

Lecture 10. State management of intellectual property

- ▶ System of state management of intellectual property
- ▶ National innovation system and innovation management structure

System of state management of intellectual property

Legislation

State bodies

State policy

Infrastructure

Staff

| Role | Institution |
|---|--|
| Intellectual property governance | <ul style="list-style-type: none"> – Department on Intellectual Property Rights of the Ministry of Justice (formerly the Committee on Intellectual Property Rights) – National Institute of Intellectual Property, an independent legal body under the Ministry of Justice (for industrial property) |
| Intra-governmental consultation on intellectual property | <ul style="list-style-type: none"> – Foreign Investors' Council |
| Intellectual property administration | <ul style="list-style-type: none"> – National Institute of Intellectual Property (for industrial property) – Department on Intellectual Property Rights (for copyright) – State Inspection for Pedigree Breeds and the State Commission for Crop Variety Testing of the Ministry of Agriculture (plant varieties and animal breeds) |
| Intellectual property policy and support policies for intellectual property use | <ul style="list-style-type: none"> – Committee of Science of the Ministry of Education and Science – Ministry of Investment and Development – Department of International Economic Integration of the Ministry of National Economy – “National Agency for Technological Development” Joint Stock Company under the Ministry of Investment and Development – Technology Commercialization Center (TCC) under the Ministry of Education and Science¹ |
| Other entities of the intellectual property system | <ul style="list-style-type: none"> – Ministry of the National Economy (for IP trade agreements) – Committee for the Control of Medical and Pharmaceutical Activities of the Ministry of Healthcare and Social Development (for IP matters related to pharmaceuticals) – Registered patent solicitors and IP evaluators |
| Intellectual property enforcement | <ul style="list-style-type: none"> – Ministry of Justice, courts and police – Customs Control Department of the State Revenue Committee of the Ministry of Finance – Service of Economic Investigations under the State Revenue Department of the Ministry of Finance – Criminal Police Department of the Ministry of Internal Affairs |

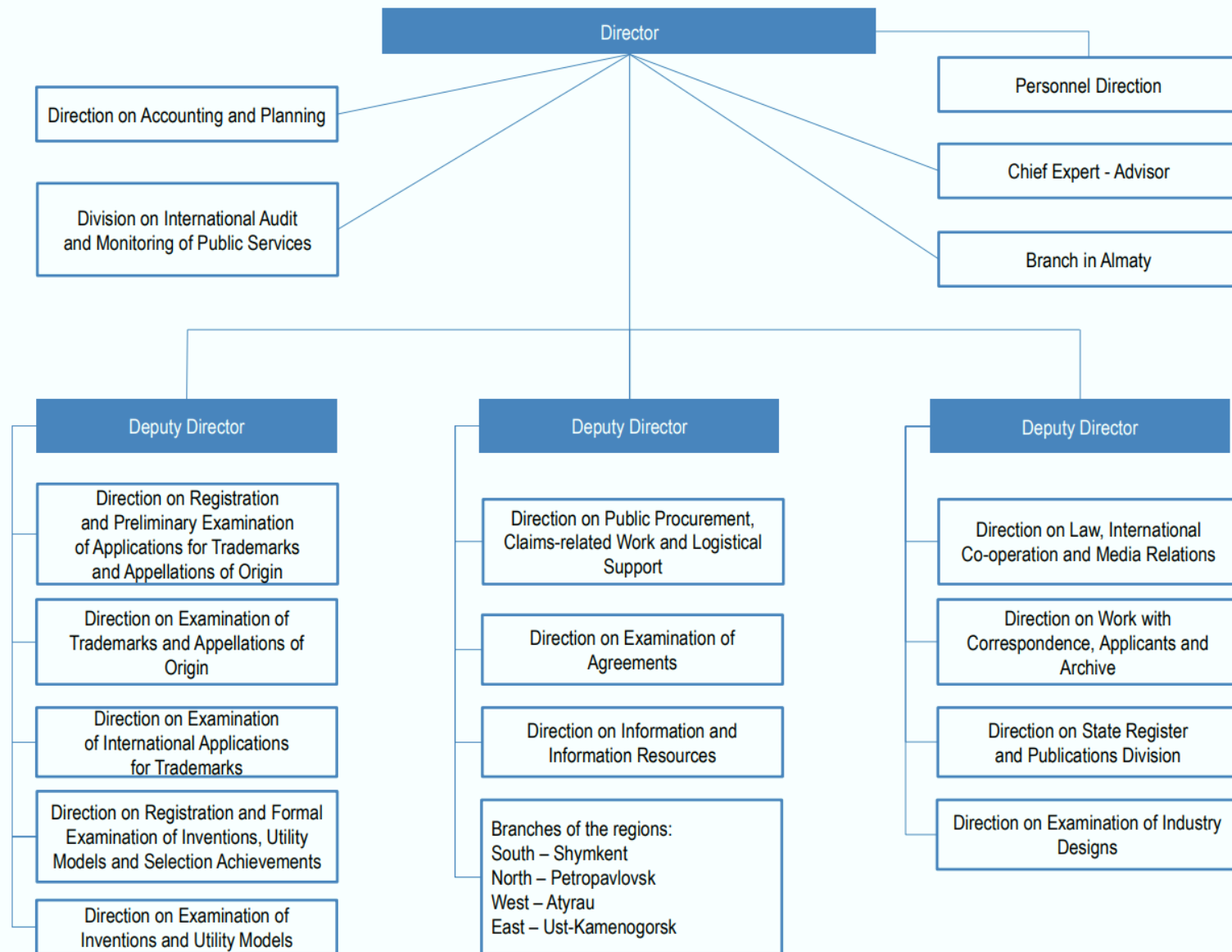
System of state management of intellectual property in Kazakhstan

