

# **LAW OF GEORGIA ON DESIGN**

## **Chapter I**

### **General Provisions**

#### **Article 1. Scope of Regulation**

1. According to the Constitution of Georgia this Law recognizes the inviolability of property right of intellectual property object – design; it regulates relations concerned with creation, registration, use, legal protection of a design and enforcement of the deriving rights.
2. Application of this Law extends to a design registered by the National Intellectual Property Center of Georgia Sakpatenti and listed on the Register of the industrial property (hereinafter - the Register) according to the rule established by the law or to which an international registration extends.
3. A design which is not registered at Sakpatenti or to which international registration does not apply is subject to protection under the Law of Georgia “On Copyright and Neighboring Rights”.

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

1. Terms used in the Law have the following meanings:
  - a) National Intellectual Property Center Sakpatenti (hereinafter – Sakpatenti) – legal entity of public law defined by the Patent Law of Georgia;
  - b) International Bureau – the ,International Bureau of the World Intellectual Property Organization;
  - c) Paris Convention – Paris Convention for the Protection of Industrial Property of March 20, 1883 (revised at Stockholm in July 14, 1967, amended on September 28, 1979);
  - d) Designer – a natural person who has created a design as a result of creative intellectual work.
  - e) Co-designer - a natural person who has created a design as a result of joint creative intellectual work with other natural person(s).

- f) Design holder– a person who possesses an exclusive right on a design and who is entered as a design holder in the Register by Sakpatenti;
- g) Certificate – a document issued according to this Law in the name of the design holder, which confirms the fact of design registration at Sakpatenti at the moment of its issuance;
- h) Applicant – a natural person or legal entity who requests registration of a design;
- i) Application – unity of the documents necessary for the design registration according to this Law;
- j) Hague Agreement – Hague Act of November 28, 1960 and/or Geneva Act of July 2, 1999 of the Hague Agreement Concerning the International Registration of Industrial Designs;
- k) International Design – a design registered by the International Bureau with the request of extension of rights to the territory of Georgia according to the ,Hague Agreement;
- l) International Classification of Designs – the international classification established by the Locarno Agreement Establishing an International Classification for Industrial Designs signed on October 8, 1968;
- m) Priority – privilege enjoyed by an application over an application filed at a later stage;
- n) Convention Priority - priority established under Article 11 of the Paris Convention which the applicant can enjoy in another member country of the Paris Convention or the World Trade Organization;
- o) Exhibition Priority – priority established under Article 11 of Paris Convention entitling the applicant to exercise such priority in member state to the Paris Convention or the World Trade Organization
- p) Chamber of Appeals – Chamber of Appeals, functioning at Sakpatenti, defined by the Patent Law of Georgia.

### **Article 3. Design and its Protection Criteria**

1. A design is the appearance of the whole product or its part resulting from features of the product, including lines, contours, colors, shape, texture and/or material and/or decoration of the product.
2. Product is any industrial or handicraft item, except a computer program, including packaging, get-up, graphical symbol, printing type, component part intended to be incorporated into a complex product.
3. Complex product is a product which is composed of a number of components, which may be replaced by disassembling and re-assembling the product.
4. Protection shall be granted to a design if it is new and has individual character.
5. A design is novel if no identical design has become available to the public before the date of filing an application or the date of priority. (2.07.2010 N 3279)
6. In determination of the novelty of the design, a design filed with Sakpatenti or registered by the International Bureau with the request of extension of rights to the territory of Georgia shall be considered publicly available if it was published after filing application for the design for which novelty is being established, but the application for which has earlier priority.
7. Designs shall be deemed to be identical even if their features differ only in insignificant details.
8. A design is of individual character if the overall impression it produces on the informed user differs from the overall impression produced on the same user by other design which has been made available to the public before the date of filing an application or the priority date. (2.07.2010 N 3279)
9. In assessing individual character, the degree of freedom of the designer in creation of the design shall be considered.
10. A design incorporated in a product or used for it which is a component part of a complex product shall be considered novel and individual if it is visible within the

complex product in the course of its normal use and the visible parts meet the criteria of novelty and individual character.

