

Lecture 5. Other types of intellectual property

- ▶ 1. Trademarks
 - ▶ 2. Service Marks
 - ▶ 3. Appellation of Origin
 - ▶ 4. Selection Achievements
 - ▶ 5. Integrated circuits topologies
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- ▶ The main objective of this lecture is to consider several types of intellectual property according to Kazakhstani legislation.

Kazakhstan's legislative base on IP:

- ▶ **The Constitution** of the Republic of Kazakhstan (adopted on August 30, 1995 at the republican referendum)
- ▶ **Civil Code** of the Republic of Kazakhstan (Special part). Code of the Republic of Kazakhstan No 409 dated July 1, 1999
- ▶ **On copyright and the related rights.** The Law of the Republic of Kazakhstan dated 10 June, 1996 No 6.
- ▶ **Patent law** of the Republic of Kazakhstan. The Law of the Republic of Kazakhstan of 16 July 1999 No. 427.
- ▶ **On Trademarks, Service Marks and Appellation of Origin.** Law of the Republic of Kazakhstan of July 26, 1999 No. 456.
- ▶ **On Protection of Selection Achievements.** The Law of the Republic of Kazakhstan dated 13 July 1999 No. 422-I.
- ▶ **On the legal protection of integrated circuits topologies.** Law of the Republic of Kazakhstan of June 29, 2001 N 217
- ▶ **On informatization.** Law of the Republic of Kazakhstan dated 24 November 2015 № 418-V.

Trademarks

On Trademarks, Service Marks and Appellation of Origin

Law of the Republic of Kazakhstan of July 26, 1999 No. 456.

Chapter 1. General provisions

Article 1. Basic definitions used in this Law

8) **trademark, service mark (hereinafter - trademark)** means a sign registered according to this Law or protected without registration by virtue of the international agreements to which the Republic of Kazakhstan is a party, serving to distinguish goods (services) of certain legal entities or individuals from goods (services) of the same kind of other legal entities or individuals;

9) **the use of a trademark or appellation of origin** - placement of a trademark or appellation of origin on product and in provision of services in respect of which they are protected, on their packaging, manufacturing, use, importation, storage, offer for sale, sale of product with the designation of the trademark or appellation of origin, the use in signboards, advertising, printed matter or other business documentation, as well as their other introduction into circulation;

11) **appellation of origin** means a designation which constitutes or contains the name of the country, region, population center, area or any other geographical indication as well as any indication derivative of such name and became famous as a result of using it in relation to the good which special characteristics, quality, reputation or other characteristics are connected with its geographical origin including the specific environmental conditions and (or) human factor;

Examples of trademark (+service mar)



▶ **Article 5. Designations registered as a trademark**

- ▶ 1. Graphic, verbal, letter, numerical, three-dimensional and other designations or combinations of designations allowing to distinguish goods and services of certain parties from similar goods and services of other parties may be registered as a trademark.
- ▶ 2. Trademark can be registered in any color or color combination.

▶ **Article 6. Statutory grounds for refusal of registration of a trademark**

- ▶ 1. It is not allowed to register the trademarks consisting solely of the designations that are not distinctive, in particular:
- ▶ 1) entered into common use for marking goods (services) of the particular kind;
- ▶ 2) are generally accepted symbols and expressions;
- ▶ 3) indicate the sort, quality, quantity, character, purpose, value of goods as well as place and time of their manufacture or distribution;
- ▶ 3-1) are international unpatentable names of pharmaceutical products;
- ▶ 6) have the direct descriptive connection with goods or services that they are used to mark;



SHAPE

NAME

SYMBOL



i'm lovin' it®

SLOGAN

COLOR



LOGO TYPE



Volkswagen

Trademark violation examples



Appellation of Origin

- ▶ **Article 26. Designations registered as appellations of origin**
- ▶ 1. Contemporary or historical, formal or informal, full or abbreviated name of country, region, population center, area or other geographical location as well as designation derivative from such name and their combination with the generic name of the good may be registered as an appellation of origin.
- ▶ 2. The designations which are or contain the name of geographical location but entered in the Republic of Kazakhstan into common use as designations of the specific kind of good not related to the place of its production are not acknowledged as an appellation of origin.
- ▶ **Article 27. Designations not registered as appellations of origin**
- ▶ The designations may not be registered as appellations of origin if they:
- ▶ 1) are names of the geographical locations that may mislead as of the place of production of the good;
- ▶ 2) formally indicate the real place of production of the good but give the false impression that the good originates from another territory;
- ▶ 3) contain the names of geographical locations not related to the place of production of the good.

