

**Government of the Republic of Moldova**

**Decision on the National Strategy on Intellectual Property until 2020**

**no. 880 of 22.11.2012**

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In order to develop the national system of protection of intellectual property rights and to fulfill the objectives of the Activity Programme of the Government of the Republic of Moldova "European Integration: Freedom, Democracy, Welfare" for the years 2011-2014, the Government

**DECIDES:**

**1. To approve:**

The national strategy on intellectual property until 2020, according to Annex 1;

The Action Plan for 2012-2014 on implementation of the national strategy on intellectual property until 2020, according to Annex 2.

**2. The Ministries and institutions concerned:**

will take the necessary steps to implement the mentioned strategy;

will present, annually, to the State Agency on Intellectual Property information concerning the realization of the actions included in the Action Plan;

State Agency on Intellectual Property will elaborate the consolidated progress report and will submit it within 30 days to the National Commission on Intellectual Property;

after approval of the report by the National Commission on Intellectual Property, the State Agency on Intellectual Property, within 30 days, shall submit the progress report to the Government and publish it on its official website.

**3. The Government will examine the results of implementation of the provisions of the Strategy and its Action Plan at the end of each period of implementation and will approve new plans for future periods.**

**4. The control over the execution of this decision is the responsibility of the State Agency for Intellectual Property.**

**Vladimir FILAT**

**PRIM-MINISTER**

**Ccountersigned:**

**Viceprim-minister, Miinster of Economy**

**Valeriu Lazăr**

**Chişinău, November 22, 2012.**

no.880.

## **NATIONAL INTELLECTUAL PROPERTY STRATEGY until 2020**

### **Introduction**

The National Intellectual Property Strategy until 2020 (hereinafter – the Strategy) defines the perspectives of the national intellectual property system, strategic objectives, measures and specific actions for their achievement. This Strategy is a continuation of the Development Strategy of the National System of Protection and Use of Intellectual Property Objects until 2010, approved by Government Decision no. 1143 of 18 September 2003 (hereinafter – the Strategy 2003).

The 2003 Strategy was aimed at ensuring the effective functioning of the National System of Intellectual Property (IP), supporting and promoting creativity, internationally affirming the country as a partner equal in title, creating the socio-economic, cultural, organizational and legal basis, in order to integrate the national intellectual potential in the regional and global one.

The most important development of the 2003 Strategy was the improvement of IP legislation, an objective set out in the National Programme for the Implementation of the EU-Moldova Action Plan and in the Economic Growth and Poverty Reduction Strategy. Currently, Moldova has an advanced legal framework in the field, which corresponds to international norms and *acquis communautaire*.

Particular attention was given to activities promoting the national IP System, as priority being education, training and retraining of personnel in the field, awareness and information of civil society, research-development (R&D) sphere and business environment about the importance of protection and enforcement of intellectual property rights (IPR).

During the same period, it was expanded the international cooperation in the IP field, have been developed and strengthened the cooperation relations with the World Intellectual Property Organization (WIPO), International Union for the Protection of New Varieties of Plants (UPOV), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Economic Commission for Europe (UNECE), Eurasian Patent Office (EAPO), European Patent Office (EPO), with specialized offices of different countries, including those of the European Union (EU) and Commonwealth of Independent States (CIS).

Press coverage of the system of legal protection of intellectual property objects (IPO) has continuously developed and has achieved notable performances. Currently, users have free online access to information in the IP field, including the Official Bulletin of Industrial Property (BOPI), databases, as well as court decisions on IP-related cases.

In addition to registered achievements, Moldova continues to face a number of IP issues: insufficient use of the intellectual creation and innovative activity results that is the foundation of a competitive knowledge-based economy; high level of piracy and counterfeiting, which poses a major threat to the economic security of the country and the health of local consumers; poor involvement of the holders of IPO in the IPR protection actions, which considerably reduces the effectiveness of application of IPR protection measures; extremely reduced utilization of IP potential by the small and medium-sized enterprises (SME); the large number of cases of unfair competition and submission of ill-intended IPO registration applications; the insufficient level of culture in the IP field; lack of transparency in the activity of the organizations for collective management of copyright and related rights, etc. Consequently, intellectual property has not yet taken its place of key factor in the economic, social and cultural development of the country.

