Republic of Moldova

GOVERNMENT

DECISION
approving the Regulation on the procedure of filing and examination of a patent application and of issuance of a patent

No 528 of 01-09-2009

Official Gazette No 138-139/593 of 08-09-2009

For the purpose of implementing Law No 50-XVI of 7 March 2008 on the Protection of Inventions (Official Gazette of the Republic of Moldova, 2008, No 117-119, Art.455), the Government

DECIDES:

1. The Regulation on the procedure of filing and examination of a patent application and of issuance of a patent is approved, in accordance with Annex No 1.

2. Some decisions of the Government are repealed, in accordance with Annex No 2.

PRIME MINISTER **Zinaida GRECEANÎI**
Countersigned by:
First Deputy Prime Minister,
Minister of Economy and Trade **Igor Dodon**

No 526. Chișinău, 1 September 2009.

Annex No 1
to Government Decision No 528
of 1 September 2009

REGULATION
on the procedure of filing and examination of a patent application and of issuance of a patent

CHAPTER I
General Provisions

1. The Regulation on the procedure of filing and examination of a patent application and of issuance of a patent (hereinafter referred to as "the Regulation") establishes the conditions for filing of a patent application or a short-term patent application (hereinafter referred to as "application"), the way of completing the application form, the norms applied to the documents to be enclosed in the application, the norms for examination of the application, the conditions for grant of patents for invention, the data for publication in the Official Bulletin of Intellectual Property of the Republic of Moldova (hereinafter referred to as "BOPI"), the procedure of grant of a supplementary protection certificate, the procedure for extension of the term of validity of a short-term patent, the filing of international patent applications with the State Agency on

Intellectual Property of the Republic of Moldova (hereinafter referred to as “AGEPI”) as receiving Office, the procedure for validation of a European patent in the Republic of Moldova, the examination of oppositions or observations by third parties, as well as the norms concerning the activities related to the above-named procedures, such as conversion of application, representation, introduction of amendments, extension of time limits, and re-establishment of rights.

[Point 1 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

2. Subject-matter of a patent application may be inventions in all fields of technology bearing a technical character and representing a solution of a technical problem made by technical means. The technical character of the invention is determined by the presence of technical elements, which can be characterized by physical, chemical, biological or other parameters that can be measured and assessed.

[Point 2 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

3. Inventions may have as subject-matter:

a) a product – a device, a substance, a strain of microorganisms, a plant or animal cell culture;

devices refer to machines, apparatuses, instruments, mechanisms, machine parts, tools, aggregates, installations, circuits and electrotechnical and electronic apparatuses, individual or linked constructively and/or functionally within some systems, and control and protection systems, equipment with software endowment, algorithm/program-physical structure, algorithm/program-process type combinations, building elements, furniture, household objects, toys, etc.;

substances refer to chemical substances, which can be individual compounds, compositions, pharmaceutical and phytopharmaceutical products, and biological materials, mixtures, etc.

b) a process – an activity having as a result manufacture or Amendment of a product (technological processes, computerized processes, genetic or biological processes, etc.);

c) a method – an activity having a result of qualitative nature (measurement, analysis, regulation, control, computerized methods, algorithm/program-process combinations);

e) the use of a product, process or method – use thereof with a certain destination, provided that it would not obviously result from the known properties of the applied product, process or method.

[Point 3 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

4. The use of a substance for pharmaceutical purposes shall be deemed to be a medical use of such substance. In that case, use for the first time of an earlier known substance (natural or synthesized) for pharmaceutical purposes shall be deemed as the first medical use of such substance.

[Point 4 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

5. The second or subsequent use of an earlier known substance as a medicament (natural or synthesized) for other purposes and with another result shall be deemed as the second medical use of such substance.

6. Subject-matter of an application for a biotechnological invention may be:

a) a product consisting of or containing biological material, or

b) a process by means of which biological material is produced, processed or used.

7. Biological material means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system.

8. Microbiological process means any process involving or performed upon or resulting in microbiological material.

9. A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

CHAPTER II. PATENT APPLICATION

Section 1

Filing of a Patent Application

10. A patent application shall be filed by the natural or legal persons, entitled under Article 14 of Law No 50-XVI of 7 March 2008 on the Protection of Inventions (Official Gazette of the Republic of Moldova, 2008, No 117-119, Art. 455) (hereinafter referred to as "the Law"), personally or through an apPointed representative:

a) directly with the AGEPI on working days, according to the working timetable of AGEPI (in that case, the person filing the application shall present an identity card);

b) by registered mail;

c) by facsimile;

d) by e-mail;

e) in electronic form on diskette, CD or DVD (hereinafter referred to as electronic carrier);

f) by online filing through the e-AGEPI service.

[Point 10 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

11. In the case of applications containing nucleotide and/or amino acid sequences, an electronic carrier containing the application materials (description, claims, drawings, tables, nucleotide and/or amino acid sequence listing) shall be annexed to the application filed on paper carrier. The materials filed on electronic carrier shall be identical to those filed on paper carrier.

The applicant shall, together with the electronic carrier, submit a statement in writing that the information recorded on the enclosed carrier is identical to the information filed on paper.

The electronic carrier shall contain information indicating the name of the applicant, the title of the invention, the date on which copying has been made, the operational system and the text editor by means of which the file has been created.

12. In the event of cases referred to in subparagraph c), d) and e) of Point 10 of this Regulation, the entry date of the patent application or of any other communications shall be the date on which AGEPI receives the facsimile, the e-mail or the electronic carrier, if AGEPI receives, within one month from the date of receipt of the facsimile or the e-mail, the original of the application or communication by post or by direct filing with the AGEPI. If AGEPI receives the original of the application or communication after the expiry of the established time limit or the document received by one of the means referred to in subparagraph c), d) and e) of Point 10 of this Regulation is not identical to the submitted original, the entry date of the application or of any other communications shall be deemed the date of receipt of the original thereof. Prior to the submission of the original, the application documents filed by one of the means referred to in subparagraph c), d) and e) of Point 10 of this Regulation shall be deemed not to have been filed.

13. Where an application document or a part thereof, received by one of the means referred to in subparagraphs c), d) and e) of Point 10 of this Regulation, is not legible or a part of the document is missing, the date of entry of the document or of the part thereof shall be the date of receipt of the original.

14. AGEPI shall mark the application documents with the date of receipt and shall acknowledge the receipt of the documents, shall notify the applicant of the receipt of the application or of the documents thereof, indicating the entry number and date of receipt of the application, as well as the type and number of documents. One copy of the application completed with these data shall be returned to the applicant.

Section 2
Representation

15. Representation of natural and legal persons having their residence or principle place of business in the Republic of Moldova may be undertaken by a patent attorney, an employee thereof or a common representative of the applicants, designated in the application form or in a written agreement concluded between the applicants.

16. A power of attorney confirming the authorizations of the patent patent attorney/representative and signed by the applicant shall be attached to the application filed by a patent attorney/representative. A patent attorney/representative shall be deemed authorized to represent the applicant/owner until the expiry of the validity period of the power of attorney or until the termination of his authorizations is communicated to AGEPI by the applicant/owner.

[Point 16 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

17. The power of attorney may be filed at the same time as the application or within three months from the filing date of the application. If the power of attorney is not filed within the established term, the actions taken by the patent attorney/representative shall be deemed null and materials presented under the signature of only the patent attorney/representative shall be deemed not to have been filed.

[Point 17 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

18. In the case of national applicants, the power of attorney may be filed at the same time as any application document filed with the AGEPI or within two months from the date of filing with the AGEPI of such document.

19. The power of attorney shall be able to refer to one or more applications or patents, or to all existing or future applications or patents of the issuer. In that case, a separate copy of the power of attorney must be submitted for each application or patent to which the power of attorney refer.

20. The power of attorney may limit the right to act of the patent attorney/representative to certain acts.

21. Any act requested through a patent attorney/representative concerning the withdrawal of an application or the surrender of an application or a patent shall only be made on the basis of a special mention indicating deliberately the right to withdrawal or surrender.

22. The power of attorney for the representation of a natural or legal person having the residence outside the Republic of Moldova may be issued to the patent attorney directly registered with the AGEPI by said person or its authorized representative having the corresponding power of attorney issued by the applicant. In the last case, both powers of attorney shall be annexed to the application.

23. A power of attorney must meet the following conditions:

a) it shall be issued to cover one or more patent applications or patents;

b) it shall contain the date of issue;

c) it shall establish the limits of the authorizations of the patent attorney/representative;

d) it shall be signed by the issuer.

24. Where the issued power of attorney is issued in the name of more than one patent attorney/representative and a certain patent attorney/representative is not appointed for correspondence before AGEPI, it shall be addressed to the patent attorney/representative who first filed the application or other procedural document, and if such fact is not possible, the correspondence shall be addressed to anyone of them. In the case of appointing a new patent attorney/representative, AGEPI shall send him the correspondence from the moment of the request for changing the address for correspondence.

[Point 24 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

25. If the patent application is transferred to more than one person, and such persons have not apPointed a common representative, AGEPI shall invite the persons concerned to apPoint within two months a common representative.

Section 3
Signature of Documents
and Confidential Nature of the Application

26. The application, description of the invention, the claims, as well as any communication shall be filed with the AGEPI bearing the private signature of the applicant or representative apPointed.

27. The signatures affixed on documents shall be decoded by the indication of the first name and surname of the signatory person. If the documents are signed by an official, the function of the signatory, as well as the full official name of the unity shall be indicated.

28. If there is more than one applicant, the application shall be signed by each of them. Any communication relating to the application may be signed by a common representative and, where the latter is not apPointed, by the applicant first named in the request.

29. The documents or communications filed with the AGEPI in electronic form or by electronic means of communication shall be deemed to be signed if the signature on the received document or communication will result in a graphic representation or if a digital signature will be used.

30. The data contained in the patent application shall be confidential as from the date of entry into the AGEPI up to the publication thereof, their disclosure without the consent of the inventor or his successor in title being prohibited, irrespective of the way in which the persons have acquainted themselves with them and of the quality of these persons.

31. Persons guilty for the disclosure of the invention up to the publication of the application shall bear responsibility in accordance with the legislation in force.

Section 4
The Patent Application

32. The request for issuance of a patent shall be filed in three copies on a form drawn up according to Section 6 of this Chapter.

[Point 32 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

33. The description, the claims, the abstract, the drawings and other graphic materials shall be filed in three copies, of which at least two copies of drawings or other required graphic materials shall be filed in the original. The description, the claims and the abstract shall be submitted on a typed or printed form. The description, the claims, the abstract, the drawings and other materials submitted in a language other than the state one, shall be filed in two copies.

34. AGEPI may require that certain proof relating to any application document be furnished, indicating the grounds on the basis of which there is reasonable doubt as to the veracity of any indication present in that document.

35. The product realized according to the invention, the mockups and projects for the execution of the invention, and other similar elements cannot be filed with AGEPI as part of filing of the patent application.

Section 5
Minimum Requirements for the Registration of the Application

36. A text which outwardly resembles a description of the invention or a technical drawing accompanied by its description, which discloses the subject-matter of the invention in the totality of its essential features and, where appropriate, their constructive and functional connections, may be filed as a description of the invention, under Article 34 paragraph (1) point c) of the Law.

[Point 36 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

37. At the same time as he furnishes the elements indicated in Article 34(1) of the Law, the foreign applicant shall appoint in accordance with Article 86 paragraph (2) the patent attorney in the Republic of Moldova through which AGEPI will contact the applicant.

38. Where the patent application does not meet one or several of the requirements referred to in Article 34 paragraph (1) and Article 32 paragraph (2) of the Law, AGEPI shall notify such fact to the applicant and shall give him the opportunity to meet the relevant requirements within three months as from the dispatch of the notification. If the applicant fails to furnish the required information or to meet the requirements referred to in Article 34 paragraph (1) and Article 32 paragraph (2) of the Law, the application shall be deemed not to have been filed and such fact shall be notified to the applicant.

39. Where AGEPI at the time of establishing the filing date reveals that a part of the description or a drawing referred to in the description appear to be missing, it shall notify such fact to the applicant and shall allow him for response a period of three months of the dispatch of the notification.

40. If missing part of the description or missing drawing in an application claiming priority in respect of an earlier application is furnished within the time limit referred to in Point 39 of this Regulation, the filing date shall be established, upon the applicant's request, on the date of receipt by the AGEPI of the documents referred to in Article 34 paragraph (1) of the Law, subject to the compliance with the following requirements:

a) the request of the applicant has been filed with AGEPI at the same time as the application materials, under Article 34 paragraph (1) of the Law, or within three months from the date of dispatch of the notification referred to in Point 39 of this Regulation;

b) the copy of the earlier application, certified in the manner established by the office with which that application was filed, has been furnished within sixteen months from the filing date of the earlier application or within four months from the date of dispatch of the AGEPI notification of the need for furnishing such copy, depending on the fact whichever time limit expires earlier;

c) the missing part of the description or the missing drawing furnished by the applicant was completely contained in the earlier application;

d) the translation of the earlier application, if it was made in a language other than the state one, has been furnished by the applicant within three months from the date of dispatch of the AGEPI notification of the need for furnishing such translation.

41. The description, as a necessary element of the application under Article 34 paragraph (1) of the Law for the purpose of establishing the filing date, may be replaced with a reference, made in the application form at the time of filing thereof, to an earlier application of the

applicant or his successor in title. The applicant shall indicate in the reference that, for the purpose of establishing the filing date, the description and any drawing is replaced with such reference to the earlier application; he shall also indicate the number and filing date of that application and the office with which it was filed.

42. Where the application is considered as not to have been filed, the application documents shall be returned to the applicant, the AGEPI keeping a control copy. The control copy shall be kept as confidential and may be consulted by the applicant or the parties concerned at the request of the court.

Section 6
The Application Form

43. The request for issuance of a patent shall be filed on a standard application form approved by AGEPI, including the headings relating to:

a) the required title of protection;

b) information identifying the applicant(s);

c) information identifying the inventor(s);

d) information identifying the patent attorney/representative;

e) the indication of the address for correspondence;

f) indications, in accordance with Article 33 paragraph (7) of the Law, concerning the origin of the right to patent;

g) the title of the invention;

[Subpoint h) Point 43 repealed by Government Decision no. 548 of 26.07.2012, in force 03.08.2012]

i) information concerning the priority claimed;

k) a reference to a previously filed application;

l) a reference to the initial application from which the application resulted by division;

m) information concerning the documents related to the application filed;

n) the signature of the applicant(s) or the representative appointed by him.

[Point 43 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

44. The request for entry into the national phase for an international application filed under the Patent Cooperation Treaty, adopted in Washington on 19 June 1970, as amended and revised (hereinafter – PCT), to which the Republic of Moldova acceded by the Parliament Decree No 1624/1993 of 26 October 1993 (Official Gazette of the Parliament of the Republic of Moldova, 1993, No. 11, Art. 345), shall be filed on a form approved by the AGEPI, indicating explicitly the type of the required title of protection – patent for invention or short-term patent for invention.

45. The application form shall be clearly and legibly completed in the state language by typewriting or printing, in all columns indicated for the applicant.

46. Upon completion of the application form, the following shall be taken into account:

a) the applicant shall indicate his name, address and official name of the country, of which citizen he is, or in the case of stateless persons – the country in which his residence is located, and in the absence thereof – the country in which his industrial or commercial enterprise is located. The official name and, possibly, the currently used abbreviation, as well as the address and official name of the country of origin, shall be mentioned for the legal persons. The telephone or facsimile numbers or any other possible means of communication, such as the e-mail address, may also be mentioned. If there is more than one applicant, such data are indicated for each of them;

b) if the applicant has appointed a representative, his name and postal address shall be indicated. The number of registration with the AGEPI shall also be indicated for the patent patent attorneys. The telephone or facsimile numbers or any other means of communication, such as the email address, may also be mentioned;

c) the applicant shall indicate the address for correspondence. In the absence thereof, the address of the applicant or his representative shall be considered as the address for correspondence, as the case may be. If there is more than one applicant and the request for grant of a patent does not name a representative, AGEPI shall correspond with the applicant first named in the application;

d) where appropriate, the applicant shall claim the priority of an earlier application under Article 39 of the Law, indicating the date and number of the earlier application and the country in or for which the earlier application was filed.

The applicant desiring to take advantage of the right of exhibition priority shall claim the exhibition priority under Article 40 paragraph (5) of the Law, indicating the name and place of the exhibition and the date of first presentation of the invention.

If the priority is claimed on the basis of several earlier filed applications or several exhibitions, the corresponding data for each earlier application or exhibition shall be indicated;

e) where appropriate, the applicant shall indicate the data relating to the application from which it is divided;

f) the application shall contain the signature of the applicant, clearly indicating the family name and given names, as well as the date of signature.

If the applicant is a legal person, the application shall be signed by the manager thereof, indicating his family name and given names, the date of signature.

If there is more than one applicant, the application shall be signed by all of them.

If filed through a representative, the application may be signed by the representative. The application shall contain the signatures of all inventors declared by the applicant.

In the case of filing of certain data on additional sheets, each sheet shall be signed in the same manner;

g) the application shall be free from erasures, alterations, overwritings or interlineations. In case of their existence, the amended places shall be signed in accordance with subpoint f) of the this Point;

h) the designation of inventors shall be carried out under the responsibility of the applicant.

[Point 46 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

47. If the application is not signed, a copy of the application form shall be returned by AGEPI to the applicant in order that he shall within two months return it signed, otherwise the application shall be deemed to be withdrawn.

Section 7
Disclosure of the Invention

48. The invention is considered to meet the requirements of Article 36 paragraph (1) of the Law, if it is disclosed in a manner sufficiently complete and clear, on the basis of the information the application contains at the filing date, carried out and used by a person skilled in the art, as claimed, without any additional inventive step. The applicant shall specify the best way of carrying out the invention known to the inventor at the filing date or, where priority has been claimed, at the priority date.

49. If the invention concerns reproducible biological material which is not available to the public and which cannot be described in the patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the patent application shall contain an attestation certifying the deposit of that biological material with the National Collection of Nonpathogenic Microorganisms, the Regulation of which is approved by the Government Decision No 56 of 26 January 2004 (Official Gazette of the Republic of Moldova, 2004, No 22-25, Art.184) or with a depositary institution having the status of international depositary authority.

50. The availability of deposited biological material shall be effected by the issue of a sample of the biological material:

1) prior to the publication of the patent application:

a) at the request of the AGEPI, if such sample is necessary for the patenting procedure or if the patent application is in a litigation before AGEPI;

b) to the applicant, upon his request;

c) to any authority or any natural or legal person authorized by the applicant;

d) to any person having the right to inspect the files under Article 96 paragraph (2) of the **Law**;

2) between the publication of the application and the grant of the patent – to any requester or, at the request of the applicant – only to an independent expert, designated by the person requesting the sample;

3) after the grant of the patent even in the case of revocation or cancellation thereof, to any requester.

51. The sample shall be available only if the requester has undertaken throughout the existence of a patent application or a valid patent:

a) not to make the sample or any biological material derived therefrom available to any third party;

b) not to use that sample or any biological material derived therefrom for experimental purposes only, unless the applicant for or patent owner expressly waives such an undertaking.

52. Where the patent application is refused, withdrawn or deemed withdrawn, the availability of deposited biological material may be limited upon request of the applicant to an independent expert for a period of 20 years from the filing date of the patent application. In such a case, the provisions of Point 51 of this Regulation shall apply.

53. The requests of the applicant referred to in Point 50, paragraph 1), subparagraph b), and in Point 52 of this Regulation shall only be filed before completion of the technical preparations for publication of the patent application.

54. If biological material deposited ceases to be available from the recognized depositary institution, a new deposit of that material is necessary to be made in accordance with the requirements established by Article 4 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, to which the Republic of Moldova has adhered by the Decree of the President of the Republic of Moldova No 229 of 30 December 1993. The document confirming the new deposit of biological material shall be forwarded to AGEPI within four months of the date of the new deposit. Any new deposit shall be accompanied by a statement signed by the depositor certifying that the newly deposited biological material is the same as the originally deposited.

Section 8
Title of the Invention

55. The title of the invention shall clearly, concisely and exactly state the technical designation of the invention, characterize its destination and coincide with the essence of the invention. The title may not exactly coincide with the generic term in the claims. The terms as "process", "device", "apparatus", etc., cannot be used separately without indicating the concrete destination or other essential features of the claimed object. The title shall be informative for further searches, using the keywords.

56. The title of the invention shall be exposed in the singular. Exception make:

a) titles formed of terms which have no singular number (trousers, spectacles, etc.);

b) titles relating to chemical compounds which are part of the general structure of a claim.

57. The word "patent", personal names, including the name of the inventor (except for names with generally accepted terminological meaning), names derived from personal names, fancy names, trademarks, appellations of origin of goods or trade names, technological markings, terms or abbreviations such as "etc." which do not serve to identify the invention shall not be used in the title of the invention.

58. If the invention concerns an individual compound, the name thereof in accordance with one of the chemical nomenclatures (preferably the international nomenclature IUPAC) shall be included in the title of the invention, including also a reference to the concrete name thereof, and for biologically active compounds – the kind of biological activity.

59. The title of the invention concerning a process for the production of a product, the latter being a mixture with unidentified composition, shall include the indication of the destination or the specific biologically active features of that product.

60. The title of the invention concerning the strain of a microorganism or a plant and animal cell culture shall include the Latin name of the biological species and genus of the subject-matter, where appropriate, the name of the author(s) of the species and the indication of destination of the strain.

