



**Instruction On Design Registration**  
**Order N03 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 “Design Registration”**

In accordance with Article 35 of the “Law of Georgia on Design”,

1. The attached “Instruction on Design Registration” shall be approved;
2. The Order shall enter into force after its publication.

**Instruction “On Design Registration”**

**Chapter I**

**General Provisions**

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

The Instruction is developed in accordance with the “Law of Georgia on Design” and it regulates drawing up, filing, examination and registration procedures of a design application.

**Article 2. Definition of Terms**

Terms used in the Instruction shall have the following meaning:

- a) Law - the “Law of Georgia on Design”;
- b) National Intellectual Property Center - Sakpatenti (hereinafter referred to as Sakpatenti) - Legal Entity of Public Law defined by the “Patent Law of Georgia”;
- c) Bulletin - Official Bulletin of Industrial Property;
- d) Register - Register of Industrial Property;
- e) International Code - Two-digit number code adopted by the Data Identification International Treaty and approved by WIPO Standard ST.80;
- f) Country Code - Two-digit code approved by WIPO Standard ST.3, corresponding to the names of countries, intergovernmental and other organizations;
- g) 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”

h) Day – Working day;

i) International Bulletin – Official publication in which the International Bureau of the World Intellectual Property Organization (WIPO) publishes information on registration of international designs according to the Hague Agreement.

## **Chapter II**

### **Application Form and Filing Rule**

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

1. An application on design registration (hereinafter referred to as - application) shall be filed with Sakpatenti in accordance with the rule prescribed by Article 11 of the Law and the Instruction.

2. An application shall be filed with Sakpatenti by submitting application materials in person or via mail.

3. The terms established for actions related to the application (except confirming the filing date) shall be counted from the day of payment of the prescribed fee.

#### **Article 4. Application Form and Attached Materials**

1. An application shall include:

a) A request on design registration (hereinafter - application);

b) View of the design;

2. An application, in addition may contain:

a) Description of a design, having only explanatory character. It may describe the view of the design and the peculiarities of the features of the view in words;

b) Priority document, if the convention or exhibition priority is requested.

3. If the applicant is successor of the designer, at the time of filing or within two months from the filing date, a document certifying assignment shall be attached to the application.

4. If an application is filed by a representative of the applicant, at the time of filing or within two months from the filing date, a document certifying representation shall be attached to the application.

5. If an application is filed by a co-designer, the application shall be accompanied by the duly certified written consent of the co-designers, unless otherwise provided in the agreement between them. In this case, a certified copy of the agreement shall be attached to the application.

6. To the application documents, filed in a foreign language, within two months from the filing date, a duly certified Georgian translation shall be attached. Otherwise, the materials shall not be considered filed.

7. If an applicant benefits from the reduced fee, approved by the Resolution of Government of Georgia, the document certifying this status shall be submitted within 2 weeks from the application filing date.

**Article 5. Form of Request**1. A request shall be submitted on the special form of request, approved by the Chairman of Sakpatenti.

2. The request shall be made in the state language of Georgia in two copies in printed form.

3. The request shall include:

a) Name(s) of the applicant(s) (international code -71) and personal number; name of the legal entity and registration number in case of a legal entity;

b) Address or the permanent residence of the applicant, indicating the country code of the applicant; address of the legal entity, indicating the country code of the legal entity in case of a legal entity;

c) Request on the registration of the design;

d) Request for the establishment of priority, for which the applicant shall fill the appropriate box by

“X” for the requested priority;

e) Number of the first application (international code - 31), the filing date of the first application (international code - 32) and the code of the country/office receiving the first application (international code - 33) in case of requesting conventional priority;

f) Date of the presentation of the design at the exhibition (international code - 23) in case of requesting exhibition priority;

g) Product name which contains a design or for which it must be used (international code - 54);

h) Number of designs filed by one application (international code - 28);

i) Address for correspondence in Georgia, full name or title of addressee, phone number, e-mail address and fax number (international code - 98);

j) Name, address, telephone, e-mail of representative/successor, if the application is filed by the applicant's representative or assignee (international code -74);

k) Name(s) and address(es) of designer(s) with the indication of country code in the appropriate box;

l) An indication whether the creation of the design is linked with carrying out of official duties or fulfillment of an order;

m) Relevant indication if the applicant is at the same time an employer;

n) List of attached documents with the indication of number of copies and pages;

4. If at the time of filling out the request, according to Subparagraph (m) 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.

