

(Non-Official Translation from Romanian)

Law

on the State Agency for Intellectual Property

number 114 from 03.07.2014

Monitorul Oficial nr.282-289/600 of 26.09.2014

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Parliament hereby adopts this organic Law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of the Law

This Law establishes the legal framework, legal status, activity principles and directions, functions, duties, rights and obligations of the State Agency on Intellectual Property, the coordination of the activity within the agency, its funding and economic and financial activity as well as its basic activities on intellectual property.

Article 2. Regulation by the State of intellectual property

(1) The state guarantees citizens' right to intellectual property, freedom of artistic and scientific creation as well as protection, under the law, of their economic and personal interests arising in connection with the practice of various kinds of intellectual creations.

(2) In the Republic of Moldova, the legal protection of intellectual property is provided by the National Office of Intellectual Property under the Law on Intellectual Property and International Treaties to which the Republic of Moldova is party.

Article 3. Intellectual Property

- (1) Intellectual property is private property belonging to natural or legal persons entitled to possession, use and disposal.
- (2) Intellectual property includes objects resulting from intellectual activity in the industrial, economic, commercial, scientific, informational, literary and / or artistic and other fields.
- (3) Intellectual Property consists of the following components:
 - a) industrial property
 - b) copyright and related rights.

Article 4. Intellectual Property Objects

(1) It is considered an intellectual property object any result of intellectual activity, confirmed and protected by the corresponding rights on its use.

(2) Intellectual property objects are divided into two categories:

a) industrial property objects (inventions, plant varieties, topographies of integrated circuits, brands, industrial patterns and designs, geographical indications, appellations of origin and traditional specialities guaranteed);

b) copyright objects (literary, artistic and scientific works) and related rights objects (interpretations, phonograms, videograms and programmes of broadcasting companies).

3) The intellectual property field also comprises other goods that have a separate regulatory system, such as:

a) the commercial secret (know-how)

b) the commercial name

4) In the case of industrial property objects, the right over these occurs after the registration of the object, the grant of the title of protection by the National Office of Intellectual Property or in other circumstances stipulated in the national legislation and under the International Treaties to which the Republic of Moldova is party. In the case of copyright and related rights objects, the registration is not a prerequisite for the emergence and exercise of those rights, these objects being protected from the moment of their creation.

Article 5 Intellectual Property National Office

1) The National Intellectual Property Office is the State Agency for Intellectual Property (hereinafter AGEPI), which exercises functions and duties under this law and other normative acts, ensures the implementation of intellectual property development strategies and monitors the compliance with the intellectual property legislation in this field.

2) AGEPI acts as the receiving office of applications for intellectual property object protection abroad under the International Treaties to which Moldova is party.

3) AGEPI is independent in taking decisions on the legal protection of intellectual property objects. These decisions may be appealed to the Board of Appeals of the Agency, the Specialized Arbitration or the Court.

4) AGEPI ensures intellectual property protection and organizes activities including, as basic components, the examination of applications on intellectual property and the grant of titles of protection in accordance with the national legislation in the field, activities of extrajudicial settlement of disputes, of mediation and specialized arbitration in intellectual property, of informing and documentation, of promotion and dissemination of information, of publishing and printing, of education and training of specialists on intellectual property.

5) AGEPI operates in accordance with the Constitution of the Republic of Moldova, this Law, special laws and other legal acts in the field, Presidential decrees, decisions and orders of the Government, International Treaties on intellectual property to which Moldova is party.

Chapter II

LEGAL STATUS, DUTIES, RIGHTS AND OBLIGATIONS OF AGEPI

Article 6. Legal Status

- 1) AGEPI is a public institution subordinated to the Government, responsible for promoting and implementing activities in the field of legal protection of intellectual property relating to industrial property rights, copyright and related rights.
- 2) AGEPI has the status of a legal entity established in Chisinau, with an official name and abbreviated name in the official language and a stamp with the State Emblem of the Republic of Moldova.
- 3) AGEPI has autonomous budget, bank accounts (including foreign currency) and letterhead forms, under the law, and operates on the principles of self-management and self-financing.
- 4) AGEPI represents the Republic of Moldova in World Intellectual Property Organization, other international, regional and interstate organizations for intellectual property protection, maintains and develops collaborative relationships with them, and with similar institutions in other states.

