



WIPO Information Session

Temporary Protection Provided to Industrial Designs under Article 11 of the Paris Convention

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Republic of Moldova



Basic facts:

- Area **33, 843 sq. Km**
- Pop.(2018). **3,547.500 inh.**
- Capital: **Chişinău**
- Declaration of Independence: **August 27, 1991**
- AGEPI: **September 8, 1992**

Memberships:

- WIPO: **December 25, 1991**
- United Nation: **March 2, 1992**
- WTO: **July 26, 2001**
- Council of Europe: **July 13, 1995**

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Article 11 of the Paris Convention

Article 11. Inventions, Utility Models, Industrial Designs, Marks: Temporary Protection at Certain International Exhibitions

- (1) The countries of the Union **shall**, in conformity with their domestic legislation, **grant temporary protection to** patentable inventions, utility models, **industrial designs**, and trademarks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of any of them.
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- (2) ...If, later, the right of priority is invoked, the authorities of any country may provide that the period shall start from the **date of introduction of the goods into the exhibition**.
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- (3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such **documentary evidence** as it considers necessary.

Legal framework

- Law on protection of industrial designs (No.161/2007) (*December 01, 2007*).
- Regulation on the procedure of filing, examination and registration of industrial designs (*December 29, 2008*);
- Government Decision on Fees in the Field of Protection of Intellectual Property Objects (August 13, 1997)

Law on protection of industrial designs

- Article 10. **Disclosure**
- Article 32. **Conditions to be satisfied by an application**
- Article 38. **Right of priority**
- Article 39. **Exhibition priority**
- Article 40. **Claiming priority**

Exhibition priority (national legislation)

The applicant must claim an “exhibition” right of priority.

The applicant shall submit documentary evidence (certificate) issued by a competent body.

The certificate may be submitted within 3 months of the filing date.

To benefit from an “exhibition” right of priority the applicant must pay a fee.

Right of priority - 6 months.

Official or officially recognized international exhibition

The Law on protection of industrial designs provides that:

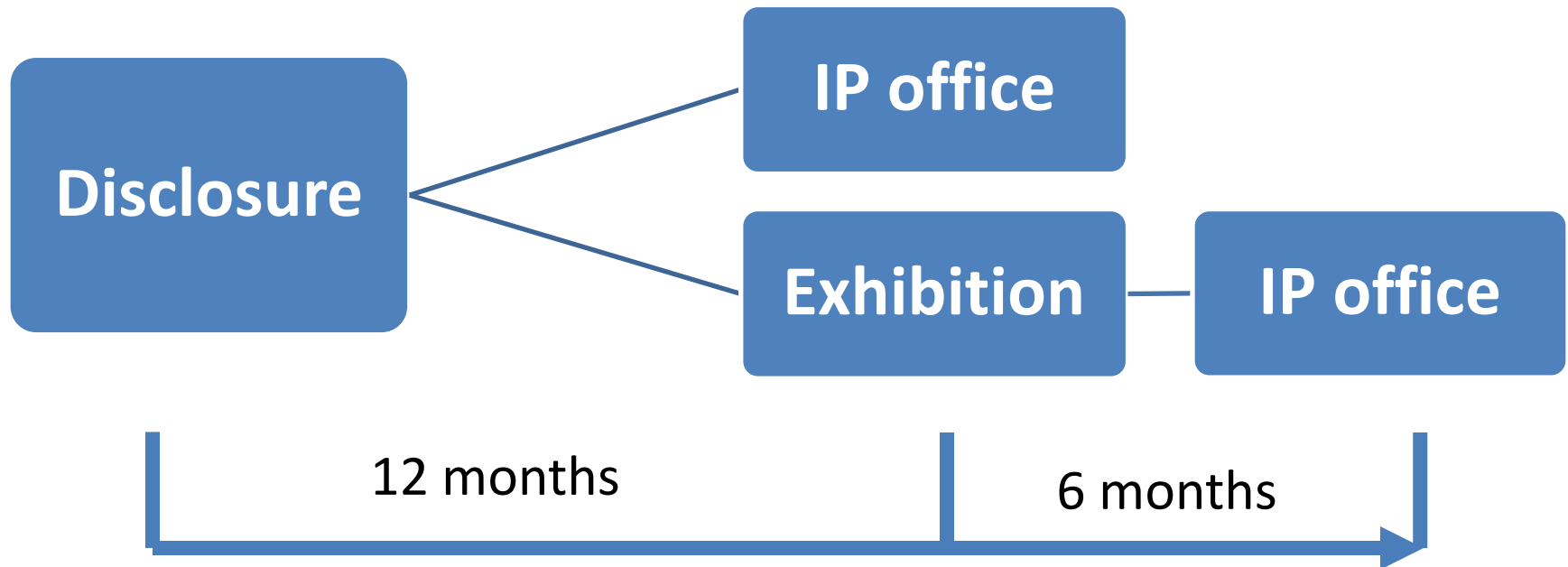
An exhibition shall be deemed international if it is formally organized and producers from a number of countries take part in it, and if it is advertised accordingly to the general public.