At present, IP is a major concern in finding solutions for economic growth, development and competitiveness, manpower employment and raising the welfare of the population both in developed and developing countries. In particular, industries that rely on IPR protection contribute substantially to economic development. A clear and effective IPR regime is the vital condition for attracting foreign direct investment, promoting research and development and technology transfer.

According to the findings of the Organization for Economic Cooperation and Development (OECD), strong IPR positively correlate with the foreign direct investments: a 1% increase in the number of patents corresponds to a 2.8% increase in foreign direct investments and a 1% improvement of the protection of copyrights and trademarks increases the foreign direct investments by 3.8% and, respectively, by 6.8%. On the other hand, weak IPR are serious barriers to international technology licensing sphere and reduce, in particular, direct investments in software and pharmaceutical sectors. At least 25% of American, German and Japanese high-tech firms refused to invest directly or through joint ventures in developing countries with weak IPR.

Intellectual products, information and knowledge, spiritual, scientific and cultural potential of contemporary society are the driving force for sustainable development and determine the economic competitiveness. All these demonstrate the increasing role of IP in modern society and government efforts to invest in strengthening IP regimes are not considered expenses, but rather – value-added investment and economic growth.

Particular importance is attributed to intellectual property in the European Union. One of the key elements of the Lisbon Strategy (revised) for growth and jobs is to improve the management of IPR, as these rights, especially patents, are related to innovation, which is in turn a constituent importance of competitiveness. Industrial Property Rights Strategy for Europe (COM/2008/0465 final) sets out actions necessary to achieve a high-quality IPR system, accessible and coherent to act as a catalyst for innovation and contribute to the implementation of the Lisbon Strategy. A well-founded, harmonized and progressive approach on intellectual property rights is essential for achieving the ambitious objectives of the Europe 2020 Strategy, which defines the strategic objectives and priorities of the EU destined to strengthen European competitiveness globally.

The results of intellectual activity are an important component of Moldova's national wealth, but their potential is not yet fully appreciated and valued. The stabilization of economy and boost in its growth based on knowledge and innovation, enhancement of competitiveness, development of production and trade, science and culture, employment, etc. dictate the need for upward attraction of IP in these core activities.

Given these premises, the new National Intellectual Property Strategy aims to define necessary conditions for the development and consolidation of a legal, institutional and social framework adequate for the creation, protection, management and plenary exploitation of the intellectual property potential to contribute to the development of a competitive national economy based on knowledge and innovation.

Strategy development was preceded by the development, under the aegis of the National Commission on Intellectual Property (NCIP), of extensive consultations to assess the situation and existing problems involving the relevant bodies of the central public administration, the academic environment, nongovernmental organizations and civil society, followed by a comprehensive analysis of the current state of affairs in the IP field. Also, in a WIPO Project<sup>1</sup>, was conducted a series of in-depth interviews with over 50 institutions, economic agents, nongovernmental organizations, etc. As a result, together with WIPO experts were identified the priority objectives of the National IP Strategy and specific measures and actions for their achievement. In developing the Strategy, consultations were also held in the NCIP working groups to define the document structure and objectives, which are approved by NCIP.

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<sup>1</sup> Project DA\_10\_05: "Improvement of National, Sub Regional and Regional IP Institutional and User Capacity". CDIP/3/INF/2, [http://www.wipo.int/edocs/mdocs/mdocs/en/cdip\\_3/cdip\\_3\\_inf\\_2.pdf](http://www.wipo.int/edocs/mdocs/mdocs/en/cdip_3/cdip_3_inf_2.pdf)

In developing this Strategy were analyzed and considered the national policy documents having tangency with IP, conclusions and recommendations concerning the strategic framework to guide the reforms and priorities in the period ahead, made by the European experts under the Project “Support for the Implementation of Agreements between the Republic of Moldova and the European Union”, funded by EU<sup>2</sup>, recommendations of experts in the mentioned WIPO Project and WIPO recommendations on the development of national IP strategies in countries in transition<sup>3</sup>.

## **Chapter I. National Intellectual Property System: Current Situation and Existing Problems**

Market economy is impossible without an effective intellectual property protection system. It is undeniable that intellectual property protection system is one of the most important attributes of statehood, and Art. 33 of the Constitution of the Republic of Moldova, adopted on July 29, 1994, enshrines the right of citizens to intellectual property (IP), their material and moral interests arising in relation to various forms of intellectual creation being protected by law.

