

Parliament of the Republic of Moldova

**L A W**  
**Amending and Supplementing Certain Legislative Acts**

**No. 162 of 30.07.2015**

*Official Gazette No.241-246/469 of 28.08.2015*

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The Parliament hereby adopts this organic Law.

**Article I.** – Law on State Tax No.1216-XII of 3December 1992 (republished in the Official Gazette of the Republic of Moldova, 2004, No.53-55, Article 302), as subsequently amended, is hereby amended and supplemented as follows:

1. In Article 2 paragraph 1, point 11) shall be supplemented in the end by the words “, and in the industrial design”.
2. In Article 3, point 10) shall read as follows:

“10) for giving permission to use the official or historical names of the state in:

- a) a trademark and/ or a service mark 5000lei
- b)an industrial designs (for an application, including a multiple one) 2500 lei “.

**ArticleII.- [Law No.161 of 12 July 2007](#)** on the Protection of Industrial Designs (Official Gazette of the Republic of Moldova, 2007, No.136-140, Article 577), as subsequently amended, shall be amended and supplemented as follows:

1. It shall be supplemented by the following preamble:  
“This Law transposes Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs (published in the Official Journal of the European Union No. L 3 of 5 January 2002). ”
2. Article 3 shall be supplemented in the end by the definition of “International Register” worded as follows:  
“International Register means the official collection, maintained by the International Bureau of the World Intellectual Property containing data on international registrations, the registration of which is provided by the Hague Agreement Concerning the International Registration of Industrial Designs, adopted on 6 November 1925, regardless of the medium on which such data are stored. ”
3. In Article 4 paragraph (2), letter b) shall be supplemented by the words “, under this law”.
4. In Article 5 paragraph (2):  
letter b) shall be supplemented in the end by the words “, which appears on paper carrier, in electronic format and is placed on the official webpage of AGEPI”;  
in letter c), the words “, develops and approves the management rules thereof” shall be replaced by the words “,and according to the Regulation on the procedure of filing, examination and registration of industrial designs, approved by the Government (hereinafter referred to as *Regulation*). ”
5. In Article 7 paragraph (1), the introductory part shall be supplemented in the end by the text “within the meaning of Article 10”.
6. In Article 8 paragraph (1), the introductory part is hereby supplemented in the end by the words “within the meaning of Article 10”.
7. In Article 12 paragraph (3), the words "Register of industrial designs registered and published in BOPI" shall be replaced by the words " International Register and the National Register of registered industrial designs".

