

**LAW OF THE REPUBLIC OF KAZAKHSTAN**  
**ON LEGAL PROTECTION OF SELECTIVE BREEDING**  
**ACHIEVEMENTS**

**CHAPTER I. GENERAL PROVISIONS**

**Article 1. Relations Regulated By This Law**

This Law lays down the legal, economic and organizational principles related to operations in the area of legal protection of selective breeding achievements, governs economic and personal non-economic relations allied therewith that arise due to creation, discovery, selection, legal protection and use of selective breeding achievements.

**Article 2. Basic Definitions**

Selective Breeding Achievement - a new plant variety or a new breed of animals, fowl, fish or insects resulting from creative human effort, in respect of which a patent is granted.

Variety - a group of plants of one and the same type, similar in their economic and biological qualities and morphological characters, related by their origin that transfer their features by heredity to their subsequent generations and are different from other groups of plants of the same botanical taxon at least by one character;

Protected Categories of a Variety are: a clone, a factory line, a hybrid of the first generation and a family.

Seeds - all botanical forms of seeding (sowing) material: seeds, fruit, roots, parts of complex fruit and tubers;

Planting material - planting material of any kind, including reproductive and vegetative multiplying material (seeds, plantings, plants and parts thereof destined for their reproduction);

Breed - a group of agricultural animals of the same kind of fowl, fish and insects of common origin, developed under creative efforts of men under certain economic and natural conditions in the amount sufficient for internal reproduction and with certain economic and pedigree value supported by the applied selection, adjustments, creation of appropriate technological conditions for their genus, as well as certain specific morphological, physiological and economic features that puts it aside from other kinds.

Protected Categories of a Breed are: a type, cross and factory lines.

Pedigree animal - an animal in possession of sufficient authentic features of its origin and destined for reproduction of its stock (after its testing and approval of the breed by the State

Commission for testing of new breeds of the state body of the Republic for agricultural management of the Republic of Kazakhstan);

Pedigree material - pedigree live-stock, sperm of a pedigree animal, its gametes or zygotes (embryos);

Tradable animal - an animal used for production of live-stock for trade;

Author (selectionist/breeder) - legal entities and natural persons that created, discovered or bred a variety or breed or its legal successors;

State Register of the Republic of Kazakhstan of Protected Varieties and State Register of the Republic of Kazakhstan of Protected Breeds of Animals, Fowl, Fish and Insects (hereinafter: the State Register) include varieties and breeds, in respect of which the Authorized State Patent Office grants patents;

State Register of Selective Breeding Achievements Permitted for Use includes varieties and animals allowed to be used in production;

Applicant - a legal entity or a natural person who files an application to receive a patent on a selective breeding achievement.

### **Article 3. Legal Protection of A Selective Breeding Achievement**

The right in a selective breeding achievement shall be protected under the Legislation of the Republic of Kazakhstan and shall be maintained by a patent. The patent shall attest the exclusive right of its holder to use its selective breeding achievement, its priority and the breeder's copyright.

The Authorized State Patent Office shall be charged to pursue and provide for the state policy in the area of legal protection of selective breeding achievements.

The Authorized State Patent Office shall review applications for patents of the Republic of Kazakhstan on plant varieties and breeds of animals, fowl, fish and insects, organize their preliminary examination, maintains the State Register of Protected Plant Varieties of the Republic of Kazakhstan and the State Register of Protected Breeds of Animals, Fowl, Fish and Insects of the Republic of Kazakhstan, grant patents and certificates of authorship, ensure official publications related to the protection of selective breeding achievements.

Examination and testing of selective breeding achievements for protectability and economic usefulness shall be effectuated by the State Commission for Agricultural Crops Varieties Testing and the State Commission for field experimenting and testing of breeds of the Republican State Body for agriculture of the Republic of Kazakhstan (the expert bodies, the state commissions) that maintain state registers of corresponding selective breeding achievements released/admitted/allowed to be used in production.

The scope of legal protection provided by a patent on a selective breeding achievement shall be determined by the entirety of characters included in the description of such a variety or a breed.

The duration of a patent shall continue within 25 years for annual plants, 30 years for animal breeds, 35 years for grape varieties, arboreal, decorative, fruit and forest crops, including their stocks from the date of application to the Authorized State Patent Office.

The duration of a patent shall be extended by the Authorized State Patent Office as petitioned by the patent-holder, but no more than for 10 years.

