

Resolution of the
Government of Georgia
N181 of July 3, 2010 Tbilisi

On Approval of the Statute on the Legal Entity of Public Law –
National Intellectual Property
Center of Georgia “Sakpatenti”

Article 1. In accordance with Paragraph 1 of Article 8 of the Patent Law of Georgia, the attached Statute on the Legal Entity of Public Law – National Intellectual Property Center of Georgia “Sakpatenti” shall be approved.

Article 2. The Resolution shall enter into force upon the entry into force of the Order of the President of Georgia on Declaring Invalid Order of the President of Georgia №392 of June 28, 1998, “On the National Intellectual Property Center Sakpatenti”.

Prime Minister

Nika Gilauri

Approved by Resolution of the
Government of Georgia
N181 of July 3, 2010

Statute on the Legal Entity of Public Law –

National Intellectual Property
Center of Georgia "Sakpatenti"

Article 1. General Provisions

1. The Legal Entity of Public Law - the National Intellectual Property Center of Georgia "Sakpatenti" (hereinafter Sakpatenti) is an independent body functioning in the field of the intellectual property protection, providing legal protection of intellectual property objects in accordance with the legislation in the field of intellectual property.

2. Sakpatenti carries out its activity in accordance with the Constitution of Georgia, international treaties and agreements, the Patent Law of Georgia, the Trademark Law of Georgia, the Law of Georgia on Design, the Law of Georgia on Appellations of Origin and Geographical Indications of Goods, this Statute and other legal acts.

3. Sakpatenti has a symbol, a seal representing a small State Emblem and its own name, independent balance, account in the state treasury and bank accounts allowed by the legislation and other details of a legal entity of public law.

4. In fulfilling its obligations under the legislation of Georgia Sakpatenti is authorized to represent the state.

Article 2. Basic Objectives of Sakpatenti

The main objectives of Sakpatenti include:

a) carrying out specific activities for the development and improvement of the intellectual property protection system in the country;

b) defining the priority directions in the field of intellectual property and their implementation;

c) defining the policy in the field of intellectual property and its implementation;

d) defining priority directions for cooperation with international organizations and foreign countries in the field of intellectual property and fulfillment of international obligations;

e) cooperating with the relevant state bodies of foreign countries and international organizations;

f) facilitating the development of the scientific-technological and artistic-creative potential of the country and the formation of a fair competitive environment in order to ensure the legal protection of acquisition of rights in intellectual property objects (invention, utility

model, design, new plant variety, new animal breed, trademark, appellation of origin, geographical indication, integrated circuit, scientific, literary and artistic work, copyright and related rights)

- g) providing public with information regarding issues related to intellectual property;
- h) fulfilling other tasks defined by the legislation of Georgia.

Article 3. Main Functions of Sakpatenti

The main functions of Sakpatenti include:

a) examination of applications for the intellectual property objects according to the rule established by the legislation, issuing relevant documents and keeping registers of intellectual property objects;

b) hearing of appeals of applicants and third parties in connection with the intellectual property objects and taking decisions at the Chamber of Appeals functioning at Sakpatenti;

c) drafting of proposals concerning the participation of Georgia in international agreements and treaties related to intellectual property;

d) implementation of projects and relevant activities by Sakpatenti on the local and international levels in order to fulfill functions under this Statute and the legislation of Georgia;

e) publication of materials in connection with protection of the intellectual property objects, including publication of the Official Bulletin of Industrial Property of Georgia;

f) carrying out procedures related to international applications;

g) preparation of draft laws and other normative acts related to intellectual property;

h) formation and maintenance of automated databases of intellectual property objects;

i) conducting patent attorneys' certification, registration, formation and maintenance of their register;

j) promotion of activity of collective management organizations (societies) for the facilitation of protection of economic rights of copyright and related rights holders, their heirs and other successors.

k) supporting development of copyright and related rights field;

l) carrying out scientific-research work in the intellectual property field, publication and dissemination of information and cognitive brochures and other materials, preparation and

publication of comments on legislative acts and international agreements, which are in force in Georgia;

m) implementation of various activities to raise public awareness on intellectual property issues;

n) fulfilling other functions in accordance with the legislation of Georgia.