61. The title of a group of inventions concerning subject-matters, of which one is meant for the obtaining (production), realization or application of another one, shall contain the complete title of one of the inventions and the shorter title of another one.

62. The title of a group of inventions concerning subject-matters, of which one is meant for the application into another one, shall contain the complete titles of the inventions which form part of that group.

63. The title of the invention concerning the application of a product or process will contain the indication of the destination according to which the product or process according to the invention is applied.

[Point 63 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

64. If the title does not meet the requirements specified in Point 55-63 of this Regulation or the order of the claimed subject-matters is not kept, or it is too long, it shall be amended ex officio, such fact being notified to the applicant.

Section 9
Description of the Invention

65. The description shall begin with the specification of the index of classification in the applicable edition of the International Patent Classification under the Strasbourg Agreement on International Patent Classification of 24 March 1971 (hereinafter referred to as "the IPC"), to which the Republic of Moldova has adhered by the Parliament Decision No 1248-XIII of 10 July

1997 (Official Gazette of the Republic of Moldova, 1997, No 49- 50, Art.435) to which the claimed invention relates and of the title of the invention, as indicated in the patent application.

66. The description shall successively contain the following:

a) the title as appearing in the patent application form;

b) the field of application of the invention;

c) the prior art;

d) a presentation of the technical problem which the invention solves;

e) the disclosure of the invention;

f) a statement of any advantageous effects (of the technical result) of the invention with reference to the prior art;

g) a brief description of the explicative drawings, graphics, photographs, etc., if any;

h) a detailed description of at least one way of carrying out the invention;

i) a list of cited information sources.

67. If the subject-matter of the invention is a nucleotide and/or amino acid sequence, the description shall only be deemed to be disclosed where the description contains a nucleotide and/or amino acid sequence listing and the industrial application thereof. Any nucleotide and/or amino acid sequence listing shall be submitted in the corresponding form of the international standards.

68. Where the subject-matter of the invention is an installation or an apparatus, the explicative drawings necessary for the understanding of the invention shall be annexed to the description.

69. If in the absence of the explicative drawings, the description does not expressly disclose the invention in a manner sufficiently clear and complete, AGEPI shall require the presentation of the necessary drawings within three months from the date of dispatch of the notification.

70. The replacement of a part of the description with a reference to the source containing the necessary data (the source of literature, the description of the invention from the earlier application, the description of the invention from the title of protection etc.) shall not be admissible.

71. The description of the invention shall contain an extension of the title with the delimitation of the concrete fields in which the application of the invention is possible. If there is more than one field, the most preferential shall be stated. The concrete features of the claimed invention for which protection is sought shall not be disclosed.

Section 10
Prior Art

72. The earlier solutions close to the invention for which issuance of a patent is sought, known to the inventor or the applicant, having the same destination, with the indication for each of mentioned solutions of the lacks or disadvantages which they have or which are removed by the solution for which grant of a patent is sought, shall be briefly furnished in turn.

[Point 72 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

73. Each close solution shall be furnished by its essential features, indicating the similar ones to the essential features of the claimed invention, indicating the reasons which do not permit the achievement of the stated result, as well as the bibliographic data of the information source in which it is disclosed. Where the prior art also covers traditional knowledge, the latter shall be indicated explicitly, including their sources, if known to the applicant. If there is furnished more than one close solution, the closest solution shall be described last of all.

74. The reference to the information source, in which the data concerning the close solutions are indicated, including the closest one, shall be made immediately after the description thereof by a number placed between parentheses in accordance with the list of information sources annexed to the description of the invention.

75. If the invention relates to the application of a product or process in accordance with the indicated destination, then the close solutions shall relate to products or processes with the same destination.

76. If the invention relates to a group of inventions, the indication concerning the close solutions shall be furnished separately for each invention of the group.

Section 11
Technical Problem and Statement of Invention

77. The technical problem shall be stated by a clear wording of the objective by which solution an advantageous effect or a success in the application field of the invention is obtained. The technical problem to be solved shall represent the objective proposed by the applicant in order to modify or adapt the closest solution in the prior art (proximate analog) for the purpose of obtaining the advantageous effects which the applicant considers the invention to have in relation to the proximate analog.

78. The invention as claimed shall be disclosed in such terms that the technical problem and the proposed solution can be understood by a person skilled in the Art.The technical solution shall be expressed by the totality of features necessary for the solution of the technical problem. The proposed solution of the technical problem, which is the subject-matter of the invention, shall be briefly stated either in a sentence or, where necessary, in several sentences, enumerating all the new features, without going into details of embodiment of invention. The solution shall state the features of the solution in such a way that it may correspond to the claims to which the solution relates.

79. If the subject-matter is a strain of microorganisms, the description shall contain the biochemical, taxonomic and morphological characteristics thereof and at least the process for obtaining thereof on the base of the known microorganism or the name of the authority with which the microorganism was deposited and the number assigned by the depositary authority.

80. The description of the invention having as subject-matter the application of an earlier known product or process shall contain the characterization of the known subject-matter and the reference to the information source in which it is stated, the information about the known destination, the new destination and the relevant specific features determining the susceptibility of application according to the new destination.

81. The statement of invention shall be accompanied by the presentation of advantageous effects of the invention with reference to the prior art.

[Point 81 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

82. In the case of a group of inventions, each subject-matter of the invention shall be furnished separately in a sentence, the novel features of each subject-matter of the invention being stated in such terms that the single general inventive concept of the invention may result. Furnishing of the technical solutions, including the advantageous effects (the result), shall be made separately for each invention of the group.

Section 12
Explicative Drawings

83. Where other explicative materials of the invention (diagrams, photographs etc.) are furnished, their brief statement shall be made. AGEPI may require that, in addition to the patent

application documents referred to in Points 32-34 of this Regulation, a sequence listing be submitted on an electronic data carrier accompanied by a statement that the information recorded on the data carrier is identical to the written sequence listing in the application.

Section 13
Exemplary Embodiment(s) of Invention

84. The exemplary embodiment(s) of invention includes (include) the mode for carrying out and for use or for functioning of the invention. It shall indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable. The description shall be supported by concrete embodiments of the claimed invention, of the way in which the subject-matter described in a static state can be performed and in which such subject-matter described in a dynamic state can be used or function, in a manner sufficiently clear, complete and correct, with reference to the drawings, if any, for it to be carried out by a person skilled in the art. Each reference sign shall represent the same element, even if it appears in several figures, in such a way that it may possess a single meaning. It shall indicate the best mode for carrying out the invention known to the applicant on the filing date or, where priority has been claimed, on the priority date of the application.

85. The applicant shall avoid the furnishing of an exaggerated number of exemplary embodiments which are not strictly necessary for the definition of the invention. The examples, the alternative variations or the particular cases shall be in a sufficient number as to ensure:

a) the illustration of all new features of the invention;

b) the detailed understanding of the new solution (new solutions in the case of a group of inventions);

c) the demonstration whether the new solution/solutions are realizable and reproducible.

In the case of a group of inventions, at least one exemplary embodiment for each subject-matter of the group in the order of presentation of the claims shall be presented.

86. The possibility of carrying out the invention which solution is characterized by elements representing general notions, especially, at functional generalization level, shall be confirmed by the description of the concrete means of carrying out the element expressed by a general notion or by the indication of the means or process for obtaining thereof known as such. For each element, expressed in the claims in generalized form, the applicant shall present at least one exemplary embodiment of the element in a concrete form of manufacture thereof.

87. Where appropriate, the description of the exemplary embodiment having as subject-matter a process/method shall contain the logic order of the actions (processes, operations) on the material objects characterized by phases (stages), as well as the conditions of carrying out such actions, the concrete regimes (temperature, pressure etc.), devices, the used substances and strains. In the description of a process characterized by the use of known means (devices, substances, strains) the applicant shall indicate those means and shall confirm the notoriety before the priority date by reference to an information source.

In the case of use of unknown means the applicant shall define them and, where appropriate, shall attach the graphic representation, and in the case of new substances the process for preparation thereof shall be presented.

88. For the invention having as subject-matter a new individual compound with identified structure, the structural formula demonstrated by known methods, the physical-chemical constants shall be presented and the process by which the new compound was obtained for the first time shall be described. The proof of use of such compound according to a special destination shall also be presented; the indexes of the quantitative features of activity and

toxicity and, where appropriate, of the selectivity of action and other indexes shall be presented for the biologically active compound.

89. If the invention concerns intermediate compound, the possibility of its transformation into a known final product or the possibility of producing therefrom a new final product with concrete destination or with biologically active properties shall be presented.

90. The possibility of carrying out the invention having as subject-matter a strain of microorganisms, a plant or animal cell culture or processes in which it is used and the access to the biological material shall be confirmed by the indications relating to the fact how and when the corresponding strain can be obtained.

91. The possibility of obtaining the strain can be confirmed by the description of the process for the production thereof or by the presentation of the deposit document, produced in the established manner; in that case the date of deposit shall precede the priority date of the invention.

92. For the invention having as subject-matter a method of treatment, diagnosis or prophylaxis of human and animal diseases, the used therapeutic agents (medicinal preparations, physical factors, devices and equipment), their quantitative features (doses, wavelength, frequency, etc.), the way of administration and application, the sequence of operations, as well as the action of such factors on the etiopathogenesis of the disease, and where such data are missing, the doubtless data confirming the usefulness of the method of treatment, diagnosis or prophylaxis of the indicated disease shall be presented.

Section 14
List of Cited Information Sources

93. The bibliographic data of the cited information sources shall be indicated in the application documents so as to permit the anew finding of the information source. The identification data of the information sources in respect of the cited solutions shall be presented as follows:

a) code of the country in which the patent was granted, number of the patent, code of the type of document and date of publication thereof;

b) name of author, title of the article, handbook, treaty, etc., name of the publishing house, year of publication, number of edition and the pages of the publication containing the relevant information;

c) on-line name of the publication, the date of display of the information or the date of the last visit of the relevant site and the electronic address to which the information can be accessed.

Section 15
The Claims

94. The claims shall define the matter for which protection is sought by notions used in the description of the invention and shall indicate the necessary and sufficient totality of essential technical features of the invention for the solution of the technical problem.

95. The claims (each separately) shall be stated in a single grammatical sentence. The essential technical features of the invention shall be stated in the claims in such terms that the possibility of their identification can be provided, i.e. the adequate understanding by a person skilled in the art, on the basis of the prior art, of the essential content of the notions by which such features are characterized. The essential features in the claims shall have the same name and the same reference signs as in the description and drawings.

96. Characterization of a technical feature in the claims may not, except where absolutely necessary, be replaced with references to the description or drawings, especially when a

nucleotide and/or amino acid sequence listing is indicated. The claims may contain chemical or mathematical formulae, other graphic representations, tables, which are essential for the definition of the subject-matter of the claimed invention.

97. Inclusion in the claims of personal names, including the name of the inventor, names derived from personal names, fancy names, trademarks, appellations of origin of goods or trade names, abbreviations and terms as "etc.", which do not contribute to the identification of the invention, shall not be admissible.

98. Where several possible forms of carrying out the technical feature are disclosed, they ensuring together with other essential features the achievement of the same result, the statement of the element in the claims by a notion to cover the disclosed forms of carrying out shall be reasonable. If such notion is missing or it also covers forms of carrying out the technical feature which do not ensure the achievement of the indicated result, making the generalization unjustified, the feature may be stated by alternative notions to characterize different forms of carrying out the technical feature.

99. Depending on the option of the applicant, claims shall consist of:

a) either two parts (bipartite claim), the first part (the preamble) containing those technical features of the invention which are necessary for the definition of the claimed subject-matter but which, in combination, form part of the prior art, as well as the generic notion reflecting the destination of the invention, and the second part – the characterizing portion, beginning with the expression "characterized in that" and specifying the new technical features which, in combination with the features stated in the first part, define the invention;

b) or of a single part (monopartite claim), without separation of the preamble from the characterizing portion.

100. Where patent application contains explicative drawings, the technical features specified in the claims from both the preamble and the characterizing portion shall preferably be followed by such reference signs relating to these features, placed in parentheses.

101. Indication of technical features from more than one close solution, i.e. presentation of the closest solution formed of technical features belonging to different close solutions shall not be admissible in the preamble.

102. The claims relating to an invention shall contain an independent claim or may be followed by one or more dependent claims, depending on the nature of the invention. A dependent claim shall contain all the essential technical features of an independent claim to which it is subordinated and, where appropriate, relates to:

a) the development and/or statement of the totality of its essential features, already stated in the independent claim;

b) particular embodiments of the invention;

c) additional or optional technical features which are not essential for the definition of the claimed subject-matter.

103. If there are several claims, they shall be numbered consecutively in Arabic numerals in the order of presentation. The number of claims shall be reasonable with regard to the nature of the invention claimed.

104. Statement of a dependent claim in such a manner that the technical features of that claim can be replaced or excluded shall not be admissible.

If a dependent claim is stated in such a manner that the technical features of an independent claim are replaced or excluded, such a dependent claim together with the

independent claim, to which it is subordinated, shall not be deemed to characterize the same invention.

The preamble of a dependent claim shall contain the title of the invention which, as a rule, is shortened as compared with that in an independent claim and the reference to the independent claim and/or dependent claim(s) to which it relates.

105. The subordination of dependent claims to an independent one may be direct or indirect, i.e. over one or more dependent claims. Also, a dependent claim may be subordinated to one or more independent claims.

106. The direct subordination of a dependent claim shall be used when, for the definition of the invention in a special case of embodiment or application thereof, alike the technical features of that claim, only the technical features indicated in the independent claim are necessary. If the technical features of one or more dependent claims are also necessary for such definition, the indirect subordination of the dependent claims to the independent one shall be used.

107. An independent claim shall relate to one invention only and shall state clearly all of the essential technical features necessary for the definition of the invention. Upon drafting the independent claim, the words “contains”, “consists of”, “is consisted of” are used, if the product or process does not contain other additional elements. If the words “includes”, “comprises” are used in the claim, the product or process may contain additional elements, in addition to those indicated in the claim. An independent claim shall not relate to one invention if the totality of the contained technical features includes:

a) features stated as an alternative solution which does not ensure the achievement of the same result or the alternative does not relate to separate features, but to a group of functionally independent features (assembly or member of a device, operations of a process, substance, material, device used in a process, ingredient of a composition, etc.), including when the choice of the alternative solution for any of these features depends on the choice made for another feature(s);

b) the disclosure of a feature in such a manner that both existence and absence thereof in the totality (especially, when expressions of the type “may comprise an element of a device”, “an operation of a process” are used) shall be admissible or the presentation of the quantitative content of one of the ingredients of the substance in a value interval with the lower limit equal to zero (except for the facultative ingredients which do not have an influence on the achievement of the stated result);

c) the definition of inventions relating to different subject-matters or to the totality of means, each having its own destination, which can be realized without the indicated totality of means with general destination.

[Point 107 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

108. The claims relating to a group of inventions shall contain several independent claims, each of them defining one invention of the group. In that case, each invention of the group may be defined by the use of the dependent claims linked to the corresponding independent claim. Upon stating the claims relating to a group of inventions, the following Points shall be complied with:

a) all dependent claims shall be grouped together with the independent claim accompanied by them;

b) if the destination of one of the subject-matters of the invention for the realization, manufacture and application of another (in another) has served as a criterion of unity of

inventions in a group, in the first independent claim shall be defined that subject-matter for which the other invention is intended;

c) references to other claims (where they allow stating the independent claim without repeating the content of another claim) shall be admissible in the independent claims defining one invention of the group.

109. A patent application may include more independent claims relating to different subject-matters, for example:

a) a claim for a device, a substance or a strain of microorganism and a claim relating to a process for the manufacture of the said device, substance or strain;

b) a claim for a process and a claim for a device designed for applying the said process;

c) a claim for a device or a substance, a claim relating to a process for the manufacture of the said device or substance and a claim for a device designed for applying the said process.

110. In the case of a group of inventions, a patent application may contain two or more independent claims in the same category (for example: device, process, substance, strain of microorganism or application thereof) which cannot be covered in a single common claim.

111. Devices shall be technically defined by the constituent elements, the constructive relationship between them, the constructive and functional relationships between the constituent elements forming a unitary technical assembly.

112. A device shall be characterized in the claim in a static state. Indication in the claim of the manufacture of the element as being in a dynamic state, with the possibility of fulfilling a certain function (for example, with the possibility of braking, with the possibility of fixation, etc.) shall be admissible.

113. Inventions having as subject-matter processes or methods shall be defined as logical orders of operations characterized by stages (phases), their operation sequence, initial conditions, technical modes of operation, used technical means, final products or results. The verbs necessary for the characterization of actions (process, operation) as technical features of a process shall be used in the indicative mood, present, reflexive form, singular, third person (for example: it is heated, it is taken, it is mounted, etc.). For a process including several stages, marking of such stages by Points or numerals shall be admissible.

114. For a compound relating to products of gene engineering, the nucleotide sequence (in the case of nucleic acid fragments) and the description of the physical map (in the case of recombined nucleic acids and vectors), as well as the physical-chemical characteristics and other characteristics necessary for the distinction from other compounds shall be included in the claims.

115. If as element of the invention is indicated a known complex substance, the use of its special name, with the compulsory indication of its function and/or properties and base, shall be admissible. In such a case, the complete composition and, if necessary, the process for the preparation of the said substance or the relevant bibliographical reference shall be presented in the description of the invention.

116. In the claims characterizing an individual chemical compound of any origin, the name or marking of that compound shall be included. For a compound with identified structure, the structural formula thereof shall be included in the claims.

117. In the claims characterizing a composition, the ingredients of that formulation and, normally, the elements relating to the quantitative composition of the ingredients, which, as a Point, is expressed in two values for the characterization of the minimum and maximum limit of the composition, shall be included.

118. For compositions which destination is determined only by a new active agent, and the other components are neutral carriers from the group of those traditionally applied in the compositions with such destination, the indication in the claims only of the said active agent and its quantitative composition, including in the form of "efficient quantity" shall be admissible.

119. The characterization of such a composition by the indication therein, except for the active agent, of other conventional components (neutral carriers) by the generalizing notion "special additive" shall be admissible. In such a case, the quantitative ratio of the active agent and special additive shall be indicated.

120. In the claims characterizing the strain of a microorganism, a plant and animal cell culture shall be included: the Latin name of the genus and species of the microorganism, plant or animal to which the strain relates; the destination of the strain; the abbreviation of the official deposit collection; the registration number of the subject-matter deposited in the collection.

121. In the cases where subject-matter of the invention is the use of a product or process, the claim with the following structure: "Use (the name or the characteristic of the product, process shall be indicated) as (the destination of the product, process shall be indicated)" shall be used.

122. For a product used for the first time as a medicament or for a product already known as a medicament, applied according to a new destination, with a new therapeutic effect,, the claim with the following structure shall be used:

a) "Product X (the name of the product shall be indicated) for use as (the therapeutic destination thereof shall be indicated)" or

b) "Product X (the name of the product shall be indicated) for use in the treatment of disease Y (the name of the disease shall be indicated)".

123. For a product already known as a medicament, used according to a new destination, with a new therapeutic effect, the claim with the following structure may be used:

a) "The use of product X (the name of the product shall be indicated) for the treatment of disease Y (the name of the disease shall be indicated)" or

b) "The use of product X (the name of the product is indicated) as (the new destination shall be indicated)" or

c) "The use of product X (the name of the product shall be indicated) for the preparation of a medicament for the treatment of disease Y (the name of the disease shall be indicated)".

124. If a subject-matter or an element cannot be characterized in a manner that would enable its identification, for example, with an unidentified structure or composition, the characterization thereof by functional characteristics, parameters (properties) or the process for the obtaining (manufacture), ensuring the identification by a person skilled in the art, shall be admissible.

Section 16
Drawings and Other Materials

125. Drawings shall be required when they are necessary for the understanding of the invention and of the novelty elements thereof. Drawings shall contain reference signs (numbers and/or letters) indicating the corresponding component elements presented in the exemplary embodiment of the description. Drawings and other explicative materials may be presented in the form of: graphic materials (proper drawings, schemes, graphs, drafts, figures, oscillograms, etc.), photographs, tables, diagrams, etc.

126. Graphic materials shall be executed on A4 paper or in exceptional cases on A3 paper which shall be strong, white, smooth in black indelible lines and clear hatchings, without

colourings and fadings, providing for the drawings the necessary contrast for copying or scanning. The scale and clarity of the graphic materials shall be such that reproduction with a linear reduction in size to two-thirds will allow all details to be distinguished without difficulty.

127. The title, the applicant and the author of the invention shall not be indicated on sheets containing drawings. They shall not have frames or other lines as to delimit the drawings. The minimum free margins of sheets shall be on each side of 25 mm. Brackets, circles and inverted commas shall not be in association with numbers and Points. The height of the numbers and Points shall not be less than 0.32 cm. The drawings shall not contain inscriptions, except for words, such as “water”, “open”, “closed”, “section on A-A”.

128. The same sheet of drawings may contain several figures, they being delimited expressly by each other.

129. Elements of graphic reproduction shall be marked with Arabic numerals in accordance with the description of the invention. The same elements, presented in several figures, shall be marked with the same numeral.

130. Each graphic reproduction shall be numbered in Arabic numerals (Fig. 1, Fig. 2, etc.), irrespective of the type of reproduction (drawing, scheme, graph, figure, etc.) and of the numbering of the sheets in accordance with the order of presentation in the text of the description. If the description is illustrated by a single figure, it shall not be numbered.

