

**Republic of Moldova**  
**State Agency on Intellectual Property**

## **LAW ON THE PROTECTION OF INDUSTRIAL DESIGNS**

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Editorial Committee: Ștefan Novac (Chairman), Ion Daniliuc,  
Andrei Moisei, Maria Rojnevschi, Semion Levițchi, Veaceslav Crețetov,  
Constantin Buga (translation)

Editors: Liliana Vieru, Nadia Buga  
Computer editing: Rodica Birnaz

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## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Article 1. Applicable Legal Provisions**

The economic relations and the associated non-economic personal relations that arise from the creation, legal protection and exploitation or use of industrial designs shall be governed by the Constitution, this Law and other legislative texts.

#### **Article 2. Legal Protection**

(1) Legal protection shall include matters affecting the availability, acquisition, scope, maintenance and enforcement of intellectual property rights as well as those matters affecting the use of intellectual property rights.

(2) The rights in an industrial design shall be recognized and protected by this Law on the territory of the Republic of Moldova, and shall be attested by an industrial design registration certificate (hereinafter referred to as "certificate").

(3) The certificate shall attest the priority date, the authorship of the design and the exclusive rights of the certificate holder in the design.

(4) The certificate shall have effect for five years following the date of the filing with the State Agency on Intellectual Property (hereinafter referred to as "the Agency") of a national application in due form for the grant of a certificate. The certificate may be renewed four times for consecutive periods of five years.

(5) The protection of industrial designs shall not, under any circumstances, be subject to any forfeiture, either by reason of failure to

work or by reason of importation of articles corresponding to those which are protected.

(6) Protection granted under the present law shall not exclude protection granted by copyright.

#### **Article 3. Representation**

(1) Natural persons domiciled in the Republic of Moldova and legal entities having their headquarters therein (national) entitled to the protection of an industrial design may act either directly or through a professional representative.

(2) Foreign natural and legal persons domiciled abroad and having their headquarters therein shall act through professional representatives in industrial property in the Republic of Moldova, except where international treaties to which the Republic of Moldova is party provide otherwise.

(3) The activity of professional representatives in industrial property shall be subject to the regulations approved by the Government.

## **CHAPTER II**

### **CRITERIA FOR THE PROTECTION OF INDUSTRIAL DESIGNS**

#### **Article 4. Subject matter of protection**

1) Protection shall be provided for independently created industrial designs with a utilitarian function that are new or original, including textile designs.

(2) The article as subject matter of protection can have either a bi-dimensional or a three-dimensional form, or it can be a combination of both these forms.

### **Article 5. Novelty**

(1) An industrial design is considered novel if its characteristics significantly differ from known designs or combinations of known design features which became available to the public in the Republic of Moldova and abroad before the priority date.

(2) Due regard shall also be paid, for the assessment of the novelty of an industrial design, to all applications for certificates filed by third parties in the Republic of Moldova that have an earlier priority date, with the exception of those that have been withdrawn.

### **Article 6. Utilitarian Function**

An industrial design has a utilitarian function if the article in which it is embodied may be used for a practical purpose, including as an ornamental object.

### **Article 7. Subject matter excluded from protection**

Protection shall not extend to designs:

- a) dictated essentially by technical or functional considerations;
- b) are unstable; and
- c) are contrary to *ordre public* or morality.

### **Article 8. Non - Disqualifying Disclosure**

The disclosure of information on the subject matter of the industrial design shall not disqualify the design from protection, on con-

dition that it occurs within the twelve months preceding the priority date of the design in question and is done by the creator or applicant or by another person who obtained the information directly or indirectly from the inventor or applicant.

## **CHAPTER III**

### **CREATOR OF THE INDUSTRIAL DESIGN. HOLDER OF THE CERTIFICATE**

#### **Article 9. Creator**

(1) The natural person in whose creative work the industrial design originated shall be recognized as the creator of the design.

(2) Where the industrial design is the result of the work of two or more creators, the authorship of the industrial design shall belong to all of them. The manner in which the rights belonging to the joint creators are to be exercised shall be determined by agreement between them.

