

SCIT.ATR.TM.2005.MD

Annual Technical Report 2005 on Trademark Information Activities submitted by Republic of Moldova (SCIT/ATR/TM/2005/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

During the year 2005, the AGEPI received 5825 applications for registration of trade and/or service marks, which constitutes 114,6% in comparison with the previous year.

Of the total number of applications 2571 (44,1%) were filed under the national procedure and 3265 (55,9%) under the international one (Madrid Agreement). The majority of applications filed under the national procedure – 2094 (81,4%) proceed from national applicants. They filed with 243 (13,1%) applications more than in 2004.

Among foreign applicants who filed applications under the national procedure the most active were the residents from the United States of America, the Russian Federation, the Ukraine and Belarus.

Under the Madrid System the largest number of applications came from applicants from Germany, Italy, the Russian Federation, France, Switzerland and the United States of America.

In the applications filed under the national procedure the most frequent were designated the following classes of the International Classification of Goods and Services (ISGS): cl. 35 – 1130 applications; cl. 33 – 931 applications; cl. 32 – 448 applications; cl. 29 – 421 applications; cl. 30 – 417 applications; cl. 39 – 303 applications; cl. 16 – 287 applications etc.

In the applications filed under the international procedure the most preferable classes of the ICGS were: cl. 05 – 682 applications; cl. 09 – 443 applications; cl. 30 – 406 applications; cl. 35 – 393 applications; cl. 03 – 390 applications etc.

In 2005 there were examined 1549 applications filed under the national procedure and 2645 applications filed under the Madrid System. As a result of examination of the trademark applications, there were accepted totally or partially 87,0% of those filed under the national procedure and 93,0% of those filed under the Madrid System. In the previous year these numbers constituted 68,3% and 89,0%, respectively.

59,0% of the rejections referring to the applications filed under the national procedure and 80,0% of those referring to the applications filed under the Madrid System were emitted on the ground of Art. 7(4)a) of the Law of the Republic of Moldova No. 588/1995 on Trademarks and Appellations of Origin (signs which are identical or similar, to the point of misleading, to trademarks protected on behalf of another person). 9,0% and, respectively, 7,0% of rejections were emitted on the ground of Art. 7(2) (signs which are deceitful or liable to mislead etc.).

On the ground of non-possession of a distinctive character of signs (Art. 7(1)2), there were emitted 14,0% and, respectively, 8,0% of rejections. As in 2004, the grounds for refusal as well as their weight in taking decisions for refusal maintained in the year under review.

In 2005, the national applicants filed 87 trademark applications under the Madrid Agreement, that is with 27 (45,0%) more than in the previous year, these being filed by 37 applicants. Among the most frequent designated countries are the Russian Federation (62), Belarus (59), the Ukraine (57), Kazakhstan (49), Romania (43), Latvia (39), Turkmenistan (38) and Lithuania (37).

In 2005 the number of applications for the renewal of the registration of trade and/or service marks considerably decreased, it constituting 1070 applications or less by 2,46 times than in 2004. Most of the applications – 994 (92,2%) were filed by foreign applicants.

In 2005 there were issued 1467 certificates of trademark registration, with 157 (10,7%) less than in the previous year. The national owners obtained 1166 (79,5%) certificates, and the foreign ones – 301 (20,5%). The number of certificates issued to the national owners decreased as compared with 2004 by 90 (7,7%), and of those issued to the foreign ones increased by 28, or twice more.

In 2005 there were issued 2049 certificates for the renewal of trademark registration, of which 54 (2,6%) to national owners and 1995 (97,4%) to foreign owners. The number of issued renewal certificates increased 2,8 times, as compared with 2004.

11 applications for the registration of appellations of origin were also filed in 2005 (one – by a national applicant and 10 – by foreign applicants).

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 Appellations of Origin Register.
- National Register of Applications for the Registration of Trademarks
- National Register of Applications for the Registration of Appellations of Origin

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:

- 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.

In 2003 began the creation of the electronic archive, 15000 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 2005 the AGEPI applied:

International Classification of Goods and Services (Nice Classification), the eighth edition; (as from 01.01.2002)

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 uses 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 6 ter 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-cardfiles are 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. 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

The management of the trademark applications is based on the "National Trademarks" search database procedure program, developed by the AGEPI skilled persons. The database thereof is used in conducting the examination process, publication and dissemination of information. Database is based on "Interbase Server" platform. In 2004 it has been completed and handed over the operation program "Statistics" for "National Trademarks" database.

All examiners have access to the Internet at their desks.

External databases

Romarin.

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

Various servers on Intel/Xeon platform.

1. Hardware:

- Workstation - 42 computers, P III-IV, 256-512 Ram, min. 40 Gb HDD;
- Network type - 100 Mbps;
- 2 network printers
- 2 scanners

2. Software:

- Server:
- Microsoft Windows 2003 Server
- InterBase V 7.5
- Workstation
- Windows 2000/XP as Operating System
- TCP/IP for network connectivity

VI. Administration of trademark 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)

Planning, administration, automation, security

The office library functions simultaneously as an in-house and public library.

The AGEPI Library is available to the public during 5 days (except Saturday and Sunday) from 9:00 to 16:00.

