

## **HOW TO GET A EURASIAN PATENT FOR INVENTION**

### **1. GENERAL PROVISIONS**

#### **1.1. Eurasian Patent Convention**

The Eurasian Patent Convention was signed on September 9, 1994, in Moscow (hereinafter – the Convention). It entered into force on August 12, 1995.

The main purpose of the Convention and the Eurasian Patent Organization it established (hereinafter – the EAPO) is the creation of a regional international system for the legal protection of inventions based on a single Eurasian patent valid on the territory of all states party to the Convention.

A Eurasian patent is granted for a term of 20 years from the date that the application for a Eurasian patent for invention (hereinafter – Eurasian application) is filed.

The entry of the Convention into force created a common patent space on the territory of the states party to it to ensure the following with due account for international practices in patent cooperation and integration:

- facilitation and cost reduction of the procedure for obtaining titles of protection valid in all states party to the Convention (a single Eurasian application in one language (Russian), single examination, and single Eurasian patent);
- mandatory substantive examination system of Eurasian applications and, consequentially, the granting of legally robust Eurasian patents for inventions;
- harmonization of the protection of patent owners' rights within a common patent space based on the Convention and on other related regulatory legal acts.

#### **1.2. Relationship with Other International Agreements**

The Convention is a special agreement established according to the Article 19 of the Paris Convention for the Protection of Industrial Property of March 20, 1883 (hereinafter – the Paris Convention). As such, the provisions of the Paris Convention, such as those related to priority of invention, are also valid for Eurasian applications.

The Convention is a regional patent treaty according to the Article 45 of the Patent Cooperation Treaty of June 19, 1970 (PCT). Eurasian patents may therefore be granted based on international applications filed under the Patent Cooperation Treaty.

The Eurasian Patent Office (hereinafter – the Eurasian Office) is a receiving office, as well as a designated and elected office in accordance with the PCT. On October 7, 2021, at its fifty-third (twenty-third regular) session, the Assembly of the Patent Cooperation Treaty Union approved a decision to appoint the Eurasian Office as an International Searching Authority and International Preliminary Examining Authority under the PCT.

The provisions of the Patent Regulations under the Convention approved by the EAPO Administrative Council at the second (first regular) meeting held on December 1, 1995 (hereinafter – the Patent Regulations) concerning the requirements referring to Eurasian applications, the procedure for their drafting and filing, establishing the filing and priority dates and other formal requirements comply with provisions of the Patent Law Treaty of June 1, 2000 (PLT).

For the purposes of the patent procedure, provisions of the Budapest Treaty on International Recognition of the Deposit of Microorganisms for the Purposes of the Patent Procedure of April 28, 1977 (hereinafter – the Budapest Treaty) are applied to inventions related to biotechnological products.

To classify Eurasian patent documents, the Eurasian Office uses the International Patent Classification (hereinafter – IPC), introduced by the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971.

The Eurasian Office may enter into agreements with national or regional patent offices for patent search for Eurasian applications, provided that they are capable of performing search of the same type as that provided for by the Patent Cooperation Treaty.

### **1.3. Choosing the Patent Grant Procedure**

Applicants may choose the way for the legal protection of inventions from among the national procedures for obtaining patents in each state party to the Convention separately or the procedure for obtaining a single Eurasian patent which ensures the protection of the invention in all said states.

To obtain a Eurasian patent, the applicant must prepare and file a Eurasian application with the Eurasian Office (or national office, as appropriate) according to the requirements set forth in the Convention and the Patent Regulations.

A Eurasian patent may also be obtained based on an international application filed under the Patent Cooperation Treaty. To do so, the applicant must perform the acts required for entry of the application into the regional phase in the Eurasian Office within the prescribed time limit.

**Procedural Advantages.** The Eurasian system for the protection of inventions via a common patent valid on the territory of all states party to the Convention provides for a procedure of granting of Eurasian patents without the need to file applications and perform examination in each state separately.

The Eurasian patent system is flexible and attractive to users, in particular, with regard to the time limits for the procedural actions necessary to obtain Eurasian patents. Thus, Eurasian patent law entitles applicants to request the extension of the time limit for submitting a response to notification from the Eurasian Office requesting additional documents, and, in the event the prescribed time limits are not met, to file a request for the further processing of the Eurasian application or to restore a lost right to a Eurasian application and Eurasian patent.

The Eurasian patent procedure provides the applicant the opportunity to speed up the examination of a Eurasian application both as a paid service and as part of bilateral Patent Prosecution Highway (PPH) programs based on agreements signed by the Eurasian Office with multiple leading global

patent offices, in particular, with the European Patent Office, the Japan Patent Office, the National Intellectual Property Administration of the People's Republic of China, the Korean Intellectual Property Office, and the Finnish Patent and Registration Office.

The Eurasian Office provides users with a wide range of up-to-date information services, which, among other things, allow the electronic submission of documents related to Eurasian applications and Eurasian patents and the prompt receipt of correspondence from the Eurasian Office.

**Economic Factor.** The Eurasian patent procedure allows for the incremental payment of the fees incurred in the course of the examination of a Eurasian application and the grant of a Eurasian patent.

In particular, it allows the fees to be paid in the course of the processing of a Eurasian application to be divided into separate stages: the first covers the filing of the Eurasian application, the establishing of the filing date, the formal examination of the Eurasian application, patent search, and the publication of the Eurasian application; the second stage covers the substantive examination of the Eurasian application and the grant and publication of the Eurasian patent.

An applicant may use the patent search report received in the first stage to assess his or her prospects of obtaining a Eurasian patent and therefore make a decision on the usefulness of continuing the patenting procedure.

If a Eurasian application contains a patent search report related to the claimed invention performed by the Eurasian Office, the single procedural fee paid for filing the Eurasian application and the fee for each patent claim in excess of the fifth is reduced by 40%, if said report has been prepared by another office which has the status of International Searching Authority under the PCT, the fees are reduced by 25%.

Natural person applicants who are citizens of states party to the Convention shall pay fees related to the filing of a Eurasian application, the grant of a Eurasian patent, or the transfer or restoration of the rights to a Eurasian application or Eurasian patent at a preferential rate reduced by 90%. Natural person applicants who are citizens of other states included in the list of states eligible for the reduction in payment of international fees under the Patent Cooperation Treaty shall pay said fees at a preferential rate reduced by 50%.

Legal entities from the states party to the Convention also have the right to reduction in payment of the above-mentioned fees and, depending on the legal entity's category, said fees may be reduced by up to 70%.

In the event there are multiple applicants, the corresponding reductions in fees are applied only in cases in which every applicant is entitled to the reduction requested.

#### **1.4. Conversion of a Eurasian Application to a National Patent Application**

Before the expiration of six months from the date an applicant receives notification from the Eurasian Office on refusal to grant a Eurasian patent or from the date the applicant receives notification of refusal to satisfy an appeal against the Eurasian Office's decision, the applicant may file a request with the Eurasian Office specifying the states party to the Convention in which the applicant wishes to obtain patents in accordance with the national procedures.

In each of the states listed, the Eurasian application shall be deemed a properly drafted national application filed with the national office on the same filing and priority date, if claimed, as that of the Eurasian application.

### **1.5. Provisional Legal Protection**

An invention for which a Eurasian application has been filed shall enjoy provisional legal protection on the territory of all states party to the Convention, from the date the application is published to the date the Eurasian patent is published, to the extent of claims in the published Eurasian application.

The provisional legal protection of an international application filed under the Patent Cooperation Treaty and entered the regional examination phase by the Eurasian Office shall commence on the date of its international publication in Russian, and, if published in any language other than Russian, on the date of publication of the translation of said international application into Russian by the Eurasian Office.

### **1.6. Right to a Eurasian Patent**

The right to a Eurasian patent belongs to the inventor or to his or her legal successor in title.

If the inventor is an employee, the right to a Eurasian patent shall be determined in accordance with the applicable legislation in the state of the employee's primary employment. If the state of his or her primary employment cannot be determined, the applicable legislation shall be that which is in effect in the state where the employer is engaged in the business activity with which the employee is associated.

A Eurasian patent owner has the exclusive right to use the patented invention and to allow or prohibit others to use the patented invention. Patent owners may transfer their rights or license their inventions.

The effect of a Eurasian patent granted for a method for producing a product shall also apply to the product directly obtained using said method.

Eurasian patent owners are granted rights strengthening their positions in the markets of the states party to the Convention, with no additional special fees, namely:

- exclusive rights to the invention in all states party to the Convention for the period from the grant of the Eurasian patent to the expiration date of the payment of the first annual maintenance fee for the Eurasian patent;
- after the grant of the Eurasian patent, the ability to receive commensurate compensation from any who used the invention without the applicant's consent during the period of provisional legal protection in any state party to the Convention in which the claimed invention was used.

### **1.7. Right of Prior Use and Right of Subsequent Use**

Eurasian patent law takes into consideration the interests of third parties whose creative, economic, and entrepreneurial activities come into contact with the exclusive rights granted to Eurasian patent owners on the territories of the states party to the Convention.

Any natural person or legal entity or organization equated thereto, who, in good faith, has used a solution identical to an invention protected by a Eurasian patent on the territory of any state party to the Convention prior to the Eurasian application filing date (if the priority is established, then prior to the invention priority date) retains the right to the further use of said solution free of charge without expansion of the scope of its application.

The above persons or entities, who, in good faith, started using an invention or solution identical thereto on the territory of a state party to the Convention in the period from the date on which the rights to the published Eurasian application or granted Eurasian patent were lost and the date of publication of information on the restoration of the rights to the Eurasian application or Eurasian patent may continue to use said invention or solution identical thereto in a manner similar to that mentioned above, without expansion of the scope of its application.

The right of prior use and right of subsequent use also apply in cases where the above persons or entities have not yet started using the above-mentioned subject matter, but have made the necessary preparations for such use.

The right of prior use and right of subsequent use may be transferred to another individual or legal entity or organization equated thereto only together with the production facilities where the invention was used or the necessary preparations were made for its use.

The right of prior use and right of subsequent use apply only to the territory of the state party to the Convention in which said prior use or subsequent use occurs.

### **1.8. Regulation of Relations in the Use of Inventions**

Relations in the use of inventions, including inventions for which the Eurasian patent is owned by several persons or entities, shall be governed by the national legislation of the states party to the Convention with due account for the provisions of the Convention.

