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Parliament hereby adopts this organic Law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of the law

The Law establishes the legal framework, legal statute, principles and directions of activity, functions, duties, rights and obligations of the State Agency on Intellectual Property, organization of the activity within the agency, funding and financial-economic activity as well as its basic activities in the field of intellectual property.

Article 2. State regulation of the sphere of intellectual property

(1) The state guarantees the citizens' right to intellectual property, freedom of artistic and scientific creation as well as protection, under the law, of their economic and personal interests that emerge in relation to practising various kinds of intellectual creations.

(2) In the Republic of Moldova, legal protection of intellectual property is provided by the National Intellectual Property Office under the Law on Intellectual Property and the International Treaties to which the Republic of Moldova is party.

Article 3. Intellectual property

- (1) Intellectual property is private property belonging to natural or legal persons with the right to own, use and dispose of.
- (2) Intellectual property includes objects resulting from intellectual activity in the industrial, economic, commercial, scientific, informational, literary and / or artistic and other fields.
- (3) Intellectual Property consists of the following components:
 - a) industrial property
 - b) copyright and related rights.

Article 4. Intellectual property objects

(1) An intellectual property object means any result of intellectual activity, confirmed and protected by the corresponding rights in relation to its use.

(2) Intellectual property objects are divided into two categories:

a) industrial property objects (inventions, plant varieties, topographies of integrated circuits, trademarks, industrial designs, geographical indications, appellations of origin and traditional specialties guaranteed);

b) copyright objects (literary, artistic and scientific works) and related rights objects (interpretations, phonograms, videograms and programmes of broadcasting companies).

3) Other goods are related to the intellectual property field disposing of a separate regulatory system, such as:

a) trade secret (know- how)

b) trade name.

4) In the case of industrial property objects, the right in these occurs after registration of the object, grant of the title of protection by the National Intellectual Property Office or in other circumstances stipulated in the national legislation and under the International Treaties to which the Republic of Moldova is party. In the case of objects of copyright and related rights, registration is not a prerequisite for the emergence and exercise of those rights, these objects being protected from the moment of their creation.

Article 5. The National Intellectual Property Office

1) The National Intellectual Property Office is the State Agency on Intellectual Property (hereinafter *AGEPI*), which exercises its functions and duties under this law and other normative acts, ensures implementation of intellectual property development strategies and monitors compliance with the legislation in the field.

2) AGEPI shall act as the receiving office of requests for protection of intellectual property objects abroad under the International Treaties to which the Republic of Moldova is party.

3) AGEPI shall be independent in making decisions relating to the legal protection of intellectual property objects. These decisions may be appealed to the AGEPI Appeals Board, the Specialized Arbitration or the court.

4) AGEPI shall ensure protection of intellectual property and organize activities including, as basic components, examination of the applications in intellectual property and grant of titles of protection in accordance with the relevant national legislation in the field, activities of extra-judicial dispute resolution, mediation and specialized arbitration in intellectual property , information and documentation, promotion and dissemination of information, publishing and printing, education and training of specialists in intellectual property.

5) AGEPI shall operate in accordance with the Constitution of the Republic of Moldova, this Law, special laws in the field and other legal acts, Presidential decrees, decisions and orders of the Government, International Treaties in intellectual property to which the Republic of Moldova is party.

Chapter II

LEGAL STATUTE, DUTIES, RIGHTS AND OBLIGATIONS OF

AGEPI

Article 6. Legal statute

- 1) AGEPI is a public institution subordinated to the Government, responsible for promoting and implementing activities in the field of legal protection of intellectual property relating to industrial property rights, copyright and related rights.
- 2) AGEPI has the statute of a legal entity established in Chisinau, with an official name and an abbreviated name in the official language and a stamp with the State Emblem of the Republic of Moldova.
- 3) AGEPI has autonomous budget, bank accounts (including foreign currency) and letterhead forms, under the law, and operates on principles of self-management and self-financing.
- 4) AGEPI represents the Republic of Moldova in the World Intellectual Property Organization, other international, regional and interstate organizations for intellectual property protection, maintains and develops collaborative relationships with them, and with similar institutions in other states.

Article 7. AGEPI functions and duties

- 1) AGEPI shall perform the following functions:
 - a) strategically plan and implement the objectives of the national system of intellectual property development.
 - b) organize and manage the operation of the national intellectual property system, under the legislation of the Republic of Moldova and the International Treaties to which the Republic of Moldova is party;
 - c) ensure promotion of proposals relating to the regulatory framework for intellectual property protection and improvement of the relevant national legislation, approve draft laws developed by other public authorities;
 - d) provide services related to intellectual property in accordance with the legislation.
- 2) AGEPI shall:
 - a) receive and examine the applications for protection, grant and issue, on behalf of the State, titles of protection for intellectual property objects under the legislation in the field of intellectual property .
 - b) manage and store the national registers of filed applications and the national registers of titles of protection granted for inventions, plant varieties, topographies of

