

**GEORGIA**

*Status as of May 2005*

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
<b>Types of protection for inventions</b>	<ul style="list-style-type: none"> <li>• Patents</li> <li>• Utility models</li> <li>• Importation patent : An importation patent can be granted to the foreign applicant who is an owner of a foreign patent. It is granted for the invention patented abroad, on which examination has been conducted pursuant to all the criteria of patentability. The importation patent gives the patent owner the exclusive right to use, produce or sell the goods, however, it does not give him right to prohibit the third party to import such product from abroad (Patent Law, Article 4).</li> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• Patents: 20 years from filing date</li> <li>• Utility models: 8 years from filing date</li> <li>• Importation patents: Term of protection is defined by the term of protection of the foreign patent but cannot exceed 10 years from the filing date.</li> <li>• Extension of patent term is not possible.</li> </ul>	No
<b>Subject matters excluded from patentability or not considered to be inventions</b>	<ul style="list-style-type: none"> <li>• The following subject matters are excluded from patentability:               <ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Scientific theories/mathematical methods</li> <li>- Aesthetic creations</li> <li>- Mental acts</li> <li>- Presentation of information</li> <li>- Computer programs</li> <li>- Business methods</li> </ul> </li> <li>• The following subject matters are not considered to be inventions:               <ul style="list-style-type: none"> <li>- Isolated parts of human beings</li> <li>- Animals</li> <li>- Plants</li> <li>- Plant and animal varieties</li> <li>- Nucleotide and/or amino acid sequences</li> <li>- Traditional knowledge</li> <li>- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals</li> <li>- Inventions contrary to morality/public order</li> </ul> </li> </ul>	No

<b>Filing language</b>	<ul style="list-style-type: none"> <li>Filing an application in languages other than official languages is possible. The time limit to provide translation into an official language is 2 months from the filing date.</li> </ul>	No
<b>Certain requirements relating to filing</b>	<ul style="list-style-type: none"> <li>The inventor never waives his right to be mentioned in the patent.</li> </ul>	No
	<ul style="list-style-type: none"> <li>It is not possible to file provisional applications.</li> </ul>	
	<ul style="list-style-type: none"> <li>The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	
<b>Link between different inventions in the same application</b>	<ul style="list-style-type: none"> <li>The applicable law allows that the claims in a patent application relate to a group of inventions provided that they are grouped under one inventive concept only.</li> <li>The applicable law requires however for utility models that the claims relate to a single invention only.</li> </ul>	No
<b>Publication</b>	<ul style="list-style-type: none"> <li>The information related to the application is published or open for public access 3 months before the patent is granted.</li> </ul>	No
<b>Classification system</b>	<ul style="list-style-type: none"> <li>The patent classification system used is the International Patent Classification (IPC) system.</li> </ul>	N.A
<b>Search and examination</b>	<ul style="list-style-type: none"> <li>The applicable law establishes a substantive search and examination system for patent and utility models.</li> <li>Search and examination are combined. The filing of an application automatically implies a request for search and examination.</li> <li>During the examination procedure, the following criteria are examined: <ul style="list-style-type: none"> <li>- Novelty and industrial applicability</li> <li>- The inventive step is examined only in case of opposition.</li> </ul> </li> </ul>	N.A
<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	No	No

<p><b>Exceptions to exclusive rights conferred by a patent</b></p>	<ul style="list-style-type: none"> <li>• There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> <li>- Private use</li> <li>- Compulsory licenses</li> <li>- Governmental use</li> <li>- Research and/or experimental exception</li> <li>- Preparation of medicines in accordance with medical prescriptions by physicians</li> <li>- Prior user's right</li> </ul> </li> </ul>	<p>No</p>
<p><b>Options to challenge a patent</b></p>	<ul style="list-style-type: none"> <li>• There are different options to challenge: <ul style="list-style-type: none"> <li>- A patent or a utility model: <ul style="list-style-type: none"> <li>Pre-grant administrative procedure (opposition): within 3 months from the date of publication of the patent application</li> <li>Court procedure</li> </ul> </li> <li>- An importation patent <ul style="list-style-type: none"> <li>Court procedure</li> </ul> </li> </ul> </li> </ul>	<p>No</p>