

**LAW**  
**OF THE REPUBLIC OF TAJIKISTAN**  
**«ON INDUSTRIAL DESIGNS»**

This Law shall govern proprietary and related personal non-proprietary relations arising in connection with the development, legal protection and use of industrial designs on the territory of the Republic of Tajikistan.

**SECTION 1.**  
**GENERAL PROVISIONS**

**Article 1. Some terms used in this Law**

*Paris Convention* - The Paris Convention for the Protection of Industrial Property of March 20, 1883 with subsequent amendments;

*ergonomic diagram* – a diagram showing the ratio of dimensions of the object of an industrial design in the system «man-machine»;

*confection chart* - samples of textile and knitted fabric, leather, fittings, etc, being recommended for manufacturing of an article (made out in case of filing an application for an industrial design pertaining to the light industry);

*official bulletin* - official periodic publication of the Patent Office on questions of protection of industrial property objects;

*criteria of patentability* - conditions for grant of legal protection of an industrial design defined by this Law

**Article 2. Legislation of the Republic of Tajikistan on industrial designs**

The legislation of the Republic of Tajikistan on industrial designs shall be based on the Constitution of the Republic of Tajikistan and shall consist of the Civil Code of the Republic of Tajikistan, this Law and other legislative acts of the Republic of Tajikistan, as well as international legislative acts recognized by the Republic of Tajikistan.

**Article 3. State body for protection of industrial property objects**

The State body for protection of industrial property objects (hereinafter referred to as “Patent office”) shall provide implementation of a consistent state policy on legal protection of industrial property objects, in particular, industrial designs, receive applications for industrial designs, conduct their examination, carry out state registration and official publication of information about industrial property objects, grant patents for industrial designs, and also perform other tasks entrusted to it.

At the Patent Office there shall operate the Appeal Board which is a mandatory primary administrative body for resolution of controversial issues related to the legal protection of industrial property objects. The Appeal Board shall exercise its authority on the basis of the

current legislation and the Statute of the Appeal Board approved by the head of the Patent Office.

#### **Article 4. Representation**

Natural persons permanently residing outside the Republic of Tajikistan, or foreign legal entities or their representatives shall deal with the Patent Office through patent attorneys, registered with the Patent Office and authorized by a power of attorney.

Any citizen of the Republic of Tajikistan permanently residing in its territory and whose professional level meets the qualifying standards may be a patent attorney.

Qualifying standards to patent attorneys, the procedure of their attestation and registration in the State Register of Patent Attorneys shall be determined by the Patent Office.

## **SECTION 2. INDUSTRIAL DESIGN AND ITS LEGAL PROTECTION**

#### **Article 5. Conditions for patentability of an industrial design**

In accordance with this Law an artistic and design solution of an article determining its outward appearance shall be protected as an industrial design. An article shall mean an item of industrial or handicraft manufacturing.

An industrial design shall be granted legal protection if it is new and original.

An industrial design shall be deemed to be new if the aggregate of its essential features reflected in the representations of the article and enumerated in the list of the essential features of the industrial design, are not known from the data made available to the public in the world before the date of priority of the industrial design.

In assessing the novelty of an industrial design all industrial designs patented in the Republic of Tajikistan shall be taken into consideration, as well as all applications for industrial designs filed by other persons in the Republic of Tajikistan (except for withdrawn) provided their earlier date of priority.

An industrial design shall be deemed to be original if its essential features stipulate a creative character of aesthetic identities of the articles.

The essential features of an industrial design shall include those which determine the aesthetic and (or) ergonomic identities of the outward appearance of the article, its forms and configurations, ornament and combination of colours.

The patentability of an industrial design shall not be prejudiced by the disclosure of information relating to such design by its author, the applicant or by any other party who received such information, directly or indirectly, from them, as a result of which the substance of the industrial design entered the public domain, if the application for such industrial design is filed with the Patent Office within six months of the date of such disclosure. The burden of proof in such case shall rest with the applicant.