History of the National Institute of Intellectual Property and of related institutions

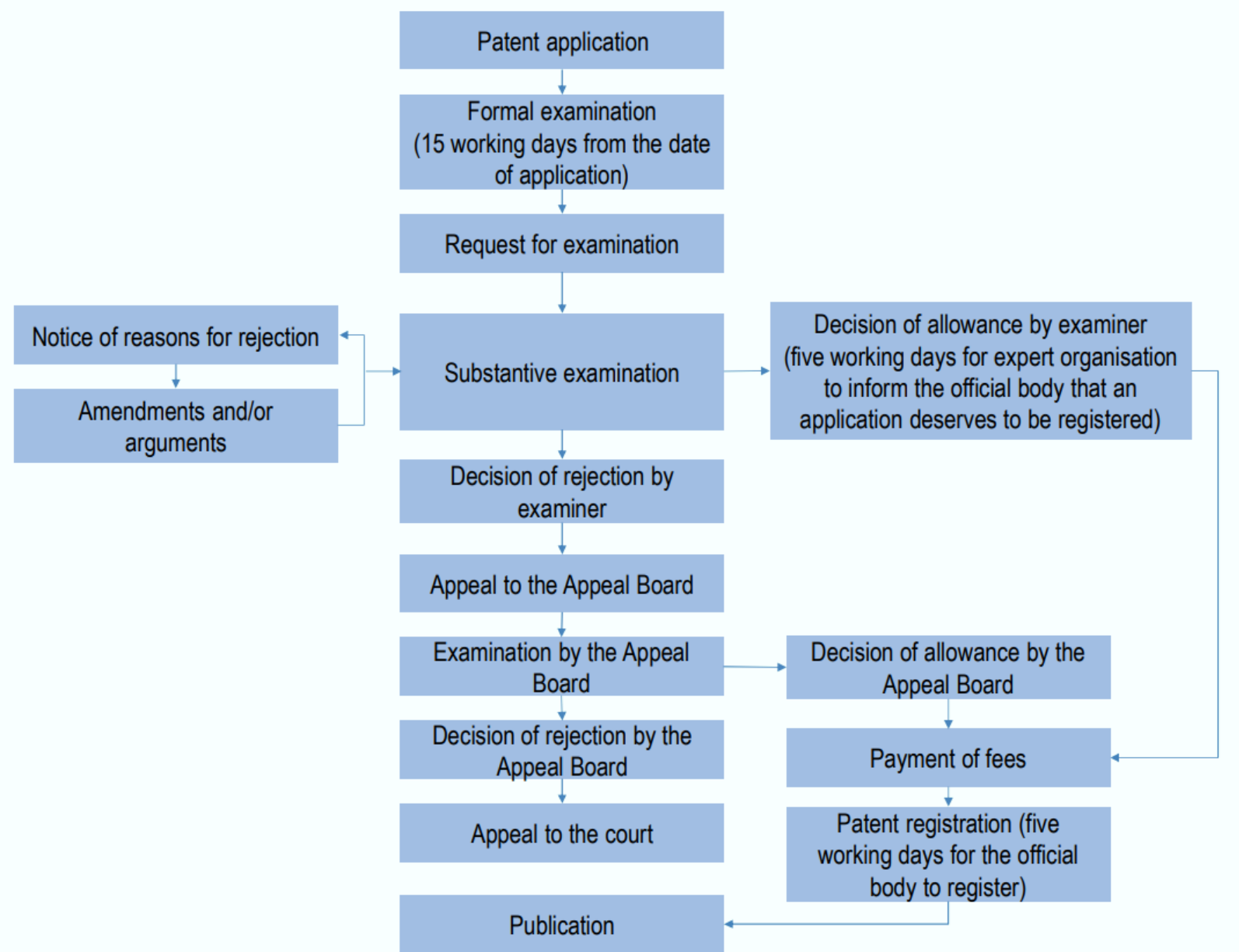
| Year | Event |
|-----------|---|
| 1992 | National Patent Office (Kazpatent) is established under the Cabinet Council |
| 1992 | State Copyrights and Related Rights Agency (SCRRA) |
| 1996 | Kazpatent is given independent status |
| 1997 | Kazpatent is placed under the Ministry of Industry and Trade, then under the Ministry of Economy and Trade due to a re-organisation of ministries |
| 1997 | The SCRRA is placed under the Ministry of Energy, Industry and Trade |
| 1997-98 | Kazpatent is placed under the Agency of Strategic Planning and Reforms |
| 1998-2000 | Kazpatent is placed under the Ministry of Energy, Industry and Trade |
| 1999 | The SCRRA is placed under the Ministry of Justice |
| 2001 | Committee for Intellectual Property Rights is established under the Ministry of Justice with direct responsibilities for the functions of the SCRRA |
| 2001 | State enterprise “Kazakhstan Institute of Patent Examination” (under the Committee for Intellectual Property Rights) established to succeed Kazpatent |
| 2003 | State enterprise “National Institute of Intellectual Property” (under the Committee for Intellectual Property Rights) established to succeed the “Kazakhstan Institute of Patent Examination” |
| 2015 | Committee for Intellectual Property Rights restructured as the Department on Intellectual Property Rights |

Source: Interviews with representatives of the NIIP conducted in the context of this study and information at: <http://kazpatent.kz/en/about-institute>.

