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Абай атындағы Қазақ ұлттық педагогикалық университетінің

# Х А Б А Р Ш Ы С Ы

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НАЦИОНАЛЬНОЙ АКАДЕМИИ  
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КАЗАХСТАН  
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## **ANALYSIS OF THE INTELLECTUAL PROPERTY MARKET IN THE REPUBLIC OF KAZAKHSTAN**

**Abstract.** The article discusses the features of the development of the domestic intellectual property market in the Republic of Kazakhstan. The normative and legal framework adopted in the republic in the field of intellectual property will ensure the creation of an effective national patent system, which will ultimately speed up the process of commercialization of intellectual property objects in the Republic of Kazakhstan [1]. In general, in Kazakhstan the legislative base in the field of industrial property has been formed and, in principle, is operating effectively. In recent decades, the governments of many countries of the world have been paying close attention to the effective implementation of intellectual property, its legislative regulation is being improved. Nevertheless, the passivity of Kazakhstani enterprises in the use of the results of intellectual activity is evident, which results in their low innovation activity and sluggish innovation processes. The relevance of the research topic is due to the fact that such a system for the development of the intellectual property market stimulates an increase in the demand of participants in the IPO commercialization process in bringing developments to the point of making a profit, increases the innovative activity of enterprises in the field of R&D, which makes it possible to take a significant step towards creating an innovative economy.

The relevance of the topic determined the choice of the topic and the

purpose of the study, which is that it is necessary to study the state of the intellectual property market for the period from 2015 to 2019 based on a review of statistical data in the context of various IPOs, to compare it with foreign intellectual property markets in terms of patent activity, where the main direction in the economy has become the intensive growth of the sphere of services related to intellectual property. The scientific and practical significance of the article involves the identification and correction of acute problems in the Kazakhstani intellectual property market. The methodological basis of the study was the toolkit of general economic theory, supplemented by other general scientific methods and methods of quantitative analysis of empirical data and modern methods of systems analysis.

The main result of this study is the identification of problems in the development of the intellectual property market and innovative technologies in the Republic of Kazakhstan. The article proposed measures for the further development and improvement of the domestic IPO market.

**Key words:** intellectual property objects, intellectual property market, innovation activity, innovation, technology, commercialization, patent activity.

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## **ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА ЗИЯТКЕРЛІК МЕНШІК НАРЫҒЫНА ТАЛДАУ**

**Аннотация.** Мақалада ҚР-да зияткерлік меншіктің отандық нарығын дамыту ерекшеліктері қарастырылған. Республикада қабылданған зияткерлік меншік саласындағы нормативтік-құқықтық база тиімді ұлттық патенттік жүйені құруды қамтамасыз етуге мүмкіндік береді, бұл сайып келгенде ҚР-дағы зияткерлік меншік объектілерін коммерцияландыру процесін жеделдетуге мүмкіндік береді.

Жалпы алғанда, Қазақстанда өнеркәсіптік меншік саласындағы заңнамалық база қалыптастырылып, тиімді жұмыс істеуде. Соңғы онжылдықтарда әлемнің көптеген елдерінің үкіметтері зияткерлік меншікті тиімді іске асыруға баса назар аударып, оны заңнамалық реттеу жетілдірілуде.

Дегенмен, зияткерлік қызмет нәтижелерін пайдалануда қазақстандық кәсіпорындардың енжарлығы айқын, оның салдары олардың инновациялық белсенділігінің төмендігі және баяу инновациялық процестер болып табылады. Зерттеу тақырыбының өзектілігі зияткерлік меншік нарығын дамытудың мұндай жүйесі зияткерлік меншікті коммерцияландыру процесіне қатысушылардың әзірлемелерді пайда алу сәтіне дейін жеткізуге деген сұранысының артуын ынталандырады, ҒЗТКЖ саласындағы кәсіпорындардың инновациялық белсенділігін арттырады, бұл инновациялық экономиканы құруға айтарлықтай қадам жасауға мүмкіндік береді.

Тақырыптың өзектілігі тақырыпты таңдауға және зерттеудің мақсатына байланысты болды, бұл 2015 жылдан 2019 жылға дейінгі кезеңдегі зияткерлік меншік нарығының жай-күйін әртүрлі зияткерлік меншік бөлінісінде статистикалық деректерді шолу негізінде зерттеу, оны патенттік белсенділік бөлігінде шетелдік зияткерлік меншік нарықтарымен салыстыру қажет, мұнда экономикадағы негізгі бағыт зияткерлік меншікке байланысты қызметтер саласының қарқынды өсуі болды.

