

Approved by
Order N 02
of the Chairman of Legal Entity of Public Law
National Intellectual Property Center of Georgia Sakpatenti
of March 18, 2011

Statute of the of the of the Chamber of Appeals at Sakpatenti

Article 1. General provisions

1. This Statute defines functions, authority, structure and other aspects of procedure of the Chamber of Appeals at the National Intellectual Property Center of Georgia "Sakpatenti" (hereinafter accordingly: "Chamber of Appeals" and "Sakpatenti").
2. The Chamber of Appeals is established on the basis of Article 9 of the Georgian Law on Patents as a dispute resolution authority operating at Sakpatenti and hearing disputes related to Sakpatenti decisions on intellectual property objects, criteria for protection of objects, granting patents and registration of other objects of industrial property.
3. The Chamber of Appeals bases its activity upon the Constitution of Georgia, international treaties and agreements applicable in Georgia, General Administrative Code of Georgia, applicable laws of Georgia on intellectual property, other legislative acts and by-legal normative acts, and this Statute.

Article 2. Composition of the Chamber of Appeals

1. The Chamber of Appeals is chaired by the Chairman of Sakpatenti.
2. The Chairman of the Chamber of Appeals issues an order appointing Secretaries of

the Chamber of Appeals.

3. The Panel of the Chamber of Appeals (hereinafter: "Panel") is established by order of the Chairman of the Chamber of Appeals and is composed of three Panel members.

4. The Chairman of the Chamber of Appeals appoints Panel Chairman from the members of the Panel.

5. One of the Panel members shall be a specialist in subject matter of the appeal.

6. Experts who are not employed by Sakpatenti may be invited to render additional expert opinion on the basis of substantiated motion of a party or panel decision.

Article 3. Grounds for recusal

A member shall be excused from taking part in the Panel where he/she:

- a) is an interested party in a particular case or shares common rights or obligations with an interested party;
- b) took part in examining of and/or deciding on application;
- c) is a relative of an interested party and/or his/her representative.

Article 4. Self-recusal and third party statement on recusal

1. Where grounds for recusal exist, Panel member shall inform the Chairman of the Chamber of Appeals in writing on self-recusal and state the grounds for recusal.

2. Where a party to appeal proceedings believes that there are grounds for recusal of a Panel member as provided in Article 3 of this Statute, the party shall submit a statement on recusal within 2 days from the date of commencement of administrative proceedings or the date on which the party became aware of the facts or

circumstances justifying recusal.

3. The Chairman of the Chamber of Appeals shall decide on self-recusal and recusal within 5 working days and issue an order to this effect.

4. Where recusal of Panel Chairman or Panel member has been granted, new composition of the Panel shall be approved in accordance with the rules set in this Statute and the Panel hearing shall be postponed for no more than two weeks.

Article 5. Fees

1. Applicable fee stipulated by the Decree No. 182, 3 July 2010, of the Government of Georgia "On approval of fees for services related to patenting, registration and deposition of intellectual property objects" shall be paid in the course of filing appeal to the Chamber of Appeals.

2. Once an appeal has been adopted by the Chamber of Appeals for further proceedings, fees paid for hearing of appeal cannot be refunded.

Article 6. Grounds for appealing and referring to the Chamber of Appeals

1. Grounds for appealing to the Chamber of Appeals shall be the following:

a) Grounds stipulated in paragraphs 2-3 of the Article 403 of the Law of Georgia on Patents;

b) Grounds stipulated in paragraphs. 1, 2 and 4 of the Article 16 of the Law of Georgia on Trademarks;

c) Grounds stipulated in paragraphs 1-3 of the Article 20 of the Law of Georgia on Designs;

d) Other cases provided by the law of Georgia.

2. An interested party may file a request to the Chamber of Appeals on recognition of a trademark as well-known in accordance with paragraphs 3 and 4 of the Article 3 of the Law of Georgia on Trademarks.

3. An appeal shall be filed to the Chamber of Appeals within 3 months from publication or receipt of the decision in question.

Article 7. Admission of appeals and time limits hearing

1. A Panel hears appeal and renders decision within 3 months from the date of filing of the appeal.

2. The Chamber of Appeals assigns special identification number to each filed appeal.

3. The date for registration of appeal by Sakpatenti is recognized as a filing date for appeal.

4. The Chairman of the Chamber of Appeals shall designate a Panel within 5 working days from the appeal filing date.

5. Where an appeal is found to comply with requirements of Article 8 of this Statute, the Panel shall render a decision on admission of appeal for hearing.

6. A date of oral hearing on appeal shall be communicated to the parties in writing.

Article 8. Content and admissibility of appeal

1. An appeal shall be exclusively related to a single application for intellectual property object.

2. An appeal shall be submitted to the Chamber of Appeals with the use of written

appeal form approved by the Chairman of the Chamber of Appeals.

3. An appeal shall contain:

- a) Full title of the Chamber of Appeals;
- b) Identity and address of the appellant;
- c) Title, number and date of the appealed act;
- d) Statement as to which part of the act in question is subject to appeal;
- e) Statement as to the essence of unjust nature of the act and specific request of the appellant;
- f) Circumstances that form the basis for request;
- g) List of documents appended to the appeal and number of pages.

4. In case where an appealed act has been delivered to the appellant, a copy of such act shall be appended to the appeal.

5. An appeal and supporting materials shall be submitted to the Chamber of Appeals in as many copies as there are parties to appeal proceedings.

6. An appeal shall be signed by the appellant.

7. Where appeal is filed by the representative and/or legal successor, powers of attorney or documentary proof of succession shall be appended to the appeal.

