CWS.ATR.PI.2009.MD

Annual Technical Report 2009 on Patent Information Activities submitted by Republic of Moldova (CWS/ATR/PI/2009/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.

The term "patent" covers utility models and Supplementary Protection Certificates (SPCs). Offices which issue design patents should report their design patent information activities in their Annual Technical Reports on Industrial Design Information Activities.

I. Evolution of patent activities

Changes experienced in terms of application filings and grants with respect to the previous year

After entry into force, on October 4th , 2008, of the Law of the Republic of Moldova No. 50-XVI of 07.03.2008 on the Protection of Inventions, the protection became possible by both patent for invention (PI) and short-term patent for invention (STPI). At the same time, receiving of applications for the issue of patents under the responsibility of the applicant and of patent applications for the registration of utility models has been stopped. Protection of inventions by short-term patent for invention proved to be very attractive to national applicants, namely due to:

the simpler, faster and cheaper procedure, compared with the protection by patent for invention granted with the substantive examination of the application, on the one hand, and
the extension of categories of objects that can be protected by this way, compared with the protection by utility model, on the other hand.

In 2009, 141 patent applications were filed with AGEPI, with 151 (51.7%) fewer, and 198 STP applications with 153 (340%) more than in 2008. Most applications were filed under the national procedure, respectively, 138 (98%) for PI and 197 (99.5%) for STPI. Three patent applications and one STP application have been received via the PCT procedure.

As in the previous years, the absolute majority of patent applications (136 - 96.4%) and STP applications (194 - 98%) came from national applicants. Of these, 100 (73.5%) and, accordingly, 188 (97%) were submitted by applicants from capital city Chisinau, 7 (5.1%) and 3 (1.5%) from Balti and the rest 29 patent applications (21.3%) and 3 STP applications (1.5%) from various districts and cities of the republic. Of the total number of national inventors, 85% came from Chisinau.

The foreign applicants filed five patent applications (3.5%) and four STP applications (2%). The extremely small number of patent applications submitted by them directly to AGEPI is explained by the fact that they opt, with the view of patenting inventions in the territory of the Republic of Moldova, for the procedure of the Eurasian Patent Convention, to which the Republic of Moldova is party.

During the period 19932009, 5518 patent applications (5277 patent applications and 241 STP applications) were filed with AGEPI, of which 4826 (87.5%) came from national applicants, and 692 (12.5%) from foreign applicants.

In 2009, the national applicants filed via AGEPI, as receiving Office, 4 patent applications for patenting abroad, including 2 - via the PCT and 2 - under the regional procedure, via the Eurasian Convention. In the year 2008 were submitted (7) seven patent applications for patenting abroad: 3 via the PCT and 4 via the Eurasian Convention, and during the period 19952009 were submitted in total 73 applications: 35 via the PCT and 38 via the Eurasian Convention.

The year 2009 reveal an increased activity, in terms of patenting, of the institutions in the field of science and innovation, including higher education institutions, which have filed 188 applications (57%) (60 patent applications and 128 STP applications) all in all, registering a slight increase compared with 2008 (181 applications: 166 for PI and 15 for STPI). The number of applications proceeded from natural persons increased insignificantly 138 (76 patent applications and 62 - STP applications) compared with the previous year (134 applications: 105 - for PI and 29 - for STPI), constituting 41.8% of the number of applications filed by applicants from the Republic of Moldova in the year under review.

Following the formal examination, in the National Register of Patent Applications have entered 139 applications, of which 134 belong to the national applicants. Most of these relate to the following fields of the International Patent Classification (IPC):
• A (Human necessities) 46 (33.1%);
• C (Chemistry; Metallurgy) 30 (21.6%);
• F (Mechanical engineering; Lighting; Heating; etc.) 28 (20.1%).

In the National Register of Short-Term Patent Applications entered 238 applications, including 234 from national applicants. It should be noted that, upon request, 43 of the patent applications were converted into STP applications. According to statistical data, the first two places among the most requested fields of the IPC in the STP applications are incumbent upon sections:
• A (Human necessities) 108 (44.8%) and
• C (Chemistry. Metallurgy) 42 (17.4%).

