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(thirteenth extraordinary) meeting  
of the Administrative Council of the  
Eurasian Patent Organization*

*on May 18, 2023.*

## **DEVELOPMENT PROGRAM OF THE EURASIAN PATENT ORGANIZATION FOR 2023-2028**

The Development Program of the Eurasian Patent Organization for 2023–2028 (hereinafter “Development Program”) was established in order to improve the Eurasian patent system, increase the effectiveness of the official activity of the Eurasian Patent Organization (hereinafter “Organization”), and strengthen the integration processes in the field of intellectual property in the Eurasian space.

The Eurasian system for legal protection of inventions has already proven to be sustainable and in high demand among users.

Over the past 10 years, the Eurasian Patent Office (hereinafter “Eurasian Office”) has received about **3,550** Eurasian patent applications annually (in 2022, the number of applications amounted to **3,731**).

The Eurasian patent procedure is in high demand among foreign applicants. A significant number of Eurasian patent applications (83% of the total number of applications) are submitted from states not party to the Eurasian Patent Convention (hereinafter “Convention”) (the United States of America, Federal Republic of Germany, Swiss Confederation, People’s Republic of China, United Kingdom of Great Britain and Northern Ireland are among the five most active foreign states). 77% of the Eurasian patent applications were received through the Patent Cooperation Treaty (hereinafter “PCT”) system.

Since July 1, 2022, the Eurasian Office has been functioning as an International Searching Authority (hereinafter “ISA”) and an International Preliminary Examining Authority (hereinafter “IPEA”) under the PCT. The decision to designate the Eurasian Office as an ISA and an IPEA was adopted at the 53rd session of the PCT Union Assembly, which was held in October 2021). The patent offices of seven countries have already recognized the Eurasian Office as such a competent Office. This designation will help to use the international patent system more widely and actively and to develop innovation processes in Eurasian countries.

The most active applicants for Eurasian patents are from the Russian Federation (68,8% of the total number of applications from the Contracting States), the Republic of Belarus (11,6%), the Republic of Kazakhstan, and the Republic of Azerbaijan (7%).

The dynamic development of the Organization has made it the center of integration of all its Contracting States, inter alia in new areas of official activity.

So from June 1, 2021, the Eurasian system of patenting industrial designs has been implemented under the Protocol on

the Protection of Industrial Designs to the Eurasian Patent Convention, adopted on September 9, 2019.

The geographic scope of users of this system is expanding. While in 2021, Eurasian industrial design applications were submitted by applicants from 9 countries, in 2022, the applications were submitted by applicants from 16 countries.

The Eurasian Office and the national patent offices of the Republic of Azerbaijan and the Republic of Tajikistan have introduced the possibility of filing applications with digital 3D models, following the experience of the Federal Service for Intellectual Property in the digital transformation of the office.

On May 1, 2022, the Eurasian Office started granting Eurasian patents for inventions and industrial designs in electronic form.

At the same time, most of the Eurasian Office's automated systems were developed and implemented at different times over the course of more than 20 years using different technologies. As a result, they are currently considered to be out of date and do not meet modern requirements. It negatively affects the sustainability of the Eurasian Office's infrastructure and increases the risks of information security violations. The lack of a unified technology stack, a unified approach, and unified principles for creating and maintaining Eurasian Office information systems makes it impossible to develop them further and creates high risks of introducing additional mistakes into existing systems.

Therefore, a substantial reform of the Eurasian Office's digital services is required, which will ensure fast and effective cooperation with all the parties of the Eurasian patent system,

including its users and the national patent offices of the Member States.

Due to the objective factor of economic integration in the Eurasian region, one of the Organization's development trends is the expansion of the number of subject matters protected on the territory of the Contracting States on the basis of a unitary Eurasian protection document.

Currently, the Eurasian patent system protects only a portion of the interests of producers engaged in the market of the Contracting States since it grants centralized legal protection only to technical solutions (inventions) and solutions of their appearance (industrial designs) contained therein.

However, it is not enough to ensure a convenient turnover of goods throughout the territory of all Contracting States since trademarks and their related service marks, an equally significant pieces of intellectual property used when introducing goods into the market, do not have a unified protection system for the designated territory.