## **CHAPTER I. PROTECTABILITY OF A SELECTIVE BREEDING ACHIEVEMENT**

### **Article 4. Protectability Tests for a Selective Breeding Achievement**

A patent shall be awarded in respect of a selective breeding achievement, which is novel, distinctive, homogeneous and stable.

A variety of breed shall be deemed novel if, as of the date of filing an application for a patent award, they were not known from available information sources, their seeds or any other planting material, or pedigree material of such a selective breeding achievement were not released in commerce and were not transferred to other parties by its breeder (selectionist) or by its legal successors to use the variety or breed within the territory of:

- + the Republic of Kazakhstan - one year prior to the date of application;
- + any other country - four years prior to the date of application with respect to annual crops and six years prior to the date of application filed in respect of perennial crops.

A variety and a breed that are registered in the State Register of Selective Breeding Achievements Permitted to Be Used as of the date of their inclusion into the State Register of Protected Selective Breeding Achievements may be deemed protectable without testing for novelty. The date of priority shall be established by the date, on which the State Commission receives the application requesting such a selective breeding achievement to be permitted for use.

The duration of a patent stipulated in Article 3 of this Law on such selective breeding achievements shall be decreased and shall last from the year such selective breeding achievements are permitted for use until the year of award. No provisional/temporary legal protection envisaged in Article 9 of this Law shall extend to such selective breeding achievements.

A variety and a breed shall be distinctive if they obviously differ from any other variety or breed, which falls within the prior art at the moment of filing an application. To receive a patent or to enter a variety or a breed in the official registers of new varieties and breeds in any country, an applicant shall make such varieties and breeds publicly known from the date of application provided the right of a breeder is granted or the variety and breed in question are included in the aforementioned registers as a result from such application.

The prior art of varieties and breeds may be also established by the fact of breeding, use and publication. The features allowing to determine the descriptive and distinctive specifics of a variety or a breed must be restorable in their precise description.

A variety or a breed shall be deemed homogeneous if plants of such a variety or a breed is homogeneous by their selected features subject to the specifics of their reproduction.

A variety or a breed shall be deemed to be stable if their essential features remain unchanged after each instance of reproduction, and in case of a special reproduction cycle - at the end of each reproduction cycle.

## **Article 5. Application for a Selective Breeding Achievement**

1. An application to receive a patent on a selective breeding achievement shall be filed with the Authorized State Patent Office.

The right to file an application to request a patent shall be vested with a breeder or its legal assignee.

If a selective breeding achievement is created, discovered or bred within the framework of a breeder's employment, the right to patent shall be vested with the employer, unless provided otherwise in a contract between the employer and the breeder.

An application may be filed by several applicants if they jointly created, discovered or bred a selective breeding achievement or if they are legal assignees of the authors.

An application may be filed through a representative, who by virtue of authority given to it by a power of attorney handles matters related to patenting.

2. Natural persons domiciled outside the Republic of Kazakhstan or foreign legal entities, or their patent agents shall handle matters related to patents and their maintenance as well as other matters related to patents through patent agents registered with the Authorized State Patent Office. A patent agent's authorities shall be attested by a power of attorney issued to it by the applicant or the patent holder.

3. A separate patent application shall be filed in respect of each plant variety, animal breed and shall contain:

- + an application requesting to grant a patent;

- + a description of a selective breeding achievement;

- + a joint authorship contract;

- + a document supporting the payment of the patent fees pursuant to the statutory procedure or supporting the exemption from paying such fees, or a document providing grounds to reduce their amount.

- + If an employer files an application, it should attach its contract with the concerned author of a selective breeding achievement.

4. A patent application shall be filed in either Kazak or Russian.

5. The Authorized State Patent Office shall set forth the requirements to the application documents and the procedure for their review. Other documents and material required for the examination of a variety or breed shall be provided upon further requests of the Authorized State Patent Office.

## **Article 6. Designation of a Selective Breeding Achievement**

1. The designation of a breeding achievement shall allow for a selective breeding achievement to be identified. It shall be brief and different from designations of pre-existing selective breeding achievements of one and the same or a close botanical or zoological class. It shall not consist exclusively of digits. It shall not be confusing as to the features, origin and significance of a selective breeding achievement, the identity of its selective breeding achievement and shall not discord with the principles of humanism and moral.

2. If an application to receive a patent on one and the same variety or breed is filed in the Republic of Kazakhstan or in other countries, then the designation of one and the same variety or breed shall be identical.

