

UZBEKISTAN
PATENTS Law
LAW OF THE REPUBLIC OF UZBEKISTAN
ON INVENTIONS, UTILITY MODELS AND INDUSTRIAL DESIGNS
Amended on October 5, 2020

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I. General Provisions

Article 1. Purpose of this Law

The purpose of this Law shall be the regulation of the relations in the field of legal protection and use of inventions, utility models and industrial designs (hereinafter referred to as industrial property objects).

Article 2. Legislation on Industrial Property Objects

Legislation on industrial property objects shall consist of this Law and other acts of legislation.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on objects of industrial property, then the rules of the international treaty shall apply.

Article 3. Agency for Intellectual Property under the Ministry of Justice of the Republic of Uzbekistan

The Agency for Intellectual Property under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency) shall ensure the implementation of a unified state policy in the field of legal protection of industrial property objects.

The Agency shall accept for consideration applications for the issuance of patents for industrial property objects (hereinafter referred to as the application for the issuance of a patent), shall conduct state examination on them, their state registration, shall issue patents for industrial property objects, publish an official bulletin, give explanations on the application of legislation on industrial property objects and exercise other powers in accordance with the Regulations on the Agency, approved by the Cabinet of Ministers of the Republic of Uzbekistan.

The sources of funding for the Agency's activities shall be the State budget, patent fees, as well as fees for services and materials provided by the Agency.

Article 4. Board of Appeal of the Ministry of Justice of the Republic of Uzbekistan

The Board of Appeal of the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Board of Appeal) shall be independent in decision-making and shall be guided in its activities by this Law and other acts of legislation.

The Board of Appeal shall consider appeals:
on the decisions of the Agency in relation to the declared objects
of industrial property;
of interested legal entities and individuals against the issuance of
patents for industrial property objects;
against the validity of industrial property patents.
The Board of Appeal, within its competence, may consider other types
of appeals.
The regulation on the Board of Appeal shall be approved by the
Cabinet of Ministers of the Republic of Uzbekistan.

Article 5. Legal Protection of Industrial Property Objects

The right to an industrial property object shall belong to the
author (co-authors) or their successor (successors) and shall be
certified by a patent.
If several persons created an object of industrial property
independently of each other, then the right to a patent shall belong
to the one who first filed an application for a patent with the
Agency.
The author (co-authors), for whose industrial property object an
application was filed as a result of illegal borrowing or a patent
has been obtained, shall have the right to challenge the grant of a
patent or demand that the patent be transferred to them as the
patent holder in a judicial proceeding.
A patent for an object of industrial property shall be issued after
a state examination.
A patent for an industrial property object shall certify the
priority, authorship of the industrial property object and the
exclusive right of the patent holder to own, use and dispose of the
industrial property object.
The exclusive right of the patent holder shall be considered valid
from the date of publication of information on the registration of
an industrial property object in the Official Bulletin of the
Agency.
A patent for an invention shall be valid for twenty years, a patent
for an industrial design for ten years, a patent for a utility model
for five years from the date of filing an application for a patent
with the Agency.
The validity of a patent for an invention may be extended by the
Agency at the request of the patent holder in cases provided for by
legislation, but not more than for five years. The procedure for

extending the validity of a patent for such an invention shall be established by the Agency.

The validity of a patent for an industrial design and a patent for a utility model may be extended by the Agency at the request of the patent holder for five years and three years, respectively.

The scope of legal protection provided by a patent for an invention and utility model shall be determined by their claim, and by a patent for an industrial design - by a totality of its essential features and (or) their combination (hereinafter referred to as the totality of its essential features) displayed on the images of the product (model, drawing).

A patent for an object of industrial property, as well as the right to obtain it, shall be inherited.

Article 6. Conditions for the Patentability of an Invention

An object claimed as an invention shall be granted legal protection if it is new, has an inventive step and is industrially applicable. An invention shall be deemed new if it is not known from the prior art.

An invention shall have an inventive step if it does not explicitly follow from the prior art.

