

Patent Examination of Applications for Inventions filed with Rospatent

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The main legal documents

- The Civil Code
- The Administrative Regulation of the Federal Service for Intellectual Property to Provide the State Service on State Registration of Invention and Grant of the Patent for Invention, Issue of its Duplicate, approved by the order of the Ministry of Economic Development, dated 25.05.2016
- The Regulations on Drafting, Filing and Examination of Documents Serving as the Ground for Execution of Legally Significant Actions on State Registration of Invention, and on their Form, approved by the order of the Ministry of Economic Development, dated 25.05.2016
- The Requirements for the Documents of Application for Grant of the Patent for Invention, approved by the order of the Ministry of Economic Development, dated 25.05.2016
- The Guidelines (in part that meet the mentioned documents)

The Civil Code, Article 1350

Conditions of Patentability of an Invention

- A technical solution in any area related to a **product** (including **a device, substance, microorganism strain, cell culture of plant or animals**) or **method** (process of affecting a material object using material means) including **a use** of the product or method for the specified purpose shall be protected as an invention.

The Regulations P. 51

- A technical solution is a solution which achieves the technical result/solves the technical problem

The Civil Code, Article 1350

Conditions of Patentability of an Invention

- An invention shall be granted the legal protection if it is new, involves an inventive step, and is industrially applicable.

The Civil Code, Article 1349

paragraph 4

The following shall not be the objects of patent rights:

- methods of cloning of a human being and his clone;
- methods of modification of the genetic integrity of cells of the embryonic line of a human being;
- use of human embryos for industrial and commercial purposes;
- results of intellectual property if they are contrary to public interest, principles of humanity and morality.

The Civil Code, Article 1350

paragraph 5

The following shall not be deemed inventions in particularly:

- 1) discoveries;
- 2) scientific theories and mathematical methods;
- 3) proposals concerning solely the outward of appearance of manufactured articles and intended to satisfy aesthetic requirements;
- 4) rules and methods of games and for intellectual or business activity;
- 5) computer programs;
- 6) ideas on presentation of information.

The Civil Code, Article 1350

paragraph 6

Legal protection as inventions shall not be granted to:

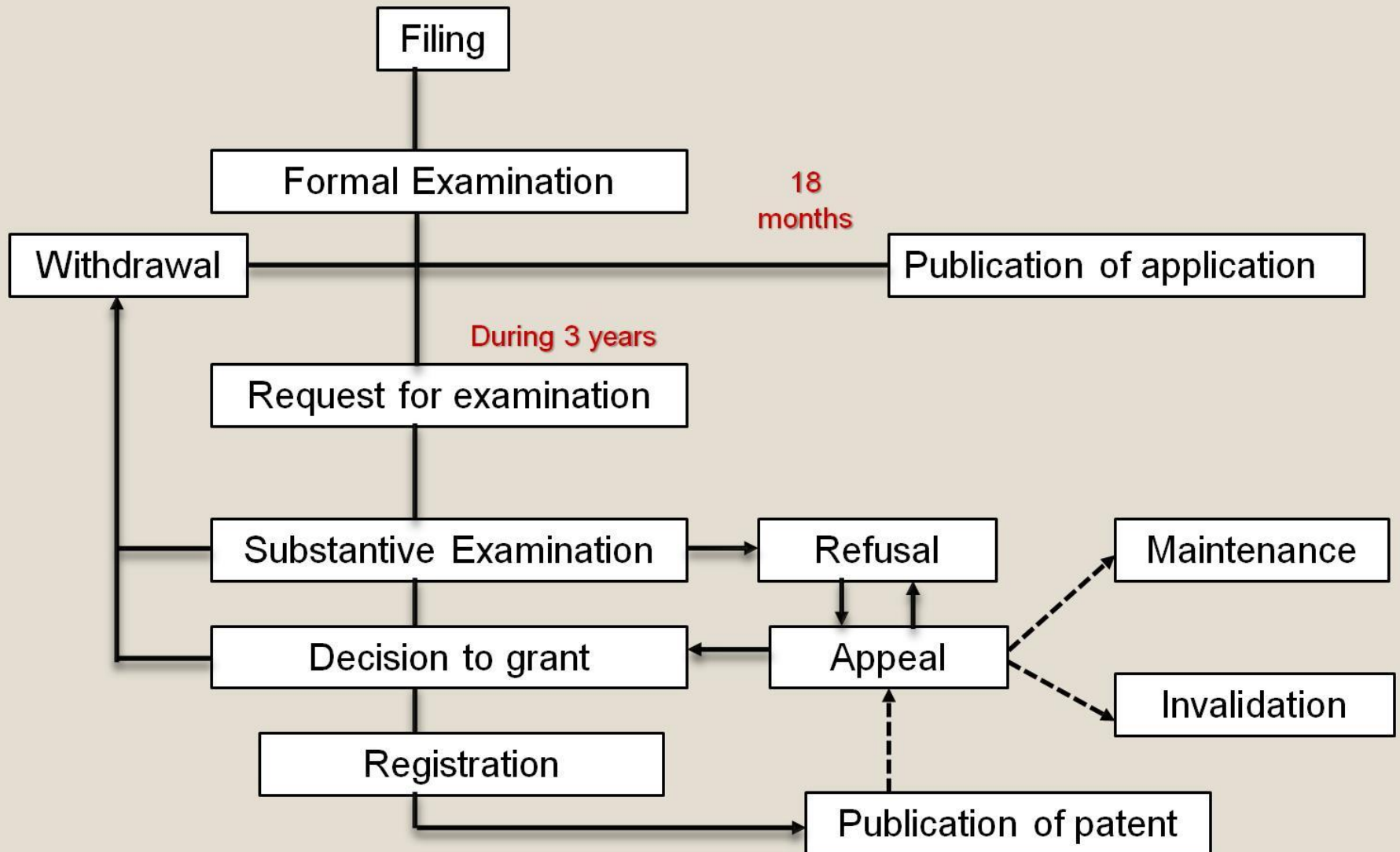
- 1) varieties of plants, breeds of animals and biological methods of obtaining thereof, i.e. methods which completely consist of crossing and selecting with the exception of microbiological methods and products obtained by the use of such methods;
- 2) layout-designs (topographies) of integrated circuits.

