

Order N 04 of the Chairman of Legal Entity of Public Law National Intellectual  
Property Center of Georgia Sakpatenti

December 14, 2011, Tbilisi

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

In accordance with Article 8<sup>1</sup> and Article 77 (7) of the “Patent Law of Georgia”,

1. The attached “Instruction on Procedures Related with Drafting and Filing Applications for Inventions and Utility Models and Granting a Patent” shall be approved;
- 1<sup>1</sup>. Patent application forms shall be approved. (03.04.2018 NI)
2. The Order shall enter into force from January 1, 2012.

*I.Gvaladze*

**Instruction on Procedures Related with  
Drafting and Filing Applications for Inventions and Utility Models  
and Granting a Patent**

**Section I**

**Invention**

**Chapter I**

**General Provisions**

**Article 1. Field of Regulation of the Instruction**

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

## **Article 2. Definition of Terms**

Terms used in the Instruction shall have the following meaning:

- a) Law - the “Patent Law of Georgia”;
- b) National Intellectual Property Center - Sakpatenti (hereinafter referred to as Sakpatenti) - Legal Entity defined by the “Patent Law of Georgia”;
- c) Bulletin – an official printed edition on industrial property subject-matters;
- d) Register – Register of Industrial Property;
- e) International code – Two-digit number code adopted by an international agreement, approved by the standard of the World Intellectual Property Organization (WIPO) St. 9, for identification of bibliographic data related to patents;
- f) Country code - Two-digit code approved by WIPO Standard ST.3, corresponding to the names of countries, intergovernmental and other organizations;
- g) International Classification – Strasbourg Agreement of 1971 on the International Patent Classification;
- h) Figure - a conventional designation of a diagram, drawing or other material;
- i) Prescribed fee – fee approved by the Resolution of the Government of Georgia № 182 of July 3, 2010, “On Approval of Fees for the Service Related with Patenting, Registration and Deposition of Intellectual Property Subject-Matters”;
- j) Depository – an authorized organization that stores biological reproducible material;

- k) Term for Entry into the National Phase – in case of an international application for which Sakpatenti acts as a designated or selected office, the term for filing the application with Sakpatenti to receive a national patent for an invention or utility model, which is 31 months from the date of priority. (01.09.2017 NI)

## **Chapter II**

### **Application Form and Rule of its Filing**

#### **Article 3. Application**

An application shall include:

- a) a request for obtaining a patent;
- b) the description of an invention;
- c) claims;
- d) drawings and other documents, if they are necessary to explain the essence of
- e) invention;
- f) the abstract of the invention, which is only informational in its nature.

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

1. Application materials shall be filed with Sakpatenti on paper or in electronic form – using the electronic filing system of Sakpatenti. In case of filing on paper, an electronic copy of the application materials on an electronic data carrier (e.g. on CD-ROM) should be attached to the application. Application materials filed in electronic form should be created in .doc format using *Sylfaen* font. (03.04.2018 NI)
2. The request shall be filed in the state language of Georgia, and other application materials - in any language.
3. Application materials, filed in a foreign language, shall be accompanied by a translation into the Georgian language within two months from the date of filing, otherwise, the materials shall not be considered filed.
4. The applicant shall ensure the authenticity of the translation.
5. If the application is filed through the inventor's assignee or representative, and

the application is not accompanied by the original of the document confirming assignment or representation, the applicant shall submit the original of the document confirming assignment or representation or its duly certified copy within two months from the date of filing the application.

6. If the applicant uses a beneficial fee approved by the government, the document confirming this shall be filed with Sakpatenti within 2 weeks from the date of filing the application.
7. If the application refers to a strain of micro-organisms, a consortium of strains, a cell, a cell culture, a monoclonal antibody or other similar objects, the application shall be accompanied by a document of deposit, issued by the depository, which includes the name of the depository, name of the material submitted for deposition, registration number of the deposited material, date and full description of the material. The document of deposit may be filed within two months from the filing of the application.
8. If an application contains nucleotide or amino acid sequence, the applicant, within two months from filing the application, shall attach to the application a list of appropriate sequence according to WIPO standard St. 25.
9. In case of violation of the terms defined by Paragraphs 6, 7 and 8 of this Article, a notification on identification of the shortcoming shall be sent to the applicant. Within one month of the receipt of the notification, the applicant shall remedy the identified shortcoming, otherwise the application proceedings shall be terminated and the decision about the termination of proceedings shall be sent to the applicant.
10. In the case provided for by Paragraph 9 of this Article, within 6 months from familiarization with the decision of Sakpatenti on the termination of application proceedings, the applicant is entitled to request resumption of the proceedings. Sakpatenti satisfies the applicant's request upon remedying the shortcoming and payment of the prescribed fee.

11.If the inventor wishes his/her name to remain anonymous, the application shall be accompanied by a relevant request of the inventor. At any stage of the examination, the inventor is entitled to request that the inventor's name be added to the title of the invention.

