



THE EURASIAN PATENT ORGANIZATION (EAPO): FEATURES AND BENEFITS, PROTECTION OF INTELLECTUAL PROPERTY

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THE EURASIAN PATENT ORGANIZATION (EAPO)



GENERAL INFORMATION

- To perform administrative tasks relating to functioning of the Eurasian patent system and grant of Eurasian patents, the Eurasian Patent Convention (EAPC) established the Eurasian Patent Organization with the Eurasian Patent Office (EAPO) acting as its executive body
- All Contracting States are members of the Organization
- The Eurasian Patent Organization has two bodies, the Eurasian Patent Office and the Administrative Council
- The Eurasian Office is headed by the President who is the highest official in the Organization and is its representative
- The official language of the Organization is Russian
- Location of the headquarters of the Organization is Moscow, the Russian Federation

GENERAL INFORMATION

- The main function of the Eurasian Patent Office is to receive applications and to grant Eurasian patents valid on the territory of Member-States of the Eurasian Patent Convention
- The official language of the Organization is Russian
- After substantive examination EAPO grants patents and publishes information about them
- EAPO considers appeals against patent grant under procedure of opposition, adopts resolutions and publishes information relating to appeal procedure
- EAPO forms and updates information resources

| NORMATIVE LEGAL ACTS

- Eurasian Patent Convention (EAPC) (Moscow. 09.09.1994)
- Patent Regulations under the Eurasian Patent Convention
- Statute on Fees of the Eurasian Patent Organization
- List of States parties to the Paris Convention for the Protection of Industrial Property (in accordance with the World Intellectual Property Organization (WIPO) publication General Information, Geneva, 1996), applicants from which are given preferential treatment
- Statute of Eurasian Patent Attorneys

The Eurasian patent is valid on the territory of the nine member countries of the Eurasian patent Convention

- Turkmenistan
- Republic of Belarus
- Republic of Tajikistan
- Russian Federation
- Republic of Kazakhstan
- Republic of Azerbaijan
- Kyrgyz Republic
- Republic of Moldova
- Republic of Armenia

PROCEDURES

- Eurasian patent system provides a uniform application procedure for individuals and legal bodies to protect their inventions on the basis of a single Eurasian patent
- To perform administrative tasks relating to functioning of the Eurasian patent system and grant of Eurasian patents, the Eurasian Patent Convention (EAPC) established the Eurasian Patent Organization with the Eurasian Patent Office (EAPO) acting as its executive body
- The Eurasian patent system is used by applicants from over 80 countries of the world

| **Drawing up and Filing a Eurasian application**

- To obtain a Eurasian patent with validity in all the Convention's States party to the Convention ONE Eurasian application is filed
- Eurasian application can be filed in ANY language with further submission of translation into Russian
- Eurasian patent may be obtained on the basis of an INTERNATIONAL application filed under PCT procedure (PCT)
- Criteria of patentability under Eurasian legislation CORRESPOND to PCT Regulations, European Patent Convention (EPC) and to legislation of the world developed countries
- EAPO may be a RECEIVING, a DESIGNATED and an ELECTED office under the PCT. Requirements as to preparation and content of a Eurasian application are similar to those of PCT, PLT, and EPC

EURASIAN APPLICATION START OF PROCESSING

- EAPO conducts patent search of the international type and substantive examination which prove RELIABILITY of the Eurasian patent
- The applicant may submit a request for substantive examination within a SIX-MONTH term from the date of publication of the search report
- At the request of the applicant:

Time limits for the grant of a Eurasian patent MAY BE EXTENDED;

and ACCELERATED processing at all stages may be provided

AFTER THE GRANT

- At this stage it is possible to:
 - CHOOSE EAPC Contracting parties where a Eurasian patent shall be maintained
 - RESTORE rights in a Eurasian patent lapsed as a result of non-payment of a maintenance fee
 - EXTEND term of validity of a Eurasian patent in respect of certain categories of inventions

IMPORTANT THINGS TO KNOW BEFORE CALCULATING PATENT COSTS

- Applicants from the EAPC contacting states **PAY 10%** of all fees for legally relevant actions.
- Filing fee is **REDUCED** by 25% if the application contains an international search report or a search report of the international type prepared by one of the international search authorities and by 40% if such reports were prepared by the Rospatent.
- Costs for obtaining a Eurasian patent valid in several countries of the Eurasian region are **LOWER** than cumulative costs for obtaining national patents in those countries.
- From publication of a Eurasian patent until payment of the first annual maintenance fee the patent holder has an exclusive right to his invention in **ALL COUNTRIES** of the region.

PAYMENT OF FEES

- Fees related to obtaining and maintenance of a Eurasian patent are payable to ONE office - EAPO.
- Fees are paid from STAGE-TO-STAGE.

