

Resolution of the Government of Georgia N 262 Of August 25, 2010, Tbilisi On Approval of Instruction on Design Registration

Article 1. The Instruction on Design Registration shall be approved in accordance with Article 35 of the “Law of Georgia on Design”.

Article 2. The Resolution shall enter into force after its publication.

Prime Minister

Nika Gilauri

Approved by Resolution N 262 of August 25, 2010
of the Government of Georgia

Instruction On Design Registration

Chapter I General Provisions

Article 1. Field of Instruction Regulation

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. Terms

Terms used in the Instruction 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 defined by the “Patent Law” of Georgia;
- c) Bulletin - Official Bulletin of the Industrial Property;
- d) Register - Register of the 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 number code adopted by intergovernmental and other organizations and approved by WIPO Standard ST.3.

Chapter II Application Form and Filing

Article 3. Application

1. An application on design registration (hereinafter referred to as - application) shall be filed with “Sakpatenti” in accordance with Article 11 of the Law and the Instruction.
2. An application is filed with “Sakpatenti” by submitting application materials in person or via mail.

Article 4. Form of Application

1. An application shall include:
 - a) An application on design registration (hereinafter-application);
 - b) Image (view) of the design;
 - c) A document certifying assignment – in case provided for by Article 11.2 of the Law;

d) A document certifying representation authority - in case provided for by Article 11.3 of the law.

2. An application, in addition may contain:

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

b) Document on priority, if the convention or exhibition priority is requested.

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

Article 5. Form of Declaration

1. The declaration shall be submitted on the special form of declaration for the registration of a design made by Sakpatenti.

2. The declaration shall be made in the official language of Georgia in two copies in printed form.

3. The declaration shall include:

a) Name(s) of the applicant(s) (international code -71); Name of the legal entity in case of the 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 filing an application by a legal entity .

c) Request on the registration of design;

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

e) In case of earlier priority 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 it must be used for (international code - 54);

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

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

j) Name and address of representative, if application is submitted by representative (international code -74);

k) List of enclosed documents with the indication of number of copies and pages;

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

m) An indication whether the creation of the design is linked with carrying out official duties or fulfillment of the order.

4. When the postponement of publication is requested by the applicant, he/she shall fill the appropriate box by "X" and indicate publication postponement date in months, not exceeding 30 months after filing the application or the priority date.

5. If the applicant asks for accelerated registration, he/she shall fill the appropriate box by "X".

6. 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. Name of the Product and Classification

1. The name of product shall be phrased in a way to classify the product in one class only under the Locarno Classification.

2. The name shall not contain any 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 does not effect the scope of protection.

Article 7. Image of the Design

1. The image of design should be graphic or photographic and shall meet the following requirements:

a) Each page shall be white, opaque, of standard A4 size (29.7 cm X 21 cm); 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 image shall be fit for publication, well-defined and having a quality to identify each detail of the object the protection is requested for.

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

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

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

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

g) The image 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 views/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 view/perspective.

4. The piece of design presented in the image for which protection is not requested shall be marked by broken line.

5. The inside part of the product, which is not visible from outside, shall be marked by colon, between the broken lines.

6. If the application is related to the design which includes repeated pictures on a surface, the image shall reflect the whole picture and the surface on which the picture shall be repeated.

7. If the application is related to the design which includes a typographic font, the image shall contain all letters of alphabet and all Arabic numerals, along with 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 views of the image shall reflect it in the assembled condition.

9. The image shall be presented in two copies, it is allowed to submit one paper copy of the image and the other one on a CD in the "jpg" format.

Article 8. The Product Sample

1. The submission of the product sample is possible if a two-dimensional design is submitted for registration and the applicant requests postponement of the publication.

2. The sample of product shall be submitted in two copies and its size shall not exceed 26.2 cm X 17 cm.

3. If the design represents repeated pictures, the sample shall reflect the whole picture and a part of the repeated surface in length and width, sufficient for perception.

4. Sample shall not be perishable or dangerous for storing.

Article 9. Certificate of Representation or Assignment

If the application is filed by an assignee or a representative of the designer and the application is not accompanied by the original of the document certifying representation or assignment, issued by the designer, the applicant shall:

a) submit the original or a duly certified copy of the document certifying representation or assignment within two months from the filing date of the application,

b) If the document stipulated in subparagraph (a) is in a foreign language, it shall be accompanied by a duly certified Georgian translation.

Article 10. Multiple Application

1. A multiple application may include no more than 100 designs falling under one class of the International Classification.

2. The applicant shall number the design images given in the multiple application in accordance to the Article 7 of the Instruction.