Disclosure and “grace period”

In the case of a registered industrial design, **disclosure shall not be taken into account** if the industrial design for which protection is requested has been disclosed:

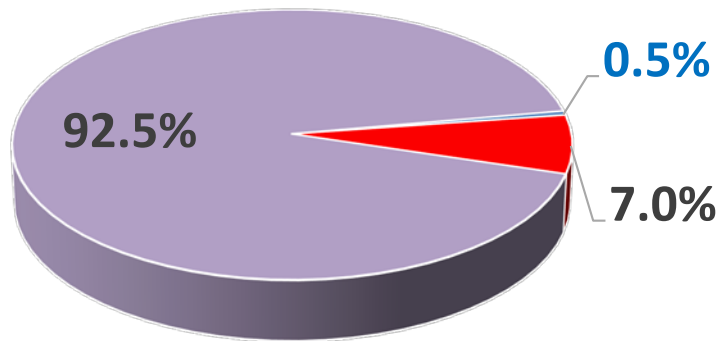
- a) by its **author, the author’s successor or a third party**, as a result of information provided by the author or actions undertaken by the author or the author’s successor, or as a result of misuse by the author or the author’s successor;
- b) within **12 months prior to**:
 - the filing date of the application for registration;
 - the date of priority, if priority is claimed.

Disclosure and “grace period”



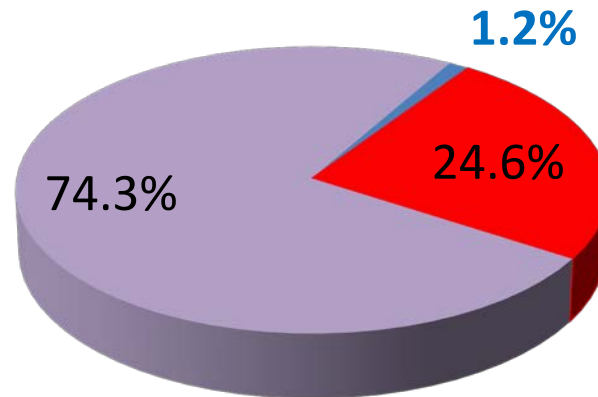
Statistics

National procedure (1993 - 2019)



- Exhibition priority
- Conventional priority
- Without priority

International procedure (1994-2019) (Republic of Moldova)

