

UZBEKISTAN

Patent Rules

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List of abbreviations:

Law - the Law of Republic Uzbekistan «On inventions, utility models and industrial designs.»

Patent Office - State Patent Office of the Republic of Uzbekistan.

Application - the application for grant the patent for invention.

Paris Convention - Paris Convention on protection of industrial property, in edition acting for the Republic of Uzbekistan.

Conventional application - the application filed according to the Paris Convention on protection of industrial property.

IPC - International Patent Classification.

WIPO - World Intellectual Property Organization.

PCT - Patent Cooperation Treaty.

Instruction - Instruction to the Patent Cooperation Treaty.

IB WIPO - International Bureau of WIPO.

International application - the international application for the invention.

National phase - consideration of the international application according to the Law of the Republic of Uzbekistan «About inventions, utility models and industrial designs.»

Chapter I. Compilation and filing of application for grant the patent for the invention. Persons eligible to file the application

§ 1. Application for grant the patent for the invention

1.

In accordance with Article 6 of the Law to the object declared as the invention, the legal protection is given if it is new, has inventive level and industrially applicable.

The invention is new if it is not known from state of the art.

The invention has inventive level if it in the obvious image does not follow from state of the art.

The state of the art includes any data, which have become popular in the world before date of priority of the invention.

The invention is industrially applicable if it can be used in the industry, agriculture, public health services and other fields of activity.

2.

According to eighth part of Article 6 of the Law the following may be considered as the object of invention: device, method, substance, strain of microorganism, culture of plant and animal cells as well as use of previously known device, method, substance or strain of microorganisms in a new way.

a) Object of invention - "device"

Designs and products, being constructive elements or set of constructive elements and being is functional-constructive unity shall be considered as devices.

Machines, devices, apparatus, equipment, tool, fixing products, details of machines, communication facilities, building designs, and etc. are concern to devices.

b) Object of invention - "method"

The processes of execution of the interconnected actions over material means (device, environment, electric charge, magnetic field, and etc.) as the objects of invention shall be considered as methods.

c) Object of invention - "substance"

The following as the objects of invention shall be considered as substances: Chemical compounds, including high-molecular compounds and products of gene engineering also are conditionally carried: recombinant nucleic acids, vectors, and etc;

Compositions (structures, mixes, alloys, solutions, and etc.);

Products of nuclear conversion.

d) Object of invention - "strain of microorganism, culture (line) of plants and animals cells"

The following as the objects of invention shall be considered as strains of microorganism or culture of plants and animals cells:

Strains of bacteria, viruses, bacteriophages, micro-seaweed, microscopic fungus, and etc;

Cultures (line) of plants and animals cells, including clones of cells; Consortiums of microorganisms, cultures (line) of plants and animals cells, Genetic designs to which concern, in particular, plasmids, vectors, stably transformed cells of microorganisms, plants and animals, transgenic plants and animals.

e) Object of invention - "use of previously known device, method, substance or strain in a new way"

The use in accordance with another destination shall be considered as the application of previously known device, method, substance or strain in a new way as the objects of invention.

First application of the known substances (natural and artificial) to satisfy public needs shall be considered as the application in new way.

3.

Not recognized as inventions:

Scientific theories and mathematical methods;

Methods of the organization and management;

Conventional signs, schedules, rules;

Rules and methods of brain work performance;

Algorithms and computer programs as such;

Drafts and schemes of planning of constructions, buildings and territories;

Decisions concerning only appearance of the products aimed at satisfying of aesthetic needs only;

Topologies of integrated circuits;

Plant varieties and breeds of animals;

Decisions contradicting public interests, principles of humanity and morality.

4.

In accordance with first part of Article 15 of the Law the application shall refer to one invention or group of the inventions related to each other, that they form uniform conception of invention (requirement of unity of the invention).

The invention unity shall be considered complied if:

In the claim of the invention one invention is characterized;

In the claim of the invention the group of inventions is characterized:
Concerning objects of one kind (some devices, some kinds, and etc.), the similar purpose, and providing achievement of the same technical results essentially the same way (variants);

One of which is intended for generation (production) another (for example, the device or substance and method of generation (production) devices or substances fully or partly);

One of which is intended for realization of another (for example, method and the device for realization of a method fully or one of its actions);

One of which is intended for use of another (in other) (for example, method and the substance intended for use in method; method or the device and its part; application of the device or substance on new purpose and method with their use according to this purpose; application of the device or substance on new purpose and the device or composition which component parts thereof).

§ 2. Contents of the application

5.

In accordance with second part of Article 15 of the Law the application shall contain the following:

- a) Request for grant the patent with indication of the author (authors) of the invention and person (further - applicant) in the name of which the patent is claimed as well as their legal residence or location (Appendix 1);
- b) Description of the invention which exposes it to the extent sufficient to implementation by specialist in the field;
- c) Claims of the invention expressing its nature and fully based on its description;
- d) Drawings and other materials if they are necessary for understanding of nature of the invention;
- e) Abstract of the invention.

6.

The document confirming payment of patent fee in the established size, or the document confirming the bases for clearing of payment of patent fee or for reduction of its size is applied on the application for granting of the patent.

7.

To the application filed through the patent attorney or through other authorized representative, the power of attorney which has been given out by the applicant or duly notarized copy of the power of attorney shall be attached.

8.

On the application with the claim of conventional priority (further - conventional application) shall be attached the certified copy of the first application filed by the applicant in other state-member of the Paris Convention (further - first application), and translation of this application into Uzbek or Russian language, which are represented not later than three months from the date of receipt of the conventional application to Patent Office.

At claiming of conventional priority on the application which has filed after twelve months from the date of filing of the first application, but not later than two months after twelve months term, to the application shall be attached:

The document on payment of patent fees in the established size for prolongation of twelve months term claiming of the conventional priority; The document with the indication of the circumstances preventing to file application in specified twelve months term, and confirmation of presence of such circumstances shall be attached to the application if there is no reason to suppose that Patent Office knows the said circumstances.

9.

The request to establish the convention priority may be submitted during the filing of the application (stated in the appropriate column of the application for grant the patent) or within two-month-period from the date of the application filing with Patent Office.

10.

To the application concerning to new strain of microorganism, line of plants or animals cells, their reception or use, the document on deposition of strain in collection officially authorized on it - depositary shall be attached.

11.

To the application containing the list of nucleotides sequences and/or amino acids, shall be attached the machine-readable carrier (diskette) of the information (further - MRC) with the record of copy of the same list which is meeting the requirements of WIPO standard ST.25, and the statement signed by the applicant that the information represented in the machine-readable form, is identical to the list of sequences represented in the printed form.

12.

The documents of the application specified in item 5 of the present Rules, made on Uzbek or Russian language, are represented in triplicate: 2 copies on the paper carrier, as the third can be presented a copy in electronic form on machine-readable data carrier.

The same documents if they are made in other language are represented in one copy and their translation on Uzbek or Russian language - in triplicate: 2 copies on the paper carrier, the third can be presented in electronic form.

The substantial part of documents of the application or additional materials on the paper carrier and on MRC should be identical. The responsibility for identity of materials on paper and MRC is to account by the applicant.

Other documents and their translation on Uzbek or Russian language if they are made in other language are represented in one copy.

13.

The claim for granting of the patent is represented on Uzbek or Russian language under the form resulted in the Appendix 1 to present Rules. If no data can be placed completely in corresponding columns they are resulted under the same form on additional sheet with the instruction in the corresponding column of the application: «Attachment in additional sheet». Foreign names and names of the enterprises are specified in the Uzbek and Russian transliteration.

The name of the applicant and title of the invention are represented in the Uzbek and Russian languages.

The other documents of the application applied on the application, are represented on Uzbek, Russian or other languages.

If documents of the application are presented in other language their translation is applied on the application on Uzbek or Russian language which can be presented within two months from the date of filing application to Patent Office.

14.

Columns of the application above the word "application" are intended for inclusion of requisites after receipt in Patent Office and shall not be filled in by the applicant.

15.

In the column under code (71) "Applicant" data on the applicant(s) are resulted: surname, name (patronymic) of the physical person, and surname is underlined before name, or the official name of the legal person (according to the constituent document), and also data on their residence or location accordingly, including the official name of the country and the full post address and code of the country under WIPO standard ST.3 (if it is established).

If there are some applicants, the abovementioned information shall be provided for each of them.

Data on residence of the applicants, being inventors, in the given column are not resulted, and stated in the column under code (72) «Author(s)» of application.

Whether in the same column by affixation of mark "X" in corresponding box is applicant the inventor, the employer of the author or assignee of the author or the employer of the author is marked.

The OKPO code shall be indicated for the enterprises and organizations of the Republic of Uzbekistan in the name of which the patent is claimed. The code under the standard of the World Intellectual Property Organization (WIPO) ST.3 (if any) shall be indicated for natural persons or legal entities residing outside the Republic of Uzbekistan to whom the patent is asked.

16.

Column with request for priority establishment shall be only filled in when the priority earlier than the date of filing of the application with Patent Office is claimed.

In this case by stating the "X" sign in appropriate boxes the grounds for claim of the priority and the following are indicated: under a code (31) number of earlier application on the basis of which or on additional documents to which the priority is claimed as well as date of the claimed priority (under code 32 - date of filing of the earlier application or its additional documents).

If convention priority is claimed under code (33), the country code under the WIPO standard ST.3 shall be indicated.

17.

In the column under code (54) «Title of the invention» shall be indicated the name of the declared invention (group of inventions), which must coincide with the name provided in the description of the invention.

18.

In the column under the code (98) «Address for correspondence» the address for correspondence, name or designation of addressee, which must satisfy common fast mail delivery requirements as well as telephone numbers, fax, e-mail (if any) shall be indicated.

As the address for correspondence can be specified, in particular, the address of residence of the applicant (one of applicants) - the physical person living in the Republic of Uzbekistan, or the address of location in the Republic of Uzbekistan of the applicant - the legal person, or location of the patent attorney registered in Patent Office, or other authorized representative.

At absence in the application of the address for correspondence by those it is considered the address of location of patent attorney or other authorized representative if they are appointed, and otherwise - at presence of the address in territory of the Republic of Uzbekistan, in the columns of the application concerning data on the applicant, - the address of the applicant (if applicants more than one - first of such

addresses).

19.

In the column under code (74) «Patent attorney» which is only filled in when the patent attorney is appointed by the applicant, shall include the following information: last name, first name (patronymic, if any), registration number in Patent Office, residence in the Republic of Uzbekistan, phone numbers, fax, e-mail (if any). Besides in this column by affixation of mark "X" in corresponding box presence of the power of attorney given out by the applicant certifying powers of the patent attorney is marked.

20.

The column «List of the attached documents» shall be filled in by stating the "X" sign in appropriate boxes and by indication of number of copies and sheets in each copy of the documents attached.

At presence in the description of the invention of section «List of nucleotides sequences and/or amino acids» in position «Description of the invention» in addition is underlined «with the list of sequences»; thus in corresponding columns the total of sheets is underlined.

For attached documents, which kind is not stipulated by an application form («other document»), is underlined particularly their purpose.

At presence in application MRC (diskettes) with record of copy of the list of nucleotides sequences and amino acids and the application stipulated by item 11 of the present Rules, in the column «other document» is underlined "Diskette".

21.

In columns under the code (72) "Author" and «Full home address» data on the author (authors) of the invention are resulted: surname, name (patronymic), the full post address of residence including the name of the country and its code under WIPO standard ST.3.

22.

The column located directly under columns "Author" and «Full home address», is filled when the author (authors) asks to not mention him (them) as those at the publication of data on granting of the patent. In this case the surname, name (patronymic) of each of the authors, wished to not be mentioned are resulted at the publication, and their signature.

23.

Filling in the last column of the application "Signature" with stating of the date of sign is obligatory in all cases.

The application shall be signed by the applicant. On behalf of the legal person the application signs the director of the organization or the person authorized by the head, with the instruction of his post. The signature is sealed.

At filing application through the patent attorney or authorized representative, the application signs by the applicant either the patent attorney or the authorized representative.

Signatures are deciphered with the instruction of surnames and the initials of the signing person.

In case of reduction of those or other data demanding the signature, an additional sheet, he signs in the same order.

Presence of the signature of the applicant, the person or the patent attorney or the authorized representative is obligatory in each additional sheet.

24.

Description of the invention shall disclose invention to the extent sufficient to its implementation.

25.

Description starts with title of the invention (in case of section establishment of effective edition of IPC to which claimed invention is referred - index of this section) and contains the following sections:

Field of technique related to invention;

State of art;

Nature of the invention;

The brief description of the list drawings figures and other materials if they contain in the application;

Information confirming the possibility to implement the invention;

List of nucleotides sequences and/or amino acids (if such sequences are used for the characteristic of the invention).

Replacement of section of the description by reference to the source with the necessary information (to the reference, description in earlier filed application, description of protection document, and etc.) is not supposed.

26.

The title of the invention shall be exact and brief, conform to nature of the invention, define kind of object to which it concerns, and characterize the object's purpose (function carried out by it or to specify

its accessory to this or that pertinent art).

The title of the invention, as a rule, shall correspond to certain heading of IPC. If it is not obviously possible to establish a heading corresponding nature of the invention the title of the invention is underlined according to standard branch, general technical terminology.

If the invention can be applied in different areas and the name reflects such opportunity in such name specification of one of primary scopes of the invention with the use of words "mainly", "preferably" is supposed. Are not used in the title of word "for example" and "in particular", emphasizing only one of possible scopes.

The title of the invention can be terminological or descriptive.

The terminological title represents concept, which maintenance unequivocally and characterizes known to experts in the given area of techniques set of essential features of object irrespective of, they are listed or not.

The descriptive title gives representation only about purpose of object and function carried out by it in one or different areas of techniques, but does not give an opportunity unequivocally to judge about necessary set of the essential features describing the declared invention.

The title is stated in a singular. Exception makes:

Titles which are not used in a singular;

The title of the inventions concerning chemical compounds covered by the general structural formula.

The title of the invention related to individual chemical compound its designation according to one of chemically adopted nomenclatures should be included; designation at its specific purpose and for biologically active compounds a type of biological activity can be also stated.

In the title of the invention related to production method of high-molecular compound with unidentified structure the name of this high-molecular compound and the designation if necessary at its purpose shall be included.

In the title of the invention related to production method of mixed substance with unidentified composition the designation at purpose or biologically active features of this substance shall be included.

In the title of the invention related to the strain of microorganism or culture of plants or animals cells, the generic and specific name (according to requirements of the international nomenclature) of biological object in Latin as well as indication of the last name (names) of the author (authors), type and purpose of the strain shall be included.

The title of the invention concerning genetic design contains its name with the instruction of purpose.

The title of the invention related to a new purpose of the known device,

method, substance, strain shall be compiled according to the rules provided for appropriate object and should characterize new purpose of the known object.

The title of the group of the inventions related to objects, one of whose is intended for generation (production), implementation or use of another one, contains a full name of one invention and abbreviation of another one. The title of the group of the inventions related to objects, one of whose is intended for use of (in) another one, contains full names of the inventions included into this group.

The title of the group of the inventions related to variants contains the name of one invention of the group supplemented by the word "variants" in parentheses.

The title of the invention if necessary can contain symbols of the Latin alphabet and the Arabian figures.

The use of symbols of other alphabets, special signs in the title of the invention is not supposed.