At the same time, it is appropriate to create another tool for unified regional protection of new technical solutions, utility models, which are very similar to inventions by their nature and legal protection procedure.

The increase in intellectual property subject matters protected at the regional level inevitably leads to an increase in related disputes. Therefore, the issue of establishing a unified supranational system for challenging decisions of the Eurasian Office and revocation of Eurasian patents (and other regional protection documents) by creating an appropriate Eurasian court jurisdiction becomes vital.

The next step in the development of examiner cooperation becomes relevant, namely the creation of a common Eurasian information and examination space in the Eurasian region which will allow to expand information and examination cooperation between national patent offices of the Contracting States, to distribute the examination workload among national patent offices with due consideration to their specialization in particular technology fields, and to attract leading specialized scientific and educational organizations of the Contracting States to the examination.

**Taking into account the aforementioned, as well as the goals of the Organization, development trends of international, regional, and national patent systems, including in terms of strengthening their integration, the main technical achievements aimed at improving the system of examination proceedings in the world, the main development priorities of the Organization in the perspective of 2023-2028 shall be the following:**

## **1. Providing high-quality goods and services**

One of the Organization's priorities is high-quality of goods and efficiency of services rendered by the Eurasian Office.

A quality management system effectively operates in the Eurasian Office established in accordance with the requirements stipulated in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines.

Principles and objectives of the Eurasian Office in the field of quality are defined in the **Quality Management Policy** approved by the President of the Eurasian Office.

The functioning of the quality management system in the Eurasian Office is based on such fundamental principles of quality management as systematic goal setting, action planning, continuous quality monitoring, analysis of the results, and reporting with the adoption of appropriate corrective and preventive measures.

The analysis of the effectiveness of the quality management system and the development of measures for its improvement are carried out by the **Quality Council**. As a result, quality standards are developed, goals are adjusted, and modifications are made to some elements of the quality management system.

Quality assurance in the Eurasian Office is focused on two aspects:

- quality assurance of the work products (patent search, substantive examination and granted Eurasian patent);
- quality assurance and efficiency assurance of procedures and processes for the Eurasian patent grant.

One of the main elements of quality assurance is the internal quality control of examination work products, upon the results of its analysis a set of measures aimed at improving the quality of search and examination is developed. A two-level system of quality control is established in the Eurasian Office:

- control carried out on an ongoing basis in the specialized divisions of the examination in the course of the proceedings on applications for Eurasian patents, aimed at identifying drawbacks in order to correct them before sending the prepared documents;

- internal audit, conducted selectively on the examination work products and aimed at identifying systemic drawbacks, their analysis and development of appropriate corrective or preventive measures.

The effectiveness of quality assurance is conditioned, besides quality control, by such factors as monitoring the feedback from the Eurasian patent system users, resource management (personnel, information and infrastructure), providing administrative procedures and technological processes necessary to maintain effective search and examination.

The strategic goal of the Eurasian Office is the complex improvement of all mechanisms that provide high-quality goods and services and the effective functioning of the quality management system based on risk-oriented practices with the introduction of new modern tools to ensure the quality of search and examination.

In order to implement this strategic goal, the Eurasian Office intends to develop a number of measures to achieve the following objectives for the development of an effective quality management system:

1) ongoing monitoring of the quality of examination with the improvement of the internal audit system in order to reveal risks and take preventive measures in a timely manner, to review the quality standards taking into account the objectives set by the Eurasian Office;

2) improvement of the Organization's and Eurasian Office's legal acts with due consideration of the results of the case law analysis in disputes concerning the protection of inventions and industrial designs;

3) expansion of the feedback system for users of the Eurasian patent system;

4) cooperation with national patent offices of the Contracting States and other states on the issue of distribution and exchange of search results within the framework of joint search;

5) use of scientific-research work results while developing legal acts and improvement of the patent search and examination methodology;

6) increasing the search and examination quality through the use of new specialized information systems including those based on artificial intelligence;

7) continuous advanced training of the Eurasian Office examination personnel by the expansion of educational programs and resources.

Users familiar with the world's largest patent offices shall consider the Eurasian Office as a provider of patents and services of the highest quality. In this regard, regular user feedback surveys shall be conducted.

The Eurasian Office will cooperate more actively and consistently with a broader range of stakeholders to ensure greater transparency in the Eurasian patent system.

