

SCIT.ATR.TM.2008.MD

Annual Technical Report 2008 on Trademark Information Activities submitted by Republic of Moldova (SCIT/ATR/TM/2008/MD)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

I. Evolution of registration activities

Beginning with the year 2000, the dynamics of filing applications for the registration of product or service marks attests a continuous ascent. In the year 2008, AGEPI received 6808 applications, with 264 (4%) more than in the previous year. Of the total number of applications, 2312 (34%) were filed under the national procedure and 4496 (66%) under the international one, including 3117 (46%) under the Madrid Agreement and 1379 (20%) under the Protocol relating to that Agreement.

On December 31, 2008, the total number of applications received during the entire period of activity of the AGEPI amounted to 75817, including 26646 (35%) applications being filed under the national procedure and 49171 (65%) – under the international one; 80% of the total applications proceed from foreign applicants and 20% from the national ones.

The number of applications filed by the national and foreign applicants under the national procedure increased slightly (by circa 1%). As a result of entry into force, on September 1, 2008, of the amendments to Article 9 sexies of the Protocol relating to the Madrid Agreement, the number of applications filed under said procedure increased considerably in the year under review by 87% and the number of applications filed under the Madrid Agreement diminished by 11 %, being generally recorded an increase by 5.5% in the number of applications under the international procedure.

Due to active filing of applications under the Madrid System procedure, the total number of applications filed by the foreign applicants increased by 4% in comparison with the previous year and attained the number of 5227. Of the sum total of filed applications, the national applicants keep 23% and the foreign ones – 77%, approximately as in the previous year. At the same time, under the national procedure, 1581 (68%) of applications proceed from the national applicants and 731 (32%) – from the foreign ones. The majority of applications submitted by the national applicants – 1342 (84.9%) – were filed by natural or legal persons having domicile in the city Chisinau, 29 (1.8%) – in ATU Gagauzia, 20 (1.3%) – in the city Balti, and the rest of 190 (12%) applications – in other administrative and territorial unities of the republic, there being emphasized the Hînceti and Straeni districts. Foreign applicants from 52 countries submitted applications under the national procedure, the most active being the legal and natural persons from the United States of America, Russian Federation, Switzerland and Germany. Under the Madrid System, applications came from applicants from 55 countries, most of them proceeding from Germany, Russian Federation, Switzerland, Italy, France, the Benelux Trademark Bureau and the European Community. Altogether, applicants from 76 countries filed applications for the registration of trademarks in 2008, the largest weight being kept by those from the Republic of Moldova. The trademark applications distributed according to the countries of residence of the applicants, irrespective of the filing procedure.

