

# **PATENT LAW OF GEORGIA**

## **CHAPTER I. GENERAL PROVISIONS**

### **ARTICLE 1. Scope of Regulation**

This Law regulates relations in connection with the creation, use and legal protection of inventions and utility models.

The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183

### **ARTICLE 2. Definition of Terms**

1. Terms used in this Law shall have following meaning:

- a) Legal Entity of Public Law - National Intellectual Property Center of Georgia “Sakpatenti” – an independent body functioning in the field of intellectual property protection (hereinafter -Sakpatenti);
- b) International Bureau – International Bureau of the World Intellectual Property Organization;
- c) Paris Convention - the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883 (as revised at Stockholm on July 14, 1967, and as amended on September 28, 1979);
- d) Patent Cooperation Treaty (PCT) - multilateral international treaty, signed on June 19, 1970 (as revised on September 28, 1979, and as amended on February 3, 1984);
- e) (Repealed);
- e<sup>1</sup>) Inventor – a natural person as a result of whose creative intellectual efforts an invention or a utility model was created;
- f) Patent – the document granted in the name of the patent owner in accordance with this Law, certifying the exclusive rights of the patent owner. A patent includes the patent certificate and the patent specification (the description of an invention, the claims, the drawings (if any), the abstract);

- f<sup>1</sup>) Certificate – the document granted in the name of the owner of the utility model in accordance with this Law, certifying his/her exclusive rights;
- g) (Repealed);
- h) Applicant – a natural person or legal entity applying for a patent or a certificate;
- h<sup>1</sup>) Patent attorney – a person specified in Article 2(b) or (c) of the Law of Georgia “On Patent Attorneys of Georgia”;
- i) Application – the package of documents, necessary for granting of a patent or a certificate under this Law;
- j) International application – an application drafted and filed under the Patent Cooperation Treaty;
- k) (Repealed);
- l) Priority - the privilege enjoyed by an application as compared with an application filed later;
- m) Convention priority - the priority established under Article 4 of the Paris Convention which the applicant can exercise in another member state of the Paris Convention or the World Trade Organization;
- n) Exhibition priority – the priority established under Article 11 of the Paris Convention which the applicant can exercise in another member state of the Paris Convention or the World Trade Organization;
- o) (Repealed);
- o<sup>1</sup>) Budapest Treaty – the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done on April 28, 1977 (amended on September 26, 1980);
- o<sup>2</sup>) Biological material - any material containing genetic information and capable of reproducing itself or being reproduced in a biological system;
- p) Depository – an International Depositary Authority under the Budapest

Treaty that stores biological material;

q) Pharmaceutical product - for purposes of this Law, any patentable product or any product obtained as a result of patentable method(s), intended for treatment or prevention of human or animal diseases, and that could be prescribed to human or animal for medical diagnosis and recovery, correction or modification of physiological function. Pharmaceutical product shall also cover the active ingredient required for manufacturing of the above-mentioned product and the diagnostic means which is required for the use of the above-mentioned product;

r) Plant protection products - For the purposes of this Law, chemical or biological agents that are used against plant diseases and their carriers, pests and weeds, diseases and pests of stored agricultural products, rodents and animal parasites, as well as for plant growth regulation, removal of leaves of plants before harvesting (defoliants) and drying of plants (desiccants), disinfection of storehouses, warehouses, vehicles, greenhouses, soil, plant and other products subject to phytosanitary control;

s) Supplementary protection certificate – a document issued by Sakpatenti, which extends the term of patent validity for the pharmaceutical and plant protection products which require the consent/registration of the competent authority to be put on the Georgian market;

t) Competent authority – according to the legislation of Georgia, a body authorized to register plant protection products for authorization to place them on the Georgian market or a body authorized to issue authorization to place a pharmaceutical product on the Georgian market;

u) Bulletin – Official Bulletin of Industrial Property, published by Sakpatenti;

v) European patent application – an application for a European patent filed under the European Patent Convention (EPC), as well as an international application filed under the Patent Cooperation Treaty (PCT) for which the European Patent

Office (EPO) is designated or elected Office, and which has been accorded an international date of filing and in which Georgia is designated;

w) Validated European patent – a European patent granted by the EPO on a European patent application in respect of which validation in Georgia has been requested;

x) Validation of European patent – recognition, on request, of the effects of the European patent application and the European patent in Georgia;

y) Validation Agreement – the Agreement between the Government of Georgia and the European Patent Organization on Validation of European Patents (Validation Agreement) (signed on October 31, 2019);

z) National patent application – an application for an invention filed with Sakpatenti in accordance with this Law;

z<sup>1</sup>) National patent – a patent for an invention granted by Sakpatenti on the basis of a national patent application.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №1918 of December 23, 2017 – website, 11.01.2018*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

*The Law of Georgia № 4167 of May 15, 2024 –website, 29.05.2024*

### **ARTICLE 3. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 4. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 5. Term of Validity of a Patent for an Invention**

1. The term of validity of a patent for an invention shall be 20 years from the

date of filing an application with Sakpatenti.

2. (Repealed);

3. (Repealed);

4. (Repealed);

5. For a patent of an invention related to a pharmaceutical and plant protection product which requires the consent/registration of the competent authority in order to be placed on the Georgian market, by request of the patent owner, a supplementary protection certificate can be issued.

6. A supplementary protection certificate shall extend the patent validity for an additional term, which is equal to the period from filing the application with Sakpatenti to the receipt of the consent of the competent authority, reduced by a period of 5 years.

7. The additional term indicated in Paragraph 6 of this Article shall not exceed 5 years.

8. The request for obtaining a supplementary protection certificate shall be submitted by the patent owner within 6 months from the date of receipt of the consent of the competent authority. If the consent of the competent authority was issued/registration occurred before granting the patent, then the patent owner shall submit the request within 6 months from the granting of the patent.

9. Regarding the request for obtaining a supplementary protection certificate, within one month Sakpatenti shall take a decision on issuing a supplementary protection certificate or on refusal to issue a supplementary protection certificate.

10. In case of taking a decision on issuing a supplementary protection certificate, Sakpatenti shall register the supplementary protection in Register of Industrial Property and shall publish information concerning this in the Bulletin.

11. For the pharmaceutical product for which pediatric studies have been

carried out and where the results of these studies are indicated in the information on the product, the additional term specified in Paragraph 6 of this Article may be extended for additional 6 months.

12. The procedures of issuing of supplementary protection certificate are determined by the relevant Instruction approved by Sakpatenti.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №1918 of December 23, 2017- website, 11.01.2018*

## **ARTICLE 6. Scope of Protection**

1. The scope of the legal protection of an invention shall be determined by the claims.

2. The scope of protection covers any subject-matter in which all features of a claim are implemented.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023 – website, 01.06.2023*

## **ARTICLE 7. Classified Invention**

1. With respect to an invention which has been classified by a competent authority for the purposes of state defense, Sakpatenti shall publish the patent application and the patent only after its declassification, on the basis of a decision of this competent authority.

2. An invention can be classified for no more than 2 years, which can be extended several times within the term of the patent for a term determined by this Paragraph.

3. In case of classifying of an invention, an appropriate compensation shall be paid to the inventor, the amount and the rule of granting of which shall be determined by a normative act enacted by a relevant competent authority.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **CHAPTER II. “SAKPATENTI”**

### **ARTICLE 8. Sakpatenti**

1. The functions and competences of Sakpatenti shall be defined by the legislation of Georgia, including the Statute on Sakpatenti, approved by the Government of Georgia.
2. Sakpatenti is headed by a Chairman, who is appointed and dismissed by the Prime Minister of Georgia.
3. The Chairman of Sakpatenti shall be appointed for a term of 4 years.
4. Article 11 of the Law of Georgia on “Legal Entity of Public Law” shall not apply to Sakpatenti.
5. Sakpatenti is accountable before the Prime Minister of Georgia.
6. Sakpatenti is authorized, by agreement of the Government of Georgia, to establish legal entities of private law in accordance with the rule established by the legislation of Georgia, independently or together with other parties, in order to implement its own goals.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №1257 of September 20, 2013- website, 01.10.2013*

*The Law of Georgia № 3968 of December 15, 2023*

*The Law of Georgia № 4167 of May 15, 2024*

### **Article 8<sup>1</sup>. Authority to Issue By-laws**

1. The Chairman of Sakpatenti is authorized within his/her competence to issue by-laws.
2. A by-law of the Chairman of Sakpatenti is an order of the Chairman of

Sakpatenti.