3. Upon identification that the designs in multiple application do not fall under one class of the International Classification, a notification-request on finding a deficiency is sent to the applicant, on the basis of which the applicant is obliged to separate the application and file a separated application with "Sakpatenti" within one month period upon accepting a notification-request.

4. If an applicant does not comply with the requirements of paragraph 3 of this article "Sakpatenti" shall:

a) Examine only designs falling under the International Classification class indicated in the application;

b) Determine International Class of the first design, 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 first 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 of the multiple application.

Article 11. 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 Sakpatenti takes the decision on design registration.

3. The scope of the unified application shall not exceed the scope of integrated applications.

4. Each application of the unified application preserves corresponding priority (multiple priorities).

5. The unified application shall be considered as a new application and the proceeding for each application existing before the unification shall be terminated.

Article 12. The Separated Application

1. Filing of a separated application is possible 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 an application it was separated from.

3. The proceeding on the original application shall be continued, and the separated application preserves the priority of the application it was separated from.

Article 13. Filing of the Application

1. Upon filing an application with "Sakpatenti", the application materials are assigned a number, and the filing date and number of pages are recorded.

2. At the moment of filing an application, a formal certificate in the name of the applicant or his representative shall be issued containing the data stipulated in paragraph 1 of this Article.

3. The formal certificate does not represent the document confirming the filing date.

Article 14. Claiming Priority

1. The applicant is entitled to claim conventional or exhibition priority in accordance with Article 13 of the Law.

2. The applicant is obliged to submit a copy certified by the patent office of the corresponding country of the first application within 3 months from the date of claiming the conventional priority accompanied by a duly certified Georgian translation.

3. The applicant is obliged to submit a certified document confirming the participation in the exhibition issued by the person responsible for the exhibition within 3 months from the date of claiming exhibition priority, 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 the design is incorporated in or used for.

5. If the applicant claiming conventional or exhibition priority does not submit documents stipulated in paragraphs 2, 3 and 4 of this article, the priority will be determined according to the filing date with "Sakpatenti".

6. The 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 not claim conventional or exhibition priority, the determination of priority for the application shall take place at "Sakpatenti" according to the date of filling.

8. In case of multiple applications, claiming for conventional or exhibition priority for each design of application is possible.

Chapter III Examination of an Application

Article 15. Confirmation of the Filing Date

1. The filing date of the application shall be confirmed within two (2) weeks, if the application is filed in the Georgian language and contains the name, signature and address of the applicant. The application shall include an image of the design.

2. The filing date of the application requesting postponement of publication shall be confirmed if the application is filed in Georgian and it includes the name, signature and address of the applicant. In case of a two-dimensional design, the sample of the design may be attached instead of the image of the design.

3. The image will not be considered submitted, if it is not clearly expressed and the perception of the design is vague.

4. If the applicant meets the requirements stipulated under the 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 under the paragraphs 1, 2 and 3 of this article, the notification-request shall be sent to the applicant and within the month of its receipt an applicant is obliged to submit 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 is not considered filed.

Article 16. Examination as to Form

1. Examination as to form is carried out by "Sakpatenti" within a month after the confirmation of the filing date, if the prescribed fees are paid.

2. The fees for examination as to form shall be paid within 2 weeks after the filing date.

3. Non-payment of prescribed fees within the term stipulated in paragraph 2, will lead to the termination of application.

4. If an application includes several designs and the fee paid for the examination as to form is less than the prescribed fee for designs included, the notification-request on finding the deficiency shall be sent to the applicant. The applicant is obliged to pay a prescribed fee within a month from the receipt of a notification-request or shall indicate designs to be considered for filing for the paid fee.

5. If the applicant does not fulfill requirements provided in paragraph 4 of this Article, "Sakpatenti" shall carry out examination as to form in the sequence indicated by "Sakpatenti" for the number of designs paid fee by the applicant is sufficient for.

6. Compliance with Article 16 of the law and the relevant Articles of this instruction is reviewed during the examination as to form.

7. If the application materials do not meet the requirements stipulated in the paragraph 6 of this Article, the notification-request on finding a deficiency shall be sent to the applicant. The applicant is obliged to correct the identified deficiency, otherwise application proceedings shall be terminated and the decision about the termination shall be notified to the applicant.

8. If the application is filed in accordance with the Law and this Instruction, a number and priority is assigned to the application and a decision on the completion of examination is taken.

9. After the completion of the examination as to form, the decision about its completion and a copy of the application with the data filled out by an examiner shall be sent to the applicant.

Article 17. Substantive Examination

1. "Sakpatenti" carries out substantive examination in accordance with Article 17 of the Law after the payment of the prescribed fee for the substantive examination.