Relationships between the owners of interconnected Eurasian patents shall be governed by the national legislation of the states party to the Convention.

Disputes related to the infringement of a Eurasian patent in a particular state party to the Convention shall be resolved by the courts or other competent authorities of said state based on the Convention and on the Patent Regulations.

### **1.9. Examination of Eurasian Applications**

The procedure for the examination of a Eurasian application is conventionally divided into two stages: the first stage involves establishing the filing date for the Eurasian application, the formal examination of the Eurasian application, patent search, and publication, and the second stage begins with the substantive examination of the Eurasian application and ends with a decision on

the compliance or non-compliance of the claimed invention with the requirements of the Convention and the Patent Regulations and, if the result is positive, the publication and grant of the Eurasian patent.

The applicant may, upon the invitation of the Eurasian Office, participate in the examination of the Eurasian application at any stage of the procedure.

## **2. PATENTABILITY**

### **2.1. Invention**

Eurasian patents are granted for any invention that is novel, involves an inventive step and is industrially applicable .

The subject matter listed below are not recognized as inventions:

- discoveries;
- scientific theories or mathematical methods;
- presentation of information;
- methods of economy organization and management;
- symbols, schedules and rules, including rules of games;
- methods for performing mental activity;
- algorithms and computer programs;
- projects and plans for structures and buildings and for land development;
- solutions concerning solely the outward appearance of manufactured goods and aimed at satisfying aesthetic needs.

The subject matter listed above are not recognized as inventions in cases where a Eurasian application or Eurasian patent is directly related only to any of the above subjects as such.

Eurasian patents are not granted for:

- plant varieties and animal breeds;
- topology of integrated circuits;
- inventions, the commercial use of which it is essential to prevent, for the purposes of protecting public order or morality, including the protection of the life and health of people and animals or the protection of plants, or in order to prevent serious damage being caused to the environment. In that regard, such use may not be considered such, solely on the grounds that it is forbidden by the legislation of one or more states party to the Convention.

## **2.2. Prior Art**

The prior art includes all information which became globally publicly available before the filing date of a Eurasian application and, in the event that priority is requested, before the invention priority date.

For the purposes of the determination of prior art, information contained in an information source with which any person is able to familiarize himself/herself, or the contents of which can be legally communicated to such person, shall be deemed publicly available.

## **2.3. Novelty**

An invention may be considered novel if it is not part of the prior art.

For the purposes of verifying the novelty of an invention, the prior art also includes the contents of any Eurasian application as filed, provided that said application or the Eurasian patent granted thereunder will subsequently be published according to the established procedure and that the filing date of said application (priority, where claimed) precedes the filing (priority) date of the Eurasian application under consideration. The content of an international application is included in the prior art on its filing (priority) date, subject to the requirements for its entry into the regional phase.

## **2.4. Inventive Step**

An invention shall be considered to involve an inventive step if, having regard to the prior art, it is not obvious to a person skilled in the art.

To identify whether an invention meets the inventive step requirement, the prominence of the influence of the distinctive features of the invention on the technical result achieved shall be determined.

In this, auxiliary criteria shall also be used which indirectly characterize the obviousness or non-obviousness of the invention, including:

- satisfaction of a long-felt need;
- complexity of the problem being solved;
- the making of significant improvements in technical progress;
- overcoming experts' distrust and skepticism;
- duration of research leading to a positive result, etc.

In most cases, the compliance of an invention with this patentability criterion is evidenced by the achievement of a novel or unexpected technical result.

## **2.5. Industrial Applicability**

An invention shall be considered industrially applicable if it may be used in industry, agriculture, healthcare, or other areas of human activity.

Compliance with this patentability criterion is ensured by the following requirements:

- the files of the Eurasian application must specify the purpose of the subject matter of the claimed invention;
- the feasibility of implementing the invention in accordance with the claimed purpose must be determined.

## **2.6. Sufficiency of Disclosure**

A Eurasian application shall disclose the subject matter of the invention in a manner sufficiently clearly and complete for the invention to be carried out by a person skilled in the art.

Compliance with this requirement is ensured by the availability of details in the documents of the Eurasian application sufficient for a person skilled in the art to put the invention into practice, implement its claimed purpose, and achieve the technical result within the entire claimed scope. Such details must be disclosed in the documents of the Eurasian application or must be known from the prior art existing before the priority date.

Where a Eurasian application relates to a biotechnological product or a process involving the use of such a biotechnological product that cannot be disclosed in the Eurasian application in a manner such that the invention can be carried out by a person skilled in the art and there is no free access to such a biotechnological product, the application shall contain information evidencing the deposit of such biotechnological product on or before the date of its filing with a competent depositary authority in accordance with the Budapest Treaty or with any other authority recognized for deposit by the Administrative Council of the EAPO.

## **2.7. Non-Prejudicial Invention Disclosure**

Disclosure of invention-related information that otherwise would affect its patentability shall not do so where the information relating to the subject matter of the invention has been made available to the public no earlier than during the six months preceding the filing date of, or the priority date, if claimed, the Eurasian application, by the inventor or applicant or by any person having obtained the information directly or indirectly from them. The burden of proof of the circumstances of disclosure shall be on the applicant.

This privilege does not apply to cases when the earlier disclosure by the inventor, applicant, or person receiving information therefrom is made in a Eurasian application, the filing date (or invention priority date, if claimed) of which precedes the corresponding date of the Eurasian application under consideration.



### **3. EURASIAN APPLICATION FILING PROCEDURE**

#### **3.1. Eligibility to File Eurasian Applications**

Eurasian applications may be filed by natural persons or legal entities (or organizations equated thereto) entitled to receive Eurasian patents, regardless of their citizenship, residence, or location.

For the purposes of the Eurasian patent obtaining procedure, applicants filing Eurasian applications shall be deemed eligible to be granted Eurasian patents.

A Eurasian application may be jointly filed by several persons or entities, such as jointly by a legal entity and individual.

Applicants, regardless of their citizenship, residence, or location, may file Eurasian applications and pay the prescribed fees on their own, without a representative, even in cases where the designation of a representative is mandatory for the further representation before the Eurasian Office.

#### **3.2. Representation**

Applicants having no permanent residence or location on the territory of any state party to the Convention shall be represented by Eurasian patent attorneys.

The list of Eurasian patent attorneys specializing in inventions is posted on the EAPO web portal at: <https://www.eapo.org>.

Applicants having permanent residence or location on the territory of a state party to the Convention may file Eurasian applications and conduct affairs with the Eurasian Office both independently and through Eurasian patent attorneys or representatives who are not Eurasian patent attorneys.

The applicant shall appoint a representative by granting a power of attorney, issued in writing and which shall require no certification.

The representative's powers may be confirmed by a general power of attorney, whereby the applicant appoints said person to represent his or her interests with the Eurasian Office in respect of any Eurasian applications that have been filed or will be filed. The general power of attorney shall be kept in the Eurasian Office with copies to be submitted to the Eurasian Office within the established time frame together with the corresponding Eurasian applications filed.

The power of attorney shall be submitted together with the Eurasian application filed or within two months from the date of its receipt by the Eurasian Office. The power of attorney confirming the powers of a Eurasian patent attorney shall be submitted at his or her discretion, except in instances when the submission of a power of attorney is mandatory according to the Patent Regulations.

Should the power of attorney be submitted other than within the specified term, it may be submitted within four months from the date when the applicant is notified of the need to submit a power of attorney and subject to the payment of an additional fee.

Should the power of attorney be submitted other than within the established term with due account for extension of the latter, all of the representative's actions, except for the filing of the Eurasian application, the request for substantive examination, and the payment of fees, shall be deemed as not performed.

### **3.3. Eurasian Application Documents**

A Eurasian application must contain an application for the grant of a Eurasian patent, a description of the invention, claims, drawings or other documents necessary to understand the substance of the invention, an abstract, and other documents provided for in the Patent Regulations and other EAPO regulatory legal acts, in particular, a document confirming the payment of fees and a power of attorney, if the Eurasian application is filed through a representative.

Should the invention claimed in the Eurasian application concern sequences of nucleotides and/or amino acids, the description of the invention shall contain such sequences in a machine-readable form.

If a Eurasian application is filed on paper, it shall be submitted in one copy when filed directly with the Eurasian Office and in two copies when filed through the national office of a state party to the Convention. The document confirming the payment of the prescribed amount and power of attorney shall be submitted in one copy.

### **3.4. Language of Eurasian Applications**

The official language of the EAPO is Russian.

An application for the grant of a Eurasian patent shall be submitted in Russian. Other documents of the Eurasian application may be filed in Russian or in other languages.

If a Eurasian application is filed in another language, the applicant shall submit a translation of the materials of the Eurasian application into Russian within two months from the date of receipt of said application by the Eurasian Office. If the translation of the materials of the Eurasian application into Russian is not submitted within these two months, it may be submitted within the following two months, subject to the payment of an additional fee.

### **3.5. Application form for the Grant of a Eurasian Patent**

Applications for the grant of Eurasian patents shall be submitted on a printed form approved by the Eurasian Office. The printed form may be obtained free of charge from the Eurasian Office or from the national offices of the states party to the Convention.

The application form can be found on the EAPO web portal in the "Documents / Electronic Forms" section. An editable application form can be found there and printed out.

An application for grant of a Eurasian patent must contain all of the necessary information provided for in the printed form. The application shall be signed by the applicant or his or her representative if the Eurasian application is filed through a representative. An application filed on behalf of a legal entity or organization equated thereto shall be signed by the manager of the legal

entity or organization equated thereto or by another authorized person. Said signature must be accompanied by the position of the signatory.

### **3.6. Claiming Priority**

If the applicant or his or her predecessor has already filed an application for a patent for an invention or utility model in a state party to the Paris Convention or World Trade Organization (earlier application), the applicant may claim priority in respect of the inventions disclosed in the earlier application when lodging a Eurasian application. To exercise this right, the applicant shall file a Eurasian application no later than 12 months from the filing date of the earlier application.

One advantage of establishing priority based on an earlier application is that the prior art for invention patentability assessment purposes is determined by the priority date rather than by the filing date of the Eurasian application.