8. In Article 13 paragraph (1), the words “The registration certificate may be renewed” shall be replaced by the words “The validity of a registration certificate may be extended”.
9. In Article 14:  
paragraphs (1) and (3) shall read as follows:
  - (1) The registration of an industrial design may be renewed by the holder or any other person expressly empowered by it, subject to payment of the renewal fee. Other conditions for renewal shall be set in the Regulation. "
  - (3) Renewal may be requested within the last 6 months of validity of the industrial design registration. "  
in paragraph (4), the words “for filing an application for renewal and payment of the renewal fee” shall be excluded;  
the article shall be supplemented by paragraph (4<sup>1</sup>) with the following wording:  
“(4<sup>1</sup>) Where it is established that the industrial design meets the requirements for renewal, the decision on renewal of the industrial design registration shall be approved. Otherwise, the request for renewal of the industrial designs registration shall be rejected.”
10. In Article 25 paragraphs (2) and (4), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
11. In Article 26, paragraph (1) shall be supplemented by letters e<sup>1</sup>) and h) with the following wording:  
‘e<sup>1</sup>) a protected mark shall be used in an industrial design, and the applicant requesting registration of the industrial design shall not have the right to use provided by the legislation in force;”  
“h) registration contravenes other normative acts than those in intellectual property. "
12. Article 28 shall be supplemented by paragraph (5) with the following wording:  
“(5) Assignment and license contracts, referred to in paragraph (1), or other documents attached to the application for registration of these contracts shall be open to public inspection upon an express agreement of the contracting parties or under a court decision, except in the cases provided by the legislation in force . "
13. In Article 30:  
paragraph (2) shall have the following wording:  
“(2) The application shall be filed on a standard form approved by the AGEPI in the state language. The documents attached to the application shall be submitted in the state language. If the supporting documents are executed in another language, translation thereof into the state language or extracts thereof shall be submitted at the date of filing the application.”  
in paragraph (3) letter c) the words “ a Regulation, approved by the Government” shall be replaced by the words “the Regulation”.
14. Article 32:  
in paragraph (3) letter c), the words “where applicable” shall be replaced by the words “on the applicant`s willingness”;  
in paragraph (4), the words “in a Regulation approved by the Government” shall be replaced by the words “in the Regulation”;  
paragraph (6) shall be repealed.
15. In Article 33 paragraph (4), the words “and authors” shall be excluded.
16. In Article 35 paragraph (3), the words “in a Regulation, approved by the Government” shall be replaced by the words “in the Regulation”.
17. Article 36 shall be supplemented by paragraphs (4), (5), (6), and (7) with the following wording:  
“(4) There shall be deemed withdrawn the application in its entirety, an industrial design in the case of an application for multiple registration or a graphic representation of the industrial design if the irregularities identified in relation to these have not been remedied within the time limit specified.  
(5)The application shall be deemed withdrawn, also where it is found that:
  - a) the fee for the registration and issue of the registration certificate has not been paid in the amount or within the time limit established;

- b) the permission to use the official or historical name of the state in the industrial design is not filed;
- c) the document confirming the consent of the competent body on the use of the official name of the administrative and territorial unit is not filed.
- (6) The request for grant of permission to use the official or historical name of the state in an industrial design and / or the request for giving permission to use the official name of the administrative and territorial unit shall have a suspensory effect on the term of payment of the prescribed fee.
- (7) The period between the date of filing the request for grant of permission to use the official or historical name of the state in an industrial design or the request for grant of permission to use the official name of the administrative and territorial unit and the date of issue of the decision to grant such permission shall not be considered in calculating the term for payment of the fee for the registration and issue of the certificate, provided that a copy of the application concerned is submitted to the AGEPI within one month from the date of its filing. "

18. In Article 42:

in paragraph (6), the text "If the irregularities relate to the conditions specified in Articles 30, 31, 32 paragraph (1) letter d), paragraph (2), paragraph (3) letters a), b), d), paragraph (4), and in Article 33, and if the applicant complies with the AGEPI request within 3 months of the date of notification, the application for registration shall be published in BOPI in accordance with Article 43. " shall be replaced by the text: "If the irregularities relate to the conditions specified in Article 30 paragraph (2), Article 31, Article 32 paragraph (1) letter d), paragraph (2) letters a), b) and e), paragraph (3) letter a), paragraph (4), and if the applicant complies with the AGEPI request within 2 months of the date of receipt of the notification, the application for registration shall be published in BOPI in accordance with Article 43, taking into consideration the provisions of paragraphs (7), (8), (9) of this Article."

paragraph (8) shall have the following wording:

"(8) Unless the multiple application meets the conditions laid down in Article 33, the applicant shall be required to divide the application within 2 months of the date of receipt of the notification, representing an application for each group of industrial designs that would meet those conditions. If the applicant does not divide the application within the prescribed time limit and does not submit a request for its extension, AGEPI shall examine only the first group of industrial designs, the others being deemed withdrawn."

19. In Article 43 paragraph (1), figure "6" shall be replaced by figure "3", and the words "in a Regulation approved by the Government" shall be replaced by the words "in the Regulation".

20. In Article 47:

paragraph (1) shall have the following wording:

"(1) Within 3 months of expiry of the period for submitting observations by third parties and oppositions, AGEPI shall verify in the substantive examination procedure whether there are grounds for rejecting the application as provided for in Article 26 paragraph (1), taking into consideration the results of the examination of the observations and oppositions submitted. " in paragraph (4), the words "in a Regulation approved by the Government" shall be replaced by the words "in the Regulation".

in paragraph (5), the word "communication" shall be replaced by the word "receipt".

