Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

[redacted]

Last Name:

[redacted]

Country:

Republic of Moldova

IP Office

State Agency on Intellectual Property (AGEPI)

Job title

Head of Patents Department

Email address:

[redacted]

Email address confirmation:

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Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

'First filing' or first domestic filing requirement (FDFR)

2. Please list the statutes or guidance documents that patent applicants in your country can consult to inform themselves of the foreign filing requirements and the procedure to follow.

1.) Law on the protection of inventions No.50-XVI, www.agepi.gov.md/sites/default/files/law/national/l_50_2008-en.pdf;
2.) Regulation on the procedure of filing and examination of the patent application and grant of patent, nr. 528/2009, www.agepi.gov.md/sites/default/files/law/national/r_h_528_2009-en.pdf

3. Please list the most important case law on foreign filing conditionality requirements, if any, with a brief summary of the main findings.

Article 31. Filing of an Application
(1) Cererea de brevet se depune la AGEPI de către persoana îndreptăţită conform art.14 alin.(1), personal sau în orice alt mod prevăzut de Regulament.
(2) Brevetarea în străinătate a invenţiilor avându-şi originea în Republica Moldova se efectuează numai după depunerea cererii de brevet la AGEPI.

Do you have a digital copy of the case law that you could upload?

No

Please provide below the exact citation of the case law, or provide an online link to the case law.

Article 31 paragraph (2) Filing of an Application
(2) Brevetarea în străinătate a invenţiilor avându-şi originea în Republica Moldova se efectuează numai după depunerea cererii de brevet la AGEPI.

4. What specific criteria will trigger the Foreign Filing Conditionality?

Impact on the country's national security or national defense;

Please provide any further details on the scope of the specific criteria applicable in your jurisdiction.

Article 45. Patent Applications of Which Disclosure Can Prejudice the National Security
(1) Inventions containing information which, if disclosed, can prejudice the national security of the Republic of Moldova, shall be removed from AGEPI, based on a decision of the commission respectively empowered by the Government, within 30 days from the filing date, with the respective notice to the applicant.
(2) An invention created in the Republic of Moldova may only be patented abroad upon expiry of the term specified in paragraph (1).

5. Does your law allow for a deemed license or automatic approval, if the Office does not act or respond within a specific time period?

No

6. Does your jurisdiction's patent law provide for the imposition of a "Secrecy Order" (or other similar national security restrictions) that prohibits or restricts an applicant from filing for patent protection in other jurisdictions?

Yes

What is the nature/impact of this restriction regarding foreign filing?

Article 45. Patent Applications of Which Disclosure Can Prejudice the National Security
(2) An invention created in the Republic of Moldova may only be patented abroad upon expiry of the term specified in paragraph (1).

7. Please cite, if available, any official studies, policy documents, or reports which highlight the working of the foreign filing requirements in your jurisdiction.

Regulation on the procedure of filing and examination of the patent application and grant of patent, nr. 528/2009, points 462-481CHAPTER VI, INTERNATIONAL APPLICATION FILED
UNDER THE PCT PROCEDURE

If a digital copy is available, please provide the link or upload it here

INTERNATIONAL_APPLICANT_FILED.docx

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.