3. The Chairman of Sakpatenti issues by-laws according to the Law of Georgia “On By-laws”.

*The Law of Georgia №3741 of October 26, 2010 - LHG I, №62, 05.11.2010, Art. 381*

## **ARTICLE 9. Chamber of Appeals**

1. The Chamber of Appeals is established at Sakpatenti, which hears related with decisions of Sakpatenti on intellectual property subject-matters as well as criteria of their protection, grant of a patent and registration of other subject-matters of industrial property.

2. The functions and competences of the Chamber of Appeals are defined by its Statute, approved by the Chairman of Sakpatenti.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*ARTICLE 10. (Repealed)*

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 11. Budget of Sakpatenti**

1. Sakpatenti shall be funded from:

- a) the income received from the service related to the main activities of Sakpatenti;
- b) the income received from the work carried out on the basis of a contract;
- c) other income permitted by legislation of Georgia, including the income received from the State Budget of Georgia.

2. Fees for the service determined by paragraph 1(a) of this Article shall be approved by the Government of Georgia.

3. Fees and other income shall be transferred to the account of Sakpatenti,



managed exclusively by Sakpatenti. The funds unspent by Sakpatenti during a year shall be transferred to the budget of the following year.

4. By December 1 of every year, Sakpatenti shall prepare the budget for the next year, reflecting total expenses of Sakpatenti and sources for their payment.

5. In extraordinary cases, funds unspent by Sakpatenti during a year may be transferred to the state budget upon the instruction of the Prime Minister of Georgia.

6. The budget of Sakpatenti shall be approved by the Chairman of Sakpatenti, by agreement with the Prime Minister of Georgia.

7. Sakpatenti shall be entitled to purchase and dispose of property independently, except real estate. Sakpatenti shall purchase and dispose of real estate by agreement with the Prime Minister of Georgia.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **CHAPTER III. PATENTABILITY**

#### **ARTICLE 12. Criteria of Patentability of an Invention**

1. A patent shall be granted for an invention in any field of technology, provided that the invention meets the conditions of patentability — novelty, involvement of an inventive step and industrial applicability.

2. An invention has novelty if it does not form part of the state of the art.

3. An invention involves an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.

4. An invention has industrial applicability if it can be made or used in any kind of industry, or agriculture.

5. The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way,

before the priority date.

6. In the course of determining novelty, to the state of the art, in addition to the criteria defined in Paragraph 5 of this Article shall be assigned all patent applications for inventions and utility models, filed with Sakpatenti, and all European patent applications for which the validation fee has been paid, if they have an earlier priority as compared to an application the novelty of which is being determined, and they were published after the priority date of the application.

7. Paragraphs 5 and 6 of this Article shall not exclude the patentability of any substance or composition, comprised in the state of the art, for use in a method referred to in Article 17 (b), provided that its use for any such method is not comprised in the state of the art.

8. Paragraphs 5 and 6 of this Article shall also not exclude the patentability of any substance or composition referred to in Paragraph 7 of this Article for any specific use in a method referred to in Article 17 (b), provided that such use is not comprised in the state of the art.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3278 of July 2, 2010 - LHG I, №37, 14.07.2010, Art.219*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

### **ARTICLE 13. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 14. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 15. Disclosure of Information**

Data assigned to the state of the art shall not influence the patentability of the subject-matter presented in an application if they became available to the public no earlier than six months preceding the priority date of the application:

- a) as a result of an action carried out in bad faith by a third person with respect to the inventor or his/her successor;
- b) by displaying the invention by the applicant or his/her successor at an official or officially recognised international exhibition, held within the Convention relating to International Exhibitions, signed at Paris on November 22, 1928 (amended on November 30, 1972), in a country party to the Paris Convention or the World Trade Organization.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3278 of July 2, 2010 - LHG I, №37, 14.07.2010, Art.219*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 16. Subject-Matters Not Regarded as Inventions**

1. The following shall not be regarded as an invention:

- a) a discovery, scientific theory, mathematical method;
- b) an artistic creation;
- c) an algorithm, computer program;
- d) an educational or teaching method and system, grammatical system of a language, method for performance of mental operations, rules for a game or gambling;
- e) a method of business and organizational management;
- f) a planning design and scheme of a construction, building, territory;
- g) presentation of information.

2. Subject-matters provided for under Paragraph 1 of this Article shall not be considered patentable only in the case when these subject-matters directly represent the subject of an application.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3235 of July 20, 2018 – website, 13.08.2018*

## **ARTICLE 17. Patent Ineligible Subject-Matters**

A patent shall not be granted for:

- a) an invention which is contrary to the public order;
- b) Inventions related to methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body. This provision shall not apply to products, substances or compositions, for use in any of these methods;
- c) Inventions related to plant varieties or animal breeds, as well as essentially biological methods for breeding of plant varieties or animal breeds. This rule shall not apply to micro-biological methods and products obtained through such methods.
- d) (Repealed);
- e) (Repealed);
- f) utility models related to microorganism strains, plant and animal cell cultures, biotechnology and genetic engineering subject-matters, substances obtained by chemical processes, including pharmaceutical substances.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **CHAPTER IV. INVENTOR AND RIGHT TO A PATENT**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

### **ARTICLE 18. Inventor**

1. (Repealed)

2. (Repealed)

21. The inventor shall have the right to be mentioned as such in the application and the patent.

3. Upon the request of an inventor, Sakpatenti shall not publish his/her name.

4. If an invention was created by the effort of several persons, each of them shall be regarded as a co-inventor.

5. Relations between co-inventors are defined by a contract concluded between them. In case of absence of a contract, each of co-inventors enjoys common equal rights.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

### **ARTICLE 19. Right to a Patent**

1. An inventor or his/her successor has the right to obtain a patent.

2. A patent for an invention created by several persons can be obtained by all co-inventors jointly, or each co-inventor with the written consent of other coinventors, unless otherwise provided by the contract concluded between them.

3. If one and the same invention was independently created by two or more persons, the inventor whose application has an earlier priority has the right to obtain a patent.

4. If applications under Paragraph 3 of this Article were established to have

the same priority, a patent is granted to the person(s) noted in the agreement of the applicants. In case of disagreement between the parties, the dispute shall be settled by the court.

5. An employer or contractor has the right to acquire a patent for an invention created by staff member and/or a hired employee in the course of fulfilling the official or contract duty, unless otherwise provided by the contract.

6. Where creation of an invention is not related to fulfilling the official or contract duty of a staff member or a hired employee, but for the creation of an invention the staff member/hired employee has made use of the resources owned by the employer or contractor, the employer/contractor has the preemptive right to acquire a patent, whereas the staff member/hired employee has the right to acquire free of charge a non-exclusive private license on such an invention or to acquire exclusive rights deriving from the patent, unless otherwise provided by the contract.

