Georgia's Intellectual Property Law in an Evolving European Legal Framework: Legislative Reform and the Challenge of Sustained Alignment

საქართველოს ინტელექტუალური საკუთრების სამართალი ევროპულ განვითარებად სამართლებრივ ჩარჩოში: საკანონმდებლო რეფორმა და მდგრადი ჰარმონიზაციის გამოწვევა

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Abstract

Introduction and objective: This article examines the approximation of Georgian intellectual property law under the EU-Georgia Association Agreement and assesses selected legislative reforms adopted between 2014 and 2025. Its central question is whether the legal and institutional framework is capable not only of securing initial legislative alignment but also of preserving that alignment as EU intellectual property law evolves. The assessment therefore focuses on the existence of a coherent process for identifying relevant European developments, evaluating divergences, preparing necessary legislative responses, and reviewing implementation. **Methodology:** The study employs normative-dogmatic and systemic methods. It analyses the intellectual property provisions of the Association Agreement, relevant Georgian legislation, subsequent developments in EU law, and doctrinal sources on legal approximation. The assessment covers civil procedural remedies, patents, designs, trade marks, copyright and related rights, border measures, and geographical indications. Administrative and criminal provisions are treated as complementary enforcement mechanisms. **Results:** Georgian intellectual property law underwent substantial legislative development during the period examined. Nevertheless, the adoption of legal rules does not itself demonstrate effective implementation and enforcement. The sources analysed also do not disclose a permanent procedure specific to intellectual property that would ensure a systematic Georgian response to subsequent developments in EU law. **Conclusion:** Preserving the alignment achieved requires a coherent institutional cycle encompassing periodic monitoring of new EU legal acts and relevant CJEU interpretations, assessment of their legal significance for Georgia, identification of divergences from domestic law, coordination among responsible authorities, timely preparation of necessary amendments, and subsequent review of implementation. The number of legislative acts adopted is therefore not, by itself, an adequate measure of sustained approximation. Without a structured updating process, alignment achieved at one stage may gradually erode as EU intellectual property law develops.

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Keywords: intellectual property; Association Agreement; legal approximation; legislative reform; approximation monitoring.

აბსტრაქტი

შესავალი და მიზანი: ეს სტატია იკვლევს საქართველოს ინტელექტუალური საკუთრების სამართლის დაახლოებას ევროკავშირი-საქართველოს ასოცირების ხელშეკრულების ფარგლებში და აფასებს 2014-2025 წლებში მიღებულ შერჩეულ საკანონმდებლო რეფორმებს. მისი ცენტრალური კითხვაა, არის თუ არა სამართლებრივი და ინსტიტუციური ჩარჩო უნარიანი, არა მხოლოდ უზრუნველყოს საწყისი საკანონმდებლო ჰარმონიზაცია, არამედ შეინარჩუნოს ეს შესაბამისობა ევროკავშირის ინტელექტუალური საკუთრების კანონმდებლობის განვითარებასთან ერთად. შესაბამისად, შეფასება ფოკუსირებულია ისეთი თანმიმდევრული პროცესის არსებობაზე, რომელიც უზრუნველყოფს შესაბამისი ევროპული განვითარების ტენდენციების იდენტიფიცირებას, განსხვავებების შეფასებას, საჭირო საკანონმდებლო რეაგირების მომზადებას და აღსრულების მიმოხილვას. **მეთოდოლოგია:** კვლევა იყენებს ნორმატიულ-დოგმატურ და სისტემურ მეთოდებს. იგი აანალიზებს ასოცირების ხელშეკრულების ინტელექტუალური საკუთრების დებულებებს, შესაბამის ქართულ კანონმდებლობას, ევროკავშირის კანონმდებლობის შემდგომ განვითარებასა და სამართლებრივი დაახლოების დოქტრინალურ წყაროებს. შეფასება მოიცავს სამოქალაქო საპროცესო სამართლებრივ დაცვის საშუალებებს, პატენტებს, დიზაინს, სასაქონლო ნიშნებს, საავტორო და მომიჯნავე უფლებებს, საზღვრის მკვეთვ ზომებსა და გეოგრაფიულ აღნიშვნებს. ადმინისტრაციული და სისხლისსამართლებრივი დებულებები განიხილება, როგორც დამხმარე აღსრულების მექანიზმები. **შედეგები:** განხილულ პერიოდში საქართველოს ინტელექტუალური საკუთრების სამართალმა არსებითი საკანონმდებლო განვითარება განიცადა. მიუხედავად ამისა, სამართლებრივი ნორმების მიღება თავისთავად არ აჩვენებს ეფექტურ იმპლემენტაციასა და აღსრულებას. ასევე, გაანალიზებული წყაროები არ ააშკარავებს ინტელექტუალური საკუთრებისთვის სპეციფიკურ მუდმივ პროცედურას, რომელიც უზრუნველყოფდა ევროკავშირის კანონმდებლობის შემდგომ განვითარებაზე ქართულ სისტემურ რეაგირებას. **დასკვნა:** მიღწეული შესაბამისობის შენარჩუნება მოითხოვს თანმიმდევრულ ინსტიტუციურ ციკლს, რომელიც მოიცავს ევროკავშირის ახალი სამართლებრივი აქტებისა და სავალდებულო (ევროპის კავშირის მართლმსაჯულების სასამართლოს) ინტერპრეტაციების პერიოდულ მონიტორინგს, საქართველოსთვის მათი სამართლებრივი მნიშვნელობის შეფასებას, ეროვნული კანონმდებლობიდან გადახვევების იდენტიფიცირებას, პასუხისმგებელ უწყებებს შორის კოორდინაციას, აუცილებელი ცვლილებების დროულ მომზადებასა და აღსრულების შემდგომ მიმოხილვას. ამდენად, მიღებულ საკანონმდებლო აქტთა რაოდენობა თავისთავად არ წარმოადგენს მდგრადი დაახლოების ადექვატურ ზომას. სტრუქტურირებული განახლების პროცესის გარეშე, ერთ ეტაპზე მიღწეული შესაბამისობა შესაძლოა თანდათანობითეროზდეს ევროკავშირის ინტელექტუალური საკუთრების სამართლის განვითარებასთან ერთად.