Мақаланың ғылыми және практикалық маңыздылығы қазақстандық зияткерлік меншік нарығындағы өткір проблемаларды анықтауды және түзетуді көздейді. Зерттеудің әдіснамалық негізі басқа жалпы ғылыми әдістермен және эмпирикалық деректерді сандық талдау әдістерімен және жүйелік талдаудың заманауи әдістерімен толықтырылған жалпы экономикалық теорияның құралдары болды.

Аталған зерттеудің негізгі нәтижесі ҚР зияткерлік меншік және инновациялық технологиялар нарығын дамыту саласындағы проблемаларды анықтау болып табылады.

Мақалада зияткерлік меншікті отандық нарығында одан әрі дамыту және жақсарту шаралары ұсынылды.

**Түйін сөздер:** зияткерлік меншік объектілері, зияткерлік меншік нарығы, инновациялық қызмет, инновация, технология, коммерцияландыру, патенттік қызмет.



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## РЫНКА ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ В РК

**Аннотация.** В статье рассмотрены особенности развития отечественного рынка интеллектуальной собственности в РК. Принятая в республике нормативно-правовая база в области интеллектуальной собственности позволяют обеспечить создание эффективной национальной патентной системы, что в конечном итоге позволит ускорить процесс коммерциализации объектов интеллектуальной собственности в РК [1]. В общем виде, в Казахстане законодательная база в сфере промышленной собственности сформирована и в, принципе действует результативно. В последние десятилетия правительства многих стран мира уделяют пристальное внимание эффективной реализации интеллектуальной собственности совершенствуется ее законодательное регулирование. Тем не менее, налицо пассивность казахстанских предприятий в использовании результатов интеллектуальной деятельности, следствием чего является их низкая инновационная активность и вялотекущие инновационные процессы. Актуальность темы исследования обусловлена тем, что подобная система развития рынка интеллектуальной собственности стимулирует повышение спроса участников процесса коммерциализации ОИС в доведении разработок до момента получения прибыли, повышает инновационную активность предприятий в сфере НИОКР, что позволяет сделать значительный шаг к созданию инновационной экономики.

Актуальность темы обусловила выбор темы и цель исследования, заключающейся в том, что необходимо исследовать состояние рынка интеллектуальной собственности за период с 2015 по 2019 года на основе обзора статистических данных в разрезе различных ОИС, сравнить его с зарубежными рынками интеллектуальной собственности в части патентной активности, где основным направлением в экономике стал интенсивный рост сферы услуг, связанных с интеллектуальной

собственностью. Научная и практическая значимость статьи предполагает выявление и корректировка острых проблем на казахстанском рынке интеллектуальной собственности. Методологической основой исследования послужил инструментарий общей экономической теории, дополненный другими общенаучными методами и способами количественного анализа эмпирических данных и современные методы системного анализа.

Основным результатом данного исследования является выявление проблем в сфере развития рынка интеллектуальной собственности и инновационных технологий в РК. В статье были предложены меры для дальнейшего развития и улучшения отечественного рынка ОИС.

**Ключевые слова:** объекты интеллектуальной собственности, рынок интеллектуальной собственности, инновационная деятельность, инновации, технологии, коммерциализация, патентная активность.

**Introduction.** Management of innovative development is an integral part of the policy pursued by any modern state. This most important tool is aimed at ensuring sustainable and balanced economic growth, improving the quality of life of the population by creating conditions for increasing the competitiveness of the economy. One of its basic elements is the formation and development of the intellectual property market, as well as the commercialization of the results of scientific research and development, which determines the relevance of this issue not only for Kazakhstan, but also for all countries of the world.

Certain successes have been achieved in the development of the intellectual property market, revealed by the results of the analysis of IPOs in the Republic of Kazakhstan. State programs provide for a large range of activities, which will require coordinated efforts of the authorities, the scientific community, enterprises and organizations, all those who are interested in this issue. At the same time, there is confidence that the steps taken by the leadership of the republic will allow successfully solving the assigned tasks [2].

In modern conditions, intellectual property is becoming an increasingly important factor in the socio-economic development of the state. In this regard, the article discusses the formation and expansion of the intellectual property market in Kazakhstan and abroad, discusses the problems and prospects for the development of this market.

**Materials and methods.** The methodological basis in this article was the terminological methods of general economic theory, modern economic literature, presented on the example of the intellectual property market in Kazakhstan.

The article used the method of comparing data on objects of intellectual property (hereinafter IPO) in the context of several years.