For these purposes the following activities are expected:

1) implementation of activities aimed at raising awareness about the Eurasian patent system and its advantages in scientific and educational environment and mass media;



2) carrying out activities with associations of national and foreign producers in the Organization's Member States and other states;

3) carrying out thematic meetings with applicants, Eurasian patent attorneys, and other stakeholders on relevant aspects of industrial property protection;

4) promotion of the services of the Eurasian Office as an ISA and IPEA.

Attracting the greatest number of Eurasian patent applications is of great strategic importance for the development of the Eurasian Office and the Organization as a whole.

Popularization of the industrial property sphere and improvement of patent literacy of the population positively influence the increase in the number of patentable results of intellectual activities.

The implementation of the envisaged strategic development of the quality management system will undoubtedly contribute to the growth of confidence in the Eurasian Office on the part of applicants and Eurasian patent attorneys, and this shall lead to an increase in the number of incoming Eurasian patent applications.

## **2. Creation of a common Eurasian information and examination space**

Currently, the Eurasian Office and national patent offices of the Organization's Member States have the following objectives:

to ensure the greatest level of harmonization of approaches while granting patent protection;

to ensure interaction between the regional and national patent systems in order to create conditions for more effective procedures and reliability of the legal protection, data exchange related to the intellectual property application search and examination results, and the exchange of patent information and non-patent prior art literature.

The expansion of the examination and information interaction between the patent offices within the patenting system will open new options for the implementation of procedures that prevent duplication of actions in the field of patent search and examination and will contribute to the reducing costs both for offices and applicants:

The main objectives of the Organization in the implementation of the envisaged development trends are:

1) creation of an effective system of distribution and exchange of the conducted patent search and examination results between the Eurasian Office and national patent offices of the Organization's Member States, including in the framework of:

- Patent Prosecution Highway (PPH) program of a Eurasian application;
- joint patent search and examination;
- system for exchange of information relating to the search and examination of patent applications for inventions (formation of a common dossier system);

2) harmonization of the procedure for patenting inventions and industrial designs and approaches used in the examination of patent applications of the stated subject matters in order to remove barriers to the use of patent search and examination results from joint projects between the Eurasian Office and national patent offices of the Organization's Member States;

3) implementation of unified standards and requirements for electronic filing of patent applications for inventions and industrial designs within the Eurasian region, including the possibility to attach digital 3D models to the application files, unified requirements for file formats, mutual recognition of electronic signatures, etc.;

4) advanced training and exchange of best practices in patent search and examination between the examiners of the Eurasian Office and national patent offices.

### **3. Digitalization of the common Eurasian information and examination space**

Currently, the Eurasian Office and the national patent offices of the Organization's Member States have the following objectives:

1) digitalization of the Eurasian Office;

2) ensuring information security and continuity of the Eurasian Office activities in accordance with international standards and best practices;

3) creation of a basis for the development of informatization of the Organization as a whole in order to provide applicants

and Eurasian patent system users with high-quality services in obtaining legal protection for inventions, industrial designs, and other industrial property subject matters, as well as search and analysis of patent information.

The fulfillment of the aforementioned objectives is aimed at:

1) increasing the applicants' level of accessibility and satisfaction with information services within the Eurasian patent system;

2) reducing applicants' expenses while interacting with the Eurasian Office due to the use of modern digital data formats;

3) increasing the efficiency of the Eurasian patent procedure by reducing costs and expenses of examination, as well as improving the quality of monitoring and management of the Organization's official activity, including as a result of the use of artificial intelligence, computer-aided learning, cloud computing, and common distributed registers;

4) increasing the efficiency of development processes and technical support of the Eurasian Office information systems and services;

5) reducing the risks of using outdated technologies.

Particular attention will be paid in the implementation of the mentioned Organization's development strategy to:

1) the use of modern approaches to analytics applying big data technologies; the introduction of sets of tools for processing and analyzing a large number of rapidly changing unstructured data into information systems;

2) introduction of modern process control systems and technical means of information protection;

3) specialized training of the Eurasian Office employees and advanced training of representatives of the national patent offices of its Member States;

4) development and implementation a new secure and uninterrupted network and server infrastructure for the new IT services of the Organization;

5) providing assistance to the national patent offices of the Organization's Member States in the creation of a secure and uninterrupted infrastructure platform for unified IT services of the Organization;

6) providing assistance to the national patent offices of the Organization's Member States in the creation of information security management systems for IT services (information security risk analysis, solution design, advisory assistance in their implementation);

7) obtaining international certification to confirm the level of information security and continuity of services.