The following shall not be recognized as patentable industrial designs:

- solutions that are determined exclusively by the technical function of an article;
- solutions that relate to architectural works (with the exception of minor architectural forms) and industrial, hydrotechnical and other stationary structures;
- solutions that relate to printed matter as such;
- solutions that relate to subject matter of unstable shape such as liquids, gaseous and dry substances and the like;
- articles that are contrary to the public interest, humanitarian principles or morality.

### **Article 6. Legal protection of an industrial design**

The right in an industrial design shall be protected by the State and shall be certified by a patent.

A patent for an industrial design (hereinafter referred to as “patent”) shall certify the priority of an industrial design, the authorship of an industrial design and the exclusive right to use an industrial design.

The scope of legal protection conferred by a patent shall be determined by the totality of its essential features, represented on reproductions of the article (model, drawing). The description of an industrial design shall be used only to interpret the features.

An industrial design patent shall be valid for a term of ten years as of the date on which the appropriate application is filed with the Patent Office. The term of an industrial design patent shall be extended by the Patent Office at its owner’s request, but by not more than for five years.

## **SECTION 3.**

### **SUBJECTS OF THE RIGHT IN AN INDUSTRIAL DESIGN**

#### **Article 7. Author of an industrial design**

A natural person whose creative work resulted in an industrial design shall be recognized as the author thereof.

Where an industrial design results from joint creative work of two or more natural persons, those persons shall be recognized as the joint authors thereof. The procedure for exercising author's rights shall be determined by an agreement between them.

Natural persons shall not be recognized as joint authors where they have not made a personal creative contribution to the creation of an industrial design, but have simply given the author (or authors) technical, organizational or material assistance or helped him (or them) in securing legal rights in the industrial design or in using it.

The right of authorship shall be an inalienable personal right and shall be protected perpetually.

#### **Article 8. Applicant**

The right to file an application for the grant of a patent for an industrial design shall have:

- the author(s) of an industrial design;
- the employer in the cases provided for in subsection 2 of the Article 9 of this Law;
- a legal successor(s) of the author(s) or of the employer.

**Article 9. Patent owner**

A patent shall be granted to a person specified in the application for the grant of a patent for an industrial design or to a person obtained the corresponding right as a transfer.

The right to obtain a patent for an industrial design created by an employee in connection with the fulfillment of his employment obligations or a specific task of the employer shall belong to the employer, unless otherwise agreed in the contract between the parties.

In the event that, within four months from the date of the employer's notification by the author of the industrial design, the employer fails to file a patent application for such industrial design with the Patent Office, fails to transfer the right to file an application to a third person, and (or) fails to inform the author of keeping the respective object secret, the right to file an application and obtain a patent shall belong to the author. In such case the employer shall have the right to use the industrial design in his own production operations, paying compensation to the patent owner in an amount to be determined on a contractual basis.

The right to obtain a patent for the industrial design created by the employee with the use of the experience, as well as material, technical and other resources, of the employer, but other than in the line of employment duty or on the basis of a specific assignment given by the employer, shall belong to the employee, unless otherwise provided for by a contract between them. In such case, the employer shall be entitled to use the industrial design in his own production operations, subject to compensation payable to the patent owner in an amount to be determined on a contractual basis.

**Article 10. Right of the author of an industrial designs created in connection with performance of official duties**

An employee mentioned in part two of Article 9 of this Law shall be entitled to remuneration from the employer, commensurable with the gain that the employer derived or could have derived from the proper use of the industrial design in the event that:

- the employer obtained a patent;
- the employer assigned the right to obtain a patent to another person;
- the employer decided to keep the industrial design secret;
- the employer failed to obtain a patent on the industrial design application filed by the employer due to reasons within his control;

Remuneration shall be paid in the amount and on conditions determined on the basis of the agreement between the author and the employer.

**SECTION 4.  
APPLICATION FOR THE GRANT OF A PATENT**

### **Article 11. Filing an application**

An application for the grant of a patent (hereinafter referred to as “application”) shall be filed by an applicant with the Patent Office.

An application may be filed through a representative of an applicant or a patent attorney registered with the Patent Office.

The application shall relate to one industrial design and may include variants of that industrial design (requirement of unity of industrial design).

An application shall contain:

- a request for the grant of a patent (in the State language), indicating the title of the industrial design, the author (co-authors) of the industrial design and the party(s) in whose name(s) the patent is sought, as well as their domiciles or locations;
- a set of representations of the article, giving a full and detailed perception of its outward appearance;
- a description of the industrial design including a list of its essential features,
- outline drawing of the article, its ergonomic diagram and confection chart if necessary to bring out the substance of the industrial design.

An application shall be accompanied by a document, certifying payment of a fee for filing an application in the prescribed amount, or a document, certifying the exemption from the fee, or reduction of fees which may be submitted together with the application or within a three month period of the day on which the application is filed with the Patent Office.

Requirements for documents comprising an application shall be established by the Patent Office

### **Article 12. Date of filing of an application**

The date of filing of an application shall be established by the date of receipt at the Patent Office of all the documents of the application listed in the first, second and third paragraphs of Article 11 of this Law.

The decision of establishment of the filing date shall be forwarded to the applicant after receipt by the Patent Office of the document confirming payment of a filing fee in the prescribed amount.

Where there is a breach of the requirements of Art.11 of this Law the application shall be considered not to have been filed.

### **Article 13. Correction of the documents of the application on the applicant’s initiative**

Within three months of the application filing date, an applicant shall have the right to make amendments and clarifications to the application documents without changing the essence of the claimed industrial design.

Corrections and clarifications to an application may also be submitted after the expiry of a three-month period, but not later than a decision on the results of a substantive examination is taken, provided that the corresponding fee has been paid.

### **Article 14. Withdrawal of the application**

An applicant may withdraw his application prior to the registration of the industrial design in the Register of Industrial Designs.

#### **Article 15. Confidentiality in the processing of an application**

In the processing of an application, the Patent Office shall not allow access for any person to the application before the publication of the grant of the patent, unless requested or authorized by the applicant. The access shall be construed as access by any means, including personal communication, which allows third parties to receive information on the application.

### **SECTION 5. PRIORITY OF AN INDUSTRIAL DESIGN**

#### **Article 16. Conditions for establishing priority**

The priority of an industrial design shall be established by the date of filing of the application determined in accordance with Article 12 of this Law.

The priority may be determined by the date of receipt of additional materials if they are submitted by the applicant as a separate application, provided that it has been filed before the expiry of a three month period following the date of receipt by the applicant of a notification from the Patent Office to the effect that the additional materials cannot be taken into consideration since they are recognized as modifying the essence of the claimed industrial design.

Priority may be determined by the date on which an earlier application disclosing the industrial design concerned was filed with the Patent Office by the same applicant if the application requesting such priority is filed within six months of the filing date of the earlier industrial design application. In such case, the earlier application shall be deemed to be withdrawn.

Priority may be determined on the basis of several preceding applications, subject to their compliance with the applicable conditions as set out in the preceding subparagraph of this Article.

Priority may not be determined by the filing date of an application which already requested an earlier priority in accordance with subparagraphs three and four of this Article.

Priority of an industrial design for a divisional application shall be established by the date of filing by the same applicant with the Patent Office of the initial application disclosing said industrial design and if the divisional application has been received before a decision has been taken not to grant a patent, where the possibility for appeal has been exhausted, and if a decision to grant a patent has been received – prior to the date of registration in the State Register.

Where an examination finds the same priority date claimed for several identical industrial designs, a patent shall be granted on that application proved to have been sent to the Patent Office on an earlier date or, should such dates also coincide, on the application having an earlier registration number assigned by the Patent Office, unless otherwise agreed upon between the applicants.