The prior art shall include any information that became public knowledge in the world prior to the priority date of the invention. When establishing the novelty of an invention, unrevoked patent applications filed with an earlier priority shall also be taken into account.

An invention shall be deemed industrially applicable if it can be used in industry, agriculture, healthcare and other industries. The public disclosure of information relating to the invention by the author, applicant or any person who has received this information directly or indirectly from them shall not be recognized as a circumstance affecting the recognition of the patentability of an invention if an application for a patent for an invention is filed with the Agency no later than six months from the date of disclosure. In this respect, the burden of proving this fact shall lie with the author, the applicant.

An invention shall be deemed as a technical solution in any field relating to:

a product (in particular, a device, substance, microorganism strain, plant or animal cell culture);
method (the process of performing actions on a material object with

the help of material means).

The following shall not be recognized as inventions:

scientific theories and mathematical methods;

methods of organization and management;

symbols, schedules, rules;

rules and methods for performing mental operations;

algorithms and programs for electronic computers;

drafts and planning schemes for buildings, structures, territories;

solutions relating only to the appearance of products, aimed at satisfying aesthetic needs;

topology of integrated circuits;

plant varieties and animal breeds;

solutions that are contrary to the public interest, the principles of humanity and morality.

Article 7. Conditions for Patentability of a Utility Model

An object declared as a utility model shall be granted legal protection if it is new and industrially applicable.

A utility model shall be deemed new if the totality of its essential features is not known from the prior art.

The prior art shall include all information about the means of the same purpose as the claimed utility model, which has become publicly available in the Republic of Uzbekistan, as well as information about their application.

A utility model shall be deemed industrially applicable if it can be practically used.

The public disclosure of information related to the utility model by the author, applicant or any person who received this information directly or indirectly from them shall not be recognized as a circumstance affecting the novelty of a utility model if an application for a patent for a utility model is filed with the Agency no later than six months from the date of disclosure. In this respect, the burden of proving this fact shall lie with the author, the applicant.

A utility model shall be deemed as a technical solution in any field related to:

a product (in particular, a device, substance, microorganism strain, plant or animal cell culture);

method (the process of performing actions on a material object with the help of material means).

Objects specified in part nine of Article 6 of this Law shall not be

protected as utility models.

Article 8. Conditions for the Patentability of an Industrial Design

An object claimed as an industrial design shall be granted legal protection if it is new and original.

An industrial design shall be recognized as new if the totality of its essential features is not known from the information that became publicly available in the world before the priority date of the industrial design.

When establishing the novelty of an industrial design, unrevoked patent applications filed with an earlier priority shall also be taken into account.

An industrial design shall be recognized as original if the totality of its essential features determines the creative nature of the features of the product.

The public disclosure of information relating to an industrial design by the author, applicant or any person who received this information directly or indirectly from them, shall not be recognized as a circumstance preventing the recognition of the patentability of an industrial design, if an application for a patent for an industrial design is filed with the Agency no later than six months from the date of disclosure of information. In this respect, the burden of proving this fact shall lie with the author, the applicant.

Industrial designs shall include the artistic and design solution of the product, which determines its appearance.

Shall not be recognized as industrial designs:

printed matter as such;

objects of architecture (except for small architectural forms), industrial, hydraulic and other stationary structures;

objects of unstable form from liquid, gaseous, friable or similar substances;

solutions based solely on the technical function of the product;

solutions that are contrary to the public interest, the principles of humanity and morality.

II. Subjects of the Right to an Industrial Property Object

Article 9. Author of an Industrial Property Object

The author of an object of industrial property shall be deemed the physical person whose creative labor created it.

If an object of industrial property is created by the joint creative work of several physical persons, all of them shall be recognized as its equal co-authors, unless otherwise provided by an agreement between them.

The right of authorship shall be an inalienable and non-transferable personal non-property right.

Article 10. Patent Holder

A patent for an industrial property object shall be issued to: author (co-authors) of an industrial property object or their heir(s);

legal and (or) physical persons (subject to their consent), which are indicated by the author or their heir in an application for a patent or in an application for a change of the applicant submitted to the Agency before the registration of an industrial property object;

the employer in the cases provided for by this article.