7. For one and the same invention having the same priority for which several applications are filed by the same applicant more than one patent cannot be obtained.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 20. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 21. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 22. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **CHAPTER IV<sup>1</sup>. PATENT ATTORNEY**

## ARTICLE 22<sup>1</sup>. Appointment of Patent Attorney

1. A representative of an applicant and a patent owner (if any), before Sakpatenti shall be his/her representative and/or a patent attorney of Georgia.
2. An applicant not having a residence or a registered legal address in Georgia shall appoint as a representative before Sakpatenti a patent attorney of Georgia.
3. If the applicant does not fulfill the requirements of Paragraphs 1 and 2 of this Article, Sakpatenti shall take a decision to terminate the proceedings on the application.
4. The entitlement of a patent attorney of Georgia shall be verified by a Power of Attorney issued by the applicant or the patent owner.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## ARTICLE 22<sup>2</sup>. Qualification of a Patent Attorney

1. The qualification requirements, the rule of granting qualification and registration of a patent attorney of Georgia shall be determined by the Law.
2. (Repealed – 15.01.2024, №4167).
3. (Repealed – 15.01.2024, №4167).
4. (Repealed – 15.01.2024, №4167).
5. (Repealed – 15.01.2024, №4167).

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

*The Law of Georgia № 4167 of May 15, 2024 - website, 29.05.2024*

## CHAPTER V. FILING AN APPLICATION

### ARTICLE 23. Filing an Application

1. An application shall be filed with Sakpatenti.

2. (Repealed).
3. (Repealed).
4. (Repealed).
5. (Repealed – 16.05.2023, №2883).
6. (Repealed – 16.05.2023, №2883).
7. (Repealed – 16.05.2023, №2883).
8. The form of an application and procedures for filing an application are defined by the Instruction on Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent (hereinafter - Instruction).

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 24. Application**

1. An application shall include:

- a) a request for granting a patent;
- b) the description of an invention;
- c) claims;
- d) drawings and other documents, if they are necessary to explain the essence of an invention;
- e) the abstract of an invention, which is only of informative nature.

1<sup>1</sup>. The request for granting a patent shall include the data about inventor, the accuracy and veracity of which are the applicant's responsibility.

2. In case of appointing a representative, a document certifying the representation authority shall be attached to the application at the time of filing or within 2 months from the filing date.



3. If the applicant is the inventor's successor, a document certifying the successor's status shall be attached to the application at the time of filing or within 2 months from the filing date.
4. An application shall be filed in the state language of Georgia, and other application documents - in any language.
5. In case of filing the application documents in a foreign language, the applicant shall provide the Georgian translation within 2 months from the application filing date. Otherwise, the proceedings on the application shall be terminated.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 25. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 26. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 27. Application Filing Date**

The date of filing of an application shall be the date on which a request for granting a patent and a description of the invention are filed.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 28. Unity of an Invention, Sufficient Disclosure and Claims**

1. An invention shall meet the requirement of the unity of an invention, namely, an application shall contain a single invention or a group of inventions united by a single inventive idea.

2. (Repealed)

3. The description of an invention shall be filed in compliance with the established rule and shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

4. If an invention concerns biological material which cannot be described in the application in such a manner as to enable the invention to be carried out by a person skilled in the art, or which is not available to the public, the application shall include a document of deposit of the material issued by a depository.

5. The claims shall be drawn up in compliance with the rule established by the Instruction, shall be clear and concise and be supported by the description. The claims can include one or more claims.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 29. Divisional Application**

1. An applicant is entitled to divide the filed application into constituent parts and file a divisional application. The subject-matter of a divisional application shall not extend beyond the content of the initial application as filed.

2. A divisional application shall retain the date of filing of the initial application with Sakpatenti and the priority.

3. A divisional application can be filed before Sakpatenti takes a decision on granting a patent in compliance with the rule established by the Instruction.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 30. Priority**

1. An applicant wishing to benefit from the convention priority shall file an application with Sakpatenti within 12 months from the date of filing of an earlier application for this invention in a contracting state of the Paris Convention or a member state of the World Trade Organization. 2. An applicant wishing to benefit from the exhibition priority shall file an application with Sakpatenti within 6 months from the date of exposition of the invention at an official/officially recognized exhibition held in a contracting state of the Paris Convention or a member state of the World Trade Organization. The exhibition and convention priorities shall not be cumulative.

3. In cases where an applicant, for excusable reasons, has failed to file an application with Sakpatenti within the time limits under Paragraph 1 or 2 of this Article claiming the convention or exhibition priority, he/she may still enjoy a right of the convention or exhibition priority if he/she files the application within the following 2 months.

4. An applicant wishing to benefit from the convention or exhibition priority shall:

a) indicate such an intention at the time of filing an application with Sakpatenti or within 16 months from the priority date claimed; The applicant may correct the declaration of priority within 16 months from the priority date claimed, or, where the correction would cause a change in the priority date claimed, within 16 months from the corrected priority date, whichever 16-month period expires first, provided that such a correction may be submitted until the expiry of 4 months from the date of filing of the application.

b) submit to Sakpatenti a document certifying the right to claim the relevant priority within 16 months from the date of priority claimed.”.

5. Priority may be established:

a) (Repealed);

b) by the date of filing an earlier application with Sakpatenti by the same applicant or by the person whose successor the applicant is, disclosing the essence of an invention, provided that the application claiming such a priority was filed within 12 months from the filing date of earlier application for an invention. The applicant shall indicate the intention on claiming the priority at the moment of filing the application with Sakpatenti or within 16 months from the priority date claimed. In addition, the application the priority of which was claimed shall be considered withdrawn;

c) on the basis of several applications filed earlier, where each of these conforms with the conditions set in Subparagraph (b) of this Paragraph.

6. The priority for the application shall not be established by the filing date of an application for which an earlier priority has already been claimed.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3278 of July 2, 2010 - LHG I, №37, 14.07.2010, Art.219*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 31. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 31<sup>1</sup>. Publication of Application**

1. Sakpatenti shall publish an application:

- a) after the expiry of a period of 18 months from the date of priority;
- b) at the request of the applicant, before the expiry of a period of 18 months from the date of priority.

2. An application shall be published at the same time as the publication according to Article 40, when the decision to grant the patent becomes effective before the expiry of the period of 18 months from the date of priority.

3. An application shall not be published if the examination proceedings were

terminated.

4. In the cases specified in Paragraphs 1 and 2 of this Article Sakpatenti shall enter the application data in the Register of Industrial Property (hereinafter Register), shall publish the application data in the Bulletin and shall publish the application materials in compliance with the rule established by the legislation.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **CHAPTER VI. PATENT EXAMINATION AND GRANTING OF A PATENT**

### **ARTICLE 32. Examination of an Application**

1. Sakpatenti shall conduct patent examination of an application, on the basis of which it shall take a decision about granting a patent.

2. Patent examination comprises confirmation of application filing date, conducting examination as to form and substantive examination.

3. (Repealed – 16.05.2023, №2883).

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

### **ARTICLE 33. Confirmation of the Application Filing Date**

1. Sakpatenti shall confirm the filing date of an application within 2 weeks from its filing.

2. Where an application is found to be lacking any of application materials required by Article 27 of this Law, the applicant shall provide such materials within 1 month from the date of receiving the notification.

3. Where an applicant complies with the requirements of Paragraph 2 of this Article, the date of compliance shall be considered as the application filing date. In case of the failure to comply, the application shall not be considered filed.

4. Where the description of an invention refers to drawings that are not attached to the application, the applicant shall submit such drawings within the term provided by Paragraph 2 of this Article. Where the drawings are submitted in time, the date of receipt of such drawings shall be considered as the application filing date. In case of the failure to comply with the term, the date of receiving the application without the drawings shall be considered as the application filing date, while any reference to the drawings shall be considered omitted.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 34. Examination as to Form**

1. Within 2 weeks from the according of an application filing date, Sakpatenti in compliance with the rule established by the Instruction shall start conducting of examination as to form during which compliance of the application with the requirements of Article 24 and correctness of drawing up the application materials shall be checked.

2. If an application meets the formal requirements, Sakpatenti shall take a decision on the completion of the examination as to form.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 35. Substantive Examination**

1. After the completion of the examination as to form Sakpatenti in compliance with the rule established by the Instruction shall conduct substantive examination during which it is assessed:

a) whether the subject-matter of the application falls under the objects

referred to in Article 16 or 17;

b) whether the application complies with the requirements of Article 28;

c) whether the invention complies with the requirements of Article 12.

