Trademarks. National Registration and Renewal

- Filing of the application [1]
  The application for the registration of a trademark (hereinafter- *Application*) shall relate to a single trademark and shall be filed in 2 copies with the State Agency on Intellectual Property (hereinafter- *AGEPI*). The application which is not submitted in the state language shall not be registered and shall be returned to the person who submitted it.

  The application shall be filled in on a standard form approved by the AGEPI and shall be filed:

  - directly (by the applicant or its reptesentative);
  - by mail, facsimile or e-mail subject to the submission, within two months, of the original or certified copy of the application;
  - through the electronic service for online submission of applications (https://e-servicii.agepi.gov.md/ro/user/register [2]).

  Close [1]

- Representation [1]
  Natural or legal persons having their residence or headquarters, or an effective and real industrial or commercial enterprise in the Republic of Moldova shall act before the AGEPI directly or through a representative, empowered by a power of attorney.

  Natural or legal persons having no residence, headquarters or an effective and real industrial or commercial enterprise in the Republic of Moldova shall be represented before the AGEPI, in any procedure established by the law, by a patent attorney, empowered by a power of attorney .

  The power of attorney shall be issued for a period not exceeding 3 years. If the term is not indicated in the power of attorney, it shall be deemed valid within one year from the date of drawing up.

  Close [1]

- Examination of compliance with the requirements for filing an application for the registration of a trademark [1]
  Examination of compliance with the requirements for assigning the filing date shall be done by the AGEPI within 1 month from the filing date of the application.

  The applicant or, where appropriate, the representative who presented the power of attorney according to the regulatory requirements shall be mailed a copy of the application as a deposit confirmation or, where applicable, the decision on the application deemed not to have been filed.

  Within one month from the date of recording the data relating to the application in the National Register of Trademarks, AGEPI shall perform the classification of the figurative elements of the mark applied for, where the registration of a figurative or combined mark is sought, and shall examine compliance with the other requirements for filing an application.

  Where certain irregularities are detected in the application documents or some of the documents are missing, the applicant shall remedy, within two months from the receipt of the notification by the AGEPI, any irregularities found. Otherwise, the application shall be deemed withdrawn.

  Close [1]

- Publication of the application [1]
  If the requirements of filing an application for the registration of a trademark are met, the application for the registration of a trademark shall, within 3 months from the filing date, be

published in the Official Bulletin of Industrial Property (BOPI), in electronic format on the AGEPI webpage (/ro/publication/48 [3]), and the applicant or, as appropriate, its representative shall be notified about the publication thereof.

Close [1]

- Period for oppositions and / or observations [1]
  Within 3 months from the publication of the application for trademark registration, the following actions may be taken against trademark registration:
  - submission of reasoned **observations** on the necessity to refuse the trademark registration under absolute grounds (Article 7 of Law no.38/2008) by any natural or legal person; Observation shall be submitted in writing in free form and shall not be subject to payment of a fee. The persons submitting observations shall not be deemed parties of the procedures carried out at AGEPI;
  - submission of reasoned opposition against the trademark registration under relative grounds (Article 8 of Law no.38/ 2008) by the holder of a previous or a well-known trademark, the holder of a previous right regarding his/her own name or image, a protected geographical indication or appellation of origin, a protected industrial design or the owner of copyright as well as any other interested person. The opposition shall be filed in 2 copies on a standard form approved by the AGEPI and subject to payment of the appropriate fee. Close [1]

- Substantive examination of the application [1]
  Substantive examination of the application shall be carried out by the AGEPI within 6 months from the publication of data on the application.

  Substantive examination involves examination of absolute grounds for refusal; examination of relative grounds for refusal; examination of observations and oppositions by third parties, if applicable.

  Firstly, the character of the trademark shall be examined: a trademark shall not be descriptive, it shall not indicate different characteristics of the products for which it is sought, it shall not be contrary to ordre public and good morals, etc.

  In order to avoid the risk of confusion of trademarks on the market and in their exploitation, the examiner shall also ensure that the sign indicated in the application does not conflict with another sign previously registered.

  The requested sign shall be verified taking into account the grounds for refusal of the registration as a trademark. If the sign requested does not correspond to the prescribed requirements or corresponds to the requirements for only a part of the classes of goods and/or services requested, the applicant shall be sent a provisional notification on refusal of trademark registration, and shall be given a 2 month-period to express his/her opinion on the grounds of invalidity and/or submit a letter confirming the consent of the opposite right holder for the registration of the sign applied for (except for identical trademarks).

  Depending on the results of the substantive examination, the decision on the trademark registration shall be taken, wholly or in part, or on the refusal thereof. Accordingly, the applicant shall be sent a notification on the decision within 1 month from the date of its adoption.

  Close [1]

- Appeal against decisions on applications for registration of trademarks [1]
  Any decision on the applications for registration of trademarks may be challenged.

  The appeal may be filed with the AGEPI by the parties within two months of receipt of the decision, or by third parties holding information about the registration of the trademark – within the period between the date of issue and date of registration of the trademark.

The Appeals Board shall examine the appeal within 3 months from the filing date. Where the applicant shall not agree with the decision of the Appeals Board, he/she can bring the case to court.

Close [1]

- Registration of a trademark, entry in the National Register of Trademarks and issue of certificate of trademark registration [1]
  On expiry of 30 days from the date the decision of registration was issued, where the prescribed fees have been paid and no appeals against the registration have been filed, AGEPI shall enter data on the registration of the trademark in the National Register of Trademarks and shall, within two months, issue the certificate of registration. Data on trademark registration shall be published in BOPI.

  Close [1]

- Validity and term of trademark registration [1]
  A trademark shall be registered for a 10 year-period starting from the filing date. Trademark registration may be renewed for consecutive 10- year periods whenever required.

  Close [1]

- Renewal of trademark registration [1]
  Trademark registration is renewed at the request of the trademark holder or any person authorized by him, subject to payment of the prescribed fee.

  The application for renewal of registration shall be filed within the last 6 months of validity of registration. Registration may also be renewed during 6 months after the expiry of the 10-year term, subject to payment of an additional fee.

  The application for renewal of trademark registration shall relate to a single trademark and shall be completed by typing or in electronic format on the standard form approved by the AGE

  The following shall be attached to the application for renewal of trademark registration:

  - the power of attorney signed by the holder, if the application is filed through a representative;
  - proof of payment of the prescribed fee for renewal of trademark registration.

  The application for renewal shall be examined within 3 months from the date of its registration with the AGEPI.

  If the application for renewal is submitted within the prescribed period, but the other conditions governing renewal are not met, the AGEPI shall notify the holder or, where appropriate, the representative of the irregularities detected and shall grant a two-month period to remedy them.

  If the holder or, where appropriate, the representative does not remedy the irregularities mentioned in the notification within the prescribed period and does not file an application for the extension of the prescribed period, the AGEPI shall decide to reject the application for renewal of trademark registration which may be challenged by the trademark holder within 2 months from the date of receipt.

  If the application meets the legal requirements, the AGEPI shall decide to renew the trademark registration and shall issue, on behalf of the trademark holder, a certificate of trademark registration renewal with the same number of trademark registration, preceded by the inscription R or, where appropriate, 2R, 3R, etc. depending on the serial number of the renewed term. Information on the trademark renewal shall be recorded in the National Register of Trademarks and shall be published in BOPI.

  Close [1]

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