

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT**

GEORGIA

By means of communications, dated 20 February and 14 March 2002, the following notification has been received from Georgia under Article 63.2 of the Agreement.

Pursuant to Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, Georgia hereby notifies the laws and regulations pertaining to the subject-matter of the Agreement, as follows:

- Annex I to this document states the main dedicated intellectual property laws and regulations.
- Annex II to this document states the other laws and regulations.
- Annex III to this document states the International Agreements to which Georgia is a party.
- Answers to the Checklist of Issues on Enforcement.¹

¹ See document IP/N/6/GEO/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

- Law on Copyright and Neighbouring Rights.²
Adopted on 22 June 1999, amended on 9 September 1999 and 5 December 2000.
- Law on Trademarks.³
Adopted on 5 February 1999.
- Law on Appellations of Origin and Geographical Indications of Goods.⁴
Adopted on 22 June 1999.
- Patent Law.⁵
Adopted on 5 February 1999.
- Law on Topographies of Integrated Circuits.⁶
Adopted on 22 June 1999.
- Law on Border Measures Relating to Intellectual Property.⁷
- Law on Protection of Selected Achievements.⁸
1996.
- Law on Permission for Distribution of Agricultural Crop Varieties, Seeds and Planting Materials.⁹

² See document IP/N/1/GEO/C/1.

³ See document IP/N/1/GEO/T/1.

⁴ See document IP/N/1/GEO/G/1.

⁵ See document IP/N/1/GEO/P/1.

⁶ See document IP/N/1/GEO/L/1.

⁷ See document IP/N/1/GEO/E/1.

⁸ See document IP/N/1/GEO/P/3.

⁹ See document IP/N/1/GEO/P/2.

