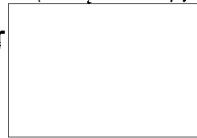


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METHODS USED IN THE USSR FOR PROTECTION OF INVENTIONS

Safeguarding Inventor's Rights in the USSR

The inventor's right for inventions is protected in the USSR by issuing certificates of authorship or patents according to law.

The inventor has the choice of applying either for recognition as the inventor, or for exclusive rights to the invention. In the first case, a certificate of authorship is issued, in the second case, a patent.

In those cases in which only a certificate of authorship has been issued, The Soviet Union holds the right to exploit the invention and is charged with its practical adaptation.

The inventor is entitled to compensation for his invention. The amount, method, and time of payment will be stated below.

In those cases where a patent is issued for the invention, the following regulations apply:

1. No one is allowed to utilize the invention without consent of the owner of the patent. The owner of the patent has the right to grant permission (license) for the use of his invention to any individual or organization.
2. The patent is valid for a period of 15 years, starting with the date of application. The rights of the patent owner are protected as of that day.
3. Authorities, plants, or persons who have used this invention or made all necessary preparations for its utilization within the Soviet Union, independently of the inventor, and previous to the date of application, retain the right to further exploitation of this invention (right of prior user).

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4. In those cases where the invention is of special importance to the Soviet Union, but where no agreement has been reached between Soviet authorities and the inventor on turning over his rights to the invention, the Council of Ministers of the USSR has the right to decree compulsory expropriation of the patent, or to decree compulsory granting of a licence (permission for utilization by the interested organization), and to set the amount of compensation to be paid to the inventor.

5. For the procedure of issuing, as well as for the patents issued, special fees are charged, in the amount and according to the procedure determined by the Council of Ministers of the USSR.

6. Contracts and other certificates on the transfer of patents or on the grant of a license must be registered with the Patent Office of the USSR. Otherwise, such contracts and certificates are void.

A certificate of authorship is issued instead of a patent in the following cases:

1. If the invention was made in connection with the inventor's activity in scientific research institutes, designing offices, experimental work shops, laboratories, and other institutions and plants of the Soviet Union.

2. If the invention was made by order of a State authority, a cooperative or public organization of the Soviet Union.

3. If the inventor has received financial or other material assistance from the Soviet Union, or from a cooperative or public organization of the Soviet Union.

The right to obtain a certificate of invention or a patent, and the certificates of authorship and patents themselves, are transferable by inheritance. Persons who have inherited a certificate of authorship retain only the right to compensation.

The name of the inventor must be given in the patent, even when the patent is not issued to the inventor himself.

The inventor who has obtained a patent for his invention, or his heirs, may apply to have the patent converted to a certificate of authorship, if they have not transferred the patent to anyone else and have not granted any licenses on it.

#### Protection for Inventions in the USSR

Certificates of invention and patents are issued only for inventions which can be manufactured industrially.

For all substances which are made by chemical means, no certificates of authorship and no patents are issued. These will be issued only for new methods of production of these substances.

For pharmaceuticals, condiments, and food products not made by chemical means, only certificates of authorship are issued. Patents can be issued only on the method of production of these substances.

For new methods of treating diseases, which have been tested by practical application and which have been duly approved, only a certificate of authorship and not a patent will be issued.

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Application for Patents and Certificates of Authorship

The application for a certificate of authorship is submitted to the Patent Office by the inventor himself, or by his heirs, or, on the inventor's behalf, by the plant or other place of his employment.

Patent applications may be submitted either by the inventor himself or by his lawful successors.

The application is to contain the following data: Family name and given name of the inventor, his nationality, profession, place of employment, and address, and the designation of his invention.

Each application must be for only one invention. The application is to contain a description of the invention and the necessary drawings.

The description must state the nature of the invention with full details so that the originality of the invention will be evident, and in order that the description will fully characterize the invention. All pages of the application, and diagrams, will bear the inventor's signature.

The application, with the description enclosed, is to be completed in triplicate.

If the application does not fulfill the above requirements, the applicant will be notified within 10 days to amend the application. The amended application must be submitted within one month.

The date of effectiveness is the day of receipt of the application by the Patent Office, and, in the case of dispute, the date of mailing the application.

If the description and required drawings are not enclosed in the original application, the day of receipt of the supplemental description and drawings of the invention is termed the effective date of the patent.

Within one month, starting from the date of receipt of the application, the descriptions and drawings submitted may be supplemented and amended by the inventor, but not in any way which will alter the nature of the invention.

The supplements and amendments are to be submitted in triplicate.

Upon request of the applicant, the time limit for submitting supplements and corrections may be extended to three months.

The applicant is issued a receipt for the application submitted. This receipt will list the name of the inventor, name of the applicant, designation of the invention, and date of receipt of the application.

The receipt is to be mailed to the applicant within 10 days after receipt of the application.