1<sup>1</sup>. (Repealed – 16.05.2023, №2883).

1<sup>2</sup>. (Repealed – 16.05.2023, №2883).

1<sup>3</sup>. (Repealed – 16.05.2023, №2883).

2. (Repealed)

3. (Repealed)

4. In order to assess the patentability criteria novelty and involvement of inventive step as identified in Article 12, a search shall be conducted in compliance with the rule established by the Instruction.

5. After checking the requirements of the first paragraph of this Article Sakpatenti shall provide the applicant with a search report and an examination report.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 35<sup>1</sup>. Refusal of Application**

1. If an application does not meet the requirements of Paragraph 1 of Article 35, the examination is entitled in compliance with the rule established by the Instruction to request from the applicant to enter a change or correction in the application, or to submit comments.

2. Sakpatenti shall refuse the application by substantiated decision if:

a) Even after the entry of a change or correction according to Paragraph 1 of this Article, the application still does not meet the requirements of Paragraph 1 of Article 35;

b) The applicant has not entered a change or correction, or submitted comments according to rule established by Paragraph 1 of this Article.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 36. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 36<sup>1</sup>. Decision to Grant a Patent**

1. If the application meets the requirements of this Law, Sakpatenti shall take a substantiated decision to grant a patent.
2. Before the grant of a patent, Sakpatenti shall transmit the text of the description of the invention, claims and drawings, if they are indicated in the description of the invention, to the applicant for approval.
3. If the applicant, in the case referred to in Paragraph 2 of this Article, within 2 months approves the text or fails to respond, a patent shall be granted on the basis of the description of the invention, claims and drawings, if they are indicated in the description of the invention, as transmitted.
4. If the applicant, in the case referred to in Paragraph 2 of this Article, proposes to enter within 2 months additions and/or amendments in the description, claims and drawings, if they are indicated in the description of the invention, Sakpatenti shall consider this request and decide whether these shall be taken into account.

*The Law of Georgia №2883 of May 16, 2023– website 01.06.2023*

## **ARTICLE 37. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 38. (Repealed)**



*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 39. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 40. Registration of Patent, Publication of Patent and Issuance Of Patent Certificate**

1. Sakpatenti shall record the patent data in the Register and publish in the Bulletin, shall publish the patent specification according to the rule established by the legislation and shall issue a patent certificate if there exists:

- a) A decision of Sakpatenti to grant a patent;
- b) A legally enforced decision of the Chamber of Appeals to grant a patent on the basis of an appeal filed according to Article 403;
- c) A legally enforced decision of the court to grant a patent.

2. Sakpatenti shall determine the form of the patent certificate and the data to be recorded in the Register.

3. Any person is entitled to have access to the public data in the Register.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website 01.06.2023*

### **ARTICLE 40<sup>1</sup>. Amending a Granted Patent**

1. At the request of the patent owner, it is permitted to amend the description of the invention, the claims and the drawings, if they are indicated in the description of the invention of a granted patent in order to correct accidental mistakes, only where such amendments are obvious from the contents of the documents in question and it is clear that nothing else could be implied. The amendment shall not extend the scope of protection.

2. The rule of making amendments pursuant to Paragraph 1 of this Article shall be defined by the Instruction.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website 01.06.2023*

## **ARTICLE 40<sup>2</sup>. Disclosure of Information**

Deliberate disclosure of the essence of the application filed with Sakpatenti (except for by the applicant or his/her successor) before Sakpatenti publishes the application data in Bulletin shall entail responsibility under the legislation of Georgia.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 40<sup>3</sup>. Appeal at the Chamber of Appeals**

1. An applicant shall be entitled to file an appeal to the Chamber of Appeals against decisions of Sakpatenti on the completion of the examination as to form or termination of proceedings, as well as a decision of substantive examination on refusal of granting a patent.

2. (Repealed – 16.05.2023, №2883).

3. (Repealed – 16.05.2023, №2883).

4. An appeal can be filed to the Chamber of Appeals within 3 months from the date of publication/receipt of the respective decision.

5. The Chamber of Appeals shall hear the appeal and take a decision within 3 months from its filing date.

6. A decision of the Chamber of Appeals may be appealed in court term prescribed by law for appealing an administrative-legal act.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 40<sup>4</sup>. Conflict of Interests**

1. (Repealed - 15.01.2024, №4167).
2. A person directly involved in taking a decision on the appealed decision shall not be a member of the Chamber of Appeals in the course of hearing a legal dispute related to granting of a patent.
3. A representative shall not be a person who, during the last 24 months prior to commencement of the representation, has worked in the department of Sakpatenti that is responsible for conducting examination of the application provided for by this Law. This prohibition does not apply to a person who, during the last 24 months prior to commencement of the representation, has been undergoing an internship at Sakpatenti.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

*The Law of Georgia № 4167 of May 15, 2024 - website, 29.05.2024*

## **ARTICLE 41. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 42. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 42<sup>1</sup>. Re-Examination of a Patent for an Invention**

1. Any person is entitled to request at Sakpatenti re-examination of a patent granted by Sakpatenti or a validated European patent within the term of the patent with the purpose of revocation of the patent.
2. An application for re-examination shall be accompanied by:

- a) a written argumentation that a ground for revocation exists according to Paragraph 4 of this Article;
  - b) all documents on which the interested party relied for argumentation according to subparagraph “a” of this Paragraph. In addition, if the documents required by this subparagraph are presented in a foreign language, the interested party shall provide their Georgian translation within 1 month. Otherwise, the documents in a foreign language shall not be considered submitted.
3. Within 2 months from the date of filing a request for re-examination of an invention, the patent owner is entitled to make a written objection that will be taken into account during re-examination.
4. On the basis of re-examination, Sakpatenti shall take a decision to revoke the patent completely or partially, if it is established that:
- a) the subject-matter of the patent is not patentable;
  - b) the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;
  - c) the subject-matter of the patent falls in the category of subject-matters which are not regarded as an invention according to Article 16 of this Law;
  - d) the subject-matter of the patent falls in the category of subject-matters in respect of which a patent shall not be granted according to Article 17 of this Law;
  - e) the subject-matter of the patent extends beyond the content of the application as filed or, the patent was granted on a divisional application and its subject-matter extends beyond the content of the earlier application as filed;
  - f) the scope of protection conferred by the patent has been extended.
5. The data on the complete or partial revocation of a patent shall be published in the Bulletin and recorded in the Register.
6. The rule for re-examination of an invention shall be determined by the Instruction.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 43. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 44. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 45. Withdrawal of an Application**

An applicant is entitled to withdraw the application before its publication.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 46. Extension of the Procedural Timeframes and Reinstatement**

1. An applicant is entitled during the application proceedings to request in accordance with the applicable rule:

- a) to suspend consideration of the application;
- b) to make amendments to the submitted application materials, provided that such amendments do not extend beyond the content of the application as filed;
- c) to extend the time limit for submission of a response to the request of Sakpatenti;
- d) to reinstate the rights related to the application forfeited due to the failure to meet a time limit.

2. The rule of implementation of the actions under Paragraph 1 of this Article shall be determined by the Instruction.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 47. Service Fee**

1. A fee shall be paid for examination of an application as to form, patent and utility model examination, re-examination, evaluation of protection criteria of a utility model, application publication, patent/utility model registration, patent/utility model renewal annually, proceedings to issue a supplementary protection certificate, registration of a supplementary protection certificate, publication, annual renewal of a supplementary protection certificate, hearing an appeal, making an amendment to the Register data and other acts determined by the Law.
2. Non-payment of the prescribed fee determined by Paragraph 1 of this Article within the time limit shall entail termination of the application proceedings.
3. The form and amount of the fee shall be determined by the resolution of the Government of Georgia.
4. The form and rule of payment of the fee shall be determined by the Instruction.
5. Renewal fees for a validated European patent shall be paid to Sakpatenti for the years following the year in which the mention of the grant of the European patent was published in the European Patent Bulletin.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №1918 of December 23, 2017– website, 11.01.2018*

*The Law of Georgia №2883 of May 16, 2023 – website, 01.06.2023*

## **ARTICLE 47<sup>1</sup>. Origination of Exclusive Rights**

The exclusive rights conferred by a patent to its owner originate on a date of publication of the patent data in the Bulletin.”

