

Chapter I - General Provisions

Article 1 - Scope

This law regulates relations associated with the creation, use and legal protection of an invention and a utility model.

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Article 2 - Definition of terms

Terms used in this Law have following meanings:

- a) a legal entity under public law, the National Intellectual Property Centre of Georgia Sakpatenti is an independent body acting in the field of intellectual property protection (the Sakpatenti);
- b) the International Bureau (IB) - the International Bureau of the World Intellectual Property Organisation (WIPO);
- c) the Paris Convention - Paris Convention for the Protection of Industrial Property that was signed on 20 March 1883 (revised in Stockholm on 14 July 1967; amended on 28 September 1979);
- d) the Patent Cooperation Treaty (PCT) - a multilateral treaty that was signed on 19 June 1970 (amended on 28 September 1979; modified on 3 February 1984);
- e) (Deleted).
- e¹) an inventor - a natural person, who made an invention through his/her intellectual and creative work;
- f) a patent - a document issued in the name of the patent holder in accordance with this Law, that confirms the special rights of the patent holder at the moment of the patent issuance;
- g) (Deleted);
- h) an applicant - a natural person or a legal entity applying for a patent;
- i) an application - all documents necessary for issuance of a patent in accordance with this Law;
- j) an international application - an application signed and submitted under the requirements of the Patent Cooperation Treaty;
- k) (Deleted);
- l) priority - the advantage of an application over another later application;
- m) Convention priority right - a priority right established in accordance with Article 4 of the Paris Convention, which the applicant may exercise in a Paris Convention member country or other country of the World Trade Organisation;
- n) exhibition priority right - a priority right established in accordance with Article 11 of the Paris Convention, which the applicant may exercise in a Paris Convention member country or other country of the World Trade Organisation;
- o) (Deleted);
- p) depository - an authorised organisation where reproducible biological material is stored;
- q) medical product – for the purposes of this Law, an active substance or a combination of active substances that is intended for the treatment or prevention of human or animal diseases, as well as a substance or a combination of substances that may be administered to humans or animals for medical diagnosis and the restoration, correction, or modification of physiological functions.

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Article 3 - (Deleted)

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Article 4 - (Deleted)



Article 5 - Validity term of a patented invention

1. The validity term of a patented invention is 20 years from the filing an application with the Sakpatenti.

2. (Deleted).

3. (Deleted).

4. (Deleted).

5. The validity term of a patented invention that is related to a medical product, whose access to the Georgian market, in accordance with the legislation of Georgia, requires the approval of an authorised body, may be extended at the patent holder's request for an additional term, which elapsed from filing an application with the Sakpatenti until receiving of the approval of an authorised body, but not longer than for 5 years. A patent owner shall file with the Sakpatenti an application requesting an additional patent validity term within one year after the date of receiving of the approval of an authorised body.

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Article 6 - Scope of protection

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

2. (Deleted)

3. (Deleted).

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Article 7 - Secrecy of invention

1. An invention, which has been classified by the relevant competent authority proceeding from the defence capacity of the country, the Sakpatenti shall issue a patent only after it is declassified, based on the decision of the competent authority.

2. An invention may be classified for no longer than 2 years, which can be extended several times during the patent validity term, for a period under this paragraph.

3. (Deleted).

4. In the event that an invention is classified, the inventor shall be given appropriate compensation. The procedures for determining its amount and payment shall be defined by a normative act adopted by the competent authority concerned.

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Chapter II - Sakpatenti

Article 8 - Sakpatenti

1. Functions and powers of the Sakpatenti shall be defined by its regulations, approved by the Government of Georgia.

2. The Sakpatenti shall be headed by a chairperson, who shall be appointed and released by the Prime Minister of Georgia.

3. The Chairperson of the Sakpatenti shall be appointed for a period of four years.

4. Article 11 of the Law of Georgia on the Legal Entity under Public Law shall not apply to the Sakpatenti.

5. The Sakpatenti shall be accountable to the Prime Minister of Georgia.

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

Article 8¹ - Authority to issue a normative act



1. The chairperson of the Sakpatenti shall have the authority to issue normative acts within the scope of his/her authority.
2. An order of the chairperson of the Sakpatenti shall be a normative act of the chairperson of the Sakpatenti.
3. The chairperson of the Sakpatenti shall issue normative acts in accordance with the Law on Normative Acts of Georgia.

Law of Georgia No 3741 of 26 October 2010 - LHG I, No62, 05.11.2010, Art.381

Article 9 - Appeals Chamber

1. There is an Appeals Chamber at the Sakpatenti that reviews disputes related to decisions made by the Sakpatenti on intellectual property objects and their protection criteria, granting a patent and registration of other objects of industrial property.
2. The Appeals Chamber functions and powers shall be determined by its regulations, approved by the Chairperson of the Sakpatenti.