The situational approach, the structuring of the legal framework in the formation of the infrastructure of the IPO, and other general scientific methods were used to consider the existing system of introducing intellectual property into economic circulation. In addition, deductive and inductive methods were used, the result of which are logical conclusions on the studied Kazakhstani experience and issues of state support for OIC, in order to create a harmonious, competitive, well-coordinated system of state support for the development of the modern intellectual property market. The study also used the method of comparing the use of various IPOs in Kazakhstan. The differences and similarities of regional features of the development of the intellectual property market were identified. The method of systematization was used in determining the national base, the world novelty of the IPO, the imperfections of the elements of the market we were studying were revealed.

Thus, based on the use of general scientific methods of generalization, theory, situational method, deductive and inductive methods, comparison method, the article builds a system-forming IPO market, as a result of which organizational and legal problems were identified, problems of institutionalization of lobbying activities of innovative business and state structures. , problems in the development of infrastructure of the OIP commercialization process in Kazakhstan.

The ultimate goal of applying all the above methods made it possible to smoothly switch to the research method for involving IPOs in the economic turnover in domestic practice, which became a catalyst for reducing various venture, credit and other risks in the field of the intellectual property market in Kazakhstan. The article also proposes attempts to improve the existing IPO market, which is based on improving the norms of the patent system, presenting ways to solve existing problems on the basis of improving the legal system of the intellectual property market in Kazakhstan. The purpose of the analysis of the intellectual property market was the need to take into account the economic and legal interests of the authors of the developments. The solution of these problems in the field of development and promotion of technologies and other IPO stimulates the development of the corresponding infrastructure of the intellectual property market.

In conclusion, the use of the synthesis method made it possible to combine the conclusions obtained in the course of the previous research method into a single whole, which made it possible to offer some recommendations for the further development of the intellectual property market.

In the article, all methods of scientific research are interconnected, organically complement each other, meet the assigned tasks for conducting research in the field of analysis of the IPO market.

**Results.** State initiatives aimed at stimulating the development of the intellectual property market are large-scale. This is evidenced by the fact that the Head of State approved the Strategic Development Plan of the Republic of Kazakhstan until 2025, the Government adopted the Strategy for Innovative Development, in which the protection of intellectual property rights took a special role [3,4].

The mission of the program was aimed at ensuring the necessary and sufficient patent - legal, informational and institutional conditions for the formation of a favorable innovation climate for the production of goods and services in Kazakhstan with protected intellectual property rights.

The results of the successful implementation of the patent program will ensure the creation of an effective national patent system, the intensification of patent and licensing activities and inventions, as well as effective protection of intellectual property owners from its illegal use, which ultimately will speed up the process of commercialization of intellectual property in the Republic of Kazakhstan.

The following results have been achieved under this program:

- the procedures for patenting industrial property objects were modernized by abolishing the preliminary patent, creating a one-stage system for patenting inventions and industrial designs, as well as introducing an innovative patent;
- the terms of examination of applications for the issuance of titles of protection for inventions, industrial designs and utility models have been reduced;
- by means of incentive measures, inventive activity and an increase in the number of applications filed have been increased;
- formed an expert fund of patent information resources for the patent office;
- licensing activity has been intensified, with an increase in licensing agreements for industrial property objects;
- the system of training and retraining of personnel in the field of intellectual property has been accelerated;
- Measures have been taken to reduce the volume of counterfeit products.

In general, in Kazakhstan the legislative base in the field of industrial property has been formed and, in principle, is operating effectively. And at present, the key factor in the development of the economy is intellectual resources - knowledge and information. The country's competitiveness in world markets largely depends on the effective use of intellectual property. It is she, as the progressive foreign experience shows, that increases the productivity of economic activity, ensuring the dynamic development of the economy.

In recent decades, the governments of many countries of the world have

been paying close attention to the effective implementation of intellectual property, its legislative regulation is being improved.