2. The prescribed fee for substantive examination shall be paid by the applicant within 2 months after the receipt of the decision about the completion of the examination as to form. Otherwise the application proceedings will be terminated.

3. If the application consists of several designs and the fee paid for the substantial examination is less than the prescribed fee for the designs incorporated, the notification-request on finding a deficiency shall be sent to the applicant. The applicant is obliged to pay the prescribed fee within a month from the receipt of notification-request or shall indicate designs of his/her preference to be considered for the substantial examination.

4. If the applicant does not fulfill the requirements under the paragraph 3 of this article, "Sakpatenti" shall carry out substantive examination for the number of designs in sequence the fee paid for is sufficient.

5. The substantive examination proceedings of the application shall be suspended, if there is a reasonable assumption on the similarity with the design of the earlier priority application.

6. Under the paragraph 5 of this Article, proceedings of the application shall be suspended until the design application filed with the 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. Decision on the design registration or refusal should be notified to the applicant by "Sakpatenti".

Article 18. Publication of the Design

1. "Sakpatenti", in cases provided for in the paragraph 1 and 2 of Article 19 shall publish application data and a design image in the bulletin within one month from the decision on registration of a design, if the prescribed fee is paid.

2. The applicant shall pay the prescribed fee for publication within one month from the receipt of a positive decision on the registration of the design, otherwise the proceedings shall be terminated.

3. If the application consists of several designs and the fee paid for publication is less than the prescribed fee for designs in it, the notification-request on finding a deficiency shall be sent to the applicant. The applicant is obliged to pay the prescribed fee within a month upon the receipt of the request-notice or shall indicate the design of preference to be published.

4. If the applicant does not meet the requirement under the paragraph 3 of this article, "Sakpatenti" shall publish in sequence the number of designs the fee is sufficient for.

5. The data for publication in the bulletin shall be determined by "Sakpatenti".

Article 19. Postponement of the Publication

1. The postponement of the design publication is possible before the decision is made on registration, for a term provided for in subparagraph (b) of the first paragraph of Article 18.

2. If several priorities have been determined for the application, the postponement term shall be calculated from the earliest priority.

3. In case of a multiple application, the applicant shall indicate the design he/she requests postponement of the publication for.

4. The proceedings of the application for which the postponement is requested are carried out according to the rule prescribed by the Law.

5. If the postponement of publication for the design is requested, the name of the applicant, filing date and identification number shall be published in the bulletin in case of positive decision on the registration and the note shall be made about the postponement.

6. In case of the positive decision of the design registration, after the expiration of the term of postponement, "Sakpatenti" shall publish the application data in the bulletin, in accordance with paragraphs 2 and 3 of Article 18, if the prescribed fee is paid by the applicant.

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 the applicant is obliged to submit the design, within no less than 3 months before the expiration of the term of postponement, in accordance with Article 5 of this Instruction, otherwise "Sakpatenti" shall take a decision about the termination of proceedings.

Article 20. Changes and/or Amendment of the Application Materials upon the Applicant's Request

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

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

3. Changes and/or amendments concerning the name and address of the applicant, designer or representative are possible before the registration of the design.

4. Changes and/or amendments stipulated in paragraph 2 of this article shall be carried out free of charge.

5. Changes and/or amendments stipulated in paragraph 3 of this article shall be carried out free of charge before the completion of the examination as to form. After the completion of examination as to form, the changes and/or amendments shall be made by the payment of a prescribed fee.

6. Correction of errors is possible on any stage of the examination, without payment of fee.

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

1. "Sakpatenti" is authorized to request additional materials from the applicant on making changes and/or amendments to the application, otherwise it is impossible to continue further consideration of the application.

2. No fee shall be paid by the applicant for actions stipulated in paragraph 1 of this article.

3. The applicant is obliged to submit the relevant materials within one month after the receipt of 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, but not exceeding 6 months.

5. Additional materials submitted by the applicant, which updates, changes or specifies the application, shall not go beyond the scope of protection of the design, otherwise the indicated materials shall not be considered and a corresponding notification will be sent to the applicant.

6. If the application does not meet 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. 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 each month, not exceeding 6 months.

2. The right stipulated in the first paragraph 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 to the extension of the terms defined for payment of the fee provided for by this Instruction.

Article 23. Reinstatement of Rights Related to the Application, Lost due to the Violation of Terms

1. The applicant is entitled to request the reinstatement of rights related to the application, lost due to the violation of terms.

