

## **REGULATION** **of the National Commission on Intellectual Property**

### **I. GENERAL PROVISIONS**

1. National Commission on Intellectual Property (hereinafter - the Commission) is an advisory body under the Government and is established in order to ensure coordination and interaction of ministries, other central administrative authorities, and holders of intellectual property rights in activities aimed at developing and strengthening the national intellectual property system, combating and preventing violations of intellectual property rights and fighting piracy and counterfeiting in the Republic of Moldova.

*[Par. 1 as amended by [Gov. Dec. No. 245 of 08.04.2013](#), in force as from 12.04.2013]*

2. The legal framework of Commission activity is the [Constitution of the Republic of Moldova](#), other national normative acts, international treaties in the field to which the Republic of Moldova is party and the present Regulation.

2<sup>1</sup>. Commission shall operate under the following principles:

- a) cooperation of central and local public authorities, public and private sector, holders of intellectual property rights in the planning, development and implementation of measures to combat and prevent violations in the field and on strengthening and development of intellectual property protection system;
- b) establishment between the authorities involved of cooperation relations based on compatibility, trust, open communication and frequency;
- c) public character of the meetings of the Commission;
- d) involvement in the Commission activity of private sector representatives, holders of rights, and experts;
- e) establishment and clear perception by the persons involved of the role and responsibilities undertaken to achieve the objectives of the Commission;
- f) adoption of Commission decisions in a broad consultative framework and providing mechanisms on their implementation;
- g) ensuring transparency, clarity and accessibility of information on Commission activity.

*[Par. 21 as inserted by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

### **II. DUTIES AND RIGHTS OF COMMISSION**

3. The basic duties of the Commission are:

- a) coordination of activities to combat and prevent infringements of intellectual property rights, fight counterfeiting and piracy in the Republic of Moldova;
- b) consultation and proposal of measures and actions aimed at developing and strengthening the intellectual property protection system;
- c) rendering assistance to the implementation of the strategy and programs of development of the national system of protection and use of intellectual property rights, international and regional agreements on intellectual property to which the Republic of Moldova is party;
- d) monitoring and evaluation of public authorities' activity on development and strengthening of the national intellectual property system;
- e) annual approval of the action plan of the Commission;
- f) periodic review of the implementation of Commission decisions and actions taken in this effect, as well as the activity of the working groups created within the Commission.

*[Par. 3 as amended by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

4. The Commission shall be entitled:

a) to request and receive, as established, from the public authorities, natural persons and legal entities information (materials) on issues within its competence, having access, as established, to information resources of the specialized central public administration authorities and local public authorities;

b) to hear at its meetings information presented by the responsible leaders and persons of the specialized central public administration authorities and local public authorities;

c) to create working groups and panels from among representatives of public authorities, researchers and specialists in the field of intellectual property protection, to develop or expertise draft normative acts, educational-methodological materials, recommendations, proposals, etc.;

d) to recommend the central and local public administration authorities measures to prevent, mitigate and combat intellectual property infringements.

*[Par. 4 as completed by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

### **III. COMPOSITION AND MANAGEMENT OF COMMISSION**

5. The nominal composition of the Commission is approved by the Government. Commission members are representatives of the central public administration authorities at deputy minister level, law enforcement and control authorities, responsible for the protection of intellectual property rights, as well as representatives of non-profit organizations in the area of intellectual property.

*[Par. 5 as amended by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

6. The chairman of the Commission shall perform the following functions:

a) convenes meetings of the Commission;

b) directs the activity of the Commission;

c) signs decisions of the Commission;

d) monitors the implementation by each authority involved of the tasks imposed on it;

e) coordinates the activities of working groups established within the Commission;

f) exercises other functions in accordance with this Regulation.

*[Par. 6 as amended by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

7. The deputy chairman of the Commission shall perform the functions of the chairman, in his absence.

8. Commission secretariat work will be ensured by the State Agency on Intellectual Property. Secretary of the Commission shall provide:

a) the preparation of materials for meetings of the Commission;

b) the transmittal of Commission decisions to its members, specialized central public administration authorities;

c) the monitoring and generalization of the results of enforcement of the resolutions adopted;

d) the development of work plans of the Commission, based on the recommendations of the chairman (deputy chairman), members of the Commission and public authorities and their submission for approval to Commission meetings;

e) the preparation of minutes of the meetings of the Commission ;

f) the provision of other activities of the Commission in organizational, analytical and informative aspect.

