent claim (or several such claims) as a result of the elimination of violations of the requirement of unity of invention in a single-link or multi-link claims with one independent claim;

forming a new independent claim for the invention disclosed in the original description of the invention.

394. Changes in the claims that are not related to the claimed invention are not taken into account, about which the applicant (applicants) is notified.

CHAPTER 35 INVENTION PRIORITY ESTABLISHMENT

395. The priority of an invention is established on the grounds provided for in Article 16 of the Law.

396. When the applicant (applicants) request the Convention priority, the following conditions are checked:

396.1. availability of an indication of the requested conventional priority;

396.2. observance by the applicant (applicants) of the deadline for filing an application for an invention with the request for conventional priority, prescribed in the first part of paragraph 3 of Article 16 of the Law. If an application for an invention 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 for an invention and a document confirming the payment of the patent fee in the prescribed amount. The petition must indicate circumstances beyond the control of the applicant, due to which an application for an invention with a claim for conventional priority could not be filed within the prescribed time limit;

396.3. availability of a certified copy of the first application for an invention filed by the applicant (applicants) in a state party to the Paris Convention;

396.4. observance by the applicant (applicants) of the deadline for submitting to the patent authority a copy of the first application for an invention, prescribed in part two of paragraph 3 of Article 16 of the Law. In case of non-compliance with the specified period, at the request of the applicant (applicants) filed before its expiration, the right of conventional priority may be restored, provided that a copy of the first application for an invention is requested by the applicant (applicants) no later than 14 months from the date of filing the first application for an invention and submitted to the patent authority within two months from the date of its receipt by the applicant (applicants). The application for the restoration of the right of conventional priority shall be accompanied by a document confirming the payment of the patent fee in the prescribed amount;

396.5. disclosure of the claimed invention in the first application for the invention.

397. If the Convention priority claim contains an international application for an invention, the patent authority may request a copy of the priority document of the international application for an invention from the International Bureau of WIPO (copies of applications provided for in Article 4(D)3 of the Paris Convention).

398. When the applicant (applicants) requests the priority of an invention by the date of receipt of additional materials to the previously filed application for an invention in accordance with paragraph 4 of Article 16 of the Law, compliance with the following conditions is checked:

398.1. availability of an indication of the requested priority;

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

398.3. disclosure of the claimed invention in additional materials, according to the date of receipt of which priority is claimed (taking into account the content of the original application for the invention, according to which these materials were submitted).

399. When an applicant (applicants) request the priority of an invention by the date of filing with the patent authority of his earlier application for an invention in accordance with paragraph 5 of Article 16 of the Law, compliance with the following conditions is checked:

399.1. availability of an indication of the requested priority;

399.2. observance by the applicant (applicants) of the deadline for filing an application for an invention with a priority claim on the date of receipt by the patent authority of his earlier application for an invention, prescribed in paragraph 5 of Article 16 of the Law;

399.3. the implementation of the filing of an application for an invention by the same applicant (applicants) as an earlier application for an invention;

399.4. disclosure of the claimed invention in an earlier application for an invention;

399.5. the presence of a request for an earlier priority on an earlier filed application for an invention.

400. When an applicant (applicants) asks for priority on the basis of several previously submitted applications, compliance with the conditions specified in paragraph 399 of this Regulation is checked in relation to each of them.

When filing an application for an invention with a request for the specified priority on an earlier application for an invention (or on all applications for inventions, if there are several), a decision is made to refuse to grant a patent.

401. When an applicant (applicants) request the priority of an invention under a divisional application for an invention in accordance with paragraph 6 of Article 16 of the Law, compliance with the following conditions is checked:

availability of an indication of the requested priority;

observance by the applicant (applicants) of the conditions for filing an application for an invention with a priority claim for a divisional application for an invention, provided for in paragraph 6 of Article 16 of the Law;

disclosure in the original application for invention of the invention claimed in the divisional application for invention, and if the application for invention is separated from the conventional application and priority is claimed by its priority date, then also in the first application for invention.

When establishing priority on a divisional application for an invention, the date of its filing shall be the date of filing the initial application for an invention.

402. If the claims to the priority of the first application were rejected or the applicant (applicants) waived them in the initial application for an invention, then no earlier priority is established for the divisional application for an invention.

403. The applicant(s) may claim several priorities relating to different claims, and 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 listed in paragraphs 396, 398-401 of this Regulation is established.

404. 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 an invention on the basis of which priority is claimed, or the application for an invention to which additional materials are filed, which are the basis for claiming priority, does not revoked or a decision on refusal to issue a patent has not been made on it.

405. When checking compliance by the applicant (applicants) with the conditions for disclosing the claimed invention in previously submitted materials (previously filed application for an invention, additional materials), which are the basis for claiming priority, the following is checked:

the presence of an indication in the materials (in the description, the claims of a previously filed application for an invention, in the text part of additional materials) of all features included in the claims of the claimed invention;

disclosure of the invention in these materials as of the requested priority date in sufficient detail to enable it to be carried out.

When checking the fulfillment of this condition in case of claiming conventional priority, the applicant (applicants) may be sent a request with a proposal to submit a translation of the first application for an invention filed by him (them) in a country party to the Paris Convention.

406. If the applicant (applicants) observe the conditions specified in paragraphs 396, 398-405 of this Regulation, the claimed priority is established in relation to the claimed invention.

407. If the applicant (applicants) fails to comply with at least one of the requirements specified in paragraphs 396, 398-405 of these Regulations, the priority of the invention is established (with prior notification of the applicant (applicants)) on the date of filing the application for the invention with the patent authority. If these requirements are not observed in relation to any invention (e.g. characterized in one of the clauses of a multi-link claim), priority by the date of filing an application for an invention with a patent authority is established only for this invention.

408. In the event that, after the establishment of priority by the applicant (applicants), an amended claim is submitted, a second

check is made of the existence of grounds for establishing the claimed priority.

CHAPTER 36 VERIFICATION OF COMPLIANCE WITH THE CONDITIONS OF PATENTABILITY

409. Verification of compliance with the conditions of patentability of the claimed solution begins with establishing whether it can be granted patent protection as an invention if the subsequent verification shows its compliance with the conditions of industrial applicability, novelty and inventive step, that is, with the establishment of fundamental patentability of the claimed solution.

410. The claimed solution is not recognized as related to inventions if it belongs to the objects listed in paragraph 2 of Article 2 of the Law and is of a non-technical nature.

411. Verification of the technical nature of the claimed solution is carried out in order to classify it as an invention.

412. The technical nature of the claimed solution is confirmed by the presence of a technical result obtained in the implementation or use of the invention. The presence of a technical nature of the result obtained in the implementation or use of the invention is established in accordance with paragraphs 90-93 of this Regulation.

413. The claimed solution is not recognized as related to inventions if it provides obtaining only such a result that is not technical or cannot be recognized as related to the means embodying the invention.

414. It is also checked whether the proposed proposal is one of those that are not granted legal protection as inventions or are not recognized as patentable inventions in accordance with paragraph 3 of Article 2 of the Law.

415. In the case of the alleged attribution of the declared decision to the objects excluded from legal protection, the applicant (applicants) is sent a request outlining the relevant arguments.

416. If it is established that the claimed solution does not belong to those excluded from legal protection, its compliance on the priority date with the conditions of industrial applicability, novelty and inventive step is checked.

417. If the claim proposed by the applicant (applicants) contains a feature expressed by alternative concepts, the patentability check is carried out in respect of each set of features that includes one of such concepts.

If the conclusion of non-patentability is obtained in relation to one of the specified sets and the applicant (applicants) refuses to amend or exclude the characteristic of this invention from the claims, a decision is made to refuse to grant a patent.

418. Evaluation of the novelty and inventive step of the claimed invention is carried out in comparison with the state of the art, for the determination of which an information search is carried out in accordance with this Regulation .