integrated circuits, trademarks, industrial designs, the national registers of protected geographical indications , protected appellations of origin and traditional specialties guaranteed , the state register of objects protected by copyright and related rights, the national registers of license, assignment, pledge and franchising agreements relating to industrial property objects, the state register of holders of control marks, the national registers of patent attorneys and intellectual property evaluators;

c) manage, store and develop databases in the field of intellectual property under the legislation;

d) develop, coordinate and execute programs and cooperation agreements with other countries and / or international organizations in its field of activity;

e) develop and implement continued training and development programs for specialists in intellectual property;

f) organize training and development courses for counselors, patent attorneys and evaluators in intellectual property and issue certificates of professional qualification;

g) carry out publishing activities within the functions assigned, edit and publish the Official Bulletin of Intellectual Property and other publications aimed at promoting the field of intellectual property;

h) develop and approve regulations and instructions, standard forms and other procedural documents necessary for enforcement of the legislation in the field of intellectual property;

i) monitor the activity of the Board of Appeals, the Mediation Commission and the Specialized Arbitration in intellectual property;

j) organize and participate in exhibitions, symposiums, conferences, competitions, seminars and other national or international activities in intellectual property;

k) provide, upon request, services and consultancy in intellectual property;

l) register agreements for assignment, license, pledge and franchising of the rights to industrial property objects;

m) publish data on the applications in the field of intellectual property and the titles of protection;

n) ensure that the collection of specialized documents and publications in the field of intellectual property is recorded, stored and completed;

o) carry out, upon request and payment, documentary research in industrial property;

p) receive and examine the applications and documents required for registration of the applicants in the State Register of holders of control marks;

q) issue control marks for right holders of copies of works or phonograms registered at AGEPI;

r) carry out, at the request of competent authorities, examination of the copies of works or phonograms and prepare reports on technical and scientific findings and on expertise;

s) approve, monitor and supervise the activity of collective management organizations of copyright and / or related rights.

Article 8. Rights of AGEPI

In order to perform functions and duties, AGEPI shall be entitled to:

a) sign contracts within its functions and duties, including service contracts and other legal documents as required by the law in force;

b) establish the system of labour remuneration and stimulation as required by the law in force;

c) ensure training, coaching and improvement of the national personnel in intellectual property;

d) carry out publishing activities within the functions assigned, sign and perform publishing contracts under the law on editorial activity;

e) support patenting abroad of inventions made in the Republic of Moldova according to the procedure approved by the Government;

f) grant donations on philanthropic or sponsorship purposes as required by the law in force.

Article 9. Obligations of AGEPI

AGEPI has the following obligations:

a) to act in strict accordance with the Constitution of the Republic of Moldova, this Law and other regulations;

b) to ensure protection and storage of confidential information and other information that became known in the exercise of its employees' duties. This information may be submitted to authorities under the terms of the law;

c) to give the necessary support, within the powers conferred by the law, to authorized bodies for detecting and combating the offenses and the committed crimes relating to intellectual property rights;

d) to create proper working conditions to employees, ensure safety and fire security, comply with health and environment protection rules;

e) to pay taxes and other payments on time, including those to the World Intellectual Property Organization , in the manner and amount established by the law.

Article 10. Collaboration with other authorities, institutions and organizations

(1) In order to achieve the objectives of the national intellectual property system development, the National Intellectual Property Commission shall be established , as a consultative body to the Government, which aims at coordinating activities and ensuring interaction of ministries and other central administrative authorities as well as holders of intellectual property rights in developing and strengthening the national intellectual property system and in combating counterfeiting and piracy in the Republic of Moldova. Also, AGEPI shall collaborate with the central and local public authorities, other institutions and organizations, civil society and international organizations.

(2) The mode of interaction and collaboration shall be established under the agreements signed with the authorities, institutions and organizations referred to in paragraph (1), under the International Treaties to which the Republic of Moldova is party, and the laws in the field.

(3) Within AGEPI there can be created committees and working groups which shall be convened to review and resolve specific problems. In the work of the committees and working groups may be involved specialists and experts from various fields within other institutions / organizations.

Chapter III

ORGANIZATIONAL STRUCTURE AND AGEPI MANAGEMENT

Article 11. Organizational structure

(1) The structure of AGEPI shall be approved by the Government.

(2) AGEPI shall be entitled to amend the staff and the internal structure of its subdivisions within the structure referred to in paragraph (1) and the wage bill approved.

Article12. AGEPI management

- (1) AGEPI shall be managed by a Director General, appointed and dismissed by the Government on the proposal of the Prime Minister.
- (2) The Director General shall be assisted by two Deputy Directors, appointed and dismissed by the Government on the proposal of the Director General.
- (3) In the case of temporary absence of the Director General, the functions of the latter shall be performed by one of the Deputy General Directors, appointed by the Director General, without additional remuneration.
- (4) The power of signature on all official documents of AGEPI shall belong to the Director General. In the absence of the Director General the power of signature shall be delegated to one of the Deputy General Directors by the Director General.
- (5) Signatures on official documents of AGEPI shall be applied in accordance with the law, in writing or in electronic forms.

