03/16/2023 Events

Today, the Parliament of the Republic of Moldova voted in the first reading the Draft Law on Amending Certain Normative Acts (Improving the Mechanism for Issuing Compulsory Licenses), presented by the Director General of the State Agency on Intellectual Property (AGEPI), Eugeniu Rusu.

This Draft aims to amend Law No. 50/2008 on the Protection of Inventions and Law No. 1456/1993 on the Pharmaceutical Activity and aims to improve and adjust the procedures of examination of patent applications submitted to AGEPI and issuance of patents, as well as the effective application of the flexibilities offered by the TRIPS Agreement, especially those related to the procedure of grant of compulsory licenses.

The need to amend the said normative acts comes to solve a very topical problem that constitutes the rigid legal regime of granting compulsory licenses for the use of patent-protected inventions, established by Law No. 50/2008 on the Protection of Inventions in Articles 28 and 29, which represents an impediment to solving urgent social and economic problems.

In order to optimize the procedure of grant of compulsory licenses and to establish a mechanism for implementing this procedure, the general rules on the compulsory license and the conditions applicable to it were completely revised and proposed in a new wording, being clearly delimited the cases and conditions for granting the compulsory license.

In this sense, for cases of public interest (for example: in case of public health emergency, national defense or in the fields of agriculture, environmental protection, climate change and natural resources), which must be urgently resolved by the public authorities, and the solution consists in the use of patents for invention, through the approved draft, limited terms were established for the examination and grant of compulsory licenses by the court.

The Draft Law was supported by the vote of 57 deputies. It is to be proposed for final reading in the plenary of the Parliament.


[1]

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