#### **Article 5. Form of Request**

1. A request for obtaining a patent shall be submitted on a request form, approved by the Chairman of Sakpatenti.
2. The request shall be made in the Georgian language in printed form.
3. The request shall include:
  - a) Name(s) and surname(s) of the applicant(s) (international code -71); in case of a legal entity, name of the legal entity;
  - b) Address or the permanent residence of the applicant(s), indicating the country code of nationality; address of the legal entity, indicating the country code of the legal entity in case of a legal entity;
  - c) Address for correspondence in Georgia, full name or title of addressee, phone number, e-mail address and fax number (*03.04.2018 NI*);
  - d) Repealed (*03.04.2018 NI*)
  - e) relevant indication if the applicant is at the same time an employer;
  - f) Repealed (*03.04.2018 NI*)
  - g) In case of requesting priority, the number of the first application (international code 31), date of filing the first application (international code 32); (*03.04.2018 NI*)
  - h) In case of requesting convention priority, the code of the country/office receiving the first application (international code 33);
  - i) In case of requesting exhibition priority, the date of presentation of the invention at the exhibition (international code 23);
  - j) Title of the invention (international code 54);

- k) if the application is filed through the inventor's assignee/representative, the name, address, telephone, e-mail address of the assignee/representative (international code 74);
  - l) An indication whether the creation of the invention is linked with carrying out official duties or fulfillment of an order;
  - m) The inventor's name and address with the indication of the country code *(03.04.2018 NI)*
  - n) An indication as to the secrecy of the invention;
  - o) List of attached documents, with indication of the number of copies and pages;
  - p) In case of entry into the National Phase of an international application, international application number and international filing date (international code 86); *(03.04.2018 NI)*
  - q) In case of a divisional application, application number and filing date of the earlier application (international code 62). *(03.04.2018 NI)*
4. In case of existence of additional materials, they shall be attached to the application and the purpose shall be indicated.
  5. If at the time of filling out the request, according to Subparagraph (e) of Paragraph 3 of this Article, it is indicated that the applicant is simultaneously an employer, the applicant shall not be obliged to submit in addition an agreement concluded between the applicant and the employer.
  6. The form shall be signed and dated by the applicant, authorized person or representative by the date of signature, indicating the full name of the signatory.
  7. Application materials may be changed only upon the applicant's written request.

## **Article 6. Description of an Invention**

1. A description of an invention is intended to confirm the scope of the protection defined by the invention. The description of the invention shall convey the

essence of the invention and possibility of its implementation so clearly that a person skilled in the art could realize it.

2. The description of the invention shall include the following:
  - a) the title of the invention, which shall coincide with the title indicated in the application;
  - b) pertinent art, to which the invention belongs;
  - c) the state of the art to the extent known to the applicant;
  - d) the essence of the invention;
  - e) the result achieved by the invention;
  - f) the drawings if they are attached to this application;
  - g) a detailed description of the implementation of the invention.
3. Proceeding from the essence of the invention and practical considerations of the description of the subject-matter, it is permissible to submit a description of the invention in different form if it is more convenient for conveying the essence of the invention.

#### **Article 7. Title of an Invention**

The title of an invention shall be compatible with the essence of the invention and it is desirable that it does not consist of more than ten words.

#### **Article 8. Pertinent Art**

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

#### **Article 9. The State of the Art**

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

2. Any publicly available information is used for the description of the state of the art.
3. It is desirable that at the time of description of the state of the art the reasons due to which it was impossible to solve the task set by the invention be indicated.

#### **Article 10. The Essence of the Invention**

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

#### **Article 11. Figures and Drawings**

Figures and drawings shall be represented in the description of an invention with the indication of relevant numbering and title.

#### **Article 12. Detailed Description of an Invention**

1. The detailed description of an invention shall demonstrate the possibility of solving the technical task set by the invention.
2. If the object of protection is a device, the detailed description shall contain a description of the device in statics and/or dynamics, with the indication of figures and positions. In addition, in statics ciphers shall be indicated in increasing sequence, except the cases where the violation of the sequence is caused by a necessity.
3. If the object of protection is a method, the detailed description shall contain data on the operations necessary for its implementation, their sequence and the performance conditions, parameters and modes. In addition, if required, data on the devices and materials used in the method shall be indicated.
4. If the object of protection is a physicochemical substance or that obtained by mechanical mixing of components, the detailed description shall contain the list of components, and if their quantity is an essential feature of the invention - the limit values. In addition, if a characteristic of individual components is an



essential feature, the detailed description shall also contain physical state, sizes and other relevant data.

5. If the object of protection is a substance obtained in chemical way, its detailed description, if necessary, shall contain the structural formula, physicochemical characteristics and method of production. The data on the areas of use of the chemical compound and implementation of use shall also be given.
6. If the object of protection is a substance and it is impossible to describe it by features characteristic of the substance, in the detailed description it may be characterized by means of a method.
7. If the object of protection is use of a product, in the detailed description the possibility of use of the product for achieving the goal set by the invention shall be demonstrated.

#### **Article 13. Detailed Description of a Biotechnological Invention**

1. A biotechnological product contains:
  - a) a biological material which is separated from natural environment or obtained through other technical methods;
  - b) a plant or an animal, if the essence of the invention (or their technical implementation) is not limited to a separate plant variety or animal breed;
  - c) microbiological or other technical processes or products obtained through this process.
2. If invention relates to a sequence of a gene or its fragments, separated from a human body or obtained by other technical method, industrial applicability of this object shall be demonstrated in the detailed description of the invention .
3. If biological material is not publicly available and its description in the application is not possible to a degree that its implementation is obvious for a person skilled in the art, the application shall be accompanied by a document of deposition of this material, which has been issued by the Depository.

#### **Article 14. Detailed Description of a Medical Product**

1. In the case when the object of protection is a medical product and/or a method of its obtaining, the detailed description together with the data indicated in Article 12 shall contain:

- a) data on medical indications of the product;
- b) data confirming that use of the product for medical purposes is possible, data on pharmaceutical forms of the product, their dosage and ways of introducing into the organism;
- c) data confirming the possibility of the realization of the product ability with a relevant purpose, including data on the effect of this product on definite links of physiological or pathological processes or on connection with them;

2. If a medical product and/or the active ingredient contained in it is known from the state of the art, the detailed description shall contain the data which will confirm clearly the possibility of solving the technical task set in the invention. In such a case, the detailed description shall contain all the data indicated in paragraph 1 of this Article.

