Order № 1 of the Chairman of the Legal Entity of Public Law National Intellectual Property Center of Georgia – Sakpatenti

January 12, 2024

Tbilisi

On Approval of Instruction "On Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent"

In accordance with Article 8^1 of the "Patent Law of Georgia", Article 2(a) of the Law of Georgia of June 1, 2023 №2883-XIმს-Xმპ on Making Amendment to the "Patent Law of Georgia" and Article 25(1)(b) of the Organic Law of Georgia "On Normative Acts":

1. The attached Instruction "On Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent" shall be approved.

2. The application forms for obtaining a patent/utility model certificate shall be approved.

3. Order №04 of the Chairman of Legal Entity of Public Law National Intellectual Property Center of Georgia – Sakpatenti of December 14, 2011, On Approval of Instruction "On Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent" shall be invalidated.

4. This order shall enter into force upon its publication and its effect shall be applying to those applications for inventions and utility models on which proceedings were initiated at the National Intellectual Property Center of Georgia – "Sakpatenti" from the date of the entry into force of the Law of Georgia "On Making Amendment to the Patent Law of Georgia", from June 2, 2023. On applications for inventions and utility models on which proceedings are carried out before the entry into force of the Law of Georgia "On Making Amendment to the Patent Law of Georgia", Order №04 of the Chairman of Legal Entity of Public Law National Intellectual Property Center of Georgia – Sakpatenti of December 14, 2011, On Approval of Instruction "On Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent" shall apply.

Chairman of Sakpatenti Soso Giorgadze

Instruction on Procedures Related with

Drafting and Filing Applications for Inventions and Utility Models

and Granting a Patent

Section I

Invention

Chapter I

General Provisions

Article 1. Field of Regulation of the Instruction

The present Instruction is developed in accordance with the "Patent Law of Georgia" and defines procedures related with drafting and filing applications for inventions and utility models and granting a patent/utility model certificate

Article 2. Definition of Terms

Terms used in the Instruction shall have the following meaning:

a) Law – the "Patent Law of Georgia";

b) National Intellectual Property Center – "Sakpatenti" (hereinafter referred to as Sakpatenti) – Legal Entity of Public Law defined by the "Patent Law of Georgia";

c) International code – Two-digit number code adopted by an international agreement, approved by the standard St. 9 of the World Intellectual Property Organization (WIPO), for identification of bibliographic data related to patents;

d) Country code – Two-digit code approved by WIPO Standard ST.3, corresponding to the names of countries, intergovernmental and other organizations;

e) International Classification – Strasbourg Agreement of 1971 on the International Patent Classification;

f) Prescribed fee – fee approved by the Resolution of the Government of Georgia №182 of July 3, 2010, "On Approval of Fees for the Service Related with Patenting, Registration and Deposition of Intellectual Property Subject-Matters";

g) Term for Entry into the National Phase – in case of an international application for which Sakpatenti acts as a designated or elected office, the term for filing the application with Sakpatenti to receive a national patent for an invention or utility model, which is 31 months from the date of priority;

h) WIPO Digital Access Service "DAS" (hereinafter referred to as "DAS") – the electronic system of WIPO, allowing priority documents provided for by the Paris Convention to be exchanged securely between the participating intellectual property offices;

i) Person skilled in the art –a hypothetical person who has standard and general knowledge of the field at a given moment of time. It is deemed that he/she has access to the prior art, particularly the documents cited in the search report and has the means and ability to perform routine experiments;

j) ePCT system – the electronic system of the World Intellectual Property Organization (WIPO), through which it is possible to file an international application, process it, send it between offices and communicate with the applicant in electronic format.

k) Application materials - documents provided for by Article 24(1) of the Law.

Chapter II

Application Form and Rule of its Filing

Article 3. Application

An application shall include:

a) a request for obtaining a patent;

b) the description of an invention;

c) claims;

d) drawings and other documents, if they are necessary to explain the essence of the invention;

e) the abstract of the invention, which is only informational in its nature.

Article 4. Documents Attached to an Application, Rule and Terms of their Filing

1. An application shall be filed with Sakpatenti on paper or using Sakpatenti electronic filing system of intellectual property subject-matters (hereinafter referred to as the electronic system) – https://online.sakpatenti.gov.ge/. In case of filing application materials on paper, an electronic copy of the application materials on an electronic data carrier (e.g. on CD-ROM) shall be attached to it. Application materials filed in electronic form shall be created in "doc" format using *Sylfaen* font.

2. In case of filing application materials with Sakpatenti on paper, documents of all types within the proceedings shall be sent to the applicant on paper.

3. In case of filing application materials with Sakpatenti using the electronic system, documents of all types within the proceedings shall be sent to the applicant through Sakpatenti electronic system and shall be regarded as delivered as soon as it is reflected in the system. From this moment the computation of periods stipulated by the legislation for all relevant subsequent actions shall start.

4. After electronic filing of an application with Sakpatenti, if the applicant requests continuation of proceedings on paper, from the day of such a request the reduction on fees related with electronic proceedings provided for by the legislation shall no longer apply to the application, if such a reduction exists.

5. After filing of an application with Sakpatenti on paper, the applicant may request continuation of proceedings electronically. In this case the reduction on fees related with electronic proceedings provided for by the legislation shall not apply to the application, if such a reduction exists.

6. To inform additionally, a short text message may be sent to the applicant concerning the actions related with the application.

7. The rule of proceedings provided for in Paragraphs 2 and 3 of this Article shall also apply to the proceedings after granting a patent.

8. The request shall be filed in the state language of Georgia, on the special form of request, approved by the Chairman of Sakpatenti, and other application materials - in any language.

9. Application materials, filed in a foreign language, shall be accompanied by a translation into the Georgian language within two months from the date of filing, otherwise, the proceedings on the application shall be terminated.

10. The applicant shall ensure the authenticity of the translation.

11. If the application is filed through the assignee of the inventor or the representative of the applicant, and the application is not accompanied by the original of the document confirming assignment or representation, the applicant shall submit the original of the document confirming assignment or representation or its duly certified copy within two months from the date of filing the application.

12. If the applicant uses a beneficial fee approved by the government, the document confirming this shall be filed with Sakpatenti within 2 weeks from the date of filing the application.

13. If the application refers to a strain of micro-organisms, a consortium of strains, a cell, a cell culture, a monoclonal antibody or other similar objects, the application shall be accompanied by a document certifying deposition, issued by the depository, which includes the name of the depository, name of the material submitted for deposition, registration number of the deposited material, date and full description of the material. The material for deposition shall be submitted no later than the date of filing the application with Sakpatenti. The document certifying deposition may be filed within two months from the day of filing of the application.

14. If an application contains nucleotide or amino acid sequence, the applicant, within two months from filing the application, shall attach to the application a list of appropriate sequence according to WIPO standard St. 25.

15. If the inventor wishes his/her name to remain anonymous, the application shall be accompanied by a relevant request of the inventor.

Article 5. Form of Request

1. A request for obtaining a patent shall be submitted on a request form, approved by the Chairman of Sakpatenti.

2. The request shall be made in the Georgian language in printed form.

3. The request shall include:

a) Name(s) and surname(s) of the applicant(s) (international code -71); in case of a legal entity, name of the legal entity;

b) Address or the permanent residence of the applicant(s), indicating the country code of nationality. In case of a legal entity, address of the legal entity, indicating the country code of the legal entity;

c) Address for correspondence in Georgia, full name or title of addressee, phone number, e-mail address and fax number;

d) Relevant indication if the applicant is simultaneously the employer;

e) In case of requesting convention priority, the number of the first application (international code 31), date of filing the first application (international code 32), code of the country/office receiving the first application (international code 33);

f) In case of requesting exhibition priority, the date of presentation of the invention at the exhibition (international code 23);

g) Title of the invention (international code 54);

h) if the application is filed through the representative of the applicant, the name, address, telephone, e-mail address of the representative (international code 74);

i) An indication whether the creation of the invention is linked with carrying out official duties or fulfillment of an order;

j) The inventor's name, surname and address with the indication of the country code of nationality (international code 72);

k) In case of entry into the National Phase of an international application, international application number and international filing date (international code 86);

l) In case of a divisional application, application number and filing date of the earlier application (international code 62).

m) List of attached documents, with indication of the number of copies and pages.

4. In case of existence of additional materials, they shall be attached to the application and the purpose shall be indicated.

5. If at the time of filling out the request, according to Paragraph 3(d) of this Article, it is indicated that the applicant is simultaneously the employer, the applicant shall not be obliged to submit in addition an agreement concluded between the applicant and the employer.

6. The form shall be signed and dated by the applicant, authorized person or representative by the date of signature, indicating the full name and surname of the signatory.

7. Application materials may be changed only upon the written request of the applicant.

Article 6. Description of an Invention

1. A description of an invention is intended to support the scope of the protection defined by the invention. The description of the invention shall convey the essence of the invention and possibility of its implementation so clearly that a person skilled in the art could realize it.

2. The description of the invention shall include the following:

a) title of the invention, which shall coincide with the title indicated in the application;

b) pertinent art, to which the invention belongs;

c) the state of the art to the extent known to the applicant;

d) essence of the invention;

e) effect achieved by the invention;

f) short description of the figures, if drawings are attached to the application;

g) detailed description of the implementation of the invention.

3. Proceeding from the essence of the invention and practical considerations of the description of the subject-matter, it is permissible to submit a description of the invention in different form if it is more convenient for conveying the essence of the invention.

Article 7. Title of an Invention

The title of an invention shall be compatible with the essence of the invention, it shall be clear, concise and shall not consist of more than ten words. The title of an invention shall not contain proper or imaginary names.

Article 8. Pertinent Art

In the description of the invention the scope of use of the invention and the pertinent art shall be indicated. If there are several of these arts, it is desirable to indicate first the art to which preference is given according to the International Classification.

Article 9. The State of the Art

1. The state of the art shall be conveyed clearly. It is desirable that in this part of the invention the data known to the applicant from the state of the art before the priority date on the basis of the relevant information source be indicated.

2. Any publicly available information is used for the description of the state of the art.

3. It is desirable that at the time of description of the state of the art the reasons due to which it was impossible to solve the task set by the invention be indicated.

