11/15/2017 Events

The Cabinet of Ministers today approved the draft Government Decision for the approval of the Regulation on the Organization and Functioning of the Arbitration Specialized in Intellectual Property and the Arbitral Procedure, elaborated in order to execute the provisions of Art.29(6) of Law No. 114 of 3 July 2014 on the State Agency on Intellectual Property

Special laws in the field of industrial property prescribe that disputes of natural and legal persons related to the application of these laws are settled, in addition to the Appeals Board of AGEPI and the courts, by a specialized arbitration inclusively, being also specified the disputes, the examination of which falls within the competence of arbitration.

At the same time, the relevant provisions of the Civil Procedure Code, Law No. 23-XVI of 22 February 2008 on Arbitration and Law No. 24-XVI of 22 February 2008 on International Commercial Arbitration have been taken into account in the process of drafting.

It should be mentioned that specialized arbitration institutions, whose activity is governed by other laws, as well as alternative dispute settlement procedures in the field of intellectual property also exist in other countries, such as Germany, Lithuania, Romania and Russia.

With regard to the field of intellectual property, the purpose of creating a specialized arbitration proceeds from the promotion of this field, the possibility of professional training of the respective arbitrators, as well as offering the interested persons a competent specialized court, able to examine on a professional level the emerging conflicts and to issue judgments corresponding to the rules and principles of the intellectual property domain.

From a structural point of view, the draft contains eight chapters, aimed at regulating the general rules regarding the Specialized Arbitration, the arbitration convention, the composition of the Specialized Arbitration, the requirements towards the arbitrators, the initiation of the arbitral procedure, the direct arbitral procedure, the adoption of the arbitration award, as well as the arbitration costs.

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