

Asian Patent Lawyer's Annual

**Protecting
innovation:
navigating the
complexities
of patent law
in Asia**

Tips, tricks, and best practices
from leading lawyers



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EAPO President confirms the benefits of the Eurasian Patent to Asian innovators

Dr. Alexey Vakhnin discusses the available protection and continued commitment to developing the Eurasian patent system with Dr. Grigory Ivliev, the President of the Eurasian Patent Organization, which has many advantages to the Asian IP community.

Many foreign companies consider the Eurasian countries to be an attractive market. At the same time, language difficulties and specific procedures prevent many rights holders from obtaining protection in these countries. We found out about available and straightforward ways to obtain protection in these countries from the interview with Grigory Ivliev, President of the Eurasian Patent Office and scientific secretary of the Federal Institute of Industrial Property.

Mr. Ivliev, you are the President of the Eurasian Patent Office. The name itself indicates the continental scale of the Office. How would you evaluate the correlation between Europe and Asia in your Office?

Our Office is unique because we unite eight countries from both corners of the world: Armenia, Azerbaijan, Belarus, Kyrgyzstan, Kazakhstan, Russia, Tajikistan and Turkmenistan. In terms of geography, our Organization is likely to be more Asian. The Central Asian countries are members



The Eurasian procedure is very flexible.



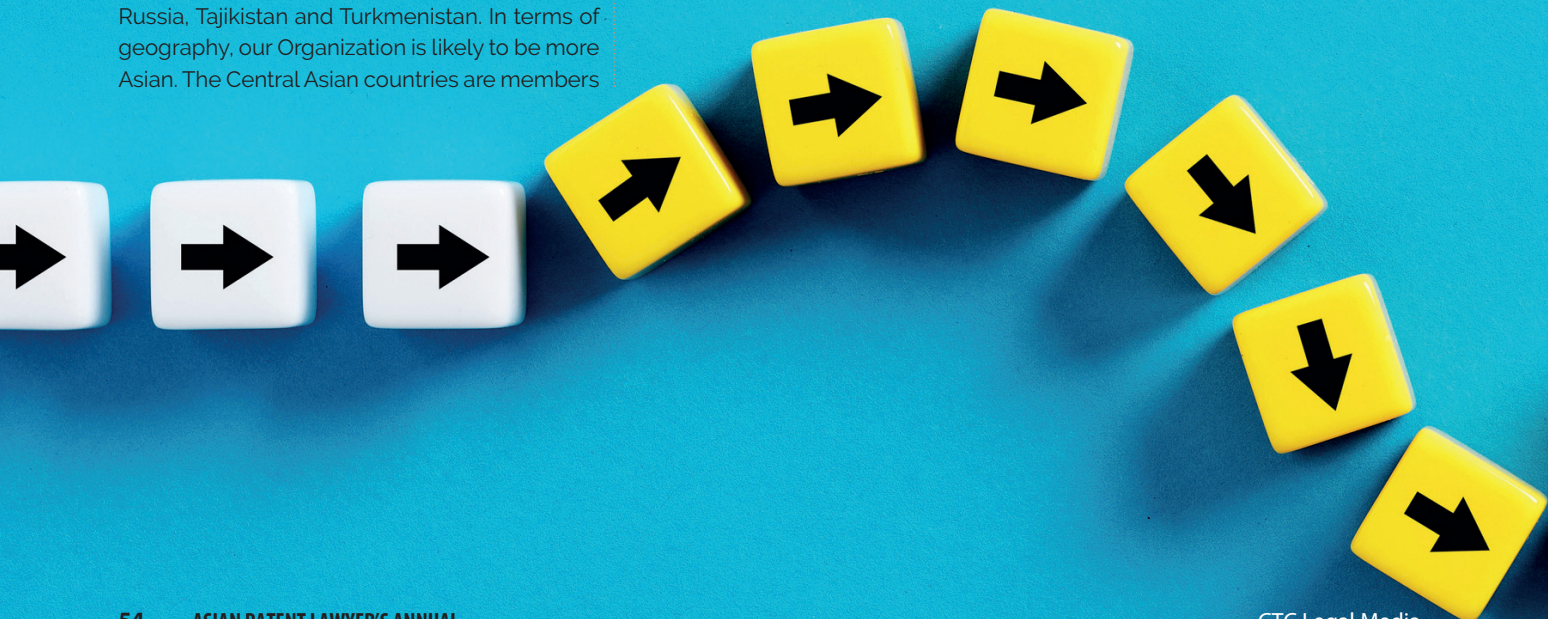
of our Organization, and most of the Russian Federation, the largest country in the world, is situated in Asia.