საკვანძო სიტყვები: ინტელექტუალური საკუთრება; ასოცირების ხელშეკრულება; სამართლებრივი დაახლოება; საკანონმდებლო რეფორმა; დაახლოების მონიტორინგი.

1. Introduction

Intellectual property law has become an important component of the modern legal and economic order. As innovation-driven economies, digital markets, cross-border trade, and intangible assets gain increasing significance, the regulation of intellectual property is directly connected with the promotion of innovation, fair competition, consumer protection, and a stable investment environment. The European Commission's 2020 Intellectual Property Action Plan likewise treats intangible assets as a cornerstone of the modern

economy and regards the effective protection and management of intellectual property as a means of supporting innovative capacity, competitiveness, and the green and digital transitions (European Commission, 2020, pp. 1–3).

Georgia began aligning its intellectual property law with European standards before the conclusion of the Association Agreement. Resolution No. 828 of the Parliament of Georgia of 2 September 1997 required laws and other normative acts adopted by Parliament from 1 September 1998 onwards to comply with the standards and norms established by the European Union (Parliament of Georgia Resolution No. 828, 1997). The EU–Georgia Association Agreement subsequently provided this process with a specific international legal framework. Chapter 9 of Title IV of the Agreement covers copyright and related rights, selected forms of industrial property, and mechanisms for the enforcement of intellectual property rights (Association Agreement, 2014, Arts. 150–202).

The historical basis of this process predates both the 1997 parliamentary resolution and the Association Agreement. The Partnership and Cooperation Agreement between the European Communities and Georgia, signed on 22 April 1996 and in force from 1 July 1999, required Georgia to endeavour to make its existing and future legislation gradually compatible with Community law. Article 43 expressly identified intellectual property as one of the fields covered by legal approximation, while Article 42 required Georgia to improve the protection of intellectual, industrial, and commercial property rights and to provide effective means of enforcement. The Association Agreement therefore did not initiate legal approximation in this field; it replaced the earlier general commitment with a more detailed framework of substantive and enforcement obligations (Partnership and Cooperation Agreement, 1996, Arts. 42–43).

Legal approximation under the Association Agreement is not exhausted by reducing legislative disparities existing at a particular point in time. Under Article 418, the Association Council is to review and update the annexes to the Agreement periodically, including to reflect developments in EU law and international legal standards deemed relevant by the Parties. Article 419, in turn, defines approximation monitoring as a continuous assessment of progress in implementing and enforcing the measures covered by the Agreement. EU intellectual property law continues to evolve through new directives, regulations, and interpretations by the Court of Justice of the European Union (CJEU). Consequently, a single exercise of legislative approximation cannot guarantee the continued preservation of alignment: new regulatory divergences may emerge over time even where a state has fulfilled the specific obligations initially prescribed by the Agreement (Association Agreement, 2014, Arts. 418–419; Kapitsa, 2023, pp. 281–283, 291–293).

For the purposes of this article, the preservation of alignment is understood as a continuing legal and institutional process rather than the automatic incorporation of every new EU legal act into Georgian law. The decisive question is whether developments in EU law and relevant international standards are identified, their significance for Georgia is assessed, pertinent CJEU interpretations are considered where necessary, divergences from domestic law are determined, and any required legislative response is followed by review of implementation. The existence and consistency of this process determine whether alignment already achieved can be sustained (Association Agreement, 2014, Arts. 418–419; Kapitsa, 2023, pp. 291–293).