(3) A natural person who has provided the creator with technical, logistical or material assistance in the creation of the industrial design or who has merely given his support in the making of the application for registration of the design (hereinafter referred to as "the application"), in the securing of the certificate or in the exploitation or use of the design shall not be recognized as a creator thereof.

(4) The creator has the right to be mentioned by name in the application, in the certificate and in notices published by the Agency concerning the application and the certificate.

(5) The creator has the right to waive the mention of his name in the certificate.

### **Article 10. Holder of the Certificate**

(1) The right to the grant of the certificate belongs to the creator or his successor (successors) in title.

(2) Where an industrial design has been created separately by two or more creators, the right to the grant of the certificate shall belong to the creator whose application has the earliest priority date, in so far as that application has not been withdrawn.

(3) The right to the grant of the certificate of registration of an industrial design created by an employee in the performance of his duties or specific tasks entrusted to him in writing by his employer (service design) shall belong to the employer in the absence of contractual provisions to the contrary.

(4) The creator of a service design is entitled to remuneration proportional to the profit that the employer could or does derive from the said design if he exploits it properly. The amount of the remuneration and the procedure for the payment thereof shall be determined by contract between the creator and the employer.

(5) Where the industrial design is created under a scientific research or research and development contract, the right to the grant of the certificate shall be determined by that contract. In such a case the creator is entitled to remuneration, the amount and payment procedures of which shall be determined by contract between him and the employer.

(6) The creator is obliged to inform the employer in writing of the creation of the service design within a period of one month following the date of its creation.

(7) If, within a period of 60 days following the date on which the creator informed the employer of the creation of the service design, the employer has neither filed an application for a certificate nor assigned his right to file such an application to a third party, the creator shall have

the right to file an application and have the design registered in his own name. In that case the employer shall be allowed a preferential right to the grant of a non-exclusive license for the exploitation of the design.

(8) Where the parties have failed to reach agreement on the amount of the remuneration payable to the creator or on the price of the license, that amount or price shall be determined by the competent judicial bodies in relation to the contribution made by each party to the creation of the industrial design and the commercial value of the design.

(9) Where the certificate has been issued to the employer, the creator shall have a preferential right to the grant, free of charge, of a non-exclusive license for the exploitation of the industrial design.

(10) The employer and the creator are bound to inform each other in writing of the stage reached in the development of the industrial design, and to abstain from any disclosure that might prejudice the exercise of the other party's rights. The party who infringes that obligation shall be bound to pay the other party damages and compensation, including for unrealized profits, in accordance with the legislation in force.

## **CHAPTER IV**

### **REGISTRATION OF THE INDUSTRIAL DESIGN**

#### **Article 11. The Application and its Enclosures**

(1) The application shall be filed with the Agency, either directly by the person to whom the right to the grant of the certificate belongs under Article 10 (hereinafter referred to as "the applicant") or through an representative in industrial property.

(2) The application shall be written in Moldovan in a Standard Form.

(3) The application shall be accompanied by:

a) a set of photographs or graphic representations of the industrial design that constitute a full and detailed representation of the outward appearance of the article;

b) a description of the industrial design;

c) an overall plan on the article and an assembly diagram where necessary for the disclosure of the nature of the industrial design;

d) a power of attorney where the application is filed through a representative in industrial property;

e) proof of payment of the prescribed fee or of the existence of such conditions as would warrant exemption from a fee;

f) all documents that are essential for attesting the priority of the industrial design.

(4) The documents listed in paragraphs (2) and (3), subparagraph (3) shall constitute a regular national deposit.

(5) The date of receipt of the documents listed in paragraphs (2) and (3) subparagraph a) shall constitute the regular national deposit.

(6) The documents referred to in paragraph (3), subparagraphs b) to e) shall be filed with the Agency at the same time with the application or within two months following the filing date of the regular national application. If on the expiration of that period the applicant has not submitted those documents or filed a request for prolongation of the period allowed, consideration of the application shall end and the applicant shall be notified accordingly.

(7) The application's enclosures shall be filed in the Moldovan language or in any other language. If the enclosures have been filed in other than the Moldovan language, a translation of these shall be filed with the Agency within two months following the application date. Natural persons that have filed the documents annexed to the applica-

tion in Russian, shall not be obliged to submit the translation thereof into Moldovan.