The applicant may claim several priorities for a single Eurasian application, even if the earlier applications are filed in different states. In this case, the term beginning on the priority date shall be counted from the earliest priority date.

When priority is claimed based on an earlier application, the applicant shall specify the filing date of the earlier application, the application number, and the state (office) where said application was filed. The applicant shall also submit a copy of the earlier application, certified by its filing office. The copy of the earlier application shall be submitted within 16 months from the date of the earliest priority.

In the event of failure to submit a certified copy of the earlier application within the specified term, the applicant will lose the right to claim priority.

Certified copy of the previous application shall not be submitted if such copy of said application is available to the Eurasian Office through the WIPO Digital Access Service for Priority Documents (WIPO DAS).

If the earlier application is made in a language other than Russian, a translation of it into Russian shall be submitted by the applicant only at the request of the Eurasian Office in cases where confirmation of the right of priority is required to establish the patentability of the invention.

### **3.7. Presentation of Invention**

**Disclosure of Invention.** The invention shall be disclosed in the Eurasian application to an extent sufficient for a person skilled in the art to carry it out. For the purposes of the disclosure of the invention, the basis of the Eurasian application shall be its description of the invention, which must contain necessary information on the substance of the invention and means and methods for carrying it out or use, and be a source of claims specifying the scope of legal protection based on the Eurasian patent.

The features of the invention shall be expressed in the documents of the Eurasian application in generally accepted special terms and concepts. Conventional or abbreviated names of products, processes, modes, and so on may be used for the designation of features only in exceptional cases when their generally accepted names are impossible to specify or awkward.

If it is necessary in the applicant's opinion, drawings and/or other graphic documents contributing to a better understanding of the invention disclosure contained in the invention description may be included in Eurasian application files. Graphic documents may be presented as part of the invention description or as an independent document in the Eurasian application.

**Unity of Invention.** A Eurasian application shall pertain to a single invention or group of inventions interrelated to the extent that they constitute a single inventive concept.

A group of inventions may be formed both by inventions of heterogeneous subject matter (device and method, substance and method, etc.) and inventions of homogeneous subject matter, such as variations of the invention or inventions correlated as part and whole.

The unity of the invention shall be deemed observed when a technical relationship exists between the inventions in the form of one or more identical or corresponding special technical features that determine the contribution made to the art by each of the inventions claimed.

The compliance of a Eurasian application with the requirement for the unity of invention shall be established both before the patent search and following its results.

**Description of Invention.** The description of the invention shall disclose the invention with completeness sufficient for its carrying out by a person skilled in the art.

The description of the invention shall show the technical problem solved by the invention, the way and means of its solution, and the technical result which may be obtained when the invention is put into practice. The description shall use terms and expressions generally recognized in the corresponding technical field.

The description shall contain an invention title corresponding to the substance of the invention and, generally, characterizing the purpose of the claimed subject matter.

The description of the invention shall contain information on the prior art known to the applicant, highlighting the closest prior art, where necessary.

Similar means having the same purpose which became publicly available before the filing date of the Eurasian application or before the priority date, if claimed, shall be specified as prior art of the invention. In this case, bibliographic data for the prior art shall be provided.

The substance of the invention shall be described by its essential set of features, that is, the features that influence the technical result achieved (via a cause-and-effect relationship). Where necessary, the features distinguishing the invention from the closest prior art shall be highlighted.

For a group of inventions, this information shall be given separately in the description of each invention.

The description shall include a list of figures, drawings, and other graphic documents.

The following section of the description shall contain information confirming the possibility of carrying out the invention.

If the subject matter of the invention is a device, its description in static state shall be provided, with references to the drawing figures. After this, the device shall be described in the course of its operation.

For inventions for which the subject matter is a method, the sequence of actions on a material object and the conditions, modes, and means of their implementation shall be specified. At the same time, examples of the implementation of the invention shall be provided. When new substances are used in the method, the method of their production shall be disclosed.

If an invention pertains to a composition, examples shall be given to specify the ingredients included in the composition, their characteristics, and quantitative ratios. When new substances are used in the composition, the method of their production shall be disclosed.

For an invention pertaining to an individual chemical compound with an established structure, the structural formula and physical and chemical constants shall be provided, and the method for preparing the compound shall be described. The possibility to use the compound for a specific purpose shall be confirmed.

If a Eurasian application discloses an invention pertaining to a sequence of nucleotides and/or amino acids, the description of the invention shall contain said sequence, which may be presented as a separate document in a machine-readable form.

The procedure for submitting Eurasian application documents containing sequences of nucleotides and/or amino acids is posted on the EAPO web portal in the "Documents / Legal Protection of Inventions" section.

**Claims.** Claims specify the scope of legal protection granted by a Eurasian patent. Claims may be interpreted using the invention description and drawings.

Claims shall specify the subject matter of the invention and express the substance of the invention. This means that it shall contain all of the features that characterize the invention. Claims shall be recognized as expressing the substance of the invention if they contain all essential features.

Claims shall be clear, accurate, based on the description, and characterize the invention with the features and concepts contained in the description.

Claims may be presented in the form of two parts, the first (restrictive) part containing the invention features matching the features of the closest prior art (prototype), and the second (distinctive) part including the features which distinguish the invention from the closest prior art.

Claims may be drafted without dividing them into two above mentioned parts, that is, without explicitly emphasizing the novelty of the invention, if this is the most appropriate way to present it. Such presentation of claims is used, in particular, in cases where they characterize the following:

- an individual chemical compound;
- a biotechnological product;
- the application of a device, method, substance, or biotechnological product;

– an invention having no prior art (pioneer invention).

The independent claim shall pertain to a single invention and represent a characteristic of that single invention, including an indication of the purpose of the invention and the set of technical features sufficient to achieve the technical result specified in the invention description when the invention is implemented for its intended purpose.

Claims may include several independent items in accordance with the number of inventions for which legal protection is sought, and also subordinate dependent items.

Dependent claims shall be grouped together with the independent claim to which they are subordinate and be presented sequentially therewith.

A dependent claim shall present a particular form of the implementation or use of the invention, the characteristics of which, along with all invention features contained in the independent claim to which said dependent claim is subordinate, additionally include features that develop and/or clarify features of the independent claim.

Claims may include dependent claims subordinate to other dependent claims, which shall be prepared and grouped in the claims section in the manner described above.

Dependent claims may have multiple dependence on several independent and/or dependent claims characterizing subject matter of the same category.

The claims of a Eurasian application may contain independent claims related to various subject matter, such as:

– an independent claim for a device, substance, or biotechnological product, an independent claim for a method specifically provided for the manufacture (production) of said device, substance, or biotechnological product, and/or an independent claim for the use of said device, substance, or biotechnological product;

– an independent claim for a method and an independent claim for a device specifically provided for the implementation of said method;

– an independent claim for a device, substance, or biotechnological product, an independent claim for a method specifically provided for the manufacture (production) of said device, substance, or biotechnological product, and an independent claim for a device specifically provided for the implementation of said method.

Claims with a design, product, or circuit as subject matter shall specify the essential features characterizing said subject matter in a static state. A feature may be expressed by indicating the function of one or another part of said subject matter, if this contributes to an understanding of the substance of the invention.

Claims with a method as subject matter shall contain information on the actions or operations, their sequence and modes or conditions of performance, and the means used (where necessary) which characterize the claimed method.

Verbs characterizing actions in claims with a method as subject matter shall be stated in the active voice, indicative mood, third person, plural (fill, grind, moisten, etc.).

**Abstract.** The abstract is intended to give information on the invention and is a summary of the invention.

The abstract shall begin with the name of the invention and contain a brief description of the technical field to which the invention relates and information on the substance of the invention specifying the technical result achieved. The gist of the invention shall be presented in a free exposition of the claims, preserving all essential features of the invention.

Where necessary, a drawing or other explanatory details may be included in the abstract.

**Eurasian Application Presentation Form.** Eurasian applications shall be filed on paper in written form.

The Eurasian Office also offers the opportunity to file Eurasian applications in electronic form through the Eurasian Office automated system for electronic filing and electronic exchange (EAPO-ONLINE) (see paragraph 7.3).

In terms of legal status, a Eurasian application filed in electronic form is the equivalent of a Eurasian application filed on paper in written form.

### **3.8. Eurasian Application Filing Authority**

Eurasian applications shall be filed with:

- the Eurasian Office directly;
- the Eurasian Office through the national office of a state party to the Convention, if provided for by the national legislation of said state. Currently, applicants from all states party to the Convention are required to file Eurasian applications through the national offices of their states. This requirement does not apply to Eurasian applications which claim priority based on earlier applications or to divisional Eurasian applications.

When a Eurasian application is filed directly with the Eurasian Office, the files of said application may be submitted directly to the Eurasian Office on paper, sent by mail, fax, or e-mail, or in electronic form through the EAPO-ONLINE system. If the files of a Eurasian application are sent by fax or e-mail, their originals shall be submitted within one month from the date of receipt of said application by fax or e-mail.

## **4. ENTRY OF AN INTERNATIONAL APPLICATION INTO THE REGIONAL PHASE IN THE EURASIAN OFFICE**

### **4.1. General Provisions**

An international application filed under the Patent Cooperation Treaty may enter the regional phase of examination in the Eurasian Office (hereinafter – the regional phase). To initiate the procedure for the examination of an international application in the Eurasian Office, the applicant

shall submit the relevant documents to the Eurasian Office within the prescribed term (see paragraph 4.3).

An international application entered the regional phase shall be deemed a Eurasian application, which is subject to Eurasian patent law, from the date of the beginning of its examination in the Eurasian Office.

Should an applicant fail to perform necessary actions for an international application to enter the regional phase within the prescribed time, for the purposes of the Convention, said application shall be deemed withdrawn.

#### **4.2. Time Limit for Entry of an International Application into the Regional Phase**

The time limit established for the entry of an international application into the regional phase is thirty one months from the date of international filing, and if priority is claimed for said application, from the date of the earliest priority.

#### **4.3. Documents to Be Submitted for the Entry of an International Application into the Regional Phase**

The applicant is usually not required to submit a copy of the international application to the Eurasian Office as far as the Eurasian Office receives a copy of the international application from the International Bureau of the World Intellectual Property Organization (hereinafter – the WIPO IB). The submission of a copy of the international application is specifically required in cases where the applicant has filed a request for an earlier examination of the international application, and said application has not yet been published by the WIPO IB (see paragraph 4.7).