Article 7. Functions and Duties of AGEPI

- 1) AGEPI shall perform the following functions:
 - a) plan strategically and implement the objectives of the national system of intellectual property development.
 - b) organize and manage the operation of the national system of intellectual property, under the legislation of the Republic of Moldova and the International Treaties to which the Republic of Moldova is party;
 - c) ensure the promotion of proposals on the regulatory framework for intellectual property protection and improvement of national legislation, approves draft laws developed by other public authorities;
 - d) provide services related to intellectual property, in accordance with the legislation.
- 2) AGEPI shall:
 - a) receive and examine the applications for protection, grant and issue, on behalf of the State, of titles of protection for intellectual property objects under the legislation on intellectual property .
 - b) manage and store national registers of filed applications and national registers of titles of protection granted for inventions, plant varieties, topographies of integrated circuits, trademarks, industrial designs, national registers of protected geographical indications , appellations of origin and traditional specialties guaranteed , state register of objects protected by copyright and related rights, national registers of licensing agreements, assignment, pledge and franchising relating to industrial property objects, state register of holders of control marks, national registers of attorneys and intellectual property evaluators;

- c) manage, store and develop databases on intellectual property under the legislation;
- d) develop, coordinate and execute programs and cooperation agreements with other countries and / or international organizations in its field;
- e) develop and implement training programs and development of specialists in the field of intellectual property;
- f) organize training and development courses for counselors, attorneys and evaluators in intellectual property and issue certificates of qualification;
- g) develop publishing activities within its functions, edit and publish the Official Bulletin of Intellectual Property and other publications to promote intellectual property;
- h) develop and approve regulations and instructions, forms and other proceedings necessary to execute the provisions of intellectual property law;
- i) monitor the work of Board of Appeals, Mediation Board and Specialized Arbitration in intellectual property;
- j) organize and participate in exhibitions, symposiums, conferences, competitions, seminars and other national or international activities on intellectual property;
- k) provide, upon request , advisory services on intellectual property;
- l) register contracts of assignment, license, pledge and franchising of rights on industrial property objects;
- m) publish data about applications on intellectual property and titles of protection;
- n) provide recording, storage and filing of collection of specialized documents and publications in the field of intellectual property;
- o) perform , upon request and payment, documentary research on industrial property;
- p) receive and examine applications and documents required for registration of applicants in the State Register of holders of control marks;
- q) issue control markings for right holders of copies of works or phonograms registered at AGEPI;
- r) examine, at the request of the competent bodies, copies of works or phonograms and prepare reports on technical and scientific expertise;
- s) approve, monitor and supervise the activity of collective management organizations of copyright and / or related rights.

Article 8. Rights of AGEPI

For carrying out the functions and duties, AGEPI is entitled to:

- a) sign contracts within its functions and duties, including service contracts and other legal documents as required by law;

- b) establish the system of labour remuneration and stimulation as required by law;
- c) ensure training ,coaching and improvement of national personnel in the intellectual property field;
- d) carry out publishing activities within its functions, sign and execute publishing contracts under the law on editorial activity;
- e) support patenting abroad of inventions made in the Republic of Moldova according to the procedure approved by the Government;
- f) grant donations on philanthropic and sponsorship purposes as required by law.

Article 9.Obligations of AGEPI

AGEPI has the following obligations:

- a) to act in strict accordance with the Constitution of the Republic of Moldova, this Law and other regulations;
- b) to ensure the protection and storage of confidential information and other information that became known in the exercise of duties of its employees. This information may be submitted to authorities under the law;
- c) to give the necessary support, within the powers conferred by law, to authorized bodies for detecting and combating the committed offenses relating to intellectual property rights;
- d) To create proper working conditions to employees, ensure safety and fire security, comply with health and environment protection rules;
- e) to pay taxes and other payment on time, inclusively to the World Organization of Intellectual Property , in the manner and amount established by legislation.

Article 10.Collaboration with other authorities ,institutions and organizations

(1) In order to achieve the development objectives of the national system of intellectual property, the National Commission for intellectual property is established , as a consultative body to the Government, which aims at coordinating activities and ensuring interaction of ministries and other central administrative authorities as well as holders of intellectual property rights in the activity of developing and strengthening the national intellectual property system and combating counterfeiting and piracy in the country. Similarly, AGEPI is collaborating with central and local public authorities, other institutions and organizations, civil society and international organizations.

(2) The mode of interaction and collaboration is established under agreements with authorities, institutions and organizations referred to in para. (1), under the International Treaties to which Moldova is a party, and the laws in the field.

(3) Within AGEPI can be created committees and working groups which are convened to review and resolve specific problems. In the work of the committees and working groups may be involved specialists and experts from various fields within other institutions / organizations.

Chapter III

ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF AGEPI

Article 11. Organizational Structure

(1) The structure of AGEPI is approved by the Government.

(2) AGEPI is entitled to amend the staff and the internal structure of its subdivisions within the structure referred to in para. (1) and the wage bill approved.

Article 12. Management of AGEPI

(1) AGEPI is managed by a Director General, appointed and dismissed by the Government to the Prime Minister's proposal.