5. When an applicant requests postponement of publication, he (she) shall tick the appropriate box by “X” and indicate the time limit of publication postponement in months, not exceeding 30 months after filing the application or the priority date. In case of a multiple application, the applicant shall indicate in the application the designs for which postponement is requested.

6. If an applicant requests accelerated registration, he (she) shall tick the appropriate box by “X”.

7. 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.

#### **Article 6. Product Name and Classification**

1. The product name shall be phrased in a way to correspond to its essence and purpose and to classify the product in only one class under the Locarno Classification.

2. The name shall not contain indication of the quality of the product.

3. The name shall not include additional special name, separate letters and numbers.

4. Information on the name and classification index has no influence on the scope of protection.

#### **Article 7. View of the Design**

1. The view of a design shall be in the form of a graphic or photographic image and shall comply with the following requirements:

a) Each page shall be white, opaque, of standard A4 size (29.7 cm X 21 cm); and the space used for the image shall not exceed 26.2 cm X 17 cm. At least 2.5 cm margin shall be left on the left side;

b) The view shall be suitable for publication, well-defined, having such a quality to identify all the details of the object for which protection is requested;

c) The view shall be performed on a neutral background and can be black-and-white or color;

d) The view shall be performed in the same scale. Some details can be shown zoomed in;

e) Size of each perspective of the image shall not exceed 16X16 cm and shall not be less than 3X3 cm;

f) The view shall not contain an inscription, explanatory text and other elements that do not belong to the design to be protected;

g) The view shall not be presented in the form of technical drawings.

2. If the application consists of several designs, the applicant shall number each of them in succession in Arabic numerals.
3. In case if the number of perspectives of the design is more than one, numerals shall be added to the corresponding number of the design, separated by point, where the numeral on the left side of the point designates the design number, and the numeral on the right side of the point designates the number of the perspective.
4. The part of a design represented in the view for which protection is not requested shall be signed by broken line.
5. The inside part of the product, which is not visible from outside, shall be shown by colon, between the broken lines.
6. If an application is related to the design which includes repeated pictures on a surface, the view shall reflect the whole picture and the surface on which the picture shall be repeated.
7. If an application is related to the design which represents a typographic font, its view shall contain all letters of the alphabet and all Arabic numerals, along with a five-strophe text in which this font is used in the form of letters as well as numerals. The font size shall be 16.
8. If the design belongs to a composite product, one of the perspectives of the view shall reflect it in the assembled condition.
9. If a design represents a set of the products, having different functions, which serve a common purpose and are characterized by identical stylistic-compositional resolution, the design shall be presented in the form of one view, but each product incorporated in it shall be depicted separately as well so that to allow individual assessment of each of them. All products, presented as one design, shall enjoy common protection.
10. The view shall be presented in two copies, it is allowed to submit one copy of the view on paper and the other one in electronic form on a CD in the "jpg" format.

#### **Article 8. The Product Sample**

1. The submission of a product sample is allowed if a two-dimensional design is submitted for registration and the applicant requests postponement of the publication.
2. The sample of the product shall be submitted in two copies and its size shall not exceed 26.2 cm X17 cm.
3. If the design represents repeated pictures, the sample shall reflect the whole picture and a sufficient part of the repeated surface, allowing perception in length and width.
4. A sample shall not be perishable or dangerous for storing.