419. When checking compliance with the conditions of patentability of the claimed invention, the state of the art does not include sources containing information related to the invention, disclosed by the author, the applicant (applicants) or any person who has received from them directly or indirectly this information in such a way that information about the essence of the invention became publicly available if the disclosure was made within the period prescribed in part seven of paragraph 1 of Article 2 of the Law. The establishment of the date of disclosure of information in relation to a specific source is carried out in accordance with these Regulations.

CHAPTER 37 VERIFICATION OF INDUSTRIAL APPLICABILITY

420. An invention is industrially applicable if it can be used in industry, agriculture, healthcare and other fields of activity. Checking compliance with the condition of industrial applicability involves assessing the fundamental suitability of the invention for its use in any of the branches of activity.

To recognize the invention as industrially applicable, the question of the possible extent of its use is not considered.

421. To recognize an invention as industrially applicable, the following conditions must be met:

the original materials of the application for the invention must contain an indication of the purpose of the invention;

the claimed invention, as described in the independent claim, can be carried out using the means and methods described in the original application materials for the invention or sources that became publicly available before the priority date of the invention; in the case of the invention, it is indeed possible to implement the purpose indicated by the applicant (applicants).

422. Information on the purpose of the invention contained in the amended and revised materials, which was not available on the priority date, cannot serve as a basis for recognizing the invention as industrially applicable as of the priority date.

423. The condition for the feasibility of the claimed invention is the possibility of obtaining a material equivalent for each of the features of the invention, that is, for each of the features it must be clear how its material equivalent can be obtained. This requirement relates to the description of the invention. The claims may contain generalized characteristics at the level of function, property, in the form of a term covering different forms of implementation. The description must confirm that such a sign is or may be the corresponding material means.

424. If a feature in the claims is expressed by a term that is associated with a certain agent for a specialist, but it follows from the description that the applicant (applicants) erroneously ascribes a completely different meaning to this term and at the same time refuses to amend the terminology used in the claims, the

analysis of the feasibility of the claimed invention is carried out in accordance with the generally accepted meaning of the term included in the claim.

425. Confirmation of the feasibility of an invention is the establishment of the possibility of creating a material means embodying the invention, based not only on the information contained directly in the application materials for the invention, but also on all knowledge preceding the priority date of the invention.

426. The material may be known as such from sources published prior to the priority date. In this case, the application for the invention either contains a reference to the source, or the features are expressed in such commonly used terms that such a reference is not necessary.

427. Material may be described in the application itself when it is not described in sources published prior to the priority date.

428. The material means may be unknown, but may refer to such a class of material means for which the rules and methods for obtaining the means according to the requirements imposed on it are known from sources that have become publicly available before the priority date of the invention. Most often this takes place when presenting in the application for an invention at the level of a functional generalization of logical, computational and other similar blocks that can be synthesized using methods known before the priority date of the invention.

429. A rule or method for obtaining an acceptable means that is a material equivalent of a feature can be given in the application materials for an invention, for example, by describing the operation algorithm of the block specified in the claimed device at the functional level, when there are no known means capable of implementing just such function.

430. Confirmation of the feasibility of an invention relating to a strain of microorganisms, a culture of plant or animal cells, or to the method in which it is used, is information about the deposit of the strain (the name of the depositary collection, the registration number assigned by the collection to the deposited object). The

deposit must be made before or on the priority date of the invention.

Deposit for the purposes of patent examination is considered to be carried out if the strain is placed in an international or Belarusian collection, which guarantees the maintenance of the viability of the object at least during the term of the patent.

431. The material means embodying the claimed invention must be capable of realizing the purpose indicated in the application for the invention. In this case, if in the claims the feature is characterized using one or another degree of generalization, the condition for the implementation of the purpose indicated by the applicant (applicants) must be fulfilled for the entire requested scope of claims for all possible forms of implementation of the feature covered by the general concept.

The assessment of compliance with the condition of industrial applicability is aimed at checking for the presence of technical errors that make the device inoperable, the impossibility of the required flow of the method, and more.

432. Responsibility for the reliability of the information contained in the application for an invention, considered by the patent authority when checking compliance with the conditions for patentability of the invention, related to the assessment of the reliability of the properties indicated by the applicant (applicants), which determine the materiality of certain features, lies with the applicant (applicants). During the examination, the applicant (applicants) may be required to provide additional evidence of the significance of certain features, if the information available in the application for an invention does not explain the contradiction identified during the examination with the known data indicated in the request.

433. When denying or confirming the presence of certain effects, phenomena, properties that determine the performance of the claimed object, technical arguments are supported by references to published sources, including those published after the priority date of the invention, provided that this information does not replace information necessary to carry out the invention. The link to the source of information should contain the bibliographic data necessary for its discovery, as well as an indication of the page,

paragraph, figure of the drawing, which contains information confirming the above arguments.

434. It is not an obstacle to recognizing the invention as industrially applicable if the possibility of obtaining the technical result specified in the section of the invention description "Essence of the Invention" is not confirmed in the section of the description of the invention "Information confirming the possibility of carrying out the invention", but during the examination the ability to implement the claimed invention is prescribed in its implementation of the purpose specified in the application for the invention.

435. If, when creating an invention, the task is only to expand the arsenal of technical means for a certain purpose or to obtain such means for the first time, the technical result may consist in the implementation of the proposed means of its purpose, and failure to achieve the technical result means non-compliance with the condition of industrial applicability.

436. If it is established that, as of the priority date of the invention, all the conditions provided for in paragraph 421 of this Regulation are met, the invention described in an independent claim shall be recognized as complying with the condition of industrial applicability.

In this case, if the claim contains dependent claims, it is additionally checked that the characteristics of the features of the invention contained in these claims do not interfere with the implementation of the invention or the implementation of the purpose indicated by the applicant (applicants).

If at least one of these conditions is not observed, it is concluded that the invention does not meet the condition of industrial applicability. In this case, the applicant (applicants) may be sent a request stating the relevant arguments and with a proposal to express their opinion on these arguments, as well as to amend the claims (if, in the opinion of the patent authority, the materials of the application for the invention allow for adjustment, as a result of which the conclusion about non-compliance with the condition of industrial applicability can be changed). The request may provide specific recommendations for adjusting the claim.

437. In respect of an invention for which a non-compliance with the condition of industrial applicability has been established, verification of novelty and inventive step is not carried out.

CHAPTER 38 CONDUCTING INFORMATION SEARCH

438. The purpose of information retrieval is to identify the prior art, which is used to determine whether the claimed invention complies with the conditions of patentability - novelty and inventive step.

439. Information search is carried out on the basis of the claims, taking into account the description and drawings, if any, as well as taking into account changes in the claims, taken into account when considering the application for the invention.

440. The prior art includes any information that has become publicly available in the world before the priority date of the invention. 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.

441. The date determining the inclusion of information about the source of information in the prior art is:

441.1. for published patent documents, the date of publication indicated on them;

441.2. for applications for inventions or utility models filed with the patent authority, accessible to any person for familiarization with their materials - the date of publication of information about the application for an invention or information about a patent for a utility model, respectively, in the official bulletin of the patent authority;

441.3. for printed publications - the date of signing for publication indicated on them;

441.4. for printed publications that 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 publication is determined respectively, only a month or a year;

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

441.6. for 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;

441.7. for regulatory and technical documentation - the date of its registration by the authorized body;

441.8. for materials of dissertations and abstracts of dissertations published as a manuscript, the date of their receipt by the library;

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

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

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

441.12. for 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;

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

441.14. for information about the technical means that became known as a result of its use - a documented date from which this information became publicly available;

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

442. As a characteristic of the search area (a set of sections of science and technology, information on which is viewed to establish the level of technology for this application), the indexes of the IPC headings are used.