11. For the purposes of this Article "normal use" means the use by the end user, except for the technical maintenance, current and repair works.

#### **Article 4. Scope of Legal Protection of a Design**

1. The scope of legal protection of a design shall be determined by its appearance.
2. The scope of legal protection shall not extend to a word or sequence of words incorporated in the design.
3. The scope of legal protection of the design shall include any design which does not produce on an informed user a different overall impression.
4. In determining the scope of legal protection of the design, the degree of freedom of the designer in creation of the design shall be considered.

#### **Article 5. Accrual of Exclusive Rights on Design and the Term of Validity**

1. Exclusive rights on a design originate in case of registration in Sakpatenti from the date of application filing, also according to this Law through extension of an international registration, based on the Hague Convention.
2. A certificate is issued for the design registered at Sakpatenti.
3. The applicant is authorized to register a design at Sakpatenti for one or more periods of five years, but not for more than 25 years from the date of filing the application with Sakpatenti.

#### **Article 6. Disclosure of Information on a Design**

1. A design shall be deemed publicly available, if it was published, exhibited, used in trade or otherwise became publicly known before the date of the application filing or the priority date. (2.07.2010 N 3279)
2. A design shall not be deemed to be publicly available regardless of the referred in the first paragraph, if:
  - a) the actions, provided for in the first paragraph of this Article, were not of the kind to become publicly known to the persons working in the respective field in Georgia;

b) information on design has been disclosed to a third party, under direct or indirect conditions of confidentiality.

3. The disclosure of information on a design to the public shall not be considered if it has become available to the public within 12 months before the date of filing the application or priority date: (2.07.2010 N 3279)

a) by way of disclosing information on design by the designer or his/her successor, or

b) as a result of an abuse conducted by a third party in relation to the designer or his/her successor.

### **Article 7. Design Determined solely by Technical Function and Interconnected Designs**

1. Protection does not extend to those features of a design:

a) which are solely determined by their technical function;

b) which should be necessarily presented in the design exactly in such a form and dimensions that the product into which the design is incorporated, or for which it is applied, has an ability to be mechanically connected to or placed in, around or on the opposite side of another product so that each product can perform its own function.

2. Sub-paragraph "b" of paragraph 1 of this Article does not extend to a design which serves the purpose of allowing multiple assembly or connection of mutually interchangeable products within a modular system.

### **Article 8. Relationship between the Co-designers**

Relationship between the co-designers is defined by the agreement concluded among them. In case of absence of the agreement each of them enjoys equal joint rights.

### **Article 9. Right to Register a Design**

1. The right to file an application shall vest in the designer or her/his successor in title, except for the cases referred by this Article.

2. The right to file an application for the design developed jointly by several designers shall vest in all designers jointly as well as in each of them in case of consent of other designers, unless otherwise provided by the agreement among the designers.

3. Where a design is developed by an employee and/or a contractor in the execution of his duties or implementation of the order, the right to file the application for the design shall vest in the employer/order issuer, unless it is otherwise provided by the agreement.
4. Where development of a design is not related to the execution of the duties or implementation of the order by an employee and/or a contractor, but the ,employee and/or the contractor used resources existing in the possession of the employer or the order issuer, the right to register a design shall be vested in the employer/order issuer.
5. In case envisaged by paragraph 4 of this Article preemptive rights to receive free of charge non-exclusive private license on ,such a design and/or to purchase exclusive rights deriving from such a design belong to the employer/order receiver, unless otherwise provided by the agreement.
6. If one and the same design is created independently by two or more persons, the exclusive right to the design belongs to the applicant whose application has an earlier priority.
7. If several applications for identical designs have been established the same priority, right to register design is ,given to the person(s) indicated in the agreement of the applicants. Dispute shall be resolved by the court in case of disagreement of parties.