National Intellectual Property System is the set of legal provisions on which any person enforces, acquires and defends his rights arising in connection with various types of intellectual creation (legal framework), institutions involved in the implementation of these provisions (institutional framework), elements and relationships that ensure and maintain the proper functioning of the system (IP system infrastructure), and beneficiaries of this system.

### **1.1. Legal Framework of Intellectual Property Protection in the Republic of Moldova**

From the declaration of its independence so far, Moldova joined the main international and regional organizations, and 32 international IP treaties, including:

23 – administered by WIPO (out of 24);

3 – administered, respectively, by the International Union for the Protection of New Varieties of Plants (UPOV), World Trade Organization (WTO) and United Nations Educational, Scientific and Cultural Organization (UNESCO);

6 – from CIS.

In that period it was created and consolidated a comprehensive legal framework on intellectual property, which includes the national legislation and international IP treaties to which Moldova is party (<http://agepi.gov.md/md/legislation/>).

National legislation in the field of intellectual property has undergone continuous development, in parallel with country’s integration into the world economic system. Thus, Moldova’s accession to the World Trade Organization (WTO) in 2001, was preceded by the amendment, in the period of 1997-2000, of the laws on the protection of intellectual property objects (patents, plant varieties, industrial designs, trademarks and appellations of origin, topographies of integrated circuits, objects protected by copyright and related rights) and civil and administrative law for their compliance with the requirements of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement). In this context, in 2007, it was adopted a number of amendments to the Criminal Code, by which have been set punitive sanctions for cases of infringements of IP rights.

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<sup>2</sup> Intellectual property law and policy. Law approximation to EU standards in the Republic of Moldova/Eugene Stuart, Edoardo Fano, Linda Scales [et al.]; – Chisinau: “Sinectica-Com” Ltd., 2010. – 291; p. 277 – Set of guidelines for harmonization of sectoral legislation (hereinafter - SLAG).

<sup>3</sup> Guidance for the Development of a National Intellectual Property Strategy in countries in transition. Prepared by the Division for Certain Countries in Europe and Asia. WIPO.  
[http://www.wipo.int/export/sites/www/dcea/en/pdf/tool\\_7.pdf](http://www.wipo.int/export/sites/www/dcea/en/pdf/tool_7.pdf)

Moldova's progress towards European integration led to the harmonization of intellectual property legislation with the *acquis communautaire* in order to ensure a level of protection and respect for intellectual property rights equivalent to that existing in the European Union and in accordance with the commitment assumed by our country under Article 49 of the Partnership and Cooperation Agreement (PCA) between the European Union and the Republic of Moldova.

Thus, during 2007-2010 the entire regulatory framework related to the IP field was revised, being adopted, in a new version, 6 special laws harmonized with EU legislation governing the protection of industrial property objects and works protected by copyright and related rights, namely: Law no. 161-XVI of 12 July 2007 on the Protection of Industrial Designs; Law no. 38-XVI of 29 February 2008 on the Protection of Trademarks; Law no. 39-XVI of 29 February 2008 on the Protection of Plant Varieties; Law no. 50-XVI of 7 March 2008 on the Protection of Inventions; Law no. 66-XVI of 27 March 2008 on the Protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed; Law no. 139 of 2 July 2010 on Copyright and Related Rights.

Also, in the specialized laws on intellectual property has been implemented the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights.

Law no. 655-XIV of 29 October 1999 on the Protection of Topographies of Integrated Circuits, developed in accordance with the relevant international law, complements the regulatory framework in the IP field.

Entry into force of the new laws has attracted a number of actions to ensure the entry into force of the legislation in accordance with the provisions of the mentioned laws and their efficient application. For this purpose, there have been developed and approved, by Government decisions, the regulations related to the laws in question, have also been amended and adjusted other legislative acts of major importance for the functioning of the IP system.

Currently, the national legal framework of intellectual property is consistent both with the international standards and those of the European Union. However, the process of harmonization of the legislation should be a continuous one, in order to cope with the permanent changes generated by the development of the reference field both at the international and EU level.