3. If the proposed designation fails to meet the requirements set forth by paragraphs 1 and 2 of this article, then the applicant shall be obligated to change the proposed designation within two months as requested by the Authorized State Patent Office.

4. Any entity that uses a protected selective breeding achievement shall be required to indicate the designation of such a variety or a breed, under which they are registered in the State Registers of Protected Varieties and Breeds, even after the termination of a patent granted thereon.

## **Article 7. Priority of a Selective Breeding Achievement**

The priority of a variety or a breed shall be established by the date of application to the Authorized State Patent Office requesting a patent and a description of a selective breeding achievement in question.

The priority may be established by the date of filing the first application in a member state of the International Convention on Protection of Selective Breeding Achievements (conventional priority). The applicant shall use the right of conventional priority within 12 months from the date of application.

The applicant who is willing to use the conventional right of priority shall indicate the priority date of the first application on the application presented to the Authorized State Patent Office and within three months from the submission date of the subsequent application provide copies of the first application authenticated by the body which received that application.

The applicant shall have the right not to provide additional documentation and required testing material within three years from the date the first application is filed.

## **CHAPTER III. SELECTIVE BREEDING PATENT APPLICATION EXAMINATION**

### **Article 8. Preliminary Examination**

1. The Authorized State Patent Office shall conduct a preliminary examination of an application for compliance with the statutory requirements two months after its submission.

If necessary, the applicant can make changes and clarifications into its application within one month after its submission.

2. Additional materials accompanying the application in respect of a variety or a breed and containing characters that are not provided in the initial application materials, but alter the essence of the claimed variety or breed, shall be disregarded in the course of application examination.

3. If the preliminary examination turns positive, the Authorized State Patent Office shall make a decision to further examine such an application. Copies of the application and description of such a selective breeding achievement shall be forwarded to the Expert Body.

4. If the preliminary examination shows that an application does not meet the statutory requirements, then a decision shall be made to dismiss the application from further examination, and the applicant shall be notified accordingly.

5. In case of disagreement with the decision adopted pursuant to the results of the preliminary examination, the applicant shall be entitled to file an objection with the Authorized State Patent Office within two months. Decisions in respect of objections shall be adopted within two months from the date they are filed.

6. Application information, in respect of which the preliminary examination proved positive, shall be published in the official bulletin of the Authorized State Patent Office 18 months after the date of application. The Authorized State Patent Office may publish application materials before the statutory date as petitioned by the applicant.

7. The author of a variety or a breed shall be entitled to put its name on the publication of its application materials.

### **Article 9. Temporary/Provisional Legal Protection of a Selective Breeding Achievement**

1. Provisional legal protection shall be granted for the right in a claimed selective breeding achievement from the date of registration of that breeding achievement in the State Register.

2. Natural persons and legal entities infringing on the rights of a variety or breed patent holder under temporary protection shall incur liability provided in the incumbent Legislation of the Republic of Kazakhstan.

3. Under temporary protection, a selective breeding achievement applicant shall be allowed to sell or otherwise transfer seeds and pedigree materials only for scientific purposes and in

cases if such sale or other transfer is related to the assignment of the right in that selective breeding achievement or to the production of seeds, pedigree material as ordered by the applicant with the intention to increase their stock.

#### **Article 10. Selective Breeding Achievement Application Examination for Protectability**

1. Application examination shall include testing of a selective breeding achievement for non-obviousness, homogeneity, stability and novelty that are conducted by the expert bodies pursuant to adopted practices and methodologies within the established timeframe.
2. The applicant shall be obligated to provide sufficient (required) amount of seeds or pedigree material for testing.
3. The expert bodies shall be entitled to use the results of testing conducted by other organizations (institutions) of the Republic of Kazakhstan, as well as other countries, with which appropriate treaties are signed, and data as presented by the applicant.
4. If a variety or a breed meets the protectability requirements, an expert body shall compile an official description of such a variety or a breed, on the basis of which the Authorized State Patent Office adopts a decision whether to grant a patent.
5. If it is established that a tested variety or a breed does not meet the protectability requirements, the Authorized State Patent Office shall adopt a decision to reject a patent application based on the conclusion of an expert body and appropriately notifies the applicant.

In cases of disagreement with such decisions, the applicant may contest them in the Appellate Council of the Authorized State Patent Office within three months from the date the notice of rejection is delivered. The applicant may request copies of the materials opposing its application as well as the testing results within two months from the date the decision concerning the application is adopted.