21. In Article 49 paragraph (1), the word "Decision" shall be replaced by the words "Any decision", and the word "dispatch" shall be replaced by the word "receipt".

22. In Article 55 paragraph (7), the words "in a Regulation approved by the Government" shall be replaced by the words "in the Regulation".

23. In Article 56 paragraph (1), the words "Chisinau Court of Appeal" shall be replaced by the words "the district court where AGEPI premises are located".

24. Article 70:

in paragraph (1), the words "Chisinau Court of Appeal" shall be replaced by the words "the district court where AGEPI premises are located".

in paragraph (3), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.

25. In the text of the law, the words “Register of applications for registration of industrial designs” shall be replaced by the words “National Register of applications for registration of industrial designs”, and the words “Register of registered industrial designs” shall be replaced by the words “National Register of registered industrial designs”.

**Article III.** – [Law No.38-XVI of 29 February 2008](#) on the Protection of Trademarks (Official Gazette of the Republic of Moldova, 2008, No.99-101, Article 362), as subsequently amended, shall be amended and supplemented as follows:

1. In the Preamble, the text “Council Regulation (EC) No.40/94 of 20 December 1993 on the Community trademark (published in the Official Journal of the European Union No. L 011 of 14 January 1994)” shall be replaced with the text “Council Regulation (EC) No.207/2009 of 26 February 2009 on the Community trademark (published in the Official Journal of the European Union No. L 78 of 24 March 2009)”.
2. In Article 2:  
the term “trademark” shall have the following wording:  
“*trademark* - any sign (visual, auditory, olfactory, tactile), used to individualize and distinguish the goods and / or services of a natural or legal person from those of other natural or legal persons; ”  
after the term “patent attorney”, the term “agent or representative of the trademark holder ” shall be inserted with the following wording:  
“*agent or representative of the trademark holder*- a natural or legal person in any type of relationship with the trademark holder based on a commercial cooperation agreement in writing or orally, that would create a relationship of trust to require the applicant of the trademark, expressly or implicitly, a general obligation of trust and loyalty in relation to the interests of the holder; ”.
3. In Article 4 paragraph (2), letter e) shall be supplemented in the end by the text “, under the Regulation on the Procedure of Filing, Examination and Registration of Trademarks, approved by the Government (hereinafter referred to as Regulation)”.
4. Article 5 shall have the following wording:  
“Article 5. Trademarks  
A trademark may consist of any signs:  
a) capable of being represented graphically – words (including personal names), letters, numerals, designs, colours, combinations of colours, figurative elements, three-dimensional shapes, particularly the shape of goods or of their packaging, holograms, positioning signals;  
b) auditory, olfactory, tactile,  
and any combinations of such signs, provided that they are used to distinguish the goods and/or services of a natural or legal person from those of other natural or legal persons.”
5. Article 7:  
paragraph (1):  
shall be supplemented by letter c<sup>1</sup>) with the following wording:  
“c<sup>1</sup>)trademarks consisting exclusively of signs of eulogistic nature;”  
letter f) shall have the following wording:  
“f) trademarks capable of causing damage to the image and/or interest of the state or contravening *ordre public* or morality, particularly anti-human appeals, words, indecent reproductions and signs, as well as those that would harm the dignity of persons, minorities, ethnic groups, nations, their religious, national, professional feelings etc.;

in letter h), the words “official or historical names of States or abbreviations thereof,” shall be excluded;

in letter i), after the word “reproducing”, the words “the official or historical name of the State or its abbreviation or names of administrative-territorial units,” shall be inserted;

in letter k) the first indent, after the word “products”, the words “,provided that the application for registration of a trademark is made subsequently to the application for registration of a geographical indication or an appellation of origin” shall be inserted;

the paragraph shall be supplemented by letter l) with the following wording:

“1) trademarks to the extent that their use is contrary to other laws than those in intellectual property.”

in paragraph (3), the text “Parliament – for the use of reproductions or imitations of the State coat of arms and State flag of the Republic of Moldova” shall be excluded and supplemented in the end by the text “;local councils – for the use of names of administrative-territorial units”.