While the regulatory framework is quite advanced, a primary task for the coming years remains its implementation, particularly the part related to the enforcement of rights. This is not just an activity to staff enhancement, specialization and/or training in the relevant institutions which, moreover, is performed with the considerable support provided by donors through projects, including EU TWINNING Project<sup>4</sup>. For Moldova, implementation management (including conjugated anti-piracy activities) and more active involvement of the holders of rights in law enforcement activities remain to be critical factors.

According to the findings of European experts, the main impediments to the full harmonization of legislation with EU standards in the field of enforcement of IP rights in the Republic of Moldova refer to a number of barriers to effective application of intellectual property rights. These barriers include: inadequate coordination of institutions involved in the enforcement of rights; lack of a strategic direction for implementation (including lack of evidence regarding planning, conduct of activities and results obtained in the fight against piracy and counterfeiting); insufficient staffing and other constraints on specific means/resources; the need for continuous training of the implementing bodies and increase of awareness initiatives; the need to achieve a higher level of legal expertise for cases related to IP; lack of sufficient employment of rightholders in the implementation process and low level of development of the system for collective management of copyright and related rights in the Republic of Moldova<sup>5</sup>.

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<sup>4</sup> TWINNING Project "Support to Implementation and Enforcement of Intellectual Property Rights in the Republic of Moldova" funded by the European Union, was successfully implemented from 1 November 2010 to 30 April 2012.

<sup>5</sup> SLAG

## 1.2. Institutional Framework of the National Intellectual Property System

With the creation and strengthening of the intellectual property legal system in the Republic of Moldova was formed and evolved the institutional framework necessary for the protection, enforcement and defense of IP rights. Currently, it includes the following institutions and bodies vested with direct duties and responsibilities in the intellectual property field:

State Agency on Intellectual Property;  
Judiciary System;  
Prosecutor General's Office;  
Customs Service;  
Ministry of Internal Affairs;  
National Agency for the Protection of Competition;  
Ministry of Information Technology and Communications;  
Ministry of Agriculture and Food Industry.

The central role in this system appertains to the State Agency on Intellectual Property (AGEPI) which organizes and performs, under the law, the legal protection of intellectual property in Moldova; develops proposals relating to state policy and legal regulatory framework for the protection of intellectual property and proposals regarding the improvement of national legislation in the field; organizes and manages the national intellectual property protection system in accordance with the applicable law of the Republic of Moldova and the international treaties to which Moldova is party; develops proposals for developing the national intellectual property protection system, etc. AGEPI also represents the Republic of Moldova in international and interstate organizations for the protection of intellectual property and is the receiving office / office of the country of origin for the applications for patenting/registration of intellectual property rights abroad, according to international treaties to which the Republic of Moldova is party. AGEPI is independent in adopting decisions and judgments on the legal protection of IPO.

AGEPI established the **Board of Appeals** – a specialized body within the competence of which fall the extrajudicial settlement of appeals filed against decisions of registration/patenting or rejection of applications for registration/patenting of IPO. Decisions taken by the Board of Appeals of AGEPI may be appealed by the parties in the courts in the manner and within the time limits established by the legislative acts in the field of intellectual property and the law of civil procedure.

During the years 2003-2011, of 1199 decisions issued by the Board of Appeals, in the court were contested 111 (9.2%), of which 70 judgments were maintained and 41 judgments were canceled, respectively, 36.9% of contested ones or 3.4% of the total of adopted ones. The small number of disputes having come to court certifies the high professionalism of the members of the Board of Appeals of AGEPI.

In order to ensure the enforcement of rights, in 2003 under the AGEPI was established the **Arbitration specialized in the field of intellectual property**. Arbitration settles disputes arising from contractual relationships and other civil law relationships in conducting the activity related to intellectual property.

In accordance with the provisions of Law no. 139 of 2 July 2010 on Copyright and Related Rights, AGEPI establishes the **Mediation Board in the field of intellectual property**, examining and settling disputes assigned to its competence according to the special laws in the field of intellectual property and disputes in the field of collective management of copyright and related rights. Currently, the Regulation of the cited Board is in the process of drafting with the AGEPI.