(2) The Director General has two deputies, appointed and dismissed by the Government to the Director General's proposal .

(3) In the temporary absence of the Director General, the functions of the latter are performed by one of the deputy general directors, appointed by the Director General, without additional remuneration.

(4) The right of first signature on all official documents of AGEPI belongs to the Director General. In the absence of the Director General the right of the signature is taken over by one of the deputy general directors, appointed by the Director General.

(5) Signatures on official documents of AGEPI shall be applied in accordance with the law, in writing or in electronic forms.

Article 13. Duties of Director General of AGEPI

Director General of AGEPI shall:

- a) organize and ensure AGEPI work and be responsible for its proper conduct;
- b) act without power of attorney on behalf of the Agency, represent AGEPI in relations with the Parliament, Government, ministries and other central administrative authorities, other public authorities, international institutions and organizations and in relations with both natural and legal persons in the Republic of Moldova and abroad ;
- c) grant power of representation to deputy general directors and other employees of AGEPI;
- d) exercise as representative plenipotentiary of the Republic of Moldova in international structures on intellectual property under the legislation;
- e) have the goods of AGEPI in accordance with this Law and other laws;

- f) issue orders and provisions;
- g) sign on behalf of AGEPI transactions, agreements, contracts and other legal documents both, in the Republic of Moldova and abroad, in accordance with the legislation;
- h) appoint and dismiss AGEPI employees , stimulate and apply disciplinary sanctions to employees under the legislation;
- i) define and establish the duties and responsibilities of deputy general directors and heads of subdivisions, approve job responsibilities of employees and operating regulations of AGEPI subdivisions;
- j) approve the staff and modify the internal structure of AGEPI subdivisions;
- k) supervise the work of all subdivisions within AGEPI ;
- l) perform other duties in accordance with the legislation.

Chapter IV

RIGHTS AND OBLIGATIONS OF THE AGEPI EMPLOYEE.

INCOMPATIBILITIES

Article 14. Rights of the AGEPI employee

The AGEPI employee is entitled to :

- a) inspect the documents which establish rights and duties, receive, as established, information and materials necessary to perform the obligations;
- b) benefit from stability in the position held and be promoted to a higher position;
- c) combine the duties of the position held with those of the temporarily vacant one, under the law;
- d) receive appropriate working and hygiene conditions, such as to protect the health and physical and mental integrity;
- e) be informed of all decisions concerning him directly;
- f) benefit from social and medical insurance, and other types of insurance provided for by law;
- g) set up trade unions and join them;
- h) other rights under the legislation.

Article 15. Obligations and Responsibilities of the AGEPI employee

(1)The AGEPI employee has the following obligations:

- a) to perform conscientiously job duties set out in the individual employment contract, in the job description, in the operating regulations of the subdivision and in the collective employment contract;
- b) to have a correct and dignified behavior within employment relations and to refrain from any action which might prejudice AGEPI;
- c) to declare any personal or other close people`s conflict of interest, in connection with the exercise of the position held and the personal interests which could improperly influence the objective, independent and impartial performance of incumbent obligations and responsibilities under law;
- d) not to misuse the accessible information in order to obtain, directly or indirectly, any right over intellectual property objects or any other rights arising from the titles of protection issued or to be issued by the Agency;
- e) to keep the state secret and confidentiality towards the facts, information or documents available in the exercise of the position held , including the information contained in the applications on intellectual property, until its publication. AGEPI employee signs a confidentiality agreement, available during the individual employment contract, as well as over the next three years after dismissal ;
- f) to know and follow the rules of labor safety and protection.

(2) For failure or improper fulfillment of the obligations referred to in para. (1), the AGEPI employee is liable under the legislation.

Article 16. Incompatibilities

The AGEPI employee cannot:

- a) perform the activity of an evaluator of intellectual property objects.
- b) perform the activity of an attorney in intellectual property.
- c) perform the activity of a lawyer.
- d) provide services incompatible with the functions and duties.

Chapter V

FINANCING AND ECONOMIC AND FINANCIAL ACTIVITY OF AGEPI

Article 17. Financing and Technical and Material Provision of AGEPI

- (1) AGEPI operates on the principles of self-management and self-financing.
- (2) AGEPI staff remuneration is performed in accordance with the Labor Code, Pay Law, collective employment contract and the Regulations on AGEPI employee remuneration approved by the Director General.
- (3) AGEPI assets are formed from:

- a) founder contributions ;
- b) revenues from the provision of services;
- c) other legal sources (including donations and sponsorship).

(4) The nomenclature of services for which charges are levied and the amount thereof shall be determined by the Government. The fees shall be established in euro (single European currency). The national applicants pay rates in MDL according to the official exchange rate of the National Bank against the euro on the payment date.

