



IP/IT News Digest: Issue 4 – November 2017

The IP/IT NEWS DIGEST is an overview of the latest Kazakhstan IP and IT market and e-commerce news and trends. In it, we highlight the most significant sector amendments and events affecting the EEU. Deloitte Legal offers consulting services to devise innovative strategic solutions for businesses and we actively trace and comment on the most significant initiatives shaping the world of business and setting new market game rules in innovation, technology and internet regulation.

Innovations in e-document handling rules

The following changes will be introduced to e-document handling rules from 1 January 2018 under Government Resolution № 640 dated 12 October 2017:

- a) the definition of "e-copies" has been brought into line with that for "e-documents";
- b) the storage period for e-documents has changed the definition of "e-copies" has been brought into line with that for "e-documents";

"E-powers of attorney" for "court accounts"

A "court account" is a one-stop-shop for individuals and companies to protect or restore violated or disputed rights, freedoms and interests. As well as being available online, the "court account" is now available through a mobile application.

A recent "court account" innovation is the introduction of the "e-power of attorney" developed in accordance with the Civil Procedural Code and allowing powers of attorney to be drawn up electronically using the principal's electronic signature.

When drafting an e-power of attorney, principals can now identify in the document itself, the basic rights (as stipulated by part 1 of article 46 and parts 1 and 2 of article 60 of the Civil Procedural Code) of the agent to participate in the particular civil case.

"Phone-tapping" or covert investigative actions

A draft law amending a number of legislative acts to upgrade law enforcement procedural principles has proposed adding a provision to article 240 of the Civil Procedural Code regarding covert investigations. Investigative authorities would be obliged to notify entities of any covert investigation related to them (without divulging the results) within six months of a final ruling in a relevant criminal case.

As "phone-tapping" or the covert receipt of information over connections between subscribers and/or their devices are a form of covert investigation, it is expected that subscribers will be notified of any such actions in relation to them, and also of the period in which any such action took place.

This draft law has not yet entered into force.

Optimisation and "digitalisation" of criminal and administrative actions

At a joint Coordinating Council for Law and Order and Crime Control the General Prosecutor set out a number of proposed projects to further improve and digitise criminal and administrative actions.

Pilot programmes include "e-criminal cases" and an "integrated register of administrative cases" based on an IIN.

The new system aims to reduce to what is necessary the amount of documentation in a case and protect against the loss or destruction of important information.

The projects under discussion include the automation of court enforcement proceedings which would abolish the need for paper-form bank receipts and payment documents so that fines can be paid immediately.

E-health passports

The Ministry of Health has been planning the gradual introduction of electronic health passports, which are expected to be a personal document used to store the results of obligatory medical examinations and the authorisation to work. Users will have access to their personal e-health passport data through personal accounts on the e-gov website. The Ministry of Health is planning to abolish paper records from January 2019 and for that purpose has signed a memorandum with IBM and Microsoft to implement new innovative projects in Kazakhstan.

Digital stage of Eurasian integration

The Higher Eurasian Economic Council has resolved to approve principles for implementing a Eurasian Economic Union ("EEU") digital agenda up to 2025 to update EEU integration mechanisms, taking into account global digital transformations, to ensure the robust economic development of EEU member countries. The digital agenda includes the following list of priorities:

- digital continuity in the movement of products, goods, services and digital assets in the EEU
- digital transportation corridors
- digital industrial cooperation
- a data processing treaty (amongst other things, to protect personal data)
- a "regulatory sandbox" (a specially agreed approach to developing and piloting solutions,

including regulatory solutions, to determine an effective communication model and build business processes in new areas)

- the transfer of digital technology

It is expected that this digital policy will:

- increase total member-country GDP by 11% due to the growth expected by 2025
- increase employment and jobs in information and communication technology

Next year, experts will begin to develop those initiatives in which two or more EAU members countries show an interest. Specific projects will begin to be implemented if expert group findings gain support from the EEC Council and national government representatives.

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How Deloitte can help

Deloitte Legal provides the unique legal consulting services on various IT and IP related matters including, but not limited to:

- Services on protection of IP rights and structuring of contracts on transfer of non-material assets and technology;
- Legal structuring of projects in the sphere of electronic commerce and legal support of investments towards technological projects;



We provide services to the technological projects and can offer the legal consulting services on implementation of new technology in electronic commerce, electronic document management and other matters tailored to your business.

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Contact us:

Almaty/Astana

Agaiasha 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

Viktoriya Tyan

Tel: +7 727 258 13 40

Fax: +7(727) 258 13 41

Email: vtyan@deloitte.kz