

List of questions which could form the basis of a questionnaire on geographical indications

(Republic of Moldova)

I. National and regional systems providing protection to the geographical indications

The protection of geographical indications shall be ensured by the following:

- sui generis system,
- collective trademarks,
- certification trademarks,
- specific laws,
- others.

Where the protection of geographical indications is ensured by the sui generis system, then:

- the appellation of origin and the geographical indication are each defined individually,
- only the appellation of origin is defined,
- only the geographical indication is defined.

The protection of geographical indications shall be ensured:

- under the registration via the national procedure,
- under the international agreements,
- under the bilateral agreements.

The request for the registration of a geographical indication may be filed by:

- a group (association),
- a legal entity,
- a natural person,
- a public institution,

(please specify if there are certain specific requirements)

The protection of geographical indications shall be ensured:

- exclusively for agri-food products (agricultural products, wines,.....),
- for any type of product,
- for services.

The request for the registration of geographical indications shall be filed with:

- the National Office of Industrial/Intellectual Property,
- other institution (Ministry, ...) (please specify the name of institution/institutions)

The request for the registration of a geographical indication shall be filed:

- on a standard form,
- in free form

The request/application for the registration of a geographical indication shall be accompanied by:

- the product specification (approved by an authorized institution),
- the single document (document setting out the main points of the specification),
- the status of the group,
- other documents (to be specified).

The applicant group/person:

- must have its head office in the defined geographical area,
- must provide confirmation of activating in the defined geographical area,
- there are no requirements concerning the legal address of the person requesting registration.

The request for the registration of a geographical indication shall be filed:

- on paper carrier,
- by e-mail, fax,
- in electronic format (on-line).

Registration of geographical indications is subject to payment of a fee:

- yes,
- no.

Registration of geographical indications shall imply the following fees:

- a single fee,
- for filing an application,
- for publication,
- for examination,
- for registration,
- for granting the right to use,
- for filing an opposition/appeal,
- other fees (to be specified).

Registration as geographical indications may be requested:
exclusively for geographic terms

- for non-geographic terms
- for country name (on an exceptional basis or not)

The grounds for refusal to register a geographical indication may be:

- absolute (...misleading, contrary to the public order or morality etc.)
- relative (conflict with earlier rights – trademark right, the right to a name etc.)

Geographical indications may coexist with other prior intellectual property objects (and under what conditions):

- with homonymous geographical indications,
- with registered trademarks,
- names of plant varieties, animal breeds.

When applying for registration of a trademark which contains a protected geographical indication and which would conflict with the rights conferred by the registration of that geographical indication:

- the trademark shall be refused only in relation to the goods identical/similar to the goods that correspond to the protected geographical indication,
- the trademark shall be refused for goods different from the goods that correspond to a protected geographical indication, including for services,
- the trademark shall not be refused.

The right to use a protected geographical indication:

- shall be obtained without additional procedures following registration of the geographical indication (by the group/person that filed the application for registration),

- shall be granted through a separate procedure (to be specified),
- shall be granted for a limited time.

In order to obtain the right to use, the person must join the group that requested registration of the geographical indication:

- yes,
- no.

The list of persons holding the right to use:

- shall be kept by the authority registering the geographical indications,
- shall be kept by other institutions (please, specify the names),
- shall be kept by the group that requested registration of the geographical indication.

The list of persons holding the right to use:

- shall be public (regularly updated lists, databases, ...),
- shall not be public.

Third parties may submit:

- observations (following publication of the application that hasn't undergone substantive examination),
- oppositions (following publication of the application that hasn't undergone substantive examination),
- appeals (following publication of the application that has undergone substantive examination).

Official control shall cover:

- verification of a product's conformity with the hygiene and health standards,
- verification of a product's conformity with the corresponding product specification,
- verification of traceability,
- other actions (to be specified).

Verification of a product's conformity with the corresponding product specification shall be carried out by:

- state institutions,
- private institutions,
- state or private institutions.

If the official control is carried out by a public authority/state institution, the latter:

- shall be accredited by the certification body,
- shall not be accredited by the certification body.

The products marketed under a protected geographical indication:

- shall be marked with certain inscriptions (to be specified),
- shall be marked with certain symbols (to be specified).

Surveillance of the use of protected geographical indications on the market:

- shall be carried out by the following institutions (to be specified),
- shall not be carried out.

Surveillance of the use of protected geographical indications on the market aims to:

- prevent abusive use of geographical indications,
- protect the consumer,

- both.

Protection of the geographical indications at the customs border shall be ensured:

- ex-officio,
- based on the application for intervention.

Any action concerning infringement of rights in relation to a geographical indication may be initiated by:

- the holder of the right to use a protected geographical indication,
- a person entitled to represent the holder of the right to use,
- other institutions/organizations (to be specified).

In order to request protection in other countries:

- national registration shall be required
- national registration shall not be required

The term of protection granted to a geographical indication shall be:

- limited,
- unlimited.

If the term of protection granted to a geographical indication is limited, then the period shall be:

- 10 years with the possibility of renewal,
- 5 years with the possibility of renewal,
- other provisions.

If the term of protection granted to a geographical indication is limited, then renewal shall be possible:

- subject to the presentation of supporting documents,
- without any conditions, upon simple request.

Protection of geographical indications from other countries may be obtained:

- on the same conditions as apply to the national geographical indications,
- under simplified conditions, providing the geographical indications are protected in their country of origin.