Article13. Duties of Director General of AGEPI

Director General of AGEPI shall:

- a) organize and ensure the activity of the AGEPI and shall be responsible for its proper conduct;
- b) act without power of attorney on behalf of the AGEPI, represent AGEPI in relations with the Parliament, Government, ministries and other central administrative authorities, other public authorities, international institutions and organizations and in relations with natural and legal persons both in the Republic of Moldova and abroad ;
- c) grant a power of attorney to Deputy Directors General and other AGEPI employees;
- d) act as plenipotentiary representative of the Republic of Moldova in international structures in the field of intellectual property in accordance with the legislation;
- e) dispose of AGEPI goods in accordance with this Law and other normative acts;
- f) issue orders and provisions;
- g) sign on behalf of AGEPI transactions, agreements, contracts and other legal documents both, in the Republic of Moldova and abroad, in accordance with the legislation;

- h) appoint and dismiss AGEPI employees , stimulate and apply disciplinary sanctions to employees in accordance with the legislation;
- i) define and establish the duties and responsibilities of Deputy Directors General and heads of subdivisions, approve the job responsibilities of employees and the operating regulations of AGEPI subdivisions;
- j) approve the staff and modify the internal structure of AGEPI subdivisions;
- k) supervise the activity of all subdivisions within the AGEPI ;
- l) perform other duties in accordance with the legislation.

Chapter IV

RIGHTS AND OBLIGATIONS OF THE AGEPI EMPLOYEE.

INCOMPATIBILITIES

Article 14. Rights of the AGEPI employee

The AGEPI employee shall be entitled to :

- a) inspect the documents which establish his/her rights and duties, receive, as established, information and materials necessary to perform his/her obligations;
- b) benefit from stability in the position held and be promoted to a higher position;
- c) combine the duties of the position held with those of the temporarily vacant one, under the law;
- d) receive appropriate working and hygiene conditions, such as to protect his/her health and physical and mental integrity;
- e) be informed of all decisions, in so far as he/she is concerned directly;
- f) benefit from social and medical insurance, and other types of insurance provided for by law;
- g) set up trade unions and join them;
- h) other rights under the legislation.

Article 15. Obligations and Responsibilities of the AGEPI employee

(1) The AGEPI employee has the following obligations:

a) to perform conscientiously the job duties laid down in the individual employment contract, in the job description, in the operating regulations of the subdivision and in the collective employment contract;

b) to have a correct and dignified behavior within employment relations and to refrain from any action which might prejudice the AGEPI;

c) to declare any conflicts of interest of his/her own or of other close people, in relation to the exercise of the duties assigned and the personal interests which could improperly influence the objective, independent and impartial performance of his/her obligations and responsibilities under the law;

d) not to misuse the accessible information in order to obtain, directly or indirectly, any right to intellectual property objects or any other rights arising from the titles of protection issued or to be issued by the AGEPI;

e) to keep the state secret and confidentiality in relation to the facts, information or documents available in the exercise of the position held , including the information contained in the applications in the field of intellectual property, until their publication. The AGEPI employee shall sign a confidentiality agreement, available during the period of validity of his/her individual employment contract, as well as over the next three years after his/her dismissal ;

f) to be aware of and follow the rules of labor safety and protection.

(2) For non-performance or improper performance of the obligations referred to in paragraph (1), the AGEPI employee shall be liable under the legislation.

Article 16. Incompatibilities

The AGEPI employee cannot:

a) perform the activity of an evaluator of intellectual property objects.

b) perform the activity of a patent attorney in intellectual property.

c) perform the activity of a lawyer.

d) provide services incompatible with his/her functions and duties.

Chapter V

AGEPI FUNDING AND FINANCIAL-ECONOMIC ACTIVITY

Article 17. AGEPI funding and technical-material provision

- (1) AGEPI operates on the principles of self-administration and self-financing.
- (2) Remuneration of AGEPI staff shall be performed in accordance with the Labor Code, Pay Law, the collective employment contract and the Regulations on AGEPI employee remuneration approved by the Director General.
- (3) AGEPI assets shall be formed from:
 - a) founder's contributions ;
 - b) revenues from the provision of services;
 - c) other legal sources (including donations and sponsorship).
- (4) The nomenclature of services for which charges are levied and the amount thereof shall be determined by the Government. The amount of fees shall be established in euro (single European currency). The national applicants shall pay the fees in MDL according to the official exchange rate of the National Bank against the euro on the payment date.
- (5) AGEPI technical and material support shall be carried out from its own financial resources.