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Article 10 - (Deleted)

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Article 11 - Budget of the Sakpatenti

1. The Sakpatenti shall be financed by:
 - a) income from services related to the main activities of the Sakpatenti;
 - b) income from services carried out on the basis of contracts;
 - c) other income permitted by the legislation of Georgia, including funds received from the State Budget.
2. The Government of Georgia shall approve fees for services determined by paragraph 1 (a) of this article.
3. Fees and other income shall be transferred to the account of the Sakpatenti, and shall be disposed only by the Sakpatenti. Funds that have not been used during a year shall be transferred to the budget of the next year.
4. The Sakpatenti shall draw up a budget for the following year by 1 December of each year, where all expenditures of the Sakpatenti and sources of financing shall be indicated.
5. In special cases, an amount that has not been used during the year may be transferred to the State Budget of Georgia, based on an assignment of the Prime Minister of Georgia.
6. The budget of the Sakpatenti shall be approved by the Chairperson of the Sakpatenti, in agreement with the Prime Minister of Georgia.
7. The Sakpatenti shall have the right to purchase and dispose of property independently, except real estate. The Sakpatenti shall purchase and dispose of real estate in agreement with the Prime Minister of Georgia.

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Chapter III - Patentability

Article 12 - Criteria of invention patentability

1. An invention is patentable if it meets the criteria of patentability: novelty, inventive step and industrial applicability.
2. An invention is novel, if it is not part of prior art.
3. An invention involves an inventive step if it obviously does not derive from prior art by the priority date to a person skilled in the art.
4. An invention is industrially applicable if it can be made or used in any kind of industry or agriculture.
5. The priority art consists of all the data that has been made available to the public before the priority date by means of writing, verbal description, public use or in any other way.
6. When determining the novelty of an invention, prior art includes, in addition to data defined by paragraph 5 of this article, all patent applications prior-filed with the Sakpatenti for inventions or utility models, provided that the priority date of the applications is prior to the priority date of the application whose novelty is being established, and provided that they were published after the priority date of the application. A patent application is a



request pending at a patent office for the grant of a patent for the invention described and claimed by that application.

7. When determining the inventive step, prior art does not include data indicated in patent applications prior-filed with the Sakpatenti for inventions and utility models, which are not available to the public.

8. (Deleted).

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

Article 13 - (Deleted)

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Article 14 - (Deleted)

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Article 15 - Information disclosure

Data that belong to prior art shall not influence the patentability of the work presented in an application, provided that they were made available to the public during 12 months prior to the date of filing the patent application for invention or the priority date of the patent application:

- a) by the inventor or his/her successor in title;
- b) if the information regarding the invention is disclosed to a third party, directly or indirectly, on the condition of confidentiality;
- c) as a result of acting mala fide in relation to the inventor or his/her assignee on the part of a third party.

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Article 16 - Objects not considered as an invention

1. The following is not considered as inventions:

- a) discoveries, scientific theories, and mathematical methods;
- b) artistic works;
- c) algorithms and computer programmes;
- d) education or teaching methods or systems, language grammar systems, methods of performing mental acts, and game or lottery rules;
- e) business and organisational management methods;
- f) designs or schemes of structures or buildings, or spatial planning;
- g) information presentation.

2. An object provided for by paragraph 1 of this article shall not be considered patentable only in the case if such an object is the subject-matter of the application.

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Article 17 - Objects in respect of which patents are not granted

Patents are not granted in respect of:

- a) inventions, that are contrary to 'ordre public';
- b) inventions, related to methods for treatment of humans or animals by surgery or therapy and diagnostic methods practised on humans or animals. This provision shall not apply to products, in particular substances or compositions, for use in any of these methods. This provision does not apply to devices and substances used in any of these methods;



c) inventions related to breeds of plants or animals and particularly biological methods for breeding plants or animals. This provision does not apply to microbiological methods and products received through these methods;

d) (Deleted);

e) (Deleted).

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Chapter IV - Inventor and Patent Holder

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Article 18 - Inventor

1. A natural person, whose intellectual and creative work resulted in making an invention, utility model or industrial design shall be considered as the author of the invention, utility model or industrial design.

2. Authorship shall be a permanently protected unalienable right.

3. At the request of an inventor, the Sakpatenti shall abstain from publishing his/her name.

4. If several persons made an invention, each of them shall be considered as a co-inventor.

5. Relations among co-inventors shall be defined by a contract that they concluded. If co-inventors have not concluded any contract, they shall exercise general equal rights.

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Article 19 - Right to obtain a patent

1. An inventor or his/her successor in title shall be entitled to obtain a patent.

2. The right to file a patent application for an invention made by several persons may be exercised either by all co-inventors jointly or by each co-inventor individually in the case of a written consent of other co-inventors, unless otherwise provided for by the agreement concluded between the co-inventors.

3. If two or more persons have made an invention independently of each other, the right to patent shall belong to the inventor whose patent application has the earliest priority date.

4. If the same priority date was established for applications provided for by paragraph 3 of this article, a patent shall be granted to the person specified in the applicants' agreement. In case of disagreement among the parties, the dispute shall be resolved by a court.

5. The right to obtain a patent for an invention made by an employee and/or a contractor as part of official responsibilities or order fulfillment shall belong to the employer/client, unless otherwise provided for by the contract.