In the title of the invention the personal names, familiar names, abbreviations, advertising, trade names, trademarks and service marks, names of places of an origin of the goods and geographical names, words "etc.", and similar which do not serve the purposes of identification of the invention should not be used.

27.

In the section of description "Field of technique related to the invention" this field of use of the invention shall be stated. If there are several such fields, the priority fields shall be stated.

28.

In section of the description «State of art» data on analogues of the invention known to the applicant with allocation from them the analogue most close to the invention on set of features shall be stated.

The mean with the same purpose known from the information, which became available to the public before the priority date of the invention characterized by number of features similar to the invention total substantial features shall be stated as analogue of the invention.

When each of analogues is described, the bibliographical data of the information source where it was exposed, the analogue features, including features whose coincide with substantial features of the claimed invention and reasons known to the applicant whose may prevent receiving of required technical result shall be stated.

Where the invention concerns the method of production of the unidentified

mixture with specific purposes or biologically active features, the method of production of the mixture with same purpose or same biologically active features shall be stated as analogue of the invention.

Where the invention concerns the method of production of new individual chemical compound, including high-molecular compound or genetically engineered object, the information concerning production method of its known structural analogue shall be provided.

When the most similar analogue of the invention related to the strain of microorganism, culture of plants and varieties cells, substance producer is described, the information about produced substance shall be provided. Where the invention concerns the use of previously known device, method, substance and strain for a new purpose, the known devices, methods, substances and strains with the same purpose should concern the analogues of this invention.

When group of inventions is described, the information about analogues (including most closes) shall be provided for each invention separately.

29.

In section of the description «Nature of invention» the nature of the invention is expressed by set of essential features, sufficient for achievement of the technical level provided by the invention.

Features are considered essential if they have an impact to technical result achieved i.e., are in cause-effect relation with the said result. In this section the claimed invention shall be exposed in such a way that may give understanding of a technical task, its solution, with stating of technical result that may be achieved during implementation of the invention.

All essential features describing the invention are resulted, features distinguishing from most similar analogue shall be specified, thus the set of features providing reception of technical result in all cases on which the asked volume of legal protection extends, and the features describing the invention only in special cases, in concrete forms of performance is underlined or under special conditions of its use.

The nucleotides sequence or amino acids in case of its use for the characteristic of an feature is represented by the instruction of its number in the list of sequences in the form of «SEC ID NO ...» with reduction of the corresponding free text if the characteristic of sequence in the list of sequences is given with use of such text.

Replacement of the characteristic of feature with sending to a source of the information in which this feature is opened is not supposed.

The technical result represents the characteristic of technical effect,

property, phenomenon, and etc., which can be received at realization (manufacturing) or use of the means embodying the invention.

Where the invention provides achievement of several technical results (including specific forms of its implementation or within specific condition of use) it is recommended to state it clearly.

The technical result can be expressed, in particular, in decrease (increase) of factor of friction; in prevention of jamming; decrease in vibration; in improvement of blood supply of body; localizations of action of medical product, decrease in its toxicity; in elimination of defects of structure of moulding; in improvement of contact of working body with environment; in reduction of distortion of the form of signal; in decrease in infiltration of a liquid; in improvement of wettability; in prevention bursting, increase immunogenicity of vaccine.

Where during creation of the invention only task for extension of technical means with specific purpose or first creation of such means is accomplished, the technical result may lie in the implementation of this purpose and special designation is not required.

For group of the inventions, the data mentioned, including information about technical result shall be provided for each invention separately. When strain of microorganism, culture of the plants and animals cells is described, additional features, which distinguish it from original or closely-related strains shall be provided.

When the invention related to use of the known device, method, substance or strain for a new purpose is described, the characteristics of this known object and bibliographical data about the source of information, where it has been described as well as its known and new purpose shall be provided.

30.

To characterize devices the following features shall be used, in particular:

Presence constructive element(s);

Presence of connection between elements;

Positional relationship of elements;

Form of performance of element(s) or the device in full, in particular the geometric shape;

Form of performance of connection between elements;

Parameters and other characteristics of an element(s) and their interactions thereof;

Material which the element(s) is made or device in full;

Environment making the element's function.

It is not necessary to use for the characteristic of devices the features expressing presence on the device in full or its element of designations (verbal, graphic or combined), not influencing on functioning of the device and realization of its purpose.

31.

To characterize devices the following features shall be used, in particular:

Presence of action or several actions;

Order of performance of such actions in time (consecutively, simultaneously, in different combinations, and etc.);

Actions implementation conditions, mode, use of substances (feedstocks, reagents, catalyzers, and etc.), devices (appliances, tools, equipments, and etc.), strains of microorganisms, culture of plants and/or animals cells.

32.

To characterize individual chemical compounds the following features shall be used, in particular:

For low-molecular compounds - qualitative composition (specific elements' atoms), quantitative composition (number of atoms for each element), connections between atoms and their positional relationship in molecule expressed by chemical structural formula;

For high-molecular compounds - chemical composition and structure of a link of macromolecule, structure of a macromolecule in full, (linear, branched), periodicity of the links, molecular mass, molecular mass distribution, geometry and stereometry of a macromolecule and final and side groups thereof;

For individual compounds with unidentified structure - physicochemical and other characteristics (including method of production features) whose may identify it;

For the individual compounds concerning products of gene engineering, - nucleotides sequence (in case of fragments of nucleinic acids) or physical card (in case of recombinant nucleinic acids and vectors), sequence of amino acids, and also other physical and chemical characteristics necessary for difference of given compound from others.

33.

To characterize mixtures the following features shall be used, in particular:

Qualitative composition (ingredients);

Quantitative composition (contents of ingredients);

Structure of the mixture;

Structure of ingredients.

To characterize mixtures with unidentified composition physicochemical, physical and utilitarian indexes thereof and production methods features may be used.

34.

To characterize substances produced by nuclear conversion the following features shall be used, in particular:

Qualitative composition (isotope (isotopes) of the element), quantitative composition (number of protons and neutrons);

Main nuclear characteristics: half-life period, type and radiant energy (for radioactive isotopes).

35.

To characterize individual strains of microorganisms the following features shall be used:

The patrimonial and specific name of strain (in Latin language);

Origin (source of allocation, family tree);

Gene- and chemotaxonomic characteristics;

Morphological, physiological (including cultural) characteristics;

Biotechnical characteristics (conditions of cultivation; name and features of the useful substance produced by the strain; activity level (productivity);

Virulence, antigen structure, serologic properties (for strains of microorganisms with medical and veterinary purposes);

Hybridization principle (for hybrid microorganism's strains).

36.

To characterize individual lines of the plants and animals cells, the following features shall be used:

Number of passages;

Karyological characteristic;

Growing (kinetic) characteristics;

The characteristic of cultivation in animal's organism (for hybrids);

Morphogenesis ability (for cells of plants).

37.

To characterize consortiums of microorganisms, in addition to individual strains features listed above, the following features shall be also used:

the factor and conditions for adaptation and selection, taxonomical composition, number and dominant components, interchangeability, type and physiological features of a consortium as a whole.

38.

To characterize genetic designs the features stipulated in item 30 of the present Rules (thus constructive elements can be enhancer, promoter, terminator, initiating codon, linker, fragment of alien gene, marker, flanking areas) are in appropriate way used.

39.

To characterize transformed cell shall be used, in particular following features:

Transforming element;

Features (properties) got by cell;

The instruction of an origin of cell, (for procariotic cells - sort, family and/or a kind);

Taxonomic features;

Mutation natural genome;

Conditions of cultivation cells and other characteristics, sufficient to distinguish the given cell from another.

40.

To characterize transgenic plants shall be used, in particular following features:

Presence of the modified element in genome;

Features (properties) got by a plant;

Origin of a plant;

Taxonomic accessory and other characteristics, sufficient to distinguish the given plant from another.

41.

To characterize transgenic animal shall be used, in particular following features:

Gene and/or DNA, transformed to genome of animal and coding or expressing a target product;

Features (properties) got by an animal;

The modified product produced by an animal;

Accessory of an animal (type, breed, and etc.) and other characteristics, sufficient to distinguish the given animal from another.

42.

To characterize consortia of microorganisms, lines of cells of plants and animals in addition to listed in item 37 of the present Rules to features following features shall be used, in particular:

The factor and conditions of adaptation and selection, taxonomic structure, number and dominating components, interchangeability, type and physiological features of a consortium as a whole, and also other characteristics, allowing to distinguish a consortium from others.

43.

To characterize use of previously known device, method, substance or strain in a new way the brief characteristic of applied object, sufficient for its identification, and the instruction of this new purpose shall be used.

44.

In section of the description «List of figures of drawings» except for the list of figures shall be stated the brief reference that is represented on each of them.

If other materials clarifying the nature of the invention are provided, then brief explanation of its contents shall be stated.

45.

In section of the description «Information confirming the invention's practicability» the invention's practicability and realization of the purpose specified by the applicant shall be stated.

The invention's practicability, which nature is characterized by use of the feature expressed by common concept, particularly, presented in functional generalization level, shall be confirmed either by description directly in the application of the mean for realization of such feature or methods for production thereof, or by reference to publicity of this mean or methods for production thereof.

In this section the information confirming the possibility of achievement the technical result, which is stated in the section "Nature of the invention" during implementation of the invention when characterizing the relevant task shall be provided. When quantitative features expressed in the form of limit are used to characterize the invention, the possibility to achieve technical result in this limit shall be stated.

46.

For the invention related to device, construction (in static status) thereof shall be provided with references to drawings figures. Digital

indices of structural components in the description should conform to digital indices thereof in the drawing figure and be resulted in process of their mention in the increasing order, since unit.

After description of the device, construction the operation (work) thereof or method of use shall be described with references to drawings figures and where appropriate to other clarifying materials (diagrams, time diagrams, and etc.).

If device contains an element characterized in functional level and described form of the implementation is intended to use of programmed (adjustable) multifunctional mean, then the information confirming realizability by such mean of specific function within particular device shall be provided. In the event that algorithm is provided among this information, in particular, computing algorithm, it shall be preferably provided in the form of block-diagram, or, if possible, in the form of appropriate mathematical expression.

47.

For invention related to method a sequence of actions (techniques, operations) over material object as well as conditions to make actions, specific modes (temperature, pressure and so on), devices, substances and strains used to do so (if necessary) shall be stated. If method is characterized by use of means (devices, substances and strains) known before the priority date, then it is enough to state these means only. When unidentified means are used, the characteristics thereof shall be provided and, where appropriate, graphic image shall be enclosed.

When new substances are used in the method, the method of production thereof shall be exposed.

48.

For the invention related to the production method of the group (number) of new chemical compounds described by common structural formula, an example of production by such method of compound of the group (number) shall be provided, if the group (number) includes compounds with different chemical radicals, then sufficient number of examples to confirm the possibility of production of compounds with such different radicals shall be provided. To produce compounds included into the group (number), the structural formulas confirmed by the known methods and physicochemical characteristics shall be provided. In the description the information concerning the purpose or biologically active features of new compounds shall be stated.

For the inventions related to the production method of chemical compounds

unidentified structure or mixes of unidentified structure and/or structure, the information necessary to identify thereof shall be provided. The information concerning original reagents for compounds production and the information confirming realizability of the purpose of compound stated by the applicant shall be provided, particularly, information concerning features determining this purpose.

49.

For the invention related to the treatment, diagnostics or preventive-treatment methods of people or animals, the information about revealed factors having an influence on etiopathogenesis of the diseases or determining relationships between etiopathogenesis and diagnostic indices shall be provided, and in case that such information is not available, the true data confirming the method capability for treatment, diagnostics or preventive-treatment of the said deceases shall be provided (received, in particular, in experiment on adequate models or by other way).

50.

For the invention concerning an individual chemical compound with identified structure, the structural formula proved by known methods, physical and chemical constants is resulted and the method by which new compound for the first time is received shall be provided.

51.

For the individual compound concerning products of gene engineering, the instruction on number of nucleotides sequence in the list of sequences (in case of fragments of nucleic acids) or physical card (in case of recombinant nucleic acids and vectors), the instruction on number of sequence of amino acids in the list of sequences, and also the physical and chemical and other characteristics necessary for difference of given compound from others shall be provided. The method by which new compound for the first time is received shall be stated, and the opportunity of use of this compound on the certain purpose shows.

The nucleotides sequence or amino acids is represented by the instruction of its number in the list of sequences in the form of «SEC ID NO ...» with reduction of the corresponding free text if the characteristic of sequence in the list of sequences shall be given with use of such text.

52.

For biologically active compound parameters of quantitative characteristics of activity and toxicity, and in case of need – selectivity

of action and other parameters shall be provided.

53.

If the invention concerns the means for treatment, diagnostics or preventive maintenance of the certain condition or disease of people or animals in the description information on the revealed factors explaining influence of its use on etiopathogenesis of disease shall be provided, and at absence of such information - the authentic data confirming its suitability for treatment, diagnostics or preventive maintenance of the specified disease.

54.

If the invention concerns chemical compound with identified structure, the structural formula proven by the known methods, physicochemical constants shall be provided, the method by which compound has been produced shall be described, and the possibility of use of the invention on the specified purpose shall be confirmed.

55.

If the chemical compound has been produced by use of the strain of microorganism, culture of the plants or animals cells, the method of its production with act of such strain, the lines, data about them, and information about deposit of the strain shall be provided.

56.

If the invention concerns transitional compound, then the possibility of processing thereof into known final product or possibility of production of a new final product with specific purpose or biologically active features shall be provided too.

57.

If the invention concerns nucleinic acids or proteins, the instruction of number of sequence in the list of sequences (nucleotides - in case of nucleinic acids, amino acids - in case of proteins) shall be provided, and also the physical and chemical and other characteristics, allowing to distinguish the given product from others. The method by which the product is produced shall be provided, and the possibility of use thereof on the certain purpose shall be provided.

58.

If the invention concerns the composition (mix, solution, fusion, glass,

and etc.), then there must be the examples where ingredients included into compositions contents, characteristics and quantitative ratio thereof shall be provided. The production method of the composition shall be described, in the event that there is a new substance considered as ingredient, the method of production thereof shall be described.

In the examples given, the contents of each ingredient shall be stated in such unit value that is in the framework of limit indicated in the claims of the invention (when quantitative ratio of ingredients is expressed in the claims of the invention in percents (by mass or volume), the total contents of all ingredients stated in the example shall be considered as 100 %).

59.

For invention related to the strain, the nomenclature data and origin of the strain, information about qualitative and quantitative compositions of nutrient (sowing and fermentation) mediums, cultivation conditions (temperature, pH, specific mass transfer of O₂, illumination and so on), time of fermentation, characteristics of biosynthesis, useful (target) products, outcomes, activity (productivity) level of the strain and methods of determination (testing) thereof shall be provided. The target products extraction and refinement methods shall be exposed (for producers of new target products, for instance, antibiotics, ferments, monoclonal antibodies and etc.).

For consortiums of microorganisms and cultures of the plants and animals cells, the following data shall be provided: components availability checking method, extraction (selection) method and features by whose selection was made, stability of the consortium as such during long-time cultivation, resistance to infection by alien microorganisms.

Opportunity of realization of the invention concerning to strain of microorganism, culture of plants or animals cells or by the method in which it is used, proves to be true the description of method of production strain or if the description of method of production strain is not enough for realization strain, representation of data on deposition strain (names of depository collection and the registration number appropriated by collection to deposited object) which date should precede date of priority of the invention.

