

IP/IT News Digest: Issue 8 – September 2018

The IP/IT News Digest is an overview of the latest IP and IT market and e-commerce news and trends from Kazakhstan. In it, we also highlight the most significant sector amendments and events within the framework of the EEU. Deloitte Legal offers consulting services regarding innovative strategic solutions for businesses and actively traces and comments on the most significant initiatives changing the face of business and setting new market game rules in innovation, technology and internet regulation.

The list of taxes accepted for payment through the "eGov" website has been increased

A new service has been introduced on "egov.kz" allowing users to pay 18 taxes and obligatory payments without authorisation or digital signature.

All taxpayers need now to pay their own taxes or behalf of a legal entity is registration as a taxpayer and a business identification number, which do not require a digital signature or authorisation.

Previously only property tax, transport tax, land tax and fines, interest and arrears could be paid electronically.

Today, that list includes:

- corporate income tax
- individual income tax
- social tax
- tax on the property of legal entities and individual entrepreneurs
- land tax
- tax on vehicles belonging to legal entities
- unified land tax
- value added tax
- excise duties
- subsoil user special payments and taxes
- export rent tax
- tax on the gambling business
- fixed tax
- charges
- fees
- customs payments
- other payments
- duties

Digital signatures are now valid for three years

Digital signatures issued from a secure source will now be valid for three years instead of one.

Users are now able to issue registration certificates on secure key data media such as ID cards, eToken PRO 72K, JaCarta, Kaztoken and Akey for three years.

However, file system digital signatures will remain valid for only one year, as they are not certified and are not secure over a long period of time.

Kazakhstan drivers will no longer be required to carry paper insurance policies

According to information from the National Bank, from 1 January 2019, all forms of insurance will be available over the Internet, through electronic insurance policies. Having said that, the legal framework does not currently allow e-insurance policies or for insurance companies to work remotely.

With the introduction of an integrated insurance database, paper insurance policies will become redundant, allowing the traffic police, for example, to check whether vehicle owners have the required insurance in place.

As insurance policies will be available directly through insurance company website, the overall process will be made easier and faster, with no need to visit company premises or intermediaries.

When purchasing compulsory vehicle owner civil liability insurance over the Internet, insurance companies will be entitled to provide a discount of up to 10%.

Change to the procedure for transferring rights to the use of trademarks

Rules for registering a Transfer of Exclusive Rights and granting Rights to use Trademarks (the "Rules") came into effect on 15 September 2018.

If the authorised body of the Ministry of Justice was previously responsible for trademarks, under the Rules, applicants now submit a standard application form and necessary documents to the Ministry of Justice's National Intellectual Property Institute to register:

- the transfer of an exclusive right to a trademark
- the right to a trademark under a license agreement, a comprehensive entrepreneurial license or other contract incorporating the terms of a license agreement

According to the Rules, the National Intellectual Property Institute charges a fee to register the transfer or granting of a right.

If one of the parties is a non-resident and citizen of a Singapore Treaty country, the transfer of rights will be based on the provisions of the Singapore Treaty.

Changes to e-commerce implementation rules

On 25 September, e-commerce implementation rules were changed:

- so that intermediaries (companies or individual entrepreneurs receiving, placing, transferring or storing electronic documents (e-messages) with sales and purchase offers through information systems and telecommunications networks) no longer have to set prices for goods exclusively in Tenge
- sellers are now entitled, if necessary, to:
 - 1) set the conditions for buyers to meet their e-trading platform transaction obligations
 - 2) demand that intermediaries post the results of transactions conducted on the electronic trading platform

Simultaneous registration of procedures related to the opening of a business

The eGov.kz website now allows small and medium-sized businesses undergoing registration procedures to simultaneously:

- open a bank account
- acquire compulsory employee accident insurance
- register for VAT

To register a legal entity, founders should be registered on eGov.kz and have a digital signature.

Previously, the above procedures were separate and took a lot of time, but now take approximately two days (in addition to the submission date), as VAT registration is now performed in concurrence with state registration, and the registration period has been reduced from five days to one business day.

The following companies have signed up to offer the service:

- four second-tier banks - Forte Bank, Tsesnabank, Halyk Bank and Alfa-Bank
- two insurance companies - State Annuity Company and Asia Life (both offering life insurance)

Formation and development of the CIS intellectual property market




A Government Resolution from 4 June 2018 has approved a Draft Treaty forming and developing an intellectual property market in the CIS.

To form the CIS intellectual property market, the treaty parties will:

- ensure the possibility of using the results of intellectual activity in various sectors of the economy of treaty members
- enhance activities to develop the technology transfer market
- prepare and implement specialised educational programmes around intellectual property, including the use of information and telecommunication technology
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Deloitte Legal provides unique legal consulting services on various IT and IP related matters including, but not limited to:

-  Services on the protection of IP rights and structuring of contracts on the transfer of non-material assets and technology;
-  Legal structuring of projects in the sphere of electronic commerce and legal support of investments toward technological projects;
-  We provide services to technological projects and can offer legal consulting services on the implementation of new technology in electronic commerce, electronic document management and other matters tailored to your business.

Contact us:

Almaty/Astana

Agaisha Ibrasheva

Tel.: +7(727) 258 13 40

Fax: +7(727) 258 13 41

Email: aibrasheva@deloitte.kz

Olessya Kirilovskaya

Tel: +7 727 258 13 40

Fax: +7(727) 258 13 41

Email: okirilovskaya@deloitte.kz

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deloitte.kz

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