

**Resolution of the
Government of Georgia
N181 of July 3, 2010 Tbilisi
On Approval of the Statute on the Legal Entity of Public Law –
National Intellectual Property
Center of Georgia - Sakpatenti"**

Article 1

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

Article 2

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

Prime Minister

N. Gilauri

**Statute of the Legal Entity of Public Law –
National Intellectual Property
Center of Georgia – “Sakpatenti"**

Article 1. General Provisions

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

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

3. Sakpatenti has a symbolics, a seal representing a small State Emblem and its own name, independent balance, account at the State Treasury, bank accounts permitted by the legislation and other details of a legal entity of public law.

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

Resolution №9 of the Government of Georgia of January 26, 2015 – website, 27.01.2015.

Article 2. Basic Objectives of Sakpatenti

Basic objectives of Sakpatenti include:

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

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

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

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

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

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

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

g) providing information to the public on issues related to intellectual property;

h) fulfilling other tasks defined by the legislation of Georgia.

Article 3. Main Functions of Sakpatenti

Main functions of Sakpatenti include:

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

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

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

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

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

f) carrying out procedures related to international applications;

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

h) formation and maintenance of automated databases of intellectual property subject-matters;

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

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

k) supporting the development of copyright and related rights field;

l) carrying out scientific-research work in the intellectual property field, publication and dissemination of information and cognitive brochures and other materials, preparation and publication of comments on legislative acts and international agreements in force in Georgia;

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

n) fulfilling other functions according to the legislation of Georgia.

Article 4. Scope of Authority of Sakpatenti

Sakpatenti is authorized:

a) in accordance with the legislation, to grant relevant documents on intellectual property subject-matters on behalf of the state of Georgia;

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

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

d) by means of the Chamber of Appeals, a body hearing disputes, functioning at Sakpatenti, to consider and take relevant decisions on disputes related with decisions of Sakpatenti taken in connection with intellectual property subject-matters as well as those related with criteria of their protection, patent granting and

registration of other subject-matters of industrial property, to recognize a trademark as a well-known trademark;

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

e) to hold seminars, conferences and other events on intellectual property issues;

f) to ensure capacity building and acquiring experience for Sakpatenti staff through participation in seminars, conferences and other events;

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

h) to implement target projects in order to develop the intellectual property system and innovation activity in the country;

i) in order to achieve its objectives, on the basis of agreement with the Government of Georgia, independently or together with other persons, to found legal entities of private law according to the rule established by the legislation.

Resolution of the Government of Georgia №416 of November 4, 2011 - website, 09.11.2011.

Resolution of the Government of Georgia №9 of January 26, 2015 - website, 27.01.2015.

Resolution of the Government of Georgia №550 of October 26, 2015 - website, 27.10.2015.

Article 5. Sakpatenti Property and Revenues

1. Sakpatenti property is the main and negotiable capital accounted on the independent balance of Sakpatenti.

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

3. Funding of Sakpatenti is carried out by:

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

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

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

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

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

Resolution of the Government of Georgia №416 of November 4, 2011 - website, 09.11.2011.

Resolution of the Government of Georgia №9 of January 26, 2015 - website, 27.01.2015.

Article 6. Management of Sakpatenti

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

2. The chairman of Sakpatenti:

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

b) takes decisions on issues within Sakpatenti competence;

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

d) issues an individual administrative-legal act;

e) represents Sakpatenti before third parties;

f) without a power of attorney acts on behalf of Sakpatenti, manages Sakpatenti property, concludes contracts, issues powers of attorney, in order to receive additional incomes, opens current and/or deposit accounts at commercial banks, according to the rule established by the legislation;

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

h) defines and approves Sakpatenti staff list and amount of staff salaries;

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

j) according to the rule established by the legislation of Georgia, through competition appoints and dismisses from posts Sakpatenti staff members, determines and approves qualification requirements of the staff members;

k) takes decision on encouragement, giving bonuses and disciplinary responsibility of Sakpatenti employees;

l) determines and approves qualification requirements of patent attorneys;

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

n) at the time of fulfilling the functions of Sakpatenti, is authorized to set up a scientific-advisory council and define its structure and authority;

n¹) in accordance with the rule established by the legislation of Georgia, defines for Sakpatenti employees additional measures for social protection and benefits;

o) fulfills other rights and duties under the legislation.

3. The chairman of Sakpatenti has 2 deputy chairpersons, who are appointed and dismissed from the posts by the chairman of Sakpatenti, by the rule established by the legislation of Georgia. In the absence of Sakpatenti chairman, his duties shall be fulfilled by the one of the deputy chairpersons.