As in the previous years, in the applications filed under the national procedure the most frequently were designated the following classes of the International Classification of Goods and Services with the view of trademark registration (ISGS): cl. 35 (advertising, business management etc.) – 1015 applications; cl. 05 (pharmaceutical, veterinary and sanitary preparations etc.) – 386 applications; cl. 33 (alcoholic beverages (except beer)) – 293 applications; cl. 30 (sugar, flour and preparations made from cereals etc.) – 213 applications. At the same time, the designation frequency of classes 29, 16 and 38 in the filed applications decreased by 25-30% and of cl. 09 – by 10% as compared with the year 2007, whilst the designation of cl. 02 (paints, varnishes, lacquers; colorants etc.) recorded an increase of 2.8 times. It should be mentioned that compared with the year 2007 important changes have not occurred in the registration of trademarks under the international procedure as far as classes designated in applications concerns: cl. 05 remains on top of preferences (1069 applications), although the frequency of claiming thereof diminished by 6%; classes 33, 32, 43, 39 and 02 unlike the national procedure are not present on top, on the other hand in 7-9% of applications there are claimed the classes 7, 11, 18, 14 and 42. As a result of the fact that from September 6, 2008, the new Law No. 38-XVI of 29.02.2008 on the Protection of Trademarks entered into force there were modified the procedures relating to the substantive examination and publication of applications for the registration of trademarks, which determined the essential modification of the corresponding statistical data as compared with the year 2007, especially in the case of applications filed under the national procedure. Thus, for the space of the year under review, there were examined altogether 5846 applications for the registration of trademarks, with 434 (7%) less than in the previous year. On the one hand, said moderate diminution is due to the decrease by 1371 (55%) in the number of examined national applications (1126 compared with 2497 – in 2007), and on the other hand – due to the increase by 937 (25%) in the number of examined applications submitted under the Madrid System. As a result of examination, 84% of the applications for the registration of trademarks filed under the national procedure and 90% of those filed under the Madrid System were accepted totally or partially. In the previous year these numbers constituted 85.1% and 91.2%, respectively. The monitoring of the grounds of refusal to register attests that 69% of the refusals relating to the applications filed under the national procedure and 87% of those relating to the applications filed under the Madrid System have on their basis relative grounds (identical or similar trademarks protected on behalf of another persons for identical or similar goods/services); 12% and, respectively, 5% of refusals were emitted on the ground that the claimed signs are deceitful or liable to mislead; 14% and, respectively, 4% of refusals – on the ground of non-possession of a distinctive character of signs requested for registration etc. 124 applications for the registration of trademarks received by AGEPI in 2008 have not met the conditions for filing and 51 of the filed applications were deemed withdrawn, not being met the other conditions stipulated by the Law. In the period under review, AGEPI, as receiving office of the country of origin, checked and transmitted to WIPO 42 applications for the international registration of trademarks under the Madrid System, with 4 (11%) more than in the previous year. According to the number international registrations of trademarks, the Republic of Moldova has kept for itself the III-rd place among the CIS countries at the end of the year 2008, having 339 registrations and being outrun only by the Russian Federation and Ukraine, which had 4742 and, respectively, 826 registrations. Among countries most frequently designated for protection in the applications for international registration filed by the national applicants are the Ukraine (in 84% of applications), the Russian Federation (in 76%), Belarus (in 71%) and Romania (in 61%). Most of international registrations, having as country of origin the Republic of Moldova (212), refer to cl. 33, 72 – to cl. 35, 38 – to cl. 32; 32 – to classes 29 and 30.

After all, these data reflect the main fields of activity of the autochthonous producers, as well as countries in which they manifest economic interests. Concomitantly with the new applications, there were also filed applications for the renewal of trademark registration: in 2008 there was supposed to expire the term of validity of 4291 trademarks, including of 3571 – international and 720 – national. Altogether there was requested renewal of 2443 trademarks, with 69 (3%) more in comparison with the year 2007. This constitutes 57% of the number of trademarks which term of validity was expiring in the year 2008. The majority of renewals – 2367 (97%) – was requested by foreign applicants, including 2063 – for international registrations and 304 – for national ones. The national owners filed 76 (3%) trademark renewal applications. The quota of trademarks for which renewal was requested, as compared with the number of registrations which term of validity was supposed to expire, constituted 53% of national registrations and 58% - of international ones.

1774 trademark registration certificates were issued in the year under review, with 515 (41%) more than in the previous year. The national owners obtained 1004 (57%) certificates and the foreign ones – 770 (43%). The number of certificates issued to the national owners increased as compared with the year 2007 by 212 (27%) and of those issued to the foreign owners – by 303 (65%).

As in the case of applications, the majority of trademark registration certificates issued to the national owners, is kept by those having their domicile or headquarters in the city Chisinau –85%. At a considerable distance from them are the owners from ATU Gagauzia, the city Balti and the Orhei district, who obtained 2.8, 2 and 1.4% of the certificates, the rest of 9% being kept by the owners from other administrative-territorial units. In the year under review, there were issued 503 trademark renewal certificates, of which 108 (21%) – to the national owners and 395 (79%) – to the foreign ones. The number of issued renewal certificates increased by 76 (18%), as compared with the previous year, being attested at the same time a decrease by 56 (34%) in the number of certificates issued to national owners and an increase by 132 (50%) in the number of certificates issued to foreign owners. The quota of renewal certificates constitutes 70% of the number of registration certificates of which term of validity was supposed to expire in 2008, being by 22 per cent greater than in 2007. Since the beginning of its activity and up to 31.12.2008, AGEPI issued 17514 trademark registration certificates. It should be noted that the considerable difference between the number of applications for registration and the number of issued certificates is explained by the fact that AGEPI does not issue registration certificates for international trademarks. 14779 (84% of the total number) certificates, including 4488 renewed ones, were valid on December 31, 2008, these constituting 30% of the valid certificates.

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e., trademark gazettes

The main types of announcements of the Office in the field of trademark information are:

- The Official Bulletin of Industrial Property Protection (BOPI);
- The Trademark Register;
- The National Register of Applications for the Registration of Trademarks

BOPI including Sections IV and V with information on trademarks and appellations of origin, from January 2000 onwards is available online via our AGEPI web site at www.agepi.md in portable document format (PDF).

Section IV of BOPI contains:

- Applications for registration;
- Examined applications for trademark registration;
- List of registered trademarks;
- List of renewed trademarks.

Section V contains:

- Examined applications for appellations of origin of goods;
- List of registered appellations of origin.

Section VII contains various types of notices referring to all amendments occurred to the legal status of the protected industrial property objects (List of amendments, List of assignment agreements, Errata, etc), the half-yearly subject indexes of registered trademarks.

The AGEPI maintains a complete history of its national trademark files in paper form.

Since the creation of the electronic archive in the year 2003, 20173 paper files have been already scanned.

III. Matters concerning classifying, reclassifying and indexing of trademark information

Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)

During the year 2008, the AGEPI applied the following Classification systems:

- International Classification of Goods and Services (Nice Classification), the ninth edition; (as from 01.01.2007)
- International Classification of the Figurative Elements of Marks (Vienna Classification), the fifth edition.
- three - digit INID codes in accordance with the WIPO Standard ST.60.

Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services

To check the conformity of goods and services to the Nice Classification and of the figurative elements to the Vienna Classification, the AGEPI makes use of the electronic classification system on the CD ROMARIN and electronic version of classification translated into Romanian.

Obligation for applicants to use pre-defined terms of the classification applied

It is obligatory for applicants to use pre-defined terms of the classification applied.

Bibliographic data and processing for search purposes

Data included in the WIPO Standard ST.60.

IV. Trademark manual search file establishment and upkeep

The examiner's search files are the following:

- paper-case with the list of signs protected under Article 6ter of the Paris Convention not included in the "Article 6 ter CD";
- list of geographical indications which are protected under a bilateral or regional agreement in respect of the protection of geographical indications;
- list of names of plant varieties registered in the Republic of Moldova.

The following e-card files are being used:

- card - file of appellations of origin grouped in numerical order;

At the disposal of examiners, there are foreign databases on CD-ROM (ROMARIN, Russian Federation, USAMark, and Community Trade Mark Bulletin), Trademark Gazettes of different countries and via the Internet the Madrid Express Database – data collection hosted by WIPO.

As from October 10th, 2002, the AGEPI has at its disposal the CD-ROM with INN from OMS, used for search purposes. The examiners also use different browsers for search in Internet, dictionaries, atlases and electronic encyclopedias.

Moreover, the manual paper search files consist of encyclopedias, dictionaries, special books, periodicals, and a number of other lists and sources.

Both the examiner's search files and documentation at the library are updated on a regular basis.

V. Activities in the field of computerized trademark search systems

In the period under review, AGEPI elaborated and improved the following information products:

- The registration procedure management Program,
- The program for statistical accounting of trademarks filed according to the international procedure under the Madrid System,
- The program for electronic processing of WIPO notifications relating to the international trademarks for which protection is sought in the Republic of Moldova;
- The program for search in the database "National Trademarks" including registered trademarks, valid in the Republic of Moldova, using the web technology.