To ensure the entry of an international application into the regional phase, the applicant shall, before expiration of thirty one months from the earliest priority date, submit the following documents to the Eurasian Office:

- document confirming payment of the unitary procedural fee;
- translation of the international application into Russian, if it was published in another language;
- request for substantive examination and document confirming payment of the fee for substantive examination.

To ensure the entry of an international application the regional phase, it is recommended that the applicant submit the special EAPO/IA form "Entry of International Application into the Regional Phase of Examination in the Eurasian Office Acting as Designated or Elected Office". This form can be found on the EAPO web portal in the "Documents / Electronic Forms" section. The editable EAPO/IA form may be completed and printed.

Taking into account the option of extending the deadlines for submitting the above documents which is provided for by EAPO regulation, an international application shall be deemed entered into the regional phase if the applicant submits at least one of said documents or a completed EAPO/IA form before the expiration of the thirty-one-month period mentioned above.



#### **4.4. Time limit for Document Submission**

If the required documents are not submitted before the time limit for entry of the international application into the regional phase, they may be submitted within the time limits below.

The document confirming payment of the unitary procedural fee shall be submitted within the two subsequent months subject to the payment of an additional fee of 20% of the established amount.

The document confirming the payment of the fee for substantive examination shall be submitted within the two subsequent months subject to the payment of an additional fee of 50% of the established amount.

Translation of the international application into Russian shall be submitted within two months from the expiration date for the entry of the international application into the regional phase, or in the two subsequent months, subject to the payment of an additional fee.

A document confirming the payment of the fee for claims in excess of five shall be submitted within two months from the expiration date for the entry of the international application into the regional phase, or within the two subsequent months, subject to the payment of an additional fee of 20% of the established amount.

The particularities of the determination of the time limits for the submission of the documents mentioned above in the filing of a special request for the early examination of an international application in the Eurasian Office are established in paragraph 4.7.

Power of attorney shall be submitted within the two months from the date of the beginning of the examination of the international application in the Eurasian Office. If power of attorney is not submitted within said term, it may be submitted within four months from the date that notification of the need to submit a power of attorney is sent to the applicant, subject to the payment of an additional fee. A power of attorney confirming the powers of the Eurasian patent attorney is submitted if he or she desires, except in certain cases described in the Patent Regulations for which the presentation of a power of attorney is mandatory.

#### **4.5. Amendment of Files of an International Application Entered the Regional Phase**

When an international application is entered the regional phase, the applicant has the right to amend or adjust the invention claims, description, and drawings, if doing so does not change the substance of the invention and the changes fall within the extent of the disclosure in the files of the international application as filed. Such amendments shall be submitted in Russian separately from the other documents of the application. Amendments and adjustments may be made without payment of the fee established for amendments within two months from the date of the beginning of the examination of the international application in the Eurasian Office.

#### **4.6. Translation of International Application Documents into Russian**

The translation of an international application into Russian shall include translation of the description of the invention, the claims, the abstract, any text related to drawings as they are on the international application filing date, and also a translation of the PCT form.

It is recommended that the applicant submit the special EAPO/IA form instead of a translation of the PCT application.

Should the applicant request that the examination of the international application in the Eurasian Office begin on the basis of claims amended in accordance with Article 19 of the Patent Cooperation Treaty, the Russian translation of the international application shall also include a Russian translation of the amended claims and explanations made by the applicant in accordance with Article 19(1) of the Patent Cooperation Treaty. The Eurasian Office may disregard the explanations mentioned above if no translation of them into Russian is submitted.

Should the applicant request preliminary international examination at the international phase, that is, that the Eurasian Office act as an elected office in respect of the international application, in addition to translations of the documents above, the Russian translation of the international application shall also include translations of the annexes to the International Preliminary Examination Report containing amendments to the description, claims, and drawings received by the International Preliminary Examining Authority.

#### **4.7. Early Examination of International Application in the Eurasian Office**

As provided by Article 23(1) of the Patent Cooperation Treaty, the Eurasian Office shall not begin the examination of an international application before the expiration of thirty one months from the filing date of the international application or from the priority date, if claimed, without a special request from the applicant.

To initiate the procedure for the examination of an international application in the Eurasian Office before the expiration of the above-mentioned term, the applicant shall submit a special request and the documents necessary for the international application to enter the regional phase.

If said application has not yet been published by the WIPO IB on the date when the applicant requests examination of the international application in the Eurasian Office, the applicant shall also submit a copy of the international application certified by the receiving office.

If a certified copy of the international application is not submitted together with the special request, examination of the international application in the Eurasian Office shall begin upon receipt of the certified copy or the publication of said application by the WIPO IB, subject to the applicant's submission of all necessary documents.

If the necessary documents have not been submitted to the Eurasian Office on the date of the beginning of the examination of the international application, they may be submitted within the time limits specified in paragraph 4.4, subject to the payment of the corresponding additional fee.

The document confirming payment of the fee for substantive examination shall be submitted within six months from the date of publication of the international application together with the international search report or before the date the examination of the international application in the Eurasian Office begins, if said six-month period expired before that date.

If the document confirming payment of the fee for substantive examination is not submitted within said terms, it may be submitted within the two subsequent months, subject to the payment of an additional fee of 50% of the established amount.

#### **4.8. Number of Copies of Submitted Documents**

All international application documents shall be submitted in one copy.

### **5. BEGINNING OF EXAMINATION OF A EURASIAN APPLICATION**

#### **5.1. Examination of Application in the National Office of a State Party to the Convention**

When a Eurasian application is filed through the national office of a state party to the Convention, said office shall verify the presence of the documents and information necessary to establish the filing date and of the documents referred to in the annex to the application.

If the Eurasian application complies with said requirements, the national office shall establish the filing date of the Eurasian application and send one copy of the Eurasian application to the Eurasian Office, subject to the payment of the fee for examination of the Eurasian application for compliance with the formal requirements and its transmittal. The national office shall notify the applicant of the establishment of the filing date of the Eurasian application and of its transmittal to the Eurasian Office.

If, the Eurasian application that must be filed through the national office, in violation of this requirement was lodged directly to the Eurasian office, the Eurasian Office shall transmit the application to the national office and inform the applicant of transmittal.

Upon receipt of said application from the Eurasian Office, the national office shall establish its filing date based on the date the application was received by the Eurasian Office. After this, said application shall be examined according to the procedure provided for Eurasian applications filed through national offices.

#### **5.2. Confirmation of Receipt of the Files of a Eurasian Application by the Eurasian Office**

Upon receipt of the files of a Eurasian application, the Eurasian Office shall send notification to inform the applicant of the filing date of the Eurasian application (if established), the number assigned to the Eurasian application, and the time limits for the submission of the documents required to begin the formal examination of said application, if such documents were not submitted by the applicant upon filing the Eurasian application.

If requested by an applicant filing a Eurasian application directly with the Eurasian Office, an additional copy of the application or cover letter showing the date of receipt of the files of said application, the reference number assigned to the Eurasian application, and the number of pages received shall be returned to the applicant.

#### **5.3. Filing Date**

The filing date of a Eurasian application shall be established by the national office or the Eurasian Office on the date of its receipt by the relevant office, if, on said date, the Eurasian application contains:

- a statement to the effect that the grant of a Eurasian patent is claimed in the application;
- information allowing the applicant to be identified or contacted;

– a section that outwardly resembles a description of the invention.

If a Eurasian application does not satisfy these requirements, the appropriate office shall immediately notify the applicant to that effect and request the submission of the missing documents and information within four months from the date such notification is sent.

For the purposes of establishing the filing date, the description of the invention may be substituted with a reference to an earlier application previously filed by the same applicant, provided that a certified copy of the earlier application and its translation into Russian, if it was made in any other language, are submitted within four months from the date of receipt of the Eurasian application by the national or Eurasian Office.

A lack of claims in the files of a submitted Eurasian application does not inhibit the establishment of the filing date of said application. Claims submitted after the establishment of the filing date of the Eurasian application shall be based on the description submitted on the filing date.

#### **5.4. Fees**

Fees are charged for legally significant actions related to the filing, examination, and publication of Eurasian applications and the grant, publication, and maintenance of Eurasian patents.

Fees related to a Eurasian application or Eurasian patent, and all payments for services rendered by the Eurasian Office, shall be paid to the Eurasian Office. A detailed list of the fees and the procedure for payment are given in the Statute on Fees for legally significant and other actions performed in relation to Eurasian design applications and Eurasian design patents (hereinafter – the Statute on Fees), which is posted on the EAPO web portal in the "Documents / Legal Protection of Inventions" section. The list of paid services performed by the Eurasian Office and their costs are given in the Procedure for the Provision of Eurasian Office Services posted in the same section.

The fee for the verification of a Eurasian application for compliance with the formal requirements and for transmittal shall be paid to the national office with which the Eurasian application is filed.

The unitary procedural fee shall be paid to the Eurasian Office regardless of whether the Eurasian application is filed with the Eurasian Office directly or through a national office when the application is transmitted to the Eurasian Office.

Applicants from states party to the Convention shall pay the fees at reduced rates: for individuals, 10%, and for legal entities, 30% or 90% (depending on the category of legal entity), of the fee amounts specified in the Statute on Fees and listed below.

Natural persons from the states other than states party to the Convention which are covered by the reduced rates (the list of such states is posted on the EAPO web portal in the "Documents / Legal Protection of Inventions" section) shall pay fees of 50% of the established amounts.

The following basic fees shall be paid for filing a Eurasian application:

– unitary procedural fee for filing a Eurasian application – 28,000 rubles;

– additional fee for each claim in excess of five – 3,700 rubles; in excess of twenty claims – 4,000 rubles; in excess of fifty claims – 5,000 rubles.

The following fees shall be paid for the substantive examination of a Eurasian application:

– for a single invention – 30,000 rubles;

– for a group of inventions – 30,000 rubles, an additional 20,000 rubles for the second independent claim, and 10,000 rubles for each subsequent independent claim claimed.

The applicant shall pay a fee of 18,000 rubles for the grant of a Eurasian patent and its publication.

