

# WORLD TRADE ORGANIZATION

IP/N/1/MNG/1

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

### Mongolia

By means of a communication from its permanent mission, dated 3 February 1998, the following notification under Article 63.2 of the Agreement has been received from Mongolia.

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In accordance with Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the procedures laid down by the Council for TRIPS, Mongolia hereby notifies to the Council laws and regulations relating to the fields covered by the Agreement.

The main dedicated laws and regulations are submitted in Mongolian language as well as in an unofficial English translation as listed in Annex I.

"Other laws and regulations" are listed in Annex II.

A notification of laws and regulations under Article 63.2 relating to the provisions of Articles 70.8 and 70.9 is contained in Annex III.

ANNEX I

NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLE 63.2 OF THE AGREEMENT

MAIN DEDICATED LAWS AND REGULATIONS

Patent Law (1993)<sup>1</sup>

- Law (1996) Amending the Patent Law

Copyright Law (1993)<sup>2</sup>

- Law (1997) Amending the Copyright Law

Trademarks, Trade Names Law (1997)<sup>3</sup>

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<sup>1</sup>The text of this law incorporating the subsequent amendments as notified by Mongolia is contained in document IP/N/1/MNG/P/1.

<sup>2</sup>The text of this law incorporating the subsequent amendments as notified by Mongolia is contained in document IP/N/1/MNG/C/1.

<sup>3</sup>The text of this law as notified by Mongolia is contained in document IP/N/1/MNG/T/1.

ANNEX IIOTHER LAWS AND REGULATIONS

| TITLE<br>DATE OF ADOPTION AND<br>ENTRY INTO FORCE   | BRIEF DESCRIPTION   |
|---|---|
| <u>Constitution of Mongolia</u> ,<br>adopted 13 January 1992, entry into force<br>12 February 1992          | Law proclimates that intellectual value is a property of the author and is protected by law.  |
| <u>Civil Code of Mongolia</u> ,<br>adopted 1 November 1994, entry into force<br>1 January 1995              | It determines what is understood by intellectual value, and regulates, with regard to property, the peculiarities of ownership, exploitation and expenditure. And also it determines that exploitation of intellectual values shall be done under a contract, that contract should be made in written form, and items, price, content, liabilities after the contract infringements to be included in the contract. |
| <u>Criminal Law of Mongolia</u> ,<br>adopted 5 December 1986, entry into force<br>1 July 1987               | It determines what includes the criminal cases of copyright infringement, what the penalties should be imposed to those who infringe.   |
| <u>Law on Unfair Competition of Mongolia</u> ,<br>adopted 5 July 1993                                       | Law forbids illegal use of trademarks, commercial names, labels of others, and distribution and sale of scientific technology, know-how, commercial and industrial secrecy without authorization of the author.   |
| <u>Law of Mongolia on Stamp-duty</u> ,<br>adopted 15 July 1993, entry into force<br>1 September 1993        | It determines fees and their amount for services granting and extending the term of certificates for ensuring intellectual property, registering of licenses. It is determined by the law that no fees are required to submit invoices to court with regard to patent and copyright.  |
| <u>Law on Income Taxation of Mongolia</u> ,<br>adopted 14 December 1992, entry into force<br>1 January 1993 | It legalizes the amount of the tax to be imposed for the award of work of authors of scientific, literary and artistic work, patent owners.   |
| <u>Law on Foreign Investment of Mongolia</u> ,<br>adopted 10 May 1993, entry into force<br>1 July 1993      | It is legalized by the law that intellectual values to be invested in order to cooperate with local economic entities are considered as "foreign investment", that they are one of the type of investment.  |

| TITLE<br>DATE OF ADOPTION AND<br>ENTRY INTO FORCE                                 | BRIEF DESCRIPTION   |
|---|---|
| <u>Law on Companies of Mongolia</u> ,<br>adopted 11 May 1995                      | It determines that a shareholding company can include intellectual property into its assets and for this reason it can have experts' evaluation of intellectual property, and in case if the evaluation does not coincide with the share price, the margin may be paid by cash. |
| <u>Amendments to the Law of Mongolia on the Government</u> , adopted 29 July 1996 | According to these amendments, the copyright and patent, trademark matters transferred to the duty of the Minister of Justice.  |
| <u>Resolution No. 40 of the Parliament</u> ,<br>30 August 1996                    | The Resolution determines the structure of the Government, establishes the Intellectual Property Office of Mongolia as an implementing agency.  |

ANNEX III

NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLE 63.2 OF THE TRIPS AGREEMENT - RELATING TO  
THE PROVISIONS OF ARTICLES 70.8 AND 70.9

With a view to meet Mongolia's obligations under Articles 70.8 and 70.9 of the TRIPS Agreement, Patent Law was adopted on 25 June 1993, effective from 1 September 1996.

Law Amending Patent Law was adopted on 19 December 1996, effective from 1 February 1997.

Parliament Resolution No. 40 adopted on 30 August 1996, established a unified Intellectual Property Office as a government implementing agency in the field of intellectual property.

In accordance with these provisions as from 1 September 1993 the Intellectual Property Office of Mongolia receives applications for patents for pharmaceutical and agricultural chemical products in accordance with Article 70.8 of the TRIPS Agreement and, if the necessary conditions are met, has the authority to grant exclusive marketing rights in accordance with Article 70.9 of that Agreement.

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