6. In Article 8:

paragraphs (3) and (4) shall have the following wording:

“(3) Trademark registration shall also be refused where it infringes a previously acquired right, other than those provided in paragraphs (2) and (4), in particular the right to name, image, including the name or image of a notorious person in the Republic of Moldova, copyright, the right to a protected geographical indication or a protected appellation of origin, a protected industrial design or another intellectual property right protected under the law.

(4) In the event of opposition, trademark registration shall also be refused, insofar as it is shown that:

- a) the rights to a non-registered trademark or other sign used in the course of trade, including the name of the legal entity, were obtained by the opponent prior to the filing date of the application for trademark registration or prior to the priority date claimed in support of that application, in appropriate cases, and are confirmed by a legal act or evidence showing that on the market of the Republic of Moldova either there have been placed products and/or services identical or similar to those requested, marked with that sign, or are promoted or is being negotiated the promotion/ placement of products and/or services identical or similar to those requested, marked with the corresponding sign that enjoys protection and has a reputation in a State party to the Paris Convention or the Agreement on Establishing the World Trade Organization, and the use of the requested trademark would create a likelihood of confusion with the earlier mark or without justified grounds would take advantage of the reputation of the sign;
- b) the agent or the representative of the holder of that trademark in one of the countries of the Union requests the registration thereof in his own name, without the holder’s authorization, unless the agent or representative of the holder justifies his actions.”

in paragraph (5), figure “(4)” shall be replaced by figure “(3)”.

7. In Article 9, paragraph (2) shall be supplemented by letter f) with the following wording:

“f) using a designation on the Internet, inclusively as a domain name. ”

8. In Article 10:

paragraph (1) shall have the following wording:

“(1) An exclusive right shall not extend to the elements of a trademark which, in accordance with this Law, may not be registered independently as trademarks, such as the descriptive terms, including those of laudatory nature, as well as to graphical elements, submitted by dashed or dotted lines , allowing the applicant to indicate the parts of the product or of its packaging that are not claimed as parts of the trademark, provided that these elements are used fairly and the legal interests of the trademark owner and third parties are observed. ”

the Article shall be supplemented by paragraphs (1<sup>1</sup>) and (1<sup>2</sup>) with the following wording:

“(1<sup>1</sup>) In the case of reproduction provided for in paragraph (1), the trademark will be examined along with all its elements, including those over which the exclusive right does not extend, in order to determine the similarity with other trademarks.

(1<sup>2</sup>) Limitation of the exclusive right may refer only to those categories of goods and / or services claimed in the application in relation to which the elements of the trademark may not be registered independently as trademarks. ”

9. In Article 12, the words “of the one who is the owner” shall be replaced by the words “of the holder”.

10. In Article 14 paragraph (1), the words “the trademark owner shall be” shall be replaced by the words “the trademark holder may be”.

11. Article 16 shall have the following wording:

“Article 16 Renewal of trademark registration

- (1) Registration of a trademark may be renewed by the trademark holder or any other person expressly authorized thereby, provided that the prescribed fee has been paid in the amount required and within the terms established.
- (2) Renewal may be requested within the last 6 months of validity of trademark registration. The application for renewal of trademark registration shall not be deemed to have been filed until the required fee has been paid. Registration may also be renewed during 6 months after the expiry of the term of protection, subject to the payment of an additional fee.
- (3) Registration shall be renewed only for goods and / or services for which renewal was sought.
- (4) Renewal of registration shall take effect from the day following the date of expiry of the previous ten-year period. Data on renewal of the registration shall be entered in the National Register of Trademarks and published in BOPI.
- (5) Non-payment of the fee for the renewal of the registration gives rise to revocation of the rights”.