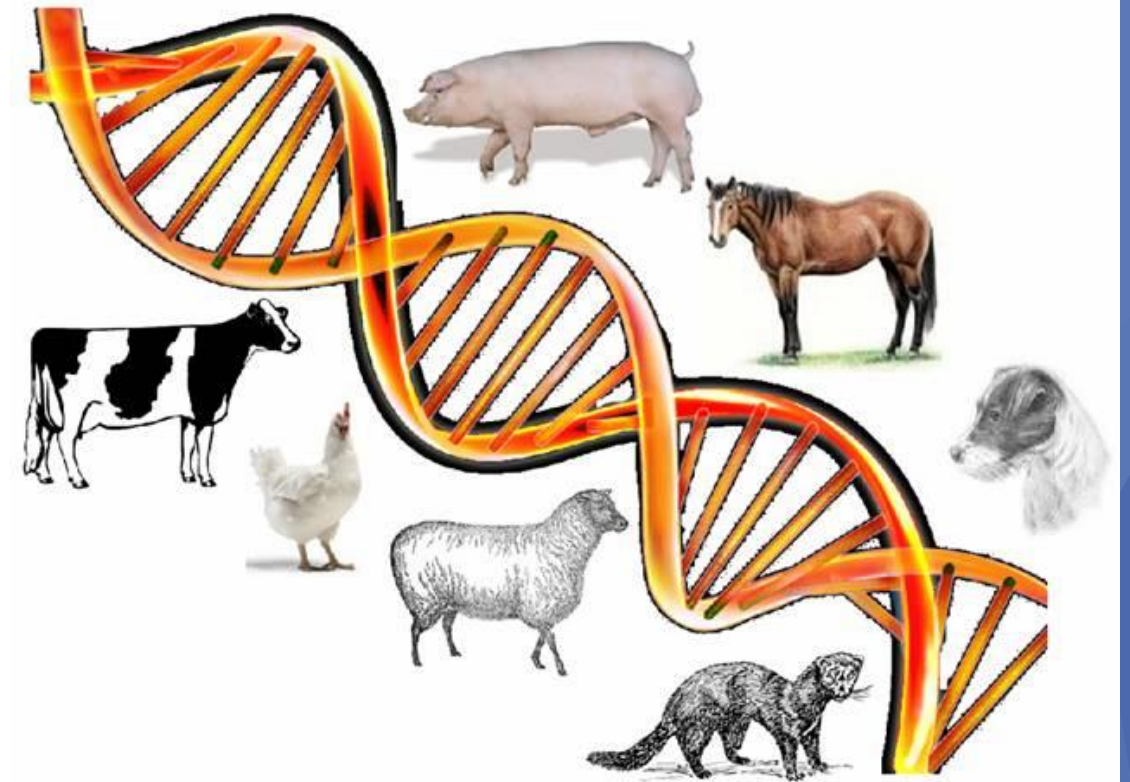
<https://www.wipo.int/lisbon/en/>



Selection Achievements

- ▶ **On Protection of Selection Achievements.** The Law of the Republic of Kazakhstan dated 13 July 1999 No. 422-І.
- ▶ **Article 2. Basic definitions used in the Law**
- ▶ 3) a breeding animal - a purebred animal that meets the direction and level of breed productivity, registered in the republican chamber;
- ▶ 4) breeding products (material) - a breeding animal, as well as semen, embryos, hatching eggs, day-old chickens, eggs, larvae and baby fish, breeding queen bees, breeding bee families and bee packages received from breeding animals;
- ▶ 9) planting material - planting material of any type including reproductive and vegetative propagating material (seeds, transplant seedling, plants and parts and plants, intended for their propagation);
- ▶ 13) **selection achievement** - a new variety of plant, a new breed of animal (including additional branches of animal husbandry, such as fur farming, rabbit farming, maral breeding, mule breeding, reindeer breeding, donkey breeding, poultry breeding, beekeeping, fish breeding, dog breeding), which are the result of human creative activity for which the patent has been granted;
- ▶ 14) author of selection achievement (breeder) (hereinafter - author) - an individual that created, discovered or bred a variety, breed;