Deposition for the purposes of patent procedure is considered carried out if strain, the line of cells or consortium is placed in the international collection or the collection of the Republic of Uzbekistan guaranteeing maintenance of viability of object during validity of the patent.

60.

In this section of the description detailed disclosing nucleotides sequences and/or amino acids if they are not branched out sequences from four and more amino acids or not branched out sequences from ten or more nucleotides is resulted. Each sequence separate number should be appropriated. Numbers of sequences should begin with unit and increase consistently for an integer.

Number of each sequence in the list should correspond to its number specified in the description, the claim of the invention or on graphic representations.

Nucleotides sequences and amino acids should be represented, at least, by means of one of following opportunities:

Only nucleotides sequence,

Only sequence of amino acids,

Nucleotides sequence together with corresponding sequence of amino acids.

In the latter case the sequence of amino acids should be presented as the separate sequence of amino acids having separate number. The list of nucleotides sequences and amino acids represents an integral part of the description; therefore there is no necessity in details to describe these sequences still somewhere in the description.

In that case when the mentioned list contains the free text in the descriptive part - the formulations describing the characteristics of sequence in which the neutral language lexicon is not used, this free text should be repeated in other sections of the description containing the instruction on number of sequence in the list of sequences, in the same kind.

61.

For the invention related to use of device, method, substance or strain for a new purpose, the information confirming the realizability of such new purpose shall be provided.

62.

The claims of the invention are intended to determinate the scope of legal protection provided by the patent.

63.

The claims of the invention shall be fully established on description and drawings, i.e. should characterize the invention by concepts included into description and presented on drawings thereof.

64.

The claims of the invention shall be recognized as expressing the nature thereof if it contains the totality of essential features thereof sufficient to achieve technical result stated by the applicant.

65.

Features of the invention shall be expressed in the claims of the invention in a way that can provide the identification thereof, i.e. unique understanding by specialist on the basis of known technical level of semantic contents of the concepts whose characterize the said features.

66.

Characteristics of the feature in the claims may not be replaced by reference to the source of the information in which this feature is opened. Replacement of the characteristic of feature with sending to the description or drawings of the application is supposed only in that case when it is impossible to characterize the feature without such reference, and without violation of requirements of item 65 of the present Rules.

67.

The nucleotides sequence or amino acids in case of its use for the characteristic of feature in the claim of the invention are represented by the instruction on its number in the list of sequences in the form of «SEC ID NO ...».

68.

The feature of the invention can be characterized including the general concept (expressing function, property, and etc.), covering different private forms of its realization if the characteristics containing in the general concept, provide in aggregate with other features reception of the technical result specified by the applicant.

The feature can be expressed in the form of alternative provided that such feature at any choice supposed by specified alternative in aggregate with other features of the invention provide reception of the same technical results.

69.

The claims of the invention may be single and multiple and may include one or several claims respectively.

70.

The single claims of the invention shall be applied to characterize one invention by the totality of essential features not developed or specified with reference to particular cases of implementation or use thereof.

71.

The multiple claims shall be applied to characterize one invention with development or specification of the totality of essential features thereof with reference to particular cases of implementation or use of the invention or to characterize the group of the inventions.

The multiple claims of the invention characterizing one invention have one independent claim and next claim (claims) is (are) dependent.

The multiple claims of the invention characterizing the group of the inventions have several independent claims; each of whose shall characterize one of the group's inventions. Each invention may be characterized with attraction of dependent claims under the appropriate independent one.

Items of the multiple claims are numbered by the Arabian figures consistently, since unit, by way of their statement.

72.

When the claims of the invention characterizing the group of the inventions are stated, the following rules shall be compiled:

The independent items characterizing particular inventions, generally, do not include references to other claims of the claims of the invention (such reference is only possible when it allows to state this independent claim without total repeat of the contents of another claim);

Dependent items shall be grouped together with such independent claim to which they subordinate; including cases when for the characteristic of different inventions of group dependent items of the same maintenances are involved.

73.

The claim generally consists of limited part, which includes the features of the invention coincident with the features of most similar analogue, including generic concept reflecting the purpose of the invention and distinctive part, including the features distinguishing the invention from the most similar analogue.

When the claim is made, the phrase "distinguishing" shall be included after stating of limited part, directly after this phrase the distinctive part shall be stated.

74.

The claim shall be compiled without division thereof into limited and distinctive parts if it characterizes the following:

Chemical compound;

Strain of microorganism, culture of plants and animals cells;

Application of the known device, method, substance and strain for a new purpose;

Invention without analogues.

75.

The item of the claim is stated in the form of one sentence.

76.

The independent item of the claim of the invention shall be related to single invention only and stated in the form of one sentence. It is supposed to characterize in one independent item of the claim some inventions - variants if they differ only with such features which are expressed in the form of alternative.

If in independent item in the form of alternative the features, not being functionally independent (i.e. not being are expressed to the claim in unit or detail of the device only; operation of a method; substance, material, the adaptation applied in method; component of a composition), such independent item is considered concerning only to one invention.

77.

The independent claim shall not be recognized as related to single invention if the totality of the features thereof includes the characteristic of the inventions concerning objects of different kind or to set of means, each of which has own purpose, without realization by the specified set of means of general purpose.

78.

Dependent claim of the invention includes development and/or specification of the totality of the features of the invention stated in the independent claim by the features characterizing the invention in particular cases of implementation or use thereof only.

79.

Limited part of the dependent claim of the invention consists of generic concept reflecting the purpose of the invention and generally is stated

in abbreviated form in comparison with the purpose stated in the independent claim and reference to independent claim and/or dependent claim (claims), which (whose) this dependent claim is related to. Where dependent claim subordinates to several claims, the references to thereof shall be stated with use of alternative. Then the features describing the invention in special cases of its performance or use are resulted.

If features of independent claim subordination of this dependent item to directly independent item is used are necessary for the characteristic of the invention in that specific case its performance or use alongside with features of dependent item only. If for the specified characteristic are necessary features one or several other dependent items of the claim subordination of the given dependent item independent through corresponding dependent items is used. Thus in the given dependent item the reference only on that dependent item to which it is subordinated directly is resulted.

80.

It is not necessary to state dependent claim of the invention in such a manner that thus there would be replacement or exception of features of that item of the claim to which it is subordinated.

If the dependent claim of the invention is formulated so, that takes place replacement or exception of features of independent claim, cannot be recognized that the given dependent claim together with independent to which it is subordinated, characterizes one invention.

81.

The features of device shall be stated in the claims in a manner that characterizes it in a static status. When performance of constructive element of device is characterized, the reference to its mobility, the possibility of realization of specific function is allowed (for example, possibility of braking or fixation and so on and etc.).

If the application contains drawings the features mentioned in the claim and expressing equivalent constructive elements, can be accompanied by reference designations concerning them. Reference designations, in case of their use, should be bracketed. Reference designations do not influence volume of asked legal protection and are resulted only with a view of fuller and precise understanding of the claim.

82.

When verbs are used to characterize action (technique, operation) as feature of the method, they shall be stated in active voice, in indicative,

in third person and in plural (they warm, wet, temper and so on).

83.

Name or designation of the compound shall be included into the claims of the invention characterizing individual chemical compound with any origin. For the compound concerning products of gene engineering, the claim of the invention joins the instruction on number of nucleotides sequence in the list of sequences (in case of fragments of nucleic acids) and the verbal description of physical card (in case of recombinant nucleic acids and vectors), the instruction on number of sequence of amino acids in the list of sequences, and also the physical and chemical and other characteristics necessary for difference of given compound from others. To connect with unidentified structure, the characteristics (qualities) of the invention shall be included into the claims thereof that will allow identifying this compound, including the features of production method thereof.

84.

The ingredients of the composition and generally the features related to quantitative contents of the ingredients shall be included into the claims of the invention characterizing the composition.

When claims, characterizing the composition, contain the features related to quantitative contents of the ingredients, these features shall be expressed in any one-valued units, generally by two values characterizing minimum and maximum limits of the contents (lower and upper limits). Indication of one of the composition's ingredients by single value and contents of the rest ingredients in the form of limit with respect to this single value is allowed (for instance, contents of the ingredients are provided per 100 mass units of the composition's main ingredient or per 1 liter of the solution).

Indication of quantitative contents of antibiotics, ferments, anatoxins and so on in the composition in units other than rest components of the composition is allowed (for instance, thousands units with respect to mass quantity of other composition's ingredients).

If the invention related to the composition is characterized by inclusion of additional ingredient, then before indication of appropriate distinguishing feature, a phrase "additionally contains" shall be included into the claims.

For compositions whose purpose is determined by new active basis only, and other components thereof are neutral carriers included into the range of traditionally applied in the compositions with such purpose, only

indication of such active basis and quantitative contents thereof in the composition is allowed, including the "effective quantity" form.

Indication in the composition in addition to active basis of other components (neutral carriers) in the form of generalized concept "target addition" may be another variant of the characterization of such composition. In this case a quantitative ratio between active basis and target addition shall be provided.

Where the known substance with complex contents is stated as a feature of the invention, the use of special designation thereof is allowed and function and feature of such substance and its basis shall be indicated. In this case in the description of the invention result a source of the information in which this substance is described.

85.

Generic and specific name of biological object in Latin shall be included into the claims characterizing the strain of microorganism, culture of the plants and animals cells, where the last name (names) of the author (authors) and (if the strain has been deposited) abbreviation of official collection-depository, registration number awarded to deposited object by the collection and purpose of the strain shall be provided.

86.

Where use of the known device, method, substance or strain for a new purpose is an object of the invention, the claims with the following structure shall be applied: "Use of ... (name or characteristics of the known device, method, substance or strain) as a ... (new purpose of the said device, method, substance or strain)".

87.

The materials explaining nature of the invention may be provided in the form of graphic materials (drawings, schemes, schedules, diagrams, figures, oscillograms, and etc.) and tables.

Pictures shall be presented if there is no possibility to illustrate the description by drawings or schemes.

Photographs shall be presented as an addition to other types of graphical materials.

In exceptional cases, for example to illustrate the stages of the surgical operation, photographs may be presented as the main type of clarifying materials.

In the upper right corner of each sheet of the graphical materials, the title of the invention shall be stated.

88.

The abstract's purpose is to provide the information about the invention and represents the reduced statement of the maintenance of the description of the invention, including title, characteristic of pertinent art to which the invention concerns, and/or scopes if it is impossible to understand from the title, characteristic of nature with the instruction achieving technical result. The nature of the invention in the abstract of the invention is characterized by free statement of the claim, preferably such at which essential features of each independent item are kept all. If necessary the abstract of the invention joins the drawing or the chemical claim. The drawing included in the abstract of the invention, is represented on a separate sheet in the same quantity of copies, as well as the text of the abstract, including in case of when it is identical to one of figures of the drawings illustrating the description.

The abstract of the invention can contain additional data, in particular, the instruction on presence and quantity of dependent items of the claim, graphic representations, and tables.

The recommended volume of the text of the abstract of the invention - up to 1000 printed characters.

§ 3. Inadmissible elements

89.

The application shall not contain the following: expressions, drawings, pictures, photographs and other materials, which contradict moral and public order; slighting statements in respect of production or technological processes as well as applications or protection documents of other persons; expressions or data whose are obviously not related to the invention or not being necessary for recognition of documents of the application corresponding requirements of the present Rules. Simple statement about disadvantages of the known inventions specified in the section "State of the art" shall not be considered as inadmissible element.

§ 4. Terminology and signs

90.

In the claim of the invention, description and materials explaining it, and also in the abstract the standardized terms and reductions are used, and at their absence - standard in the scientific and technical literature. If there are no such terms and abbreviations, then terms and abbreviations whose are well known in science and technical literature shall be used. It is not supposed to use the terms describing concepts, carried in the scientific and technical literature to unscientific.

All symbolic notations shall be interpreted. The unity of terminology shall be complied in the description and claims, i.e., same features in the text of the description and claims shall have the same names. The requirement for terminology unity shall be also applied to the dimensions of physical unities and to the symbolic notations used.

Physical quantities shall be expressed in terms of the effective International System of Units.

§ 5. Official registration of documents of the application

91.

All documents shall be so presented as to admit of direct reproduction in any number of copies.

Only one side of each sheet shall be used with the lines placed in parallel to the short side of the sheet.

92.

All documents of the application shall be on strong, white, smooth, non-shiny paper. Duplication of documents of the application on MRC is supposed.

93.

Each document of the application shall commence on a new sheet. The size of the sheets shall be 210 mm x 297 mm. The margins of the sheets containing the description, claims and the abstract, shall be as follows (mm):

Top - 20;

Right - 20;

Bottom - 20;

Left - 25.

On the sheets containing drawings, the size of the used area does not exceed 170 x 262 mm. The margins of the sheets makes, mm:

Top - 25;

Left - 25;

Right - 15;

Bottom - 10.

These sheets should not have frames around of the used or suitable area to use.

The format of images gets out such that it did not exceed the established sizes of sheets of documents of the application. Images (photo) of small format are represented pasted on sheets of paper with observance of the established requirements to format and quality of sheet.

94.

Each document of the application and the list of nucleotides sequences and amino acids have the independent numbering sheets beginning one. Numbers of sheets are put down, since the second, Arabian figures.

It is recommended to number each fifth line of the description and the claim of the invention. Numbering is put down by the Arabian figures to the left of designated line.

95.

The documents shall be printed in black color. The typing of the text matter in the description, the claims, and the abstract shall be 2-spaced and in characters the capital letters of which are at least 2.1 mm high. Graphic symbols, Latin names, Latin and Greek letters, mathematical expressions (claim) and chemical claims or symbols may be written in ink, by pen or in drafting ink. There may not be a formula partly printed and partly written by hand.

Requirements to the materials represented on MRC, are established by Patent Office.

96.

In the description, claim of the invention and abstract the chemical formula can be used.

Structural formulas of chemical compounds, as a rule, are represented on separate sheet (as well as graphic materials) with numbering everyone as separate figure and reduction of reference designations.

At writing of structural chemical formulas it is necessary to apply symbols of elements in general use and precisely to specify communications between elements and radicals.

The list of nucleotides sequences and/or the amino acids, represented to the printed form, should be issued in conformity with WIPO standard ST.25.

97.

The description, claims and abstract may contain mathematical expressions (formulae) and symbols.

The form of representation of mathematical formulae is not specified. Any lettering in mathematical formulae shall be interpreted. The interpretation of the formulae shall be presented in columns, where each line shall be followed by a semicolon. The interpretation of the letterings shall be given in an order of their use in the formula.

Such mathematical signs as $>$, $<$, $=$ shall only be used in mathematical formulae, and in the text they shall be written in words (more, less, equals, etc.).

The sign "-" (from ... to...) may be used to indicate the intervals between positive quantities. In other cases it shall be written in words "from... to...".

When quantities are expressed in percents the sign "%" shall be stated after the number. If there are several quantities, then the sign "%" shall

be stated before listing thereof and shall be separated by colon.
Division of word in mathematical claims is supposed only on a sign.

98.

Graphic representations (drawings, schemes, schedules, figures, and etc.) shall be performed by means of drawing tools performed in black, durable, distinct lines and strokes without shading and colorings.

99.

The scale and the distinctness shall be such that a reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished.