4. (Repealed – 18.04.2023, №155)

Resolution of the Government of Georgia №9 of January 26, 2015 - website, 27.01.2015.

Resolution of the Government of Georgia №54 of February 11, 2019 - website, 12.02.2019.

Resolution of the Government of Georgia №613 of December 11, 2019 - website, 12.12.2019.

Resolution of the Government of Georgia №155 of March 10, 2020 - website, 11.03.2020.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6¹. Structure of Sakpatenti

1. Sakpatenti ensures the performance of the functions assigned to it by means of structural units and structural subdivisions.

2. The structural units of Sakpatenti are:

a) Administration Department, the structural subdivisions of which are:

a.a) Human Resources Management and Document Management Division;

a.b) International Relations and Protocol Division;

a.c) Information Technologies Department;

a.d) Service Development and Citizen Services Division;

b) Department of Inventions and New Varieties and Breeds, the structural subdivisions of which are:

b.a) Mechanics and Physics Division;

- b.b) Chemistry-Medicine and Biology Divisaion;
- c) Economics Department, the structural subdivisions of which are:
 - c.a) Logistics Division;
 - c.b) Finance Division;
 - c.c.) Procurement Division;
- d) Intellectual Property Teaching and Training Center;
- e) Legal Department;
- f) Monitoring Service;
- g) Public Relations Service;
- h) Department of Trademarks, Geographical Indications and Design, the structural subdivisions of which are:
 - h.a) Design and Deposition Division;
 - h.b) Division of Trademarks and Geographical Indications.

3. A structural unit and a structural subdivision of Sakpatenti is headed by the head, who is appointed to the position and dismissed from the position by the chairman in accordance with the law.

4. The heads of the Administration Department, the Department of Inventions and New Varieties and Breeds, the Economics Department and the Legal Department have deputy heads, who are appointed and dismissed from positions by the chairman in accordance with the law.

5. The functions of the structural units of Sakpatenti are determined by this Statute and by the Statutes on the Structural Divisions of Sakpatenti, approved by the chairman.

Resolution of the Government of Georgia №9 of January 26, 2015 - website, 27.01.2015.

Resolution of the Government of Georgia №155 of March 10, 2020 - website, 11.03.2020.

Resolution of the Government of Georgia №53 of February 7, 2023 - website, 07.02.2023.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6². Administration Department

The functions of the Administration Department are:

- a) determination of the human resources management policy and strategy and ensuring of their implementation;
- b) attraction of human resources, organization and management of the selection/recruitment process;
- c) proper documentation of activities related to the labour relations between Sakpatenti and employees and keeping the personal files of employees;
- d) creation and introducing of systems for employees' motivation and evaluation and submission of proposals for measures to be implemented to the management;
- e) drafting the labour regulations; compilation of official job descriptions and methodical provision;
- f) management of electronic systems of document management and human resources management;
- g) organization of Sakpatenti document management system;
- h) storage/systematization of correspondence/documentation containing secret information in accordance with the rule and procedure provided by the legislation;
- i) facilitation of the implementation of Sakpatenti international projects; cooperation with international organizations and relevant offices of

donor countries, initiation of projects, their coordination, facilitation of their implementation;

- j) establishing partnership relations with relevant offices of foreign countries in the field of intellectual property for the purpose of implementation of bilateral and multilateral international cooperation;
- k) preparation of reports on the implementation of multilateral international agreements on issues within the competence of Sakpatenti;
- l) analysis of reports prepared by domestic and international organizations, as well as preparation of reports on the fulfillment of their recommendations and obligations;
- m) on issues within the competence of Sakpatenti, participation in the drafting of strategies and relevant action plans within interoffice councils and preparation of completed reports;
- n) preparation of strategy of Sakpatenti activity and action plan, as well as annual reports of activity within Sakpatenti competence;
- o) planning, organization and coordination of Sakpatenti representation issues (including in foreign countries);
- p) arrangement of organizational issues related to visits and official receptions of foreign delegations in Georgia, holding official receptions, greeting and seeing off guests and organization of meetings with various officials;
- q) management/development of information technologies (systems), development of information security policy and promotion of its implementation;

- r) provision of formation and use of information (data) bases related to Sakpatenti activity, as well as technical provision of the electronic document management system;
- s) maintenance and administration of Sakpatenti internal network and remote local networks connected to it; designing and implementation of computer networks;
- t) administration of Sakpatenti website and e-mail; as needed, organization of publishing of information in separate information (data) bases, making updates and changes;
- u) organization of provision with computer and office equipment, their smooth operation; technical support of Sakpatenti communication;
- v) the development of existing Sakpatenti services, monitoring the process of providing services, assessing, identifying, and responding promptly to existing or possible problems and/or shortcomings; in order to optimize the process of rendering services, developing and initiation of relevant proposals;
- w) rendering of consultations regarding Sakpatenti services (both on-site and through phone communication); receiving, processing, scanning, placing in the database and archiving of applications filed through national and international procedures, additional materials (description, claims, abstract, drawings, etc.), as well as documents of appeal proceedings;
- x) provision of access to public information;
- y) ensuring of protection of personal data.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6³. Department of Inventions and New Varieties and Breeds

