**Approved
by the Government Decree
of the Kyrgyz Republic
from October 27, 2011 N 686**

RULES
on drafting, submission and consideration of an application
for official registration of a
program for electronic computers or a database

(as amended by the Decree of the Government of the Kyrgyz Republic dated November 23, 2018, No. 555)

These Rules of drafting, submitting and considering of an application for official registration of a program for electronic computers or a database are developed in accordance with article 2 of the Law of the Kyrgyz Republic "On legal protection of programs for electronic computers and databases".

1. General provisions

1. Basic terms:

Rules - Rules for drafting, submitting and considering of an application for official registration of a program for electronic computers or a database;

Law - Law of the Kyrgyz Republic "On legal protection of programs for electronic computers and databases";

Kyrgyzpatent-authorized state body in the field of intellectual property;

Application - application for official registration of a program for electronic computers or a database;

Computer - electronic computer;

State register - State register of computer programs of the Kyrgyz Republic, State register of databases of the Kyrgyz Republic.

2. Drafting and submission of an application
for official registration of a program for
electronic computers or a database

2. In accordance with article 13 of the Law, the right to submit an application is granted to the owner of the property rights to a computer program or database during the term of the copyright (hereinafter referred to as the applicant).

3. The application can be submitted by the applicant directly or through a representative. The representative's authority is confirmed by a power of attorney issued in accordance with the legislation of the Kyrgyz Republic.

4. The application is submitted to Kyrgyzpatent directly or sent by mail.

5. The application must contain:

- application for official registration of a computer program or database indicating the copyright holder, as well as the author, if he did not refuse to be mentioned as such, and their location (residence);

- deposited materials identifying the computer program or database, including the abstract;

- a document confirming payment of the registration fee in the prescribed amount or grounds for exemption from payment of the registration fee, as well as for reducing its size.

6. Documents attached to the application:

- a duly certified copy of the document confirming the transfer of property Rights, if the copyright holder is not the author;

- a duly executed power of attorney for representation, if the application is submitted through a representative.

The term of the power of attorney for the representative may not exceed three years.

If the term of the power of attorney is not specified, it remains in force for one year from the date of its execution.

7. Application documents (except for deposited materials that identify the computer program or database) must be submitted in the state or official language. If the application documents are submitted in a different language, they must be accompanied by a duly certified translation into the state or official language.

8. Application documents are submitted in one copy.

9. Application documents must be designed in such a way that they can be directly reproduced.

Application documents for registration must be made on sheets of strong, white, smooth, opaque, non-glossy A4 paper (210x297 mm) and begin on separate sheets, unless otherwise provided by the established form.

The size of the fields on the application document sheets must be at least (mm):

- left - 20;

- the top - 17;

- right and bottom - 7.

The sheet fields must be clean.

In each application document, the second and subsequent sheets must be numbered in Arabic numerals.

Application documents must be printed in black font.

The text of the application documents must be complete, clear and free of discrepancies.

10. An application for official registration of a computer program or database must be filled in using the CP form (Appendix 1).

Surnames, first names and patronymics (if available) in the application documents are indicated in the nominative case.

Foreign names and business names are indicated in the Kyrgyz or Russian transliteration.

The application columns located above the word "Application" are intended for entering details after the application is received by Kyrgyzpatent and are not filled in by the applicant.

The column "Applicant(s) (copyright holder(s)" indicates:

- surname, first name, patronymic (if available), address of residence indicating the country, citizenship, if the applicant(s) (copyright holder(s) is an individual. Data on the residence of the author - applicant are specified in the column " Author";

- full official name and address of the legal entity's location, if the applicant(s) is a legal entity.

The column "Grounds for the rights to this work" is filled in if the applicant is not the author. By placing the "X" sign in the corresponding cell, the copyright holder is indicated.

The "title of the work" column contains the abbreviated and full name of the computer program or database.

The column "Previous or alternative name" is filled in if there is an additional name for the registered computer program or database, under which a document related to this computer program or database could be written.

The column "name of a composite work" is filled in if the work was published as part of a composite work. It specifies the name and date of publication of the composite work (software package).

The column "date and place of the first publication of the work" indicates the full date (date, month, year) of the first publication of the computer program or database and the country (s) where the publication first took place.

The column "Information about all works that are objects of copyright used in the creation of this work" contains information about the objects of copyright used or necessary for use in the creation of this work.

The column "Information about the reason for re-registration of the work in Kyrgyzpatent" indicates the number of the previous registration and its date, if such registration took place.

In the "Author" column, the author's surname, first name, patronymic (if available), and/or pseudonym in the nominative case, date of birth, citizenship, and address of residence of the author, including the official name of the country, and phone number are indicated in the following order.

The same column describes the author's creative contribution to the creation of this work.

If there are several authors, it is necessary to fill out the CP / DOP form (Appendix 2) indicating the volume of each author's specific contribution to this work.

If the author wants to register his work anonymously, this column is not filled in, or the author, specifying his name, asks not to mention it as the author when publishing information about the official registration of this computer program or database.

The fields "application Documents" and "Documents attached to the application" are filled in by placing the "X" sign in the corresponding cells.

In the "Deposited materials" column, the form of materials to be deposited to a computer program or database (listing the source text, printing an image, etc.) is marked.

In the column "Information about the destination" to specify details about the target to which you should send correspondence for this application, i.e. the address, the name of one of the applicants meet the usual requirements of fast postal delivery, and telephone, Fax, e-mail address e-mail (hereinafter e-mail) (if any).