Article 18. AGEPI financial-economic activity and patrimony

- (1) AGEPI shall develop its budget and activity programme, shall set its development directions and prospects in accordance with the strategic objectives of the national intellectual property system development.
- (2) The AGEPI budget shall be approved by a collective body of AGEPI until December 1 of each year and shall be submitted to the Government for information. If necessary, the AGEPI budget may be amended during the year, provided that the Government be further informed.
- (3) Annually, by May 1, AGEPI shall submit to the Government a report on the economic and financial activity, verified by an independent audit and a report on the implementation of its activity program.
- (4) AGEPI shall use financial resources from its current accounts for:
 - a) reimbursement to different natural persons and legal entities;
 - b) reimbursement to the state budget and the social security bodies and health care;

c) payment of debts to the personnel; deployment, training and stimulation of the personnel;

d) other purposes in conformity with the legislation.

(5) Financial resources not used during the year shall be carried forward for use in the next year, according to the newly approved budget.

(6) AGEPI shall exercise its right of possession, use and disposition of its patrimony consisting of assets of its own in accordance with this Law and other normative acts.

Article 19. Accounting, submission of tax reports, statistical reports and control of AGEPI financial-economic activity

(1) AGEPI shall keep accounts and prepare financial reports in the manner prescribed by the Accounting Law.

(2) AGEPI shall submit tax reports, statistical reports and shall be liable for their veracity.

(3) Control of AGEPI financial-economic activity shall be carried out by competent authorities under the legislation.

Chapter VI

BASIC ACTIVITIES IN THE FIELD OF INTELLECTUAL PROPERTY

Section 1

Examination, Information and Documentation, Promotion and Dissemination of Information, Publishing and Printing, Education and Training in the Field of Intellectual Property

Article 20.Examination

(1) Examination of the applications in the field of intellectual property shall be carried out by the AGEPI within the specific requirements for each intellectual property object in part, under the legislation.

(2) The examination procedure shall be performed under the national and international laws in the field of intellectual property by the examiners of AGEPI who have appropriate expertise.

(3) During examination of the applications in the field of intellectual property it is found whether they and the intellectual property objects related to them satisfy the

requirements of the special laws in intellectual property and whether they meet the criteria and elements required for grant of protection.

(4) Examiners shall be independent in performing the examination procedures and shall be responsible for their conduct in strict accordance with the laws in intellectual property.

(5) AGEPI shall provide the professional education and continued training for examiners by organizing training courses for the specialists in the field of intellectual property, by organizing seminars including through foreign institutions in the field.

(6) At the initiative of AGEPI, examination of the applications in the field of intellectual property submitted to the AGEPI can be carried out within the intellectual property offices of other states based on certain cooperation agreements.

Article 21. Information and documentation

(1) AGEPI shall carry out information and documentation activities and shall, upon request, provide access to public information in the field of intellectual property and to reference information and documentation sources aiming at stimulating innovative activities, raising awareness of the benefits of protecting intellectual property objects and facilitating free, fast and individual access of all interested persons to the procedures for protecting intellectual property objects.

(2) For information and documentation in intellectual property, interested persons can benefit from the services provided by the specialized library, the archives and the national registers and can also access online databases of the AGEPI.

(3) The specialized library shall provide beneficiaries with any information and documents in intellectual property contained in the collection of literature and of relevant documents, provide assistance for information and documentation from the national and international databases, provide other information and bibliographic services in the field and also ensure the maintenance and completion of the collection of documents by subscribing to specialized periodicals, purchasing relevant literature and by bilateral information exchange.

(4) The fund of archive documents in intellectual property consists of the fund of procedure documents completed and submitted for storage under the legislation on the Archive Fund of the Republic of Moldova, and can be consulted, upon request, by interested persons in compliance with the legislation in force. Record-keeping, accumulation, storage and use of documents arising from the registration procedures of intellectual property objects shall be ensured by the AGEPI in accordance with the

Archive Nomenclature of AGEPI, regulations and guidelines approved by the Director General of AGEPI, coordinated with the National Archive of the Republic of Moldova.

(5) The national registers of applications for protection and titles of protection for inventions, trademarks, industrial designs, topographies of integrated circuits, plant varieties and other registers established under special laws on intellectual property, such as the national registers of protected geographical indications, protected appellations of origin, traditional specialties guaranteed, the national registers of license, assignment, pledge and franchising agreements relating to industrial property objects, the register of examination appeal applications, the register of notorious trademarks, the state register of objects protected by copyright and related rights, the state register of holders of control marks, the national registers of patent attorneys and evaluators in intellectual property may be consulted, upon request and free of charge, by any interested person. The principles for establishment, maintenance, reorganization of national registers in the field of intellectual property and the manner in which they are liquidated shall be governed by the laws on registers.

(6) In order to process, store and disseminate information on intellectual property objects submitted for registration or/and registered, AGEPI shall manage, maintain and develop databases in intellectual property. The procedure for management, completion and use of databases shall be approved by the Director General of AGEPI in accordance with the legislation.

Article 22. Publishing and printing

(1) The activity of publishing and printing in intellectual property shall consist of all the activities carried out by the publisher and the printing house established within the AGEPI and shall comply with the legislation on editorial activity.