The functions of the Department of Inventions and New Varieties and Breeds are:

- a) determination of the state policy and priority directions in the field of inventions and new varieties and breeds, organization of their implementation;
- b) determination of priority directions of cooperation with international organizations and foreign countries in the field of inventions and new varieties and breeds and work on fulfillment of international obligations;
- c) preparation of proposals on Georgia's participation in international agreements and treaties related to intellectual property subject-matters;
- d) within the competence, participation in the implementation of local and international projects and relevant events;
- e) examination of applications for inventions, utility models, new varieties of plants and breeds of animals according to the rule established by the Law, issuance of relevant documents and, within the competence, keeping of industrial property registers and implementation of other actions related to proceedings of applications;
- f) confirmation of the filing date of applications and conducting of examination as to form; conducting of substantive examination of applications;
- g) implementation of procedures related to international applications.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁴. Economics Department

The functions of the Economics Department are:

- a) material and technical provision of Sakpatenti;

- b) ensuring of protection, storage and maintenance of material values listed on the balance sheet of Sakpatenti; warehouse management and ensuring of proper functioning of warehouse infrastructure;
- c) management of Sakpatenti car park and organization of the necessary works for its proper functioning, taking into account the allowed limits, control of fuel consumption;
- d) ensuring of proper work of Sakpatenti infrastructure (including electrical communication, ventilation-conditioning, etc.);
- e) provision of structural units of Sakpatenti with necessary items;
- f) ensuring of the inventory process of non-financial assets of Sakpatenti;
- g) checking the condition of Sakpatenti buildings and ensuring of conducting necessary measures; organization and management of construction, repair and reconstruction works and communication with third parties for this purpose;
- h) conducting of financial, economic and accounting activities according to modern standards;
- i) keeping of registers of accounting documents and implementation of preliminary control over timely drawing up and the legality of the carried out operations;
- j) accrual and control of payment of salaries and other payments of Sakpatenti employees;
- k) compilation of periodic reports stipulated by legislative acts or by-laws and their presentation as required;
- l) accounting of fixed assets, as well as small and perishable items and preparation of documents;

- m) ensuring of conducting of inventory of material assets, monetary resources, settlement with debtors and creditors, timely determination of inventory results and their reflection in accounting;
- n) purchasing of goods, services and work necessary for proper functioning of Sakpatenti, upon grounded written request of relevant structural units/subdivisions;
- o) in accordance with the current legislation, preparation and presentation of a draft of the annual state procurement plan, draft amendments to be made to it;
- p) conducting of state procurement procedures, reporting, preparation, keeping, registration and storage of documents related to implementation of procurement;
- q) for rational implementation of procurement, provision of open and fair competition, examination of the market and search for alternatives.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁵. Intellectual Property Teaching and Training Center

The functions of the Intellectual Property Teaching and Training Center are:

- a) promotion of dissemination of knowledge in the field of intellectual property. Proceeding from of Sakpatenti tasks, functions and priorities, determination of the main directions of teaching and organization of the learning process;
- b) development of intellectual property teaching methodology, analysis of teaching needs, introduction of modern teaching technologies and their ensuring of their compliance with international standards;
- c) facilitation of professional development and raising qualification, teaching-training of Sakpatenti employees, interns and other persons interested in the intellectual property field and service quality development;

- d) organization of selection, teaching and training of trainers, training experts and trainer-consultants;
- e) on the local and international level, cooperation with relevant teaching and training institutions, academic circles and other organizations, as well as legal entities and physical persons for the purpose of development, planning and implementation of joint training programs and projects in the field of intellectual property;
- f) participation in local, regional and international projects and relevant events of Sakpatenti;
- g) for the purpose of provision of publication of materials related to protection of intellectual property, publishing of the Official Bulletin of Industrial Property (Georgian and English versions);
- h) preparation of English and Russian abstracts;
- i) editing and proofreading of abstracts and descriptions of local applications for inventions and utility models and abstracts of international applications; preparation of descriptions to be issued together with the titles of protection;
- j) preparation for publication, digital and/or offset printing of sectoral literature, including books, classifications, brochures, booklets, annual reports, informative sheets, etc.
- k) ensuring of management and development of Sakpatenti library;
- l) digitalization of paper documents created in Sakpatenti and creation of appropriate electronic archives.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁶. Legal Department