### **Article 10. Grounds for refusal of Design Registration**

The design shall not be registered if:

- a) it does not comply with the requirements envisaged by the first paragraph of Article 3 of this Law.
- b) it is identical to the earlier design, which is filed with Sakpatenti or registered in the International Bureau with the requirement to extend protection to the territory of Georgia and it became available to the public prior to filing the application or the date of priority; (2.07.2010 N 3279)
- c) it is identical to the earlier design, which became available to the public after filing the application or the date of priority, (2.07.2010 N 3279) but is filed with Sakpatenti or

is registered in the International Bureau with the requirement to extend protection to the territory of Georgia before the above-mentioned date.

d) its registration contradicts the public order.

e) it completely or by any consisting element coincides with the state herald, flag, banknote, full or abbreviated name of Georgia or its territorial entity or a foreign country and no consent of a competent body is given on its use.

f) it completely or by any composing element coincides with the herald, flag, full or abbreviated name of an international organization and this coincidence is evident to an expert and no consent of the organization is given on its use.

g) the design or its constituent element displays an appellation of origin of goods or geographical indication which has been granted protection on the territory of Georgia based on the local registration, a bilateral or international treaty.

## **Chapter II**

### **Application, Examination and Registration**

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

1. Application is filed with Sakpatenti by the applicant or his/her representative.
2. If the applicant is a designer's successor in title, a document verifying the succession should be attached to the application at the time of filing or within two months from the filing date.
3. If the application was filed by an applicant's representative, a document verifying representation should be attached to the application at the time of filing or within two months from the filing date.
4. The application shall contain:
  - a) a request for the registration of the design (hereinafter - the request);
  - b) a representation (view) of the design.
5. An application may contain a description which is only of explanatory nature.
6. An application is filed with Sakpatenti by means of direct submission of the application material or in other way.

7. Application is considered to be filed with Sakpatenti from the moment of filing of the application and the view of design.
8. The form of the application and the rule of filing is determined by the instruction on design registration (hereinafter - the Instruction).

### **Article 12. Multiple Applications, Unification and Separation of Applications**

1. An application may contain one or more designs if its constituent designs belong to one class of the International Classification of Designs (multiple application).
2. An applicant is entitled:
  - a) to unify applications and file a unified application if its constituent designs belong to one class of the International Classification of Designs (unified application);
  - b) to divide the filed patent application into separate applications (separated application).
3. Each design contained in a multiple or unified application is reviewed independently from others and constitutes an independent object of protection.

### **Article 13. Priority**

1. An applicant wishing to enjoy the convention priority should file an application with Sakpatenti within 6 months from filing the first application for this design in a member state of the Paris Convention or the World Trade Organization.
2. An applicant wishing to enjoy an exhibition priority should file an application with Sakpatenti within six months from exhibiting the design on an official exhibition or an exhibition considered to be official held in a member state of the Paris Convention or the World Trade Organization.
3. Convention and exhibition priorities do not extend the terms of each other.
4. In cases envisaged by paragraphs 1 and 2 of Article 12 of this Law an applicant has the right to request for a particular design the priority that it possesses.
5. A ,priority shall not be established for the application under the date of filing the application, by which an earlier priority has already been requested.

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



1. Sakpatenti conducts examination on the application based on which it takes a decision on the registration of the design.
2. Examination includes confirmation of the application filing date, conducting of examination as to form and substantive examination, the rule of which shall be determined by the Instruction.

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

1. Sakpatenti confirms the date of filing an application within two weeks from its submission.
2. If it turns out that the application lacks any application material envisaged by paragraph 4 of Article 11 of this Law, the applicant is obliged to submit this material within one month from receiving a notification.
3. If the applicant fulfils the requirement of paragraph 2 of this Article, the date of fulfilling this requirement shall be deemed as the date of the application filing. Otherwise, the application shall not be deemed filed.

