04/22/2020 Information
COVID-19

In order to provide the applicants, holders of intellectual property objects, as well as other interested persons with additional guidance on the application of the suspension, announced according to the AGEPI Press Release of 19 March 2020 issued in the context of the coronavirus pandemic (COVID-19), of the time limits applicable to procedures before AGEPI governed by the provisions of the regulatory framework in the field of intellectual property protection, which expire or begin to run in the period March 17, 2020 - May 15, 2020, the following clarifications on the time limits affected by this suspension and the nature of the suspension are published.

I. TIME LIMITS AFFECTED BY SUSPENSION

According to the measures established by AGEPI in the context of the Press Release on the time limits related to the procedures before AGEPI:: *"During the state of emergency, the time limits applicable to the procedures before the State Agency on Intellectual Property regulated by the provisions of the regulatory framework in the field of intellectual property protection does not start to run and, if they started to run, are suspended during the entire state of emergency established according to the Parliament Decision No. 55 of March 17, 2020."*

Within the meaning of the quoted provisions, **"the time limits applicable to the procedures before the State Agency on Intellectual Property regulated by the provisions of the regulatory framework in the field of intellectual property protection"** refer to the **procedural time limits**, including the time limits related to the payment of fees, which the applicants, the holders of intellectual property objects, as well as other interested persons must meet, in the procedures in progress or beginning to commence before AGEPI during the declaration of the state of emergency in the Republic of Moldova (March 17, 2020 - May 15, 2020).

Procedural terms mean:

- the time limits established by AGEPI (through decisions, judgements, notifications, communications) in any procedure before AGEPI, including the AGEPI Appeals Board;
- the time limits applicable to the procedures before the AGEPI imposed directly by the regulatory framework in the field of intellectual property protection.

At the same time, the reference to the **"regulatory framework in the field of intellectual property protection"** refers to the **norms** established under the **special laws and their related regulations**, which set out the time limits for carrying out the procedures for examining applications and granting protection to intellectual property objects in the Republic of Moldova or other legal procedures related thereto, included in the following normative acts: Law No. 161/2007 on the Protection of Industrial Designs, Law No. 38/2008 on the Protection of Trademarks, Law No. 39/2008 on the Protection of Plant Varieties, Law No. 50/2008 on the Protection of Inventions, Law No. 66/2008 on the Protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed, Law No. 139/2010 on Copyright and Related Rights, Law No. 655/1999 on the Protection of Topographies of Integrated Circuits, Regulation on the Procedure of Filing, Examination and Registration of Industrial Designs, approved by the Government Decision No. 1496/2008, Regulation on the Procedure for Filing, Examination and Registration of Trademarks, approved by the Government Decision No. 488/2009, Regulation on the Procedure of Filing and Examination of an Application, Issuance and Maintenance of a Patent for a Plant Variety, approved by the Government Decision No. 295/2009, Regulation on the Procedure of Filing and examination of a Patent Application and Issuance of a Patent, approved by the Government Decision No. 528/2009, Regulation on the Procedure of Filing, Examination and Registration of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed, approved by Government Decision No. 610/2010, Regulation on the Registration of Objects of Copyright and Related Rights, approved by Government Decision No. 89/2012, Regulation on the Registration of Assignment, License, Pledge

and Franchising Contracts Related to Industrial Property Objects, approved by Government Decision No. 612/2011, Regulation of the Appeals Board of the State Agency on Intellectual Property, approved by Government Decision No. 257/2009.

The reference to **“procedures before AGEPI”** means that the time limits that apply to procedures **before other authorities are not covered by** this suspension, even if they are mentioned in the normative acts invoked.

II. NATURE OF SUSPENSION

In the case of a time limit that expires during the period of the state of emergency (March 17, 2020 - May 15, 2020), its run is interrupted on March 17, 2020, and continues from the day on which the state of emergency is lifted, namely from the date of May 16, 2020.

Example: *If a time limit was to expire on March 20, 2020, it would expire on May 19, 2020, as the run of that term was suspended on March 17, 2020 and will resume on May 16, 2020.*

In the case of a time limit that begins to run during the period of emergency (March 17, 2020 - May 15, 2020), its run will not start in the indicated period, but will start on the day on which the state of emergency is lifted, namely starting from the date of May 16, 2020.

Example: *If a time limit was to start running on March 20, 2020, it will start running on May 16, 2020.*

The effect of the suspension is automatic and follows directly from the publication of the AGEPI Press Release of 19 March 2020 on the time limits related to the procedures before AGEPI

As a result, affected parties **are not required** to file a request to AGEPI for the suspension of the time limit to be applied.

At the same time, **if the parties are able to meet the initial time limit and choose to fulfill their procedural obligations during the respective period, the procedure will follow the usual course, and the documents filed will be examined under normal (ordinary) regime, with the observance of the rights of third parties.**

III. COMMUNICATIONS SENT TO THE PARTIES CONCERNED

The effect of the suspension also implies that the applicants/holders of intellectual property objects or other interested parties whose time limits are concerned with the suspension of the time limits during the state of emergency established according to the Parliament Decision No.55 of March 17, 2020, **will not be informed** of this fact through individual communications.

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