6. If making an invention is not related to official responsibilities or order fulfillment by an employee/a contractor, but the employee/ contractor has used resources owned by the employer/client for making the invention, the right to obtain a patent shall belong to the employer/client, and the employee/contractor shall be entitled to obtain a royalty-fee, non-exclusive private license for the invention and/or the priority right for to purchase exclusive rights deriving from the patent, unless otherwise provided for by the contract.

Article 20 - (Deleted)

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Article 21 - (Deleted)

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Article 22 - (Deleted)

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Article 23 - Filing of an application

1. An application shall be filed with the Sakpatenti by an applicant or by his/her representative.
2. (Deleted).
3. (Deleted).
4. (Deleted).
5. Applications shall be filed with the Sakpatenti by directly submitting application documents or in any other way.
6. A patent attorney registered with the Sakpatenti may also be a representative.
7. The procedure for registration and qualification requirements of a patent attorney is determined by the regulations approved by the Chairperson of the Sakpatenti.
8. The application form and procedures related to filing an application shall be defined by the instructions (Instructions) on procedures for the execution and submission of an application and granting a patent for an invention or utility model.

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Article 24 - Application

1. An application shall include:
 - a) a request for the grant of a patent;
 - b) a description of the invention;
 - c) claims of the invention;
 - d) any drawings and other documents, if they are essential for the explanation of the essence of the invention;
 - e) an informative abstract of the invention.
2. If an application is filed by a representative of the applicant, a document confirming the power of attorney shall be attached to the application upon submission or within a two-month period after the day of submission.
3. If the applicant is the assignee of the inventor, a document confirming the assignment shall be attached to the application upon submission or within a two-month period after the day of submission.
4. An application shall be submitted in the official language of Georgia, and other application documents shall be submitted in any language.
5. The applicant, in case of filing application documents in a foreign language, shall submit their Georgian translation within a two-month period after the day of filing of the application. Otherwise, application documents submitted in a foreign language shall not be deemed as filed.

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Article 25 - (Deleted)

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Article 26 - (Deleted)

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Article 27 - Filing date of an application

An application shall be deemed filed from the moment when the application is submitted to obtain a patent, invention description, claims and drawings. If they are specified in the description of the invention, a request for the grant of a patent, a description of the invention, claims of the invention, any drawings referred to in the description.

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Article 28 - Unity of invention

1. Inventions shall comply with the requirement of unity of invention. In particular, the application must relate to only one invention or to a group of inventions which are so linked as to form a single general inventive concept.

2. (Deleted).

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Article 29 - Unification and division of applications

1. Applicants have the right to:

- a) divide a filed application into its component parts and file a divisional application;
- b) unify applications and file an unified application.

2. Applications divided under paragraph 1(a) of this article shall preserve the date of the initial application filed with the Sakpatenti and the priority.

3. Application unified under paragraph 1(b) of this article shall preserve the priority of each application.

4. Unified or divisional applications may be filed before the Sakpatenti makes a decision regarding the granting of a patent.

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Article 30 - Priority rights

1. An applicant who wants to enjoy the Convention priority right shall be obliged to file with the Sakpatenti an application within 12 months after the date of filing the previous first application on this invention with a member country of the Paris Convention or of the World Trade Organisation.

2. An applicant who wants to enjoy the exhibition priority shall be obliged to file an application with the Sakpatenti within 6 months after the date of exhibiting the invention at an official or officially recognised international exhibition arranged in a member country of the Paris Convention or of the World Trade Organisation. Convention and exhibition priorities shall not extend the term of each other.

3. If an applicant, due to a valid reason, failed to file with the Sakpatenti an application claiming the convention or exhibition priority within the period specified in paragraph 1 or 2 of this article, the applicant may file the application within the next two months.

4. Applicants who want to enjoy the convention or exhibition priority shall be obliged to:

- a) indicate it when filing an application with the Sakpatenti or within 4 months after filing the application, but not later than 16 months after the date of claimed priority;
- b) submit to the Sakpatenti a relevant document confirming the right to claim priority, within 3 months after the day of claiming the convention or exhibition priority.

5. Priority may be established according to:

- a) (deleted);
- b) the filing date of the earlier application of the same applicant, in which the essence of the invention is disclosed, provided that the application, in which such priority is claimed is filed within 12 months after the date of filing the previous application. The applicant shall indicate the claim of such priority upon filing the application with the Sakpatenti or within 4 months after filing the application, but not later than 16 months after the date of claimed priority. The application whose priority was claimed shall be deemed to be withdrawn;
- c) several previous applications, provided the conditions of subparagraph (b) of this paragraph are observed with respect to each of them.

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

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Law of Georgia No 3278 of 2 July 2010 - LHG I, No 37, 14.7.2010, Art.219

Article 31 - (Deleted)

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Article 32 - Application examination

1. Sakpatenti conducts patent examination and on the basis of the examination makes a decision regarding the grant of a patent.
2. Patent examination includes the accordance of the filing date, an examination of formalities and a substantive examination.
3. During the examination, the Sakpatenti may request the applicant to make changes or amendments to the application, or to submit an explanation, without which it is impossible to continue the review of the application or to publish the application documents. The applicant shall satisfy the request of the Sakpatenti within two months after receiving notice. If the applicant does not comply with the request, Sakpatenti shall terminate the proceedings.