The Civil Code, Article 1375

An application for the Grant of a patent for an Invention

- An application for the grant of a patent for an invention shall relate to one invention or to a group of inventions so linked as to form a single inventive concept (requirement of unity of the invention).

Patent procedures



The Civil Code, Article 1386

Substantive Examination of an Application for an Invention

- **Substantive examination of an invention shall include:**
 - ✓ a prior art search with respect to claimed invention to check the patentability of the invention;
 - ✓ checking the fulfillment of the claimed invention to the requirements stipulated by paragraph 4 article 1349 of the Civil Code and criteria of patentability stipulated by the 1st subparagraph of paragraph 1 and paragraphs 5 and 6 Article 1350 of the Civil Code.

The Civil Code, Article 1386

Substantive Examination of an Application for an Invention

- **Substantive examination of an invention shall include:**
 - ✓ checking the sufficiency of disclosing the essence of the claimed invention in the application materials provided by subparagraphs 1-4 paragraph 2 Article 1375 of the Civil Code and presented at the filing date for it to be carried out by specialist skilled in the art;
 - ✓ checking the fulfillment of the claimed invention to the criteria of patentability stipulated by the 2nd subparagraph of paragraph 1 Article 1350 of the Civil Code.

The Regulations P. 43

Substantive examination of an application shall include:

- checking of unity of the claimed invention (p.6 a.1368);
- checking the fulfillment of the claimed invention to the requirements stipulated by p.4 a.1349;
- checking the fulfillment of the claimed invention to the criteria of patentability stipulated by p.6 a.1350;

The Regulations P. 43

Substantive examination of an application shall include:

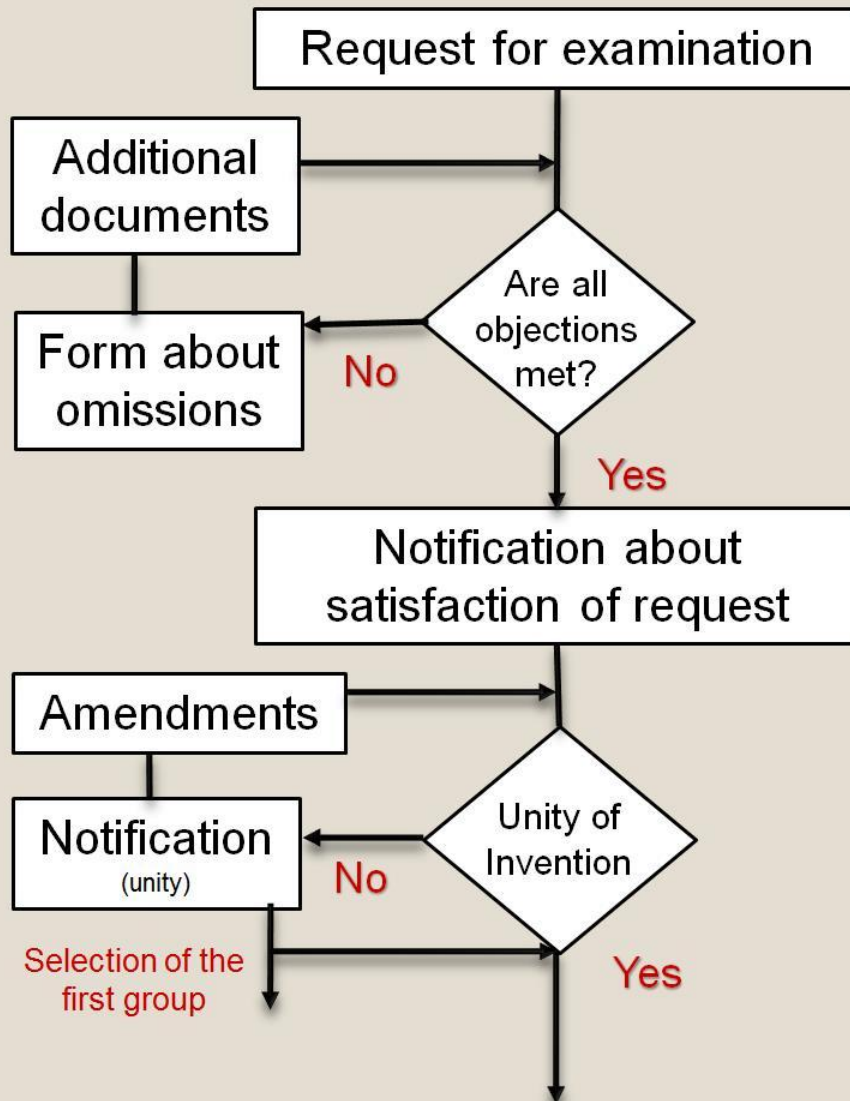
- checking the fulfillment of the claimed invention to the criteria of patentability stipulated by p.5 a.1350;
- checking the fulfillment of the claimed invention to the criteria of patentability stipulated by p.1 a.1350;
- checking the sufficiency of disclosing the essence of the claimed invention in the application materials;

