

THE EURASIAN PATENT SYSTEM

The background is a vibrant blue gradient. It features several large, stylized gears in shades of blue and white, positioned on the right side. Overlaid on these are numerous thin, white, curved lines that sweep across the frame, creating a sense of motion and technology. A faint grid of small white squares is visible across the entire background.

Andrey Sekretov

Director, International Relations Department

March 10, 2021

CarlPI EPA Coordinators Webinar

Benefits of the convergence of IP systems for cross-border trade



Eurasian Patent Organization

222 (R/E/F)

Евразийская патентная конвенция
подписанная в Москве 9 сентября 1994 г.

Eurasian Patent Convention
done at Moscow on September 9, 1994

Convention sur le brevet eurasien
faite à Moscou le 9 septembre 1994

Опубликована Всемирной Организацией Интеллектуальной
Собственности (ВОИС) и Евразийской патентной
организацией

Published by
the World Intellectual Property Organization (WIPO)
and the Eurasian Patent Organization

Publiée par
l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)
et l'Organisation eurasiennne des brevets

1995

International Intergovernmental Organization

Founded in 1995 in accordance with Eurasian Patent Convention

Objective – administration of the Eurasian Patent System



EAPO Member States



Armenia



Azerbaijan



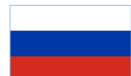
Belarus



Kazakhstan



Kyrgyzstan



Russian Federation



Tajikistan



Turkmenistan





Eurasian Economic Union (EAEU)



Armenia



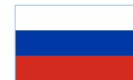
Belarus



Kazakhstan



Kyrgyzstan



Russian Federation

5 of 8 EAPO Member States are members of EAEU

EAEU provides for free movement of goods, services, capital and labor



Eurasian Patent Organization - Structure

Organs of the Eurasian Patent Organization

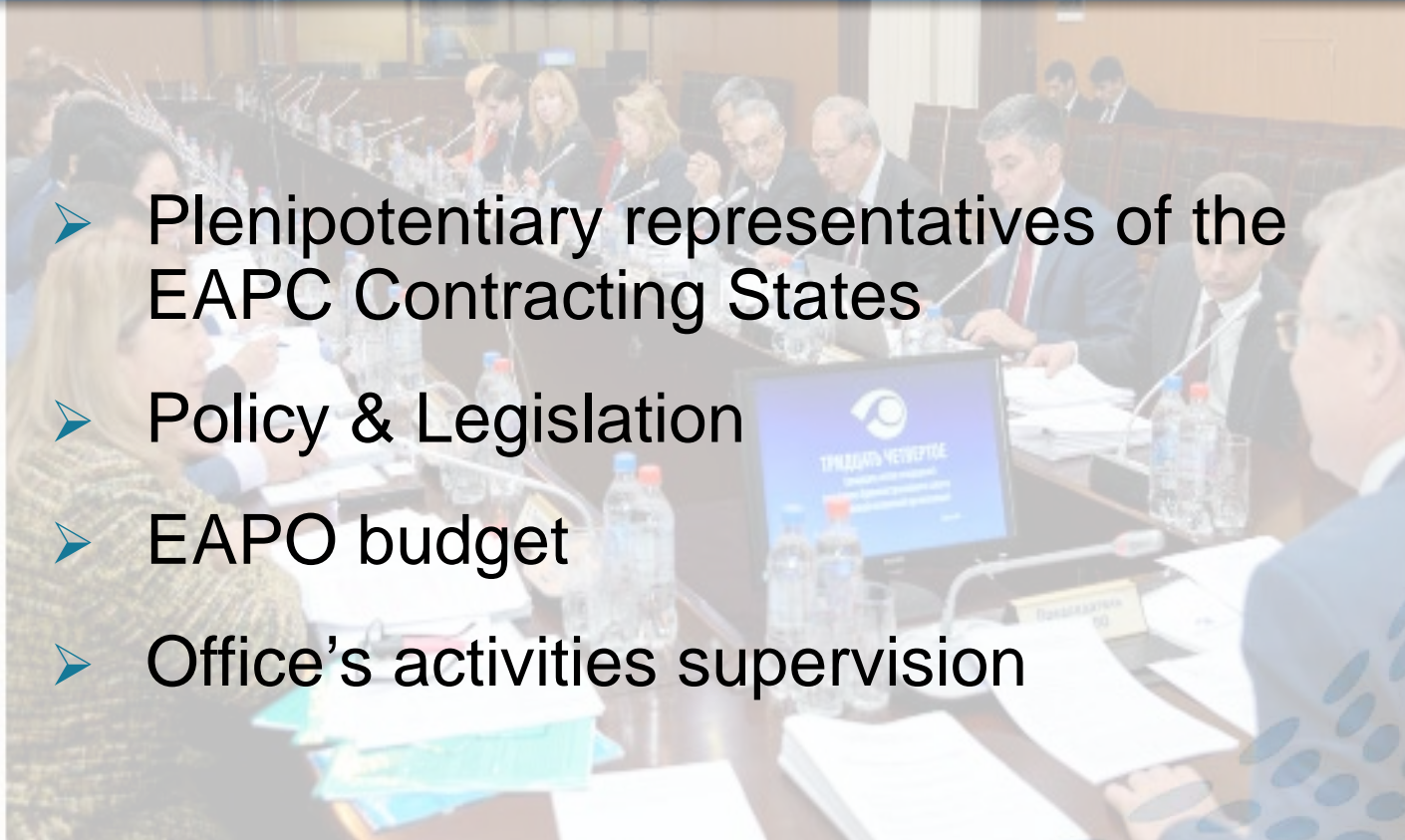
- Administrative Council
- Eurasian Patent Office