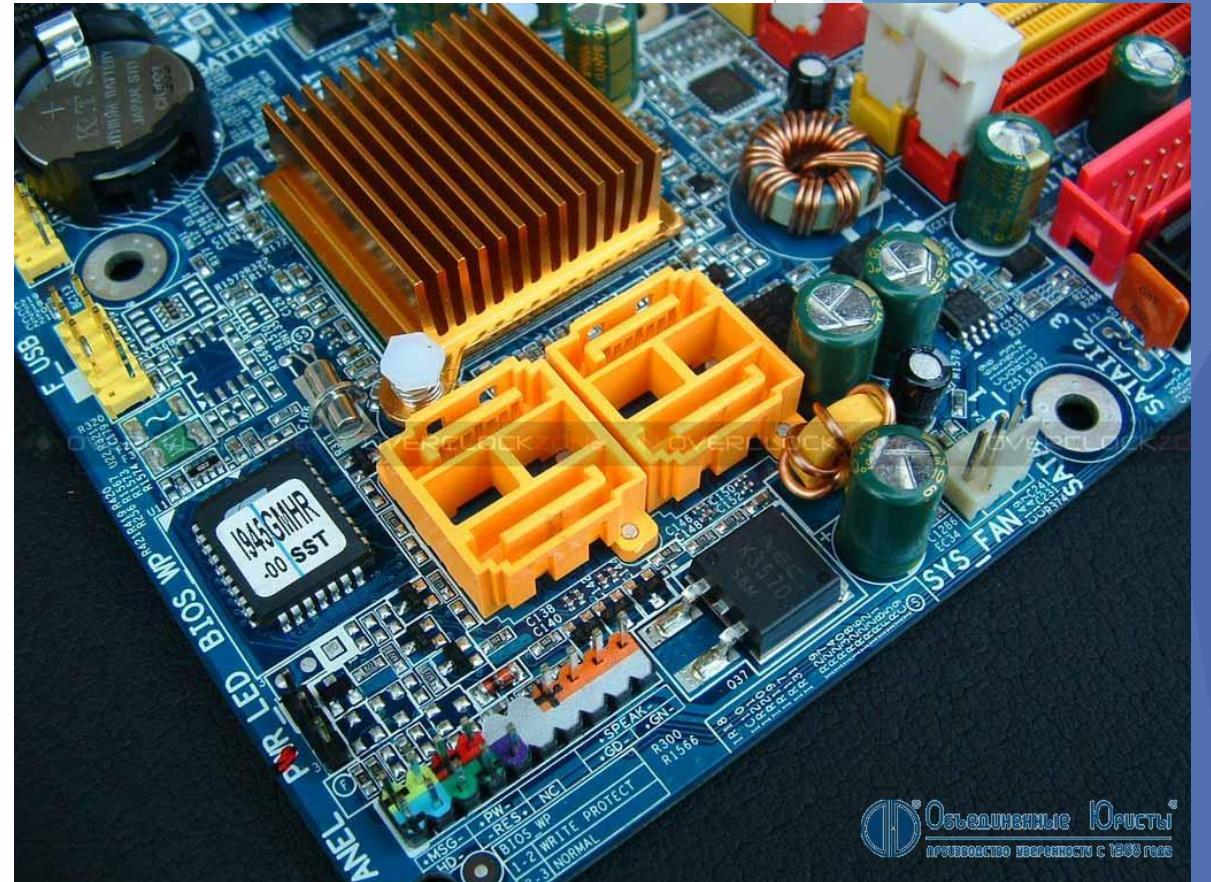
