

**HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

– NOTIFICATION OF REFUSAL –

Rule 18 of the Common Regulations

<p>I. Office sending the notification:</p> <p>STATE AGENCY ON INTELLECTUAL PROPERTY OF THE REPUBLIC OF MOLDOVA (AGEPI)</p> <p>24/1 Andrei Doga str., MD-2024, Chisinau, Republic of Moldova</p> <p>tel:+(373 22)188-532, e-mail: office@agepi.gov.md</p>
<p>II. International deposit No.: DM/226102 dated: 11.01.2023</p>
<p>III. Name and address of owner:</p> <p>Intersnack Group GmbH & Co. KG, DE Klaus-Bungert-Str. 8/8a, 40468 Düsseldorf</p>
<p>IV. <input checked="" type="checkbox"/> Refusal for all the designs included in the international deposit <input type="checkbox"/> Refusal concerning the designs Nos ()</p>
<p>V. Grounds for refusal:</p> <p>The industrial designs no. 1, 2, 3, applied for registration do not meet the provisions of the Article 8 of the Law on the Protection of Industrial Design No. 161/2007, because the overall impression it produces on the informed user is not differs from the overall impression produced on such a user by the industrial designs from WIPO, (11) DM/081890, designs no. 1, 2, 3, 4, 5, deposit date (22) 27.09.2013, publication date (45) 18.10.2013, owner: Intersnack Group GmbH & Co. KG, Peter-Müller-Straße 3, 40468 Düsseldorf (DE).</p> <p>(LAW of the Republic of Moldova on the Protection of Industrial Design No. 161/2007, Art. 26 (1) b)</p>
<p>VI. Essential provisions of the applicable national law of regional treaty:</p> <p>LAW of the Republic of Moldova on the Protection of Industrial Design No. 161/2007 (Extract)</p> <p>Article 8. (1) An industrial design shall be considered to have individual character if the overall impression that it presents to an informed user is different from the overall impression that would be presented to such a user by any other industrial design already publicly known within the meaning of Article 10:</p> <p>a) in the case of a registered industrial design – before the filing date of the application for registration or, if priority is being claimed, before the date of priority; or</p> <p>b) in the case of an unregistered industrial design – before the date of first disclosure of the industrial design for which protection is requested.</p> <p>(2) In assessing individuality, account shall be taken of the degree of the author's freedom in creating the industrial design, given the nature of the article and the specifics of the industrial or craft sector in question.</p> <p>Art. 26. (1) A design shall be refused registration, or, if the design has been registered, the design right shall be declared invalid:</p> <p>b) if it does not fulfil the requirements of Articles 7-11.</p>

VII. The possibility of submitting evidence supporting the registration of the industrial design

- The request concerning withdrawal or modification of the application for registration of an industrial design or submission of evidence supporting registration of an industrial design may be lodged within **2 months** of the **date of receipt** of the notification of refusal according to Article 47 paragraph 5 of the Law.

- After the expiry of the period prescribed, the notification of refusal shall be equivalent, in terms of the legal regime, to the decision of refusal, which may be challenged before the Agency's Commission for the Examination of Objections according to Article 49 of the Law.

- The authority to which the evidence supporting registration of an industrial design and the appeals against decisions may be submitted is the following:

STATE AGENCY ON INTELLECTUAL PROPERTY OF THE REPUBLIC OF MOLDOVA (AGEPI),

Andrei Doga str., 24/1, MD-2024, Chisinau, Republic of Moldova

- The assistance of a local representative is:

mandatory

optional

<http://agepi.gov.md/en/patent-attorneys>

LAW of the Republic of Moldova on the Protection of Industrial Design 161/2007

(Extract)

Article 47. Substantive examination

(5) An application for registration may not be refused without the applicant being given the opportunity to withdraw or amend the application or submit evidence supporting the registration of the industrial design, within 2 months of the date of receiving the information obtained from the substantive examination.

Article 49. Appeals

(1) Appeals against any decisions concerning applications for the registration of industrial designs may be filed with the Agency's Commission for the Examination of Objections, which is competent to conduct extrajudicial investigation of intellectual property disputes. Appeals shall be submitted by interested parties within two months of the date of receipt of the decision or by third parties within 30 days of the information being published. An appeal shall have the effect of suspending the decision.

(2) An appeal shall be made in writing and include the grounds for the appeal; it shall be deemed to have been submitted on payment of a fee.

VIII. Date on which the international registration was published in the international designs bulletin on the website of WIPO: 27.01.2023

IX. Date on which the refusal was pronounced: 29.09.2023

X. Signature or official seal of the Office sending the notification:

