CWS.ATR.TM.2010.MD

Annual Technical Report 2010 on Trademark Information Activities submitted by Republic of Moldova (CWS/ATR/TM/2010/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

The decline occurred in 2009 upon filing of trademark registration applications was stopped during the period under review. Thus, AGEPI received 5454 applications, with 177 (3.4%) more than the previous year. Of the total number of applications, by national way entered 2039 (37%) and by international way – 3415 (63%), including 14 applications (0.4%) – under the Madrid Agreement procedure and 3401 (99.6%) – under that of the Protocol relating to that Agreement.
On 31 December 2010, the total number of applications received throughout the AGEPI activity amounted to 86,548, including 30,492 applications (35%) filed by national way and 56,056 (65%) – by international way; 73 percent of the total of applications proceeded from the foreign applicants and 27 percent – from the national ones.
Compared with the previous year, the number of applications filed by the national applicants increased by 20.1% and the foreign applicants filed by circa 1.6% fewer applications than in 2009.
The structure of trademark registration applications is approximately the same as the previous year: all in all, 26.74% are incumbent upon the national applicants and upon the foreign ones – 73.3% of the total of filed applications; under the national procedure, 1455 applications (71%) come from the national applicants and 584 (29%) – from the foreign ones.
Most applications filed by the national applicants – 1163 (80%) – proceed from natural or legal persons having their domicile or headquarters in Chisinau, 36 (2,5%) – in Floresti, 2% of applications belong to applicants from Balti, Ialoveni, ATU Gagauzia, Falesti, Causeni, and the rest of circa 10% of applications – to applicants from other administrative-territorial units of the republic.
Trademark registration applications under the national procedure were filed by applicants from 51 foreign countries, an increased interest in the Republic of Moldova being shown by businessmen from the United States of America (9%), United Kingdom, United Arab Emirates (2% each), Japan, Panama, Russian Federation, Ireland, Switzerland, Germany, Georgia and France (1% each), the applicants from other countries accumulating in sum 7% of applications.
Under the Madrid System procedure applications proceeded from applicants from 57 countries, most of them proceeding from Switzerland (12%), Germany (11%), Russian Federation (10%), Italy (8%), France (5%), and the Office for Harmonization in the Internal Market (OHIM) (5%), etc. Altogether, applicants from 79 countries (in 2009 – from 71 countries) filed trademark registration applications with AGEPI in 2010, the largest weight belonging to those from the Republic of Moldova.
In the applications filed by national way, the most requested classes, according to the International Classification of Goods and Services (ICGS), remain to be: class 35 (advertising, business management services, etc.) – 909 applications (being on the increase by 8 percentage points compared with 2009) and class 05 (drugs, pharmaceuticals, etc.) – 352 applications (being on the decrease by 8 percentage points); at the same time, there increased the interest in classes 41 (education; entertainment; sporting activities) – 262 applications (being on the increase by 3 percentage points), 33 (alcoholic beverages) – 241 applications (being on the increase by 3 percentage points), 38 (telecommunications) – 185 applications (being on the increase by 2 percentage points), the interest in classes 30 (sugar, flour, preparations made from cereals, etc.) – 250 applications and 32 - 206 applications remained at the same level, but decreased the interest in class 29 (meat, fish, poultry and game, eggs, milk and milk products; oils, etc.) – 177 applications (being on the decrease by 1 percentage point), etc.
Under the international procedure, on top of preferences remains class 05 (918 applications), followed by classes 35 and 09 (various apparatus and instruments, calculating machines, etc.), 03 (cosmetics, bleaching preparations and other substances for laundry use), 30 (coffee, pastry and confectionery), 25 (clothing, footwear, etc.). Other classes have not undergone great changes.
During the year under review, 5320 trademark registration applications were examined in all, with 1767 (25%) less than the previous year (in the given period was examined the stock of applications formed as a result of procedural changes that occurred in connection with the entry into force of the new Law no. 38-XVI of 29.02.2008 on the Protection of Trademarks). Following the substantive examination, there were accepted totally or partially 84% of the 1790 trademark applications filed under the national procedure and 90% of the 3530 applications submitted under the international procedure. Respectively, on 16 and 10 percent of applications were issued provisional refusals for all products and/or services requested for registration.