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Article 33 - Accordance of a filing date

1. Sakpatenti shall accord a filing date within two weeks after the application is filed.
2. If it is revealed, that the application lacks any application document provided for by Article 27 of this Law, the applicant shall submit the specified document within one month after receipt of notification.
3. If the applicant satisfies the requirement of paragraph 2 of this article, the date of satisfaction of this requirement shall be considered as the application filing date. Otherwise, the application shall not be considered as filed.
4. If the description of the invention refers to drawings that are not attached to the application, the applicant shall provide these drawings within the period specified in paragraph 2 of this article. If the drawings are submitted within the specified period, the day of receipt of the drawings shall be considered as the application filing date. Otherwise, the date on which the application documents were filed without drawings shall be considered as the application filing date, and any reference to the drawings shall be considered deleted.

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Article 34 - Examination of formalities

1. The Sakpatenti shall conduct the examination of formalities within 2 weeks after the accordance of the filing date. The examination shall include the inspection of the completeness of the application and its correct completion.
2. If the application satisfies the requirements as to form, the Sakpatenti shall complete the examination.

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Article 35 - Substantive examination

1. The Sakpatenti shall conduct a substantive examination within 6 months after completion of the examination of formalities. The examination shall identify the object of protection described in the application and prior art.
 - 1¹. When identifying the object of protection described in the application, a substantive examination shall be made of the claims, description and unity of invention and compliance with requirements of Article 15 and Article 17 of this Law.
 - 1². When determining prior art, the Sakpatenti shall conduct research and examination of novelty. If it is confirmed that the application meets the requirements of a novelty examination, the Sakpatenti shall grant a patent.
 - 1³. If the expert is fully convinced that the invention is clearly derived from the prior art, the Sakpatenti, after the review of the expert's opinion, shall make a decision to evaluate the inventive step and on the basis of this evaluation the Sakpatenti shall make a decision regarding granting a patent.
2. (Deleted).
3. (Deleted).

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Article 36 - Procedure for receiving the decision of the substantive examination with regard to an application

During the substantive examination of an application the Sakpatenti shall send to the applicant:

- a) decision on the identification of the object of protection described in the application;



- b) results of the prior art search (the search report);
- c) prior art search opinion, taking into account the results of the novelty examination;
- d) decision on granting a patent.

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Article 37 - (Deleted)

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Article 38 - (Deleted)

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Article 39 - (Deleted)

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Article 40 - Decision to grant a patent and its publication

1. The Sakpatenti, after deciding to grant a patent, shall publish the application details and the abstract of the invention in the bulletin and exhibit the application documents for public inspection.
2. If the decision of the examination [division] refusing to grant a patent is overturned by a final court decision granting the patent, the Sakpatenti, within one month after the court's decision, shall publish the application details and an abstract of the invention in the bulletin and exhibit the application documents for public inspection.

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Article 40¹ - Making changes to a granted patent

1. At the request of the patent owner changes may be made to the description and claims of the invention on which a patent has already been granted in order to correct mechanical errors, provided such changes are clearly derived from the content of the indicated documents and it is obvious that other things could not have been implied.
2. The rules for making changes under paragraph 1 of the article shall be determined by the Instructions.

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Article 40² - Disclosure of information

Deliberate disclosure of the essence of an application filed with the Sakpatenti (except for the disclosure made by the applicant or his/her successor in title) before its details are published in the bulletin by the Sakpatenti, shall entail liability as provided for by the legislation of Georgia.

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Article 40³ - Grounds for filing an appeal with the Appeals Chamber

1. The applicant has the right to file an appeal with the Appeals Chamber with respect to the decisions made by the Sakpatenti on the completion of the examination of formalities or termination of proceedings, or the decision of the substantive examination refusing to grant a patent.
2. An interested party has the right to appeal the decision of the patent examination to the Appeals Chamber if the requirements of Article 16 and Article 17 of this Law are not complied with or the invention does not meet the criteria of novelty and of inventive step provided for by Article 35(1²) and (1³) of this Law. The decision of the patent examination may not be appealed to the Appeals Chamber on the same grounds on which the proceedings are pending in court and/or on which there is a court decision.
3. The interested party has the right to petition the Appeals Chamber to evaluate those criteria of patentability that were not discussed by the expert during the patent examination, and request the grant of a patent on these grounds. In assessing the criteria of patentability by the Appeals Chamber, account shall be taken only of the evidence provided by an interested party, which is based on the relevant documents.



4. An appeal may be filed with the Appeals Chamber within three months after the relevant decision is published/served.
5. The Appeals Chamber shall consider the appeal and render a decision within three months after the appeal is filed.
6. The decision of the Appeals Chamber may be appealed to a court within the statutory period for appealing an administrative act.

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Article 40⁴ - Conflict of interests

1. Applications may not be filed by:
 - a) a natural person who is working or had been working in the Sakpatenti 12 months prior to filing the application;
 - b) a legal entity, in which the person provided for by subparagraph (a) of this paragraph is a member, partner, shareholder or manager.
2. A person who was directly involved in the adoption of the appealed decision may not be a member of the Appeals Chamber during the hearing of the legal dispute on granting a patent.
3. A patent attorney may not be a person who is working or had been working in the Sakpatenti as an expert or a patent attorney 12 months prior to the registration as a patent attorney, or a person who is the first-degree relative of the expert of the Sakpatenti.

