

Republic of Moldova

In 2005, the Law on Patents for Inventions of the Republic of Moldova No. 461-XIII of May 18, 1995 was amended in accordance with the requirements of the Patent Law Treaty.

In particular, Article 21 on the “Restoration of Rights” of the above-mentioned law was modified to include paragraphs (3) and (4) which refer to “*force majeure*” provisions.

Article 21 and other related articles of the above-mentioned law have been reproduced for ease of reference.

30 August 2006

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Law on Patents for Inventions of the Republic of Moldova No. 461-XIII of May 18, 1995

Article 21. Restoration of Rights

(1) Any time limit laid down in the application examination procedure that has not been complied with by the applicant may be extended, with the exception of the time limits laid down in Article 10(8) and Article 16(8), on payment of the prescribed fee.

(2) The request for restoration of rights shall be submitted by the applicant no later than six months after the expiry date of the time limit concerned.

(3) The applicant for or the owner of a patent who, for legitimate grounds, was unable to observe a time limit for a procedure shall have his rights reestablished, provided that he submits a grounded request, within 2 months from the removal of the cause preventing him/her to act, but not later than 12 months from expiry of the unobserved time limit. If the request in question relates to the revalidation of the patent on the grounds of non-payment of a maintenance fee, the 12 months period shall begin from the date of expiration of the time limit provided under Article 30 paragraph (3). The restoration of rights shall be granted provided that the prescribed fee has been paid and the acts confirming the circumstances of non-observance of the time limit in question have been submitted.

(4) The provisions of paragraph (3) shall not be applicable to the legal time limits provided for:

- a) making a request for re-establishment of rights, under paragraphs (2) and (3);
- b) restoration of the priority right, under Article 12 paragraph (5);
- c) examination of appeals before the Appeal Board of the Agency, under Article 16, paragraph (5) and Article 19 paragraph (1);
- d) filing the request under Article 16 paragraph (8).

Note: Below are excerpts of the provisions referred to in the above Article 21 “Restoration of Rights” of the Law on Patents for Inventions of the Republic of Moldova No. 461-XIII of May 18, 1995.

Article 10. Patent Application

(8) The documents of the application shall be filed in Moldovan language. It shall be allowed to file the application in any language, except those referred to in paragraph (2), subparagraph a) and in paragraph (6), subparagraphs a) and b), for which the applicant shall provide the Agency with an authorized translation into Moldovan within two months from the filing date. The non-compliance with such requirement shall not influence the accordance of the filing date. If the requirements laid down in this paragraph are not satisfied, the application shall be refused under the conditions laid down in the Implementing Regulations of this Law.

Article 12. Priority of Invention

(5) Where for reasons beyond the control of the applicant, a priority is claimed for an application filed after the expiration of the time limit referred to in paragraph (2), but no later than 2 months from the expiration of this time limit, or if the copy of the earlier application was not submitted within the time limit referred to in paragraph (4), the Agency shall restore the priority right, provided that the conditions laid down in the Implementing Regulations of this Law are fulfilled.

Article 16. Examination of Application

(5) If the invention for which protection is sought relates to subject matter that is not patentable under this Law, the Agency shall decide to refuse the grant of a patent and shall notify the applicant thereof. The applicant may appeal such a decision to the Appeals Board of the Agency within three months of the date of receiving the notification.

Article 19. Opposition against Decision to Grant a Patent

(1) Any person concerned may file with the Agency a reasoned declaration of opposition to any decision to grant a patent within six months following the date of publication of the notice concerning the grant of a patent in the Official Bulletin if any one of the conditions set out in Articles 4 to 8 has not been met.

Article 16. Examination of Application

(8) In accordance with the applicant’s written request, which can be presented to the Agency on filing of the application or within 30 months thereafter, the processing of the application may or may not comprise a substantive examination. Where the request has not been presented within the said time limit, the application shall be considered withdrawn.