### **Article 15. Claims**

- 1. Claims define the object(s) and scope of protection of the invention.
- 2. Claims shall be based on the description of the invention.
- 3. Claims may consist of one or several claims.
- 4. Claims consisting of several claims shall contain at least one independent claim. Each claim shall be clearly set out and shall consist of one sentence. Each independent claim may have a claim or claims depending on it.
- 5. The independent claim of the claims is expressed by the unity of essential features which are sufficient for implementation of the invention.
- 6. Each independent claim shall reflect one invention.
- 7. The independent claim of the claims shall consist of known and distinctive parts.
- 8. In the known part of an independent claim essential features shall be given

that are known from the state of the art in connection with the invention.

9. In the distinctive part of an independent claim essential features shall be given that distinguish it from the state of the art and together with the unity of features indicated in paragraph 8 of this article represent the object of protection of the invention.

10. An independent claim of the claims shall not be divided into known and distinctive parts if a better characterization of the invention is possible in another way proceeding from the peculiarities of essence of the invention.

11. Taking into account the requirement of the unity of an invention, claims may contain two or more independent claims of different or the same kind of object of the invention (method, device, substance, use, etc.).

12. An independent claim shall contain a reference to the claim on which it is dependent and the features conveyed in it shall specify the feature conveyed in the independent claim and/or shall develop the unity of essential features of the invention in the form of a special case of implementation.

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

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

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

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

### **Article 16. Mathematical Formulas**

1. In the description and claims mathematical signs (formulas) and symbols can be used.
2. The form of recording mathematical signs (formulas) is not restricted.
3. All letter signs contained in a mathematical formula shall be explained. An explanation shall be formulated in the form of a column, and at the end of each letter sign a semi-colon shall be placed. In addition, letter signs shall be explained according to the sequence of use.

### **Article 17. Chemical Formulas**

11

1. In the description and claims chemical formulas can be used.
2. Formulas of chemical compounds shall be numbered.
3. In recording of a chemical formula universally accepted symbols of elements shall be used and relations between elements and radicals shall be indicated exactly.

### **Article 18. Drawings and Other Materials**

1. According to sub-paragraph “d” of paragraph 1 of Article 24 of the Law, drawings shall be submitted in a case if they are necessary for explanation of the essence conveyed in the description of the invention.
2. The description of the submitted invention and drawings shall coincide with one another.
3. To better explain the essence of the invention, other explanatory materials (such as charts, graphs, drawings, oscillograms, tables, diagrams, etc.) may be submitted.

### **Article 19. Abstract**

1. Abstract is a brief description of the invention.
2. Figures, chemical or other type formulas may be included in an abstract.
3. The text of the abstract should not exceed 200 words.

### **Article 20. Drafting Application Materials, Terminology and Conventional**

## **Signs**

1. In the description of an invention, claims and other materials, terms and abbreviations accepted for the given branch shall be used.
2. In case of introducing a new term, it shall be explained upon its first use.
3. All conventional signs shall be explained.
4. In the text of the description of an invention and claims same signs shall be spelled identically. The requirements of terminological unity apply to physical units as well as conventional signs.
5. Units of physical magnitudes shall correspond to the current international system of units.
6. Application materials shall not contain offensive statements, or expressions that are contrary to public order.
7. Each sheet of the description of an invention and claims shall be used only on one side. When conveying the text material, lines shall be arranged in parallel to a lesser side of the sheet.
8. Drafting each application material shall begin with from a separate sheet.
9. Each application material shall be executed on white template in the size of 210 x 297 mm.
10. The minimum margins of a sheet are: left - 25 mm, right, top and bottom - 20 mm.
11. Each sheet of the description of an invention and claims shall be numbered in Arabic numerals, by sequential numbering, starting from the first page.
12. Application materials shall be printed in black.
13. Texts of the description of an invention, claims and abstract shall be printed with no less than 1.5 interval. In addition, the letter height shall be no less than 0.21 cm.

## **Article 21. Execution of Graphic Materials**

1. Representations of graphic materials shall be executed on white and straight

paper, in clear black lines and strokes that will not be obliterated. Retouching and colouring of materials shall not be permissible.

2. Scale and sharpness of representations shall be selected so that at the time of their reproduction, while being reduced to a scale of 2/3, distinguishing details of letters, ciphers and other graphic signs shall be possible.
3. Ciphers shall be no less than 3.2 mm in height.
4. Drawings shall be executed without any inscriptions. Drawings, indication of which without an inscription is impossible or will cause a misunderstanding, shall be allowed as an exception.
5. Showing sizes on a drawing shall not be permissible and in case of necessity they are indicated in the description of the invention.
6. Each element in a drawing shall be executed in proportion with all remaining elements, except the cases where use of a different proportion is reasonable for clarity of the representation of the element.
7. Several figures of a drawing may be arranged on one sheet, if this arrangement is clear and separated from one another.
8. If graphical materials are located in parts of two or more sheets, they shall be arranged so that it is possible to assemble this representation by joining the parts shown on different sheets. Separate images shall be arranged so that the sheets are filled to the maximum.
9. In accordance with the description of an invention, parts of graphic images shall be indicated by Arabic numerals.
10. Same parts of an image that are represented on several figures are indicated by one and the same number.

## **Article 22. Claiming Priority**

1. The applicant is authorized to request convention or exhibition priority in accordance with Article 30 of the Law.
2. Where applicant failed to file an application with Sakpatenti within the term

indicated in Paragraphs 1 and 2 of Article 30 of the Law due to a justifiable reason, he/she can also enjoy the right of convention or exhibition priority in case of filing the application within subsequent 2 months, the application shall be accompanied by a request for the restoration of the right of priority, as well as documents and materials certifying the existence of the justifiable reason of the failure to meet the deadline and the document certifying payment of the prescribed fee. *(01.09.2017 NI)*

3. Within 3 months from claiming convention priority, the applicant shall submit to Sakpatenti a copy of the first application. The copy of the application shall be certified by the patent office of the respective country. *(01.09.2017 NI)*
4. Within 3 months from claiming exhibition priority the applicant shall submit to Sakpatenti a document certifying the presentation of the invention at the exhibition, which shall be accompanied by a duly certified Georgian translation.
5. In case of claiming convention or exhibition priority, where applicant fails to submit the relevant documents provided for by this Article, the priority will be established for the application priority by the date of filing the application with Sakpatenti.

