

Lecture 8. Introduction of objects of intellectual property into civil circulation. Commercial use of intellectual property

- ▶ Intellectual property as an intangible asset
- ▶ Kazakhstani rules for registration of IP operations
- ▶ Templates of application
- ▶ Commercialization of IP

Assets of a company

Tangible assets

are physical; they include cash, inventory, vehicles, equipment, buildings and investments.



Intangible assets

do not exist in physical form and include things like accounts receivable, pre-paid expenses, and patents and goodwill.



Tangible Assets

To understand the value of an asset, it's important to understand its potential long-term benefits.

Often, intangible assets are of greater long-term value than tangible assets because tangible assets are used up more quickly.

For example, the patent for a new technology could continue to generate money for decades, while the products based on that patent might have value in inventory for only a short time.

Tangible Assets

Equipment
Machinery
Buildings
Vehicles
Stock
Land
Cash



You Can
Touch It

Intangible Assets

Trademarks
Franchises
Copyrights
Licenses
Goodwill
Patents
Brands



You Can't
Touch It

Kazakhstan's legislative documents:

“On approval of the Rules for registration of the transfer of the exclusive right, the granting of the right to use industrial property, open or compulsory license in relevant state registers”.

Order of the Minister of Justice of the Republic of Kazakhstan of August 29, 2018 No. 1347. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 4, 2018 No. 17329.

<https://adilet.zan.kz/eng/docs/V1800017329>

“On approval of the Rules for registration of the transfer of the exclusive right, the granting of the right to use a trademark in the State Register of Trademarks”.

Order of the Minister of Justice of the Republic of Kazakhstan of August 29, 2018 No. 1345. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 4, 2018 No. 17331.

<https://adilet.zan.kz/eng/docs/V1800017331>

Rules for registration of transfer of exclusive rights in relevant state registers, granting the right to use an industrial property object, an open or compulsory license

- ▶ 1) exclusive right - the proprietary right of the patentee to use the industrial property object in any way at his own discretion;
- ▶ 2) bulletin - an official periodical on the issues of protection of industrial property objects;
- ▶ 3) industrial property objects - inventions, utility models and industrial designs;
- ▶ 4) patentee - the owner of the title of protection;
- ▶ 5) patent attorneys - citizens of the Republic of Kazakhstan who, in accordance with the legislation of the Republic of Kazakhstan, are granted the right to represent individuals and legal entities before the authorized body and expert organization;
- ▶ 6) the web portal of "electronic government" www.egov.kz, www.elicense.kz (hereinafter referred to as the portal) - an information system that is a single window of access to all consolidated government information, including the regulatory legal framework, and to public services, services for the issuance of technical specifications for connection to the networks of natural monopoly entities and services of entities of quasi-public sector provided in electronic form;
- ▶ 7) payment gateway of "electronic government" (hereinafter - PGEG) - an information system that automates the processes of transferring information about making payments as part of provision of paid services rendered in electronic form;
- ▶ 8) electronic digital signature (hereinafter referred to as EDS) - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its affiliation and invariability of its content.

▶ **Chapter 3. Procedure for registration of granting rights to industrial property objects**

▶ 10. The public service "Registration of granting the right to use a trademark, selection achievement and industrial property object" (hereinafter - the public service) is provided by the service provider.

▶ 11. To receive a public service, an individual and (or) legal entity (hereinafter referred to as the service recipient) sends through the portal an application with the attachment of the documents specified in paragraph 8 of the public service standard "Registration of granting the right to use a trademark, selection achievement and industrial property object" in accordance with Appendix 7 (hereinafter referred to as the standard), in the form of an electronic document signed with an EDS, in accordance with Appendixes 8, 9 and 10 to these Rules.



<https://www.kazpatent.kz/ru/content/vidy-dogovorov-podlezhashchih-registracii>

The screenshot displays the website of the National Institute of Intellectual Property (Kazpatent). The header includes flags for Kazakhstan, Russia, and the UK, a search bar, and a link to a version for visually impaired users. The main navigation menu consists of several buttons, with 'ДОГОВОРЫ КОММЕРЦИАЛИЗАЦИИ' (Commercialization Agreements) highlighted with a red box. Other options include Patents, Utility Models, Industrial Designs, Selection Achievements, Trademarks, Geographical Indications, Topologies of Integrated Microcircuits, Copyrights, and About Us.

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- ТОВАРНЫЕ ЗНАКИ
- НАИМЕНОВАНИЯ МЕСТ ПРОИСХОЖДЕНИЯ ТОВАРОВ
- ТОПОЛОГИИ ИНТЕГРАЛЬНЫХ МИКРОСХЕМ
- ДОГОВОРЫ КОММЕРЦИАЛИЗАЦИИ**
- АВТОРСКИЕ ПРАВА
- О НАС

Главная » Договоры коммерциализации » ОБЩАЯ ИНФОРМАЦИЯ

Types of contracts subject to registration

- ▶ 1) **Agreement on the transfer of the exclusive right (assignment).** Under an exclusive right assignment agreement, one party transfers its exclusive right to an industrial property object in full or in part to the other party
- ▶ 2) **License agreement.** Under a license agreement, the party that has the exclusive right to the result of intellectual creative activity or to the means of individualization (the licensor) grants the other party (the licensee) the right to temporarily use the corresponding intellectual property object in a certain way
- ▶ 3) **Comprehensive business license agreement (franchising).** Under a complex business license agreement, one party (complex licensor) undertakes to provide the other party (complex licensee) for a fee with a set of exclusive rights (license complex), including, in particular, the right to use the licensor's trade name and protected commercial information, as well as other objects of exclusive rights (trademark, service mark, patent, etc.) provided for by the agreement, for use in the business activities of the licensee
- ▶ 4) **Pledge agreement.** A contract of pledge of exclusive rights to an object of industrial property is an agreement under which one party, which owns the right to an object of industrial property, ensures the fulfilment of an obligation to the other party in such a way that in the event that the debtor fails to fulfil the obligation secured by the pledge, the pledgee is entitled to receive satisfaction from the value of the pledged property.

► **Literature:**

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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!