(8) The regular national application may relate to one or more industrial designs (not more than 100) that are intended for use in articles belonging to one and the same class of the International Classification for Industrial Designs (multiple deposit). Applicants and creators, provided that they are more than one, should be identical for all industrial design of the multiple deposit.

## **Article 12. Priority of the Industrial Design**

(1) The priority of an industrial design shall be determined according to the filing date of the regular national application.

(2) Priority may be determined by the filing date of a first application in a State party to the Paris Convention for the Protection of Industrial Property (Convention priority), provided that the application is filed with the Agency within six months following that date.

(3) The priority of an industrial design that has appeared at an exhibition organized on the territory of a State party to the Paris Convention for the Protection of Industrial Property may be determined according to the date as from which the industrial design was on display to the public at that exhibition, provided that the application is filed within six months following the said date (exhibition priority). That period may not be added to the period of Convention priority.

(4) Convention priority or exhibition priority may be claimed on the filing of the regular national application or within the two months following the date of that filing. The applicant is obliged to submit the documents attesting the genuineness of the priority claim within the three months following the filing date of the application. If those periods are not observed, the priority claimed shall not be allowed.

(5) Priority may be determined according to the date on which the same applicant filed an earlier application with the Agency for registration of the same industrial design, provided that the application for which that priority is claimed is filed within the six months following the filing date of the earlier application. In that case, the earlier application shall be considered withdrawn.

(6) Priority may be determined by two or more earlier-filed applications if the time limit mentioned in paragraph (5) is observed for each one of them.

(7) Priority may not be determined by the filing date of an application that itself includes a priority claim.

### **Article 13. Amendments Made to the Application and its Enclosures on the Applicant's Initiative**

(1) During two months following the filing date of the application, the applicant has the right, without paying any fees, to correct or specify the application and the enclosures, provided that the subject matter of the industrial design is not thereby altered.

(2) Subject to payment of fee, corrections or specifications may be made even after the period mentioned in paragraph (1) has expired, provided that the subject matter of the industrial design is not thereby altered.

(3) A multiple deposit not meeting the requirements mentioned in Article 11, paragraph (8), may be divided by the applicant into more applications (divisional deposit) by distributing the industrial designs, enumerated in the original deposit in each of the divisional deposit. The priority of a divisional deposit shall be determined either by the filing date or according to the priority date of the initial regular national deposit.

(4) Two or more applications may be merged, provided that:

a) they are filed on the same date;  
b) the applicant and the creator are identical;  
c) they contain industrial designs belonging to the same class of the International Classification of Industrial Designs.

(5) If there are more applicants, correction and specifications may be made with the written agreement of all of them.

### **Article 14. Withdrawal of the Application**

(1) The applicant may withdraw the application at any time provided that no decision has been taken to grant or refuse registration of the industrial design.

(2) If the application is a multiple application, the withdrawal may relate to all or only some of the designs included in it.

(3) If there are two or more applicants, withdrawal of the application shall require the written agreement of each one of them.

### **Article 15. Conversion of the Application**

At the request of the applicant, the application for registration of an industrial design may be converted into an application for registration of a utility model, either before the decision to register the design has been taken or within the three months following the date of the decision to refuse registration.

### **Article 16. Examination of the Application and its Enclosures**

(1) In the consideration of the application and its enclosures, the Agency shall undertake examination as to form, preliminary and substantive examination.



(2) The duration of the examination and its procedure shall be established according to the Regulations of the Agency.

(3) In the course of the examination as to form, the Agency shall satisfy itself:

a) that the content of the application and the photographs or graphic representations meet the prescribed requirements;

b) that the industrial design is not excluded from legal protection under Article 7.

(4) In the course of the preliminary examination, the Agency shall satisfy itself:

a) that all the documents listed in Article 11, have been enclosed with the application;

b) that the content of the enclosures meet the prescribed requirements;

c) that the applicant has correctly indicated that class and the subclass of the International Classification of Industrial Designs.

(5) In the course of the substantive examination, the Agency shall determine the priority, in the event it is claimed, and satisfy itself that the industrial design to which the application relates conforms to the criteria of protection specified in Article 4.