### **CHAPTER IV. AUTHOR AND PATENTEE**

#### **Article 11. Author of a Plant Variety or an Animal Breed (Breeder/Selectionist)**

The author of a plant variety or an animal breed shall be deemed to be a natural person, through whose creative effort they are created, discovered or bred.

If a plant variety or an animal breed is created through a joint effort of several persons, they all shall be deemed to be authors. The procedure to enforce the rights vested with them shall be subject to agreement between them.

Persons who provided an author (authors) with technical or organizational assistance, or facilitated the formalization of its rights in its plant variety or an animal breed, shall not be deemed authors.

## **Article 12. Rights of an Author of a Selective Breeding Achievement**

1. The right of an author in a selective breeding achievement shall be an inalienable personal right and shall be protected by the State pursuant to Article 3 of this Law.
2. The authorship shall be attested by a certificate of author granted by the Authorized State Patent Office to each author of a selective breeding achievement, which is registered in the State Register of Protected Plant Varieties and Animal Breeds.
3. An author shall have the right to designate its name to its selective breeding achievement.

The author of a selective breeding achievement shall have the right to receive remuneration from the patentee for the patentee use of a plant variety or an animal breed created, discovered or bred by it within the duration of the patent. The amount and the schedule of payments shall be subject to agreement concluded between the patentee and the author.

If a plant variety or an animal breed is created, discovered or bred by several authors, then the remuneration shall be dispersed between them pursuant to their agreement.

## **Article 13. Selective Breeding Achievement Patentee**

A patent shall be granted to an applicant:

- + the author of a selective breeding achievement;
- + its legal assignee (assignees);
- + natural persons and/or legal entities (upon their consent) that are listed as the author (authors) or its (their) legal successors in the patent application or in an application filed with the Authorized State Patent Office prior to the registration of a plant variety or an animal breed;
- + the employer, if a plant variety or an animal breed were created by its employee within the frameworks of its employment, unless the contract between the employer and employee provides otherwise.

If there are several persons, in whose name a patent is applied for, they shall be granted one patent.

## **Article 14. Patentee Rights and Obligations**

1. The patentee shall have the exclusive right to use plant varieties and animal breeds, unless such a use infringes upon the rights of other patentees. It is required to obtain permission from the patentee's for the following actions which are related to the protected plant variety or animal breed:

- + production or reproduction (multiplication);



- + securing the planting characteristics;
- + offer for sale;
- + sale or any other distribution;
- + export from the territory of the Republic of Kazakhstan;
- + import into the territory of the Republic of Kazakhstan;
- + storage for the aforementioned purposes.

2. The right of a patentee shall also extend to planting material, tradable live-stock that are produced from seeds, from pedigree animals, and release into commerce without the authorization of the patent holder.

3. The provisions of the first part of this article shall apply to seeds of plant varieties and pedigree material of protected selective breeding achievements that:

- + significantly inherit the features of protected varieties or breeds if such protected varieties or breeds did not inherit themselves the features of another selective breeding achievement;
- + do not obviously differ from protected varieties or breeds;
- + differ from protected varieties or breeds by changes caused by any technique that allows to preserve the genotype or a combination of genotypes of a particular variety or breed, except the technique of individual selection, the selection of inducted or cloned mutants, back-crossing and genetic engineering;
- + reproduction which requires repeated use of a protected variety or breed.

4. Other rights shall be subject to regulation by the incumbent Legislation of the Republic of Kazakhstan.

5. The patentee shall be obligated to:

- + release into commerce a variety or a breed permitted for use in production;
- + maintain a variety or a breed within the duration of a patent to preserve its features indicated in its official description accepted by an expert body to protect that variety or breed.

### **Article 15. Liability for Infringements Upon the Rights of a Patentee**

Any natural person or a legal entity that uses a plant variety or an animal breed in breach of this shall be deemed to be guilty of trespassing on the rights of the patentee.

A natural person or a legal entity shall be deemed to infringe the rights of a patentee if:

- + he/it discloses, without authorization, the data composing the trade secret of a plant variety or an animal breed, for which an application has been filed;
- + provides a designation of protected plant varieties or pedigree animal live-stock, that are produced and distributed, that differs from their registered designations;
- + he/it provides a designation to produced and distributed protected plant varieties or pedigree animal live-stock, that are produced and distributed, that is confusingly similar with the registered designation of a plant variety or an animal breed;
- + he/it provides a designation of a registered protected selective breeding achievement to produced and/or distributed seeds or pedigree material that does not have anything to do with the registered product;
- + he/it presents documents containing incorrect data on a selective breeding achievement.