This study builds on the author's earlier research on intellectual property enforcement in Georgia while addressing a distinct research question. Previous studies examined the harmonisation and judicial application of intellectual property enforcement mechanisms (Taliashvili & Shamatava, 2020) and the practical effectiveness of post-Association Europeanisation in the field of intellectual property enforcement (Shamatava, 2026). The present article shifts the focus to the capacity of the legal and institutional framework to preserve the alignment already achieved as EU intellectual property law continues to develop.

The central research question is whether the legal model developed under the Association Agreement is capable not only of securing initial legislative alignment but also of supporting a systematic response to subsequent developments in EU intellectual property law. The study tests the proposition that post-Association reforms have created a substantial normative basis, while the sources examined do not disclose a permanent intellectual-property-specific procedural cycle connecting the monitoring of EU developments, assessment of divergences from domestic law, preparation of necessary amendments, and subsequent review of implementation. The inquiry is therefore centred on the institutional capacity to maintain legal approximation over time.

2. Materials & Methods

The study applies normative-dogmatic and systemic methods. It does not compare the legal systems of Georgia and other associated states. The analysis concerns selected obligations and legislative cycles under the Association Agreement and the capacity of the existing model to preserve the alignment achieved and, where necessary, support the timely revision of domestic law. Questions of practical implementation are considered on the basis of the legislation examined, explanatory notes accompanying draft laws, and doctrinal sources; the study does not include an independent empirical assessment. It first defines the methods and criteria used to assess the preservation of alignment, then evaluates selected post-Association legislative cycles, and finally identifies the institutional conditions required for systematic legal updating.

Legal harmonisation and approximation are interrelated but substantively distinct concepts. Harmonisation involves reducing material differences between legal systems and developing common standards. Approximation denotes the deliberate and predominantly unilateral alignment of domestic law with EU law (Kardava, 2023, pp. 74–85). Neither requires the verbatim transposition of an EU legal act. What matters is whether domestic regulation achieves the objective and functional result required by the relevant European standard.

Complete uniformity in intellectual property law is neither legally required nor practically attainable. Intellectual property rights remain territorial, while the implementation of international and regional standards continues to depend on domestic legislation, administrative capacity, and judicial interpretation. EU intellectual property harmonisation is shaped not only through legislation but also through judicial interpretation. In particular, the CJEU's resolution of conflicts between intellectual property rights, fundamental rights and economic freedoms may produce a pro-harmonisation effect within the EU legal order (Husovec, 2016). Despite three decades of EU-level harmonisation, copyright and related rights remain territorial in scope (van Eechoud, 2024). Moreover, the strengthening of a minimum level of protection does not, by itself, establish harmonisation: international intellectual property instruments may raise standards without eliminating material differences between legal systems. The relevant question is therefore not whether Georgian law reproduces every external rule, but whether it achieves the degree and functional result of approximation required by the applicable legal framework (Wasserman Rajec, 2020, pp. 736–743).

This distinction is particularly important when subsequent EU developments are considered. A later EU measure may provide a useful benchmark for reassessing Georgian law without automatically constituting a new obligation of transposition. The legal task is therefore twofold: first, to identify the obligations actually arising from the Association Agreement and its updated framework; and second, to determine, through an organised domestic assessment, whether later EU developments reveal a divergence that should be addressed by legislative or institutional action.

Approximation is not completed by the adoption of legislation. It encompasses the incorporation of the relevant EU rule into domestic law, the institutional implementation of the rule adopted, and its effective enforcement. Formal transposition is therefore only the initial component of the process; its outcome depends on administrative capacity, coordination among responsible authorities, and judicial practice (Međak & Vehar, 2022, pp. 63–66). Recent EU copyright scholarship similarly questions whether harmonisation achieved through legislation and CJEU interpretation is consistently reflected in national judicial practice, drawing attention to how national courts apply the EU copyright acquis (Derclaye, 2024, pp. 605–606). Research on electronic enforcement proceedings further shows that electronic communication can increase access to enforcement proceedings and reduce enforcement costs, while electronic enforcement must remain compatible with the procedural guarantees of Article 6 ECHR (Jokubauskas & Świerczyński, 2023).

Article 217 of the Treaty on the Functioning of the European Union authorises the Union to conclude an agreement with one or more third countries or international organisations establishing an association involving reciprocal rights and obligations, common action, and special procedures (Consolidated Version of the Treaty on the Functioning of the European Union, 2016, Art. 217). The Association Agreement with Georgia prescribes specific standards for the protection and enforcement of intellectual property. Its intellectual property provisions, however, largely reflect the state of EU law during the period in which the Agreement was negotiated (Kapitsa, 2023, pp. 281–283).

