



Eurasian Patent Office: Your First Choice for IP Protection in Eurasia

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Author Bios:

Dr. Grigory Ivliev

Dr. Grigory Ivliev is EAPO President. He is a Former Head of the Federal Service for Intellectual Property (Rospatent). Eurasian Patent Office (EAPO) is an executive body of the Eurasian Patent Organisation, administering the regional patent registration system, covering eight countries of the Eurasian region.

Member States: **Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan.**

Dr. Alexey Vakhnin

Dr. Alexey Vakhnin is a Eurasian Patent Attorney, Patent and Trademark Attorney of the Russian Federation.

Dr. Vakhnin is a Council member of the recently founded Assembly of Eurasian Patent Attorneys; vice-president of the Chamber of Patent Attorneys of the Russian Federation; member of INTA, FICPI, AIPPI, LES Russia/LESI, PTMG, ECTA etc.

Dr. Alexey Vakhnin and Dr. Grigory Ivliev, the President of the Eurasian Patent Organisation, have been discussing current developments in IP at EAPO. We are glad to introduce, prepared exclusively for the Global IP Matrix magazine, the summary of the essentials of the Eurasian Patent System provided by the Head of the EAPO, Dr. Ivliev and recent innovations at the EAPO.

The Eurasian Patent Convention, which governs the operation of the Eurasian Patent System operates, was signed in 1994. Mr. Grigory Ivliev, could you tell us about this system and its features?

The Eurasian Patent System is one of the largest regional patent systems in the world. It provides legal protection for inventions and industrial designs on the vast territory of the Eurasian continent, which covers more than 21 million km² with a total GDP of about 1.8 trillion dollars and a population of more than 810 million people.

The Eurasian Patent Organisation (hereinafter "EAPO") was established to carry out administrative tasks related to the functioning of the Eurasian Patent System and the granting of Eurasian patents. Next year the EAPO will celebrate its 30th anniversary.

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The EAPO consists of eight states:

- **Turkmenistan,**
- **the Republic of Belarus,**
- **the Republic of Tajikistan,**
- **the Russian Federation,**
- **the Republic of Kazakhstan,**
- **the Republic of Azerbaijan,**
- **the Kyrgyz Republic**
- **the Republic of Armenia.**

The Eurasian patent is valid on the territory of eight EAPO Member States. This is a cost-effective and simple procedure for obtaining protection by filing one application in one language and paying one set of fees.

The “Single Window” principle applies when filing an application for a Eurasian patent. It means that all stages of examination and granting of a unitary patent are carried out at the EAPO with the payment of one set of fees in one currency. If necessary, only one patent attorney is appointed to deal with the EAPO.

The Eurasian patent does not require translations into national languages and additional validation in the EAPO Member States. The unitary Eurasian patent for an invention is valid in all eight States from the date of its granting. It can be maintained on the territory of those countries where it is necessary for the right owner. It is necessary to pay annual fees in respect of the selected States. The validity term of a Eurasian patent for inventions is 20 years.

The EAPO’s mandate was initially limited to inventions. A Protocol to the Eurasian Patent Convention (hereinafter “EAPC”) on the **Protection of Industrial Designs (hereinafter “Protocol to the EAPC”)** was signed in 2019, which expanded the EAPO’s mandate to industrial designs.

The EAPO has been accepting applications for industrial designs since June 1, 2022. The residents of almost two dozen countries have already used the system. They include residents of China, the USA, Germany, Canada, Japan, Turkey and others. Applicants from Russia file the largest number of applications for industrial designs.

The regional system for the protection of industrial designs has retained all the advantages of the Eurasian patent system. They are a unified procedure, a unified language and a unified nature of the patent granted. The requirements for an application under the Eurasian system for legal protection of industrial designs have been fully streamlined.

Such a Eurasian application may include up to one hundred industrial designs, provided they belong to the same class of the International Classification of Industrial Designs (ICID). At the same time, these design solutions do not have to be linked by a single inventive concept. Each industrial design may have its own specific features.

The validity term of a Eurasian patent for industrial designs is five years and may be repeatedly extended. The total Eurasian patent term shall not exceed twenty-five years. The legal protection of industrial design is extended throughout the whole territory, and the procedure remains centralised even at the extension stage.

Currently, the Protocol to the EAPC is valid on the territory of 7 States. Turkmenistan is working on its ratification.

The EAPO implements Patent Prosecution Highway (PPH) programs under bilateral agreements with a number of patent offices (Japan (JPO), the People’s Republic of China (CNIPA), the Republic of Korea (KIPO) and the European Patent Office). Currently, we are negotiating with the patent offices of India and Brazil.

Since July 1, 2022, the **EAPO has been functioning as an International Searching Authority and an International Preliminary Examining Authority** within the Patent Cooperation Treaty (hereinafter “PCT”). The patent offices of seven countries have already recognised the EAPO as a competent office.

The EAPO completed the first preparation phase for the reform of the PCT Minimum Documentation and updated the Authority File of Published Patent Documents according to the new approaches of the World Intellectual Property Organisation (WIPO).

How popular is the Eurasian Patent System with applicants?

During its 29 years of operation, the Eurasian Patent System has been in constant demand. Currently, applicants from more than 130 countries use the Eurasian regional system, and more than 500 Eurasian patent attorneys represent their interests.

I want to mention that the EAPO started to cooperate with the Assembly of Eurasian Patent Attorneys in April of this year. The Assembly has become an important source of information on the needs of applicants, businesses, and inventors, as well as a platform

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for the formation of a consolidated opinion of patent attorneys on the improvement of regulations and approaches to examination.

In general, the numbers of Eurasian applications are stable. In 2022, we recorded 3,731 applications. This is the largest number of applications in the last ten years. On average, more than 3,600 applications are filed, and more than 2,700 Eurasian patents for inventions are granted annually.

The EAPO has already received over 70,000 applications for Eurasian patents for inventions. The 70,000th application has been received under the PCT from the Indian pharmaceutical company Unichem Laboratories for a protein for the treatment of neurodegenerative diseases.

The Eurasian Anniversary Patent No. 44000 was granted to inventors from the People's Republic of China in July this year. Beijing Ai-Robotics Technology Co., Ltd. registered a length-adjustable lower limb structure and an exoskeleton robot that helps patients move and control movements.

The USA, Russia and European countries such as Switzerland, Germany, the UK, Denmark, Belgium, and the Netherlands have the largest number of applications. Applicants from China demonstrate significant results. They are ranked 11th in the number of Eurasian applications for inventions three or four years ago. According to the 2022 results, they are among the top five countries. Applicants from Japan are also among the top ten active users.

What areas of EAPO's activities are of particular importance to you?

Applicants and rights holders are of the utmost importance to us. We recognise the importance of providing the users of the Eurasian system with the highest quality products and services offered by the EAPO.

The EAPO has set up a two-level quality management system for the examination of Eurasian patent applications, aimed at identifying deficiencies, their analysis and the development of appropriate corrective or preventive measures. The quality management system covers all areas of the patent granting process. Therefore, we achieve the greatest results.



I can proudly say that the Eurasian patent is a reliable patent! The number of objections is relatively small. The number of administrative revocations of the Eurasian patent is only 0.04% of the total number of patents granted per year.

“Eurasian applications can now include 3D models”

We are committed to maintaining a high level of user satisfaction with the Eurasian Patent System. We create a “personal account” in the EAPO Online system for each applicant. It allows for continuous interaction between the user and the EAPO employee at all stages of patenting and provides consulting services. It is important to note that we take part in court proceedings once the Eurasian patent has been granted to ensure the correct application of the EAPO acts and clarify the methodology of examination.

We are optimising our work in processing applications, conducting examinations, organising administrative processes, and considering new digital technologies. We started interacting with applicants in digital form while allowing them to submit documents on paper at their request.

Since November 1, 2022, applicants can disclose the gist of their object in both Eurasian applications for inventions and industrial designs. Eurasian applications can now include 3D models. This is an excellent opportunity for applicants to demonstrate all the essential features of their concept. We rely on the WIPO Standard for Digital 3D Models and 3D Images (Art. 91).

Moreover, we started granting Eurasian patents in digital form last year. They are available in users' personal accounts and on the website.

The EAPO has launched a large-scale project to develop an integrated information system. This will be a solution with the most advanced technologies, including artificial intelligence, which will bring digital interaction with applicants to a qualitatively new level.

This will make the process of obtaining a Eurasian patent even more attractive for Eurasian and foreign applicants.