We also associate the EAPO's future expansion with the Asian region. We are negotiating with colleagues from Uzbekistan and Mongolia.

Central Asia is a region of great interest to a number of companies. What are the advantages of obtaining a Eurasian patent for IP protection in these countries?

The "Single Window" principle is, of course, the main advantage. It is possible to file a single application in Russian with the help of one patent attorney in order to cover the countries of an entire region.

Secondly, the Eurasian procedure is very flexible. A Eurasian patent is valid once granted in all Member States, but it is possible to



maintain the patent only in those countries that are of business interest.

It is also important that many offices of our Member States cannot employ a large staff of examiners in highly specialized fields. We are developing examiner cooperation projects. For example, the EAPO and the Kyrgyzpatent signed an Agreement on cooperation in the field of information search and examination of patent applications in October 2023. Pursuant to this Agreement, the EAPO will conduct patent searches and prepare international search reports in the fields of technology defined by the parties. Such cooperation is a step towards the formation of a common Eurasian information and examination space.

The EAPO employs the best examiners from all Member States to ensure the high quality of the examination and international searches. The EAPO has been functioning as an International Searching Authority since June 1, 2022. This confirms the quality of our work. We are ready to cost-effectively and efficiently conduct international searches for all interested companies.

The EAPO is constantly working on the improvement of examination quality and the implementation of best practices.

How would you evaluate the role of Asia in the EAPO?

It is not a secret that the center of innovation and patent activity is shifting to the Asia-Pacific region. Over the last few years, the World Intellectual Property Organization has recorded that more than half of all international patent applications have been filed by inventors from Asian countries.

And that is not a final point. We recognize the great potential of Asia. Our Office participates in several projects aimed at promoting invention activities among young people. We traditionally grant EAPO award "Advancing the Future" to talented young inventors. For example, over the last couple of years, participants of the IYIA competition (Denpasar) from Indonesia and Thailand and finalists of the Korean International Olympiad KIYO 4i have received this award.



Dr. Alexey Vakhnin



Dr. Grigory Ivliev



It is not a secret that the center of innovation and patent activity is shifting to the Asia-Pacific region.



Résumés

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.

Alexey is Partner and Managing Director of Vakhnina and Partners.

