

Opposition systems

Moldova

According to Article 57 of Law No.50-XVI/2008 on the Protection of Inventions, within 6 months from the publication of the mention of the grant of the patent, any person may give notice of opposition to the patent granted by filing a request in this regard with the Appeals Board of AGEPI.

Opposition shall only be filed in writing and on the grounds that:

- a) the subject-matter of the patent is not patentable, it is an exception to patentability, the invention is not new, is not involving an inventive step or is not susceptible of industrial application, or on taking the decision was based on non-prejudicial disclosures, which are in fact prejudicial disclosures and, where appropriate, short-term patents were granted in respect of inventions concerning a biological material, chemical or pharmaceutical substances and processes for their preparation, which in fact cannot be protected by such a means of protection as a short-term patent for invention.
- b) the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;
- c) the subject-matter of the patent extends beyond the content of the application as filed, or, if the patent was granted on a divisional application or on a new application filed by a non-entitled person, the subject-matter of the patent extends beyond the content of the earlier application as filed.

The opposition filed shall have suspensive effect. It shall not be deemed to have been filed until the opposition fee has been paid.

If AGEPI is of the opinion that at least one of the grounds for opposition referred to above is against the grant of the patent, it shall revoke the respective decision. Otherwise, it shall reject the opposition.

If AGEPI is of the opinion that, taking into consideration the amendments made by the applicant during the opposition proceedings, the patent and the invention to which it relates:

- a) meet the requirements of this law, it shall decide to maintain the decision to grant a patent as amended;
- b) do not meet the requirements of this law, it shall revoke the decision to grant a patent. If a patent is amended as a result of opposition, the AGEPI shall, after payment of the prescribed fee, publish a new specification of the patent containing the description, the claims and, as the case may be, any drawings, in the amended form.