The difficulty of preserving alignment arises from this temporal disparity. The adoption of a new EU measure does not itself amend Georgian legislation and does not invariably lead to the immediate updating of the relevant annex to the Association Agreement. Initial alignment may therefore gradually erode. Scholarship examining the Association Agreements with Georgia, Ukraine, and Moldova observes that their intellectual

property provisions do not comprehensively cover all relevant EU measures and that the legal mechanism for taking account of subsequent EU legislation and CJEU case law is insufficiently clear (Association Agreement, 2014, Arts. 418–419; Kapitsa, 2023, pp. 281–283, 291–293).

It is therefore necessary to distinguish between the legal framework for continuing approximation under the Agreement and the institutional arrangements required at domestic level. Article 418 provides for the periodic review and updating of the annexes, Article 419 establishes continuous monitoring of implementation and enforcement, and Article 274 requires Georgia, within Title IV, to take the action necessary to reflect developments in EU law in its domestic law in accordance with Article 418. These provisions establish a legal basis for responding to subsequent EU developments, but they do not themselves specify an internal procedure dedicated to intellectual property through which relevant EU measures would be identified, divergences from domestic law assessed, responsible authorities coordinated, tables of concordance prepared and updated, interested parties consulted, and subsequent implementation reviewed. The presence and organisation of these procedural elements are therefore the subject of the present assessment (Association Agreement, 2014, Arts. 274, 418–419; Međak & Vehar, 2022, pp. 63–66, 117–120, 136–143).

Accordingly, the selected reforms are assessed against four interrelated criteria: initial normative alignment; the institutional conditions required for implementation and enforcement of the rules adopted; the capacity and timeliness of responses to subsequent developments in EU law; and periodic monitoring of implementation and enforcement. These criteria are not requirements stated verbatim in the Association Agreement. They constitute an analytical model derived from Articles 274, 418 and 419 of the Agreement and doctrinal sources on legal approximation (Association Agreement, 2014, Arts. 274, 418–419; Kapitsa, 2023, pp. 291–293; Međak & Vehar, 2022, pp. 63–66).

3. Results and Discussion

Significant legislative amendments have been enacted in several areas of intellectual property law in Georgia since the Association Agreement. This study does not seek to compile an exhaustive catalogue of those amendments. Instead, it selects legislative cycles that illustrate initial transposition, subsequent sector-specific updating, the interaction of different levels of regulation, and the need to reconsider regimes that had previously been aligned. The purpose is to assess whether the existing legal and institutional framework is capable of sustaining the alignment already achieved (Association Agreement, 2014, Arts. 418–419).

3.1. Initial Implementation as a Baseline for Subsequent Reassessment

The amendments of 23 December 2017 to the Civil Procedure Code of Georgia provide a useful baseline for assessing initial implementation of the Association Agreement. Section Seven[5] and Articles 363^{25}–363^{29} introduced special procedural rules corresponding to the enforcement obligations in Articles 192–194 of the Agreement, including mechanisms concerning evidence, information and provisional protection (Law of Georgia No. 1919, 2017; Civil Procedure Code of Georgia, 1997, Arts. 363^{25}–363^{29}; Association Agreement, 2014, Arts. 192–194).

For the present study, the significance of these provisions lies not in reassessing their judicial application, but in demonstrating a completed stage of initial legislative alignment. Directive 2004/48/EC remains the principal horizontal EU framework for civil enforcement, while the Association Agreement incorporates selected elements of that model rather than reproducing the Directive in full. The continued adequacy of the Georgian framework must therefore be periodically reassessed against the applicable obligations and subsequent legal developments (Directive 2004/48/EC, 2004, Arts. 6–9; Association Agreement, 2014, Arts. 192–194).

Accordingly, the special procedural rules are treated here solely as an indicator of initial implementation. Their relevance to the present inquiry is temporal and systemic: once an approximation measure has been adopted, the next question is whether the legal framework contains a structured process for determining when that measure requires reconsideration in light of later EU developments.

3.2. Sector-Specific Legislative Updates

The establishment of procedural mechanisms was followed by legislative updates in individual fields of intellectual property law. These amendments were enacted at different times and in response to different legal needs, underscoring the importance of periodically reassessing the alignment achieved.

In patent law, Article 52¹ was added to the Patent Law of Georgia in 2017 by Law No. 1918, establishing new statutory grounds for compulsory licensing. A compulsory licence may be granted where the use of a patented invention or utility model is required in response to a natural disaster, catastrophe, or epidemic, or for the purposes of national defence or public health. It may also be granted where a later patented invention or registered utility model cannot be used without infringing an earlier patent. Government Resolution No. 586 of 17 September 2020 subsequently regulated the licensing procedure and the work of the permanent council responsible for the relevant decisions (Law of Georgia No. 1918, 2017; Patent Law of Georgia, 1999, Art. 52¹; Government of Georgia Resolution No. 586, 2020). The mechanism must be understood within the legal flexibilities permitted by Article 31 of the TRIPS Agreement (TRIPS Agreement, 1994, Art. 31). The 2010 reform had abolished the previously applicable ground of compulsory use, whereas the 2017 amendment created a new statutory basis for compulsory licensing (Gurgenidze & Urtmelidze, 2021, pp. 245–258).