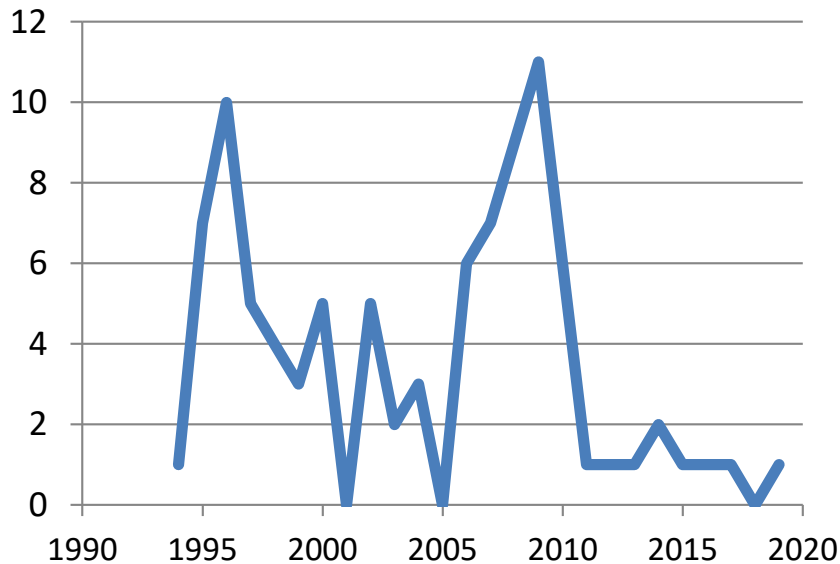


- Exhibition priority
- Conventional priority
- Without priority

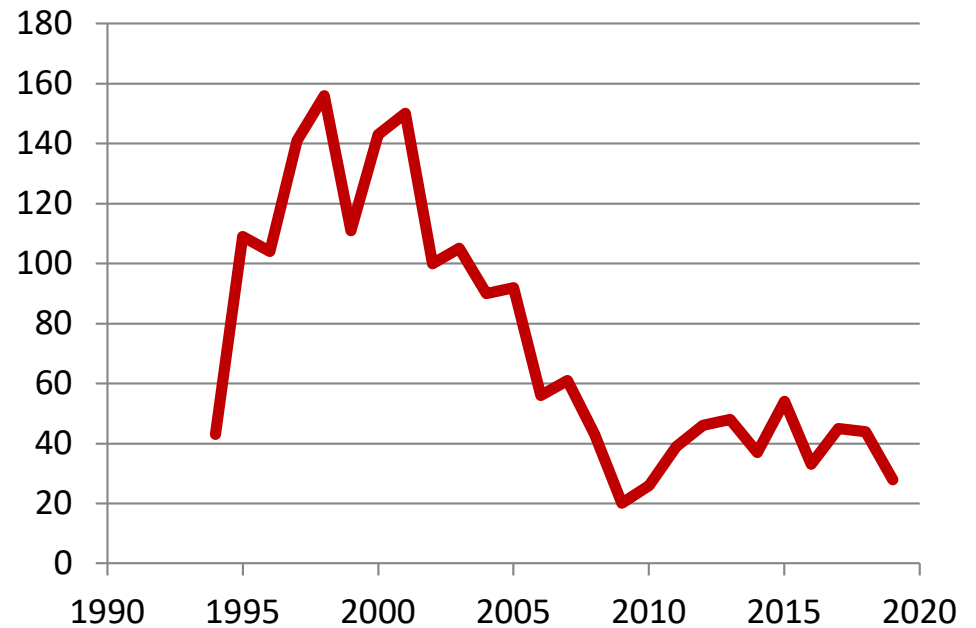
Statistics

(International procedure, Republic of Moldova)

Exhibition priority (International procedure)



Conventional priority (International procedure)



Documentary evidence (certificate)

Documentary evidence (certificate) must:

- **be issued by the competent authority of the exhibition;**
- **contain photographs of the products as exposed at the exhibition;**
- **contain the date of the first disclosure of the products.**

Documentary evidence (certificate)

Impediments

Exhibition organizers:

- Not well enough informed which documents must be issued to participants in exhibitions (**with photo with the date of the objects exposed at the exhibitions**) so that they can subsequently invoke the exposure priority when filing the application for registration.
- Do not disseminate sufficiently information on temporary protection granted at international exhibitions.

Exhibition participants:

- are not informed that they can benefit from temporary protection granted in the framework of international exhibitions;
- do not know in what way the necessary documents can be accumulated (**with photo with date from the exhibition**);
- do not know that can request the document (**with photo with the date from the exhibition**) to benefit from the priority when filing the application for registration.

How to change the situation?

- Why is the exhibition priority not invoked more often?
- How can we change the situation?
- How can we help authors, producers, managers of international exhibitions?

Proposals, recommendations

Within the SCT to develop a **Guide (Joint Recommendation) on temporary protection provided to industrial designs at international exhibitions.**

The Guide:

- can contain standard forms (recommended).
- will be available on the WIPO webpage (in 6 languages), can be translated into other languages.
- will be sent by WIPO, IP offices to the organizers and participants of the exhibitions; promoted during the exhibitions.
- will increase the interest for the registration of industrial designs, also claiming the exhibition priority.
- can also refer to trademarks.

Guide (Joint Recommendation)_Draft

Chapter I. General remarks.

Chapter II. Exhibition organizers.

Chapter III. Exhibitors.

**Chapter IV. Professional organizations of manufacturers,
designers.**

Chapter V. IP offices.

Guide (Joint Recommendation)_Draft_I

Chapter I. General remarks.

- The provisions of Art. 11 of the Paris Convention.
- Exhibition priority.

Chapter II. Exhibition organizers.

- To place the Guide on the exhibition website.
- To promote the Guide during the events.
- To know the procedure for issuing certificates (with photographs) on participations in the exhibition so that the priority of exposure can be invoked when filing the application to the IP office.
- To confirm the date of introduction of the products in the exhibition.

Guide (Joint Recommendation)_Draft_II

Chapter III. Exhibitors.

- To request from the organizers of the exhibition certificates with the inclusion of photos of exhibited products.
- To determine who provides products photography, certification of the photographs.

Chapter IV. Professional organizations of manufacturers, designers

- To inform the authors, the participants of the exhibitions about the Guide, the opportunities.
- To collaborate with the organizers of the exhibitions.
- To collaborate with the IP offices.

Chapter V. IP Offices.

- To promote, disseminate the Guide;
- To provide assistance to authors, exhibition organizers, enterprises.

Welcome to Moldova!



Thank you for your attention!

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