*The Law of Georgia №2883 of May 16, 2023 – website, 01.06.2023*

## **CHAPTER VII. SCOPE OF USE OF EXCLUSIVE RIGHTS**

## **DERIVING FROM A PATENT**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 48. Scope of Exclusive Rights**

1. A patent owner shall exploit the patent at his/her discretion. He/she is entitled to sell or alienate the patent otherwise, or put the patent in pledge and/or issue a private license for the use of the patent in accordance with the applicable rule.
2. A patent vests its holder with the exclusive right to prevent others, without the owner' permission, from:
  - a) producing, selling, offering for sale, using, importing or using otherwise in the course of trade a product protected by the patent;
  - b) using or offering for sale of a patented method;
  - c) selling, offering for sale, using, importing or using otherwise in the course of trade of a product directly made by a patented method.
3. If the exclusive right of a patent owner applies to a patent the subject of which is a method for producing a new product, until proven otherwise, any other similar product made by another person shall be deemed produced by this method.
4. Where patent is held by several persons:
  - a) the transfer of the patent right, issuing a private license for the use of the patent or putting the patent in pledge shall be admissible only with the consent of all owners;
  - b) each patent owner is entitled to use the patented subject-matter in his/her own production without consent of the other patent owners.
5. The limitations of the exclusive rights provided for by Paragraph 2 of this Article shall be defined by Articles 52 and 52<sup>1</sup> of this Law.

*The Law of Georgia №1918 of December 23, 2017 – website, 11.01.2018*

#### **ARTICLE 49. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 50. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 51. Provisional Rights**

From the date of publication of the application until the grant of a patent, the applicant shall be provisionally granted the same rights which would have been granted to him/her by the patent. If a patent is not granted, these rights shall not be deemed originated.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 52. Restriction of Exclusive Rights**

The following shall not be considered an infringement of exclusive rights:

- a) further dissemination or other use of the product produced by the patent owner or under his/her permission, after putting it on the market;
- b) private use of invention for personal ends, unless such action is intended for economic activity;
- c) use of invention on board a foreign sea vessel, aircraft or land vehicle during its temporary presence on the territory of Georgia. In such cases, the invention shall be used only on board such a vehicle and not for entrepreneurial purposes;
- d) use of the invention for experimental or research purposes;
- e) conducting research and other procedures necessary for obtaining consent to put on the market, the pharmaceutical products, protected by a patent, unless this



pharmaceutical product is used for entrepreneurial purposes until the expiration of the patent validity term.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №1918 of December 23, 2017- website, 11.01.2018*

## **ARTICLE 52<sup>1</sup>. Compulsory License**

1. Without the consent of the patent owner, a compulsory license for use of a patented invention and/or utility model within the territory of Georgia (hereinafter – compulsory license) may be granted.
2. A decision on granting a compulsory license shall be taken by the Standing Council for Taking a Decision on Granting a Compulsory License, functioning at the Ministry of Economy and Sustainable Development of Georgia (hereinafter – Standing Council). Its structure shall be defined by the Resolution of the Government of Georgia.
3. The rule and conditions on granting a compulsory license shall be defined according to the “Rule of Granting a Compulsory License for the Use of a Patented Invention and Utility Model”, approved by the Resolution of the Government of Georgia.
4. A request for granting a compulsory license shall be submitted by the interested person to the Standing Council.
5. A compulsory license shall not be issued exclusively only to 1 person.
6. The compulsory license shall not be transferred to another person.
7. A compulsory license may be issued in case if:
  - a) it is necessary to use a patent during a natural calamity, catastrophe, epidemics, national defense, defense of public health;
  - b) It is impossible to use the patented invention and/or utility model without

infringement of the exclusive right of the patent owner or his successor on another earlier patent.

8. In case of Subparagraph “a” of Paragraph 7 of this Article, granting of a compulsory license can be requested by a governmental body, if it substantiates that there is respective ground for this.

9. In the case of Subparagraphs “b” of Paragraph 7 of this Article, the request for granting a compulsory license shall contain substantiation that the invention or utility model is an important technical solution, which essentially depends on the invention or utility model protected by an earlier patent and has substantial economic advantages compared with the invention or utility model protected by the earlier patent.

10. The person to whom the compulsory license is granted on the basis of Subparagraph “b” of Paragraph 7 of this Article, in case of patent protection of the respective invention or utility model, is obliged to grant a private license to the patent owner on whose patent the compulsory license was granted.

11. A compulsory license shall be granted only in the case if the presumable recipient of the compulsory license unsuccessfully tried within a reasonable period of time to obtain permission from the patent owner or his/her successor on reasonable commercial terms.

12. The request indicated in Paragraph 11 of this Article may not be taken into account in the case of emergency, about which the patent owner shall be notified immediately.

13. The limits of use of the object of a compulsory license, the term of validity of a compulsory license, the amount of a relevant compensation of a compulsory license shall be determined by the objective for which the use of the respective invention and/or utility model was permitted. Such use is permitted above all in order to meet the demand of the market of Georgia.

14. In the case of granting a compulsory license the patent owner shall be given the respective compensation on acceptable commercial conditions.
15. The decision regarding granting a compulsory license shall be subject to periodic revision and it may be annulled if the circumstance which gave rise to the need to grant the license no longer exists.
16. In case the granting a compulsory license, Sakpatenti shall make a relevant entry in the Register and shall publish the data in the Bulletin within 1 month from granting the compulsory license.
17. The decision on granting a compulsory license and on the granting a relevant compensation may be appealed in the court.
18. A compulsory license is not a license envisaged by the Law of Georgia “On Licenses and Permits”.

*The Law of Georgia №1918 of December 23, 2017 - website, 11.01.2018*

### **ARTICLE 53. Right of Prior Use**

1. The right of prior use implies a right of a person to use an invention regardless of the effect of the patent, if such a person has been using the invention in good faith or conducted preparatory works for its use prior to the date of filing the patent application with Sakpatenti or the priority date.
2. The right of prior use allows a third party to exploit an invention for a purpose and to such an extent with which he has already used it or for which he/she has made preparation works, prior to the date of filing the patent application with Sakpatenti or the priority date
3. It shall be impermissible to issue a private license for the right of prior use.
4. The right of prior use can be transferred only together with such an enterprise, where the actions envisaged by Paragraph 2 of this Article were implemented.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3278 of July 2, 2010 - LHG I, №37, 14.07.2010, Art. 219*

## **ARTICLE 54. Revocation of a Patent**

1. A patent shall be revoked by Sakpatenti:

- a) based on the request of the patent owner;
- b) in case non-payment of the annual patent renewal fee by the patent owner;
- c) (Repealed – 16.05.2023, № 2883).

2. A patent revoked pursuant to Paragraph 1(b) of this Article may be reinstated if within 6 months from expiration of the term for payment of the annual patent renewal fee, the patent owner pays the patent renewal fee for the next year. Within 6 months from the expiration of the afore-noted term, the revoked patent may be reinstated if the patent owner pays the patent reinstatement renewal fees.

3. In cases where the patent renewal fee for the next year is not paid before the expiry of the term noted in Paragraph 2 of this Article, the patent shall be regarded revoked from the date of expiry of the patent validity term.

4. Information on the patent revocation and reinstatement shall be recorded in the Register.

5. The patent validity shall be regarded reinstated from the date of publishing the information concerning the reinstatement.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023 – website, 01.06.2023*

## **ARTICLE 55. Right of Further Use**

Any person, who has been using the invention protected by a patent in good faith or conducted preparatory works for its use on the territory of Georgia from the date of the patent invalidation until its reinstatement is entitled to continue its use

for entrepreneurial purposes. Transfer of this right is permitted only together with the enterprise (right of further use).