ANNEX II

OTHER LAWS AND REGULATIONS

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p>Copyright and related rights</p> <p><u>Criminal Code.</u> Adoption: 22 July 1999. Entry into force: 1 June 2000.</p> <p><u>Code on Administrative Violations.</u> Adoption: 15 December 1984.</p>	<p>Misappropriation of authorship in copyright or neighbouring rights form, and its unlawful use for commercial purposes or forcing to co-authorship, shall be punishable by penalties or correction labour for a two-year term.</p> <p>According to Article 157₁ unlawful reproduction of copies of a work of art, phonogram or visual record with the purpose of sale, rent or use results in monetary fines from 500 to 1 000 Lari, along with seizure of reproduced copies.</p> <p>According to Article 157₂ forging of the information indicated on the copies of the work of art, phonogram or visual record, indicating false information on producer or place of production, which leads consumers to confusion, results in monetary fines from 500 to 1 000 Lari, along with seizure of copies of the work of art, phonogram or visual record, along with seizure of copies of the work of art, phonogram or visual record.</p> <p>According to Article 157₃ change or destruction of the protective sign affixed to the work of art, phonogram or visual record by the holder of the copyright or neighbouring right, results in monetary fines from 1 000 to 3 000 Lari.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Trademarks</p> <p><u>Criminal Code.</u></p> <p>Adoption: 22 July 1999.</p> <p>Entry into force: 1 June 2000.</p> <p>Geographical indications</p> <p><u>Criminal Code.</u></p> <p>Adoption: 22 July 1999.</p> <p>Entry into force: 1 June 2000.</p> <p>Patents</p> <p><u>Criminal Code.</u></p> <p>Adoption: 22 July 1999.</p> <p>Entry into force: 1 June 2000.</p>	<p>According to Article 196 unlawful use of other person's trade (service) mark, which caused significant damage, shall be punishable with penalties or correction labour for a two-year term, and false indication of warning notice together with unregistered trade (service) mark, shall be punishable with penalties or with works useful for public from one hundred and twenty to one hundred and eight hours and/or correction labour for a one-year term.</p> <p>Unlawful use of other person's appellation of origin or geographical indication, which caused significant damage, shall be punishable with penalties or correction labour for a two-year term, and false indication of warning notice together with unregistered appellation of origin or geographical indication of goods, shall be punishable with penalties or with works useful for public from one hundred and twenty to one hundred and eight hours and/or correction labour for a one-year term.</p> <p>According to Article 189 misappropriation of authorship in invention, utility model, industrial design, shall be punishable by penalties or correction labour for a two-year term, and unlawful use of other person's invention, utility model, industrial design for the commercial purpose or forcing on co-authorship, shall be punishable by penalties or detention for two years.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Layout-designs of integrated circuits</p> <p><u>Criminal Code.</u></p> <p>Adoption: 22 July 1999.</p> <p>Entry into force: 1 June 2000.</p> <p>Protection of undisclosed information</p> <p><u>Administrative Code.</u></p> <p>Adoption: 25 June 1999.</p> <p>Entry into force: 1 January 2000.</p> <p><u>Criminal Code.</u></p> <p>Adoption: 22 July 1999.</p> <p>Entry into force: 1 June 2000.</p>	<p>According to Article 189 misappropriation of authorship in a topography of integrated circuit, shall be punishable by penalties or correction labour for a two-year term, and unlawful use of other person's topography of integrated circuit for commercial purposes or forcing on co-authorship, shall be punishable by penalties or detention for two years.</p> <p>Obligation of protection of undisclosed information (commercial (trade) secret) in the State agencies is provided for by the Administrative Code of Georgia and relevant regulations. These obligations apply to all the State agencies, among them the Ministry of Health, which issues marketing approvals on use of pharmaceutical products in the market and the Ministry of Agriculture and Food, which issues marketing approvals on usage of chemical products in agriculture.</p> <p>According to Article 202 illegal collection of information containing trade secrets for its unlawful disclosure or use shall be punishable with fines or correction labour for one year or detention for two months or imprisonment for two years, release from the post or making void the permission on work for three years or without it, and the illegal disclosure or use of the information containing trade secrets purposefully or under other personal motive, that has caused significant damages, shall be punishable with fines or detention for three years and/or imprisonment up to four years, release from the post or making void the permission for work or without it.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Civil Code.</u></p> <p>Adoption: 26 June 1997.</p> <p>Entry into force: 25 November 1997.</p> <p>Civil judicial procedures and remedies</p> <p><u>Code of Civil Procedures.</u></p> <p>Adoption: 14 November 1997.</p> <p>Entry into force: 15 May 1999.</p> <p><u>Civil Code.</u></p> <p>Adoption: 26 June 1997.</p> <p>Entry into force: 25 November 1997.</p> <p><u>Law on Border Measures Relating to Intellectual Property.</u></p> <p>Adoption: 23 June 1999.</p> <p>Amendments: 9 September 1999 and 5 December 2000.</p>	<p>According to Article 1105 a production-commercial secret is protected, in particular: "An entrepreneur, who possesses a production-commercial secret (know-how), which is an information of special technological, organisational or commercial value supported by necessary and sufficient measures taken for keeping it secret, has an exclusive right to this information."</p> <p>The Code establishes the basic procedures for civil judicial proceedings.</p> <p>The Code sets forth the regulation applicable to disputes relating to compensation of damages.</p> <p>The law contains provisions on the protection and enforcement of copyright. The Law sets forth certain additional remedies applicable in the case of disputes involving intellectual property right infringements.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Law on Trademarks.</u> Adoption: 5 February 1999.</p> <p><u>Law on Appellations of Origin and Geographical Indications of Goods.</u> Adoption: 22 June 1999.</p> <p><u>Patent Law.</u> Adoption: 5 February 1999.</p> <p><u>Law on Topographies of Integrated Circuits.</u> Adoption: 22 June 1999.</p> <p><u>Provisional judicial measures</u></p> <p><u>Code of Civil Procedures.</u> Adoption: 14 November 1997. Entry into force: 15 May 1999.</p> <p>Special requirements related to border measures</p> <p><u>Law on Border Measures Relating to Intellectual Property.</u></p> <p>Criminal procedures</p> <p><u>Criminal Code.</u> Adoption: 22 July 1999. Entry into force: 1 June 2000.</p>	<p>The Law on Trademarks, the Patent Law and the Law on Topographies of Integrated Circuits contain provisions on the protection and enforcement of industrial property rights. The above laws set forth pre-court dispute resolution procedures by the Sakpatenti Chamber of Appeals in specified cases related to examination decisions. Besides, the laws contain provisions on certain additional remedies (injunctions) applicable in cases of infringements of industrial property rights.</p> <p>The Code of Civil Procedures contains provisions on the main types of judicial measures available under Georgian law, including any existing provisional judicial measures.</p> <p>The Law contains the requirements of Articles 51-60 of the Agreement on Trade-Related Aspects of Intellectual Property Rights.</p> <p>The Code contains offences and provides punishments and other means of influence which shall apply to persons who commit these offences.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Criminal Procedure Code.</u> Adoption: 20 February 1998. Entry into force of the principle part of the Code on 15 May 1999.</p> <p>Other administrative procedures and remedies</p> <p><u>Administrative Procedure Code.</u> Adoption: 23 July 1999. Entry into force: 1 January 2000.</p> <p><u>Law on Enforcement Procedure.</u> Adoption: 16 April 1999. Entry into force: 15 May 1999.</p>	<p>The Code prescribes criminal proceedings in preliminary investigations and in court.</p> <p>The Code prescribes the competence of the administrative court and proceedings in court.</p> <p>The Law sets forth procedure of execution of court and administrative body decisions.</p>

ANNEX III

INTERNATIONAL AGREEMENTS TO WHICH GEORGIA IS A PARTY

- Paris Convention for the Protection of Industrial Property.
 - Berne Convention for the Protection of Literary and Artistic Works.
 - Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.
 - Patent Cooperation Treaty.
 - WIPO Copyright Treaty.
 - WIPO Performances and Phonograms Treaty.
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