131. For marking the form, recess, prominence, orifice etc., small Points of the Latin alphabet shall be used. For some markings of the trigonometric sizes, Points of the Greek alphabet may be used. For marking the number of parts, numerals or Points with index (first, second, etc.), for example: 2, 2^1, 2^2, a, a^1, a^2, etc., may be used.

132. Sections and intersections shall be marked with capital Points of the Latin alphabet, for example A-A, B-B etc. In electrical circuits, both Arabic numerals and small Points of the Latin alphabet may be used, separately or as a solid word.

133. Markings of the positions shall be withdrawn outside the part profile; where possible, they shall be placed in a horizontal or vertical line and shall be joined by a thin line ending in a Point on the parts represented by them.

Section 17
The Abstract

134. The abstract shall serve the purpose of information and shall represent a concise summary of the disclosure as contained in the description. It shall contain: the title of the invention; the characterization of the technical field to which the invention pertains and/or of the application field thereof, if not comprised in the title; the characterization of the invention with the indication of the achieved result. The invention shall be characterized in the abstract by a free statement of the claims. The abstract shall, where applicable, contain the drawing or the chemical formula and shall indicate the number of the figure of the drawings which should accompany the abstract upon publication.

135. The drawing included in the abstract shall be presented on a separate sheet, in the same number of copies as the text of the abstract, including where it is identical to one of the figures of the drawings illustrating the description. The figure accompanying the abstract shall be the most representative figure of the invention and shall be chosen among the drawings accompanying the patent application.

136. If the abstract is accompanied by a drawing, the reference signs corresponding to the elements existing in the drawing shall be presented in the text of the abstract, placed between parentheses. The reference signs used in the drawing shall be identical to those in the description

of the invention. Nonconformities among reference signs, even if all the elements existing in the drawing are not indicated in the abstract, shall not be admissible.

137. The abstract shall be completed with indications relating to the number of claims and graphic reproductions. The indication of the number of tables shall be admissible.

138. The abstract shall preferably not contain more than one hundred and fifty words. The definitive content of the abstract shall be determined by AGEPI.

Section 18
Terminology and Conventional Marks

139. Standard terms and abbreviations, and in the absence thereof − terms and abbreviations dedicated to the technical and scientific literature, shall be used in the application documents. The terms shall be anew found in one of the dictionaries of Romanian language (DEX, technical dictionary, etc.), the technical slang not being admissible. Where equivalent terms do not exist in the state language, customary technical terms in another language may be used. If terms and marks which do not have a wide application in the relative field are used, their meaning shall be explained in the text upon the first use. All conventional marks or abbreviations shall be decoded upon their first use in the description.

140. The unity of terminology shall be observed in all application documents, i.e. the same elements shall be named identically. The requirement of unity of terminology shall also relate to the physical units of measurement and to the used conventional marks. Physical values shall be expressed in units of measurement specified under letter a), paragraph (11), Article 4 of the Law No 647-XIII on Metrology of 17 November 1995 (Official Gazette of the Republic of Moldova, 1996, No 13, Art. 124; republished in the Official Gazette of the Republic of Moldova, special edition of 15 April 2008, page 4).

141. The patent application shall not contain expressions, drawings, photographs and other materials contrary to ordre public and morality, statements disparaging the products, methods or processes, the merits or validity of the applications or patents of any third party, as well as matters obviously irrelevant to or unnecessary for the subject matter of the invention. If the description contains inadmissible expressions of above-mentioned nature, AGEPI shall, in the examination procedure, exclude them later from the text and shall notify such fact to the applicant.

Section 19
Way of Presentation of the Documents

142. All the application documents shall be typewritten or printed on sheets of A4 paper which shall be white, strong, smooth, opaque and free from creases, so as to admit of long storage and direct reproduction as often as necessary. The documents shall be typed in black characters. The texts of the description, the claims and the abstract shall be 1.5-spaced, the capital Points of which shall be not less than 2.1 mm high or in characters of a size of 12 cm.

143. The margins of the sheets containing the description, the claims and the abstract shall be as follows, in mm:

a) top of the first sheet – 30;

b) top of the next sheets – 20;

c) left side – 25;

d) right side – 20;

e) bottom – 20.

144. Only one side of each sheet shall be used, placing the lines parallel to the short margin of the sheet. Each of the documents making up the application (description, claims,

abstract and drawings) shall commence on a new sheet and the second sheet and the next sheets shall be numbered in Arabic numerals consecutively, in the middle, at the bottom of the sheet. Only graphic symbols, Points of the Greek alphabet, mathematical and chemical formulae may be written by hand with ink, push-button pencil or Chinese ink in a dark colour.

145. The requirements for the description, the claims and the abstract, as well as those referred to in Points 142-144 of this Regulation shall apply to the replacement documents of the application materials.

146. Materials relating to documents other than those referred to in Point 145 of this Regulation shall be typewritten or printed. There shall be a margin of about 25 mm on the left-hand side of each page.

147. All documents filed after the filing of the application shall be signed. If a document has not been signed, AGEPI shall notify such fact to the party concerned and shall invite it to remedy the deficiency within two months from the date of dispatch of the notification. If the document is not signed in due time, it shall be deemed not to have been filed.

148. Documents relating to two or more patent applications or patents shall be filed in a sufficient number of copies. If the documents are not filed in a sufficient number of copies, AGEPI shall notify such fact to the applicant and shall allow him a period of two months to file the relevant documents or to apply for the multiplication thereof by the AGEPI, on payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997, "on the list of services with legal significance in the field of protection of industrial property objects" (Official Gazette of the Republic of Moldova, 1997, No 57-58, Art.625) (hereinafter referred to as "Government Decision No 774 of 13 August 1997").

[Point 148 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 20
Proof of Payment of Fee

149. A proof of payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997, or, where appropriate, a document certifying exemption from the fee or a reduction of the fee shall be annexed to the patent application. The document constituting the proof of payment of the fee in Moldovan lei shall be a copy of the order for payment certified by the authorized bank, a receipt for payment issued by the AGEPI accounting or a receipt for money order. The document constituting the proof of payment of the fee in Euro shall be a copy of the order for payment duly authenticated by the authorized bank.

Section 21
Priority Document

150. The priority document shall contain a certificate of priority issued by the patent office with which the initial application was filed, from which the date of filing thereof may result, and a copy, which constitutes the regular national filing (the description of the invention, the claims, the drawings etc.), certified by the patent office with which the initial application was filed.

[Point 150 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

151. Where more priorities are claimed and the previous application is in a language other than the state one, the applicant or his successor in title shall file a translation of the description as a whole or of one part thereof, indicating the excerpts from the description, the claims and, where appropriate, the drawing or drawings corresponding to each priority document. In such a case, the translation shall be furnished within three months from the date of dispatch of the notification on which the furnishing of the translation of the previous application

is required. Alternatively, a declaration may be submitted that the patent application is a complete translation of the previous application. At the same time, the applicant may be required to furnish only the translation of the claims.

152. The exhibition priority claim shall be justified by a certificate which shall ve filed within three months from the date of filing the application and which shall contain:

a) the name of the exhibition, the address and the opening date thereof;

b) the family name, given names and address of the natural person or the name and address of the legal person who has displayed the subject-matter at the exhibition;

c) the effective date on which the public display was made;

d) the number and date of the certificate of guarantee;

e) a copy of the description of the displayed subject-matter, certified by the administration of the exhibition, that the displayed subject-matter is identical to the described one and a translation in the state language of the said description.

[Point 152 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

153. Where the certificate referred to in Point 152, subparagraph (e), of this Regulation is not filed in the state language, AGEPI shall, for the purpose of establishing the content of the exhibited invention, notify such fact to the applicant and shall invite him to furnish the required translation thereof within a period of three months.

Section 22
Statement of Non-Prejudicial Disclosure of Information Relating to an Invention

154. The statement of non-prejudicial disclosure of information relating to an invention shall be made on filing the patent application. The statement shall be justified by a certificate, which must comply with the conditions set out in Points 152 and 153 of this Regulation;

[Point 154 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017])

155. For the application of Article 9, paragraph 1, point a), of the Law, an evident abuse in relation to the applicant or his legal predecessor, as well as to the inventor having surrendered his right in the invention, shall be the disclosure by a third party:

a) who has derived the invention from any of these persons; or

b) to whom the invention has been communicated by one of these persons, provided that he does not disclose the invention to public.

Section 23
Document Certifying the Deposit of Biological Material

156. The document certifying the deposit of reproducible biological material with a national depositary institution designated by the Government or with an international depositary institution shall contain:

a) the name and the address of the officially recognized national or international collection with which the microorganism was deposited;

b) the date (year, month, day) of deposit of the microorganism with the officially recognized national or international collection;

c) the denomination of the microorganism;

d) the number of deposit of the biological material;

e) the biochemical, morphological and taxonomic characteristics of the microorganism deposited.

157. Where the biological material has been deposited by a person other than the applicant, a document shall be annexed to the patent application providing evidence that the

latter has authorized the applicant to refer to the deposited biological material in the application and has given his consent to the deposited material being made available to the public.

Section 24

Request for Substantive Examination

158. The request for substantive examination shall be filed with AGEPI in one copy and shall be drawn up on a form approved by AGEPI.

159. The request for substantive examination may be filed by any third party after the publication of the patent application and until a decision is adopted in relation thereto. The applicant shall be notified of the request for substantive examination filed by any third party.

160. The request for substantive examination may be filed with the AGEPI by any third party for a short-term patent application or a short-term patent. The applicant (patent owner) shall be notified of the request for substantive examination filed by any third party.

161. The proof of payment of the fee in the amount prescribed pursuant to Government Decision No 774 of 13 August 1997, shall be filed at the same time as filing the request for substantive examination. Otherwise, the request for substantive examination shall be deemed not to have been filed and such fact shall be notified to the applicant or to the person having filed the request for substantive examination.

162. The procedures for substantive examination or search may, upon request, be accelerated. The said procedures shall be indicated in the request for accelerated prosecution, drawn up in free form.

[Point 162 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

163. The proof of payment of the fee in a twice increased amount in relation to that prescribed pursuant to Government Decision No 774 of 13 August 1997, shall be filed at the same time as filing the request for accelerated prosecution.

164. The time limit for accelerated prosecution shall be twice less than the established one.

Section 25

Filing of a Divisional Application

165. The applicant may file a divisional application by dividing any pending earlier patent application pending before AGEPI prior to the date of dispatch of the decision to grant the patent or to reject the application, provided that the limits for the disclosure of the subject-matter of such application in the initial application are observed for each divisional application. Where multiple priorities are claimed in the initial application, the applicant shall indicate the corresponding priority in each divisional application.

[Point 165 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

166. The filing fee of the divisional application, prescribed pursuant to Government Decision No 774 of 13 August 1997, shall be paid within two months from the date of filing thereof, otherwise the application shall be deemed not to have been filed.

Section 26

Request for Search

167. The search for a patent application shall be carried out within six months from the date of filing of the request for search by the applicant or by any person concerned, with the drawing up of a search report or a search report with a written opinion on patentability, provided the established fee is paid. AGEPI shall notify the applicant of the request for search filed by any third party. The request for search may not be revoked.

[Point 167 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

168. A search report or a search report with a written opinion on patentability shall be drawn up on the basis of a search, which shall be transmitted to the person having filed the request for search. If the request for search has been filed by any third party, the search report shall be transmitted to it only after the publication of the patent application.

[Point 168 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

169. The request for search shall be deemed not to have been filed if an earlier request for search or for substantive examination was filed at the date of submission thereof. The person having filed the request shall be notified of the existing earlier request.

CHAPTER III
EXAMINATION OF THE PATENT APPLICATION AND GRANT OF THE PROTECTION

Section
Formal Examination

170. The formal examination shall be undertaken within one month from the date of presentation of the application documents with the AGEPI. In the formal examination, AGEPI shall check whether the patent application meets the formal requirements laid down in Articles 32 and 34 of the Law and in Points 36-47 of this Regulation.

[Point 170 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

171. Where AGEPI in carrying out the formal examination under Articles 32 and 34 of the Law notes that the features necessary for the registration of the patent application appear to be missing and that they do not comply with the requirements laid down in Points 36-47 of this Regulation, AGEPI shall notify the applicant accordingly and invite him to correct the deficiencies noted within three months from the date of dispatch of the notification.

172. If the application meets the formal requirements laid down in Articles 32 and 34 of the Law, it shall be accorded a date of filing and a filing number, and the particulars concerning the patent application shall be entered in the National Register of Patent Applications or, where appropriate, in the National Register of Short-Term Patent Applications.

173. Where the application does not meet the requirements laid down in Articles 32 and 34 of the Law, AGEPI shall proceed pursuant to the procedure referred to in Points 36-42 of this Regulation.

174. If the application meets the formal requirements laid down in Articles 32 and 34 of the Law and in Points 36-47 of this Regulation, the applicant shall be notified of the termination of the formal examination, of the date and number of filing. Where the patent application was filed on a form under Points 43-47 of this Regulation, the termination of the formal examination shall be confirmed by the return of the application form with the indication of the date and number of filing assigned.

Section 2
Preliminary Examination

175. The preliminary examination shall be undertaken within three months from the date of termination of the formal examination or the date of constitution of the regular national filing. In the preliminary examination, AGEPI shall check whether:

a) all the application documents have been filed in compliance with Articles 32, 33 and 86 of the Law and Points 32-35 of this Regulation;

b) the content of the application documents meets the requirements laid down in Points 142-146 of this Regulation;

c) the patentability requirements laid down in Article 6 paragraph (2) Article 7 and Article 12 paragraphs (3) and (4) of the *Law* have been satisfied;

d) the initial classification of the invention has been filed in compliance with IPC (last edition), on the basis of the claims and the description of the invention;

e) the requirement of unity of invention has outwardly been satisfied, according to Art.35 of the Law";

f) the content of the additional materials has been submitted so as they may not modify the subject-matter of the claimed invention;

g) the designation of the inventors has been made without verifying the correctness of the indicated data;

h) the fees have been paid in compliance with the procedures claimed in the application;

i) the requirements laid down in Articles 39-42 of the Law concerning the priority claiming have been satisfied;

j) the translation of the documents presented according to Article 32 paragraph (3) of the Law corresponds to the content of the documents presented in another language on the date of filing of the application.

[Point 175 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 175 supplemented by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

176. Where AGEPI after examining the application materials and the annexed documents reveals deficiencies concerning the compliance with the requirements stipulated by the Law and the Regulation, it shall notify the applicant accordingly and shall invite him to give a response within three months from the date of dispatch of the notification. Where AGEPI founds that the translation presented according to Article 32 paragraph (3) of the Law does not correspond to the content of the documents presented on the date of filing of the application, it shall notify the applicant of the need to present the compliant translation within three months from the date of dispatch of the notification, otherwise, the application shall be rejected. The applicant shall have the right to file a new patent application based on the submitted translation, claiming priority for submitting the translation of the patent application.

[Point 176 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

177. Where AGEPI in carrying out the preliminary examination notes that the patent application does not comply with the requirement of unity of invention, it shall notify the applicant accordingly and shall invite him to divide it or to express an option with reference to the invention to be examined and, where necessary, to make corrections in the initial application within a time limit not exceeding 15 months.

178. If the applicant fails to divide or to file an option for the invention to be examined (or for the unitary group of inventions, if it is contained in the initial application) and fails to file the corrected documents within the prescribed time limit referred to in Point 177, the first invention claimed (or the first unitary group of inventions) shall be examined.

179. If the application contains more than five claims and the additional fee for each claim exceeding 5 has not been paid, the applicant shall be notified of the need to pay the fee for the uncovered claims or submit the set of claims that is covered by the paid fee. Otherwise, claims that exceed the number of claims covered by the paid fee shall be considered abandoned and shall be excluded from publication.

[Point 179 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

180. Where other irregularities are also found, they may be indicated in the notification. The applicant may be invited in the notification to present the amended description or claims

referring to one invention only or to a unitary group of inventions, with the indication of the need for payment of an additional fee prescribed pursuant to Government Decision No 774 of 13 August 1997, where the amended claims would contain independent claims for the inventions presented in the initial claims, but not emphasized in independent claims.

181. If the applicant fails to reply in due time to the notification, provides an incomplete response, fails to submit the required materials, fails to file a request for extension of the said time limit, AGEPI shall suspend the procedure, notifying the applicant of such fact and giving him the possibility to re-establish the omitted time limit within six months from date of its expiry, subject to payment of the fee prescribed in accordance with Government Decision No 774 of 13 August 1997. If, before the expiry of the said time limit, the applicant fails to submit a request for re-establishment of the omitted time limit, with the submission of the response and proof of payment of the corresponding fee, the application shall be deemed to be withdrawn, such fact being notified to the applicant.

[Point 181 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

182. If, following the preliminary examination, the applicant makes Amendments or additions of the description, claims or drawings, he shall, for the purpose of publication and up to the fifteenth month from the date of filing or of priority claimed, either submit the replacement sheets including Amendments or additions or reformulate the entire documentation to be published. If the additional materials fully or partially change the essence of the invention and/or do not meet the conditions stipulated by the Regulation, the applicant shall be notified that during the examination these changes will not be taken into account in full or in the part that does not meet the requirements.

[Point 182 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

183. If the patent application contains all the required documents and meets the requirements stipulated by the Regulation, and the invention is not included in the category of unpatentable inventions, the applicant shall be notified of the termination of the preliminary examination of the application.

184. If, prior to the termination of the preliminary examination, the applicant fails to file the request for substantive examination, he shall, in the notification concerning the termination of the preliminary examination, be notified of the need for submission of the request for substantive examination within the prescribed time limit.

185. Notifications dealing with the preliminary examination may, where applicable, be dispatched together with the notifications of the substantive examination.

Section 3
Decision on the Refusal of a Patent Application at the Preliminary Examination Stage

[Name of Section 3 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

186. If the patent application and related documents fall under the incidence of the provisions established according to Article 6 paragraph (2), Article 7, Article 12 paragraph (3) or do not meet the requirements established according to Article 32 paragraph (3), Article 33 paragraphs (9) and (10), Articles 48 and 86 of the Law, the decision to refuse the patent application shall be adopted, accompanied by the corresponding grounds.

[Point 182 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

187. Before AGEPI decides to refuse the patent application, it shall notify the applicant of the grounds for refusal of the application and, where necessary, the references to the

corresponding information sources and shall invite him to file, within three months as from the date of dispatch of the notification, a reasoned response to the stated grounds.

188. If the applicant fails to present reasoned arguments against the grounds for refusal of the application or fails to file a reasoned response within the prescribed time limit, AGEPI shall issue the decision to refuse the patent application.

189. AGEPI shall transmit the decision of refusal to the applicant, notifying him of the right to file an appeal with the Board of Appeals of AGEPI, where he disagrees with the grounds of the decision, within 2 months as from the dispatch thereof.

190. Within three months following the date on which the applicant has been informed of the decision to refuse the application, AGEPI shall publish the mention of the decision to refuse the application in BOPI.

191. Where AGEPI upon filing the patent application reveals that the invention contains information which, if published, can prejudice the national security of the Republic of Moldova, it shall notify the applicant of the impossibility of affording legal protection for the respective invention, under Article 45 of the Law. The competent authority necessary to be addressed for the examination of the said application shall be notified to the applicant.

Section 4
Publication of Application

192. For the publication of the patent application before the expiry of the time limit provided for in Article 49 paragraph (1) of the Law, the applicant shall file an application in this sense before the expiration of 15 months from the date of filing or, as the case may be, of the priority of the application.

[Point 192 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

193. The publication of the patent application before the expiry of the established time limit shall be carried out within three months from the date of filing of the application for publication and payment of the established fee.

[Point 193 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

194. Patent applications withdrawn or rejected prior to the expiry of fifteen months from the filing date of the application shall not be published.

195. Where the applicant has been notified of the fact that the patent application does not meet the requirement of unity of invention and he has failed to divide up the application within a period of at most fifteen months from the filing date for a patent application or, respectively, three months for a short-term patent application, the application shall be published as filed.

196. If corrections or Amendments which do not modify the subject matter of the invention were included in the application documents, they shall be taken into account upon publication.

197. Materials and expressions inadmissible under Points 139-141 of this Regulation shall be omitted from the published documents.

198. Waiver of inventor to be mentioned in the publication of the patent application shall be taken into account, if presented before the expiry of fifteen months from the filing date, but not later than the presentation of the request for publication before the expiry of the time limit provided for in Article 49 paragraph (1) of the Law.

[Point 198 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

199. On the date on which it publishes in BOPI the bibliographic data concerning the patent application, AGEPI shall make available to the public, on its official website, the description, the claims, the abstract and, where applicable, any drawings, as these documents

were filed. The specification of the application shall also contain a bibliographic sheet drawn up by the AGEPI.

[Point 199 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

200. AGEPI may additionally publish in BOPI the translation of the abstract into an international language.

201. AGEPI shall make the application materials published in BOPI available to the public on its official website.

[Point 201 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 5
Observations by Third Parties

202. Any person who possesses information about the invention which forms the subject-matter of the patent application and who can influence the examination thereof may, under Article 89 of the Law, present observations within the period between the publication of the patent application and issuance of a decision relating thereto. Filing of observations shall not be subject to the payment of fees.

203. The observation shall be filed in free form and must contain:

a) the information identifying the person who files the observation (the name or denomination of the enterprise, the address, the telephone, the e-mail address);

b) the information identifying the representative, if the person who has filed the observation has apPointed a representative;

c) indications concerning the patent application in respect of which the observation has been formulated (the filing number, the name or denomination of the applicant and the number of BOPI in which the particulars of the application have been published);

d) the ground of the observation;

e) the documents, evidence and arguments presented in support of the observation (documents with undeniable date, made available to the public prior to the filing date and, where applicable, the priority date, indicating exactly the subject-matter in respect of which the observation has been formulated).