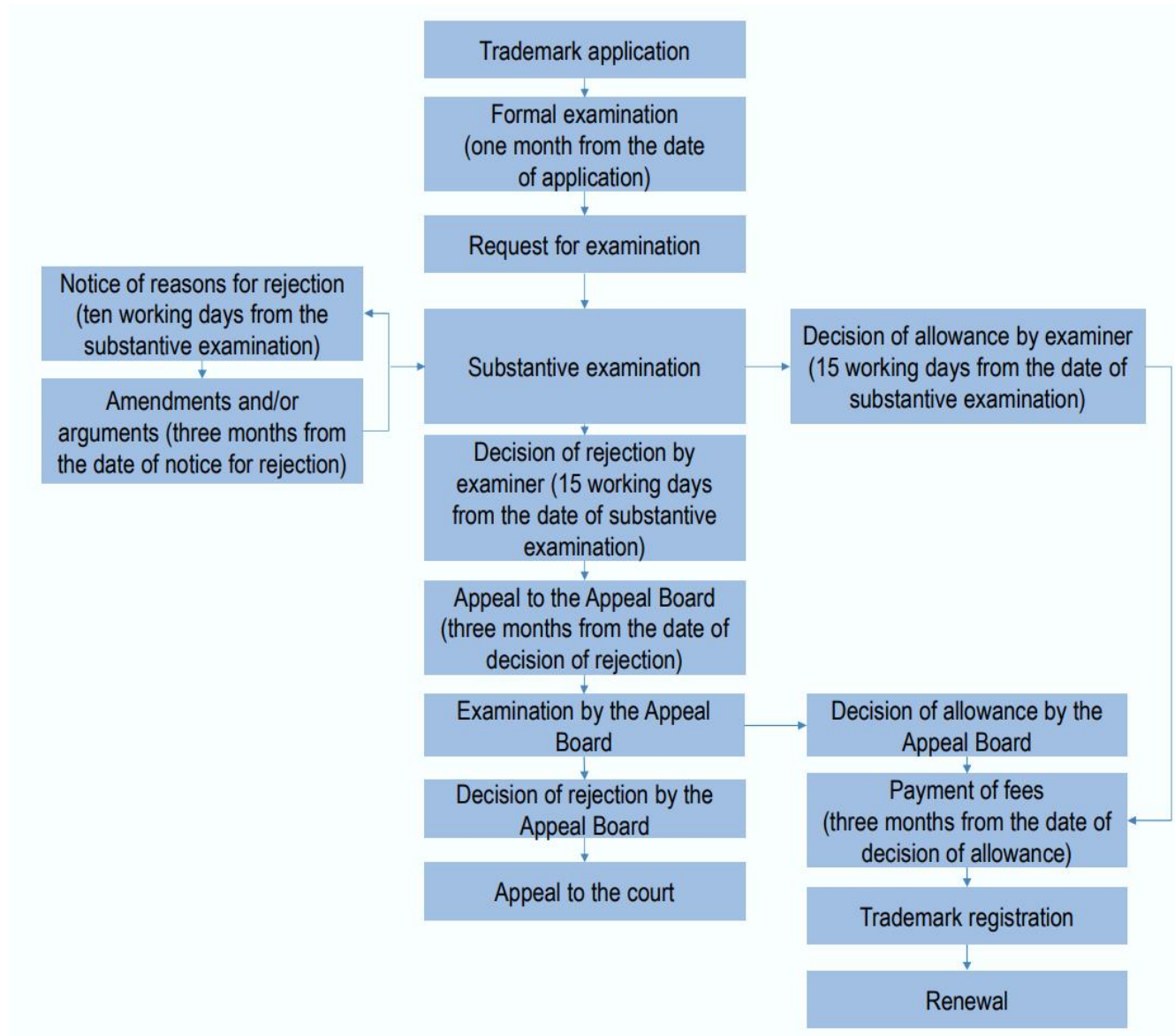
The National Institute of Intellectual Property's organisational structure