The Regulations P. 43

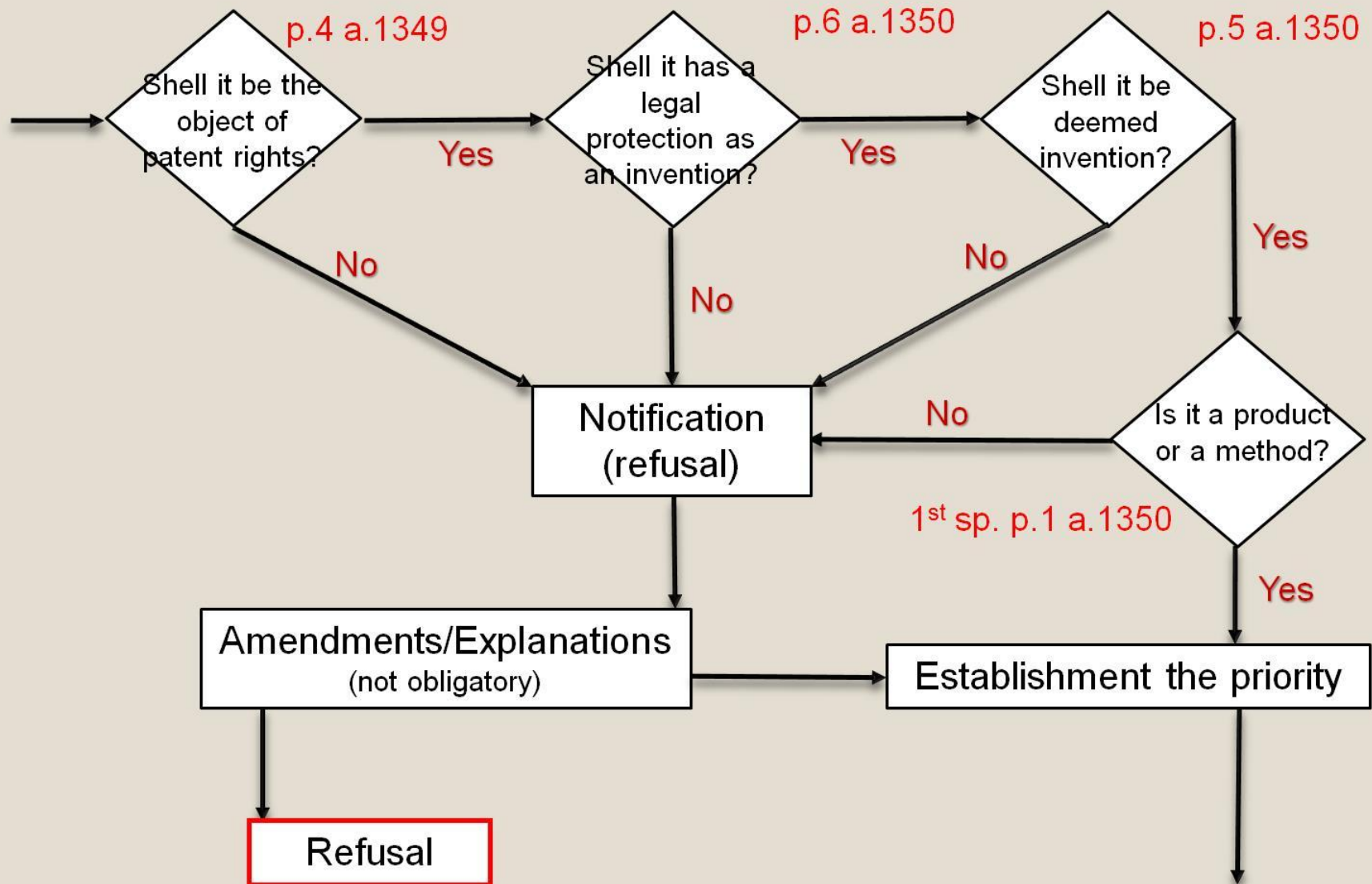
Substantive examination of an application shall include:

- a prior art search;
- checking of industrial applicability, novelty and inventive step.