(6) If the application and its enclosures do not meet the prescribed conditions, the Agency shall invite the applicant to make adequate corrections and specifications within two months following the date of filing. If the applicant fails to make the amendments within the prescribed period or does not fill a request for prolongation of that period, consideration of the application shall end the applicant shall be notified accordingly.

(7) If the industrial design is excluded from protection under this Law, the Agency shall reject registration of the application and notify the applicant accordingly.

(8) Where the application and the photographs or graphic representations of the industrial designs meet the prescribed conditions, the Agency shall enter the information concerning it in the National Register of Applications for Industrial Designs and shall inform the applicant that his application is under consideration.

(9) The Agency may invite the applicant to supply additional material concerning the industrial design, without which the substantive examination can not be carried out. The additional material shall be provided by the applicant within the two months following the date on which he received the invitation, and may not modify the subject matter of the industrial design. If the applicant does not act on the invitation within the period allowed, or does not file a request for prolongation, the Agency shall discontinue its consideration of the application and notify the applicant accordingly.

(10) The Agency shall decide to register the industrial design in the event that in the process of the substantive examination of the application the industrial design has been confirmed eligible for protection.

(11) In the event that the industrial design does not conform to the protection criteria, the Agency shall decide to refuse registration.

(12) In the case of new circumstances, the Agency may invalidate, on its own initiative, any previous decision.

(13) The Agency shall notify the applicant of its decision within the month following the date of the said decision.

(14) The applicant may appeal against the decision of the Agency concerning the industrial design before the Appeal Board of the Agency within three months following receipt of notice of the said decision.

**Article 17. Publication of the Decision to Register**

(1) Within four months of the date on which the applicant was advised of the decision to register the industrial design, the Agency shall publish that decision in the Official Industrial Property Bulletin (hereinafter referred to as “the Official Bulletin”), subject to payment of the prescribed fee. The list of data to be published shall be drawn up by the Agency.

(2) At the request of the applicant, publication of the decision to register the industrial design may be deferred, but not for more than thirty months following the priority date.

**Article 18. Opposition to the Decision to Register**

(1) Any person having an interest may, where at least one of the conditions set forth in Articles 4 to 8 has not been met, file with the Agency a reasoned declaration of opposition to any decision to register an industrial design within six months following the date of the publication of that decision in the Official Bulletin.

(2) Opposition to the decision to register shall not be considered filed unless the prescribed fee has been paid.

(3) The Appeal Board of the Agency shall examine the opposition filed against the decision to register according to the procedures and within the time limit specified in Article 35 of this Law.

(4) The findings of the examination of any opposition filed shall be published in the Official Bulletin.

**Article 19. Registration of the Industrial Design.  
Issue of the Certificate**

(1) If no opposition has been filed against the decision to register the industrial design, or if any oppositions filed have been rejected, the

Agency shall proceed with registration in the National Register of Industrial Designs and, subject to payment of the prescribed fee, shall issue the certificate within three months to the person entitled to it, which fact shall be published in the Official Bulletin.

(2) Where there are two or more owners, the original certificate shall be issued to one of them; the other joint owners are entitled to receive a copy of the certificate.

(3) Where the owner is not the creator, the creator is entitled to receive a copy of the certificate.

**Article 20. Restoration of Rights Conditional on Time Limits**

(1) Any time limit provided for in the procedure for the examination of applications or for appeal actions before the Appeal Board that has not been observed by the applicant may be prolonged on payment of a fee.

(2) The request for restoration of a right conditional on a time limit shall be filed by the applicant not later than six months following the expiration of the time limit concerned.

**Article 21. Renewal of the Certificate**

(1) The validity of the certificate may be renewed by periods of five years, subject to payment of the prescribed fee in the fifth year of the current period of validity.

(2) A six-month period of grace shall be allowed for the renewal of the certificate, subject to payment of an additional fee.

(3) The certificate may be renewed for only some of the industrial designs to which a multiple application relates.

(4) The Agency shall enter information concerning the renewal of the certificate in the Register and publish it in the Official Bulletin.

## **CHAPTER V RIGHTS AND OBLIGATIONS**

### **Article 22. Rights of the Owner of the Certificate**

(1) The owner of the certificate shall have exclusive rights in the industrial design protected by it, including the right to exploit the design, provided that such exploitation does not violate the rights of other owners, the right to dispose of the certificate and the right to prohibit third parties from exploiting the design without his authorization.