#### **Article 9. Multiple Application**

1. A multiple application may include no more than 100 designs belonging to one class of the International Classification.
2. The applicant shall number the views of the design given in the multiple application in accordance with Article 7 of the Instruction.
3. If it is identified that the designs united in a multiple application do not belong to one class of the International Classification, a notification on identification of the shortcoming shall be sent to the applicant, on the basis of which the applicant shall divide the application and file a separated application with Sakpatenti within one month period after receiving the notification.
4. If an applicant does not comply with the requirements of Paragraph 3 of this Article, Sakpatenti shall:
  - a) Examine only the designs falling under the International Classification class, indicated in the application;
  - b) Determine International Class of one of the designs, if the applicant does not indicate the class of the International Classification and shall consider only those designs which fall under the class of the selected design, and shall not consider designs which do not fall under the class determined by Sakpatenti.
5. The multiple application fees shall be paid for each design submitted in the application.

#### **Article 10. Unified Application**

1. Filing of a unified application is possible if the designs included into it fall under one class of the International Classification.
2. A unified application shall be filed with Sakpatenti before the decision is taken on the design registration.
3. The scope of the unified application shall not exceed the scope of incorporated applications.
4. For each application of the unified application corresponding priority shall be preserved.
5. The unified application shall be considered as a new application and the proceedings for each application existing before the unification shall be terminated.

#### **Article 11. Separated Application**

1. Filing of a separated application is allowed before the decision is taken on the design registration.
2. The scope of the separated application shall not exceed the scope of the protection of the application it was separated from.
3. The proceedings on the original application shall be continued, and for the separated application the priority of the application from which it was separated shall be preserved.

#### **Article 12. Filing of an Application**

1. Upon filing an application with Sakpatenti, the application materials shall be assigned a number, and the filing date and number of pages shall be recorded.
2. At the moment of filing an application, the office certificate in the name of the applicant or his/her representative shall be issued containing the data stipulated in Paragraph 1 of this Article.
3. The office certificate does not represent the document confirming the filing date.

#### **Article 13. Claiming Priority**

1. The applicant is entitled to claim conventional or exhibition priority upon filing an application with Sakpatenti, or within one month from the filing, but no later than completion of the examination as to form, and he/she shall pay the fee prescribed for claiming conventional priority. At the time of filing an application, the time limit defined by article 13 of the Law shall be met.
2. Within 3 months from the date of claiming the conventional priority, the applicant shall submit a copy of the first application certified by the patent office of the relevant country, accompanied by a duly certified Georgian translation.
3. Within 3 months from the date of claiming exhibition priority, the applicant shall submit a certified document confirming the participation in the exhibition issued by the person responsible for the exhibition, accompanied by a duly certified Georgian translation.
4. The opening date of the exhibition shall be indicated in the document and it shall prove the fact of displaying a product in which the design is incorporated or for which it is used.
5. If the applicant claiming conventional or exhibition priority does not submit documents stipulated in Paragraphs 2 and 3 of this Article, the application priority shall be determined according to the date of filing with Sakpatenti.
6. An application shall not be refused in determination of conventional priority on the ground that a design registration was refused in the country where the first application was filed or in another country or on the ground that the registration is cancelled.
7. If the applicant does claim conventional or exhibition priority, the application priority shall be determined according to the date of filing with Sakpatenti.
8. In case of a multiple application, claiming for relevant conventional and exhibition priority for each design incorporated in the application is permitted.

### **Chapter III**

#### **Rule of Carrying out Examination of an Application**

#### **Article 14. Examination of an Application**

1. Examination of an application filed with Sakpatenti shall be carried out in accordance with Article 14-17 of the Law.
2. The notifications sent to the applicant shall halt the examination terms before receiving a reply.

#### **Article 15. Confirmation of the Filing Date**

1. The filing date of the application shall be confirmed within two weeks, if the request is filed in the Georgian language and contains the applicant's name and address for correspondence. The application shall include a view of the design.
2. If the requirements of Paragraph 1 of this Article are fulfilled, a sample of the design may be submitted instead of the view of the design, if the design is two-dimensional and the applicant is requesting postponement.
3. The view will not be considered submitted, if it is not clearly expressed, due to which perception of the design is impossible.
4. If the applicant complies with the requirements stipulated in Paragraphs 1, 2 and 3 of this Article, Sakpatenti shall confirm the date of filing, in accordance with the date of submitting the above-mentioned application materials.
5. If the application does not meet the requirements stipulated in Paragraphs 1, 2 and 3 of this Article, a notification shall be sent to the applicant and within one month of its receipt the applicant shall submit the requested materials. In case of fulfillment of this request, the date of the fulfillment shall be considered as the date of filing an application. Otherwise, an application shall not be regarded as filed and a decision is taken concerning leaving the application materials without consideration.