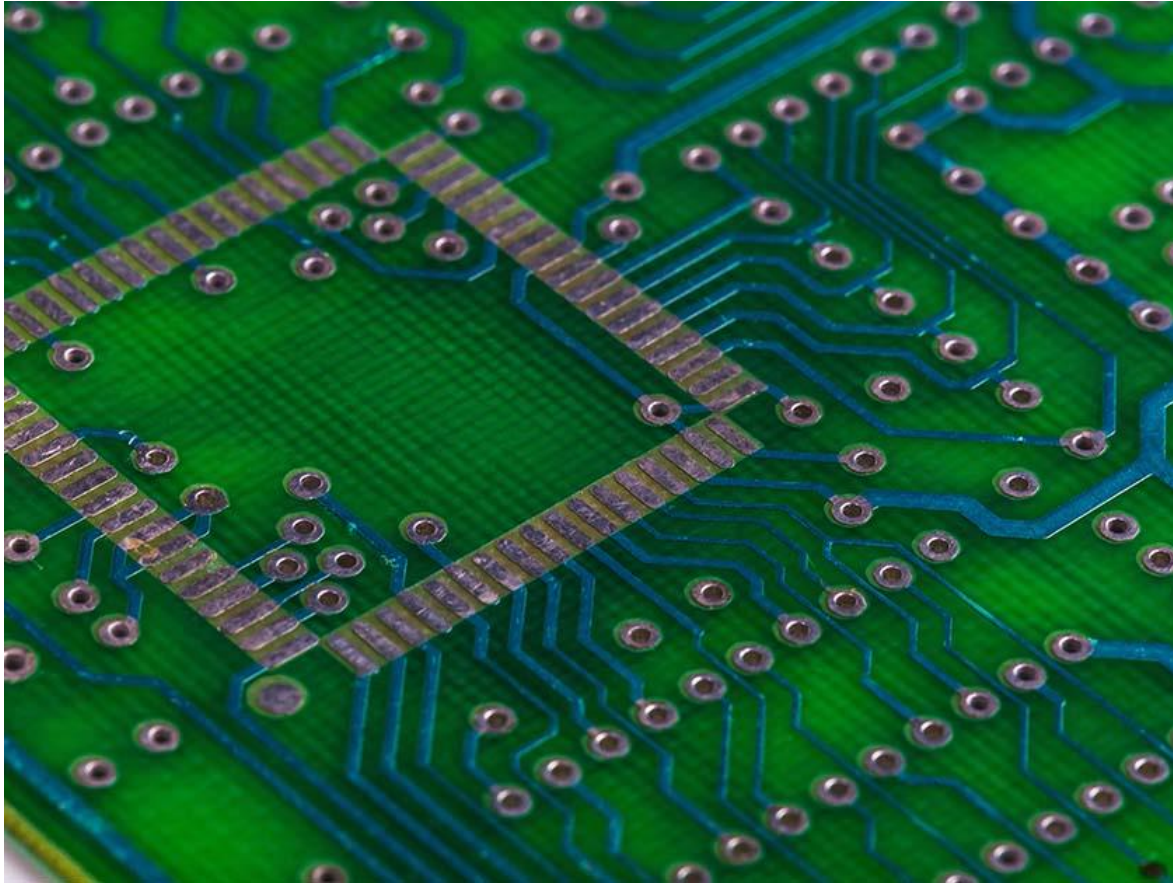
Examples of selection achievements