(2) Where there are two or more owners, relations concerning the exploitation of the industrial design protected by the certificate shall be determined by the contract concluded between them. In the absence of such a contract, each of the joint owners has the right to exploit the design fully as he sees fit, and to bring legal action for infringement of exclusive rights against any person who exploits the design without the authorization of all the joint owners; however, he may not, without the agreement of the other joint owners, enter into license contracts or perform any act that involves assignment of rights in the certificate; he may likewise not renounce the certificate without notifying the other joint owners accordingly.

### **Article 23. Violation of the Exclusive Rights of the Owner of the Certificate**

The following acts shall constitute violation of the exclusive rights of the owner of the certificate if they are performed without his consent:

a) the manufacture, use, importation, exportation, any other form

of marketing or holding for that purpose of an article produced by using the registered industrial design or which is a full or partial copy of this industrial design;

b) (b) the inducement of third parties to perform the acts referred to in subparagraph (a).

### **Article 24. Acts Not Constituting Violation of the Exclusive Rights of the Owner of the Certificate**

(1) It shall not be a violation of the exclusive rights of the owner of the certificate if the registered industrial design is used:

(a) in the construction or operation of a means of transport of a State party to the international treaties on industrial designs to which the Republic of Moldova is also party, where the said means of transport temporarily or accidentally enters the territory of the Republic of Moldova, provided that the design is used exclusively for the needs of the said means of transport;

b) for the conduct of scientific research work or experimentation;

c) in extraordinary circumstances, such as natural disasters and catastrophes, epidemics or other circumstances of extreme urgency;

d) privately and for non-commercial purposes.

(2) The use referred to in paragraph (1), subparagraphs b), c) and d) shall be allowed, provided that such exceptions do not unreasonably conflict with the normal exploitation of protected industrial designs and do not unreasonably prejudice the legitimate interest of the owner of the protected design, taking into account of legitimate interests of third parties. In such cases, the owner of the protected design is entitled to claim a compensation adequate to the damages suffered as a result of unauthorized exploitation of the design.

(3) Actions of public authorities related to enforcement of the industrial property laws shall not be regarded as infringement of the owner's

rights, provided that the public authority in question acted in good faith.

### **Article 25. Extent of Legal Protection**

The extent of the legal protection afforded by the certificate shall be determined by the set of characteristics of the industrial design that are shown on the photographs or graphic representations of the article.

### **Article 26. Exploitation of the Industrial Design**

The manufacture of an article is deemed to have involved the use of the registered industrial design if the said article is a full or partial copy of this industrial design.

### **Article 27. Reserved Rights Notice**

(1) The owner of the certificate may affix a reserved rights notice on the article that consists of a circled capital letter D, accompanied by the name of the owner or the number of the certificate.

(2) The absence of a reserved rights notice shall have no legal effect.

### **Article 28. Right of Prior User**

(1) Any person, whether natural person or legal entity, who, before the priority date of the industrial design, has exploited an identical solution devised by that person independently of the creator, or has made the necessary preparations for doing so, shall retain the right to continue to exploit it in the future, on condition that the scope thereof is not extended, without having to pay a royalty or obtain the authorization of the owner of the certifi-

cate (right of prior user).

(2) The right of the prior user may not be transferred to another natural person or legal entity otherwise than with the production unit in which the exploitation of the industrial design or the necessary preparations for doing so took place.

### **Article 29. Challenging the Certificate**

Throughout its period of validity a certificate may be totally or partly challenged and invalidated in the following cases:

(a) where the registered industrial design does not meet the protection criteria specified in this Law;

(b) where the industrial design has characteristics that did not appear in the application originally filed or in photographs or graphic representations of the industrial design;

(c) where the creator or the owner of the certificate is not correctly mentioned in the certificate.

### **Article 30. Renunciation of the Certificate**

(1) The owner of the certificate has the right to renounce it either totally or in part.

(2) Renunciation of the certificate by one of the joint owners shall not put an end to the validity of the certificate, which shall remain the property of the other joint owners.

(3) Renunciation shall take effect on the date on which the Agency receives a declaration of renunciation of the certificate from the owner thereof.