443. When determining the scope of the search, the following are taken into account:

the object of the invention as a whole and its functionally independent features that distinguish it from the closest analogue; functionally independent features that are common to the invention and the closest analogue, if there are distinctive features related

to them that are not functionally independent.

The search for these features is carried out both in known objects and their parts, regardless of the purpose of these objects and their parts.

444. 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.

445. Information search is carried out in the scope, including:

445.1. official bulletins of the patent authority;

445.2. descriptions to titles of protection of the Republic of Belarus;

445.3. applications for inventions and utility models filed with the patent authority, available for familiarization of any persons with their materials;

445.4. patent documentation of the Russian Federation, the Union of Soviet Socialist Republics, the Eurasian Patent Office, the United States of America, the United Kingdom of Great Britain, the Federal Republic of Germany, the French Republic, Japan, the Swiss Confederation, the European Patent Office and WIPO, as well as patent documentation of other countries;

445.5. non-patent literature.

446. When conducting an information search, the scope of the search to verify the novelty of the claimed invention also includes, subject to their earlier priority, all unwithdrawn applications for inventions and utility models filed in the Republic of Belarus by other persons and inventions and utility models patented in the Republic of Belarus, regardless of whether information about them they are published as of the priority date of the application for the invention, which is searched.

447. Information search does not stop and is carried out 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 claimed invention 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.

448. The results of information retrieval are drawn up in the form of an information retrieval report.

449. The information search report contains the following data:
the number of the application for the invention on which the search was carried out;
the priority of the invention;
name of the invention;
surname, first name, patronymic (if any) and (or) name of the applicant (applicants);
classification of the object of the invention;
search area;
references to documents given in the form of bibliographic data, their specific parts related to the subject of the search. If the link does not apply to all claims, the specific claim or claims corresponding to it are indicated;
the date the search was completed.

450. Copies of the documents specified in it relating to the subject of the search are attached to the information search report.

CHAPTER 39 NOVELTY CHECK

451. An invention is new if it is not part of the state of the art.

452. Verification of the novelty of the claimed invention is carried out in relation to the entire set of features contained in the independent claim of the invention claim, with which the application for the invention was filed, or specified, amended by the applicant (applicants) on their own initiative or at the request of the patent authority and taken into account when considering the application for an invention.

453. The state of the art, only to check the novelty of the claimed invention, shall be additionally included, subject to their earlier priority, all unwithdrawn applications for inventions and utility models filed in the Republic of Belarus by other persons, as well as inventions patented, including by the same persons, in the Republic of Belarus and utility models registered in the Register of Inventions and in the State Register of Utility Models of the Republic of Belarus.

The information contained in these sources is not required to be publicly available on the priority date of the invention in question.

454. An application for an invention or utility model with an earlier priority date is included from that date in the state of the art, provided that the following conditions are met at the time of the patent examination of the application for invention under consideration:

an application for an invention has been filed in the Republic of Belarus, including an international application that has entered the national stage in the Republic of Belarus, and a Eurasian application has been transformed into a national application for a patent of the Republic of Belarus in accordance with Article 16 of the Eurasian Patent Convention;

the application for an invention was filed by another person (that is, by another applicant, and if there are several applicants, there is no complete match in their compositions);

the application for an invention has not been withdrawn, information about an application for an invention or information about a patent for a utility model has been published.

455. An application for an invention or utility model with an earlier priority is included in the state of the art in relation to the description and claims contained in this application on the date of its filing. If this date is later than the priority date of the considered application for an invention, then the application for an invention with an earlier priority is included in the state of the art in terms of its content, which coincides with the content of the materials that served as the basis for establishing priority (the first application for an invention, an earlier filed application for an invention, additional materials to this application).

From the priority date, the state of the art also includes inventions and utility models patented in the Republic of Belarus, including inventions patented in accordance with the Eurasian Patent Convention, provided that at the time of the patent examination of the considered application for the invention, information about the patent is published.

Patented inventions and utility models are included in the state of the art only in relation to the claims with which the information about the patent was published.

456. An invention is recognized as known from the state of the art and does not meet the condition of novelty, if the state of the art reveals a means that has features that are identical to all the features contained in the independent claim proposed by the applicant (applicants), including the description of the purpose. At the same time, non-essential features contained in the claims are taken into account, including those not excluded by the applicant (applicants) at the suggestion of the expert.

457. When deciding on the identity of features, it is necessary to analyze the content of the feature. In this case, the form of expression of the attribute does not matter. For example, if a feature of a device is the geometric shape of any of its elements, then the same shape can be expressed verbally, mathematically or graphically. This does not affect the qualification of differently expressed features as identical. The same applies to a device depicted graphically (on a drawing) and described verbally, or to a chemical compound depicted by a symbol and named according to chemical nomenclature, and so on.

458. An agent that has features that are identical to those contained in an independent claim of the claimed invention must be known from one source of information. At the same time, the fact that the known tool has features identical to the features of the claimed invention can be confirmed from several sources of information.

459. The claimed invention is not deemed to meet the condition of novelty if:

459.1. it refers to the use of a device, method, substance, strain for a new purpose and a source of information has been found from which the use of the same device, method, substance, strain with the indicated applicant (applicants) is known;

459.2. a source of information has been found that discloses a means of the same purpose, characterized in this source by all the features included in an independent claim;

459.3. the source from which the remedy for the same purpose is known does not contain all the features without exception in the form in which they are included by the applicant (applicants) in an independent claim, but the known remedy has features that are identical to all the features contained in the proposed by the applicant (applicants) the claims, including a description of the purpose, in particular:

when the differences between the claimed means and the known means in the form in which it is described in the identified source are exhausted by the features that are implemented "automatically" in the implementation of the known means (e.g. a source of information has been identified from the prior art that describes a device of the same purpose, coinciding with proposed for all features, including shape and linear dimensions, but without a feature characterizing its area, while the area is a consequence of the shape and linear dimensions, that is, the indicated feature is inherent in both the known and the claimed device, purpose identical to the claimed one, including making its element from an alloy characterized by a qualitative and quantitative composition, however, in a well-known source there is no sign of the claimed invention that characterizes the tensile strength of the specified alloy, but the tensile strength is completely determined by the qualitative and quantitative composition of the alloy and is known for this alloy from the state of the art. Or, in an independent claim, the sign "shaft for torque transmission" is included, and the

source of information describes the set of features of the claimed device, including the shaft, but without indicating that it is designed to transmit torque, however, it is known that the shaft according to its definition is designed to transmit torque); when the characteristic of the claimed remedy in the independent claim of the invention matches its characteristic in the identified source, with the exception of one or more features that express the same features of the remedy in different ways. For example, in an independent claim there is a sign related to the value of some physical quantity, and in the identified source of information the same set of signs is given with the only difference: the value of a different physical quantity is used, while both physical quantities are related to each other by known dependencies and their meanings correspond to each other;

459.4. the claimed invention is related to the known means according to the principle "narrower - wider", when the interval of quantitative values of any characteristic or a single value that determines the feature of the claimed invention is part of the corresponding interval for the known means, and at the same time other features of the invention coincide with the features of the known means. Changing the conclusion about the lack of compliance with the condition of novelty is possible if the original description of the invention contains information that allows specifying the purpose of the invention, that is, when the applicant (applicants) has revealed a property that manifests itself precisely in the declared (narrower than the known) range of values, which is not known from a source in which a known remedy is disclosed, and it is this property that determines a more specific purpose;

459.5. one of the signs of the claimed invention contains an interval of quantitative values of any characteristic, which includes a narrower interval or a specific value characterizing a known means, while the remaining signs, including a generic concept that reflects the purpose, are consistent, that is, the claimed invention correlates with a known means on the principle of "wider - narrower". In order for the invention to be recognized by a new applicant (applicants), it is necessary to exclude from the independent claim a part of the interval or a single value that matches the interval of the known means;

459.6. the intervals of quantitative values of the claimed invention and the known solution partially overlap. The exclusion from the independent claim of the claimed invention of the part of the

interval coinciding with the interval of the known means will allow to recognize the novelty of the claimed invention.