VI. Administration of trademark information products and services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)

The Intellectual Property Information Retrieval Center (IP IRC) was created from January 1st, 2008, on the basis of the AGEPI Library, which took over its fund and information functions.

The IP IRC functions simultaneously as an in-house and public library and is open to the public during 5 days (except Saturday and Sunday) from 9:00 to 16:00. All the received documents are registered, classified and grouped for storage purpose.

Collection management, preservation

The main information sources of the IP IRC collection are the official publications of the AGEPI, Official gazettes and literature (normative, methodical, reference books, dictionaries), periodicals.

On December 31, 2008, the information collection of the IP IRC counted 25796782 document copies, including: books and booklets – 5118 copies; serial and periodical publications (journals, newspapers, official bulletins) – 40541 copies; documents on electronic carrier – 25742839 copies; national documents – 8284 copies.

Due to the new acquisitions, the electronic catalogue of the IP IRC database was completed with the bibliographic descriptions of 1085 titles (DB "BOOKS" – with 765 registrations and DB "IP ART" – with 320 articles from the periodical editions and collections of scientific materials)

Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web)

The AGEPI IP IRC has a general reading room and a specialized PC room. The total area constitutes 125 sq. m.

In the year 2008, by the Center's services benefited 1263 persons, of which 271 new users. Almost 28 thousands of documents were borrowed to readers. At the same time, the beneficiaries were provided 552 free consultations on use of electronic databases, search in the document array of the Center, application of the IPC Classification in the documentary search process etc.

In advertisement of users, it was monthly presented on the AGEPI web site www.agepi.md – the information on the DB Internet addresses in the field of IP, and the information on the new acquisitions in the IP IRC collection.

VII. Matters concerning mutual exchange of trademark documentation and information

In 2008, the main ways of completing IP IRC collection, remained the same – the bilateral exchange with homologous offices from abroad, subscription to the specialized periodicals, acquisition of the literature by means of libraries, publishing houses, book fairs, donations etc. The AGEPI Library cooperates intensively with 56 territorial Libraries and 37 foreign libraries of Patent Offices abroad to which the IP information (official gazette) and other literature in this field is furnished regularly for further dissemination information in field of IP in the territory.

VIII. Matters concerning education and training, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

During the year 2008, the AGEPI staff participated in 58 international events such as trainings, meetings, seminars, symposia, consultations, official visits etc., among which the most relevant to trademark activities are the following:

1. Trademark Examination Program, organized by the Global Intellectual Property Academy of the United States Patent and Trademark Office (USPTO);
2. The 19th session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, organized by the World Intellectual Property Organization (WIPO);
3. Seminars "Protection of the community trademarks" and "Protection of national trademarks", organized by the State Office for Inventions and Trademarks of Romania (OSIM);
4. The 2nd session of the Ad hoc Working Group of the Union created by the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the 27th session of the Preparatory Working Group of the Nice Union;
5. The 6th session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, organized by the World Intellectual Property Organization;
6. The 20th session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), organized by the World Intellectual Property Organization (WIPO);
7. The 46th series of the Assemblies of Member States of WIPO.

15 specialists of the State Office for Inventions and Trademarks of Romania (OSIM) and 8 experts of Romanian Copyright Office participated, in their turn, in the manifestations organised by AGEPI during the year 2008, e.g., 6 experts of OSIM were at AGEPI for an exchange of experience in the field of trademarks, industrial designs, IP promotion.

Within the 7th edition of the national exhibition "Made in Moldova", organized under the patronage of the Government of the Republic of Moldova, AGEPI organized the National Seminar "Trademark and its role in the promotion of autochthonous goods and services" having as an object sensitizing of economic agents on the necessity of an efficient protection of the means for individualization of goods and services.

IX. Other general information related to the Office that is available on the Internet -- URLs of web pages of the Office's website that:

X. Other relevant matters