The right to a patent for an object of industrial property created by an employee in connection with the performance of official duties or a specific task of the employer shall belong to the employer if this is provided for in the contract between them.

If the contract between the employer and the author (co-authors) does not provide for the provisions of paragraph two of this article, then in this case the author (co-authors) shall have the right to file an application and obtain a patent for an industrial property object in their name.

If the contract between the employer and the author (co-authors) provides for the provisions of part two of this article and the employer, within four months from the date of written notification by its author (co-authors) of the created industrial property object, does not file an application for a patent with the Agency, does not cede the right to file application for a patent to another person and does not inform the author (co-authors) about keeping the relevant object secret, then the author (co-authors) shall have the right to file an application and receive a patent in their name. In the cases specified in parts three and four of this article, the

employer shall have a priority right to use the relevant industrial property object in own production with the payment of compensation to the patent holder, determined by the contract.

If the employer keeps the object of industrial property secret, they shall be obliged to pay the author (co-authors) a commensurate remuneration, the amount of which shall be determined by the contract.

The author (co-authors) of an industrial property object created in connection with the performance of official duties or a specific task of the employer, who is not a patent holder, shall have the right to remuneration for the use or sale of a license for the relevant industrial property object. The amount, conditions and procedure for paying remuneration to the author (co-authors) at the expense of incoming funds for the use or sale of a license for an industrial property object shall be determined by a contract between them and the employer.

Article 11. The Right of the Patent Holder to use Industrial Property Object

The patent holder shall have the right to use the industrial property object at its own discretion, if such use does not violate the rights of other patent holders, including the right to prohibit the use of the said object by other persons, except in cases where such use in accordance with this Law is not a violation of the right of the patent holder.

Relationships on the use of an industrial property object owned by several patent holders shall be determined by an agreement between them. In the absence of such an agreement, each patent holder may use the protected object of industrial property at his own discretion, but shall not be entitled to grant an exclusive license to it or transfer the patent to another person without the consent of the other patent holders.

The patent holder may transfer the right to an industrial property object certified by a patent to any legal or physical person (persons) under a patent assignment agreement or the right to use an industrial property object under a license agreement. The patent assignment agreement and the license agreement shall be subject to registration with the Agency.

The patent holder may use a warning label indicating that the industrial property objects used are patented.

In case of non-use or insufficient use by the patent holders of an

industrial property object within three years from the date of its registration, any person who wishes and is ready to use the protected industrial property object, in case of refusal of the patent holder to conclude a license agreement, may apply to the court for a compulsory non-exclusive license.

Article 12. Actions Not Recognized as Violation of the Exclusive Right of the Patent Holder

The following shall not be recognized as a violation of the exclusive right of the patent holder:

use of devices containing industrial property objects protected in the Republic of Uzbekistan on a motor vehicle of another state party to the Paris Convention for the Protection of Industrial Property, when the specified means is temporary or accidentally is located on the territory of the Republic of Uzbekistan, provided that these devices are used exclusively for the needs of this motor vehicle; conducting scientific research or experiment on products containing industrial property objects protected by patents; use of means containing industrial property objects protected by patents in case of natural disasters, catastrophes, epidemics and other emergencies; use of means containing objects of industrial property protected by patents, if these means are legally introduced into civil circulation; use of means containing objects of industrial property protected by patents for personal purposes without generating income; one-time production of medicines in pharmacies according to doctor's prescriptions.

Article 13. Violation of the Exclusive Right of the Patent Holder

Any person using industrial property objects protected by a patent contrary to the provisions provided for in Articles 11 and 32 of this Law, shall be considered to be an infringer of the exclusive right of the patent holder.

An infringement of the exclusive right of the patent holder shall be deemed the unauthorized manufacture, use, import, offer for sale, sale, other introduction into civil circulation or storage for this purpose of a product or article containing the corresponding patented object of industrial property, as well as the use of a method protected by a patent for an invention, or introduction into civil circulation or storage for this purpose of a product

manufactured directly with use of a method protected by a patent for an invention.