Article 10. The Essence of the Invention

The essence of the invention shall be represented by the concepts corresponding to the claims and the set of features which clarifies the technical task set by the invention and the possibility of its solution (even if the task is not explicitly defined).

Article 11. Short Description of Figures

A short description of figures of the attached drawings shall be represented in the description of an invention, with the indication of relevant numbering and title.

Article 12. Detailed Description of Implementation of an Invention

1. The detailed description of an invention shall demonstrate the way of solving the technical task set by the invention.

2. If the invention is related to a device, the detailed description shall contain a description of the device in statics and/or dynamics, with the indication of figures and positions. In addition, in statics numbers shall be indicated in increasing sequence, except the cases where the violation of the sequence is caused by a necessity.

3. If the invention is related to a method, the detailed description shall contain data on the operations necessary for its implementation, their sequence and the performance conditions, parameters and modes. In addition, if required, data on the devices and materials used in the method shall be indicated.

4. If the invention is related is related to a physicochemical substance or that obtained by mechanical mixing of components, the detailed description shall contain the list of components, and if their quantity is an essential feature of the invention – the limit values. In addition, if a characteristic of individual components is an essential feature, the detailed description shall also contain physical state, sizes and other relevant data.

5. If the invention is related to a substance obtained in chemical way, the detailed description, if necessary, shall contain the structural formula, physicochemical characteristics and method of production. The data on the

areas of use of the chemical compound and implementation of use shall also be given.

6. If the invention is related to a substance and it is impossible to describe it by features characteristic of the substance, in the detailed description it may be characterized by means of a method.

7. If the invention is related to a use of a product, in the detailed description the possibility of use of the product for achieving the goal set by the invention shall be demonstrated.

Article 13. Detailed Description of a Biotechnological Invention

1. A biotechnological product contains:

a) a biological material which is separated from natural environment or obtained through other technical methods;

b) a plant or an animal, if the essence of the invention (or their technical implementation) is not limited to a separate plant variety or animal breed;

c) microbiological or other technical processes or products obtained through this process.

2. If invention relates to a sequence of a gene or its fragments, separated from a human body or obtained by other technical method, industrial applicability of this object shall be demonstrated in the detailed description of the invention.

3. If biological material is not publicly available and its description in the application is not possible to a degree that its implementation is obvious for a person skilled in the art, the application shall be accompanied by a document of deposition of this material, which has been issued by the Depository.

Article 14. Detailed Description of a Medical Product

1. If the invention is related to a medical product and/or a method of its obtaining, the detailed description together with the data indicated in Article 12 shall contain:

a) data on medical indications of the product;

b) data confirming that use of the product for medical purposes is possible, data on pharmaceutical forms of the product, their dosage and ways of introducing into the organism;

c) data confirming the possibility of the realization of the product ability with a relevant purpose, including data on the effect of this product on definite links of physiological or pathological processes or on connection with them.

2. If a medical product and/or the active ingredient contained in it is known from the state of the art, the detailed description shall contain the data which will confirm clearly the possibility of solving the technical task set in the invention. In such a case, the detailed description may not contain all the data indicated in Paragraph 1 of this Article.

Article 15. Claims

1. Claims define the scope of legal protection of an invention. The claims shall be conveyed with the appropriate technical features characteristic of the subject-matter of the invention (product, device, method, use).

2. Claims shall be based on the description of the invention.

3. Claims may consist of one or several claims.

4. Claims consisting of several claims shall contain at least one independent claim. Each claim shall be clearly set out and shall consist of one sentence. Each independent claim may have a claim or claims depending on it.

5. An independent claim shall contain essential features of the invention which are necessary for implementation of the invention.

6. Each independent claim shall reflect one invention.

7. An independent claim shall consist of known and characterizing parts. Between known and characterizing parts the phrase – “characterized in that”.

8. In the known part of an independent claim features shall be given that are known from the state of the art in connection with the invention. The features given in the known part shall correspond to the state of the art cited in the description of the invention.

9. In the characterizing part of an independent claim features of the invention shall be given that distinguish it from the state of the art and together with the totality of features indicated in Paragraph 8 of this Article define the invention.

10. An independent claim may not be divided into known and a characterizing part if, proceeding from the peculiarities of essence of the invention, a better characterization of the invention is possible in another way.

11. Notwithstanding the requirement of the unity of an invention, claims may contain two or more independent claims of different or the same category of the invention (method, device, substance, use, etc.).

12. A dependent claim shall contain a reference to the claim on which it depends and the features conveyed in it shall specify the feature conveyed in the independent claim and/or shall develop the features of the invention in the form of an embodiment.

13. If claims contain several claims, they shall be numbered in order in Arabic numerals.

14. Claims shall not contain reference to the description of the invention and figures. The application shall contain reference to the position of figures in the claims if this substantially facilitates conveying the claims. In this case the positions are indicated by numbers in brackets.

15. The use of terms and abbreviations in the claims that make the invention indefinite shall not be permissible. Terms and abbreviations accepted in the given field shall be used in the claims.

16. In the claims and description of the invention the unity of terminology shall be observed. If an unknown term is introduced, it shall be explained at the first instance of its use in the description of the invention.

17. All dependent claims of the claims containing a reference to one or more preceding claims shall be grouped together.

18. A claim may include alternative features. The number of alternatives shall be reasonable and shall not complicate the definition of the subject-matter of the claims. Alternative features shall have similar nature and shall be interchangeable.

19. It shall be permissible to include alternative features in the claims if each alternative feature in combination with other features of the claims ensures solution of one and the same task and achievement of one and the same (common) technical result.

20. In the claims which refer to use, it shall not be allowed to use alternative concepts that define different fields of use.

21. A claim shall not be characterized only by the technical result to be achieved.

22. In case of a substance, a claim shall not be characterized only by the purity of the substance.

23. In case of a pharmaceutical composition, a claim shall not be characterized only by the pharmacokinetic characteristics of the pharmaceutical composition.

24. In case of a chemical substance, an independent claim shall be characterized by the chemical name of the substance and/or the chemical structural formula.

25. In case of a chemical substance or composition, its characterization in the claims by the method of obtaining is allowed only if it is impossible to describe it with the features characteristic of the substance or composition.

26. In case of the crystalline form of a chemical substance, an independent claim shall be characterized by essential features characteristic of the crystalline form, for example, data of X-ray diffraction of the crystal, thermogram data of the crystal, etc.

27. In case of a composition, an independent claim shall be characterized by the qualitative and/or quantitative characteristics of the constituent components of the composition.

28. In case of a protein, an independent claim shall be characterized by the amino acid sequence.

29. In case of DNA or RNA, an independent claim shall be characterized by the nucleotide sequence.

30. In case of a microorganism strain, an independent claim shall be characterized by its Latin name, purpose and international deposition number.

31. In case of a medical use of a new product (substance or composition), an independent claim shall be formulated in the form of one of the following options:

a) use of product (substance or composition) X for preparation of a medicine for treatment of disease Y;

b) use of product (substance or composition) X for production of a means for diagnostics for disease Y;

c) product (substance or composition) X for use in medicine;

d) product (substance or composition) X for use as a medicine;

e) product (substance or composition) X for use in treatment of disease Y;

f) product (substance or composition) X for use in diagnostics of disease Y;

g) product (substance or composition) X for use in a method for treatment of disease Y;

h) product (substance or composition) X for use in a method for diagnostics of disease Y.

32. In case of the first medical use of a known product (substance or composition) (Article 12(7) of the Law), an independent claim shall be formulated in the form of one of the following options:

a) product (substance or composition) X for use in medicine;

b) product (substance or composition) X for use as a medicine;

c) product (substance or composition) X for use in treatment of disease Y;

d) product (substance or composition) X for use in diagnostics of disease Y;

e) product (substance or composition) X for use in a method for treatment of disease Y;

f) product (substance or composition) X for use in a method for diagnostics of disease Y.

Note: In case of all the above-mentioned options of an independent claim, the subject-matter of the claims is the product (substance or composition) which is limited by the purpose.

33. In case of the second or further medical use of a known product (substance or composition) (Article 12(8) of the Law), an independent claim shall be formulated in the form of one of the following options:

a) product (substance or composition) X for use in treatment of disease Y;

b) product (substance or composition) X for use in diagnostics of disease Y;

c) product (substance or composition) X for use in a method for treatment of disease Y;

d) product (substance or composition) X for use in a method for diagnostics of disease Y.

Note: In case of all the above-mentioned options of an independent claim, the subject-matter of the claims is the product (substance or composition) which is limited by the purpose.

34. In case of the first or further medical use of a product (substance or composition), it is not allowed to characterize an independent claim only by the mechanism of action of the product (substance or composition), for example, by acting on receptors, inhibiting protein activity, acting on gene expression, etc.

35. In case of the first or further medical use of a product (substance or composition), it is not allowed to formulate an independent claim in the following form: use of product (substance or composition) X for treatment/diagnostics of disease Y.

Note: In case of formulation of an independent claim in the form provided by Paragraph 35 of this Article, it shall be considered that it is a method for treatment/diagnostics, for which, according to Article 17 of the Patent Law of Georgia, a patent shall not be granted.

36. In case of use of a known product (substance or composition) for a new, non-medical purpose, the new purpose shall be clearly and unambiguously indicated in an independent claim. Accordingly, an independent claim shall be formulated in the form of one of the following options:

a) use of product (substance or composition) X for purpose Y. For example, use of substance X to protect metal from corrosion;

b) use of product (substance or composition) X as agent Y. For example, use of substance X as an anti-corrosion agent.

37. In case of a device (a product or construction or any material object with a specific purpose), the totality of features given in the claims shall characterize it as a whole in a static state, whereas the features characteristic of the device are: elements i.e. details, nodes, aggregates and the like, mutual arrangement of elements, interconnection between

elements, the shape of elements or the interconnection between them, the material from which it is made, the ratio of the sizes of elements, the environment which performs the function of an element, etc.

38. In case of a method, the totality of features given in the claims shall characterize the process of impacting on a material object through a material object, whereas the features characteristic of the method are: actions or operations, their combination, the sequence of actions or operations, the form and modes of performing actions or operations (temperature, pressure, concentration, time, etc.), the ratio of materials used in performing of actions or operations, use of equipment and/or materials in performing of actions or operations.