Institutional reform of the patent system also extended to the professional activity of patent attorneys. Amendments adopted in 2023 defined the basis for representation by a patent attorney and referred the matter to special legislation. The Law of Georgia on Patent Attorneys, adopted on 15 May 2024 and largely effective from 1 January 2025, established the legal framework for qualification examinations, registration, professional duties, the register of patent attorneys, and their professional association (Law of Georgia No. 2883, 2023; Patent Law of Georgia, 1999, Arts. 22¹–22²; Law of Georgia on Patent Attorneys, 2024).

In design law, amendments adopted on 11 November 2025 addressed registration, prior searches, re-examination, and international registration. Articles 24¹, 25, and 26¹ entered into force upon publication and concern the filing of an international application through Sakpatenti with the International Bureau, the extension of the relevant legal mechanisms to international designs, and the right of designers and co-designers to be named. The amended rules on prior searches, re-examination, and invalidation of registration entered into force on 1 January 2026. For the purposes of a study covering 2014–2025, these latter mechanisms must therefore be treated as legislative decisions adopted in 2025 rather than reforms already implemented in practice during the period under review (Law of Georgia No. 1029, 2025, Arts. 1–2). The EU design framework itself has developed through a harmonisation process in which concepts such as “individual character” and the “informed user” were specifically introduced as elements of the Union design system and subsequently tested in their practical application (Kur, 2023).

In trade mark law, the 2024 amendments removed the requirement that a trade mark be capable of graphic representation in the register. The decisive requirement is now that the sign be represented clearly and precisely so that the subject matter of the protection afforded can be determined with certainty. The amendments also addressed grounds for refusal and the legal regime governing certification marks. Their stated purpose was to bring the domestic regime into closer alignment with Directive (EU) 2015/2436 and Regulation (EU) 2017/1001 (Parliament of Georgia, 2023a, pp. 1–3; Law of Georgia No. 4048, 2024; Directive (EU) 2015/2436; Regulation (EU) 2017/1001).

In copyright and related rights, the 2023 amendments introduced special rules on the use of printed works in accessible formats and defined the status of beneficiaries and authorised entities (Law of Georgia No. 3966, 2023; Law of Georgia on Copyright and Related Rights, 1999, Arts. 23¹–23²). The 2025 amendments regulated the procedure by which intermediary (hosting) service providers remove allegedly infringing copies or restrict access to them. Article 60¹ governs notices submitted by right holders, the removal of allegedly infringing copies or restriction of access to them, notification of the alleged infringer, and the possible restoration of access to the material (Law of Georgia on Copyright and Related Rights, 1999, Arts. 58(3)(g), 59(9)–(10), 60¹; Law of Georgia No. 1137, 2025). The explanatory note expressly states that the reform did not derive from a specific obligation to approximate Georgian law to an EU legal act, although Directive 2000/31/EC was used in its preparation (Parliament of Georgia, 2025, pp. 1, 7–8; Directive 2000/31/EC, 2000).

These developments confirm that sector-specific legislative updating continued after the Association Agreement. They were adopted at different times, on different legal bases and in response to different regulatory needs. That pattern demonstrates legislative responsiveness, but not, by itself, the existence of a predetermined institutional cycle for maintaining approximation. The analytical distinction is important: isolated or sector-specific amendments may preserve alignment in a particular field, while a sustainable approximation model requires a recurring process for identifying later EU developments, testing domestic law for divergence, assigning institutional responsibility and deciding whether legislative revision is necessary. The EU’s own experience, particularly concerning copyright exceptions and limitations, likewise

demonstrates the persistence of fragmentation and the challenges of adaptation to the digital environment (Sganga, 2024, pp. 5–7, 10–11).

3.3. Border, Administrative and Criminal Enforcement

The enforcement of intellectual property rights is not confined to civil procedural mechanisms. Article 200 of the Association Agreement requires the Parties to ensure border enforcement of intellectual property rights, while the EU–Georgia Association Agenda for 2017–2020 identified approximation to the relevant EU rules as a short-term priority (Association Agreement, 2014, Art. 200; EU–Georgia Association Agenda 2017–2020, 2017, p. 36).

The principal legislative measure in this area was the Law of Georgia on Border Measures Related to Intellectual Property, adopted on 13 December 2017 and effective from 7 February 2018. It applies to customs procedures involving import, warehousing, free zones, re-export, and export and covers the intellectual property subject matter specified by law (Law of Georgia on Border Measures Related to Intellectual Property, 2017, Arts. 1–2).