Administrative Council

- Plenipotentiary representatives of the EAPC Contracting States
- Policy & Legislation
- EAPO budget
- Office's activities supervision





Eurasian Patent Office

- Administrative & Executive Body of EAPO
- Staff from all EAPO Member States
- Located in Moscow, Russia





Eurasian Patent Office

- Patent search, examination of Eurasian applications
- Grant of Eurasian patents
- Publication of Eurasian applications and Eurasian patents
- Maintenance of Eurasian Patent Register
- Registration of transfer of rights in respect of Eurasian patents
- Collection of annual fees, distribution to Member States





Eurasian Patent Unitary Effect



Valid in all Member States directly after grant



No additional actions required (e.g. national examination, validation, provision of translations etc.)



Patent owner chooses Member States for maintenance by payment/non-payment of maintenance fee for a particular Member State



Eurasian Procedure Benefits

1

application
language
set of fees
examination
attorney

for

8

states



Legal Protection Provided by Eurasian Patent



Liability for infringement same to national patents



Enforcement provided on territorial basis





Unitary, Centralized and Country-Based Procedures

- ▶ Unitary:
 - The whole patent procedure including grant of Eurasian patent
 - Opposition (administrative revocation)
- ▶ Centralized:
 - Payment of annual patent maintenance fees
 - Transfer of rights, pledge rights
 - Limitation, surrender of patent
 - Patent term extension
- ▶ On territorial basis:
 - Invalidation (national revocation)
 - Licensing
 - Enforcement