204. The observation and the materials in support thereof shall be filed in two copies – one for the file and one for the applicant.

205. AGEPI shall send one copy of the opposable documents to the applicant and shall give him a time limit of three months from the date of dispatch, if the substantive examination was requested on that date, to present his reasoned opinion or the description, the drawings, the claims amended pursuant to the formulated observation, provided that they do not extend beyond the limits of the initial disclosure.

The response of the applicant may be presented at the same time as the request for substantive examination.

206. The observations by third parties, the response and the possible amendments presented by the applicant shall be taken into account upon further examination of the application.

207. If more observations are presented in respect of a patent application, AGEPI may rejoin the procedures for examination of the observations filed.

Section 6
Content of the Substantive Examination

208. The substantive examination of the application shall cover:

a) the supplementary checking for compliance with the requirements referred to in Article 6 paragraph (2) and Article 7 of the Law;

b) checking of the requirements of disclosure of the invention referred to in Article 36 of the Law and Section 7 of this Chapter;

c) checking of claims for compliance with the requirements of Section 15 of Chapter II of this Regulation;

d) checking for compliance of the additional materials, if any, with the requirements of Points 501-505 of this Regulation;

e) checking for compliance with the requirements of unity of invention;

f) checking for compliance with the requirements of patentability of the invention;

g) checking of the correctness of the recognition of priority claimed, if necessary;

h) checking of the initial classification with the completion or amendment thereof, where applicable.

[Point 208 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

209. Checking for compliance with the requirements of patentability of the invention shall include:

a) checking for compliance with the requirement of industrial application, in accordance with Article 11 of the Law;

b) checking for compliance with the requirement of novelty, in accordance with Article 8 of the Law;

c) checking for compliance with the requirement of inventive step, in accordance with Article 10 of the Law.

Section 7
Requirements for Carrying Out the Substantive Examination

210. The substantive examination of the application shall be carried out after the completion of the preliminary examination, on the basis of a request for examination filed by the applicant or any person concerned. The substantive examination shall not be carried out if it is requested for an earlier withdrawn application.

[Point 210 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

211. Where the amount of the fee paid for carrying out the substantive examination does not correspond to the amount prescribed pursuant to Government Decision No 774 of 13 August 1997, the proof of payment of the difference shall be submitted within three months from the date of dispatch of the corresponding notification. Failure to submit the proof of payment of the fee in the amount and within the prescribed time limit shall lead to the request for substantive examination being deemed not to have been filed.

212. In the case of a group of inventions for which the proof of payment of the fee was filed in a smaller amount than the prescribed one, but larger than the amount for one or several inventions of the group, the applicant or the person concerned shall be notified of the need to pay the difference for the completion of the amount of the prescribed fee and to submit the proof of payment of the said fee within three months from the date of dispatch of the notification.

213. If the applicant fails to submit the proof of payment of the difference, the inventions of the group indicated by the applicant or the person concerned shall be examined. Where the said specification has not been made, the inventions of the group first mentioned in the claims and for which the corresponding fee has been paid pursuant to Government Decision No 774 of 13 August 1997, shall be examined.

214. Where the applicant or the person concerned is entitled to an exemption from or to a reduction of the examination fee, the proof of exemption from the fee or reduction of the amount thereof shall be filed at the same time as the request for examination or within a time limit not exceeding two months from the date of filing thereof.

215. Where several persons have filed requests for substantive examination, the request having the latest date shall be deemed not to have been filed, such fact being notified to the person who has filed it.

216. The person who has filed the request for substantive examination, but who is not the applicant of the respective patent application, cannot take part in the examination.

217. One copy of the decision shall be transmitted to the person who has filed the request for substantive examination. If the patent application has not been published on the date of the decision, the respective person shall be notified of the issued decision and one copy thereof shall be transmitted to him after the publication of the patent application or the decision.

218. If, prior to the conclusion of the substantive examination, the applicant withdraws the patent application or converts it into a short-term patent application, the person concerned who has filed the request for substantive examination shall be notified accordingly.

219. The procedure for examination of the patent application shall cease if the applicant withdraws the patent application.

Section 8
Time Limits for Substantive Examination

220. The procedure for substantive examination shall last up to the solution or elucidation of the problems concerning the substantive examination, even if for such purpose the period of 18 months, referred to in Article 51 paragraph (2) of the Law, is exceeded, including by the request for successive extensions of the time limit for response to notifications from AGEPI, under Article 90 of the Law. The procedure for substantive examination shall be deemed to be carried out within a legal time limit, if within such time limit AGEPI has transmitted to the applicant at least one notification of compliance with the requirements of patentability.

221. If the accelerated substantive examination is requested and the corresponding fee is paid pursuant to Government Decision No 774 of 13 August 1997, AGEPI shall examine the application within nine months from the date of presentation of the proof of payment of the fee for acceleration.

222. The time limit for carrying out the substantive examination shall be extended by three months if the applicant, prior to the issuance of a decision, has furnished amendments to claims or additional materials of his own motion or in response to the notification transmitted to him.

223. Any notification of AGEPI sent as part of the application examination procedure extends the examination period for a period equal to the period that has elapsed from the date of dispatch of the notification until the date of receipt of the response or, if no response has been submitted, until the date granted for the submission of the answer, where appropriate.

[Point 223 in the wordin g of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 9
Priority of the Invention

224. The filing of the patent application which has the value of a regular national filing shall give rise to a right of priority, beginning on the date thereof, in relation to any other filing in respect of the same invention, having a later date of filing or of priority, provided that the

provisions of Article 34 paragraph (1) of the Law are met, whatever the outcome of the application may be.

[Point 224 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

225. A subsequent application in respect of the same subject-matter as a previous first application and filed in or for the same State shall be considered as the first application for the purposes of determining priority, provided that, at the date of filing the subsequent application, the previous application has been withdrawn, abandoned or refused, without being open to public inspection and without leaving any rights outstanding, and has not reserved as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

226. The right of priority shall have effect that the date of priority shall count as the date of filing of the patent application for the purposes of Article 8 paragraphs (2) and (3), and Article 14 paragraph (2) of the Law.

227. An applicant who wishes to claim priority shall, within two months from the filing date of the application, pay the fee, prescribed pursuant to Government Decision No 774 of 13 August 1997, for each priority claimed. Otherwise, priority shall not be recognized.

228. Multiple priorities of some previous applications may be claimed in respect of a patent application, filed in one or more countries not earlier than twelve months from the date of the application including inventions disclosed in the previous applications, each invention being accorded a date of priority corresponding to the date of the previous application in which it was disclosed.

229. The date of priority of an application claiming a combination of two elements, described separately in two previous applications, shall be established on the date of filing of the application, except where a priority document contains a reference to another priority document and a clear mention that the elements in both documents may be combined in a particular way.

230. The claiming of priority of an application in which a priority has already been claimed shall not be admissible.

231. If the applicant fails to meet the requirements referred to in Article 40 and Article 41 of the Law, the priority shall be recognized from the date of filing with AGEPI. Where an application contains a group of inventions and the above-mentioned requirements are not met in relation to an invention of the group, the priority for that invention shall be recognized from the date of filing with AGEPI.

232. If one or more priorities are claimed in respect of a patent application, this/these may be recognized only for those inventions which are included in the first application and in the subsequent applications, provided the unity of invention is complied with.

233. The priority may also be recognized from the date of filing the additional materials, if they were filed as a patent application prior to the expiration of the time limit of four months from the date on which the applicant was notified of the impossibility of taking into account these additional materials, on the grounds of the statement that they modify the subject-matter of the invention.

234. Where the claimed priority is recognized, the applicant shall be notified of such fact. Where the claimed priority is not recognized, the applicant shall be notified of such fact, stating the corresponding reasons therefor.

Section 10
Unity of Invention

235. Where a group of inventions is claimed in a patent application, the requirement of unity of invention under Article 35 of the Law shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

236. The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

237. Where a patent application relates to a group of inventions, the unity of invention shall be observed if any one of the following conditions has been met:

a) the group of inventions contributes to the solution of the same problem;

b) the group of inventions determines the obtaining of the same effects;

c) there is an interrelationship between the inventions;

d) at least one invention of the group cannot be realized or applied without the others;

e) absence of at least one invention of the group makes any of the other inventions of the group inapplicable.

238. In a patent application relating to a group of inventions may be included:

a) independent claims in different categories;

b) independent claims in the same category;

c) dependent claims.

239. In a patent application relating to a group of inventions shall be admissible independent claims, in different categories, grouped particularly into one of the following possibilities:

a) an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product;

b) an independent claim for a given process and an independent claim for a means specifically designed for carrying out the said process;

c) an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a means specifically designed for carrying out the said process.

240. An application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

a) a plurality of interrelated products;

b) different uses of a product or device;

c) alternative solutions to a particular problem, where it is inappropriate to cover these alternatives by a single claim.

241. Where AGEPI reveals that the application does not meet the requirement of unity of invention, it shall notify such fact to the applicant and shall invite him within three months from the date of dispatch of the notification:

a) to communicate which invention should be examined and, where necessary, to introduce clarity into the application documents, upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997, for making amendments, or

b) to divide up the application into two or more applications, so that each divisional application may not extend beyond the limits of the invention disclosed in the initial application.

242. If the applicant fails to communicate within the time limit laid down in Point 241 of this Regulation which invention (or unitary group of inventions) should be examined and fails to present the corrected materials, the first claimed invention (or the first unitary group of inventions) shall be examined.

243. Where, prior to the issuance of a decision on the initial application, the applicant fails to file divisional applications, the inventions which do not comply with the requirement of unity of invention shall remain in the description, provided that they do not form the subject-matter of the claims.

244. The divisional application filed after the date of dispatch of a decision on the initial application shall be deemed not to have been filed.

[Point 244 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

245. Lack of unity of invention may not be a ground for refusal of an application and may not be claimed within the actions for revocation or cancellation of a patent for invention.

[Point 245 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 11
Examination of Industrial Application

246. An invention shall be considered as susceptible of industrial application, under Article 11 of the Law, if, having regard to the description thereof, it is cumulatively obvious the following:

a) the subject-matter of the invention may be used at least in one field;

b) the technical problem and its solution by technical means;

c) disclosure of the invention according to Article 36 of the Law so as to enable a person skilled in the art to carry out the invention without undertaking an inventive step;

d) the invention may be reproduced with the same characteristics and effects, as often as necessary.

[Point 246 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 246 amended by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

247. An invention shall not be considered as susceptible of industrial application if:

a) it is not disclosed in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art, or

b) the successful realization thereof depends on the probability or existence of certain individual abilities of the person who can carry it out, or

c) the subject-matter of the invention is a product or a process whose operation, respectively use, is obviously contrary to the laws of physics, as is the case with perpetuum mobile mechanisms;

d) the invention does not have a technical character, it does not solve a technical problem by technical means, intended to provide the achievement of a technical result.

[Point 247 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

248. Inventions shall not be considered as susceptible of industrial application if they relate to:

a) methods and products using the symbols and attributes of religious, mystic or ritual actions;

b) methods and products, based on the use of some fields for which the material composition is not identified or is beyond the sphere of fundamental knowledge, for example

torsional fields, cosmic energy, pyramid and bioresonance effects, bioenergoinformational interactions, etc.;

c) methods for acting on the human or animal body without the use of technical means that provide the expected result.

[Point 248 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 248 amended by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

249. If the examination reveals that the description of the invention fails to meet at least any one of the requirements provided for in the present Section, it shall inform the applicant of such fact and shall invite him to give a response within a time limit of three months.

Section 12
Determination of Prior Art

250. AGEPI shall, for the purpose of determining the prior art, carry out the search in respect of the patent application on the basis of the claims, the description and the drawings and shall establish the relevant sources in the prior art.

251. The prior art shall, subject to Article 8 of the Law, be held to comprise everything made available to the public anywhere in the world by means of a written or oral description, by use, or in any other way (the electronic means, particularly the Internet and databases), before the date of filing of the patent application or of priority recognized, provided the date of making available to the public be identifiable.

252. By “public” is meant any person or persons who could without restrictions or liabilities of confidentiality disseminate knowledge of the invention.

253. Knowledge shall be regarded as made available to the public by use if, at the identifiable date, it was possible for any person to acquire possession of such knowledge and there was no bar or liability of confidentiality restricting the sale, use or display of the subject-matter manufactured by the invention, or to acquire possession of any knowledge deriving from the said subject-matter by display or use.

254. In the case of the following information sources, the date of making available to the public shall be considered to be:

a) for published descriptions relating to the titles of protection or to the patent applications or applications for the registration of utility models – the date of publication thereof;

b) for national or foreign publications – the date of publication, and where the establishment of such date is not possible – the last day of the month or from 31 December of the year indicated in the publication, if the time of publication is indicated respectively only by the year;

c) for research reports, the explanatory notes relating to the experimental works and other construction, technological and design documentation existing in the technical-scientific information institutions – the date of receipt by the said institutions;

d) for technological normative documentation – the date of registration with the competent authorities;

e) for materials and papers of doctoral theses edited with the status of manuscripts – the date of receipt by the library;

f) for papers presented at a competition – the date of public availability, certified by acts relating to the competition;

g) for sources of visual information (placards, drawings, schemes, photographs, models, products etc.) – the date of availability, confirmed by corresponding acts;

h) for products displayed at an exhibition – the date of display at the exhibition, confirmed by a corresponding act;

i) for oral reports, university lectures, communications, including over the radio, television, cinema etc. – the date on which the report was made, the lecture was delivered, the communication was presented, if these are recorded on a relevant carrier or are took down in shorthand in the prescribed manner in force on the indicated date;

j) for knowledge of a product, made available to the public by use of the product – the date on which such knowledge was made available to the public, confirmed by corresponding documents.

255. The search shall, for the purposes of determining the relevant prior art, include consultation of documentation being in the possession of AGEPI, contained in:

1) non-patent databases and collections with information retrieval tools on the basis of keywords, at least for the title and abstract, with a maximum retrospection and coverage from the geographical and thematic Point of view;

2) patent databases to include at least the following collections of primary patent documents:

a) MD, FR, DE, CH, GB, US, JP, CN, RU, SU, WO, EP, EA;

b) published patent and utility model applications, filed with AGEPI prior to the filing or priority date of the patent application examined;

c) European patent applications, for which the validation fee has been paid and which have been published, as well as validated European patents.

[Point 255 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

256. By patent document is meant: patents for invention, inventor's certificates, medical patents, utility certificates, utility model certificates and patents, complementary certificates or patents, as well as the relevant published applications.

257. In determining prior art for the inventions contained in the short-term patent applications, the minimum collection of consulted documents will include the MD, EA and EP databases, according to Article 52 paragraph (2) of the Law, as well as the general knowledge included in sources, predestined to a general public, for example, encyclopaediae, dictionaries, manuals, guides.

[Point 257 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 13
Search Report

258. AGEPI shall, following the search, draw up the search report on the basis of the claims, with due regard to the description and any drawings, on a form elaborated on the basis of the relevant form recommended by WIPO and which serves the purpose of examining novelty and inventive step of the invention.

The search report shall serve, after its publication, the purpose of furnishing technical-scientific information relating to the prior art.

259. The search report shall specify the indexes of classification of the patents for invention assigned to the subject-matter of the patent application, the keywords and other data used in the search equation. Databases and other sources used in determining the prior art shall also be indicated.

260. The search report shall cite those documents, available at the time of drawing up the report in the prior art, defined under Section 12 of this Chapter, which may be taken into consideration in deciding whether the invention to which the patent application relates is new

and involves an inventive step. Each citation shall be referred to the claims of the patent application to which it relates, the degree of relevance of the cited document by the symbols used by the international searching offices and, where appropriate, the relevant parts of the documents cited.

[Point 260 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 260 amended by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

261. The written opinion that accompanies the search report, according to the provisions of Article 18 paragraph (2) and Article 50 of the Law, shall contain a concise assessment of the novelty, inventive step and industrial applicability of each claim of the patent application, as well as explanations of the relevance of the cited documents in relation to the corresponding claims.

[Point 261 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

262. The applicant may, in support of drawing up the search report, file with AGEPI the public search materials available to him and their copies, provided that AGEPI after drawing up the search report returns these materials to the applicant if they were original.

Section 14
Examination of Novelty

263. Novelty of an invention shall be determined in relation to the content of the claims and the application field defined in the description. An invention shall not be considered to be new if a solution having technical features identical to all technical features of the invention included in the independent claim is known in the prior art.

[Point 263 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

264. Where the invention is distinguished from the prior art merely by destination, it shall not be taken into consideration upon examination of novelty, unless the elements characterizing the destination of the invention determine the existence of certain constructive differences, differences in the stages of the process or other distinctions of the invention from the prior art.

265. In determining novelty of an invention, only one document in the prior art will be taken into consideration, namely the one considered to be the closest to the claimed invention. In this sense the combination of two separate features belonging to the state of the art, nor the combination of two separate features from two different embodiments described in the same document, unless this combination has been explicitly suggested, shall not be admissible. In a unitary group of inventions, the documents in the prior art shall be taken into consideration individually for each invention.

[Point 265 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

266. If the examination selects a patent application filed with AGEPI earlier than the examined application, having the same claims and which data are not published, the examination procedure shall be suspended up to the issuance of a decision in relation to the application with earlier priority, such fact being notified to the applicant.

[Point 266 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

267. Pursuant to Article 53 paragraph (2) of the Law, a patent application may be refused if it claims the same subject-matter as a patent granted to the same applicant and which is not part of the state of the art.

268. If two or more patent applications of the same applicant with the same filing or priority date contain identical claims, the applicant shall be notified of the need to amend one or more applications so that the subject-matter of the claims is different. This provision shall not apply where the claims partially overlap, as well as where the patent applications are filed by different applicants.

269. Notification to the applicant of an examined application of bibliographic data or of content of another filed identical application shall be admissible prior to the publication of particulars thereof only with the consent of the applicant of another application.

270. Identity of the claimed invention in two identical applications shall be stated on the basis of the claims, in their last wording, submitted by the applicant in the established manner.

271. If, following the examination of prior art, relevant documents were selected covering in whole or in part the new features from the claims, AGEPI shall notify such fact to the applicant and shall invite him to give a response within a time limit of three months from the date of dispatch of the notification.

272. AGEPI may, at the request of the applicant, send the copy of the relevant documentary material, subject to the payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

273. If the applicant has responded within the prescribed time limit specified in Point 271 of this Regulation, demonstrating his interest in the support of the application, AGEPI shall, for the purpose of taking a proper decision, keep on corresponding with the applicant up to the clarification of all objections.

274. As pertinent (relevant) documents shall be considered those documents in the prior art the content of which covers in whole or in part the extent of protection sought by the applicant by independent claims.

Section 15
Examination of Inventive Step

275. The inventive step shall be assessed in relation to the claims and the technical problem which the claimed invention solves in the patent application. Examination of inventive step shall be carried out only for the claims which fulfill the requirement of novelty.

276. The inventive step shall be assessed in relation to the prior art including more close solutions from which a mosaic of solutions is formed, containing features of different close solutions and similar to the features of the invention compared in its totality with the claims.

277. Patent applications registered with the AGEPI, which were made available to the public after the filing date of the application under consideration, shall not be taken into consideration in assessing inventive step, even if their filing date is earlier.

278. An invention shall not have on its basis an inventive step and shall be considered as obvious, within the meaning of the provisions of Article 10 paragraph (1) of the Law, if from the analysis of the totality of prior art solutions it is obvious by a further synthesis that the person skilled in the art, using his general knowledge, may arrive at the solution which forms the subject-matter of the patent application.

279. A person skilled in the art shall represent, within the meaning of Point 278 of this Regulation, a person considered to have access to the whole prior art, possessing common abilities and general knowledge in the technical field in which the technical problem solved in the invention on the date of filing or of recognized priority is set.

280. Assessment of inventive step may be made by the problem-solution type approach providing for the following stages:

a) selecting the proximate analogue of the prior art;

b) determining the objective technical problem to be solved;

c) assessing the extent to which the claimed invention, starting from the proximate analogue and the objective technical problem, would have been obvious to the skilled person at the date of filing or at the date of recognized priority.

281. The objective technical problem may be different from the technical problem presented by the applicant in the description of the invention, depending on the prior art determined by the AGEPI.

282. In applying the provisions of Point 275, an invention shall be considered as involving an inventive step if it fulfills at least one of the following conditions:

a) it is not obvious to a person skilled in the art from a field of application of the invention or from a field close thereto;

b) the person skilled in the art cannot, on the basis of knowledge in the prior art, solve the problem as the invention solves it;

c) the need for the solution of the problem is present for a long time, and the known solutions are up to the level of solution in the invention;

d) it is used, with or without amendments, in another field, for the solution of another problem, and the obtained effect is either the same or unexpected, or superior to the effects produced by other inventions in the field in which the invention is superposed, provided the two fields may not be close to each other;

e) consists in the combination of known features in the prior art so that a functional organic relation, a mutual influence, a synergistic effect, an interaction or an interconditioning leading to the achievement of a new technical result is obvious;

f) has as subject-matter an analogous process by which a new effect or a substance with new, unexpected or superior qualities is obtained, or if the raw materials are new, even if the achieved results are the same;

g) represents a selection in a process of particular technical parameters covered within a known range, producing unexpected effects in the operation of the process or the properties of the resulting product;

h) represents a selection from a very large group of compounds having unexpected advantages.