This demonstrates the increased interest of applicants in patenting inventions in the nominated fields by a simplified and less expensive procedure.

In the year under review, there were examined 401 patent applications, including 247 patent applications and 154 STP applications, being taken the following decisions:
• to grant a patent 319 (174 (70%) for PI and 145 (94%) for STPI)
• to reject the application 28 (25 (10%) for PI and 3 (2%) for STPI)
• to withdraw the application 55 (49 (20%) for PI and 6 (4%) for STPI).

From the analysis of the presented data, essential differences are observed between the results of examination of the two types of applications: the rate of rejected patent applications is much higher than in the case of STP applications, remaining at the same time on the level of the year 2008. Patent applications rejected on the legal grounds of noncompliance with the criteria of patentability are distributed as follows: 7 - on the ground that the subject matter of the invention is not patentable, 5 for lack of novelty, 3 for lack of inventive activity, 10 for lack of industrial applicability.

According to the legal provisions, 69 patent applications have been published on expiry of 18 months from the filing date.

The average pendency (duration of the examination period until the adoption of the decision) for this type of applications examined in 2009 was 12 months, being registered a reduction by 3 months compared with 2008.

The average pendency for the STP applications was five months, the reduced examination time being one of the factors that determine most applicants to opt for this way of patenting inventions.

In 2009, AGEPI issued 312 titles of protection for inventions (290 PI and 22 STPI), which is with 62 patents (25%) more than in the previous year. Throughout the activity of the AGEPI this is the largest number of patents issued during a year. The absolute majority of titles of protection for inventions have been issued to national owners 302 (96.8%), of which 114 (38%) belonging to natural persons and 188 (62%) - to legal persons.

As in the previous years, the first places on top of most active institutions in the patenting field (PI and STPI) are taken by the State Universities and Institutes of Academy of Sciences.

Throughout the period of its activity, the AGEPI issued 3744 titles of protection for inventions (3722 PI and 22 STPI), of which 3335 (89%) to national owners and 409 (11%) to foreign owners.

Of the total number of issued patents, 1162 patents were valid (31%) on 31 December 2009, (on 31 December 2008 - 1071), one-fourth of them (282 patents) being maintained after the fifth year. It should be noted that patent owners in the research and development field are exempted from payment of fees for maintenance of patents for the first five years. Thus, the number of patents valid after five years is a relevant indicator for the objective appraisal of their real economic value.

Of the patents maintained over five years, 194 (69%) belong to national owners and 88 (31%) to foreign owners. The national owners who have maintained their patents in force more than five years shall be distributed as follows: natural persons 100 (51.5%), legal entities 94 (48.5%), including 53 (27.3%) organizations in the field of science and innovation.

Altogether, 5349 patents were valid in the Republic of Moldova on 31 December 2009, of which 4187 Eurasian patents (78.3%).

Utility models
In view of stopping receiving applications for registration of utility models after entry into force of Law No. 50/2008 on the Protection of Inventions, in 2009 have not been received new applications for registration of utility models and the process for examination of earlier filed applications have been fully completed. Thus, during the period under review were adopted 11 decisions, of which 8 to grant a certificate and 3 to reject the application.

In 2009, there were issued 21 certificates of registration of utility models, with 3 (12%) fewer than in 2008, another 6 certificates being renewed. Of the total number of 184 certificates of registration of utility models issued by AGEPI, 79 certificates (43%) were valid on 31 December 2009.

Trends or areas experiencing rapid changes with respect to the previous year

It should be noted that during the year 2009, the examination of almost the entire stock of applications for the issue of patents under the responsibility of the applicant, filed prior to the entry into force of the new Law on the Protection of Inventions, has been finished Consequently, compared with the year 2008, the number of applications with substantive examination increased significantly. If in the year 2008 were adopted 64 decisions (17.4%) with the substantive examination of applications, then of 198 decisions adopted in the year under review- 85 (42.9%) have related to the substantive examination procedure.

