



Intellectual property rights enforcement
arising from Moldova's integration into a
wider regional and international
economy

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Stages of Development of the National Intellectual Property System

1991-1995: Constitution of the IP system

1996-2003: Improvement and modernization of the system

2003-2004: Consolidation and dissemination of the IP system

2004-...: Unification of the IP system and its integration into the research and innovation sphere

1991-1995: Constitution of the IP system

This stage is characterized by the establishment of the institutional and legislative framework of the IP system, namely the structure, instruments and institutions, responsible for carrying out the intellectual property related issues. By the President Decrees were established:

- *The State Agency on Copyright (ADA) -on 25 November 1991;*
- *The State Agency on Industrial Property Protection (AGEPI) - on 25 May 1992.*

1991-1995:

The main achievements to be mentioned at this stage:

- crystallization of the core of experts in the IP field;
- adoption of the first normative acts in the field, creation of the institution of representatives in industrial property;
- establishment of certain constructive bilateral and multilateral relations with the international organizations and specialized offices from abroad;
- accession to the most important international conventions in the field; and
- integration of the Republic of Moldova in the International Intellectual Property Protection System.

1996-2003: Improvement and modernization of the system

- implementation of the intellectual property legislation;
- preparation and upgrading of a large number of specialists and representatives in industrial property;
- fruitful cooperation with the offices of other countries and with the World Intellectual Property Organization (WIPO);
- harmonization of the national legislation with the norms of the international law, especially with the provisions of TRIPS;
- adoption of the Regulations on evaluation of IPOs and on attestation of evaluators of IPOs;
- joining to international treaties and agreements administered by WIPO and signed some regional acts within CIS etc.

2003-2004: Consolidation and dissemination of the IP system

- Multiple IP promotion activities, especially by wide promotion of IP knowledge in the business media, educational and research institutions, administrative and law bodies, Customs Service etc;
- promotion of a coherent state policy in the field of IP, compatible with the mechanisms of the European Union and other developed states of the world;
- insurance of an efficient protection of the rights on IPOs;
- integration of the national system of IP protection in the economic, social and cultural development of the Republic of Moldova.

2004-...: Unification of the IP system and its integration into the research and innovation sphere

- On 15 July 2004 the Parliament of the Republic of Moldova enacted the

Code on Science and Innovation

The Code regulates the state policy in the field of science and innovation, including the scientific research activity, transfer of technology, accreditation of R&D institutions, scientific and technological information, **protection of intellectual property** etc.

- Ensure a level of protection similar to that in the EU, including effective means of enforcement and the adjustment of national legislation to EU directives.

International Cooperation

Currently, the Republic of Moldova is party to 34 agreements, arrangements, regional and international treaties and agreements and cooperate on the base of mutually beneficial partnership with about 50 specialized offices worldwide.

Conventions, Agreements, International and Regional Treaties

- Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) – administrated by the WTO
- World Intellectual Property Organization (WIPO)
 - *24 Conventions within WIPO*
- Paris Convention for the protection of Industrial Property
- Madrid Agreement Concerning the International Registration of Marks
- Madrid Agreement for the Repression of False or Deceptive Indications of source on Goods
- Agreement on mutual securing of interstates Secrets in the field of the Legal Protection of Inventions (CIS)
- Agreement on Cooperation for the prevention and repression of False Trademarks and Geographical Indication (CIS)
- Eurasian Patent Convention
- EU-RM Partnership and Cooperation Agreement etc

Adjustment to WTO norms

The years 1997-2000 were devoted to enforcement issues as well as to the preparation of accession to the World Trade Organization (WTO) and the ratification of the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement)

TRIPS contains requirements that nations' laws must meet for:

- Copyright rights;
- geographical indication;
- industrial designs;
- integrated circuits layout-designs;
- patents;
- monopolies for the developers of new plant varieties;
- trademarks;
- trade dress;
- undisclosed or confidential information

Legal framework

- The Law on Patents for Invention No. 50-XVI of March, 7, 2008 (enforced as from 04.10.2008),
- The Law on the Protection of Trademarks No. 38-XVI of February 29, 2008 (enforced as from 06.09.2008);
- The Law on the Protection of Industrial Designs No. 161-XVI of July 12, 2007 (enforced as from 30.11.2007);
- The Law on the Protection of Plant Varieties No. 39- XVI of February 29, 2008 (enforced as from 06.09.2008);
- The Law on the protection of geographical indications, appellations of origin and traditional specialties guaranteed No. 66-XVI of March 7, 2008 (enforced as from 25.10.2008);
- The Law on copyright and related rights No. 139 of 2 July 2010 161-XVI (will be enforced as from 01.01.2011).