The principal model of protection is based on an application submitted to the Revenue Service by the right holder or its representative. Registration of an intellectual property subject matter in the customs register may not exceed two years and may be renewed within the term of protection of the right. The Law also permits the Revenue Service to act ex officio in relation to non-perishable goods where there are grounds to suspect the movement of goods produced in violation of an intellectual property right protected in Georgia but not entered in the customs register (Law of Georgia on Border Measures Related to Intellectual Property, 2017, Arts. 3–5).

The movement of goods associated with an entry in the customs register is suspended for ten working days, or three working days in the case of perishable goods. Subject to confidentiality requirements, the applicant may inspect the detained goods, take samples, and obtain identifying information specified by law (Law of Georgia on Border Measures Related to Intellectual Property, 2017, Arts. 6–7).

Under Article 10, goods may be destroyed pursuant to a written agreement between the applicant and the importer, exporter, and/or owner of the goods. In the absence of such an agreement, the dispute is to be resolved by a court. If court proceedings are initiated while the suspension decision remains in force, the party concerned must immediately submit the relevant court ruling to the Revenue Service. If neither the written agreement nor the procedure connected with the initiation of court proceedings is completed within the suspension period, the Service must take the measures necessary for the release of the goods. This model displays functional similarities to the detention and destruction procedures established by Regulation (EU) No 608/2013, although similarity alone is insufficient to demonstrate full legal conformity (Law of Georgia on Border Measures Related to Intellectual Property, 2017, Art. 10; Regulation (EU) No 608/2013, Arts. 17, 23).

The formal updating mechanism is also visible in the customs field. Decision No. 1/2021 of the EU–Georgia Association Committee in Trade Configuration replaced Annex XIII on customs approximation after noting that the relevant Union acquis had substantially evolved; the updated Annex expressly includes Regulation (EU) No 608/2013 on customs enforcement of intellectual property rights. This example demonstrates that the Agreement's annex-updating machinery can operate in an area directly affecting intellectual property enforcement. At the same time, it is a sector-specific instance and does not by itself establish a comprehensive intellectual-property-wide domestic cycle for identifying and processing subsequent EU developments (Decision No. 1/2021, 2021; Association Agreement, 2014, Arts. 274, 418–419).

Border measures are supplemented by administrative liability. Article 158 of the Administrative Offences Code covers the unlawful manufacture or other unlawful use of another person's trade or service mark, appellation of origin, or geographical indication, as well as the production or introduction into civil circulation of goods unlawfully marked with such designations or with a registered company name. Article 82(2) of Order No. 994 provides that the tax authorities draw up administrative-offence reports for violations under Article 158 of the Administrative Offences Code (Administrative Offences Code of Georgia, 1984, Art. 158; Order No. 994 of the Minister of Finance of Georgia, 2010, Art. 82(2)).

Article 189 of the Criminal Code criminalises infringement of copyright and related rights; Article 189[1] concerns infringement of industrial property rights; and Article 196 covers the unlawful use of a trade or

service mark, appellation of origin, or geographical indication, as well as the production or circulation of unlawfully marked goods, where the statutory conditions are satisfied (Criminal Code of Georgia, 1999, Arts. 189, 189¹, 196).

The basic structure of these criminal-law provisions pre-dates the Association Agreement. Amendments introduced by Law No. 944 of 2017 formed part of a general reform of the system of penalties rather than an autonomous measure implementing obligations under the Association Agreement in the field of intellectual property (Law of Georgia No. 944, 2017). Administrative and criminal-law provisions must therefore be treated as part of the existing enforcement system, but it would be inaccurate to present them in their entirety as new post-Association reforms.

The existence of these mechanisms in legislation is not sufficient to establish their practical effectiveness. Such an assessment requires periodic and comparable data on detained and destroyed goods, administrative cases, investigations, and judicial outcomes. Data of this kind provide the basis for monitoring implementation and enforcement under Article 419 of the Association Agreement (Association Agreement, 2014, Art. 419).

3.4. The New Regime for Geographical Indications as a Test of Continuing Alignment

The challenge of maintaining approximation over time is illustrated particularly clearly by the Law of Georgia on Appellations of Origin and Geographical Indications of Goods, adopted on 21 September 2023. The new Law replaced the 1999 legislation and established an updated system for registration, protection, use, and state control. Its principal substantive and institutional provisions entered into force on 1 November 2024 (Law of Georgia on Appellations of Origin and Geographical Indications of Goods, 2023, Arts. 1–32).