Nevertheless, the analysis of normative legal acts that regulate this area, carried out by the Patent Office for the presence of norms that create conditions for the improvement of corruption offenses, showed insufficient regulation of certain legal norms requiring legal regulation, which indicates that intellectual property has not yet taken over in the domestic economy. worthy position and is implemented very ineffectively. There are significant gaps in the field of protection of rights to trademarks, organizational and economic relations are not fully regulated in the execution and consideration of applications for industrial designs. It should also be noted that regulatory legal acts in the field of intellectual property do not provide for a mechanism for registering an agreement on the pledge of exclusive rights. The lack of direct regulation in the legislation of the issues of foreclosure on exclusive rights and compulsory registration of the transfer of these rights to another person (for example, in the case of evasion of the pledger of exclusive rights from taking actions necessary to register the transfer of rights or the absence of the pledger himself) is the reason that hinders the practical application of the pledge exclusive rights. This basis suggests that the subjects involved in mortgage relations will not be able to exercise their rights. Revision of these and a number of other problems would allow protecting the interests of national applicants and strengthening the patent market of the Republic of Kazakhstan in connection with the forthcoming accession of Kazakhstan to the WTO. Nevertheless, the analysis of normative legal acts that regulate this area, carried out by the Patent Office for the presence of norms that create conditions for the improvement of corruption offenses, showed insufficient regulation of certain legal norms requiring legal regulation, which indicates that intellectual property has not yet taken over in the domestic economy. worthy position and is implemented very ineffectively. There are significant gaps in the field of protection of rights to trademarks, organizational and economic relations are not fully regulated in the execution and consideration of applications for industrial designs. It should also be noted that regulatory legal acts in the field of intellectual property do not provide for a mechanism for registering an agreement on the pledge of exclusive rights. The lack of direct regulation in the legislation of the issues of foreclosure on exclusive rights and compulsory registration of the transfer of these rights to another person (for example, in the case of evasion of the pledger of exclusive rights from taking actions necessary to register the transfer of rights or the absence of the pledger himself) is the reason that hinders the practical application of the pledge exclusive rights. This basis suggests that the subjects involved

in mortgage relations will not be able to exercise their rights. Revision of these and a number of other problems would allow protecting the interests of national applicants and strengthening the patent market of the Republic of Kazakhstan in connection with the forthcoming accession of Kazakhstan to the WTO.

In addition, the passivity of Kazakhstani enterprises in the use of the results of intellectual activity is evident, which results in their low innovation activity and sluggish innovation processes.

In 2020, the growth of the real sector became an economic driver, amounting to 2%. For the service sector, the year ended with a 5.6% loss, although in recent months the dynamics began to recover. As a result, the GDP growth rate was minus 2.6%, which is higher than the dynamics for 11 months [5].

This fact determines that the economy of Kazakhstan is developing mainly due to the raw materials of the republic. While the real market of intellectual property in Kazakhstan is practically absent, although there is a significant backlog of ready-made results of scientific and technical activities in the form of patents and licenses.

First of all, intellectual property rights are protected by a specialized structure - the Committee on Intellectual Property Rights of the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as the Committee). The committee is the backbone of the RK patent system. It is an efficiently functioning patent system that is one of the important components of the intellectual property market, contributing to the commercialization of objects of the intellectual system [6].

Patenting is an important integral part of the commercialization of intellectual property objects [7]. Therefore, the greatest emphasis in this section is placed on the objects of industrial property, which are the most commercialized objects of intellectual property.

Consider the state of the intellectual property market for the period from 2015 to 2019 based on an overview of statistical data in the context of the following intellectual property objects:

- inventions;
- utility models;
- selection achievements;
- industrial designs;
- trademarks, service marks and appellations of origin.

The analysis of the intellectual property market of the Republic of Kazakhstan for the period from 2015 to 2019 was carried out in terms of the issued titles of protection for the above intellectual property objects [8]. Statistical data on the issuance of titles of protection for inventions in Kazakhstan for the corresponding period is presented in Table 1.

Table 1 - Dynamics of the issuance of titles of protection for inventions in the Republic of Kazakhstan by years

Security documents	2015	2016	2017	2018	2019	1993-2019
Issued, total	1504	1011	869	778	730	37553
Of these, to national patent holders						
Provisional patents	-	-	-	-	-	15840
Patents	250	331	638	588	544	7009
Innovative patents	1084	476	12	1	-	9084
Foreign patent holders						
Pre-patents	-	-	-	-	-	1405
Patents	158	202	219	189	186	4126
Innovative patents	12	2	-	-	-	89

Compiled on the data of the regional state enterprise “National Institute of Intellectual Property” (hereinafter RSE “NIIS”).

According to the data presented in table 1, the following conclusions were made:

- 730 patents for inventions were issued in 2019, which is 6.2% less than in 2018.

The main disadvantage of the existing system of patenting an invention was the lack of an exclusive right for a preliminary patent, on the existence of which the right to its protection depends first of all. So, according to paragraph 1 of Art. 992, paragraph 2 of Art. 999 of the Civil Code of the Republic of Kazakhstan, an exclusive right arises, and protection of rights to an invention can be carried out only after the grant of a patent, and a preliminary patent is not enough for this [9].