Payment of the fee shall be confirmed by a relevant document (such as a copy of the payment order) certified by a bank in accordance with the established procedure.

The document confirming the payment of the fee shall be submitted to the Eurasian Office within three months from the payment date specified therein.

The fee may be refunded at the applicant's request if it is paid in excess of the established amount, or if the action for which the fee is paid is not performed.

Repayable funds may, at the applicant's request, be credited for the payment of other fees or for services rendered by the Eurasian Office.

If the established fee or payment for any action is not paid, the action will not be performed.

## **6. OBTAINING A EURASIAN PATENT**

### **6.1. General Provisions**

Upon the establishment of the filing date, the Eurasian application shall undergo formal examination. In case of its positive result, patent search is conducted. Formal examination of Eurasian applications shall be performed by the Eurasian Office. This stage ends with the publication of the Eurasian application and the search report.

The second stage, the substantive examination of the claimed invention, is performed subject to the applicant's filing of a corresponding request with the Eurasian Office.

The substantive examination of the claimed invention, with due account for the prior art identified in the course of the patent search, shall be performed by a collegium of examiners of the Eurasian Office consisting of at least three examiners who are full-time employees of the Eurasian Office and citizens of different states party to the Convention. The substantive examination of the claimed invention ends with a decision on the grant or refusal to grant a Eurasian patent. If the result of the examination is positive, the Eurasian patent shall be granted and published.

In the event the decision to refuse grant a Eurasian patent or the validity of a granted Eurasian patent is contested, the third stage of the procedure for Eurasian applications may take place, which is related to the examination of the opposition or appeal received.

## 6.2. Formal Examination

The formal examination of a Eurasian application, including one received through a national office, shall be performed by the Eurasian Office after the establishment of the filing date of the Eurasian application, subject to the presence of a document certifying the payment of the unitary procedural fee, the submission of the documents of the Eurasian application in Russian, and power of attorney, if the applicant is conducting business with the Eurasian Office through a representative.

During the formal examination, the following shall be verified:

- presence and correctness of the documents contained in the Eurasian application;
- compliance with the requirements for the appointment of a representative provided for in Article 15(12) of the Convention and Rule 30 of the Patent Regulations;
- compliance with the requirements for the establishment of the filing date of a Eurasian application provided for in Rule 33 of the Patent Regulations;
- compliance with the procedure for claiming priority provided for in Rules 6 and 36 of the Patent Regulations;
- whether the claimed invention subsists in the inventions described in item four of Rule 3(4) of the Patent Regulations;
- compliance with the requirements for the drafting and filing of a divisional Eurasian application established by Rule 49(6) of the Patent Regulations;
- compliance with the time limits and the correctness of payment of the established fees.

If during the formal examination it is found that the subject matter for which a Eurasian patent is sought is an invention whose commercial use shall be prevented to protect public order or morality, including protection of the life and health of people and animals or protection of plants; or to avoid causing serious damage to the environment, then a decision shall be made to refuse to grant a Eurasian patent for the Eurasian application.

If it is established that such subject matter is claimed as part of a group of inventions, the applicant will be invited to withdraw said subject matter from the claims and description of the invention.

If necessary, the applicant may be invited to introduce amendments and clarifications to the Eurasian application within the term specified in the notification of the Eurasian Office and/or submit missing documents.

When a notification on the need to amend, clarify, or supplement the files of the Eurasian application is sent to the applicant, the term of the formal examination shall be extended.

If the necessary amendments and clarifications are not made within the prescribed term or necessary documents missing on the filing date of the application are not submitted, the Eurasian application shall be deemed withdrawn, with notification sent to the applicant.

If the files of the Eurasian application meet the established requirements, the applicant shall be notified of the positive result of the formal examination.

### **6.3. Patent Search and Establishing of Search Report**

The patent search for a Eurasian application shall be based on the claims, with due account for the description and drawings of the invention, if any.

The purpose of the patent search is to identify the prior art for subsequent use in verifying the invention's compliance with patentability criteria such as industrial applicability, novelty, and presence of an inventive step.

When the patent search report for the Eurasian application has been prepared, the Eurasian Office shall send it to the applicant.

Copies of the documents specified in the patent search report shall be submitted to the applicant in electronic form, except for copies of applications for which information is unavailable for review by third parties.

### **6.4. Publication of a Eurasian Application**

A Eurasian application shall be published by the Eurasian Office immediately upon the expiration of eighteen months from its filing date or, if priority is claimed, from its priority date or, at the applicant's request, earlier than the specified term subject to the payment of an additional fee.

A Eurasian application shall not be published if it is withdrawn, deemed withdrawn, recognized as withdrawn, or as not having been filed before the expiration of two months before the date of its intended publication.

The publication of a Eurasian application includes:

- front page bearing bibliographic data;
- abstract;
- text of the description of the invention;
- claims;
- drawings and other documents which illustrate the claimed invention;
- patent search report, if available before the completion of technical preparation for the publication of the Eurasian application.

If the patent search report is published separately, a front page shall be attached to it bearing bibliographic data, including the publication date of the patent search report.

If an international application and international patent search report were published in a language other than Russian, the Eurasian Office shall publish a Russian translation of said international

application and information on the publication of said international search report after the international application enters the regional phase.

If an international application and international search report are published in Russian, the Eurasian Office shall publish only information on said publication after the application enters the regional phase.

Information on the Eurasian application shall be published in the EAPO Gazette "Inventions (Eurasian Applications and Eurasian Patents)" (hereinafter – the Gazette). The Gazette shall be published in electronic form and posted on the EAPO web portal in the "Official Publications" section. The Eurasian application shall be published in electronic form on the Eurasian Publication Server

## **6.5. Substantive Examination**

**Request for the Substantive Examination of a Eurasian Application.** The substantive examination of a Eurasian application shall be performed by the Eurasian Office upon request by the applicant filed with the Eurasian Office before the expiration of six months from the publication date of the Eurasian application and, if the patent search report is published separately, from the date of its publication.

If a request for the substantive examination of the Eurasian application is not filed within six months, it may be filed within two months from the date of expiration of the above period, subject to the payment of the established additional fee.

If a request is not received before the expiration of said term, or if the fee for substantive examination is not received, the Eurasian application shall be deemed withdrawn.

For international applications filed with the Eurasian Office acting as a designated or elected office, a request for substantive examination shall be submitted before the expiration of the term established for the beginning of the examination of the international application at the regional phase.

The Eurasian Office shall notify the applicant of receipt of the request and of the results of its examination. Notification of the results of the examination of the request shall be sent to the applicant if the result of formal examination is positive.

The date that the above notification is sent is the date the substantive examination begins.

**Substantive Examination of a Eurasian Application.** The purpose of the substantive examination of a Eurasian application is to verify the compliance of the claimed invention with the patentability criteria and of the application files with the requirements of the Convention and the Patent Regulations, in particular, those concerning unity of invention, sufficiency of invention disclosure, and requirements for claims.

In verifying the invention for compliance with the "industrial applicability" patentability criterion, examiner shall determine the fundamental possibility for a person skilled in the art, to carry out the invention as it is described in the claims, based on its purpose, which is usually reflected in the



invention title, with the achievement of the expected technical result as specified in the description of the invention, using new means or means known before the invention priority dates.

Verification of the invention for compliance with the "novelty" patentability criterion shall be conducted based on the prior art of the subject matter, the characteristics of which may be represented by all features of the independent claim.

In the course of verification of the novelty of the invention subject matter of the same purpose characterized by features similar to the invention — shall be identified in the prior art.

An invention shall be recognized as non-compliant with the "novelty" patentability criterion if the prior art identifies subject matter having features identical to all features included in the independent claim.

The invention shall be deemed compliant with the "novelty" patentability criterion if none of the prior art identified is characterized by all features defining the invention subject matter in the independent claim. This takes into account the fact that identical subject matter may be described using different terminology and methods.

The verification of the compliance of the invention with the "inventive step" patentability criterion shall determine whether the claimed invention is obvious to a person skilled in the art, taking into account information included in the prior art.

Said verification usually includes the following steps:

- identification of the prior art closest to the claimed invention;
- determination of the features which distinguish the claimed invention from the closest prior art (prototype);
- identification of solutions characterized by said distinctive features in the prior art individually or in combination, including in conjunction with known features, and the establishment of the notability of the influence of said features on the technical result specified in the description.

If it is established that the said solutions are known, it shall be investigated whether it is obvious to a person skilled in the art that they may be used to solve the problems facing the applicant and stated in the Eurasian application.

Inventions are not recognized, as a rule, as complying with the inventive step criterion if, for a person skilled in the art, they obviously follow from the prior art and specifically consist of:

- addition to a known device of any known part or parts according to known rules to achieve the technical result for which the influence of said additions is identified;
- substitution of any part(s) of a known device by another known part to achieve the technical result for which the influence of said substitution is identified;
- removal of any part of a device (element, action) with the simultaneous removal of the function caused by its presence without the achievement of any new result;

- increase in the number of elements of the same type or actions to enhance the technical result caused by the presence of said elements or actions in the device;
- making a known device or its part(s) using a known material to achieve a technical result caused by known properties of said material.

To assess the obviousness of the features which distinguish the invention from the prior art, for an examiner, the auxiliary criteria mentioned in paragraph 2.4 above shall be considered.

If it is determined that the invention meets the patentability criteria, the Eurasian Office shall make the decision to grant a Eurasian patent.

The decision to grant a Eurasian patent shall be preceded by the Eurasian Office's notification of the possibility of granting a Eurasian patent for the invention (group of inventions) as it is described in the claims in its original wording or in its modified form. Said notification of the applicant shall also include information on the version of the description of the invention to be published and on the amount and due date of the fee for the grant of the Eurasian patent.

If the claimed invention fails to comply with at least one of the patentability criteria, the Eurasian Office shall make the decision to refuse to grant a Eurasian patent.

## **6.6. Appeals against Decisions of the Eurasian Office**

**Filing an Appeal.** In the event of disagreement with a Eurasian Office decision on refusal to grant a Eurasian patent or a Eurasian Office decision on a request filed in the course of processing the Eurasian application or Eurasian patent, the applicant may file a notice of appeal with the Eurasian Office within three months from the date of receipt of notification of refusal to grant or receipt of the respective decision.