12. Article 20:

in paragraph (1):

in the introductory part, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”;

in letter a), after the word “counterclaim”, the text “the period between the filing date of the application and the date of the decision of the registration shall not be included in computation of the five-year period;” shall be inserted.

the paragraph shall be supplemented by letter d) with the following wording:

“d) the permission to use the official or historical name of the State in the trademark for a good and/or service has been withdrawn, in accordance with the legislation.”

the Article shall be supplemented by paragraph (1<sup>1</sup>) with the following wording:

“(1<sup>1</sup>) the duty to present evidence on the actual use of the trademark remains to the trademark holder.”

in paragraph (3), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.

13. In Article 21 paragraph (1):

in the introductory part, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”;

in letter a), the word “trademark” shall be excluded;

in letter b), the text “A trademark shall be recognized as unfairly registered, if at the time of the trademark registration application filing, the applicant knew or could have known of the existence, including outside the national borders, of such a trademark which had become well known in the country of origin, and which is being promoted for use in the Republic of Moldova, or on the promotion of which negotiations are being conducted.” Shall be replaced by the text “A trademark shall be deemed to be registered in bad faith if, at the time of filing the application for registration thereof, the applicant knew or could have known of the existence on the market of the Republic of Moldova of such a trademark used in good faith by another person in relation to goods and / or services identical or similar to those for which the trademark was filed for registration or of the promotion or negotiations on the promotion/placement of goods and / or services identical or similar to those for which the trademark was filed for registration marked with such a trademark, that is prior and enjoys protection and reputation at least in one State party to the Paris Convention or to the Agreement Establishing the World Trade Organization, and the use of the registered trademark gives rise to a likelihood of confusion with the prior trademark or, without legitimate grounds, takes advantage of its reputation. ”.

14. In Article 22, paragraph (1) shall have the following wording:

“(1) A trademark shall be declared invalid following a request of annulment, filed with the court to exercise jurisdiction over the premises of AGEPI, or a counterclaim in an action of rights protection, filed with the same court, and if:

- a) there is a prior trademark referred to in Article 8 paragraph (2) and the requirements provided for in paragraph (1) of the Article concerned are met;