A person who has infringed the rights of a patentee shall be obligated to compensate the patentee for his use of a plant variety or an animal breed as well as compensate for any other losses resulted from its violation of this Law pursuant to the incumbent Legislation.

A holder of an exclusive and/or non-exclusive license may set out its claims against an infringer of a patent in written authorization of the patentee or its authorized agent.

The amount of compensation for losses shall be determined based from the moment of the infliction of the date of actual damage and during the duration of the violation of a patent.

### **Article 16. Inherited Rights**

The right to file for a patent and to receive a patent on a selective breeding achievement, the exclusive right to use a plant variety or an animal breed as well as to receive remuneration and profits from its use shall be inheritable.

### **Article 17. Actions which are not recognised as infringements of the exclusive rights of the patentee**

The following actions in respect of a selective breeding achievement shall not be deemed to be infringements on the patentee's rights:

- +commenced for personal and non-commercial purposes;
- + commenced for experimental purposes;
- + for use of protected selective breeding achievements as a base for the creation of other varieties and breeds, except cases, to which the provisions of paragraphs 1 and 2 of Article 14 of this Law apply.

## **CHAPTER V. USE OF A SELECTIVE BREEDING ACHIEVEMENT**

## **Article 18. A Licensing Agreement**

Any person who is not a patentee shall have the right to use a patented variety or breed only with the patentee's authorization and under a licensing agreement.

Under a licensing agreement, the patentee (the licensor) assigns the right to use a protected variety or breed to another person (the licensee) within the frameworks conditioned in such a licensing agreement.

Under a non-exclusive license, the licensor retains all rights afforded by its patent with respect to a protected variety or breed, including the right to license third parties.

Under an exclusive license, the licensee receives the exclusive right to use a variety or a breed within the limits provided in such an agreement, however, the licensor retains the right to use its plant variety or animal breed, but loses its capacity to license third parties.

Disputes related to the terms of such an agreement shall be settled in court.

If a licensing agreement does not specify the type of the license granted, it shall be presumed to be non-exclusive.

A licensing agreement shall be subject to registration with the Authorized State Patent Office and shall be deemed invalid without such a registration.

## **Article 19. Open License**

The patentee may announce through the official bulletin of the Authorized State Patent Office the conclusion of an agreement between parties concerning the granting of a license to use his variety or breed through a licensing agreement.

In the case of an announcement of an open license, the duty for the protection of a plant variety or animal breed shall be reduced by 50% beginning the year following the year of publication of the data on such an announcement by the Authorized State Patent Office.

An application filed by the patentee for assigning the right to an open license shall continue for three years from the date of publication of the data on such an open license by the Authorized State Patent Office, but not to exceed the duration of the patent.

## **Article 20. Compulsory License**

If the patentee does not use or uses insufficiently its selective breeding achievement, any person may apply to the court to request an award of a compulsory non-exclusive license, if the selective breeding achievement in question has not been used within three years from the date of publication of data on its patent issue. The court shall award such a license in respect to a plant variety or an animal breed with determination of the limits of use, the amount of payment, the time limitations and the schedule of payments, if:

+ the patentee refuses to enter into a licensing agreement on reasonable commercial terms;

+ the patentee fails to prove that its non-use or insufficient use has been caused for pardonable reasons.

The amount of payments shall not be less than the license value as assessed pursuant to the established practice.

Any compulsory license shall be granted in the first place to provide for the needs of the domestic market of the Republic of Kazakhstan.

A compulsory license shall be subject to termination upon cessation of the causes that led to its issuance. However, a person who has obtained a compulsory license shall have a priority to conclude a licensing agreement with the patentee.

## **CHAPTER VI. TERMINATION OF A PATENT**

### **Article 21. Recognition of a Patent Invalid**

1. Any person may apply to the Authorized State Patent Office with a reasonable application to recognize a patent invalid on the basis of legally grounded reasons.

2. The Authorized State Patent Office shall present a copy of such an application to the patentee who within three months from receipt may object on valid grounds.

The Authorized State Patent Office may adopt a decision on the issue within six months from the date it receives the valid objection provided there is no need for additional testing.

3. The patent on a plant variety or an animal breed may be invalidated if it is proven that:

+ it has been issued on the basis of unconfirmed data on the homogeneity and stability of a variety or breed as provided by the applicant;

+ as of the date of award, a variety or breed did not meet the requirement of novelty and distinctiveness;

+ the person who is indicated in the patent as its holder did not have any legal grounds to receive the patent.

