

Re-examination systems

Georgia

The Patent Law of Georgia provides for a post-grant re-examination mechanism.

According to Article 42¹ of the Patent Law, any person is entitled to request the re-examination of a granted patent before Sakpatenti. Procedural aspects of re-examination are further regulated by Article 57 of the Instruction on Procedures Related to Drafting and Filing Applications for Inventions and Utility Models and Granting Patents, approved by Order No. 1 of the Chairman of Sakpatenti dated January 12, 2024.

The re-examination of a patent is carried out on specific grounds defined by Article 42¹(4) of the Patent Law of Georgia. In particular, a patent may be revoked if it is established that:

- the subject-matter of the patent is not patentable;
- the invention is not disclosed in a sufficiently clear and complete manner;
- the subject-matter falls under non-patentable subject-matters (Articles 16 and 17);
- the subject-matter extends beyond the content of the application as filed; or
- the scope of protection has been unlawfully extended.

In addition, the validity of a patent may be challenged before a court. The competence of courts in patent matters is recognized under the Patent Law of Georgia, including where a legally binding court decision may serve as a basis for granting a patent as provided in Article 40 of the Patent Law of Georgia. Judicial review may involve assessment of compliance with patentability requirements set out in the Patent Law, including the criteria of patentability and exclusions provided in articles 12, 16 and 17 of the Patent Law.