02/15/2024 Events

The Parliament of the Republic of Moldova voted in the second reading the Draft Law on Trademarks, developed in order to ensure the correspondence of the national trademark protection system to the European one and the compatibility of the national regulatory framework with the provisions of EU acts.

Through this normative act it is supposed:

- to be fully transposed the provisions of the:

- *Directive (EU) 2015/2436 of the European Parliament and of the Council of December 16, 2015 to approximate the laws of the Member States relating to trade marks;*
- *Directive 2004/48/EC of the European Parliament and the Council of April 29, 2004 on the enforcement of intellectual property rights;*

- to be partially transposed the provisions of the:

- *Regulation (EU) 2017/1001 of the European Parliament and of the Council of June 14, 2017 on the European Union trade mark*.

The main beneficiary persons/entities of this initiative are natural persons and legal entities from the Republic of Moldova and abroad, who wish to register trademarks on the territory of the Republic of Moldova and obtain exclusive rights, as well as the rightholders.

Through the given initiative, it is proposed to regulate the basic concepts and procedures in the matter of trademarks with the inclusion of the following innovative aspects:

Ø *Procedure for examination of trademark registration applications:* ex officio examination by AGEPI of the possibility of registering a trademark will be carried out only through the prism of absolute grounds for refusal.

Ø *"Opposition" procedure:* the relative grounds for refusal will be invoked only in the opposition procedure, by the owners of the previous trademarks, who consider that the registration of those trademarks will affect their rights. The opposition procedure is a distinct stage in the applications examination stage and in this sense a commission will be created, which will examine the opposition applications.

Ø *Revision of the absolute grounds for refusal:* with the inclusion of protected traditional terms for wines and traditional specialties guaranteed.

Ø *Designation and classification of goods and services:* the goods and services for which trademark registration is requested according to the International Classification of Goods and Services must be clearly and precisely identified by the applicant in order to determine the degree of protection conferred by the trademark.

Ø *Procedure for forfeiture of rights or declaration of nullity:* it will be possible to carry out, including within AGEPI. Thus, within the office, a commission will operate that will resolve these requests.

Ø *Procedural deadlines:* the relative grounds for refusal will not be examined by AGEPI ex officio, which will reduce some deadlines in the examination of trademark registration applications.

The provisions of the normative act adopted by the Parliament will enter into force upon the expiration of the three-year period from the date of publication in the

Official Gazette of the Republic of Moldova.

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