IG, AO, STG. National Registration

- Filing the application for registration of an appellation of origin, a geographical indication or a traditional specialty guaranteed [1]
  The application for registration of an appellation of origin, geographical indication, or traditional specialty guaranteed (hereinafter - *Application*) shall be filed with the State Agency on Intellectual Property (hereinafter – *AGEPI*) in 2 copies by a group corresponding to the requirements of the Law.

  The application shall be filed on a standard form approved by *AGEPI* and shall be filed:

  - directly (by the applicant or the representative thereof);
  - by mail, fax or e-mail, subject to the presentation, within 2 months, of the original or the certified copy of the application;
  - by means of the electronic service for online filing of applications: https://e-servicii.agepi.gov.md/ro/user/register [2]. Close [1]

- Representation [1]
  Natural and/or legal persons having the domicile or the head office, or a real and effective industrial or commercial establishment in the Republic of Moldova, shall act before AGEPI directly or via a representative acting under a power of attorney.

  Natural and/or legal persons not having the domicile or head office or a real and effective industrial or commercial establishment in the Republic of Moldova, shall be represented before AGEPI, in respect of any procedure provided for in this Law, by a patent attorney authorized by a power of attorney.

  The power of attorney shall be issued for a period not exceeding 3 years, where the period is not indicated in the power of attorney, it shall be valid for a period of one year from the date of issue.

  Close [1]

- Application and documents annexed thereto. Specifications [1]
  The application for the registration of an appellation of origin, geographical indication or traditional specialty guaranteed shall include the following:

  For an appellation of origin or geographical indication:

  - the application form filled in under the Regulation on the procedure for filing, examination and registration of geographical indications, appellations of origin and traditional specialties guaranteed (hereinafter – Regulation);
  - the specifications referred to in Article 8 paragraph (2) of Law No.66-XVI of March 27, 2008 on the protection of geographical indications, appellations of origin and traditional specialties guaranteed (hereinafter – *Law*), drawn up in accordance with Section 19 of the Regulation and approved by the decision of the competent authority;
  - the single document referred to in Article 16 paragraph (1) c) of the Law, drawn up in accordance with Chapter II Section 13 of the Regulation.

  For a traditional specialty guaranteed:

  - the application form by which the registration of a traditional specialty guaranteed is requested, filled in pursuant to Section 15 of the Regulation;
  - the specifications referred to in Article 8 paragraph (3) of the Law, drawn up in

accordance with Section 20 of the Regulation and approved by the decision of the competent authority;
- the documents proving the product's specific and traditional character.

For the application relating to a geographical area outside the Republic of Moldova

- the proof of registration, in the country of origin, of the appellation of origin, geographical indication or, as appropriate, the traditional specialty guaranteed.

Close [1]

- Examination of the compliance with the requirements for filing an application for registration [1]
Within a month of the filing date, AGEPI shall examine the compliance with the requirements for the grant of a filing date and the entry in the National Register of the applications for registration. In the examination of the compliance with the requirements for the grant of a filing date, there shall be verified the following:

  - conformity of documents of the filed application;
  - proof of payment of the prescribed fee for filing the application.

  In case of irregularities, the applicant or the representative shall be notified thereof and shall be granted a 2-month period of the filing date to remedy them.

  Within one month of the date of entry of information relating to the application in the National Register of the applications for the registration of appellations of origin, the National Register of the applications for the registration of geographical indications or, where appropriate, in the National Register of the applications for the registration of traditional specialties guaranteed, AGEPI shall examine the compliance with other requirements for filing an application with a view to the publication thereof.

  Following such examination, AGEPI shall:

  - accept the application for publication, if it establishes that the application complies with the requirements provided for in the Law and the Regulation;
  - notify the applicant of the detected irregularities and request, within a 2-month period, the removal thereof.