#### **4. Increase in the number of IP objects protected under the Eurasian patent system**

The main objectives of the Organization while implementing the envisaged development directions are:

1) elaboration of all aspects (legal, economic, informational, etc.) of the creation of the Eurasian system for legal protection of

trademarks and service marks (hereinafter “trademarks”) on the basis of the Organization;

2) elaboration of all aspects (legal, economic, informational, etc.) of the creation of the Eurasian system for legal protection of utility models on the basis of the Organization.

Member States of the Organization have national systems for legal protection of all industrial property subject matters, including inventions, trademarks, industrial designs, and utility models.

The system of legal protection by a single patent exclusively for inventions and industrial designs exists at the regional level. The protection system for inventions (effective since 1995) and the protection system for industrial designs (effective since 2021) show their relevance among both applicants from the Organization’s Member States and foreign applicants from more than 130 countries. This is due to the provision of reliable patent protection to the users of the Eurasian patent system, which increases the possibility of introducing a product or technology into the market in several countries in the region.

The Eurasian system for legal protection of trademarks will enable applicants to introduce their products into the regional market quickly and efficiently through the unified procedural mechanism of obtaining legal protection by filing a single Eurasian trademark application with a single regional Trademark Office with a centralized Trademark Register.

The system for protection of utility models at the regional level will create an additional protection mechanism for new technical solutions, allowing an applicant to choose the patent protection mode depending on the financial situation, market

competition, and the prospects of commercialization of the created technical solution.

Protection of industrial property objects (inventions, utility models, trademarks, and industrial designs) at the regional level will provide an applicant with significant benefits due to the reduction of administrative barriers caused by the peculiarities of each national procedure for obtaining protection, reduction of time and costs associated with introducing products into the market of the Eurasian region.

## **5. Strengthening the Organization's position in the Eurasian region and in the international arena**

The implementation of this Organization's development goal implies the formation of the Eurasian Office's standing in relations with both the national patent offices of the Contracting States and other states.

In this regard, the key directions of the prospective Eurasian Office activity are:

- 1) ensuring effective cooperation with the national patent offices of the Organization's Member States in order to contribute to their development;
- 2) diversification of the user community of the Eurasian patent system;
- 3) expansion of cooperation formats with states, regional, and international organizations for the Eurasian patent system's development;

4) expansion of examination interaction with foreign offices, including PPH programs;

5) ensuring constructive cooperation with the Eurasian Economic Commission, including cooperation on the issues of preparation and implementation of a new version of the Strategic Directions for Developing the Eurasian Economic Integration;

6) ensuring coordination of integration projects in the IP field within the framework of the Greater Eurasian Partnership;

7) Initiating actions aimed at Turkmenistan's accession to the Eurasian system for legal protection of industrial designs;

8) Initiating actions aimed at the Organization's accession to the Hague System for the international registration of industrial designs;

9) increasing the Eurasian patent system's attractiveness for potential participants (initiating actions aimed at the involvement of the Republic of Uzbekistan and Mongolia in the integration processes in the IP field in the Eurasian space;

10) providing the functionality of the Organization as an international platform for information and experience exchange on issues relevant to the its Member States.

## **6. Development of the Eurasian Dispute Resolution System**

Regional patent systems, characterized by the unified nature of the protection granted, shall provide a unitary consolidated judicial dispute resolution procedure.



The analysis of the current situation has shown that the established dispute resolution system for Eurasian patents is asymmetric and fragmented. Decisions of the national patent offices of the Organization's Member States can be challenged in court, while decisions of the Eurasian Office are final and are not subject to the centralized appeal procedure.

Disputes concerning infringement of the Eurasian patent can also be entertained only within the framework of the national judicial procedure of the state where the infringement of the Eurasian patent has occurred.

The procedure for invalidation of a Eurasian patent, entertainment of disputes related to infringement of its rights, as well as the competence of authorized bodies shall be established by the national legislation of the respective Contracting State. The grounds for invalidation of the Eurasian patent are established by the provisions of the regulatory legal acts of the Organization.