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

1. After confirmation of the date of the application filing Sakpatenti conducts examination as to form in the course of which the completeness of the application and correctness of its drawing up as well as its correspondence with the requirements of Article 12 of this Law are examined.
2. Sakpatenti conducts examination as to form within one month from the day of confirming the application filing date.
3. Based on the examination as to form Sakpatenti takes a decision on the completion of examination as to form or termination of the application proceedings and informs the applicant.

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

1. Within three months from the completion of the formal examination Sakpatenti conducts substantive examination, which envisages checking of compliance of the design with the requirements of Article 10 of this Law and examination as to novelty.

2. In the course of establishing novelty according to sub-paragraphs "b" and "c" of Article 10 of this Law Sakpatenti takes into consideration designs filed with Sakpatenti or designs registered by the International Bureau with the request to extend rights to the territory of Georgia.

3. A design revealed as a result of the study indicated in paragraph 2 of this Article which complies with the condition contained in sub-paragraph "a" of paragraph 3 of Article 6 of this Law shall not be considered in the course of establishing novelty.

4. Based on the substantive examination Sakpatenti takes a decision on the design registration or on refusal to register the design.

5. In case envisaged by paragraphs 1 and 2 of Article 12 of this Law Sakpatenti may take a positive decision in relation to a part of the designs contained in the application.

#### **Article 18. Extension and Restoration of the Procedural Timeframes**

1. In the course of application proceedings, the applicant has a right to require according to the prescribed rule:

a) entry of the amendment and/or correction into the filed application material under the condition that referred action does not change the scope of the design protection.

b) postponing publication of the design for no more than 30 months from the date of filing the application or the priority date. In case of a multiple application, the request for postponing publication may concern all as well as separate designs contained in it; (2.07.2010 N 3279)

c) suspension of the consideration of the application;

d) extension of the timeframe for submission of a reply to the requirement of Sakpatenti;

e) recovery of the rights forfeited due to the failure to meet the deadlines.

2. The rule of implementation of the actions under paragraph 1 of this Article is determined by the Instruction.

#### **Article 19. Publication of a Design**

1. In case of taking a positive decision on the design registration Sakpatenti publishes the application data and the design representation according to the prescribed rule in the Official Bulletin of Industrial Property (hereinafter – Bulletin).
2. In case of replacement of a negative decision taken by examination on the design registration by a legally enforced positive decision of the court Sakpatenti publishes the application data and the design representation according to the prescribed rule in the Bulletin.
3. In case of a designer's request Sakpatenti is obliged not to publish his/her name.

### **Article 20. Grounds of Appeal at the Chamber of Appeals**

1. An applicant has a right to file an appeal to the Chamber of Appeals of Sakpatenti against a Sakpatenti decision on the completion of examination as to form or termination of the application proceedings, also against the decision of the substantive examination on refusal of the design registration.
2. An interested party has a right to file an appeal to the Chamber of Appeals of Sakpatenti and require abolishment of decision on the substantive examination on the design registration if the requirements of Article 17 of this Law are violated;
3. An interested party has a right to file an appeal to the Chamber of Appeals and require abolishment of the decision on substantive examination, if:
  - a) a design does not meet the requirements of paragraphs 4-10 of Article 3 of this Law, except for the cases provided for by paragraphs 2 of Article 17 of this Law;
  - b) grounds envisaged by sub-paragraphs "f", "g" and "h" of paragraph 1 of Article 29 of this Law exist.
4. In case of a multiple or a unified application the appeal may concern one or several designs contained in it.
5. An appeal may be filed to the Chamber of Appeals within 3 months from publication/ receipt of the corresponding decision.
6. The Chamber of Appeals reviews an appeal under the established rule within ,3 months from the appeal filing.

7. The decision of the Chamber of Appeals may be appealed in the court within the timeframe prescribed by law.

**Article 21. Design Registration**

1. If within the timeframe established by paragraph 5 of Article 20 of this Law an appeal was not filed to the Chamber of Appeals of Sakpatenti, or based on the appeal filed to the Chamber of Appeals made a decision on registration of the design, Sakpatenti registers the design in the Register under the established rule.