460. If the claimed invention containing alternative features differs from the known means of the same purpose only in some of the alternative features, it is not new in particular cases corresponding to the alternative features known from the prior art. The exclusion of these alternative features from the independent claim of the invention will make it possible to recognize the compliance of the claimed invention with the condition of novelty.

461. If an application for an invention with an earlier priority has not been withdrawn and a decision has not been made on it based on the results of a preliminary examination to refuse to grant a patent, but information about an application for an invention or information about a patent for a utility model has not yet been published, the applicant (applicants) is informed :

461.1. on the existence of such an application (without indicating its bibliographic data, except for the number of the application for an invention and the date of its filing, and without disclosing the content);

461.2. about the impossibility at the moment of including this application in the state of the art and that a patent for an invention on the application under consideration (subject to the compliance of the claimed invention with other conditions of patentability) can be issued, but if information about this application for an invention (on a patent for a utility model) are published, the granted patent may be disputed in accordance with part five of paragraph 1 of Article 2 of the Law;

461.3. on the possibility of making changes to an independent claim of the invention, so that the presence of an application with an earlier priority could not be the basis for concluding that the claimed invention does not meet the condition of novelty, or the possibility of postponing consideration of an application for an invention until certainty is reached on an application with an earlier priority. If the applicant (applicants) does not agree to amend the independent claim of the invention, the consideration of the application for the invention continues in the manner prescribed by these Regulations.

462. In the event that the identified source of information from which the invention in question is known is a patented invention or utility model, it is checked that the information about the patent was published at the time of the patent examination of the considered invention application. If information about the patent has not yet been published, one should be guided by the provisions set forth in subparagraph 461.2 of paragraph 461 of these Regulations.

463. If it is established that the invention, characterized in an independent claim containing dependent claims, meets the condition of novelty, then the analysis of the state of the art in relation to dependent claims is not carried out.

464. If it is established that there is no compliance with the condition of novelty of an invention characterized by a claim that does not contain dependent claims, the applicant (applicants) may be sent a request outlining the arguments of the patent authority and with a proposal to submit their opinion on these arguments and, if necessary, amended on the basis of the original application materials. for the invention the claims.

465. In respect of an invention for which a non-compliance with the condition of novelty has been established, verification of inventive step is not carried out.

CHAPTER 40 VERIFICATION OF INVENTION STEP

466. An invention has an inventive step if it does not clearly follow from the state of the art for a specialist.

467. The level of technology is determined in accordance with paragraphs 440 and 441 of this Regulation.

468. The verification of the inventive step is carried out in relation to the invention, characterized in an independent claim with which the application for the invention is filed, or modified by the applicant (applicants) on their own initiative or at the proposal of the patent authority and taken into account when considering the application for the invention.

469. Verification of inventive step includes:
determination of the closest analogue - means of the same purpose (prototype);
identifying the features by which the claimed invention differs from the prototype (distinguishing features);
identification from the prior art of solutions that have features that are identical to the distinguishing features of the invention in question.

470. When searching for known solutions that have distinctive features of the claimed invention from the prototype, different approaches are used depending on the nature of the distinctive features:

470.1. if the distinguishing features are functionally independent, such as a unit, a device detail (block, drive, cutter, bearing, etc.), composition ingredient (plasticizer, filler, chemical compound, alloy of a certain composition, solvent, surfactant, etc.) , method (grinding, vibration, drying, etc.), substance, material, device used in the method, then in the process of analyzing the prior art, a search is made for sources in which these functionally independent features can be found, and they can act as separate objects , and as components of other objects;
470.2. if the distinguishing features are not functionally independent, such as quantitative features, features that describe the geometric shape, the presence of electrical, kinematic and other connections, relative position, sequence in time, property, and

more, the search for such features cannot be carried out in isolation from those functionally independent features to which they refer, regardless of whether the presence of a corresponding functionally independent element is a feature common to the prototype or different from it. Therefore, first of all, they turn to information sources that may contain information about the functionally independent elements themselves, then to information about the principles of their functioning, dependencies, patterns that exist in this field of technology, from which the influence of functionally dependent features of the specified type on technical result.

471. An invention is recognized as not following for a specialist in an explicit way from the prior art, in particular, if no solutions have been identified that have features identical to its distinctive features, or such solutions have been identified, but the knowledge of the influence of distinctive features on the indicated by the applicant has not been confirmed (applicants) technical result.

472. Inventions based, in particular, on the following are not recognized as meeting the condition of inventive step:

472.1. addition of a known means with any known part (parts) attached (attached) to it according to known rules, in order to achieve a technical result in respect of which the influence of just such additions has been established, except for cases when, in addition to the known technical result, another result is achieved, not known from the prior art;

472.2. replacement of any part (parts) of a known means with another known part in order to achieve a technical result in respect of which the influence of just such a replacement has been established;

472.3. the exclusion of any part (parts) of the means (element, action) with the simultaneous exclusion of the function due to its (their) presence and the achievement of the usual result for such an exclusion (simplification, reduction in weight, dimensions, material consumption, increase in reliability, reduction in the duration of the process and other), however, if upon exclusion of any element (elements) its function is not excluded, but passes to another element (elements) of the object, and the object itself functions with the same or better indicators and in the same area as before the exclusion from of this element (elements), such an invention is recognized as meeting the requirement of an inventive step, if it

does not follow from the known information about the remaining elements of the object that any of them is capable of exercising the function of the excluded element;

472.4. increasing the number of similar elements, actions to enhance the technical result due to the presence in the tool of just such elements, actions;

472.5. performing a known tool or its part (s) from a known material to achieve a technical result due to the known properties of this material;

472.6. creation of a tool consisting of known parts, the choice of which and the connection between which is carried out on the basis of known rules, recommendations, and the technical result achieved in this case is due only to the known properties of the parts of this tool and the connections between them;

472.7. the use of a known device, method, substance, strain for a new purpose, if the new purpose is due to its known properties, structure, performance and it is known that such properties, structure, performance are necessary for the implementation of this purpose;

472.8. changing the quantitative attribute(s), presenting such attributes in a relationship or changing its type, if the fact of the influence of each of them on the technical result is known and new values of these attributes or their relationship could be obtained based on known dependencies, patterns.

473. The condition of inventive step is met, in particular:

473.1. methods for obtaining new individual compounds (class, group) with a prescribed structure;

473.2. methods for obtaining known individual compounds (class, group) with a prescribed structure, if they are based on a reaction that is new for a given class or group of compounds or on a reaction known for a given class or group of compounds, the conditions for which are unknown;

473.3. a composition consisting of at least two known ingredients, providing a synergistic effect, the possibility of achieving which does not follow from the prior art (that is, exhibiting the properties of both ingredients, but the quantitative indicators of at least one of these properties are higher than those of the properties of a single ingredient);

473.4. an individual compound that falls under the general structural claim of a group of known compounds, but is not described

as specially obtained and studied and at the same time exhibits new qualitatively or quantitatively unknown properties for this group (selective invention).

474. The invention is not considered as inappropriate to the inventive step because of its apparent simplicity and the disclosure in the application materials for the invention of the mechanism for achieving the technical result, if such disclosure became known not from the prior art, but only from the application materials for the invention.

475. The notoriety of the impact of the distinctive features of the claimed invention on the technical result can be confirmed by one or more sources of information. It is allowed to use arguments based on well-known knowledge in a particular field of technology, without indicating any sources of information, unless the applicant (applicants) insists on this.

