Implementation of the European Patent Validation Agreement in the Republic of Moldova

Objectives of the Validation Agreement

- Achieving the objectives set out by the European Neighbourhood Policy and the Eastern Partnership
- Ensuring a level of protection of inventions similar to that existing in the EU
- Increasing the attractiveness of the European patent system
- Supporting plans for Moldova`s gradual economic integration into the EU internal market

Significance of the Validation Agreement

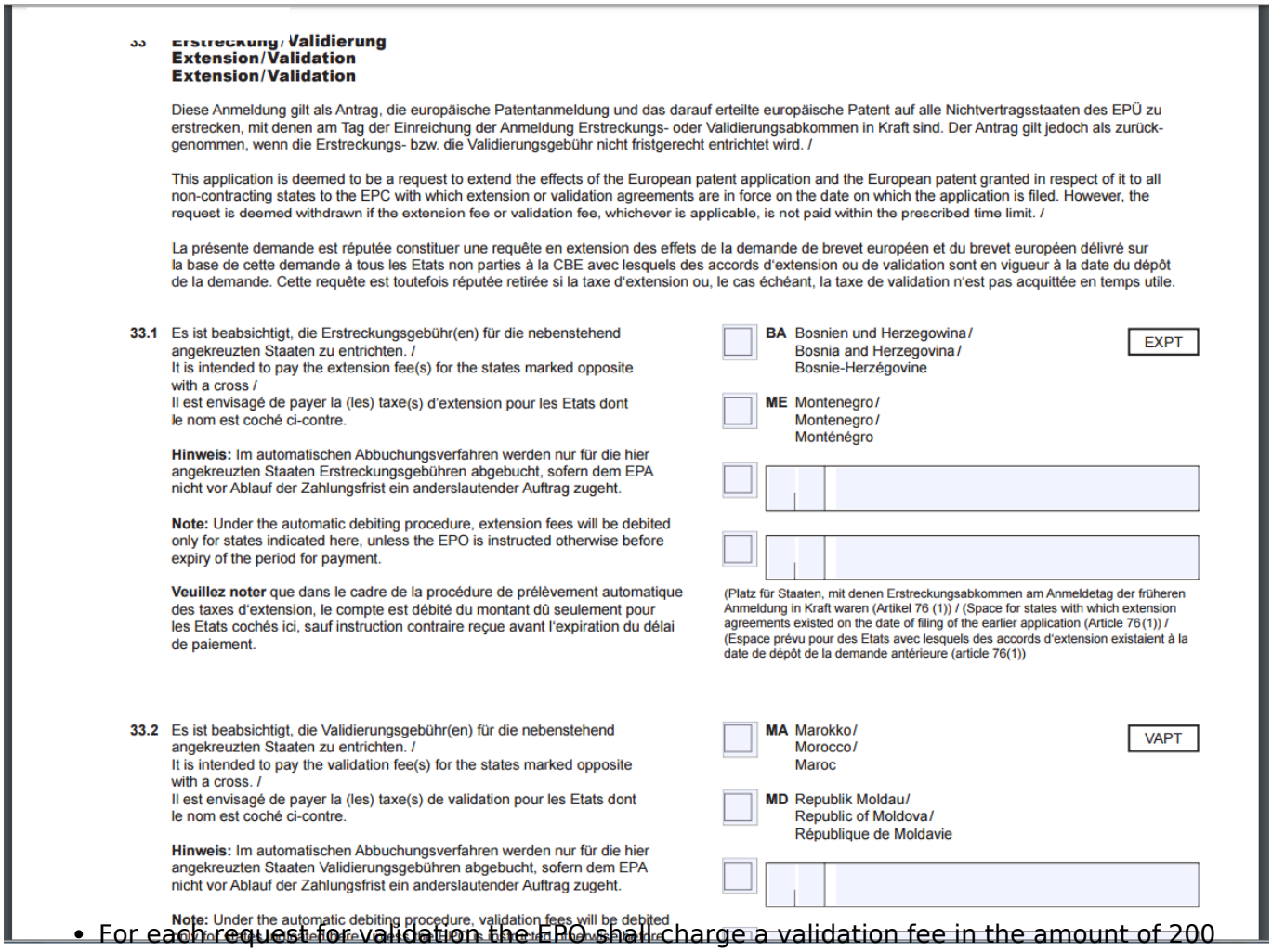
- **Validation Agreement –** Agreement between the Government of the Republic of Moldova and the European Patent Organization on the validation of European patents, signed on 16 October 2013
- Effective from 1 November 2015, following ratification of the Agreement by the Parliament of the Republic of Moldova and approximation of Moldovan legislation with the provisions of the Agreement (Law no. 160 of 30/07/2015 amending Law no. 50/2008)
- **European Patent Validation -** recognition, upon request, of the effects of the European patent application and the European patent in the Republic of Moldova
- **Validated European Patent –** a European patent granted by the EPO on a European patent application in respect of which validation has been requested and legal validation procedures have been carried out in the Republic of Moldova

