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Appreciating the experience of different countries in the field of registration of industrial designs (ID) by both national and international route, and given the importance of further simplifying ID protection procedures, Member States of the World Intellectual Property Organization (WIPO) agreed on the need for developing an international Design Law Treaty (hereinafter - DLT - from English abbreviation: Design Law Treaty).

The Draft DLT was developed in the Standing Committee on the Law of Trademarks, Industrial Designs, Geographical Indications (SCT), operating under the auspices of WIPO.

The aim of developing the DLT is unifying and simplifying the procedures for registration of industrial designs in different states.

Thus, during the development of the Draft DLT in the SCT it was worked on two background documents:

Industrial design law and practice – **provisional articles** (the last version was published on April 10, 2014 - http://www.wipo.int/edocs/mdocs/sct/en/sct_31/sct_31_2_rev.pdf [1])

Industrial design law and practice - **provisional rules** (the last version was published on January 20, 2014 - http://www.wipo.int/edocs/mdocs/sct/en/sct_31/sct_31_3.pdf [2])

Among the most important provisions of the new draft Treaty we should mention the following:

- minimum requirements for accordance of the filing date;
- inclusion of provisions on the grace period in case of ID disclosure (6 or 12 months);
- possibility of deferral of publication upon applicant request;
- indication of the address for correspondence as required by the Contracting Party in which protection of ID is sought;
- possibility of division of multiple application, etc.

During the development of the draft DLT, the Moldovan delegation actively participated in the debates, formulated certain proposals and presented arguments relating to the application of the rules included in draft DLT (detailed information can be analyzed in the SCT reports).

At the opening of the 31th session of SCT, which took place in Geneva, Switzerland, from 17 to 21 March 2014, the Director General of WIPO, Mr. Francis Gurry, noted that in 2013 the number of ID applications filed under the Hague System increased by 14.8% compared to 2012. http://www.wipo.int/export/sites/www/ipstats/en/docs/infographics_systems_2013.pdf [3].

WIPO Director General stressed that it is necessary to develop a treaty that would establish some international standards and later national laws would tend to these requirements.

In this context, we should mention that Law 161/2007 on the Protection of Industrial Designs and the Regulation on the Procedure for Filing, Examination and Registration of Industrial Designs (approved by Government Decision No. 1496 of 29.12.2008) are harmonized with the acquis communitaire and correspond mostly with the provisions of the draft DLT. After the adoption of DLT, our country will further analyze the national legislation to formulate the necessary amendments to be implemented.

The draft DLT is supposed to be adopted by the Diplomatic Conference of the Member States of WIPO.

Following the examination of documents produced in the SCT Committee, the WIPO General Assembly, which will take place from 8 to 9 May 2014 in Geneva, will decide on convening the

Diplomatic Conference for the purpose of adoption of DLT, the location and the period of its organization (http ://www.wipo.int/about-wipo/en/assemblies/2014/a_53/agenda.html [4])

Approval of DLT will be beneficial to authors/applicants/holders of ID, including from the Republic of Moldova, in order to obtain legal protection of industrial designs in different states.

In the 31th session of the Standing Committee on the Law of Trademarks, Industrial Designs, Geographical Indications (SCT 31) participated over 150 representatives from 74 Member States of WIPO, including the European Community, three international intergovernmental organizations (BOIP, WTO, ARIPO) and nine non-governmental international organizations (AIPL, AIM, AIPPI, CEEP, CIS, FICPI, MARQUES, INTA, JPAA). Moldova was represented by Simion Levitchi, Director of Trademarks and Industrial Designs Department of the State Agency on Intellectual Property (AGEPI).


[5]

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