The appeal shall contain:

- number of the Eurasian application or Eurasian patent;
- information which allows the identification of the applicant or patent owner;
- information on the applicant's or patent owner's representative, if appointed;
- contact information of the person filing the appeal;
- setting out the grounds of appeal and indication of to which extent the cancellation of said decision is requested;
- document certifying payment of the established fee.

**Examination of an Appeal.** An appeal against a Eurasian Office decision must be examined on its merits within four months from the date of the Eurasian Office's notification of acceptance of the appeal for examination by a collegium of examiners of the Eurasian Office, consisting of three examiners who are full-time employees of the Eurasian Office and at least two of whom did not take part in making the contested decision. If necessary, the above-mentioned four-month term may be extended by the President of the Eurasian Office.

The applicant may participate in the examination of the appeal.

The appeal may be rejected or satisfied and the decision previously made by the Eurasian Office may be canceled.

The decision on the appeal may be contested by filing a subsequent appeal to the President of the Eurasian Office within four months from the date of the forwarding of said decision.

A decision following the results of the examination of an appeal to the President takes effect on the date of its approval by the President of the Eurasian Office and is not subject to contest.

### **6.7. Applicant's Rights within the Procedure for Obtaining a Eurasian Patent**

Upon the invitation of the examiner, the applicant may take part in the consideration of issues arising in the course of the formal examination and substantive examination.

The applicant may consult the files opposed by the examination office. If the applicant requests copies of the opposed files within three months from the date the applicant is sent the examination office's notification referencing said files, the term for response to the notification shall be counted from the date the applicant is sent the copies of the opposed files.

At any stage of the procedure for the Eurasian application, the applicant may apply to the President of the Eurasian Office on any issues related to the procedure for the Eurasian application or Eurasian patent.

**Submission of Additional Documents and Extension of Time Limits.** During examination, the applicant may, on his or her own initiative or at the examiner's request, supplement, clarify, or amend the files of the Eurasian application, without changing the substance of the invention within the scope of its disclosure in the files of the Eurasian application as of the date of its filing, until a decision of refusal to grant a Eurasian patent or a decision to grant a patent is made. After the date of said decision, amendments to the claims and, where necessary, to the description of the invention and the drawings may be introduced only under the procedures of the examination of an appeal to a decision on the refusal to grant a Eurasian patent or an opposition against the grant of a Eurasian patent.

Correction of explicit and technical errors may be made during the entire term of the procedure for the Eurasian application and the validity term of the Eurasian patent.

Amendments and adjustments may be made to the Eurasian application subject to the payment of an additional fee.

After the establishment of the filing date of the Eurasian application, it is not permitted to update the Eurasian application with information which is not explicitly contained in the original files of the Eurasian application or does not obviously follow from said files.

Claims adjustment is allowed based on information contained in the drawings and/or the claims, as well as drawings may be adjusted based on information contained in the description and/or claims. Information contained in the drawings or other graphic files of the Eurasian application may be

transferred to the description of the invention and claims only in the event that the information presented therein can be unambiguously identified.

Additional files shall be submitted at the request of the examination office within four months from the date of the examination office's request. Additional files containing information beyond the scope of the original files of the Eurasian application which are submitted at the examination office's request, including information on the technical effect, shall be attached to the case of the Eurasian application, without publication in the event that a Eurasian patent is granted.

Time limits established by the Eurasian Office for procedural actions to obtain a Eurasian patent may be extended at the applicant's request if filed before the expiration of the term established by the Office, subject to payment of the established fee. The period of extension required by the applicant may be requested both once or by the successive submission of several requests, each to be filed before the expiration of the time limit specified by the Eurasian Office.

**Withdrawal of a Eurasian Application.** A Eurasian application may be withdrawn by the applicant on the basis of a request received by the Eurasian Office no later than the registration date of the Eurasian patent.

**Divisional Eurasian Application.** An applicant may file a divisional Eurasian application if other inventions are included in original (parent) Eurasian application filed by the same applicant.

The divisional Eurasian application has the filing date and, where applicable, the priority date of the parent Eurasian application from which it is separated. A divisional Eurasian application may be filed only in respect of inventions disclosed in a parent Eurasian application, and only if the information on the invention contained in the divisional Eurasian application is within the scope of the parent Eurasian application.

The claims of the divisional Eurasian application shall not contain inventions identical to those for which legal protection is sought or granted under the parent Eurasian application. If this requirement is violated, a Eurasian patent shall not be granted under the divisional Eurasian application.

The description of the invention in the divisional Eurasian application shall not contain information unrelated to the inventions claimed in said application.

A divisional Eurasian application may be filed if the parent application is not withdrawn or is not deemed withdrawn as of its filing date and it is filed before the date of the grant of a Eurasian patent under the parent Eurasian application, or, in the event a decision to refuse grant a Eurasian patent is made, until the possibility of appeal is exhausted.

## **6.8. Grant and Publication of a Eurasian Patent**

Upon the making of a decision to grant a Eurasian patent by the Eurasian Office, it shall be included in the Eurasian Patent Register (Inventions).

The Eurasian patent shall be published within one month from the date of its registration. The publication of a Eurasian patent consists of the publication in the Gazette of information on the Eurasian patent granted. Simultaneously with the publication of information on the grant of a

Eurasian patent, the Eurasian Office shall publish a description of the invention in the Eurasian patent which contains the description, claims, drawings, and other components. Said documents shall be published in electronic form.

Files containing the description and claims in the Eurasian patent will be available for download and printing on the EAPO web portal in the "Information Resources / Eurasian Publication Server" section starting from the date of publication of information on the grant of the Eurasian patent.

The date of grant of the Eurasian patent shall be the date of publication in the Gazette of information on the grant of the Eurasian patent.

To ensure quick access to the web page with the description of the invention in the Eurasian patent, a QR code containing the permanent link to the web page shall be included on the front side of the patent certificate.

Information on granted Eurasian patents contained in the Eurasian Patent Register (Inventions) is posted on the EAPO web portal in the "Applications and Patents / Eurasian Patent Register (Inventions)" section.

Regardless of the number of co-owners of a Eurasian patent, they are granted a single Eurasian patent.

After publication, one copy of the Eurasian patent shall be handed over to the patent owner or to his or her representative.

In the event of loss of or damage to the original Eurasian patent certificate, a duplicate shall be granted at the patent owner's (representative's) request. The Gazette shall publish information on the grant of the duplicate and the loss of legal force of the original patent certificate. Copies of the Eurasian patent marked "Copy" may be granted to the patent owner upon his or her written request.

In the event of failure to pay the fee for the grant of the Eurasian patent and its publication, the Eurasian patent shall not be granted or published, and the Eurasian application shall be deemed withdrawn.

### **6.9. Continuation of Processing and Restoration of Rights**

If an applicant fails to comply with the time limits established for any procedural action, he or she may file a request with the Eurasian Office to continue the processing within two months from the date of the expiration of the time limit. The applicant is not required to specify in the request the reasons for failure to comply with the prescribed time limit. Satisfaction of the request is subject to two conditions, namely, the submission of a document confirming payment of the fee for filing said request, and the fulfillment of all requirements for which the time limit was set, such as the submission of a reply to a request from the examination office or the payment of a fee.

If such a request is filed and the above conditions are met, the procedure for the Eurasian application shall be resumed, and the legal consequences of failure to comply with the time limit shall be deemed not to have occurred.

A request to continue the processing may not be filed in the event of failure to comply with certain procedural time limits specifically stipulated in the Patent Regulations.

Rights in respect of a Eurasian application or Eurasian patent lost due to failure to comply with the time limits prescribed for any procedural action may be reinstated at the applicant's or patent owner's request. Rights may be reinstated if it is determined that said failure was unintentional.

The restoration of rights in respect of a Eurasian application or Eurasian patent is subject to the payment of the established fee.

A request for the restoration of rights to a Eurasian application shall be filed no later than twelve months from the date of expiration of the term set for the corresponding procedural action, or no later than two months from the date of elimination of the reason for failure to comply with said missed time limit, whichever term expires earlier. In this case, the unperformed action shall be performed as of the date the request is filed.

A request for the restoration of rights to a Eurasian patent lapsed due to non-payment or late payment of the maintenance fee may be filed by the patent owner before the expiration of the three-year period, counting from the date corresponding to the filing date of the Eurasian application, for which the above-mentioned maintenance fee was to be paid for the Eurasian patent.

Said restoration is effective in respect of one or more states party to the Convention on whose territory the Eurasian patent was valid on said date. The request for the restoration of rights to a Eurasian patent shall indicate each of the states party to the Convention in which patent restoration is sought.

The procedure for the restoration of rights to a Eurasian patent is published in the Memo for Patent Owners and Their Representatives for Restoration of the Right to a Eurasian Patent, posted on the EAPO web portal in the "Documents / Methodical Materials" section.

The following rights are not subject to restoration:

- priority right lost due to violation of the time limits set for filing a subsequent Eurasian application upon expiration of the twelve-month period provided for by the Paris Convention for claiming priority of an earlier application, for claiming priority based on the date of receipt of additional documents or the date of beginning of the open demonstration of an object containing an invention at an official or officially recognized international exhibition, and priority right lost due to failure to submit a certified copy of the earlier application within the prescribed term;
- right to a Eurasian patent lost due to violation of the time limit for payment by the patent owner of the additional annual fee for granting a preferential six-month period for the payment of said fee;
- right to file an opposition against the grant of a Eurasian patent under the opposition (administrative revocation) procedure lost due to violation of the time limit for filing said opposition, and the right to challenge the decision on said opposition lost due to violation of the time limit for filing the relevant appeal;

– right to appeal a decision of the Eurasian Office made following the results of examination of an appeal against the extension of the term of a Eurasian patent lost due to violation of the time limit for filing said appeal.

#### **6.10. Surrender and Limitation of Eurasian Patent at the Request of the Patent Owner**

A patent owner may file the request to the Eurasian Office, for surrender of a Eurasian patent in the specified contracting states to the Convention, subject to payment of the established fee. The surrender of a Eurasian patent may not be limited by one or several claims.

Based on the patent owner's request, the Eurasian patent shall be terminated in the contracting states to the Convention on the date of publication of the corresponding decision of the Eurasian Office in the Gazette.