#### **Article 17. Convention priority**

Priority may be determined by the filing date of the first application filed in a State party to the Paris Convention for the Protection of Industrial Property (convention priority), provided that the application is filed with the Patent Office within 6 months of that date. Where owing to circumstances beyond the applicant's control the application claiming convention priority could not be filed within the above time limit, the latter may be extended at the applicant's request by a period not exceeding two months.

An applicant wishing to make use of the right of convention priority shall indicate this accordingly when filing an application or within two months of the date of receipt of the application at the Patent Office, and shall attach a copy of the first application or send it to the Patent Office not later than three months after the date of filing of the application with the Patent Office.

The priority of an industrial design may be determined by the date of placing the industrial design at an official or officially recognized international exhibition, provided that the application on which the priority was claimed has been filed with the Patent Office within six months following the date of the display of the industrial design at the exhibition.

## **SECTION 6. EXAMINATION OF AN APPLICATION**

### **Article 18. Formal examination of an application**

Upon the expiry of three months from the date of filing of an application the Patent Office shall carry out its formal examination. At the request in writing of the applicant a formal examination may be started before the expiry of the above mentioned period. In that case, the applicant shall forfeit the right, provided for by Article 13 of this Law, to correct and clarify the documents of the application at his own initiative without payment of a fee.

In the course of a formal examination of an application it shall be verified whether all requisite documents are included and meet the requirements in accordance with Articles 11 of this Law and the question whether the claimed artistic and design solution relates to industrial designs to which legal protection is granted in accordance with Article 5 of this Law shall be considered.

If, in accordance with Article 13 of this Law, the applicant submits supplementary materials for the application, the examination shall verify whether they modify the subject matter of the claimed industrial design.

Supplementary materials shall be held to modify the substance of the industrial design applied for if they make for the inclusion of such features as were absent from the original materials of the application. Any supplementary materials modifying the substance of the industrial design applied for shall be ignored for the purposes of examining the application, but may be filed by the applicant as a separate application.

If the application for an industrial design is made in accordance with all established requirements the applicant shall be notified of a positive decision of the formal examination.

Where a filed application is found to be inconsistent with any requirements applicable to its documents, the applicant shall be given a notice requesting that amended or missing documents be submitted within three months of the receipt date of such notice. If the applicant fails to submit the requested documents within such time period or to apply for its extension, the application shall be deemed to be withdrawn.

Where an application is found to be inconsistent with the unity of industrial design requirement, the applicant shall be requested to make it clear, within three months of the receipt date of the appropriate notice, which of the proposals applied for is to be examined and, if necessary, to update documents comprising the application. The other proposals covered by the original application may be filed as divisional applications.

If the applicant fails to make it clear, within three months of receipt of the notice of non-compliance with the unity of industrial design requirement, which of the artistic and design solutions is to be examined and to submit updated documents, the examination shall be carried out in respect of the artistic and design solution that comes first in the application, as well as other variants, if any.

In the event of disagreement with the examination decision the applicant shall have the right, within four months of the date of receipt of the decision, to lodge an appeal with the Appeal Board of the Patent Office. The appeal shall be considered within six months.

### **Article 19. Substantive examination of an application**

A substantive examination of the application shall be carried out at the request of the applicant (or third parties) which may be submitted within the period not exceeding twelve months of receipt at the Patent Office of the full set of documents of the application listed in Article 11 of this Law, after the payment of the prescribed fee

If no request for examination has been filed within the period of twelve months, the application shall be deemed to be withdrawn

During the process of a substantive examination of an application the priority of the industrial design shall be established and compliance with the requirements for patentability of the industrial design in accordance with Article 5 of this Law shall be verified.