Under Article 3, an appellation of origin identifies goods originating in a defined geographical area whose quality or characteristics are wholly or mainly attributable exclusively to the geographical environment of that area, including its natural and human factors, which has determined the reputation of the goods, and whose production, processing, and preparation take place within that area. A geographical indication identifies goods originating in a defined geographical area whose quality, reputation, or other characteristics are mainly attributable to their geographical origin and for which at least one stage of production takes place within that area (Law of Georgia on Appellations of Origin and Geographical Indications of Goods, 2023, Art. 3).

Articles 5–13 regulate applications, product specifications, examination, the work of the National Commission for the Examination of Applications, grounds for refusal, publication, and appeals. Articles 19–25 establish state control, the frequency of inspections, verification of the final product, and confirmation of compliance with the product specification, while Article 26 defines the status of associations of producers and processors. The new regime thus extends beyond registration to encompass compliance with product specifications and conformity control (Law of Georgia on Appellations of Origin and Geographical Indications of Goods, 2023, Arts. 5–26).

Article 30 requires existing registrations and pending applications to be brought into conformity with the new requirements by 1 January 2031 (Law of Georgia on Appellations of Origin and Geographical Indications of Goods, 2023, Art. 30(1)). It is therefore too early to assess the reform's practical effectiveness in full. Its ultimate operation will depend on the practice of the competent authorities, the functioning of the control system, and the outcome of the transitional period.

Articles 178 and 179 of the Association Agreement provide for cooperation, transparency, and the work of a dedicated subcommittee in the field of geographical indications. These provisions establish an institutional basis for monitoring and information exchange, but they do not demonstrate that the subcommittee itself brought about the adoption of the 2023 Law (Association Agreement, 2014, Arts. 178–179).

The legislative cycle concerning geographical indications thus demonstrates how alignment achieved at a particular stage may require reconsideration following subsequent European and international developments. The significance of this example lies not in declaring the reform successful in advance, but in demonstrating the need for domestic law to be reviewed repeatedly (Parliament of Georgia, 2023b, pp. 1–2). The subsequent adoption of Regulation (EU) 2024/1143 provides an additional reason for periodically reassessing the Georgian regime against the current EU framework; it does not, by itself, establish an automatic obligation of transposition (Regulation (EU) 2024/1143).

3.5. Legal Boundaries and Institutional Support for Preserving Alignment

Article 418 of the Association Agreement provides for the periodic review and updating of the Agreement's annexes in order to reflect developments in EU law and international standards deemed relevant by the Parties. Annexes are updated by decisions of the relevant Association bodies and in accordance with the Parties' internal procedures. Article 419 establishes continuous monitoring of implementation and enforcement. In addition, Article 274(1), which forms part of the general provisions on approximation under Title IV, requires Georgia to ensure effective implementation of approximated domestic law and to take the action necessary to reflect developments in EU law in its domestic law in accordance with Article 418. The legal framework therefore goes beyond passive monitoring, while still making subsequent adaptation dependent on the approximation obligations and procedures established by the Agreement (Association Agreement, 2014, Arts. 274, 418–419).

The scope of the more specific review provisions must nevertheless be defined precisely. Article 271 establishes regular discussion of approximation progress according to the agreed timeframes for Chapters 3, 4, 5, 6 and 8 of Title IV; intellectual property is regulated in Chapter 9. That chapter-specific review mechanism therefore cannot simply be treated as the specialised reporting regime for intellectual property. This limitation does not remove intellectual property from the broader framework of Articles 274, 418 and 419, which remains applicable at the level specified by those provisions (Association Agreement, 2014, Arts. 271, 274, 418–419).

The Association Agreement also contains particular mechanisms for cooperation and monitoring in intellectual property, most notably in relation to geographical indications. Read together with Articles 274, 418 and 419, these provisions show that subsequent developments in EU law are legally relevant to the approximation process. They do not, however, mean that every later EU intellectual property measure becomes automatically binding on Georgia or is automatically incorporated into domestic law. The necessary distinction is between an approximation obligation arising under the Agreement and a subsequent domestic legal assessment of whether, and by what legal route, a later EU development requires further legislative adaptation (Association Agreement, 2014, Arts. 178–179, 274, 418–419).

Judgments of the CJEU are not, in themselves, directly binding on Georgia. They are relevant when determining the meaning and purpose of the European rules to which Georgia has undertaken to approximate its law, but the Agreement does not establish a comprehensive and automatic procedure for incorporating subsequent CJEU case law into domestic law. In the copyright field, this interpretative dimension is particularly significant because the development of the EU framework has involved not only legislative harmonisation but also substantial CJEU activity concerning the interpretation and application of copyright legislation (Rosati, 2023). This problem has been identified in the literature: the intellectual property provisions of the Association Agreements with Georgia, Ukraine, and Moldova do not comprehensively cover all relevant EU measures, and the mechanism for taking account of subsequent EU legislation and case law is not equally clear in every area (Kapitsa, 2023, pp. 281–283, 291–293). Empirical research on European intellectual property judges identifies cross-border discussion, reading and citation networks as forms of judicial dialogue and collective learning, while also finding that such dialogue and learning do not, by themselves, produce convergence towards a uniform position (Lazega, 2012).