Persons using an industrial property object in violation of the exclusive right of the patent holder shall be obliged by the request of the patent holder to:

stop actions that violate the exclusive right of the patent holder;
compensate the patent holder for the losses incurred by them in accordance with the legislation.

III. Application for Patent

Article 14. Filing of an Application for a Patent

An application for a patent shall be submitted by the author, employer or their successor (hereinafter referred to as the applicant) to the Agency through state information systems. Applications for the grant of a patent shall be accompanied by a document confirming the payment of the patent fee in the established amount or the grounds for exemption from paying the patent fee or for reducing its amount.

The requirements for the documents of an application for a patent shall be established by the Agency.

An application for a patent may be filed in person, through a patent attorney or trustee.

Article 15. Application for the Issuance of a Patent for an Invention

An application for the issuance of a patent for an invention (hereinafter referred to as an application for an invention) must refer to one invention or a group of inventions so interconnected that they form a single inventive concept (unity of invention requirement).

An application for an invention must contain:

an application for the grant of a patent indicating the author (co-authors) of the invention and the person in whose name the patent is requested, as well as their place of residence or location;
description of the invention, disclosing with completeness sufficient for its implementation;
a claim of invention that expresses its essence and fully corresponds to the description;
drawings and other materials, if they are necessary for understanding the essence of the invention;
abstract of the invention.

Article 16. Application for the Issuance of a Patent for a Utility Model

An application for the issuance of a patent for a utility model (hereinafter referred to as an application for a utility model) must refer to one utility model or a group of utility models that are so interconnected that they form a single creative concept (utility model unity requirement).

An application for a utility model must contain:
an application for the issuance of a patent indicating the author (co-authors) of the utility model and the person in whose name the patent is requested, as well as their place of residence or location;
description of the utility model, disclosing with completeness sufficient for its implementation;
a utility model claim that expresses its essence and fully corresponds to the description;
drawings and other materials, if they are necessary to understand the essence of the utility model;
utility model abstract.

Article 17. Application for the Issuance of a Patent for an Industrial Design

An application for the issuance of a patent for an industrial design (hereinafter referred to as an application for an industrial design) must refer to one industrial design and may include variants of this design (requirement for the unity of an industrial design).

An application for an industrial design must contain:

an application for the issuance of a patent indicating the author (co-authors) of the industrial design and the person in whose name the patent is requested, as well as their place of residence or location;
set of images depicting a product, layout or drawing, giving a complete detailed idea of the appearance of the product;
a drawing of a general view of the product, an ergonomic diagram, a confection map, if they are necessary to disclose the essence of an industrial design;
description of the industrial design, including the totality of its essential features.

Article 18. Priority of the Industrial Property Object

The priority of an industrial property object shall be determined by the date of filing an application for a patent with the Agency.

The priority of an industrial property object can be established: by the filing date of the first application in another state party to the Paris Convention for the Protection of Industrial Property (convention priority), if the application for an invention and an application for a utility model were received by the Agency within twelve months, and an application for an industrial design - within

six months from the specified dates. If, due to circumstances beyond the control of the applicant, an application with a claim for conventional priority could not be filed within the specified period, this period may be extended by the Agency, but not more than for two months. An applicant wishing to use the right of conventional priority must indicate this when submitting an application and (or) submit the necessary materials no later than three months from the date of filing an application with the Agency; by the date of submission of additional materials, if they are filed by the applicant as an independent application, which is filed before the expiration of a three-month period from the date of receipt by the applicant of the Agency's notification about the impossibility of taking into account additional materials in connection with their recognition as changing the essence of the claimed industrial property object;

by the date of filing with the Agency of an earlier application by the same applicant disclosing this industrial property object, if the application for which such priority is claimed was received no later than twelve months from the date of receipt of the earlier application for an invention and an application for a utility model and six months - the earlier application for an industrial design. In this case, the earlier application shall be considered withdrawn. The priority of an industrial property object may be established on the basis of several previously filed applications or additional materials thereto, subject to compliance with the conditions established by this Article for these applications and additional materials.