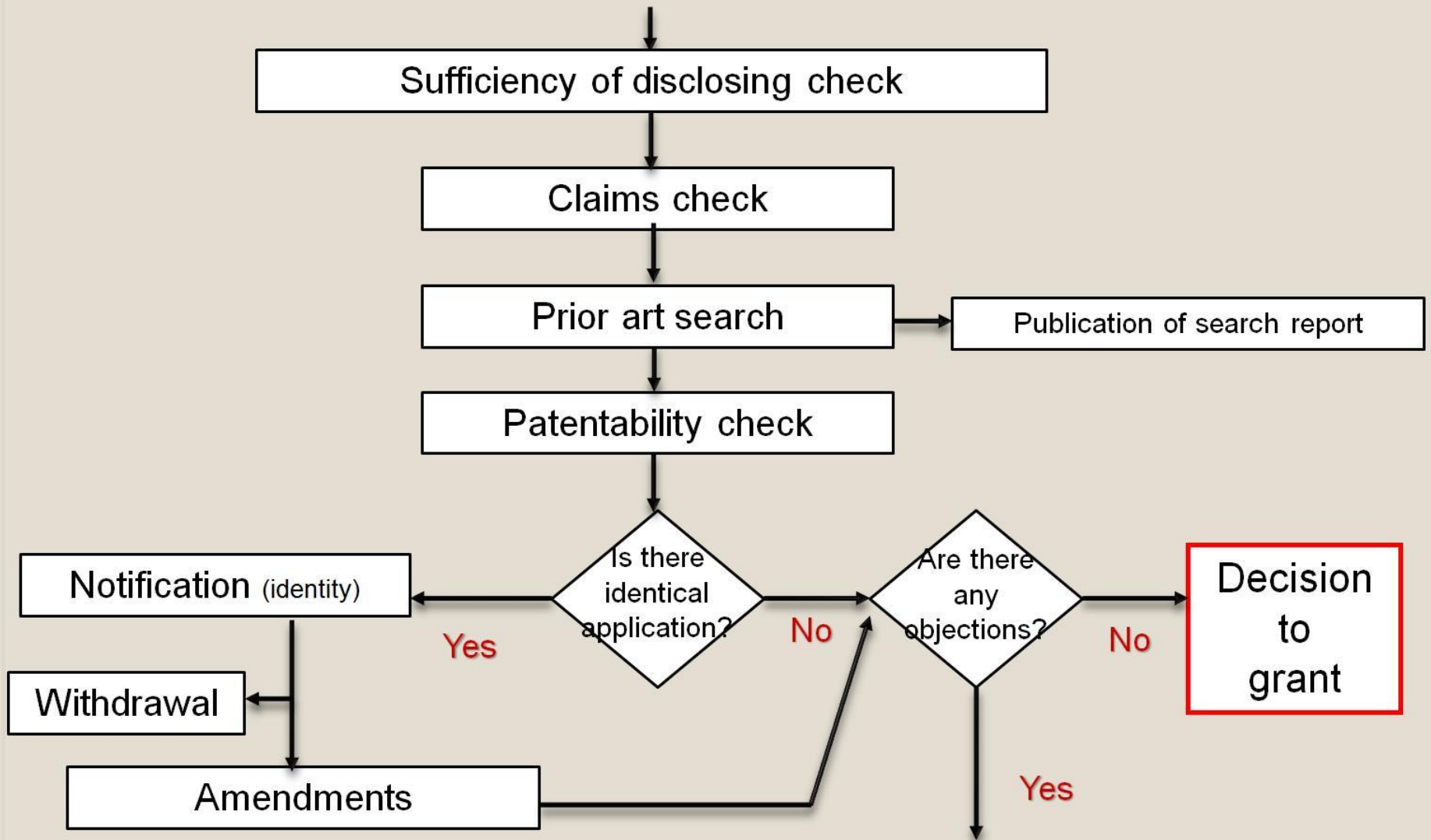
Examination procedures



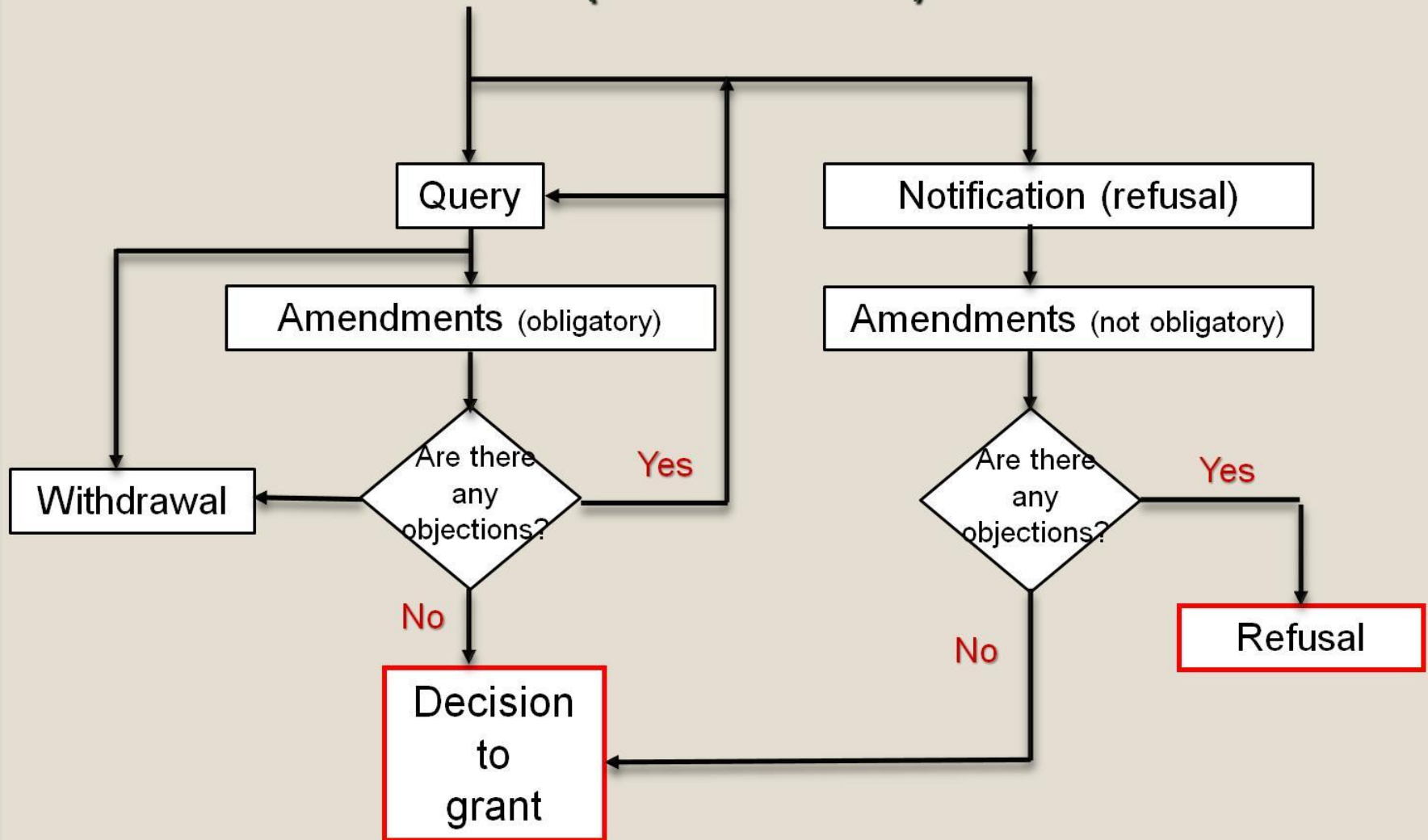
Examination procedures (continued)