100.

Numbers and letters shall not be in parenthesis, circles or inverted commas. The height of the letters shall not be less than 3.2 mm. Digital and alphabetic designations are carried out precise, thickness of their lines corresponds to thickness of lines of the image.

101.

Each graphic representation irrespective of its kind is numbered by the Arabian figures as a figure (figs. 1, figs. 2, and etc.) by way of uniform numbering, according to sequence of their mention in the text of the description. If the description is explained by one figure it is not numbered.

102.

On one sheet some figures can be located, thus they is precise delimited from each other. If the figures located on two and more sheets, represent parts of a uniform figure they are placed so that this figure could be grouped without the miss of any part of any of the figures represented on different sheets.

Separate figures settle down on a sheet or sheets so that sheets have been as much as possible sated, and the image, as a rule, it was possible to read at a vertical arrangement of the long parties of sheet.

103.

Drawings are carried out by rules of manufacturing of technical drawings.

104.

Use on the drawing of rectangular (orthogonal) projections (in various

kinds, cuts and sections) is preferable; use of an axonometrical projection is supposed also.

105.

Cuts are carried out by inclined shading which does not interfere with clear reading of reference designations and the basic lines.

106.

Each element on the drawing is carried out proportionally to all other elements, except for cases when for the precise image of an element distinction of proportions is necessary.

107.

Drawings are carried out without any inscriptions, except for necessary words, such as "water", "steam", "open", "closed", "A-A" (for a designation of a cut), and etc.

108.

The sizes on the drawing are not specified, if necessary they are resulted in the description.

109.

The elements represented on the drawing are designated by the Arabian figures according to the description of the invention.

The same elements presented on several figures, are designated by the same figure. It is not necessary to designate the various elements presented on various figures, identical figure. The designations which have been not mentioned in the description are not put down in drawings.

110.

If the graphic representation is represented in the form of the scheme at its performance the standardized conditional graphic designations are applied.

It is supposed to represent on the scheme of one kind separate element of schemes of other kind (for example, on the electric scheme - elements of kinematic and hydraulic schemes).

If the scheme is presented in the form of rectangular as graphic designations of elements that, except for digital designation, is direct in a rectangular the name of an element is entered. If the sizes of a graphic representation of an element do not allow making it is supposed to specify the name of an element on a remote line (if necessary in the form of the caption

inscription placed in field of the scheme).

111.

Figure is carried out so precise that it could be reproduced directly.

112.

Drawings, schemes, figures are not resulted in the description and in the claim of the invention.

113.

Bibliographic data of sources of the information are specified so that the source of the information could be found out on them.

§ 6. Filing of application

114.

Inventor, employer or their assignee have right to file application and reception of the patent.

115.

The application files in Patent Office directly or goes by mail.

116.

The application can be filed by the applicant directly or through the patent attorney registered in Patent Office, or through other authorized representative.

117.

In conformity with Article 35 of the Law the physical persons constantly living outside the Republic of Uzbekistan, or foreign legal persons conduct the business connected with application and reception of the patent, through the patent attorney registered in Patent Office if other is not stipulated by the international contract in which the Republic of Uzbekistan participates.

Chapter II. Interaction with Patent Office on reception of the patent

§ 7. Appointment of trustee

118.

For interaction under the application and representations of the interests by consideration of the application the applicant can appoint the patent attorney or the authorized representative with granting to him powers of attorney.

The power of attorney on representation in the Patent Office, made out in the Republic of Uzbekistan, is made in the simple written form.

If the power of attorney is presented not on Uzbek or Russian, to it translation on Uzbek or Russian is applied.

The power of attorney is represented simultaneously with filing application.

If the power of attorney is given out addressed to the several patent attorneys registered in Patent Office, or addressed to several authorized representatives business are conducted by any of them.

§ 8. Conducting correspondence with Patent Office

119.

Correspondence is conducted by the applicant either his patent attorney or the authorized representative authorized on it, under each application separately.

120.

The materials directed after filing application, should contain its number and the signature of the applicant or his patent attorney or the authorized representative.

The materials which are not containing numbers of the application come back without consideration if number does not manage to be established in the indirect manner.

121.

The materials directed during work under the application, are represented to the terms established by the Law.

122.

On the materials presented to Patent Office with infringement of the requirement with the offer the inquiry goes to three-monthly term from the date of departure of the notification to present the corrected and absent materials. The materials presented by persons, not being the applicant either its patent attorney or the authorized representative, are not considered. To the person, submitted such materials, the corresponding notification goes.

§ 9. Corrections, specifications and additions into documents of the application

123.

In conformity with Article 20 of the Law within two months from the date of filing application the applicant has the right to make to it corrections, specifications or additional materials without change of essence of the declared object of the industrial property.

124.

Under condition of payment of patent fee in the established size, corrections, specifications or additional materials can be brought on the application by submission of the corresponding application and after the specified term, but not later removal of the decision on granting of the patent.

The document on payment of patent fee for modification in materials of the application is applied on the application. At failure of the document on payment of patent fee legally significant actions are not carried out, on what the applicant is notified. In case of discrepancy of the sum of the paid patent fee in the established sizes, the applicant has the right within three months from the date of direction Patent Office of the notification on surcharge of the missing fee, to pay in addition the necessary sum.

125.

Correction, specification and addition of materials of the application is carried out by submission by the applicant of corresponding written applications and replacing sheets. Forms of applications are resulted in appendices 2, 3, 4 in the present Rules. Replacing sheets are represented on Uzbek or Russian language for each copy of the corresponding document of the application.

The applicant is notified on receipt of the application in Patent Office and results of its consideration.

126.

At change of the name of the applicant - the legal person or surname (name, patronymic) the applicant - the physical person the application for modification of the name of the applicant moves in Patent Office and the document confirming these changes is represented. The application form is resulted in the appendix 2 in the present Rules.

127.

In case of a concession of the right to the application to other person the applicant moves the letter for entering record for change of the applicant in Patent Office. The application form is resulted in the appendix 3 in the present Rules.

Change of the instruction of the applicant by transfer of the right to reception of the patent or as a result of change of the name of the applicant can be made before date of registration of the invention in the corresponding State register.

The application should contain the instruction on concession of the right to the application to other person - to the assignee, data on this person, stipulated by item 15 of the present Rules. The application signs the applicant and its assignee by way of, stipulated by item 23 of the present Rules.

In the event that the application is signed only by the applicant, the document confirming transfer of the right is applied on the application, signed by the applicant and its assignee. The application form is resulted in the appendix 3 in the present Rules.

128.

In case of observance of the established requirements the applicant and his assignee are notified on entering into materials of the application of record about change of the applicant. All further correspondence is conducted with the new applicant.

Date of transition of the right to the application date of direction to the applicant and his assignee of the notification on entering into materials of the application of record about change of the applicant is considered. In case of non-observance of the established requirements the applicant and his assignee are notified on necessity of entering of specification and/or correction for the presented documents or on impossibility of entering into materials of the application of record on change of the applicant with reduction of corresponding reasons.

129.

Patent Office accepts the application for entering the corrections, signed by the applicant either his patent attorney or the authorized representative with the instruction of number of the corresponding application, and corrections which should be brought. The application form is resulted in the appendix 4 in the present Rules.

Correction of obvious and technical mistakes in documents of the application also can be made before date of registration of the invention

in the corresponding State register. The amendment is obvious if from well-known knowledge for the expert follows, that anything except for the offered amendment could not be undertaken.

If corrections concern typing errors in the instruction of bibliographic data, etc. and correction of the document will not lead to negative consequences concerning clearness at direct reproduction, necessity of entering of corrections can be expressed in the letter of the applicant without representation of replacing sheets.

130.

In case of when any change by the applicant of the specified list presented in the printed form has been enclosed to the application according to item 11 of the present Rules MRC with record of copy of the list of nucleotides sequences and/or amino acids, it is accompanied by representation MRC with the list of the sequences, containing respective alteration. On a label represented MRC date of receipt and number of the application in addition should be specified.

131.

In case of non-observance of the established requirements the applicant is notified on necessity of entering of specification and/or correction or additional materials of the presented documents or on impossibility of modification for materials of the application with reduction of corresponding reasons.

132.

The application in which the unity of the invention is broken can be divided by the applicant under its request on two or the several applications (further - the divisional application).

133.

The divisional applications keep date of filing of the initial application and priority of the declared invention, and at presence of the right to establishment of earlier priority of the initial application - date of this priority.

134.

Together with the request the documents issued according to items 5 - 113 present Rules, and the document confirming payment of patent fee in the established size or the basis for clearing of payment of patent fee or for reduction of its size are represented.

§ 10. Extension of time limits for filing of required materials

135.

In conformity with Article 20 of the Law under the application completed with infringement of established requirements, the applicant with the offer the inquiry goes to three-monthly term from the date of its departure to present the corrected or absent materials. Term of representation can be prolonged by the applicant of required materials at submission of the petition for prolongation of target date.

The document confirming payment of patent fee in the established size for prolongation of term is applied on the petition. If such document is not presented, legally significant actions are not carried out, on what the applicant is notified.

136.

The request to extend the time limit shall be filed within three months from the date of departure of inquiry to the applicant.

137.

The applicant is notified on extension of term of representation of required materials.

138.

At non-observance of term of representation of the petition, the petition of the applicant is not satisfied, the application is considered withdrawn.

§ 11. Renewal of the skipped time limit

139.

In conformity with Article 20 of the Law the terms of representation of additional materials missed by the applicant by inquiry of state examination can be restored.

140.

The petition for restoration of the skipped term moves the applicant together with the document which term of representation is missed, not later than twelve months from the date of the expiration of the skipped term, with the instruction of the valid reasons on which term has been missed. Patent Office has the right to request documentary acknowledgement of presence of the specified reasons.

141.

The document confirming payment of the corresponding patent fee in the established size is applied on the petition. At failure of the document confirming payment of patent fee in the established size, in the specified term, legally significant actions are not carried out, on what the applicant is notified.

142.

The applicant is notified on restoration of the skipped term.

143.

At not the observance, specified above requirements, the petition is not satisfied, on what the applicant is notified.

§ 12. Acquaintance of the applicant with materials of the application

144.

The applicant (his patent attorney or the authorized representative) can familiarize with the application filed by him and materials of correspondence under this application between him and Patent Office as is direct in Patent Office, having coordinated preliminary date and time of acquaintance, and by inquiry of copies of the application, the specified materials or their parts.

145.

Law enforcement bodies have the right to get acquainted with materials of the application only in communication with investigatory necessity.

§ 13. Consideration of the application with participation of the applicant

146.

Consideration of the questions connected with the application, with participation of the applicant (his patent attorney or the authorized representative) is spent under the offer of Patent Office or under the request of the applicant after both parties are acquainted with these questions.

147.

Questions of examination can be stated in inquiry in which it is in addition informed on expediency of a meeting, questions of the applicant – in the request for its carrying out.

148.

In case of inquiry the answer to it is represented the applicant in three-monthly term from the date of its departure irrespective of, whether the applicant is measured to take part in consideration of the application. Date and time of consideration of the application are preliminary coordinated with participation of the applicant. In case of change of circumstances, the party which is not having opportunities to participate in consideration of the application in due time, immediately informs on it other party.

149.

The person, not being the unique applicant, can participate in consideration of the application for the lack of other applicants only at presence of the power of attorney on representation.

150.

Consideration of the application with participation of the applicant is carried out by negotiations or at expert meeting.

Negotiations are spent in case questions can be resolved by directly examiner and the applicant, the expert meeting – if for the sanction of questions is required participation from examination of some experts. By results of negotiations or expert meeting the report under the established form in duplicate, containing data on participants, reasons and the offers resulted by the parties, and conclusions on the further office-work is made.

In the report can be resulted new edition of the claim of the invention, offered by the applicant (his patent attorney or the authorized

representative), the application for a response of the application, the questions of examination demanding written explanations, and etc.

The report signs all participants of consideration. One copy joins materials of the application, another is transferred the applicant (to his patent attorney or the authorized representative).

At absence of the consent on discussed questions in the report special opinions of participants of consideration can be fixed. The copy of the report, transferred to the applicant (to his patent attorney or the authorized representative), containing corresponding conclusions, can replace the notification on phase-out (in case of a response of the application) or inquiry of examination that is made out by corresponding record in it.

151.

The report can replace the answer of the applicant to inquiry of examination (if thus target dates for representation of the answer are not broken). In this case corresponding record is brought in the report.

§ 14. Withdrawal of application by the applicant

152.

In conformity with Article 20 of the Law the applicant has the right to withdraw the application up to the fact of the state registration at any stage of state examination. The application is considered withdrawn from the date of direction to the applicant of the notification on acceptance of the application for a response.

At a response of the application before end of its consideration office-work under the application stops, on what the applicant is notified. In that case when during the specified period the application will be transformed by the applicant to the application for utility model, its consideration as applications for the invention stops, on what the applicant also is notified.

153.

Withdrawn or considered withdrawn the application has no legal consequences, i.e. no legally significant actions after it can be more accomplished (examination of such application is not spent, the patent does not grant out, it cannot be transformed to the application for utility model, and etc.), and the rights of the applicant cannot be based in the further on this application (in particular, at filing of the following application it is impossible to ask priority by date of receipt of the withdrawn either considered withdrawn application or date of receipt of additional materials to it); withdrawn or considered withdrawn the application does not join in a state of art during examination of other applications at check of novelty.

154.

The request of the applicant to consider void its application for a response of the application, acted after direction to the applicant of the notification on acceptance of this application to data, is not the basis for canceling of results of response of the application specified in item 153 of the present Rules.

Chapter III. Consideration of the application

§ 15. Registration of the filed application

155.

The materials which have acted in Patent Office of the application are registered as the application for the invention with the instruction of date of their receipt if these documents contain, at least: the application for grant of the patent on Uzbek and Russian and the document confirming payment of patent fee, in the established size or the document confirming the bases for clearing of payment of patent fee or for reduction of its size.

156.

To the application registration number of Patent Office is appropriated. The applicant is notified on the fact of receipt of documents of the application with the message to it of registration number and date of receipt.

157.

If at representation of documents of the application in other language, than Uzbek or Russian, in materials of the application there is petition for the prescheduled beginning of formal examination the applicant is notified on impossibility of carrying out of formal examination before reception of translation of documents of the application on Uzbek or Russian language.

The registered materials of the application are not a subject to return.

158.

Data on the application from the moment of its receipt in Patent Office before the official publication of data on granting of the patent are considered confidential and are not a subject to disclosure without the consent of the applicant.

§ 16. Formal examination

159.

In conformity with Article 20 of the Law under the application for granting of the patent the Patent Office spends the state examination consisting of formal, and scientific and technical examination on the application for the invention.

160.

In conformity with Article 21 of the Law formal examination of the application is spent after two months from the date of its receipt to Patent Office.

161.

Under the written petition of the applicant formal examination of the application can be begun before the expiration of the specified term. In this case the applicant from the moment of filing of the petition loses the rights to corrections, specifications and additions of materials of the application under the initiative without payment of an additional patent fee in the established size. If during the specified period the application will be transformed by the applicant to the application for utility model, its consideration as applications for the invention stops, on what the applicant is notified.

At receipt of the request of the applicant to consider its petition not submitted (response of the petition for the preschedule beginning of formal examination) the right of the applicant to entering of corrections, specifications and additions in materials of the application under the initiative, without payment of the patent fee, stipulated by second part of Article 20 of the Law, is not restored.