39. In case of a claim of one category (product, device, method, use), it is also allowed to use features of another category. For example, a device may be characterized by the function it performs, or a process may be characterized by the structural features of the device through which this process is performed, or an element of the device may be

characterized by the way of its manufacturing. However, in such claims, the claims related to a product, device, or system and the claims related to a method, activity, or use shall be separated clearly.

40. Determination of features in the claims by parameters (including quantitative features) is allowed if it cannot be characterized otherwise and provided that these parameters can be accurately and reliably determined by the instructions disclosed in the description or by objective methods recognized in the given field.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 16. Mathematical Formulas

1. In the description and claims mathematical expressions (formulas) and symbols can be used.

2. The form of recording mathematical expressions (formulas) is not restricted.

3. All letter signs contained in a mathematical formula shall be defined. A definition shall be formulated in the form of a column, and at the end of each letter sign a semi-colon shall be placed. In addition, letter signs shall be defined according to the sequence of use.

Article 17. Chemical Formulas

1. In the description and claims chemical formulas can be used.

2. Formulas of chemical compounds shall be numbered. In addition, a chemical structural formula of one kind shall always be numbered by one and the same number.

3. In recording of a chemical formula universally accepted symbols of elements shall be used and relations between elements and radicals shall be indicated exactly.

Article 18. Drawings and Other Documents

1. Drawings and other documents provided for by Article 24(1)(d) of the Law shall be submitted in a case if they are necessary for explanation of the essence conveyed in the description of the invention.

2. The description of the submitted invention and drawings/other documents shall coincide with one another.

3. To better explain the essence of the invention, other documents may be submitted in the form of charts, graphs, drawings, oscillograms, tables, diagrams, etc.

Article 19. Abstract

1. Abstract is a brief description of the invention.

2. Figures, chemical or other type formulas may be included in an abstract.

3. The text of the abstract should not exceed 200 words.

Article 20. Drafting Application Materials, Terminology and Conventional Signs

1. In the description of an invention, claims and other materials, terms and abbreviations accepted for the given branch shall be used.

2. In case of introducing a new term, it shall be explained upon its first use.

3. All conventional signs shall be defined.

4. In the text of the description of an invention and claims same signs shall be spelled identically. The requirements of terminological unity apply to physical units as well as conventional signs.

5. Units of physical quantities shall correspond to the current international system of units.

6. Application materials shall not contain offensive statements, or expressions that are contrary to public order.

7. Each sheet of the description of an invention and claims shall be used only on one side. When conveying the text material, lines shall be arranged in parallel to a lesser side of the sheet.

8. Drafting each application material shall begin with from a separate sheet.

9. Each application material shall be executed on white template in the size of

210 x 297 mm.

10. The minimum margins of a sheet are: left - 25 mm, right, top and bottom - 20 mm.

11. Each sheet of the description of an invention and claims shall be numbered in Arabic numerals, by sequential numbering, starting from the first page.

12. Application materials shall be printed in black.

13. Texts of the description of an invention, claims and abstract shall be printed with no less than 1.5 interval. In addition, the letter height shall be 0.42 cm (font size 12).

Article 21. Execution of Graphic Materials

1. Representations of graphic materials shall be executed on white and straight paper, in clear black lines and strokes that will not be obliterated. Retouching and colouring of materials shall not be permissible.

2. Scale and sharpness of representations shall be selected so that at the time of their reproduction, while being reduced to a scale of 2/3, distinguishing details of letters, ciphers and other graphic signs shall be possible.

3. Ciphers shall be no less than 3.2 mm in height.

4. Drawings shall be executed without any inscriptions. Drawings, indication of which without an inscription is impossible or will cause a misunderstanding, shall be allowed as an exception.

5. Showing sizes on a drawing shall not be permissible and in case of necessity they are indicated in the description of the invention.

6. Each element in a drawing shall be executed in proportion with all remaining elements, except the cases where use of a different proportion is reasonable for clarity of the representation of the element.

7. Several figures of a drawing may be arranged on one sheet, if this arrangement is clear and separated from one another.

8. If graphical materials are located in parts of two or more sheets, they shall be arranged so that it is possible to assemble this representation by joining the parts shown on different sheets. Separate images shall be arranged so that the sheets are filled to the maximum.

9. In accordance with the description of an invention, parts of graphic images shall be indicated by Arabic numerals.

10. Same parts of an image that are represented on several figures are indicated by one and the same number.

Article 22. Claiming Priority

1. The applicant is authorized to request convention or exhibition priority in accordance with Article 30 of the Law.

2. Where applicant failed to file an application with Sakpatenti within the term indicated in Article 30 (1) and (2) of the Law due to a justifiable reason, he/she can also enjoy the right of convention or exhibition priority in case of filing the application within subsequent 2 months. The application shall be accompanied by a request for the restoration of the right of priority, as well as relevant documents and materials which confirm that the applicant missed the deadline set by Sakpatenti without fault - due to force majeure, illness, by reason of the administrative body or other justifiable reason. Sakpatenti shall study the reason(s) for missing the deadline presented by the applicant and restore the deadline if it considers the reason(s) for missing the deadline given by the applicant to be justifiable.

3. Within 16 months from the date of claimed convention priority, the applicant shall submit to Sakpatenti a copy of the first application. The copy of the application shall be certified by the Patent Office of the respective country.

4. It is also possible to submit the document provided for by Paragraph 3 of this Article using the “DAS” system.

5. Within 16 months from the date of claimed exhibition priority the applicant shall submit to Sakpatenti a document certifying presentation of the invention at the exhibition, which shall be accompanied by a duly certified Georgian translation.

6. In case of claiming convention or exhibition priority, where applicant fails to submit the relevant documents provided for by this Article, the priority will be established for the application by the date of filing the application with Sakpatenti.

Chapter III

Examination of an Application for an Invention

Article 23. Conditions of Making Amendments to Application Materials by the Applicant

1. If the applicant has submitted such a change/amendment and/or clarifications, Sakpatenti shall assess their compliance with the Law and/or the Instruction within 2 months. In the event if a fee is provided for the submitted change/amendment and/or clarifications by a Government resolution, the compliance of the change/amendment and/or clarifications with the Law and/or this Instruction shall be assessed within 2 months from the payment of the fee.

1^1. In the event if Sakpatenti considers that the change/amendment and/or clarifications submitted on the basis of Paragraph 1 of this Article shall be brought into compliance is with the Law and/or this Instruction, Sakpatenti is authorized by means of examination report and/or notification to request from the applicant to bring the application into compliance with the Law and/or the Instruction by means of making a relevant change or amendment, or to request submission of clarifications.

2. In response to the request of Sakpatenti the applicant shall make a relevant amendment to the application by submission of amended pages of the description of the invention and/or claims.

3. The applicant shall satisfy the request of Sakpatenti within 2 months from the date of receipt of the examination report and/or notification, and in case of failure to submit a response within this term, Sakpatenti within 10 working days shall terminate the proceedings on the application or shall make a decision on refusal to grant a patent.

4. In the cases provided for in Paragraph 1 or 1^1 of this Article, within 2 months from presentation of a partial and/or unjustified response, or in the event if the submitted change/amendment and/or clarifications requires payment of the prescribed fee, within 2 months from the payment of the fee, Sakpatenti by means of a notification shall repeatedly clarify to the applicant the content of the first request and shall set a term of 2 months to comply with the request. If the applicant fails to comply with the request within the term set by Sakpatenti specified by this Paragraph, within 10 working days

the proceedings on the application shall be terminated or a decision shall be made on refusal to grant a patent.

5. In relation to the cases specified in Paragraphs 1, 1^1 and 4 of this Article, the applicant and/or Sakpatenti employee who conducts substantive

examination has the right to request holding of an oral hearing, which shall be attended by the authorized persons specified by the head of a relevant department.

6. In the course of an oral hearing, a corresponding protocol shall be drawn up to be signed by the persons present at the oral hearing.

7. Sakpatenti is authorized to specify to the applicant exactly which change and/or amendment shall be entered in the application in order to bring it into compliance with the Law and the Instruction.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 24. Issuing of a Certificate from the Administrative Office and Confirmation of the Filing Date of an Application

1. Upon the receipt at Sakpatenti, application materials shall be assigned a case number, the filing date of the application materials and the number of the presented pages shall be recorded. A certificate from the administrative office, filled in on the basis of these materials shall be handed over/sent to the applicant upon the receipt of the application materials. A notification shall be sent to the applicant regarding payment of the fee for examination as to form and publication of the application (up to 30 pages of application materials), and a term of 1 month from the receipt of the notification shall be defined for payment of the fee. In case of non-payment of the fee within the defined time limit, the proceedings on the application shall be terminated.

2. If the application materials are presented in Georgian and are in compliance with the requirements set under Article 27 of the Law, Sakpatenti within 2 weeks from filing the application shall confirm the filing date, assign the application number and inform the applicant about this.

3. If it is revealed that filed application lacks any application material provided for by Article 27 of the Law, Sakpatenti shall identify the shortcoming in the application and shall send a notification to the applicant. In accordance with Article 33(2) of the Law, the applicant shall submit to

Sakpatenti the requested material within 1 month from the receipt of the notification.

4. The applicant has the right in accordance with Article 46(1)(c) of the Law to request extension of the 1-month term defined for remedying the shortcoming for not more than 6 months, in case of payment of a prescribed fee.

5. If the applicant fails to submit the application materials within the time limits defined under this Article, the application shall not be deemed filed.

Article 25. Examination as to Form

1. Within 2 weeks from the confirmation of the filing date of the application Sakpatenti shall conduct examination as to form.

2. At the stage of examination as to form Sakpatenti shall check:

a) possibility of identification of the applicant and the inventor;

b) signature of the applicant or the representative;

c) document confirming representation and/or assignment (if necessary);

d) data on the citizenship and location of the applicant (taking into consideration conditions of Articles 2 and 3 of the Paris Convention for the Protection of Industrial Property);

e) correctness of filling in priority data;

f) correctness of additional application materials indicated by the applicant;

g) number of copies;

h) whether the fee prescribed for examination as to form is paid in full;

i) in case of presentation of legal grounds for fee reduction or exemption, their correctness (copy of pension card, etc.);

j) whether the claims are presented;

k) whether the drawings are presented in the proper form, if they are indicated in the description;

l) whether the abstract is presented;

m) in case of submitting the application materials in a foreign language, whether their Georgian translation is presented;

n) in case the application is related to a strain of microorganisms, a consortium of strains, a cell, a cell culture, a monoclonal antibody and other similar objects, whether the document of deposition is presented;

o) in case if the application contains a nucleotide or amino acid sequence, whether a list of the corresponding sequence is presented;

p) other data related to the completeness and correctness of the application.