283. In applying the provisions of Point 278, an invention shall not be considered as involving an inventive step if:

a) it consists in a simple enunciation of a problem without solving it, even if the problem is new;

b) it can resolve merely one problem concerning the saving of materials or energy, optimization of dimensions or reduction in cost prices, without achieving new or superior results;

c) it can resolve a problem merely by a simple substitution of materials with known characteristics making them suitable for that use and leading to predictable effects;

d) the problem it solves refers merely to a change in form or aspect for aesthetic purpose;

e) it can resolve a problem by a simplification, without maintaining at least the known performances in the prior art;

f) it differs from the known art merely in the use of well-known equivalents;

g) it can resolve a problem by the common use of two or more known solutions, and the predictable effect results from the simple summation of the effects of each solution (the juxtaposition of known solutions);

h) it resolves a problem consisting in a selection of a particular case from amongst a plurality of previously known components, individual elements or limited value ranges, without such selected case leading to special or unexpected qualities or results in comparison with those of the plurality of components from which it was selected;

i) the solution of the problem relates to the selection of a corresponding known material and/or to the making of certain constructive changes according to Points known by itself;

j) it relates to a natural product which was not influenced technologically;

k) it resides in the choice of particular parameters, dimensions, temperature ranges from a limited range of possibilities, which could be arrived at by successive routine trial or by the application of known design procedures;

l) the problem can be resolved by the invention merely by a simple extrapolation in a straightforward way from the known art;

m) it consists merely in the use of a known technique in a closely analogous situation (analogous use).

[Point 283 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

284. Within the meaning of Point 283 subparagraph f) of this Regulation, a means shall be considered to be an equivalent of a feature specified in the claims if it is obvious to a person skilled in the art that such means in the claimed invention performs essentially the same function, in the same way and with the essential achievement of the same result.

285. If the examination reveals that the invention does not involve an inventive step, within the meaning of Point 282 and Point 283, AGEPI shall notify such fact to the applicant and shall allow him for response a time limit of three months from the date of dispatch of the notification.

286. AGEPI may, at the request of the applicant, send him the prior art documents taken into consideration upon assessment of inventive step, subject to the payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

Section 16
Notification Delivered in the Process of Examination

287. AGEPI notifications shall be submitted in the form of an original document, signed by the examiner and the chief of the specialized examining subdivision and registered with AGEPI. AGEPI notifications shall be delivered to the applicant or to the person designated for correspondence:

a) by registered mail;

b) by delivery directly to AGEPI headquarters, with the addressee's acknowledgement of receipt, against signature, on the copy of the document that remains with AGEPI;

c) by technical means of communication.

288. Notification shall be deemed to have taken place even if the addressee refuses to accept the document or to acknowledge receipt thereof, provided that the addressee acknowledges receipt thereof.

289. AGEPI may, as often as necessary, send notifications to the applicant for remedying the deficiencies found in the course of examination of the application and shall allow him a time limit of three months for response. If the answer submitted does not correspond to the requirements established in Article 32 paragraph (4) of the Law and Points 33, 142-145 of this Regulation, the applicant shall be notified of the need to remedy, within one month, the irregularities found, otherwise the answer shall be deemed not to have been filed.

[Point 289 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

290. If, in the period for preparation of decision to grant a patent, AGEPI reveals that the claims have been amended (on the applicant's own initiative or at the proposal of the AGEPI) so that amendment of the description is also necessary or that there are deficiencies in the description and/or drawings, including those indicated earlier by AGEPI, but not remedied, the

applicant shall be invited to submit the description and/or drawings (or the replacement sheets) within three months from the date of dispatch of the corresponding notification.

291. If the applicant, within the time limit fixed in the notification, fails to respond or request extension of time limit for response, he may, within six months from the omission of the time limit, request re-establishment of the omitted time limit and further processing after the failure to observe the time limit, under the conditions of Art.91 of the Law, including the submission of a response and the payment of the fee prescribed pursuant to Government Decision No 774/1997.

292. If the applicant, before the expiration of the time limit of six months, under Point 291 of this Regulation, fails to file a request for reestablishment of the omitted time limit, with concomitant submission of the response and the proof of payment of the corresponding fee pursuant to Government Decision No 774 of 13 August 1997, the application shall be deemed to be withdrawn, such fact being notified to the applicant.

293. If the applicant, in the course of examination, has submitted a response to a notification which must be analyzed, and the result must be communicated to the applicant, AGEPI shall send the notification with the relevant analysis within a period of three months from the date of submission with the AGEPI of the applicant's response.

294. AGEPI may not take decisions before arrival of response or before expiration of the time limit allowed for response.

Section 17
Examination of Requirements for the Grant of a Short-Term Patent

295. AGEPI shall, within six months from the date of constitution of the regular national filing, carry out the examination of requirements for the grant of a short-term patent.

[Point 295 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

296. Examination, under Article 52 of the Law, shall cover:

a) carrying out of the formal examination under Article 47 of the Law and Points 170-174 of this Regulation;

b) carrying out of the preliminary examination under Article 48 of the Law and Points 175-185 of this Regulation;

c) checking for compliance of requirements provided for in Article 36 of the Law and Points 48-54 of this Regulation;

d) checking for compliance of claims with the requirements under Points 94-124 of this Regulation;

e) checking for compliance of additional materials, if any, with the requirements under Points 501-505 of this Regulation;

f) checking for compliance with the requirements of unity of invention;

g) checking for compliance with the requirements of patentability of the invention;

h) recognition of the priority claimed.

297. Checking for compliance with the requirements of patentability of the invention shall include:

a) checking for compliance with the requirement of industrial application, under Articles 11 and 12 paragraph (1) of the Law;

b) checking for compliance with the requirement of novelty, under Article 52 paragraph (2) of the Law;

c) checking for compliance with the requirement of inventive step, under Article 12 paragraph (2) of the Law.

298. An invention which forms the subject-matter of a short-term patent application shall be considered as involving an inventive step if it is not too obvious to a person skilled in the art and has an advantage for the use or manufacture of the product or process claimed, or has another benefit for the user.

[Point 298 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

299. Where the examination, under Article 52 paragraph (2) of the Law, selects a patent application filed with the AGEPI earlier than the short-term patent application and unpublished, having the same claims, the procedure for the examination of the said application shall be suspended up to the issuance of decision on the application with an earlier priority, such fact being notified to the applicant.

[Point 299 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 18
Patent Application Examination Report

300. The procedure for examination of a patent application shall be completed with an examination report drawn up and signed by the examiner responsible for the examination of the application.

301. The examination report shall include:

a) mention of the bibliographic data of the patent application;

b) a brief statement of the subject-matter(s) of the application;

c) an indication of the procedures to which the application was subject after payment of fees prescribed pursuant to Government Decision No 774 of 13 August 1997;

d) an analysis of the invention from the standPoint of pertinence to the categories excluded or excepted from patenting, of sufficiency of disclosure, of patentability on the basis of the relevant documents noted in the search report;

e) conclusions and suggestions on the grant of a patent or refusal of a patent application, stating the legal grounds on which they are based.

Section 19
Decision on the Grant of a Patent or on the Refusal of a Patent Application

302. If the examination reveals that the invention meets all the requirements of patentability and fully comply with the requirements of the Regulation, AGEPI shall, on the basis of the examination report, issue the decision to grant a patent, which shall be notified to the applicant.

303. If the examination proposes a new wording of claims, the claims accompanied by a corresponding notification shall be transmitted to the applicant for coordination.

304. The applicant shall, within three months from the date of dispatch of the notification under Point 303 of this Regulation, submit to the AGEPI the claims of which he approves, as well as the description of the invention and, where applicable, any drawings, amended in accordance with the proposed claims and shall, where he disapproves of the proposed wording of the claims, present the necessary arguments. Failure to respond to the notification within the prescribed time limit shall lead to the mentioned materials being accepted by the applicant and the decision to grant a patent for invention shall be issued on the basis thereof.

305. Where the response to the notification is presented within the time limit under Point 304 of this Regulation, but contains directly or indirectly, without the necessary arguments, the

applicant's disapproval of the proposed version of the claims, AGEPI shall issue the decision to grant a patent on the basis of the materials from the version proposed by the AGEPI.

306. The text of the claims and, where applicable, of certain parts of the description may also be coordinated by drawing up a report signed by the examiner, the chief of the specialized division and the applicant or the apPointed representative.

307. Where the grant of a patent on the basis of the text of the claims and the description presented by the applicant is possible, provided that there are minor wordings which do not affect the subject-matter, the decision to grant a patent may be issued without coordinating with the applicant the text of the claims and, where applicable, of some parts of the description of the invention.

308. If the examination reveals that the invention expressed by the claims proposed by the applicant does not meet any one of the requirements of patentability, it shall issue on the basis of the examination report the decision to refuse the patent application, stating the corresponding reasons, which are notified to the applicant.

309. The decision to refuse a patent application shall also be issued where it is revealed that:

a) the claimed invention, expressed by the claims consisted of an independent claim and dependent claims does not meet at least one of the requirements of patentability in respect of the independent claim, and the applicant does not consent to amend it;

b) the invention expressed by a single independent claim, although patentable, but its features expressed in the dependent claims are of a nature to impede the performance of the invention or the destination stated by the applicant, or may serve as ground for considering the invention contrary to "ordre public" or morality, and the applicant refuses to amend or exclude such dependent claims;

c) the claims proposed by the applicant contain an independent claim not including one or several essential features presented in the description of the invention, due to which the invention does not comply with the requirements of patentability, and the applicant refuses to include such features;

d) the group of inventions, for which protection is sought, includes an invention not complying with any one of the requirements of patentability, and the applicant refuses to amend or exclude the claims of that invention. In such a case the decision shall confirm the patentability of another invention(s), if such fact will be stated in the examination process;

e) the invention is non-unitary, but the applicant continues to refuse exclusion of the claims for which a substantive examination was not undertaken;

f) the identification of a feature(s) in the claims is impossible or that a feature included in the claims does not relate to the claimed subject-matter, and the applicant refuses to amend the claims.

310. Before AGEPI decides to refuse a patent application, it shall inform the applicant of the grounds for refusal of the application and, where necessary, of the references to the corresponding information sources and shall invite him to file within three months from the date of dispatch of the notification a reasoned response to the stated grounds.

311. Where the applicant fails to present within the prescribed time limit the convincing arguments against the grounds for refusal of the application or to file a reasoned response, AGEPI shall issued the decision to refuse the application.

312. The decision to refuse the patent application shall be transmitted to the applicant, in which he is additionally informed of the right to file, within two months from the date of issue

thereof, under Article 58 of the Law, an appeal with the Board of Appeals of AGEPI, where he disagrees with the grounds of the decision.

313. The particulars of the decision to refuse the patent application shall be published in BOPI.

[Point 313 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 20

Publication of the Decision to Grant a Patent

314. Within three 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.

315. At the same time as it publishes the mention of the decision to grant a patent, AGEPI shall make the search report and the specification of the granted patent containing the bibliographic data on the granted patent, the abstact of the invention, the description, the claims and, where applicable, any drawings available to the public on its official website.

316. Waiver of the inventor to be mentioned in the publication of the mention of the decision to grant a patent shall be taken into consideration if it has been filed not later than the date of issuance of the decision. The inventor may revoke his waiver within the same time limit.

317. The patent owner is entitled to file with AGEPI a request for correction of errors made in BOPI.

Section 21

Conversion of Application

318. Conversion of a patent application into a short-term patent application or vice versa shall be made by the filing by the applicant of the relevant request for conversion on a form approved by AGEPI, with the observance of the filing date and, where applicable, the priority date of the initial application in accordance with Article 54 paragraph (3) of the Law.

319. AGEPI shall check the accuracy of completion of the filed request and the submission together with the request of the proof of payment of the corresponding fee in the amount prescribed pursuant to Government Decision No 774 of 13 August 1997. Failure to submit the proof of payment of the fee together with the request for conversion or within one month following the filing thereof shall lead to the application being deemed not to have been filed and such fact shall be notified to the applicant.

320. Where the request fails to meet the established requirements, the applicant shall be notified accordingly and shall, within two months from the date of dispatch of the notification, be invited to remedy the deficiencies noted.

321. If the request for conversion has been filed after the expiry of the period of two months from the date of delivery of the decision to refuse a patent application, the applicant shall be notified that the conversion is not possible.

322. If the request has been filed within the prescribed time limit and it fulfills all the prescribed requirements, and the proof of payment of the corresponding fee in the amount prescribed pursuant to Government Decision No 774 of 13 August 1997 has been filed together with it, the applicant shall be notified of the conversion of application, indicating the assigned filing number.

323. If the request for conversion refers to an application the examination of which has been suspended and a request for re-establishment of the time limit is submitted together with the filing thereof, in compliance with the requirements of Article 91 of the Law, it shall be treated as a converted application.

324. An Eurasian application may be converted into a national patent application in accordance with Article 16 of the Eurasian Patent Convention, adopted in Moscow on 17 February 1994 (hereinafter referred to as the Eurasian Convention), ratified by the Parliament Decree No 615-XIII of 27 October 1995 (Official Gazette of the Republic of Moldova, 1995, No 65-66, Art.723).

325. In the event of the conversion of a patent application into a short-term patent application, the difference in fees for the application examination procedures shall not be refunded, unless, on the date of filing of the conversion application, the substantive examination procedure has not started.

[Point 325 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

326. The converted patent applications shall be accorded the filing date and, where applicable, the priority date of the initial application.

Section 22
Opposition

327. The request for examination of an opposition to the grant of a patent shall be drawn up on a standard form and shall contain:

a) the family name, given name (denomination), address and signature of the person who has filed the opposition (opponent);

b) the name, address and signature of the representative, where appropriate;

c) the address for correspondence, where appropriate;

d) the request for examination of opposition;

e) the number and filing date or the number of the patent against which opposition is filed and the BOPI number in which the mention of the decision to grant the patent was published;

[Point 327 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

328. The following shall be attached to the request for examination of an opposition:

a) the reasoned opposition, with the statement of the reasons in fact and the grounds in law on which the opposition is based and its translation, where appropriate;

b) the proof of payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 for the filing of an opposition;

c) the documents mentioned by the opponent, as well as the evidence and additional arguments on which the opposition is based, where appropriate;

d) the power of attorney, where appropriate;

e) the translation of the attached documents, where appropriate.

[Point 328 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

329. In the case of the opposition to the grant of a short-term patent, the opponent, in addition to complying with the conditions established in Points 327 and 328 and Section 26 of Chapter II of this Regulation, will also file the request for search of the prior art according to Article 52 paragraph (2) of the Law, with the drawing up of a search report accompanied by the written opinion on patentability, as well as proof of payment of the search fee, established according to Government Decision No 774 of 13 August 1997.

[Point 329 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

330. If the Board of Appeals finds that the request for examination of the opposition and/or the attached documents do not comply with the provisions of Point 327 and Point 328 subparagraphs d) and e) and, as the case may be, Point 329 of this Regulation, such fact shall be notified to the opponent, giving him a period of two months to remedy the deficiencies found. If the opponent fails to remedy the deficiencies in due time, the opposition is deemed not to have

been filed and shall not be admitted for examination in the Board of Appeals, and such fact shall be notified to the parties.

[Point 330 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

331. If the Board of Appeals states that the documents mentioned in Point 328 subparagraph a) and/or subparagraph b) of this Regulation are not attached to the request for examination of the opposition, such fact shall be notified to the opponent, who can submit the missing documents within the time limit set for filing the opposition. The opposition will be deemed to have been filed on the date of presentation of the missing documents in compliance with the time limit for filing the opposition. If the missing documents are not presented within the time limit set for filing the opposition, the opposition shall be deemed not to have been filed.

[Point 331 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

332. If the opposition is admissible for examination, the applicant shall be notified of the opposition filed and shall be invited to file his observations and to amend, where appropriate, the description, claims and/or drawings within a period of two months.

[Point 332 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

333. Any observations and amendments filed by the patent owner shall be communicated to the opponent, with the opportunity to submit a reply within two months.

[Point 333 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

334. The opponent may submit, within two months from the date of filing the opposition, additional evidence and arguments in support of the reasons in fact and the grounds in law invoked by him. The Board of Appeals may require from the opponent or patent owner to present, within two months, the additional information necessary for the examination of the opposition.

Any notification made in the examination of opposition and all replies thereto shall be communicated to all parties, who, within two months, can submit their observations on the notifications addressed to them or on the communications received from the other party.

[Point 334 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

335. In the course of examination of opposition, in defining prior art, the Board of Appeals, where applicable, may require from the responsible subdivision within AGEPI to carry out an additional documentary search, the results of which will make it possible to assess the patentability of the invention.

[Point 335 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

336. If, in the process of examination of the opposition, the Board of Appeals reveals that the maintenance of the decision to grant a patent is possible by way of introducing amendments to the description and claims, the patent owner shall be proposed to present, within two months, his observations against the proposed amendments or to submit his own version of the amendments in question, without exceeding beyond the content of the original application, the opponent being also invited to submit, within the same time limit, his observations against the proposed amendments.

[Point 336 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

337. If the Board of Appeals finds that at least one of the reasons for opposition provided for in Article 57 paragraph (2) of the Law is well-founded, it shall revoke the decision to grant a patent and the patent application shall be refused. Otherwise, the opposition shall be refused.

[Point 337 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

338. If the Board of Appeals attests that, following the amendments made by the patent owner during the opposition procedure, the patent and the invention that is its subject-matter satisfy the requirements of the Law, it shall adopt the decision to maintain the decision to grant a

patent, with the operation of the rigor amendments and on the condition of meeting the requirements provided for in Point 336 of this Regulation. Otherwise, the decision to grant a patent shall be revoked and the patent application shall be refused.

[Point 338 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

339. In case of the adoption of the decision to maintain the decision to grant a patent, AGEPI shall invite the applicant to pay, within two months, the patent issuance and maintenance fees for the term from the date of filing to the issuance of the patent, including for the year of issuance, established according to Government Decision No 774 of 13 August, 1997.

[Point 339 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

340. The decision of the Board of Appeals to maintain the patent as amnded shall contain the text forming the basis for the maintenance thereof. The mention of the decision to maintain the decision to grant a patent as amended shall be published in BOPI and shall be entered in the National Register of Patents for Invention.

[Point 340 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

341. The specification of the patent shall be issued within one month after payment of the prescribed fees, and the particulars concerning the issuance of the patent shall be published in BOPI and shall be entered in the National Register of Patents for Invention.

[Point 341 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

342. If the fees referred to in Point 339 of this Regulation has not been paid within the prescribed time limit, the patent shall not be issued, according to Article 60 paragraph (5) of the Law, such fact being communicated to the patent owner.

[Point 342 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

343. If the patent owner fails to submit, within 6 months from the date of expiry of the time limit provided for in Point 339 of this Regulation, the request for re-establishment of the omitted time limit and the proof of payment of the corresponding fee, AGEPI shall issue the decision to forfeit the rights of the patent owner arising from the patent, which shall be communicated to the patent owner and published in BOPI.

[Point 343 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

344. Documents referred to by a party to the opposition proceedings shall be filed in two copies.

[Point 344 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

345. If documents referred to by a party to the proceeding in support of the reasons in fact and the grounds in law on which the opposition is based or the arguments invoked by him are neither enclosed in the opposition filed nor submitted in due time upon invitation by the AGEPI, such reasons, grounds and arguments shall not take them into account by AGEPI.

[Point 345 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

346. If the patent owner has surrendered the patent or has forfeited the rights in the patent, the opposition proceedings may be continued at the request of the opponent, provided that it is filed within two months of a communication from AGEPI informing him of the surrender or forf46 *in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]*

347. In the event of the death or legal incapacity of an opponent, the opposition proceedings may be continued ex officio, even without the participation of the heirs or legal representatives. The same shall apply where the opposition is withdrawn.

[Point 347 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 348 repealed by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 23

Appeals against AGEPI Decisions

349. The request for examination of the appeal against a decision issued by AGEPI shall be drawn up on a standard form and shall contain:

a) the name, given name (denomination), address and signature of the appellant;

b) the name, address and signature of the representative, where appropriate;

c) the address for correspondence, where appropriate;

d) the request for examination of appeal;

e) the number and filing date or the number of the patent to which the appeal relates.

[Point 349 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

350. The following shall be attached to the request for examination of the appeal:

a) the reasoned appeal, with the statement of the reasons in fact and the grounds in law on which the opposition is based, as well as the evidence and arguments in support of these grounds;

b) the proof of payment of the fee prescribed pursuant to the Government Decree No 774 of 13 August 1997 for filing of an appeal;

c) the power of attorney, where appropriate;

d) the copies of the relevant materials.

[Point 350 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

351. If AGEPI finds that the appeal does not comply with the provisions of Articles 32 and 58 of the Law and Point 349 of this Regulation, it shall communicate such fact to the appellant and shall give him a period of two months to remedy the deficiencies found. If the deficiencies are not remedied in due time, the appeal is deemed not to have been filed.

352. The appeal filed shall be examined in accordance with the Regulation on the organization and functioning of the Board of Appeals in the field of intellectual property, approved by Government Decision No 257 of 2 April 2009 (Official Gazette of the Republic of Moldova, 2009, No 69-71, Art.311), as amended and supplemented, and with Article 59 of the Law.

[Point 352 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

353. Following the examination of appeal, the Board of Appeals may issue one of the following decisions:

a) to refuse an appeal, maintaining the appealed decision in force;

b) to partially or fully admit an appeal, disposing the revocation or amendment of the issued decision;

c) to remit the file for re-examination to the examining subdivision of AGEPI, whose decision was appealed.