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Article 41 -

1. The Sakpatenti registers a patent in the Industrial Property Register (the Register) and issues a patent deed if:
 - a) an appeal is not filed with the Appeals Chamber within the term established by Article 40³ (4) of this Law;
 - b) based on the appeal filed according to Article 40³ of this Law, the Appeals Chamber renders a decision to grant a patent;
 - c) the court renders a decision to grant a patent.
2. The Sakpatenti establishes the form of a patent deed and the data to be entered into the Register.
3. Any person has the right to inspect the data in the Register.
4. (Deleted).

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Article 42 - Decision refusing to grant a patent

1. The Sakpatenti renders a decision refusing to grant a patent if:
 - a) the application concerns the objects that are not considered as inventions according to Article 16 of this Law;
 - b) the application concerns inventions on which a patent is not granted according to Article 17 of this Law;
 - c) the invention does not meet the criteria of novelty;
 - d) the invention does not meet the criteria of inventive step in the case provided for by Article 35(1) of this Law;
 - e) the application does not meet the requirements provided for by Article 23(6) of this Law;
 - f) the application does not make it possible to determine the object of protection according to Article 35(1¹) of this Law.
2. If a decision refusing a patent concerns only a certain part of the application, then the relevant claim of the set of claims are deemed to be deleted.

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Article 42¹ - Re-examination of the invention

1. An interested party may request a re-examination of an invention during the patent's validity period, on the grounds that the invention does not meet the patentability criteria.
2. An application for re-examination shall be accompanied by:



a) a written substantiation that the invention does not meet the patentability criteria;

b) copies of all the previously issued patents and publications, which the interested party invoked for substantiation. If the documents specified by this subparagraph are submitted in a foreign language, the interested party shall provide their Georgian translation within one month. Otherwise, the documents submitted in a foreign language shall not be considered to be submitted.

3. The owner of the patent has the right to submit a written response within two weeks after filing an application for re-examination of the invention, which shall be taken into account at the time of re-examination of the invention.

4. On the bases of [the findings of] the re-examination of an invention, the Sakpatenti makes a decision refusing to revoke a patent or revoking a patent in full or in part.

5. The data on partial or full revocation of a patent are published in the bulletin and are registered in the Register.

6. The procedure for re-examination of an invention is determined by the Instruction.

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Article 43 - (Deleted)

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Article 44 - (Deleted)

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Article 45 - Withdrawal of the application

An applicant has the right to withdraw an application before it is transmitted for publishing.

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Article 46 - Extension and restoration of procedural terms

1. In the course of application proceedings the applicant has the right to require, according to the established rule:

a) termination of the application proceedings;

b) making changes in the submitted application documents, provided these changes do not extend beyond the essence of the invention;

c) extension of the term for responding to the Sakpatenti requirements;

d) restoration of the rights related to the application, which are lost due to missing the deadline.

2. The rules for the implementation of the actions mentioned in paragraph 1 of this article shall be determined by the Instructions.

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Article 47 - Service fee

1. Fees shall be paid for examination of formalities, patent examination, publication and registration, annual maintenance of rights to a patent, for the appeals, for making changes to the Register's data and for other actions.

2. Failure to pay the fees specified in paragraph 1 of this article within the fixed period shall entail termination of the application proceedings.

3. The type and amount of the fee shall be determined by an ordinance of the Government of Georgia.

4. The method and procedure for paying the fee are determined by the Instructions.

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Chapter VII - Limits of Use of Exclusive Rights Conferred by a Patent

Law of Georgia No 3031 of 4 May 2010 - LHG I, No 27, 24.5.2010, Art.183



Article 48 - Limits of exclusive rights

1. A patent owner disposes of an invention at his/her discretion. He/she may sell or otherwise alienate the invention, duly grant a private license to use the patent and/or pledge the patent.
2. A patent gives its owner the exclusive right to prohibit others, without the owner's permission:
 - a) to manufacture, sell, offer for sale, use, import, or put into civil circulation by some other method;
 - b) to use or offer for sale the patented method;
 - c) to sell, offer for sale, use, import or put into civil circulation by some other method a product produced directly through the patented method.
3. If the patent owner's exclusive right applies to a patent the essence of which is a method for producing a new product, then any similar product made by another person shall be considered as obtained through this method until the opposite is proved.
4. If a patent is owned by more than one person:
 - a) transfer of the right to the patent, or granting a private license to use the patent or pledging the patent is only permitted with the consent of all the owners;
 - b) each owner has the right to use the patented object in his/her enterprise without the consent of other owners.

Article 49 - (Deleted).

Law of Georgia No 3031 of 4 May 2010 - LHG I, No 27, 24.5.2010, Art.183

Article 50 - (Deleted).