162.

Formal examination of the application checks the following:

- a) Presence of documents which should contain in the application or is applied to it;
- b) Observance of the requirements established to them revealed without the analysis of an essence of the invention;
- c) Observance of the rules of filing application in the cases stipulated by fourth part of Article 14 of the Law, including presence and correctness of registration of the power of attorney certifying powers of the representative;
- d) Whether the application for the offer concerning objects, protected

as inventions is filed;

e) Validity purchase in the application of earlier priority, than date of its receipt in Patent Office;

f) Correctness of classification inventions on the operating edition IPC, carried out by the applicant (or it is made such classification if it is not made by the applicant).

163.

The registered application is checked on presence of the document confirming payment of patent fee in the established size for application. At absence of such document or the document confirming presence of the bases for clearing of payment of the specified patent fee or reduction of its size, to the applicant the inquiry about necessity of representation corresponding document within three months from the date of departure of inquiry or the instruction of objects concerning which it is necessary to examine (if for date of receipt of materials of the application the patent fee has been paid not for all the objects presented by the application) goes.

164.

If at filing of the application the patent fee is paid at rate of, smaller established the applicant is notified on necessity for three-monthly term from the date of departure of the notification to harmonize the sum of the paid patent fee for application and quantity of independent items of the claim. The applicant is notified also that at failure of the document confirming payment of patent fee in the established size for application in specified term, under the application for one invention legally significant actions are not carried out, and under the application for group of inventions examination will be spent concerning inventions for which the patent fee is paid, chosen by the applicant or specified in the claim by the first if it will not inform in the specified term on the choice.

If at failure of the document confirming payment of patent fee, in materials of the application there is petition for the preschedule beginning of formal examination the applicant is notified on impossibility of its satisfaction before reception of the document concerning payment of patent fee.

The notification, concerning payment of patent fee, can be directed to the applicant simultaneously with the notification on registration of materials of the application.

165.

If during formal examination of the application it is established, that the application is completed with infringement of requirements to its documents, to the applicant the inquiry with the instruction of infringements goes, reduction of necessary arguments of legal character and the offer to present the absent or corrected documents within three months from the date of its departure.

The basis for inquiry is:

- a) Absence in the application, at least, one of the documents stipulated by item 5 of the present Rules;
- b) Absence of the power of attorney on representation if the application is filed through the patent attorney or the authorized representative, and/or infringement of requirements to its registration;
- c) Representation of documents of the application in quantity of copies, smaller than established;
- d) Filing of application by the physical persons living outside the Republic of Uzbekistan, or foreign legal persons not through the patent attorneys registered in Patent Office if the international agreement with participation of the Republic of Uzbekistan does not establish the order providing such application;
- e) Absence in the application for granting of the patent of requisites, signatures, print of a seal (when it is necessary), stipulated by the present Rules;
- f) Necessity of finding-out of the questions connected with correctness of payment of patent fees;
- g) Absence of translation of documents of the application on Uzbek or Russian language if they are presented in other language;
- h) Absence of the document on deposition strain of a microorganism, a line of cells of plants or animals in an authorized collection - depository,
- i) Revealing of lacks of the official registration of papers, interfering their direct reproduction, storage and/or doing impossible preparation for the publication of the description for the patent (infringement of requirements to format of sheets, the sizes document margins, and etc., the quality of printing complicating perusal of materials of the application, and etc.);
- j) Absence in the description of the invention of the structural sections stipulated by the present Rules (if data which should be stated in corresponding section, are resulted in other section, the inquiry does not go), and also replacement in the description or the claim of the invention of the characteristic of an feature sending to a source of the information in which this feature is opened;

k) Presence in the application of references for the sources, not being popular, or instructions on impossibility of the publication of those or other data containing in it (not including data on the authors, wished to not be specified as those at the publication of data on granting of the patent);

l) Infringement of requirements about a statement of item of the claim in the form of one offer;

m) Absence in the claim of the invention of the instruction of object of invention for which the right protection is asked;

n) Presence in the claim of the invention instead of features of object of a corresponding kind only data about its operational parameters and consumer properties, effects and the phenomena which are taking place at its realization and/or use;

o) Discrepancy of documents of the application (the title of the invention resulted in the application, mismatches the title resulted in the description and in the claim of the invention; drawings mismatch the description of the invention, and etc.);

p) Necessity of finding-out of the questions connected with an establishment of earlier priority asked in the application.

166.

If the applicant when due hereunder will not present required materials or the petition for prolongation of term of their representation with observance of the conditions stipulated by § 10 present Rules the application is considered withdrawn on what the applicant is notified. Office-work under the application stops.

167.

Office-work can be continued in case of restoration by Patent Office of the missed term.

168.

With the purpose of correlation of subject of the application with this or that branch of techniques Patent Office classifies the declared invention according to operating edition IPC.

Classification is carried out:

At carrying out of formal examination of the application;

At carrying out of substantive examination of the application.

Classification is spent according to the rules established by Introduction in IPC.

At classification the basis for choice of classification index is the

claim of the declared invention. For fuller understanding of essence of the invention the description and drawings are involved. If the application covers some objects concerning different headings of IPC, all corresponding classification indexes are established. Thus the choice of the first index is defined by the title of the invention. The classification indexes established at a stage of formal examination can be changed during carrying out of substantive examination of the application.

169.

If as a result of formal examination of the application it is established, that it is completed on the offer which does not concern to patentable objects, to the applicant the inquiry with reduction of reasons which can form the basis for refusal in granting of the patent goes and the offer to deny the resulted reasons. The applicant is notified also that if from the date of a direction of inquiry it will not present the message of the specified maintenance the application is considered withdrawn to three-monthly term.

Office-work can be continued in case of restoration by Patent Office of the missed term.

If in the answer the applicant has not denied reasons of examination, the decision on refusal in granting of the patent makes.

170.

The declared offer does not admit the patentable invention in case it as a whole in that kind as it is characterized in independent item of the claim, falls under the list of the offers resulted in item 3 of the present Rules.

If the declared object is characterized in the iterative claim and the maintenance of dependent item causes the contradiction of this object to public interests, principles of humanity and morals, and such object also does not admit the patentable invention.

171.

If the application contains all necessary documents, observed requirements to them, established by the present Rules, and the declared offer does not concern to the list not recognized by patentable inventions, to the applicant the decision on acceptance of the application to consideration goes.

If at filing application the patent fee has been paid at a rate of, smaller than established for quantity of the items containing in the claim, and at reduction by the applicant conformity of the size of the paid patent

fee and quantities of items of the claim some of items originally contained in it have been excluded from last, in the decision it is underlined also, that the application is accepted to consideration concerning only that (those) the invention (inventions), considered declared to which the updated claim concerns, and that if by the subsequent consideration of the given application in Patent Office the applicant will make updating of the claim, it should not lead to occurrence in it of the independent item (items) concerning other invention.

§ 17. Scientific and technical substantive examination of the application

172.

In conformity with Article 23 of the Law scientific and technical substantive examination of the application (further substantive examination of the application) is spent under condition of payment of patent fee in the established size.

At receipt of the document on payment of patent fee in the established size, the applicant is notified on the fact of receipt of patent fee. If at filing by the applicant of the application for carrying out of substantive examination of the application the patent fee is paid at a rate of, smaller than established the applicant is notified on necessity for three-monthly term from the date of departure of the notification to harmonize the sum of the paid patent fee and quantity of independent and dependent items of the claim. The applicant should or specify the items of the claim concerning inventions which are subject to examination, or to present the claim of the invention from which the items concerning inventions are excluded, not a subject to examination, and/or the document confirming surcharge of patent fee.

173.

At failure of the document specified in the notification confirming payment of patent fee in the established size and when due hereunder, the application for one invention is considered withdrawn, and under the application for group of inventions substantive examination of the application is spent concerning the paid items of the claim specified first, or concerning items of the claim of the invention, specified by the applicant, under condition of their payment.

174.

At substantive examination of the application it is carried out:
Establishment of priority of the invention if it is asked according to second - fourth parts of the Article 18 of the Law;
Check of conformity of the claim of the invention presented by the applicant to the requirements resulted in items 62 - 85 present Rules;
Check of additional materials according to § 22 present Rules if such materials are presented by the applicant;
Check of conformity to conditions of patentability of the declared invention characterized in the claim, offered by the applicant in initial materials of the application or in the additional materials taken into consideration by consideration of the application.

§ 18. Establishment of priority of the invention

175.

The priority of object of the industrial property is established by date of filing in Patent Office of the application for granting of the patent. If in the application is not asked the priority of the invention on the basis of the second - the fourth parts of Article 18 of the Law its priority is established by date of filing in Patent Office of the application containing the application for granting of the patent, description, claim and drawings if they are necessary for understanding of essence of the invention.

At non-simultaneous representation of the specified documents the priority is established by date of that receipt from them which is presented to the last.

176.

At purchase by the applicant of conventional priority it is checked: Presence of the certified copy of the first application filed by the applicant in the state-member of the Paris convention. If the specified copy is presented after date of filing application to Patent Office, observance by the applicant of three-monthly term from the specified date during which the copy of the first application should be presented (if it is few the first applications, the specified conditions should be observed concerning a copy of each application) is established;

Observance by the applicant of 12-month's term, since date of filing of the first application during which the application with purchasing a conventional priority should act in Patent Office. If the application has filed after the specified term, but before the expiration of two months from the date of its termination, is checked, whether the circumstances independent of it who have prevented application in specified 12-month's term are named by the applicant, and is established necessity of their documentary acknowledgement if such acknowledgement is absent;

Representation of the application for an establishment of conventional priority not later than three months from the date of receipt of the application in Patent Office;

Disclosing of the declared invention in the first application.

177.

At purchase by the applicant of priority of the invention by date of receipt of additional materials to earlier filed application of the same applicant observance of following requirements is checked:

The application on which such priority is asked, should act in Patent Office within three months from the date of departure to the applicant of the notification of Patent Office about impossibility of acceptance in attention of additional materials in connection with their recognition changing essence of the declared offer. In that case when the conclusion about recognition of additional materials changing essence of the invention is received as a result of consideration of the application at expert meeting and it is fixed in the report, three-monthly term for representation of the new application is estimated from the date of departure to the applicant of copy of the report or from the date of granting of this copy to the applicant (to his patent attorney or the authorized representative); The declared invention should be opened in additional materials by date of which receipt the priority (in view of the maintenance of the initial application on which these materials have been presented) is asked.

178.

At purchase by the applicant of priority of the invention by date of filing in Patent Office of earlier application of the same applicant observance by the applicant of following requirements is checked:

The application, on which such priority is asked, should be filed by the same applicant, as earlier application;

The application on which such priority is asked, should act in Patent Office not later than 12 months from the date of receipt of earlier application;

The declared invention should be opened in earlier application;

Under earlier filed application earlier priority should not be asked.

At purchase priority on the basis of several before the filed applications observance of the specified requirements is established concerning each of them.

At purchase the specified priority earlier application (or all applications if a few) it is considered them withdrawn on what the applicant is notified.

179.

At purchase by the applicant of priority of the invention under the divisional application observance by the applicant of following requirements is established:

The divisional application should act in Patent Office before acceptance under the initial application for the invention or utility model of the decision on refusal in granting of the patent, which opportunities of the appeal are settled (i.e. during existence of basic opportunity of continuation of office-work under the application), or before date of

registration of the invention or utility model in the corresponding State register of the Republic of Uzbekistan in case of acceptance under the initial application of the decision on granting of the patent;
The invention declared in the divisional application, should be opened in the initial application and if the application is allocated from the conventional application and the priority is asked by date of its priority – that under the first application.

180.

At check of observance of conditions of an establishment of priority of the invention according to items 176 - 179 present Rules are necessary to be convinced that the application on the basis of which the priority is asked, or the application to which the additional materials are filed, being the basis for such purchase, is not withdrawn and it is not considered withdrawn.

181.

At establishment of observance by the applicant of the requirement connected with disclosing of the declared invention in earlier filed materials (before filed application, additional materials), being the basis for purchase priority, it is checked:

Whether are specified in these materials (in the description, claim of before filed application, in text part of additional materials) all the features included in the claim of the declared invention;

Whether the invention in these materials for asked date of priority with completeness, sufficient for realization is opened. At check of performance of the given condition in case of purchase of conventional priority from the applicant representation of translation on Uzbek or Russian language of the first application filed by him in the state-member of the Paris Convention can be required.

182.

If the questions arising at an establishment of priority do not interfere with end of substantive examination of the application they are found out simultaneously with other questions connected with consideration of the application.

183.

At observance by the applicant of the requirements specified in items 176 - 179 of the present Rules, concerning the declared invention are established an asked priority.

184.

At non-observance by the applicant even one of requirements specified in items 176-179 of the present Rules the priority of the invention is established (with the prior notification of it of the applicant) by date of application in Patent Office according to first part of Article 18 of the Law.

185.

In that case when after establishment of priority the applicant presents the changed claim of the invention, repeated stock-taking of the bases for establishment of asked priority is spent.

§ 19. Check of the claim of the invention

186.

Check is spent concerning the claim of the invention contained in initial materials of the application at the moment of end of formal examination of the application and if it changed the applicant after end of examination the changed claim under condition of observance of the requirements specified in § 20 present Rules is checked.

At check of the claim it is established whether the observance requirement of unity of the invention.

In case of establishment of infringement of the requirement of unity of the invention it can be offered to the applicant in three-monthly term from the date of direction of inquiry to present the specified description and the claim concerning one invention or to group of inventions, forming uniform inventive plan, with the instruction on necessity of surcharge of patent fee in case of when the updated claim can contain new items. At payment of patent fee for application at rate of, smaller than established for quantity of the items containing in the claim, in inquiry the applicant is offered to provide conformity of the size of patent fee and quantity of items of the claim by updating the claim and/or surcharge of patent fee.

In case of when the applicant when due hereunder has informed what the invention is a subject to consideration within the limits of the filed application, check is spent concerning the claim specified invention. If such message when due hereunder from the applicant has not acted, check is spent concerning the invention or group of the inventions forming uniform inventive plan, specified in the claim of the invention by the first.

187.

At check of the claim of the invention presence in it of essential features of the declared invention which set is sufficient for reception of the technical result specified by the applicant is established.

If an essential feature, without which the technical result (any of results if the applicant has specified some their kinds) it is not reached, is not included in independent item of the claim of the invention, but contains in the description or in dependent item of the claim, the applicant is offered to include such feature in independent item of the claim. Thus the reasons confirming necessity of inclusion of this feature in the claim for achievement of technical result is resulted. Such reasons can be based on the relationship of cause and effect opened in the description between features and technical result or on the scientific-theoretical analysis

lead by examination.

188.

Check of the claim of the invention includes establishment of opportunity identification features containing in it according to items 81-85 of the present Rules.

If it is established, that updating of its characteristic is necessary for opportunity identification a feature on the basis of the description of the invention the applicant is offered to lead such updating.

In that case when observed condition of opportunity identification an feature, but for its characteristic the terminology which has become outdated or not to the full corresponding accepted in concrete area of techniques is used, it can be recommended to applicant to bring corresponding updating in the claim of the invention.