## **Chapter II.**

### **Examination of an Application for an Invention**

#### **Article 23. Conditions of Satisfying by the Applicant of a Request of Sakpatenti**

1. In accordance with paragraph 3 of Article 32 of the Law, Sakpatenti is entitled to request from the applicant to bring the application in accordance with the Law or the Instruction, by means of entering a relevant change or amendment, or to request submission of explanations, without which it is impossible to continue the

proceedings on application and publication of application materials.

2. Upon the request of Sakpatenti the applicant shall enter a relevant change in the application by submission of changed pages of the description of the invention or claims.

3. The applicant shall satisfy the requirement of Sakpatenti within 2 months from the date of receipt of the notification, and in case of failure to present a response, i.e. in case of violation of the term, in accordance with paragraph 3 of Article 32 of the Law, the application proceeding is terminated.

4. In case of presentation of a partial or unjustified response to the case, Sakpatenti shall repeatedly clarify to the applicant the content of the first request and its necessity for further proceeding and request repeatedly to satisfy the request. The applicant shall comply with the request within a reasonable term.

5. If the correspondence with the applicant fails to yield the desired result and it becomes impossible to continue proceedings on application, Sakpatenti issues a negative decision on granting a patent. The correspondence may continue for three years.

6. In connection with the request defined by paragraphs 1 and 4 of this Article, the applicant has the right to request holding of an oral hearing, which shall be attended by persons authorized by the head of a relevant department.

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

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

#### **Article 24. Filing certificate and Confirmation of the Filing Date**

1. Upon the receipt at Sakpatenti, application materials shall be assigned an identification number, the filing date of the application materials and the number of the presented sheets shall be recorded. A certificate from the administrative office,



filled in on the basis of these materials shall be handed over/sent to the applicant upon the receipt of the application materials.

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

3. If it is revealed that filed application lacks any application material provided for by Article 27 of the Law, Sakpatenti shall identify the shortcoming in application and shall send a corresponding notification to the applicant. In accordance with paragraph 2 of Article 33 of the Law, the applicant shall submit to Sakpatenti the requested material within 1 month from the receipt of the notification.

4. Under subparagraph “c” of paragraph 1 of Article 46 of the Law, in case of payment of a prescribed fee, the applicant has the right to request the extension of the 1-month term set for correcting the shortcoming for not more than 6 months.

5. If the applicant fails to submit the application materials within the terms set under this article, the application shall not be deemed filed.

#### **Article 25. Examination as to Form**

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

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

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

b) signature of the applicant or the representative;

c) document certifying representation and/or assignment;

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

e) correctness of filling in priority data;

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

- g) number of copies;
- h) whether the fee prescribed for examination is paid in full;
- i) in case of presentation of legal grounds for fee reduction or exemption, their correctness (copy of pension card, etc.);
- j) other data linked with the completeness and correctness of the application.

3. If the application is filed with Sakpatenti under the Patent Cooperation Treaty, at the stage of examination as to form, Sakpatenti shall not check the document provided for by subparagraph “d” of paragraph 2 of this Article.

4. During examination as to form, the invention indicated in the application is assigned the International Classification Index.

5. The International Classification Index is selected on the basis of the presented claims.

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

7. If during examination as to form it was identified that the application fails to satisfy the requirements of the Law and this Instruction, a notification on finding the shortcoming shall be sent to the applicant. Within two months from the receipt of the notification the applicant shall correct the shortcoming, otherwise Sakpatenti takes a decision on termination of proceedings on the application.

8. If at the time of checking application materials, it was identified that the data provided for by subparagraph “c” of paragraph 3 of Article 5 of this Instruction is not indicated in the application, a notification on finding the shortcoming is sent to the applicant. The applicant shall correct the shortcoming within 2 months from sending the notification by Sakpatenti, otherwise Sakpatenti takes a decision on termination of proceedings on the application.

## **Article 26. Substantive Examination**

1. Within 6 months from the completion of examination of an application as to form, after payment of the prescribed fee, Sakpatenti conducts substantive examination.
2. Together with the decision on the completion of examination as to form, a notification on payment of the fee prescribed for determination of the object of protection shall be sent to the applicant and a two-month term from the receipt of the notification shall be defined for payment of the fee. (01.09.2017 NI)
3. During substantive examination, the object of protection described in the application is identified and the state of the art is defined.

**Article 27. Substantive Examination of the Claims (Establishing the Object of Protection)**

Under Article 35 of the Law, for the purpose of establishing the object of protection described in the application and defining of the state of the art, substantive examination of the invention shall be conducted, which envisages checking of the claims by means of the description of the invention and drawings, in particular:

- a) analysis of the claims, or each claim, during which the completeness of their conveying in the description of the invention is checked;
- b) identification of independent claims of the claims and their number;
- c) checking of essential features presented in the claims, description of the invention and drawings;
- d) identification whether the claimed invention relates to such an object of protection which is not regarded as an invention under Article 16 of the Law, or for which a patent is not granted in accordance with Article 17 of the Law;
- e) compliance with requirements of Article 15 of the present Instruction.

**Article 28. Checking of the Unity of an Invention (Establishing the Object of Protection)**

1. Under paragraph 11 of Article 35 of the Law, for the purpose of establishing the object of protection, described in the application, proceeding from the claims, the

unity of invention shall be checked, during which it is studied whether more than one probable inventions are presented in the application, which are not linked with one another by the inventive idea.

