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**Support to Enforcement of the
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Practical Guide

**for the identification of potential products which
can be promoted under Protected Geographical
Indications, Protected Designations of Origins and
recognised as Traditional Specialities Guaranteed
in the Republic of Moldova**

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recognised as Traditional Specialities Guaranteed
in the Republic of Moldova**

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GUIDE STRUCTURE

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LIST OF ACRONYMS

AA	Association Agreement between the Republic of Moldova and the European Union
AP	Manufacturers Associations
AGEPI	State Agency for the Intellectual Property of the Republic of Moldova
BOPI	Official Journal of Intellectual Property
CC	Consumer Cooperative
CAP	Agricultural Production Cooperative
CAIPS	Agricultural Cooperative of Entrepreneurship and Service Provision
CÎ	Entrepreneurship Cooperative
CE	Council of the European Union
CIS	Commonwealth of Independent States
CSPM	Statistic classification journal of the products (goods and services) of the Republic of Moldova
DCFTA	Deep and Comprehensive Free Trade Area
DO	Designation of Origin
PDO	Protected Designation of Origin
GSM	Global System for Mobile Communications – mobile telephony
GT	Rural Household
ECTS	Short Term Consulting Experts of the Project
EU DOOR	Database with reference to PDO, PGI, TSG in the EU
GI	Geographical Indication
PGI	Protected Geographical Indication
IP	Public Institutions
IS	State Institutions
ÎI	Individual Entrepreneurship
ÎS	State Enterprise
GD	Government Decision
MAIA	Ministry of Agriculture and Food Industry (current - Ministry of Agriculture, Regional Development and Environment)
ONG	Non-Governmental Organization
RM	Republic of Moldova
SA	Stock Company
GIS	Geographical Indications System
SRL	Limited Liability Company
CSI	Independent State Community
TSG	Traditional Specialities Guaranteed
UE	European Union
UP	Manufacturers Union
UTAG	Territorial and Administrative Unit Gagauz Yeri



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SUMMARY

The notion of Designation of Origin is very ancient, being used for the identification of products, beverages, foodstuffs and crafts which have a certain origin and geographical names, reflecting the unicity, the combination of local natural resources (climate, soil, animal breeds and species of local plants, traditional equipment etc.) and cultural assets (traditions, knowledge and abilities, often passed from one generation to the other) within a certain territory, therefore establishing such specific connections between the manufacturers - product - consumers and territory - origin area.

The Protected Geographical Indications (PGI), the Protected Designations of Origins (PDO) and the Traditional Specialities Guaranteed (TSG) are priceless instruments for helping the manufacturers of agricultural goods, beverages, foodstuffs and the craftsmen for being protected and have a maximum benefit at the promotion of the characteristics and originality of their products which are derived from the geographical area or from the geographical region where they are cultivated or produces for the local consumers and those in the external markets, which are co-interested in the consumption and approach to these traditional and cultural values.

The elaboration of this Practical Guide has been carried out within the Technical Assistance Project financed by the European Union "Support for Enforcement of Intellectual Property Rights" in the Republic of Moldova (hereinafter referred to as "the Project"), implemented by a consortium consisting of Archidata S.r.l. (Italy), European Profiles S.A. (Greece) and Business and Strategies in Europe S.A. (Belgium), launched in November 2016 and lasting for 2 years. The main beneficiary of the project is the State Agency on Intellectual Property, having other co-beneficiaries and the general objective of the project provides the improvement of the implementation and application of the intellectual property rights in the Republic of Moldova. One of the specific objectives of the project is to identify the products, beverages and dishes that could benefit from Geographical Indication Protection System. In this context the Project and AGEPI launched a national campaign to identify products originating in certain geographical areas that could benefit from PGIs or PDOs as well as traditional specialties that could be recognized as STGs, subsequently benefiting from supporting registration as an intellectual property.

The purpose of this Practical Guide is to help agricultural producers understand in brief and better modality the benefits and perspective of identifying and registering GI, DO, TSG at the State Agency for Intellectual Property of the Republic of Moldova, and also the perspective of of promoting products with these signs on the local consumers market and in the European Union markets, based on their registration in the EU. Identification and registration of geographical indications will allow local producers to highlight the specialty, the method and the traditional production flavour, in order to be protected against unfair competition and shall allow the promotion and the information of consumers about the uniqueness of the products.

Any change and movement forward, as the identification, registration and promotion of products, beverages, foodstuffs and of the craftsmen under the symbols of the PGI, PDO and TSG, present major risks due to the implementation costs and the adjustment of the entrepreneurs to the new requirements of the market and to the consumer's preferences, but, the operated changes are inevitable, the investments shall be recovered by the added value and the change surely deserves the approval of the local business environment.

Chapter I a describes the GI, DO and TSG notions, the European legal and regulatory basis and of the Republic of Moldova, the control and certification authorities for the geographical indication products.



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Chapter II presents the Methodology of the study for identification of the potential products, beverages, foodstuffs and crafts which could be promoted as products with geographical indication, the areas and instruments for the study implementation.

Chapter III, represents step by step the registration procedures, the rights, the characteristics and the benefits of the use of geographical indications.



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INTRODUCTION

The exceptional quality combined with specific and unique characteristics of origin, manufacturing and culture of traditional products, compared to the industrial products which substitute the secular traditions of human consumption, have determined starting with 1992 the creation of a European system for quality labelling, origin protection and promotion of trade name of the traditional agri-food products coming from different EU member states. The European system for identifying products of a defined geographical or traditional nature involves the voluntary use of one of the three systems in the field of quality of agricultural and food products: Protected Designation of Origin, Protected Geographical Indication, Traditional Speciality Guaranteed.

The main identification symbols of the regional and traditional products in the European Union are PDO and PGI, symbols that highlight the relation between the quality and the origin location of a product. Another symbol presents the TSG, which highlights the traditional, unique and unrepeatable production method.

The current symbols used on the labels of products, beverages and foodstuffs, demonstrate that they come exclusively from the European Union countries, from a certain locally known and registered area, as well as they are obtained and prepared from traditional ingredients or by using traditional methods. At the same time, these symbols guarantee that the manufacturers are protected against unfair competition, inform the consumer regarding the specificity and uniqueness of the product, maintain the culinary tradition and local culture and allow the promotion of the product both on the traditional market as well as on other third markets.

The use of the marking system for the products, beverages and foodstuffs under the PGI symbol, ensures as well a major impact not only on the agricultural sector but also on the rural development, in general, creating premises for: (i) the development of a manufacturing and trading network around a common origin of products; (ii) the increase in the manufacturing price of the GI products compared to the ordinary ones; (iii) the distribution of the added value of the products with GI on all levels of the manufacturing - trading network; (iv) the conservation of natural resources on which the product is based; (v) the conservation of the traditions and of the cultural patrimony and (vi) the favouring of a closer connection between the rural areas and the tourism scope.

An agricultural product or a food product within the EU quality system registered under PDO, PGI or TSG symbol guarantees that the registered denomination is protected against the unauthorized use on EU territory, and for the consumers, guarantees on the origin, uniqueness, quality and manufacturing tradition. The registration of products under DO, GI and TSG contributes to the increase in the revenue of manufacturers, ensures the consolidation of the manufacturers in a certain region or geographical area (the implementation and negotiation of the same tender book), stimulates the exploitation of traditional knowledge, avoids the environment pollution, protects and ensures the use of natural resources in a correct and economic way.

The study "The value of agricultural and food production, wines, aromatized wines and spirits protected by a geographical indication", which first collected economic information on all geographical indications produced in the EU in 2005-2010, estimated in the year 2010 global sales of EU geographical indications to 54.3 billion euros, and the total value of products with GI exported outside the EU to 11.5 billion EUR, which represents approx. 15% of total EU exports of food and beverages (source: <https://ec.europa.eu/agriculture/external->



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studies/value-gi_en). Valuation of the potential of PDO, PGI or STG products as part of the national quality system of the 28 EU countries, indicates the existence of 3517 original PGI products, beverages and dishes. Among the EU Member States, most of the PDOs and PGIs for agri-food products (excluding wines and spirits) have as origin countries Italy (324), France (267) and Spain (223), the other 25 EU Member States registered 4-7 GIs, DOs (Romania and Bulgaria), up to 108 (Greece).

The agriculture is the fundamental pillar of the national economy of the Republic of Moldova, whose contribution in the creation of the PIB in the past 5 years has varied between 12-13%, and with the processing industry up to 16%, at the same time the agricultural manufacturing and processing has generated approximately 50% of the exports revenue¹. The favourable climate and the high-quality soils have historically determined the agricultural specialization of the Republic of Moldova, especially in the production of cultures with high added value as fruits, grapes and vegetables. The agriculture and food industry plays a major role in ensuring the country food supply security, and approximately 26% of the active population is employed in the agricultural sector.

The main natural resource of the Republic of Moldova is the soils, with an average credit rating of 65 points. The soil cover includes three zonal types: brown soils, gray soils spread in hilly regions, and chernozems formed in steppe on lower altitude lands. The main soil type is the chernozem, which occupies 70% of the land surface area. According to the data of the State Enterprise "Cadastru", in 2013, the registered land stock of the Republic of Moldova was 3,384 million hectares of land, of which 2,538 million hectares or approx. 75% have an agricultural destination. Land with agricultural destination includes: arable land approx. 1,839 thousand ha (72.5%), multi-annual vineyard plantations - 306.0 thousand ha (12%), meadows and meadows 386 thousand ha (15.2%)².

The agricultural annual production of the Republic of Moldova for the years 2011-2015 has constituted and has varied in value from approximately 22 to 26.2 billion lei, with a relatively stable structure of the agricultural production, which represents approximately 68-71% products of plant origin and 29-32% of animal origin.

The sectors with the highest production and export potential are the vegetables sector with an annual production of app. 245 thousand tons, fruits of app. 600 thousand tons, table grapes of app. 85 thousand tons, technical grapes of app. 500 thousand tons and with a production of approximately 250 million litres of wines. In 2015, in the Republic of Moldova approximately 9 thousand tons of beef have been produced, together with 72 thousand tons of pork and 47 thousand tons of poultry.

Annually, approximately 20% of the vegetable production and 55% of the fruit production, or app. 300-350 thousand tons of these products are processed under the form of finished products as apple juice, fruit nectars, canned fruits and vegetables, out of which 90% are exported.

¹ Agriculture and Food Processing overview of Republic of Moldova. MIEPO 2016.

² Yearbook of soil quality status on the territory of the Republic of Moldova in 2013, Directorate for monitoring the quality of the environment. State Hydrometeorological Service 2013



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Annually, Moldova produces between 2000 - 3500 tons of dried fruits (mostly dried plums, but also apples and cherries) out of which app. 70% are exported, 80% being guided towards EU markets and app. 20% to the markets within the CIS.

The patrimony of the agri-food sector of the Republic of Moldova, by its diversity of traditional products and beverages, has a high potential of development, but currently it is not fully used and exploited. Therefore, the identification of the products capable of being registered with PGI, PDO and recognised as TSG allows by the uniqueness and flavour of the local products, on one hand the creation of a high added value in the national agri-food sector, and on the other hand, an increase of the production and trading capacities on the internal market and the entry and export of these products to the external markets.