An extremely important role in ensuring the enforcement of IP rights appertains to the judiciary system. According to Moldovan legislation, rightholders or persons whose rights have been violated may initiate civil, administrative or criminal proceedings on enforcement of intellectual property rights. Currently, due to the relatively small number of disputes related to intellectual property, in the Republic of Moldova there are no courts specialized in their

settlement. At the same time, according to Article 33 paragraph (3<sup>1</sup>) of the Code of Civil Procedure, the **Chisinau Court of Appeal** is vested with the necessary competence to judge in the first instance the intellectual property disputes. The decisions of this court can be appealed to the Supreme Court of Justice, as provided by law.

In order to familiarize the general public with the results of the examination of IP disputes and in the context of implementation of the RM-EU Action Plan regarding the public access to legal information and case law in this area, AGEPI initiated in 2007 the publication on its website (<http://agepi.gov.md/md/practice/decisions/>) of court decisions and judgments on intellectual property cases. On 1 January 2012 their total number reached the figure of 266, of which 170 (67.7%) refer to trademarks, 19 (7.1%) – to inventions, 7 (2.6%) – to industrial designs and 60 (22.6%) – to copyright and related rights.

One effective means to ensure the enforcement of IP rights is the criminal law that aims to protect against offenses the person, rights and freedoms thereof, property and so on, and to prevent the commission of new offences. A special role in applying the criminal law with reference to the enforcement of IP rights in the Republic of Moldova appertains to the **Prosecutor General's Office**. Given the importance attached to this area and in accordance with the Parliament Decision no.77 of May 4, 2010 regarding the approval of the Prosecutor General's Office structure, within the framework of which was created the Information Technologies and Computer Crime Investigations Division as an independent structural subdivision with direct subordination to the Prosecutor General.

A vital component of the National Intellectual Property System, indispensable to any rule of law, which also derives from Moldova's obligations under international agreements to which it is party, primarily the TRIPS Agreement, is the implementation of measures to protect IP rights at the border. The competent authority in this area is the **Customs Service**, whose activity is conducted in accordance with the provisions of the applicable national and international legislation in the reference field and is carried out in collaboration with institutions and organizations involved in the protection of intellectual property objects and rightholders of intellectual property objects. This activity has as main objective to ensure the effective implementation of border protection measures to protect the legitimate rights and interests of rightholders by combating the international trafficking of counterfeit products and pirated works, the marketing of which causes injury to rightholders, generates acts of unfair competition and represents a major threat to the economic security of the country and the health of local consumers.

In this section, starting with the year 2008, was undertaken a number of measures, especially regarding the enforcement of rights at the border, governed by Chapter XII of the Customs Code, prepared under the provisions of the TRIPS Agreement and amended pursuant to the provisions of Regulation (EC) no. 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights.

The current mechanism for implementing border protection measures in respect of the intellectual property objects provides those initiated at the request of the rightholder or on the initiative of the customs body (*ex-officio* procedure), by notifying the rightholder, if there are sufficient grounds to consider that goods infringe an intellectual property right, so that the rightholder may initiate court proceedings within the prescribed period. Otherwise, the customs body orders the clearance of goods. The successful implementation of the above procedures involves a close cooperation between customs bodies and rightholders. The specific character of legal relations in the sphere of intellectual property indicates that the effective protection of IP rights, including in the implementation of customs control, is mostly conditioned by the initiative and interest of rightholders. In this respect, there are major drawbacks, one reason being the relatively small market of the Republic of Moldova in comparison with that of the neighboring countries and, consequently, reduced interest of rightholders.

**Ministry of Internal Affairs** is empowered with skills to prevent and combat crimes of intellectual property. Activities related to preventing and combating the phenomena of piracy and counterfeiting of goods is coordinated by the Fraud Investigation Department of the Ministry of Internal Affairs. Its functioning is organized and implemented according to the principle of operative surveillance of the key areas of economic activity, based on the practical interaction with the subdivisions of the Police Department, collaboration with other law enforcement and control bodies vested with special powers provided by law. The Fraud Investigation Department organizes the deployment of preventive and prophylactic prosecution actions and operational measures of investigation of subdivisions in the territory to prevent, detect and document offenses, cases of smuggling and illicit trafficking in goods, crimes of the computer information systems and intellectual property, acts of counterfeiting and protect natural persons and legal entities against illicit economic and entrepreneurial activities and unfair competition. A major problem faced by the Ministry of Internal Affairs is the lack of specialized personnel in the field of intellectual property and computer information systems.