Examination procedures (continued)



Examination procedures (continued)



Checking of the sufficiency of disclosing the essence of the claimed invention (The Regulations P.53)

- checking of presence in the application materials information about
 - ❑ object matter
 - ❑ technical result

- checking the presence in the description combination of essential features that is needed for achievement of the technical result

Prior art search

- The Regulations on Conducting Information Search during Substantive Examination of Application for Grant of the Patent for Invention and Providing the Report about it, approved by the order of the Ministry of Economic Development, dated 25.05.2016

Inventive step

- 1) What is a closest analog (prototype)?
- 2) Which of features (of the independent claim) are the same and which are distinctive?
- 3) What is the Search result? Has the technical solution with distinctive features been found?
- 4) What is the technical result? Are the distinctive features of found solution intended for the same result?

Reasons for refusal: (The Regulations P.102)

- the claimed invention is related to one of objects mentioned in p. 4 article 1349, p. 5 article 1350, p. 6 article 1350 of the Civil Code
- the claimed invention does not meet criteria of patentability mentioned in the article 1350 of the Civil Code (novelty, inventive step and industrial applicability)
- the essence of the claimed invention does not sufficiently disclosed in the application materials provided by subparagraphs 1-4 paragraph 2 Article 1375 of the Civil Code and presented at the filing date
- claimed object isn't the technical solution according to the p. 1 article 1350 of the Civil Code

Patent Examiners Divisions

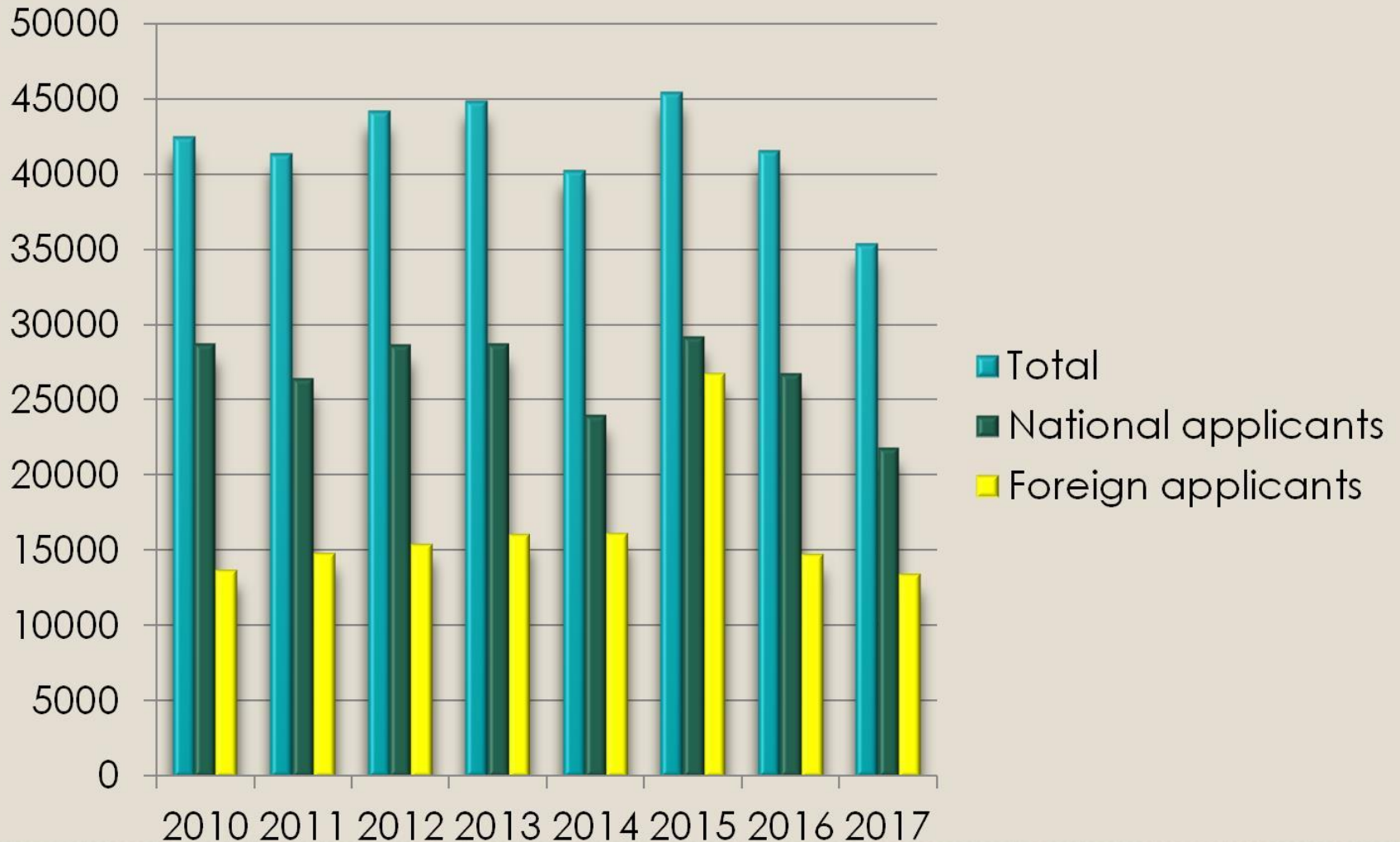
Department 1 Chemistry, Biotechnology and Medicine