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 56. Repealed**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 57. Invalidation of a Patent**

1. A patent granted by Sakpatenti or a validated European patent shall be invalidated completely or partially by the court if it is ascertained that:
  - a) the subject of the patent is not patentable;
  - b) the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;
  - c) the subject-matter of the patent falls in the category of subject-matters which are not regarded as an invention according to Article 16 of this Law;
  - d) the subject-matter of the patent falls in the category of subject-matters for which a patent shall not be granted according to Article 17 of this Law;
  - e) the subject-matter of the patent extends beyond the content of the application as filed, or if the patent is granted on the basis of a divisional application and its subject-matter extends beyond the content of the earlier application as filed;
  - f) the patent owner was not entitled to the patent under Article 19 of this Law;
  - g) the scope of protection conferred by the patent has been extended.
2. In the case provided for under Paragraph 1(f) of this Article, instead of requesting invalidation of the patent, the person entitled to the patent may request assignment of the patent to him/her.
- 2<sup>1</sup>. Sakpatenti shall revoke a patent completely or partially:
  - a) on the basis of a request by the patent owner;

- b) on the basis of Paragraph 4 of Article 42<sup>1</sup>;
- c) on the basis of Paragraph 11 of Article 68<sup>5</sup>, if it is ascertained that a utility model fails to comply with the criteria of protection determined in Paragraph 1 of Article 71<sup>1</sup>.

3. The information on the complete or partial invalidation of a patent shall be recorded in the Register and published in the Bulletin.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023 – website, 01.06.2023*

## **ARTICLE 58. Results of a Patent Invalidation**

As a result of the invalidation of a patent, the rights granted by the patent shall not be regarded as originated.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER VIII.**

### **TRANSFER OF PATENT RIGHTS AND PRIVATE LICENSE ON THE USE OF A PATENT**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 59. Private License on the Use of a Patent**

1. A patent owner is entitled to issue a private license for the use of a patent.
2. A private license is not a license envisaged by the Law of Georgia “On Licenses and Permits”.
3. A private license agreement shall be concluded in writing. The license shall define the scope of use of the subject-matter protected by the patent.
4. A private license may be exclusive or non-exclusive. If a private license agreement does not define the type of license, the private license shall be regarded

to be non-exclusive.

5. Granting of a non-exclusive private license does not deprive the licensor of the right to issue another license with the equivalent terms.

6. Granting of an exclusive private license deprives the licensor of a right to issue another license with the equivalent terms.

7. A private license holder is entitled to file an appeal to the court concerning the infringement of the rights deriving from the patent, unless the patent owner files an appeal on his/her own accord within the reasonable term after the receipt of the notification on such an infringement.

8. A private license agreement and its amendments may be recorded in the Register.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 60. OPEN LICENSING**

1. A patent owner is entitled to announce an open license status if an exclusive license has not been issued for the patent.

2. An open license can be only non-exclusive.

3. An open license status entitles any person to use the patent pursuant to the conditions established by the open license status.

4. In the case of announcing an open license status, the amount of the fee defined for the registration of a private license agreement shall be halved.

5. About the announcement of the open license status shall be notified to Sakpatenti which shall enter a corresponding record in the Register and publish the data in the Bulletin.

6. A patent owner at any time can apply to Sakpatenti with a request to cancel the open license status. Cancellation of the open license status shall not affect the issued open licenses.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 60<sup>1</sup>. Transfer of Patent Rights**

1. An agreement on the transfer of exclusive rights shall be concluded in written form.
2. An agreement on the transfer of exclusive rights and its amendments according to the applicable rule shall be registered in the Register and the data shall be published in the Bulletin.
3. A new owner of the patent shall not use the rights deriving from the patent against third parties until the registration of relevant changes in the Register.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 61. (Repealed)**

*The Law of Georgia №295 of May 11, 2000 – LHG I, №17, 12.05.2000, Art. 41*

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 62. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER VIII<sup>1</sup>. PATENT LEASE**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 62<sup>1</sup>. Patent Lease**

Unless provided otherwise by this Law, norms established for leasing by Chapter 6, Title 3, Book 2 of the Civil Code of Georgia shall govern patent lease agreements.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 62<sup>2</sup>. Form and Rule of Concluding a Patent Lease Agreement**



1. A patent lease agreement shall be concluded in writing. Failure to comply with the written form of agreement shall render a lease agreement void.
2. A patent cannot be leased simultaneously in favor of several persons.
3. A patent lease agreement shall be registered at Sakpatenti and the data shall be published in the Bulletin.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 62<sup>3</sup>. Private License on a Leased Patent**

1. Licenses issued by the patent owner prior to the conclusion of a patent lease agreement, pursuant to the rule defined by the Law, shall remain in force.
2. Granting a license on a leased patent shall be admissible only by the prior written consent of the lease holder.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 62<sup>4</sup>. Alienation of a Leased Patent**

1. A lease holder is entitled to alienate the leased patent to satisfy his/her need only after notifying the patent owner in accordance with the rule established by Part 1 of Article 282 of the Civil Code of Georgia.
2. Alienation of a leased patent shall be conducted through an auction.
3. Auctions shall be held in accordance with the rules of Articles 301-309 of the Civil Code of Georgia.
4. The owner of an exclusive license on a leased patent has a priority right to redeem the leased patent prior to the auction.
5. In the course of alienation of a patent by the lease holder, the licenses granted by the patent owner pursuant to the rules set by the Law prior to the

conclusion of the lease agreement shall remain in force.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **ARTICLE 62<sup>5</sup>. Open License Status of a Leased Patent**

1. Upon a request of a lease holder, the court may order an open license status of the leased patent instead of its compulsory alienation by way of an auction.
2. The open licensing status of the leased patent shall be terminated when the creditor is satisfied or it is obvious that the creditor will not be satisfied by such a status.
3. Licenses granted in the course of the open license status of a leased patent shall remain in force after the cancellation of this status.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER IX. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 63. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 64. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER X. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 65. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 66. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 67. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER XI. Patent Dispute**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 68. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 68<sup>1</sup>. Appeal to the Court**

1. Infringement of rights derived from a patent shall mean infringement of rights accorded by this Law, entailing responsibility under the legislation of Georgia.
2. Sakpatenti shall not participate as a party in patent disputes concerning infringement of rights derived from a patent.
3. Infringement of exclusive rights may lead to criminal and civil responsibility.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 68<sup>2</sup>. Statute of Limitation**

Unless otherwise provided by this Chapter, a claim concerning infringement of rights deriving from a patent can be filed within 3 years from the moment when the infringement of rights became known to the patent owner.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 68<sup>3</sup>. (Repealed)**

The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183

The Law of Georgia №1918 of December 23, 2017 – website, 11.01.2018

### **ARTICLE 68<sup>4</sup>. (Repealed)**

The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183

The Law of Georgia №1918 of December 23, 2017 – website, 11.01.2018

## **Article 68<sup>5</sup>. Protection of Exclusive Rights Deriving from a Patent**

1. In case of infringement of exclusive rights deriving from a patent, the patent holder is entitled to demand:

- a) prohibition of the acts under Paragraph 2 of Article 48;
- b) removal from public circulation of goods made in violation of the rights deriving from a patent or confiscation of the product, made in violation of the rights deriving from a patent, imported or stored on the territory of Georgia with the purpose of inclusion in the public circulation;
- c) destruction of goods made in violation of the rights deriving from a patent.
- d) destruction of machinery, technical equipment and tools designed for making the goods in violation of the rights deriving from a patent.

2. If according to the court decision it is identified that the exclusive rights deriving from a patent were infringed, upon the request of the patent owner, the actions provided for by Subparagraph “a” of Paragraph 1 of this Article may apply also with respect to a person who was aware or should have been aware that his/her service is or was used in activities infringing exclusive rights on a commercial scale.