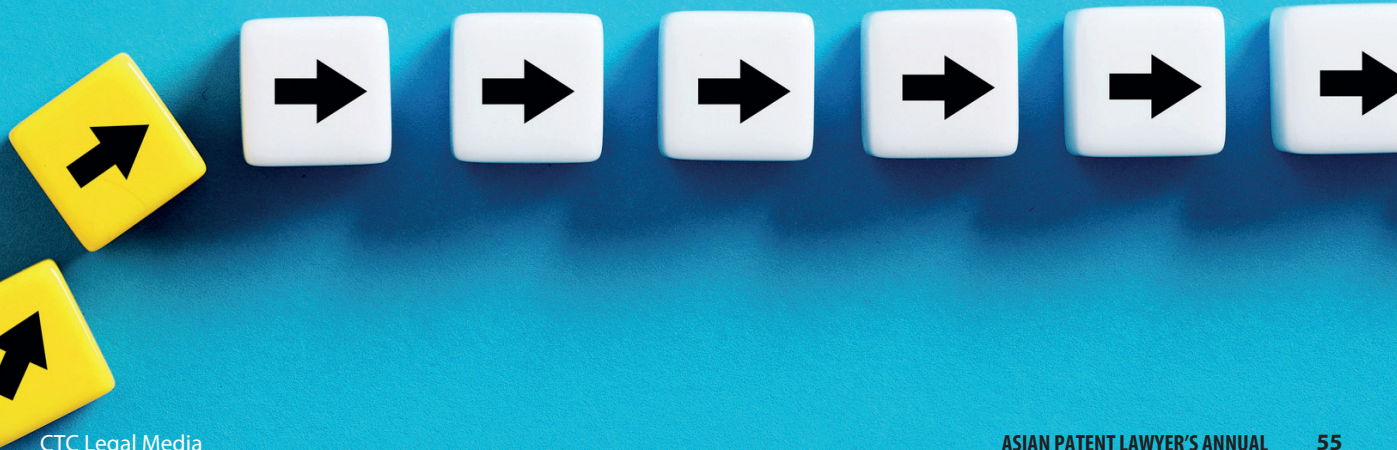
Dr. Grigory Ivliev is EAPO President. He is a Former Head of the Federal Service for Intellectual Property (Rospatent). Eurasian Patent Office (EAPO) is an executive body of the Eurasian Patent Organization, administering the regional patent registration system, covering eight countries of the Eurasian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

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

Objects for IP rights protection: inventions and industrial designs.

Many people are probably aware of the Greater Eurasian Partnership initiative, which has been supported by a number of states on the Eurasian continent, including China and India, as well as the Shanghai Cooperation Organization, the Association of Southeast Asian Nations, and other organizations. China promotes "One Belt One Road" initiative of great importance. These projects are of great interest to us as they promote the enhancement of trade and economic ties on the continent as well as the creation of new cross-border economic zones, investment projects stimulation mechanisms.

All projects like them will require comprehensive protection of technologies on the territory of several countries on the





continent. The Eurasian Patent Office is ready to act as a reliable partner for all companies to ensure regional protection of intellectual property rights. A regional patent reduces impediments to mutual trade and stimulates economic activity.

You are talking about a regional patent. What about regional protection of brands?

Yes, trademarks are in high demand. Now the EAPO grants regional patents for inventions and industrial designs. The design protection system was implemented on June 1, 2021. It has already attracted companies from 24 countries.

The Eurasian industrial design registration system has retained all the advantages of the Eurasian registration system for inventions. These include a unified procedure and the patent's unitary nature. The application requirements under the Eurasian system for patenting industrial designs are optimized. An application may include up to 100 industrial designs belonging to one class of the International Classification of Industrial Designs. Industrial designs included in a single application are not subject to the "unity of industrial design" requirement. It is convenient for applicants and is in demand to include different design items in one application.

We are working on the introduction of a Eurasian trademark. The system for the registration of a unified trademark without additional validations, with a "Single Window" for administration of the system, is relevant for business. Otherwise,

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an entrepreneur has to obtain legal protection for the same trademark separately in each state, which entails significant resource and time expenses.

The Eurasian trademark will be in demand among both applicants from the Eurasian region and businesses from third countries entering the Eurasian market.

What do you think about the perspectives of working with patent attorneys from Asia?

We are interested in a fruitful working dialogue and expanding the number of applications from companies in Asia. This year, our Office has taken an active part in two large scale fora held in India: the 14th Global Conference on Intellectual Property (February 17-19, Goa) and the World Intellectual Property Forum (February 20-22, Bangalore).

Following these events, on December 6, we are hosting the IP Eurasia/IP India-2023 conference to discuss promising areas of cooperation and to provide Indian companies with information about IP protection in Eurasia.

We are going to organize similar events with other Asian countries.

The Assembly of Eurasian Patent Attorneys, which was established this year, will be a partner of the conference. We are confident that it will become an important source of information about the inquiries made by applicants from all countries, law enforcement practice, as well as a platform for the formation of a consolidated opinion of attorneys on the improvement of regulations and approaches to examinations.

I would like to take this opportunity to invite all readers of the magazine to take part in our events. We are open to cooperation with all stakeholders.

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