

**The specificities of protection patents of medical objects****D.Jobashvili.****National Intellectual Property Center.Tbilisi, Georgia.**

Intellectual property is any creature created by human which is the result of his mental activity. One of the important objects of intellectual property is invention. Invention is, through the use of natural laws, an implemental idea created by a human intellectual activity characterized by innovation, inventive level and industrial application. For an invention patent is granted, which is a protective document issued in accordance with the law that gives the patent holders special right (exclusive).

**Key words: Invention, Medicine, Intellectual Property****Actuality:**

The object of the intellectual property is any creation of a human being, which is a result of his intellectual (mental-creative) activity.

One of important objects of intellectual property is invention. Invention is a realizable idea created through the use of the laws of nature, as a result of human intellectual (mental-creative) activity, which is characterized by novelty, inventive step and industrial applicability.

A patent is granted for an invention, which is a title of protection issued in accordance with the law of the country, which grants the patent owner exclusive rights.

Under the Patent Law of Georgia, a patent is not granted for some inventions. These inventions are:

1. Inventions against public order;
2. Inventions related to surgical, therapeutic and diagnostic methods of treatment of humans and animals. This rule does not apply to devices and substances used in such methods;
3. Inventions related to plant varieties and breeds of animals, as well as primarily biological methods for plant and animal breed selection. This rule does not apply to micro-biological methods and products obtained through such methods;

The reason due to which a patent is not granted for treatment and diagnostic methods derives from ethical considerations. A patent for a treatment or diagnostic method must not hamper a doctor in treating a patient.

**Objects of invention are:**

1. Device
2. Substance (compound, composition, mixture, alloy, combination, etc.)

3. Method
4. Biological strain, biological material
5. Use

All the above-mentioned objects may be an object of a medical invention, but most often objects of medical inventions are a medical product and use.

As a medical product shall be regarded an active substance or combination of active substances intended for a human or animal disease treatment or prevention, as well as a substance or combination of substances which may be prescribed for a person or animal for medical diagnostics and restoring, correcting or modifying physiological functions.

In their turn medical products are:

1. Medical substance
2. Pharmaceutical composition
3. Pharmaceutical form (tablet, capsule, etc.)
4. Pharmaceutical combination

The object Medical use implies

1. First medical use
5. Second medical use

A first medical use implies the primary use of a product (substance, composition) for medical purposes. A secondary medical use implies the use of a product, the use of which was known for medical purposes, also in medicine, for other purposes on the basis of revealing its new feature. An example of secondary use is Aspirin, which was known as an anti-inflammatory agent, and then its use as an antiaggregant.

In order to obtain a patent it is necessary to file an application for an invention via a patent office.

An application shall include

1. Application form
2. Description of the invention
3. Claims
4. Drawings (if necessary)

An invention must be described in a way that clearly shows its essence, it must be presented in such concepts and essential features, which make understandable the problem, set by the invention and the possibility of its solution. Along with this, a person skilled in the art must be able to realize it.

In the case where the invention relates to a medical object, description of the invention must include some additional data.

The description of the invention must contain the following information:

1. The data on the medical indications of the product;
2. The data confirming that the product can be used for medical purposes, including data about pharmaceutical forms of the product, their dosage and ways of introduction into the organism;
3. The data confirming the possibility of realization of the product's relevant purpose, including data on the effect of this product on physiological or pathological processes, or its connection with them;
4. In the case when the object of protection is a pharmaceutical combination, it is required synergy to be demonstrated and confirmed.

### **Claims:**

Claims define the object of protection of an invention and the scope of its protection. It must convey the essence of the invention; it must be based on the description of the invention and must contain all essential features of the subject-matter of the invention, which are necessary and sufficient for the solution of the technical problem set in the invention. By means of the essential features given in the claims, novelty and inventive step of the invention have to be evaluated. At the same time, the fact of infringement of a patent is evaluated primarily by means of the claims. Term for patent protection is restricted to 20 years from the date of application. After this period any interested person has right to use the subject-matter of the patented invention. It is important, that patent validity of an invention related to medical product can be extended for additional 5 years. This is due to the fact, that very often medical product gets the market rather late (approximately 5-10 years) after acquisition of patent.

**სამედიცინო ობიექტების საპატენტო დაცვის თავისებურებანი  
დ.იოზაშვილი.**

**ინტელექტუალური საკუთრების ეროვნული ცენტრი. თბილისი, საქართველო.**

ინტელექტუალური საკუთრების ობიექტი არის ადამიანის მიერ შექმნილი ნებისმიერი ქმნილება, რომელიც არის მისი გონებრივი საქმიანობის შედეგი.

ინტელექტუალური საკუთრების ერთ-ერთი მნიშვნელოვანი ობიექტია გამოგონება. გამოგონება არის ბუნების კანონების გამოყენების მეშვეობით,

ადამიანის ინტელექტუალური საქმიანობის შედეგად შექმნილი განხორციელებადი იდეა, რომელსაც ახასიათებს სიახლე, საგამომგონებლო დონე და სამრეწველო გამოყენებადობა.

გამოგონებაზე გაიცემა პატენტი, რომელიც არის ქვეყნის კანონის შესაბამისად გაცემული დამცავი დოკუმენტი, რომელიც ანიჭებს პატენტმფლობელს განსაკუთრებულ უფლებებს (ექსკლუზივს).

გასაღები სიტყვები: გამოგონება, მედიცინა, ინტელექტუალური საკუთრება.