476. Confirmation of the knowledge of the influence of distinctive features on the technical result is not required if, in relation to these features, such a result is not determined by the applicant (applicants) or in the case when it is established that the technical result indicated by him is not achieved. If the task of expanding the arsenal of means for a specific purpose is being solved, and the technical result consists only in the implementation of this purpose, then confirmation of the knowledge of the influence of distinctive features on the technical result is also not required if these features are not necessary for the implementation of the declared means of its purpose.

477. If there are among the distinguishing features, along with the features that affect the possibility of achieving a technical result, there are also features that are necessary only to obtain a result that is not technical, or a result that cannot be recognized as related to the means embodying the invention, taking into account the provisions of paragraphs 92 and 93 of this Regulation, the latter are not taken into account when checking inventive step.

478. If the claimed invention, characterized in a multi-link claim containing dependent claims, is found to meet the condition of inventive step in relation to the independent claim, further

verification is not carried out in relation to the dependent claims.

479. If it is established that there is no inventive step for an invention characterized by a claim that does not have dependent claims, the applicant (applicants) may be sent a request stating the relevant arguments and an invitation to submit their opinion on these arguments and, if necessary, the claims adjusted on the basis of the original materials of the application for the invention .

480. If it is established that an invention according to an independent claim with dependent claims does not meet the condition of inventive step, further consideration of the application for the invention is carried out in accordance with paragraph 479 of this Regulation.

481. The applicant(s) may also provide additional information on the technical result provided by the invention, which, if taken into account, may change the initial conclusion that this invention does not meet the inventive step condition.

CHAPTER 41 FEATURES OF THE VERIFICATION OF PATENTABILITY OF THE INVENTION CHARACTERIZED BY MULTI-LINK CLAIM

482. If an invention is characterized by a multi-link claim containing dependent claims, and a conclusion is made about non-patentability with respect to an independent claim due to the lack of compliance with the conditions of novelty or inventive step, the applicant (applicants) is notified about this and invited to express their opinion on the advisability of further consideration of the application for the invention with the presentation, if such expediency is confirmed, of the amended claims. In the event that the patent authority knows sources of information that could be taken into account if the contents of the dependent claims are included in the independent claim, the applicant (applicants) may be informed about this.

483. In the event that the patentability of an invention has been established with respect to an independent claim having dependent claims, it shall be verified that the characteristics of the features of the invention contained in these claims do not interfere with the implementation of the invention or the implementation of the purpose indicated by the applicant (applicants).

484. If the test result is positive in relation to all the named conditions, the invention, characterized by a multi-link claim having dependent clauses, is recognized as patentable and a decision is made to grant a patent in accordance with these Regulations.

485. In case of a negative result of the check in relation to any of the named conditions, the applicant (applicants) is informed about this in the request and is invited to submit arguments refuting the conclusion of the patent authority, or to amend or exclude such dependent claims from the claims.

486. If one invention is claimed in a multilink claim, the dependent clause of which contains features known from the closest analogue, and the invention according to the independent claim of such a claim meets the condition of novelty, then it is not allowed to propose to the applicant (applicants) to exclude such a clause, since it characterizes a special case perform or use the claimed invention.

487. If a group of inventions is claimed, the patentability test is carried out in respect of each of the inventions included in it. The patentability of a group can only be ascertained when all the inventions of the group are patentable.

If it is established that not all inventions of the group are patentable, then the applicant (applicants) is informed about this and invited to provide their opinion on the arguments presented and, if necessary, to exclude from the claim independent claims that characterize non-patentable inventions, or to exclude non-patentable inventions from the independent claim, or to amend them.

488. If the applicant (applicants), in the cases provided for in paragraphs 479, 483 and 485 of this Regulation, submits an amended claim, further consideration of the application for an invention is carried out in accordance with Chapters 33, 34, 36, 37, 39-41 of this Regulation in relation to the invention(s) described in this claim.

In the event that the applicant (applicants) does not give arguments refuting the conclusion of the patent authority, or refuses to change the claims of the invention, insists on granting a patent with the claims previously stated by him (them), further consideration of the application for the invention is not carried out and a decision is made to refuse to issue patent.

CHAPTER 42 REQUEST FOR DULY EXECUTED DOCUMENTS DURING PATENT EXAMINATION

489. During the period of the patent examination of an application for an invention, the patent authority has the right to request from the applicant (applicants) duly executed documents, including the amended claims of the invention, which must be submitted to the patent authority within three months from the date of sending the request to the applicant (applicants). . At the request of the applicant (applicants), received before the expiration of this period, it can be extended for no more than 12 months, subject to payment of the prescribed patent fee.

490. The terms missed by the applicant (applicants) specified in paragraph 489 of this Regulation may be restored by the patent authority at the request of the applicant (applicants). An application for the restoration of the missed period, indicating the good reasons for which it was missed, is submitted by the applicant (applicants) within the period prescribed in paragraph 2 of Article 27 of the Law. The application for the restoration of the missed deadline shall be accompanied by a document, the deadline for which has been missed, and a document confirming the payment of the patent fee in the prescribed amount.

491. Until the completion of the patentability examination of an invention, the grounds for a request may be only those circumstances that are an obstacle to the conduct of this examination and cannot be overcome without sending a request to the applicant (applicants). Such grounds may be:

the need to clarify the claims based on the results of its verification in accordance with Chapter 33 of these Regulations;
the need to resolve issues related to the verification of the patentability of the claimed invention, in accordance with Chapters 36, 37, 39-41 of this Regulation;
the need to clarify the claims based on the results of checking compliance with one of the conditions for the patentability of the claimed invention.

Other issues that arise when considering an application for an invention (e.g. with the establishment of priority, clarification of the characteristics of an essential feature of the invention, etc.) can be included in the request sent on the above grounds.

492. If the patentability of an invention considered in accordance with paragraphs 360 and 369 of this Regulation is established, the applicant (applicants) shall be informed about this in the submitted request and again invited to amend the claims by excluding from it the characteristics of the invention in respect of which patentability has not been assessed, or by separating this invention (each of such inventions) into an independent item with the payment of the corresponding fee. At the same time, the applicant (applicants) is notified that if he (they) fails to submit the requested materials within the prescribed period or petition for an extension of the specified period, a decision will be made to refuse to grant a patent on the application for an invention.

493. The opinion of the patent authority given in the request on any issue is supported by arguments of a technical or legal nature. If necessary, references to technical literature, relevant norms of the Law and other normative legal acts are provided.

When sending a proposal to the applicant (applicants) to amend the claims, the legal consequences of such correction or refusal to do so shall be reported.

494. In the case when the request provides a link to the source of information, all its bibliographic data necessary to find this source, as well as other data (page, paragraph, figure number of graphic images, etc.) must be indicated to find that information in the source that were taken into account when considering the application for the invention.

495. After establishing the patentability of an invention, the existence of deficiencies in the claims that did not prevent such a conclusion, but which are a violation of the requirements of this Regulation, may also be an independent (only) basis for sending a request to the applicant (applicants) with a proposal to eliminate these deficiencies.

497. Among the violations of the requirements for the claims are:
497.1. the presence in the claims of features that change the essence of the claimed invention, or changes in the claims that are not related to the claimed invention, not taken into account when checking the patentability of the invention in accordance with

paragraphs 391 and 394 of this Regulation;

497.2. the presence in the claims of features classified as unidentifiable, not taken into account when checking the patentability of the invention in accordance with paragraph 349 of this Regulation;

497.3. the presentation of an independent claim in the form of more than one sentence;

497.4. the presence of invalid elements in the claim.