(2) The activity of publishing and printing in the field of intellectual property consists in pre-press services, printing and dissemination of official and specialized periodicals in the field (the Official Bulletin of Intellectual Property, Intellectual Property magazine "Intellectus"), of the distributed materials required for promoting the field of activity as well as the titles of protection, the books, brochures, collections, catalogs, advertisements, diplomas, newsletters and other printed materials for internal needs of the AGEPI.

(3) The aim of the activity of publishing and printing is the multilateral and competent reflection of the aspects of the national intellectual property system, elucidation of the provisions of the national and international legislation in intellectual property, publication of certain information materials, of scientific and methodological studies

with reference to intellectual property, making information on procedures for obtaining legal protection for intellectual property rights available to the public, revealing mechanisms for the implementation and enforcement of the rights obtained by the right holders to exploit intellectual property objects, publication of researchers and inventors' studies in different fields of science, economy and technology.

Article 23. Publishing of the Official Bulletin of Intellectual Property

(1) AGEPI shall edit and publish monthly The Official Bulletin of Intellectual Property under this Law and the legislation in intellectual property.

(2) The Official Bulletin of Intellectual Property shall comprise information on the applications in the field of intellectual property submitted to AGEPI, granted titles of protection and registered certificates, amendments to the legal status of industrial property objects, decisions of the Board of Appeals, decisions of the courts concerning the disputes in intellectual property, national laws and international treaties, reports and other general information concerning intellectual property.

(3) The Official Bulletin of Intellectual Property shall be published on paper, in electronic format (CD-ROM) and on the AGEPI official website. The information published on paper, electronically and on the official website shall have the same legal force.

(4) The editing process and the requirements on the publication of the information in the Official Bulletin of Intellectual Property shall be approved by the Director General of AGEPI.

Article 24. Personnel education and training

(1) Personnel education and training in the field of intellectual property shall be achieved by conducting training courses in the field, organized by the AGEPI.

(2) The training courses in the field of intellectual property shall be organized, upon request, in accordance with the legislation on education.

(3) The courses shall be completed by taking exams and issuing qualification certificates "Counsellor in Intellectual Property" and "Specialist in Evaluating Intellectual Property".

(4) Organization and conduct of training courses in the field of intellectual property, the training period, the list of enrolled persons on the courses and the list of specialists to ensure the education process shall be approved by the Director General of AGEPI.

(5) The programs for the training courses in the field of intellectual property shall be developed by the AGEPI and coordinated with the Ministry of Education.

(6) AGEPI shall collaborate with pre-university and higher education institutions with a view to training the teaching body and the studious youth in the field of intellectual property, including through the introduction of specialized courses in the study plans and syllabus.

(7) AGEPI shall participate in the training programs in the field of intellectual property for the representatives of public institutions and authorities responsible for enforcement of intellectual property rights.

Article 25. Promotion and dissemination of information

(1) AGEPI shall carry out activities promotion and dissemination of information on intellectual property in order to sensitize and raise awareness of the beneficiaries of the national intellectual property system and of the civil society on the role of intellectual property in the economic, social and cultural development of the country.

(2) Promotion and dissemination of information on intellectual property shall be performed by organizing and carrying out exhibitions, seminars, symposiums and national and international conferences in intellectual property, by cooperating with the representatives of research and development institutions in the field of science and innovation, with the economic operators, non-commercial organizations and mass-media, by providing specialized assistance and consultations in the field.

(3) AGEPI shall develop and manage websites in order to disseminate and provide online access to information in the field of intellectual property.

Section 2

Extrajudicial dispute resolution in the field of intellectual property

Article 26. Appeals Board and its competence

(1) The Appeals Board is the body established within AGEPI entitled to settle disputes in intellectual property through extrajudicial means.

(2)The Appeals Board has the following duties:

a) settling disputes filed against the decisions to register or refuse registration of intellectual property objects , the decisions issued in the process of examination of the applications and grant of titles of protection for intellectual property objects, and against those issued during the period of validity of the titles of protection;

b) examining other disputes in accordance with the special laws in the field of intellectual property and other legislative acts.

(3) The Regulation on the organization and functioning of the Appeals Board and the procedure for examination of appeals shall be approved by the Government.

Article 27. Mediation Board in intellectual property and its competence

(1) AGEPI shall establish the Mediation Board in intellectual property (hereinafter *Mediation Board*), which shall coordinate and organize mediators' activity with a view to examining and settling disputes which fall within its competence in accordance with the special laws in the field of intellectual property and this Law.

(2) The participants in the mediation process shall be the parties and the mediator. The parties may resort to mediation voluntarily, based on a mutual agreement under the legislation on mediation.

(3) The basic duties of the Mediation Board are:

a) ensuring efficient conduct of mediation where the mediation procedure is held within AGEPI;

b) coordination and record keeping of the mediation procedures in intellectual property;

c) providing necessary assistance to the mediators and other persons involved in the mediation process;

d) ensuring commercial secrecy, confidentiality of other official information with limited accessibility which has been submitted in accordance with the legislation;

e) exercise of other duties in accordance with the legislation.