2. If it is identified that in the independent claim of the presented claims, more than one inventions are disclosed, a notification requesting the specification or division of the application shall be sent to the applicant.

3. If the claims containing several independent claims are given in the application by the applicant, which are not united with one another by the inventive idea, a notification requesting division of the application shall be sent to the applicant.

4. If within 2 months from the receipt of the notification the applicant fails to meet the requirements provided for under paragraph 2 of this Article, Sakpatenti takes a decision on the termination of proceedings on the application.

5. If within 2 months from the receipt of the notification the applicant fails to meet the requirements provided for under paragraph 3 of this Article, Sakapteni conducts examination discretionally on the first independent claim presented in the claims, and the remaining independent claims are not considered.

6. In cases established by this Article, the applicant is entitled to request continuation of the examination on any independent claim of the claimed invention.

#### **Article 29. Checking Completeness of the Description of an Invention (Establishing the Object of Protection)**

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

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

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

- c) compliance of the unity of features presented in the description of an invention and drawings with the unity of essential features presented in the claims, according to which the filing and priority date of the application was confirmed.
- d) whether in the claims the essential features are conveyed by the applicant by the same concept and terms which are given in the description of the invention.
- e) the cause-and-effect relation of essential features, in particular, whether by their unity the possible result indicated in the description of the invention and/or ensued by implementation of the invention is achieved.

2. Wide concepts that render the object of protection indefinite shall not be used in the description of the invention.

3. At the time of study of the description of an invention the following shall be taken into account:

- a) invention is applicable in an industrial manner;
- b) materials of the claimed invention shall contain reference to the purpose of the object of protection;
- c) implementation of the invention shall be possible in the form as is characterized in the independent claim of the claims, with the help of the description of the invention or by methods and/or means known prior to the priority date;
- d) the possibility of attaining the set task shall be confirmed clearly from the application materials (description of the invention, claims, drawings);
- e) the object presented in the application shall not contradict commonly recognized regularities.

4. If requirements under this Article are not satisfied and the possibility of implementation of the invention is not clear from the presented materials, a relevant notification shall be sent to the applicant according to Article 23 of the Instruction.

5. If within the term and according to the rule established by paragraph 3 of Article 32 of the Law and Article 23 of the instruction the applicant failed to answer the notification, Sakpatenti renders a decision on termination of proceedings on the

application, and if examination considers the presented specifications and explanations to be insufficient, a conclusion is made that the application is not described with due completeness and/or fails to meet the criterion of industrial applicability. In such a case Sakpatenti takes a negative decision on granting a patent.

### **Article 30. Establishing of the Object of Protection**

If the requirements of Articles 25-29 of the present Instruction are satisfied, examination shall take a decision on the establishing of the object of protection, which is sent to the applicant. Together with the decision, a notification on payment of the fee prescribed for identification of the state of the art shall be sent to the applicant and a two-month term from the receipt of the notification shall be defined for payment of the fee. *(01.09.2017 NI)*

### **Article 31. Establishing Priority *(01.09.2017 NI)***

1. If the convention or exhibition priority is not claimed, the application enjoys priority from the date of filing with Sakpatenti.
2. An applicant who wishes to enjoy the convention or exhibition priority shall comply with the requirements of paragraph 4 of Article 30 of the Law.
3. The question of establishing priority shall be solved in parallel with substantive examination *(01.09.2017 NI)*
4. In order to confirm the convention priority date, the certified copy (copies) and the convention application shall be compared with one another. Sakpatenti is authorized to request a Georgian translation of the claims of the certified copy, and, if necessary, a Georgian translation of the description of the invention only in the case when the issue of establishing priority is relevant to the determination of patentability of the invention *(01.09.2017 NI)*
5. Claimed priority is established if the unity of essential features of the object

described in the convention application is given in the claims and/or description and/or drawings of the certified copy.

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

7. In the case provided for by paragraph 6 of this Article, if claimed priority is established, examination shall notify the applicant accordingly. Within two months of receipt of the notification, the applicant shall inform Sakpatenti about his/her decision. If the answer is not submitted within the prescribed term, the priority date for the convention application shall be established according to paragraph 6 of this Article.

8. At the time of establishing convention priority it shall not be permissible to send questions concerning the contents of the first application.

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

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

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

12. If as a result of substantive examination it was identified that at the time of examination as to form, upon the applicant's request, a substantial change (of one or several claims) was made that goes beyond the essence of the first application, Sakpatenti shall notify the applicant that the proceedings will continue on the basis of

the initial claims.

13. At the time of establishing priority on a separated application it shall be checked whether the essence of the invention is described in the application from which it was separated.

14. At the time of establishing priority on a united application, it shall be checked whether the essence of the invention is disclosed in the applications on the basis of which unification occurred.

15. If by united or separated application convention priority (priorities) are claimed, it shall be checked whether its essence is disclosed in the first application(s).

**Article 32. State-of-the-Art Search**(20.10.2017 N 3)

1. According to Article 35 of the Law, in order to evaluate the novelty and inventive step of an invention, after determining the object of protection Sakpatenti conducts state-of-the-art search to establish the corresponding state of the art.
2. The search shall be conducted with respect to all claims of the invention.
3. Search shall be conducted fully and may be terminated when several objects are revealed, the totality of essential features of which coincides with the totality of features of the invention.
4. As a result of the search the International Classification Index of the invention shall be specified.
5. On the basis of the search results, a search report shall be prepared, which includes the list of documents revealed as a result of the search. The search report is accompanied by the search history, which reflects search operations used during the search.

**Article 33. Examination of Novelty** (20.10.2017 N 3)

1. After search, on the basis of Paragraph 1<sup>2</sup> of Article 35 of the Law, Sakpatenti shall conduct examination of novelty.