3. It is possible to request carrying out the action envisaged under Paragraph 1 of this Article also in case when a product is obtained directly by a method protected by the patent.

4. A product, made in violation of exclusive rights deriving from a patent, which was purchased by a third party in good faith, shall not be subject to seizure, unless it was purchased for receiving profit.

5. On the basis of a request of the infringer of exclusive rights deriving from a patent, in special cases, the court is authorized, instead of actions provided for under Subparagraphs “b”-“d” of Paragraph 1 of this Article, to demand from him

payment of a lump sum compensation, if the infringer of rights acted unintentionally, or if execution of the relevant measure would cause him/her disproportionate harm and if, along with this, the amount of pecuniary compensation defined by the court appears satisfactory to the patent owner.

6. In addition to the actions provided for in Paragraph 1 of this Article, in case of infringement of exclusive rights deriving from a patent the holder of exclusive rights deriving from a patent shall be entitled to request any one of the following acts:

- a) compensation for damages (including lost profits), if the infringer of the exclusive rights was aware or should have been aware of the infringement of exclusive rights deriving from a patent;
- b) confiscation of the profits gained by the infringer of the exclusive rights in violation of exclusive rights in favour of the holder of exclusive rights;
- c) payment of a lump sum compensation.

7. When determining the amount of damages, the essence of the infringement of exclusive rights deriving from a patent, profits gained through infringement of exclusive rights, the economic and moral damage caused to the holder of exclusive rights, as well as the expected income that would have been gained by the holder of exclusive rights as a result of the lawful use of the patent shall be taken into consideration.

8. The compensation shall at least be the amount which would have been due if the infringer of exclusive rights deriving from a patent acquired a license for the use of the patent.

9. When determining the amount of a lump sum compensation, the quantity of the goods made in violation of the rights deriving from a patent, the intention of the infringer of rights deriving from a patent, the scale, character and other features of the service offered in violation of exclusive rights deriving from a patent and/or

any other circumstance which may be taken into account in determining the amount of the compensation, shall be taken into consideration.

10. The holder of exclusive rights is entitled to demand simultaneous application of several measures provided for in Paragraph 1 of this Article at his/her discretion.

11. In case of infringement of exclusive rights on a utility model, in addition to applying to the court requesting carrying out acts provided for by this Article, the owner of the utility model shall submit a favorable report on the assessment of the criteria of protection determined by Article 71<sup>1</sup> of this Law, including involvement of inventive step, issued by Sakpatenti according to the rule established by the Instruction.

*The Law of Georgia №1918 of December 23, 2017 – website, 11.01.2018*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

#### **ARTICLE 69. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 70. (Repealed)**

*(The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 71. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **CHAPTER XI<sup>1</sup>. UTILITY MODEL**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

#### **ARTICLE 71<sup>1</sup>. Criteria of Protection of a Utility Model**

1. A utility model which is characterized by a lesser inventive step as compared with an invention and is by its essence a minor invention, is protectable if it satisfies the criteria of protection - novelty, involvement of an inventive step and industrial applicability.

2. A utility model has novelty if it does not form part of the state of the art.
3. A utility model involves an inventive step if having regard to the state of the art, it is not obvious to a person having basic knowledge in the art.
4. A utility model has industrial applicability if it can be made or used in any kind of industry, or agriculture.
- 4<sup>1</sup>. Within a substantive examination of an application on a utility model Sakpatenti shall check whether the application meets the requirements of Paragraph 1 of Article 35, excluding the assessment of involvement of inventive step.
5. The term of validity of a certificate for a utility model shall be 10 years from the date of filing an application with Sakpatenti.
6. Unless otherwise is provided in this Chapter, utility models are governed by the norms of this Law on the creation, examination, use and legal protection of inventions.
- 6<sup>1</sup>. With respect to a utility model, within the relevant norms established by this Law for creation, examination, use and legal protection of an invention, with respect to a utility model, shall apply the terms “utility model/certificate for a utility model.
7. (Repealed – 16.05.2023, №2883).
8. Repealed – 16.05.2023, №2883).
9. The rule for conducting examination of a utility model application shall be defined by the Instruction.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3278 of July 2, 2010 - LHG I, №37, 14.07.2010, Art.219*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 71<sup>2</sup>. (Repealed)**

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **CHAPTER XII. INTERNATIONAL APPLICATION**

### **ARTICLE 72. International Application**

1. The rules of this Chapter shall apply to international applications filed with Sakpatenti in accordance with the Patent Cooperation Treaty (PCT).
2. Sakpatenti shall process international applications in line with the Patent Cooperation Treaty, this Law and other normative acts.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

### **ARTICLE 73. Status of an International Application**

1. An international application indicating Georgia as a place for obtaining a national patent for an invention or utility model shall be equal to the application filed with Sakpatenti, and from the date of filing the international application shall be treated as a national application.
2. An applicant shall be granted the rights provided by Article 51 of this Law if an international application has been published in Sakpatenti in the Georgian language in accordance with Article 75<sup>1</sup> of this Law.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia № 4167 of May 15, 2024, website 29.05.2024*

### **ARTICLE 74. Sakpatenti as a Receiving Office of International Applications**

1. Sakpatenti shall act as a “receiving office” of international applications of citizens or permanent residents of Georgia.
2. Sakpatenti, in its capacity of a “receiving office” of international applications shall accept international applications filed in the Georgian, English or



Russian languages. At the same time, the postage fee for sending to competent international organizations or offices shall be paid within 1 month from the filing date of the international application.

3. In case of filing an international application in the Georgian language, the applicant shall provide a translation of the application in English or Russian within 1 month from the date of filing.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 75. Sakpatenti as a Designated or Elected Office of International Applications**

1. Sakpatenti shall act as a “designated office” with regard to international applications indicating Georgia as a place for obtaining a national patent for an invention or utility model.

2. Sakpatenti shall act as an “elected office” with regard to international applications indicating Georgia as a place for obtaining a national patent for an invention or utility model, where the inventor has selected Georgia under the provisions of Chapter II of the Patent Cooperation Treaty.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 75<sup>1</sup>. Publication of an International Application**

Sakpatenti as a “designated office” or an “elected office” shall publish the application as soon as the Georgian translation is provided.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **CHAPTER XII<sup>1</sup>. VALIDATION OF EUROPEAN PATENT**

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

## **ARTICLE 75<sup>2</sup>. European Patent Application and Validated European Patent**

1. A European patent application and a European patent validated in Georgia shall, subject to the provisions of Articles 75<sup>2</sup>, 75<sup>3</sup> and 75<sup>4</sup> of this Law, have the effect of and be subject to the same legal conditions as is determined for a national patent application filed with Sakpatenti and a national patent granted by Sakpatenti under this Law.
2. A European patent application which has been accorded a filing date shall be equivalent to a national patent application filed with Sakpatenti, where appropriate, with the priority claimed for the European patent application, regardless the outcome of patent examination of the European application.
3. A published European patent application shall provisionally confer the same rights as conferred by a published national patent application as from the date on which a translation of the claims of the published European patent application into Georgian has been made available to the public by Sakpatenti. For the publication of the translation of the claims of the European patent application into Georgian, the applicant of the European patent shall file translation of the claims of the European patent application into Georgian, the accuracy of which is the responsibility of a patent attorney, and shall pay the fee prescribed for publication.
4. A validated European patent shall confer as from the date of publication of the mention of its grant by the EPO the same exclusive rights as would be conferred by a national patent granted by Sakpatenti under this Law.
5. A European patent application for which the validation fee has been paid and a validated European patent shall have with regard to a national patent application and a national patent the same prior-art effect as a national patent application and a national patent.