- b) there is a prior right referred to in Article 8 paragraph (3) and the requirements provided for in the paragraph concerned are met;
  - c) there is a non-registered trademark or a prior right referred to in Article 8 paragraph (4) and the requirements provided for in the paragraph concerned are met.”
15. In Article 23 paragraph (1), the word “designation” as twice used shall be replaced by the word “right”, and the text “Article 8 paragraph (4)” shall be replaced by the text “Article 8 paragraphs (3) or (4)”.
16. Article 25:  
in paragraph (4), the text “by parties within 30 days of the date on which a decision is taken or by third parties - “ shall be excluded;  
the Article shall be supplemented by paragraph (5) with the following wording:  
“(5) The assignment and license contracts referred to in paragraph (1), or other documents attached to the application for registration of these contracts shall be open to public inspection only with the express consent of the contracting parties or under the court decision, unless otherwise provided by the legislation in force. ”
17. Article 26:  
in paragraph (5), the words “quality and” shall be replaced by the words “quality or”;  
in paragraph (6), the words “of the owner of the corresponding trademark” shall be replaced by the words “of the owner”.
18. In Article 27 paragraph (5), after the words “form of use of the trademark”, the words “the nature of goods or services for which the license is granted,” shall be inserted.
19. In Article 28 paragraph (3), the word “Moldovan” shall be replaced in all cases by the words “the state language”.
20. Article 29 shall be supplemented by paragraph (2<sup>1</sup>) with the following wording:  
“(2<sup>1</sup>) If a legal entity referred to in paragraph (2) is affiliated with a legal entity referred to in paragraph (1), the first may act before AGEPI through its affiliated person or its representative empowered by a power of attorney.”
21. In Article 30 paragraph (2):  
in the introductory part, the word “ Moldovan” shall be replaced by the words “the state language”;  
letter d) shall have the following wording:  
“d) a sufficiently clear reproduction for the marks referred to in Article (5) letter a), for which registration is sought, and/or a detailed description for the marks referred to in Article (5) letter b) that is not susceptible of graphical representation, accompanied by samples or by an audio or video recording (mechanical, magnetic, digital, optical etc.) which will enable the reproduction of the trademark;”  
letter f) shall be supplemented in the end by the words “in the amount established”.
22. In Article 32<sup>1</sup> paragraph (1), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
23. In Article 32<sup>2</sup> paragraph (1), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
24. In Article 32<sup>4</sup>, letters f) and g) shall be repealed.
25. In Article 36 paragraph (2), the word “Moldovan” shall be replaced by the words “the state language”.
26. In Article 37 paragraph (2) letter a), after the words “filing date”, the text “and shall also award a filing date in accordance with Article 31, if the fee for filing an application has not been paid or has been partially paid, provided that the fee or the difference in the amount established is paid within 10 calendar days of the filing date of the application for registration;” shall be inserted.
27. In Article 40:  
paragraph (1) shall have the following wording:  
“(1) Within three months of the publication date of an application for trademark registration, any interested person may object to the registration of a trademark on the grounds that the registration thereof should be refused under the provisions of Article 8 and/or, where appropriate, Article 7.”  
in paragraph (4), after the word “date”, the words ”of receipt” shall be inserted.
28. In Article 41, paragraph (1) shall have the following wording:

“(1) Within 3 months of the expiry date of the period for submitting observations and oppositions by third parties, AGEPI shall conduct the substantive examination of the application concerning compliance with the trademark protection requirements, subject to payment of the fees established.”

29. In Article 42 paragraph (4), the words “is not subject to registration” shall be replaced by the words “ does not comply with the requirements for registration”.

30. Article 43 shall have the following wording:

“Article 43. Refusal of an application for trademark registration

(1) If, under the absolute or relative grounds for refusal laid down in Articles 7 and 8, the trademark does not comply with the requirements for registration for all or part of the goods and/or services for which registration is sought, the application for registration of the trademark shall be rejected in relation to the goods and services concerned.

(2) The application for registration of the trademark shall not be rejected unless the applicant was notified, by a provisional notice, of the grounds on which registration may be refused in whole or in part. Within two months of receipt of the notification, the applicant shall be entitled to file an appeal against the provisional notice of refusal by presenting arguments supporting trademark registration, withdraw the application for one or more classes of goods / services or for certain goods / services, or request entry of the amendment, subject to payment of certain fees for the said operations under the terms and in the amounts established.

(3) If the trademark contains elements which, according to Article 7, may not be registered independently as trademarks for all or certain categories of goods / services requested, and the inclusion of these elements in the trademark may give rise to doubts regarding the scope of its protection, AGEPI may require, as a condition for registration of the trademark, that the applicant, within two months of receipt of the notice referred to in paragraph (2) declare that he disclaims any exclusive right to such elements. This statement shall be published simultaneously with the information on trademark registration.

(4) If the applicant provides evidence on the initiation of judicial proceedings in order to eliminate the grounds invoked in the provisional notice of refusal, the actions related to the examination of the application shall be suspended until the final decision of the court. ”

31. Article 44 shall be supplemented by paragraph (4) with the following wording:

“(4) The application shall be deemed withdrawn where it is found that:

- a) the fee for registration and issue of the certificate of trademark registration has not been paid in the amount and term established;
- b) the permission to use an official or historical name of the State in the product and/or service marks has not been submitted;
- c) the document confirming the consent of the competent body on the use of the official name of the territorial-administrative unit has not been submitted.”