Since the preliminary patent was issued without checking the criterion of the novelty of the invention, the Kazakh patenting system did not exclude the duplication of existing inventions known in the world and in Kazakhstan.

Finally, patent examiners did not have the right not to accept or consider obviously unrealizable applications (“perpetual motion machines”), re-applications after the expiration of the previous provisional patent, and so on. Thus, the time has come when the existing patenting system with such a deficiency was no longer able to stimulate the country’s scientific and innovative activities.

An innovative patent will be a tool for the implementation of innovative activities, allowing to interest and protect the interests of entrepreneurs working in the field of small and medium-sized businesses. With its help, it is supposed to conduct approbation of new inventions that have not yet passed serious technical tests. This will allow you to choose the most cost-effective

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An innovative patent will provide an opportunity to obtain quick protection, including verification of the so-called local (Kazakh and Eurasian) novelty and industrial applicability, which will significantly increase the reliability of the title of protection and reduce business risks in innovation.

Behind the seemingly simple proposals, one can see a serious transformation of the patent system. The long-awaited alternative is introduced, the freedom of choice of the applicant - it will be possible to apply for an innovative patent or for a patent on an alternative basis, with the possibility of mutual transformation.

An innovative patent will be issued after a formal examination and search for local novelty. This, in turn, will make it possible to exclude the issuance of titles of protection for identical inventions, which took place during the issuance of a preliminary patent.

Another document (patent) will be issued if there is a positive result of substantive examination, that is, verification according to all three criteria of patentability of an invention - world novelty, inventive step and industrial applicability. Moreover, an innovative patent will be an exclusive title of protection that protects the invention from unauthorized use.

Undoubtedly, the introduction and further development of an innovative patent deserves every support as the next and verified step to establish the full sovereignty of Kazakhstan in the patent legal field. It can be clearly assumed that the introduction of an innovative patent will contribute to the creation of favorable conditions for enhancing innovation, an increase in the number of domestic inventions, and, ultimately, an increase in the commercialization of intellectual property objects of the production of Kazakhstani goods containing intellectual property rights.



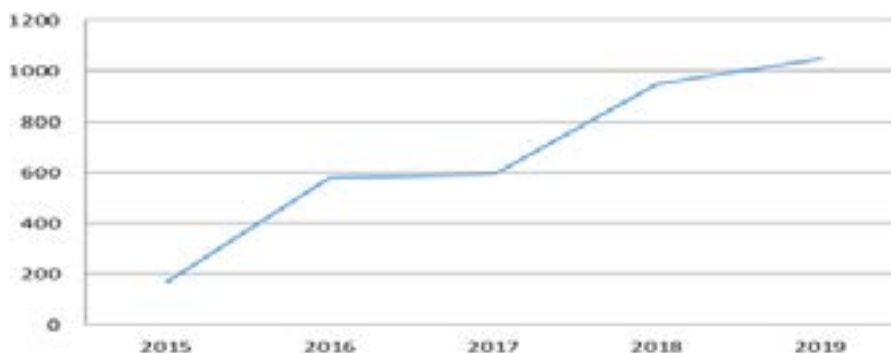
In general, the number of titles of title issued for inventions for the period from 2015 to 2019 is growing, which favorably affects the development of the intellectual property market in the Republic of Kazakhstan.

Next, we will consider the dynamics of the granting of patents for utility models in the Republic of Kazakhstan in the period from 2015 to 2019 (Table 2 and Figure 1).

Table 2 - Dynamics of the issuance of patents for utility models by years

Security documents	2015	2016	2017	2018	2019	1992-2019
Granted patents	166	577	591	950	1049	4558
National applicants	102	490	532	862	925	3691
Foreign applicants	64	87	59	88	124	867

Compiled by data of RSE "NIIS"



Rice. 1 - Issuance of patents for utility models by years

The total number of applications received for utility models in 2019 amounted to 1,083 units, which exceeds the same indicator in 2018 by 20.9%.

In 2019, 1,049 utility model patents were issued, which is 10.4% more than in 2018.

Despite the positive trend in the number of issued patents for utility models for the years under study, in the legal field regulating the scope of legal protection, as noted earlier, there are still significant flaws.

In Kazakhstan, an industrial design is granted legal protection if it meets the conditions of patentability "novelty", "originality", "industrial applicability".

The scope of legal protection provided by a patent is determined by the totality of its essential features, which are reflected in the product images and are listed in the list of essential features.

Compilation of essential features of the claimed industrial design at the stage of its development, as an object of protection, seems to be necessary in the process of the examination being carried out.