#### **Article 16. Examination as to Form**

1. Sakpatenti shall carry out examination as to form within one month after the confirmation of the filing date, if the prescribed fee for the examination as to form is paid.
2. The fee for examination as to form shall be paid within two weeks after the filing date.
3. Non-payment of the prescribed fee within the term stipulated in Paragraph 2 shall entail termination of the application proceedings.
4. If an application includes several designs and the fee paid for the examination as to form is less than the prescribed fee for the designs included, the notification on identification of the shortcoming shall be sent to the applicant. Within one month from the receipt of the notification, the applicant shall pay the prescribed fee fully or shall indicate which designs shall be considered within the scope of the paid fee.
5. If the applicant does not comply with the requirements provided for in Paragraph 4 of this Article, Sakpatenti shall carry out examination as to form in the sequence indicated by Sakpatenti for such quantity of designs for which the paid fee is sufficient.
6. In the process of examination as to form the compliance of the application materials with the requirements of Article 16 of the Law and relevant articles of this instruction shall be checked.
7. If the application materials do not meet the requirements stipulated in Paragraph 6 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 shall be sent to the applicant.
8. In case of a multiple application, if a shortcoming is identified with respect to a design (designs) incorporated in the application and the shortcoming is not remedied within the prescribed time limit, proceedings shall be terminated with respect to this design.
9. If the application is filed in accordance with the Law and this Instruction, a number and priority shall be assigned to the application and a decision on the completion of examination shall be taken.
10. After the completion of the examination as to form, the decision about its completion and a copy of the application with the relevant data filled out by an examiner shall be sent to the applicant.

#### **Article 17. Substantive Examination**

1. Within three months after the completion of the examination as to form, Sakpatenti shall carry out substantive examination in accordance with Article 17 of the Law, after the payment of the fee prescribed for the substantive examination.
2. The prescribed fee for substantive examination shall be paid within two months after the receipt of the decision about the completion of examination as to form by the applicant. Otherwise the application proceedings shall be terminated.
3. If the application includes several designs and the fee paid for the substantial examination is less than the prescribed fee for the designs included, a notification on identification a shortcoming shall be sent to the applicant. Within one month from the receipt of notification, the applicant shall pay the fee prescribed for substantive examination fully or shall indicate which designs shall be considered in the process of substantive examination.
4. If the applicant does not comply with the requirements under Paragraph 3 of this Article, Sakpatent" shall carry out substantive examination in sequence for such quantity of designs for which the paid fee is sufficient.
5. The substantive examination proceedings of an application may be suspended by Sakpatenti, if there are reasonable grounds to assume that the design submitted by the application is identical with a design submitted by an application with earlier priority.
6. In case of Paragraph 5 of this Article, proceedings of the application shall be suspended until the design submitted by the application having earlier priority is published in the Official Bulletin of Industrial Property or if registration of the application with earlier priority is refused.
7. The relevant notification about the suspension of the application proceedings shall be sent to the applicant.
8. The decision on the design registration or refusal of registration shall be sent by Sakpatenti to the applicant.

#### **Article 18. Design Publication**

1. Sakpatenti, in cases provided for in the Paragraph 1 and 2 of Article 19, shall publish the application data and the view of the design in the Bulletin within one month from taking the decision on the design registration, if the prescribed fee is paid.
2. The applicant shall pay the publication fee within one month from taking the positive decision on the design registration, otherwise the proceedings shall be terminated.
3. If an application includes several designs and the fee paid for publication is less than the fee prescribed for publication of the included designs, a notification on identification of a shortcoming shall be sent to the applicant. Within one month from the receipt of the notification, the applicant shall pay the prescribed fee or shall indicate which design shall be published.
4. If the applicant does not comply with the requirement stipulated by Paragraph 3 of this Article, Sakpatenti shall publish in sequence such quantity of designs for which the paid fee is sufficient.