Promotion of creation and innovation and stimulation of economic growth are common goals of the legislation on competition and intellectual property. There are required a high degree of protection and enforcement of IPR and rigorous application of competition rules to prevent abuses that could put a brake on innovation or prevent market access, especially for SMEs<sup>6</sup>. Intellectual property is an indispensable attribute of market economy, the development of which is based on a healthy competitive environment. Building and maintaining thereof in the Republic of Moldova relates to the activity of the **National Agency for the Protection of Competition (NAPC)**. NAPC aims to promote state policy on protection of competition, limitation and suppression of anticompetitive activity of the economic agents, public administration authorities and inspection on the implementation of legislation on the protection of competition. ANPC also performs the expertise of draft legislative acts through the prism of impact that they can generate on competitive environment and eliminates the provisions that can cause barriers to entry/exit on certain markets, may lead to the creation of more favorable conditions for some economic agents, the discrimination against others, etc.

ANPC has no direct powers on intellectual property. At the same time, Article 1 of Law no. 1103-XIV of 30 June 2000 on the Protection of Competition, underpinning the NAPC activities, states that its provisions do not extend to relations governed by rules of legal protection of industrial property objects, copyright and related rights, except for cases of use of these rules and rights to limit the competition. In particular, the aforementioned law contains provisions relating to the finding of acts that can be qualified as unfair competition, such as unauthorized use, in whole or in part, of product or service trademark, packaging design or trade name of another economic agent.

The examination of cases of unfair competition relates directly to the competence of the Unfair Competition and Advertising Control Department, created under NAPC. During 2007 – October 2011 the Administrative Council of NAPC has initiated 29 cases on signs of violation of the legislation on protection of competition, in particular those related to unfair competition involving an exclusive right on the trademark.

Contemporary era is unthinkable without information and communication technology, online services and electronic commerce. However, IP protection in the digital age is a major challenge that currently faces both developed and developing countries. Violations of IP rights in the online environment is a global phenomenon and the balance between measures to be taken to effectively combat this scourge and free access to the Internet is a problem whose solution is becoming increasingly difficult due to the vertiginous development of information technology and much slower evolution of the legal framework in this area. In current circumstances, given

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<sup>6</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Single Market for Intellectual Property Rights. Boosting creativity and innovation to provide economic growth, high quality jobs and first class goods and services in Europe. Brussels, 24 May 2011, COM(2011) 287 final.

the high level of development of information and communication technologies in the Republic of Moldova, **Ministry of Information Technology and Communications** is one of the main components of the National IP System. Among its functions and responsibilities that have to do with ensuring the enforcement of intellectual property rights are included: elaboration, monitoring, implementation and evaluation of public policies in the areas of information society, computerization, information technology, communications, public records and information resources; coordination and monitoring of information and communication technology implementation processes in various fields of national economy and computerization of public authorities activity.

Although the importance of IP rights in the digital environment is indisputable, currently the Ministry of Information Technology and Communications has no personnel specialized in intellectual property.

In 2007-2011 was witnessed an increasing trend of using software with the observance of copyright on it. In this respect, the study conducted by the Business Software Alliance (BSA)<sup>7</sup> on personal computer software piracy, found that the share of illegal software in total software used in Moldova fell from 92% in 2007 to 90% in 2011, while the commercial value of unlicensed software increased from 43 to approximately 45 million U.S. dollars. The illegal use of software considerably reduces the legal market of information technologies in the Republic of Moldova.

At the same time, according to the conclusions of experts<sup>8</sup>, it is not reasonable to expect significant results in ensuring the enforcement of rights in the Republic of Moldova, where the main holders of rights (including industrial property rights) do not support the law enforcement efforts, showing a certain indifference to the relatively small Moldovan market.

Another authority with responsibilities in the field of IP is the **Ministry of Agriculture and Food Industry** which has a number of tasks related to plant varieties through the State Commission for Variety Testing (State Commission). In common with AGEPI, State Commission carries out the country's policy in the field of legal protection of new plant varieties.