If in the process of state examination, it is established that identical applications for the issuance of a patent have the same priority date, then a patent may be granted on an application for which an earlier date of its sending to the Agency is proved, and if these dates coincide, on an application that has earlier incoming registration number of the Agency.

The priority of an industrial property object cannot be established by the date of receipt of a withdrawn application for a patent, for which an earlier priority has already been claimed.

The priority of the industrial property object in a divisional separate application for the grant of a patent shall be determined by the date of filing the initial application with the Agency.

Article 19. Conversion of Applications

The applicant shall have the right to convert an application for an invention into an application for a utility model, and an application for a utility model - into an application for an invention before a decision is adopted to grant a patent. With these conversions, the priority of the first application shall be preserved.

Conversions of applications shall be carried out upon payment of the appropriate patent fee.

IV. Examination of an Application for the Issuance of a Patent

Article 20. State Examination of an Application for the Issuance of a Patent

The Agency shall conduct a state examination on an application for a patent, consisting of a formal examination, an examination of an application for a utility model and a scientific and technical examination on the merits of an application for an invention or industrial design.

Within two months from the date of filing an application for a patent, the applicant shall have the right to make corrections, clarifications or additional materials without changing the essence of the claimed industrial property object. Corrections, clarifications or additional materials on an application for a patent may be submitted after the expiration of the specified period, but no later than the decision by the Agency to grant a patent is adopted, subject to payment of the patent fee.

Upon an application for a patent filed in violation of the established requirements, the applicant shall be sent a request with a proposal to submit corrected or missing materials within three months from the date of sending. In the event that the applicant does not submit the requested materials or a request for an extension of the deadline within the specified period, the application for a patent shall be considered withdrawn. At the request of the applicant, the established period may be extended by no more than twelve months from the date of its expiration.

Upon an application for a patent filed in violation of the requirements for the unity of the industrial property object, the applicant shall be suggested, within three months from the date of sending the corresponding request, to indicate which of these objects should be considered, and to clarify the application documents accordingly. Other objects included in the original application materials may be separated into separate applications. If the applicant does not inform which of these objects should be considered, and does not provide updated materials, a state examination of the object indicated first in the invention's claims, utility model or in the description of the industrial design shall be carried out.

The deadlines missed by the applicant for the submission of materials at the request of the state examination may be restored by the Agency, provided that the reasons for the inevitability of

delaying the established deadlines are confirmed and the patent fee is paid. Petition for the restoration of missed deadlines may be filed by the applicant no later than twelve months from the date of expiration of the missed deadline.

The applicant, before the fact of state registration of an industrial property object in the relevant state register, may withdraw an application for a patent at any stage of the state examination.

The information contained in the materials of patent applications must be kept secret by the Agency, and information about them shall not be provided without the consent of the applicant or patent holder. Disclosure of information contained in the application materials before the official publication of information about the application for an invention or about the state registration of a utility model and industrial design shall entail liability in accordance with the law.

If the materials of an application for an invention or an application for a utility model contain information constituting state secrets, office work on such an application shall be carried out in the manner prescribed by legislation.

Patent applications accepted by the Agency for consideration shall not be returned to the applicants.

Article 21. Formal Examination

Formal examination shall be carried out by the Agency after two months from the date of filing an application for a patent. At the request of the applicant, the formal examination may be started before the expiration of the specified period. In this case, the applicant, from the moment of filing the petition, shall be deprived of the right to supplement, correct and clarify the application materials on their own initiative without paying an additional patent fee.

In the course of a formal examination, the compliance of the declared proposal with industrial property objects, which are granted legal protection, shall be examined. Based on the results of the formal examination, the applicant shall be informed of the decision of the Agency.

The applicant may appeal to the Board of Appeal against the decision of the Agency within three months from the date of sending the decision. The appeal must be considered by the Board of Appeal within two months from the date of its receipt.

The decision of the Board of Appeal can be appealed to the court within six months from the date of its adoption.