2. During examination as to novelty a documentary conclusion shall be prepared, which covers analysis of the revealed documents, as well as evaluation whether the totality of the essential features given in the claims is known from the state of the art.
3. Each document revealed during evaluation of novelty shall be considered separately from other documents.
4. If examination reveals an object, which contains the same totality of essential features given in the claims, examination shall draw a reasoned conclusion that the invention does not meet the criterion of novelty; If examination does not reveal any such object, examination shall draw a reasoned conclusion that the invention meets the criterion of novelty.
5. If on the basis of examination an application filed with Sakpatenti is revealed which has an earlier priority and has not been published yet (is not publicly available), taking into consideration Paragraph 6 of Article 12 of the Law, examination shall be suspended before its publication, and a respective notification shall be sent to the applicant.

**Article 33<sup>1</sup>. Evaluation of Inventive Step.** (20.10.2017 N 3)

1. According to Paragraph 1<sup>3</sup> of Article 35 of the Law, if the examiner is fully convinced that an invention is obvious from the existing state of the art, the examiner, with the consent of the head of the relevant department, in writing addresses Sakpatenti concerning evaluation of inventive step.
2. After receiving the relevant consent, the examiner shall evaluate the inventive step and reflects the relevant result in the documentary conclusion. Evaluation of inventive step covers analysis of the revealed documents, as well as evaluation whether the invention is obvious from the state of the art for a person skilled in the art.
3. If on the basis of evaluation it is established that the invention is obvious from the state of the art for a person skilled in the art, examination shall draw a

reasoned conclusion that the invention does not meet the criterion of inventive step; If it is established that the invention is not obvious from the state of the art for a person skilled in the art, examination shall draw a reasoned conclusion that the invention meets the criterion of inventive step.

**Article 34. Search report and Documentary Conclusion (20.10.2017 N 3)**

1. A search report, prepared as a result of search, together with the attached search history, as well as a documentary conclusion, prepared on the basis of examination of novelty and examination of inventive step, if applicable, shall be sent to the applicant.
2. In relation with the search report and documentary conclusion, within 2 months from the receipt the applicant is entitled to:
  - a) agree with the conclusion;
  - b) present a grounded objection;
  - c) on the basis of the relevant argumentation, request amending the claims.
3. In relation to the applicant's grounded objection, Sakpatenti shall take a respective decision. In case if correspondence with the applicant fails to yield a desirable result and it is impossible to continue proceedings on the application, Sakpatenti shall take a negative decision on granting a patent.
4. If the applicant presents a modified version of the claims that does not go beyond the essence of the invention presented in the application, examination shall be conducted taking into consideration the amendments entered in the claims.
5. If, as a result of the amendments entered in the claims, new independent claim(s) was/were revealed, the applicant shall pay a prescribed fee for determination of the state-of-the-art and in relation with the respective claim(s), a new search report and documentary conclusion shall be issued. This norm shall not apply in case when the independent claim(s) of the earlier

claims are amended by reducing the alternative essential features and/or by reducing the intervals of the indicated margins and/or by means of the essential features of the dependent claim(s).

6. If the applicant presented a modified version of the claims which goes beyond the essence of the invention presented in the application, the presented amendment shall not be taken into consideration about which the applicant shall be informed.
7. Sakpatenti shall take a decision on granting a patent (positive or negative) even in the case when the applicant fails to present a response within the term provided for by Paragraph 2 of this Article.

**Article 35. Repealed** (20.10.2017 N 3)

**Article 36. Sakpatenti Decision on Granting a Patent**

1. If an application meets the requirements of the Law, a positive decision on granting a patent shall be sent to the applicant.
  2. According to Paragraph 1 of Article 40 of the Law, after taking a positive decision on granting a patent for an invention, a notification on payment of the publication fee shall be sent to the applicant and a two-month term from the receipt of the notification shall be defined for payment of the fee. In case of payment of the prescribed fee, Sakpatenti shall prepare a relevant abstract and publish the application data, the abstract of the invention and application materials in the Bulletin. (01.09.2017 N1)
3. If an appeal according to Article 40<sup>3</sup> of the Law is not filed with the Chamber of Appeals or, on the basis of the filed appeal the Chamber of Appeals takes a positive decision on granting a patent, a notification on payment of the fee prescribed for registration of a patent in the Register shall be sent to the applicant and a two-month term from the receipt of the notification shall be

defined for payment of the fee. In case of payment of the fee, Sakpatenti shall register the patent in the Register. (01.09.2017 N1)

4. Together with the fee for registration of a patent in the register, the fee for all maintenance years, due at the registration moment, shall be paid. (01.09.2017 N1)
5. In case of failure to pay the publication fee or fee for the registration of a patent in the Register within the relevant term, the application proceedings shall be terminated and the relevant decision shall be sent to the applicant. (01.09.2017 N1)
6. According to paragraph 4 of Article 40<sup>3</sup> of the Law, Within 10 working days from the end of the three-month term from the publication/delivery of the corresponding decision, Sakpatenti shall register the invention in the Register and grant a patent within 1 month from the registration in the Register.

### **Article 37. Grant of a Patent**

1. Sakpatenti shall register a patent in the Register and grant a patent, if:
  - a) no appeal is filed with the Chamber of Appeals within the term established by paragraph 4 of Article 403 of the Law;
  - b) on the basis of an appeal filed under Article 403, Chamber of Appeals takes a decision on granting a patent;
  - c) the court takes a position decision on granting a patent.

### **Article 38. Entering Amendments into the Claims**

1. A patent holder is entitled on the basis of Article 401 of the Law to request entering amendments into the description of the patent and the claims for the purpose of correction of mechanical errors.
2. It shall be indicated exactly in the appeal which mechanical errors shall be corrected and the argumentation that such amendments are obvious from the contents of the mentioned documentation and that nothing else could be implied.

