

**SOME ASPECTS OF PUBLIC POLICY, STRATEGY AND MANAGEMENT
IN THE FIELD OF INTELLECTUAL PROPERTY IN GEORGIA**

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In Georgia it is necessary to develop the state strategy and the state policy in the sphere of intellectual property; it is also necessary to implement the state program for its protection and the structural elements of the system.

It is important to ensure effective public administration in the field of intellectual property; develop intellectual property management system; increase public access to information; deepen the dialogue between the state and business.

Author of the paper has proposed his vision and ways to solve these issues.

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One of the priorities of the European Neighbourhood Policy Action Plan is “intellectual and industrial property rights” (Section 4.5.5), which provides for implementation of appropriate measures. Formation of the intellectual property rights protection system in Georgia was even considered as one of the key preconditions set by the European Union for starting the negotiations on Deep and Comprehensive Free Trade Agreement (DCFTA). With respect to intellectual property, Georgian legislation has already been generally harmonized with the EU legislation. However, it should be noted that major problems exist in terms of execution of the legislation, among it – in terms of struggle against counterfeiting and piracy [11].

Georgia needs to adopt a **state strategy in the field of intellectual property**, which should:

1) represent the continuation of work on development of the national intellectual property system;

2) be implemented in accordance with the state program on protection of intellectual property and on the basis of other program documents, as well as decrees of the Prime Minister and the Government;

The strategy should be aimed at ensuring the realization of the principal priorities of socio-economic policy and it should determine the state policy and its matching tasks in the field of intellectual property in 2016-2020 [2].

The main goals of the state policy in the field of intellectual property should be:

1) in the short term period – completion of formation of institutional

basis for functioning of the national intellectual property system, which would address the current and perspective demands of the country’s economy and the society;

2) in the long run – complex integration of the national intellectual property system into the country’s socio-economic policy and on the basis of this, improvement of competitiveness of the Georgian economy.

Taking into consideration the goals set, **the realization of state policy in the field of intellectual property should cover the following main areas:**

A) development of legislation in the field of intellectual property;

B) development of infrastructure in the field of intellectual property;

C) development of functional directions in the field of intellectual property (protection, evaluation software, etc.);

D) improvement of work in the sphere of intellectual property management at an institutional/industry branch level, in the scientific and educational institutions, in organizations of the creative, commercial and industrial fields;

E) development of national branding based on competitive sectors of economy and application of intellectual property management mechanisms;

F) development of financial, moral and other sets of instruments of stimulation, aimed at creation of intellectual property assets and expansion of practice of their application;

G) improvement of the level of importance of intellectual property, of creative workers (innovators), as well economic actors/businesses using the

intellectual property for the purpose of creating new jobs and production of competitive products. The expected outcome of the strategy realization could become the boost of competitiveness of Georgian producers and the economy as a whole, which would be based on effective management of intellectual property [3-6].

Effective public administration in the field of intellectual property.

Implementation of effective strategy in the field of intellectual property requires coordinated work of state agencies and cooperation with stakeholders.

Within the public sector there should be gradually strengthened institutional capacities for management of public policy in the field of intellectual property, which provide for:

- elaboration of policies;
- strategic planning;
- development of assessment and monitoring mechanisms.

In order to achieve these goals in the field of intellectual property it is necessary to:

1) refine institutional mechanisms for public policy management and strengthen their ties with the state budget. Instruments like the following ones should be actively linked to the state budget:

- policy analysis;
- strategic planning;
- policy assessment;

2) make the state policy transparent through engagement of stakeholders into the public policy development and implementation process;

3) support the growth of governmental institutional capacities at local levels, through:

- more efficient delivery of public services;
- strategic planning;
- implementing operational plans;
- attracting investment;
- introducing innovations [7, 8].

The structure of the intellectual property system should be represented by the following elements:

1) **Organizational structure**, through which, the function of state management and regulation of intellectual property objects is realized at the autonomous republican and regional levels, as well at the level of industries and organizations – the all-republican, regional, industry branch offices and the intellectual property departments of individual organizations;

2) **Special institutions** performing particular functions in the sphere of intellectual property:

2.1. Board of civil cases of the Supreme Court of Georgia;

2.2. Parliamentary Library of Georgia;

2.3. Scientific-Technical Libraries;

2.4. Union of innovators and inventors of Georgia;

2.5. Patent attorneys;

2.6. Intellectual property assessors.

3) **National Centre of Intellectual Property** represents the key element of the intellectual property system. In this respect, in order to accomplish main tasks in the field of intellectual property, it is necessary to create on the basis of the abovementioned centre an integrated complex. Such complex of protection and management of intellectual property would comprise the following functional directions:

3.1. Protection of intellectual property;

3.2. Assessment and accounting of intellectual property;

3.3. Management of rights (licensing, etc.);

3.4. Monitoring the usage of intellectual property and observation of legislation;

3.5. Formation of the State Patent Foundation and its procedures;

3.6. Services related to patenting-information provision;

3.7. Organization of additional education of adults in the field of intellectual property.

Nowadays, the common state

problem is low level of own capacities and experience in terms of innovative elaborations. For solution of these issues it is reasonable to create the organizational structures, which would work on protection and use of intellectual property, under the country's leading scientific and educational institutions. [9].

Improvement of services in the field of intellectual property and improvement of transparency in public administration. Effective and efficient use of results of intellectual property and successful functioning of business is determined by better accessibility of services provided by the state. Good functioning of the business is also ensured by availability of administrative procedures and reduction of their cost and related time expenditures. For this purpose it is necessary to improve the services provided by state institutions in the field of intellectual property, including the development of electronic services and expansion of the e-Government system. In this regard, it is necessary to take effective measures, as Georgia, according to its current rating within the UN e-governance (e-governance) index, occupies only the 72nd place.