(5) AGEPI technical and material support is carried out from its financial resources.

Article 18. The Economic and Financial Activity and Patrimony of AGEPI

(1) AGEPI develops its budget and activity programme , sets directions and prospects of its development in accordance with the strategic objectives of development of the national system of intellectual property.

(2) AGEPI budget is approved by a collective body of AGEPI until December 1 of each year and submitted to the Government for information. If necessary, AGEPI budget may be amended during the year, provided that the Government be further informed.

(3) Annually, by May 1, AGEPI submits to the Government a report on the economic and financial activity, verified by independent audit and a report on the implementation of its activities.

(4) AGEPI uses financial resources from its current accounts for:

- a) reimbursement to different natural persons and legal entities;
- b) reimbursement to state budget and social security bodies and health care;
- c) payment of debts to the personnel; deployment, training and stimulation of the personnel;
- d) other purposes in conformity with the legislation.

(5) Financial resources not used during the year shall be carried forward for use in the next year, according to the newly approved budget.

(6) AGEPI exercises its right of possession, use and disposition of its patrimony consisting of assets belonging to it in accordance with this Law and other laws.

Article 19. Accounting, submission of tax reports, statistical reports and control of financial and economic activity of AGEPI

(1) AGEPI shall keep accounts and prepare financial reports in the manner prescribed by the Accounting Law.

(2) AGEPI shall submit tax reports, statistical reports and be responsible for their veracity.

(3) Control of financial and economic activity of AGEPI is carried out by competent authorities under the legislation.

Chapter VI

BASIC ACTIVITIES IN INTELLECTUAL PROPERTY

Section 1

Activities of examination, information and documentation, promotion and dissemination of information, publishing and printing, education and training in intellectual property .

Article 20.Examination Activity

- (1) The examination of applications in the field of intellectual property is done by AGEPI within the specific requirements for each intellectual property object in part, under the legislation.
- (2) The examination procedure is carried out under the national and international law on intellectual property by the examiners of AGEPI who have appropriate expertise.
- (3) In examining the applications on intellectual property it is stated if these and the intellectual property objects related to them satisfy the requirements of special laws on intellectual property and if they meet the criteria and elements necessary for protection grant.
- (4) Examiners are independent in performing procedures of examination and are responsible for their conduct in strict accordance with the law on intellectual property.
- (5) AGEPI provides professional education and continuous training for examiners by organizing training courses for specialists in the field of intellectual property by organizing seminars, inclusively through foreign institutions in the field.
- (6) At the initiative of AGEPI, examination of the applications on intellectual property submitted to AGEPI can be done in the intellectual property offices of other states on the basis of certain cooperation agreements.

Article 21.Information and Documentation Activity

- (1) AGEPI carries out activities of information and documentation , on request , access to public information in the field of intellectual property and sources of reference information and documentation, aiming at stimulating innovative activities, raising awareness of the benefits of intellectual property objects protection and facilitating free, fast and individual access to all the interested persons in the procedures of intellectual property objects protection.
- (2) For information and documentation on intellectual property, interested persons can benefit from services of the specialized library, archives and national registers and also access online databases of AGEPI.
- (3)The specialized library provides beneficiaries with any information and documents on intellectual property stored in the collection of literature and documents in the field , lends assistance of information and documentation in national and international databases, provides other information and bibliographic services in the field and also ensures the maintenance and completion of the collection of documents by subscribing to specialized periodicals, purchasing literature in the field and bilateral information exchange.

(4)The fund of archive documents on intellectual property consists of the fund of procedure documents completed and deposited in storage under Legislation on the Archive Fund of the Republic of Moldova, which can be consulted, on request, by interested persons providing the compliance with the legislation in force. The evidence, accumulation, storage and use of documents arising from the registration procedures of intellectual property objects are ensured by AGEPI in conformity with the Archive Nomenclature of AGEPI, regulations and guidelines approved by the Director General of AGEPI, coordinated with the National Archive of the Republic of Moldova.

(5) The national registers of applications for protection and titles of protection for inventions, trademarks, industrial designs, topographies of integrated circuits, plant varieties and other registers established under special laws on intellectual property, such as national registers of protected geographical indications , appellations of origin, traditional specialties guaranteed , national registers agreements of licensing, assignment, pledge and franchising relating to industrial property objects, the register of applications of complaint examination, the register of notorious trademarks, state register of objects protected by copyright and related rights, state register of holders of control marks, national registers of attorneys and assessors in intellectual property may be consulted ,on request and free of charge, by any interested person.