As a result of challenging the Eurasian patent on the territory of certain states, the Eurasian patent ceases to have the unitary character prescribed by the Convention or, respectively, by the Protocol for the Protection of Industrial Designs to the Convention.

The unitary nature of the Eurasian patent can only be ensured by the consolidated supranational jurisdiction competent to entertain and resolve patent disputes (validity of the Eurasian patent and entertainment of disputes concerning its infringement).

The implementation of this Organization's development direction requires an in-depth study of all aspects (legal, economic, informational, etc.) of the creation of a Eurasian jurisdiction.

Proposals for the adoption of unified dispute resolution mechanisms in the Eurasian region will enable patent owners to protect their intellectual property rights on the territories of the Contracting States in a consolidated way. Despite the principal independence of national legal systems, the development of consistent and unified approaches to law enforcement by the international court will contribute to the unification of legislation and law-enforcement practices in different countries of the Eurasian region. The development of the intellectual property sphere will largely depend on the settlement of dispute resolution issues in the Eurasian region.

In addition, alternative dispute resolution procedure is currently one of the important mechanisms for resolving disputes on the issue of protectability of inventions and industrial designs. The legal acts of the Organization provide for the possibility of appealing against the Eurasian Office's decisions and the administrative revocation of the Eurasian patent. In order to increase the quality of decisions, it is necessary to improve the provisions of the legal acts of the Organization, as well as their practical application.

The development of alternative dispute resolution on the issue of industrial property protection in the Eurasian region is a separate objective within the framework of the implementation of the above-mentioned Organization's development direction.

## **7. Formation of the Eurasian Pharmaceutical Register**

The Pharmaceutical Register of the Eurasian Office (hereinafter "Pharmaceutical Register") was established in 2021. Information on valid Eurasian patents for inventions related to

active pharmaceutical ingredients with international non-patent names (hereinafter “INN”) is publicly available. This information resource provides patent owners with an additional tool to protect their patent rights and serves as an accessible source of reliable information for a wide range of stakeholders, starting from the developers of biologically active substances to those engaged in the registration of medicines and their introduction into the market.

As of January 1, 2023, the Pharmaceutical Register contained information about **308** patents and **211** INNs and their combinations. In April 2022, the Organization’s Administrative Council decided to expand the functionality of the Pharmaceutical Register by including information on national patents for inventions of the Contracting States. This resource is in high demand among patent owners in respect of both Eurasian and national patents. The Eurasian Office also provides extracts from the Pharmaceutical Register on request of patent owners for submission to the competent authorities.

Activities on the popularization of the Pharmaceutical Register and cooperation with the national patent offices of the Contracting States are to be implemented on an ongoing basis in order to supplement the Pharmaceutical Register with information on Eurasian and national patents and provide interested persons with reliable and up-to-date information.

However, the Pharmaceutical Register is currently just an information resource. Its functioning is regulated by the Procedure for Maintenance of the Register of Eurasian Patents of the Eurasian Office approved by an Eurasian Office’s Order. At the same time unified Rules of the Eurasian Economic Union are in

force, which require data on patent rights to the relevant active ingredients when registering medicines.

Considering the aforementioned, improving the status of the Pharmaceutical Register and creating of the Eurasian Pharmaceutical Register on its basis are perspective objectives. Data from the Eurasian Pharmaceutical Register will be taken into account by the competent governmental and judicial authorities of the Organization Member States during the registration of medicines, the granting approvals for their introduction into the market, and the resolution of disputes concerning infringement of patent rights.

Raising the status of the Pharmaceutical Register and endowing it with the status of the Eurasian Pharmaceutical Register is possible through the adoption of relevant legislation in the Organization Member States or the conclusion of the relevant international treaty.

## **8. Expansion of educational projects and development of the technoparks' potential in the intellectual property field**

Taking into account the importance and significance of training highly qualified patent professionals for the development of the Eurasian patent system, the Eurasian Office intends to significantly expand educational programs for the Organization Member States in 2023-2028.