498. In the request sent in the cases specified in paragraph 491 of this Regulation, the attention of the applicant (applicants) is drawn to the fact that a decision will be made on the refusal to grant a patent on an application for an invention if the applicant (applicants) does not submit a response within the prescribed period to the request of the patent authority containing the amended claims (or consent to the proposal of the patent authority to amend the claims or to a specific edition of the claims) or a notice to cancel the proposal of the applicant (applicants) to include features in the claims that lead to a change in the essence of the claimed invention, or changes not related to the claimed invention, or a request for an extension of the deadline for responding to a request. The request should also indicate that the same consequences will result from a response in which the applicant (applicants), without giving substantiated arguments, objects to the amendment of the claims or does not cancel his indication of the inclusion in the claims of features that change the essence of the claimed invention, or changes, not related to the claimed invention.

499. The shortcomings, in the presence of which a request is not sent after the patentability of the invention is established, include, in particular, the use by the applicant (applicants) of outdated or non-generally accepted terminology (retained after the patent authority performed the actions provided for in paragraph 351 of this Regulation), which did not prevent the establishment of patentability of inventions.

500. No request is sent to the applicant (applicants) if it is necessary to make corrections of a stylistic or other nature in the claims that are not justified by references to specific paragraphs of this Regulation or language norms.

501. Correction of the claims in the decision to grant a patent, which consists in the elimination of misprints and grammatical errors, is carried out without sending a request to the applicant (applicants) and agreeing with him.

502. In the request of the patent authority it is not allowed:

502.1. be limited to a list of sources of information on the basis of which a decision can be made to refuse to grant a patent, without providing all the evidence confirming the legitimacy of the conclusion of the patent authority;

502.2. require the applicant (applicants) to confirm the possibility of carrying out the invention without providing evidence that the information contained in the application for the invention does not confirm such a possibility, or without substantiating the insufficiency or unreliability of such information. Evidence, if necessary, should be supported by references to sources of information;

502.3. require from the applicant (applicants) evidence of the impossibility of achieving a technical result outside the range of values or when deviating from a single value used as a quantitative characteristic of an essential feature;

502.4. require the inclusion in an independent claim of the quantitative characteristics of the ingredients of the composition without substantiating the influence of such characteristics on the achieved result (e.g. in the case of physical and chemical processes occurring in the initial compositions during the formation of substances for which they are intended). The patent authority has the right to request additional examples confirming the lower and upper limits of the range of values of quantitative characteristics, if they are included in an independent claim and the interval is large, and the examples presented in the application for the invention relate only to the average values of the interval. At the same time, arguments of a technical nature should be given to substantiate doubts about the possibility of achieving the technical result illustrated by the example given in the application for the invention, with a significant deviation from the conditions of this example, due to the size of the declared interval. To justify the need to provide additional examples, along with such arguments, it is indicated that it is necessary to confirm the possibility of obtaining a technical result in the interval specified in the independent clause;

502.5. indicate the illegality of the applicant (s) using the general concept included in the claims on the grounds that the application for the invention contains an insufficient number of examples of a specific implementation of the invention. The basis for a request on this matter may be, in particular, the examples of the invention provided by the patent authority, covered by the named general concept, which do not provide the implementation of the purpose indicated in the application for the invention (when this purpose is realized in the examples given by the applicant (applicants)), or examples, which do not ensure the receipt of the technical result seen by the applicant (applicants) (achieved in the examples of the applicant (applicants));

502.7. propose to the applicant (applicants) to include in the restrictive part of the independent claim of the invention the characteristic of the particular form of the feature, expressed in this clause by the general concept, when this particular form is included by the applicant (applicants) in the dependent claim and coincides with the feature of the closest analogue, if in relation to the claimed invention, this particular form is not among the features necessary to achieve a technical result in all cases of implementation or use of the invention;

502.8. if the claims contain identifiable features that do not fall under the lists of features of specific types of objects of the invention, qualify them as unacceptable for characterizing the claimed object, since these lists are not exhaustive. In accordance with Section II of this Regulation, the claims do not contain any restrictions on the mathematical formulas (expressions) and the nature of the parameters included in them, which does not allow in the examination process the possibility of arguing about the need to exclude them, if the form chosen by the applicant (applicants) presentation of features of the invention does not preclude the possibility of their identification and verification of the patentability of such an invention. At the same time, the patent authority has the right to propose to the applicant (applicants) a more successful, in his opinion, formula for the representation of mathematical formulas (expressions), equivalent to the original one in mathematical terms, or replacing them with an equivalent verbal formulation, however, it is impractical to make such a proposal before obtaining a positive conclusion on the patentability of the invention;

502.9. use to conclude that the condition of novelty of the claimed

invention does not comply with information about the means of the same purpose, at least one feature of which is not identical to the feature of the independent claim, but equivalent to it, that is, performing the same function with the same result, but being different in form of execution. If a closer analogue is not found, such a tool qualifies as a prototype of the claimed invention. The latter, differing from the prototype by the named equivalent feature, is recognized as new and requires subsequent verification for compliance with the inventive step condition;

502.10. offer the applicant (applicants) to change the claims in connection with the identification by the patent authority of a closer analogue of the claimed invention than the prototype chosen by the applicant (applicants), if the match of the claimed invention with the prototype chosen by the applicant (applicants) and the analogue identified by the patent authority takes place for different signs.

The patent authority may propose to the applicant (applicants) to change the claims if the analog identified by the patent authority has all the features common to the claimed invention and the prototype chosen by the applicant (applicants), and the specified analog has one or more features common to the claimed invention . Incorrect distribution of features between the restrictive and distinctive parts, taking into account the closest analogue identified by the patent authority (or the lack of division of the claims into such parts in cases where it is necessary) is not a disadvantage that prevents the patentability of the invention from being tested. Therefore, this proposal may be stated in the request if it is sent for other reasons related to the need for the applicant (applicants) to provide materials and information, without which further patentability testing is impossible. In such a request, it is explained to the applicant (applicants) that further verification of the patentability of the invention will be carried out taking into account the closest analogue identified by the patent authority, if the applicant (applicants) does not provide persuasive arguments that the prototype chosen by the applicant (applicants) meets these requirements to a greater extent. . Similar actions are carried out by the patent authority in the case when the invention is described in the application for an invention as having no analogues, but at least one analogue is found;

502.11. offer the applicant (applicants) to conduct a comparative analysis of the achieved technical result without indicating that

such an analysis is necessary only if the applicant (applicants) changes the claims in relation to the new prototype and without explaining why the information available in the application for invention is not enough to continue the examination with respect to to a new prototype. A request with such a proposal is not sent to the applicant (s) before the comparative analysis. When it is established that the technical result specified in the application for an invention, achieved by the invention, is also provided by the identified closest analogue, a request may be sent to the applicant (applicants) in order to find out in respect of which technical result (except for the result in the form of expanding the arsenal of means for this purpose) features of the claimed invention that differ from this analogue are significant.

CHAPTER 43 DECISION TO GRANT A PATENT FOR INVENTION

503. When establishing the conformity of the claimed invention (if a group is declared - of each invention of the group), expressed by the claims proposed by the applicant (applicants), with all the conditions of patentability, the patent authority decides to grant a patent for the invention with this claim and indicating the established priority.

504. In the decision to grant a patent sent to the applicant (applicants), it is reported that in order to transfer the materials of the application for an invention for registration of the invention and publication of information about the patent to the applicant (applicants), in case of agreement with the decision of the patent authority, within three months from the date of sending the decision, it is necessary submit to the patent authority a description of the invention, an abstract and (if necessary) drawings (in two copies - for an application for an invention filed on paper), as well as a document confirming the payment of a patent fee in the prescribed amount for registration of an invention in the Register of Inventions, issuance of the patent and its maintenance in force for each paid expired and next, which began on the date of the decision, the year of the patent. In the case when the beginning of the next year of a patent falls on a date within three months from the date of sending the decision of the patent authority to the applicant (applicants), the fee for this year of its validity must be paid simultaneously with the fee for issuing a patent.