The total number of patent applications, received by AGEPI in the year under review, has remained almost the same 339 (compared with 337 in the previous year), but was essentially modified the report between the STP applications (58%) and the PI applications (42%).

URLs of web pages of the Office's website that provide statistics related to patents

http://www.agepi.md/en/statistica/inv-cbi.php

http://www.agepi.md/en/statistica/inv-cbisd.php

II. Matters concerning the generation, reproduction, distribution and use of primary and secondary sources of patent information

Publishing, printing, copying (main types of publications of the Office in the field of patent information, etc.)

1) Paper
Patent applications:
The front page containing bibliographic data, the abstract and the drawings are printed. The original specifications are laid open to public inspection in the AGEPI library.
Patents:
The front page and the specification are printed, the incorporated drawings being scanned.
2) CD-ROM
- CD-ROM „Inventions of the Republic of Moldova, 1993-2009", containing bibliographic data and abstracts in 3 languages (Romanian, English and Russian) for patent applications; bibliographic data, abstracts and specifications for patents. This CD-ROM is renewed annually by adding the data for the last year.
- CISPATENT – in conjunction with the IP Offices of several CIS countries (AM, BY,GE, RU, TJ, UZ, UA) and of the EAPO is issued this CD-ROM containing bibliographic data and abstracts in Romanian, English and Russian for patent applications and bibliographic data, abstracts in 3 languages and specifications in the original language for patents. The CD-ROM is issued on a monthly basis; there is also a yearly issue.
3) Official Bulletin on Industrial Property (BOPI)
Bibliographic data and abstracts in Romanian, English, Russian and official notices are published in this official monthly newspaper. The Bulletin appears on paper form and on the AGEPI website in PDF format: http://www.agepi.md/en/cid_pi/periodice/bopi.php
BOPI is also published and distributed on CD-ROM, on a monthly basis.
4) On-line database
Bibliographic data and abstracts relating to MD patent applications and granted patents are available through the database "Inventions" on the office website: http://db.agepi.md/InventiiEng/Baza.aspx?Lang2=engt
It is a free Internet service. For patents is also published the specifications and drawings.

Main types of announcements of the Office in the field of patent information

Announcements, notices and changes in the legal status or the patenting procedure are published in the Official Bulletin on Industrial Property (BOPI). The Bulletin is published also electronically on the public AGEPI website (in pdf format): http://www.agepi.md/en/cid_pi/periodice/bopi.php

The most important office notices regarding patents and other IP rights are put directly on the AGEPI website (www.agepi.md) for different kinds of users (applicants/owners, patent agents etc).

Mass storage media used (paper, microforms, optical storage, etc.)

The AGEPI has a complete classified paper collection of MD patent documents. The full data relating to MD patent documents, excepting the drawings for non-published patent applications, are stored in the internal databases. The AGEPI has a CD/DVD-ROM collection containing published/granted US, FR, DE, CH, RU, WO, EP, EA, CISPATENT and other patent documents. See also "Publishing, printing, copying etc.", item II, p.2).

Word processing and office automation

The Patent Office uses Microsoft Office XP or 2003 which provides an integrated and extensive network of applications that are available to all staff. All staff has their own personal workstation on which numerous applications are available. Word processing can be carried out using Microsoft 2003; search tools including access to online databases, translation software, management and administration information etc. There is also a corporate database (Inventions) and automated production of search and examination reports.
All staff has access to the Internet and has their own e-mail and official e-mail address.

III. Matters concerning abstracting, classifying, reclassifying and indexing of technical information contained in patent documents

Abstracting, reviewing, translating

The office translates the titles and abstracts into English and review the titles and abstracts provided by the applicant (in Romanian and Russian) and, if necessary, amend them accordingly to WIPO standard ST.12/A in order to ensure that the abstract contain the necessary information to be a useful search tool. The abstracts and titles are published in the Official Bulletin for patents and utility models applications and granted protection titles in 3 languages.