[Point 353 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017])

354. Where the Board of Appeals issues the decision to introduce certain amendments in the decision to grant a patent, it shall inform the applicant of the need for payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

355. If the Board of Appeals of AGEPI remits the case to the subdivision that adopted the appealed decision, the reasons and provisions of the decision of the Board of Appeals of AGEPI shall be bound for that subdivision.

[Point 355 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

356. If the Board of Appeals transmits the application for re-examination, the latter shall be carried out within six months by an examiner appointed by the head of the examining subdivision.

[Point 356 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

357. The examiner may require from the appellant the additional information necessary for the re-examination of the application.

358. A re-examination report shall be drawn up on the re-examination results, which shall be transmitted to the Board of Appeals for the purpose of issuing a decision on appeal.

[Point 358 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

359. The decision of the Board of Appeals shall be communicated to the parties within one month of issuance and shall be published in BOPI within three months from the same date.

[Point 359 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

360. The decision of the Board of Appeals may be appealed in the court within two months of the date of delivery.

361. A copy of the court decision authenticated by the signature of the judge shall be presented with the AGEPI by the person concerned. The court decision remained final and irrevocable shall be entered in the National Register of Patents for Invention or, where appropriate, in the National Register of Short-Term Patents for Invention. AGEPI shall enter in the register the amendments occurred as a result of the court decision and shall publish them in BOPI within two months of its registration with AGEPI.

[Point 361 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

362. Appeals having as subject-matter the correction of certain material errors or omissions shall not be subject to the payment of fees.

Section 24
Suspension of Proceedings

363. The applicant is entitled to seek suspension of proceedings for examination of the application for a period not exceeding six months.

364. The request for suspension may be filed starting from the filing date and up to the date of grant of the patent or the date of issue of the decision to refuse the patent application.

365. Suspension of proceedings shall not affect the requirements:

a) for publication of the application;

b) for publication of the decision to grant the patent or to refuse the patent application;

c) for filing the request for substantive examination;

c) for presentation of response to the notification from AGEPI.

366. Suspension of proceedings in respect of a patent application or a patent may take place ex officio where the applicant for or owner of the patent has failed to respond to the notification, has not fulfilled the necessary action in accordance with the Law or the Regulation or has not paid the fee within the prescribed time limit.

367. The proceedings in respect of a patent application or a patent may be suspended for a period of up to six months from the date of expiry of the omitted time limit.

368. Suspension of proceedings in respect of the issuance of a short-term patent may take place ex officio where any third party has filed the request for documentary search or for substantive examination. Issuance of a patent may be suspended prior to the conclusion of the search or substantive examination.

369. Suspension of proceedings in respect of a patent application or a patent shall be notified to the applicant for or owner of the patent. If the applicant fails to file within the prescribed time limit under Article 91 paragraph (2) of the Law a request for re-establishment of the omitted time limit, the application shall be deemed to be withdrawn.

370. Where AGEPI reveals the existence of an unpublished identical earlier application, with the same date of priority or with an earlier date of priority, it shall suspend the examination proceedings in respect of that patent application. The proceedings shall be suspended before the publication of the earlier application or before the issuance of the decision thereon or before the receipt of the applicant's consent to the possibility of disclosing the content of the earlier application to the applicant of a subsequent application.

371. If AGEPI has no possibility to contact the applicant, for example, when the sent correspondence is returned to the AGEPI by reason of change of the applicant's address and the data concerning the other means of contact are omitted in the application, the prosecution of the application shall be suspended up to the receipt from the applicant (or his successor in title) of the data concerning the new address for correspondence.

Section 25
Withdrawal of Application

372. A patent application shall be withdrawn at the request of the applicant upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 or by inaction thereof in the cases provided for by the Law and this Regulation.

373. The withdrawn patent application shall have no legal effects; the subsequent actions of the applicant cannot be based on such application (upon filing the subsequent application priority cannot be claimed from the filing date of the withdrawn application or of the additional documents thereof). The application withdrawn before the publication shall not be included in the prior art.

374. The request for withdrawal may not be revoked.

375. The decision to refuse the application shall be issued on the basis of the applicant's request for withdrawal of the patent application. The mention of the withdrawal of the applications shall be published in BOPI and shall be entered in the National Registers of Patent Applications.

[Point 375 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 26
Procedure Where the Applicant is not Entitled to File a Patent Application

376. If a third party provides evidence to the AGEPI that he has instituted proceedings against the applicant for the purpose of seeking a decision that he is entitled to the grant of the patent, AGEPI shall stay the proceedings for grant unless the third party consents to the continuation of such proceedings. Such consent must be communicated in writing to the AGEPI and it shall be irrevocable. However, proceedings for grant may not be stayed before the publication of the patent application.

377. Where evidence is provided to the AGEPI that a final decision has been taken in the proceedings concerning entitlement to the grant of the patent, AGEPI shall inform the applicant and any other party that the proceedings for grant shall be resumed as from the date stated in the communication, unless a new patent application under Article 16 paragraph (1) of the Law, has been filed. If the judgment is in favour of the third party, the proceedings may not be resumed after a period of three months of that decision becoming final, unless the third party requests the resumption of the proceedings for grant.

378. When issuing a judgment on the suspension of proceedings or thereafter, AGEPI may set a date on which it intends to resume the proceedings for grant before it regardless of the stage reached in the proceedings referred to in Point 376 of this Regulation opened against the applicant. The date is to be communicated to the third party, the applicant and, where

appropriate, any other party. If no evidence has been provided by that date that a final decision has been taken, AGEPI may resume proceedings.

379. Where the person adjudged by a final judgment to be entitled to the grant of the patent files a new patent application under Article 16 paragraph (1) of the Law, the original patent application shall be deemed to be withdrawn on the date of filing the new application.

380. The filing fee and examination fee, prescribed pursuant to *Government Decision No 774 of 13 August 1997*, shall be paid in respect of the new patent application within two months after the filing date.

381. As from the date on which a third party provides evidence to the AGEPI that he has instituted proceedings concerning entitlement and up to the date on which AGEPI resumes the proceedings for grant, the patent application may not be withdrawn.

382. An authenticated copy of the court decision shall be presented to the AGEPI by the person concerned. The court decision shall be entered in the National Register of Patent Applications and shall be published in BOPI.

Section 27
Ex Officio Examination

383. Subject to Article 88 of the Law, AGEPI may revoke or, where applicable, suspend its decisions in respect of the patent application examined or the patent granted of its own motion, if relevant documents are identified, before the issuance of a patent by the AGEPI, which may influence the patentability of the invention, in particular the compliance with the requirements of novelty, inventive step and industrial application and, respectively, the said decisions.

384. Ex officio examination shall be carried out by the Examining Board.

385. If a decision has been revoked, AGEPI shall take a new decision in respect of the patent application or the patent granted after the settlement of grounds which have determined the revocation of the initial decision.

Section 28
Issuance and Maintenance of the Patent

386. On the basis of a decision to grant a patent AGEPI shall, within one month after the expiry of a period of six months from the date of publication of the mention of the decision to grant a patent for invention, issue a patent, pursuant to Article 60 paragraph (1) of the Law.

The patent shall be formed of a certificate for a patent, signed by the Director of AGEPI, to which the patent specification shall be annexed. The patent specification shall comprise the front page (title page) containing the bibliographic data and the abstract,, the description, the claims, the drawings and, where appropriate, the search report on the basis of which the patentability of the claimed invention was assessed.

[Point 386 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

387. Where there is more than one owner, the patent shall be issued to the owner designated by contract between the applicants or, failure to submit such a contract, shall lead to the patent being issued to the applicant first named in the application. The co-owners of the patent and the inventors may request that duplicate copies of the patent be supplied to them upon payment of a fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

388. Fees prescribed pursuant to Government Decision No 774/1997 for the issuance and maintenance of the patent for a period from the filing date up to the issuance of the patent, including for the year of issuance, shall be paid not later than six months from the date of publication of the decision to grant a patent for invention or not later than three months from the

date of publication of the decision to grant a patent. The patent maintenance fee shall be paid for each year of protection, until the first day of the respective year of validity.

[Point 388 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

389. If the owner fails, within the time limit established in accordance with Point 388 of this Regulation, to submit proof of payment of the patent issuance and maintenance fee for the indicated time limit, the patent issuance and maintenance procedure shall be suspended, such fact being communicated to the owner.

390. If the owner fails, within six months from the date of expiry of the time limits provided for in Point 388 of this Regulation, to file the request for re-establishment of the omitted time limit and the proof of payment of the corresponding fee, AGEPI shall issue the decision to forfeit the owner's rights arising from the patent, which shall be communicated to the owner and shall be published in BOPI.

391. The owner may be issued, upon request and upon payment of the fee prescribed according to Government Decision No 774 of 13 August 1997, a duplicate copy of the patent after the publication in BOPI of the mention of the loss or destruction of the original.

Section 29
Publication of Particulars of the Issued Patents

392. AGEPI shall monthly publish in BOPI the list of issued patents. The date of issuance of a patent shall be the date on which the particulars of the issued patent are published in BOPI. The following particulars of the issued patents shall be published in BOPI:

(11) Number of the patent;

(13) Code of the type of document;

(51) Patent Classification Indexes;

(21) Filing number;

(22) Date of filing;

(45) Date of publication of the mention of the decision to grant a patent: the number of BOPI, the year.

393. The owner of the patent shall be entitled to file with the AGEPI a request for correction of errors made in the patent.

Section 30
Extension of the Term of a Short-Term Patent for Invention and of a Utility Model Certificate

394. The request for extension of the term of a short-term patent for invention shall be examined within four months from the date of filing thereof, upon payment of a fee prescribed pursuant to Government Decision No 774 of 13 August 1997 and filing of a request for search in respect of the invention which is the subject-matter of the short-term patent for invention.

395. The search shall be carried out pursuant to Section 12 of this Chapter for the purpose of establishing whether the subject-matter of the short-term patent is not comprised in the prior art and meets the requirements of Article 12 of the Law. The search report pursuant to Points 258-261 of this Regulation shall be drawn up on the basis of the carried out search.

[Point 395 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

396. If it is revealed that extension of the term of a short-term patent for invention is possible by way of amendments and upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997, the owner of the patent shall be invited to make any amendments or to submit his own amended version of the description and claims without extending beyond the content of the original application.

397. The decision to extend the term of the short-term patent in its original or amended form with the text of the accepted claims shall be sent to the owner, the corresponding mention shall be published in BOPI and, after publication, shall be entered in the National Register of Short-Term Patents for Invention.

398. AGEPI shall, within two months after the publication in BOPI of the mention of the decision under Point 397 of this Regulation and upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997, reprint and deliver to the owner a new specification of the short-term patent for invention which will additionally include the search report.

399. If AGEPI, after carrying out the search, reveals that the subject-matter of the short-term patent for invention is comprised in the prior art, i.e. relevant materials covering all the features in the claims were selected, it shall issue the decision to refuse the request for extension of the term of validity of the short-term patent for invention, which shall be delivered to the owner together with the search report.

If AGEPI, after carrying out the search, reveals that the subject-matter of the short-term patent for invention is not comprised in the prior art, it shall issue the decision to extend the term of validity of the short-term patent for invention.

400. For the utility model certificate, registered and issued in accordance with the Provisional Regulation on the Protection of Industrial Property in the Republic of Moldova, approved by the Government Decree No 456 of 26 July 1993, the provisions of this Regulation relating to the maintenance, surrender, limitation, cancellation, early forfeiture of rights of the patent owner and re-establishment shall apply, analogously.

[Point 400 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

[Point 400 amended by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

Section 31
Revocation of Patent

401. Any person concerned may require revocation, in whole or in part, of the patent by filing within such meaning with the competent court a reasoned request for revocation of the patent, which shall be accompanied by the copies of the relevant materials.

402. In the case of patents issued at the responsibility of the applicant, pursuant to the provisions of Article 97, paragraph (4), of the Law, the court shall, upon decision, suspend the proceedings for examination of the request for revocation before the presentation of a copy of the search report, accompanied by a written opinion on patentability, drawn up by the AGEPI at the request of the person who has requested the revocation of the patent.

[Point 402 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 32
Surrender of Patent

403. The request for surrender of patent signed by the owner(s) and drawn up on a standard form shall contain the following data:

a) the name or denomination and address of the patent owner;

b) the name and address of the representative, where appropriate;

c) the address for correspondence, where appropriate;

d) particulars of the patent which forms the subject-matter of the request for surrender;

e) the date of communication to the inventor(s), confirmed by their signature, of the owner’s intention to surrender the patent;

f) the consent signed by the inventor to take over the right in the patent, where appropriate.

[Point 403 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

404. Surrender of patent shall only be entered in the National Register of Patents for Invention with the consent of the person who benefits from the real right entered in the register or in whose name the entry was made under Article 62 paragraph (4) of the Law.

405. If one of the owners surrenders the patent, validity of the patent shall not be suspended and the patent shall remain in possession of the other owners.

406. The request for surrender of patent shall only be deemed to have been filed upon payment of the fee in the amount prescribed pursuant to Government Decision No 774 of 13 August 1997.

407. Where certain data referred to in Point 403 of this Regulation are omitted in the request for surrender of patent, AGEPI shall notify the applicant of the deficiencies noted. A time limit of two months shall be allowed for remedying the deficiencies in the request for surrender of patent. If the deficiencies are not remedied in due time and a request for extension of the prescribed time limit is not filed, AGEPI shall reject the request for surrender of patent.

408. If the owner surrenders the patent, the inventor shall have a preferential right to file a request for acquisition of that right in his name upon payment of the fee for entry of the corresponding amendment in the National Register of Patents for Invention and of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 for the printing and issuance of a new specification of the patent.

[Point 408 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

409. Where the owner surrenders the patent and the inventor approves of the grant of the patent in his name, a request shall be filed with the AGEPI drawn up on a form expressing the desire of the inventor to be granted the patent in his name, signed by the inventor.

410. If the subject-matter of the patent is a license contract, surrender of patent shall only be possible with the consent of the licensee. If a license contract has been registered, surrender of patent shall be entered in the National Register of Patents for Invention only after the expiry of a time limit of two months from the date on which the owner of the patent has presented to the AGEPI a document stating that the owner has informed the licensee of his intention to surrender the patent. If, before the expiry of such time limit, the owner provides evidence to the AGEPI that the licensee has given his consent, surrender of patent shall be immediately registered.

Section 33
Limitation of Patent

411. The request for limitation of patent shall be drawn up on a standard form and shall contain the following data:

a) the name or denomination and address of the patent owner;

b) the name and address of the patent attorney, where appropriate;

c) the address for correspondence, where appropriate;

d) the number of the patent whose limitation is requested;

e) the complete text of the amended claims and, where appropriate, of the description and drawings as amended.

[Point 411 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

412. If a request for limitation concerns a patent against which opposition is formulated or revocation proceedings is initiated, the request shall be deemed not to have been filed.

413. If a license contract has been entered in the National Register of Patents for Invention, the request for limitation shall only be admissible where the owner of the patent has the consent of the licensee or upon expiry of a time limit of two months from the date on which the owner of the patent has informed the licensee of his intention to limit the patent.

414. Where certain data referred to in Point 411 of this Regulation are omitted in the request for limitation of patent, AGEPI shall notify the applicant of the deficiencies noted. A time limit of two months shall be allowed for remedying the deficiencies. If the deficiencies are not remedied in due time and a request for extension of the prescribed time limit is not filed, AGEPI shall refuse the request.

415. If a request for limitation of patent is admissible, AGEPI shall examine whether the amended claims constitute a limitation vis-á-vis the claims as granted or amended in opposition proceedings and comply with the requirements of Article 37 and Article 87 of the Law. If the request for limitation of patent does not comply with these requirements, the owner of the patent shall be given one opportunity to correct any deficiencies noted by an amendment of claims and, where appropriate, of the description and drawings, within three months. If the deficiencies are not remedied in due time, AGEPI shall refuse the request.

416. If it is revealed that limitation of patent is possible, AGEPI shall issue the decision to limit the patent which shall be delivered to the patent owner. Limitation shall take effect on the date on which the mention of the decision on limitation is published in BOPI.

417. The particulars of the decision to limit the patent shall be entered in the National Register of Patents for Invention.

418. The applicant shall, for the purpose of obtaining a new specification of the patent as amended, pay, within two months of receipt of the decision to limit the patent, the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 for the printing and issuance of a new specification of the patent.

[Point 418 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

419. The reprinted specification of the patent shall be issued within two months after payment of the prescribed fee, and the particulars concerning the issuance of the limited patent shall be published in BOPI and shall be entered in the National Register of Patents for Invention.

[Point 419 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

420. If the fee specified under Point 418 of this Regulation has not been paid within the prescribed time limit, it may still be validly paid within two months of communication of a notification pointing out the failure to observe the time limit, provided that a fee for the printing and issuance of a new specification of the patent is paid in a twice amount.

[Point 420 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

421. The particulars of the limitation of patent may be additionally published in electronic form.

Section 34
Examining Board

422. The Examining Board may be formed, where necessary, within the examining subdivision and shall consist of a chairman and two or four members appointed by an order of the head of the invention examining subdivision.

423. The specialists having any personal interest in the examined case may not be members of the Examining Board.

424. The Examining Board shall be formed in the following cases:

a) the claimed invention relates to more than one field and requires the participation of examiners in different fields;

b) the claimed invention is complicated and there are doubts as to the accuracy of the decision to be issued (especially, in the case of decisions on refusal of an application or limitation of the extent of protection by exclusion of certain features from the claims);

[Subpoint c) Point 424 repealed by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

d) for ex officio examination under Points 383-385 of this Regulation.

425. The Examining Board shall, on the basis of the examination results, issue a decision by a simple majority of its members, which shall be signed by the chairman and by the members of the Board having voted for such decision, it shall be entered in the Register of Issued Decisions and shall be communicated to the applicant for or owner of the patent or other persons concerned.

[Point 425 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

CHAPTER IV
SUPLEMENTARY PROTECTION CERTIFICATE

Section 1
Application for the Grant of a Certificate

[Name of Section 1 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

426. The application for the grant of a supplementary protection certificate shall be filed with the AGEPI, on a standard form, within six months following the date on which the pharmaceutical and phytopharmaceutical product has been granted authorization for marketing thereof on the territory of the Republic of Moldova or within six months following the date on which the basic patent has been issued, if the authorization for marketing has been granted before the issuance of the basic patent. Failure to observe the prescribed time limit shall lead to the application for a certificate being rejected.

[Point 426 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

427. The application for the grant of a certificate shall contain:

a) a petition for the issuance of a certificate;

b) the name and address of the applicant;

c) the name and address of the representative, where appropriate;

d) the number of the basic patent and the title of the invention;

e) the name of the product;

f) the description of the product, especially the link with the basic patent;

g) the number and date of the authorization to place the pharmaceutical and phytopharmaceutical product on the market.

[Point 427 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

428. The application for the grant of a certificate must be accompanied by:

a) a copy of the authorization for marketing, identifying the authorized pharmaceutical and phytopharmaceutical product;

b) an abstract of the characteristics of the pharmaceutical and phytopharmaceutical product;

c) proof of payment of the fee for filing of the application for the grant of a certificate, prescribed pursuant to Government Decision No 774/1997 of 13 August 1997.

[Point 428 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 2
Procedure for the Grant of a Certificate

429. AGEPI shall, within one month from the date of filing the application for a certificate, carry out the formal examination thereof and shall check whether the requirements provided for in Rules 427-428 of the present Regulations have been satisfied. If these requirements have been satisfied, such fact shall be notified to the applicant. If the formal examination reveals that the necessary documents are omitted in the application or that they do not meet the prescribed requirements, it shall notify the applicant of the deficiencies noted and shall invite him to remedy them within three months from the date of dispatch of the corresponding notification.

[Point 429 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

430. An examination shall, within two months of conclusion of the formal examination, be carried out in order to establish whether:

a) the content of the application documents complies with the requirements laid down in Article 70 of the Law and in Points 427-428 of the present Regulation;

b) the requirements provided for in Article 71 of the Law have been satisfied;

c) the characteristics of the are covered by the claims of the basic patent.

[Point 430 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

431. AGEPI shall, for the purpose of establishing whether on the date of filing the application the product has not constituted the subject-matter of a certificate and whether it is protected by a basic patent in force in the Republic of Moldova, carry out a search covering the patents and supplementary protection certificates for pharmaceutical and phytopharmaceutical products of the Republic of Moldova, as well as the applications for the grant of a certificate filed with the AGEPI, having a date earlier to the filing date of the application. AGEPI shall, following the search, draw up a search report indicating the particulars of the basic patent and the documents selected in the prior art.

[Point 431 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

432. If the application for the grant of a certificate meets the requirements laid down in Point 430 of the present Regulation, the following data shall be published in BOPI:

a) the number of the application for the grant of a certificate;

b) the date of filing of the application;

c) the name or denomination and address of the applicant;

d) the number and date of the basic patent;

e) the title of the invention;

f) number and date of the authorization;

g) the product identified by the authorization.

[Point 432 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

433. If the application for the grant of a certificate does not meet the requirements laid down in Point 430 of the present Regulation, the applicant shall be invited to correct the deficiencies in the application within three months. If the deficiencies are not corrected in due time, AGEPI shall issue the decision to reject the application and shall publish it in BOPI within two months of issuance of the decision.