505. If the decision to grant a patent is made with a modified claim (at the initiative of the applicant (applicants) or at the request of the patent authority), as well as if there are shortcomings in the design of the description, abstract, drawings, the materials submitted by the applicant (applicants) must be adjusted accordingly

506. To submit the description of the invention and the abstract to the patent for publication, the description and the abstract in the wording provided by the applicant (applicants) shall be used. In the case of submission through the AIS, the description of the invention and the abstract are drawn up in accordance with the requirements of part one of paragraph 221-3 of these Regulations.

507. If the materials specified in paragraph 504 of these Regulations and a document confirming the payment of the prescribed patent fee are not submitted within the prescribed period, registration of the invention and publication of information about the patent are not carried out, and a decision is made to refuse to grant a patent on an application for an invention. The deadline for submitting the materials specified in paragraph 504 of this Regulation may be restored in accordance with Article 27 of the Law.

508. In the event of a review of the decision to grant a patent in accordance with paragraphs 8 and 9 of Article 21 of the Law, the earlier decision is canceled, the applicant (applicants) is notified about this, and an appropriate decision is made based on the results of the review.

CHAPTER 44 DECISION TO REFUSAL TO GRANT A PATENT FOR INVENTION ON THE RESULTS OF A PATENT EXAMINATION

509. The patent authority makes a reasoned decision to refuse to grant a patent if:

509.1. the inconsistency of the claimed invention, expressed by the claim proposed by the applicant (applicants), is established with at least one condition of patentability;

509.2. the claimed invention, characterized in a multi-link claim having one independent claim and dependent claims, does not meet one of the conditions of patentability in relation to the independent claim and the applicant (applicants) refuses to amend this claim;

509.3. the patentability of the invention described in the independent claim is established, and the characteristic of the invention contained in the dependent claims is such that it prevents the implementation of the invention or the realization of the purpose indicated by the applicant (applicants), and the applicant (applicants) refuses to amend or exclude such dependent claims from the claim;

509.4. the claim proposed by the applicant (applicants) has one independent claim, and it does not include the essential feature of the invention contained in the description, whereby the invention, characterized in this way, does not meet any condition of patentability, and the applicant (applicants) refuses to include the specified feature in the claims;

509.5. the claimed group of inventions includes an invention that does not meet one of the conditions of patentability, and the applicant (applicants) refuses to amend or exclude the characteristic of this invention from the claims. At the same time, the decision confirms the patentability of another (other) invention (s) in respect of which (which) such a conclusion has been received;

509.6. the declared decision refers to objects that are not considered inventions, or which are not granted legal protection as an invention, or are not recognized as patentable in accordance with paragraphs 2 and 3 of Article 2 of the Law;

510. In the case when the applicant (applicants), after familiarizing him with the circumstances that are the reason for the refusal to grant a patent and set out in the request sent to the applicant (applicants) before the decision to refuse to grant a patent, presented arguments regarding the patentability of the

claimed invention , but did not change the conclusion of the patent authority, the decision provides an analysis of these arguments. If the decision contains a reference to the source of information, then when indicating its bibliographic data, the requirements prescribed in paragraph 494 of this Regulation must be observed.

511. In the event of a review of the decision to refuse to grant a patent in accordance with paragraph 9 of Article 21 of the Law, the earlier decision is canceled, of which the applicant (applicants) is notified, and an appropriate decision is made based on the results of the review.

CHAPTER 45 FEATURES OF EXAMINATION OF APPLICATIONS FOR INVENTIONS IN THE FIELD OF CHEMISTRY

512. When checking the claims, which are a group of chemical compounds described by a general structural claim, it is checked whether, when listing substituents, such general concepts as alkyl, aryl, heteroaryl, heterocyclically and others are specified (e.g. by indicating the number of carbon atoms in the alkyl chain in the form of C₁ -C_n -alkyl).

513. If an independent claim claims a group of chemical compounds presented as an alternative (Markush claim), then the requirement that the independent claim should refer to one invention is considered to be met if all compounds are of a similar nature, that is, they correspond to the totality following conditions:

513.1. all compounds exhibit the same properties or activity and provide the implementation of the same purpose specified in the original description of the invention;

513.2. there is a common structure, i.e. an essential structural element is present in all compounds (compounds are described by a common structural claim, not a formula like M-K-L), or, when a common structure cannot serve as a unifying criterion, all compounds belong to the same class of chemical compounds, recognized as such in the field of technology to which the invention belongs, that is, members of this class have similar behavior in the context of the claimed invention and can be replaced by one another with the achievement of the same technical result and the implementation of the same purpose.

514. If a group of chemical compounds specified in paragraph 513 of this Regulation is declared in one independent claim of the invention, and specific compounds belonging to this group are declared in other independent claims, then the requirement of unity of invention shall be considered not violated. A group of inventions characterized by such a claim is considered as a group of variant inventions.

515. If several groups of chemical compounds described by different structural claims are declared in different independent claims and all compounds have the same property and purpose, such inventions are considered as a group of variant inventions if there is a common

essential structural element in the structural claims.

516. If a group of inventions representing intermediate (initial) and final products is declared in the claims, then it is considered that the requirement of unity of invention is met if the following conditions are met:

516.1. intermediate and final products have the same structural element;

516.2. intermediate and final products are technically related, that is, the final product is obtained either directly from the intermediate, or through a small number of other intermediates, all of which contain the same structural element;

516.3. intermediate and final products in the process of obtaining the latter are not separated by another non-new intermediate product.

517. If different intermediate products are claimed for different structural parts of the final product, then the unity of the invention is considered not to be observed.

518. If an independent claim claims several methods for obtaining the same chemical compound or a group of chemical compounds that differ from one another in starting materials, operations or the sequence of operations, then this is a violation of the requirement of unity of invention in one independent claim .

In this case, all production methods can be separated into separate independent claims and considered as variant inventions.

519. If in one independent claim a group of compounds represented by a general structural claim is declared, and in another independent claim a method for obtaining or using part of the compounds of this group is declared, the requirement of unity of the claimed group of inventions is considered to be met.

If several independent claims claim groups of chemical compounds classified as variants in accordance with clause 513 of this Regulation, and other independent claims claim methods for obtaining or using compounds of any of these groups, the requirement of unity of invention of the claimed group of inventions is considered to be met.

520. If an independent claim relating to a composition does not contain quantitative characteristics of the ingredients included in the composition, but it is established that they affect the technical result achieved in the implementation of the invention, or the implementation of the specified purpose, the applicant (applicants) is invited to clarify this point by including the quantitative characteristics of the ingredients of the composition from the description of the invention or dependent claims. In addition, an independent claim relating to a pharmaceutical composition must contain an indication of the type of biological activity or purpose of the composition.

521. If a chemical substance is declared without indicating its purpose or utility properties both in the claims and in the description, then such substance cannot be classified as industrially applicable. Similarly, the condition of industrial applicability does not meet the method of obtaining a chemical substance of unknown purpose. However, if a method for obtaining a known substance is claimed, in respect of which studies of its properties and a search for the scope of its use have already been carried out, then this method is recognized as corresponding to the condition of "industrial applicability".

522. If a group of chemical compounds described by a general structural claim is claimed in an independent claim of the invention, and it includes compounds with radicals of different chemical nature, then in order to confirm the possibility of carrying out the claimed invention, information must be provided confirming the possibility of obtaining a compound with these different radicals. In this case, examples of obtaining specific compounds can be partially replaced by tabular data characterizing certain properties.

523. It is considered insufficient for the declared group of chemical compounds described by a general structural claim, indicating in the description of the invention only the name or structural claim of the compound without describing its physicochemical properties. In addition, to confirm the possibility of realizing the purpose

indicated by the applicant (applicants) in the implementation of the invention, information must be provided confirming the possibility of using compounds with radicals of different chemical nature for this purpose. In this case, it is considered insufficient to describe only the research methodology, for example, biological activity; quantitative data characterizing the specified activity should also be given.