(4) The Agency shall register the renunciation of the certificate and publish a notice to that effect in the Official Bulletin within three months following the date of receipt of the written declaration by the owner of the certificate.

(5) The owner of the certificate is obliged to inform the creator of his renunciation of the certificate at the same time as he submits the declaration to the Agency. In that case the creator shall have priority for the grant of a certificate in his own name during a period of three months following the date on which the owner of the certificate informed him of his intention to renounce it.

(6) If the industrial design registration certificate is the subject of a license contract, renunciation of the certificate shall require the agreement of the licensee.

(7) Applications for which grant of registration was adopted shall also be subject to this article.

### **Article 31. Premature Termination of the Validity of the Certificate**

- (1) The validity of the certificate shall terminate prematurely
- (a) where it is invalidated under Article 29;
  - (b) where the owner of the certificate renounces it under Article 30.

(2) The Agency shall publish a notice in the Official Bulletin announcing the premature termination of the validity of the certificate.

### **Article 32. Transfer of Rights**

- (1) Rights given by the registration and by the certificate of the

industrial design may be subject to full or partial transfer.

(2) The transfer of rights may be based on a contract for transfer of rights or a license contract, or it may take place by testamentary provision or *ab intestat*.

(3) Right transferred by contract under paragraph (2) shall also have effect for third parties and shall determine the alteration of the legal status of the industrial design immediately as the contract is registered with the Agency.

(4) Any provisions containing exclusive grantback conditions, conditions containing challenges to validity and coercive package licensing as well as any other conditions limiting fair competition based on professional principles shall not be included in license contracts.

(5) Data related to the transfer of rights shall be published in the Official Bulletin. The list of particulars to be included in the notice shall be drawn by the Agency.

## **CHAPTER VI**

### **DEFENCE OF THE RIGHTS OF THE CREATOR AND OF THE OWNER**

#### **Article 33. Sanctions for Violation of the Rights of the Creator**

(1) Any person who appropriates the status of creator, obtains the status of joint creator through coercion or discloses the subject matter of the industrial design without the creator's consent before the filing of the application shall be regarded as having violated the creator's rights and shall be liable to the penalties provided for in the legislation in

force.

(2) Any officer or employee of the Agency who discloses the subject matter of an industrial design before the publication of the decision to register it shall be liable to disciplinary and administrative sanctions in accordance with the legislation in force.

**Article 34. Sanctions for Violation of the Rights of the Owner of the Certificate**

(1) Any person, whether natural person or legal entity, who exploits the registered industrial design in breach of the provisions of this Law shall be regarded as having violated the rights of the owner of the certificate.

(2) The violation of the rights of the owner of the certificate shall be ended at the latter's request and the person, whether natural person or legal entity, who is responsible for the violation shall be bound to pay damages in compensation for the prejudice caused, including unrealized profits.

(3) The person whose guilt is duly established shall be sentenced according to the legislation in force and shall pay the owner an adequate compensatory monetary amount for violating his rights, including lost profit and the expenses which may include appropriate attorney's fees.

(4) The infringed side may request that all materials and implements the predominant use of which has been in the creation of the infringing goods be, without compensation of any sort, disposed of outside the channels of commerce in such a manner as to minimize the risks of further infringement or destroyed. In considering such requests, the need for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties shall be taken into account.

(5) Action for violation of the rights of the owner of the certificate may also be brought by the holder of an exclusive license, unless the

license contract provides otherwise.

**Article 35. Consideration of Disputes**

(1) Disputes between natural persons or legal entities that arise from the implementation of this Law shall be within the jurisdiction of the Appeal Board of the Agency, of the Specialized Arbitration Center or of the judicial authorities.

(2) The Appeal Board of the Agency shall consider disputes and opposition that relate to:

- (a) the registration of an industrial design or the refusal of such registration;
- (b) abandonment or withdrawal of the application;
- (c) the grant of priority or rejection of a priority claim;
- (d) the invalidation of a certificate.

(3) The Appeal Board of the Agency shall consider disputes and opposition within three months following the date of receipt thereof.