(6)In order to process, store and disseminate information on intellectual property objects submitted for registration or/and registered , AGEPI manages, maintains and develops databases on intellectual property. Management procedure, completion and use of databases are approved by the Director General of AGEPI under the legislation.

Article 22. Printing and Publishing Activity

(1) The printing and publishing activity on intellectual property consists of all activities carried out by the publisher and the printing house instituted within AGEPI and complies with the legislation on editorial activity.

(2) The publishing and printing activity on intellectual property consists in preparing for printing, printing and dissemination of official and specialized periodicals in the field (Official Bulletin of Intellectual Property, Intellectual Property magazine "Intellectus"), distributed materials needed for promotion in the field and titles of protection, books, brochures, collections, catalogs, advertisements, diplomas, newsletters and other printed materials for internal needs of AGEPI.

(3)The aim of the editorial printing activity is the multilateral and competent reflection of aspects of the Intellectual Property National System, the elucidation of the provisions of the national and international legislation on intellectual property , the publication of certain information materials, scientific and methodological studies on intellectual property, the provision of the public with information on procedures of obtaining legal protection for intellectual property rights , the revealing of mechanisms of enforcement and compliance with the rights obtained by the right holders, the publication of researchers and inventors` studies in different fields of science, economy and technology.

Article 23. Editing of the Official Bulletin of Intellectual Property

(1) AGEPI edits and publishes monthly The Official Bulletin of Intellectual Property under this Law and the legislation on intellectual property.

(2) The Official Bulletin of Intellectual Property comprises information about applications on intellectual property, submitted to AGEPI, granted titles of protection and registered certificates, amendments in the legal status of industrial property objects, decisions of the Contestation Committee, decisions of the Court concerning the disputes on intellectual property, national laws and International Treaties, reports and other general information on intellectual property.

(3) The Intellectual Property Official Bulletin is published on paper, in electronic format (CD-ROM) and on the official website of AGEPI. The information published on paper, electronically and on the official website has the same legal force.

(4) The editing procedure and disclosure requirements in the Official Bulletin of Intellectual Property are approved by the Director General of AGEPI.

Article 24. Education and Training Activity

(1) Education and training on intellectual property are achieved by conducting training courses in the field, organized by AGEPI.

(2) Training courses on intellectual property are organized, on request, under the legislation on education.

(3) Courses end with taking exams and issuing qualification certificates “Counsellor in Intellectual Property” and “Specialist in Assessing Intellectual Property”.

(4) The organization and development of training courses on intellectual property, the training period, the list of enrolled people in the courses and the list of specialists to ensure the education process are approved by Director General of AGEPI.

(5) Programs of training courses on intellectual property are developed by AGEPI and coordinated with the Ministry of Education.

(6) AGEPI collaborates with pre-university and higher educational institutions to train the teachers and youth in the intellectual property field, including the introduction of specialized courses in the curriculum.

(7) AGEPI participates in training programs on intellectual property for representatives of public institutions and authorities with responsibility for intellectual property rights.

Article 25. Information Promotion and Dissemination Activity

(1) AGEPI carries out activities of promotion and dissemination of information on intellectual property in order to sensitize and raise awareness of the national system of intellectual property beneficiaries and civil society on the role of intellectual property in the economic, social and cultural development of the country.

(2) Promotion and dissemination of information on intellectual property is performed by organizing and developing national and international exhibitions, seminars, symposiums and conferences on intellectual property, by working with representatives of research and

development institutions of science and innovation , with economic agents, non-commercial organizations and mass-media, by providing specialized assistance and consultation in the field.

(3) AGEPI develops and manages websites to disseminate and provide online access to information on intellectual property.

Section 2

Extrajudicial settlement of disputes on intellectual property

Article 26. Board of Appeals and its competence

(1) The Board of Appeals is the body established within AGEPI entitled to settle extrajudicially the disputes on intellectual property .

(2) The Board of Appeals has the following duties:

a) the settlement of disputes against the decisions on registration or refusal of registration of intellectual property objects , the decisions issued in the procedure of application examination and granting of titles of protection for intellectual property objects, and against those issued during the period of validity of the titles of protection;

b) the examination of other disputes under special laws on intellectual property and other legislations.

(3) Regulations on the organization and functioning of Contestation Committee and the procedure of appeal examination shall be approved by the Government.

Article 27. Mediation Board on Intellectual Property and its Competence

(1) AGEPI shall establish the Mediation Board on intellectual property (hereinafter Mediation Board), which shall coordinate and organize mediators' activity concerning the examination and settlement of disputes related to its competence under special laws on intellectual property and this Law.

(2) Participants in the mediation process are the parties and the mediator. The parties may resort to mediation voluntarily, on the basis of a mutual agreement under the legislation on mediation.