In order to ensure transparency with regard to intellectual property objects, it is necessary to:

1) Widen access to public information;

2) Deepen the dialogue between business and the state, which should ensure business involvement in the economic policy-making process. For this purpose, best practical examples of cooperation between the state and businesses in the field of intellectual property should be shared.

Development of the intellectual property management system. Positive dynamics in relation to patented inventions and utility models in the country does not allow asserting that in Georgia the situation is satisfactory with regard to protection of owners of the objects of industrial and intellectual property during their use abroad (both during the formation of the corporate enterprises and within the goods turnover networks). Along with other problems, there is a problem related to efficiency of patenting.

Thus, for example, from total number

of patents issued, less than 40% of the subjects maintain and execute them. This is related to:

1) the real sector's "awareness" of innovations;

2) lack of developed infrastructure;

3) readiness of concrete inventions to be applied industrially;

4) problems in compliance of the patented elaborations with the current requirements of the production.

Development of the world economies is based on the use of technological structures of the 5th and 6th levels. Meanwhile, more than 85% of technical solutions patented by domestic subjects belong to the 4th and lower levels of technological structures.

Thus, the organizational and financial resources should be concentrated on supporting the scientific-research activities, focused on inventions having a high degree of inventiveness.

Unfortunately, in Georgia, patented elaborations (invention, utility model, industrial design, plants and animals of new varieties/breeds, integrated circuits' topology) made by citizens of Georgia, do not represent even 10% of realization of state scientific and technical programs. This really does not reflect the state contribution to the country's scientific and technical development. It is important to see that in the nearest coming years this indicator increases up to 30%.

The government should significantly increase investments in the scientific and technological development, while at the level of individual organizations it is reasonable to build a system of monitoring over results of intellectual activity conducted using the budget funds. In this regard, the measures should be taken in following areas:

1) Accounting;

2) Depreciation policy;

3) Tax system;

4) Improving the statistical reporting in the intellectual property field.

Simultaneously, along with formation of the expenditures part of the budget, we should consider a profit part of a budget connected with creation and use of the intellectual property objects at the central and sectoral levels [10, 11].

Analysis of technical solutions patented by domestic subjects shows that they still do not provide an appropriate

basis for competitive technological development. In this regard it is necessary to conduct relevant patenting surveys:

1) In the course of scientific, technical and other types of programs;

2) At the stages of formation and implementation of particular and innovative scientific projects;

3) When conducting commercial and industrial activities:

3.1. when elaborating forecasts as to the development of industries and organizations,

3.2. and including the development/introduction and realization of goods and services on potential distribution markets [12].

It is necessary to ensure the combination of three directions, which should be carried out by domestic subjects:

1) Attraction of financial resources for development, creation and protection of own elaborations;

2) Acquisition of rights to intellectual property objects owned by foreign entities – for the purpose of their use (based on licensing agreements);

3) Use of information search possibilities in order to identify those competitive technical solutions which are not yet protected by protective documents and therefore can be used for free.

In this regard, the particular task is the development of the technology transfer potential of the organizational structures, which should implement the search and attraction of the corresponding

technologies (among them foreign) into the domestic production.

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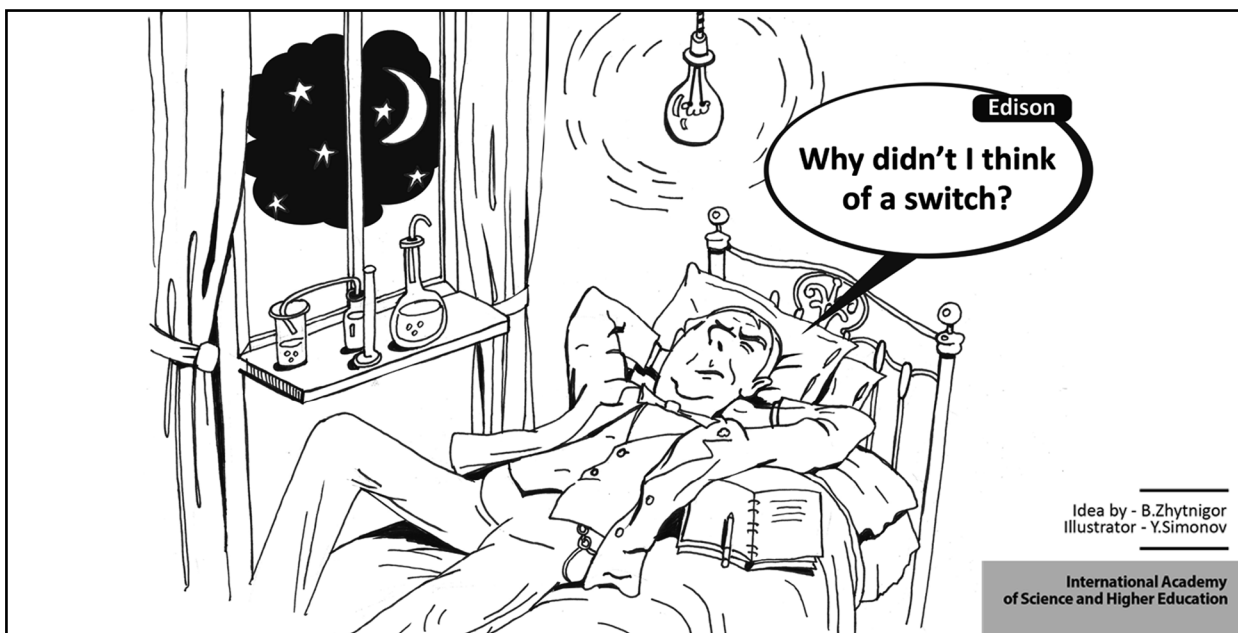
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