Examination of the Application

Every application received is examined for characteristics of originality and usefulness.

The examination includes a search through previously issued certificates of authorship, Soviet, Russian, and foreign patents, previously submitted applications, Soviet and foreign literature, and reports on the utilization of inventions.

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The applicant is entitled to inspect all data used in the examination, except secret and restricted material, and to demand copies of those data which are used for denying his application.

Such data are supplied to applicants for certificates of authorship without charge, while applicants for patents must pay the costs connected with this service.

#### Procedure in Cases of Dispute and in Appeals

The applicant has the right to submit his objections within one month, if he does not agree with the conclusions based on the examination.

The applicant is entitled to appeal the refusal to issue a certificate of authorship or a patent within one month of the date of notification of such refusal.

State authorities, cooperative and public organizations, and individuals, may contest the certificate of authorship within one year of the date of publication of the granting of such certificates (or within one year of the date of granting such certificate if it is not published). In their protest they must submit proof that: (a) the invention is not original, or (b) the actual inventor is someone else other than the person named.

Protests against a granted patent on the grounds that the invention is not original may be made on the initiative of interested state and public authorities or individuals. Such protests may be submitted at any time during the period over which the patent is effective.

After the decision of granting a patent has been made, a preliminary notice of this patent, with name of applicant and inventor and his claim, will be published in the "Bulletin of Inventions."

Within 3 months after the publication of this notice, state, cooperative, or public organizations, and individuals, may contest the final patent grant by protesting against issuing the patent.

The protests must be accompanied by sufficient and necessary evidence.

Disputes over the lack of originality of an invention are decided by the Patent Office of the Soviet Union.

Disputes over the authorship of an invention fall within the jurisdiction of the courts of the Soviet Union.

#### Appeal of Denial Certificates of Authorship or Patents

If the granting of a certificate of authorship or of a patent is denied, the applicant is to be informed of this fact, together with the reasons for such denial and corresponding data on which the denial is based.

The applicant's or inventor's appeal of the denial is reviewed by the Patent Office of the USSR.

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Amount and Method of Compensation for Inventions  
Covered by Certificates of Authorship  
and Utilized within the USSR

Compensation is paid for inventions accepted for utilization within the USSR.

In cases where additional development or testing of the invention is found to be necessary prior to acceptance of such invention for practical utilization, compensation will be paid only after such development or testing has been completed.

The amount of compensation is determined according to the industrial importance of the invention and its value to the national economy of the USSR, and according to the stage of development to which it has been brought by the inventor.

The amount of compensation and the method of payment are determined by the top authority of the industrial or economic organization which has adopted the invention for utilization.

The amount of compensation to be paid to the inventor is determined according to the following table which is based on the maximum annual saving effected by use of the invention:

<u>Amount of Annual Saving:</u> (in rubles)	<u>Amount of Compensation Paid to Inventor:</u>
Up to 1,000 rubles	30 percent of saving; but at least 200 rubles
1,000 to 5,000	15 " " " plus 100 rubles
5,000 to 10,000	12 " " " " 250
10,000 to 50,000	10 " " " " 450
50,000 to 100,000	6 " " " " 2,500
100,000 to 250,000	5 " " " " 3,500
250,000 to 500,000	4 " " " " 6,000
500,000 to 1,000,000	3 " " " " 21,000
More than 1,000,000	2 " " " " 20,000 but not more than 200,000 Rubles

In such cases where the application of the invention results in no saving, but where its importance lies in the fields of improvement of working conditions, accident prevention, or improvement of the quality of products, the amount of compensation is determined by the managing authority of the enterprise, the organization, or the authority which has taken over the invention for utilization, in accordance with the actual value of the invention.

The following terms of payment of compensation to the inventor apply:

1. Compensation up to 1,500 rubles is paid to the inventor within one month after the plan for utilization of the invention has been approved.

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2. Compensation in excess of 1,500 rubles is paid in installments. Within one month after the approval of the plan for utilization of the invention, 25 percent of the compensation or 1,500 rubles, whichever is higher is paid; the next 25 percent of the compensation is paid within one month after the invention has been utilized for 6 months, and the rest of the compensation is paid within 2 months after the end of the first year of utilization of the invention.

3. In such cases where the saving due to utilization of the invention is greater in the following years than in the first year of its application, supplementary payments of compensation are made within 2 months after the completion of each year.

Final compensation is based on the annual maximum saving during the first 5 years of utilization (production) of the invention.

The inventor is informed of the acceptance of his invention for utilization by the Administration of Protection of Patents with the Soviet Military Administration in Germany. At the same time he is given an estimate of the amount of savings to be realized through utilization of his invention.

The right to compensation expires if the inventor has made no application for it within a 3-year period starting with the day on which he is first entitled to compensation, provided he had knowledge of the fact that his invention is being utilized.

All papers and certificates concerning the granting of certificates of authorship are free of fees.

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