Central-public administration body mandated to elaborate strategy, define the directions and insure the realization of the State Policy in the Industrial Property field is State Agency on Intellectual Property of the Republic of Moldova.

The date of establishment of the AGEPI – 8 September 1992 – is considered the official date of the constitution of National IP System.

AGEPI

(<http://www.agepi.md/>)

AGEPI:

- elaborates proposals on state policy and drafts of legislative and other normative acts in the field of protection of intellectual property, makes proposals for improvement of the national legislation in this field;
- creates national system of protection of intellectual property and administers it in accordance with the legislation of the Republic of Moldova and international agreements, to which the Republic of Moldova is a party;
- elaborates proposals for improvement of the national system of protection of intellectual property and exercises the control of the application of the legislation of the Republic of Moldova and international agreements in this field, to which the Republic of Moldova is a party;
- elaborates, coordinates and performs programs for development of its activity and of collaboration with similar organizations from other countries or international organizations in this field;
- elaborates and performs programs of theoretical and practical training and improvement of specialists in the field of intellectual property;
- elaborates and perform programs of implementation of the intellectual property, stimulation of activity in the field of science and innovations; etc.

Enforcement of IPRs

- During the last years, AGEPI realized a wide range of activities aimed to contribute to a better enforcement of IPR in Moldova, including:
- IP training (for police, customs, IP owners, etc);
- observance of the market as to the pirated audio-visual-products;
- elaboration of a Study on counterfeiting and piracy;
- organization of seminars and workshops for different categories of stakeholders;
- dissemination of information to the large public;
- establishment of a communication mechanism with the civil society, etc.

Institutional consolidation of the IP system:

- A single specialized body - AGEPI and the strengthening of its legal and institutional capacities;
- the customs system of the Republic of Moldova has been up-graded, the structure and the responsibilities of the Customs Service being enhanced;
- Collaboration agreements between the AGEPI and the Ministry of Internal Affairs, the Customs Service, the Ministry of Information Development, were signed providing for common actions, rendering consultations, exchange of information and training of the personnel involved in IP rights enforcement.

Consolidation of the institutional capacities of the IP enforcement bodies

- A permanent dialogue between AGEPI, the Ministry of Internal Affairs, Customs Service and the National Agency for the Protection of Competition was established, common activities programs are elaborated on an annual base, including activities for repressing counterfeiting and piracy;
- AGEPI in cooperation with the Ministry of Internal Affairs and other competent authorities, undertake, *ex-officio* and at the request of the right holders, inspections on observance of the copyright and related rights, and participate in seizures and destructions of the counterfeited or pirated audio-visual goods;
- in October 2007, AGEPI made available to the Customs Service, the Ministry of Internal Affairs and the National Agency for the Protection of Competition on-line access to the Registers of industrial property objects (trademarks, inventions, industrial designs and utility models) protected on the territory of the Republic of Moldova.

Developing and strengthening of the national intellectual property was held under the multiple international collaboration. The successes achieved in this regard is largely due to support which has benefited our country from the World Intellectual Property Organization (WIPO), Eurasian Patent Office (EAPO), European Patent Office (EPO), the specialized offices in Romania (OSIM and ORDA), Russian Federation, Ukraine, Kyrgyzstan, Czech Republic, Switzerland and many other countries.

Advantages arising from Moldova's integration into the wider international economy on the IP matter

- Harmonization and unification of documentation
- Facilitation of international exchange
- Overcoming of language barrier
- Stimulation of innovation and competition
- Creation of the appropriate framework for trading and dissemination of technologies
- Investment promotion
- Mutual cooperation between companies, research institutions and individuals from different countries
- Support and technical assistance from the international organizations



Thank you
for your attention!