Check of the claim of the invention includes revealing in the claim of the features necessary only for reception of result, not being technical, or (for the invention characterized with attraction of features of the program for electronic computers or used in such program of algorithm) of result which cannot be recognized concerning to the means embodying the invention, in view of positions of item 29 of the present Rules. At presence in the claim of the invention of the features necessary only for reception of result, not being technical, or result which cannot be recognized concerning to the means embodying the invention, the applicant is recommended to carry out updating of the claim for exception of it of such features. Thus he is informed, that such features do not take into consideration at check of conformity of the invention to condition inventive level and at the same time in case of granting of the patent their preservation in the claim of the invention can lead to narrowing of volume of legal protection.

At presence in the claim of the features having character of verbal, graphic or combined designations on the device, being object of the invention or used in the invention concerning by method, the attention of the applicant addresses on this circumstance. Thus he is informed on opportunity of concurrence of such designations or their similarities up to a degree of mixture with trademarks (service marks) which are registered or can be registered by other persons for the goods of identical purpose with the device or corresponding kinds of services, or with names of places of origin of the goods and, in case of use of the invention, - to collision of the patent owner rights and the owner of trademark (service mark) or to illegal application of the registered name of a place of an origin of the goods and it is offered to carry out updating of the claim for

exception of it of such features.

189.

If the claim of the invention includes a feature expressed by the general concept legitimacy of its use according to item 71 of the present Rules is established.

In particular, if the feature is characterized at a level of function, properties presence in the description of the data confirming sufficiency of a feature characterized in such form in aggregate with other features is checked included in independent item of the claim of the invention, for reception of the technical result specified by the applicant.

190.

If experimental data can testify to opportunity of reception of the technical result specified by the applicant only, presence in the description of the invention of examples of its realization with reduction of corresponding data, and also their sufficiency for conclusion about opportunity of achievement of such technical result not only in the special cases captured by presented examples, and legitimacy of the degree of generalization used by the applicant is checked at the characteristic of features of the invention.

In that case when examination such private forms of realization of an feature which fall under this general concept come to light, but do not provide in aggregate with other essential features reception of the technical result specified by the applicant, to the applicant corresponding reasons are resulted and it is offered to deny or modify them the claim on the basis of the description of the invention.

If in the claim of the invention concepts which are used by the applicant at the characteristic of the features included in the claim are revealed, but are absent in the description, to the applicant is informed that the claim presented by it is not based on the description in view of drawings and it is offered to include these concepts in the description.

191.

Whether at check of the claim on conformity to the requirement of item 81 of the present Rules is established, whether contain in the description of the invention or are reflected in the drawing of concept by which the invention is characterized.

192.

If in the application the single-claim claim or multiclaim claim with

one independent item it is checked, whether one invention (according to requirements of item 4 of the present Rules) is characterized in such claim is resulted.

193.

In that case when infringement of the specified requirements is established, to the applicant in directed inquiry it is informed on it and it is offered to modify the claim for elimination of the revealed infringement with payment of corresponding patent fee. Thus it is underlined also necessity of observance of the requirement of unity of the invention for the updated claim and payments of corresponding patent fee in case of inclusion in the updated claim of new independent items on the invention, earlier not presented by separate independent items, or in default the applicant to modify the claim - instructions of the invention which is a subject the further consideration.

If the basis for the specified conclusion was non-observance by the applicant of conditions of use for the characteristic of an feature of alternative concepts, character of the admitted infringement with the instruction of concrete alternative characteristics (all or some of resulted by the applicant) concerning which such infringement is established shows.

194.

If the applicant offers the multiclaim claim containing some of independent items, the analysis of each of them (together with subordinates it dependent items if those are available) according to the requirements stated in item 71 of the present Rules is spent.

195.

Check of the claim also includes:

- a) Establishment of presence in dependent items of the multiclaim claim of the invention of the features causing the contradiction of the invention in corresponding special cases of its performance or use to public interests, principles of humanity or morals;
- b) Presence in the claim of the invention of the dependent item assuming exception or replacement of feature(s) of that item of the claim to which it is subordinated.

196.

Concerning the multiclaim claim, each which independent item (together with subordinates to it dependent items if they are available)

characterizes only one invention, whether is established represent the inventions included in it group of the inventions forming uniform inventive plan.

The condition uniform inventive plan admits observed if the claim of the invention characterized in independent items correspond among themselves so, that they form uniform inventive plan.

197.

At check of correctness of reference of the inventions characterized in independent items, to variants it is necessary to be convinced, that the purposes of inventions specified by the applicant and technical results coincide.

The condition of concurrence of technical results is not considered broken if for each of inventions of group (or one of them) some technical results are specified, and concurrence is established only concerning the some people from among the specified technical results.

The condition of concurrence of technical results is not considered broken in that case when except for the general for all inventions of the characteristic of technical result the formulation of one of them in addition includes the instruction on any specific feature («decrease in friction» and «decrease in friction in conditions of the raised humidity»).

198.

If at check of the claim of the invention presented by the applicant its discrepancy to the established requirements shown to structure of the claim or to its statement, including in cases when such discrepancy has not been established at carrying out of formal examination of the application the applicant is offered to modify the claim of the invention is revealed.

If at the analysis of the claim of the invention presented by the applicant it is established, that it is made with infringement of requirements of the present Rules, but these infringements do not interfere with check of patentability of the declared invention all the questions connected with updating of the claim of the invention, are found out with the applicant after reception of preliminary conclusion about patentability of the invention characterized by such claim.

199.

Concerning the claim changed by the applicant by inquiry of examination or under own initiative, check according to items 187 - 197 present Rules is spent.

For check of patentability of the invention the claim with the changes confirmed by the applicant is accepted.

200.

In that case when at check it is established, that single-claim or the multiclaim formula with one independent item concerns to more than one invention, continuation of examination of the application probably only at the instruction the applicant of the invention which are subject the further consideration, and the estimation of patentability is carried out concerning only this invention.

201.

For check of patentability of the declared invention the claim concerning which check according to the present paragraph is lead is accepted.

§ 20. Check of patentability of the invention

202.

At check of patentability of the declared invention check is spent, whether it concerns to the list of the offers which are not recognized patentable, and conformity of the invention to conditions of industrial applicability, novelty and inventive level is established. At prospective reference of the declared object to the list of the offers excluded from protection, the applicant the inquiry with statement of corresponding reasons goes.

203.

The declared offer concerning which it is not drawn conclusion that it concerns to exclude of protection on the basis of item 3 of the present Rules, is checked on conformity to conditions of industrial applicability, novelty and inventive level.

204.

In that case when in the claim offered by the applicant the feature expressed by alternative concepts contains, check of patentability is spent concerning each set of features including one such concepts. If the conclusion about non-patentability is received concerning one of the specified sets by the further consideration of the application it is necessary to be guided by items 226 - 227 of the present Rules.

205.

At check of patentability of the declared invention the state of art do not join the sources containing the information, concerning to the invention, opened by the author, the applicant or any person who has received from them directly or indirectly this information in such a manner that data on essence of the invention became popular if the application for the invention is filed to Patent Office not later than six months from the date of disclosing the information.

206.

According to sixth part of Article 6 of the Law the invention is industrially applicable if it can be practically used in the industry, agriculture, public health services and other branches.

207.

In that case when the declared offer is characterized in such manner that its understanding is impossible or there are bases for its reference to

the objects which are not recognized by patentable inventions according to ninth part of Article 6 of the Law to the applicant the inquiry with the instruction of the found out discrepancies goes, reduction of necessary arguments of legal character and the offer to present the absent or corrected documents within three months from the date of its departure.

208.

If the applicant when due hereunder will not present required materials or the petition for prolongation of term of their representation the application is considered withdrawn on what the applicant is notified. Office-work under the application stops.

209.

Office-work can be continued in case of renewal by Patent Office of the missed term (§ 11 of the present Rules).

210.

At establishment of an opportunity of use of the invention it is checked, whether contain materials of the application the instruction of purpose of the declared object of the invention.

It is checked also, whether are described in primary materials of the application of means and methods by means of which realization of the invention in that kind as it is characterized in any of items of the claim of the invention is possible. At absence of such data in materials of the application it is admissible, that the specified means and methods have been described in the source which has become popular before date of priority of the invention.

Besides it is necessary to be convinced that in case of realization of the invention realization of the purpose specified by the applicant is really possible.

If about an opportunity of realization of the invention and realization of the specified purpose by it can testify only experimental data, presence in the description of the invention of examples of its realization with reduction of corresponding data (item 45 of the present Rules) is checked, and also whether the resulted examples are established, are sufficient that the conclusion about observance of the specified requirement extended on different private forms of realization of the feature, covered by the concept resulted by the applicant in the claim of the invention.

211.

If it is established, that for date of priority of the invention observed

all the specified requirements, the invention characterized in given independent item of the claim, admits corresponding to condition of industrial applicability.

At non-observance even one of the specified requirements the conclusion about discrepancy of the invention to condition of industrial applicability is done. In this case the inquiry with statement of corresponding reasons can be directed to the applicant, with the offer to express the opinion concerning these reasons and to modify the claim of the invention (if, in opinion of examination, materials of the application suppose such updating as a result of which the specified conclusion can be changed).

212.

Concerning the invention for which discrepancy to condition of industrial applicability is established, check of novelty and inventive level is not spent.

213.

According to second part of Article 6 of the Law the invention is new if it is not known from state of art.

Check of novelty of the invention is spent concerning all set of the features containing in independent item of the claim of the invention.

214.

Information search is spent on the basis of the claim of the invention in view of the description and drawings (if those are available), and also in view of possible admissible changes of the claim of the invention according to § 22 of the present Rules.

215.

If for date of receipt of the application for carrying out of substantive examination of the application the applicant when due hereunder has not answered the message on infringement of the requirement of unity, information search is spent under the invention (to group of the inventions forming uniform inventive plan), specified in the claim by first.

216.

At definition of state of art popular are considered the data containing in source of the information with which any person can familiarize himself or on which maintenance to it can lawful informed.

The date defining inclusion of a source of the information in state of art is:

For the published descriptions to protection documents – the date of publication specified them;

For domestic printed editions and printed editions of the former USSR – the date of signing for publication;

For domestic printed editions and printed editions of the former USSR which date of signing for publication is not specified, and also for other printed editions – their date of issue to the public, and at absence of an opportunity of its establishment – last day of month or on December, 31st the year specified in the edition if time of appearance is defined accordingly only month or year;

For the deposited manuscripts, articles, reviews, monographies and other materials – date of their deposition;

For reports on research works, explanatory notes to developmental works and other design, technological and design documentation which are being bodies of the scientific and technical information, – date of their receipt in these bodies;

For the specifications and technical documentation – date of its registration in the authorized body;

For materials of dissertations and author's abstracts of the dissertations published as the manuscript, – date of their receipt in library;

For the works accepted on competition – date of their calculation for acquaintance, confirmed by the documents concerning carrying out of competition;

For visually perceived sources of the information (posters, models, products, and etc.) – documentary confirmed date from which their review became possible;

For the exhibits placed at an exhibition, – documentary confirmed date started of their demonstration;

For oral reports, lectures, performances – date of the report, lecture, performance if they are fixed by the equipment of sound record or stenographical by way of, established by rules of carrying out of corresponding actions acted on named date;

For messages by radio, TV, cinema – date of such message if it is fixed on corresponding data carrier when due hereunder, acted on named date;

For data on a mean, become known as a result of its use, – documentary confirmed date from which these data became popular.

The application for the invention or utility model with earlier date of priority joins from this date in state of art (only for check of novelty) at observance of set of following conditions:

The application is filed in the Republic of Uzbekistan;

The application is filed by other person, i.e. other applicant;

The application is not withdrawn and it is not considered withdrawn. The application joins in state of art concerning the description and claim, containing in this application for date on which have acted the application, description, claim and drawings (for applications for the invention – only in case in the description there are references to them). If this date later, than date of priority of the considered application the application with earlier priority joins in state of art regarding its maintenance, conterminous with the maintenance of the materials formed the basis for establishment of priority (the first application, earlier the filed application, additional materials to this application). The state of art from the date of priority joins also all inventions and utility models patented (including the same person) in the Republic of Uzbekistan.

The inventions patented in the Republic of Uzbekistan and utility models join in state of art only concerning the claim from which registration of the invention or utility model took place in the corresponding register.

217.

As the characteristic of area of search in the patent documentation indexes of IPC headings are used.

At definition of area of search are considered object of the invention as a whole and its functionally independent features, distinctive from most close analogue. At definition of area of search functionally independent features, the general for the invention and most close analogue if there are the distinctive features concerning them, not being functionally independent are considered also. Search of these features is spent both in known objects, and in their parts regardless to purpose of these objects and their parts.

218.

Information search does not stop and spent up to the end in full even if during search means of the same purpose is revealed, described by the features identical to all features of the invention concerning which search is spent. The quantity of the analogues revealed during search should be defined from condition of the fullest and substantial information on a state of art without obvious recurrence and unnecessary duplication of the information.

219.

The invention does not admit corresponding to condition of novelty if in a state of art means in which the features identical to all features

are inherent is revealed, containing in the claim of the invention offered by the applicant, including characteristics of purpose.

If the declared invention concerns to application of the device, method, substance, strain on new purpose it does not admit corresponding to condition of novelty at detection of source of the information from which application of the same device, method, substances, strain is known with specified by the applicant intention.

220.

In that case when in state of art a source of the information from which the considered invention is known, the application with earlier priority is revealed, it is necessary to be convinced, that the application is not withdrawn and it is not considered withdrawn.

If the application is not withdrawn also term of its response has not expired, to the applicant of the considered invention is informed on presence of such application (without the instruction of its applicant and disclosing of the maintenance) and about stay of consideration of its application before definiteness under the application with earlier priority.

At disagreement of the applicant with stay of consideration of the application discrepancy of the declared invention to condition of novelty is established.

221.

If the invention characterized in independent item of the claim, containing dependent items is established, that, corresponds to condition of novelty the analysis of state of art concerning dependent items is not spent.

222.

In that case when the invention characterized in independent item of the claim is not recognized new, containing dependent items, the further consideration of the application it is spent according to items 230 - 233 of the present Rules.

223.

At establishment of absence of novelty of the invention characterized by the claim, not containing dependent items, the inquiry with statement of reasons of examination can be directed to the applicant and with the offer to present the opinion concerning these reasons and, if necessary, updated on the basis of initial materials of the application the claim of the invention.

224.

Concerning the invention for which discrepancy to condition of novelty is established, check of inventive level is not spent.

225.

According to third part of Article 6 of the Law the invention has inventive level if it for the expert in the obvious image does not follow from a state of art.

Check of inventive level is spent concerning the invention characterized in independent item of the claim, and includes:

Definition most close analogue according to item 28 of the present Rules;
Revealing of features with which the declared invention differs from most close analogue (distinctive features);

Revealing from a state of art of the decisions having features, conterminous with distinctive features of the considered invention.

226.

The invention admits corresponding to condition of inventive level if the decisions having features are not revealed, conterminous with its distinctive features, or such decisions are revealed, but popularity of influence of distinctive features on the technical result specified by the applicant is not confirmed.