Training, including advanced training and higher education, of examiners from the national patent offices of the Organization Member States and the Eurasian Office examiners will be carried out on the main technical fields of the Eurasian patent

applications submitted to the Eurasian Office with due consideration of the most complex fields such as pharmacy, biotechnology and information technology. Such training will be carried out with the assistance of the Russian State Academy of Intellectual Property and the scientific and educational center of the Rospatent's Federal Institute of Industrial Property, as well as specialized educational institutions of higher professional education.

The planned development and implementation of new, more variable, practice-oriented, and comprehensive training programs will bring the Eurasian educational system to a much higher quality level.

The development and implementation of educational projects targeting young people, small and medium-sized enterprises, universities, and research centers will set the vector of promotion of the Eurasian patent system among new users, increasing their patent activity.

The Eurasian Office Fellowship Program is introduced in 2023 in order to train highly qualified professionals in the field of patent search and examination of Eurasian patent and industrial design applications, as well as to guarantee the Organization's stable staffing with highly qualified specialists. According to the principle of equitable geographical representation, the majority of candidates selected to participate in the fellowship program come from the Organization's underrepresented Member States.

The Eurasian Office is interested in ensuring that the maximum number of subjects of innovative activities acquire knowledge and skills in the management of intellectual property rights. To achieve this objective, the Eurasian Office, together

with the World Intellectual Property Organization, has launched a Pilot Project on enhancing IP commercialization capacity of technoparks in the Member States of the Organization (hereinafter “Pilot Project”). A training course for the technopark beneficiaries will be held within the Pilot Project, including a series of trainings on various aspects of technology transfer: policy development in the intellectual property field in the organization, licensing, marketing in the intellectual property field, and evaluation and registration of intellectual property objects for accounting purposes. The training activities will be highly practice-oriented and will include practical aspects, workshops and actual “case studies”.

General recommendations for all technoparks from the Eurasian countries and a special training course will be prepared on the basis of the Russian State Academy of Intellectual Property following the results of the training events.

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The implementation of the mentioned Organization’s development strategy during 2023-2028 will increase patent activity in the Eurasian region, ensure the building of a common information platform for all national patent offices of the Eurasian region, and contribute to the integration processes in the Eurasian space.

Budget planning for the implementation of the Development Program is expected to be carried out annually during the formation and approval by the Eurasian Office Administrative Council of the annual budget of the Organization for the next year. Such planning shall be carried out on the basis of budget revenues forecasts and feasibility studies of relevant activities,

prepared with due consideration to the costs and current prices for a specific period.

At the same time, it is planned to carry out systematic work aimed at increasing the profitability of the Organization's activities. First of all, it is a well-considered policy in terms of processing the Organization's fees. The relevance of the Eurasian examination procedure for Eurasian patent applications at all stages must be correlated with the amount of fees so that it does not burden national applicants from the Member States of the Organization. Considering that the Organization's fees should correspond to the fees of major national and other patent offices, the fee reduction procedure shall be improved for such groups of applicants as natural persons, state scientific and educational organizations, and other legal entities from the Organization's Member States.

The systematic work on harmonization of financial relations between the Organization and its Member States on the maintenance of Eurasian patents for inventions on the territories of these states seems important. The effectiveness of this economic system can be achieved if the states follow the experience accumulated by the Eurasian Office, pay attention to similar successful mechanisms in other states of the Eurasian region when developing a mechanism for the formation of a register of annual fees, and determining their amounts. It is important to understand that the growing interest in the Eurasian patent procedure, which will ensure a steady growth in the number of Eurasian patents valid on the territories of the States, is the primary cause of the increase in profitability for the states from this type of activity. This practice will make it possible to remove the financial resonance that is currently evident in the accounting

of incoming fees for the maintenance of Eurasian patents and subsequent payments with the States.

In addition to the payment of fees as the main source of the Organization's revenue, it is envisaged to raise funds from other sources indicated in Article 5(1) of the Convention. These are payments for services rendered by the Eurasian Office, from core publishing activities, as well as interest, i.e. income generated by the deposit of the Organization's disposable funds on special bank accounts. This practice will make it possible to significantly compensate for the current expenses of the Eurasian Office and, against the background of the excess of income over expenditures, will contribute to the accumulation of funds for the implementation of projects aimed at the development of the Organization.

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The Development Program, subject to emerging trends and priorities, may be amended and adjusted in the course of its implementation by decisions of the Administrative Council of the Organization.