In the context of the increase of the economic value from the agricultural production of the Republic of Moldavia and for the purpose of the promotion of the product with determined origin and qualities, we can mention the registration of **Protected Geographical Indications (PGI)** and the **Protected Designations of Origins (PDO)**, for the following products and beverages: **PGI Divin "Rachiul de vin învechit Divin"** (with a production geographical area on the entire geographical territory of RM), **IGP "Zăbriceni" pentru plante și fructe uscate și amestecuri din ele pentru infuzii** (geographical area – Zăbriceni village, Edineț district), **PDO "Brânză de Popeasca" for sheep cheese** (neighbouring localities of Popeasca village in Căușeni and Ștefan Vodă districts), **IGP "Dulceață din petale de trandafir Călărași"** for sweet rose petals (geographic area - Călărași), **IGP "Rachiu de caise de Nimoreni"** for apricot brandy (geographical areas - Nimoreni village, Ialoveni district), **DOP "Ciumai"** for sweet red dessert wine, red dry red wine (geographical area – villages Vinogradovca, Ciumai, Chirilovca and Mirnoe of Taraclia district) and **DOP "Românești"** for red wine (geographical area – villages Românești, Rădeni, Zamciogi of Strășeni village), **IGP "Ștefan Vodă", "Valul lui Traian", "Codru" and "Divin"** – for wines (the geographical areas for wine production extend to the geographical areas delimited by the Order of the Ministry of Agriculture and Food Industry No. 105 of June 10, 2011).



I. BASIC NOTIONS, LEGISLATIVE AND NORMATIVE FRAMEWORK, CONTROL AND CERTIFICATION AUTHORITIES OF GEOGRAPHIC INDICATIONS



1.1. What does the Protected Geographical Indication, Protected Designation of Origin and Traditional Speciality Guaranteed represent?

In conformity with the Law concerning the protection of geographical indications, designations of origins and guaranteed traditional specialities no. 66-XVI of 27.03.2008³ (hereafter - Law 66/2008) and the Government Decisions (GD) of the Republic of Moldova no. 610 of 05.07.2010, GD no. 644 of 19.07.2010, the regulations regarding the registration, legal protection and the use of the **PGI**, **PDO** and **TSG** are established, which have a following definition, and the products promoted under these symbols must fulfil the following requirements:

PROTECTED GEOGRAPHICAL INDICATION (PGI)

The geographical indication - the name of a region or a locality, a designated place or, in exceptional cases, a country which serves to designate a product originating in that region or locality, from that designated place or from that country and which has a specific quality, reputation or other characteristics attributable to that geographical origin, and at least one of whose production stages take place in the defined geographical area.



Note: The PGI product must (according to Article 5 of Law 66/2008):

- a) come from this region or locality, from this determined place or this country;
- b) which has a specific quality, a reputation or other characteristics that may be attributed to this geographical origin;
- c) at least one of production stages are developed in the limited geographical area.

PROTECTED DESIGNATION OF ORIGIN (PDO)

The designation of origin - represents the geographical denomination of a region or locality, of a determined place or, in exceptional cases, of a country, which serves at assigning a product originating from this region, locality, determined place or country and whose quality or characteristics are, essentially or exclusively, due to the geographical environment, including the natural and human factors, and whose production stages are all developed within the limited geographical area.



Note: The PDO product must (according to Article 5 of Law 66/2008):

- a) come from this region or locality, from this determined place or this country;

³ Law No.66-XVI of 27.03.2008 is in line with Regulation (EU) 1151/2012 of the European Parliament and of the Council of Europe of 21 November 2012 on the quality systems for agricultural and food products



- b) whose quality or characteristics are, essentially or exclusively, due to the geographical environment, including the natural and human factors;
- c) all production stages are all developed within the limited geographical area.

Both denominations (PGI and PDO) are applied to the same types of products, are geographical denomination (the origin of denomination being related to the geographical area), involve the same procedures, the same protection. **Main and essential differences between the PGI and PDO denominations** are:



1. Relation to the geographical area:

- PGI: the product must have a specific quality, reputation or other characteristics attributed to the geographical origin.
- PDO: the product's quality/characteristics are due to the geographical environment with its natural and human factors.



2. The origin of raw material:

- PGI: the raw material used can come from outside the defined geographical area.
- PDO: the raw materials use must come only from the defined geographical area.



3. Product manufacturing:

- PGI: certain operations of the manufacturing product may be located outside the defined geographical area.
- PDO: the manufacturing, the processing and the preparation must take place only within the defined geographical area.

GUARANTEED TRADITIONAL SPECIALITIES (TSG)

Note: The Guaranteed traditional specialities - represent a traditional agricultural or food product, whose specificity is known by its registration according to the law (the specificity represents the characteristic or the set of characteristics by which an agricultural or food product distinguishes itself clearly from other similar agricultural or food products belonging to the same category; the traditional product is the product used on the market during a time period that indicated the transmission from one generation to the other, as a proven fact; this period must correspond to the duration generally attributed to a human generation, meaning at least 30 years).



Note: TSG makes no reference to origin, but certified the fact that the raw materials, the composition (recipe) or the production modality confers the product the original character in relation to other similar products. An agricultural or food product can be protected as a traditional speciality guaranteed if:

- a) it is obtained from traditional raw materials; or



- b) it is characterized by a traditional composition; or
- c) it is characterized by a manufacturing and/or processing modality that corresponds to a traditional type of production and/or processing.

For being registered, the denomination of the traditional speciality guaranteed must:

- a) must have been used traditionally for assigning the specific product; or
- b) must indicate the traditional character or the specific character of the product.

If the denomination of the traditional speciality guaranteed required for registration is used also in another region of the Republic of Moldova or in another country, for distinguishing the comparable products or the products that have an identical or similar designation, the denomination of the traditional speciality guaranteed shall be accompanied by the specification "Manufactured according to traditions", immediately followed by the name of the region or the country corresponding to the denomination required for being registered.

1.2. European and national legal and regulatory framework for the protection of designations of origin and geographical indications



The European and national legal and regulatory framework concerning the protection of the designations of origin and geographical indications is based on International Agreements and different European regulations, depending on the product categories to which they address, which regulate the insurance of a protection in case of unfair competition and ensure the protection of GI and SO. For instance, the food products benefit from a different regime from the one of wines or alcoholic beverages. Main legislative and regulatory

acts being:

1. *The legislation of the European Union in the field of geographical indications and designations of origins:*
 - a) (EU) Regulation of the European Parliament and of the European Council no. 1151/2012 of 21.11.2012 regarding the systems in the field of agricultural and food products' quality (hereafter – Regulation (EU) 1151/2012) ;
 - b) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organization of agricultural markets and repealing Council Regulations (EEC) 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. No 1234/2007. (hereafter - Regulation (EU) 1308/2013);
 - c) Regulation (EU) No. No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labeling and the protection of geographical indications of aromatised wine products and repealing Regulation (EEC) 1601/91 (hereinafter referred to as - Regulation (EU) 251/2014);
 - d) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Regulation (EEC) Council Regulation (EEC) No 1576/89 (hereinafter - Regulation (EC) 110/2008);
 - e) Regulation (EC) no. 607/2009 of 14.07.2009 laying down detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected



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designations of origin and protected geographical indications, traditional terms, labeling and presentation of certain wine sector products;

- f) The delegated (EU) Regulation no. 664/2014 of the commission of 18.12.2013 for the completion of the (EU) Regulation no. 1151/2012 of the European Parliament and of the Council regarding the establishing of the symbols of the Union for the protected designations of origins, the protected geographical indications and the guaranteed traditional specialities and regarding certain standards related to the sources, certain procedure standards and certain additional transitory standards.

2. *The international agreements and treaties within the field of geographical indications and designations of origins to which the Republic of Moldova has adhered:*

- a) The Paris Convention for the protection of industrial property of 20.03.1883, effective on 07.07.1884, to which the Republic of Moldova has adhered by the Parliament Decision no. 1328-XII of 11.03.1993;
- b) The Madrid Agreement regarding the penalties for false or deceiving origin indication of the products of 14.04.1891, to which the Republic of Moldova has adhered by Law no. 1330-XIV of 27.10.2000;
- c) The Lisbon Agreement regarding the protection of the products' origin indication and their international registration of 31.10.1958, to which the Republic of Moldova has adhered by Law no. 1328-XIV of 27.10.2000;
- d) The agreement regarding the commercial aspects of the intellectual property rights (TRIPS), effective for the Republic of Moldova of 26.07.2001;
- e) The Agreement concerning the prevention and fighting measures against the use of false symbols and geographical indications in the CSI member states of 03.01.2002, to which the Republic of Moldova has adhered by the Government Decision no. 1331 of 03.12.2001;
- f) The Association Agreement between the Republic of Moldova, the European Union and the European Community of Atomic Energy and their member states, on one hand (chapt. IX, title V), ratified by the Republic of Moldova by Law no. 112 of 02.07.2014.⁴

3. *The Legislation of the Republic of Moldova in the field of GI, DO and TSG*

- a) The Law concerning the protection of geographical indications, designations of origins and guaranteed traditional specialities no. 66-XVI of 27.03.2008, effective from 25.10.2008;
- b) The law for the approval of national symbols associated to the protected geographical indications, to the protected designations of origins and to the guaranteed traditional specialities no. 101, adopted on 12.06.2014;
- c) The regulation regarding the procedure for the submission, examination and registration of the geographical indications, of the designations of origins and guaranteed traditional specialities, approved by the Government Decision of the Republic of Moldova no. 610 of 05.07.2010;

⁴ The Association Agreement integrated the RM-EU Agreement on the Protection of the GI Protection of Agricultural and Food Products, signed on 26.06.2012, in force since 01.04.2013.



- d) The Decision of the Government of the Republic of Moldova no. 644 of 19.07.2010 regarding the assignment of competent and qualified authorities with attributions and responsibilities related to the products with designations of origins and geographical indications and guaranteed traditional specialities and of the competent authorities responsible for the official controls regarding the compliance of these products;
- e) The Order of the Ministry of Agriculture and Food Industry no. 149 of 04.08.2015 on the procedure for approval of food products specification with appellations of origin, geographical indications and traditional specialties guaranteed.

4. *Related regulatory acts, as well as those referring to the protection of certain GIs*

- a) The grape and wine law no. 57-XVI of 10.03.2006 (which includes important provisions regarding the wines with GI and AO);
- b) The Government Decision no. 356 of 11.06.2015 regarding the approval of the Technical Regulation "Organization of the wine market";
- c) MAIA Order no. 50 of 04.04.2012 regarding the approval of the delimitation of the wine geographical areas for the production of wines with protected geographical indication;
- d) MAIA Order no. 12 of 28.01.2016 on the delimitation of geographical areas for the production of wines with a protected geographical indication;
- e) Law no. 322-XV of 18.07.2003 regarding the declaration of the complex "Combinatul de vinuri "Cricova" S.A" as the object of the cultural and national patrimony of the Republic of Moldova;
- f) Law. no. 199-XVI of 28.07.2005 regarding the granting of the status of objective of the national and cultural patrimony of the Republic of Moldova to the assets of the State Enterprise "Combinatul de Vinuri de Calitate "Mileştii Mici";
- g) Law. no. 251-XVI of 04.12.2008 regarding the constitution of the National Cultural Reserve "Orheiul Vechi";
- h) Government Decision no. 228 of 23.03.2009 regarding the constitution of the Cultural and Natural Reserve "Orheiul Vechi".

1.3. The protection of Designations of Origins and Geographical Indication in conformity with the European and national legislation



The protection of the designation of origin and of the geographical indication is ensured by the provisions of the (EU) Regulation 1151/2012 regarding the systems in the quality field of the agricultural and food products.