Integrated circuits topologies

- ▶ **On the legal protection of integrated circuits topologies**
- ▶ Law of the Republic of Kazakhstan of June 29, 2001 N 217
- ▶ 2) an integrated circuit - a microelectronic product of final or intermediate form, designed to perform the functions of an electronic circuit, which elements and connections are inseparably formed in the volume and (or) on the surface of the material on which basis the product is made;
- ▶ 3) **the topology of an integrated circuit (hereinafter - the topology)** - spatial-geometric arrangement of the set of elements of the integrated circuit and connections between them fixed on the material carrier;
- ▶ 4) the right holder - the author, his successor, as well as any individual or legal entity who has the exclusive right obtained by virtue of the law or the contract;
- ▶ 8) use of topology - application, importation, offer for sale, sale or other introduction of topology, an integrated circuit with this topology or a product, including such an integrated circuit, in civil circulation, carried out for commercial purposes, unless otherwise provided by this Law;

Integrated circuits topologies



▶ **Article 5. Terms of legal protection of topologies**

- ▶ 1. The legal protection provided by this Law extends only to the original topology.
- ▶ 2. **The original one is the topology created as a result of the creative activity of the author. The topology is recognized as original until proven otherwise.**
- ▶ 3. Topologies, which set of elements is well known to developers and manufacturers of integrated circuits on the date of its creation, shall not be given legal protection by this Law. Topologies consisting of elements that are well known to developers and manufacturers of integrated circuits on the date of its creation shall be given legal protection only if the set of such elements as a whole meets the requirements of paragraph 2 of this Article.
- ▶ 4. The legal protection provided by this Law shall not extend to ideas, methods, systems, technology or coded information that may be embodied in a topology.

▶ **Article 6. Authorship on the topology**

- ▶ 1. The author of a topology is an individual whose creative work it is.
- ▶ 2. If several individuals participated in the creation of the topology, all of them are considered to be its authors (co-authors). The procedure for the use of the rights belonging to the co-authors is determined by contract between them.
- ▶ 1. The author of topology shall be recognized an individual by whose creative activity it has been created.
- ▶ 2. If several individuals participated in the creation of the topology, all of them shall be recognized its authors (co-authors). The procedure of use the rights belonging to co-authors shall be determined by the contract between them.
- ▶ 3. Individuals who did not make a personal creative contribution to the creation of the topology, but who provided the author only technical, organizational or material assistance or who contributed to the design of the right to it and its use, shall not be recognized as authors

https://gosreestr.kazpatent.kz/



The screenshot shows the website interface for the State Register of Industrial Property Objects of the Republic of Kazakhstan. At the top, there is a green header with the website's name and a search bar. The search bar contains the text "Select the registry" and "To search select Register". Below the search bar, there is a list of categories on the left side, including "Inventions", "Utility models", "Industrial designs", "Selection achievements", "Trademarks", and "Appellations of origin". The "Copyright" and "Топология интегральных микросхем" categories are highlighted in green. The main content area contains a paragraph explaining the purpose of the register and a list of searchable items: invention, utility models, industrial designs, selection achievements, well-known trademarks, trademarks, and appellations of origin. At the bottom, there are two informational links: "Guide to work with the State Register of Industrial Property Objects of the Republic of Kazakhstan" and "In order to obtain information on registered contracts on the disposal of exclusive rights to industrial property objects of the Republic of Kazakhstan".

STATE REGISTER OF INDUSTRIAL PROPERTY OBJECTS OF THE REPUBLIC OF KAZAKHSTAN

Select the registry ▼ To search select Register 🔍

State Register of Industrial Property Objects of the Republic of Kazakhstan provides the possibility of searching for information on registered industrial property:

- invention;
- utility models;
- industrial designs;
- selection achievements;
- well-known trademarks;
- trademarks;
- appellations of origin.

🔗 Guide to work with the State Register of Industrial Property Objects of the Republic of Kazakhstan [download](#)

🔗 In order to obtain information on registered contracts on the disposal of exclusive rights to industrial property objects of the Republic of Kazakhstan, please click on the link: [link](#)

<https://www.kazpatent.kz/ru>

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Поиск

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ТОПОЛОГИИ ИНТЕГРАЛЬНЫХ МИКРОСХЕМ

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АВТОРСКИЕ ПРАВА

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ГОСУДАРСТВЕННЫЕ РЕЕСТРЫ

► **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!