Monitoring of the grounds for refusal attests that 72% of refusals on applications filed under the national procedure and 82% of those on applications filed under the Madrid System are based on relative grounds (conflict with identical or similar trademarks protected on behalf of other persons for identical or similar goods/services); 8% and, respectively, 5% of refusals were issued on the ground that the requested signs were deceitful or liable to mislead; 19% and, respectively, 4% of refusals – on the ground of lack of distinctiveness of signs requested for registration, etc.
In 2010, in the National Register of Trademark Registration Applications were entered 1957 applications, 145 applications have not met the conditions for filing and 168 applications were deemed withdrawn, having not been met the other conditions set by the Law.
It is encouraging that in the period under review the number of applications for international registration of trademarks filed by applicants from the Republic of Moldova under the Madrid System nearly doubled. As an office of the country of origin, AGEPI verified and sent to WIPO 43 international applications for registration of trademarks, with 21 more than the previous year.
Among countries most frequently designated for protection in the applications for international registration filed by the national applicants are Ukraine (in 72% of applications), Belarus (in 67%), Russian Federation (in 58%), Romania (in 53%), Poland (in 37%) and Kazakstan (in 35%).
Concomitantly with the new applications, there also were filed trademark registration renewal applications: in 2010 was supposed to expire the term of validity of 2845 trademarks (2092 - international and 753 - national). As a result, there was sought the renewal of 2467 trademarks (with 116 - 4.93% - more than in 2009), this figure constituting 86.7% of the number of trademarks whose term of validity was expiring in the period under review. Most renewals – 2344 (95%) – were requested by foreign owners, including 2070 – for international registrations and 274 – for national trademarks. The national owners have filed 123 (5%) trademark renewal applications. The share of trademarks for which the renewal was sought, in respect of the number of registrations for which the term of validity was supposed to expire, constituted 53% for national registrations and 99% – for international ones. It should also be mentioned that these data are relative, because there is a gap between the date of expiry and that of filing of the renewal application. It should also be taken into account the existence of the grace period of six months for the trademark renewal request.
In the year under review, 1352 trademark registration certificates were issued (with 428 – 24% - less than in 2009). This decrease is explained, as in the case of examination of applications, by the impact of entry into force of Law 38/2008 on the procedures and by the issuance, in 2009, of an increased number of certificates. In 2010, national owners obtained 750 certificates (55%) and foreign ones - 602 (45%).
As in the case of applications, most of trademark registration certificates, issued to national owners, belong to persons with their domicile or headquarter in Chisinau – 85.7%. At a very big distance from them are situated the owners from Floresti, Balti (2% each), Ceadir-Lunga, Anenii Noi, Cricova, Orhei, Tiraspol (approximately 1% each), the remaining 6 percent belonging to owners from other administrative-territorial units.
In the year under review, there were issued 422 certificates for renewal of trademark registration, of which 119 (28%) – to national owners and 303 (72%) – to foreign ones. Compared with the previous year, the number of issued renewal certificates increased by 169 (67%), being certified an increase by 78 (2.9 times) in the number of certificates issued to national owners and by 91 (43%) in the number of certificates issued to foreign owners. The share of renewal certificates is 56% of the number of registration certificates whose term of validity was expiring in 2010, being by 18 percentage points higher than in 2009.
From the start of its activity until 31 December 2010, AGEPI issued 20,771 trademark registration certificates. The significant difference between the number of applications for registration and the number of issued certificates is explained by the fact that AGEPI does not issue certificates of registration for international trademarks. On 31 December 2010, there were valid 17,355 certificates (84%), including 5086 renewed, these latter constituting 29% of the number of 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;
- 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 and international trademarks files in paper form.