3. Within 1 month Sakpatenti shall consider the appeal and shall take a decision:

a) on dismissal of the appeal:

b) on full or partial satisfaction of the request indicated in the appeal.

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

5. If correction of mechanical errors requires changes in multiple page numbering, Sakpatenti shall prepare and grant a new amended patent.

6. If the number of mechanical errors is negligible, only the pages that need correction shall be changed at Sakpatenti. All changed pages shall be confirmed by the seal and a corresponding note shall be added.

### **Article 39. Registration of Changes in a Published Application or a Patent and Transfer of Rights**

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

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

3. In case of a change the request shall be accompanied by:

a) documents identifying the applicant or patent holder, in case of a physical person - an identity card, and in case of a legal entity - an extract from the "Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities", or its equivalent document.

b) a document confirming the payment of the fee.

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

a) act of transfer of rights;

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

c) document confirming the payment of the fee.

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

6. A change in a published application and transfer of rights shall be published in the Bulletin and a patent shall be granted in the name (title) of the new patent holder.

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

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

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

#### **Article 40. Maintenance of a Patent in Force**

1. In order to maintain a patent in force, the patent holder shall pay the annual fee for maintaining the patent in force.

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

3. For reinstatement of an invalidated patent, the patent holder is given a 6-month grace period – the first 6 months of the maintenance year, during which the patent holder shall pay the fee for the maintenance year. After expiration of this period, he is given another 6-month term, when the patent holder shall pay the fee for reinstatement of the patent and for maintenance in force.

4. If the annual fee is not paid within the timeframe specified in paragraph 3 of this Article, patents shall be deemed invalidated from the date of expiration of the patent validity.

5. Information on patent validity termination, reinstatement and invalidation shall be recorded in the Register.
6. Information on patent validity termination and reinstatement may be sent to the patent holder.
7. Information on invalidation of the patent shall be published in the Bulletin.
8. The patent validity shall be deemed to be reinstated from the publication date of the information on reinstatement.

#### **Article 41. Re-examination of an Invention**

1. An interested party has the right to request, during the patent validity term, re-examination of an invention on the grounds that the invention does not meet the patentability criteria.
2. The application for re-examination of an invention shall be accompanied by the documents provided for by paragraph 2 of Article 421 of the Law.
3. For conducting re-examination of an invention a prescribed fee shall be paid.
4. Within 3 working days from the receipt of a request for conducting reexamination of an invention, Sakpatenti shall send this request to the patent holder and give him/her a 2-week term for submission of a response shall, as determined by Law.
5. Within 1 month from the expiration of the term determined by paragraph 4 of this Article, Sakpatenti shall set up a Board of Experts. The composition of the Board of Experts shall be approved by the Chairman of Sakpatenti.
6. The Board within one month from the creation of the Board shall conduct re-examination.
7. On the basis of the results of re-examination, Sakpatenti shall take a decision on refusal of invalidation of the patent or on full or partial invalidation of the patent.
8. Within one month after taking the decision on full or partial invalidation of the patent, the data shall be published in the Bulletin and within three months from the date of publication in the Bulletin shall be registered in the Register.

## **Article 42. Extension of Procedural Terms and Restoration**

1. During application proceedings in case of payment of the relevant fee on the basis of paragraph 1 of Article 46 of the Law the applicant has the right to request:

a) suspension of the application proceedings for not more than 6 months. In case of payment of the prescribed fee after the expiration of the mentioned 6-month period the applicant has the right to request repeated suspension of application consideration.

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

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

d) entering amendments into the submitted application materials, if these amendments do not go beyond the essence of invention.

2. Sakpatenti may take a decision on grounded refusal with respect to requests indicated in paragraph 1.

3. Sakpatenti shall take a decision with respect to the requests indicated in paragraph 1 of this Article no later than 1 month from receipt of the request.

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

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



the existence of the justifiable reason of the failure to meet the time limit  
(01.09.2017 NI)

6. A request for reinstatement of rights with respect to an application shall be accompanied by a document confirming payment of the fee.

#### **Article 43. Unification and Division of Applications**

1. If in the description or claims of the invention several objects are presented, during the process of examination the applicant is entitled to divide the filed application into parts on his/her own initiative and to file a separated application according to subparagraph “a” of paragraph 1 of Article 29 of the Law. At the time of division paragraph 1 of Article 28 of the Law shall be taken into consideration.

2. For a separated application the filing date and priority of the first application shall be preserved.

31

3. During the process of examination the applicant is entitled to request unification of the applications on his own initiative and file a united application. At the time of unification paragraph 1 of Article 28 of the Law shall be taken into consideration.

4. Filing of a separated or united application is possible before taking a decision on granting a patent by Sakpatenti.

#### **Article 44. Transformation of an Application**

1. An applicant is entitled to transform, on his own initiative, an application for an invention into an application on a utility model and vice versa. An applicant wishing to transform an application for an invention into an application on a utility model shall file a request about this before taking decision on granting a patent. In case of transformation of an application for an invention into an application on a utility model, the state of the art documents revealed for the invention shall be taken

into consideration also for the decision on granting for the utility model. (03.04.2018 NI)

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

3. If an applicant wishes to transform an application for a utility model into that for an invention, he shall attach to the request for transformation of the application a document confirming payment of the fees prescribed for substantive examination.

#### **Article 45. Withdrawal of an Application**

An applicant is entitled to withdraw the application before submission for publication. In this case Sakpatenti shall take a decision on termination of the application proceeding, after which the application will be considered to be withdrawn.

#### **Article 46. Keeping a Register**

1. The Register is a unity of register entries.
2. The data recorded in the Industrial Property Register are public and are available to any person.