- Organic compound division
- Polymer & inorganic compound division
- Biotechnology division
- Food industry & agriculture division
- Medicine & medical equipment division
- Medicaments (pharmaceutical) division
- Metallurgy & Engineering division

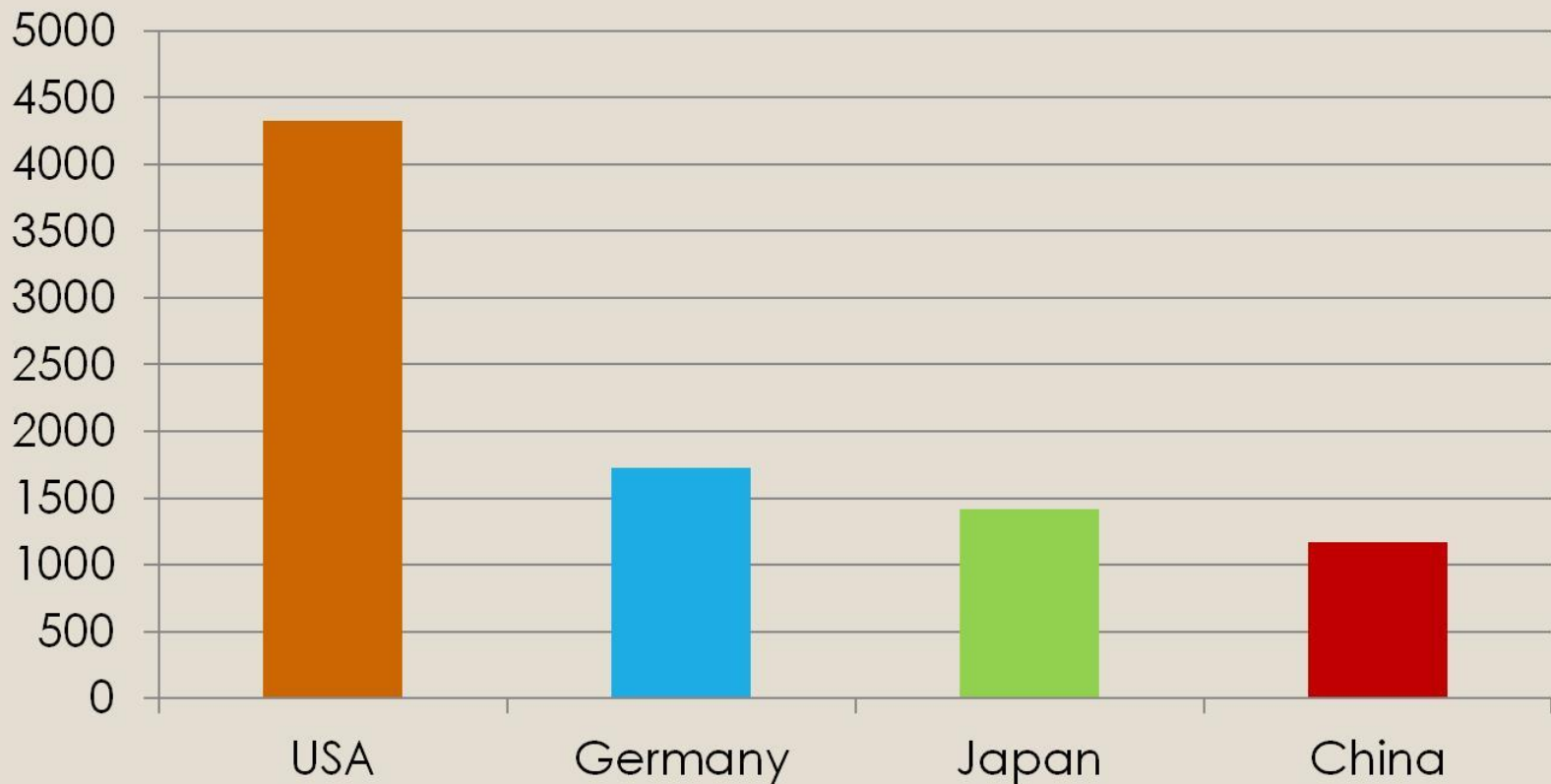
Department 2 Physics & Applied mechanics

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- Energetics division
- Electric engineering & communication division
- Computing division
- Transport division
- Light & textile industry division
- Measurement technique