In 2003 began the creation of the electronic archive, until now all paper files relating to registered national trademarks 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 2010 the AGEPI applied:
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 sixth edition (as from 01.01.2008).

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 uses the electronic classification system offered by WIPO and electronic version of Nice classification translated into Romanian (presented by Romanian patent office (OSIM)).

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

It’s not obligatory for applicants to use pre-defined terms of the classification applied but is highly recommended.

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:
list of geographical indications which are protected under a bilateral or regional agreement in respect of the protection of geographical indications;
list of INN not included in CD-ROM with INN from OMS.

From October 10, 2002, the AGEPI has at its disposal the CD-ROM with INN from OMS, which is 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 the AGEPI developed and improved the following information products:
• Program for statistical accounting of trademarks filed according to the international procedure under the Madrid System, having Republic of Moldova as its country of origin;
• Program for generating and transmission in electronic format of the declarations of acceptance for the international registrations of trademarks having Republic of Moldova as designated country;
• Program for documents generation for the applications for registration of appellations of origin filed according to the international procedure under the Lisbon Agreement.

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)

VII. Matters concerning mutual exchange of trademark documentation and information

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)

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

One of the significant events of the reference year was the 7th Republican Contest "Trademark of the Year", initiated in 2003 by the Chamber of Commerce and Industry of the Republic of Moldova and AGEPI, aimed to identify and promote efficient marketing strategies in the field of development and promotion of product and service trademarks, highlighting the rating of successful trademarks on the market and their role in business. Thus, the following Grand Prix were distributed:
37 trademarks were worthy of the Grand Prix "GOLDEN MERCURY"
20 trademarks obtained gold medals
4-silver medals
6-were awarded the Gold Medal "Heritage of the Republic".
At the contest were presented circa 600 projects from 14 districts of the country and from Chisinau and Balti.

During the year 2010, the AGEPI experts participated in the following regional, international events dedicated to trademark issues:
The 23rd session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), organized by the World Intellectual Property Organization (WIPO);
The 2nd session of the Working Group on the Development of the Lisbon System (Appellations of Origin), organized by the World Intellectual Property Organization (WIPO);
The 24th session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, held by the World Intellectual Property Organization (WIPO), (Geneva, Switzerland, November 1– 4, 2010)

Training courses for national and foreign participants

During the year 2010, schooling, training and upgrading of personnel in the IP field were intensified by various and multiple activities. Among the most important actions realized with respect to trademarks, shall be listed Meeting of autochthonous manufactures of drugs with the theme "Optimizing the production of indigenous medicines in the conditions of global financial crisis". In the meeting, AGEPI representatives were familiarized with several topics on the role of IP rights in the protection of pharmaceutical products, including the way of national and international protection of trademarks in the pharmaceutical field, etc.

In the year under review, 15 persons have attended the courses „Protection of intellectual property" covering, including, the issues of trademark registration procedure, aspects of national legislation on trademarks, etc. The courses were organized by AGEPI, obtaining the qualification of Counselor in intellectual Property (in the year 2009 – 22 persons).

In the framework of bilateral cooperation between AGEPI and the United States Patent and Trademark Office (USPTO) for the year 2010, two AGEPI experts followed the Trademark Examination Program organized by the Global IP Academy of the USPTO, organized in Alexandria, Virginia, USA, in the period from March 1– 5 and July 19 – 23.

Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.)

In the year under review, the AGEPI expert, member of the working group of UNECE Team of specialists on Intellectual property (TOS-IP), participated in the works of two regional events, aim of which were to raise awareness on the role and importance of intellectual property, in particular trademarks and geographical indications in elaboration, development and reinforcement of a national brand in countries in transition:
Inter regional experts meeting on nation branding in countries in transition, organized by the World Intellectual Property Organization (WIPO), in cooperation with the State Department of Intellectual Property of Ukraine (SDIP), Ministry of Education and Science of Ukraine (Yalta, Ukraine, September 7 – 8, 2010);
The International Conference on the commercialization and enforcement of intellectual property, organized by the UNECE Team of specialist son Intellectual property (TOS-IP), (Moscow, Russian Federation, October 6 – 8, 2010).

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

provide information on legislation related to trademarks

http://www.agepi.md/en/acte/acte_normative.php?type=2

contain the Annual Report of the Office

http://www.agepi.md/en/despre/raport/

contain trademark-related news regarding the Office

http://www.agepi.md/en/noutati/

X. Other relevant matters