The last column of the application confirms that the information specified in the application is reliable and corresponds to the deposited identifying materials.

The column is signed by the applicant or his representative with the date of signing. Signature and date are mandatory. The signature must be deciphered by indicating the surname and initials of the signatory.

When applying for registration from two or more applicants, the application form is signed by each of them, and correspondence is conducted with a representative authorized by the applicants at the address specified in the corresponding column of the application.

On behalf of the legal entity, the application is signed by the head of the organization with the indication of his position, the signature is decrypted and sealed.

11. Kyrgyzpatent deposits materials that provide unambiguous identification of the registered computer program or database, including the abstract.

The deposited materials identifying the computer program or database must be presented in the form of the source text.

In order to identify the deposited computer program, you should submit materials in the amount of the first 15 and last 15 pages of the listing (hard copy) of the source text, including the page containing the copyright notice and the name of the computer program. If the volume of the registered computer program contains less than 30 pages of the source text listing, then the listing is deposited in full.

In order to identify the deposited computer program containing confidential information (for example, related to "know-how"), this fact should be indicated on the page containing the name of the computer program, and also present the deposited materials in one of the following types:

- 15 first and 15 last pages of the source text listing with excluded parts containing confidential materials;

- 10 first and 10 last pages of the source text listing without any excluded parts;

- 15 first and 15 last pages of the object code, as well as 10 or more consecutive pages of the source code listing without any excluded parts;

- if the registered computer program contains less than 30 pages of the source code listing, the latter is deposited in full with the excluded parts containing confidential information.

In order to identify the deposited database containing a single file (a set of related records considered as a whole), you should submit materials in the volume of the first 15 and last 15 pages of the listing.

In order to identify a deposited database containing more than one file, you should submit materials related to each file in the amount of 10 pages of the listing or in full if it does not exceed 10 pages.

In order to identify new versions of previously registered databases that are being deposited (containing both one file and more than one file), materials related to their modified parts should be submitted in the amount of 10 pages of the listing or in full, if it does not exceed 10 pages.

For a visually perceived form of publishing a computer program or database (a published printout of the source text), one copy of the deposited identifying materials is presented.

If the registered computer program includes copyrightable images on the display screen, the owner of the right to which is the person who has the right to the computer program, the set of materials identifying such a computer program should include materials that allow you to uniquely identify the images on the display screen. These materials can be submitted on electronic media in the form of a printout of this image, its photo or drawing.

If the registered computer program includes copyrightable musical works, the owner of the right to which is the person who has the right to the computer program, the set of materials identifying such a computer program should include materials that allow you to uniquely identify the corresponding musical works.

If the computer program submitted for registration contains audio and video materials, then examples of such materials can be presented on electronic media.

(In the wording of the resolution of the government of the Kyrgyz REPUBLIC dated November 23, 2018, no. 555)

12. An abstract of a computer program or database that is included in the deposited identifying materials must contain the following information:

- name of the computer program or database;

- name of the applicant;

- author name;

- creation date;

- scope, purpose, and functionality;

- main technical characteristics;

- computer language;

- type of implementing computer.

The average volume of the abstract text is up to 1500 printed characters.

3. Consideration of the application in Kyrgyzpatent

13. The application materials received by Kyrgyzpatent are assigned an incoming number and the date of their receipt is fixed.

The applicant is issued a receipt for acceptance of the application materials indicating the name of the computer program or database, the number of sheets of accepted documents, the incoming number and the date of receipt of the application.

The application is assigned a registration number to four numbers the high-order digits indicate the year of receipt of the application, four other figures - serial number of the application in a series this year, the figure 6 after the designation of a computer program, figure 7 - the symbol database that is entered in the application form.

14. The application is considered within two months.

The received application materials are checked for the presence of a document confirming payment of the registration fee for filing and consideration of the application in the prescribed amount or grounds for exemption from its payment or reduction of its size. If the specified document is not submitted, the application will not be accepted.

At the request of Kyrgyzpatent or on its own initiative, the applicant has the right to Supplement, clarify and correct the application materials before making a decision on official registration.

During the review, verification is carried out:

- compliance of the amount of the registration fee paid with the established amounts;

- availability of necessary documents defined by these Rules;

- correct execution of documents in accordance with the requirements of these Rules;

- compliance of the declared program or database with the objects that are granted legal protection in accordance with these Rules.

For an application submitted in violation of the established requirements, Kyrgyzpatent sends the applicant a request with a proposal to eliminate the existing shortcomings within fifteen days from the date of receipt of the request. If the missing or corrected documents are not available within the specified period, further consideration of the application is not made, and the applicant is notified of this. The application review period is extended by fifteen days, respectively.

The basis for the request can be:

- non-compliance of the amount of the registration fee paid with the established amounts;

- absence of any document provided for in paragraph 5 of these Rules;

- violation of requirements for registration of application documents;

- improper execution of a power of attorney if the application is submitted through a representative;

- the need to clarify the information required in the application columns;

- violation of the requirements for registration of deposited materials.

15. If the evaluation result is set, it is decorated on the object, which is granted legal protection in accordance with parts 1-4 of article 3 of the Act and these Rules, the decision on official registration of software or database.

16. If, as a result of consideration of the application, it is established that the claimed object is not granted legal protection in accordance with part 5 of article 3 of the Law and these Rules, a decision is made to refuse official registration of the computer program or database with the relevant justifications.

In case of refusal to register the application, the paid registration fee and application materials will not be returned to the applicant.

Appendix 1