#### **Article 19. Postponement of Publication**

1. It is allowed to submit a request for postponement of a design publication before taking a decision on registration, for a term provided for in Article 18(1) (b) of the Law.
2. If several priorities have been determined for an application, the postponement term shall be calculated from the earliest priority.
3. In case of a multiple application, the applicant shall indicate for which design postponement of the publication is requested.
4. Proceedings of the application for which the postponement is requested are carried out according to the rule prescribed by the Law. This rule applies also in case when according to Article 8(1) of this Instruction a sample of the product is submitted instead of a view.
5. If postponement of publication is requested for a design, in case of taking a positive decision on the registration, the name of the applicant, application filing date, application number and date of exhaustion of postponement shall be published in the Bulletin and the note shall be made about the postponement.

6. After the expiration of the term of postponement of a design, in case of taking a positive decision on registration, if the prescribed fee is paid by the applicant, Sakpatenti shall publish the application data in the Bulletin, in accordance with Article 18.

7. The applicant may cancel the postponement of publication and may request design publication, within no less than 3 months before the expiration of publication term.

8. If a sample of product is submitted in accordance with Article 8 of this Instruction, within no less than 3 months before the expiration of the term of postponement, the applicant shall submit the design view according to rule under Article 7 of this Instruction, otherwise Sakpatenti shall take a decision about the termination of proceedings.

#### **Article 20. Making Changes and/or Amendments to Application Materials upon the Applicant's Request**

1. The applicant is entitled to make changes and/or amendments in application materials during the proceedings on the application.

2. Changes and/or amendments in application materials can be made only upon the applicant's written request.

3. Changes and/or amendments concerning the design view, name and description are allowed before the completion of the examination as to form, if such an action does not change the scope of the design protection.

4. Changes and/or amendments concerning the name and address of the applicant, designer or representative are allowed both on the stage of the proceedings and after the registration.

5. Changes and/or amendments stipulated in Paragraph 3 of this Article shall be made free of charge.

6. Changes and/or amendments stipulated in Paragraph 4 of this Article shall be made free of charge before the completion of examination as to form and after the completion of examination as to form, the changes and/or amendments shall be made after payment of a prescribed fee.

7. Correction of mechanical errors on any stage of the examination is allowed without payment of fee.

#### **Article 21. Requesting Additional Materials, Making Changes and Amendments by Sakpatenti**

1. Sakpatenti is authorized to request from the applicant to submit additional materials, make changes and/or amendments to the application, without which it is impossible to continue further consideration of the application.

2. For actions stipulated in Paragraph 1 of this Article no fee shall be paid by the applicant.

3. The applicant shall submit the relevant materials within one month after receiving the request from Sakpatenti.

4. After payment of the prescribed fee, the applicant is entitled to request extension of the term stipulated in Paragraph 3 of this Article for one month in succession, but not exceeding 2 months.

5. Additional materials submitted by the applicant, which supplements, changes or specifies the application, shall not go beyond the scope of the design protection, otherwise the mentioned materials shall not be considered, concerning which the notification shall be sent to the applicant.

6. If the application does not comply with the requirements stipulated in Paragraph 1 of this Article, Sakpatenti shall take a decision about the termination of proceedings.

#### **Article 22. Suspension of the Application Consideration**

1. After payment of the prescribed fee, before the publication of the design under Paragraph 1 of Article 18 of this Instruction, the applicant is entitled to request suspension of the consideration of design for one month in succession, but not exceeding 6 months.

2. The right stipulated in the Paragraph 1 of this Article does not apply to the submission of the materials requested by Sakpatenti at the time of the confirmation of the filing date, and the extension of the terms defined for payment of the fee prescribed by this Instruction.

