

GEORGIA

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA) 2014 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Several copyright industries, particularly the software industry, are concerned about the weak overall enforcement in Georgia, especially the absence of effective criminal or administrative IPR enforcement in the past year.¹ High piracy rates have remained unchanged in Georgia, especially for the software industry. According to BSA | The Software Alliance (BSA), the software piracy rate in Georgia remains one of the highest in the world, estimated at 91% in 2011.² The Government of Georgia has shown little interest in protecting or enforcing copyright materials, or in making IPR enforcement a priority. Even the Financial Police, tasked with IPR enforcement, do not see it as a priority.

In 2013, BSA provided a training program for the Financial Police, but the knowledge gained by the police from the program has not been put into action. Civil litigation is not a viable alternative option (in the absence of criminal enforcement) because judges are neither trained nor knowledgeable on IPR cases or enforcement, and cases can take over two years to reach final disposition.

Generally, Georgia's current IPR-related legal regime is adequate. The primary concern for rights holders in Georgia is the failure of the government to conduct effective IPR enforcement operations and the failure to allocate sufficient resources to IPR enforcement.

PRIORITY ACTIONS REQUESTED IN 2014

The Government of Georgia should take the following actions in 2014 to improve the IPR enforcement environment:

- Increase the number of training programs for police, prosecutors, and judges on IPR protection and enforcement.
- Commence basic IPR enforcement activities using all existing civil, criminal and administrative laws.
- Raise public awareness on the importance of IPR protection and rights through joint educational and public relations campaigns between the government and rights holders. This would also include organizing conferences focusing on the value of IPR in general, and on the importance of enforcement to help local and foreign rights holders establish a toehold in the legitimate marketplace in Georgia. BSA would recommend that these campaigns include information on the harm caused by the use of unlicensed software by enterprises.

¹For more details on Georgia's Special 301 history, see previous years' reports at <http://www.iipa.com/countryreports.html>. For the history of Georgia's Special 301 placement, see <http://www.iipa.com/pdf/2014SPEC301HISTORICALCHART.pdf>. For a discussion of IIPA's 2014 Key Initiatives and Challenges, see IIPA, *2014 Special 301 Submission*, at <http://www.iipa.com/pdf/2014SPEC301COVERLETTER.pdf>.

²Data on software piracy rates and commercial values are taken from the 2011 BSA Global Software Piracy Study at www.bsa.org/globalstudy. This study assesses piracy rates and the commercial value of unlicensed software installed on personal computers during 2011 in more than 100 markets. The study includes a detailed discussion of the methodology used. BSA plans to release an updated study in the second quarter of 2014.