In the Republic of Moldova the protection of GI, DO and TSG is ensured on the basis of Law 66/2008. According to art. 5 of Law 66/2008:



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1. It can be protected as designation of origin the geographical designation of a region or locality, of a determined location or, in exceptional cases, of a country, which serves to the designation of a product:
 - a) coming from this region or locality, from this determined location or this country;
 - b) whose quality or characteristics are, essentially or exclusively, due to the geographical environment, including the natural and human factors;
 - c) whose production stages are all developed within the limited geographical area.
2. It can be protected as geographical indication the designation of a region or locality, of a determined location or, in exceptional cases, of a country, which serves to the designation of a product:
 - a) coming from this region or locality, from this determined location or this country;
 - b) which has a specific quality, a reputation or other characteristics that may be attributed to this geographical origin; and
 - c) at least one of production stages are all developed within the limited geographical area.

In accordance with Article 11 of Law 66/2008, harmonized with Article 13 of Regulation (EU) 1151/2012, registered designations of origin and geographical indications are protected against any:

- (a) direct or indirect commercial use of a registered name for non-covered goods:
 - in so far as those products are comparable to those registered under that name; or
 - to the extent that such use allows to take advantage of the reputation of the protected name;
- b) usurpation, imitation or evocation, even if the true origin of the product is indicated or the protected designation is used in translation or is accompanied by an expression such as "kind", "type", "style", "imitation" or other similar expressions;
- (c) false or misleading indications as to the provenance, origin, nature or essential qualities of the product on the product or on its packaging, in advertising or on documents relating to that product, and against the use as packaging of a container nature to create an erroneous impression of the origin of the product;
- (d) practices liable to mislead the consumer as to the true origin of the product.

According to the same article: "Protected names can not become generic."

1.4. Authorities for the protection of intellectual property, control and certification of products with geographical indication



The State Agency for the Intellectual Property is the National Office in the field of intellectual property protection and the only authority granting legal protection for the geographical indications, the designations of origin and the traditional specialities guaranteed, on the territory of the Republic of Moldova, on the basis of their registration with the AGEPI, in the manner established by the legislation in force, or on the basis of international treaties, including bilateral agreements to which the

Republic of Moldova is a party.

In accordance with Article 3 of Law 66/2008, the State Agency on Intellectual Property:



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- a) elaborates the drafts for the legislative acts, instructions, other documents necessary for the application of the law;
- b) receives and examines the registration applications for PGI, PDO and TSG;
- c) registers the PGI, PDO and TSGs;
- d) issues the certificates regarding the right of use of the PGI and PDO, publishes the official data in the Official Journal of Intellectual Property, further called OJIP;
- e) keeps the National Registers of the applications for PGI, PDO, TGS and the National Registers of the PGI, PDO, TGS;
- f) ensures the completion and maintenance of the national collections of PGI, PDO, TSG;
- g) it is the competent authority of the Republic of Moldova within the Special Union of the Countries Members of the Lisbon Agreement.

In conformity with the provisions of art. 33 and 34 of Law 66-XVI of 27.03.2008, by the Government Decision no. 644 of 19.07.2010, or empowered with attributions and responsibilities related to the products with designations of origin and geographical indications and to the traditional specialities guaranteed, according to the regulated field:

1. *the authorities responsible for the approval of the technical specifications, the completion of the general principles, the approval of control stages and procedures with the purpose of ensuring the compliance with the tender books in conformity with the provisions of the Law:*
 - Ministry of Agriculture, Regional Development and Environment;
 - Ministry of Health, Labour and Social Protection;
 - Ministry of Education, Culture and Research;
- 2) *the competent authorities responsible for the official controls regarding the conformity of the products with GI, AO and TGS:*
 - The Agency for the Consumer Protection;
 - The National Agency for Food Safety;
 - The Practical Scientific Institute of Horticulture and Food Technology;
 - Î.S. "National Verification Centre of the Alcohol Production Quality";
 - The State Supervision Service for Public Health;
 - The State Inspection in Constructions;
 - The Agency for Geology and Mineral Resources;
 - The Agency for Medicines and Medical Devices;

By the Order of the Ministry of Agriculture and Food Industry (MAIA) no. 129 of 08.07.2011 regarding the delimitation of wine geographical areas for the production of wines with geographical indication and designation of origin, with *the right to delimitate the wine geographical areas for the production of wines with geographical indication and designation of origin*, based on the specific research, the Practical and Scientific Institute for Horticulture and Food Technologies has been assigned.

In conformity with art. 32¹ par. (2) of the Law on grape and wine no. 57-XVI of 10.03.2006, by the Government Decision no. 725 of 16.09.2013 the National Office for Grape and Wine has been created and the Articles of Incorporation of the Office have been approved. In conformity with art. 6 par. 6) of GD no. 725 of 16.09.2013 the National Office of Grape and Wine - *manages the production of the wine products with protected geographical indication (PGI) and with protected designation of origin (PDO), in conformity with the technical regulations approved by the Government.*



1.5. Technical Specification for an Designation of Origin or Geographical Indication - Regulations and Content

In accordance with Article 8 of Law no. 66/2008, "in order to qualify for a protected designation of origin or protected geographical indication or to be recognized as a traditional specialty guaranteed, a product must comply with the conditions laid down in a specification, approved by -a decision of the competent authority designated in accordance with Article 34 (1) ". The competent authorities designated for the approval of the specifications, the finalization of the general principles, the approval of the stages and the control procedures in order to ensure compliance with the specifications in accordance with the Law are the Ministry of Agriculture, Regional Development and Environment, Ministry of Health, Labor and Social Protection and Ministry of Education , Culture and Research.

The technical specification submitted for registration as a DO or GI pursuant to Law 66/2008 must contain:

- (a) the designation of origin or geographical indication sought for registration;
- (b) the name and description of the product, including, where appropriate, the starting material and the main physical, chemical, microbiological and / or organoleptic characteristics of the product;
- c) demarcation of the geographical area and, if necessary, elements indicating compliance with the provisions of Article 5 (4);
- (d) evidence that the product originates in the defined geographical area within the meaning of Article 5 (1) or (2), as appropriate;
- (e) a description of the method of obtaining the product and, where appropriate, of the local, loyal and consistent methods for obtaining the product and the description of the packaging elements, if the applicant discovers and justifies the need to package the product in the defined geographical area preserve quality to guarantee origin or ensure control;
- f) evidence to justify, as appropriate:
 - the link between the quality or characteristics of the product and the geographical environment within the meaning of Article 5 (1) (b), or;
 - the link between a specific quality, reputation or other characteristics of the product and its geographical origin within the meaning of Article 5 (2) (b);
- (g) the names and addresses of the competent authorities or bodies empowered to verify compliance with the provisions of the product specification and the specification of their mission;
- h) any specific labeling rules for the product concerned;
- i) any other requirements, set by law, to be respected.

The specification for a traditional specialty guaranteed must contain:





- (a) the proposed name for registration in the corresponding language versions;
- (b) the description of the product, including the main physical, chemical, microbiological or organoleptic characteristics demonstrating its specific character;
- (c) a description of the production method to be followed by the producers, including the nature and characteristics of the raw materials or ingredients used, as the case may be, and the method by which the product is prepared; and
- d) the essential elements that define the traditional character of the product.

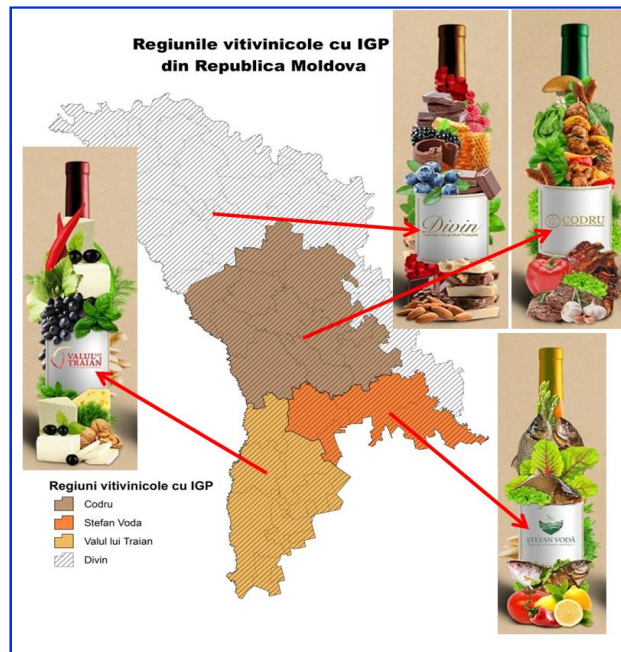
The Technical Specification of the product with geographical indication in conformity with the art. 8 of the Law 66/2008 is harmonized and compliant with the provisions of article 7 of the (EU) Regulation of the European Parliament and of the European Council no. 1151/2012 of 21.11.2012, regarding the Technical Specification of the product applying for registration as PDO or PGI.

1.6. Geographical limits of the geographical indication products' origin

In conformity with the 6th section of Law no. 66-XVI of 27.03.2008 the Specific Rules for the delimitation of the geographical area are provided, concerning the origin of product with PGI or PDO, which are based on the delimitation:

- of the existing administrative and territorial organization;
- by the natural and agroclimatic geographical limits;
- of the areas with geographical indication to the production of wines and beverages.

A correspondence between the production area and the administrative area whose designation is required to be registered is not necessary. The geographical area will take into account the elements that must be highlighted for demonstrating the relation of the product with its geographical origin.





II. METHODOLOGY OF THE STUDY FOR IDENTIFICATION OF POTENTIAL PRODUCTS WHICH CAN BE PROMOTED UNDER PROTECTED GEOGRAPHICAL INDICATIONS, PROTECTED DESIGNATIONS OF ORIGINS AND RECOGNISED AS TRADITIONAL SPECIALITIES GUARANTEED

The methodology of the study and identification of the potential products, beverages, foodstuffs and crafts that can be promoted under PGI, PDO or recognised as TGS, includes the following distinctive stages:

- 1) The Elaboration of the Procedure Guide and of the Implementation tools (*Identification Cards, Delimitation of the Inventory geographical areas and Data Base*) of the study for the identification of products, beverages, foodstuffs and crafts with possibilities of promotion as PGI, PDO or recognised as TSG (August 2017);
- 2) The training of the specialized short-term experts in the field of PGI by the Project experts and within AGEPI, regarding the identification of the products, beverages and foodstuffs that could be promoted under PGI, PDO and/or recognised as TSG (16 August 2017);
- 3) The implementation of the *Study for the identification of the products, beverages, foodstuffs and crafts that could be promoted under PGI, PDO and recognised as TGS* by specialized short-term experts in the fields and contracted by the project. The identification study shall include the organization by the short-term experts specialized in the PGI field of the formal meeting with the District Department for Agriculture and Food Industry, with the branches of the Chamber of Commerce and Industry, with the Profile Associations, the Farmers' Associations, the 2nd Level Local Public Administration and regional NGOs for the identification of the PGI, PDO and TGS products (16.08 - 15.09.2017);
- 4) Based on the informal meetings of the short-term experts specialized in the PGI field with the main actors and decision factors at regional level the potential products, beverages, foodstuffs and crafts with PGI, PDO and TGS shall be identified, and based on those the **Identification Cards** shall be filled in, including short information regarding the product, in particular: (i) the designation of the product beverages, foodstuff and/or of the craft; (ii) the name of the economic entity or of the natural person or community; (iii) address, district, village, name of the contact person and contact data (telephone, email, other communication sources); (iv) the areas of identification of the potential products with GI in conformity with the territorial and administrative organization of the Republic of Moldova, the administrative and economic area (North, Centre and South) and the geographical area of the potential product with PGI, PDO and TSG; (v) the category and class of the identified product in conformity with the Nice Agreement regarding the international classification of the products and services with the purpose of the registration of the brains of 15 June 1957, reviewed and modified (further called **Nice Classification**), and for the compliance of the registration of products with GI, contacting **EU DOOR** (<http://ec.europa.eu/agriculture/quality/door/list.html>) - a computer system for the dissemination of the public data regarding the PGI, PDO and TSG registered in the EU states; (vi) description of the product's characteristics - qualities and taste, packaging, preferences, potential local consumers or external markets; (vii) manufacturing method of the product; (viii) short information regarding the tradition of the manufacturing and use of the product, beverage, foodstuff and craft; (ix) assessing the possibility of registering PGI, PDO for the given product, or recognizing it as a GTS;