*[Par. 8 as amended by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

8<sup>1</sup>. Members of the Commission shall report regularly the performance by the authority which it represents of the actions and tasks are provided in the activity plan of the Commission.

*[Par. 8<sup>1</sup> as introduced by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

### **IV. ORGANIZATION OF COMMISSION'S ACTIVITY**

9. The Commission shall perform its activity in plenary meetings held, usually, once in the semester, in the presence of at least half of the members. If necessary, extraordinary meetings can be convened. Commission meetings shall be public. In cases stipulated by law, Commission meetings shall be declared closed.

*[Par. 9 as completed by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

10. In the activity of the Commission may also participate as invitees other persons, representatives of the specialized central public administration authorities and public local administration authorities, R&D and higher education institutions, private profit and non-profit legal entities, and of mass media agencies.

11. The list of invited persons is drawn up by the secretary of the Commission and is coordinated with its chairman. The persons invited to the meetings shall be entitled to an advisory vote.

12. Commission has forms with the state emblem and name.

13. The agenda of the meetings of the Commission shall be made by the Secretary and shall be submitted for approval to the chairman of the Commission at least 7 days prior to the convening of the meeting.

14. The agenda shall be communicated to the members of the Commission and, where appropriate, persons invited at least 5 days prior to the convening of the meeting.

15. The chairman of the Commission shall designate the persons responsible for the preparation of issues on the agenda, draft decisions and other documents required.

16. Persons responsible for the preparation of materials shall present them to the secretary of the Commission at least 5 days prior to the convening of the meeting.

17. Minutes of Commission meetings shall be prepared by its secretary, within at most 2 days as from the date of the meeting and shall be signed by the chairman and secretary of the Commission.

18. In exercising its duties, Commission shall adopt decisions on issues related to its competence.

19. Commission decisions shall be adopted by a majority of Commission members present at the meeting and under the procedure established by the Commission.

20. Commission decisions shall be signed by the chairman.

21. Commission decisions shall have a recommendation character for all public authorities vested with functions of responsibility in the field of intellectual property.

22. Information-analytical materials on the results of implementation of the decisions adopted by the Commission are regularly examined within its meetings.

22<sup>1</sup>. Commission shall submit to the Government an annual activity report in which are reflected the domestic situation and trends in the intellectual property protection field, the measures taken to combat and prevent infringements of intellectual property rights, is offered information on amendments to the legislation and are formulated certain recommendations for central administrative authorities to improve the situation in the field.

*[Par. 22<sup>1</sup> as introduced by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

22<sup>2</sup>. Projects developed within the Commission, decisions and reports of the Commission, and other general information regarding its activity, shall be placed on the official website of the authorities involved.

*[Par. 22<sup>2</sup> as introduced by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

## **V. ORGANIZATION OF ACTIVITY OF THE WORKING GROUPS CREATED WITHIN THE COMMISSION**

*[Chapter V (par. 23-29) as introduced by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

23. The composition of the working groups shall be approved by the Commission. Members of the working groups are specialists of the specialized central public administration authorities, law enforcement and control authorities, responsible for the protection of intellectual property rights, representatives of non-profit organizations in the field of intellectual property, and private environment.

The activity of each group is monitored by a coordinator appointed by the Commission.

24. In order to examine the specific problems of their work, in the activity of the working groups may be involved various experts, and other interested persons.

25. The working groups shall operate under their business plans approved by the Commission.

26. The working groups shall meet in meetings held, usually, once in a semester. If necessary, extraordinary meetings may be convened. Meetings of the working groups shall be public.

27. The working groups shall adopt decisions on matters examined in the meeting, with the majority vote of the members of the working groups, in the event of vote equality, the vote of the group coordinator is decisive.

28. The issues examined in the meetings of the working groups and the decisions taken shall be recorded in the minutes.

29. The working groups shall annually submit to the Commission reports on the results of their work.

*[Chapter V (par. 23-29) as introduced by [Gov. Dec. No.245 of 08.04.2013](#), in force as from 12.04.2013]*

---

Government Decisions

489/29.03.2008 Decision on the National Commission on Intellectual Property

// *Official Gazette* 72-73/476, 08.04.2008