The invention patent application process in Kazakhstan



The trademark application process in Kazakhstan

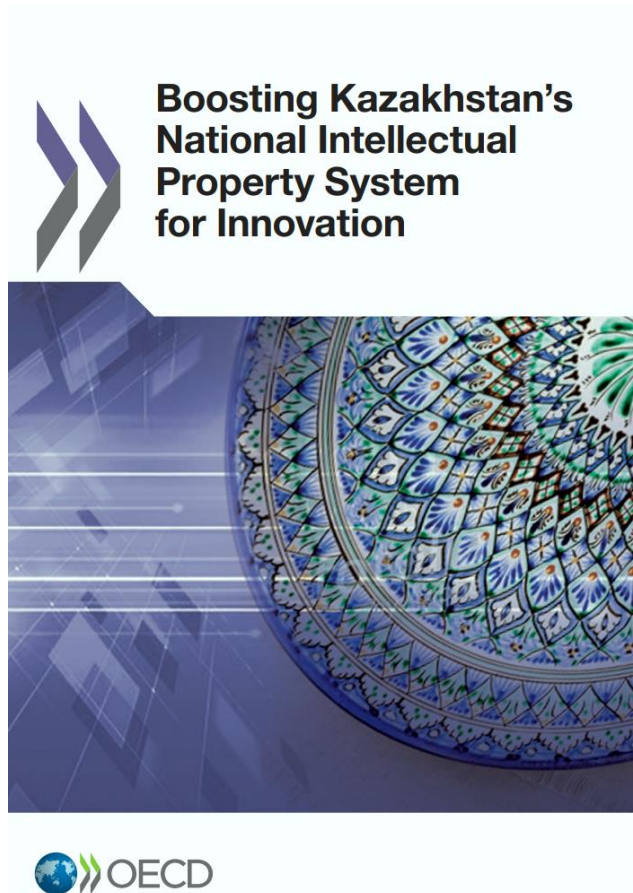


Issues and challenges faced by Kazakhstan's intellectual property system

| Aspect | Issues and challenges |
|----------------|--|
| Institutional | <ul style="list-style-type: none">– Co-ordinating inter-ministry efforts among the Ministry of Justice, Ministry of Education and Science, and Ministry of Investment and Development, to address intellectual property issues that affect national innovation performance |
| Policy related | <ul style="list-style-type: none">– Proposing and revising intellectual property laws and regulations to further promote national innovation performance– Optimising and linking intellectual property-related policies for public research funded by different ministries– Proposing initiatives to raise general intellectual property awareness, to promote economic development in targeted agricultural and industrial sectors |
| Operational | <ul style="list-style-type: none">– Maintaining quality service by the National Institute of Intellectual Property (NIIP), including further improving the skills and tools of examiners, advancing the use of ICT– Providing free, open and user-friendly access to information on industrial property– Promoting greater awareness of intellectual property among stakeholders– Extending the scope of services on intellectual property valuation for the NIIP, including capacity building in this aspect |

OECD (2016), Boosting Kazakhstan's National Intellectual Property System for Innovation, OECD Publishing, Paris.

<http://dx.doi.org/10.1787/9789264260955-en>



- ▶ This Review presents an in-depth analysis of Kazakhstan's intellectual property system with regards to its support of the country's innovation performance. On the basis of the analysis, specific policy recommendations on where improvements can be made are formulated. This Review is part of the OECD Kazakhstan Innovation Policy for Competitiveness Project, an initiative that supports Kazakhstan's competitiveness reform agenda. This Review contributes to the perspectives on IP policy in the forthcoming OECD Review of Innovation Policy: Kazakhstan. This Review also contributes to the OECD Innovation for Inclusive Growth Project

► **Literature:**

1. Lionel Bently, Brad Sherman. Intellectual Property Law 4th Edition. Oxford University Press; 4th edition (December 10, 2014), 1296 pages
2. Commercialization and legal protection of the results of intellectual activity: textbook / ed. A.N. Soldatova, S.L. Minkov. - Tomsk: Tomsk State University, 2011. - 334 p.
3. Kudashov V.I. Intellectual property: protection and realization of rights, management: Textbook / V.I. Kudashov. - Minsk: BNTU, 2004. - 321 p. Dyzhova A.A. Fundamentals of intellectual property management: Lecture notes for students of all specialties. - Mogilev: UO MGUP, 2007. - 129 p.
4. Melissa Schilling: Strategic Management of Technological Innovation, McGrawHill, International Edition 2017.
5. Tidd, J., Bessant, J.R. 2014. Strategic innovation management. Wiley, Hoboken.

Thank you for your attention!