(3) The basic duties of Mediation Board are:

a) to ensure efficient conduct of mediation where the mediation procedure is held within AGEPI;

b) to coordinate and record mediation procedures on intellectual property;

c) to provide necessary support to mediators and other persons involved in the mediation process;

d) to ensure commercial secrecy, confidentiality of other official information with limited accessibility which has been submitted, under the law;

e) to exercise other duties under legislation.

(4) Mediation Board consists of 5 members, two of them being appointed by AGEPI, the other two – by the Ministry of Justice and one being selected from the academic society through a contest organized by AGEPI.

(5) The activity of the Mediation Board is coordinated by its president, elected by the members of the Board appointed by a majority of votes.

(6) The Mediation Board is not entitled to intervene in the settlement of disputes or influence, in any way, the mediators.

(7) Regulations on the organization and operation of the Mediation Board and the mediation procedure are approved by the Government.

Article 28. The Mediator within the Mediation Board

(1) The mediator within the Mediation Board (hereinafter mediator) can be any natural person who has full legal capacity, higher education, qualification and experience in intellectual property, has no criminal antecedents and has passed the attestation exam at the Mediation Council of the Ministry of Justice.

(2) Persons who meet the conditions specified in para. (1) are included in the list of mediators of the Mediation Board, which is public and is binding.

(3) The mediator shall be entitled to:

a) request from parties information, materials and documents necessary for the procedure of mediation;

b) involve, if necessary, other persons than those already involved in the dispute, specialists in the field;

c) notify the public about the conduct of its mediation activity, following the confidentiality principle;

(4) The mediator has the obligation:

a) to ensure respect for mediation principles;

b) to notify the parties on the procedure, aim and effects of mediation;

c) to conduct mediation procedure independently and impartially and to refrain from settling a dispute under certain circumstances that would prevent from being independent and impartial;

d) to act with all readiness for the parties to reach a mutually convenient agreement within a reasonable time;

e) to return materials and documents which have been submitted by the parties in the mediation process.

(5) The parties may choose, by mutual agreement, 1, 2 or 3 mediators from the list of mediators of the Mediation Board. Unless the parties have themselves appointed the mediator (mediators),

this one (these ones) shall be appointed by the Mediation Board after consulting the parties and the approval of the mediator (mediators).

(6) The amount of the mediator's fees shall be determined by mutual agreement of the parties and does not depend on the outcome of the mediation.

Article 29.Specialized Arbitration on Intellectual Property and its Competence

(1) The Specialized Arbitration on intellectual property (hereinafter *Specialized Arbitration*) as permanent body under AGEPI , is vested with the function of settling disputes arising among natural persons or/and legal entities on intellectual property ,providing the existence of the arbitration agreement.

(2) Specialized Arbitration examines the disputes on the following issues:

a) authorship;

b) relationships between coauthors;

c) priority

d) relationship between the author of the intellectual property object, created in the exercise of duties and the employer, related to the remuneration mode, the right of application and amount of remuneration;

e) issuance of the title of protection;

f) exclusive rights;

g) collective management of copyright and related rights on the amount of remuneration and other licensing conditions;

h) other aspects on intellectual property;

(3)The arbitrator in Specialized Arbitration may be any natural person possessing the professional competence necessary in intellectual property to settle disputes specified in para. (2).

(4) The parties are free to determine the number of arbitrators and the manner of their appointment and the place of arbitration proceedings.

(5) The list of arbitrators shall be approved in the manner established by AGEPI and is binding.

(6) Regulation on organization and operation of Specialized Arbitration and the arbitration procedure shall be approved by the Government.

Section 3

Representation in intellectual property

Article 30.General Principles of Representation in Intellectual Property

(1) Natural or legal persons having their residence or premises, or an industrial or commercial enterprise real and effective in the Republic of Moldova, shall act personally or through a representative authorized by a warrant of attorney.

(2) Natural or legal persons having neither their residence, premises nor an industrial or commercial enterprise real and effective in the Republic of Moldova, shall be represented before AGEPI, under the procedures established by special laws on intellectual property, by an attorney in intellectual property (hereinafter *Attorney*), empowered with a warrant of attorney.

(3) The position of the Attorney can be acquired by any natural person who is a citizen of the Republic of Moldova, has the permanent residence in the Republic of Moldova, can speak the state language, has higher education, has passed the exam at the Certification and Discipline Committee of Attorneys on intellectual property within AGEPI (hereinafter *Certification and Discipline Committee*) and has at least 3 year experience, higher education, or counsellor studies in intellectual property.

(4) The mode of certifying the Attorney's knowledge, of recording in the National Register of attorneys in intellectual property, of monitoring and development of the Attorney's activity, and the mode of organization and operation of the Certification and Discipline Committee shall be established by the Government.