[Point 433 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

434. Any person concerned may, within three months from the date of publication of the application for the grant of a certificate, file with AGEPI a written opposition against the grant of the supplementary protection claimed. Opposition shall not be deemed to have been filed until the proof of payment of the fee prescribed pursuant to Government Decision No. 774 of 13 August 1997 has been filed.

[Point 434 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

434[1]. For the request for examination of an opposition against the grant of the supplementary protection certificate, the provisions of Points 327 and 328 of this Regulation shall apply *mutatis mutandis*.

[Point 434[1] introduced by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

435. Opposition shall be notified to the applicant, stating the grounds therefor and the name of the person who has filed it. The applicant may file his Point of view within two months from the date on which he was notified of the opposition.

436. If the opposition is reasoned, AGEPI shall issue the decision to refuse the application for the grant of a certificate, otherwise, the opposition shall be refused. The decision issued shall be communicated to the parties and published in BOPI within two months following the date of issuance.

[Point 436 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

437. The parties may appeal the decision of the Board of Appeals in the courts within two months of delivery of the decision.

[Point 437 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

438. If no opposition has been filed at the expiry of the time limit referred to in Point 434 or if any opposition filed has been rejected, AGEPI shall issue the decision to grant a supplementary protection certificate which shall be communicated to the applicant.

[Point 438 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

439. The supplementary protection certificate shall be issued to the patent owner within two months of delivery of the decision to grant a certificate, upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

440. The following particulars of the supplementary protection certificate shall be published in BOPI:

a) number of the certificate;

b) date of issuance of the certificate;

c) name or denomination and address of the owner of the certificate;

d) number and date of the basic patent;

e) title of the invention;

f) number and date of the authorization for marketing, as well as the pharmaceutical or phytopharmaceutical product identified by it;

g) date of entry into force of the certificate;

h) date of expiration of the certificate.

[Point 440 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 3
Validity of Certificate

441. The certificate shall take effect, under Article 69 paragraph (2) and (3) of the Law, upon payment of the annual fees prescribed pursuant to Government Decision No 774 of 13 August 1997 for maintenance of the certificate.

442. Validity of the certificate shall terminate:

a) upon expiry of the term provided for in Article 69 paragraph (2) and (3) of the Law;

b) if the owner surrenders the certificate;

c) if the annual maintenance fee has not been paid within the prescribed time limit;

d) in the event of withdrawal of the authorization for marketing of the product.

[Point 442 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

443. Any person concerned may require revocation by the Chisinau Board of Appeals of a certificate throughout its term of validity on any of the following grounds:

a) the certificate has been issued in violation of requirements provided for in Points 429-440 of this Regulation;

b) the validity of the basic patent has terminated before the expiration of its legal term;

c) the basic patent has been cancelled in whole or in part to the effect that the product covered by the certificate is no longer protected by that patent;

d) grounds are in existence after termination of the basic patent which justify the revocation or limitation of the certificate.

CHAPTER V
EUROPEAN PATENT APPLICATION AND VALIDATED EUROPEAN PATENT

[Chapter V (Points 444-461) in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

444. The request for validation in the Republic of Moldova of the European patent application and the European patent issued on the basis of such an application shall be published by AGEPI and entered in the National Register of Patent Applications within three months from the date of notification by the European Patent Office (hereinafter referred to as the EPO) on the payment of the prescribed validation fee, but not before the expiry of a time limit of 18 months from the filing date of the European patent application or, if a priority has been claimed, the earliest priority date.

[Point 444 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

445. The request for validation shall be entered in the National Register of Patent Applications, in the Section "European Patent Applications", by assigning a filing number and maintaining the filing date of the European patent application.

[Point 445 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

446. The publication of the request for validation in BOPI according to Point 444 of this Regulation shall include the following bibliographic data related to the European patent application provided by the EPO:

a) the number and date of filing of the European patent application;

b) the number and date of publication of the European patent application;

c) the number and date of publication of the international application, if applicable;

d) indexes of patent classification;

e) the data on the claimed priority, if applicable;

f) identification data of the applicant(s), inventor(s);

g) the title of the invention.

[Point 446 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

447. If, after the publication of the request for validation, the European patent application has been finally refused, withdrawn or deemed withdrawn, the request for validation shall be deemed withdrawn, and AGEPI shall publish such information within three months from the date of notification by the EPO of the respective data and enter it in the National Register of Patent Applications, in the Section "European Patent Applications".

The publication shall include the following data:

a) the number and date of filing of the European patent application;

b) the number of BOPI in which the request for validation of the European patent application was published;

c) the fact of withdrawal of the request for validation and, where appropriate, the reason for the withdrawal;

d) the date of withdrawal of the request for validation.

[Point 447 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

448. In accordance with Article 44^1 paragraph (3) of the Law, for the purpose of conferring provisional protection on a published European patent application, AGEPI shall make available to the public a translation of the claims of the European patent application into the state language within three months from the date of submission by the applicant of an application to this effect, drawn up on a standard form approved by AGEPI, of the translation of the claims and of the proof of payment of the prescribed publication fee. The publication referred to in this Point shall include the publication in BOPI of the bibliographic data related to the European patent application and making available to the public, on paper and in electronic format, the translation into the state language of the claims of the European patent application.

[Point 448 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

449. The fee for publication of the translation into the state language of the claims of the European patent application shall be paid with the submission of the translation or within three months from that date, otherwise, the request for publication of the translation into the state language of the claims shall be deemed not to have been filed.

[Point 449 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

450. A European patent application for which the validation fee has been paid and which has been refused, withdrawn or deemed withdrawn may be converted into a patent application or a short-term patent application by submitting to the AGEPI a request for conversion drawn up on a standard form, approved by AGEPI, a copy of the European patent application and its translation into the state language, and the proof of payment of the prescribed fee.

The request for conversion shall be accompanied by the power of attorney representing the applicant and, where appropriate, the search report prepared by the EPO or an international searching authority.

[Point 450 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

451. In all actions before AGEPI, the patent owners shall be represented by a patent attorney empowered by a power of attorney.

[Point 451 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

452. A European patent application converted into a national patent application shall be published in BOPI until the expiry of the time limit of 6 months from the date of filing of the request for conversion, but not before the expiry of a time limit of 18 months from the filing date of the European patent application or, if a priority has been claimed, the earliest priority date.

[Point 452 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

453. AGEPI shall, within three months from the date of filing with AGEPI of the request for publication drawn up on a standard form, approved by AGEPI and of the payment of the prescribed publication fee, publish the translation into the state language of the validated European patent specification (description, claims, drawings and abstract of the European patent) filed in accordance with Article 44^2 paragraph (6) of the Law, and shall enter the validated European patent in the National Register of Patents in the Section “Validated European Patents”.

[Point 453 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

454. AGEPI shall publish the translation into the state language of the validated European patent specification, amended following the opposition or limitation procedure with the EPO, filed in accordance with Article 44^2 paragraph (7) of the Law, within three months from the date of submission to AGEPI of a request to this effect, drawn up on a standard form approved by

AGEPI, of the translation of the amended claims and the payment of the prescribed publication fee, and shall enter the amendments to the validated European patent in the National Register of Patents in the Section “Validated European Patents”.

[Point 454 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

455. The fee for publication of the translation into the state language of the documents referred to in Points 453 and 454 of this Regulation shall be paid with the submission of the translation or within 3 months from this date, otherwise, the request for publication of the translation into the state language of the mentioned documents shall be deemed not to have been filed.

[Point 455 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

456. The publication referred to in Points 453 and 454 of this Regulation shall include the publication in BOPI of the bibliographic data relating to the validated European patent and making available to the public, in electronic format, of the translation into the state language of the European patent specification, where appropriate, of the claims amended submitted according to Article 44^2 paragraphs (6) and (7) of the Law.

[Point 456 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

457. In accordance with Article 44^2 paragraph (9) of the Law, AGEPI shall, within 2 months from the date of publication of the translation provided for in Point 456 of this Regulation, issue to the patent owner, on request and subject to payment of the prescribed fee, a European patent validation certificate. The certificate shall include the certificate diploma, signed by the Director General of AGEPI, to which shall be attached the title page, containing the bibliographic data and the abstract, as well as the translation into the state language of the European patent specification, which includes the description, claims, drawings and, where appropriate, the search report.

[Point 457 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

458. Publication of the corrected translation of the claims of a published European patent application or the European patent specification validated according to Article 44^3 paragraph (3) of the Law shall be carried out within 3 months from the submission of a request to this effect, drawn up on a standard form approved by AGEPI, of the corrected translation and the payment of the prescribed fee by the publication in BOPI of the bibliographic data relating to the corrected application or validated European patent and making the corrected translation available to the public in electronic format.

[Point 458 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

459. Publication of the translation of the documents submitted according to Article 44^1 paragraph (3), Article 44^2 paragraph (6)-(8) and Article 44^3 paragraph (3) of the Law shall be carried out in the version presented by the patent owner. AGEPI shall not verify the translation of submitted documents.

[Point 459 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

460. If the validated European patent is deemed void *ab initio* under Article 44^2 paragraph (10) of the Law, AGEPI shall, within three months of the expiry of the 6-month period from the publication by the EPO of the mention of the issuance of the European patent or the statement on the decision to maintain the European patent as amended or to limit the patent, publish in BOPI and shall enter in the National Register of Patents in the Section “Validated European Patents” the respective information.

[Point 460 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

461. Fees for maintenance of a validated European patent shall be paid to AGEPI for each year calculated from the filing date of the European patent application for the years

following the year in which the mention of the grant of the European patent was published by the EPO, the payment being made until the beginning of each respective year.

If the patent maintenance fee has not been paid within the prescribed time limit, it may be paid within six months from the date of expiry of the prescribed time limit for payment, provided that a 50% surcharge is paid. If the maintenance fee has not been paid within the prescribed additional time limit, the patent owner shall be deprived of the rights arising from the patent.

If the annual fee for the European patent is due within the period between the date of publication of the mention of the grant of the European patent and the date of filing with the AGEPI of the translation into the state language of the European patent specification, the patent owner shall pay the prescribed patent maintenance fee at the time of filing the translation of the patent specification, without paying an additional fee. Otherwise, the provisions of the above paragraph shall apply.

[Point 461 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

CHAPTER VI
INTERNATIONAL APPLICATION FILED UNDER THE PCT PROCEDURE

Section 1
Registration of International Application

462. International applications filed under the PCT may be the subject of procedures before the AGEPI. In such procedures, the provisions of that Treaty shall be applied, being supplemented by the provisions of the Law and of this Regulation. In case of conflict, the provisions of the PCT shall prevail.

Where reference is made to the PCT, such reference shall include the Regulation under that Treaty.

463. The provisions of Article 31 paragraph (2) and Article 45 paragraph (2) of the Law shall be fulfilled at the date of registration of the international applications.

464. AGEPI shall act as a receiving Office for the registration of international applications, for the purpose of patenting inventions in other states, in accordance with the provisions of the PCT.

465. AGEPI shall be competent to act as a receiving Office within the meaning of Point 19 of the Implementing Regulation to the PCT if at least one of the applicants is a resident or national of the Republic of Moldova. Any person shall be treated as a resident of the Republic of Moldova if it is in possession of a real and effective industrial or commercial establishment in the Republic of Moldova, under Point 18.1(b)(ii) of the Regulation to the PCT.

466. A legal entity, under Point 18.1(b)(ii) of the Regulation to the PCT, shall be treated as a national of the Republic of Moldova if it is registered as a legal entity in accordance with the legislation of the Republic of Moldova.

467. When there is doubt as to the nationality or residence in the Republic of Moldova, AGEPI shall be entitled to request a documentary confirmation within that meaning.

468. An international application shall be drafted by the applicant in compliance with the requirements provided for in the PCT and its Regulation and shall be filed with AGEPI into one of the languages: English, French, German, and Russian.

469. An international application may be filed:

a) on a standard form elaborated by the International Bureau of WIPO;

b) in the form of a computer print-out whose format and content correspond to the PCT standard form;

[Point 469 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

470. The application form, the description, the claims and the abstract shall be typewritten or printed into one of the languages specified in Point 468 of this Regulation.

471. If the international application has been filed prior to the expiration of thirty days from the filing date of the national application, the examination of the international application shall start after the expiration of thirty days from the filing date of the national application.

472. The international application shall be filed with the AGEPI in three copies so as to allow direct reproduction, and the first copy to be transmitted to the International Bureau of WIPO shall be qualitative enough as to allow reproduction in an unlimited number of copies.

473. If the international application is filed in less than the number of copies or if not all the copies allow direct reproduction, AGEPI shall promptly notify the applicant of the need to pay for the preparation of copies under Point 21.1(c) of the PCT Regulation.

474. Filing of the international application shall be accompanied by the payment with the AGEPI of the international filing, search and transmittal fees within one month following the filing of the international application, prescribed pursuant to Government Decision No 774 of 13 August 1997.

475. If the required fees are not paid within the prescribed time limit and amount, AGEPI shall notify such fact to the applicant and shall give him an opportunity to pay the fees within one month of dispatch of the notification, upon payment of an additional fee. If the prescribed fees and the additional fee are not paid in due time, the international application shall be deemed to be withdrawn.

476. AGEPI shall accord the international application which meets the requirements of Article 11, paragraph (1), of PCT an international filing number. Such number and the international filing date shall be entered in the application form.

477. The original copy of the registered application, the filing fee shall be transmitted to the International Bureau of WIPO and concomitantly a search copy and the search fee shall be transmitted to the International Searching Authority if the application meets the requirements of national security, established in the Law No 618-XIII on State Security of 31 October 1995 (Official Gazette of the Republic of Moldova, 1997, No 10-11, Art.117) and other normative acts in the field.

[Point 477 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

478. AGEPI shall, as the receiving Office, transmit the international application to the International Bureau of WIPO and the International Searching Authority not later than the twelfth month from the filing date of the international application or not later than fifteen days prior to the expiration of thirteen months from the priority date.

479. If the application is deemed to be withdrawn for non-payment of the fee by the applicant, the registered copy of the application shall be transmitted to the International Bureau of WIPO together with the notification of withdrawal not later than fifteen days prior to the expiration of thirteen months from the priority date.

480. If the registered copy of the application is transmitted to the International Bureau of WIPO under Point 479 of this Regulation, but the applicant has not yet paid the search fee, the search copy shall not be transmitted to the International Searching Authority, and a corresponding note shall be made in the registered copy of the international application.

481. If in the international application or in a separate Point the applicant has asked the AGEPI to transmit an authenticated copy of the priority document to the International Bureau of WIPO, but has not paid for the preparation and transmittal of the document, AGEPI shall inform the applicant of the need to pay such fee under the existing tariffs, and after the presentation of the proof of payment it shall prepare and transmit the copy to the International Bureau of WIPO. In such a case, the applicant shall be responsible for the nonobservance of the time limits provided for in the PCT.

Section 2
Opening of the National Phase

482. The national phase shall begin before the expiry of the thirty-first month from the date of filing or the date of priority of the international application, provided that the request for opening of the national phase drafted in the state language on a standard form approved by AGEPI, a copy of the international application and the translation thereof in the state language are submitted.

[Point 482 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

483. The copy of the international application and its translation in the state language shall be furnished in the version in which the international phase was finished, including the description of the invention, the claims, the drawings, where applicable, and the abstract. If the claims have been amended under Article 19 of PCT, both the original claims and the amended claims shall be submitted, which shall be in the form of a translation of the entire set of claims furnished under Point 46.5(a) of the Regulation to the PCT, accompanied by a Point that identify the amended claims and indicate the references in the original application under which the amendments were introduced.

[Point 483 in the wording of Government Decision No 406 of 06.06.2017, in force 09.06.2017]

484. The applicant shall annex to the documents referred to in Point 482 of this Regulation the proof of payment of the corresponding national fee pursuant to Government Decision No 774 of 13 August 1997. The national phase opening fee shall be paid for the set of claims with which the international phase has been completed. If the national phase opening fee is not paid within two months from the filing of the above-mentioned documents, the international application shall be refused.

[Point 484 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

485. Upon opening of the national phase, the applicant may request the issuance of a patent and/or a short-term patent.

[Point 485 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

486. The examination of the international application in the national phase shall be carried out in accordance with the provisions of the Law and of this Regulation.

487. The date of filing shall be the date of international filing and it shall be entered in the National Register of Patent Applications or, where appropriate, in the National Register of Short-Term Patent Applications, under Article 11.3 of the PCT.

488. Where the priority of an earlier national application is claimed in the international application, AGEPI may require that a copy of that application and a translation thereof in the state language be furnished within three months from the date of dispatch of the notification.

489. An international application shall be treated as a national patent application and shall be considered as comprised in the prior art within the meaning of Article 8 paragraph (3) of the Law, if the conditions provided for in Article 43 of the Law and in this Regulation are fulfilled.

490. A translation of the international application shall be regarded as the authentic text of the international application in any procedures before AGEPI, except for revocation procedures, in the event of the international application or national patent granted on the basis of that application in the language of the translation conferring protection which is narrower than that conferred by the international application in the language in which it was filed.

491. The particulars of an international application which has entered into the national phase shall be published in BOPI within six months from the date of opening of the national phase, provided that a translation of the application in the state language is furnished by the applicant to the AGEPI.

492. AGEPI shall treat the international application as a national application, in the conditions of fulfillment by the applicant of the requirements provided for in Article 33 of the Law, where the receiving Office has refused to accord the application an international filing date or has stated that the international application is considered withdrawn, or if the International Bureau of WIPO has stated that the application has been considered withdrawn for lack of receipt of the original thereof.

CHAPTER VII
FINAL PROVISIONS

Section 1
Additions and Amendments of Application Documents

493. Additions and amendments of application documents concerning the description, claims, abstract and drawings shall be made by filing replacement sheets. Replacement sheets shall be filed for each copy of the relevant document of the application in the state language or of the translation thereof in the state language, in accordance with the requirements of this Regulation.

494. If amendments concern linguistic misprints, errors in bibliographic data etc. and do not lead to the diminution of image quality in the case of reproduction, the need for introduction of corrections may be expressed by a Point of the applicant, without submission of replacement sheets.

Section 1^1
Introduction of Amendments

[Section 1^1 introduced by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

494^1. Amendment in the composition of the inventors/applicants/owners, their identification data and the correspondence address shall be carried out by introducing amendments to the application, where appropriate, in the title of protection.

494^2. Amendments specified in Point 494^1 of this Regulation, requested within two months from the filing date, shall be introduced without payment of the amendment introduction fee, and after the expiry of the said time limit - on the condition of payment of the fee. Change of the address for correspondence shall be done without payment of fee.

494^3. The request for introduction of amendments shall be carried out by filing an application for introduction of amendments on the standard form approved by AGEPI.

494^4. The application for introduction of amendments must refer to a single amendment and must contain the following data:

a) the number and filing date of the application (if the application does not yet have a filing number, the assigned entry number shall be indicated) or the number of the title of protection;

b) identification data of the applicant/owner;

c) the name and address of the representative, if the request for introduction of amendments is filed through a representative;

d) the address for correspondence, where appropriate;

e) the indication of the element in the application/title of protection whose amendment is requested and the proposed amendment;

f) the request for issuance of the certificate confirming the amendments to the data, in the case where the issuance of a new title of protection is not requested;

g) the signature of the applicant/owner, according to Point 46 subparagraph f) of this Regulation.

494[5]. Only one amendment shall be taken into account:

a) amendment in the identification data of the inventor, applicant or owner: in the case of natural persons – the first name, family name and/or address, in the case of legal persons – the name and/or headquarters and/or legal form;

b) amendment in the composition of the inventors, if the applicants/owners are not the same persons as the inventors;

c) amendment in the composition of the applicants, unless this amendment is based on the assignment of rights;

d) amendment in the composition of the owners, unless this amendment is based on the surrender of the patent or the assignment of rights;

e) amendment of the address for correspondence.

493[6]. The following documents shall be attached to the application for introduction of amendments:

a) the power of attorney signed by the applicant/owner, if the request for introduction of amendments is filed through a representative;

b) the document confirming the amendment, if the amendment in the name and/or headquarters and/or legal form of the applicant/owner is based on the reorganization of the legal entity;

c) the normative act by which the applicant/owner (legal entity) amended its name and/or address and/or legal form, in case the amendment in the identification data of the applicant/owner is made on the basis of some normative provisions;

d) the normative act by which the applicant/owner (natural person) amended his address, in case the amendment of the applicant's/owner's address is made on the basis of some normative provisions;

e) copy of the identity card, if the requested change refers to the name and/or address of the inventor/applicant/owner (natural person);

f) the document confirming the existence of the right in the application/title of protection, in the case of acquiring this right by succession;

g) the decision of the court, in case the amendment is made on the basis of a court decision;

h) the owner's declaration of surrender of the title of protection, if the amendment is based on the exercise of the inventor's preferential right, according to Article 66 paragraph (3) of the Law;

i) the declaration of each inventor/applicant, in part, accepting the inclusion or exclusion of an inventor/inventors or applicant/applicants in/from the application or, where appropriate, in/from the title of protection, if the amendment concerns the composition of the

inventors/applicants and if, in the case of the applicants, it does not occur as a result of an assignment or succession of rights;

j) the declaration of each owner, in part, accepting the inclusion or exclusion of an owner/owners in/from the title of protection, if the amendment concerns the composition of the owners and if it does not occur as a result of an assignment or succession of rights;

k) the declaration of the inventors/applicants/owners of the fact that the rights of the person who cannot be contacted will not be infringed by the requested amendment, in the case of an amendment in the composition of the inventors/applicants/owners, without the consent of this person;

l) proof of payment of the fee for introduction of amendments, where appropriate.