At the same time, there are cases when, in the event of disputes related to the granting of protection to industrial designs, law enforcers unlawfully assert, citing the functionality of the object or method as the main argument, thereby allowing the incorrect application of patent law.

Also, in the event of such disputes, there is a substitution of the concepts of legislation and the compliance of its application with the literal meaning that contradicts the general principles of legislation.

This is primarily due to the complexity of the object and the unpreparedness of law enforcement officers to resolve emerging disputable situations.

Without delving into the legal norms of regulating the circulation of industrial designs, so as not to get away from the main economic characteristics of industrial objects, let us further consider the distribution by year of applications for the grant of titles of protection for inventions filed under the procedure of an international patent cooperation treaty (hereinafter referred to as the PCT) and in accordance with the Eurasian Patent Convention.

The Examination Service of the RSE “NIIS” (for inventions, utility models and breeding achievements) accepts applications for the grant of titles of protection for inventions from national applicants for foreign patenting under the PCT procedure, operating within WIPO, and under the Eurasian Patent Convention (EAPC) procedure. by years of applications for the issue of titles of protection for inventions filed under the PCT procedure.

In terms of the level of patenting of inventions, Kazakhstan occupies a leading place among the countries of Central Asia. However, the level of foreign patenting is less than 1% of the total number of applications filed with the national patent office. This situation poses a significant danger to the emerging export of domestic science-intensive products and high technologies. In this regard, it should be noted that the measure of state support for innovative activities undertaken by the Government, in the form of granting grants for patenting industrial property objects in foreign states and (or) international patent organizations, should become a stimulating factor for ensuring the protection of intellectual property of domestic inventors in foreign markets. , including, created through the use of state budget funds.

For the skillful use of patent rights, which are gradually becoming one of the most profitable areas for the commercialization of intellectual property in the world market, it is necessary to choose an optimal patent strategy.

Well, now let’s consider the procedure for issuing titles of protection for breeding achievements for the period under study (Table 3).

Table 3 - Submission of applications for the grant of patents for breeding achievements by year

Index		2015	2016	2017	2018	2019	2004-2019
Number of applications submitted	from national applicants	63	35	95	57	50	1243
	from foreign applicants	7	15	2	10	6	119
Породы животных							
Number of applications submitted	national applicants	1	4	17	5	7	222
	from foreign applicants	-	-	-	-	-	-
Сорт растений							
Number of applications submitted	national applicants	62	31	78	52	43	1021
	foreign applicants	7	15	2	10	6	119

Compiled by data of RSE "NIIS"

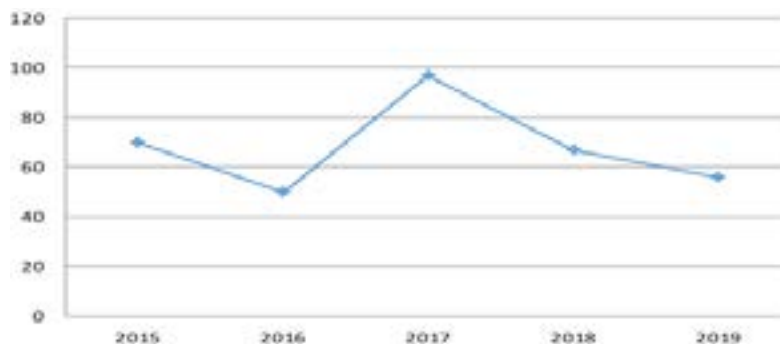


Fig. 2 - Submission of patent applications for breeding achievements by year

The total number of applications received for electrical achievements in 2019 is 16.4% lower than in 2018. Compared to last year, in 2019, there is a decrease in the rate of issuance of titles of protection for breeding achievements by 72.4% (Table 4)

Table 4 - Dynamics of issued patents for breeding achievements by years

Показатель		2015	2016	2017	2018	2019	2004-2019
Total	from national applicants	88	115	80	69	23	862
	from foreign applicants	10	8	11	18	1	55
Breeds of animals	from national applicants	15	22	7	10	-	147
	from foreign applicants	-	-	-	-	-	-
Plant variety	from national applicants	75	93	73	59	23	715
	from foreign applicants	10	8	11	18	1	55

Compiled by data of RSE "NIIS"

It should be noted the positive dynamics of the issuance of titles of protection for industrial designs, table 5.