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- (x) the interest of the economic entity or of the community to register, promote and develop a durable business for the future in the field (xi) the photo of the product, beverage, foodstuff and/or craft. The period of the informal meeting stage with the collection of the primary data between 16 August - 08 September 2017;
- 5) The adding of the specialized short-term experts of the project to the Data Base in the field of PGI, PDO and TSG with the identified products, beverages, foodstuff and/or crafts. The period of the adding to the Data Base the primary data collected between 08 - 15 September 2017;
 - 6) Implementation of 3 Identification Studies - description of products eligible for promotion under PGI, PDO or recognized as TSG for horticultural crops, berries and honey - by contracting 3 experts specialized in these sub-sectors. The complex studies to be implemented by these three specialized experts started on 10 July 2017 and are scheduled for completion on 30 September 2017;
 - 7) The organization of 5 regional seminars (2 Northern area - Edineț and Bălți, 1 in the central area - Chișinău, and 2 in the Southern Area - Ceadir-Lunga and Comrat) by inviting the Local Public Authorities, groups of manufacturers, natural and legal persons, identified as the holders and manufacturers of products, beverages, foodstuffs and/or crafts within the study. Based on the study for the identification and certification of products, beverages, foodstuffs and/or crafts, which correspond to the PGI, PDO and TSG requirements, will be identified groups of manufacturers, natural and legal persons, which are co-interested in the assistance of the project and of AGEPI specialists at their registration and promotion. The regional workshops will be organized within the second half of October - first half of November 2017.
 - 8) The evaluation of the GI, DO and TSG registration interest of the most important products, beverages, foodstuffs and/or crafts and the contacting of project experts and AGEPI experts, for the support of their registration. Based on the study results and the regional workshops, groups of manufacturers, legal and natural persons, co-interested in the PGI, PDO and TSG registration shall be identified, and they will work individually to the elaboration of the Technical Specification for the PGI, PDO and TSG and of the registration documentation. As a rough guide this stage shall be implemented in the period November 2017 - February 2018;
 - 9) Based on the Study results to create the Interactive Map with the geographical zones of potential products, beverages, foodstuffs and/or crafts with the description, that can be promoted under GI, DO or recognised as TSG, registered or in the process of registration for the Online accessing. Within the official AGEPI page (www.agepi.gov.md), an online application shall be inserted with a interactive map, which shall indicate the geographical zones of the products, beverages, foodstuffs and/or crafts that could be promoted under PGI, PDO or recognised as TSG, including their descriptions. As a rough guide this stage shall be completed in the period February - March 2018;

2.1. Classification system of products, beverages, food and crafts with geographical indication in conformity with the legislation of the European Union

The screenshot displays the AGEPI (Agriculture and Rural Development) online application interface. At the top, it features the European Union flag and the text 'AGRICULTURE AND RURAL DEVELOPMENT DOOR'. Below this, there are navigation options for 'Label applied registrations', 'Label published registrations', and 'Label applied registrations'. The main content area shows a table of registered products with columns for 'Dispositiv Number', 'Country', 'Name', 'App Type', 'Date', and 'Status'. The table lists various products from different countries, including Turkey, Bulgaria, France, United Kingdom, United Kingdom, Indonesia, United Kingdom, Slovakia, and Italy, with their respective registration dates and statuses.

Dispositiv Number	Country	Name	App Type	Date	Status
DEP000000022	Turkey	Hasatya Meyvesi	PDO	07/07/2017	Registered
DEP000000023	Bulgaria	Трапичко месо	TSG	22/06/2017	Registered
DEP000000024	France	Al uiet de Cateau	PDO	13/06/2017	Registered
DEP000000025	France	Charolais de Bourgogne	PDO	31/05/2017	Registered
DEP000000026	United Kingdom	Traditional Welsh Perry	PDO	31/05/2017	Registered
DEP000000027	United Kingdom	Traditional Welsh Cider	PDO	31/05/2017	Registered
DEP000000028	Indonesia	Kopi Arabika Gayo	PDO	23/05/2017	Registered
DEP000000029	United Kingdom	Wash Landed	PDO	17/05/2017	Registered
DEP000000030	Slovakia	Slupecké zrné	PDO	11/05/2017	Registered
DEP000000031	Italy	Uvietone Piacentino della Caccia	PDO	20/04/2017	Registered



The classification of the products for which the registration AO and GI is required or its recognition as TSG is realised in accordance with the *Lisbon Agreement of 31.10.1958*, to which the Republic of Moldova has adhered by Law. no. 1328-XIV of 27.10.2000 and *Nice Classification System instituted by the Nice Agreement regarding the international classification of products and services for the registration of symbols of June 15th 1957*, reviewed at Stockholm on July 14th 1967 and at Geneva on May 13th 1977 and modified on October 2nd, 1979.

The System of Geographical Indications, has the objective of **protecting the DO and GI**, offering on one hand to the farmers and the manufacturers of food products the economic opportunity to produce food products with high added value due to the uniqueness, speciality, method and traditional flavour, and on the other hand to guarantee the consumers the origin of the products that they consume, in correlation with the protection of the local culture and traditions.

In RM, the list of eligible products for the registration of geographical indications and designations of origin, under the form of category and class of the identified product is in conformity with the Nice Agreement regarding the international classification of the products and services with the purpose of registration of the symbols of June 15th, 1957, reviewed and modified (further called *Nice Classification*). In EU is used another classification, that could be found by contacting *EU DOOR: Database of Origin and Registration* can be found at: <http://ec.europa.eu/agriculture/quality/door/list.html>. The complete list of products for which are registered GI, DO, and TSG, used in EU is described in chapter 2.3.6. of this Implementation Procedure of the study.

2.2. Identification areas of products, beverages, food and crafts with geographical indication in conformity with the administrative-territorial organization of the Republic of Moldova

The Republic of Moldova is organized, under the administrative aspect, in administrative and territorial units: districts, towns and villages. The administrative and territorial organization of the Republic of Moldova is performed on two levels: villages (townships) constitute the **first level**, the departments constitute the **second level**. The legislative basis for the **administrative and territorial organization of the Republic of Moldova is determined by the application of Law no. 764 of 27.12.2001**.

The village is an administrative and territorial unit which includes the rural population united by territory, geographical conditions, economic relations, social and cultural relations, traditions and customs. Two or more villages can unite, forming a single administrative and territorial unit called township. The village that accommodates the village (township) council is called a village seat. The township bears the name of the village seat.

The town is an administrative and territorial unit more developed than the village from the economic and social and cultural point of view, with urban household, industrial and commercial corresponding structures, whose population is mostly employed within the industry, in public services and different fields of intellectual activity, in the cultural and political life.

The Municipality is an urban locality with a special role in the economic, social and cultural, scientific, political and administrative life of the country, with important industrial, commercial structures and institutions in the field of education, health and culture.



The District is an administrative and territorial unit composed of villages (townships) and towns, united by territory, economic and social-cultural relations. The village that accommodates the seat of the district council is called a town seat. The district bears the name of the town seat. The administrative borders of the district represent the perimeter of the surface of the localities included in its competence and which coincides with the borders between the localities of the given district and the localities of the neighbouring district.

The identification of the districts and the localities in the study framework shall be done in conformity with the *Classifying Journal of the administrative-territorial units* (for connection click on the designation on the left - or the mentioned Classifying Journal can be downloaded from - <http://www.statistica.md/pageview.php?l=ro&idc=385>).

Within the study, the 7 short-term project's experts, have been divided according to the geographical area in 7 areas, including 33 districts, 2 municipalities (Bălți and Chișinău), the Territorial and Administrative Unit Gagauz Yeri and a total of 899 townships.

Table 1

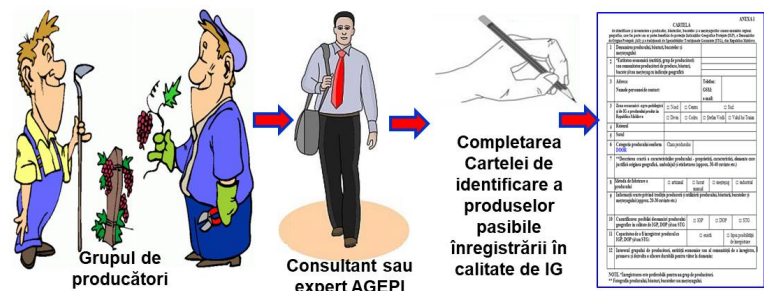
The geographical areas and districts included in the study for the identification of the products, beverages, foodstuffs and/or crafts under GI

No	Geographical Area	Districts included in the study	Number of townships
1	Area A: North	Briceni, Edineț, Ocnîța, Dondușeni, Drochia, Soroca	166
2	Area B: North-East	Florești, Șoldănești, Rezina, Orhei, Telenești	157
3	Area C: North-West	Râșcani, Glodeni, Fălești, Sângerei, Bălți	109
4	Area D: Centre	Călărași, Nisporeni, Hâncești, Strășeni, Ungheni	150
5	Area E: South -East	Anenii Noi, Criuleni, Dubăsari, Căușeni, Ștefan Vodă, Criuleni, Ialoveni, Chișinău	156
6	Area F: South -West	Cantemir, Leova, Cimișlia, Basarabeasca, Cahul	120
7	Area G: UTAG	UTA Gagauz Yeri and Taraclia	41
		TOTAL	899

2.3. Methodology of completion of the Identification Card of the products, beverages, food and crafts with Geographical Indication within the study - eligibility criteria

At the basis of the methodology for the identification of the Geographical Indications is the Identification and Inventory Card of the products, beverages, foodstuffs and crafts related to certain geographical regions, which are part or which could benefit from the protection of the GI, DO and recognition under TSG, of the Republic of Moldova, whose model is in Annex.

Each short-term expert specialized in the field of GI, based on the formal discussions with the District Departments for the Agriculture and Food Industry, the subsidiaries of the Chamber of Commerce and Industry, the Profile Associations, the Farmers' Associations, level 2 Local Public Administration and regional NGOs shall identify the





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products, beverages, foodstuffs and crafts, which fulfil the below-indicated requirements related to PGI, PDO and TSG,

The general eligibility criteria in the process of identifying potential products that can be later promoted under PGI, PDO or STG recognizes are the following::

- (i) collective effort for obtaining the protection, insurance of compliance with certain rights and market promotion;
- (ii) strict rules complied with at the manufacturing of a product with GI based on a Specifications.
- (iii) voluntary commitment to comply with the rules specified for GI and to be subject to the control regarding the compliance with the Specifications.
- (iv) official control system regarding the compliance of the provisions of the Tender Book.

