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Patent rights legislation changes in Azerbaijan

On February 10, 2017, the President of the Republic of Azerbaijan signed a decree “on additional measures regarding the improvement of management in the fields of standardization, metrology, accreditation and protection of the patent right objects” (“Decree”).

The main goal of the decree is to ensure the sustainability of economic reforms, to improve the quality, safety, competitiveness and export potential of products manufactured in Azerbaijan, to further liberalize foreign trade, to adapt the fields of standardization, metrology, accreditation and protection of the patent right objects to modern requirements, to achieve the improvement in the transparency and flexibility of control mechanism as well as to provide the implementations of the measures stipulated in the “Strategic Road Map on perspective of national economy of the Republic of Azerbaijan” approved by the Decree No.1138 of the President of Republic of Azerbaijan dated December 6, 2016.

Concerning the resolution of the issues arising out of this Decree, the Cabinet of Ministers of the Republic of Azerbaijan:

- ▶ within 3 months period, shall develop a new draft law on “Standardization” considering the international practice and submit it to the President of Republic of Azerbaijan;
- ▶ considering the international experience, within 2 months period, shall develop the proposals with respect to the improvement of control system for the safety of non-food products in the consumer market as well as transfer of monitoring authorities with respect to compliance with the requirements of technical regulations to the accredited entities assessing the conformity as provided by the law and submit them to the President of the Republic of Azerbaijan;
- ▶ together with the State Committee for Standardization, Metrology and Patent of the Republic of Azerbaijan, within 6 months period, shall develop draft of “State program on compliance of national standardization system with international standards for the years of 2018-2025” in order to adopt referred standards and national technical regulations on the basis of directives of the European Union and international standards accordingly and submit it to the President of the Republic of Azerbaijan;
- ▶ shall resolve other issues arising out of this Decree.

According to the Decree, the following criteria shall be considered while the draft law on “Standardization” is developed:

- ▶ determination of the requirements on the safety indicators of products, including the requirements on the product-related processes, storage, packaging, labelling and terminology in accordance with technical regulations and the requirements on the quality of products in accordance with standards;
- ▶ implementation of technical regulations is mandatory for entrepreneurs, however the standards concerning the quality of products are voluntary;
- ▶ implementation of the technical regulations conformity assessment (verification) of products in accordance with the classification (low, medium and high level risk) of their risk groups;
- ▶ mandatory certification of high-risk group products only.

State Committee for Standardization, Metrology and Patent of the Republic of Azerbaijan shall:

- ▶ establish, within a month, “Azerbaijani Institute of Metrology” public legal entity in order to provide the acquisition, preservation of state quantity units standards and ensure transferring of quantity units from the state standards;
- ▶ establish, within a month, “Azerbaijani Institute of Standardization” public legal entity responsible for development and implementation of standards, representation in international organizations in this field as well as provision of services related to the implementation of the standards;
- ▶ establish, within a month, “Azerbaijani Accreditation Center” public legal entity in order to provide compliance with the principle and rules of accreditation, the accreditation of conformity assessment (verification) entities and representation in international organizations in this field;
- ▶ establish, within a month, “Patents and Trademarks Center” public legal entity in order to conduct examination, registration and registry of the claim documents received for invention, useful model, industrial design, trademark and geographical indications as prescribed by law, to register contracts in respective field according to the legislation, to issue respective protection documents and certificates, to implement the publication of information in accordance with legislation, to carry out the attestation and registration of patent agents as well as other issues arising out of legal protection of invention, useful model, industrial design, trademarks and geographical indications in accordance with legislation.

According to the Decree, the maintenance and functioning of the above-mentioned public legal entities shall be carried out at the expense of the income derived from their activities (including loans, grants, technical assistance, the incomes received from performed works and provided services etc.).

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