Effects of European Patents

- A European Patent granted by the EPO may produce effects in 44 states
- Currently, 38 states are members of the EPO (27 member states and 11 non-member states of EU (Switzerland, Norway, Turkey etc.))
- Other 2 states – Bosnia and Herzegovina and Montenegro signed with the EPO bilateral agreements on extension and recognition of the effect of the European patent
- Other 4 states – Morocco, Tunisia, Cambodia and the Republic of Moldova signed with the EPO bilateral European patent validation agreements

Validation Procedure. Actions before EPO

- A European patent application or a European patent granted on such application shall be validated in the Republic of Moldova at the request of the applicant.
- The request for validation shall be deemed to be filed with any European patent application filed with the EPO on or after November 1, 2015, by ticking in the request form, at Extension/Validation Compartment, the intention to pay the validation fee for the Republic of Moldova



33 Erstreckung/Validierung
Extension/Validation
Extension/Validation

Diese Anmeldung gilt als Antrag, die europäische Patentanmeldung und das darauf erteilte europäische Patent auf alle Nichtvertragsstaaten des EPÜ zu erstrecken, mit denen am Tag der Einreichung der Anmeldung Erstreckungs- oder Validierungsabkommen in Kraft sind. Der Antrag gilt jedoch als zurückgenommen, wenn die Erstreckungs- bzw. die Validierungsgebühr nicht fristgerecht entrichtet wird. /

This application is deemed to be a request to extend the effects of the European patent application and the European patent granted in respect of it to all non-contracting states to the EPC with which extension or validation agreements are in force on the date on which the application is filed. However, the request is deemed withdrawn if the extension fee or validation fee, whichever is applicable, is not paid within the prescribed time limit. /

La présente demande est réputée constituer une requête en extension des effets de la demande de brevet européen et du brevet européen délivré sur la base de cette demande à tous les Etats non parties à la CBE avec lesquels des accords d'extension ou de validation sont en vigueur à la date du dépôt de la demande. Cette requête est toutefois réputée retirée si la taxe d'extension ou, le cas échéant, la taxe de validation n'est pas acquittée en temps utile.

33.1 Es ist beabsichtigt, die Erstreckungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. /
It is intended to pay the extension fee(s) for the states marked opposite with a cross /
Il est envisagé de payer la (les) taxe(s) d'extension pour les Etats dont le nom est coché ci-contre.

Hinweis: Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Erstreckungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.

Note: Under the automatic debiting procedure, extension fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

Veuillez noter que dans le cadre de la procédure de prélèvement automatique des taxes d'extension, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.

BA Bosnien und Herzegowina/ Bosnia and Herzegovina/ Bosnie-Herzégovine — EXPT

ME Montenegro/ Montenegro/ Monténégro

(Platz für Staaten, mit denen Erstreckungsabkommen am Anmeldetag der früheren Anmeldung in Kraft waren (Artikel 76 (1)) / (Space for states with which extension agreements existed on the date of filing of the earlier application (Article 76 (1)) / (Espace prévu pour des Etats avec lesquels des accords d'extension existaient à la date de dépôt de la demande antérieure (article 76(1))

33.2 Es ist beabsichtigt, die Validierungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. /
It is intended to pay the validation fee(s) for the states marked opposite with a cross. /
Il est envisagé de payer la (les) taxe(s) de validation pour les Etats dont le nom est coché ci-contre.

Hinweis: Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Validierungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.

Note: Under the automatic debiting procedure, validation fees will be debited

MA Marokko/ Morocco/ Maroc — VAPT

MD Republik Moldau/ Republic of Moldova/ République de Moldavie

- For each request for validation the EPO shall charge a validation fee in the amount of 200 EUR
- The validation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report, or, where applicable, within the period for performing the acts required for entry into the European phase of an international application (“basic period”)
- If the applicant failed to pay the validation fee in the basic period, it may still be validly paid within two months of expiry of the basic period, provided that a 50% surcharge is paid
- Data on each request for validation shall not be published by the AGEPI and recorded in the National Register of Patent Applications until the validation fee is paid

Validation Procedure. Actions before AGEPI

- In order to carry out the validation procedures, the applicant shall furnish to the AGEPI, through a patent attorney, a publication application on a standard form approved by AGEPI and the translation into the Romanian language of the following documents, as appropriate:
- translation of the claims of the European patent application
- corrected translation of the claims of the European patent application
- translation of the specification of the European patent
- translation of the specification of the European patent modified in the opposition or limitation procedure
- corrected translation of the specification of the European patent