2. The applicant is entitled to apply for the right stipulated in paragraph 1 of this Article within six months from the decision on the termination of proceeding by "Sakpatenti", in case of elimination of the reason of the termination of proceeding and payment of the relevant fee.

3. "Sakpatenti" considers the application for the renewal of proceeding within one month after receiving it and if it meets the requirements provided by the paragraph 2 of this Article, takes the decision on the restoration of the application proceeding.

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 application for the withdrawal of the application, "Sakpatenti" takes the decision on the termination of the proceeding.

3. In case of withdrawal of the application, renewal of the application proceeding is not allowed.

Article 25. Requesting the 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 declaration, 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" carries out substantive examination on the international design within three months after the publication of the design in the international bulletin.

2. In case of refusal of extension of the international design registration to the territory of Georgia, "Sakpatenti" shall notify the International Bureau within 6 months after the publication of design in the international bulletin, in accordance with paragraph 2 of Article 25 of the Law.

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 three 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 representation of the design in the bulletin.

5. The interested party has the right to appeal 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 expansion of the international design registration to the territory of Georgia was not appealed, the registration of the international design enters 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 expansion of the international design registration to the territory of Georgia was appealed in the court or in the Chamber of Appeals, on the basis of which, the court or the Chamber of Appeals made the decision on extension of the international design registration to the territory of Georgia, the registration of the international design enters 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 data in the relevant database on the registered design the protection of which is extended to the territory of Georgia.

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 subparagraphs (a) and (b) of the first paragraph of Article 28

of the Law, on the basis of the cancellation of the extension of the international design registration to the territory of Georgia and the court decision.

Chapter IV

Design Registration

Article 27. The Rule of the Design Registration

1. Upon the payment of the fee by the applicant, in accordance with Article 21 of the Law, "Sakpatenti" registers the design in the register and publishes the data in the bulletin.

2. "Sakpatenti" shall send to the applicant the notification-request about payment of the fee for the design registration, within one month, in accordance with the first paragraph of Article 21 of the Law.

3. The fee prescribed for the registration and maintenance of the design registration for five years shall be paid by the applicant at the same time, within one month from delivering to the applicant the notification-request 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 5 years is less than the amount of the fee prescribed for the registration and maintenance of the design registration for the first five years, a notification-request on finding a deficiency 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 5 years or indicate the design to 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 turn, designs included in the application the paid fee is sufficient for.

6. Within one month after the date of the design registration "Sakpatenti" shall issue the certificate.

7. "Sakpatenti" shall publish the data on designs which were published but the registration was not granted to.

Article 28. The Rule of Payment of Fee

1. Unless otherwise provided 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 fixed 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, the 80% of paid fee shall be returned to the applicant.

5. In case 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 discount.

6. If the application is filed by several applicants and different kind of discounts applies to them, the fee with the discount of less percent should be paid.

7. The fee shall be paid to the bank account of "Sakpatenti".

Article 29. Fee for the Renewal of Proceeding

Within 6 months after the termination of proceeding, in order to renew the proceeding only the proceeding renewal fee shall be paid. If the proceeding has been terminated due to non-payment of the fee for the relevant action, the fee prescribed for the corresponding action shall be paid together with the proceeding 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 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 5th 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 the first paragraph 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 with the right of renewal and the notification about cancelling of the registration and the right of its renewal shall be sent to the design owner.

4. Renewal of the term of validity of the registration is possible within 6 months after the end of the six-month grace period, provided for by paragraph 2 of this Article, for which the owner of the cancelled design shall apply to "Sakpatenti" with a relevant request and shall pay the fee for renewal and for maintenance of the registration for next 5 years.

Article 31. Accelerated Design Registration

1. The procedure of accelerated design registration is carried out in accordance with the rule prescribed in Article 22 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 and priority is established, a number is assigned and examination as to form is carried out within 3 working days from the filing of the application. If the application is filed by observing the rules prescribed by the Law and this Instruction and the fee prescribed for the accelerated registration is paid, "Sakpatenti" shall take the decision about the completion of the examination as to form.

4. In case when the application does not satisfy the requirements provided for by paragraph 3 of this Article, the notification-request on finding a deficiency shall be sent to the applicant. The applicant is given 15 days from the receipt of the notification-request to correct the deficiency. If the applicant does not correct the found deficiency 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 Law and this Instruction.

5. In case provided for by paragraph 4 of this Article, if "Sakpatenti" takes a decision about the refusal of the accelerated examination, 80 % of the prescribed fee, paid for the accelerated registration, shall be returned to the applicant.

6. Within one month after taking the positive decision on the accelerated registration, "Sakpatenti" registers the design in the register, publishes the data about the registered design in the bulletin and issues the certificate.

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