2. Sakpatenti publishes the data on the registered design in the Bulletin and issues a certificate.

3. The form of the certificate and the data to be entered into the Register are established by Sakpatenti.

4. Any person has a right to familiarize with the Register data.

**Article 22. Accelerated Procedure of Design Registration**

1. Unless provided otherwise by this Article, the rule under paragraph II of this Law is used for the accelerated procedure of design registration.

2. At the time of filing an application or within a month from the application filing, the applicant can request to conduct accelerated examination.

3. All documents under Article 11 of this Law shall be attached to the application requesting to conduct accelerated examination and the fee for the accelerated procedure of design registration shall be paid.

4. If an applicant wants to enjoy the priorities under paragraphs 1 and 2 of Article 13 of this Law, a document confirming the right to claim priority document shall be attached to the application requesting to conduct accelerated examination and the fee prescribed for priority claim shall be paid.

5. Within 3 days from requesting accelerated examination Sakpatenti checks if the application complies with the requirements of the paragraphs 3 and 4 of this Article. If the application materials lack any documents under the paragraphs 3 and 4 of this Article, the applicant shall present this document within 15 days. Otherwise Sakpatenti

takes a decision to refuse conducting accelerated examination and considers the application under Chapter II of this Law.

6. If the application complies with the requirements of paragraphs 3 and 4 of this Article, Sakpatenti within 7 working days conducts substantive examination under Article 17 of this Law and in case of taking a positive decision registers the design in the Register, publishes the data of the registered design in the Bulletin and issues a certificate.

7. Any interested person has a right to file an appeal to the Chamber of Appeals under the rule established by paragraph 20 of this Law within 3 months from the publication of the data on the design registration in the Bulletin.

8. After the accelerated registration of the design, if an application entitled to enjoy an earlier priority is filed with Sakpatenti and the ground of refusal of an application registration provided for by paragraphs "b" or "c" of Article 10 of this Law exists in respect of the registered design, Sakpatenti takes a decision on canceling the accelerated registration of the design and publishes it in Bulletin.

9. An appeal shall be filed against the decision on cancelling of the accelerated registration of the design under the rule established by paragraph 1 of Article 20 of this Law.

### **Article 23. Service Fee**

1. The fee shall be paid for examination of an application as to form substantive examination, design publication and registration, maintenance of the accelerated examination registration validity for every 5 years, appeal, entry of changes into the Register data and other activities.

2. Non-payment of the fee determined under paragraph 1 of this Article by the specified date shall cause the termination of application proceedings.

3. The type and amount of the fee shall be determined by the resolution of the Government of Georgia.

4. The form and the rule of paying the fee shall be determined by the Instruction.

## **Chapter III**

### **International Design**

#### **Article 24. Extension of Effect of an International Design Registration to the Territory of Georgia**

An international design the effect of which is extended to the territory of Georgia has the same legal force as a design registered in Georgia.

#### **Article 25. International Design Examination**

1. For an international design Articles 10, 12, 17 19 and 20 shall apply.
2. If a design does not meet the registration requirements established by this Law, within the timeframe established by the Hague Agreement Sakpatenti shall take a decision on refusal of extension the effect of the international design registration on the Georgian territory and notifies the International Bureau.
3. Norms established by the Hague Agreement apply to the term of the effect of international design registration and its extension.

## **Chapter IV**

### **Exclusive Rights on Design**

#### **Article 26. Scope of the Exclusive Rights on Design**

1. A design holder exploits the design at his/her discretion. The design holder has the right to sell or otherwise alienate the design, issue a private license under the established rule.
2. Design registration assigns to the design holder the exclusive right to permit or prohibit making, selling, offering for sale, using, importing, exporting or putting on the market of the product, into which the design is integrated or for which it is used, and storage of such a product for these purposes.
3. If the design holders are several persons:
  - a) the right can be assigned or the private license can be issued only with the consent of all holders;

b) each holder has the right to use a registered design in his/her own production without the consent of the other holders.