A patent owner may file a request with the Eurasian Office for the limitation of a Eurasian patent. Limitation is effected by the withdrawal of one or several claims or by the inclusion of features from a dependent claim to an independent claim. If there are alternative features in the claims, limitation may be effected by the withdrawal of one or more of them, if this does not lead to the expansion of the exclusive right granted by the Eurasian patent.

The surrender or limitation of a Eurasian patent may be effected during the entire validity term of the Eurasian patent. Said request may not be filed during the examination of an opposition to the grant of a Eurasian patent by the Eurasian Office.

A request for the surrender or limitation of a Eurasian patent shall be accepted for examination subject to the payment of the appropriate fee.

Upon the satisfaction of the request for the limitation of a Eurasian patent, new Eurasian patent shall be granted and published subject to payment of the fee established for the publication of the new description of the invention in the Eurasian patent containing the description, claims, and drawings. In this, failure to pay the fee for the publication of the new description of the invention in the Eurasian patent within the time limit established by the Eurasian Office constitutes a decision to refuse to satisfy the request for the limitation of the Eurasian patent.

Amendments made to a Eurasian patent come into force on the date of their publication. The Eurasian patent, as amended, is valid in the states party to the Convention where it was in effect on the date of filing of the request for the limitation of the Eurasian patent, except in states party to the Convention where the validity of the Eurasian patent was limited to a larger extent when challenged according to Article 13 of the Convention.

#### **6.11. Opposition (Administrative Revocation) Procedure in the Eurasian Office**

Up to six months after publication of the mention of the grant of a Eurasian patent, any person may file with the EAPO a notice of opposition to the patent, if it is determined that the Eurasian patent was granted in violation of Eurasian patent law.

A Eurasian patent may be revoked under opposition procedure in full or in part in the following cases:

- improper grant due to non-compliance with the patentability criteria;
- the claims contain features, absent in the Eurasian application as filed;
- non-compliance with the requirement to disclose the invention clearly and completely enough for it to be carried out by a person skilled in the art.

A notice of opposition against the grant of a Eurasian patent shall be examined by the Eurasian Office within six months from the date of the Eurasian Office's notification of acceptance of the opposition for examination.

A Eurasian patent may be revoked (in full or in part) even if it has lapsed or was surrendered. The decision made by the Eurasian Office following the results of examination of the opposition is valid on the territory of all states party to the Convention. In this, the invalidated Eurasian patent (or part thereof) shall be deemed not to have entered into force in all states party to the Convention from the filing date of the Eurasian application. The opposition shall be examined on its merits and a decision shall be made in the name of the Eurasian Office by a collegium consisting of three examiners who are full-time employees of the Eurasian Office and at least two of whom did not take part in making the decision on the grant of the challenged Eurasian patent.

The opposition procedure for a Eurasian patent may conclude by the making of a decision of the revocation of the Eurasian patent by the Eurasian Office, by the rejection of opposition against grant of the Eurasian patent, or the Eurasian patent can be maintained in amended form. The latter decision is taken in case of the patent owner's consent to the limitation of the Eurasian patent by amending claims (and, where necessary, the description and drawings) and payment the fee for the publication of a new description of the invention to the Eurasian patent. If either of the conditions is not fulfilled, the Eurasian patent is revoked in full.

An interested party may contest the decision taken as a result of the opposition procedure by filing an appeal to the President of the Eurasian Office within four months from the date of the forwarding of said decision.

In this case, the President of the Eurasian Office shall prescribe the examination of the appeal by a new collegium of examiners. A decision following the results of the examination of an appeal takes effect on the date of its approval by the President of the Eurasian Office and is not subject to contest.

The Rules for filing and examining opposition against the grant of a Eurasian patent under opposition procedure are posted on the EAPO web portal in the "Documents / Legal Protection of Inventions" section.

## **6.12. Revocation of a Eurasian Patent in Contracting States**

Disputes related to the validity of a Eurasian patent in respect of a particular state party to the Convention shall be considered by the authorized (competent) bodies of said state based on the provisions of the Eurasian Convention and Patent Regulations and in accordance with the national procedure prescribed by the legislation of the Convention contracting state.



A Eurasian patent may be revoked in full or in part during its entire validity term on the following grounds:

- improper grant due to non-compliance with the patentability criteria;
- the claims contain features, absent in the Eurasian application as filed;
- incorrect indication of the inventor or patent owner in the Eurasian patent;
- non-compliance with the requirement to disclose the invention clearly and completely enough for it to be carried out by a person skilled in the art.

In the event of simultaneous revocation procedure and revocation of a Eurasian patent in any state party to the Convention, the decision on the revocation of the Eurasian patent may be taken by the authorized body of said state only upon the completion by the Eurasian Office of the opposition procedure for the Eurasian patent.

Should a Eurasian patent be revoked in part, a publication on its legal status change shall be done in a form of corresponding limitation of the Eurasian patent, including in the form of the amendment of the claims, description of the invention, and drawings, if permitted by the national legislation of the state party to the Convention.

The decision of the authorized (competent) bodies on the invalidation of the Eurasian patent in full or in part shall be valid only on the territory of the state party to the Convention whose authorized body makes said decision.

### **6.13. Eurasian Patent Infringement**

A patent owner's exclusive right shall be deemed to have been violated in the event of unauthorized:

- manufacture, use, import, offer for sale, sale, or other commercialization or storage for such purposes of a product protected by a Eurasian patent;
- use of a method protected by a Eurasian patent, or offer of its use;
- use, import, offer for sale, sale, or other commercialization or storage for such purposes of a product manufactured directly by a method protected by a Eurasian patent.

Disputes related to the infringement of a Eurasian patent in a contracting state to the Convention shall be resolved by the national courts or other competent authorities of said state based on the Convention and Patent Regulations. A Eurasian patent infringement suit may be brought by the patent owner to the competent authority of the state on whose territory the Eurasian patent has been infringed within three years from the date the owner becomes aware or should have become aware of the infringement of the patent right. The decision taken is valid only on the territory of the relevant state party to the Convention.

Each state party to the Convention provides for the same civil or other liability for the infringement of a Eurasian patent as for the infringement of a national patent.

The protection of a Eurasian patent owner's exclusive right shall be exercised through:

- suppression of actions which infringe the right or threaten its infringement;
- reimbursement of damages;
- compensation for moral damage;
- other methods provided for by the legislation of the state party to the Convention.

#### **6.14. Actions Not Recognized as Infringement of a Eurasian Patent**

Eurasian patent law includes a number of actions connected with the use of a patented invention which are not recognized as infringement of the Eurasian patent.

These actions include:

- use of the invention in the design or operation of a vehicle belonging to a member state of the Paris Union for the Protection of Industrial Property which is not a state party to the Convention, if the vehicle is temporarily or accidentally on the territory of a state party to the Convention, provided that the invention is exclusively used for the needs of said vehicle;
- scientific research or experiment;
- one-time manufacture of medicines in pharmacies according to a doctor's prescriptions;
- actions performed in private without entrepreneurial activity;
- action with the product after its commercialization by the patent owner or upon his/her consent in state party to the Convention where the Eurasian patent is valid and where it is commercialized (the rule on the exhaustion of the patent owner's rights).

In addition, the patent owner's exclusive right may be limited by the right of prior use or right of subsequent use. Failure to use or inadequate use of a patented invention may entail grant of compulsory licenses in line with the Paris Convention.

#### **6.15. Maintenance of a Eurasian Patent**

A granted Eurasian patent is valid in all contracting states to the Convention which are such on the date of receipt of the Eurasian application by the Eurasian Office. Territorial expansion of the scope of the Eurasian patent is not provided for.

To maintain the validity of a Eurasian patent after it is granted, it is necessary to pay, annually, before the date corresponding to the date of the filing of the Eurasian application, a fee in an amount equal to the sum of the annual fees set by each state party to the Convention for the maintenance of Eurasian patents on their territory.

The annual fee for the maintenance of a Eurasian patent shall be paid to the Eurasian Office, which shall forward the corresponding amounts to each of state party to the Convention where the Eurasian patent remains valid.

The effect of the Eurasian patent shall extend to the states party to the Convention designated by the patent owner. The states in which the patent owner intends to maintain the Eurasian patent shall be designated when the annual fee is paid for each subsequent patent validity year.

The contracting states to the Convention have established various terms for the start of collection of the annual fees for the maintenance of Eurasian patents.

In the Republic of Azerbaijan, Republic of Belarus, Kyrgyz Republic, Russian Federation, and Republic of Tajikistan, the annual fees for the maintenance of a Eurasian patent are collected starting from the third year of the Eurasian patent's validity term; in the Republic of Armenia, from the second year; and in the Republic of Kazakhstan and Turkmenistan, from the first year.

If the patent owner desires, the annual fee may be paid in several installments, separately for each of the specified states, but within the generally established term.

If a Eurasian patent is granted after the beginning of the year from which the fee for the maintenance of the Eurasian patent shall be paid in respect of any state party to the Convention, upon the first payment of the annual fee after the grant of the Eurasian patent, the annual fees shall be paid both for the subsequent and previous years of the validity of the Eurasian patent.

If the period between the date of grant of the Eurasian patent and the due date for the first annual fee is less than two months, the fee may be paid within two months after the date corresponding to the filing date of the Eurasian application.

The annual fee for the maintenance of a Eurasian patent may be paid after the date corresponding to the filing date of the Eurasian application, but no later than six months from said date. In this event, the amount of the fee for the last year with payment missed shall increase by 50%.

The amounts of fees established by the contracting states to the Convention for the maintenance of Eurasian patents are posted on the EAPO web portal in the "Applications and Patents / Maintenance of Eurasian Patents" section. In this section, requests for the maintenance of Eurasian patents and requests for the restoration of rights to Eurasian patents may be filed.

#### **6.16. Extension of Term of Validity of a Eurasian Patent**

The term of validity of a Eurasian patent may be extended upon the patent owner's request in respect to contracting states to the Convention whose legislation provides for the extension of the term of validity of national patents for inventions. In this case, the term of validity of the Eurasian patent in respect of said state shall be extended by the Eurasian Office in accordance with conditions provided for by the legislation of said state for the extension of the term of a national patent for invention. The term of validity of a Eurasian patent in any of said states may be extended in respect of invention subject matter for which the extension of the term of validity of national patents is permitted. For the most part, such subject matter includes medicines, pesticides, and agrochemicals.