Classification[1], preclassification[2] (if applicable), and reclassification[3] activities; Classification system used, e.g., International Patent Classification (IPC), other classification (please indicate whether or not patent documents are classified by your Office and, if so, which classification is used)

From January 1, 2006, the AGEPI use the advanced level of the IPC (8th edition).

Bibliographic data and full-text processing

The AGEPI maintains an electronic search file for all MD patent documents, which are searchable using bibliographic data, classification symbols and the keyword contained in titles and abstracts for all types of tittles of invention protection: patents, short-term patents and utility models.

In the year 2009 there were introduced some new searchable fields such as "Cited prior art in Search Report", "Patent examiner", full-text search in the "Description" or "Claims". A new field "Current legal state" has been introduced also.

IV. Search file establishment and upkeep

File building

File building of paper search files classified under the IPC and of the CD/DVD-ROM collections classified under years and countries are centralized at the office library. The patent documents and author certificates of the former URSS from 1924 up to 1992 are stored in National Technical Scientific Library (NTSL).

All MD patent documents are electronically stored and searchable for internal use; all published MD patent applications (abstracts) and patents (full text) are electronically searchable for external use.

Updating

Paper and some CD/DVD-ROM search files are updated monthly, several CD-DVD/ROM search files are updated yearly. Electronically searchable files for internal use are updated permanently depending of filings; electronically searchable files for external use are updated monthly.

Storage, including mass storage media

See „File building" chapter.

Documentation from other offices maintained and/or considered part of the available search file

Eurasian published patent applications and granted patents are mandatory search file.

V. Activities in the field of computerized and other mechanized search systems

In-house systems (online/offline)

The management of the patent applications is based on the "Patents" search database developed by the AGEPI IT department. This database is used in conducting the examining procedure, the publication and dissemination of information.

The AGEPI "Inventions" database, which is an opened to the public search database, can be used by examiners and other interested persons for electronic search through the MD published patent applications and granted patents, as well as for utility models ones.

External databases

- EAPATIS, administered by EAPO;
- VINITI (NPL - bibliographic data), managing by the Scientific and Technical Information Institute (VINITI) of the Russian Federation (www.vinini.ru).

Administrative management systems (e.g., register, legal status, statistics and administrative support)

The whole administration is built in "Patents" program and is performed by an Administrator from Inventions Department, but also by a Database Administrator for a complete administration.

Equipment used (hardware, including the types of terminal and network used, and software), carriers used

Each expert has modern personal computer with LCD monitor and DVD drive. Microsoft Window XP or Vista is used as operating system. All computers connected via the 100 Mb/s network into the Microsoft Active Directory 2003 Domain. Agency has a fiber channel link into the internet with 10 Mb/s speed foreign traffic and each expert can use internet.

VI. Administration of the industrial property office library, and information products and services available to the public (relating to facilities, e.g., for lodging applications, for assisting clients on searching procedures, for obtaining official publications and registry extracts)

The Intellectual Property Information Retrieval Center (IP IRC) functions simultaneously as an in-house and public library are used for rendering services to all the categories of users without any restrictions.

The IP IRC specialists are available to assist the public in all aspects of their work with catalogues, CD-ROMs, books, Internet, etc. The AGEPI IP IRC is available to the public during 5 days (except Saturday and Sunday) from 9:00 to 16:00.

Collecting, acquisitions, preparation

The main information sources of the Patent Collection are the official publications of the AGEPI, patent documentation and collections of patent law related publications, normative and methodical, related literature including dictionaries, periodicals, as well as a set of Indexes and other references and search aids to these collections, received through international exchange with the Patent Offices worldwide and other information centers, purchase or subscription. All received documents are registered, classified and grouped for storage purpose.

Collection management, preservation

The Patent collection of Library is arranged along the systematic-numerical lines. The conditions for storing collections correspond to the types of information carried out:
- patent documentation on paper is stored in cassettes on shelves;
- on CD-ROM/DVD-ROM – in catalog racks;
- in automated databases.