4. From the day of the publication of an application to its registration the applicant is conventionally assigned the same rights which he/she will be assigned after the registration. If the registration is not implemented, the referred rights shall not be deemed originated.

5. The following shall not be deemed as violation of the exclusive rights deriving from the design registration:

a) dissemination after putting on the market or other use of the product prepared by the design holder or by his/her permission into which the design is incorporated or for which it is used;

b) application of the design for personal use, if such an action is not intended for entrepreneurial purposes;

c) use of the design for experimental purposes;

d) copying the design, which is performed for the purposes of citation or teaching, provided that such copying is not considered as a bad faith action and does not damage the normal use of the design and the source is indicated.

e) use of the design on the sea vessel, aircraft or land vehicle of any country during its temporary presence on the territory of Georgia. In this case the design shall be used only on such a vehicle and not for entrepreneurial purposes;

f) use of the design in case of urgent necessity (force majeure) determined by the legislation of Georgia.

### **Article 27. Right of Prior Use**

1. The right of prior use means a person's right to use the design regardless of the effect of its registration, if such a person has been using the design in good faith or conducted preparatory works for its use before the date of filing the application with Sakpatenti or the priority date. (2.07.2010 N 3279)

2. The right of prior use shall allow a third party exploiting the design for a purpose and to such an extent with which he has already used this design or for which he has made preparation works, before the application filing or priority date. (2.07.2010 N 3279)
3. It is impermissible to issue a private license for the right of prior use.
4. The right of prior use can be transferred only together with such an enterprise, where the actions envisaged by paragraph 2 of this Article were implemented.

### **Article 28. Revocation of Design Registration**

1. Design registration shall be revoked by Sakpatenti:
  - a) on the basis of a request of the design holder;
  - b) in case of non-payment of the fee for extension of the term of validity of the registration by the holder;
  - c) based on paragraph 22 of the Article 8 of this Law.
2. In case envisaged by sub-paragraph "b" of paragraph 1 of this Article, the registration of a design shall not be deemed revoked if within 6 months from expiration of the term of validity of the registration the design holder pays the fee for the term of validity of the registration for the following period and if at the same time 25 years have not lapsed from the effect of the design registration.
3. The rights assigned by the design registration shall be considered terminated from the date of the entry into the Register of the record on the revocation of the registration.

### **Article 29. Declaration of Invalidity of a Design**

1. Design registration shall be declared invalid by the court if it was ascertained that:
  - a) the design is represented only with the features corresponding to paragraph 1 of Article 7 of this Law;
  - b) the design contradicts Article 10 of this Law;
  - c) the design does not comply with the requirements of paragraphs 4-10 of Article 3 of this Law;
  - d) the applicant or the design holder was not an authorized person according to Articles 8 and 9 of this Law;



e) the design contains a work protected under the Law of Georgia on Copyright and Neighboring Rights;

f) the design wholly or by any constituent element coincides with a trademark with earlier priority registered in Georgia, except for the case, when design registration is requested by the holder of the exclusive right in this trademark.

g) the design wholly or by any constituent element coincides with a mark recognized as a well-known mark according to paragraph 4 of Article 3 of the Law of Georgia on Trademark.

h) the design wholly or by any constituent element coincides with the emblem of an international or inter-governmental organization, its full or abbreviated name, official controlling, guarantee, sampling seal, stamp, order, medal, historic name, coat of arms, flag, emblem, banknote of Georgia or its territorial unit, or represents an imitation of a symbol indicated in this sub-paragraph;

i) registration of the design was implemented in bad faith.

2. In case envisaged by sub-paragraph "d" of paragraph 1 of this Article, an interested party instead of requesting recognition of design registration invalid may require assignment of rights deriving from the design registration.