Table 5 - Issuance of titles of protection for industrial designs by year

Protection documents (pre-patents and patents)	2015	2016	2017	2018	2019	2009-2019
Issued, total	282	182	129	219	229	3586
National applicants	94	72	42	67	55	1712
Foreign applicants	188	110	87	152	174	1874

Compiled by data of RSE “NIIS”

Compared to 2018, the rate of granting industrial design patents increased by 4.6%.

The upward trend is observed here as well. This is also explained by the fact that, firstly, the search for applications for industrial designs to determine the conformity of the industrial design to the criteria of protection of “novelty”, “originality” was carried out, not only within the national base, but also for world novelty by the Federal Institute of Industrial Property of the Russian Federation.

Federation, and secondly, the Committee on Intellectual Property of the Ministry of Justice independently conducts search work on industrial designs. This and a number of other government measures, in our opinion, are bearing fruit to increase patent activity in terms of industrial designs. The figure below shows the national applicants with the highest number of design patents (2019).

Table 6 - Registration of trademarks and service marks by year

Applications	2015	2016	2017	2018	2019	1992-2019
Registered, total	9859	10074	7748	9522	9642	111103
National procedure						
National applicants	2038	2087	2418	2466	2730	31301
Foreign applicants	1876	2022	1635	1745	1597	36188
International procedure						
Registered under the procedure of the Madrid Agreement and Protocol (from among foreign applicants)	5945	5965	3695	5311	5315	43614

Compiled by data of RSE “NIIS”

In 2019, the rate of granting trademark protection (according to national and international procedures) increased by 1.3% compared to the previous year.

Also, in the reporting year, 3 well-known trademarks were registered.

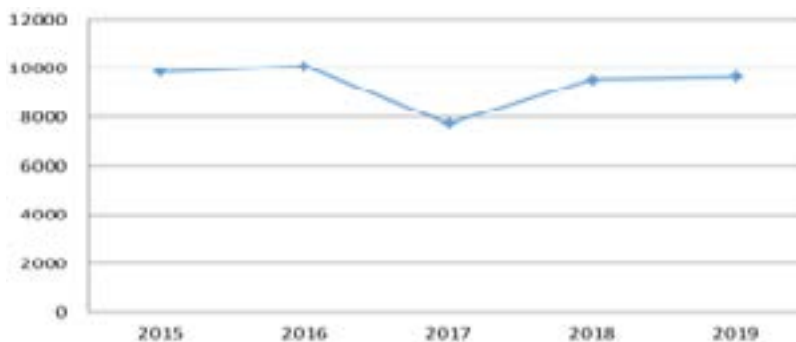


Рис. 5 – Регистрация товарных знаков и знаков обслуживания по годам.

In 2019, the largest number of trademarks was registered in respect of the 35th class “Advertising, management in the field of business” (17.5%), the 30th class “Coffee, tea, cocoa, sugar, rice, tapioca, sago” (6,1%) and 41st grade “Education; ensuring the educational process” (5.5%). The largest number of registered trademarks among national applicants falls on the city of Almaty (49.2%) and the city of Nur-Sultan (18.1%).

In 2019, trademarks by foreign applicants by country of origin according to the national procedure. The overwhelming majority were registered by residents of the USA (23.4%), Russia (14.7%) and China (12%).

**Discussion.** The use of material and financial factors in the market of industrially developed countries gives obvious advantages. The same can be said about the level of development. The main direction in the economy has become the intensive growth of the sphere of services related to intellectual property. Great hopes are pinned on the information technology market. An example of this is the fact that in the United States by 2000 the number of professions related to programming and analytics had increased by 1.5 times. The top 10 countries by the number of patent applications filed include (WIPO data for 2018):

- China - 1.300 thousand applications;
- USA - 605 thousand applications;
- Japan - 318 thousand applications;
- Republic of Korea - 208 thousand applications;
- European Patent Society - 159 thousand applications;
- Germany - 67 thousand applications;
- India - 45 thousand applications;
- Russian Federation - 41 thousand applications;
- Canada - 34 thousand applications;

- Australia - 28 thousand applications.

In total in the world - 3.127 million applications.

Among the applications, the most popular are: patents (3.1 million), utility models (1.6 million), trademarks (9.8 million) and industrial design (1.2 million) [10].

In general, in the republic during the study period, there is an increase in the patent activity of both national and foreign applicants.