3. If the application is filed with Sakpatenti under the Patent Cooperation Treaty as a designated or elected office, at the stage of examination as to form, Sakpatenti shall not check the document provided for by Paragraph 2 (d) of this Article.

4. If during examination as to form it is identified that the document provided for by Article 4(12) of this Instruction is not submitted, the applicant shall be sent a notification on identification of a shortcoming. The applicant shall remedy the shortcoming within two weeks from the receipt of the notification, otherwise, the applicant shall pay the fee without reduction. This obligation is valid even if the applicant has already paid the fee with a reduction. In such a case, the paid fee shall be returned to the applicant.

5. If during examination as to form it is identified that the number of pages of application materials exceeds 30 pages, the applicant shall be sent a notification regarding payment of an additional fee for examination as to form and publication of the application and a term of 1 month from the receipt of the notification shall be set for payment of the fee. In case of non-payment of the fee within the defined term, the proceedings on the application shall be terminated.

6. If during examination as to form it was identified that the application satisfies the requirements of the Law and this Instruction the decision on the completion of examination as to form shall be sent to the applicant. This decision may be sent to the applicant together with the decision on confirmation of the date.

7. If during examination as to form it was identified that the application fails to satisfy the requirements of the Law and this Instruction, except the cases provided for by Paragraph 2(i) and Paragraph 5 of this Article, a notification on identifying the shortcoming shall be sent to the applicant. Within two months from the receipt of the notification the applicant shall remedy the shortcoming, otherwise, Sakpatenti shall make a decision on termination of proceedings on the application.

Article 26. Publication of an Application

1. Sakpatenti shall publish an application immediately after the expiration of 18 months from the date of priority, or before the expiration of 18 months at the request of the applicant, if the fee for examination as to form and publication of the application is paid, and in case of an international application, for which Sakpatenti acts as a designated or elected office, or application materials are filed in a foreign language, if the Georgian translation of the application is submitted.

2. The application shall be published in the form in which it was submitted on the day of filing the application or on the day of submitting the Georgian translation.

3. Sakpatenti shall enter the data of the application in the Register, publish the bibliographic data of the application in the Bulletin and publish application materials (description of the invention, claims, drawings, abstract) in the Register.

Article 27. Starting of Substantive Examination

1. Together with the decision on the completion of examination as to form, a notification on payment of the fee for substantive examination shall be sent to the applicant and a two-month term from the receipt of the notification shall be defined for payment of the fee.

1^1. If the applicant has submitted a modified version of the claims, in which the number of claims is different, the substantive examination fee shall be corrected and within 10 working days a new notification shall be sent to the applicant regarding the prescribed substantive examination fee and a 2-month period from the receipt of the notification shall be set for payment of the fee.

2. In case of payment of the fee for substantive examination within the defined time limit, Sakpatenti shall conduct substantive examination.

3. In case of non-payment of the fee for substantive examination within the defined time limit, the proceedings on the application shall be terminated and a relevant notification shall be sent to the applicant.

Article 28. Subject-Matters Not Regarded as Inventions and Patent Ineligible Subject-Matters

Pursuant to Article 35 of the Law, substantive examination shall be conducted on the application to check whether the claimed invention falls under subject-matters which are not regarded as an invention according to Article 16 of the Law, or which are patent ineligible subject-matters according to Article 17 of the Law.

Article 29. Substantive Examination of the Claims

1. In accordance with Article 35 of the Law, substantive examination of the claims shall be conducted by means of the description of the invention and drawings, in particular:

a) analysis of the claims, or each claim shall be conducted, during which the completeness of their conveying in the description of the invention shall be checked;

b) features presented in the claims, description of the invention and drawings shall be checked;

c) compliance with the requirements of Article 15 of the present Instruction shall be established.

2. If during examination as to form, upon the request of the applicant, such an amendment was made to the claims (one or more claims) which goes beyond the content of the applicationas filed, Sakpatenti shall inform the applicant that the amendment shall not be taken into account.

3. In the case of a divisional application provided for by Article 29 of the Law, it shall be checked whether the features of the claims are disclosed in the application from which it was divided. It shall also check whether the claims of the divisional application are substantively identical with the claims of the application from which was divided.

Article 30. Assessment of the Unity of an Invention

1. In accordance with Article 35 of the Law, proceeding from the claims, the unity of invention shall be checked, during which it is studied whether more than one invention is presented in the application, which are not linked with a single inventive idea.

2. If the claims contain several independent claims, it shall be checked whether there is a technical connection between the subject-matters defined by these claims, for which

one or more features contributing to the inventive step shall be defined, and then it shall be determined whether each independent claim includes at least one such or corresponding feature.

3. If it is established that at least one of the several independent claims presented in the claims does not include the feature defined by Paragraph 2 of this Article, it shall be considered that by the claims more than one invention is claimed, not united by a single inventive idea.

4. If the claims contain one independent claim and the alternative features included in it together with other features of the claims ensure solution of a different problem and/or achievement of a different technical result, it shall be considered that by the claims more than one invention is claimed, not united by a single inventive idea.

5. If in the claims which are related to the use of the subject-matter of the invention, alternative concepts are used which define different fields of use, it shall be considered that by the claims more than one invention is claimed, not united by a single inventive idea.

6. If it is established that by the presented claims more than one invention is claimed, not united by a single inventive idea, the applicant shall be sent a notification requesting clarification of the claims or division of the application within 2 months from the payment of the fee for substantive examination.

7. If the applicant fails to meet the requirements provided for by Paragraph 6 of this Article within 2 months from the receipt of the notification, Sakpatenti shall make a decision on termination of the proceedings on the application.

Article 31. Assessment of Sufficiency of Disclosure of the Description of an Invention

1. At the time of checking the sufficiency of disclosure of the description of an invention the following shall be established:

a) Compliance of the description of an invention with the requirements of Articles 6-14 of this Instruction;

b) whether in the description of the invention the content is conveyed according to the claims, so that for a person skilled in the art the possibility of implementation of the invention is clear;

c) compliance of the totality of features presented in the description of an invention and drawings with the totality of features presented in the claims;

d) whether in the claims the features are conveyed by the same concepts and terms which are given in the description of the invention;

e) the cause-and-effect relation of features, in particular, whether by their totality the possible result indicated in the description of the invention and/or ensued by implementation of the invention is achieved.

2. Broad concepts that render the subject-matter of the invention indefinite shall not be used in the description of the invention.

Article 32. Assessment of Industrial Applicability

At the time of checking the industrial applicability of an invention the following shall be checked:

a) whether the materials of the claimed invention contain reference to the purpose of the subject-matter of the invention;

b) whether it is possible to implement the invention in the form as is characterized in the independent claim, with the help of the description of the invention or by methods and/or means known prior to the priority date;

c) whether the possibility of attaining the set problem is confirmed clearly from the application materials (description of the invention, claims, drawings);

d) whether the subject-matter presented in the application contradicts commonly recognized regularities.

Article 33. Establishing Priority

1. If the convention or exhibition priority is not claimed, the application enjoys priority from the date of filing with Sakpatenti.

2. An applicant who wishes to enjoy the convention or exhibition priority shall comply with the requirements of Article 30(4) of the Law.

3. The question of establishing priority shall be solved in parallel with substantive examination.

4. In order to confirm the convention priority date, the certified copy (copies) of the first application filed earlier in a State party to the Paris Convention

or a Member of the World Trade Organization and the convention application shall be compared with one another. Sakpatenti is authorized to request a Georgian translation of the claims of the certified copy, and, if necessary, a Georgian translation of the description of the invention only in the case when the issue of establishing priority is relevant to the determination of patentability of the invention.

5. Claimed priority is established if the totality of features of the object described in the convention application is disclosed in the claims and/or description and/or drawings of the certified copy.

6. The date of filing the application with Sakpatenti may be established as an additional date for the convention application, if the essence of this application together with the essence of the first application includes the additional feature or totality of features.

7. Convention priority of an application filed with Sakpatenti shall not be established if, at the time of filing the convention application or the certified copy (copies), the terms established by Law are violated. In this case, the priority of the application shall be counted from the date of filing with Sakpatenti and the application shall not be considered as a convention application.

8. In order to establish exhibition priority, the documents certifying the object exhibited at an international exhibition or that considered as an international one shall be compared with the claims filed with Sakpatenti.

9. Exhibition priority shall be established if features of the claims are presented in the documentation about the exhibition. Otherwise priority shall be established by the date of filing the application with Sakpatenti.

Article 34. Search

1. According to Article 35 of the Law, in order to assess the novelty and involvement of an inventive step of an invention, Sakpatenti shall conduct search.

2. Search shall be conducted with respect to all claims of the invention.

3. Search shall be conducted fully and may be terminated when several documents are revealed in which the totality of features of the invention is disclosed.

4. As a result of search the International Classification Index of the invention shall be specified.

5. On the basis of the search results, a search report shall be drawn up, which includes the list of documents revealed as a result of the search. The search report shall be accompanied by the search history, which reflects search queries used during the search.

Article 35. Examination of Novelty

1. After examination as to form, Sakpatenti shall conduct examination of novelty.

2. During examination of novelty an examination report shall be drawn up, which covers analysis of the revealed documents, as well as evaluation whether the totality of the features given in the claims is known from the state of the art.

3. Each document revealed during search for assessment of novelty shall be considered separately from other documents. If the disclosed state-of-the-art document contains reference to another document, which, for example, includes detailed information on certain features, it shall be considered that the information disclosed in the mentioned other document is also contained in the revealed state-of-the-art document.

4. If on the basis of examination, a document is revealed in which the totality of features included in the claims is disclosed, including the implicit features, which are not indicated in the document, but their existence is obvious for a person skilled in the art, examination shall draw a reasoned conclusion that the invention does not meet the criterion of novelty, and if examination does not reveal any such document, examination shall draw a reasoned conclusion that the invention meets the criterion of novelty.