3. In case of a multiple or unified application, the appeal may concern one or several designs.

4. Recognition of invalidity of the design may be requested:

a) based on sub-paragraphs "a", "b", "c" or "i" of paragraph 1 of this Law – by an interested person;

b) based on sub-paragraph "d" – only by a person who has a right on the design according to Article 8 and 9 of this Law;

c) based on sub-paragraph "e" – only by the copyright owner;

d) based on sub-paragraph "f" or "g" – only by the owner of the trademark.

e) based on sub-paragraph "h" – only by a natural person or legal entity interested in the use of the symbol indicated in sub-paragraph "h" or by a relevant competent authority.

5. As a consequence of declaring design registration invalid, the rights granted by the registration shall be considered terminated from the date of origination of such rights on a design unless another date is indicated in the court decision which has entered into legal force.

**Article 30. Responsibility for Violation of Exclusive Rights on a Design**

Producing, sale, use, import or placing on the market of a product into which a design is incorporated, or for which it is used, without the permission of the design holder, or storage of such a product for these purposes, also deliberate disclosure of its essence (except by the designer) prior to the publication of the data on the design by Sakpatenti, or misappropriation of design authorship shall entail responsibility under the rule established according to the legislation of Georgia.

**Article 31. Assignment of Rights on a Design**

1. An agreement on assignment of exclusive rights on a design shall be concluded in writing.
2. An agreement on assignment of exclusive rights on a design as well as amendments thereto shall be registered under the established rule in the Register and the data are published in the Bulletin.
3. A new holder of the design is not entitled to use the rights deriving from the design registration against a third party before the recording of the relevant amendments in the Register.

**Article 32. Private License on the Use of a Design**

1. A design holder has a right to issue a private license on the use of the design.
2. A private license is not a license envisaged by the Law of Georgia on Licenses and Permits.
3. A private license agreement shall be executed in writing. |The scope of usage of the design shall be defined in the private license.

4. A private license may be exclusive or non-exclusive. If the private license agreement does not define the type of the license, it shall be deemed that the private license is non-exclusive.
5. Issuance of a non-exclusive private license does not deprive the license issuer of the right to issue another license with analogous terms.
6. Issuance of an exclusive private license deprives the license issuer of the right to issue another license with analogous terms.
7. A private license holder has a right to file an appeal to the court on violation of the right deriving from the design registration, if the design holder does not file the appeal within a reasonable time from the receipt of a notification on violation of the rights.
8. A private license agreement and the amendments thereto may be registered in the Register.
9. If a private license agreement envisages restrictions regarding the development, dissemination and/or export of a design only on a definite market, a corresponding indication shall be made in the labeling data of the product. If there is no such indication, the restriction envisaged by the private license agreement shall have no effect for a third party.

### **Article 33. Conflict of Interests**

1. A design application shall not be filed by:
  - a) a natural person who works or has worked in Sakpatenti 12 months prior to filing an application;
  - b) a legal entity in which a person envisaged by sub-paragraph "a" of this paragraph is a member, partner, stockholder or head.
2. A person directly involved in taking a decision on the appealed design shall not be included in the Chamber of Appeals in the course of hearing a legal dispute over design registration.

## **Chapter V**

### **Transitional Provisions**

**Article 34. Application of the Norms of this Law to the Relations Originated Earlier**

1. This law applies to the relations linked with the development, registration, use and legal protection of the designs:

- a) which originated after the enactment of this Law;
- b) which are in force by the date of the enactment of this Law;

2. An application which by the date of the enactment of this Law is being processed at Sakpatenti shall be considered by the rule established by the Patent Law of Georgia of February 5, 1999. (*Sakartvelos sakanonmdeblo matsne* N 5(12) 1999, Art.21).

**Article 35. Measures Related to the Enactment of this Law** (26.10.2010. N3742)

Sakpatenti shall issue the instruction on the registration of the design.

**Chapter VI  
Final Provision**

**Article 36. Enactment of the Law**

This Law shall be enacted after 1 month from the date of its publication.

President of Georgia

Mikheil Saakashvili

Tbilisi,

May 4, 2010

N 3030-1S