#### **Article 47. Requesting a Certified Copy of an Application**

1. Following confirmation of the application filing date, the applicant has the right to request a certified copy of the application materials.
2. A request for a certified copy of the application materials shall be submitted in writing, together with a document confirming payment of the prescribed fee.
3. Sakpatenti shall issue a certified copy of the application materials within 1 month from the receipt of the written request and submission of the document confirming payment of the prescribed fee.
4. In case of failure to submit the document confirming payment of the fee

prescribed for a certified copy of the application materials, the request for a certified copy shall not be satisfied.

#### **Article 48. Production of Duplicates**

1. Upon the request of the patent holder a duplicate may be issued for a patent.
2. A request for production of a duplicate of a patent application may be submitted by the patent holder or a representative on the basis of a relevant power of attorney.
3. The request shall be accompanied by a document confirming payment of the fee prescribed for production of a duplicate.
4. A duplicate shall be produced if the patent is valid.
5. A duplicate shall be produced within 1 month from the date of payment of the fee.
6. A patent duplicate shall be issued in the form of a title of protection, which is valid for the period of issuance of this duplicate, and shall be certified by the stamp “duplicate” in the upper right corner.

#### **Article 49. Registration of a Private License Agreement for the Use of a Patent**

1. According to Article 59 of the Law, a patent holder has the right to grant a private license for the use of a patent.
2. For registration of a private license agreement requires the following shall be presented:
  - a) request for registration of a private license agreement;
  - b) private license agreement;
  - c) document confirming payment of the prescribed fee;
  - d) documents identifying the licensor and the licensee, in case of a physical person - identity card, and in case of a legal entity - an extract from the “Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities”.
3. For registration of a private license agreement, the documents provided for

by paragraph 1 of this Article shall be submitted to Sakpatenti within 1 month from the conclusion of the agreement.

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

5. A private license may be exclusive and non-exclusive.

6. According to Article 60 of the Law, a patent holder can announce an open licensing regime, if an exclusive private license is not granted for the patent.

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

8. An extract is issued free of charge.

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

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

#### **Article 50. A Patent Lease Agreement**

1. According to Article 621 of the Law, a patent holder has the right to enter into a patent lease agreement.

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

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

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

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

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

a) request for registration of a patent lease agreement;

- b) patent lease agreement;
- c) document confirming payment of the prescribed fee;
- d) documents identifying the patent holder(s) and the leaser, in case of a physical person - identity card, and in case of a legal entity - an extract from the “Register of Entrepreneurs and Non-entrepreneurial (Non-profit) Legal Entities”.

**Article 51. Extract from the Register**

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

2. A prescribed fee shall be paid for obtaining an extract from the Register. The fee shall be paid immediately after submission of a request to Sakpatenti.

3. The extract shall be issued within 10 working days from submission of a request and a document confirming payment of the prescribed fee to Sakpatenti.

4. Extract from the Register shall contain the following data:

- a) patent number;
- b) patent status;
- c) intellectual property object;
- d) patent holder(s);
- e) patent validity starting date;
- f) application publication number and date;
- g) patent publication number and date;
- h) application number;
- i) application filing date;
- j) inventor(s);
- k) International Classification Index;
- l) title;
- m) international application number and filing date;
- n) priority data;
- o) filed patent number and date;

- p) main application number;
  - q) representative;
  - r) amendments to the patent, transfer of rights, granting of a license and lease;
5. An extract from the Register shall be issued with the signature of an authorized person.

**Article 52. Search in the Register**

1. Any person shall be entitled to familiarize with Register data.
2. The data are available in the Bulletin as well as on the Sakpatenti website.
3. If an interested person wishes to receive information from Sakpatenti, an application on conducting search shall be submitted to Sakpatenti in writing.
4. The application shall be accompanied by a document confirming payment of the fee prescribed.
5. The Register conducts search according to bibliographic data: patent number, international number, owner(s), author(s), and title.

**Article 53. Fee for Service***(29.09.2015 N 6)*

1. Unless stipulated otherwise by the Law or the Instruction, the fee for the action provided for by Paragraph 1 of Article 47 of the Law shall be paid immediately upon the demand, or no later than 1 month from the demand.
2. Failure to pay the fee within the fixed term entails termination of the application proceedings.
3. The term for payment of a fee shall not be extended.
4. Payment of fees is possible in advance. In case if the rule provided for by Subparagraph “b” of Article 54 applies to the fee paid in advance, the fee shall be returned partially, namely, 80% of the total amount.

5. If the application is filed by several applicants to one of whom the discount on the fees provided for by the Law does not apply, the fee for the corresponding action shall be paid without the discount.
6. If the application is filed by several applicants and different kind of discounts applies to them, the fee shall be paid for which the discount with less percentage is provided for.
7. The fee shall be paid to the bank account of Sakpatenti.

#### **Article 54. Return of Paid Amounts**

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

- a) was paid incorrectly, or
- b) was paid for an action which was not completed.

#### **Section II**

##### **Utility Model**

##### **Chapter VI.**

##### **Procedures Related with**

##### **Drafting and Filing an Application for a Utility Model and Granting a Patent**

#### **Article 55. Scope of Regulation of Section II**

The present Section regulates the procedures related with drafting and filing an application for a utility model and granting a patent. Unless determined otherwise by this Section, the provisions of Section I of this Instruction apply.

#### **Article 56. Claims of a Utility Model**

The claims of a utility model shall contain one independent claim. The requirements to the claims are the same as for the claims of an invention with one independent claim.

#### **Article 57. Examination as to Novelty**

If it is proven that a utility model application satisfies examination as to form, in case of payment the prescribed fee within 3 months Sakpatenti conducts examination as to novelty on the basis of applications for inventions and utility models registered at Sakpatenti as well as granted patents.