05/03/2011 Events

Being involved as intervener in the court disputes on trademarks referred to in the mentioned statement, the State Agency on Intellectual Property (AGEPI) informs the public on the following.

All court disputes relating to trademarks “НЕЗАВИСИМАЯ МОЛДОВА” and “Moldova Suverana” are focused on the field of intellectual property, practically having no connection with the freedom of expression, the right of citizens to have access to any information of public interest or receive information without interference of authorities. The situation created around these trademarks consists solely in the owners’ intention to protect their intellectual property objects under the provisions of Art. 9 of Law no. 38-XVI of 29 February 2008 on the Protection of Trademarks and, respectively, in disagreement of several interested persons on the registration of trademarks in question.

In this context, we want to mention that registration of trademarks “НЕЗАВИСИМАЯ МОЛДОВА” and “Moldova Suverana” was made in terms of compliance with the existing legislation in the field of intellectual property. Applications for registration of trademarks were filed on 11.05.2005 and 24.05.2005, respectively, on behalf of state enterprises newspapers “Nezavisimaya Moldova” and “Moldova Suverana”, respectively, for products/services of classes 16 and 35 of the International Classification of Goods and Services with the view of registration of marks (ICGS).

The founder of this publication is the Government of the Republic of Moldova, which is not in contradiction with the legislation in force. Moreover, Government Decision no. 137 of 24.02.2010 explicitly specifies this fact. As a result, the Government is also responsible for carrying out the measures necessary to ensure the effective management of assets transferred in the management of the enterprises concerned, and for the enforcement of their intellectual property rights.

Also, the right to oppose against the registration of a trademark is a right that belongs to any interested person and the court ruled in litigations initiated under its jurisdiction.

We would like to mention that the occurrence of conflicts concerning the intellectual property objects deal especially with the competitive aspects of use of intellectual property rights. The inclusion of such conflicts in policy statements is not acceptable in the context of protection and enforcement of intellectual property rights, especially as because this legislation contains both rules governing the procedure for filing, examination and registration of intellectual property objects, and rules governing the procedure for settlement of disputes if they occur.

Accordingly, the situation concerning the trademarks “НЕЗАВИСИМАЯ МОЛДОВА” and “Moldova Suverana” does not differ from any other conflicts in the field of intellectual property.

AGEPI Press Service

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