(4) The Mediation Board shall consist of 5 members, two of them shall be appointed by the AGEPI, other two – by the Ministry of Justice and one member shall be selected from the academic society by means of a contest organized by the AGEPI.

(5) The activity of the Mediation Board shall be coordinated by its president, elected by the members of the Board appointed through a majority vote.

(6) The Mediation Board shall not intervene in the settlement of disputes and shall not influence, in any way, the mediators.

(7) The Regulation on the organization and functioning of the Mediation Board and the mediation procedure shall be approved by the Government.

Article 28. The mediator within the Mediation Board

(1) The mediator within the Mediation Board (hereinafter referred to as *mediator*) can be any natural person having full legal capacity, higher education, qualification and experience in intellectual property, no criminal antecedents and having passed the attestation exam at the Mediation Council of the Ministry of Justice.

(2) The persons complying with the conditions specified in paragraph (1) shall be included in the list of mediators of the Mediation Board, which shall be public and of a recommendatory nature.

(3) The mediator shall be entitled to:

a) request from the parties information, materials and documents required for the mediation procedure;

b) involve, where necessary, other persons than those already involved in the dispute, specialists in the field;

c) make the public aware of the conduct of its mediation activity, while maintaining confidentiality;

(4) The mediator shall:

a) ensure compliance with mediation principles;

b) notify the parties on the mediation procedure, its purpose and effects;

c) conduct the mediation procedure independently and impartially and refrain from settling a dispute if there are certain circumstances that would prevent the mediator from being independent and impartial;

d) act with all promptness for the parties to reach a mutually convenient agreement within a reasonable term;

e) return the materials and documents which have been submitted by the parties in the mediation procedure.

(5) The parties may choose by mutual agreement 1, 2 or 3 mediators from the list of mediators of the Mediation Board. Unless the parties have themselves appointed the mediator (mediators), it (they) shall be appointed by the Mediation Board after consulting the parties and the approval of the mediator (mediators).

(6) The amount of the mediator's remuneration shall be determined by mutual agreement of the parties and shall not depend on the final outcome of the mediation.

Article 29. Specialized Arbitration in intellectual property and its competence

(1) The Specialized Arbitration in intellectual property (hereinafter referred to as *Specialized Arbitration*) as the permanent body of the AGEPI, shall be vested with powers of settling disputes arising among natural persons or/and legal entities in the field of intellectual property, provided there is an arbitration convention between them.

(2) The Specialized Arbitration shall examine the disputes covering the following issues:

a) authorship;

b) relations between coauthors;

c) priority

d) relations between the author of the intellectual property object created in the exercise of his duties and the employer, relating to the remuneration mode, the right of filing an application and the amount of remuneration;

e) issuance of the title of protection;

f) exclusive rights;

g) collective management of copyright and related rights concerning the amount of remuneration and other license conditions;

h) other issues in the field of intellectual property;

(3) The arbitrator in the Specialized Arbitration may be any natural person possessing adequate professional competence in intellectual property to settle the disputes laid down in paragraph (2).

(4) The parties shall be free to determine the number of arbitrators and the manner in which they are appointed as well as the place of arbitration.

(5) The list of arbitrators shall be approved in the manner established by the AGEPI and shall be of a recommendatory nature.

(6) The Regulation on organization and operation of the Specialized Arbitration and the arbitration procedure shall be approved by the Government.

Section 3

Representation in the field of intellectual property

Article 30. General principles on representation in the field of intellectual property

(1) Natural or legal persons having their domicile or premises, or a real and effective industrial or commercial establishment in the Republic of Moldova, shall act personally or through a representative empowered by a power of attorney.

(2) Natural or legal persons having neither their domicile, premises nor a real and effective industrial or commercial establishment in the Republic of Moldova, shall be represented before AGEPI in the procedures established by the special laws in intellectual property, by a patent attorney in intellectual property (hereinafter referred to as *patent attorney*), empowered by a power of attorney.

(3) The status of a patent attorney can be acquired by any natural person who is a national of the Republic of Moldova, has the permanent domicile in the Republic of Moldova, masters the state language, has higher education, has passed the exam before the Patent Attorney Attestation and Disciplinary Committee in the field of intellectual property within AGEPI (hereinafter *Attestation and Disciplinary Committee*) and has at least 3 year experience in the field of intellectual property or higher education in the field, or counselor studies in intellectual property.

(4) The manner in which the patent attorney's knowledge is attested, the patent attorneys are registered in the National Register of Patent Attorneys in Intellectual Property, the activity of patent attorneys is monitored and carried out and the Attestation and Disciplinary Committee is organized and operates shall be established by the Government.

(5) Attesting the patent attorney's knowledge, recording and introducing the amendments in the National Register of Patent Attorneys in intellectual property, issuing the patent attorney certificate or a duplicate thereof, and professional training of patent attorneys shall be carried out against payment in accordance with the legislation in intellectual property.