5. If an independent claim includes alternative features which convey several alternative embodiments of the invention, it shall be considered that the subject-matter of the claim as a whole does not meet the criterion of novelty, if on the basis of examination a subject-matter is revealed due to which the novelty of the embodiment conveyed by one alternative feature in the independent claim is destroyed.

6. If on the basis of examination, an application filed with Sakpatenti is identified, which has an earlier priority and it has not yet been published (is not publicly available), pursuant to Article 12(6) of the Law, examination shall be suspended before its publication and a respective notification shall be sent to the applicant.

7. If an invention is characterized by a result to be achieved, the mentioned features shall be of no importance in the assessment of novelty.

8. During assessment of novelty of a product (substance or composition), the purpose of the product shall be of no importance.

9. In case of a product (substance or composition) which is characterized by the method of obtaining and at the same time it can be described by the features characteristic of a substance or composition, during assessment of novelty the method of obtaining shall be of no importance.

10. If a substance is characterized by the purity of substance, during assessment of novelty the purity of substance shall be of no importance.

11. If a pharmaceutical composition is characterized by pharmacokinetic characteristics, during assessment of novelty these characteristics shall be of no importance.

12. The use of a known product (substance or composition) for a new, non-medical purpose meets the criterion of novelty, if the mentioned use is not known from the state of the art.

13. The first medical use of a known product (substance or composition) meets the criterion of novelty if the mentioned medical use is not known from the prior art.

14. A second or further specific medical use of a known product (substance or composition) meets the criterion of novelty if the mentioned specific medical use is not known from the prior art. A specific medical use implies the use of a product to treat a specific disease or to use it in a new way, for example, with a new mode of dosage, a new route of introducing, use in a new target group.

15. In the cases referred to in Paragraphs 13-14 of this Article, if a claim is formulated in the form of the so-called “Swiss claims” (for example, the use of product X to prepare a medicine for treatment of disease Y), it shall be considered that the relevant claim does not meet the criterion of novelty.

Article 36. Assessment of Involvement of an Inventive Step

1. In accordance with Article 35 of the Law, the person who conducts examination, shall assess involvement of an inventive step and reflect the corresponding result in the examination report. Assessment of involvement of an inventive step shall include analysis of the documents revealed as a result of search and assessment of whether the invention is obvious from the state of the art for a person skilled in the art.

2. If on the basis of assessment it is established that the invention is obvious from the state of the art for a person skilled in the art, the examiner shall draw a reasoned conclusion that the invention does not meet the criterion of involvement of an inventive step, and if it is established that the invention is not obvious from the state of the art for a person skilled in the art, the examiner shall draw reasoned conclusion that the invention meets the criterion of involvement of an inventive step.

3. During assessment of involvement of an inventive step it is possible to consider several documents of the state of the art revealed as a result of search in combination.

4. An invention involves an inventive step, if it is not obvious from the state of the art for a person skilled in the art.

5. The question of obviousness from the state of the art means identifying whether at the date of priority of the subject-matter of the claims it would have obvious for a person skilled in the art to arrive at a solution that would fall within the scope of this claim, based on the state of the art, therefore, "is obvious" means that the invention does not go beyond the normal progress of technology, but follows directly and logically from the state of the art.

6. The state of the art is determined by all the data that became publicly available in writing, oral description, use or other way before the date of priority of the application in question.

7. For assessment of involvement of an inventive step, the state of the art shall not include applications for inventions and utility models filed with Sakpatenti and European patent applications for which the validation fee is paid, if they have an earlier priority as compared with an application for which involvement of an inventive step is being assessed, and they were published after the date of priority of the application.

8. Common general knowledge of the field may derive from various sources and is not dependent on the publication of a specific document on a specific date.

9. For assessment of involvement of an inventive step, it is possible to use the approach of the problem and its solution, which includes the following stages:

a) determination of the closest prior art;

b) identification of an objective technical problem;

c) determining whether the invention is obvious for a person skilled in the

art from the closest prior art taking into account an objective technical problem.

10. The closest prior art is the document from which the combination of features derives, which is the best starting point for discussion of the question of obviousness and/or the subject-matter disclosed in which requires minimal structural or functional modification in order to obtain the subject-matter of the invention.

11. The objective technical problem may differ from the problem indicated in the application.

12. An objective technical problem shall be based on objectively established facts, which is included in the disclosed state of the art document as well. Any result achieved by the subject-matter of the invention may be used to define an objective technical problem.

13. It is possible to define an objective technical problem based on new results as well, provided that a person skilled in the art would have considered these results to be related to the initially proposed task.

14. Assessment of involvement of an inventive step shall answer the question whether the state of the art includes such teaching that would lead a person skilled in the art, in order to solve an objective technical problem, to modify the closest prior art so that to obtain ultimately a subject-matter that falls within the scope of the claims and achieves the same result that is achieved by the invention.

15. An invention shall be considered as a whole. When a claim contains a combination of features, the features taken separately shall not be assessed from the viewpoint of obviousness. However, when a claim is an artificial aggregation of features and not a combination of features, it is sufficient to show that an individual feature is obvious to confirm that the aggregation of features does not involve an inventive step. A totality of technical

features shall be considered as a combination of features if by functional interaction between the features a combined technical result is achieved, which differs from the sum of the technical results of individual features. That is, the interaction of individual features shall create a synergic effect. If there is no synergic effect, there is only an aggregation of features.

16. An unexpected technical result can be considered as an indicator of an inventive step.

17. If an invention solves a technical problem that persons skilled in the art have been trying to solve for a long time without success, it can be considered that this is as an indicator of an inventive step.

18. Commercial success taken separately cannot be considered as an indicator of an inventive step, however, when a proof of immediate commercial success is accompanied by a proof of a long-term need, there is an indicator of an inventive step if the commercial success derives from the technical features of the invention and is not due to other reasons, such as marketing.

19. Features, which independently or in combination with other features cannot contribute to the technical character of the invention, shall not be taken into account during assessment of involvement of an inventive step.

20. During assessment of involvement of an inventive step it is permissible to combine with the revealed document the common general knowledge in the relevant field.

21. An invention does not involve an inventive step if:

a) the invention differs from the state of the art merely by the use of known equivalents;

b) the invention refers merely to a new use of a known material, in which the known properties of this material are used;

c) the invention refers to the use of a newly created material in a known device, the properties of which demonstrate the material suitable for such use;

d) the invention relates merely to the use of a known technical process in a similar situation.

22. For a new crystalline form of a known substance, in order to meet the criterion of involvement of an inventive step, it is necessary to present data which confirms the unexpected effect caused by the new crystalline form of the substance, compared with the amorphous and/or crystalline forms of the substance known from the state of the art.

23. The use of a known product (substance or composition) for a new, non-medical purpose meets the criterion of involvement of an inventive step, if the mentioned use is not obvious from the state of the art.

24. The first medical use of a known product (substance or composition) meets the criterion of involvement of an inventive step, if the mentioned medical use is not obvious from the state of the art.

25. A second or further specific medical use of a known product (substance or composition) meets the inventive step criterion if the mentioned specific medical use is not obvious from the state of the art.

26. If a claim is formulated in the form of the so-called “Swiss claims” (for example, the use of product X to prepare a medicine for treatment of disease Y), it shall be considered that the relevant claim does not meet the criterion of involvement of an inventive step, if the product (substance or composition) follows clearly from the state of the art.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 37. Search Report and Examination Report

1. A search report, prepared as a result of search, together with the attached search history, as well as an examination report, prepared on the basis of examination of novelty and examination of involvement of an inventive step, and examination conducted according to Articles 27-33 of the Instruction, shall be sent to the applicant within 2 months from payment of the fee for substantive examination.

1^1. In case if the claims refer to a subject-matter which, according to Article 16 of the Patent Law of Georgia, is not regarded as an invention, the patentability criteria of the corresponding claims shall not be assessed. An explanation regarding the above-mentioned circumstance and its reasons shall be made in the examination report.

1^2. In case if the claims refer to a subject-matter for which, in accordance with Article 17 of the Patent Law of Georgia, a patent shall not be granted, the patentability criteria of the corresponding claims shall not be assessed. An explanation regarding the above-mentioned circumstance and its reasons shall be made in the examination report. 2. In relation with the search report and examination report, within 2 months from the receipt, the applicant is entitled to:

a) agree with the examination report;

b) present a grounded objection;

c) on the basis of the relevant argumentation, request amending the claims.

3. In relation to the applicant’s grounded objection, Sakpatenti shall make a respective decision. If Sakpatenti considers that within the time limit defined by Paragraph 2 of this Article the application was not brought into compliance with the Law or this Instruction taking into account the examination report, Sakpatenti shall make a decision on refusal to grant a patent.

4. If the applicant presented a modified version of the claims that does not go beyond the essence of the invention presented in the application, examination shall be continued taking into consideration the amendments made to the claims.

5. If, as a result of the amendments made to the claims, new claim(s) was/were revealed, the applicant shall pay a prescribed fee for substantive examination. If the claims include such claims with respect to which search was not conducted, a new search report and examination report shall be issued.

6. If the applicant presented a modified version of the claims which goes beyond the essence of the invention presented in the application, the presented amendment shall not be taken into consideration about which the applicant shall be informed.

7. Sakpatenti shall make a decision (on refusal to grant a patent or on granting a patent) even in the case when the applicant fails to present a response within the term provided for by Paragraph 2 of this Article.

8. In the event if the applicant does not submit a response within the period specified in Paragraph 2 of this Article of the Instruction and there is a ground for making a decision on refusal to grant a patent, Sakpatenti within 10 working days from the expiration of the mentioned period shall make a decision on refusal to grant of a patent.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 38. Decision on Granting a Patent

1. If an application meets the requirements stipulated by the law and this Instruction, Sakpatenti shall make a reasoned decision on granting a patent.

2. Before making a decision on granting a patent, Sakpatenti shall send the description of the invention, the claims and drawings, if they are indicated in the description of the invention, to the applicant for agreement.

3. The applicant is sent a notification regarding payment of the fee for registration of a patent and a two-month term from the receipt of the notification shall be defined for payment of the fee.