Article 21-1. Publication of Information about the Application for an Invention

Publication of information about the application for an invention shall be carried out in the official bulletin after eighteen months from the date of filing the application accepted for consideration. The composition of published information shall be determined by the Agency.

At the request of the applicant, the Agency may publish information about the application for an invention before the expiration of eighteen months from the date of filing the application accepted for consideration.

Any person after the publication of information about the application for an invention shall have the right to familiarize with the documents of this application. The procedure for familiarization with the documents of an application for an invention shall be established by the Agency.

Article 22. Examination of an Application for Utility Model

The Agency shall examine an application for a utility model subject to the payment of a patent fee. The patent fee may be paid within three months from the date of sending the decision of the formal examination to the applicant on the acceptance of the application for consideration. If the specified period is violated, the application shall be considered withdrawn.

During the examination, the compliance of the declared object with the patentability conditions established by Article 7 of this Law shall be verified.

If, as a result of the examination, it is established that the application has been filed for a proposal that does not relate to objects protected as utility models, the Agency shall decide to refuse to issue a patent, of which the applicant is notified.

If, as a result of the examination of the application, it is established that the application materials for the utility model meet the requirements, the Agency shall decide to grant a patent for the utility model, of which the applicant is notified.

When it is established that an object declared as a utility model does not comply with the conditions of patentability, the Agency shall decide to refuse to issue a patent for a utility model, of

which the applicant is notified.

The applicant may appeal to the Board of Appeal against the decision of the Agency within three months from the date of its dispatch. The appeal must be considered by the Board of Appeal within two months from the date of its receipt.

The decision of the Board of Appeal can be appealed to the court within six months from the date of its adoption .

Article 23. Scientific and Technical Examination on the Merits of an Application for an Invention or Industrial Design

The Agency shall conduct a scientific and technical examination on the merits of an invention application at the request of the applicant or any person, subject to the payment of a patent fee. The petition may be filed at the time of filing the application or within three years from the date of filing of the application accepted for consideration. The applicant shall be notified of the applications received by the Agency.

The term for filing a petition for a scientific and technical examination on the merits of an application for an invention may be extended by the Agency for no more than two months at the request of the applicant filed before the expiration of three years from the date of filing the application, provided that a document confirming payment of the patent fee is submitted along with such request.

If a request for scientific and technical examination on the merits of an application for an invention is not received within a three-year period, the application for an invention shall be considered withdrawn.

The Agency shall conduct a scientific and technical examination on the merits of an application for an industrial design, subject to the payment of a patent fee. The patent fee may be paid within three months from the date of sending the decision of the formal examination to the applicant on the acceptance of the application for the grant of a patent for consideration. If the specified period is violated, the application shall be considered withdrawn.

If, as a result of a scientific and technical examination on the merits of an application for an invention or industrial design, it is established that the object claimed as an invention, expressed by the claim proposed by the applicant, or the object declared as an industrial design, expressed by the totality of its essential features proposed by the applicant, complies established requirements, the Agency shall adopt decision to grant a patent.

If an object claimed as an invention or industrial design is found to be inconsistent with the conditions of patentability, the Agency shall adopt decision to refuse to grant a patent.

The applicant may appeal to the Board of Appeal against the decision of the Agency within three months from the date of its dispatch. The appeal must be considered by the Board of Appeals within four months from the date of its receipt.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

Article 23-1. Temporary Legal Protection of an Invention

Temporary legal protection shall be granted to an invention from the date of publication of information about the application for an invention until the date of publication of information about the state registration of the invention.

Temporary legal protection shall be considered not to have come into effect if the application for an invention has been withdrawn or the Agency has adopted a decision on this application to refuse to grant a patent, the possibilities of appealing against which have been exhausted.

A person using an invention during the period of its temporary legal protection shall be obliged, at the request of the patent holder, to pay the latter monetary compensation after receiving a patent for an invention, the amount of which shall be determined by agreement with the patent holder.

V. Obtaining a Patent for an Industrial Property Object and Termination of It

Article 24. State Registration of an Industrial Property Object

The Agency, after adoption of a decision to issue a patent, shall perform state registration of the industrial property object in the State Register of Inventions, the State Register of Utility Models or the State Register of Industrial Designs, respectively.