8. Proof of payment of fees for appeal proceedings shall be appended to the appeal.

9. An appeal shall be inadmissible where:

- a) An appeal is not filed on the grounds stipulated by Article 6 of this Statute;
- b) A term for filing appeal has expired;
- c) There is a decision of the Chamber of Appeals on the same matter;
- d) An appeal has been filed by person who has been recognized as legally incapable by the court;
- e) There is a court decision or ongoing court proceedings between the same parties,

on the same subject and on the same grounds.

10. Where an appeal fails to conform to requirements of paragraphs 1-8 of this Article, the Panel shall render a decision on finding an appeal inadequate and define a time limit for the appellant to remedy the shortcoming(s). Where shortcomings are not addressed in time, the Panels shall decide to leave appeal without consideration.

11. Once circumstances that served as grounds for leaving appeal without consideration have been overcome, a party may refer to the Chamber of Appeals within the 3 month time limit for appeal proceedings.

12. Where an appeal fails to conform to requirements of paragraph 9 of this Article, the Panel shall render a decision on inadmissibility of the appeal.

13. Where grounds for both inadequacy and inadmissibility of the appeal exist, the Panel shall render a decision on inadmissibility of the appeal.

14. The Panel shall decide on admissibility, inadequacy or inadmissibility of an appeal within 10 working days from the date of designation of the Panel.

Article 9. Proceedings

1. Following decision of the Chamber of Appeals on admissibility of appeal, the Secretary of the Chamber of Appeals forwards a copy of appeal to interested parties.

2. An interested party is entitled to provide the Chamber of Appeals with a reply brief stating party's opinion within 10 days of receiving the copy of appeal. The form of the reply brief is approved by the Chairman of the Chamber of Appeals.

3. Appellant is entitled to withdraw his/her appeal at any stage of the proceedings. In such case, appeal fees cannot be reimbursed.

4. Proceedings of the Chamber of Appeals are held in Georgian.

Article 10. Additional information supplied by Additional information supplied by Additional information supplied by interested party and party and party and allusion to new circumstances

1. An interested party shall provide additional documents related to the case no later than 5 working days before the oral hearing.
2. Panel's request for additional information or submission of such materials by third party is not allowed where these refer to new circumstances and therefore exceeds the subject of appeal.
3. In cases where additional information provided does not go beyond the subject of the appeal, oral hearings may be postponed by reasonable time.
4. Additional information supplied by third party shall be provided in as many copies as there are parties to the proceedings.

Article 11. Postponement of oral hearing

1. Oral hearings may be postponed by reasonable time on the basis of substantiated motion of party to the proceedings or on the accord of the Panel and duly notified to all parties involved.
2. In cases where paragraph 1 of this Article applies, time limits provided by paragraph 1 of Article 7 shall be suspended.

Article 12. Suspension of proceedings on appeal

1. The Panel shall suspend proceedings in cases where, in the course of the proceedings, it becomes apparent that decision on the appeal in question cannot be

rendered until resolution of another dispute.

2. Once grounds for suspension of the proceedings cease to exist, the panel shall renew the proceedings.

3. In cases where paragraph 1 of this Article applies, time limits provided by paragraph 1 of Article 7 shall be suspended.

Article 13. Panel hearing

1. The Panel hearing is chaired by the Panel Chairman.

2. The Chairman opens the hearing and announces the case to be heard.

3. The Chairman presents to the parties composition of the Panel and identity of the Secretary of the hearing, as well as explains the right to request recusal.

4. The Chairman briefly summarizes the content of appeal and main circumstances indicated in the reply brief.

5. The Chairman shall ensure that matters of importance to the case are examined in oral hearing and shall give attending interested parties a right to state their own opinion on the case.

6. After hearing explanations from the parties or third persons, the Chairman is entitled to hear and examine disputed evidence on the motion of parties or on his/her own accord.

Article 14. Record of oral hearing

1. A record detailing conduct and content of the Panel hearing shall be produced by the Secretary of the Chamber of Appeals. The record shall contain:

- a) Title of appeal being heard, including special identification number;
 - b) Time and place of hearing;
 - c) Identity of the Panel Chairman, members and persons present at the hearing;
 - d) Subject of the dispute, brief description of explanations provided by the parties to the hearing.
2. Record of the hearing is signed by the Chairman of the hearing and the Secretary.
 3. Record shall be prepared and signed no later than 3 days from the conclusion of the hearing.
 4. Any amendment, correction and addition entered into the record shall have an explanatory note and shall be examined by persons signing the record.
 5. An interested party has a right to examine the record and present its observations within 3 working days from examination. The Panel approves accuracy of observations where it finds these to have merit, while in case of Panel disagreeing with party's observations, the Panel shall render a decision on refusal of the latter.

Article 15. Decision and its entry into force

1. In conclusion of hearing on case merits, the Panel shall render one of the following decisions:
 - a) On granting the appeal;
 - b) On partially granting the appeal;
 - c) On refusal to grant the appeal.
2. The Panel decides by majority of votes in camera.
3. Decision of the Panel is signed by its members.
4. A member of the Panel in disagreement with the conclusions of the majority may

append his/her dissenting opinion in writing.

5. The Panel decision shall note the identification number assigned to the appeal during its filing.

6. Decision of the Panel is entered on a special blank and stamped.

7. Form of the Chamber of Appeals blank and stamp shall be approved by the Chairman of the Chamber of Appeals.

8. Decision of the Panel on the hearing on merits is approved by the order of the Chairman of the Chamber of Appeals.

9. Decision of the Panel and the order of the Chairman of the Chamber of Appeals can be appealed in court in accordance with the law of Georgia within 1 month from examination or receipt of the Panel decision and order of the Chairman of the Chamber of Appeals.

Article 16. Rules for amending and entering additions to the Statute

Amendments and additions to the Statute are entered by the order of the Sakpatenti Chairman in accordance with the requirements of the law of Georgia.