4. In case of payment of the mentioned fee specified in Paragraph 3 of this Article, if the applicant, in the case provided for in Paragraph 2 of this Article, within two months

expresses his/her consent in writing or does not present his/her position, within 10 working days from the date of submission of consent or the expiry of the 2-month period Sakpatenti shall grant a patent on the basis of the description of the invention, the claims and the drawings sent to the applicant (if they are indicated in the description of the invention).

5. If the applicant, in the case provided for in Paragraph 2 of this Article, within two months requests making amendments and/or additions to the description of the invention, the claims and the drawings (if they are indicated in the description of the invention), Sakpatenti within 10 working days shall consider the mentioned request and shall make a relevant decision on taking them into account.

6. In case of non-payment of the fee for registration of the patent in the Register within the term defined in Paragraph 3 of this Article, the proceedings on the application shall be terminated and a relevant notification shall be sent to the applicant.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 39. Registration of a Patent, Publication of a Patent and Issuance of a Patent Certificate

1. Within 10 working days from making a decision on the granting a patent. Sakpatenti shall enter the data of the patent in the Register. It shall publish the bibliographic data of the patent in the nearest Bulletin. On the day of publication in the Bulletin, it shall publish the patent specification (description of the invention, claims, drawings (if any), abstract) in the Register and within one month from the publication it shall issue a patent certificate together with the patent specification.

2. The patent certificate together with the patent specification shall be reflected in the electronic system. In case of proceedings on an application on paper, the certificate shall be given to the owner on paper, and in case of proceedings in electronic form, the certificate shall be issued on paper upon the request of the owner within 5 days from the request.

Article 40. Amending a Granted Patent

1. A patent holder is entitled on the basis of Article 40_1 of the Law to request amending the specification of a granted patent for the purpose of correction of mechanical mistakes.

2. In the request the mechanical errors which shall be corrected and the argumentation shall be indicated exactly that such amendments are obvious from the contents of the mentioned documentation and it is clear that nothing else could have been implied. The amendment shall not extend the scope of protection.

3. Within 1 month Sakpatenti shall consider the request and shall make a decision:

a) on rejection of the request;

b) on full or partial upholding of the request.

4. If a decision is made on full or partial upholding of the request, Sakpatenti within one month shall enter the relevant amendment in the Register data and at the same time shall publish the amended patent data in the Bulletin about which the patent holder shall be informed.

5. If correction of mechanical mistakes requires changes in multiple pages, Sakpatenti shall prepare and grant a new amended patent certificate together with the patent specification.

6. If the number of mechanical mistakes is negligible, only the pages that need correction shall be changed in the patent. All changed pages shall be verified by the seal and a relevant note shall be added.

Article 41. Registration of Changes in a Published Application or a Patent and Transfer of Rights

1. Change of the name and/or address of the applicant or patent holder in a published application or patent or transfer of rights shall be registered in the Register within 1 month following payment of the relevant fee.

2. A request concerning the change or transfer of rights shall be submitted in writing.

3. In case of a change the request shall be accompanied by documents identifying the applicant or patent holder, in case of a natural person – document confirming identity, and in case of a legal entity - `an extract from the "Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities", or its equivalent document;

4. In case of transfer of rights the request shall be accompanied by:

a) act of transfer of rights;

b) consent of all applicants or owners, if the applicant or patent owners are several persons;

5. In case when a change or transfer of rights is submitted to Sakpatenti by a representative, the request shall be accompanied by a document confirming the authority of representation, issued by the applicant or patent owner. Otherwise the change shall not be considered.

6. A change made in a published application and transfer of rights shall be published in the Bulletin and a patent certificate together with the patent specification shall be granted in the name of the new patent owner.

7. A change made in a patent or transfer of rights shall be published in the Bulletin and an annex of the patent shall be issued.

8. The annex shall be printed on a form of Sakpatenti, signed by the Chairman of Sakpatenti and verified by the seal.

9. The following information shall be entered in the annex: patent number, title, identity and address of the former and the new patent owners.

Article 42. Maintenance of an Application and a Patent in Force

1. In order to maintain an application or a patent in force, the applicant/patent owner shall pay the annual fee for maintaining the application or patent in force beginning from the third year from the date of filing the application.

2. The annual fee for application maintenance shall be paid before the start of the year for which the maintenance fee is paid, within 2 months term from the receipt of the relevant notification. Otherwise the proceedings on the application shall be terminated.

3. The annual fee for patent maintenance shall be paid before the start of the maintenance year, otherwise the patent shall lapse.

4. For reinstatement of a lapsed patent, the patent owner shall be given a 6-month grace period – the first 6 months of the maintenance year to allow the patent owner to pay the fee for the maintenance year. After expiration of this period, the patent owner shall be given another 6-month term, when he/she shall be obliged to pay the fee for reinstatement of the patent and for maintenance in force.

5. If the annual fee is not paid within the term specified in Paragraph 4 of this Article, the patent shall be deemed revoked from the date of lapse.

6. Information on patent lapse, reinstatement and revocation shall be recorded in the Register.

7. Information on patent lapse and reinstatement may be sent to the patent owner.

8. Information on revocation of the patent shall be published in the Bulletin.

9. The patent shall be deemed to be reinstated from the publication date of the information on reinstatement.

Chapter IV

Procedural Issues

Article 43. Extension of Procedural Terms and Restoration

1. During application proceedings on the basis of Article 46(1) of the Law the applicant has the right to request:

a) suspension of the application proceedings, each time for a period not more than 6 months. In case of payment of the prescribed fee after the expiration of the period for suspension of the application proceedings the applicant again has the right to request suspension of application proceedings. Suspension of the application proceedings shall not cause extension of the term for payment of the fee;

b) extension of the term determined for responding to the notification of Sakpatenti or examination report for no longer than 6 months. In case of payment of the fee after the expiration of the mentioned 6-month period the applicant again has the right to request the term established for responding;

c) reinstatement of rights related to the application lost due to violation of the term, which is possible within 6 months from the receipt of information on the loss of the right;

d) before Sakpatenti makes a decision (on granting a patent or refusal to grant a patent), entering amendments into the submitted application materials, if these amendments do not go beyond the content of the application as filed.

1^1. In the case specified in Subparagraphs (a), (c) and (d) of Paragraph 1 of this Article Sakpatenti shall consider the request within 10 working days and send the applicant a notification on payment of the fee or make a grounded decision on refusal to uphold the request.

1^2. The fee for the actions specified in Subparagraphs (a-c) of Paragraph 1 of this Article shall be paid within 5 days from the receipt of Sakpatenti's notification on the payment of the fee, and for the actions specified in Subparagraph (d) – within 1 month from the receipt of the notification.

2. Repealed.

3. Sakpatenti shall make a decision with respect to the requests indicated in Paragraph 1 of this Article within 10 working days from the payment of the fee.

4. In case the applicant requests extension of procedural terms, counting of the procedural term shall be stopped before the expiration of the requested term.

5. A request for reinstatement of rights related with an international application, lost due to violation of the term of entry into National Phase due to a justifiable reason, shall be submitted within 2 months from the date of removal of reasons causing the violation of the procedural term. A request cannot be submitted after the ending of the 12-month period from expiration of the procedural term. The request shall be attached with relevant documents and materials certifying the existence of the justifiable reason of the failure to meet the deadline.

Order №14 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of May 29, 2025

Article 44. Divisional Application

1. If in the description or claims of the invention several subject-matters are presented, during the process of examination the applicant is entitled to divide the filed application into parts on his/her own initiative and to file a divisional application according to Article 29 (1) of the Law.

2. For a divisional application the filing date and priority of the initial application shall be retained.

3. Filing of a divisional application is possible before Sakpatenti makes a decision (on granting a patent or refusal to grant a patent).

Article 45. Transformation of an Application

1. An applicant is entitled to transform, on his own initiative, an application for an invention into an application on a utility model and vice versa. An applicant wishing to transform an application for an invention into an application on a utility model shall file a request about this before making a decision on granting a patent.

2. If an application for an invention concerns a group of inventions, in case of transformation of such an application into that for a utility model, the applicant shall indicate in the request for which subject-matter of the group he/she wishes such transformation, otherwise it will be deemed that transformation is requested with respect to the subject-matter given in the first independent claim.

Article 46. Withdrawal of an Application

An applicant is entitled to withdraw the application before submission for publication. In this case Sakpatenti shall make a decision on termination of the application proceeding due to request by the applicant.

Article 47. Publicity of Data of the Industrial Property Register

The public data recorded in the Industrial Property Register are available to any person.

Article 48. Requesting a Certified Copy of an Application

1. Following confirmation of the application filing date, the applicant has the right to request a certified copy of the application materials.

2. A request for a certified copy of the application materials shall be submitted in writing.

3. Sakpatenti shall issue a certified copy of the application materials within 1 month from the receipt of the written request. Upon the applicant's request, Sakpatenti shall also issue the document using the "DAS" system.

Article 49. Issuing of a Duplicate

1. Upon the request of the patent owner a duplicate may be issued for a patent.

2. A request for issuing of a duplicate of a patent may be submitted by the patent owner or a representative on the basis of a relevant document confirming the authority of representation.

3. A duplicate shall be issued if the patent is in force.

4. A duplicate shall be issued within 1 month from the date of payment of the fee.

5. A patent duplicate shall be issued in the form of a title of protection, which is valid for the period of issuance of this duplicate, and shall be certified by the stamp "duplicate" in the upper right corner.

Article 50. Registration of a Private License Agreement for the Use of a Patent 48

1. According to Article 59 of the Law, a patent owner has the right to grant a private license for the use of a patent.

2. For registration of a private license agreement requires the following shall be presented:

a) request for registration of a private license agreement;

b) private license agreement;

c) documents identifying the licensor and the licensee, in case of a natural person – document confirming identity, and in case of a legal entity – an extract from the "Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities", or its equivalent document;

3. Registration of a private license agreement implies assigning a license number in Arabic numerals, sequential numbering, and an abbreviated Latin designation of the type of license shall be written.

4. A private license may be exclusive (Exclusive – E) and non-exclusive (Non-Exclusive).

5. According to Article 60 of the Law, a patent holder can announce an open licensing regime (Open – O), if an exclusive private license is not granted for the patent.