Law of Georgia No 3031 of 4 May 2010 - LHG I, No 27, 24.5.2010, Art.183

Article 51 - Conditional rights

From the day of publishing the application until the granting of the patent, the applicant is entitled conditionally to the same rights that would have been granted to him/her by the patent. If the patent is not granted, then said rights shall not be considered to have accrued.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 52 - Infringement of exclusive rights

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

- a) dissemination or other use of a product manufactured by or with the consent of the patent owner after it is put into civil circulation;
- b) private use of an invention for personal benefit, provided such action is not intended for commercial purposes;
- c) use of an invention on board a sea vessel, or on an air or land transportation vehicle of any country, during its temporary presence in the territory of Georgia; In this case, the invention shall be used only on the specified transport and not for business purposes;
- d) use of an invention during natural disasters, catastrophes, epidemics and other emergency situations.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 53 - Right of prior use

1. The right of prior use is the right of a person to use an invention irrespective of the patent validity, provided he/she used the invention in good faith, or carried out preparatory work for its use prior to filing an application with the Sakpatenti or before the date of priority.
2. The right of prior use gives a third party the right of use an invention only for the purpose or to the extent for which purpose or to which extent the third party has already used it, or carried out preparatory work prior to filing an application with the the Sakpatenti or before the date of priority.
3. Granting a private license for the right of prior use is prohibited.
4. Transfer of the right of prior use is allowed only together with such an enterprise, where the actions provided for by paragraph 2 of this article were



carried out.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Law of Georgia No 3278 of 2 July 2010 - LHG I, No 37, 14.7.2010, Art.219

Article 54 - Patent Revocation

1. The Sakpatenti shall revoke a patent on the basis of:

- a) an application of the patent owner'
- b) non-payment by a patent owner of the annual fee for maintenance the patent validity;
- c) decision on re-examination of an invention.

2. A patent revoked under paragraph 1(b) of this article may be restored if the patent owner pays the annual fee for the maintenance of the patent validity within 6 months after the expiry of the term for payment of the fee for maintaining the patent validity for the next year. Validity of a terminated patent may be restored during the following 6 months after expiration of the said term if the patent owner pays the patent validity restoration and maintenance fee.

3. If upon the day of expiration of the term provided for by paragraph 2 of this article the patent validity maintenance fee is not paid for the following year, the patent shall be considered revoked from the day on which the patent validity term has expired.

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

5. The patent validity shall be considered restored from the day of publication of information on the restoration of its validity.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 55 - Right of further use

Any person who, from the day of termination of the patent until its restoration, used the invention in good faith or conducted preparations for use of the patented invention in the territory of Georgia, has the right to continue its further use for business purposes. This right shall be transferred only together with an enterprise [in which such rights have arisen] (the right of further use).

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 56 - (Deleted).

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 57 - Patent invalidation

1. A patent shall be declared invalid by a court if it is established that:

- a) the subject matter of the patent is not patentable;
- b) the patent's description of an invention is not complete enough to make its implementation possible;
- c) the subject matter of the patent is an object for which a patent is not granted under Article 16 of this Law;
- d) the subject matter of the patent is an object that is not considered to be an invention under Article 17 of this Law;
- e) the subject matter of the patent extends beyond the scope of the content of the application, with respect to which the priority was established, or the patent is granted on the basis of a divisional application and its subject matter extends beyond the scope of the content of the first application;
- f) the patent owner had no right to acquire the patent under Article 19 of this Law.

2. In the case provided for by paragraph 1(f) of this article, an interested party may request granting of the patent to him/her/it, instead of invalidation of the patent.

3. Information on the invalidation of a patent is recorded in the Register and published in the bulletin.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 58 - Consequences of patent invalidation



As a result of invalidation of a patent, the rights granted by the patent shall not be considered to have arisen.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter VIII - Transfer of Patent Rights; Private Licence on the Use of Patents

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 59 - Private license for the use of a patent

1. A patent holder may grant a private license for the use of a patent.
2. Private license is not a license under the Law of Georgia on Licenses and Permits.
3. A private license agreement shall be concluded in writing. The license shall define the scope of the use of the patented object.
4. A private license may be exclusive or non-exclusive. If the private license agreement does not define the type of license, the private license shall be considered to be non-exclusive.
5. Granting of a non-exclusive private license shall not deprive the license granter of the right to grant other licenses on equivalent terms.
6. An exclusive private license shall deprive the license granter of the right to grant other licenses on equivalent terms.
7. A private license holder may file an action in court for an infringement of the rights deriving from the patent, unless the patent holder himself/herself files an action in court within a reasonable time after being notified of the infringement of the rights.
8. A private license agreement and amendments made to it may be registered with the Register.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 60 - Open licensing

1. A patent holder may announce the open licensing mode, unless no exclusive private license has been granted for the patent.
2. Open license may be only non-exclusive.
3. The open licensing mode entitles any person to use the patent under the terms established by the open licensing mode.
4. When announcing the open licensing mode, the fee determined for the registration of the private license agreement shall be halved.
5. The Sakpatenti shall be notified of the announcement of the open licensing mode; the Sakpatenti shall enter corresponding records into the Register and publish the data in the Bulletin.
6. A patent holder may, any time, apply to the Sakpatenti requesting the annulment of the open licensing mode. Annulment of the open licensing mode shall not affect the granted open licenses.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 60¹ - Transferring patent rights

