

**The article is issued in the form of PowerPoint presentation presented at symposium
Intellectual property objects and their protection in Georgia
Department of invention design and new breeds and varieties
Zv.Matiashvili (Tbilisi, Georgia)**

Here is presented current situation in Georgia in the field of intellectual protection and are indicated ways of their improvement.

Key words: intellectual, objects, protection

Objects of intellectual property:

- Invention
- Design
- Trade mark®
- Copy Right ©
- Geographical indications
- Know-how

Legal entity of public law - National Intellectual Property Center of Georgia "Sakpatenti" - an independent agency operating in the field of intellectual property protection.

Georgian patent Law (1999, 5 February).

Patent - a document issued in the name of the patent owner in accordance with law, confirming exclusive rights of the patent owner for the moment of its issuance.

Criteria of Patentability of an Invention:

- Novelty
- inventive step
- industrial applicability

An invention is novel if it does not relate to the existing state of the art.

Existing state of the art is defined by all data that has become publicly accessible in writing, by verbal description, public use or from other source.

In the course of determination of an inventive step, the state of the art does not include non-public data indicated in applications on invention.

Data related to the inventive step shall not have an influence on patentability of the object of application where, before the date of filing an application or within 12 months before establishing the date of priority, such data became publicly accessible:

- a) By action of an inventor or his/her successor;
- b) If information for the third party is disclosed, directly or indirectly, on the condition of confidentiality;
- c) As a result of third person's action in bad faith against the inventor or his/her successor.

An invention is industrially applicable where it implies the capability of its production or use in industry or agriculture.

The following shall not be regarded as an invention:

- a) Discovery, scientific theory, or mathematical method;
- b) Artistic creation;
- c) Algorithm, computer program;
- d) Educational or teaching method and system, language grammar system, methods for performance of mental acts, rules for games or gambling;
- e) Methods of business and organizational management;
- f) Plans and schemes of structures, buildings or territories;
- g) Presentation of information

Application is filed in "SAKPATENTI" by applicant or her/his representative.

A representative may be a patent attorney registered in "SAKPATENTI".

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

An application shall include:

- Application - www.sakpatenti.org.ge
- description of an invention;
- claims;
- drawings and other documents, if they are necessary to explain the idea of an invention;
- Abstract of an invention, this is only of informative nature.
- "SAKPATENTI" conducts patent examination, on the basis of which it takes the decision about granting a patent.

- Patent examination comprises confirmation of application filing date, examination of the formal requirements and substantive examination

Term for patent protection of an invention is 20 years from the date of application to “SAKPATENTI”.

Rights granted by Patent are “territorial rights”



“Sakpatenti” confirms the filing date of an application within 2 weeks from its filing.

Within 2 weeks from the confirmation of an application filing date, “Sakpatenti” conducts examination of formal.

“Sakpatenti” conducts substantive examination within 6 months from the completion of the formal requirements’ examination, in order to determine the object of protection and the state of the art.

- Following decision on granting a patent, “Sakpatenti” publishes the data of application and abstract of an invention in the Official Bulletin, and exhibits materials of application
- An applicant has the right to file an appeal to the Chamber of Appeals against decision of “Sakpatenti” on completion of the formal requirements examination or termination of proceedings, as well as decision on substantive examination refusing to grant a patent.
- An interested party has the right to request re-examination of an invention within the term of patent validity, on the grounds that an invention does not meet the patentability criteria.

The patent vests its holder with the exclusive rights to prohibit others, without holder’s permission, from:

- a) Production, sale, offer for sale, use, import or other market use of a product protected by patent;
- b) Use or offer for sale of a patented method;

c) Sale, offer for sale, use, import or other market use of a product directly made by the use of a patented method.

Fees:

- Filing Application----- 90 USD
- Examination ----- 270 USD
- Publication ----- 60 USD
- Granting Patent for 2 years ----- 200 USD

Inventors enjoy a 70% discount

Students, pupils and retiree applicants a 90% discount.

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ზემათიაშვილი (თბილისი, საქართველო)

წარმოდგენილია საქართველოში ინტელექტუალური დაცვის სფეროში დღეს არსებული მდგომარეობა. მითითებულია მისი გაუმჯობესების გზები.

გასაღები სიტყვები: ინტელექტუალური, ობიექტები, დაცვა.