Article 31. Patent attorney's rights and obligations

(1) The patent attorney shall be entitled to:

a) act as a representative in any form allowed by the Law on Entrepreneurship and Enterprises;

b) form professional associations or join such associations;

c) delegate its powers to another representative, where such substitution was allowed by the client, or where such substitution was provided in the power of attorney or if being forced by the circumstances in order to protect the client's interests;

d) be paid for the professional activity and be recovered the expenses incurred in the client`s interest;

e) apply any legal means in order to obtain the expected results;

f) refuse to provide services if the customer fails to honor his obligations or submits requirements the realization of which contravenes the rules of professional conduct;

(2)The patent attorney shall:

a) not disclose the information obtained from the client broader than the limits set in the contract and the power of attorney;

b) act in good faith and with professional integrity;

c) take all necessary measures to respect the client`s rights and legal interests;

d) not provide services to the client submitting requirements the realization of which is contrary to the legislation in force;

e) refuse to provide services to the persons whose interests conflict with the interests of the persons they represent, as well as in cases when in the examination process are involved persons with whom the patent attorney has a relationship of marriage, kinship or affinity relationship up to the second degree inclusively;

f) not represent clients with adverse interests in the same proceeding;

g) meet the client`s requirements, except in cases where deviation from those requirements is only in the interest of the client and the patent attorney was not able to seek the client`s consent or failed to receive timely the response to his request, notifying the client in this case as soon as possible;

h) notify the client, at his request, of all the information on how to comply with the contract, submit reports and transmit without delay all the materials received in connection with the execution of the contract;

i) notify without delay the persons known to have contractual rights or obligations in relation to the client`s death as a natural person or in relation to the suspension of the client`s activity as a legal entity having no successors.

Article 32. Patent attorney`s liability

(1) The patent attorney who has breached the obligations provided for in the contract or the professional obligations shall be liable according to the legislation.

(2) Complaints, requests and referrals of the interested persons in relation to infringements committed by the patent attorneys shall be submitted to the Attestation and Disciplinary Committee or to the court.

(3) The Attestation and Disciplinary Committee shall examine the file on the infringement committed by the patent attorney in his presence.

(4) When determining liability, the Attestation and Disciplinary Committee shall take due account of the gravity of the infringement, the circumstances under which it was committed, the patent attorney's previous activity in the field of intellectual property and his position with respect to the infringement committed.

(5) The Attestation and Disciplinary Committee may impose the following sanctions on the patent attorney who has breached his obligations:

a) warning;

b) reprimand

c) suspension from professional activity for a period of not more than six months by adopting the decision to take the attestation examination;

d) removal from the National Register of Patent Attorneys in Intellectual Property ;

(6) The decision of the Attestation and Disciplinary Committee on applying the sanctions established shall be approved by the Director General of AGEPI. The application of the sanction shall be recorded in the National Register of Patent Attorneys in Intellectual Property.

(7) If the person sanctioned under the provisions of paragraph (5) a) or b) does not commit a new infringement during one year since the application of that sanction, it will be considered as not having been sanctioned, and the sanction recorded in the National Register of Patent Attorneys in Intellectual Property shall be removed.

(8) The decision of the Attestation and Disciplinary Committee on the sanction applied to the patent attorney may be appealed according to the provisions of the legislation.

Article 33. Suspension and termination of the patent attorney's activity

(1) The patent attorney's activity shall be suspended in the following cases:

a) if the attorney has filed an application for suspension of his activity;

- b) if the Attestation and Disciplinary Committee has taken the decision to apply the sanction provided for in Article 32 paragraph (5) c);
- c) if the patent attorney has become an employee of AGEPI;
- d) if there is a court decision in this respect.

(2) Termination of the patent attorney's activity and his removal from the National Register of Patent Attorneys in Intellectual Property shall occur in the following cases:

- a) if the patent attorney has filed an application for termination of his activity;
- b) if the patent attorney has forfeited the citizenship of the Republic of Moldova or has changed his domicile outside the territory of the Republic of Moldova;
- c) if the patent attorney is recognized as incapable or with limited exercise capacity;
- d) if the patent attorney is sanctioned according to Article 32 paragraph (5) d);
- e) if the patent attorney has died;
- f) if there is a court decision in this respect.

(3) If the attorney has not activated for 5 consecutive years, according to the data held by the AGEPI, and has not appealed to the Appeals Board the decision on its removal within 15 days since the dispatch date, he shall be removed from the National Register of Patent Attorneys in Intellectual Property in whole or only with reference to one/several intellectual property objects, except where he has suspended his activity himself.

(4) Suspension and termination of the patent attorney's activity shall be performed based on the decision of the Attestation and Disciplinary Committee or a court decision, this information being published in The Official Bulletin of Intellectual Property.

(5) Suspension of the patent attorney's activity provided for in Article 32 paragraph (5) c) may cease before expiry of the time limit for which it was applied, provided that the attorney has submitted a request to that effect, at least half of the period of suspension has expired and he has passed the attestation examination.

