National Patentability

- Filing of an Application [1]
  The application for the issuance of a patent for invention shall be made on a standard form and filed with the AGEPI in 3 copies or through a representative. It shall relate to one invention.

  Filing of an application for the issuance of a patent for invention can be made:

  - Directly with the AGEPI (in that case, the person filing the application shall present an identity card);
  - By mail, facsimile or e-mail, provided that the original or certified copy of the application is presented within one month.
  - By means of the electronic service for online filing of application https://e-servicii.agepi.gov.md/ro/user/register [2]. Close [1]

- Procedure for the Issuance of a Patent [1]
  Once filed, the application passes the following procedures:

  - examination of the application
  - publication or publication of the decision to grant a patent
  - opposition
  - issuance of patent.

  Examination of the Application

  In examining the patent application, AGEPI shall undertake a formal examination within one month from the date of presentation of the application documents with the AGEPI, after which the application shall within three months be subjected to preliminary examination. The request for the subsequent procedure is carried out by the filing of a request for substantive examination in one copy on a standard form approved by AGEPI, by the applicant simultaneously with the patent application or within 30 months following the filing date of the application, on payment of the prescribed fee.

  Regarding the short-term patent application, AGEPI shall undertake a formal examination and a preliminary examination in accordance with Article 52(1) of Law no. 50-XVI/2008 within 6 months from the date of constitution of the regular national application, without requesting the examination procedure, on payment of a fee at the time of filing the application.

  The application will be examined, and it will therefore be adopted the decision to grant a patent or to refuse the application. The patent shall be issued after the expiry of 6 months from the date of publication of the decision to grant a patent, if no oppositions were filed or the oppositions filed were rejected.

  Publication of the Application

  The patent application shall be published upon expiry of a period of 18 months from the date of filing or, if priority has been claimed, as from the date of priority. The particulars to be published in BOPI shall be determined by the AGEPI. Patent applications withdrawn or rejected prior to the termination of the technical preparations for publication shall not be published. At the request of the applicant and on payment of the prescribed fee, the patent application may be published before the expiry of the established period of 18 months. The patent application shall be published simultaneously with the publication of the decision to grant a patent when the grant of the patent has become effective before the expiry of the period of 18 months.

Publication of the Decision to Grant a Patent

Within 3 months following the date on which the applicant has been informed of the decision to grant a patent, AGEPI shall publish the mention of the decision to grant a patent in BOPI. At the same time as it publishes in BOPI the mention of the decision to grant a patent, AGEPI shall make the specification of the granted patent containing the description of the invention, the claims, the abstract and, where applicable, any drawings available to the public in its library.

Opposition and Appeal

Opposition

Within 6 months from the date of publication of the mention of the decision to grant a patent, any person may give notice to the AGEPI of opposition to the patent granted by filing an application with the AGEPI in this regard. The AGEPI subdivision which took the decision to grant a patent shall examine whether at least one of the grounds for opposition prejudices the grant of a patent. The opposition shall not be deemed to have been filed until the opposition fee has been paid and indicating the grounds on which the opposition is based, as well as the evidence and arguments presented in support of these grounds.

Appeal

Any person adversely affected by a decision taken by the subdivisions of the AGEPI may appeal with the Appeals Board of the AGEPI. The appeal shall be filed in writing within 2 months from the date of notification of the decision and shall contain the grounds for appeal. Notice of appeal shall not be deemed to have been filed until the prescribed has been paid. The decision of the Appeals Board of the AGEPI shall be published in BOPI. Any decision taken by the Appeals Board of the AGEPI may be appealed before a court within 2 months following the date of dispatch of the notice concerning the decision that has been taken, in accordance with the provisions of the Code of Civil Procedure.

Issuance of Patent

The Agency shall, within one month after the expiry of the term for opposition, issue a patent on the ground of the decision of grant, if it has not been revoked by the Appeals Board. If the patent has been amended following the opposition proceedings, it shall be issued as amended.

Issuance of patent is conditioned by payment of issuance and maintenance fees. These fees are mandatorily paid by the owner within 6 months from the date of publication of the decision of grant. Simultaneously with the filing of the proof of payment of the issuance fee, the applicant shall submit the proof of payment of the maintenance fee for the term following the filing date of the national regular application up to the issuance of patent, including the year of issuance.

Failure to pay the issuance fee within six months from the date of publication of the decision to grant a patent and to re-establish within 6 months the unobserved time limit, AGEPI shall adopt the decision of forfeiture of right to the issuance of patent and shall publish such information in BOPI.

Failure to pay the maintenance fee within the prescribed time limit and, within 6 months from the unobserved date, the fee in the amount raised, the Agency shall publish the information on patent validity termination in BOPI.

Close [1]

- Maintenance of Patent [1]
  To maintain a patent in force it is necessary to pay the annual maintenance fees in accordance with the Fees for legal services in the field of protection of intellectual property

objects approved by Government Decision no.774 of 13 August 1997.

Close [1]

- Extension of Time Limits and Re-establishment [1]
  The prescribed time limits related to an application or a patent may be extended by a request filed with the AGEPI before the expiry of the prescribed time limit. Any time limit may not be extended for more than 6 months from the date of expiry of the prescribed time limit. The request for extension shall be subject to payment of the prescribed fee; failure to pay the fee, the request for extension shall be deemed not filed.

  Re-establishment is a continuation of proceedings after non-observance of the time limit. Where the applicant was unable to observe a prescribed time limit for proceedings before AGEPI, he may request re-establishment of the omitted term and continuation of the proceedings in relation to the patent application. The request must be filed in writing within 6 months following the expiry of the prescribed time limit. The omitted act must be completed within this period. The request shall not be deemed to have been filed until the fee for re-establishment of the omitted term has been paid; otherwise it shall be rejected. If the request is accepted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.

  Close [1]

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