To condition of inventive level correspond, in particular:

Methods of reception of new chemical compounds (class, group) with the established structure;

Methods of reception of known chemical compounds (class, group) with the established structure if they are based on new to the given class or group of compounds of reaction or on known for the given class or group of compounds of reaction which conditions of carrying out are not known; the composition consisting, at least, from two components, providing synergetic effect, which opportunity of achievement does not follow from a state of art (i.e. showing properties of both components, but quantity indicators even one of these properties above parameters of properties of separate component);
The composition consisting, at least, from two known components, providing synergetic effect, which opportunity of achievement does not follow from a state of art (i.e. showing properties of both components, but quantity indicators even one of these properties above parameters of properties of separate component);

The chemical compound falling under the general structural claim of group of known compounds, but not described as specially received and

investigated and thus showing new unknown persons for this group of property in qualitative or quantitative attitudes (the selective invention). If the declared invention characterized in the iterative claim, containing dependent items, is recognized corresponding a condition of inventive level concerning independent item, the further check concerning dependent items of the claim is not spent.

227.

The inventions do not admit to corresponding condition of inventive level based, in particular:

On addition of known means with any known part(s) attached to them by known rules, for achievement of technical result concerning which influence of such additions is established;

On replacement of any part(s) of known means with other known part for achievement of technical result concerning which influence of such replacement is established;

On exception of any part of means (element, action) with simultaneous exception of the function caused by its presence and achievement thus of usual result for such exception (simplification of design, reduction of weight, dimensions, material capacity, increase of reliability, reduction of duration of process and others);

On change of quantity of the same elements, actions for strengthening the technical result caused by presence in means of such elements, actions;

On performance of known means or its part(s) from a known material for achievement of the technical result caused by known properties of this material;

On creation of the means consisting of known parts which choice and communication between which are carried out on the basis of known rules, recommendations and achievable thus the technical result is caused only by known properties of parts of this means and communications between them;

On use of previously known device, method, substance or strain in a new way if new purpose is caused by its known properties, structure, performance and what exactly is known, such properties, the structure, performance are necessary for realization of this purpose.

The inventions based on change of quantitative feature(s) cannot be recognized corresponding to inventive level also, representation of such features in interrelation or change of its kind if the fact of influence of each of them on technical result is known, and new values of these features or their interrelation could be received proceeding from known dependences, laws.

Popularity of influence of distinctive features of the declared invention on technical result can be confirmed both one, and several sources of the information. Attraction of the arguments based on well-known in concrete area of techniques knowledge, without the instruction of any sources of the information is supposed. However it does not release examination from duty to specify such sources by the further consideration of the application if the applicant will insist on it.

If from a state of art decisions in which the features conterminous with distinctive features of the invention acknowledgement of popularity of their influence on technical result is not required if concerning such features it is not certain by the applicant, or in case of when it is established are inherent are revealed, that the specified technical result is not reached by the applicant.

228.

If the invention on independent item of the claim having dependent items is established, that, mismatches a condition of inventive level, the further consideration of the application is spent according to item 236 of the present Rules.

229.

If absence of inventive level of the invention characterized by the claim, not having dependent items is established the inquiry with a statement of corresponding reasons can be directed to the applicant, and the offer to present the opinion concerning these reasons.

230.

If the invention is characterized by the multiclaim claim containing dependent items, and the conclusion about non-patentability of invention concerning independent item in view of absence of novelty or inventive level the applicant is informed on it and it is offered to express opinion on expediency of the further consideration of the application with representation in case of acknowledgement of such expediency of the updated claim of the invention. In that case when to the examiner sources of the information which could be taken into consideration under condition of inclusion of the maintenance of dependent items in independent item are known, the applicant can be informed on it.

231.

In that case when patentability of the invention concerning independent item of the claim having dependent items is established, it is necessary

to be convinced, that characteristic of features of the invention containing in these dependent items does not interfere with realization of the invention or realization of the purpose specified by the applicant. Besides it is necessary to be convinced, that the invention characterized with attraction of features of dependent items, does not contradict public interests, principles of humanity and morals.

232.

At positive result of check concerning all named conditions the invention characterized by the multiclaim claim, having dependent items, admits patentable and the decision on granting of the patent is passed.

233.

At negative result of check concerning any of conditions to the applicant it is informed on it in inquiry and it is offered to present the reasons denying conclusions of examination, or to modify or exclude such dependent items from the claim of the invention.

234.

If the group of inventions is declared, check of patentability is spent concerning each of inventions entering into it. Patentability of group of inventions can be ascertained only when all inventions of group are patentable.

If it is established, that not all inventions of group are patentable the applicant is informed on it and it is offered to present the opinion concerning the resulted reasons and, if necessary, to exclude from the claim independent items (and the dependent items subordinated by it) in which not patentable inventions are characterized or to present these items in the updated kind.

235.

If the applicant in the cases stated above the changed claim of the invention the further consideration of the application is spent according to items 186 - 201 present Rules concerning the invention (s), characterized in this claim is represented.

In that case when the applicant, not resulting the reasons denying conclusion of examination, or the changed claim, insists on granting of the patent with early the claim stated by him, the further consideration of the application is not spent and passed the decision on refusal in granting of the patent.

§ 21. Request of additional materials at substantive examination of the application

236.

In conformity with Article 20 of the Law the request of additional materials, including the changed claim of the invention, shall be sent to the applicant only where it is impossible to examine the application without such materials.

The following are the grounds for the request:

Necessity of finding-out of the questions connected with correctness of payment of patent fee;

Necessity of specification of the claim of the invention by results of its check according to § 21 of the present Rules;

Necessity of the decision of the questions connected with check of patentability of the declared invention according to § 20 of the present Rules;

Necessity of specification of the claim of the invention by results of check of patentability of the declared invention;

Necessity of the decision of the questions connected with consideration of applications for identical objects of the industrial property, having the same date of priority.

Questions of other character, and also the remark and offers arising by consideration of the application and connected, for example, with establishment of priority, with specification of the characteristic of an essential feature of the invention, and etc., can be included in the inquiry directed on the bases specified above.

In that case when the specified bases for direction of inquiry are not present, the applicant is notified on the arisen remarks and offers.

In case of establishment of patentability of the invention considered according to items 200 - 201 of the present Rules, to the applicant in directed inquiry it is informed on it and again offered or to modify the claim by exception of it characteristics of the invention concerning which the estimation of patentability was not spent, or by allocation of this invention in independent item with payment of corresponding patent fee.

Thus the applicant is notified, that in case of failure by him when due hereunder the requested materials or the petition for prolongation of the specified term, the application in conformity with Article 20 of the Law is considered withdrawn.

237.

Resulted in inquiry or the letter the opinion of examination on any question

is supported with arguments of scientific and technical or legal character. References to the scientific and technical literature, positions of the Law, the present Rules and other normative documents if necessary are resulted.

238.

In that case when the applicant insists on inclusion in the claim of the invention concerning which the conclusion about the patentability is received, not identified or absent in initial materials of the application of feature or feature which characteristic is replaced by sending to a source of the information, or on inclusion of the new independent item which was offered by the applicant after application and not taken into consideration according to item 201 of the present Rules, to the applicant the inquiry with the offer goes to present the claim which is not containing the specified feature and/or item. Thus the applicant also is informed, that in case of failure when due hereunder required materials or the petition for prolongation of term of their representation, the application will be considered withdrawn.

239.

In that case when in inquiry the reference to a source of the information is resulted, all its bibliographic data necessary for detection of this source, and also other data (page, paragraph, number of figure of graphic representations, and etc.), necessary for detection in a source of those data which have been taken into consideration by consideration of the application are specified.

240.

In that case when the basis for inquiry is necessity of specification of the claim of the invention by results of check of patentability of the declared invention and specification of the claim are those, that corresponding updating of the description and/or drawings is necessary, it can be offered to applicant to present the specified description and/or drawings (or replacing sheets).

The same offer can be made at presence in the description and/or drawings of lacks, including before specified by examination, but not eliminated by the applicant.

In the specified messages detailed explanations concerning necessary character of updating of documents of the application are resulted.

241.

By preparation of the decision on granting of the patent with the claim changed (under the initiative of the applicant or under the offer of examination) so, that corresponding updating of the description is necessary, and also at presence of lacks of the description and/or drawings including before specified by examination, but not eliminated by the applicant, it can be offered to him to present the specified description and/or drawings (or replacing sheets) in three-monthly term from the date of departure of such offer.

242.

In case of not representations of required materials in the specified term, or petitions for prolongation of a target date, the application is considered withdrawn.

243.

If the answer presented by the applicant contains not all the requested data or documents, the inquiry of the missing and corrected materials can go to the applicant so much time, how many it is necessary for elimination of lacks of the application and its documents.

§ 22. Check of additional materials

244.

At receipt of the additional materials correcting or specifying documents of the application (i.e. a subject inclusion in their maintenance) and presented under the initiative of the applicant after submission of the petition for the preschedule beginning of formal examination of the application or after two months from the date of receipt of the application if such petition did not move, it is necessary to check up, whether the document confirming payment of patent fee in the established size is presented together with the specified materials. In case of failure this document together with additional materials the last do not take into consideration by consideration of the application on what the applicant is notified. Such notification can be included in the maintenance of the next document of the examination, directed to the applicant.

245.

At the decision of a question on, whether changes of documents of the application to brought under the initiative of the applicant concern is necessary to consider the following:

Changes of the document the applications presented by the applicant as after reception by him of any written message of examination, including inquiry, and without reception of such message, are not considered brought under the initiative of the applicant if these changes are directed on elimination of infringement of the requirement to the document of the application, admitted at its preparation;

Changes of the document the applications presented by the applicant after reception by him of any written message of examination, including inquiry, are not considered brought under the initiative of the applicant if these changes are connected with the maintenance of such written message of examination.

All other changes of documents the applications presented by the applicant as after reception by him of any written message of examination, including inquiry, and without reception of such message, are changes of documents of the application under the initiative of the applicant.

246.

In that case when additional materials contain the changed claim of the invention, it is established, whether they provide change of the claim by inclusion in it of one or several independent items of the invention which have been not allocated as those in the initial claim, and whether

the document confirming payment of the corresponding patent fee in view of terms of their representation is presented together with such additional materials.

247.

Concerning the additional materials presented by the applicant by inquiry of Patent Office, observance by the applicant of target dates of their representation is checked.

In that case when the applicant requested copies of the materials, opposed to the application, additional materials can be presented within three months from the date of departure to the applicant of the specified copies provided that they have been requested by the applicant within a month from the date of reception of inquiry of examination by him.

248.

At receipt of the additional materials presented by the applicant under own initiative or by inquiry of Patent Office and accepted to consideration, whether it is checked they change essence of the declared invention. Additional materials admit changing essence of the declared invention if they contain a subject inclusion in the claim the features which are absent in initial materials of the application.

Features are considered a subject inclusion in the claim of the invention not only in that case when they contain in the specified claim presented by the applicant but also when the applicant only specifies such inclusion. The features which are resulted in additional materials and a subject inclusion in the claim, admit absent in initial materials of the application if they have not been opened in the claim or in the description, containing in the application for date on which in Patent Office have filed the application on granting of the patent, the description, claim of the invention and drawings (if in the description there is a reference to them).

If in initial materials of the application the feature of the invention has been expressed by the general concept without disclosing private forms of its performance representation of such form of performance in additional materials with its reference to an feature which is a subject inclusion in the claim of the invention, is the basis for recognition of additional materials changing essence of the declared invention.

The features mentioned in the description only concerning state of art including the nearest analogue, do not concern to the features of the declared invention containing in initial materials of the application. In that case when the application concerns to group of inventions, features

of any invention of the group, containing in initial materials of the application, the features mentioned in the description applicable to this invention of group are considered.

Exception is made by group of inventions, one of which is intended for use in other. Thus containing in initial materials the features of one inventions intended for use in other, are considered also as features of other invention.

If the declared invention concerns to use of previously known device, method, substance or strain in a new way changing essence of the invention the additional materials containing the instruction of others admit, than in initial materials of the application, purpose of known object or other features used for the characteristic of known object.

249.

The additional materials containing the applications absent in initial materials of data on the declared invention, not concerning the features which are subject inclusion in the claim, are not considered changing essence of the invention. In particular, new (additional) data on conditions of realization of the invention, examples of realization of the invention, the instruction can be carried to such data on an opportunity of reception of the additional technical result, the specified graphic materials, etc.

The additional materials containing alongside with absent in initial materials of the application by features, a subject inclusion in the claim of the invention, also other data necessary for consideration of the application, admit changing essence only regarding, containing the specified features.

Other data are considered at carrying out of examination.

250.

In case of recognition of additional materials changing essence of the declared invention, the applicant is informed (in the next document of examination directed to him) on what of the data included in additional materials have formed the basis for such conclusion of examination.

Thus the further consideration of the application proceeds concerning the claim of the invention presented by these additional materials, but without taking into account the features which have been not opened for date of application in the description, and also in the claim if it contained in the application for date of its filing.

251.

At the check of the claim of the invention presented in additional materials changed by the applicant, whether changes for the declared invention concern are established.

Declared inventions to which the initial claim concerns if the patent fee has been paid for application at a rate of, corresponding quantity of items containing in it are considered, and in case of when the patent fee has been paid in the smaller size – inventions concerning which the application is accepted to consideration.

At replacement of the initial patrimonial concept reflecting purpose of the invention, other change of the claim admits concerning to the declared invention if the specified concepts are equivalent, are concerning submission or are crossed, i.e. their volumes in full or in part coincide. Changes of the claim the inventions providing inclusion in it of independent items, not concerning the declared invention, in attention are not accepted, on what the applicant is notified.

Change of the claim of the invention admits concerning to the declared invention in cases:

Changes of the instruction of a kind of object of the invention (device, method, substance) if again specified kind in a greater degree, than initial, corresponds to character of the features containing in the initial claim of the invention;

Replacements of originally declared object of the invention «use on new purpose» on object of the specified new purpose if it is established that application of object, data about which did not become popular before date of priority is declared;

Replacements of originally specified object of the invention by object of the invention «use on new purpose» if from popular before date of priority of data popularity of the means differing from declared only purpose is established.

252.

In case of recognition of additional materials changing essence of the declared invention the applicant is informed (in the next document of examination directed to him) on what of the data included in additional materials have formed the basis for such conclusion of examination.

Changes of the claim the inventions which are not concerning the declared invention, in attention are not accepted, on what the applicant is notified.

§ 23. Conversion of the application

253.

In conformity with Article 19 of the Law the application for the invention may be converted into the application for granting of the patent for utility model before decision-making on granting of the patent.

At receipt of the application for such conversion correctness of its registration shall be checked, whether is established it is presented before decision-making on granting of the patent and presence together with the application of the document for payment of corresponding patent fee in the established size.

254.

In that case when the application is completed with infringement of the prescribed requirements, the applicant is informed that conversion of the application is impossible.

255.

Where a confirmation of the payment of a prescribed fee was not furnished together with the request, the latter shall be considered as not filed, whereof the applicant shall be notified.

256.

The application, which was not converted, shall remain the application for invention and be considered in accordance with these Rules.

257.

If it is established, that the application is completed according to the established requirements and together with it the document on payment of patent fee in the established size is presented, to the applicant the notification on taken place conversion in which also it is informed, that the further consideration of the application will be spent according to the established order goes.

At receipt of the application after decision-making on granting of the patent the applicant is notified that conversion of the application cannot take place.

258.

In that case when for date of filing of the application for conversion of the application by the applicant the additional materials correcting or specifying the application for the invention are presented, or the

changed claim of the invention, is spent check of these materials according to the present Rules on which results is informed the applicant in the notification on results of consideration of the statement on conversion of the application.

