Industrial designs. Overview

- What is an industrial design or model? [1]
  An industrial design means the external appearance of the whole or a part of a product resulting from its features, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/ or its ornamentation.

  A product means any item produced through an industrial or handicraft process, including, inter alia, parts intended to be assembled into a complex product, packaging, get-up of books, graphic symbols and typographic typefaces, but excluding computer programs; a complex product means a product consisting of multiple components which can be replaced permitting disassembly and reassembly of the product.

  Close [1]

- The difference between industrial design and industrial model [1]
  The industrial design(a two-dimensional item) is characterized by the graphical- linear proportion of the elements and it effectively has no volume, for example: the external appearance of the carpet, woven fabric, kerchief, embroidery.

  An industrial model (a three-dimensional item) means a composition, based on a three-dimensional structure, for example, the external appearance of a car, a lathe, a lampshade, a container.

  Close [1]

- What may be registered as an industrial design? [1]
  The subject-matter of protection may be two-dimensional (industrial design) or three-dimensional (industrial model), and a combination thereof.

  An industrial design shall be granted protection provided that it is new and has individual character.

  The following shall be recognized and protected on the territory of the Republic of Moldova:

  - Industrial designs registered (with filing the registration application) and confirmed by the registration certificate of an industrial design or model according to the Law No.161/2007;
  - International designs registered according to the Hague Agreement on the International Registration of Industrial Designs;
  - Unregistered industrial designs (without filing the registration application) where these were made public according to Law No. 161/2007.

  Protection shall not be granted to:

  - designs which are dictated solely by a technical function;
  - manufacturing processes;
  - the principle of construction or the way a product is manufactured;
  - word elements, namely their semantic weight;
  - the external appearance of invisible objects in the process of normal functioning and exploitation;
  - distinctive signs (trademarks, appellations of origin etc.), unless they belong to the applicant;
  - industrial designs contrary to public order or morality.

  Close [1]

- The benefits of industrial design protection [1]
  One of the benefits of industrial design protection is the exclusive right to use and ban its use by third parties without the right holder`s permission during the whole period of validity of

the industrial design concerned. For the consumer the external appearance is one of the key factors influencing the successful sale of the product, making the product attractive and is one of the key factors influencing the buyer`s purchase decision of the multitude of product alternatives proposed.

Close [1]

- Who may register an industrial design? [1]
  Any natural or legal person or group of natural and / or legal persons may register an industrial design (taking into account that the right over an industrial design belongs to the author and / or his successor in title).

  Close [1]

- What is important to know before applying for registration? [1]
  Before registering an industrial design it is advisable to check if it does not contradict the industrial designs previously made public or submitted for registration.

  Verification may be performed in two ways:

  1.Free database searches:

  national http://www.db.agepi.md/DMI/Search.aspx [2]

  and international http://www.wipo.int/designdb/hague/en/ [3]

  other databases http://agepi.gov.md/md/design/databases.php [4]

  add reference to Design view (https://www.tmdn.org/tmdsview-web/welcome [5])

  2. By means of a documentary research requests to the AGEPI against payment https://agepi.gov.md/en/services/information-services-provided-agepi [6]

  Disclosure of information relating to an industrial design shall not influence its protection if such disclosure was made within 12 months before the priority date of the industrial design concerned by the author, applicant or a third person who obtained the information directly or indirectly from them.

  Close [1]

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