1. An agreement to transfer exclusive rights shall be entered into in writing.
2. An agreement on the transfer of exclusive rights, and the amendments made to it shall be duly registered in the Register, and the data shall be published in the Bulletin.
3. A new patent holder may not use the rights deriving from the patent against a third person until the relevant changes are registered in the register.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 61 - (Deleted)

Law of Georgia No295 of 11 May 2000 - LHG I, No 17, 12.5.2000, Art.41

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183



Article 62 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter VIII - Patent Pledge

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 62¹ - Patent pledge

Unless otherwise provided for by this Law, the norms established for a pledge under Book 2, Section 3, Chapter 6 of the Civil Code of Georgia shall apply to patent pledge agreements.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 62² - Form and procedure for concluding a patent pledge agreement

1. A patent pledge agreement shall be entered into in writing. Failure to comply with the written form shall render the pledge agreement void.
2. A patent may not be pledged simultaneously for the benefit of several persons.
3. A patent pledge agreement shall be registered with the Sakpatenti and the data shall be published in the Bulletin.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 62³ - Private license for pledged patents

1. The licenses granted by a patent holder in accordance with the law before a patent pledge agreement is entered into shall remain in force.
2. Licenses for a pledged patent may be granted only with the preliminary written consent of the pledgee.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.5.2010, Art.183

Article 62⁴ - Alienation of pledged patents

1. To satisfy his/her needs, the pledgee may alienate a pledged patent only after notifying the patent holder in accordance with Article 282(1) of the Civil Code of Georgia.
2. A pledged patent shall be alienated through an auction.
3. When conducting an auction, the rules prescribed by Articles 301 - 309 of the Civil Code of Georgia shall apply.
4. The holder of an exclusive license on a pledged patent shall have the priority right to pay back the pledged patent before the auction is conducted.
5. In the case of alienation of a patent, the licenses granted by the patent holder in accordance with the law before entering into a patent pledge agreement shall remain in force.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 62⁵ - Open licensing mode of pledged patents

1. Based on the application of the pledgee, the court may order the open licensing mode for a pledged patent instead of compulsory alienation of the pledged patent.
2. The open licensing mode for the pledged patent shall be cancelled if the creditor has been satisfied or it is obvious that the creditor cannot be satisfied under this mode.
3. The licenses granted during the open licensing mode of the pledged patent shall remain in force after this mode is cancelled.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183



Chapter X - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 63 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 64 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter X - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 65 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 66 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 67 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter XI - Patent Disputes

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 68 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 68¹ - Appeal to court

1. The infringement of rights derived from a patent shall mean the infringement of rights accorded by this Law which gives rise to liability under the legislation of Georgia.
2. The Sakpatenti shall not participate as a party in patent disputes related to the infringement of rights deriving from a patent.
3. Infringement of exclusive rights may give rise to criminal and civil liability of the infringer.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 68² - Period of Limitation

Unless otherwise provided for by this Chapter, an action with regard to infringement of rights derived from a patent may be filed within not longer than three years from the moment when the patent holder has become aware of the infringement.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183



Article 68 - Interim measures for securing the action

1. The court may, before a hearing on the merits, deliver a decision prohibiting the defendant or the person against whom there are reasonable grounds to believe that he/she has breached exclusive rights, to take the measures provided for by Article 48 of this law.

2. Before a hearing on the merits, the court may deliver a decision arresting the products that are subject to a reasonable doubt of being produced in violation of exclusive rights, as well as tools, equipment and other auxiliary facilities required for producing such products.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 68⁴ - Liability for infringement of rights deriving from a patent

1. A person who sustains damage as a result of infringement of rights deriving from a patent, may request the destruction of the products and the tools, equipment and other auxiliary facilities required for producing the product owned or held by the infringer, if the infringement cannot be eliminated in any other manner and if the product produced illegally cannot be handed over to the infringer or to the holder of exclusive rights.

2. The claim specified in paragraph 1 of this article may also be made when the product has been made by the direct use facilities that are presented as a method protected under the patent.

3. The product acquired in good faith by a third party, which was made through patent infringement may not be confiscated, except when the patent has been acquired to gain profit from its introduction into civil circulation.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 69 - (Deleted)

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 70 - (Deleted).

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 71 - (Deleted).

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter XI¹ - Utility Model

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 71¹ - Criteria for patentability of utility models

1. A utility model characterised by a lower inventive step compared to the invention and is a minor invention in its essence, shall be patentable if it complies with patentability criteria: novelty, inventive step and industrial applicability.

2. A utility model shall be deemed to have a novelty, if it is not known from prior art.

3. A utility model shall be considered to have an inventive step if, having regard to the prior art it is not, at the prescribed relevant date, obvious to a person skilled in the art.

4. A utility model shall be considered to have industrial applicability if it can be produced or used by industrial means.

5. The term of validity of a patent for a utility model shall be 10 years after an application has been filed with the Sakpatenti.

6. Unless otherwise provided for under this Chapter, the norms established under this Law for the creation, examination, use and legal protection of an invention shall apply to a utility model.