During 2005 the database "Books. Journals" was completed with circa 1200 units, covering at the close of the year 2.000 titles of books, magazines and other documents from the collection of the AGEPI Library and of the Republican Technological-Scientific Library (RTSL). This database was made available to beneficiaries together with the implementation of the IRBIS soft module "Readers. Circulation".

The database "Art. PI" which in 2005 covered 314 articles elaborated and published by the AGEPI employees in 16 titles of publications was put into operation as well.

Collection management, preservation

The main information sources of the IP Collection are the official publications of the AGEPI, official gazettes and trademark literature received through international exchange with Patent Offices worldwide and other information centers, purchase or subscription. All the received documents are registered, classified and grouped for storage purpose.

In 2005 the total number of acquisitions made through bilateral exchange, subscription, publication etc., was 2843983 documents on electronic support, 722 official bulletins, 1173 books, 1213 periodicals, 1498 AGEPI publications and 324 other documents. Total acquisitions – 2848913.

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 Library has a general reading room and a specialized PC equipped room.

Visits to the IP Library and services offered free of charge (except copying the documents from CD-ROM/DVD-ROM on paper or on CD / ROM (in 2005– 2715 pages and 120 documents on diskettes), copying the documents from the Library paper Collection).

In 2005, the AGEPI Library registered: readers- 669; visits – 5450; borrowed documents – 52700.

During the year 2005, the AGEPI Library has rendered to the users over 324 consultations on how to access and use IP information, organized many visits to enterprises, universities.

Information about the new acquisitions in the library collection is systematically offered on the AGEPI web site. The information provided on the AGEPI web site – www.agepi.md – covers all general topics concerning the industrial property objects (national and international legislation, office procedures, application forms).

VII. Matters concerning mutual exchange of trademark documentation and information

The AGEPI exchanges documents with the National Library and the National Technical Scientific Literature Library, which have a complete collection of the official bulletins and relevant literature in the field published by the AGEPI; the Agency also exchanges documents with other national offices and international organizations.

The AGEPI Library cooperates intensively with 56 territorial Libraries to which the IP information (official bulletin) and other literature in the field is furnished regularly for further dissemination in the territory.

In 2005, the AGEPI Library offered to the public Libraries methodical assistance concerning the organization and utilization of IP document collections, by organizing events for promoting the library services, including the national seminars "The Public Library and the Intellectual Property", "The Public Library and Copyright" and the competition "Public Library-A Partner in the Promotion of Intellectual Property", in which 52 public libraries took part.

International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes

In the year 2005, the process for completion and development of the literature and document collection in the intellectual property protection field continued on the basis of a bilateral exchange with foreign patent and trademark offices.

In The Official Bulletin (BOPI) was received in 2005 by bilateral exchange from 23 countries in paper form and from 8 countries on CD-ROM (in total 722 Official Bulletins); 1207 CD (DVD)-ROMs have been acquired in 2005 by bilateral exchange.

The AGEPI has sent the Official Bulletin to 28 national offices and 4 international organizations.

As from 2005 the BOPI is published also on CD-ROM. Due to this change the majority of the offices, with which the AGEPI exchange publications on a bilateral base, preferred receiving BOPI on CD-ROM or access it on-line.

Exchange of machine-readable information

As from the 2005 the AGEPI began to publish the BOPI on CD-ROM.

VIII. Matters concerning education and training including technical assistance to developing countries

During the year 2005, the AGEPI organized on industrial property protection matters 24 national seminars, including 7 national seminars with international participation and 17 thematic reunions organized in the Republic of Moldova.

The AGEPI staff participated in 82 international events such as trainings, meetings, seminars, symposia, consultations, official visits etc., among which the most relevant are:

- Study tour to the National Institute of Industrial Property of France (INPI) and to the National Institute of Appellations of Origin (INAO), within the project "Strengthening the legislative framework and enhancing the enforcement of industrial property protection legislation in Moldova";
- The 14th and 15th sessions of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT);
- United States Patent and Trademark Office (USPTO) Visiting Scholars Program;
- WIPO Interregional Intermediate Seminar on Industrial Property, followed by a training course on industrial property, organized by the WIPO at the Center for International Industrial Property Studies (CEIPI);
- Worldwide Symposium on Geographical Indications, organized jointly by WIPO and the Ministry of Productive Activities of Italy under the patronage of the Ministry of Foreign Affairs of Italy;
- WIPO Ad hoc Working Group on the Legal Development of the Madrid System for the International Registration of Marks;
- National Seminar "Integration of Romania into the European Union – consequences with regard to the trademark protection";
- The 8th International Scientific-Practical Conference „Actual Issues of Industrial Property”, organized by the State Department of Intellectual Property of Ukraine, Ministry of Education of Autonomous Republic of Krim, WIPO and CIPR;
- WIPO Seminar on the Madrid System of International Registration of Marks;

During the year 2005, the Office participated in 25 national and international exhibitions and granted logistical and financial assistance for the participation of Moldovan inventors in 7 international exhibitions.

More than 100 articles, communications, interviews, reports were delivered to the republican mass-media and 4 press conferences were organized on the occasion of the most important IP events.

IX. Other relevant matters