6. An extract for a registered license agreement shall be issued from the Register.

7. No fee shall be paid for issuing of an extract provided for by Paragraph 6 of this Article.

8. The data on a registered private license agreement, recorded in the Register, shall be published in the Bulletin.

9. Changes to a registered license agreement shall be recorded in the Register and published in the Bulletin.

Article 51. A Patent Lease Agreement

1. According to Article 62_1 of the Law, a patent owner has the right to enter into a patent lease agreement.

2. The parties may certify authenticity of a patent lease agreement through the notary.

3. A patent lease agreement shall be registered in Sakpatenti and data published in the Bulletin.

4. A patent lease agreement shall be submitted to Sakpatenti within 1 month from submission of the patent lease agreement.

5. A patent lease agreement shall be registered in the Register within 1 month from submission of the lease agreement.

6. For registration of a patent lease agreement the following shall be submitted:

a) request for registration of a patent lease agreement;

b) patent lease agreement;

c) documents identifying the patent owner(s) and the leaser, in case of a natural person – document confirming identity, and in case of a legal entity – an extract from the "Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities".

Article 52. Extract from the Register

1. A patent owner or any interested person is entitled to request an extract from the Register.

2. A prescribed fee shall be paid for obtaining an extract from the Register. The fee shall be paid immediately after submission of a request to Sakpatenti. This requirement shall not apply to the case envisaged by Article 50(6) of this Instruction

3. The extract shall be issued within 10 working days from payment of the prescribed fee for request.

4. The extract from the Register shall contain the following data:

a) case number;

b) intellectual property subject-matter;

c) application status;

d) application number;

e) application filing date;

f) registration date;

g) priority data;

h) starting date of national phase of international application ;

i) international application number and filing date;

j) international application publication number and date;

k) applicant;

l) inventor;

m) owner;

n) representative;

o) application publication number and date;

p) patent number and publication date;

q) International Classification Index;

r) title;

s) importation patent number and date;

t) main application number (in case of importation patent);

u) amendments to patent, transfer of rights, granting of license and lease;

v) patent status.

5. An extract from the Register shall be issued with the signature of an authorized person.

Article 53. Search in the Register

1. Any person shall be entitled to familiarize with public data of the Register.

2. The data are available in the Bulletin as well as on the Sakpatenti website.

3. If an interested person wishes to receive information from Sakpatenti, an application on conducting search shall be submitted to Sakpatenti in writing.

4. The Register shall conduct search according to bibliographic data: application number, patent number, international number, owner, inventor, title.

Article 54. Service Fee

1. Unless stipulated otherwise by the Law or the Instruction, the fee for the action provided for by Article 47(1) of the Law shall be paid immediately upon the demand, or no later than 1 month from the demand.

2. Failure to pay the fee within the fixed term entails termination of the application proceedings.

3. The term for payment of a fee shall not be extended.

4. If the application is filed by several applicants and to at least one of them the reduction on the fees provided for by the Law applies, the fee for the corresponding action shall be paid with this reduction.

5. If the application is filed by several applicants and different kind of reductions apply to them, the fee shall be paid with greater reduction.

6. The fee shall be paid to the bank account of Sakpatenti.

7. If the applicant is a person who benefits from a reduction based on Article 6 of the Resolution of the Government of Georgia № 182 "On Approval of Fees for the Service Related with Patenting, Registration and Deposition of Intellectual Property Subject-Matters", once a year (the deadline shall be calculated from the date of filing of the application) he/she shall present at Sakpatenti a document confirming the existence of the status which is the basis of benefiting from this reduction. The document confirming the status shall be issued no later than one month before its presentation at Sakpatenti.

Order №6 of Chairman of Legal Entity of Public Law – National Intellectual Property Center of Georgia - Sakpatenti of September 4, 2024

Article 55. Return of Paid Amounts

Amounts paid for prescribed fees shall not be subject to returns or correction except when the fee was paid incorrectly.

Chapter V

Processing an International Application as a Designated or Elected Office

Article 56. Entry of an International Application into the National Phase

1. In case of an international application for which Sakpatenti acts as a designated or elected office, the period of entry into the national phase for obtaining a patent for an invention or a certificate of registration of a utility model shall be 31 months from the priority date.

2. In order to start the national phase, the applicant within the period indicated in Paragraph 1 of this Article shall submit a request for granting a patent or for registration of a utility model. It is recommended to use the request forms established by Sakpatenti.

3. Within 2 months from the start of the national phase, the applicant shall submit a Georgian translation of the original version of the international application, which shall include the description, claims, drawings (if they are indicated in the description of the invention) and the abstract, or if during the international phase the application materials were amended and the applicant wishes an examination at Sakpatenti to be conducted on

the basis of the amended application materials, the applicant shall submit a Georgian translation of the amended version of the international application, which shall include the description, claims, drawings and abstract.

4. Within 1 month from the start of the national phase, the applicant shall pay the fee for examination as to form. In case of non-payment, the proceedings on the application shall be terminated.

5. Examination of the international application entered into the national phase shall be carried out in accordance with the requirements of the Patent Law of Georgia and this Instruction.

6. As the date of filing of the international application entered into the national phase shall be considered the date of filing of the international application.

7. The international application entered into the national phase shall be published in the nearest edition of the Bulletin after the submission of the Georgian translation, if 18 months have passed since the priority date and if the fee for examination as to form has been paid.

Chapter VI

Re-examination, Invalidation of a Patent

Article 57. Re-examination of a Patent

1. An interested party has the right to request, during the patent validity term, re-examination of a patent issued by Sakpaetnti or a validated European patent for the purpose of revocation of the patent.

2. Re-examination shall not be carried out if court proceedings are underway.

3. A request for re-examination of a patent shall be accompanied by the documents referred to in Article 42_1(2) of the Law.

4. If a request for conducting re-examination of a patent is submitted by a representative, it shall be accompanied by a document confirming the authority of the representative issued by the applicant.

5. The Chairman of Sakpatenti within 5 working days after receiving the request referred to in Article 42^1 (1) of the Law, by an order creates an expert panel (hereinafter – the panel) to conduct re-examination.

6. The panel shall consist of three members, two of whom shall be staff members of the Department of Inventions and New Varieties and Breeds. The panel shall not include a person who represents an interested party in this case, or has common rights or obligations with the interested party, or participated in examination of the application and/or in decision-making, or is a relative of the interested party and/or his/her representative.

7. The panel shall have a secretary, who shall be appointed from the staff members of the Legal Department of Sakpatenti. The secretary of the panel shall ensure sending of the correspondence related to the proceedings, as well as the decision(s) made by the panel to the parties.

8. Sakpatenti upon the receipt of the request referred to in Paragraph 1 of this Article shall send it to the patent owner and for submitting the answer shall define a 2-month term, which shall be counted from the moment of submission of the request to Sakpatenti.

9. The panel within 1 month after the expiration of the term provided for in Paragraph 8 of this Article shall conduct re-examination.

10. On the basis of the results of re-examination of the invention, the panel on behalf of Sakpatenti shall make a decision to refuse to revoke the patent or to revoke the patent completely or partially.

11. Within one month after making the decision on revocation of a patent completely or partially the data shall be published in the Bulletin and recorded in the Register. If the decision of Sakpatenti on revocation of a patent completely or partially or on refusal of revocation of a patent completely or partially is appealed against in accordance with the rule established by the legislation of Georgia, Sakpatenti shall publish a notice in the Bulletin that the decision is appealed against, and in the Register shall enter an indication regarding appealing against of this decision. Upon the entry into legal force of the court's decision, in accordance with the same decision, Sakpatenti shall publish the data in the Bulletin.

Article 58. Publication of a Decision on Revocation

Sakpatenti shall publish the data on the court's decision on complete or partial revocation of a patent, granted by Sakpatenti, or a validated European patent or on refusal of complete or partial revocation of a patent, granted by Sakpatenti, or a validated European patent, after the entry into legal force of this decision in the nearest edition of the Bulletin and shall record it in the register.

Article 59. Complete or Partial Revocation of a Patent at the Request of the Owner

1. At the request of the patent owner, a patent shall be revoked completely or partially by Sakpatenti.

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

3. Partial revocation occurs by amending the claims.

4. The patent owner shall submit a request for complete or partial revocation at Sakpatent. Within one month from submission of the request the relevant fee shall be paid.

5. It is not possible to submit a request for complete or partial revocation when the patent is in the process of re-examination.

6. The request submitted to meet the requirements specified in the Paragraph 1 of this Article shall contain the following data:

a) patent owner;

b) representative, if any;

c) patent number;

d) in case of requesting partial revocation, the amended claims, amended drawings (if any) and amended description.

7. If the request does not meet the requirements of Paragraph 6 of this Article, Sakpatenti shall notify the applicant about the shortcoming and define 2 months to remedy the shortcoming. If the shortcoming is not remedied within the defined term, Sakpatenti shall make a decision to leave the application unconsidered.

8. If the request for patent complete revocation provided for in Paragraph 4 of this Article is perfect, Sakpatenti shall revoke the patent and notify the applicant thereof.

9. If the request for partial revocation of the patent provided for in Paragraph 4 of this Article is perfect, Sakpatenti shall check whether the presented amended claims represent narrowing of the scope of protection and whether the amended claims complies with Article 28(5) and Article 46(1)(b) of the Law. If the presented claims do not meet the mentioned requirements, Sakpatenti shall give the applicant a 2-month term to remedy the shortcoming. If the shortcoming is not remedied within the defined term, Sakpatenti shall make a decision on refusal to uphold the request.

10. If the presented claims satisfy the mentioned requirements, Sakpatenti shall notify the applicant thereof and request payment of the fee for publication of the specification of the partially revoked patent within 2 months.

11. In case of payment of the fee within the defined term, Sakpatenti shall publish the data and specification of the partially revoked patent in the Bulletin.

Section II

Utility Model

Chapter VII

General Provisions Related with Drafting and Filing an Application for a Utility Model and Granting a Certificate for a Utility Model

Article 60. Scope of Regulation of Section II

The present Section regulates the procedures related with drafting and filing an application for a utility model and granting a certificate for a utility model. Unless determined otherwise by this Section and Chapter XI[1] of the Law, the provisions of Section I of this Instruction apply.

Article 61. Claims of a Utility Model

The claims of a utility model shall contain one independent claim and may contain one or more dependent claims.

