03/05/2009 Events

The current March 4 at the AGEPI there was held a meeting of the consulting company representatives” International Trade and Quantitative Analysis”, Mr. Florent Parmentier and Mrs.Angela Cheptea, and Directorate of the economic relations with the EU of the European Integration Department of the Ministry of Foreign Affairs and European Integration, Ms Victoria Chitii, with representatives of the State Agency on Intellectual Property, Mr Jon Daniliuc, deputy director-general, Mr Andrey Moisei, Director Legal Department, Ms Olga Belei, department director copyright and related rights, Mrs. Diana Stici, chief legislation direction, Ms Viorica Duca, chief specialist, Department International Cooperation and European Integration.

The meeting was held in accordance with working visit Agenda to Chisinau, 2-4 March this year, the consulting company representatives “International Trade and Quantitative Analysis”, employed by the European Commission to carry out a feasibility comprehensive and deepened study on Free Trade Agreement between Moldova and the European Union.

The purpose of the meeting consisted in information of representatives of the mentioned company on steps taken by the Republic of Moldova in order to ensure intellectual property rights and trade related industries.

Mr. Jon Daniliuc mentioned that, in accordance with the Code on Science and Innovation No. 259-XV of July 15, 2004, AGEPI organizes and performs the legal protection of intellectual property in Moldova, in the form of industrial property, copyright and related rights. In accordance with its powers, AGEPI has also the task of coordinating the process of harmonizing the Moldovan system of IP wits the EU system and to ensure implementation of the objectives of the Action Plan Moldova-EU Chapter in the frame of intellectual and industrial property rights.

In order to protect intellectual property rights at a level similar to that of the EU, Moldova has undertaken important measures to comply with national legislation in this field, with the requirements of international treaties, especially those stipulated by the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPS).

Thus, over the joining of the Republic of Moldova the WTO, intellectual property rights legislation was substantially amended in compliance of the national regulatory framework in the field of IP to the requirements of the TRIPs Agreement. This process included both amending of laws that ensure protection of intellectual property (trademarks and appellations of origin, patents, plant varieties, industrial designs, topographies of integrated circuits, copyright and related rights), and the administrative and civil legislation.

Once adopted by the Moldovan Parliament of amendments to the Criminal Code of Moldova (Law. 446-XV of 30. 12. 2004 and Law. 1143-IV of 29. 05. 2007) there were introduced criminal sanctions for infringement of copyright and related and, respectively, of industrial property rights, there were assured compatibility of national legislation in criminal law with provisions on intellectual property rights imposed by the TRIPs Agreement.

In terms implementation of international standards on the national level provided in other agreements to which the Republic of Moldova is a party (24 treaties and conventions in the field of IP), this is ensured by the fact that on the one hand, international acts are parts of the national rules framework and, in case of any discrepancy, prevails in relation to national legislation. On the other hand, with the ratification of or accession to international act, national legislation was concerned every time considered and, if necessary, modified to meet the provisions of the respective treaty or agreement.

During the implementation of RM-EU Action Plan, efforts were focused on the approximation of national legislation to the requirements of the acquis communautaire and, in achieving this goal were developed and adopted 5 new laws which should ensure compliance with Moldovan legislation

in the field of intellectual property with EU regulations and directives (Law. 50-XVI on protection of inventions, Law. 38-XVI on protection of trademarks, Law. 161-XVI on the protection of industrial designs, Law. 39-XVI on protection of Plant Varieties, Law. 66-XVI on protection of geographical indications, appellations of origin and traditional specialties guaranteed). Draft law on protection of copyright and related rights was submitted to Parliament of the Republic of Moldova for adoption.

All the mentioned drafts of laws were developed with the assistance of EU experts through the TACIS in Moldova project “Support to implementation of PCA, WTO and EU-Moldova Action Plan commitments within the European Neighborhood Policy” and placed on the website of AGEPI for public debates.

European experts were also informed about the operation in 2007 of changes in Government Decision No. 774 of August 13, 1997 on fees for legal services with significant objects in the field of industrial property protection, through which was ensured the national treatment in respect of charges for obtaining titles of protection of industrial property objects.

During the meeting, specialists AGEPI also presented information on:

- establishing a constructive dialogue with the Court of Appeal and Supreme Court to find the best way to create an information system on court decisions on cases of IP and provided public access to the general information on legal information and jurisprudence in the area;
- creating and managing electronic register of data on cases of IP litigation, examined in the Appeals Board of AGEPI, and data on pending litigation in the courts, in which AGEPI participate as part in the process or the third party;
- some results on the implementation of the Law on amending and supplementing the Code of Administrative Contraventions and Penal Code that concern in the responsibility for infringement of IP rights;
- the status of cooperation with institutions involved in protecting and ensuring the rights of IP (MAI, SV, MDI);
- the results of controls (ex officio and at the request of rights holders) on the enforcement of copyright and related rights, participation in the confiscation and destruction of counterfeit and pirated audio-video;
- extending of the cooperation with associations of rights holders in the field: International Federation of phonogram industry (IFPI), European Association of right holders React-Network, Business Software Alliance (BSA), etc.;
- establishing and developing relations of cooperation with European and communitary institutions in the field of PI (OHIM, CPVO, EPO);
- education and training of national staffs in the field of IP through training, seminars and thematic conferences, organized by AGEPI with the support of WIPO, EPO, OEAB etc.

AGEPI reiterated its commitment to continue efforts to strengthen its administrative capacity in order to ensure compliance with intellectual property rights.

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