Product with Geographical Indication - Product that meets the following criteria:

- a) originates from this region or locality, from this determined place;
- b) have a specific quality, reputation or other characteristics attributable to that geographical origin;
- c) at least one of its production stages takes place in the defined geographical area.

Product with Designation of Origin - Product that meets the following criteria:

- a) come from this region or locality, from this determined place or this country;
- b) possessing a specific quality, reputation or other characteristics attributable to that geographical origin; and
- c) at least one of whose production steps take place in the defined geographical area.

Traditional Speciality Guaranteed (TSG) - Traditional agricultural or food product (beverage, dishes, etc.), which has a specificity and meets the following criteria:

- a) it is obtained from traditional raw materials; or
- b) it is characterized by a traditional composition; or
- c) it is characterized by a manufacturing and/or processing modality that corresponds to a traditional type of production and/or processing.

The agricultural food product, the beverage, foodstuffs and/or crafts, once identified and fulfilling the minimum requirements, they shall be mapped also based on the collected information, each short-term expert specialized in the PGI field shall fill in the Card with the primary information, including, to the extent of possibilities, its photo shall be obtained.

The template for the Identification Card of the products, beverages, foodstuffs and crafts with GI is presented in the Annex.

NOTE: During the implementation of the study for the identification of the products, beverages, foodstuffs and crafts with geographical indication (August-September 2017), the groups of manufacturers legal and natural persons, which have products corresponding to the general eligibility criteria, have an origin, tradition, specific qualities and characteristics, can make use of the *Short-Term Consulting Experts of the Project* for the following districts, as follows:

1. Briceni, Edineți, Ocnîța, Dondușeni, Drochia, Soroca - Lupu Alexei, **GSM. 069369388, e-mail: llupu@mail.ru;**
2. Florești, Șoldănești, Rezina, Orhei, Telenești - Gore Teodor, **Tel./fax: (254) 2 40 06, GSM. 069946775, e-mail: nistruag@mail.ru;**
3. Râșcani, Glodeni, Fălești, Sângerei, Bălți - Banuh Lilia Municipality, **Tel/fax: (231) 2 51 78, GSM. 069297827, e-mail: cip.balti@gmail.com;**
4. Călărași, Nisporeni, Hâncești, Strășeni, Ungheni - Vizitiu Petru, **Tel./fax.: (236) 2 46 61, GSM. 069017202, E-mail: acaungheni@gmail.com;**
5. Anenii Noi, Criuleni, Dubăsari, Căușeni, Ștefan Vodă, Criuleni, Ialoveni, mun. Chișinău - Gavrilov Trofim, **Tel.: (265) 2 44 97, GSM. 069405636, e-mail: anacentru@mail.ru;**



2.3.1. Name of the product, beverages, food and craft



When filling in the Card, according to the first indication the designation of the product, beverages, foodstuffs and crafts shall be filled in as they are presented by the interlocutor For instance "Dulceață din petale de trandafiri Călărași", the name of the product is sweet rose petals and is a denomination given by the Employers' Association "Uniunea Producătorilor și Procesatorilor de Fructe și Pomușoare din Călărași" (The Union for the Manufacturers' and Processors of Fruit and Berries of Călărași), or "Rachiu de caise de Nimoreni"-

product name is apricot brandy, a beverage registered by the Employers' Association "Asociația producătorilor și promotorilor de băuturi alcoolice tari de Nimoreni". (Association of the Manufacturers and promoters of strong spirits of Nimoreni). In other cases, if different members of the same group of manufacturers, give different but similar names of the product, beverages, foodstuffs and crafts, all the types of designations shall be filled in, which subsequently, if the product shall be submitted for registration as GI, then within a joint meeting of the group of manufacturers, they shall personally decide the final registration designation.

2.3.2. The group of producers or the economic entity producing products that could be promoted under a geographical indication



The identification of the community of producers and/or of the economic entity that produces and has the products which could be registered under geographical indication shall be done according to the *Classifying Journal of the organizational and legal forms of the economic agents in the Republic of Moldova* *(CFOJ) (for connection click on the designation in the left), adopted through the Decision Moldova-Standard no. 1607 - ST of 09.11.2004 and implemented from 01.01.2005.

Table 2

Classifying Journal of the organizational and legal forms of economic agents of the Republic of Moldova

Classification Code	Designation of the organizational and legal forms of the economic agents	Identification Code
1	2	3
1.	COMMERCIAL COMPANIES	400*
1.1	General partnerships	430
1.2	Limited Partnerships	440
1.3	Stock Companies - SA	500*
1.3.1	Closed Joint Stock Companies	510
1.3.2	Open Joint Stock Companies	520
1.4	Limited Liability Companies - SRL	530
2.	COOPERATIVES	531*
2.1	Production Cooperatives	540
2.2	Entrepreneurship Cooperatives	541



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Classification Code	Designation of the organizational and legal forms of the economic agents	Identification Code
1	2	3
2.3	Consumer Cooperatives	550
2.4	Other cooperatives	560
3.	State Enterprises and Municipal Enterprises	580*
3.1	State Enterprises	590
3.2	Municipal Enterprises	620
4.	Other enterprises	690
5.	NON-COMMERCIAL ORGANIZATIONS	860*
5.1	Associations	881*
5.1.1	Public Associations	890
5.1.2	Religious Associations	899
5.1.3	Parties and other social and political organizations	900
5.1.4	Unions	930
5.1.5	Legal persons Unions	700
5.1.6	Employers' Unions	940
5.1.7	Other forms of associations	970
5.2	Foundations	910
5.3	Institutions	870*
5.3.1	Public Institutions	880
5.3.2	Private institutions	871
5.4	Other non-commercial organizations	960
6.	OTHER FORMS	
6.1	Individual enterprises in agriculture (Rural farms) - GT	450
6.2	Other individual enterprises	420
6.3	Lawyers' practices	989*
6.3.1	Individual lawyers' practices	980
6.3.2	Associated lawyers' practices	950
6.4	Notary Public Office	990
6.5	Cooperative Enterprise (of the consumption cooperative)	993
6.6	Separate subdivisions	991*
6.6.1	Subsidiaries of the resident enterprises	994
6.6.2	Agencies of the resident enterprises	995
6.6.3	Subsidiaries of the foreign non-resident enterprises	996
6.6.4	Agencies of the foreign non-resident enterprises	997
6.6.5	Other subdivisions	998
6.7	The entrepreneurship of the natural person - Individual Entrepreneur (II)	992

According to the preliminary estimations, the organizational and legal forms which are more likely to be identified for groups of producers, legal and natural persons would be: Agricultural Production Cooperatives or Entrepreneur Cooperatives; Agricultural Cooperatives for Entrepreneurship and Service Provision; Consumer Cooperatives; Associations of Manufacturers; Manufacturer Unions; Public institutions; State Institutions; Joint Stock Companies; Limited Liability Companies; Rural Farms and Individual Entrepreneur.



2.3.3. Address and contact data



Based on the formal discussions the full address and the contact data of the contact person shall be established. The postal code depending on the location of the postal office in the area in which the registered office of the group of producers, legal or natural entity is located * (for identification use the web location of the ÎS Poșta Moldovei http://www.posta.md/ro/postal_code.html), "District", "Locality", "Street" and if applicable, select the number of the house (odd-even or of the suggested ones). When using the web location of ÎS Poșta Moldovei the found location shall be displayed on the interactive map. At least one direct contact modality or by fixed phone * (Telephone field) or mobile phone**

(GSM: field) or email *** (email field).

2.3.4. Geographical area of potential product with geographical indication in the Republic of Moldova

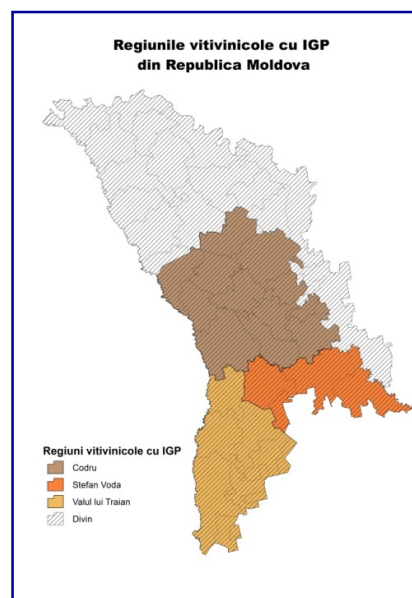
The study for the identification of the products beverages, foodstuffs and crafts with GI shall be implemented for the economic and agricultural and pedological areas of North, Centre and South:

1) **Northern Area:** reg. Briceni, Glodeni, Dondușeni, Drochia, Edineț, Camenca, Ocnița, Rezina, Râbnița, Râșcani, Soroca, Sângerei, Fălești, Florești and Șoldănești.

2) **Central Area:** reg. Călărași, Criuleni, Nisporeni, Anenii Noi, Orhei, Strășeni, Telenești, Ungheni, Hâncești and Ialoveni.

3) **Southern Area:** reg. Basarabeasca, Vulcănești, Grigoriopol, Dubăsari, Cahul, Cantemir, Căușeni, Comrat, Leova, Slobozia, Taraclia, Tighina, Ciadîr-Lunga, Cimișlia and Ștefan-Vodă.

NOTE: In the case of identification of wines, cognacs and other spirits made of grape, the delimitation of the geographical area shall be made depending on the 4 Wine Regions with Protected Geographical Indication (PGI): **Divin** *(for spirits distilled from the whole territory of the Republic of Moldova), **Codru** *(districts Hâncești, Călărași, Criuleni, Dubăsari, Nisporeni, Anenii Noi, Orhei, Strășeni, Telenești, Ungheni and Ialoveni) **Valul lui Traian** *(districts of regions Cahul, Cantemir, Leova, Taraclia and UTAG) and **Ștefan Vodă** *(districts of the region Basarabeasca, Căușeni, Cimișlia and Ștefan-Vodă).



2.3.5. Department, township and village

The filling in of the district and locality (township and village) of the products, beverages, foodstuffs and crafts with GI, is similar to the previously completions of the rubric 3.3.3. The address and the contact data, but which have been filled in separately for an easier operation of the data at their entry into the Data Base and at their filtering or aggregation. The identification of the district, township and village, shall be done in conformity with the **Classification Journal of the administrative and territorial units** (for connection click on



the left designation) or by the verification of the geographical areas and district included in the study and present in the **Annex**.

2.3.6. Products eligible for the registration of geographical indications

The Classification of the products with Protected Geographical Indication and Protected Designation of Origin in EU, whose category of products is covered by the EU geographical areas are:

- a. Wines and flavoured wines - (EU) Regulations no. 1308/2013 and 251/2014
- b. Spirits - (EU) Regulations no. 110/2008
- c. Agricultural and food products - (EU) Regulation no. 1151/2012.

The study shall include the Classes of Products for (*Class C – agricultural and food products*) provided in conformity with *Nice Agreement* on the international classification of products and services with the purpose of registering the symbol of June 15th, 1957, reviewed and amended (further called *Nice Classification*), and for the compliance of the registration of the products with GI, the contacting of the Eu Data Base for the registration and application of **DOOR - EU Database of origin & registration:** <http://ec.europa.eu/agriculture/quality/door/list.html>. **DOOR – EU Classification** shall be used for the agricultural and agri-food products that are related to the beverages and foodstuffs that are prepared from these products.

In accordance with Regulation (EU) No. No 668/2014 of 13 July 2014 laying down detailed rules for the implementation of Regulation (EU) 1151/2012, the product groups for which DO and GIs are registered in the EU are:

1. Agricultural products intended for human consumption listed in Annex I to the Treaty⁵

- Class 1.1. Fresh meat (and edible organs)
- Class 1.2. Meat products (boiled, salted, smoked etc.)
- Class 1.3. Cheese
- Class 1.4. Other animal products (eggs, honey, different milk products, except for the butter)
- Class 1.5. Oils and fats (butter, margarine etc.)
- Class 1.6. Fresh or processed fruits, vegetables and cereals
- Class 1.7. Fresh fish, molluscs and shell fish and any derived products
- Class 1.8. Other products from Annex 1 of the Treaty (spices etc.)

2. Agricultural and food products listed in Annex I to Regulation (EU) 1151/2012 I. Designations of origin and geographical indications

- Class 2.1. Beer
- Class 2.2. Chocolate and derived products
- Class 2.3. Bread, pastry, cakes, confectionery, biscuits and other bakery products
- Class 2.4. Beverages made from plant extracts
- Class 2.5. Pasta
- Class 2.6. Salt
- Class 2.7. Gums and natural resins

⁵ Treaty on the Functioning of the European Union 2012 / C 326/01 <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12012E/TXT&from=RO>



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- Class 2.8. Mustard paste
- Class 2.9. Hay
- Class 2.10. Essential oils
- Class 2.11. Cork
- Class 2.12. Cochineal
- Class 2.13. Flowers and ornamental plants
- Class 2.14. Cotton
- Class 2.15. Wool
- Class 2.16. Osier
- Class 2.17. In the moult
- Class 2.18. Animal skin
- Class 2.19. Fur
- Class 2.20. Feathers

II. Traditional specialties guaranteed

- Class 2.21. Preparations food
- Class 2.22. Beer
- Class 2.23. Chocolate and derived products
- Class 2.24. Bread, pastry, cakes, confectionery, biscuits and other bakery products
- Class 2.25. Beverages made from plant extracts
- Class 2.26. Pasta
- Class 2.27. Salt



NOTE: Within the study, in the case of the identification of the crafts, which can be classified by their products as Geographical Indications, the classifications shall be attributed according to the *Statistics Classifying Journal of products (goods and services) in the Republic of Moldavia (CSPM Rev.2)*, approved by the Decision of the Board of the National Bureau of Statistics no. 6 of October 7th, 2014 and implemented starting on January 1st, 2015. In the case of a craft, which is based on a product used in the initial manufacturing- processing stage, on the card row that indicates the used product, the initial product shall be indicated in conformity with CSPM Rev.2. For instance: In the case of Cosăuți stone as craft the notion of Artistic Stone processing is used and the local work is called Stone carving. In this case, for the product used CSPM Rev.2, section 8.11 shall be indicated with the product designation: Decorative or construction stone, limestone, plaster, chalk and slate. They can be used at the identification of the product in the case of craftsmen and the following sections of the CSPM shall be indicated:

Section B - Products of the extraction industry, group 08 - Other products of the extraction industry, with the allocation of the class and subclass depending of the finished product.

Section C - The processing industry, groups 13 - Textile products; 14 - Clothing; 15 - Leather and leather products; 16 - Wood and wood and cork products, except furniture; articles of straw and plaiting materials; 17 - Paper and paper products; 23 - Other non-metal mineral products (e.g. Glass); 24 - Other products of non-metal minerals; 25 - Products of the metal construction industry and metal products (excluding machinery, tools and equipment) e.g. Forged metal articles); 31 - Furniture; 32 - Other industrial goods, e.g. Handmade jewels.

For any craft, handicraft product or mineral product, which is practiced by a group of manufacturers, in the case of failure of assigning the product to its respective category, the Key Short-Term Expert of the Project shall be contacted for being assisted at its assigning.

2.3.7. Description of the product - properties, characteristics, elements justifying the geographical origin, packaging and labelling

The description of the product's characteristics shall be done by the short-term expert specialized in the GI field based on the discussion with the delegated person within the group of manufacturers, and/or to the leader of the legal or natural entity, which knows and can present:

- i. the organoleptical properties;
- ii. the physical and chemical characteristics;
- iii. the raw materials;
- iv. the technology of cultivation or processing - obtaining the product;
- v. the elements justifying the connection between the quality or characteristics of the product and its geographical origin;
- vi. the package and labelling of the product.



One example that could serve the description of the PGI characteristics is "Dulceață din petale de trandafir Călărași" (Rose Petal Jam Călărași): The jam tastes good, has a rose and



DULCEAȚĂ DIN PETALE DE TRANDAFIR 320 G

DATE PRODUS

Volumul:	250 mL
Tipul Containerului:	container din sticlă tipic: metalic
Masa Brută:	484 g
Masa Netto:	320 g
Tipul Ambalajului:	pungă polietilen în cutii
Bucăți pe cutie:	20
Cantitatea per camion de 20 t:	~41 400 buc
Cantitatea în container de 40 t:	41 400 buc
Cantitatea în container de 20 t:	16 800 buc

Codul Urmel: 20079939
Termen de valabilitate: 2 ani

INGREDIENTE

Petale de Trandafir - min. 20 %
Zahăr, Sirop



fruity smell, combined with lavender and basil, a light pink to dark pink colour, with a homogenous consistency, the petals being shared uniformly in the non-gelling sugar syrup. The mass fraction of fruits app. 20%, and raw material as rose petals of 6 types. The cultivation technology specific for the cultivation of the rose for petals. The justification of the relation between quality, product characteristics and its geographical origin by the traceability and local production of the raw material. The package is a 320g glass jar with a twist off lid, a label with the product description with a background image of rose petals.

2.3.8. Method of product manufacturing



The manufacturing method of the product or the production process - includes all the processes used for the transformation of the raw materials and of the semi-finished goods into finished products, for meeting the human necessities. The manufacturing process includes different categories of processes: (i) basic technological processes (elaboration of semi-finished goods, processing, packaging and control process), (ii) auxiliary and service processes (e.g. transport of raw materials and finished products) and (iii)

related processes (e.g. exploitation of residual resources resulted in manufacturing).

Considering that the products with GO must originate from the given region or locality, which must have a specific quality, reputation or other local distinctive characteristics or it must be manufactured according to a traditional manufacturing modality, or 4 methods must be indicated with the selection and checking one, demonstrating:

1. the artisanal manufacturing method - is generally a product or beverage, or foodstuffs fabricated according to a traditional or regional recipe, in small series, from local raw materials and without replacement raw materials, in workshops, small capacity manufacturing units and by the members of a family or by a group of local manufacturers;
2. the handmade manufacturing methods - handmade products and merchandise, unique and exclusive, without the application of lining leather, usually of a high quality, for instance: honey products, the sewing of traditional costumes and traditional carpets;
3. the handicraft manufacturing method - products and merchandise crafted according to traditional methods under the form of occupation, unique and typical, whose technology is ancient and which uses manual manufacturing elements and means;
4. industrial manufacturing method - the manufacturing of the products and merchandise, in series and large quantities, with a system of technical machinery and installations for the execution of the transformation of raw materials, in a plant or factory.



2.3.9. Short information regarding the tradition of the manufacturing and use of the product, beverage, food and craft



The short-term expert specialized in the PGI field based on the discussion with the delegated person within the group of manufacturers, and/or with the leader of the legal or natural entity, identifies the tradition of manufacturing and use of the product, beverage, foodstuff and craft. We are also considering if any traditions and occupations of manufacturing based on local work force and raw material have been previously certified. Particularly, the following

sub compartments shall be filled in with brief pieces of information:

- i. historical or literature proof regarding the planting, manufacturing, use and origin in the delimited geographical area (location);
- ii. elements that justify the relation with the mentioned geographical area (geographical location, natural conditions);
- iii. the relation between the geographical area, a specific quality, reputation or another characteristic of the product based on the local work force and raw materials (recipes and manufacturing traditions)
- iv. elements that justify the relation to the mentioned geographical area and promoting events: festivals, expositions, tourist itineraries.

One example that could serve the description of the PGI characteristics is "Rachiu de caise de Nimoreni"(Nimoreni Apricot Symboly): Nimoreni Apricot Symboly is a strong spirit, produced according to a thorough fermentation and distillation process of the fruits, according to a traditional method. The archive materials of the 17th century remind us of the so called *rachieri* (symboly manufacturers), that prepared local spirits. The manufacturing process included the selection of the sweetest and most flavoured fruits in their orchards, located in the central region near the Moldovan woods of Nimoreni village.

2.3.10. Evaluation of the possibility to promote the product identified under a PGI, PDO or to be recognized as an TSG



The short-term expert specialized in the GI field, based on the evidentiary material collected, and based on the criteria that meet the requirements related to PGI, PDO and TSG, assigns the product, beverage, foodstuffs and/or

craft to one of the possible categories as geographical indication - by allocation, selection and checking. At the evaluation base the following criteria underlay the quantification of the possible designation of the product under GI, DO or TSG:

A. Relation to the geographical area:

- GI: the product must have a specific quality, reputation or other characteristics that can be attributed to the geographical origin.
- DO: the product's quality/characteristics, essentially and exclusively, are due to the geographical environment with its natural and human factors.

B. The origin of raw material:

- GI: the raw material used can come from outside the defined geographical area.



1. Denomination of the product, beverages, food and craft
2. The economic entity (entities, group of manufacturers) or the community of the manufacturers of products, beverages, foodstuffs and/or crafts with geographical indication
3. Address / Name of the contact person / Telephone / GSM / email:
4. Economic and agro-pedological area of the product manufactured in the Republic of Moldova * (North, Center, South)
5. GI area for wines, obsolete wine spirit and other alcoholic beverages from grapes in the Republic of Moldova * (Divin, Codru, Traian's and Stefan Voda);
6. District / Township - village
7. The category and class of the product according to DOOR
8. Brief description of the product characteristics - properties, characteristics, elements justifying the link to geographical origin, packaging and labelling
9. The manufacturing method of the product * (artisanal, handmade, craft, industrial)
10. Short information regarding the tradition of the manufacturing and use of the product, beverage, food and craft
11. Assessment of the possibility of promoting the product under a PGI, PDO or TSG recognition;
12. The interest of the economic entity or of the community to register a GI, DO or TSG, to promote, develop a durable future business in the area

2.5. The elaboration of the interactive map with products, beverages, food and crafts with GI

Based on the results of the Study, will be created an Interactive Map with geographic areas for potential products, beverages, dishes and / or crafts, including the descriptions, which could be promoted under a GI, DO or recognized as TSG, registered or in the course of registration, for on-line access.



Within the official AGEPI page (www.agepi.gov.md), an online application shall be inserted with a map and an interactive application, which shall indicate the geographical locations of the products, beverages, foodstuffs and/or crafts with GI, DO and TSG, including their descriptions. The interactive map shall include the administrative and territorial map of the Republic of Moldova, with the submission of layered products for 3 symbol domains - PGI, PDO and TSG and their online posting under the form of pictograms with the mentioned symbols. When double clicking on the symbol pictogram of the interactive map, a card with the description of the product, beverage, foodstuffs and/or craft will appear. The complexity of the placed information can be modified into a shorter version, if necessary, with the indication of the designation and the registration number, which subsequently can be



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correlated and linked as information to the GI
register of AGEPI.



III. REGISTRATION OF PRODUCTS, BEVERAGES AND FOODSTUFFS WITH GEOGRAPHICAL INDICATION

3.1. Who can register a geographical indication?

Groups of manufacturers (informally associated under an organizational -legal form), which develop a manufacturing activity in the respective geographical natural and agroclimatic area and limits, for the products indicated in the GI or DO registration application.