524. If in an independent claim, along with a substance represented by the general structural claim, it solvates, hydrates, salts, individual stereoisomers are declared, then at least one example of their preparation must be given in the description of the invention.

525. If an independent claim claims an invention characterized using alternative features (the Markush claim), and dependent claims contain special cases of the invention described using one of the alternative features (e.g. a group of compounds - specific compounds, the use of a group of compounds - the use of specific compounds, the method using a group of compounds - the method using specific compounds), then in the description of the invention, examples of the invention should be given for each of these special cases of its implementation.

526. If a composition is claimed that consists of known ingredients and provides a synergistic effect, that is, it exhibits the properties of all ingredients, but the quantitative indicators of at least one of these properties are higher than those of the properties of the known ingredient, and at the same time one of the ingredients is declared as a group of compounds, then it is necessary to give examples confirming the achievement of a synergistic effect when the claimed single ingredient (synergist) is combined with all the compounds of the group, since the occurrence of a synergistic effect is unexpected and unpredictable. An exception can be made for compounds that are similar in structure. If a pharmaceutical composition is claimed for the treatment of a disease, containing a new biologically active substance, used for the first time for medical purposes, then the application materials must contain reliable information demonstrating the therapeutically active effect and its direction in the conditions of modeling the pathological process on an adequate model, and in vitro experiments in this case cannot be recognized as reliable, since the effect of

the factor on a living model undergoes significant changes.

527. If only a group of chemical compounds is declared in the claims, represented by a general structural claim with radicals of different chemical nature, without specifying the type of biological activity or any properties characterizing their application, then the description of the invention should give examples of use for one purpose of compounds with radicals of different chemical nature.

528. If the method declared in the claims is characterized by the use of alternative means, then the description of the invention should provide examples of the implementation of the method using all alternative means indicated in the claims.

529. An invention relating to an individual chemical compound with a prescribed structure is considered new if this structure is not described in public sources of information.

530. If the claimed individual compound corresponds to the general structural claim describing the group of compounds and given in the public source, but there is no information about this compound as specifically isolated in the specified source, then the claimed compound is considered new.

531. If, when evaluating the novelty of a claimed invention relating to a group of chemical compounds represented by a general structural claim, it is established that at least one of the compounds of the group is known from the prior art, then the claimed invention is not recognized as meeting the condition of novelty. The conclusion about the lack of novelty in this case can be changed if the applicant (applicants) excludes known compounds from the claims.

A similar approach is used when assessing the novelty of an invention, the object of which is the use of a group of chemical compounds for a specific purpose.

532. An invention relating to an individual chemical compound with an undetermined structure (objects of genetic engineering, antibiotics, enzymes), as well as to a composition of undetermined composition, is considered new if, compared with a known compound of the same type, origin and purpose, it has at least one new physico-chemical or other characteristics specified in the claims.

533. If a chemical compound is declared, then when checking compliance with the inventive step condition, the compound closest in structure and purpose is selected as a prototype. In this case, two options are possible when analyzing the prior art: in the prior art found a compound similar in structure to the claimed. At the same time, the claimed compound meets the condition of inventive step if it exhibits unexpected new properties or significantly enhanced known properties. In the latter case, comparative data on the useful properties of the claimed compounds and compounds similar in structure, known from the prior art, should be presented; the state of the art has not found a compound that is close in structure to the claimed one. In this case, the claimed compound meets the condition of inventive step. If the use of a new chemical compound for a specific purpose is claimed and the state of the art finds the use of its derivative for the same purpose, for example, a hydrate, solvate, salt, isomer, etc., then the invention is recognized as not meeting the condition of inventive step.

534. The condition of inventive step corresponds to:
methods for obtaining new individual compounds or groups of compounds with a prescribed structure;
methods for obtaining known individual compounds or a group of compounds, if they are based on a reaction that is new for a given class or group of compounds, or on a reaction known for a given class of compounds, the conditions for which are unknown;
compositions consisting of known ingredients, but providing a synergistic effect.

**CHAPTER 45-1 FEATURES OF EXAMINATION OF AN APPLICATION FOR INVENTION
WHEN IT IS ESTABLISHED THE PRESENCE OF ANOTHER APPLICATION FOR AN
IDENTICAL INVENTION OR UTILITY MODEL HAVING THE SAME PRIORITY DATE**

534-1. If the claimed invention complies with all the conditions of patentability, but there is another application for an identical invention (in this case, the other application has not been withdrawn, and if it was decided to refuse to grant a patent in accordance with paragraph 5 of Article 19 or paragraph 3 of Article 21 of the Law - the period missed by the applicant is restored) having the same priority date, the patent authority notifies the applicants of these applications that, in accordance with paragraph 8 of Article 16 of the Law, a patent can be issued only for one application, determined by agreement between the applicants. The notification of the patent authority also indicates the number of the application containing an identical invention, the date of its filing and the address for correspondence with the applicant of this application.

If applications for identical inventions are filed by the same applicant, then the notice states that a patent can only be granted on one application, which they will indicate.

Within three months from the date of sending the notice to the patent authority, the applicants must indicate which of the applications and to whom the patent should be granted, and the applicant who has filed applications for identical inventions - about his choice. If a decision is made to grant a patent for one of the applications, all authors listed in applications for identical inventions are indicated as co-authors.

If the said message is not received within the prescribed period, in accordance with paragraph 8 of Article 16 of the Law on Applications, a decision is made to refuse to issue a patent.

534-2. In the event that the priority dates of identical inventions and utility models on the applications of one and the same applicant coincide, a patent has already been issued on an application for a utility model and it is valid, the applicant is notified that a decision to grant a patent on an application for an identical invention can only be made provided that the owner of a patent for a utility model submits to the patent authority within three months from the date of sending the notification of an application for termination of its validity.

If this application is not received by the patent authority within the period specified in part one of this paragraph, a decision is made to refuse to grant a patent on an application for an identical invention.

534-3. The identity of inventions is established on the basis of the claims, in respect of which a conclusion was obtained on the compliance of the invention with the conditions of patentability, and the identity of the invention and the utility model is established on the basis of the claims, in respect of which a conclusion was obtained on the compliance of the invention with the conditions of patentability, and the claims of the utility model with which the patent was issued .

Inventions or an invention and a utility model are recognized as identical if the contents of the independent claims completely coincide. And if independent clauses (or one of them) contain features characterized by alternative concepts, then inventions or an invention and a utility model are recognized as identical if there is a coincidence of sets of features that include at least one of such concepts.

CHAPTER 46 REPEATED PATENT EXAMINATION

535. If the applicant (applicants) disagrees with the decision to refuse to grant a patent, taken on the basis of the results of a patent examination, the applicant (applicants) has the right to file a petition with the patent authority for a repeated patent examination within the time period prescribed in paragraph 10 of Article 21 of the Law. The deadline missed by the applicant (applicants) for filing a petition for a repeated patent examination may be restored in accordance with Article 27 of the Law.

536. Simultaneously with a request for a repeated patent examination, a document confirming the payment of the patent fee in the prescribed amount is submitted to the patent authority. In case of failure to submit the specified document, the application for a repeated patent examination shall be considered not filed. The application for a repeated patent examination may be accompanied by materials, the submission of which by the applicant (applicants) is considered necessary for the repeated patent examination.

537. A repeated patent examination is carried out in accordance with Chapters 33-45 of these Regulations, taking into account the initial materials of the application for an invention, as well as materials submitted by the applicant (applicants) on their own initiative or at the request of the patent authority during an earlier patent examination and taken into account.

538. A repeated patent examination is carried out within the time period specified in paragraph 11 of Article 21 of the Law.

539. Based on the results of a repeated patent examination, the patent authority makes an appropriate decision to grant a patent or to refuse to grant a patent. In this case, the previously made decision is cancelled.