Article 25. Official Publication of Information on the Registration of an Industrial Property Object

The Agency shall publish an official bulletin containing information on the registration of industrial property objects. The complete list and composition of published information shall be determined by the Agency.

Article 26. Issuance of a Patent for an Industrial Property Object

The issuance of a patent for an industrial property object shall be carried out by the Agency after ten days from the date of publication of information on its registration in the official bulletin.

A patent for an industrial property object shall be issued on behalf of the Republic of Uzbekistan and signed by the head of the Agency. If there are several persons in whose name a patent was requested, one patent shall be issued for the industrial property object. The form of a patent for an industrial property object and the composition of the information indicated in it shall be established by the Agency.

At the request of the patent holder, the Agency shall make corrections to obvious and technical errors in the issued patent for an industrial property object.

Article 27. Recognition of a Patent for an Industrial Property Object as Invalid

A patent for an industrial property object may be declared invalid in full scope of legal protection or only part of it at any time based on appeal filed with the Board of Appeal, on the following grounds:

non-compliance of the protected industrial property object with the conditions of patentability;

presence in the claim of invention, utility model or in the totality

of essential features of an industrial design of features that were absent in the original application materials;

person named in the patent as the patent holder did not have legal grounds for obtaining the patent.

The obligation to prove the invalidity of a patent for an object of industrial property in full scope of legal protection or only part of it shall lie with the party asserting its invalidity.

The issuance of a patent for an industrial property object may be suspended in connection with an appeal to Board of Appeal.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

In the event that the dispute is considered in court until it is resolved, the Agency shall suspend the clerical work on the industrial property object.

Article 28. Termination of a Patent for an Industrial Property Object

Validity of a patent for an industrial property object shall terminate upon the expiration of its validity period established in accordance with this Law.

The validity of a patent for an industrial property object shall be terminated prematurely:

in case of non-payment of patent fees for maintaining the patent in force within the established period;

on the basis of an application submitted by the patent holder to the Agency.

Information on the prematurely termination of a patent for an industrial property object shall be published in the official bulletin of the Agency.

Article 28-1. Restoration of the Validity of a Patent for an Industrial Property Object

The validity of a patent for an object of industrial property, which was terminated due to nonpayment of the patent fee for maintaining the patent in force within the established period, may be restored at the request of the patent holder. Such a request may be filed with the Agency within three years from the date of termination of the patent, but before the expiration of the term of the patent provided for by this Law.

A document confirming the payment of the patent fee in the prescribed amount must be attached to the petition of the patent

holder for the restoration of the patent.

Information on the restoration of the validity of a patent for an object of industrial property shall be published in the official bulletin.

A person who, in the period between the date of termination of the patent for an industrial property object and the date of publication of information on the restoration of the patent, began to use the industrial property object or made the necessary preparations for this, shall retain the right to its further free use without expanding the volume of production.

Article 29. Waiver of a Patent for an Industrial Property Object

The patent holder, upon a written application, shall have the right to waive a patent for an industrial property object.

Waiver of a patent by one of several patent holders does not lead to the termination of the patent for an industrial property object.

The waiver of a patent for an industrial property object shall enter into force from the date of receipt by the Agency of a written application from the patent holder.

Patent holder shall be obliged to notify the author of the intention to waive the patent for an industrial property object. The author in this case shall have a priority right to own the patent.

If a patent for an industrial property object is the object of a license agreement, the waiver of a patent shall be possible only with the consent of the license holder, unless otherwise provided by the agreement.

VI. Use of Industrial Property Objects

Article 30. Use of an Invention, Utility Model, Industrial Design

A product (item) shall be recognized as manufactured using a patented invention, utility model, and a method protected by a patent for an invention or utility model shall be recognized as applied if it uses each feature of the invention, utility model included in an independent point of claim, or an equivalent feature to it.

The validity of a patent granted for a method for obtaining a product shall also apply to a product directly obtained by this method. In this respect, the new product shall be considered to be obtained by a patented method in the absence of evidence to the contrary.

