

02/28/2023 Events

The Government of the Republic of Moldova approved, today, February 28, the Draft Law on Amending Certain Normative Acts (Improving the Mechanism for Issuing Compulsory Licenses), presented during the session of the Executive by the Deputy Director General of the State Agency on Intellectual Property (AGEPI), Andrei Popa.

This draft aims to amend Law No. 50/2008 on the Protection of Inventions and Law No. 1456/1993 on Pharmaceutical Activity and aims to improve and adjust the procedures of examining patent applications filed with AGEPI and of issuing patents, as well as for the efficient application of the flexibilities offered by the TRIPS Agreement, especially those related to the procedure of granting compulsory licenses.

The need to amend the said normative acts comes to solve a very topical problem that constitutes the rigid legal regime of granting compulsory licenses for the use of patent-protected inventions, established by Law No. 50/2008 on the Protection of Inventions in Articles 28 and 29, which represents an impediment to solving urgent social and economic problems.

In order to optimize the procedure for granting compulsory licenses and to establish a mechanism for implementing this procedure, the general rules regarding the compulsory license and the conditions applicable to it were completely revised and proposed in a new version, clearly delimiting the cases and conditions for granting the compulsory license.

In this sense, for cases of public interest (for example: in the event of a public health emergency, national defense or in the fields of agriculture, environmental protection, climate change and natural resources), which must be urgently resolved by the public authorities, and the solution consists in the use of patents for invention, limited terms for the examination and granting of compulsory licenses by the court were established by the approved draft.



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