The Library Soft "IRBIS", for acquisition processes automation, formation of electronic catalogue "Books" and library administration, are implemented in the AGEPI Library. The Library Soft "IRBIS" formation of card index "ART PI" with actual articles from periodicals in the field IP.

URLs of web pages of the Office's website that provide a description of information products and services offered by the Office (e.g., patent search service(s) and patent databases), as well as information on how to access and utilize them

http://www.db.agepi.md/inventions/Search.aspx

VII. Matters concerning mutual exchange of patent documentation and information

International or regional cooperation in the exchange of machine-readable information, e.g., bibliographic data, abstract and/or full text information

The AGEPI is sending, monthly, information to several destinations: European Patent Office (EPO)-(INPADOC) bibliographic data and abstracts in txt files, changes in legal status plus since 2009 images of bibliographic data for published applications and full patent information in national language for patents in bookmarked PDF (examples: published, granted) (monthly), Eurasian Patent Office bibliographic data in ACCESS database, abstracts, claims, images, in pdf files. AGEPI sends to CISPATENT both MSWORD documents and XML, St.36, "ru" extension, the bibliographic data and abstracts for applications and published patents and full patent information for granted patents.

AGEPI furnished the MD patent documents and the official gazette (BOPI) on CD-ROM to 41 IP Offices and receives patent documentation and information from 35 countries and 2 regional patent organizations (EPO and EAPO).

Medium allowed for filing applications

On paper, fax machine, e-mail, floppy discs, CD(DVD)-ROMs.

VIII. Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

Training courses for national and foreign participants, use of audiovisual means

During the period under review, 22 persons attended the long term IP courses organized by the AGEPI (addressing the Patent issues, also), acquiring certificates of Counselor in Intellectual Property (in 2008-29 persons).
In the same period took place:
The attestation of 4 patent attorneys, their number amounting to 98 persons at the end of the year and
The re-attestation of five evaluators of intellectual property objects, the terms of validity of their certificates of qualification being extended.

Under the Joint Action Program in IP field, signed by the AGEPI and European patent Office for 2008-2009, 4 experts of AGEPI benefited by trainings focused on invention patenting and information issues in the field, realized within the Intellectual Property Office of Denmark (DKPTO).

Also, with the support and participation of EPO experts, in Chisinau were organized two training seminars for AGEPI experts:
Training focused on the procedure of examination of inventions under the European Patent Convention requirements;
Training for patent attorneys of the Republic of Moldova and AGEPI experts focused on drafting of patent claims, it also included case studies analyzed within the framework of the workshops.

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

AGEPI benefited by the EAPO Program on Assistance to EAPO Member States in the year 2009 as well, with a view to upgrade the national personnel's skills in IP field. Therefore, an expert of AGEPI attended the training courses within the program, organized by the State Institute of Intellectual Property of the Russian Federation.

Another representative of AGEPI has been engaged in an exchange of experience in the field of development of information technologies, applied in the national offices of the EAPO member states, participating in the regional seminar: Automation of a modern patent office and electronic filing of patent applications" jointly organized by the EAPO and the National Center for Patents of Tajikistan in Dushanbe.

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

Within the framework of the International Specialized Exhibition: INFOINVENT (the 11th edition), AGEPI organized with the support of EPO, the National Seminar "Patent Information day".

On June 26th 2009, AGEPI organized, jointly with the URI "INOVATORUL", a festive meeting devoted to "Inventor's Day", within which the Contest "Invention of the year" has been organized. The aim of the contest: promotion of the innovative activity, stimulation of the holders of IPO in the process of use of innovation activity results and attraction of investments.

The 2nd edition of the Contest "The Top of Innovations" took place in the year under review, organized by AGEPI , AITT, ASM to identify and stimulate the most valuable 10 innovations of the year.

