12/23/2015 Events

Economic agents from the Republic of Moldova have a new opportunity to individualize their goods/services using less traditional trademarks such as sound, tactile or olfactory. This became possible with the entry into force of amendments to the Law 38/2008 on the Protection of Trademarks, in August 28, 2015.

Thus, from 28 August 2015, the sound, olfactory, tactile trademarks and any combinations of such signs can be registered with the sole condition that these signs enable the goods or services of one natural or legal person to be distinguished from those of other natural or legal persons. Until the entry into force of said amendments, nontraditional trademarks could be registered in the Republic of Moldova only subject to be liable of graphical reproduction being concomitantly signs that serve to distinguish the goods or services of one natural or legal person from those of other natural or legal persons.
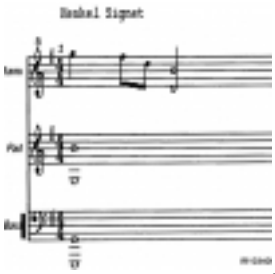
We should note that the first sound trademark, having the Republic of Moldova as a designated country, was registered by international route in July 2003. So far we have three sound trademarks registered by international route through the Madrid System, holders being Henkel AG&Co (Germany) – (IR 811648 and 1034006) and HARMSEN&UTESCHER (Germany) – (IR 999175) and a trademark by national route, the holder being the Company “MARS INCORPORATED” in the United States.

This was possible only because the claimed signs were represented as the image of notes on the staves.
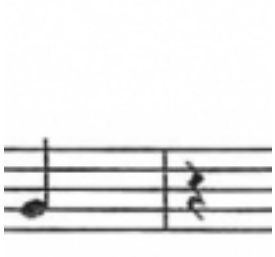
Internationally, the first registered sound trademark is the mark of the National Broadcasting Company (NBC), consisting of the sound of bells, filed with the US Patent and Trademark Office in 1947 to identify broadcasting services.

Among nontraditional trademarks, the olfactory ones occupy a minority position. In Great Britain, for instance, are registered some olfactory trademarks such as: the reminiscent floral smell of roses for tires or the strong smell of bitter beer for darts arrows. The only olfactory trademark registered as a Community mark is the smell of fresh mowed grass for tennis balls.
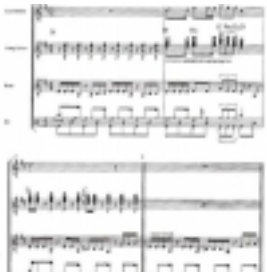
In the Republic of Moldova we do not have at the moment any application for an olfactory or tactile trademark. However, important is the fact that there is the necessary legal framework, and manufacturers are able to make use of any sign used in trade in order to individualize their goods/services.



[1]



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