32. Article 46 shall have the following wording:

“Article 46. Trademark registration

(1) If, after the examination of the application in accordance with Articles 37 and 41, it is established that the requirements for the registration of the trademark are met, and if no appeals have been filed against registration under Article 47 paragraph (1) or the filed appeals have been rejected, AGEPI shall register the trademark, subject to payment of the prescribed fee in the amount and within the term established. The information on the registration of a trademark shall be entered in the National Register of Trademarks, and the trademark owner shall be issued a trademark registration certificate. The information on the registration shall be published in BOPI.

(2) If the registration of a trademark is conditional upon the presentation of a permission from the competent authorities in accordance with article 7 paragraph (3), the period between the filing of the application for granting of such permission and the date of the decision taken by the competent authority in this regard shall not be considered in the computation of the payment term of the registration fee and the issue of the trademark registration certificate, provided that a copy of that application is submitted to the AGEPI before the expiry of that term.”



33. In Article 47:  
paragraph (1) shall have the following wording:  
“(1) Any decision on the applications for trademark registration may be challenged by the parties within two months of the date on which a decision is received or by third parties within one month of the date on which the decision was made public. The challenge shall have suspensory effect. ”  
the Article shall be supplemented by paragraphs (1<sup>1</sup>) and (2<sup>1</sup>) with the following wording:  
“(1<sup>1</sup>) Notwithstanding paragraph (1), the decisions on trademark registration may be challenged by third parties within the period between the date on which the decision was made public and the date of registration of the trademark.”  
“(2<sup>1</sup>) The provisions of Article 42 paragraph (2) shall apply mutatis mutandis to the challenges.”
34. In Article 48 paragraph (4), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
35. Article 49:  
in paragraph (4), after the words “of this Article, and also”, the text “by Article 39 paragraph (1),” shall be inserted, and the text “paragraphs (1) and (3)” shall be excluded;  
paragraph (5) shall be supplemented in the end by the text “,and in case of emergence of some opposable rights in this period. The procedure for examining an application for restoration of rights shall be postponed until a final decision on the application for trademark registration filed during that period is adopted. “
36. In Article 50 paragraph (4), after the text “and (6) (b)”, the text “Article 39 paragraph (1), “ shall be inserted.
37. In Article 51 paragraph (1), after the words “(one group of persons)”, the words “on behalf of which the trademark was registered” shall be inserted.
38. In Article 56, in the introductory part, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
39. In Article 57, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.
40. In Article 60, in the introductory part, after the words “shall issue”, the words “, on paper carrier, in electronic format and on its official website,” shall be inserted.
41. In Article 78 paragraph (4), after the word “Register”, the words “or some other date specified by the applicant” shall be inserted.
42. Article 79:  
in paragraph (1), the words “ objection-related” shall be preceded by the words “observation-related procedures according to Article 39,”  
paragraph (2) shall have the following wording:  
“(2) As an exception to Article 39 paragraph (1) and Article 40 paragraph (1), an observation or an objection to an international registration may be lodged within six months of the date of official publication by the International Bureau of the information relating to the extension of the effects of that international registration to the Republic of Moldova.”
43. Article 83:  
in paragraph (1), the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.  
paragraph (3):  
in the introductory part, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.  
in letter i), the words “challenges to” shall be replaced by the words “actions filed against the”.

**Article IV.** [Law No.39-XVI of 29 February 2008](#) on the Protection of Plant Varieties (Official Gazette of the Republic of Moldova, 2008, No.99-101, Article 364), as subsequently amended, shall be amended and supplemented as follows:

1. In Article 11, paragraphs (4) and (6) shall have the following wording:  
“(4) Where the right in a patent belongs jointly to two or more persons in accordance with paragraphs (2) and (3) one person or several of the said persons may, by means of a written statement, confer the others with the right in the patent.”

“(6) In the context of procedures conducted by AGEPI, the applicant shall be the person that exercises or is entitled to exercise the right in a patent.