During the analysis of data on the development of the intellectual property market in Kazakhstan in terms of the patenting procedure, which is one of the key issues in the analysis of the commercialization of intellectual property objects in the period from 2015 to 2019, the following were identified:

- In total, in 2017, 1868 titles of title were issued for inventions, which is 9.7% higher than in 2016. Against the background of the general picture of growth in the issuance of titles of title for inventions in 2009-2017, I would like to note that the issuance of provisional patents for national applicants in the same period decreased by almost 6 times. The same trend was observed for foreign applicants, which significantly reduced the number of granted patents during the same period;

- with regard to the issued title of protection for utility models in the period from 2009 to 2017, according to the presented statistics, there is a tendency of growth by almost 9 times, which undoubtedly has a positive effect on the development of the patent system. At the same time, the largest number of titles of protection for utility models in 2016 was issued to patent holders of the city of Almaty, whose share exceeds 50% in the total number of patents for utility models in the regions of Kazakhstan. This fact is explained by the fact that the city of Almaty to this day remains the scientific and technical center of the republic.

- In 2016, 17 PCT applications were filed to the WIPO International Bureau (Geneva) and International Searching Authorities, while in 2015 only 4 applications were filed. In 2017, compared to 2016, the dynamics of a decrease is observed in the number of applications filed under the EAPC procedure by 51.72% sent to the Eurasian Patent Office, approaching the indicators of 2009.

- In 2017, 12 applications for breeding achievements for animal breeds were received from national applicants, 51 applications were received from national applicants for plant varieties. in 2016, compared to 2015, the number of issued titles of protection for animal breeds increased by 8 times. In 2017, compared to 2016, there was a slight increase (by 2 patents) in issued patents. In the period from 2011 to 2017, 32 patents were issued for breeding achievements for animal breeds. The share of patents in 2017 is 32% of the

total number of issued patents for this type of intellectual property during the study period.

- patent activity for the issuance of a title of protection for industrial designs, both by national applicants and foreign applicants, in the period from 2009 to 2017 increased by 10% and 43.2%, respectively;

- the level of applications for registration of trademarks and service marks of national applicants compared to applications from foreign applicants in the period from 2010 to 2017 is 10% higher.

The strategy for the development of the economy of the Republic of Kazakhstan is based on the colossal scientific and technical potential created in our country over the previous decades, and is aimed at creating an effective innovation system based on intellectual property.

**Conclusion.** In general, taking into account foreign experience, as well as domestic features of the development of the intellectual property market, the further development of the institution of intellectual property and the stimulation of innovation may imply:

- support of innovative activity is carried out at all its stages (from the implementation of research work to the sale of technological products (services));

- multicomponent support for innovative activities, which is carried out taking into account regional characteristics and state priorities;

- pay great attention to programs that transfer the results of research and development to the stage of commercial applications, as well as comprehensive support programs for start-up technology companies;

- active government support for the development of relations between science and industry through financing high-risk R&D at pre-competitive stages;

- development of “external” infrastructure;

- creation of a zone of technical and innovative type;

- diversification of organizational forms of innovation;

- creation of an effective legal framework;

- increasing the patent activity of the population.

For the further development and improvement of the domestic intellectual property market, it is necessary to take the following measures:

1. Significantly reduce the time and financial expenses for patenting in the Republic of Kazakhstan and at the same time subsidize the legal protection of intellectual property outside the Republic of Kazakhstan.

2. To approve the inclusion of target indicators and indicators in government programs in order to obtain information on the effectiveness of R&D.

3. Create additional state structures that would develop and implement policies in the field of intellectual property.

4. Create an opportunity for government customers to view R&D results in a free, open form.

5. Simplify tax administration and taxation systems with regard to intellectual property. If these measures are not taken, then there will be a gradual decrease in the number of innovative developments that are competitive in the high-tech market. The burden of outdated norms and laws will cause a decrease in the capitalization of the country's intellectual capabilities and a loss of its development potential due to this resource.

Dissatisfaction of Kazakhstani companies with the legal system will lead to the fact that they will begin to transfer intellectual property to foreign economic and legal zones. A separate, increasingly acute problem is the dependence of the scientific and innovative community on the pressure of state authorities, which reduces the country's ability to develop by capitalizing on the results of intellectual activity.

Thus, for the further progressive development of the intellectual property market, it is necessary:

1. Include target indicators for the development of intellectual property in government programs, substantiating in these programs the financial resources necessary to achieve the target indicators and measures to protect domestic intellectual property in our country and abroad.

2. Consider the draft state policy for the development of intellectual property in the country and its support, including:

- measures of economic and legal support;
- methods and forms of informing domestic producers and consumers about the results of research and development;
- issues of international cooperation in the field of creation and protection of intellectual property;
- streamlining the system of taxation and tax administration in the field of intellectual property.

Improvement of individual elements of the IPO market in the republic will make it possible to take a significant step towards creating an innovative economy.

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