

**Statute  
on Patent Attorneys of Georgia**

**Article 1**

**General Provisions**

The present Resolution defines the rule and terms of certification and registration of patent attorneys of Georgia and the issues related to activities of patent attorneys.

**Article 2**

**Patent Attorney**

A patent attorney is a natural person, registered in the Register of Patent Attorneys (hereinafter – Register) of the LEPL National Intellectual Property Center of Georgia “Sakpatenti” (hereinafter – Sakpatenti) and conducting business in the area of intellectual property according to the law.

**Article 3**

**Requirements to a Patent Attorney**

1. A patent attorney may be a citizen of Georgia, who:
  - a) resides permanently in Georgia;
  - b) holds higher technical, natural science or legal education degree;
  - c) has passed certification of patent attorneys in compliance with the rule established by this Statute.
2. A person provided for by paragraph 3 of Article 40<sup>4</sup> of the Patent Law of Georgia shall not be entitled to be a patent attorney.
3. A patent attorney shall not hold a previous conviction unless the previous conviction has expired in accordance with the law.
4. A patent attorney shall not be an official under Article 2 of the Law of Georgia “On the Conflict of Interests and Corruption in Public Service”, as well as a person under paragraph 3 of Article 1 of the Law of Georgia “On Public Service”

and a person employed in the institutions provided for in paragraphs 2, 3 and 4 of Article 2 of the same Law.

#### **Article 4**

##### **Certification of Patent Attorneys and the Certification Commission**

1. The Certification Commission set up by Sakpatenti shall conduct certification of patent attorneys.
2. Certification of patent attorneys is conducted at least once a year.
3. The Certification Commission shall approve certification rules, terms and program, and shall define the date for conducting examination. These matters shall be approved no later than 3 months before the certification.
4. The certification is conducted in the state language.
5. The certification is conducted on the basis of tests drafted by the Certification Commission.
6. The tests shall contain issues from:
  - a) intellectual property;
  - b) basic international treaties and agreements on intellectual property;
  - c) civil law and law of civil procedure;
  - d) administrative law and law of administrative procedure;
  - e) other normative acts on intellectual property applicable in Georgia.
7. Persons who can provide Sakpatenti with a valid certificate on passing the bar exam in compliance with the Law of Georgia “On Attorneys” shall be exempt from certification in the following areas:
  - a) civil law and civil procedure;
  - b) administrative law and administrative procedure.
8. Persons who successfully pass certification shall be registered in the Register and receive a certificate of patent attorney, the form of which is approved by the Chairman of the Certification Commission.
9. Information on the registration of a patent attorney is published in the Official Bulletin of Industrial Property.
10. A certificate of a patent attorney shall become invalid if, within 7 years from passing the certification, a person was not practicing as a patent attorney.

## **Article 5**

### **Composition of the Certification Commission**

1. The Chairman of Sakpatenti shall be the Chairman of the Certification Commission.
2. The composition of the Certification Commission shall be approved by the Chairman of Sakpatenti.
3. Sakpatenti staff members as well as invited experts may be the members of the Certification Commission.

## **Article 6**

### **Representation**

1. A patent attorney shall provide representation before Sakpatenti, the Chamber of Appeal of Sakpatenti, the Court, other state entities and with third parties.
2. A patent attorney shall provide representation before Sakpatenti and the Chamber of Appeal of Sakpatenti on the basis of a power of attorney, drawn up in compliance with the legislation of the country in which the power of attorney is issued. The power of attorney shall be drawn up in written form. In case where the power of attorney is issued in foreign language, it shall be accompanied by Georgian translation indicating the person responsible for the translation.
3. A patent attorney shall provide representation before other state entities and in relations with third parties on the basis of a power of attorney in accordance with the rule established by the law.
4. A patent attorney shall provide representation before the court in accordance with the rule established by the legislation of Georgia.

## **Article 7**

### **Rights of a Patent Attorney**

A patent attorney has the right to:

1. provide service to natural persons and legal entities in drawing up applications for intellectual property objects (invention, utility model, design, trademark, appellation

of origin, topography of integrated circuits, copyright and neighboring rights, new varieties of plants and breeds of animals, etc.), registration, acquisition of titles of protection, their maintenance in force, use, transfer of rights, registration of license agreement, protection of rights and any other issues of intellectual property.

2. limit his/her activity to specific objects of intellectual property or types of activity.

## **Article 8**

### **Obligations of a Patent Attorney**

A patent attorney is obliged:

- a) to perform his professional duties in good faith;
- b) to keep a professional secret;
- c) in case of the conflict of interest, to inform the client about this without delay;
- d) to provide persons he/she is representing with information concerning the course of business.

