

## **Advisory Committee on Enforcement**

### **Tenth Session**

**Geneva, November 23 to 25, 2015**

### **THE EXPERIENCE OF THE REPUBLIC OF MOLDOVA IN BUILDING RESPECT FOR INTELLECTUAL PROPERTY, IN PARTICULAR THROUGH EDUCATION CAMPAIGNS DESIGNED FOR PUBLIC AUTHORITIES AND YOUNG PEOPLE**

*prepared by Mr. Ion Tiganas, Deputy Director General, State Agency on Intellectual Property of the Republic of Moldova (AGEPI), and by Ms. Natalia Mogol, Deputy Head, Trademarks and Industrial Designs Department, AGEPI and Deputy Head, Observatory on Enforcement of IP Rights\**

#### **ABSTRACT**

The document describes the substantial progress that the Republic of Moldova has achieved in pursuing its National Strategy on Intellectual Property (IP). Activities have mostly been geared towards three objectives: the creation of balanced IP legislation; the strengthening of the institutional framework for IP; and education and public awareness raising. The document concludes by summarizing what, in the experience of the Republic of Moldova, are the most important aspects that need to be considered in order to create an environment in which IP is respected and can be enforced.

---

\* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

## **I. INTRODUCTION**

1. This paper presents some of the main successes achieved by the Republic of Moldova in the enforcement of intellectual property rights (IPRs). In 2003, with the adoption of the first national strategy in the field of intellectual property (IP), the Government set three key priorities: the adoption of a balanced legislative system, the development of a professional institutional system and last, but not least, educating society on respecting IP.

## **II. DEVELOPING BALANCED IP LEGISLATION**

2. Since the Republic of Moldova has signed most of the international conventions in the area of IP and declared European integration as a vector of its foreign policy, it harmonized its legislation in line with the provisions of these international conventions and the relevant Directives of the European Union (EU).

3. For AGEPI, it was important to develop an IP system based on an analytical and strategic vision. Thus, in 2012, the National Strategy on IP until 2020 was adopted, with WIPO providing support in its development. The Strategy is accompanied by a three-year Action Plan. It foresees more than 100 activities, 30 of which are focused on the Strategic Objective "Preventing and Combating Counterfeiting and Piracy". During the preparations of the next three-year Action Plan stock was taken and only two actions from the first Action Plan have not been achieved, which is a very good indicator.

4. Over the years, specific laws have been developed for each type of IP and a separate chapter within each of these laws is dedicated to IPR enforcement. Procedures to protect and enforce IP rights are therefore available to right holders, who may request remedies including corrective, alternative and advertising measures.

5. The Criminal Code contains three IP offenses. Generally speaking, the applied penalty include: a fine of up to USD 10,000, community service work of up to 240 hours, the termination of the company's activity or imprisonment of between three to five years.

6. Thus, the Republic of Moldova has a modern and balanced legal system, which provides not only right holders with legal tools to protect their rights, but also enables the state authorities to apply lawful intervention measures, including *ex officio* procedures.

## **III. STRENGTHENING THE INSTITUTIONAL FRAMEWORK**

7. Another Strategic Objective aimed at the establishment of competent authorities and the development of their institutional capacity building. It took 10 years to create specialized IPR enforcement units within the relevant public authorities. Today, however, the Customs, the Police and the Prosecutors' Office have specialized divisions, whose main duty is the combating of counterfeiting and piracy. In addition, specialized officers have been appointed in their respective territorial units.

8. In the Republic of Moldova, IPR can be enforced very efficiently at the borders. Through an online intervention request and without any further formality, right holders benefit from border protection without the need to pay any fees or security. Customs Officers, having access to risk information systems and the official databases of the National IP Office, are obliged to suspend

customs clearance and allow right holders to initiate legal proceedings when they suspect goods to be counterfeit. This scheme is widely used by foreign right holders. In the near future, the interconnection between the Republic of Moldova's Customs Information Systems with those of Romania and Ukraine is planned, aiming to further prevent the trafficking of counterfeit goods.

9. IPR protection on the domestic marketplace is achieved through specialized Police and Prosecution Units, whose main responsibilities include the following actions: prevention of counterfeiting and piracy, fact finding, prosecution and application of the contravention penalties. Criminal cases are submitted to the Court. Thanks to the efforts undertaken, an efficient cooperation between the Police, on the one hand, and the rights holders or their associations, on the other hand, has been established.

10. In cases where their rights are deemed to be violated, right holders may resort to the judicial system by filing an application at the district courts, whose decisions can be appealed to four Courts of Appeal and the Supreme Court of Justice. Annually, the judiciary examines over 100 cases of IPR infringement, and litigation takes about a year. This process is monitored by the Observatory on Enforcement of Intellectual Property Rights (Observatory). Based on its annual analysis, it can be affirmed that a juridical system based on accuracy and legitimacy is in place.

11. The Observatory was established in 2010. Its members are representatives of the public authorities, right holders and non-governmental IP associations. A small group of experts collects and analyzes the data with a view to facilitating the cooperation between the relevant public authorities and providing a platform for discussion for the experts, public authorities and rights holders. For example, the last topic examined in this format was devoted to the destruction procedure of the counterfeit goods. In addition, the Observatory has training, awareness-raising and educational responsibilities.

