07/17/2020 Events

The first online debate focused on unfair competition and intellectual property took place on July 16, organized by PRIAevents and the Competition Council of the Republic of Moldova, in partnership with the State Agency on Intellectual Property (AGEPI) and ACI Partners Law Firm. The debates were attended by experts with vast experience in the reference fields in both public and private sectors.

During the event, Cornelia Gorincioi, head of the Unfair Competition Department, Competition Council mentioned the importance of procedural aspects that must be observed by all actors involved in the competition process and their liability in case of violations of competition law, as well as the limits of Competition Council's competence in the application of the competition law. In order to develop a fair competitive environment by opening economic sectors to competition, ways to assess exclusive rights, assess and reduce anti-competitive barriers have been identified, thus being developed and implemented the *Anonymous Questionnaire to Identify Competitive Barriers* intended for the business environment.

Andrei Moisei, Senior Consultant at AGEPI, trainer of the National Institute of Justice in the field of intellectual property (IP), addressed the interference of intellectual property and competition through the prism of the Paris Convention and spoke on the differences between the legal reproduction of intellectual property objects, similarity and degree of confusion, counterfeiting and unfair competition. The debates focused on the circumstances in which there would be an act of unfair competition and/or infringement of an exclusive IP right, and how the degree of confusion created by an act of unfair competition can be established. The discussions aroused a special interest to the participants in the event.

The executive director of AmChamber Moldova, Mila Malairau stated that the factors that generate unfair competition would be the lack of regulation and interpretable legal norms, non-compliance with the law of the actors of the competition process, lack of monitoring of law enforcement, fraud, corruption and abuse of office. One of the priorities of AmChamber's activity is the elimination of unfair competition, a reason why it implements the Business Ethics & Compliance Club project, meant to promote ethical business practices.

At the same time, Vladislav Clima, Judge at the Chisinau Court of Appeal and President of the Association of Judges of the Republic of Moldova, specified the issues of competition litigation, pending before the courts, the inconsistency of the legal framework regarding the procedural terms specified in the administrative Code and the laws governing the activity of the competent authorities, as well as the verification by the court, in the pending cases, of the proportionality of the sanctions applied by the Competition Council.

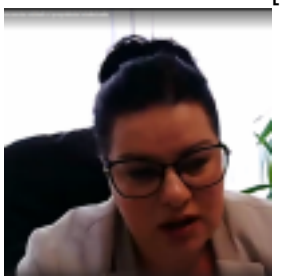
Emil Gutu, Competition Manager, ACI Partners, participated in the conference with a presentation on the algorithm of a complaint submitted to the Competition Council, specifying the content requirements of a complaint, the stages of its examination and practical suggestions in this first stage of defense of rights.

During the debates, the difference and the limit between unfair competition and abuses of a dominant position on the market were reflected, also with reference to the practice of other states in this respect.

Interested persons, representatives of the business environment, present at this online event, received complex information on their obligations and rights, based on competition law, as well as what are the specific procedures and details for lodging right infringement complaints in the field of competition and how to solve them.


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