#### **Article 23. Reinstatement of Rights Related to the Application, Lost due to the Failure to Meet the Deadline**



1. If the application proceedings are terminated due to the failure to meet the deadline by the applicant, established by the Law and this Instruction, the applicant is entitled to request resuming the proceedings.
2. The applicant is entitled to enjoy the right stipulated in Paragraph 1 of this Article within 6 months from taking a decision on the termination of proceedings by Sakpatenti, in case of elimination of the reason of the termination of proceedings and payment of the relevant fee.
3. Sakpatenti shall consider the application for the renewal of proceedings within one month after its receipt and, if it meets the requirements under Paragraph 2 of this Article, shall take a decision on the restoration of the application proceedings.

#### **Article 24. Withdrawal of the Application**

1. Before the publication of the design, the applicant is entitled to withdraw the application.
2. On the basis of the request for the application withdrawal, Sakpatenti shall take the decision on the termination of the proceedings.
3. In case of withdrawal of the application, renewal of the application proceedings is not allowed.

#### **Article 25. Requesting a Certified Copy of the Application**

1. After the confirmation of the application filing date, the applicant is entitled to request a certified copy of the application.
2. The certified copy shall be issued by Sakpatenti on the basis of the request, within ten working days after the payment of the prescribed fee.

#### **Article 26. International Design**

1. In accordance with the rule prescribed in Article 25 of the Law and this Instruction, Sakpatenti shall carry out substantive examination on the international design within 3 months after the publication of the design in the International Bulletin.
2. In case of taking a decision on refusal on extension of the international design registration to the territory of Georgia in accordance with Paragraph 2 of Article 25 of the Law, Sakpatenti shall notify the International Bureau within 6 months after the design publication in the International Bulletin,.
3. If the international design satisfies requirements provided for by Article 25 of the Law, Sakpatenti shall take the decision on the extension of the international design registration to the territory of Georgia and within 3 months after taking the decision shall notify the International Bureau.
4. Within one month after taking the decision on the extension of the international design registration to the territory of Georgia Sakpatenti shall publish the application data and the view of the design in the Bulletin.
5. An interested party is entitled to appeal against the decision taken by Sakpatenti on the extension of the international design registration to the territory of Georgia in accordance with Article 20 of the Law.
6. If within the term determined by Paragraph 5 of Article 20 of the Law, the decision on extension of the international design registration to the territory of Georgia was not appealed against, the registration of the international design shall enter into force on the territory of Georgia.
7. If within the term determined by Paragraph 5 of Article 20 of the Law, the decision on extension of the international design registration to the territory of Georgia was appealed against in the court or in the Chamber of Appeals, on the basis of which, the court or the Chamber of Appeals took the decision on extension of the international design registration to the territory of Georgia, the registration of the international design shall enter into force on the territory of Georgia.
8. In case provided for by Paragraphs 6 and 7 of this Article, the information on the extension of the international design registration to the territory of Georgia shall be published in the Bulletin within one month and the International Bureau shall be notified thereof.
9. Sakpatenti shall enter the date on the registered design the protection of which is extended to the territory of Georgia in the relevant database.

10. Sakpatenti shall enter in the relevant database and publish in the Bulletin the information on the cancellation of the extension of the international design registration to the territory of Georgia on the basis of Article 28 (1)(a) and (b) of the Law, and invalidation of the extension of the international design registration to the territory of Georgia on the basis of the court decision.