Chapter VIII

Requesting of Assessment of Criteria of Protection of a Utility Model

Article 62. Assessment of Criteria of Protection of a Utility Model

1. In case of violation of exclusive rights on a utility model, along with filing an appeal in court with the request to carry out the actions provided for in Article 68[5] of the Law, the owner of the utility model shall submit a favourable decision issued by Sakpatenti according to the rule prescribed by the Instruction regarding assessment of the criteria of protection, including the involvement of an inventive step.

2. The owner of a registered utility model shall apply to Sakpatenti with a request for assessment of criteria of protection of the utility model. The owner of the registered utility model shall pay the prescribed fee for assessment of criteria of protection of a utility model, including the involvement of an inventive step, within 1 month from the request. Sakpatenti shall assess the criteria of protection of the utility model, including the involvement of an inventive step, within 2 months from payment. For this purpose, Sakpatenti shall conduct search and issue an examination report regarding criteria of protection of the utility model, which shall be sent to the owner of the registered utility model together with the search report.

3. If as a result of assessment it is revealed that the utility model does not meet any of the criteria of protection, Sakpatenti shall revoke the registered utility model.

Section III

Processing of an International Application as a Receiving Office

Chapter IX

Processing of an International Application as a Receiving Office

Article 63. International Application and Rule of its Filing

1. An international application shall include the following parts in the following sequence:

a) PCT request form (PCT/RO/101);

b) description;

c) claims;

d) abstract;

e) drawings, if they are necessary to explain the essence of the invention.

2. The sheets constituting an international application shall be numbered in three, or if the international application contains a sequence listing (amino acid or nucleotide sequence), in four independent groups. The first group belongs to the request form, the second – to the description, the claims and the abstract, the third – to the drawings, and the fourth – to the sequence listing.

3. An international application shall be filed with Sakpatenti on paper in one copy or electronically through the WIPO ePCT system.

4. In case of filing international applications with Sakpatenti as a "Receiving Office", the applicant has an opportunity to choose as the International Searching Authority (ISA) one of the following five offices (which shall be indicated in the international application form):

a) Austrian Patent Office (AT);

b) European Patent Office (EP);

c) Federal Service for Intellectual Property of the Russian Federation (RU);

d) Israel Patent Office (IL);

e) United States Patent and Trademark Office (US).

5. In case of filing an international application in Georgian, the applicant shall submit its translation into English within 1 month from filing of the application, if as the International Searching Authority is indicated the Austrian Patent Office (AT), the European Patent Office (EP), the Israeli Patent Office (IL), or the United States Patent and Trademark Office (US) or in Russian, if as the International Searching Authority is indicated as the Federal Service for Intellectual Property of the Russian Federation (RU).

6. Within 1 month after filing an international application, the applicant shall pay the following fees:

a) Transmittal Fee, which is for the benefit of the Receiving Office (Sakpatenti);

b) International Filing Fee, which is intended for the International Bureau (IB) of the World Intellectual Property Organization (WIPO);

c) Search Fee, which is for the benefit of the International Searching Authority (ISA) specified by the applicant.

7. If the prescribed fees are not paid within the defined term, Sakpatenti shall remind the applicant in writing and request payment of the fees within 1 month. If the fees are not paid in full within the mentioned term, the application shall be considered withdrawn. A notification on withdrawal of the application shall be issued and sent in accordance with the Patent Cooperation Treaty.

8. Sakpatenti, as the Receiving Office, shall carry out examination as to form determined by the PCT procedure on the received international application, after completion of

which shall send one copy of the application to the International Bureau (IB) of the World Intellectual Property Organization (WIPO), whereas the other copy shall be sent to the International Searching Authority (ISA) chosen by the applicant.

Section IV

Validation of a European Patent

Chapter X

Translation of the Claims of a European Patent Application

Article 64. Translation of the Claims of a European Patent Application

1. After the publication of a European patent application, the applicant, who wishes to enjoy provisional protection in Georgia, shall submit a translation of the title of the invention and the claims of the European patent application in the Georgian language, for the correctness of which shall be responsible the patent attorney, and shall pay the prescribed fee for publication. The request form established by Sakpatenti shall be attached to the materials. Publication will follow in the nearest edition of the Bulletin.

2. The applicant wishing to obtain a European patent may at any time submit a corrected translation of the title of the invention and the claims of the European patent application through the patent attorney and pay the prescribed fee for its publication. The request form established by Sakpatenti shall be attached to the materials.

3. The authority of representation of a patent attorney of Georgia shall be confirmed by the document confirming the authority of representation issued by the applicant, which shall be submitted together with the Georgian translation defined by Paragraph 1 of this Article.

Chapter XI

Translation of the Specification of a European Patent

Article 65. Translation of the Specification of a European Patent

1. Within three months from the date of publication of information by the European Patent Office (EPO) about granting of a European patent, the patent owner shall submit

to Sakpatenti a Georgian translation of the patent specification (title of the invention, description of the invention, claims,

drawings, abstract), for the correctness of which shall be responsible the patent attorney, and shall pay the prescribed fee for publication in Georgia. The application form established by Sakpatenti shall be attached to the materials.

2. If, as a result of an opposition of a third party or a request for limitation, filed with the European Patent Office (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 (title of the invention, description of the invention, claims, drawings, abstract), the accuracy of which is the responsibility of a patent attorney, and pay the fee prescribed for publication. The request form established by Sakpatenti shall be attached to the materials.

3. The translation may be submitted within an additional period of three months after the expiration of the relevant defined term provided that a 100% surcharge is paid on the publication fee during the additional period.

4. The owner of a validated European patent may at any time submit a corrected translation of the specification of the validated European patent through the patent attorney and pay the prescribed fee for its publication. The request form established by Sakpatenti shall be attached to the materials.

5. Sakpatenti within 1 month shall check the compliance of the translation of the claims of the submitted validated patent with the authentic text and, in case of identification of essential deficiencies, shall request from the patent owner to submit a corrected translation through the patent attorney within 1 month. If a corrected translation is not submitted within the defined term, the validated European patent shall be considered revoked (*ab initio*).

6. In case of submitting of a corrected translation, Sakpatenti shall again check the compliance of the corrected translation with the authentic text within 1 month, and in case of identification of essential deficiencies, shall again request from the patent owner to submit a corrected translation through the patent attorney within 1 month. If the corrected translation is not submitted within the defined term or the submitted translation again fails to comply with the authentic text, the validated European patent will be considered revoked (*ab initio*).

7. The authority of representation of a patent attorney of Georgia shall be confirmed by the document confirming the authority of representation issued by the applicant, which shall be submitted together with the documents defined by this Article.

Section V

Supplementary Protection Certificate

Chapter XII

Supplementary Protection Certificate

Article 66. Supplementary Protection Certificate

1. For a pharmaceutical product or a plant protection product that is protected by a patent in Georgia and for which, in accordance with the legislation of Georgia, the consent/registration of the competent authority is required in order to be placed on the Georgian market, a supplementary protection certificate can be issued in the name of the patent owner or his successor based on a relevant request.

2. The validity of a supplementary protection certificate shall begin immediately after the expiration of the term of the patent. The term of the supplementary protection certificate shall be determined by the period from filing the patent application with Sakpatenti to the receipt of the consent of the competent authority, reduced by a period of 5 years.

3. The term indicated in Paragraph 2 of this Article shall not exceed 5 years. A fee will be paid to maintain the validity of a supplementary protection certificate.

4. For a pharmaceutical product, for which, in order to be placed on the Georgian market, in accordance with the legislation of Georgia, the consent/registration of the competent authority is issued and for which pediatric studies were conducted, the results of which are indicated in the information about the product, the period defined by Paragraph 2 of this Article can be extended by 6 months.

5. Within the limits of protection deriving from a patent, the scope of protection of a supplementary protection certificate shall cover only a pharmaceutical product or a plant protection product, for which, in order to be placed on the Georgian market, in accordance with the legislation of Georgia, the consent/registration of the competent authority is issued and the use of a pharmaceutical product or a plant protection product for which the consent/registration of the competent authority was issued before the expiration of the term of the supplementary protection certificate.

6. Subject to Paragraph 5 of this Article, a supplementary protection certificate shall grant its owner the same exclusive right as a patent.

Article 67. Terms of Issuing a Supplementary Protection Certificate

1. A supplementary protection certificate for a pharmaceutical product or a plant protection product shall be issued if a request for obtaining a supplementary protection certificate is submitted and the following requirements are met by the date of submission of the request:

a) the product/product is protected by a patent on the territory of Georgia. In addition, the product/product is directly disclosed in the patent;

b) the consent of the competent authority is issued (registration certificate or other document) placing the product/product on the Georgian market;

c) a supplementary protection certificate was not issued for the product/product;

d) the first consent is issued by the competent authority in accordance with Subparagraph (b) of this Paragraph for the purpose of granting the product/product the authorization to be placed on the market.

2. For a product/product protected by more than one patent of the same owner only one supplementary protection certificate shall be issued.

3. If a request for a supplementary protection certificate for the same product/product is submitted by two or more persons who are the owners of two or more patents that protect this product/product, each owner may obtain only one supplementary protection certificate.

Article 68. Submission of a Request for a Supplementary Protection Certificate

1. The patent owner shall submit a request for obtaining a supplementary protection certificate to Sakpatenti within 6 months from the date of receiving the consent of the competent authority. If the consent of the competent authority was granted/registration occurred before granting of the patent, the patent owner shall submit the request within 6 months after the patent is granted. A fee shall be paid for the proceedings to issue a supplementary protection certificate.

2. In relation to the request for obtaining a supplementary protection certificate, Sakpatenti shall conduct examination of the request and within 1 month shall make a decision on issuing a supplementary protection certificate or on refusal to issue a supplementary protection certificate.

3. In case of making a decision to issue a supplementary protection certificate, Sakpatenti shall record the supplementary protection certificate in the Industrial Property Register and publish information about it in the Bulletin. A fee shall be paid for registration and publication of the supplementary protection certificate.

Article 69. Revocation of a Supplementary Protection Certificate

A supplementary protection certificate shall be revoked by Sakpatenti if:

a) it was issued in violation of the requirements of Article 67 of this Instruction;

b) the relevant patent was invalidated or revoked.