A product shall be recognized as manufactured using a patented industrial design if it contains a totality of its essential features.

Article 31. Right of Prior Use

Any legal or physical person who, prior to the established date of priority of an industrial property object, had used an identical solution created independently of its author or made the necessary preparations for this, shall retain the right to its further free use without expanding the volume of production.

The right of prior use may be transferred to another legal or physical person only jointly with the production in which the use of the identical solution took place or the necessary preparations were made for this.

Article 32. Granting the Right to Use an Industrial Property Object

Any person who is not a patent holder may use an industrial property object protected by a patent only with the permission of the patent holder on the basis of a license agreement.

The patent holder may submit to the Agency an application for granting any person the right to use the industrial property object (open license). In this case, the patent fee for maintaining the patent in force shall be reduced by fifty percent from the year following the year of publication of information about such a statement by the Agency.

A person who has expressed a desire to purchase an open license shall be obliged to conclude non-exclusive license contract with the

patent holder. Disputes under the terms of the contract shall be considered by the court. The patent holder's application for granting the right to an open license shall not be subject to revocation.

In cases provided for by legislation, the Cabinet of Ministers of the Republic of Uzbekistan may allow the use of an industrial property object without the consent of the patent holder with the payment of commensurate compensation to them.

If the patent holder cannot use an industrial property object due to the fact that it uses another protected object owned by another legal or physical person, then they shall have the right to demand that the latter provide a license to use this object on the terms stipulated by the contract.

Article 33. State Incentives for the Use of Industrial Property Objects

Authors and economic entities using industrial property objects shall be provided with preferential conditions for taxation and crediting, as well as other benefits in accordance with the legislation.

VII. Final Provisions

Article 34. Patent Fees

Patent fees shall be collected for legally significant actions related to the provision of legal protection for industrial property objects.

The amount and terms of payment of patent fees, the grounds for exemption from their payment, reduction of amounts or their return, as well as the procedure for using patent fees shall be established by law.

Patent fees shall be paid by the applicant, patent holder and other interested person.

To pay a patent fee for maintaining a patent in force, the patent holder shall be granted a grace period of six months, subject to the payment of an additional patent fee.

If the patent fee for maintaining the patent in force and the additional patent fee are not paid within the grace period, then the patent shall be terminated from the date of non-payment of the patent fee within the established period.

Article 35. Patent Attorneys

A patent attorney shall exercise the right to represent legal entities and physical persons before the Agency.

A citizen of the Republic of Uzbekistan permanently residing on its territory can be a patent attorney. Qualification requirements for patent attorneys, the procedure for their attestation and registration shall be established by legislation.

Physical persons permanently residing outside the Republic of Uzbekistan or foreign legal entities shall conduct business on patenting industrial property objects and carry out legally significant actions related to them through patent attorneys registered with the Agency.

Physical persons permanently residing in the Republic of Uzbekistan, but temporarily staying outside it, can conduct business on patenting industrial property objects and carry out legally significant actions related to them, without a patent attorney when indicating an address for correspondence within the Republic of Uzbekistan.

The powers of a patent attorney shall be certified by a power of attorney.

Article 36. Patenting of Industrial Property Objects in Other States

Legal entities and physical persons of the Republic of Uzbekistan shall have the right to patent industrial property objects in other states in the manner prescribed by legislation.

Patenting of inventions and utility models that do not contain state secrets in other states may be carried out after three months from the date of filing the relevant application with the Agency.

Article 37. Rights of Foreign Legal Entities and Physical Persons

Foreign legal entities and physical persons shall enjoy the rights provided for by this Law, on an equal basis with legal entities and physical persons of the Republic of Uzbekistan or on the basis of the principle of reciprocity.

Article 38. Settlement of Disputes

Disputes in the field of legal protection and use of industrial property objects shall be resolved in the manner prescribed by legislation.

Article 39. Liability for Violation of Legislation on Industrial Property Objects

Persons guilty of violation of the legislation on industrial property objects, shall bear liability in accordance with the established procedure.