Currently, the term of validity of a Eurasian patent may be extended in respect of all states party to the Convention except for the Kyrgyz Republic, Turkmenistan, and also the Republic of Moldova, with whose Government the EAPO signed an Agreement on the Legal Protection of Inventions on the Territory of the Republic of Moldova after the denunciation by the Republic of Moldova of the

Eurasian Patent Convention on April 12, 2012. According to Article 1 of the international treaty mentioned above, the Republic of Moldova recognizes the validity on its territory of Eurasian patents granted on the basis of Eurasian applications filed before April 26, 2012.

The term of validity of a Eurasian patent in respect of a state party to the Convention or the Republic of Moldova shall be extended by the Eurasian Office in accordance with the conditions adopted in said state for the extension of the validity of a national patent for invention.

An extension of the term of validity a Eurasian patent granted by the Eurasian Office may be challenged by any party during its entire validity term by filing a notice of invalidation of Eurasian patent term extension in the following cases:

- a) improper extension of the validity term of a Eurasian patent due to non-compliance with the conditions for the extension of a patent validity term provided for by the legislation of the state in respect of which the validity term of the Eurasian patent is extended;
- b) administrative revocation of a Eurasian patent or its revocation on the territory of the state in respect of which the validity term of the Eurasian patent is extended, or the limitation of the Eurasian patent on the territory of said state to the extent that the invention related to the product permitted for use is no longer protected by the claims of the extended Eurasian patent.

The notice of invalidation of patent term extension shall be deemed filed subject to payment of the established fee.

The notice of invalidation of patent term extension shall be examined within four months from the date of forwarding of notification of the acceptance of the notice for examination by the Eurasian Office.

The decision on the notice may be challenged by filing an appeal to the President of the Eurasian Office within four months from the date of the forwarding of said decision.

A decision following the results of the examination of an appeal shall enter into force on the date of its approval by the President of the Eurasian Office and is not subject to challenge.

#### **6.17. Transfer of Rights to a Eurasian Application and Eurasian Patent**

A Eurasian application and Eurasian patent may be the subject matter of rights transfer by the assignment of rights, by succession in title (reorganization of a legal entity, inheritance), or by any other way.

In this, a Eurasian application and Eurasian patent may be the subject matter of succession and transfer of rights only in respect of all contracting states to the Convention.

The transfer of the right to a Eurasian application or Eurasian patent shall be made in the form of an assignment agreement or other equivalent document. Such agreements shall come into force with respect to third parties only after the payment of the established fee and the registration of the transfer of right with the Eurasian Office.

The right to a Eurasian application or Eurasian patent may be the subject of a pledge in respect of a contracting state to the Convention whose legislation provides for the pledge of right to an application or patent for invention.

The Eurasian Office registers the pledge of right to a Eurasian application or Eurasian patent at the request of the interested party and subject to the payment of the established fee.

License and other agreements related to a Eurasian patent, except for those which involve the alienation of the exclusive right to an invention, shall be registered in accordance with the national legislation of the contracting states to the Convention in whose territory the Eurasian patent is valid. Such information shall be sent quarterly to the Eurasian Office by the national offices of the states party to the Convention.

The Eurasian Office shall enter information on the registration of the transfer of the right to a Eurasian patent into the Eurasian Patent Register (Inventions) and shall publish corresponding information in the Gazette.

Similar information shall be published by the Eurasian Office in respect of license and other agreements connected with Eurasian patents registered by the national patent offices of the contracting states to the Convention.

Information on the legal status of Eurasian patents may be found on the EAPO web portal in the "Applications and Patents / Eurasian Patent Register" section.

#### **6.18. Termination of a Eurasian Patent**

A Eurasian patent may be prematurely terminated in the following cases:

- based on request by the patent owner filed with the Eurasian Office;
- failure to pay the fee for the maintenance of the Eurasian patent within the prescribed term.

A Eurasian patent shall be terminated as of the filing date of the Eurasian application in the following cases:

- revocation of the Eurasian patent by the Eurasian Office as a result of the opposition procedure;
- revocation of the Eurasian patent on the territory of a state party to the Convention based on the decision of a court or other competent authority in said state.

#### **6.19. Information Published by the Eurasian Office**

The Gazette, among other things, includes:

- information on Eurasian applications filed with the Eurasian Office and international applications entered the regional phase;
- information on Eurasian patents granted;
- information on amendments to Eurasian applications and Eurasian patents;

- information on changes in the legal status of Eurasian applications and Eurasian patents;
- information on oppositions against the grants of Eurasian patents and notices of invalidation of Eurasian patents term extension filed with the Eurasian Office, and the results of their examination;
- patent search reports for Eurasian applications;
- information on the registration of the transfer of the right to Eurasian applications or Eurasian patents and on license agreements registered by the national offices in respect of Eurasian patents;
- other official information.

The Eurasian Office publishes the full text of Eurasian applications filed and the descriptions in Eurasian patents, and also publishes regulatory legal documents of the EAPO and Eurasian Office, in electronic form on the EAPO web portal.

## **7. EURASIAN OFFICE SOURCES OF INFORMATION**

### **7.1. Issue of official publications**

Since 2014, the Eurasian Publication Server has been used as an official publication of the Eurasian Office, designed to store and provide quick access to published Eurasian patent documents (Eurasian patents and Eurasian applications) and information on changes in their legal status. It was created to replace the publication of official documents on optical disks and serves as a "single entry point" to all information on Eurasian applications and Eurasian patents published over the years, including a full back file of descriptions in PDF format.

Information on new patent documents is published on the Eurasian Publication Server immediately following the release of the Eurasian Office Gazette.

Searching for documents on the Eurasian Publication Server is very simple. The information search system developed for this purpose allows searches by Eurasian application number, Eurasian patent number, International Patent Classification, publication dates (date ranges), Gazette issue numbers, official announcements published in the Gazette, and other bibliographic data fields. Finding a patent document is a confirmation of its publication. For each patent document found, the full description may be viewed, including information about this document published in the official Gazette. The legal status of Eurasian patents may also be viewed. In addition to viewing documents, they may be downloaded in PDF and HTML/XML formats.

### **7.2. Use of Eurasian Patent Information**

Eurasian patent information may be used by its consumers for the purposes of:

- development of inventions and informational support of their patentability, competitiveness, and protection against offenses in respect of goods and technologies containing said inventions in the states party to the Convention;
- legal protection of inventions in said states under the national or Eurasian patent procedure;

- prevention of instances when goods or technologies on the territories of states party to the Convention fall under the scope of Eurasian patents granted to other parties and thereby cause damage to the economic or other strategic interests of their developers and manufacturers;
- promotion of innovative development of the economies of the EAPO member states.

### **7.3. Patent Information Services**

EAPO Web Portal. The EAPO web portal, available at <https://www.eapo.org>, presents general information on the EAPO, its history, and activities, and also the contact information and bank details of the Eurasian Office in English and Russian.

On the portal, users may find news from the Eurasian Office, Eurasian patent law, and information for applicants and access the websites of the states party to the Convention and other organizations involved in the protection of industrial property.

It also includes the Eurasian Patent Register with updated daily information on the status of Eurasian patents in each of the states party to the Convention and information on Eurasian patent attorneys.

In addition, the EAPO web portal hosts online application forms and forms for the requests used in the Eurasian procedure. If a form specifies the amount of fees to be paid for a particular procedural action, including for the maintenance of Eurasian patents or for the restoration of their validity, the amount is automatically calculated by the respective online tool.

EAPO-ONLINE Electronic Exchange System. The EAPO-ONLINE electronic exchange system is an information system used to send documents related to Eurasian applications and Eurasian patents to the Eurasian Office in electronic form, receive confirmation of the receipt of such documents by the Eurasian Office, and receive electronic copies of notifications, decisions, and other correspondence from the Eurasian Office related to Eurasian applications and patents.

Users may log in the EAPO-ONLINE from the main page of the EAPO web portal or directly using the link <http://portal.eapo.org>.

Access to the EAPO-ONLINE provided to registered users only. The security of document exchange through the EAPO-ONLINE System is ensured by authorized access to the user's Personal Account and by the use of electronic signatures.

Procedural and technical issues related to use of the EAPO-ONLINE are determined by the Procedure for the Electronic Exchange of Documents on Eurasian Applications and Eurasian Patents and by the Technical Regulations for the Operation of the EAPO-ONLINE Electronic Exchange System. These documents are posted on the EAPO web portal in the "Documents – Basic Normative Legal Acts" section.

Eurasian Patent Information System (EAPATIS). This system is an information search engine developed by the Eurasian Office, providing access to global, regional, and national patent documentation. The system is available on the Internet at <http://www.eapatis.com>.

EAPATIS maintains more than 30 continuously updated local patent databases, which contain more than 86 million descriptions of patent documents as of the end of 2021. The databases contain all patent documents of the Eurasian Office, the World Intellectual Property Organization, the European Patent Office, the patent offices of the United States, the USSR and Russia (since 1924), patent documents included to the PCT minimum documentation with varying retrospective coverage, and patent documents of the national patent offices of the CIS member states, including EAPO member states.

EAPATIS may be used for any thematic, numeric, or name-based search, full-text search taking into account the morphology of the Russian and English languages and contextual distance, using logical AND/OR/NOT functions, search within documents, or meta-search in the external patent databases freely accessible on the Internet (Espacenet, USPTO database, Patentscope, etc.).

The distinctive features of EAPATIS are:

- availability of search databases of patent documentation in Russian, including Soviet, Russian, Eurasian, and national patent documentation;
- convenience and user friendliness: the "single window" principle implemented in the system allows the user to conduct multi-aspect patent searches in several languages simultaneously, both in the local databases of EAPATIS and in external databases freely accessible on the Internet;
- advanced search functionality of the system, which allows the expansion of queries by the selection of synonyms from a list and online translation of the terms used; the query structure may be viewed and its correctness may be verified before sending the search request;
- service and information capabilities of the system: statistics on search results are displayed for each query. Hyperlinks to external databases are automatically generated for each document found, which enable the retrieval of a description of the document and additional information from external sources.

Access to the system is provided both in a free "guest" mode (access to Eurasian Office patent documentation) and on the basis of contract for patent information services.