

REF: C. 8481 of September 4th, 2015

Dear Madam/Sir,

On behalf of the State Agency on Intellectual Property of the Republic of Moldova (AGEPI), I have the pleasure to send you updated information on certain aspects of the applicable national law in connection with the amendments to the Law No. 50-XVI on the Protection of Inventions of the Republic of Moldova (adopted on March 7, 2008, applicable from October 4, 2008) by the Law No. 491 of 18 September 2015.

Article 22 of the Law No. 50/2008 on the Protection of Inventions was amended as follows:

Article 22. Limitation of Effects of a Patent

(1) The rights conferred by a patent shall not extend to:

- a) acts done privately on a non-commercial scale;
- b) acts done for experimental purposes relating to the subject-matter of the patented invention;
- c) extemporaneous preparation for individual cases, in a pharmacy, of a medicine in accordance with a medical prescription or acts concerning the medicine so prepared;
- d) use of the subject-matter of a patented invention on board of any foreign vessel of a State party to the international conventions in the field of inventions to which the Republic of Moldova is also a party which temporarily or accidentally enters the waters of the Republic of Moldova, provided that the invention is used exclusively for the needs of the vessel;
- e) use of the subject-matter of the patented invention in the construction or operation of foreign aircraft or land vehicle or other means of transport of a State party to the international conventions in the field of inventions to which the Republic of Moldova is also a party, or in the manufacture of spare parts for such vehicles when such means of transport temporarily or accidentally enter the territory of the Republic of Moldova;
- f) acts done for the purpose of ensuring state security.

(2) The use referred to in paragraph (1) above shall be allowed, provided that it does not unreasonably conflict with a normal use of the patented invention and does not unreasonably prejudice the legitimate interests of the patent owner, taking account of

the legitimate interests of third parties. In the contrary case, the patent owner is entitled to an adequate compensation for the injury suffered because of the unauthorized exploitation of the invention.

At the same time, it should be mentioned that we have no experiences and case studies on the effectiveness of exceptions and limitations to patent rights, in particular, in addressing development issues.

Best regards,

Ala Guşan,

Head of Patents Department, AGEPI