Trademarks. Requirements for the application materials

The application for the registration of a trademark (hereinafter – *Application*) shall be completed (guide to completing an application on a standard form approved by the State Agency on Intellectual Property (hereinafter – *AGEPI* and shall be filed with the AGEPI in 2 copies by the applicant or its representative. The application shall relate to a single trademark. Where the documents are not completed in the national language, the translation thereof shall be submitted within 2 months from the filing date of the application.

An applicant shall be the natural or legal person or the group of natural or legal persons in the name of which the application for the registration of a trademark is submitted.

The application for the registration of a trademark shall be filed with the AGEPI by any natural or legal person or through a representative empowered by power of attorney.

The persons having no residence, headquarters or a real and effective industrial or commercial enterprise in the Republic of Moldova shall be represented before the AGEPI, in any procedure established by this law, by a patent attorney empowered by a power of attorney.

The power of attorney shall be issued for a period not exceeding 3 years. If the term is not indicated in the power of attorney, it shall be deemed valid within one year from the date of drawing up.

The application for the registration of a trademark shall include:

- applicant`s identity (applicant`s name, address, telephone, e-mail);
- where appropriate, identification of its representative (name, surname, address, telephone, e-mail);
- sufficiently clear trademark reproduction and the description thereof;
- the list of goods and services for which the registration of the trademark is requested, according to the International Classification of Goods and Services, preceded by the number of the class to which that list of goods and services belongs and presented in the order of that classification.

The application shall be accompanied by clear graphic reproduction of the sign requested (photograph of printed image) sized 8x8 centimeters, as follows:

- 5colour reproductions of the trademark when at least one color is claimed as a distinctive element;
- 5 black and white reproductions of the trademark when no colour is claimed as a distinctive element;
- 1 black and white reproduction of the trademark when the mark in standard character format (word mark) is claimed and no colour is claimed as a distinctive element;
- 1 copy of the label and collar sample in life size and 5 copies of reproductions of the mark requested sized 8x8 centimeters when a label or a collar is claimed as a trademark.

For a three-dimensional trademark the applicant shall append the graphic or photographic reproduction of the trademark in two dimensions.

The representation may contain up to 6 views, from different angles, of the trademark. In case of a reproduction of a three-dimensional trademark which does not sufficiently render the details of the trademark, the AGEPI may ask that a number of up to 6 views, from different angles, of the trademark and / or a verbal description of that trademark should be supplied.

The application shall be accompanied, where appropriate, by:

- the power of attorney signed by the applicant where the application is filed by a representative;
- the priority document of the trademark if the priority right may be invoked by 6 months from the filing date of the first application for trademark registration;
- proof of payment of fees in the amount established;
- regulations governing use of the collective mark (collective mark status);
- regulations governing use of the certification mark;

(Note: for the registration of a certification mark – the document revealing the legal exercise of the certification activity or, where applicable, the proof of the registration of the certification mark in the country of origin.)

- the document confirming the applicant's right to use within the trademark a geographical indication or an appellation of origin protected in the Republic of Moldova, where registration of a trademark containing such elements is sought.
- the documents confirming the right of the applicant to use data that indicate some historical events related to the entrepreneur`s business, the date of foundation or reproductions of certain decorations, if the sign applied for registration contains such elements;
- the document confirming the consent of the competent authority on:
    - the use of state symbols in product and / or service mark;
    - the use of official or historical state names and the full or abbreviated names of international intergovernmental organizations in the product and / or service mark;
    - the use of official names or symbols of the local administrative units and the names, symbols or images that constitute the national cultural heritage;
    - the use of signs, official seals of control, warranty or marking;
    - the use official or historical names and symbols of other states, if the registration of the trademark containing such elements is sought;
- the consent of famous persons, their successors, the appropriate competent body on the registration as a trademark of the sign reproducing the name, pseudonyms and derivatives thereof, portraits and facsimiles of such persons;
- the consent of the copyright owner or his successor in title on the registration as a trademark of the corresponding names known in the Republic of Moldova, works of science, literature and art or quotations and characters from them, works of art or their fragments;
- the document confirming that the name of the company or part thereof belongs to the person who submitted the application for the registration of the mark, if the mark applied for contains such a name or a part thereof;
- the document confirming that the industrial design used in the mark belongs to the applicant (e.g. the copy of the registration certificate).

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