## **Chapter IV**

### **Design Registration**

#### **Article 27. The Rule of Design Registration**

1. In case of the payment of the fee by the applicant, in accordance with Article 21 of the Law, Sakpatenti shall register the design in the Register and publishes the data in the Bulletin.
2. The notification about payment of the fee for the design registration shall be sent by Sakpatenti to the applicant, within one month, in accordance with Paragraph 1 of Article 21 of the Law.
3. The fee prescribed for the registration and maintenance of the design registration for the first 5 years shall be paid by the applicant simultaneously, within one month from the receipt of the notification by delivering to the applicant the notification provided for in paragraph 2 of this Article.
4. If the application contains several designs and the fee paid for the registration and maintenance of the design registration for the first 5 years is less than the amount of the fee prescribed for the registration and maintenance of the design registration for the first 5 years, a notification on the shortcoming shall be sent to the applicant. Within one month from its receipt, the applicant shall pay fully the fee prescribed for the registration and maintenance of the design registration for the first 5 years or indicate which design shall be registered.
5. In case if the applicant does not fulfill the request provided for by Paragraph 4 of this Article, Sakpatenti shall register in sequence the quantity of designs included in the application for which the paid fee is sufficient.
6. Sakpatenti shall issue the certificate within one month after the date of the design registration.
7. Sakpatenti shall publish the data on the designs which were published, but were not registered.

#### **Article 28. The Rule of Payment of Fee**

1. Unless otherwise provided for by the Law or this Instruction, the fee shall be paid within the month after the receipt of the corresponding request from Sakpatenti.
2. For the actions provided for by the Law, requested by the applicant, the design owner or/and a third party, the fee shall be at the time of applying to Sakpatenti with a request for such an action.
3. The term prescribed for payment of the fee shall not be extended, except the case provided for by this Instruction.
4. The applicant may pay the fee in advance. If the fee is paid in advance for such an action which was not fulfilled, 80% of the paid fee shall be returned to the applicant.
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 by the applicant shall be paid to the bank account of Sakpatenti.

#### **Article 29. Fee for Proceeding Renewal**

Within 6 months after the termination of proceedings, in order to renew the proceedings, only the proceedings renewal fee shall be paid. If the proceedings were terminated due to non-payment of the fee for the relevant action, the fee prescribed for the relevant action shall be paid together with the proceedings renewal fee.

#### **Article 30. Fee for Maintenance of Design Registration**

1. The fee for maintenance of the design registration for the first 5 years shall be paid together with the fee for the registration, but the fee for maintenance of the registration for the second, third, fourth and fifth five-year periods shall be paid within the 5<sup>th</sup> year of the current 5-year period.

2. In case of non-payment of the fee for maintenance of the design registration for the second, third, fourth and fifth five-year periods within the term provided for by Paragraph 1 of this Article, the applicant is given a six-month grace period for payment of the fee, which covers the first six months of the next 5-year period of the maintenance of the design registration.

3. In this case when the fee is not paid by the applicant within the grace period provided for by Paragraph 2 of this Article, the design registration shall be cancelled.

### **Article 31. Accelerated Design Registration**

1. The procedure of accelerated design registration is carried out in accordance with the rule prescribed by Article 22 of the Law and this Instruction.

2. In case of the request of accelerated design registration, postponement of publication provided for by Article 19 of this instruction shall not be allowed.

3. For the application with the request of accelerated registration the filing date shall be confirmed and examination as to form shall be carried out within 3 days from the filing of the application, if the fee prescribed for the accelerated registration is paid.

4. If an application contains more than 50 designs, the term of examination as to form may be extended to 7 days.

5. If an application is filed in accordance with the rules prescribed by the Law and this Instruction, Sakpatenti shall take a decision on the completion of examination as to form.

6. In case when the application does not satisfy the requirements provided for by Paragraph 5 of Article 22, the notification on identification of the shortcoming shall be sent to the applicant. The applicant shall be given 15 days from the receipt of the notification to remedy the shortcoming. If the applicant does not remedy the identified shortcoming within the given term, Sakpatenti shall take the decision on the refusal of the accelerated examination and shall consider the application in accordance with the standard rules laid down by the Law and this Instruction.

7. In case provided for by Paragraph 6 of this Article, if Sakpatenti takes a decision on the refusal of the accelerated examination, 50% of the prescribed fee, paid for the accelerated registration, shall be returned to the applicant.

8. If the fee prescribed for design publication and registration is paid, Sakpatenti shall register the design in the Register, publish the data on the registered design in the Bulletin and issue the certificate within one month after taking the positive decision on the accelerated registration.

9. In case provided for by Paragraph 8 of Article 22 of the Law, the fee paid for the accelerated registration shall not be returned.