259.

Conversion is not spent concerning applications for the invention withdrawn or considered withdrawn.

260.

If the statement for conversion has acted on the application, considered withdrawn according to third part of the Article 20 of the Law, and together with the application the petition for restoration of the missed term of representation of additional materials by inquiry of examination is presented, the last is considered according to § 11 of the present Rules. At establishment of opportunity of restoration of term the applicant is notified on it and about results of consideration of the statement for conversion of the application.

261.

At receipt from the applicant up to direction to him notifications on taken place conversion of the application of the request to consider not submitted his statement (recall of conversion of the application) for conversion of the application is considered not taken place, the paid patent fee for conversion of the application can be returned or passed in when due hereunder.

The request of the applicant to consider his statement for conversion of the application not submitted, acted after direction to him notifications on taken place conversion of the application for the invention in the application for granting of the patent for utility model, and is not the basis for return conversion of the application and return of the paid patent fee.

262.

The application for the invention, growing out conversion of the application for utility model, is considered according to § 16 of the present Rules.

The additional materials presented under the application for utility model for date of receipt of the application for its conversion to the application for the invention, are considered at examination of the application for the invention regarding, taken into consideration by results of their

check.

§ 24. Decision to grant the patent

263.

At establishment of conformity of the declared invention (and if the group is declared - each invention of group), expressed by the claim offered by the applicant, to all conditions of patentability to the applicant the inquiry with statement of the claim of the invention and conclusions of examination goes, and it is offered in three-monthly term from the date of direction of the given inquiry, to inform the opinion concerning conclusion of examination.

If there are lacks of the description and/or drawings on which necessity of elimination the applicant was not notified earlier the description and/or drawings can be offered to present in three-monthly term from the date of departure of such offer to the applicant specified.

Thus the applicant is notified, that if such term is for it insufficient, he can under condition of payment of patent fee before the expiration of this term inform on other, but not exceeding six months from the date of departure of the offer, term during which it will present specified the description and/or drawings.

The applicant is notified also that if he will not present the opinion in the mentioned three-monthly term concerning the claim of the invention and conclusions of the examination, the specified description or the message of the specified maintenance, and at presence of such message - will not present the specified description to the term specified in this message under the application the decision with the claim of the invention stated in given inquiry makes, and at the publication the initial description of the invention will be used.

264.

At receipt from the applicant of the consent with opinion of examination to the applicant the decision on granting of the patent for the invention with the claim specified in inquiry goes.

If the declared claim expresses essence of the invention and is completely based on the description, but made without taking into account most close analogue (or analogue in general) or contains alongside with features of the declared object features of other object and the applicant insists on the edition of the claim offered by it, in the decision on granting of the patent the claim in edition of the applicant is resulted.

The claim of the invention is resulted in the edition offered by the applicant, and in that case when features containing in it are characterized with use of the terminology, not being standard or standard (but it does not

interfere their identification), and the applicant has refused to modify the claim, and also if patentability of all declared inventions considered in conformity with second part of Article 23 of the Law is established. In that case when the claim of the invention offered by the applicant contains mistakes in spelling, punctuations, and etc., by preparation of the decision on granting of the patent in the claim are made corresponding corrections.

265.

Under condition of payment of the established patent fee Patent Office in conformity with Article 24 of the Law makes the state registration of the invention in the State register of inventions and in conformity with Article 25 of the Law publishes data on registration of the invention.

§ 25. Decision of refusal of the grant of patent

266.

At establishment of discrepancy of the declared invention expressed by the claim, offered by the applicant, even to one condition of patentability ("industrial applicability", "novelty", "inventive level") to the applicant goes inquiry, about impossibility of granting of the patent with reduction of corresponding substantiations and the offer in three-monthly term from the date of direction of inquiry to inform his opinion concerning conclusions of examination.

The applicant is notified also that if he will not present the message of the specified maintenance in the mentioned three-monthly term the application is considered withdrawn.

267.

Under the petition of the applicant office-work can be continued in case of renewal by Patent Office of the missed term.

268.

At receipt from the applicant of the consent with opinion of examination to the applicant the decision on refusal in granting of the patent for the invention goes.

In that case when the applicant after his acquaintance with the circumstances which have served by the reason for refusal in granting of the patent, had been presented reasons concerning patentability of the declared invention, which have not changed, however, the conclusions of examination, in the decision the analysis of the specified reasons is resulted.

If in the decision the reference to a source of the information at the instruction of its bibliographic data is resulted should be observed a condition resulted in item 216 of the present Rules.

269.

The decision on refusal in granting of the patent is pronouncing, if the declared invention characterized in the multiclaim claim, having one independent item and dependent items is established, that, mismatches one of conditions of patentability concerning independent item and the applicant refuses to modify this item of the claim.

270.

If it is established, that one of the declared inventions characterized

in the multiclaim claim of declared group of inventions (in different its independent items or in one), or one of sets of the features including different alternative features, mismatch one of conditions of patentability and the applicant refuses to modify or exclude the characteristic of this invention the decision on refusal in granting of the patent makes from the claim.

Thus in the decision to be true patentability of another of the invention(s) concerning which such conclusion is received proves.

271.

If patentability of the invention under the considered application is established, but there is another not withdrawn or not considered withdrawn the application for the identical invention or utility model, having earlier date of priority, and at concurrence of date earlier registration number to the applicant of the considered application it is informed on it and that granting of the patent under its application is possible at performance of the conditions established regarding third part of the Article 18 of the Law.

The message to the applicant of the considered application of any bibliographic data of other application containing the identical invention or utility model, and disclosing of its maintenance before the publication of data on granting of the patent is supposed only at the consent to it of the applicant of other application.

If applications for identical inventions or the invention and utility model are filed by the same applicant in the notification he is informed, that granting of the patent is possible only on one application which will be specified to them.

272.

Identity of inventions (or invention and utility model) is established on the basis of claims in their last edition presented by the applicant when due hereunder.

Inventions (or invention and utility model) admit identical if maintenances of independent items of the claim completely coincide.

Chapter IV. Filing and consideration of the international application

§ 26. Filing of the international application

273.

In conformity with Article 2 (xv) PCT the Patent Office carries out functions of Receiving Office in the Republic of Uzbekistan, being guided thus PCT, Instruction, corresponding manuals published in WIPO IB, and also the Law and the present Rules.

274.

The international application files in Patent Office in Russian or English language. The international application files in triplicate. All documents are made out so that their direct reproduction in unlimited quantity of copies was possible. Each sheet is used only on the one hand, with an arrangement of lines to in parallel smaller party of sheet. If the international application is filed in smaller quantity of copies, according to Rules 21.1(c) of Instructions under the request of the applicant the necessary quantity of copies of the international application can be made by Receiving Office under condition of payment by the applicant of the established tariff. The application form of the international application files on the special form or in the form of computer listing. If the international application is completed with use of software PCT-SAVE, the machine-readable carrier containing the application in format PCT-SAVE and the abstract in format TXT is applied on the international application for the paper carrier. In the international application containing disclosing of nucleotides sequences and/or amino acids, the list of the sequences, satisfying to the requirement of WIPO standard ST.25, is represented in the form of separate part of the description to this application.

275.

The international application for the invention created in the Republic of Uzbekistan, can be filed at observance any of conditions: before filing of the international application the corresponding national application for granting of the patent of the Republic of Uzbekistan for the invention or utility model has been filed to the Patent Office; in the application of the international application the Republic of Uzbekistan as the state in which the applicant is measured to receive the patent is specified.

276.

The international application is checked on conformity to requirements of Article 11 (1) and Article 14 of PCT. Under the international application which has been last check with positive result, date of its international filing is established.

§ 27. Transmittal of the international application

277.

The international application on which date of the international filing is established is sent by Patent Office according to requirements of Article 12 PCT to WIPO IB and the International Search Authority.

§ 28. National phase

278.

Functions of the designated and selected Office in items of Article 2 PCT in the Republic of Uzbekistan are carried out by Patent Office, being guided thus PCT, Instruction, corresponding manuals published by WIPO International Bureau, and also in the cases stipulated PCT, the Law and the present Rules.

279.

In conformity with Article 25 (2) PCT and a rule of 51 of Instructions Patent Office can reconsider the decision of any Receiving Office or WIPO International Bureau concerning the international application, and also in conformity with Article 24 (2) or 39 (3) PCT can keep action of the international application under the petition of the applicant if will find the reasons resulted in the petition proved.

280.

The international application containing the instruction of the Republic of Uzbekistan as the state in which the applicant is measured to receive the patent for the invention concerning which in conformity with Article 11 (1) PCT the date of the international filing which have been not withdrawn and not considered withdrawn according to Article 24 PCT and also which action is kept concerning the Republic of Uzbekistan is established, is considered according to the Law.

281.

As a date started of consideration of the international application in conformity with Articles 22 (1), 39 (1) PCT date on which thirty one month from the date of priority of the international application specified in Article 2 (xi) PCT expires is considered. In conformity with Article 23 (2) PCT under the request of the applicant consideration of the international application can be begun before target date.

282.

For transferring of the international application into national phase the applicant before the expiration of thirty one months from the date of priority of the international application at least the application of the international application on Uzbek either Russian language, or translation on Uzbek or Russian of the application containing in the international application filed on other language, publication sheet of

the international application, translation on Uzbek or Russian of the claim of the invention is represented. Instead of translation of an application containing in the international application can be presented the application for granting of the patent of the Republic of Uzbekistan, stipulated by the Law.

283.

The document confirming payment of patent fee for application in the established size or the document is applied on documents of the international application, confirming presence of the bases for clearing of payment or reduction of its size.

284.

To translation of the application of the international application into Uzbek or Russian language the translation into Uzbek or Russian language of the description of the application (except for the part of the description including the list of nucleotides sequences and/or amino acids), claim of the invention, any text concerning drawings, and abstract, in that kind as they have been filed for date of the international application is applied. In case of transferring into national phase of consideration of the international application with the claim changed in conformity with Article 19 PCT, translation into Uzbek or Russian language of the changed claim of the invention simultaneously with translation into Uzbek on Russian language of explanations concerning the changes brought by the applicant is represented.

In case of transferring of the international application into national phase of consideration, in view of changes of the claim of the invention, description and drawings of the international application brought in conformity from Article 34 (2) (b) PCT, translation into Uzbek or Russian language of the international application in view of the brought changes accepted by International Preliminary Examination Authority is represented. To the international application containing the list of nucleotides sequences and/or amino acids, the machine-readable data carrier (diskette) with record of copy of the same list of the sequences, meeting the requirements of WIPO standard ST.25, and signed by the applicant or its representative the statement of that the information represented in the machine-readable form, is identical to the list of sequences presented on the paper carrier is applied.

§ 29. Consideration of the international application

285.

In conformity with Articles 23, 40 PCT consideration of the international application begins after thirty one months from the date of priority asked in the international application under condition of representation by the applicant of the documents mentioned in items 282-284 of the present Rules.

286.

Under the request of the applicant consideration of the international application can be begun before a target date. In case of if the request for the beginning of consideration of the international application before the specified term is submitted by the applicant before date of its international publication, together with translation of the application into Uzbek or Russian language is represented the copy of the international application registered by Receiving Office concerning which date of its international filing is established.

287.

About the fact of receipt of documents of the international application to the applicant the notification with the message of appropriated registration number of the application and date of receipt of documents goes.

288.

If it is established, that the documents specified in item 282 of the Rules, are not presented by the applicant when due hereunder, action of the international application concerning the Republic of Uzbekistan in conformity with Articles 24 (1) (iii), 39 (2) PCT stops. The documents presented after a target date, can be accepted to consideration, under condition of acknowledgement by the applicant of the valid reasons of the miss of target date by way of, stipulated by Rule 49.6 of Instructions, and also payments of the established fee.

§ 30. Formal examination of the international application

289.

In conformity with Article 11 (3) PCT as date of filing of the international application, date of its international filing is considered.

290.

At carrying out of formal examination observance of requirements of items 159 - 170 of the present Rules is checked, and also are checked: conformity of the data specified in the application, to the bibliographic data specified in publication sheet of the international application; presence of documents on change of data on the name of the applicant, about authors, and also about an asked priority; presence of the report on the international search and/or the conclusions of the International Preliminary Examination.

291.

If the report on the international search and/or the conclusion of the International Preliminary Examination contain conclusions about infringement of the requirement of unity of the invention and their validity in case by any parts of the international application the report on the international search was not made, or the international preliminary examination as stipulated by Articles 17(3)(a) and 34(3)(a) PCT was not spent the additional fees, the specified parts of the international application can be accepted to consideration under condition of payment by the applicant of the established fee. In case of non-payment of the established patent fee to consideration only those parts of the international application on which the report on the international search was made and/or the international preliminary examination was spent are accepted.

292.

If during formal examination of the international application it is established, that the application is completed with infringement of requirements to its documents, the inquiry with the offer goes to present the absent or corrected documents within three months from the date of its departure.

293.

If the application contains all necessary documents, observed requirements to them, established by the present Rules, and the declared offer does

not concern to the list of objects not recognized by patentable inventions, to the applicant the decision on acceptance of the application to consideration goes.

§ 31. Substantive examination of the international application

294.

Substantive examination of the international application is spent according to §§ 17 - 22, 24-25 of the present Rules. According to Article 27(5) PCT at definition of a state of art and check of conformity of the declared invention to conditions of patentability Patent Office is guided by corresponding positions of the Law and the present Rules.

295.

At substantive examination of the application in addition carried out: check concerning the claim of the invention presented by the applicant while transferring of the international application for national phase and if it changed the applicant prior to the beginning of substantive examination of the application, - that concerning the changed claim of the invention, according to item 174 of the present Rules; check of the additional materials providing modification and additions in documents of the application, according to § 22 of the present Rules.

296.

In that case when at carrying out of substantive examination of the application infringement of the requirement of unity of the invention according to Rule of 13 of Instructions is established, according to Article 27(4) PCT check on conformity to the requirement of unity of the invention according to item 4 of the present Rules is carried out. If the result of check according to item 4 of the present Rules is positive, the applicant is notified on results of check. If the applicant insists on use of requirements PCT and the Instruction the final conclusion is done by results of check of conformity to requirements of unity of the invention according to the Instruction in view of the reasons resulted by the applicant.

297.

If the international application is transferred by the applicant to national phase of consideration in view of changes of the claim of the invention in conformity with Article 19 PCT, published by the WIPO International Bureau together with the international application or in addition to it, and/or in view of changes of the claim, description, drawings in conformity with Article 34 PCT, accepted by International Preliminary Examination Authority, checked, whether there are these changes for frameworks of initial materials of the international application as which the materials containing in the application for date of its international

filing are considered. Check of the changes brought by the applicant in the international application on national phase of consideration (in particular, simultaneously with representation in Patent Office of translation into Uzbek or Russian language of the international application), is carried out according to the Law and 22 present Rules. At check of admissibility of the changes brought in the international application Patent Office, in case of need, can request of the applicant representation of translation into Uzbek or Russian language of the documents containing in the international application for date of its international filing.

298.

According to parts of 2 and 3 of the Article 20 of the Law term during which the applicant has the right to make to the international application of change and addition under the initiative without payment of the fee, is counted from the date of the beginning of consideration of the international application according to the Law.