The functions of the Legal Department are:

- a) legal provision of Sakpatenti activity;

- b) provision of lawmaking activity, as well as drafting normative acts to be developed regarding Sakpatenti activity, legal assessment and involvement in the process of their adoption;
- c) drafting of individual administrative-legal acts and/or their legal examination;
- d) provision of administrative proceedings regarding applications and administrative appeals;
- e) representation of Sakpatenti at court disputes;
- f) preparation and/or legal examination of agreements (except labour contracts and agreements on state procurement) and memorandums to be concluded on behalf of Sakpatenti;
- g) permanent monitoring of legislative amendments related to Sakpatenti activity and timely informing Sakpatenti management and structural units about them;
- h) organization of the activities of the Chamber of Appeals functioning at Sakpatenti and performing of the function of the secretariat of the Chamber;
- i) within the competence, ensuring of the relationship of Sakpatenti with the Parliament of Georgia, the Government of Georgia and other agencies;
- j) rendering legal consultations to Sakpatenti employees regarding Sakpatenti activity.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁷. Monitoring Service

The functions of the Monitoring Service are:

- a) checking and monitoring of compliance of the activity of Sakpatenti and its structural unit(s) with the legislation of Georgia and current legal acts;

- b) within the monitoring, implementation of a recommendation checking, which includes assessment of the unity of actions, tasks and processes of the structural unit(s) of Sakpatenti;
- c) monitoring of implementation of Sakpatenti strategic development plan and strategic projects;
- d) conducting of official inspection on information regarding existence of an offense, disciplinary misconduct and/or an action incompatible with the goals of Sakpatenti (statement, letter, complaint, notification, other information or fact), preparation of a report and submission to the chairman;
- e) revealing of violations and shortcomings in Sakpatenti activity; in order to remedy the revealed shortcomings and prevent their causes, preparation of appropriate recommendations and presentation to the chairman;
- f) preparation of recommendations in order to increase the efficiency, productivity and economy of Sakpatenti activity;
- g) monitoring of implementation of recommendations issued as a result of inspection in accordance with the law;
- h) monitoring of implicit performance of the legislation of Georgia, the Statute on Sakpatenti, Sakpatenti decisions, Sakpatenti internal regulations, orders of the chairman and other internal regulatory acts and implementation of relevant responding.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁸. Public Relations Service

The functions of the Public Relations Service are:

- a) development of Sakpatenti public relations strategy, planning and participation in implementation of communication campaigns and project;
- b) relations with representatives of mass media and development of strategic cooperation with them;
- c) planning and implementation of media events, namely, press conferences, briefings and presentations;
- d) ensuring of information support of reforms, projects, innovations, achievements of Sakpatenti, preparation of media releases and other information materials and informing mass media;
- e) planning and participation in preparation of advertisements, newspaper articles and video clips about Sakpatenti activity;
- f) obtaining information disseminated by mass media on intellectual property issues, its analysis, if necessary, expressing Sakpatenti position, preparation of explanations and archiving of the material;
- g) mass media analysis, constant monitoring of information flows and preparation of recommendations;
- h) relations with mass media through press conferences, briefings, meetings, seminars and others means of communication;
- i) management of Sakpatenti official website and other official pages in social networks.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 6⁹. Department of Trademarks, Geographical Indications and Design

The functions of the Department of Trademarks, Geographical Indications and Design are:

- a) determination of the state policy, priority directions in the field of trademarks, appellations of origin, geographical indications and designs, specific measures for development of the system and organization of their implementation;
- b) determination of priority directions of cooperation with international organizations and foreign countries in the field of trademarks, appellations of origin, geographical indications and designs and work on fulfillment of international obligations;
- c) preparation of proposals on Georgia's participation in international agreements and treaties related to trademarks, appellations of origin, geographical indications and designs;
- d) examination of applications for trademarks, geographical indications and designs in accordance with the rule established by the legislation, issuance of relevant documents and, within the competence, keeping of registers;
- e) conducting of procedures related to international applications;
- f) implementation of deposition of works protected by copyright.

Resolution of the Government of Georgia №155 of April 18, 2023 - website, 19.04.2023.

Article 7. Sakpatenti Accountability

Sakpatenti shall be accountable before the Prime Minister of Georgia.

Article 8. Final Provisions

1. Reorganization and liquidation of Sakpatenti shall be carried out by the rule established by the legislation.

2. Amendments and additions shall be entered into the Statute on Sakpatenti by a resolution of the Government of Georgia.