In the year under review, particular attention was paid to activities focused in extension of the European patent effects to the territory of the Republic of Moldova, taking into account the protection of inventions, in particular. Thus, with the view of familiarizing with the institute of patent attorneys from the EPO Member States, of exchanging experience and assimilating the best practices on cooperation between the national IP office and associations of patent attorneys, it was organized a study visit of the AGEPI experts to the EPO (Munchen, Germania, September, 7-8)

During the year 2009, the AGEPI experts participated in the following regional, international events dedicated to patent issues:
United States Patent and Trademark Office (USPTO) Global Intellectual Property Academy Patent Program (Biotech/Pharmaceutical), (Alexandria, Virginia, USA/ March, 16 – 20);
The 13th session of the Standing Committee on the Law of Patents (SCP), organized by the World Intellectual Property Organization (Geneva, Switzerland, March, 22 – 26);

The 8th Edition of the International Exhibition of Inventics, Research and Inovation „PRO INVENT 2009", (Cluj-Napoca, Romania, March, 25 – 26)
The XXI session of the Administrative Council of the Eurasian Patent Organization (EAPO), (Moscow, Russian Federation, March, 29 – 30);
Conference dedicated to legal expertise on IPO protection in Russian Federation, organized by the Federal Service of IP, Patents and Trademarks (ROSPATENT), (Moscow, Russian Federation, October, 8 – 9);
National Seminar on the impact of the patent information in the development of the innovative activities, organized by the World Intellectual Property Organization (WIPO) in collaboration with the State Office on patents of the Republic of Uzbekistan, (Tashkent, Republic of Uzbekistan, November, 1 – 5);
The XXIIth session of the Eurasian Patent Organization Administrative Council (Moscow, Russian Federation, November, 10 – 11);

During the period under review, a specialist of the AGEPY participated as an international expert in the WIPO Project for the development of a new regional instrument "Recommendations on strengthening the role of Innovative Small and Medium Sized Enterprises in the CIS states". Thus, the AGEPI representative has undertaken, with the support of WIPO, a serious of documentary visits:
Working visit at the National Center of Intellectual Property of the Republic of Belarus (Minsk, Republic of Belarus, April 23 to 24);
Working visit at the State Committee on Standardization, Metrology and Patents of the Republic of Azerbaijan (Baku, Republic of Azerbaidjan, May 26 -28);
Working visit to the State Patent Service of the Kyrgyz Republic (Bishkek, Kyrgyz Republic, June, 10 – 11);
WIPO Seminar on the WIPO Tool "Recommendations on strengthening the role of innovative SMEs in the CIS", (Kyiv, Ukraine, December, 17-18);

Studies to identify trends in new technology, e.g., by the use of patent statistics and preparation of monographs

In the year 2009, there took place the documentation visit of a specialist of AGEPI to the Ukrainian Institute of Industrial Property (UKRPATENT) in Kiev, with the view of familiarizing with the automated system of electronic circulation of documents, including the formulation of specifications and elaboration of an algorithm of electronic circulation of documents for all IPOs, formation of electronic archive, record of AGEPI documents.

Assistance furnished by offices to facilitate the changing over of receiving offices to electronic data carriers for the exchange of patent documents (see also fourth sub-item of item VI, above)

The State Agency on Intellectual Property of the Republic of Moldova (AGEPI) has received some programs from "ROSPATENT" (FIPS) to convert MSWord files to XML (according to WIPO ST. 36).

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 patents

http://www.agepi.md/en/acte/acte_normative.php?type=1

contain the Annual Report of the Office

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

contain patent-related news regarding the Office

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

X. Other relevant matters

1.	Classification is allotting one or more classification symbols (e.g., IPC symbols) to a patent application, either before or during search and examination, which symbols are then published with the patent application.
2.	Preclassification is allotting an initial broad classification symbol (e.g., IPC class or subclass, or administrative unit) to a patent application, using human or automated means for internal administrative purposes (e.g., routing an application to the appropriate examiner). Usually preclassification is applied by the administration of an office.
3.	Reclassification is the reconsideration and usually the replacement of one or more previously allotted classification symbols to a patent document, following a revision and the entry into force of a new version of the Classification system (e.g., the IPC). The new symbols are available on patent databases.