The group of manufacturers may include and signifies:

- any association, regardless of the legal form or competence, of manufacturers or processors that actually manufacture or process the same agricultural or food product for which the GI or DO protection is required;
- a natural or legal person can be considered a group when it demonstrates the fulfilment of the following two conditions:
 - a) it is the only manufacturer of the confined geographical area that desired to submit an application;
 - b) the confined geographical area presents characteristics quite different from those of the neighbouring areas or the product's characteristics differ from those of the products obtained in these areas.
- a competent authority designated in accordance with Art. 34 par. (1) of Law 66/2008 can be assimilated to a group applying for registration of a designation of origin, geographical indication or traditional specialty guaranteed where a designation of origin, geographical indications or traditional specialties that are of particular public interest, but there is no interest from producers for the registration procedure. For registration of designations of origin and geographical indications, the competent authority concerned will act on behalf of producers in the defined geographical area.

For obtaining the right to use a certain protected designation of origin or a certain protected geographical indication, the natural or legal persons, in the respective area, must fulfil the following conditions:

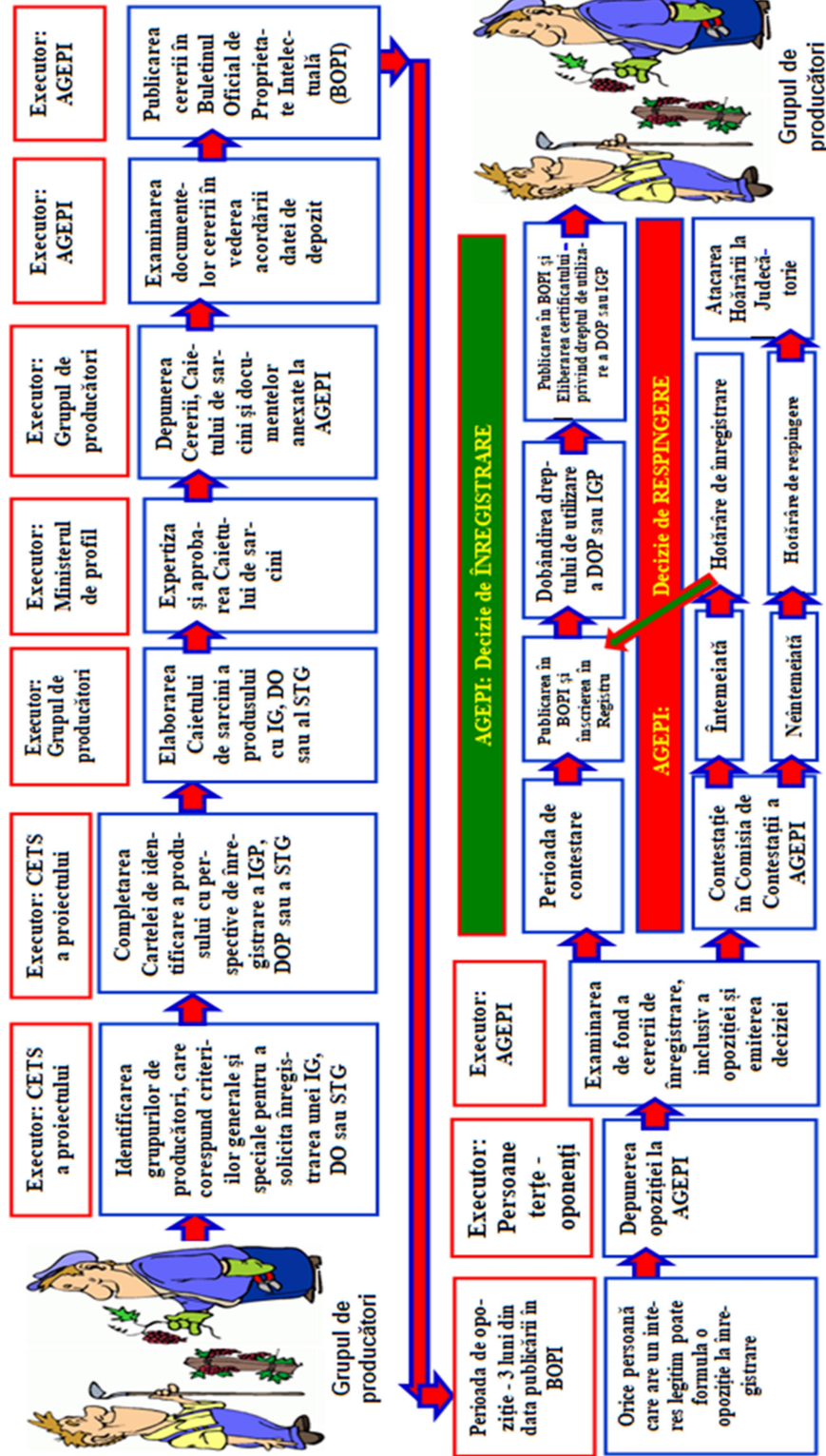
- be a member of the group (association) of manufacturers that has requested the AO or GI registration;
- be certified by the group (association) of manufacturers of which it is a part regarding the fulfilment of the requirements in the specification relatively to PGI or PDO for which it desires to obtain the right of use.

3.2. How can a group of producers benefit from the registration of a geographical indication - the steps to be taken and the submission of registration documentation

Any group of producers that produces products, beverages, foodstuffs and/or crafts, which are eligible and attest the compliance of the general conditions regarding their connection to the geographic area, the origin of the raw material and the local manufacturing can be the potential applicants for GI registration, and the logical scheme from the identification to the registration of GI is shown in the figure on page 34.



PAȘII GRUPULUI DE PRODUCĂTORI ȘI PROCEDURILE DE LA IDENTIFICAREA PÂNĂ LA ÎNREGISTRAREA IGP, DOP SAU STG, PRECUM ȘI OBTINEREA DREPTULUI DE UTILIZAREA A IGP SAU DOP





3.3. The registration procedures of GI, DO and TSG

The registration procedures GI, DO and TSG are specified in the Regulation regarding the application, examination and registration procedure of geographical indications, designations of origin and of traditional specialities guaranteed, approved by GD no. 610 of 05.07.2010 and includes the following different stages:

3.3.1. The submission of the registration application for GI, DO and TSG to AGEPI by a group of manufacturers or natural and legal person which correspond to the dispositions of the provisions of Law. no. 66-XVI of 27.03.2008. The application shall be prepared on a template form approved by AGEPI, completed in the state language, submitted directly to AGEPI, by post mail, facsimile, electronic post. Application forms can be accessed online to the address: <http://agepi.gov.md/ro/formulare/gi-ao-tsg>.

3.3.2. The representation of the natural or legal persons resident in Republic of Moldova - acting in front of AGEPI, personally or by a representative empowered by a mandate.

3.3.3. Application and attached documents. Technical Specification.

The registration application of a PGI, PDO or TSG shall include:

1. for GI or DO:

- a) the form of the application requiring the GI or AO registration, as the case may be;
- b) the Specifications, approved by the decision of the competent authority;
- c) a sole document presenting:
 - the main elements of the tender book: designation, the registration required, a description of the product, including, if applicable, the specific rules applicable to the product's packaging and labelling, as well as a brief description of the delimitation of the geographical area;
 - a description of the product's relation with the geographical environment or with the geographical origin, as the case may be, including the specific elements of the product description or of the manufacturing method, which justifies this connection, if applicable;

2. for TSG:

- a) the application form requiring the TSG registration;
- b) the Specifications, approved by the decision of the competent authority;
- c) the names and addresses of the competent authorities or of the entities authorized with the verification of compliance of the provisions of the Specifications, as well as their precise duties;
- d) the documents demonstrating the specificity and the traditional character of the product.

The following shall be attached to the application:

- 1) the payment proof of the fees in the established amounts, submitted together with the application;
- 2) the mandate, if the application is submitted by a representative;
- 3) the group's articles of incorporation, approved by the competent authority;
- 4) the copy of the decision of the competent authority specified in art. 34 par (1) of the Law regarding the approval of the Specifications;
- 5) evidence justifying the reservation of the designation required for the respective product and which allow to be appreciated, in the TSG case.



Technical Specifications

In order to qualify for a protected designation of origin or geographical indication or to be recognized as a traditional specialty guaranteed, a product must comply with the conditions laid down in a specification approved by a decision of the competent authority specified in art.34 paragraph (1) of the Law. The requirements for the content of the tender dossiers are set out in the Regulation on the procedure for the submission, examination and registration of indications geographical names, designations of origin and traditional specialties guaranteed, approved by GD no. 610 of 05.07.2010, as subsequently amended (hereinafter the Regulation). The rules can be accessed at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=335239>.

The Specifications for DO and GI shall include:

- a) the name of the applicant, according to point 15 letter a) of the Regulations;
- b) the designation required for registration, in compliance with the requirements specified in chapter II section 4 of the Regulations;
- c) the product's designation and classification, according to point 17 of the Regulation;
- d) the description of the product and of the raw material, according to the requirements provided in chapter II section 5 and 7 of the Regulations;
- e) the delimitation of the geographical area, according to chapter II section 6 of the Regulations;
- f) elements attesting the product's origin from the delimited geographical area, in compliance with the provisions of chapter II section 8 of these Regulations;
- g) the description of the methods for obtaining the product, according to chapter II section 9 of the Regulations;
- h) elements justifying the relation between the quality or the characteristics of the product and its geographical origin, according to chapter II section 10 of the Regulation;
- i) the description of the elements regarding the packaging, according to chapter II section 11 of the Regulations;
- j) the names and addresses of the competent authorities or of the entities authorized with the verification of compliance with the provisions of the Specifications, as well as their precise mission;
- k) the specific product labelling rules, according to chapter II section 12 of the Regulations;
- l) any other possible requirements, established by Law and Regulations, which must be complied with.

The Specifications for TSG shall include:

- a) the name of the traditional specialty guaranteed in the corresponding language versions. If the name is required to be registered in a single language, the requesting group may provide that the product packaging / label indicates that it has been obtained according to the traditions of a region or country from which the application originates.

The applicant will also indicate whether the name has traditionally been used to designate the specific product or indicate the traditional or specific character of the product.

If the name of the traditional specialty guaranteed applied for registration is also used in another region of the Republic of Moldova or in another country, in order to distinguish the comparable



products or the products that have the same or similar name, the name of the traditional specialty guaranteed will be accompanied by the statement 'Made in accordance with traditions' followed immediately by the name of the region or country corresponding to the name requested for registration;

b) the name of the product for which registration is sought as a traditional specialty guaranteed and its classification in accordance with point 17 of the Regulation;

c) the description of the product to be registered as a traditional specialty guaranteed, including the main physical, chemical, microbiological or organoleptic characteristics demonstrating its specific character, subject to the provisions of Chapter II, Section 5 of the Regulation;

d) a description of the production method to be followed by producers, including the nature and the characteristics of the raw materials or ingredients used, as the case may be, and the method by which the product is prepared according to the requirements laid down in Chapter 5, Sections 5 and 9 of the Regulation; emphasis will be placed on the information allowing differentiation of the product from other products of the same type;

e) a description of the essential elements defining the specificity of the product, the characteristics by which the product requested for registration as a traditional specialty guaranteed is distinguished from other similar agricultural or similar products belonging to the same category;

f) the essential elements attesting the traditional character of the product, within the meaning of Art. 6 (1) of the Act and in accordance with the requirements of Chapter II, Section 5 of the Regulation. The applicant shall indicate whether the product:

- is obtained by a production or processing method or a composition which corresponds to the traditional practice for the product in question; or

- is produced from traditional raw materials or ingredients;

g) specific product labeling rules, in accordance with Chapter 12, Section 12 of the Regulation.