In the course of a substantive examination of the application the Patent Office shall have the right to request from the applicant supplementary materials. Any supplementary materials modifying the substance of the industrial design applied for shall be ignored for the purposes of examining the application. They may be filed by the applicant as a separate application with the priority determined by the date of their receipt at the Patent Office.

If the Patent Office finds in the process of its substantive examination of an application that the filed industrial design in the scope of legal protection sought meets the conditions for patentability set forth in Article 5 of this Law, a decision to grant a patent shall be made.

Where a claimed industrial design is found, within the scope of legal protection sought, to be inconsistent with the conditions for patentability a decision shall be made to refuse the grant of a patent.

An applicant shall have the right to inspect the materials indicated in the examination request, in the examination decision or in the search report. The Patent Office shall send copies of the materials requested by the applicant within two months of the date of receipt of the request.

In the event of disagreement with the decision to refuse the grant of a patent the applicant shall have the right to lodge an appropriate appeal with the Appeal Board within four months of the date of receipt of the decision. The appeal shall be considered by the Appeal Board within six months of the date of its receipt.

In the event of disagreement of the applicant with the decision of the Appeal Board he may, within six months from the date of receipt of the decision, appeal to the Court.

If the applicant fails to respect the time limits for the furnishing of materials at the examiner's request and for filing an appeal with the Appeal Board, such time limits may be reinstated by the Patent Office at the applicant's request, submitted not later than twelve months from the day of the expiry of the time limit, on payment of the prescribed fee.

#### **Article 20. Publication of grant of a patent**

Within six months from the date of the decision to grant a patent for the industrial design the Patent Office shall publish in the Official Bulletin information about the patent which shall include the name(s) of the author(s) (with their consent) and the patent owner, the title and a list of the essential features of the industrial design and a representation thereof as well as other necessary data established by the Patent Office.

#### **Article 21 Registration of an industrial design and grant of a patent**

Within three months of the date of receipt of documents confirming payment of a fee for registration and grant of a patent the Patent Office shall enter an industrial design in the State Register of Industrial Designs of the Republic of Tajikistan and shall grant a patent to the patent owner.

The content of particulars entered in the Register of Industrial Designs of the Republic of Tajikistan and the content of particulars indicated on the patent shall be established by the Patent Office.

Where a patent was sought in the names of several persons, they shall all be issued a single patent. The Patent Office shall grant to the author(s) of the industrial design an official certificate confirming the authorship.

Unless a document confirming payment of a patent registration and grant fee is duly submitted, the registration of an industrial design, and the issuance of a patent shall not take place and the respective application shall be deemed to be withdrawn.

### **SECTION 7.**

#### **EXCLUSIVE RIGHT TO USE AN INDUSTRIAL DESIGN**

##### **Article 22. Rights of a patent owner**

A patent owner shall have an exclusive right to use the industrial design protected by a patent at his own discretion, if such use does not infringe the rights of other patent owners, including the right to prohibit use of the industrial design by other persons, except in the cases where such use, in accordance with this Law, does not constitute an infringement of the patent owner's exclusive right.

The relations regarding the use of an industrial design a patent for which is owned by several persons shall be governed by a contract between such persons. In the absence of such contract, each of right owners may use the protected industrial design at his own discretion, but may not grant a license or assign the patent to another person without other patent owners' consent.

If a patent owner is unable to use his industrial design without infringing the rights of another patent owner he shall be entitled to demand a license agreement to be concluded by the latter.

A patent owner may transfer an exclusive right (assign a patent) to any natural person or legal entity.

An agreement on transfer of an exclusive right (assignment of a patent) shall be subject to registration with the Patent Office, without which it shall be considered invalid.

An exclusive right of the patent owner shall be valid from the date of the publication of patent grant in the Official Bulletin.

A patent and the right to obtain it shall be inherited.

### **Article 23. Grant of the right to use an industrial design**

Any person, other than the patent owner, shall have the right to use an industrial design protected by a patent only under an authorization of its owner on the basis of a license contract.

Under a license contract, the patent owner (licensor) shall agree to grant the right to use the industrial design, to the extent specified in such contract, to another party (licensee), while the licensee shall agree to perform all actions as may be stipulated in the contract.

Under an exclusive license contract, the licensee shall be assigned an exclusive right to use the industrial design to the extent stipulated in the contract, while the licensor shall retain the right to use it, but other than to the said extent.

Under a non-exclusive license, the licensor, while granting the right to use the industrial design to the licensee, shall retain all rights confirmed by the patent, including the right to grant licenses to third parties.

A license contract shall be subject to registration with the Patent Office and shall be deemed to be invalid without such registration.

A patent owner may file with the Patent Office a petition to grant to any person the right to use the industrial design (open license). The maintenance fee in such case shall be reduced by 50 percent as of the year following that during which the Patent Office publishes a notice of such petition.

In the case of the withdrawal of an open license by the patent owner the patent maintenance fee for the term of the open license shall not be paid and shall henceforth be paid in full.

A person, wishing to obtain an open license shall conclude an agreement on payments with the patent owner.

### **Article 24. Infringement of an exclusive right**

Any natural person or legal entity using an industrial design in a manner contrary to this Law shall be deemed to be infringing the exclusive right of a patent owner (to be infringing the patent).

Manufacturing, using, importing, storage, selling, or other introduction into civil circulation or keeping for such purposes a product incorporating the patented industrial design shall be deemed a breach of the patent owner's right (breach of a patent).

A product shall be deemed incorporating a patented industrial design should it incorporate all of the latter's essential features as reflected in the product's representations and enumerated in the list of its essential features.

A patent owner shall be entitled to require that:

- the infringement of the patent be terminated;
- the person guilty of the infringement of the patent provide compensation for resulting losses, including loss of gain, and pay moral damages;
- the income derived by the infringer of the patent be recovered in lieu of compensation for losses;
- the products put in commercial use or stored for that purpose which were found to have infringed the patent, as well as any facilities specially meant for the infringement of the patent, be confiscated for the benefit of the patent owner;
- the relevant court judgement be published in the official editions of the Patent Office in order to restore his business reputation;

Claims against an infringer of the patent may be made by the owner of an exclusive license, unless otherwise provided for by the license contract, or the owner of a non-exclusive license where it is provided for by the license contract.

#### **Article 25. Actions not recognized as an infringement of an exclusive right**

The following actions shall not be deemed infringements of a patent owners' exclusive right:

- use of the devices incorporating industrial designs protected by patents in the construction or operation of (land, air, water) vehicles of other countries if such vehicles entered the territory of the Republic of Tajikistan on a temporary basis or by accident and such devices are used for the needs of a vehicle. No such action shall be deemed to constitute an infringement of the patent owner's exclusive rights, provided that the vehicles concerned are owned by natural persons or legal entities of countries granting reciprocal rights to vehicle owners of the Republic of Tajikistan;
- scientific research or experiments involving devices incorporating an industrial design protected by a patent;
- use of the devices incorporating an industrial design protected by a patent, in force majeure circumstances (natural disasters, catastrophes, major accidents) with subsequent payment of commensurate compensation to the patent owner;
- use of the devices incorporating an industrial design for needs without aiming to derive any income;
- use, offering for sale, sale, importing or keeping for that purpose of a product incorporating an industrial design protected by a patent if said product was put to commercial use on a lawful basis in the Republic of Tajikistan.

#### **Article 26. Right of prior use**

Any natural person or legal entity that, before the priority date of the industrial design, created and made use on the territory of the Republic of Tajikistan of an identical industrial design developed independently of the author or made appropriate preparations for such use shall

retain the right to continue using such industrial design free of charge, unless the scope of such use is increased.

The right of prior use may be assigned to another natural person or legal entity, but only together with the production operations which involved the use of such identical industrial design or necessary preparations for such use.