### **Article 22. Annulment and Pre-Mature Termination of a Patent**

1. A patent on a selective breeding achievement shall be annulled by the Authorized State Patent Office in cases where:

+ it is recognized invalid pursuant to paragraph 3 of Article 21;

+ its selective breeding achievement no longer complies with the criteria of homogeneity and stability;

+ the patentee fails to present, within twelve months on the request of the Authorized State

Patent Office, seeds, planting or pedigree material and documents necessary to check the integrity of such a variety or breed or fails to provide an opportunity to conduct an examination of that variety or breed in situ for the aforementioned purposes;

+ the designation of a variety or a breed is annulled after the award of the patent thereon, if the patentee fails to propose another more suitable designation.

2. Opposition to the annulment of the patent on the counts set forth in paragraph 1 of this article shall be reviewed by the Appellate Council of the Authorized State Patent Office within six months from the date it is submitted in the presence of the person who filed the opposition.

3. The duration of patent shall be pre-maturely terminated:

+ on the basis of an application filed by the patentee with the Authorized State Patent Office;

+ due to the patentee's failure to deposit the patent maintenance fee in a timely fashion.

4. The Authorized State Patent Office shall publish information on annulments and pre-mature terminations of patents on varieties and breeds in its official bulletin.

### **Article 23. Settlement of Disputes Related to the Application of this Law**

Disputes related to violations of the Varieties and Breeds Patent Legislation shall be reviewed in court, for issues related to:

+ copyright in a variety or breed;

+ determination of the patentee;

+ infringement of the exclusive right to use a protected variety or breed and other property rights of the patentee;

+ conclusion and execution of licensing agreements to use a variety or breed;

+ compensations envisaged in this Law;

+ author's remuneration under a concluded contract.

## **CHAPTER VIII. FINAL PROVISION**

### **Article 24. Use of Selective Breeding Achievements in Production**

1. The State Commissions shall include into The State Registers of Selective Breeding

Achievements Permitted for Use, varieties and breeds that, based on the results of state testing for economic usefulness, and in respect of grape varieties, wood, decorative, fruit and forest varieties, such inclusions shall be also made on the basis of expert conclusions provided pursuant to the statutory procedure.

2. Distributed seeds and pedigree material shall be accompanied by appropriate documents attesting their variety, breed origin and quality allowed for use in certain regions.

## **Article 25. Patent Fees**

Patent fees shall be levied for legally significant actions related to protection of selective breeding achievements. The levying procedure, the list of such actions, the amount and schedule of payments shall be established by the Authorized State Patent Office and other state bodies pursuant to the procedure established by the Legislation.

## **Article 26. Publications**

1. The Authorized State Patent Office shall publish its official bulletin that contains information on the following:

- + on applications for patents, which have gone through preliminary examination with positive results, with an indication of the priority date of a selective breeding achievement, name (designation) of the applicant, designation of a selective breeding achievement, the last name and initials of the author, if the latter has not declined his name to be mentioned as such;
- + on decisions adopted in respect of applications for patents;
- + on changes in designations of selective breeding achievements;  
on recognition of patents as invalid and their annulment;
- + other data related to the protection of selective breeding achievements.

2. Any person shall be entitled to familiarize himself with the materials of an application after publication of the application data, when an examination proved positive.

## **Article 27. Selective Breeding Achievement Patenting**

The author (selectionist/breeder) shall have the right to file an application with the competent body of another country to request protection for its selective breeding achievement only three months after it files an appropriate application with the Authorized State Patent Office or earlier than a search for information/data that may compose a state secret is conducted pursuant to the procedure envisaged in the Legislation of the Republic of Kazakhstan.

## **Article 28. Rights of Foreign Nationals and Legal Entities**

Foreign nationals and legal entities shall enjoy the rights provided in this Law and other legislative and normative acts of the Republic of Kazakhstan in the sphere of legal protection of plant varieties and animal breeds for natural persons and legal entities of the Republic of Kazakhstan under international treaties of the Republic of Kazakhstan or on principles of mutuality.

#### **Article 29. International Treaties**

If international treaties of the Republic of Kazakhstan establish the rules other than those set forth in this Law, then the rules of international treaties shall be applied.

President of the Republic of Kazakhstan N. Nazarbaev

Almaty " \_\_\_\_ " \_\_\_\_\_ 1996

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