  Where, following the notification, the applicant does not remedy the identified irregularities within the prescribed period or does not file an application for the extension of that period, the application shall be deemed withdrawn, which is notified to the applicant or the representative thereof.

  Close [1]

- Publication of the application [1]
AGEPI shall publish in the BOPI (on paper carrier, electronically and on the website www.agepi.gov.md) the data on the application for registration of an appellation of origin, geographical indication or traditional specialty guaranteed, the single document and the reference to the electronic address where the specifications will be published in full, if, upon examination, the application was filed according to the requirements of the Law and the Regulation.

  Close [1]

- Opposition [1]
Within a 3-month period from the date of publication of the application, any interested person shall be entitled to file with the AGEPI an opposition against the registration of an appellation of origin, geographical indication or traditional specialty guaranteed.

  The reasoned objection shall be submitted in writing on a standard form, approved by the AGEPI and shall be accompanied by the proof of payment of the prescribed fee. The objection shall be deemed submitted subject to the payment of the prescribed fee. The person having submitted the opposition may, within one month of the filing thereof, submit additional proofs and arguments in support of the opposition.

Close [1]

- Substantive examination of the application for registration [1]
  The substantive examination of the application shall be carried out by the AGEPI within 6 months from the publication of the data regarding the application.

  During the substantive examination of the application, AGEPI shall examine:

  - whether there are no grounds for refusal referred to in Article 7 of the Law;
  - oppositions submitted in accordance with Article 22 of the Law.

  Depending on the findings of the substantive examination, AGEPI shall adopt the decision to register, as appropriate, the appellation of origin, geographical indication or traditional specialty guaranteed or reject the application. The decision shall be notified to the applicant within one month from the date of adoption.

  Where, during the substantive examination, it is found that the appellations of origin, geographical indications or traditional specialties guaranteed may not be registered, AGEPI shall issue a provisional refusal of registration, notify the applicant of the grounds for refusal and grant a 2-month period from the date of receipt of the notification with a view to withdraw or amend the application or submit an appeal to the notice of the provisional refusal.

  Close [1]

- Appeals against decisions regarding the applications for the registration of the appellations of origin, geographical indications and traditional specialties guaranteed [1]
  Any decision regarding the applications for the registration of the appellations of origin, geographical indications or traditional specialties guaranteed may be subject to appeal by the involved parties, within 2 months from the date of its receipt, or by third parties holding information related to the registration concerned - within the period between the date of issuance of the decision and the date of the registration thereof. The appeal shall have a suspensive effect.

  The appeals shall be filed with the AGEPI and shall be examined by the Appeals Board in accordance with the Regulation thereof. The appeals filed in writing and duly reasoned shall be deemed filed, subject to the payment of the prescribed fee.

  Close [1]

- Registration of an appellation of origin, geographical indication or traditional specialty guaranteed and the grant of the right to use [1]
  On expiry of 30 days from the date of issuance of the decision on registration, where the prescribed fees have been paid and no opposition against registration was filed, the information on the registration of the applications shall be entered in the National Registers.

  Within 3 months from the date of adoption of the decision on registration, AGEPI shall issue the applicant the certificate of the right to use the protected appellation of origin or the protected geographical indication.

  Close [1]

- Term of protection, renewal of the right to use [1]
  The term of protection granted to an appellation of origin, geographical indication, or traditional specialty guaranteed shall start on the filing date of the application for registration and shall be unlimited in time.

  The right to use a protected appellation of origin or a protected geographical indication shall be granted for a term of 10 years on a renewable basis as many times as required, provided that all the conditions set out in the specifications for the product concerned are met. The holders of this right, prior to the expiry of each 10-year period, may file an application with the AGEPI, requesting the renewal of the right to use. The application for renewal shall be filed with the AGEPI accompanied by a confirmation from the competent authority about

maintaining the product characteristics and the proof of payment of the prescribed fee.

Close [1]

Source URL: https://www.agepi.md/en/gi-ao-tsg/national-registration