

Rules for Filing and Submission of Application for Registration of a Trademark

Adopted by the Patent Agency of the Ministry of Economy and Commerce of the Republic of Kazakhstan on 8 October 1996, registered as No.226 at the Ministry of Justice of the Republic of Kazakhstan on 30 April 1997

Introduction

The Rules for filing and submission of an application for registration of a trademark (hereinafter Rules 1) were developed in accordance with the Law of the Republic of Kazakhstan “On service trademarks and products’ appellations of origin” as well as the regulations adopted by the National Patent Office. They were developed taking into account the up-to-date trends in harmonization of the trademark legislation.

List of Abbreviations

Law, the – the Law on trademarks, service marks, and products’ appellations of origin

ICGS – Nice International Classification of Goods and Services (Nice Classification)

Rules 1 - The Rules for filling out and submitting application for registration of a trademark

Trademark – trademark and/or service mark

Products – goods and/or services

1. Submitting an application

1.1. Under Paragraph 1 of the Article 5 of the Law, any legal or natural body making business under the laws and regulations has the right to submit an application for a trademark registration.

1.2. Application is to be submitted to Kazpatent in person or by post. It is possible to fax the application. The fax can be accepted provided that

2.1.1. Word denotations may consist of words, word-like combinations of letters, word combinations, collocations, sentences, other speech units and their combinations.

2.1.2. Design denotations may consist of any graphic images on a surface (either specific or abstract images of any objects, figures, lines, styled font elements, and various combinations of

- a certified copy of a previous application, if the applicant requests conventional priority, and its translation into the

- a patent agent, if he submits the application.

If the application is signed by an authorized official, he/her shall specify his/her surname and initials and affix a stamp.

2.6. The letter of attorney shall include:

- a full name and address of the constituent;
- signature of the authorized representative of the applicant or applicant himself;
- title and name of the person who signed the letter of attorney;
- indication of authorization granted to the patent agent, including the right to recall the application and abandon registration;
- the name of the agent;
- date of issue;
- validity period;
- stamp certifying the signature of the responsible authorized person.

Any action of the patent agent within his authorization or any action by Kazpatent concerning the agent has the same effect as the actions by the applicant or concerning the applicant.

2.6.1. General letter of attorney can be made for several applications (registrations) and must reflect all the authorizations provided by it.

3. Making changes in the application

3.1. Applicant can request in writing to make changes in the application that do not affect the scope of the protection requested within 2 months since the date of the application submission. No fees charged for this. Applicant pays the fee for any changes made after the specified period of time.

3.2. In case of making changes to the declared denotation that do not affect its general perception, applicant submits changed image of the denotation in the quantity specified in par. 2.2.1.

3.3. Change of applicant's name or address without transfer of the property right can be made by applicant's request in writing with specification of the application number.

3.4. In case of a cession of the right for acquisition of the certificate to another body, in the official request the applicant specifies information about the assignee and certifies the fact of assignee's agreement for the succession.

3.5. It is possible to request change names or addresses of the applicant in several application by one request.

3.6. Division of the application by applicant's request can be made