(4) The Appeal Board of the Agency shall notify the applicant or the owner of the certificate of any opposition filed by third parties;

(5) The Appeal Board of the Agency shall inform the persons concerned of the decision taken within a period of one month.

(6) Any person disagreeing with the decision handed down by the Appeal Board of the Agency may refer the matter to a judicial body within three months following the date of receipt of the notice informing him of the decision.

(7) Disputes concerning the following shall be within the jurisdiction of the courts:

- (a) authorship of the industrial design;
- (b) ownership of the certificate;
- (c) violations of the exclusive rights in the industrial design and of the other economic rights conferred by the certificate on the owner thereof;
- (d) the conclusion and implementation of license contracts;
- (e) the rights of prior users;
- (f) the remuneration payable by the employer to the creator;
- (g) other questions relating to the protection of the rights attested by the certificate;
- (h) any challenge to a decision of the Appeal Board of the Agency.

## **CHAPTER VII**

### **FINAL PROVISIONS**

#### **Article 36. Action of the Agency in Connection with Industrial Design Protection**

(1) The Agency shall entertain applications for the registration of industrial designs, undertake the examination and registration thereof, issue certificates, effect the publication of official notices, publish the Official Bulletin and draw up regulatory texts on the protection of industrial designs.

(2) The Agency shall be the depositary of the National Register of Industrial Designs.

#### **Article 37. Filing of an Application for Registration of an Industrial Design Abroad**

(1) It shall not be possible to file an application abroad for the registration of an industrial design created in the Republic of Moldova until at least one month has elapsed following the filing date of an application with the Agency.

(2) Registration abroad may be effected either by the filing of an application directly with the patent office of the country concerned, or according to the filing procedure provided for in an international treaties to which the Republic of Moldova is party.

#### **Article 38. Fees**

(1) The filing and examination of an application, the publication of that application, the registration of an industrial design, the issue of the certificate and its renewal, and also the performance of other legal acts in relation to applications for registration or certificates shall give rise to the payment of fees. Acts for which fees are payable, the amounts of fees and the time limits for the payment thereof shall be determined by the Government.

(2) Fees shall be paid by the applicant, by the owner of the certificate and by any other natural person or legal entity concerned.

#### **Article 39. Public Incentives for the Creation and Exploitation of Industrial Designs**

The State shall encourage the creation and exploitation of industrial designs. The methods and means used to that end shall be determined by the appropriate decisions and legislative texts.

#### **Article 40. Rights of Foreign Natural Persons and Legal Entities**

Foreign natural persons and legal entities having the nationality of States party to international treaties to which the Republic of Moldova is also party shall enjoy the rights provided for in this Law on the same footing as natural persons and legal entities of the Republic of Moldova. The provisions of this Law shall likewise be applicable under bilateral agreements or according to the principle of reciprocity.

### **Article 41. International Treaties**

If an international treaty to which the Republic of Moldova is party lays down rules different from those specified in this Law, the provisions of the international treaty shall prevail.

## **CHAPTER VIII**

### **TRANSITIONAL PROVISIONS**

#### **Article 42**

This Law shall enter into force on the date of its publication.

#### **Article 43**

Until such time as legislation has been brought into conformity with this Law, the provisions currently in force shall remain applicable in so far as they do not contradict those of this Law.

#### **Article 44**

It is provided that

— applications for the registration of industrial designs in the Republic of Moldova that are pending on the date of the entry into force of this Law shall be prosecuted according to the procedure provided for in the latter. However, the industrial designs in question must meet the protection criteria specified by the legislation that was in force on the filing date of the application;

— certificates of registration of industrial designs issued in the Republic of Moldova prior to the entry into force of this Law shall be legally equivalent to the certificates issued under this Law.

### **Article 45**

Before a period of three months expires, the Government shall

— submit proposals to Parliament with a view to bringing current

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legislation into conformity with this Law;

— bring its regulatory texts into conformity with this Law;

— cause to be revised or cancelled by the Ministries and Departments those of their regulatory texts that are contrary to this Law.

*Adopted:* October 15, 1996, No. 991-XIII

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**Amended by:** the Law No. 1079-XIV on Amending Various Laws

*Adopted:* June 23, 2000

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**Amended by:** the Law No. 1446-XV on Amending and Completing of Various Laws

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