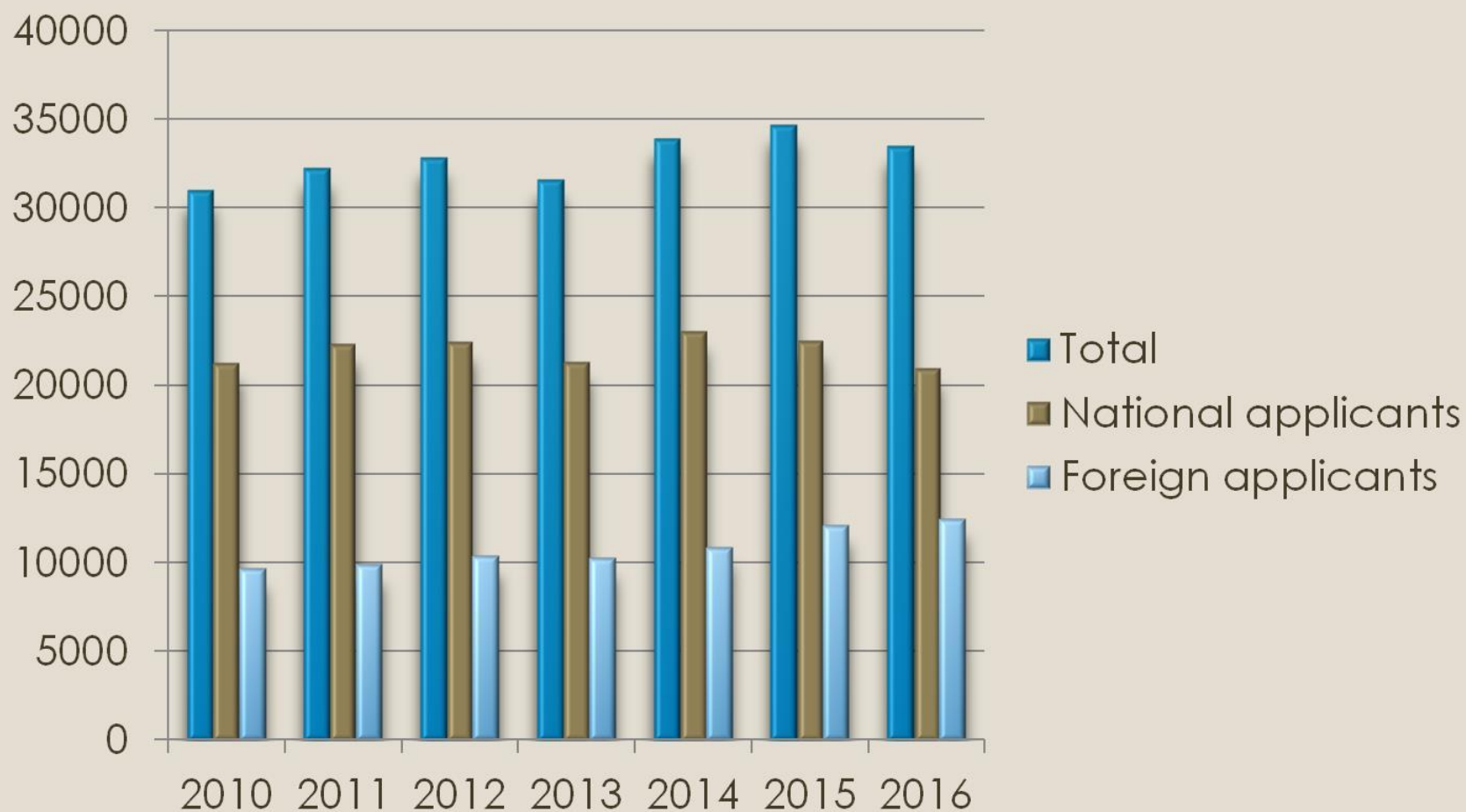
Application filing for inventions



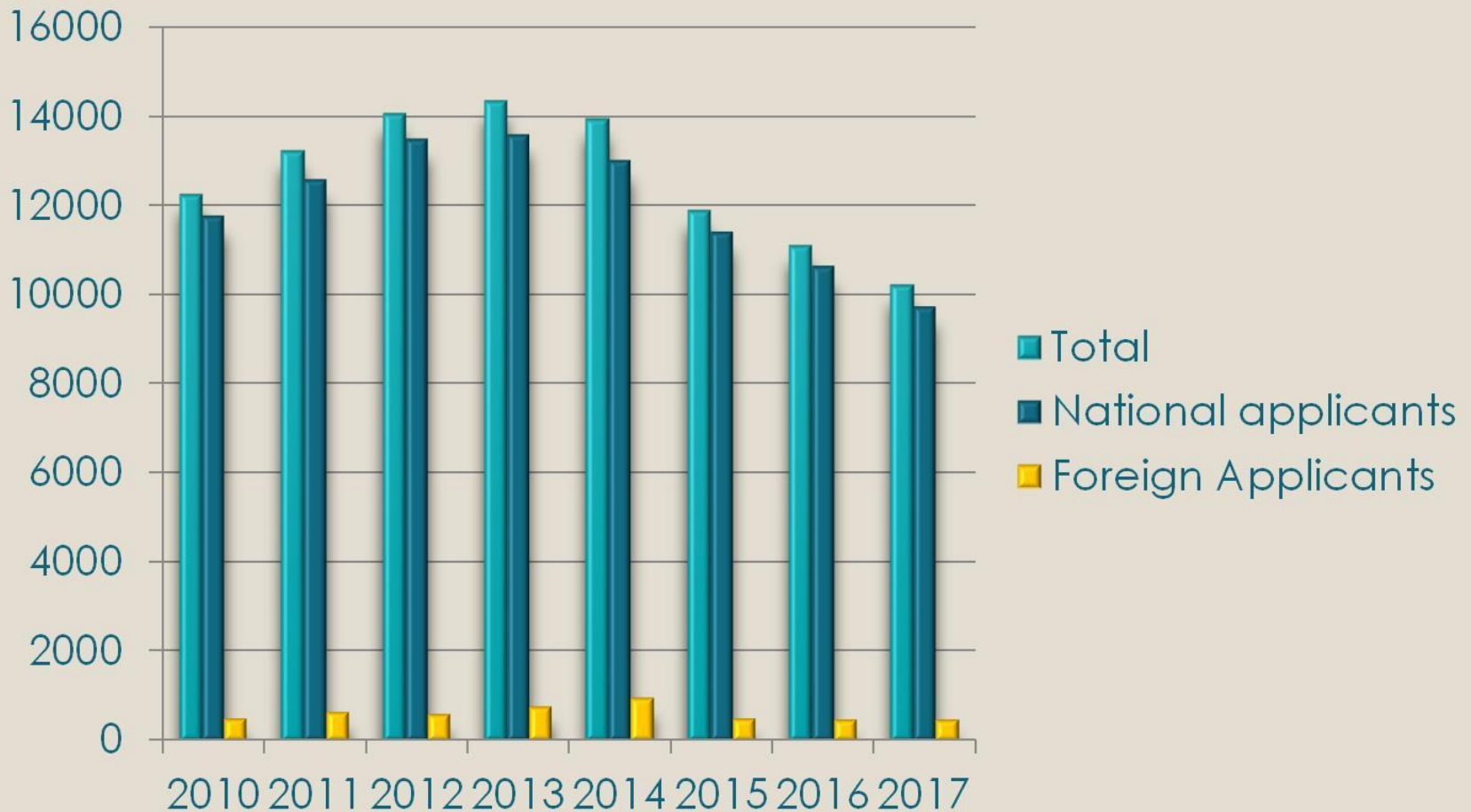
Application filing for inventions



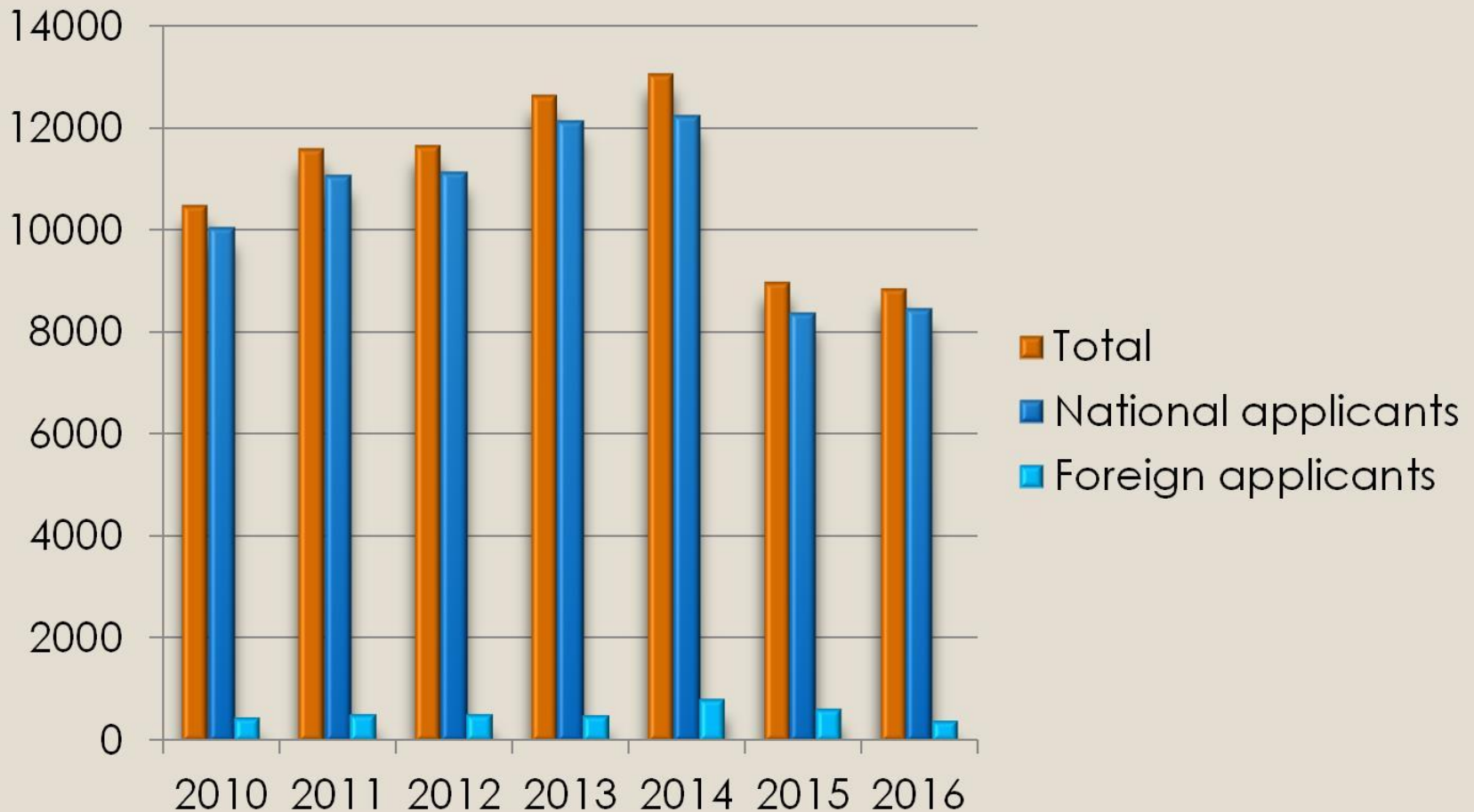
Granted patents for inventions



Application filing for Utility Models



Granted patents for Utility Models



Statistics for Inventions

	2015	2016	2017	2017 vs. 2015 %
Decisions (total)	40012	43303	45217	113
National	24673	25862	29224	118,4
Foreign	15339	17441	15993	104,3
The average pendency time for examination (month)	10,5	10,31	9,24	

Statistics for Utility Models

	2015	2016	2016 vs. 2015 %	2017	2017 vs. 2016 %
Decisions (total)	11215	10044	89,6	10509	104,6
The average pendency time for examination (month)	3,78	2,87		3,42	

Thank you!