12/06/2023 Events

The Cabinet of Ministers approved, on December 6, the Draft Law on Trademarks, presented during the Executive session by the Director General of the State Agency on Intellectual Property, Eugeniu Rusu.

In order to ensure the conformity of the national trademark protection system with the European one and the compatibility of the national regulatory framework with the provisions of EU acts, through the Draft Law on Trademarks should:

1. be fully transposed the provisions of the:

- *Directive (EU) 2015/2436 of the European Parliament and of the Council of December 16, 2015 to approximate the laws of the Member States relating to trade marks;*
- *Directive 2004/48/EC of the European Parliament and the Council of April 29, 2004 on the enforcement of intellectual property rights;*

2. be partially transposed the provisions of the:

- *Regulation (EU) 2017/1001 of the European Parliament and of the Council of June 14, 2017 on the European Union trade mark.*

The main beneficiaries/entities of this initiative are natural and legal persons from the Republic of Moldova and abroad, who wish to register trademarks on the territory of the Republic of Moldova and obtain exclusive rights, as well as the representatives/authorized attorneys in intellectual property who represent these persons before AGEPI.

Through this initiative, it was proposed to regulate the basic concepts and procedures in the field of trademarks, including the following **innovative aspects**:

- *Revision of the absolute grounds for refusal*: with the inclusion of protected traditional terms for wines and traditional specialties guaranteed.
- *Designation and classification of goods and services*: the goods and services for which trademark registration is requested according to the International Classification of Goods and Services must be clearly and precisely identified by the applicant in order to determine the degree of protection conferred by the trademark.
- *Procedure for examination of trademark registration applications*: ex officio examination by AGEPI of the possibility of registering a trademark will be carried out only in the light of absolute reasons for refusal.
- *"Opposition" procedure*: the relative grounds for refusal will be invoked only in the opposition procedure, by the owners of the previous trademarks, who consider that the registration of the respective trademark will affect their rights. The opposition procedure is a distinct stage in the stage of examination of the applications and in this sense a committee will be created, which will examine the opposition applications.
- *Procedure for forfeiture of rights or declaration of nullity*: it will be possible to carry out, including within AGEPI. Thus, within the office, a committee will operate that will settle these requests.
- *Procedural deadlines*: the relative grounds for refusal will not be examined by AGEPI ex officio, which will reduce some deadlines in the examination of trademark registration applications.

The approval of the draft in question derives from the Government Action Plan for 2023, approved by GD No. 90/2023.

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