2. In Article 16:

the sole paragraph shall become paragraph (1);

the article shall be supplemented by paragraphs (2), (3) and (4) with the following wording:

“(2) Agricultural producers may use, for propagating on their own land, the product of the harvest which they have obtained by planting, on their own land, the propagating material of a protected variety, except hybrids, synthetic varieties, varieties of trees, shrubs and vines, under the Regulations on the procedure of filing and examination of the application for the grant and maintenance of the plant patent, approved by the Government (hereinafter referred to as *the Regulation*).

(3) The patent owner shall be entitled to receive equitable remuneration for use under paragraph (2) of the harvested product of a protected variety, which may be established by contract, but which must be less than the price charged for the licensed production of the propagating material for the same variety.

(4) Agricultural producers shall, at the request of the patent owner, furnish information on the volume of the harvested product used under paragraph (2).”

3. In Article 19, paragraphs (1) and (2) shall have the following wording:

“(1) The patent owner holding the right granted in respect of a designation that is identical to the denomination of the protected variety may not use such right to prevent the free use of that denomination in relation to the variety concerned even after the expiry of the patent protection.

(2) A third party may use a right granted in respect of a designation identical to the denomination of the protected variety in order to prevent the free use of that denomination only if such right was granted before the conferral of the denomination under Article 36. ”

4. In Article 24 paragraph (2), letter b) shall be supplemented in the end by the text “, and fails to pay the fee referred to in Article 62”.

5. In Article 33, paragraph (5) shall have the following wording:

“(5) Other requirements which must be satisfied by the application shall be prescribed in the Regulations.”

6. In Article 34 paragraphs (1) and (3), the word “Moldovan” shall be replaced by the words “the state language”.

7. In Article 36, paragraph (4) shall be supplemented in the end by the words “, subject to payment of the prescribed fee”.

8. In Article 38 paragraphs (1) and (4), the word “Moldovan” shall be replaced by the words “the state language”.

9. In Article 45, paragraph (3) shall have the following wording:

“(3) If during the examination it is established that the variety denomination fails to comply with the requirements referred to in Article 36, the applicant shall be invited to submit a new variety denomination to the AGEPI, subject to payment of the prescribed fee and within the time limit specified in the notification. Where the time limit is not observed, or in the absence of a request to extend it, as well as in case of failure to pay the prescribed fee, the patent application shall be rejected.”

10. In Article 49 paragraph (1) letter a), after the word “application”, the words “or the proposed variety denomination” shall be inserted.

11. In Article 50 paragraph (2), letter b) shall be supplemented in the end by the text “and Article 47 paragraph (2)”.

12. In Article 51 paragraph (2), the words “, orally or in writing” shall be excluded, and the paragraph shall be supplemented in the end by the words “, verbally or in writing”.

13. In Article 62:

paragraph (2) shall be supplemented in the end by the words “, subject to payment of the prescribed fee”;

in paragraph (3), after the word “proposed”, the words “shall be published in BOPI and” shall be inserted;

the Article shall be supplemented by paragraph (4) with the following wording:

- “(4) The data on changes in variety denomination shall be published in BOPI and entered in the National Register of Variety Patents. AGEPI shall, upon request and subject to payment of the prescribed fee, issue the specification of the patent with the amendments introduced.”
14. In Article 66, paragraph (3) shall be supplemented in the end by the words “and of the Regulation”.
15. Article 67 shall be supplemented by paragraph (4<sup>1</sup>) with the following wording:  
“(4<sup>1</sup>) The contracts of assignment, license, pledge, franchise or other documents attached to the application for registration of these contracts shall be open to public inspection only with the consent of the contracting parties or under the court decision, unless otherwise provided by the legislation in force. ”
16. In Article 94 paragraph (3), in the introductory part, the words “Chisinau Court of Appeal” shall be replaced by the words “the district court where AGEPI premises are located”.

**DEPUTY SPEAKER OF PARLIAMENT**

**Liliana PALIHOVICI**

**No.162. Chisinau, 30 July 2015.**



