Industrial Design. National Registration and Renewal

A registered industrial design shall be protected during a period of 5 years from the filing date. The certificate of registration may be renewed for more periods of five years each, up to a maximum of 25 years from the filing date.

- Filing of the Application
  The application for registration of industrial designs shall be made on a standard request form and filed with the AGEPI in person or through a representative in 3 copies. It may relate to 1 or up to 100 industrial designs (provided that the industrial designs contain the same class).

  Filing of the application for registration of an industrial design may be done:

  - Directly with the AGEPI (in this case the person filing the application shall present the ID card);
  - By mail;
  - Fax or e-mail, upon presentation within 1 month of the original request.
  - By means of the electronic filing service: https://e-servicii.agepi.gov.md/ro/user/register [1].

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- Examination of Compliance with the Requirements for Filing an Application for Registration of Industrial Designs
  Examination of compliance with the requirements for filing an application for registration of an industrial design shall be done within **2 months from the receipt of the application.** It consists in verifying the existence of all required documents, including the filing fee and correctness of the data presented, as well as compliance with the current requirements.

  If there has been found any missing or inaccuracy and inconsistency, the applicant shall be notified.

  All required documents must reach the AGEPI within 2 months from the filing of the application, otherwise the application shall be deemed withdrawn.

  If it is found that the application materials meet the requirements set, the data in the application shall be entered in the National Register of Applications and the application shall be assigned the date and number of the national regular filing. Simultaneously, all data shall be introduced in the Industrial Designs Database.

  The applicant shall receive a copy of the application with the filing date and number (commencement date of protection).

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- Publication of the Application
  The application for registration included in the Register of applications for industrial designs registration shall be made public by being published in BOPI within 6 months from the filing date if all the requirements laid down in the Law are met and the publication fee is paid, as appropriate. The representations (including the colored ones) shall be published in black and white to dimensions submitted by the applicants. The applicant is entitled to require, through a request, the postponement of the publication. This term shall not exceed 30 months from the priority date.

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- Period of Oppositions and / or Observations
  Within 3 months from the date of publication of the application for registration in BOPI, the

persons holding information that may influence the registration of the published industrial design shall present in writing at the AGEPI observations and reasoned objections. The observation shall be presented in free form without paying a fee, and may be considered at the substantive examination of the application.

The application for examination of the opposition shall be filed on a standard form approved by the AGEPI. It shall be deemed filed only after paying the relevant fee. The application for examination of the opposition shall be examined by a specialized committee within 3 months from the date of filing the opposition. If any irregularities are found in the opposition, the opponent shall be notified and invited to respond within 30 days from the mailing date of notification. The specialized committee may accept or reject the opposition, compiling a report about it. The report shall be considered during the substantive examination.

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- Substantive Examination of the Application
  Substantive examination shall be carried out within 3 months from the expiry date of the period for submitting observations and oppositions. At this stage, the AGEPI shall verify the grounds for rejecting the application laid down in Article 26 paragraph (1) of the Law, taking into account the results of the examination of the opposition. The following actions shall be implemented:
    - documentary research in order to select the same or similar industrial designs;
    - determining the degree of similarity of the requested industrial designs with the ones selected in the documentation.

  During the examination, AGEPI may request the applicant additional information regarding the industrial designs without which the examination of the application is not possible. Where there has been filed an application with a previous priority date for the same industrial design, the procedure relating to the subsequent application shall be suspended until the issue of the decision for the previous application. The application for registration of industrial designs shall not be rejected before allowing the applicant to withdraw or modify it, or submit it, within two months from the date of communicating the information obtained during the substantive examination of some arguments in favour of the registration of industrial designs.

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- Opposition to Registration
  The decision on the application for registration of industrial designs may be challenged in the Appeal Board of the AGEPI which is responsible for extrajudicial settlement of disputes in intellectual property. The opposition shall be filed by the parties within two months from the date of dispatch of the decision or by third parties within 30 days of the data publication. The opposition has a suspensive effect. The opposition shall be filed in writing and justified. It shall not be treated as duly entered until the opposition fee has been paid.

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- Industrial Design Renewal
  After the expiry of the certificate, it may be renewed every 5 years to a maximum of 25 years from the filing date, subject to the payment of the prescribed fee.

  A request for renewal shall be submitted and the renewal fee shall be paid within the period of 6 months before the expiry date.

  The deadline for filing the application for renewal and payment of the renewal fee mentioned above may be extended by six months, subject to the payment of an additional fee.

  The request for renewal shall be filed by the owner or his representative. The request for renewal shall be filled by typewriting on a standard form approved by the AGEPI. The request for renewal shall be examined within 2 months from the date of filing with the AGEPI.

  Where the conditions for renewal are met, the AGEPI shall decide on the renewal, which shall

be notified to the holder and published in BOPI. Renewal of the validity of the registration certificate may be limited only to a part of the industrial designs included in multiple application.

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Source URL: https://agepi.md/en/design/national-registration-and-renewal