F-01-BI-076-E-01-0658

Referinţa solicitantului/mandatarului autorizat Nr. Data	Se completează de către AGEPI		
	Registratura AGEPI intrare: Nr. Data	Registrul naţional de cereri de brevet de invenţie. Cereri de brevet european (21) Nr. depozit	Registrul naţional de brevete de invenţie. Brevete europene validate (11) Nr. brevet

Către: **AGENŢIA DE STAT PENTRU PROPRIETATEA INTELECTUALĂ A REPUBLICII MOLDOVA**

Str. Andrei Doga, nr. 24, bloc 1, MD-2024, Chişinău, Republica Moldova, tel. (37322) 40-05-05, fax 43-85-08

CERERE DE PUBLICARE

referitoare la: ☐ - traducerea revendicărilor cererii de brevet european
☐ - traducerea corectată a revendicărilor cererii de brevet european
☐ - traducerea fascicolului de brevet european ☐ - traducerea fascicolului de brevet european modificat în procedura de opoziţie sau limitare ☐ - traducerea corectată a fascicolului de brevet european
Cererea se va completa în 3 exemplare dactilografiate sau imprimate

I. (71) SOLICITANT (nume, prenume sau denumire completă, adresă, telefon şi fax cu prefixul zonei, codul ţarii conform normei ST. 3 OMPI)

(71) SOLICITANT (nume, prenume sau denumire completă, adresă, telefon şi fax cu prefixul zonei, codul ţarii conform normei ST. 3 OMPI)

☐ **Alt(ţi) solicitant(ţi) este(sunt) indicat(ţi) pe o pagină suplimentară**

II. (74) MANDATAR AUTORIZAT (nume, prenume sau denumire completă, adresă, telefon şi fax cu prefixul zonei)

☐ procură ☐ procură generală nr./data .....

III. ADRESA PENTRU CORESPONDENŢĂ (nume, prenume, adresă, telefon şi fax cu prefixul zonei)

IV. SOLICIT(ĂM) în baza Legii nr. 50/2008 privind protecţia invenţiilor (Lege) publicarea traducerii referitor la cererea de brevet de european cu:

(54) TITLUL:

(96) Numărul cererii şi data de depozit a cererii de brevet european:

(97) Număr de publicare şi data publicării de către OEB a cererii de brevet european:

(80) Data publicării de către OEB a menţiunii eliberării brevetului european:

Data publicării de către OEB a menţiunii menţinerii brevetului european în forma modificată:

☐ **SOLICIT(ĂM)** eliberarea unui certificat privind validarea brevetului european

V. PRIORITATE REVENDICATA:

Provisional Protection

- A published European patent application shall provisionally confer the same protection as is conferred by a published national patent application as from the date on which a translation of the claims of the published European patent application into Romanian has been made available to the public by the AGEPI

Time Limits

- Within three months of the date on which the mention of the grant of the European patent has been published by the EPO, the proprietor of the patent shall furnish to the AGEPI the translation into Romanian of the specification and pay the prescribed fee for publication.
- If, as a result of an opposition or a request for limitation filed with the EPO, the European patent is maintained in amended form, the proprietor of the patent shall, within three months of the date on which the mention of the decision to maintain the European patent as amended or to limit it was published, furnish to the AGEPI the translation into Romanian of the amended claims and pay the prescribed fee for publication.
- The translation may still be validly filed within an additional period of three months, provided that a 100% surcharge is paid.
- If the conditions laid down in the legislation are met, AGEPI shall publish any translation filed within the given time limit and record the validated European patent in the National Patent Register
- Upon request, AGEPI shall issue a certificate on the validation of the European patent, provided that the prescribed fee is paid
- If the translation of the specification of the European patent or the translation of the specification of the European patent modified in the opposition or limitation procedure is not filed in due time or the prescribed fee is not paid, the validated European patent shall be deemed to be void *ab initio*.

Maintenance of the European Patents

- Annual maintenance fees for a validated European patent shall be paid to AGEPI for the years following the year in which the mention of the grant of the European patent was published by the EPO
- If the patent maintenance fees are not paid in due time, the proprietor of the patent shall be deprived of the rights deriving from the patent

Effects of Patent Applications and European Patents

- A European patent application shall have the same effect and be subject to the same conditions as a regular national patent application
- A European patent application may be converted into a national patent application by filing with the AGEPI a request for conversion with the payment of the prescribed fee within 3 months from the date on which the European patent application was refused, withdrawn or deemed withdrawn
- A validated European patent shall confer as from the date of publication of the mention of its grant by the EPO the same rights as would be conferred by a national patent

Expected benefits of the European Patent Validation System

- Increasing foreign investor confidence in the effectiveness of legislation and Moldovan technical and administrative infrastructure to protect their investment, including in the industrial property field and to provide protection at European level for their inventions
- Stimulating innovation, technology transfer and creating a favorable investment climate

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