12. Each year, the Observatory publishes a National Report on IPR Enforcement in the Republic of Moldova, which includes a detailed analysis of the state of counterfeiting and piracy, statistics, forecasts and recommendations.

13. Another objective of the Observatory is to create an information system for data sharing between certain authorities. In order to prevent and combat counterfeiting and piracy, this system would allow public authorities to better coordinate their actions and to more easily interact online with right holders.

#### **IV. EDUCATION AND AWARENESS RAISING**

14. In relation to the above-mentioned two Strategic Objectives, substantial progress has been made with results as planned. In case of a third Strategic Objective, namely education and awareness of the society, the results are slower. In fact, raising public awareness represents the most important, complex and dangerous undertaking. That is because a badly planned campaign would inevitably lead to disastrous consequences. On the other hand, a balanced and strategic approach can have amazing effects.

15. A first step towards raising public awareness was taken in 2011, when the website [www.stoppirateria.md](http://www.stoppirateria.md) was created. It is administered by the Observatory and contains information in Romanian, English and Russian. The website is updated daily with the latest news and represents a unique informational platform dedicated to preventing and combating counterfeiting and piracy in the Republic of Moldova.

16. In addition, it was decided that large scale, national campaigns should be organized once every two years. The first of these campaigns, launched in 2012, was of general character and addressed the broader public throughout the country and through all means of communication. Although the campaign was a great success, it was decided that future campaigns should be targeted to distinct audiences.

17. Thus, the last campaign was dedicated to high school students (15-18 years) from Chisinau, the capital of Moldova. Its message was a positive one. Words like criminal liability, penalty, fine, jail were excluded and instead the focus was on words like creation, innovation and benefits. The campaign had three goals: raising awareness in the younger generation of the need to respect IP rights, informing the younger generation about the negative effects of counterfeiting and piracy and measuring the perception of the younger generation in respect of counterfeiting and piracy. It was carried out during four months in 2014, during which AGEPI teams visited one to two high schools on a daily basis. While it was originally intended to reach out to 50 high schools, in the end 68 high schools with Romanian, Russian or even English teaching were visited and discussions with 6,400 students held (instead of 5,000 as planned). Almost 6,000 high school students told us through completed questionnaires what they thought about counterfeiting and piracy (the target being 4,500). All questionnaires were analyzed thoroughly and the results were presented at a press conference. They will underpin future policies to combat counterfeiting and piracy.

18. During the campaign, the following activities were organized:

- thematic lessons about counterfeiting and piracy, risks and consequences for the younger generations, actions to counteract these phenomena;
- a roving exhibition of counterfeited and pirated products;
- videos;
- a test to distinguish genuine from counterfeit products;
- a drawing and parody contest about the consequences of counterfeiting and piracy.

19. Additionally, diverse promotional material was used and the campaign was broadly covered in the media.

20. At the end of the campaign, an Autumn Camp was organized for the most active students. The camp program covered:

- introduction to the activities of AGEPI;
- discussion on piracy with well-known authors and performers from Moldova;
- a visit to the largest cosmetics company in the country to get acquainted with the process of innovation and branding, and a visit to a TV station with a view to understanding the complexity of creation.

21. Another AGEPI campaign sought to promote IP in the content of children's books. Thus, in early 2015, the Ministry of Education launched a project to change the content of textbooks. In this regard, within AGEPI, a working group was created, which analyzed 36 textbooks (in Romanian, English, French, Russian languages, Mathematics, Music education, Art education, Computer science, etc.) and elaborated almost 300 recommendations to improve the content,

especially with useful information and data about IP. Thus, from early on, children will be introduced to the definitions of IP, will acknowledge the value of IP and learn to respect it.

22. At university level, all legal, economic, technical and artistic faculties teach compulsory IP courses. Lately, more and more optional Master degree courses are offered and the amount of Doctoral degree research in IP is growing. These achievements have been facilitated through regular meetings with university professors and administrators.

23. With regard to training activities, AGEPI annually organizes advanced courses which last for six months. The aim of these courses is to increase the professional skills of at least 30 experts in the country. Furthermore, AGEPI regularly trains Customs Officers, Police Officers, Prosecutors and Judges. During the past four years, AGEPI organized annually 10 to 15 seminars for public sector representatives and the judiciary. The latter was a very difficult task, especially with a view to convincing Judges that they would need training. Today, however, Judges are very satisfied with and actively participating in these activities.

## **V. CONCLUSION**

24. The above describes the strategy, the objectives and some of the main achievements of the Republic of Moldova. As illustrated, the strategy was successfully implemented and the results are visible. The most important points in this process were:

- to have a strategy dealing with counterfeiting and piracy;
- to provide for balanced legal instruments to combat infringements;
- to have well-trained public authorities;
- to facilitate cooperation with rights holders;
- to transmit positive messages to the public; and
- to get fully involved.

25. In conclusion, AGEPI is of the view that National IP Offices have an important role to play in creating an environment in which IP is respected and can be enforced. At least in the case of the Republic of Moldova this was decisive.

[End of document]