6. A national patent application and a national patent shall have with regard to a validated European patent, the same prior-art effect as they have with regard to a national patent.
7. If the request for validation is withdrawn or deemed withdrawn, the European patent application shall be deemed not to have had ab initio the effects referred to in Paragraph 3 of this Article.
8. Where a European patent has been revoked in opposition by a third party or central revocation proceedings or has been limited in limitation proceedings before the EPO, the validated European patent and the European patent application on which it is based shall be deemed ab initio not to have had the effects specified in Paragraphs 4 and 3 of this Law.
9. Where a validated European patent and a national patent of one and the same applicant has the same filing date or, where priority has been claimed, the same priority date has been granted to one and the same person or his/her successor in title, the national patent shall have no effect to the extent that it covers the same invention as the validated European patent as from the date on which the time limit for filing an opposition to the European patent has expired without an opposition having been filed or as from the date on which the opposition proceedings have resulted in a final decision maintaining the European patent.

*The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023*

### **ARTICLE 75<sup>3</sup>. European Patent Validation Procedure**

1. A European patent application and a European patent granted on such an application may be validated in Georgia at the request of the applicant. The request for validation shall be deemed to be filed by the applicant for any European patent application filed on or after the date on which the validation agreement between the Government of Georgia and the European Patent Organization enters into force.

2. Sakpatenti shall publish all requests for validation as soon as possible after it has been informed by the EPO that the prescribed validation fee has been paid, but not before the expiry of 18 months from the filing date or, if priority has been claimed, not before the expiry of 18 months from the earliest priority date.
3. The request for validation may be withdrawn at any time. It shall be deemed withdrawn where the prescribed validation fee has not been paid in time or where the European patent application has been finally refused, withdrawn or deemed withdrawn. Sakpatenti shall publish the information concerning the withdrawal of the request for validation as soon as possible, if it has already published the request for validation in accordance with Paragraph 2 of this Article.
4. The validation fee shall be paid to the EPO within six months of the date on which the European Patent Bulletin mentions the publication of the European search report, or, where applicable, within the period for performing the acts required for entry into the European phase of an international application for which the EPO is designated or elected Office, and which has been accorded an international date of filing and in which Georgia is designated. The validation fees shall be payable in accordance with the EPO Rules relating to fees. The validation fee paid under the rule prescribed by this Law shall not be refunded.
5. The validation fee may still be validly paid within an additional period of two months of expiry of the relevant period referred to in Paragraph 4, provided that a 50% surcharge on the fee is paid within the additional period.
6. Within three months of the date on which the mention of the grant of the European patent has been published by the EPO, the patent owner shall furnish to Sakpatenti the Georgian translation of the patent specification (the description of an invention, the claims, the drawings, the abstract), the accuracy of which is the responsibility of a patent attorney, and pay the fee prescribed for publication in Georgia.

7. If, as a result of an opposition of a third party or a request for limitation filed with the EPO, the European patent is maintained in amended form, the patent owner shall, within three months of the date on which the mention of the decision to maintain the European patent as amended or to limit it was published, furnish to Sakpatenti the Georgian translation of the European patent specification as amended or limited (the description of an invention, the claims, the drawings, the abstract), the accuracy of which is the responsibility of a patent attorney, and pay the fee prescribed for publication.
8. Where the text of claims contains reference signs used in the drawings, such drawings shall be attached to the translation referred to in Paragraphs 6 and 7 of this Article.
9. Sakpatenti, in accordance with the rule prescribed by the Instruction, shall check the compliance of the translation of the claims of the validated patent filed under Paragraph 6 or 7 of this Article with the authentic text and in case of identification of essential deficiencies shall request from the patent owner to submit a corrected translation through a patent attorney.
10. If the requirements provided by this Law are met, Sakpatenti shall publish the translation duly filed under Paragraph 6 or 7 of this Article as soon as possible.
11. If the translation specified in Paragraph 6, 7 or 9 of this Article is not submitted in due time or the publication fee is not paid in due time, the validated European patent shall be deemed to be void ab initio. The translation may still be validly filed within an additional period of three months of expiry of the relevant periods referred to in Paragraphs 6 and 7 of this Article, provided that a 100% surcharge on the publication fee is paid within the additional period.
12. For maintenance in force of the validated European patent, annual fee shall be paid in accordance with Article 47.
13. The rule of implementation for acts provided by this Article shall be

determined by the Instruction.

14. The proceedings for granting a patent as prescribed by this Law shall not apply to a European patent application.

The Law of Georgia №2883 of May 16, 2023– website, 01.06.2023

## **ARTICLE 75<sup>4</sup> Authentic Text of a European Patent Application or a European Patent**

1. The Georgian translation of claims of a European patent application or of the specification of a validated European patent published by Sakpatenti shall have the compulsory legal effect on the territory of Georgia for third parties.

2. Notwithstanding the requirement determined by Paragraph 1 of this Article, in the revocation proceedings, if a deficiency is identified in the Georgian translation of the authentic text of the European patent, only the Georgian translation brought in compliance with the authentic text of the European patent shall be deemed to have legal effect.

3. The applicant for a European patent or the owner of a validated European patent may, at any time, submit a corrected translation through a patent attorney. The corrected translation of the claims of a published European patent application as well as the corrected translation of the specification of a validated European patent shall not have any legal effects until it is made available to the public by Sakpatenti, in accordance with the rule prescribed by the Instruction, and the prescribed fee for publication is paid.

4. Any person who, in good faith, uses or has made effective and serious preparations for using an invention, the use of which would not constitute infringement of the application or patent in the original translation, may, after the corrected translation takes effect, continue such use in the course of his/her business or for the needs thereof without payment of any fee.

## **CHAPTER XIII. TRANSITIONAL PROVISIONS**

### **ARTICLE 76. Application of the Norms of this Law to Earlier Established Relations**

1. An application in the process of patent examination by the date of the entry into force of this Law shall continue to be subject to the proceedings, including granting of a patent, in accordance with the Decree of the Cabinet of Ministers of Georgia No 302 of March 16, 1992 “On Approving and Enacting of the Statute on Inventions” and Decree No 303 of March 15, 1992 “On Approving and Enacting of the Statute on Industrial Designs”.
2. An application filed with Sakpatenti on the basis of author’s certificate of invention issued by the former USSR may be granted a patent of Georgia unless by the date of its filing with Sakpatenti 20 years have lapsed from filing an application for an invention in USSR office.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

## **CHAPTER XIV. FINAL PROVISIONS**

### **ARTICLE 77. Measures Related to Enactment of this Law**

1. This law shall enter into force after 3 months from the publication.
2. Along with the enactment of this Law, taking into account the Transitional Provisions, Decree of the Cabinet of Ministers of Georgia No 302 of March 16, 1992 “On Approving and Enacting of the Statute on Inventions” and Decree No 303 of March 15, 1992 “On Approving and Enacting of the Statute on Industrial Designs” shall be considered annulled.

2<sup>1</sup>. Order of the President of Georgia No 223 of May 8, 2002 “On Patent Attorneys of Georgia” shall be considered annulled.

3. (Repealed).

4. The President of Georgia shall ensure the compliance of Order No 451 of October 16, 2000 “On Approving the Statute on “Protection and Use of Secret Invention and Utility Models” with this Law.

5. Sakpatenti shall draft and submit to the Government of Georgia for approval:

a) (Repealed);

b) the fees for the service related with patenting, registration and deposition of intellectual property subject-matters.

6. Sakpatenti shall enact the statute on patent attorneys of Georgia.

7. The Chairman of Sakpatenti shall enact the instruction “On Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent”.

*The Law of Georgia №295 of May 11, 2000 – LHG I, №17, 12.05.2000, Art. 41*

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

*The Law of Georgia №3741 of October 26, 2010 – LHG I, №62, 05.11.2010, Art. 381*

## **ARTICLE 78. Status of Patents Granted before Enactment of this Law**

Patents granted before enactment of this Law shall be equal to patents granted under this Law.

*The Law of Georgia №3031 of May 4, 2010 – LHG I, №27, 24.05.2010, Art. 183*

President of Georgia Eduard Shevardnadze

Tbilisi,

February 5, 1999



№1791-IIS