3.3.4. Study of compliance with the conditions for the submission of registration application

AGEPI examines the fulfilment of the conditions for the assignment of a storage date, *within a month from the submission of the request*. Following the examination of these conditions, AGEPI undertakes the following actions:

a) attributed the storage date at the compliance of the conditions for granting the storage date;

b) notifies to the applicant the irregularities acknowledged with granting a 2-month term from the date of the application submission for their remedy, if the application is found non-compliant with the conditions for granting a storage date.

Following the specified notification, AGEPI:

a) attributes the storage date - the date on which all irregularities have been remedied, if the applicant remedies the irregularities acknowledged within the prescribed term;

b) considers the application non-submitted, fact that it is notified to the applicant, if it does not remedy the found irregularities within the prescribed term.

Within one month from the date of filling in the application related data in the National Register of the registration applications of the designations of origin or in the National Register for the registration applications of the geographical indications, or in the National Register of the application registrations of the traditional specialties guaranteed, if applicable,



AGEPI examines the compliance with the other conditions of the submission of the application for its publication.

Following this examination, AGEPI:

- a) accepts the application for its publication if the application fulfils the conditions provided in the Law and in the Regulations;
- b) notified the applicant about the irregularities acknowledged and requires it to remedy them within 2 months from the date of the notification. If, following the notification the applicant does not remedy the irregularities acknowledged within the prescribed terms, the application is considered withdrawn, fact notified to the applicant.

3.3.5. Publication of application in the Intellectual Property Official Journal

The data regarding the registration application of the PDO, PGI and/or TSG are published in IPOJ if, following the examination of the compliance with the conditions for the submission of the application, it is acknowledged that it corresponds to the requirements of the Law and of the Regulations. The elements of the application to be published are set out in the Regulation.

3.3.6. Opposition

According to art. 22 par. 1 of the Law, within a 3-month term from the date of the application publication, any person having a legitimate interest is entitled to submit to AGEPI an opposition in relation to the registration. The reasoned opposition shall be submitted to AGEPI on an approved form, completed in electronic format, in the state language, considered submitted after the payment of the established fee and by presenting within one month from the submission date the additional evidence in sustaining the opposition.

The opposition against registration of DO or IG is admissible only if:

- a) demonstrates that the conditions referred to in Article 5 (1) or (2), as the case may be, are not met;
- b) demonstrates that the name requested for registration will be contrary to the provisions of Article 7 (1) (d) or Article 7 (2) or (3); or
- c) it proves that the registration of the name requested will be prejudicial to the existence of a totally or partially homonymous name or a trademark of products or services or the existence of products that are legally on the market for at least 5 years before the publication of the application, or
- (d) provide evidence to conclude that the name applied for is generic within the meaning of Article 7 (6).

The objection raised against the registration of the TSG is only admissible:

- a) indicates non-compliance with the conditions mentioned in art. 6; or
- b) demonstrates that the name requested for registration will be contrary to the provisions of art. 7 par. (4) and (5); or
- c) demonstrates that the name applied for for registration is used in a legal, notorious and economically meaningful manner for agricultural or similar food products.

3.3.7. Substantive assessment of registration application

Within the substantiated examination of the application, AGEPI examines:



- a) if there are no reasons for refusal;
- b) oppositions submitted according to Law;

Depending on the results of the substantiated examination, AGEPI adopts the registration decision, if applicable, of the DO, GI or TSG or application rejection decision. The decision is notified to the applicant within one month from the adoption date.

3.3.8. Dispute of decisions regarding the registration applications of DO, GI or TSG

Any decision regarding the registration applications of DO, GI or TSG can be disputed by the parties within 2 months from the date of its receipt or by third parties that have the information regarding the respective registration - within the term between the issuing date of the decision and the registration date. The dispute shall be submitted to AGEPI and resolved by the Committee for disputes in conformity with its regulations, approved by the Government.

3.3.9. DO, GI or TSG registration

If, following the examination of the application, it is acknowledged that the conditions for registration DO, GI or TSG are fulfilled, as well as in the case in which no opposition or dispute against the registration has been submitted or the oppositions and disputes have been rejected, AGEPI decides the registration: a) DO - In the National Register of the PDO; b) GI - in the National Register of the PGI; c) TSG - in the National Register of the TSG. Within 3 months from the adoption date of the registration decision, AGEPI issues to the applicant, by request, without the payment of the fee, the certificate regarding the right of use of the PDO or PGI. The data regarding the registration DO, GI and TSG, as well as the data regarding the holders of the right of use of the PDO or PGI are published in the official journal.

3.3.10. Duration of DO, GI or TSG protection

The duration of the protection of a PDO, PGI or TSG starts on the storage date of the application and is unlimited. The right of use of the PDO or PGI is acquired and maintained only for the period in which the conditions provided in the specifications for the respective product are complied with.

3.4. Names that cannot be registered as geographical indications

As a GI or DO, names (reasons for refusal) can not be registered if:

- a) do not meet the conditions specified in Article 5 of Law 66/2008;
- b) are contrary to public order or good morals;
- c) are generic names;
- d) are identical with or similar to a previously registered trademark for identical or similar products for which registration of DO or IG is required;
- e) conflict with the totally homonymous name of a plant variety or animal breed for comparable products.

No agricultural or food product can be registered as a traditional speciality guaranteed whose specificity resides in its origin or in its geographical origin. However, the use of the geographical terms in the designation is authorized without prejudicing other intellectual property rights previously acquired, especially those referring to symbols, PDO and PGI.



An TSG whose designation expresses the specificity of the agricultural or food product in the sense of the art.6 par.(4) let.b), of the Law no. 66-XVI of 27.03.2008 cannot be registered, and which:

- a) refers only to the general requirement, used for a set of agricultural or food products, or to those provided in the effective regulatory acts;
- b) it is deceiving, as a designation that makes reference to an obvious characteristic of the product or to a characteristic that does not correspond to the Specifications and therefore the risk of misleading the consumer regarding the product's characteristics occurs.

3.5. Rights conferred by the registration and benefits of using the geographical indications

The legal protection of the GI, DO and TSG on the territory of the Republic of Moldova is ensured on the grounds of their registration to AGEPI, in the manner established by Law no. 66-XVI of 27.03.2008, or based on the international treaties, including on the bilateral agreement, of which the Republic of Moldova is part.

The right of use of the PGI and PDO acquired by its registration belongs in common to the members of the group of manufacturers (association) present on the list communicated to AGEPI. The duration of the GI and DO protection starts on the date of the submission of the application to AGEPI and is unlimited.

The right of use of the protected designation of origin or of the protected geographical indication is acquired and maintained only for the period in which it complies with the rules provided in the Specifications for the respective product.

The used of a PGI or its imitation by unauthorized persons is forbidden, even if the real origin of the products is indicated or if mentions as "gender", "type", "imitation" are added.



IV. POSSIBLE QUESTIONS THAT COULD OCCUR WITHIN THE STUDY OF THE IDENTIFICATION OF POTENTIAL PRODUCTS WITH GI

1. Which is the degree of motivation of the local interested parties to promote the product related to origin by collective actions?
2. Which the predominant type of farmer (manufacturer or manufacturer processor)?
3. How homogenous are the farmers' interests?
4. How homogenous are the agricultural manufacturing systems and/or the manufacturing process?
5. Which the predominant type of manufacturer of raw material or manufacturer processor?
6. Which is the degree of specialization of the manufacturers and/or of the processors?
7. How homogenous are the interests of the manufacturers and processors?
8. What interested parties of the chain of values play the main role in the market strategy?
9. Are the names and/or the image of the product for selling other products used?
10. If you think about the registration of a geographical indication, which would be the type of name (identifier) that you would register?
11. Are there any collective or individual promoting/advertisement initiatives regarding the product related to origin and to its geographical indication?
12. DO the consumers recognize a relation between the product designation and the manufacturing territory?
13. Which is the major constraint regarding the economic development?
14. Which is the most likely economic growth of the product after the promotion of the product?
15. Is the region itself well known and/or a tourist attraction?
16. Which is the level of self-consumption of the product?
17. Which are the tendencies on the national markets?
18. Do the manufacturing and /or processing practices contribute to the preservation of natural resources?
19. Do the manufacturing and economic activities related to a product have a positive impact and correspond to the agricultural best practices?
20. Does the product and its system contribute to the preservation of biodiversity?
21. What percentage of the production area is used for producing the raw material?
22. Does the product and its manufacturing system contribute to the preservation of an extremely traditional or fragile eco-system?
23. Are the knowledge, the knowhow and the traditional practices related to the manufacturing, processing and/or the preparation of the product well transmitted to the younger generations?
24. Do the product-related communities maintain the scope of different and strong culinary traditions associated with the product?
25. Is there a management system for the food safety addressing the issues related to food safety?



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for the identification and inventory of the products, beverages, foodstuffs and crafts related to certain geographical regions, which are part or which could benefit from the protection of the Geographical Indications (GI), Designations of Origin (DO) and to be recognised as Traditional Specialities Guaranteed (TSG) in the Republic of Moldova.

1	Denomination of the product, beverages, food and craft				
2	*The economic entity (entities, group of manufacturers) or the community of manufacturers of products, beverages, foodstuffs and/or crafts with geographical indication				
3	Address: Name of the contact person:			Telephone:	
				GSM:	
				e-mail:	
4	Agro-pedological economic and GI area of the product manufactured in the Republic of Moldova	<input type="checkbox"/> North	<input type="checkbox"/> Centre	<input type="checkbox"/> South	
		<input type="checkbox"/> Divin	<input type="checkbox"/> Codru	<input type="checkbox"/> Ştefan Vodă	<input type="checkbox"/> Valul lui Traian
5	District				
6	Village				
7	Product category according to DOOR	Product class			
8	**Brief description of the product characteristics - properties, characteristics, elements justifying the geographical origin, packaging and labelling (approx. 30-40 words etc.)				
8.1	organoleptical properties				
8.2.	physical and chemical characteristics				
8.3	raw materials				
8.4	the technology of cultivation or processing - obtaining the product				
8.5	elements justifying the connection between the quality or characteristics of the product and its geographical origin				



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8.6	package and labelling of the product				
9	Method of product manufacturing	<input type="checkbox"/> artisanal	<input type="checkbox"/> handmade	<input type="checkbox"/> craft	<input type="checkbox"/> industrial
10	Brief information on the long tradition of manufacturing and use of the product, beverage, foodstuffs and crafts (approx. 20-30 words etc.)				
10.1.	historical or literature proof regarding the planting, manufacturing, use and origin in the delimited geographical area (location);				
10.2.	elements justifying the relation with the mentioned geographical area (geographical location, natural conditions);				
10.3.	the relation between the geographical area, a specific quality, reputation or another characteristic of the product based on the local work force and raw materials (recipes and manufacturing traditions)				
10.4.	elements justifying the relation to the mentioned geographical area and promoting events: festivals, expositions, tourist itineraries.				
11	The quantification of the possible promotion of the product under GI, DO and/or as TSG	<input type="checkbox"/> IGP	<input type="checkbox"/> DOP	<input type="checkbox"/> STG	
12	The interest of the group of manufacturers, economic entity or of the community to register, promote, develop a durable future business in the area:				

NOTĂ: *The registration is preferable for a group of manufacturers.

**** The photo of the product, beverage, foodstuff or craft.**