(6) In case of removal of the patent attorney from the National Register of Patent Attorneys in Intellectual Property, the certificate shall lose its validity.

Section 4

Evaluation in the Field of Intellectual Property

Article 34. General principles on evaluation in the field of intellectual property

(1) Evaluation of intellectual property objects is an evaluation process of the usefulness of the results of intellectual activity, expressed in the value equivalent of technical, consumption, economic and other characteristics of the objects concerned, and shall be regulated by the legislation on evaluation activity.

(2) The subject-matter of evaluation activity is estimation of the market value, balance value or other value of intellectual property objects depending on the intended use of the obtained results.

(3) Subjects of the evaluation activity shall be, on the one hand, the evaluators and evaluation enterprises, and on the other hand, the beneficiaries of evaluation services.

(4) The status of an evaluator of intellectual property objects can be acquired by a natural person of merit with higher education in evaluation, economic or technical higher education, having the citizenship of the Republic of Moldova and being the holder of the evaluator's qualification certificate, who has work experience in intellectual property, including as an evaluator or a probationer for at least one year and does not have unquenchable criminal antecedents.

(5) The manner and the terms of issuance of the qualification certificate of the evaluator of intellectual property objects as well as the attestation and re-attestation procedure of intellectual property objects shall be established by the Government.

Article 35. Rights and obligations of the evaluator of intellectual property objects

(1) The evaluator of intellectual property objects shall be entitled to:

- a) plan independently conduct of the evaluation in accordance with the legislation and the contract for the provision of evaluation services;
- b) identify approaches and evaluation methods according to the legislation on evaluation and evaluation standards;
- c) have access to the beneficiary's documentation, required for evaluation;
- d) where appropriate, request from the administration of the evaluation company involvement of other evaluators and experts in the evaluation process;
- e) be a member of public associations of evaluators and participate in their activity.

(2) The evaluator of intellectual property objects shall be entitled, under the law, to refrain from conduct of the evaluation where the beneficiary:

- a) has breached the terms of the contract for the provision of evaluation services;
- b) has not submitted the documents required for evaluation or has submitted documents containing incomplete or erroneous data;
- c) has intervened in the evaluator`s actions to influence the evaluation results.

(3)The evaluator of intellectual property objects shall:

- a) conduct the evaluation in accordance with the legislation in force and the contract for the provision of evaluation services;
- b) conduct the evaluation conscientiously;
- c) ensure confidentiality of the information provided by the beneficiary.

(4) The evaluator of intellectual property objects shall not conduct the evaluation of intellectual property objects for cases where:

- a) he is the holder of the intellectual property object to be evaluated;
- b) he is the beneficiary of the evaluation services of intellectual property objects;
- c) he has a relationship of marriage, kinship or affinity up to the second degree inclusively or is the associate of one of the persons specified in a) and b).

Article 36. Suspension and termination of intellectual property evaluator`s activity

(1) The intellectual property evaluator`s activity shall be suspended for cases where:

- a) the evaluator of intellectual property objects has submitted an application for the suspension of his activity;
- b) the Attestation and Disciplinary Commission has adopted the decision to revoke the certificate of qualification on grounds of infringement by the evaluator of intellectual property objects of his obligations provided for in Article 35;
- c) the evaluator of intellectual property objects has become an employee of AGEPI;
- d) there is a court decision in this respect.

(2) Termination of the intellectual property evaluator`s activity and his removal from the National Register of Evaluators of Intellectual Property Objects shall occur where:

- a) the evaluator has submitted an application for termination of his activity;
- b) the evaluator has forfeited the citizenship of the Republic of Moldova or has changed his domicile outside the territory of the Republic of Moldova;
- c) the evaluator has been recognized as incapable or with limited exercise capacity;
- d) the evaluator has been sanctioned for a contravention or a criminal offence committed in its field of activity, in accordance with the legislation;
- e) the evaluator has died;
- f) there is a court decision in this respect.

Chapter VII

FINAL AND TRANSITORY PROVISIONS

Article 37. Organizing the enforcement of this Law

(1) Article 82 paragraph (2) i), Section 1 of Chapter VII and Article 117 paragraph (3) of [the Code on Science and Innovation of the Republic of Moldova No. 259-XV of 15 July 2004](#) (Official Gazette of the Republic of Moldova, 2004 No.125-129, Article 663) shall be repealed with effect of the date of entry into force of this Law.

(2) Until the legislation in force is consistent with the provisions of this Law, the normative acts shall apply insofar as they do not contravene this Law.

(3) The Government shall, within 12 months from the date of publication of this Law:

- a) submit to the Parliament proposals on consistency of the legislation with this Law;
- b) put its normative acts in line with this Law;
- c) adopt normative acts required for the enforcement of this Law.

SPEAKER OF THE PARLIAMENT

Igor CORMAN

No.114. Chisinau, 3 July 2014

