

November 2019

In this issue:

1. The resolution of the Cabinet of Ministers on the requirements for obtaining a patent.
2. The resolution of the Cabinet of Ministers on the state registration of innovation, utility model and industrial design.
3. The Decree of the President of the Republic of Azerbaijan on the improvement of the management of the control system and the regulation of financial services market.

...

1. According to this resolution, any individual or legal person may submit a statement of claim for obtaining a patent on invention, utility model and industrial design.

Any foreign individual or legal person may submit a statement of claim for obtaining a patent on invention, utility model and industrial design only through the patent attorneys registered by the Intellectual Property Agency of the Republic of Azerbaijan (hereinafter "Agency"), unless otherwise not agreed in the international treaties, which the Republic of Azerbaijan is a party to.

In cases where a Patent attorney acts on behalf of a Claimant, the right of this attorney shall be approved by the power of attorney.

A statement of claim shall contain following:

- The description of the invention and utility model;
- The formula which expresses the essence of the invention and utility model;
- The sketch and other materials to understand the essence of the claim object;
- The set of photos providing detailed description of products, relating to the industrial design;
- The sketch, configuration map and ergonomic scheme of products, if there is a need to reveal the essence of the industrial design;
- The photos of products of the industrial design;
- The description of signs of industrial design;
- The Synopsis.

A Claimant has the right to make amendments or additions to the statements of claim within 1 month from the date of its application.

A Claim for Patent shall be in Azerbaijani language. Other materials of statements of Claim shall be in Azerbaijani or other languages.

In order to improve the information search and integration in international search system, the formula and synopsis of the innovation and utility model shall be published in official newsletter of the "Industrial property".

The name of the Claimant(s), the name, surname and patronymic of the author(s) shall be submitted in

Azerbaijani, Russian and English languages.

The description, the formula, the sketch and the synopsis of the innovation and utility model in Azerbaijani language shall be submitted in 2 copies and other documents shall be submitted in 1 copy.

•••

2. A registration of the innovation, utility model and industrial model shall be carried out by the Agency of Intellectual Property and the registry shall be paper-based or electronic.

A registry shall contain the following information:

- The number of patent;
- The date of registration of patent;
- The number of registration of the statement of claim;
- The date of addition of statement of claim into the Agency
- The number of the statement of claim, which has convention priority date;
- The date of addition of the document, which has convention priority;
- The code of the country, which has the convention priority, etc.

This information shall be added to the Registry by the authorized person appointed by the head of the Agency.

After such information is included into the registry, the owner of the patent or its heir, or its representative shall be informed about it.

The owner of the patent or its heir or its representative shall have the right to apply to the Agency in order to make changes in the innovation, utility model and industrial design. The changes shall be carried out after the submitting the claim along with the document approving the payment of the state fee.

If the state fee was paid through "ASAN payment", the owner of the patent, or its heir, or its representative shall apply to the Agency through electronic system.

After the changes has been made in the registry, the owner of the patent, or its heir, or its representative shall be informed about such changes during 5 working days.

In case of the loss of the original of the patent, it shall be published in the official newsletter on the basis of the statement of the patent owner.

In order to obtain a duplicate of the patent the owner of the patent shall indicate the following information:

- The number of patent;
- The number of the statement of claim;
- The date of the statement of claim;
- The name of the protected object.

The following shall be added to the application:

1. The document approving the payment of the state fee;

2. The copy of the announcement on the loss of the original of the patent.
 3. The power of attorney, if the application is submitted by the representative of the owner of the patent.
- Information about the obtaining the duplicate shall be placed in the Registry.

•••

3. In accordance with the Decree of the President of the Republic of Azerbaijan, the Financial Market Supervisory Authority shall be abolished and its authority, along with its rights and obligations in the area of license, regulation and control in the financial service market and its property shall be transferred to the Central Bank of the Republic of Azerbaijan.

BHM Legal Update is organized by themes about major legal processes which aim to alert businesses
About significant laws, legislative changes and landmark court decisions.
This material should not be construed as legal advice or legal opinion.

FOR MORE INFORMATION:

“SKS” Plaza, 7th floor, 49 Fuzuli Str., AZ1014

T. (+99412) 4800088

office@bhm.az

www.bhm.az

©BHM Law Firm LLC. All rights reserved.