Eurasian Patent Maintenance

**Request, Selection of States,
Calculation of Fees - **ONLINE****



80% of
maintenance
fees



AZERBAIJAN



ARMENIA



BELARUS



KAZAKHSTAN



KYRGYSTAN



RUSSIA



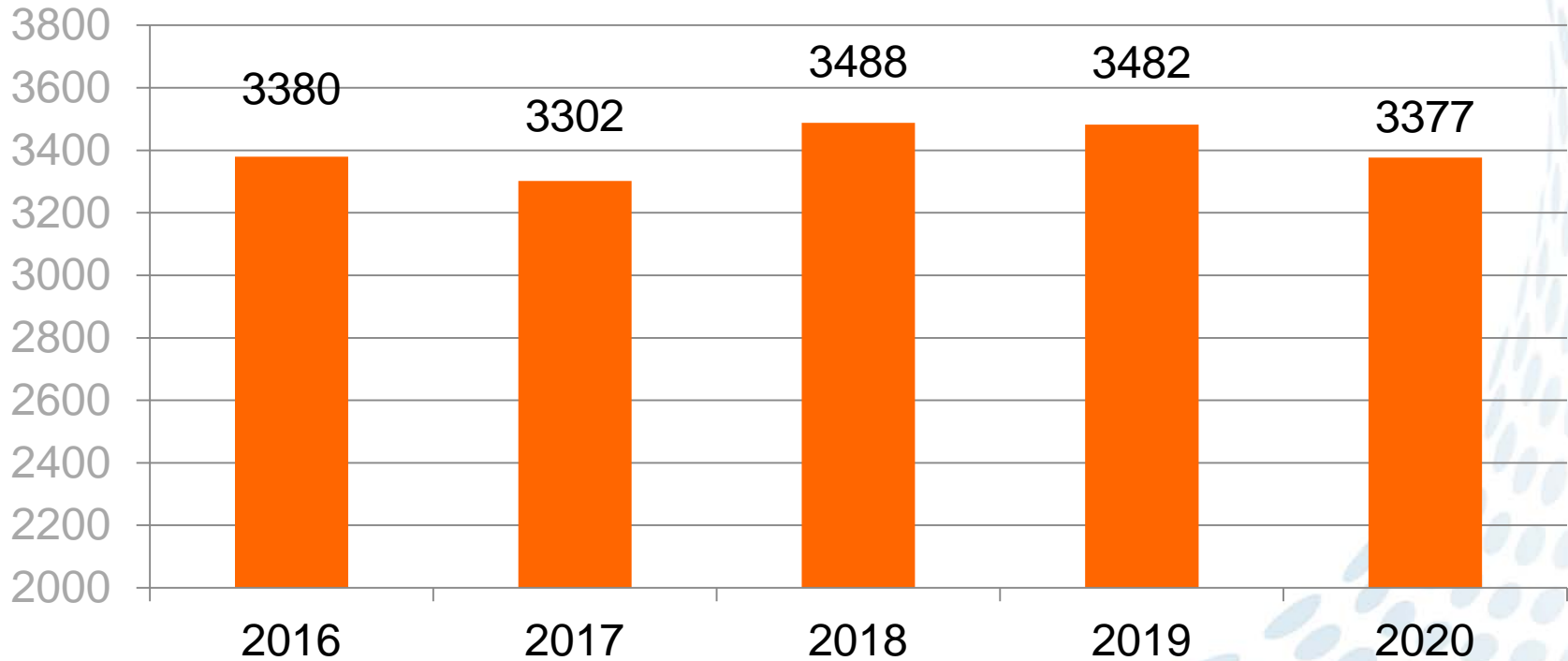
TAJIKISTAN



TURKMENISTAN

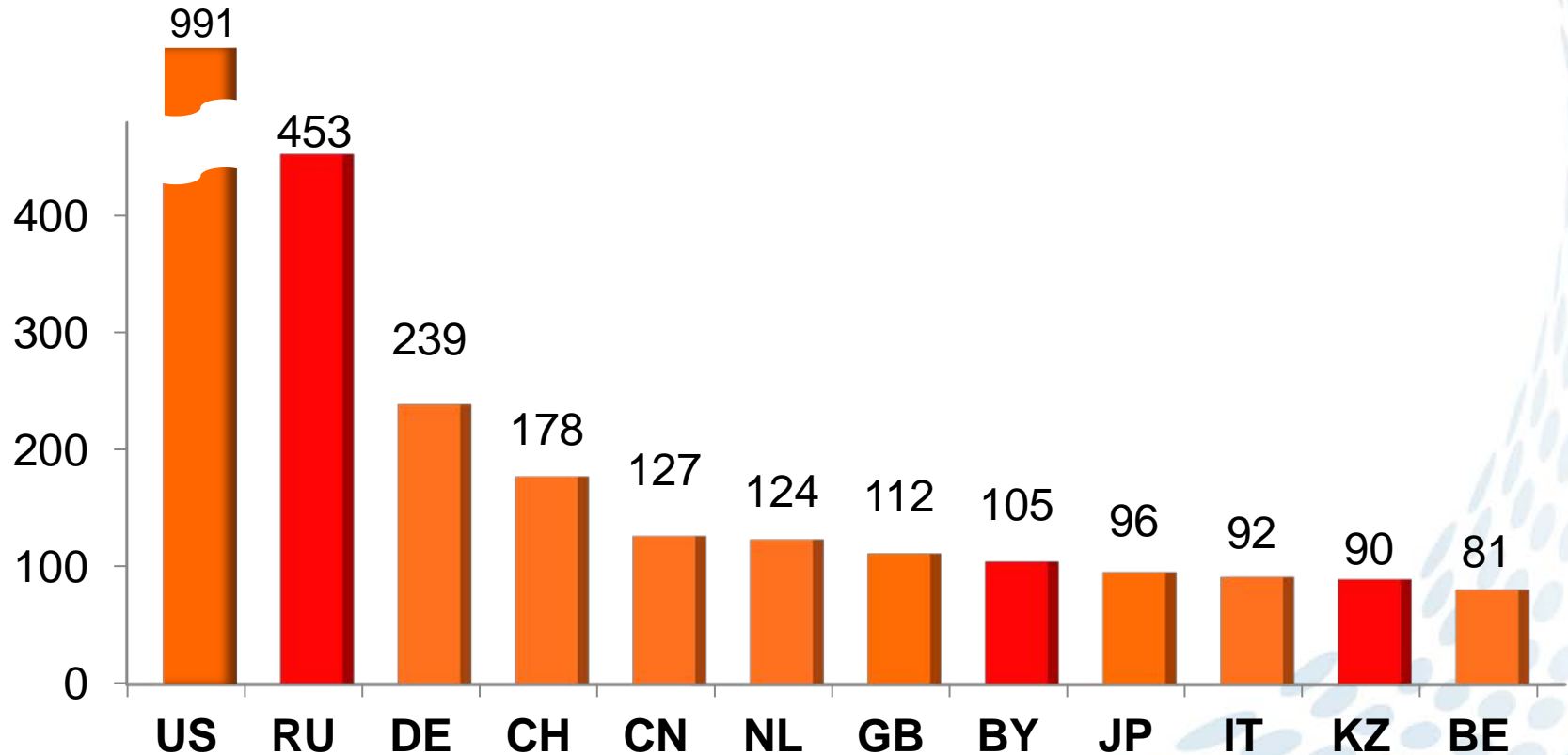


Eurasian Application Filing



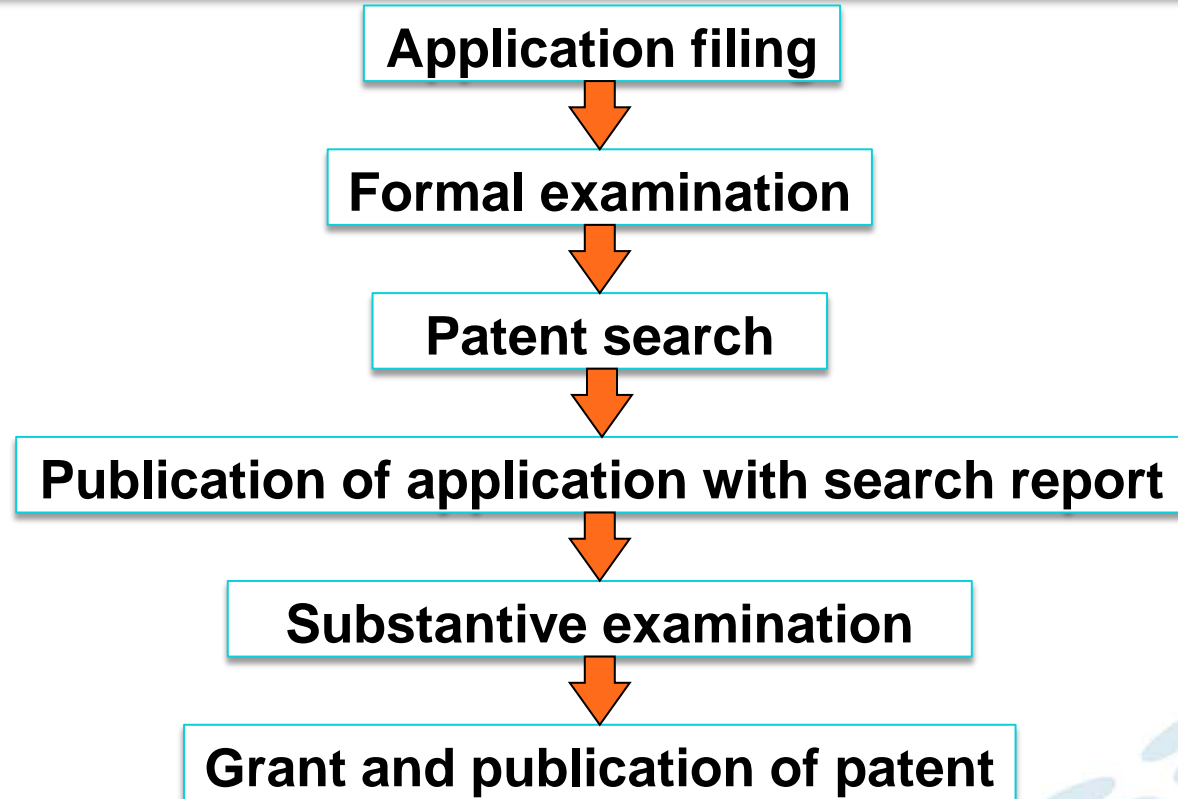


Top Applicant Origins in 2020



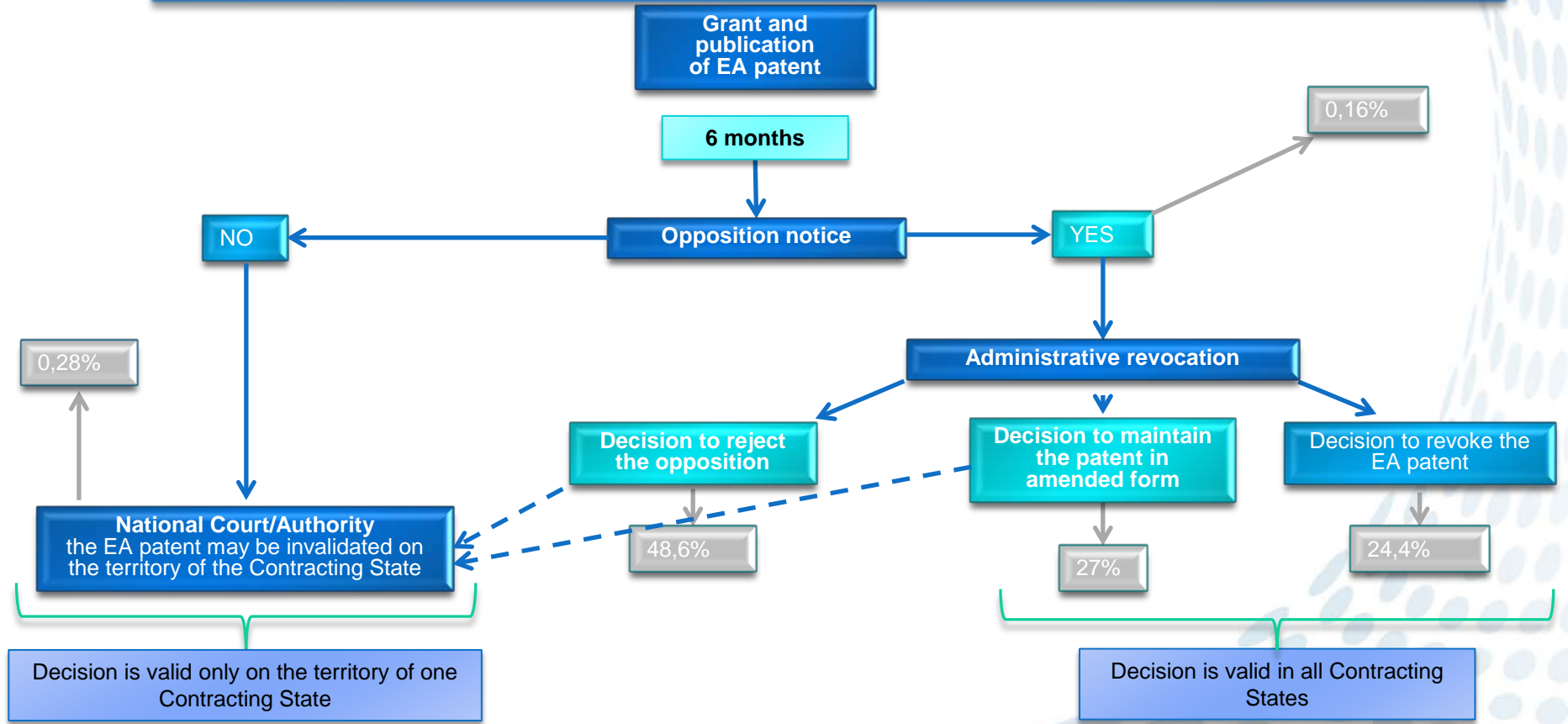


Eurasian Patent Procedure





Eurasian Patent Procedure – Invalidation





Industrial Designs at EAPO

**PROTOCOL
TO THE EURASIAN PATENT CONVENTION
OF SEPTEMBER 9, 1994,
ON THE PROTECTION OF INDUSTRIAL DESIGNS**

The States Parties to this Protocol (hereinafter referred to as "the Contracting States") represented by Governments;

Having regard to the need to expand the Eurasian system for the protection of industrial property;

Striving to establish an interstate system for the protection of industrial designs based on a common Eurasian patent having legal effect on the territories of all Contracting States;