(5) Certification of Attorney's knowledge, recording and making changes in the National Register of Attorneys in intellectual property, issuance of attorney attestation or a duplicate thereof, and the trainings for attorneys are subject to payment, under the legislation on intellectual property.

Article 31. Attorney's Rights and Obligations

(1) The attorney is entitled to:

- a) act as a representative in any form permitted by law on entrepreneurship and enterprises;
- b) form associations or join such associations;
- c) delegate its powers to another representative, if the customer has enabled such substitution, where substitution was provided in the proxy or if forced by circumstances to protect the client's interests;
- d) be paid for professional activity and be recovered the expenses incurred in the interest of the client;
- e) apply any legal means in order to obtain the expected results;
- f) not provide services if the customer fails to honor obligations or submits requirements to be met contrary to the rules of professional conduct;

(2) The attorney shall:

- a) not disclose information obtained from the customer only within the contract and the warrant of attorney;

- b) act in good faith and professional integrity;
- c) take all measures necessary to comply with statutory consumer rights and interests;
- d) not provide services to the client submitting requirements to be met contrary to law;
- e) refuse service to persons whose interests conflict with the interests of the people they represent, and where people participate in the review process with the attorney who is in marriage relationship, kinship or affinity up to second degree inclusively;
- f) not represent clients with competing interests in one and the same process;
- g) meet customer requirements, except where deviation from these requirements is only the interest of the client and the attorney was unable to seek consent or did not receive timely response to this request, informing the customer in this case as quickly as possible;
- h) inform the client, on request, of all the information about how to fulfill the contract, to report and to transmit without delay all materials received in connection with the performance of the contract;
- i) without delay inform people who, in his opinion, may have contractual rights or obligations of the death of the client being a natural person or legal entity or of the suspension of the client being a legal entity and having no successors.

Article 32. Liability of Attorney

- (1) The attorney who has breached its obligations under the contract or professional obligations is liable under the law.
- (2) The stakeholders' complaints, requests, concerning the violations committed by attorneys shall be submitted to the Certification and Discipline Commission or the Court.
- (3) The Certification and Discipline Commission shall examine the file on infringement committed by the attorney in his presence.
- (4) In determining liability, the Certification and Discipline Commission will consider the seriousness of the offense, the circumstances in which it was committed, the attorney's previous activity in the field of intellectual property and its attitude towards the committed offense.
- (5) The Certification and Discipline Commission may apply the attorney who has violated obligations the following sanctions:
 - a) warning;
 - b) reprimand
 - c) suspension of activity for a maximum period of six months with the adoption of the decision about taking the certification exam;
 - d) removal from the National Register of attorneys in intellectual property ;

(6) The decision of the Certification and Discipline Commission on the application of the sanction set is approved by Director General of AGEPI. The application of the sanction is recorded in the National Register of attorneys in intellectual property.

(7) If the person punished under par. (5) a) or b) does not commit a new infringement for one year from the application of that sanction, it will not be considered sanctioned, and the sanction recorded in the National Register of attorneys in intellectual property will be removed.

(8) The decision of the Certification and Discipline Commission on the sanction applied to the attorney may be appealed according to the legislation.

Article 33. Suspension and Cessation of the Attorney's Activity

(1) The activity of the attorney shall be suspended where:

- a) the attorney has filed an application for suspension of its activity;
- b) The Certification and Discipline Commission has taken the decision about the application of the sanction provided in art.32 par.(5) c);
- c) the attorney has become an employee of AGEPI;
- d) there is a decision of the court in this respect.

(2) The cessation of the attorney's activity and its removal from the National Register of attorneys in intellectual property shall occur where:

- a) the attorney filed an application on the cessation of its activity;
- b) the attorney has forfeited the citizenship of the Republic of Moldova or moved residence outside the Republic of Moldova;
- c) the attorney is recognized incapable or with limited exercise capacity;
- d) the attorney is sanctioned according to art.32 par.(5) d);
- e) the attorney died;
- f) there is a decision of the Court in this respect.

(3) If the attorney has not activated for 5 consecutive years, according to data held by AGEPI, and did not appeal to the Board of Appeals the decision on its removal within 15 days from its dispatch date, he shall be removed from the National Register of attorneys in intellectual property, completely or just with reference to one /several intellectual property objects, except the situation when he suspended his activity himself.

(4) The suspension and cessation of attorney's activity is performed on the basis of the decision of the Certification and Discipline Commission or the Court, this information being published in The Official Bulletin of Intellectual Property.

