

**LAW**  
**Code of Civil Procedure of the Republic of Moldova**  
**No. 225-XV of 30.05.2003**

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(Extract)

**(Art.85 para. 1(a) sentence two, (j), 127-1, 127-2, 127-3, 460 para. 1(j), par.2)**

**Article 85.** Exemptions from State Duty

(1) The following shall be exempted from the state duty for examination of civil cases:

a) applicants in actions:

.....

- arising from copyright and related rights, the right to inventions, industrial designs, plant varieties, topographies of integrated circuits and other intellectual property rights;

.....

j) State Agency on Intellectual Property - if challenging its decrees and decisions on the procedure for registration of intellectual property objects;

.....

**Article 127<sup>1</sup>.** Securing of Evidence in the Case of Intellectual Property Objects

(1) Any person whose intellectual property rights have been infringed may request from the court, until an action is brought before the court, and during the proceedings, the application of provisional measures for securing of evidence, subject to the protection of information that constitutes a trade secret or whose confidentiality needs to be provided according to the provisions of the legislation in force and provided that a security is lodged.

*[Paragraph 2 art.127<sup>1</sup> excluded by Law No. 155 of 05.07.2012, in force as from 30.11.2012]*

(3) The procedure for securing evidence in the case of intellectual property objects shall be carried out in accordance with Article 129.

(4) Measures for securing evidence until an action is brought shall be applied by the court within the limits as provided by law.

(5) The inference on admission of securing evidence can be challenged with the background, and that on rejection of the application may be appealed within five days from delivery, if ordered by summoning the parties to the proceedings, or from the communication, whether issued without citing them. Lodging an appeal does not suspend the execution of measures for securing.

**Article 127<sup>2</sup>.** Security in the case of taking of evidence until an action is brought

(1) The security is lodged in money on the special current account of the bailiff.

(2) The security shall be set at a rate of 20% of the value of assets whose insurance is required, and in the case of applications whose subject-matter is not evaluable, the security amount is up to 50,000 Lei.

(3) If on examination of the case will be set a damage exceeding the amount of security, the amount not covered by the burden of security will be put on the complainant in accordance with the legislation in force.

(4) The security lodged or remaining after the recovery of damages to the defendant shall be returned, upon request, after resolution, by a final decision, of the case on which was set the security and/or after the termination of the effects of the measure for which it was lodged.

(5) The security shall be returned to the person who filed it if the person entitled has not filed a request for payment of compensation due until the expiry of 30 days from the date the

judgment becomes final or, if applicable, from the date of termination of the effects of the measure referred to in par. (4). Security shall be returned immediately if the interested party expressly declares that he seeks no obligation of the person who has lodged it for damages caused by the approval of the measure for which it was lodged.

(6) The court shall decide on the application for refund of security deposit, summoning the parties, by an inference subject to appeal.

**Article 127<sup>3</sup>.** Cancellation of measures to secure evidence

(1) Measures to secure evidence shall be considered void if the claimant fails within 20 working days to bring before the court an action for infringement of rights.

(2) Measures to secure evidence shall be canceled, on request:

a) as a result of any prejudicial action or inaction of the applicant;

b) if it is found that there is no violation or attempted violation of a right to intellectual property objects;

c) under a judgment;

d) in other cases provided by law.

(3) The period referred to in para. (1) is a limitation period and can not be restored.

**Article 460.** Jurisdiction of the Courts of the Republic of Moldova in Cases with an Alien Status Element

(1) The courts of the Republic of Moldova shall also have jurisdiction to try cases with an alien status element if:

.....

j) in an action for protection abroad of intellectual property of a person domiciled in the Republic of Moldova, the person is a citizen of the Republic of Moldova or a stateless person, and by the parties' agreement has not been set another jurisdiction;

.....

(2) If a foreign court has no jurisdiction to resolve the request from a citizen of the Republic of Moldova, he can submit it to a competent court in the Republic of Moldova.