THE OBJECTS OF THE INVENTION

Objects of the invention can be created or transformed human material objects or processes. The objects of the invention include:

- "**Device**" (structures and products)
- "**How**" (processes perform actions (operations, methods))
- "**Substance**" (chemical compounds, including high-molecular compounds; compositions (formulations, mixtures); nuclear transformation products)
- "**Biotechnology product**" (products isolated from their natural environment, or obtained by other means)
- "**Using A Device, Method, Substance Or Product Of Biotechnology**" (the use of the facility for an unknown destination)

PATENTABILITY

- Eurasian patent is granted for an invention which is new, involves an inventive step and is industrially applicable
- The action of the Eurasian patent issued for method of producing the product, also applies to the product directly obtained by this method

INFORMATION

EAPO forms and updates the following information resources:

- legal, regulatory, reference and methodical documentation
- patent documentation of EAPO and EAPC Contracting States', which is downloaded into databases of the Eurasian Patent and Information System (EAPATIS)
- Register of Eurasian Patents
- Lists of Eurasian Patent Attorneys
- EAPO on-line filing and request forms
- EAPATIS supports over 40 constantly updated patent information databases including world, regional and national patent documentation collections, as well as PCT minimum documentation states

STATISTICS

- **3435** Eurasian applications were filed with the Eurasian Patent Office in 2013
- From the creation of the Eurasian Patent Organization, **36 638** Eurasian applications were filed with the Eurasian Patent Office from 1996 to 2013
- During the year EAPO registered **1 581** patents, which is by 2.6% more than last year
- Out of this number, **219** patents were granted to applicants from EAPC Member States, which constitutes 13.85% from all grants in 2013

Диаграмма 1 Diagram 1

Динамика поступления евразийских заявок за последние 5 лет Dynamics of Eurasian Filings during the Last 5 Years

Количество
заявок

Number of
filings



| STATISTICS

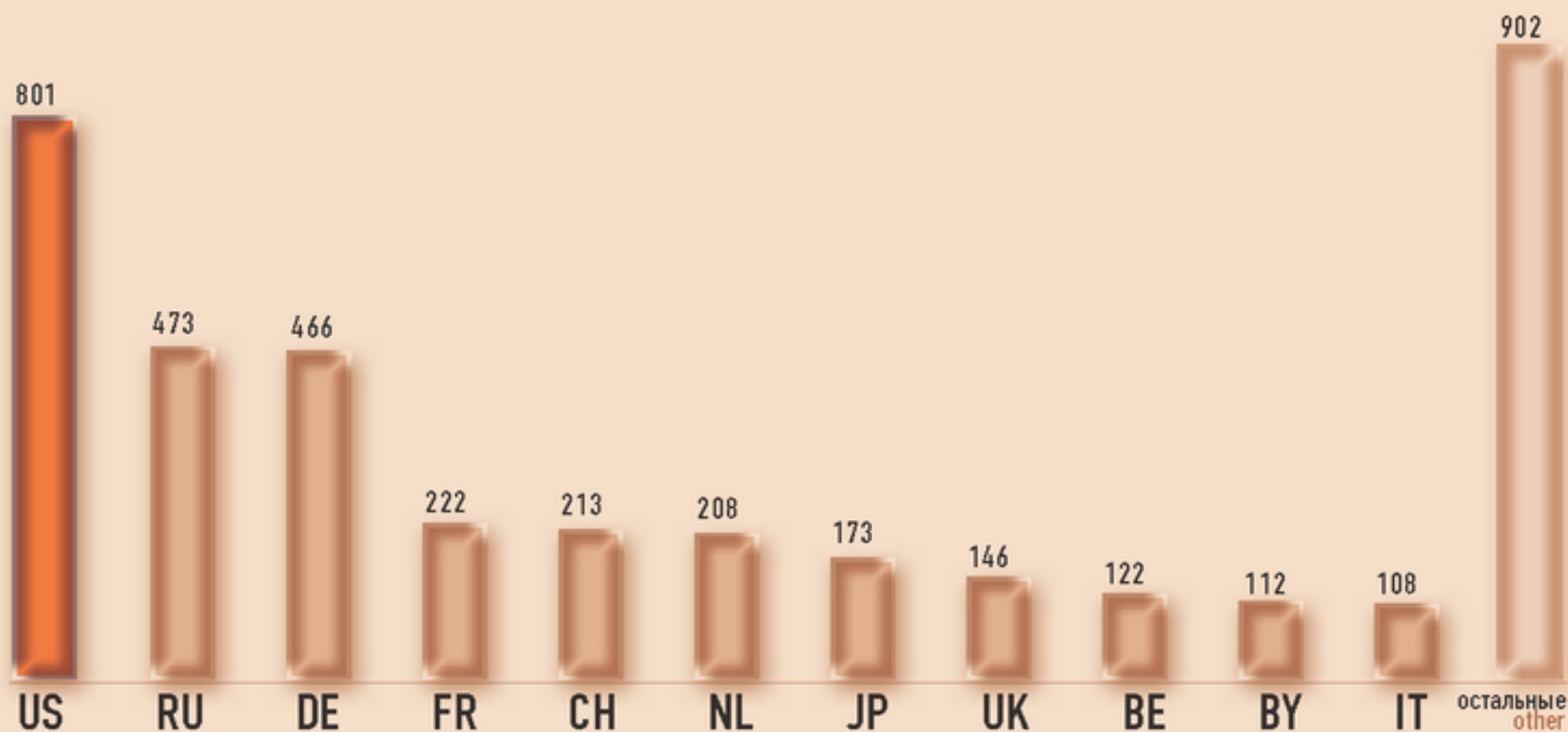
In 2013 applicants from **59** countries became Eurasian patent holders, including applicants from **7** Member States of the EAPC

The largest number of patents granted in 2013 was to applicants from:

- the USA – **280** (17.71%),
- Germany – **185** (11.70%),
- Russia – **142** (8.98%),
- France – **108** (6.83%),
- Switzerland – **98** (6.20%),
- the Netherlands – **75** (4.74%),
- Italy – **65** (4.11%)

Диаграмма 3 Diagram 3

Распределение евразийских заявок по странам, заявителями которых в 2012 году подано наибольшее количество евразийских заявок
Eurasian Applications by Country of Residence in 2012





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