Exploitation of Inventions

- Observance of Rights [1]
  A patent owner shall be offered a range of efficient and effective means to ensure observance of its rights and the persons violating these rights shall be sanctioned. At the same time, a patent application, within the period between its publication and the grant of the patent, gives the applicant, on a provisional basis, the same rights as those conferred by the patent owner, providing that patent protection is obtained.

  Thus, the patent owner has the following procedures / methods to protect its rights and interests:

  - **civil procedures –** the disputes concerning actions for infringement of a patent application or a patent and the ordering of the said measures shall be resolved by the court under the jurisdiction of the Code of Civil Procedure;
  - **administrative procedures -** provide a quick mechanism to penalize the persons involved in the manufacture, importation, exportation, transportation, offering for sale, sale, other ways for commercial distribution, storage for such purposes of goods incorporating a patented invention or a registered utility model that require, according to the legislation, authorization from the owner, conducted without such authorization;
  - **criminal procedures -** provide the possibility of harsher sanctioning, including the imprisonment of persons involved in the manufacture, importation, exportation, transportation, offering for sale, sale, other methods of commercial distribution or storage for such purposes of goods, use of processes that constitute inventions or utility models or incorporate the object of a protected invention or utility model that require, according to the legislation, authorization from the owner, conducted without such authorization and inciting third parties to perform such actions, which caused large-scale damages (over 50 000 lei);
  - **cross-border protection of rights** – is provided by the Customs Service of the Republic of Moldova. Close [1]

- Transfer of Rights [1]
  The patent application and the patent may be transferred or may be the subject to real rights. The right to a patent, the right to grant a patent and the rights deriving from a patent application or a patent may be transferred, in whole or in part, by assignment, exclusive or non-exclusive license, or by legal or testamentary succession.

  A patent, independently of the owner, may be the subject to a pledge or a certain real right. Patent pledges shall be registered in the Pledged Movable Assets Registry according to the Law on Pledge. Other rights to patents shall be entered in the National Register of Patents at the request of a Contracting Party and shall become opposable to third parties as of the date of registration, and data on those rights shall be published in BOPI.

  Also, the courts may grant a compulsory license for lack or insufficiency of exploitation of a patent to any interested person filing an application after the expiration of a period of 4 years from the day of filing of the patent application or 3 years from the grant of the patent, whichever is later, if the patent owner has not exploited the patent in the territory of the Republic of Moldova or has not undertaken serious and effective preparations for such purpose, subject to the conditions laid down in the Law.

  The assignment, license, pledge and franchising contracts shall be registered with the AGEPI at the request of the Contracting Parties. Registration of a contract may be requested by filing an application, typed or printed on a standard form approved by the AGEPI, except the pledge contract, the registration of which shall be carried out based on a notice specifying

the registration of the pledge.

Types of Contracts:

- Assignment contracts (patent) [2]
- Assignment contract (patent application) [3]