

REPUBLIC OF MOLDOVA

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents • Utility models • Supplementary protection certificates 	June 2000 – Introduction of Supplementary protection certificates.
Term of protection	<ul style="list-style-type: none"> • Patents: 20 years from the filing date • Utility models: 5 years from the filing date (subject to a renewal for another 5 years) • Supplementary protection certificates: 5 years from the date of the lawful term of the patent • Extension of the patent term is possible on the following grounds: <ul style="list-style-type: none"> - Regulatory approval for pharmaceuticals - Regulatory approval for agricultural chemicals 	June 2000 – Introduction of the term of protection for pharmaceuticals and plant products.
Subject matters excluded from patentability or not considered to be inventions	<ul style="list-style-type: none"> • The following subject matters are excluded from patentability: <ul style="list-style-type: none"> - Plant varieties - Inventions contrary to morality/public order • The following subject matters are not considered to be inventions: <ul style="list-style-type: none"> - Discoveries - Scientific theories/mathematical methods - Aesthetic creations - Mental acts - Presentation of information - Computer programs - Business methods 	No
Filing language	<ul style="list-style-type: none"> • Filing an application in languages other than an official language is possible. The time limit to provide translation into an official language is 2 months from the filing date. 	September 2001 – Introduction of the possibility to file an application in languages other than an official language.
Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. 	No
	<ul style="list-style-type: none"> • It is not possible to file provisional applications. 	
	<ul style="list-style-type: none"> • The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty) . 	

Link between different inventions in the same application	<ul style="list-style-type: none"> The applicable law allows that the claims in a patent application relate to a group of inventions. The applicable standard is the unity of invention. 	No
Publication	<ul style="list-style-type: none"> The information related to the application is published or open for public access 18 months from the date of filing or from the priority date and when the patent is granted. The applicant may also require that such information be published before the expiry of the 18 months term. The PCT application entered into the national phase is published during 6 months provided that the translation of the application was submitted. 	No
Classification system	<ul style="list-style-type: none"> The patent classification system used is the International Patent Classification (IPC) system. 	N.A

<p>Search and examination</p>	<ul style="list-style-type: none"> • The applicable law establishes a substantive search and examination system. • For both patent and utility models, search and examination are combined. <p>For patents, the applicant is required to request the examination within 30 months from the filing date. If the applicant fails to do so, the application is deemed withdrawn.</p> <p>For utility models, the applicant is required to request the examination within 3 months from the publication of the application. If the applicant fails to do so, the application is examined ex officio.</p> <ul style="list-style-type: none"> • During the examination procedure, the following criteria are examined: <p>For patents:</p> <ul style="list-style-type: none"> - Novelty - Inventive step/non obviousness - Industrial applicability/utility - Unity of invention - Sufficient disclosure - Clarity of claims <p>For utility models:</p> <ul style="list-style-type: none"> - Novelty - Industrial applicability/utility - Unity of invention - Sufficient disclosure - Clarity of claims 	<p>N.A</p>
<p>Specific legal provision regarding ownership of patents derived from public (government) research funding</p>	<ul style="list-style-type: none"> • Yes (Regulations N°1609/2003) – The right to a patent belongs to the funding organization; the unit that created the invention having the right to inventorship remuneration, to benefit of a part of the profit obtained from the commercialization of the invention and to grant non exclusive licenses to third parties. 	<p>No</p>

<p>Exceptions to exclusive rights conferred by a patent</p>	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Private use - Compulsory licenses - Research and/or experimental exception - Preparation of medicines in accordance with medical prescriptions by physicians - Prior user's right - The use of the patented invention on or in the board vessels or aircraft or other means of transport, temporarily or accidentally entered the waters or the territory of the Republic of Moldova. 	<p>June 2000 – Introduction of the compulsory licenses as exceptions to the exclusive rights conferred by a patent.</p>
<p>Options to challenge a patent</p>	<ul style="list-style-type: none"> • There are the following options to challenge: <ul style="list-style-type: none"> A patent <ul style="list-style-type: none"> - Post-grant administrative/quasi judicial procedure: <ul style="list-style-type: none"> - Opposition within 6 months from the date of the publication of the mention of the grant of the patent. - Revocation – anytime during the validity period of the patent. - Court procedure - Arbitration A utility model <ul style="list-style-type: none"> - Post-grant administrative/quasi judicial procedure: <ul style="list-style-type: none"> - Opposition within 3 months from the date of the publication of the mention of the registration. - Revocation – anytime during the validity period of the registration. - Court procedure 	<p>June 2000 – Introduction of the possibility of dispute settlement by a specialized arbitration.</p>