Article 4. Scope of Authority of Sakpatenti

Sakpatenti is authorized:

a) to grant relevant documents on the intellectual property objects on behalf of the state of Georgia, in accordance with the law;

b) to represent Georgia at the World Intellectual Organization and other relevant international organizations dealing with intellectual property;

c) within its competence, to take relevant decisions and coordinate state policy on intellectual property on the basis of legislation in force in the field of intellectual property;

d) to consider and take decisions on disputes related to the decisions of Sakpatenti taken in connection with intellectual property objects as well as those related to the criteria of their protection, patent granting and registration of other objects of industrial property, to recognize a trademark as a well-known by the Chamber of Appeals, a body hearing disputes at Sakpatenti;

d¹) to carry out necessary activities for the registration and protection of an appellation of origin or a geographical indication that is protected in Georgia in another country, if the applicant of the appellation of origin or a geographical indication at the time of its registration at Sakpatenti represents a public authority or a legal entity of public law;

e) to hold seminars, conferences and other events on intellectual property issues;f) to send to a mission Sakpatenti staff in order to acquire professional development and experience, to participate in seminars, conferences and other events;

g) to carry out other duties under the legislation of Georgia.

h) to implement target projects in terms of development of intellectual property system and innovation activities in the state;

i) to create legal entities under private law, independently or with other subjects, in accordance with the legislation of Georgia, in order to achieve their own goals, with agreement of the Government of Georgia.

Article 5. Sakpatenti Property and Revenues

1. Sakpatenti property is the main and current assets accounted on the independent balance of Sakpatenti.

2. Sakpatenti has a right to acquire and dispose property independently other than real estate. Sakpatenti shall acquire and dispose real estate on the basis of the agreement with the Prime Minister.

3. Funding of Sakpatenti is carried out by:

a) revenues received from services linked with patenting, registration and deposition of intellectual property objects;

b) other revenues allowed by the legislation of Georgia, including funds received from the state budget of Georgia.

4. Sakpatenti revenues shall be used for carrying out tasks, functions and powers imposed on it by the legislation and fulfilling other objectives by Sakpatenti under the law of intellectual property.

5. Sakpatenti is authorized, if necessary, in accordance with the established rule, to take a loan or sign a deposit agreement with a bank.

6. Sakpatenti carries out accounting according to the rule established by the legislation.

Article 6. Management of Sakpatenti

1. Sakpatenti is headed by a chairman, who is appointed to the post and dismissed by the Prime Minister of Georgia. The chairman of Sakpatenti is appointed for a four-year term.

2. The chairman of Sakpatenti:

a) manages and governs Sakpatenti activity, coordinates Sakpatenti activity;

b) takes decisions on issues within Sakpatenti competence;

c) is authorized to delegate the decision of some issues within its competence to another employee of the service;

d) issues an individual administrative-legal act;

e) represents Sakpatenti before third parties;

f) without a power of attorney acts on behalf of Sakpatenti, manages Sakpatenti property, concludes contracts, issues powers of attorney, in accordance to the legislation opens current and/or deposit accounts in commercial banks, in order to earn extra income;

g) defines and approves the statute on structural subdivisions of Sakpatenti and internal regulations;

h) defines and approves Sakpatenti's staff list and the amount of fees of employees;

i) approves the rules of internship at Sakpatenti, appoints and dismisses interns;

j) in accordance with the legislation, through a competition appoints to the position and dismisses Sakpatenti employees, determines and approves the qualification requirements of the employees;

l) takes decisions on encouragement, issuance of salary supplements and disciplinary responsibility of Sakpatenti employees;

m) determines and approves qualification requirements of patent attorneys;

n) approves Sakpatenti budget with the consent of the Prime Minister of Georgia;

o) in carrying out the functions of Sakpatenti, is authorized to establish a scientific-advisory Board and determines its composition and authority.;

p) fulfills other rights and duties provided by the legislation.

3. The chairman of Sakpatenti has deputy chairmen, who are appointed and dismissed from the post by the chairman of Sakpatenti. In the absence of Sakpatenti chairman, his duties shall be fulfilled by one of the deputy chairmen.

4. The chairman of Sakpatenti may have advisors, with or without remuneration, who are appointed and dismissed by the chairman of Sakpatenti.

Article 6¹. Structure of Sakpatenti

1. The structural units of Sakpatenti are:

a) Administrative Department;

b) Department of Invention and New Varieties;

c) Department of Trademarks, Geographical Indications and Design;

d) Legal Department;

e) Department of International Relations;

f) Finance and Economics Department;

- g) Internal Audit Department;
 - h) Service Department;
 - i) Public Relations Service.
2. Relevant structural subdivisions may be established within Sakpatenti structural units.
 3. By the decision of the Chairman of Sakpatenti, an intellectual property training center may be established within Sakpatenti, the statute of which shall be approved by the Chairman of Sakpatenti.

Article 7. Sakpatenti Accountability

Sakpatenti shall be accountable before the Prime Minister of Georgia.

Article 8. Final Provisions

1. Reorganization and liquidation of Sakpatenti shall be carried out by the rule established by the legislation.
2. Amendments and additions shall be entered into the Statute on Sakpatenti by a resolution of the Government of Georgia.