05/07/2014 Events

AGEPI published in the Official Bulletin of Industrial Property (BOPI) no. 4, 2014, the Information Notice on the launch of opinion public consultations on the List of EU geographical indications proposed for protection in the Republic of Moldova.

These public consultations are initiated to enforce the provisions of the Agreement between the Republic of Moldova and the European Union on the Protection of Geographical Indications of Agricultural Products and Foodstuffs, done at Brussels on June 26, 2012, ratified by Law of the Republic of Moldova No. 317 of 27.12.2012 and entered into force on 01.04.2013 (hereinafter - Agreement), and in accordance with the decision of 22.01.2014 of the Joint Committee established pursuant to Article 11 of the said Agreement.

In accordance with the provisions of the Agreement, the term “geographical indications” means indications, as defined in Article 22(1) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), also including “appellations of origin”.

Within two months from the date of publication of the List of EU geographical indications, any person, having a legitimate interest, shall be entitled to submit an objection to the grant of protection by lodging a duly substantiated statement.

Statements of objection shall be admissible only if they are received within the time-limit set out and if they show, according to the criteria provided for in Annex II of the Agreement, that the name proposed for protection would:

- conflict with the name of a plant variety, including a wine grape variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product;
- conflict with a homonymous name which would mislead the consumer into believing that products come from another territory;
- in the light of a trademark’s reputation and renown and the length of time it has been used, be liable to mislead the consumer as to the true identity of the product;
- jeopardize the existence of an entirely or partly identical name or of a trademark or the existence of products which have been legally on the market for at least five years preceding the date of publication of the information notice;
- conflict with a name that is considered generic.

The criteria referred to above, in the case of intellectual property rights, shall be evaluated only in relation to the territory of the Republic of Moldova.

The lodging of an objection to the protection of geographical indications from European Union, published in this Section, shall not be subject to the payment of fees or any formal requirements.

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