7. During a substantive examination of the application for a utility model, the Sakpatenti shall transmit to the applicant only the decisions provided for by Article 36(1)(a)(d) of this Law.

8. When establishing the novelty of a utility model, the Sakpatenti shall carry out a substantive examination only with regard to the application filed with the Sakpatenti.

9. The procedure for carrying out a substantive examination of the application for a utility model shall be defined under the Instructions.



Article 71² - Relationship between an invention and a utility model

1. The same applicant may submit to the Sakpatenti an application for the same invention simultaneously claiming the invention and the utility model.
2. Applications filed under paragraph 1 of this article shall be examined and a separate decision shall be made for each application.
3. In the case specified in this article, the granting of an invention patent shall cause the cancellation of the patent on the utility model. Refusal to grant a patent for an invention on the grounds that the invention does not have novelty, shall cause the invalidation of the utility model.
4. Before making a decision on granting a patent, an application for invention may be transformed into an application for utility model and vice versa.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter XII - International Applications

Article 72 - International Applications

1. The procedures under this Chapter shall apply to international applications which have been submitted to the Sakpatenti according to the Patent Cooperation Treaty.
2. The Sakpatenti shall process international applications according to the Patent Cooperation Treaty, this Law and other normative acts.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 73 - Status of international applications

1. An international application in which Georgia is designated as the place for obtaining a national patent for an invention or a utility model, shall be equivalent to the application filed with the Sakpatenti, and the international application shall be considered as a national application from the date of its filing.
2. An applicant shall be entitled to the rights under Article 51 of this Law if the international application has been published by the Sakpatenti in Georgian language under Article 40 of this Law.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 74 - Procedure for filing international applications

1. The Sakpatenti shall act as a 'receiving Office' for international applications for citizens of Georgia or for persons having a permanent place of residence in Georgia.
2. The Sakpatenti, in its capacity as a 'receiving Office', accepts international applications in Georgian, English or Russian languages. The fee for forwarding an application to authorised international organisations or agencies shall be paid to the Sakpatenti within one month after the international application has been filed to the Sakpatenti.
3. If an international application is filed in Georgian, the applicant shall be obliged to submit its English or Russian translation within a month after the application has been filed.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Article 75 - Accepting international applications

1. The Sakpatenti shall act as 'designated Office' for those international applications that designate Georgia as the place for obtaining a national patent for an invention or a utility model.
2. With regard to those international applications that designate Georgia as the place for obtaining a national patent for an invention or a utility model, the Sakpatenti shall act as an 'elected Office', provided that the inventor selects Georgia under the terms of Chapter 2 of the Patent Cooperation Treaty.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183



Article 76 - Application of the provisions of this Law to previously originated relations

1. Proceedings, including granting of a patent, shall continue with respect to applications that are undergoing patent examination at the moment of entry into force of this Law, in accordance with the Decree of the Cabinet of Ministers of the Republic of Georgia No 302 of 16 March 1992 On the Approval and Entry into Force of the Statute on Inventions and Decree No 303 of 15 March 1992 On the Approval and Entry into Force of the Statute on Industrial Designs.

2. For applications filed with the Sakpatenti based on an inventor's certificate issued by the former USSR, a patent may be granted, unless not more than 20 years have elapsed between filing an application on an invention with the relevant USSR agency and its filing with the Sakpatenti.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

Chapter XIV - Final Provisions

Article 77 - Measures relating to the entry of this Law into force

1. This Law shall enter into force upon the expiration of 3 months after its publication.

2. Along with the entry of this Law into force, taking into account the transitional provisions, Decrees of the Cabinet of Ministers of Georgia No 302 of 16 March 1992 and No 303 of 15 March 1992 On the Approval and Entry into Force of the Statute on Inventions and On the Approval and Entry into Force of the Statute on Industrial Designs shall be deemed to be repealed.

2¹. The Edict of the President of Georgia No 223 of 8 May 2002 On Patent Attorneys of Georgia shall be repealed.

3. (Deleted).

4. The President of Georgia shall ensure the compliance with this Law of Edict of the President of Georgia No 451 of 16 October 2000 On the Approval of the Regulations for the Protection and Use of Secret Invention and Utility Models.

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

a) (deleted).

b) service fees for patenting, registration and deposition of intellectual property objects.

6. The Sakpatenti shall issue a Regulation on patent attorneys.

7. The chairperson of the Sakpatenti shall issue Instructions for procedures relating to completing/ filing applications for an invention and a utility model, and for granting patents.

Law of Georgia No295 of 11 May 2000 - LHG I, No 17, 12.5.2000, Art.41

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.5.2010, Art.183

Law of Georgia No3741 of 26 October 2010 - LHG I, No 62, 5.11.2010, Art.381

Article 78 - Status of the patents granted prior to entry into force of this Law

The patents granted prior to entry into force of this Law shall be equal to the patents granted on the basis of this Law.

Law of Georgia No3031 of 4 May 2010 - LHG I, No 27, 24.05.2010, Art.183

President of Georgia

Eduard Shevardnadze

Tbilisi,

5 February 1999

No 1791 - IIs