## **Article 9**

### **Professional Secret**

A patent attorney is obliged:

- a) to keep a professional secret regardless of the expiration of the term of obligation;
- b) abstain from making public the information obtained from his/her client in the process of the patent attorney's activity without the consent of the former.

## **Article 10**

### **Conflict of Interest**

1. A patent attorney is obliged to refrain from activity which threatens client's interests, patent attorney's activity or his/her independence.
2. A patent attorney has no right to perform professional functions where he has already provided a service in favor of a second party.

## **Article 11**

### **Suspension and Restoration of Authority of a Patent Attorney**

1. The authority of a patent attorney shall be suspended by the decision of the Certification Commission:
  - a) on the basis of a personal request;
  - b) in cases defined by paragraph 4 of Article 3 of this Statute;
  - c) where patent attorney violated the requirements provided for by Articles 9 and 10 of this Statute.
2. The question of suspension of a patent attorney's authority can be raised by the Certification Commission or any interested person in case of existence of the grounds provided for by this Article.
3. The Certification Commission shall consider the question of suspension of the patent attorney's authority within 10 days from the receipt of the respective request or query by the Certification Commission.
4. In cases provided for by subparagraph "a" of paragraph 1 of this Article, the Certification Commission is authorized to suspend the patent attorney's authority for the term requested by the applicant.
5. The Certification Commission is authorized to suspend a patent attorney's authority until elimination of the grounds provided for by subparagraph "b" of paragraph 1 of this Article.
6. In case of the existence of the grounds provided for by subparagraph "c" of paragraph 1 of this Article, the Certification Commission is authorized to suspend the patent attorney's authority for a term up to one year.
7. A patent attorney's authority shall be restored on the basis of submitting a respective request to Sakpatenti. The Certification Commission of Sakpatenti shall consider the request concerning restoration of a patent attorney's authority. The Commission shall take the decision to restore the authority if the ground for suspension of authority no longer exists.
8. If a patent attorney's authority is suspended for a certain period, the authority shall be restored automatically after the expiration of this term.

9. Decisions on the suspension and restoration of a patent attorney's authority shall be entered in the Register and shall be published in the Official Bulletin of Industrial Property. The patent attorney shall communicate these updates to the person he/she represents.

## **Article 12**

### **Termination of Authority of a Patent Attorney**

1. The authority of a patent attorney shall be terminated:
  - a) in case of revoking a citizenship of Georgia;
  - b) in case of moving to another country for permanent residence;
  - c) in case of death of a patent attorney;
  - d) on the basis of a personal request;
  - e) if the court recognized him/her incapable, possessing limited legal capacity, missing or proclaimed him/her dead;
  - f) where the judgment of conviction rendered by court against him/her entered into force;
  - g) where it became known that he did not satisfy the requirements of paragraphs 1, 2 and 3 of Article 3 of this Statute, the timely knowledge of which would have been a ground for refusing the registration as a patent attorney.
  - h) in case of repeated or gross violation of the law.
2. The question of termination of patent attorney's authority can be raised by the Certification Commission or any interested person in case of existence of the grounds provided for by this Article.
3. In cases provided for by paragraph 1 of this Article, the patent attorney's authority is terminated on the basis of the decision of the Court or the Certification Commission.
4. In case of where circumstances provided for by subparagraphs "g" and "h" of paragraph 1 of this Article apply, the Certification Commission makes the decision by majority vote on the termination of the patent attorney's authority, and in case of circumstances provided for by subparagraphs "a", "b", "c", "d", "e" and "f", the Certification Commission takes the document confirming these circumstances *ad notam* and decides on the termination of the authority *in camera*.

5. Decisions on termination of a patent attorney's authority shall be entered in the Register and shall be published in the Official Bulletin of Industrial Property. The patent attorney shall communicate these updates to the person he/she represents.

### **Article 13**

#### **Register of Patent Attorneys**

1. The persons who have successfully passed the certification of patent attorneys shall be registered in the Register.
2. The following data shall be registered in the Register:
  - a) the patent attorney's name, surname, date of birth;
  - b) home and work addresses and other contact details;
  - c) the date and number of the decision of the Certification Commission;
  - d) the date of entering in the Register and the certificate number;
  - e) the data provided for by paragraph 7 of Article 11 and paragraph 5 of Article 12 of this Statute.
3. The data on the patent attorneys registered in the Register are published on the official website of Sakpatenti.

### **Article 14**

#### **Rule for Entering Amendments and Additions into the Statute**

Amendments and additions shall be entered into the Statute by the order of the Chairman of Sakpatenti in accordance with the requirements of the law.