## **SECTION 8. TERMINATION OF A PATENT**

### **Article 27. Opposition to a patent**

A patent may be contested and invalidated, fully or partially, by any person at any time during its term in the following circumstances:

- the industrial design does not comply with the conditions for patentability prescribed by this Law;
- the essential features of an industrial design include such features as were absent from the original documents of the application;
- the letters patent wrongly names the author(s) or the patent owner(s).

An opposition to the grant of a patent on the grounds listed in paragraphs two and three of part one of this Article shall be filed with the Appeal Board and considered within six months of the date of its receipt. In this case the patent owner shall be acquainted with the opposition.

In the event of disagreement with the decision of the Appeal Board on opposition contesting a patent any party, within six months of the date of the issuance of an office action, may appeal to the Court.

### **Article 28. Early termination of the validity of a patent**

The patent shall be terminated early

- where a patent is recognized as completely invalid in accordance with Article 27 of this Law;
- on the basis of an appropriate motion filed by the patent owner with the Patent Office;
- in the event of failure to pay, within the prescribed time limit, the fee for maintenance of the patent in force.

The Patent Office shall publish information about early termination of the validity of the patent in the Official Bulletin.

### **Article 29. Reinstatement of the validity of a patent. Right of subsequent use**

The validity of the patent terminated early in accordance with paragraph four of part one of Article 28 of this Law, may be reinstated on a request by the patent owner, within eighteen months of the expiry of the time period prescribed for payment of a fee for maintenance of a

patent, provided that the applicant gives good reasons for the delay and provides proof of payment in the prescribed amount of a fee for patent reinstatement.

The Patent Office shall publish information about reinstatement of the patent in the Official Bulletin.

Any person that, during the period between the date of termination and the date of reinstatement of the patent, commenced the use on the territory of the Republic of Tajikistan of the protected industrial design or that made essential preparations for the commencement of such use during the said period of time shall retain the right to continue using it free of charge unless the scope of its use is enlarged (right of subsequent use).

The right of subsequent use may be assigned to another person, but only together with the production operations which involved the use of the industrial design or necessary preparations for such use.

## **SECTION 9. PROTECTION OF RIGHTS OF PATENT OWNERS AND AUTHORS**

### **Article 30. Court Hearings of Disputes**

Courts shall hear the following disputes:

- disputes over the authorship of an industrial design;
- disputes over patent ownership;
- disputes over infringements of exclusive rights in an industrial design;
- disputes over the conclusion and performance of agreements for assignment of rights and license contracts for the use of an industrial design;
- disputes over the right of prior use and the right of subsequent use;
- disputes over the amount, terms and procedure of payment of the remuneration to the author of the industrial design in accordance with this Law;
- disputes over the amount, terms and procedure of payment of compensation payable under this Law
- other disputes as may be related to the protection of rights certified by a patent.

### **Article 31. Liability for Breaches of This Law**

Breach of this Law shall entail civil, administrative or criminal liability pursuant to legislation of the Republic of Tajikistan.

## **SECTION 10. FINAL PROVISIONS**

**Article 32. Fees and procedural payment**

Legally relevant actions related to patents shall be performed for a fee and procedural payment. The list of actions for which patent fees and procedural payment shall be charged, their amounts, time periods for their payment, and grounds for exemptions from and rebates of such fees shall be determined in accordance with the procedure established by the legislation.

**Article 33. Rights of Foreign Individuals and Legal Entities**

Foreign individuals and legal entities shall enjoy those rights granted by this Law on a par with individuals and legal entities of the Republic of Tajikistan in accordance with international agreements to which the Republic of Tajikistan is a party or on the basis of reciprocity.

**Article 34. Procedure for entry into force of this Law**

This Law shall enter into force on the day of its official publication.

President of the Republic of Tajikistan

E. RAKHMONOV

№16 of 28 February 2004