(5) The suspension of the attorney's activity under Art.32 par.5 c) may cease before the deadline for which it was applied, provided that the attorney has submitted a request to that effect, at least half of the period of suspension has expired and he has passed the certification exam.

(6) In case of deletion of the attorney from the National Register of attorneys in intellectual property, his certificate loses its legal value.

Section 4

Evaluation in intellectual property

Article 34.General Principles on Evaluation in Intellectual Property

(1) Evaluation of intellectual property objects is a process of evaluating the usefulness of the results of intellectual activity, expressed in the equivalent value of technical, consumer, economic and other characteristics of the objects concerned, and is regulated by the legislation on evaluation activity.

(2)The scope of the evaluation activity is the estimation of the market value, balance or another value of the intellectual property objects depending on the intended use of the obtained results.

(3)The subjects of the evaluation activity are, on the one hand, the evaluators and the evaluation enterprises, and on the other hand, the beneficiaries of evaluation services.

(4) The attribute of intellectual property object evaluator can be acquired by a reputable natural person with higher education in evaluation, economic or technical higher education, who has the citizenship of the Republic of Moldova and is the holder of the evaluator's qualification certificate, who has work experience in intellectual property, inclusively as evaluator or probationer, for at least one year and does not have unquenched criminal antecedents.

(5)The mode and the conditions of the issuance of the qualification certificate of the intellectual property object evaluator and the certification and recertification procedure of the intellectual property object evaluators are established by the Government.

Article 35.Rights and Obligations of Intellectual Property Object Evaluator

(1)The intellectual property object evaluator is entitled to:

a) plan independently the performance of evaluation activity under the legislation and the contract of evaluation service provision;

b) determine the approaches and the evaluation methods according to the legislation on evaluation and its standards;

c) have access to the beneficiary's documentation, required for evaluation;

d) where appropriate, request the administration of the evaluation company the involvement of other evaluators and experts in the evaluation process;

e) be a member of public associations of evaluators and participate in their activity.

(2)The intellectual property object evaluator is entitled to give up, under the law, the evaluation performance where the beneficiary:

a) violated the terms of the contract for evaluation service provision;

b) did not submit the necessary documents for evaluation or submitted documents containing incomplete or erroneous data;

c) intervened in the evaluator's actions to influence the evaluation results.

(3) The intellectual property object evaluator shall:

a) perform the evaluation under the legislation in force and the contract of evaluation service provision;

b) perform the evaluation conscientiously;

c) ensure confidentiality of information provided by the beneficiary.

(4) The intellectual property object evaluator has no right to perform the evaluation of intellectual property objects where:

a) is the holder of the intellectual property object to be evaluated;

b) is the beneficiary of the evaluation services of intellectual property objects;

c) is in relationship of marriage, kinship or affinity up to the second degree inclusively or the associate of one of the persons specified in a) and b).

Article 36. Suspension and Cessation of Intellectual Property Object Evaluator's Activity

(1) The activity of the intellectual property object evaluator is suspended where:

a) the intellectual property object evaluator has submitted an application for the suspension of his activity;

b) the Certification and Disciplinary Commission has adopted the decision to withdraw the certificate of qualification by reason of infringement by the intellectual property object evaluator of its obligations referred to in Article 35;

c) the intellectual property object evaluator has become an employee of AGEPI;

d) there is a decision of the Court in this respect.

(2) The cessation of the intellectual property object evaluator's activity and his deletion from the National Register of intellectual property object evaluators occur where:

a) the evaluator has submitted an application for the cessation of his activity;

b) the evaluator has forfeited the citizenship of the Republic of Moldova or moved residence outside the Republic of Moldova;

c) the evaluator was recognized incapable or with limited exercise capacity;

d) the evaluator was sanctioned for an offense or criminal act committed in its field, in accordance with the law;

e) the evaluator died;

f) there is a decision of the Court in this respect.

Chapter VII

FINAL AND TRANSITORY PROVISIONS

Article 37. Implementation of this Law

(1) Upon entry into force of this Law are hereby repealed Article 82 para. (2), Section 1 of Chapter VII and Article 117 para. (3) of the Code on Science and Innovation of the Republic of Moldova no. 259-XV of 15 July 2004 (Monitorul Oficial of the Republic of Moldova, 2004 nr.125-129, art.663).

(2) Until the implementation of existing legislation consistent with the provisions of this law, normative acts shall apply to the extent they do not contravene this Law.

(3) The Government, within 12 months from the date of publication of this Law:

a) shall submit to the Parliament proposals on the introduction of the legislation in accordance with this Law;

b) shall put its normative acts in conformity with this Law;

c) shall adopt normative acts necessary for the implementation of this law.

Speaker of the Parliament

Igor CORMAN

No.114. Chişinău, 3 July 2014