494^{7}. Amendment in the composition of inventors/applicants/owners pursuant to Point 494^{5} subparagraphs b) - d) of this Regulation will be carried out in the absence of the consent of the inventor/applicant/owner who is a deceased/disappeared person, without successors in title or who cannot be contacted. In the case of a person who cannot be contacted, the provision of this Point will apply provided that all contact possibilities have been exhausted and the inventors/applicants/owners have declared in writing that the rights of this person will not be infringed as a result of the amendment.

494^{8}. It is sufficient to submit a single request for introduction of amendments indicating the number and date of the applications/titles of protection to which it relates, if the same element is requested to be amended in several applications/ titles of protection of the same applicant/owner, provided that the fee for introduction of amendments for each individual application/title of protection has been paid. The request for introduction of amendments and the documents attached thereto shall be submitted in a sufficient number of copies necessary for the attachment to all the files of the inventions for which the amendment is requested.

494^{9}. The examination of the request for introduction of amendments and the documents attached shall be carried out within two months from the date of filing thereof.

494^{10}. In the examination process of the request for introduction of amendments and the documents attached thereto, the following shall be checked:

a) the presence of the data provided for in Point 494^{4} of this Regulation;

b) the presence of other documents necessary for the introduction of the requested amendments, specified in Point 493^{6} and their compliance with the provisions of this Regulation and the legislation in force;

c) whether the requested amendment effectively constitutes an amendment specified in Point 493^{5} of this Regulation;

d) compliance of the data indicated in the request for introduction of amendments and the data contained in the attached documents with the data entered, where appropriate, in the National Register of Patent Applications, the National Register of Short-Term Patent Applications, the National Register of Patents and the National Register of Short-Term Patents;

e) the existence of the proof of payment of the fee for introduction of amendments, where appropriate.

494^{11}. If in the examination process AGEPI finds:

a) irregularities in the request for introduction of amendments or in the attached documents;

b) lack of documents specified in Point 494^{6} of this Regulation;

c) non-payment of the fee for introduction of amendments or payment thereof in an amount lower than the prescribed one, it shall notify the applicant/owner or his representative

and shall give him a period of two months from the date of receipt of the notification to remedy the irregularities found.

494[12]. Depending on the result of the examination of the request for introduction of amendments and the documents attached, AGEPI shall issue one of the following decisions:

a) to accept the amendments, if all the requirements established by the Law and this Regulation are met;

b) to refuse the amendments, if in the examination process the existence of at least one ground specified in Point 494[13] of this Regulation was found.

494[13]. AGEPI shall issue the decision to refuse the amendments if:

a) the irregularities referred to in Point 494[11] of this Regulation, found in the examination process of the request for introduction of amendments and the documents attached, and communicated to the applicant/owner or his representative, were not remedied within the granted time limit and no request for extension of this time limit was filed;

b) the document attached to the request for introduction of amendments does not confirm the change in the data of the inventor/applicant/owner or contains provisions that contravene the legislation in force and/or the provisions that are mutually exclusive;

c) the proposed amendment constitutes a rectification of the error regulated by Section 12 of this Chapter;

d) the proposed amendment is based on the assignment of rights in the application/title of protection;

e) the proposed amendment is based on the surrender by a co-owner/co-owners of the patent in accordance with Article 66 of the Law;

f) the request for introduction of amendments is not signed by each applicant/owner, if the request is filed by several applicants or the title of protection is issued in the name of several owners, except for the case when the request for introduction of amendments is signed by the representative designated by them;

g) there is no agreement of all inventors/applicants on the inclusion or exclusion of an inventor/inventors or applicant/applicants in/from the application or, where appropriate, in/from the title of protection, except for the situation regulated by Point 494[7] of this Regulation;

h) there is no agreement of all owners on the inclusion or exclusion of one/some owner(s) in/from the title of protection, except for the situation regulated by Point 493[7] of this Regulation;

i) there is no declaration by the inventors/applicants/owners of the fact that the requested amendment will not infringe the rights of the person who cannot be contacted, in the case of an amendment to the composition of the inventors/applicants/owners, without the consent of this person.

494[14]. Accepted amendments shall be published in BOPI, except for amendments in respect of applications whose data have not been published, and shall be entered, where appropriate, in the National Register of Patent Applications, the National Register of Short-Term Patent Applications, the National Register of Invention Patents and the National Register of Short-Term Invention Patents.

The publication of data on accepted amendments shall include the following information:

a) type of industrial property object;

b) number of the filing/title of protection;

c) number of BOPI in which the data concerning the application/title of protection were published;

d) initial data prior to rectification;

e) amended data.

494[15]. The amendment of the address for correspondence shall be made by entering the updated data in the application materials/data of the title of protection, without the AGEPI decision being issued.

[Section 1[1] introduced by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

Section 1[2]
Rectification of Errors

[Section 1[2] introduced by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

494[16]. The request for rectification of errors made in the application/title of protection or in other documents submitted to AGEPI shall be filed by the applicant/owner or, where appropriate, by his representative, on the standard form approved by AGEPI and shall be accompanied by proof of payment of the error rectification fee. The request for rectification of errors filed within two months from the date of filing, the date of opening of the national phase or the date of filing of documents within the procedures relating to the European patent application and the European patent shall not be subject to payment of the fee.

[Point 494[16] supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

494[17]. In the request for rectification of errors, the following data shall be indicated:

a) the number and filing date of the application or the number of the title of protection to which the request for rectification of errors relates (if the patent application does not yet have a filing number, the assigned entry number shall be indicated);

b) the name and address of the applicant/owner;

c) the name and address of the representative, where appropriate;

d) the address for correspondence, where appropriate;

e) the indication of the error whose rectification is requested and the proposed rectification;

f) the request for issuance of a certificate confirming the rectification of data, if the issuance of a new title of protection is not requested;

g) the signature of the applicant/owner, where appropriate, of the representative, according to Point 46 subparagraph f) of this Regulation.

494[18]. The following documents shall be attached to the request for rectification of errors:

a) a power of attorney signed by the applicant/owner, if the request for rectification of errors is filed through a representative;

b) the document confirming the correctness of the data whose rectification is requested according to the request for rectification of errors;

c) proof of payment of the error rectification fee, if the rectification of errors was requested after the expiry of the 2-month period from the date of filing.

494[19]. It is sufficient to file a single request for rectification of errors indicating the number and date of the applications/titles of protection to which it relates, if the rectification of the same error is requested in several applications/titles of protection of the same applicant/owner, provided that the error rectification fee is paid for each application/title of protection separately. The request for rectification of errors and the documents attached thereto shall be filed in a sufficient number of copies necessary for attachment to all the files of the inventions for which the rectification of errors is requested.

494[20]. The examination of the request for rectification of errors and of the attached documents shall be carried out within two months from the date of filing thereof.

In the examination process, the following shall be checked:

a) the presence of the data provided for in Point 494[17] of this Regulation;

b) the conformity of the data indicated in the request for rectification of errors and the data contained in the attached documents with the data entered, where appropriate, in the National Register of Patent Applications, the National Register of Short-Term Patent Applications, the National Register of Patents and the National Register of Short-Term Patents;

c) if the proposed rectification does not constitute an amendment regulated by Section 1[1] of this Chapter;

d) the existence of the proof of payment of the error rectification fee, if the rectification of errors was requested after the expiry of the 2-month period from the date of filing.

494[21]. If AGEPI, during the examination process, finds irregularities in the request for rectification of errors or if the error rectification fee has not been paid or has been paid in an amount lower than the prescribed one, it shall notify the applicant/owner or his representative, designated by a power of attorney, and shall give him a time limit of two months from the date of receipt of the notification to remedy the irregularities found.

494[22]. Depending on the result of the examination of the request for rectification of errors, AGEPI shall issues one of the following decisions:

a) to accept the rectification of errors, if all the requirements established by the Law and this Regulation are met;

b) to refuse the rectification of errors, if in the examination process the existence of at least one ground specified in Point 494[23] of this Regulation was found.

494[23]. AGEPI shall issue a decision to refuse the rectification of errors if:

a) the proposed rectification constitutes an amendment regulated by Section 11 of this Chapter;

b) the irregularities found have not been remedied within the time limit granted according to Point 494[21] of this Regulation and no request for extension of this time limt was filed.

494[24]. Rectifications of errors shall be published in BOPI, except for rectifications in respect of applications whose data have not been published, and shall be entered, where appropriate, in the National Register of Patent Applications, the National Register of Short-Term Patent Applications, the National Register of Patents and the National Register of Short-Term Patents.

The publication of data on rectified errors shall include the following information:

a) type of industrial property object;

b) number of the filing/title of protection;

c) number of BOPI in which the data concerning the application/title of protection were published;

d) initial data prior to rectification;

e) rectified data.

494[25]. The accepted amendments and rectifications, made before the grant of the title of protection, shall be included therein. In the case of amendments/rectifications made after the grant of the title of protection, a certificate confirming the amendment/rectification of the data or a new title of protection containing the accepted amendments/rectifications shall be issued, at the request of the owner, provided that the fee for issuance of a title of protection has been paid and the previous copy of the title of protection or its duplicate has been returned.

494[26]. The amendment introduction fee and the error rectification fee shall not be refunded, except in cases when the application for introduction of amendments or the request for rectification of errors was withdrawn before the initiation of the examination procedure.

[Section 1[2] introduced by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

Section 2
Correspondence

495. Subject to Article 32 paragraph (4) of the Law, correspondence shall be carried out in the state language. If, during the course of proceedings before AGEPI, any documents are filed in a language other than the state language, a translation thereof in the state language shall be filed within two months from the date of filing of the documents, otherwise the documents shall be deemed not to have been filed.

496. Correspondence with the applicant shall be delivered to the address indicated in the patent application in the name of the person designated for correspondence with the AGEPI or in the name of his representative. If such a person is not designated, the correspondence shall be delivered to the address of the applicant first named in the application.

497. Correspondence shall be maintained for each application separately.

498. The documents sent to the AGEPI after the filing of the application shall contain a reference to the application number and the signature of the applicant or his representative. Otherwise, they shall be not admissible for examination.

499. The applicant may furnish documents or communications in electronic form or by electronic means of communication, signed subject to the requirements provided for in Point 29 of this Regulation. In such a case, filing with the AGEPI within one month of a copy of the document or the communication on paper privately signed by the applicant shall be necessary, accompanied by a statement on the identity of the information furnished on paper with the information furnished by electronic means or in electronic form. Otherwise, the documents shall be deemed not to have been filed.

500. In proceedings before AGEPI, any notification shall extend the time limit for examination to a period equal to the time limit that has elapsed from the date of dispatch of the notification up to the date of receipt of the response.

500[1]. In the case of natural or legal persons who are not residents or nationals of the Republic of Moldova and who have not apPointed a patent attorney, AGEPI will send the correspondence on payment of the patent maintenance fees to the correspondence address indicated in the application materials.

[Point 500[1] introduced by Government Decision No 548 of 26.07.2012, in force 03.08.2012]

Section 3
Additional Documents

501. In the period of examination of the patent application, the applicant shall, of his own volition or upon notification from AGEPI, be entitled to submit materials supplementing, amending or correcting the application documents, without modifying the subject-matter of the invention.

502. The applicant may, of his own volition, correct or amend the application documents, without modifying the subject-matter of the invention, upon payment of the fee, but not later than after the date of issuance of the decision to grant a patent or to refuse a patent application.

[Point 502 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

503. Additional documents submitted by the applicant and containing amendments and additions may be admissible, if they relate to:

a) features existing in the description and drawings of the initial filing and consisting of corrections and explanations thereto;

b) the content of the claims, but relying on features existing in the description and drawings of the initial filing;

c) drawings, but relying on features existing in the description;

d) features which do not form the subject-matter of certain new claims or which do not introduce new features in the original claims, they being destined for a better understanding of the invention or the application field of the invention;

e) other additional documents, amendments and/or additions, where necessary.

The additional documents shall be presented on replacement sheets. If the additional documents refer to the amendment of the claims, a letter indicating the amended claims, the original claims that are excluded, and the elements of the original application documents on which the amendments according to the submitted additional documents are based, shall be attached to the replacement sheets.

[Point 503 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

504. The additional documents shall modify the subject-matter of the claimed invention if they contain features supposed to be included in the claims and not included in the original application documents (the description, the claims, the drawings and other graphic documents necessary for the disclosure of the subject-matter of the invention).

[Point 504 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

505. If the additional documents modify the subject-matter of the invention, these documents shall not be taken into consideration in the part modifying the subject-matter, and the applicant shall be entitled to file them in a separate patent application. Upon filing such an application, priority of the invention shall be established on the date of filing of the additional documents, under Point 233 of this Regulation.

Section 4
Extension of Time Limits and Further Processing after Non-Observance of the Time Limit

506. The request for extension of a time limit or for re-establishment of the omitted time limit shall be drafted on a standard form approved by AGEPI.

[Point 506 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

507. The time limit necessary for extension may be indicated by the applicant directly in the request for extension or several consecutive applications may be filed, provided that each subsequent application is filed prior to the expiry of the time limit extended by the previous application.

508. Failure to observe the time limit for filing the request for extension shall lead to the request being deemed inadmissible, such fact shall be notified to the applicant.

509. An applicant for or owner of a patent shall file the request for re-establishment of the omitted time limit, not later than six months from the date of expiry thereof. Otherwise, the patent application shall be deemed to be withdrawn, and a decision on forfeiture of owner's rights shall be issued in respect of the patent, such fact being notified to the applicant or owner.

[Point 509 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

510. Proof of payment of the corresponding fee in the amount prescribed pursuant to Government Decision No 774 of 13 August 1997 and all the necessary documents shall be annexed to the request for re-establishment of the omitted time limit. Otherwise, the request for

re-establishment of the omitted time limit shall be deemed not to have been filed, such fact being notified to the applicant.

[Point 510 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

Section 5
Re-establishment of Rights

511. An applicant for or owner of a patent who, in spite of all due care required by the circumstances having been taken, was unable to observe a time limit vis-á-vis the AGEPI shall have his rights re-established upon request if the non-observance of this time limit has the direct consequence of causing the refusal of the patent application or of a request, or the deeming of the application to have been withdrawn, or the revocation of the patent, or the loss of any other right or means of redress.

512. Re-establishment of rights shall be made upon payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 and filing of the documents stating the grounds for non-observance of the time limit.

513. At the same time as he files the request for re-establishment of rights, the applicant shall file the act confirming the observance of the omitted time limit.

514. For re-establishment of rights in respect of a patent, the act provided for in Point 513 of this Regulation shall be the proof of payment of the fee, prescribed pursuant to Government Decision No 774 of 13 August 1997, for the period of grace of six months and of the annual maintenance fee in the prescribed amount, whose time limit for payment was omitted.

515. If the request for re-establishment of rights does not state the grounds for non-observance of the time limit, the applicant for or owner of a patent shall submit these grounds, confirmed by acts, within the time limit indicated in the notification from AGEPI.

516. AGEPI shall, within 30 days, examine the request for reestablishment of rights, the acts certifying the grounds for non-observance of the time limit, the compliance with the requirements provided for in Points 513-515 of this Regulation, and shall decide on the admission or refusal of the request for re-establishment of rights.

517. If the request for re-establishment of rights does not meet the requirements laid down in Points 511-515 of this Regulation, AGEPI shall notify the applicant for or owner of the patent of the reasons which serve as ground for refusal of the request for re-establishment of rights and shall invite him to submit his possible observations on the intent to refuse this request within three months of dispatch of the notification. If the documents submitted by the applicant for or owner of the patent do not certify the grounds for non-observance of the time limit or if any response has not been submitted within the prescribed time limit, AGEPI shall decide to refuse the request for re-establishment of rights.

518. Particulars of the applications upon which the examination procedure has been resumed and revalidated patents shall be published in BOPI.

Section 6
Time Limits

519. Computation shall start from the date of dispatch of the procedural acts, the date of dispatch being deemed to be the date on which the procedural acts were marked by the relevant subdivision of AGEPI with the date of dispatch.

When calculating the term set in days, working days will be taken into account.

[Point 519 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

520. Procedural acts, mailed to AGEPI, shall be deemed to be performed if they have been delivered to the post office prior to the expiration of the prescribed time limit, in accordance with the applied post office stamp.

521. Any procedural act, sent to AGEPI by facsimile or by electronic means of communication prior to the expiration of the prescribed time limit, shall be deemed to be performed in due time if the original of the act has been submitted to the AGEPI within one month from the date of expiry of the prescribed time limit.

Section 7
Registers of AGEPI

522. Keeping of registers shall be carried out in accordance with the provisions of the legislation in force.

523. The registers referred to in Article 95 of the Law shall contain the following information:

a) number and filing date of the patent application, number of patent;

b) title of the invention;

c) classification symbol assigned to the application;

d) given name, family name/denomination and residence/headquarters of the applicant for or owner of the patent;

e) given name, family name and address of the inventor(s);

f) given name, family name and address of the representative;

g) priority data (date, country and filing number of the previous application);

h) in the event of a division of the application, the filing numbers of all the divisional applications;

i) in the case of divisional applications or new filed applications under Article 16, paragraph 1(b), of the Law, the information referred to in points (a) and (g) with regard to the earlier application;

j) date of publication of the application;

k) date of filing of the request for substantive examination;

l) date on which the application is refused, withdrawn or deemed to be withdrawn;

m) date of publication of the mention of the grant of the patent;

n) date of filing opposition;

o) date and decision adopted on opposition;

p) date of suspension and resumption of the procedure;

q) date of issuance of the patent and its term of validity;

r) date of forfeiture of rights and date of re-establishment of rights;

s) establishment of rights and transfer of such rights relating to a patent application or a patent;

t) for validated European applications and patents, their bibliographic data, provided by the EPO, shall be indicated.

[Point 523 amended by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

524. Transfer of rights relating to a patent application shall, upon request, be entered in the National Register of Patent Applications or, where appropriate, in the National Register of Short-Term Patent Applications, provided that the documents certifying the transfer have been filed with AGEPI and the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 has been paid.

525. The provisions of Point 524 of this Regulation shall apply *mutatis mutandis* to the entry of assignment or transfer of a license and the entry of establishment or transfer of a real right relating to a patent application and enforcement of such application.

526. Entries provided for in Points 524 and 525 of this Regulation shall, upon request, be erased, provided that the fee prescribed pursuant to Government Decision No 774 of 13 August 1997 has been paid. The application shall be accompanied by documents certifying the exhaustion of rights or by a statement in which the owner of the right expresses his consent to the erasure of the entry in the register.

Section 8
Procedures for Public Inspection

527. After the publication of the patent application in BOPI, any person shall be entitled to obtain inspection of the files by requesting copies of the documents relating to such patent application, subject to the filing of a request therefor and payment of the corresponding fee pursuant to Government Decision No 774 of 13 August 1997.

528. Files relating to a patent application which is withdrawn and has not been published earlier may only be made available for inspection with the written consent of the applicant or on request of the court.

529. Prior to the publication of the patent application, AGEPI may communicate to third parties, upon payment of the corresponding fee pursuant to Government Decision No 774 of 13 August 1997, the following data:

a) number of the patent application;

b) date of filing and, where priority has been claimed, the date of priority, the country of origin of the original application and the number of the original application;

c) name or denomination of the applicant;

d) title of the invention, where appropriate.

[Point 529 supplemented by Government Decision No 406 of 06.06.2017, in force 09.06.2017]

530. The following shall be excluded from inspection:

a) the documents relating to the draft decisions and notices which are not communicated to the parties concerned;

b) the documents used for the preparation of AGEPI resolutions/decisions and notifications, within the limits of Law No 982-XIV of 11 May 2000 on Access to Information of Public Interest;

c) the documents relating to the designation of the inventor, if he has waived his right to be mentioned in the application documents;

d) the documents relating to the amendment of or containing objections to the composition of the Board of Appeals.

531. If the documents which are not excluded from inspection bear confidential inscriptions, inspection of the files shall be of the copies of such documents, omitting the said inscriptions.

532. Restrictions on inspection of the files, under Points 530 and 531 of this Regulation, shall not apply to inspection of the files by courts.

533. Subject to the restrictions provided for in Article 96 of the Law and in Point 531 of this Regulation, AGEPI may, upon request, communicate information contained in the files, subject to the payment of the fee prescribed pursuant to Government Decision No 774 of 13 August 1997.

534. The applicant shall be entitled to request from AGEPI copies of the files mentioned in the notification, decision or search report. AGEPI shall, within two months from the date of receipt of the request, send copies of the files, upon payment of the corresponding fee pursuant to Government Decision No 774 of 13 August 1997.

Annex 2
to the Government Decision No 528
of 1 September 2009

List of Repealed Government Decisions

1. Government Decision No 456 of 26 July 1993 “on the protection of industrial property in the Republic of Moldova”.

2. Paragraph 2 of the Government Decision No 837 of 21 December 1995 “on amending and repealing certain government decisions of the Republic of Moldova (Official Gazette of the Republic of Moldova, 1996, No 17-18, Art.124).

3. Government Decision No 281 of 22 May 1996, “on amending the Provisional Regulation on the Protection of Industrial Property in the Republic of Moldova” (Official Gazette of the Republic of Moldova, 1996, No 40-41, Art.339).

4. Government Decision No 492 of 29 May 1997 “on repealing certain provisions of the Provisional Regulation on the Protection of Industrial Property in the Republic of Moldova” (Official Gazette of the Republic of Moldova, 1997, No 43-44, Art.460).