These sources do not support the conclusion that Georgia lacks any institutional basis for monitoring alignment. A more accurate conclusion is that the Agreement establishes a general framework for reviewing the annexes and monitoring implementation, but that the procedure for a systematic response to subsequent EU developments is not fully specified for intellectual property.

On that basis, this study proposes an analytical institutional sequence rather than attributing a detailed procedural model to the text of the Agreement itself. Relevant new EU legal acts and CJEU interpretations should first be identified; their legal significance for Georgia should then be assessed against the applicable approximation commitments; domestic rules should be compared with the relevant EU standard; responsible authorities should determine whether legislative or administrative adaptation is required; necessary measures should be prepared and adopted through the applicable procedures; and implementation should subsequently be reviewed. Updated tables of concordance may support this process. The sequence should distinguish between the rule in force, measures needed to implement it, enforcement results where relevant, and any remaining divergence from subsequent developments in EU law. Such a mechanism would not entail the automatic transposition of every new EU legal act. Its purpose would be to ensure that preservation of the

alignment achieved does not depend solely on isolated legislative initiatives and that legal approximation develops from a one-off exercise into a continuous, reasoned and institutionally organised process. In practical terms, the sequence is: identification of a relevant EU development; legal assessment of its significance for Georgia; comparison with domestic law; determination of whether a legal obligation or other legally justified need for revision exists; preparation of any required amendment; and subsequent review of implementation. This sequence provides the institutional link that is not fully specified in the intellectual property framework itself.

4. Conclusion

The legislative reforms adopted following the EU–Georgia Association Agreement demonstrate substantial normative development in Georgian intellectual property law. They have addressed patent law, designs, trade marks, copyright and related rights, civil procedural mechanisms, geographical indications, and border measures. Administrative and criminal-law rules complement this multi-level system, although their basic structure cannot invariably be attributed to post-Association reforms.

Assessment against the four criteria developed in this study produces a differentiated picture. The selected legislative cycles demonstrate significant initial alignment and continuing sector-specific updating. The study does not provide an empirical basis for a comprehensive assessment of enforcement outcomes, nor is such an assessment its principal purpose. More importantly for the present inquiry, the sources examined do not establish a single predetermined cycle for updating intellectual property law in response to subsequent developments in EU law. The extent to which approximation is sustained therefore cannot be measured solely by the number of legislative acts adopted; it must also be assessed by reference to the capacity of the legal and institutional framework to identify, evaluate and respond to later divergence.

The 2023 Law on Appellations of Origin and Geographical Indications of Goods offers the clearest illustration of this challenge. The 1999 Law reflected the European legal model existing when it was adopted, but subsequent developments in European and international standards required substantial revision of the domestic regime. The new Law supplements a registration-based system with product specifications, state control, final-product verification, and the participation of producer associations. Its ultimate effectiveness, however, depends on compliance with the transitional requirements and the practical operation of the relevant institutional mechanisms (Law of Georgia on Appellations of Origin and Geographical Indications of Goods, 2023, Arts. 5–30; Parliament of Georgia, 2023b, pp. 1–2).

Articles 274, 418 and 419 of the Association Agreement provide a general legal framework for responding to developments in EU law, periodically updating the annexes, and monitoring implementation and enforcement. Articles 178 and 179 provide an additional institutional basis for cooperation and information exchange in the field of geographical indications. The Agreement therefore contains mechanisms relevant to continuing approximation, but it does not establish a comprehensive intellectual-property-specific domestic procedure specifying how later EU developments are to be screened, allocated among responsible authorities, compared with Georgian law, and translated, where legally required, into timely amendments. Periodic assessments should distinguish clearly between adoption of a rule, measures needed to make it operational, enforcement outcomes, and divergences arising from subsequent developments in EU law (Association Agreement, 2014, Arts. 178–179, 274, 418–419).

The principal task in the next phase of implementing Georgia's obligations under the Association Agreement is consequently no longer confined to eliminating legislative disparities identified at the outset. The central challenge is to preserve the alignment already achieved as EU intellectual property law continues to develop. Article 274 confirms that developments in EU law form part of the continuing approximation framework under Title IV, while Articles 418 and 419 provide mechanisms for updating and monitoring. Sustainable approximation nevertheless requires these legal mechanisms to be supported by a structured domestic process of legal relevance assessment, divergence analysis, institutional coordination and, where required, timely revision of domestic law. The durability of approximation should therefore be understood as an institutional capacity to reassess alignment over time, rather than as the cumulative number of amendments enacted during a particular period.

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