Desirous of developing the domestic markets of the Contracting States and increasing the attractiveness of their territories for the development of trade and investment activities;

Have agreed as follows:

**PART I
GENERAL PROVISIONS**

**Article 1
Status of the Protocol**

(1) This Protocol constitutes a special agreement within the meaning of Article 19 of the Paris Convention for the Protection of Industrial Property of March 20, 1883 (hereinafter referred to as "the Paris Convention").

(2) The Contracting States hereby expand the scope of the Eurasian Patent Organization (hereinafter referred to as "the Organization") as regards the protection of industrial property afforded by the Eurasian Patent Convention of September 9, 1994 (hereinafter referred to as "the Convention").

(3) This Protocol shall not affect the rights of any Contracting State to grant national patents or other documents affording protection to industrial designs.

**Article 2
Eurasian Patent System**

(1) The Eurasian Patent System, established pursuant to Article 1(1) of the Convention, and the Organization, together with all of its organs, established pursuant to Article 2(1) of the Convention, shall serve to protect inventions under the Convention and to protect industrial designs under this Protocol.

(2) For the purposes of the protection of industrial designs, the territory within which the Convention has legal effect shall be the territories of the Contracting States.

(3) By unanimous decision of the Administrative Council of the Organization, adopted by the plenipotentiary representatives (or their deputies) of all the Contracting States, the Organization shall have the right to become a party to an international treaty providing for the international registration of industrial designs. Details concerning the procedures applied

Protocol to the Eurasian Patent Convention on the Protection of Industrial Designs

- Adopted and signed on September 9, 2019
- Ratified so far by 6 EAPO Member States
- Will enter into force on **March 17, 2021**
- Launch of operations planned for 2Q 2021



EAPO Designs System: Key Decisions

- Protocol complementing the existing Eurasian Patent Convention
- Three-tier normative structure
 - The Protocol to the EAPC (*Diplomatic Conference*)
 - Patent Regulations, Statute on Fees etc. (*EAPO Administrative Council*)
 - Guidelines, Rules for filing etc. (*Eurasian Office*)



EAPO Designs System: Distinctive Features

- Unitary effect is specifically mentioned in the Protocol (Art.6 (2)).
- Unitary design patent term extension (5+5+5+5+5 years) instead of annual patent maintenance by selected member States
- Design patent term extension fee is unitary, set by the Eurasian Office
- Pre-grant opposition procedure. National IP office may be party



Conclusion

Regional system is beneficial to all

- **Applicants:** legally solid patents, easier and cost-effective coverage of several countries, easier access to regional and national markets
- **National IP Systems, IP offices:** make use of maintenance or term extension fees, use common IT tools, participate in assistance and cooperation programs, trainings, obtain advisory support
- **National Economies:** boost in the number of inventions and designs protected - paves the way for innovative technologies and new products, fosters development of trade