State Commission carries out variety testing in its testing centers, experimental stations, specialized institutions and laboratories, in accordance with the methodologies and established deadlines and under international standards to assess their compliance with the conditions of patentability (distinctness, uniformity and stability (DUS)). State Commission also carries out variety testing to assess their value for cultivation and use (VCU), keeps the Register of Plant Varieties, including varieties permitted for production and sale in the Republic of Moldova. State Commission and AGEPI represent Moldova in the International Union for the Protection of New Varieties of Plants (UPOV), as well as other intergovernmental and international organizations for the protection of plant varieties, cooperating with them bilaterally and multilaterally.

Among the basic functions of the Ministry of Agriculture and Food Industry that have to do with IP is also counted the management of trademarks – state property, in accordance with laws and regulations in force, the Ministry is responsible for their proper use and promotion on domestic and foreign markets, and also for ensuring their protection nationally and abroad.

By Government Decision no. 644 of 19 July 2010, the Ministry of Agriculture and Food Industry has been designated as the competent authority vested with powers and responsibilities relating to agricultural products and foodstuffs with appellations of origin and geographical indications and to traditional specialties guaranteed, according to the covered fields.

Together with the Ministry of Agriculture and Food Industry, under the same Government Decision, were designated as competent authorities, for the categories of products in the covered fields, another 4 ministries: Ministry of Health, Ministry of Culture, Ministry of Environment and Ministry of Regional Development and Construction. All these authorities are supposed to establish and develop, each in its field of competence, specific systems and procedures for recognition, registration and use of appellations of origin and geographical

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<sup>7</sup> [http://portal.bsa.org/globalpiracy2011/downloads/study\\_pdf/2011\\_BSA\\_Piracy\\_Study-InBrief.pdf](http://portal.bsa.org/globalpiracy2011/downloads/study_pdf/2011_BSA_Piracy_Study-InBrief.pdf)

<sup>8</sup> SLAG

indications for products in the covered fields and for registration and production of traditional specialties guaranteed. The implementation of these valuable marketing tools aims to contribute to the development of territories, attraction of investment and manpower in rural areas, obtaining of economic and social benefits.

The importance of IP, its presence in all areas of economic and social life, both nationally and internationally, determines the need for active involvement in the functioning of the National IP System of central public authorities which, although do not have direct powers and responsibilities in the IP field, play an important role in providing favorable conditions for the creation, use and exploitation of intellectual property. Most important in this respect are:

- Academy of Sciences of Moldova;
- Ministry of Economy;
- Ministry of Foreign Affairs and European Integration;
- Ministry of Justice;
- Ministry of Finance;
- Ministry of Culture;
- Ministry of Education;
- Ministry of Health.

**Academy of Sciences of Moldova** is an essential component of the National IP System, being the public institution of national interest in science and innovation. With the adoption of the Code no. 259 of 15 July 2004 on Science and Innovation of the Republic of Moldova, Academy of Sciences of Moldova was invested with the powers of the Government to achieve the state policy in the field of science and innovation and was assigned the role of coordinator of the scientific and innovation activity, scientific consultant of the public authorities of the Republic of Moldova, promoter of innovations and technology transfer. Given the status of the Academy of Sciences of Moldova, its role is decisive in the promotion of knowledge-based society's values and effective use of intellectual property, attraction of private sector investment in research, innovation transformation into competitiveness growth factor, enhancement of innovation capacities of the research institutions and university centers, etc.

**Ministry of Economy's** mission is to ensure the development of a sustainable economy by improving the regulatory framework of entrepreneurship activity through technological development and competitiveness, creation of an attractive and predictable investment environment, contribution to actions of monopoly divestment of the internal market and elimination of anticompetitive practices and through international economic cooperation. Even if the Ministry of Economy's mission does not explicitly include intellectual property, it is practically the cornerstone of each of the components listed. This statement is based on the nature of IP, as a key factor of the market economy based on private property, free competition, competitiveness, knowledge and innovation, as well as on integration into the global economy.

The role of the Ministry of Economy in the operation and development of the National IP System is crucial, especially at this stage because the economy whose foundation is property is the main beneficiary of this system. In the contemporary era intellectual property is the economic foundation of the knowledge-based economy. Thus, within the Ministry of Economy are created several subdivisions that also involve the IP field.

At the same time, to this Ministry are subordinated or coordinated a number of institutions that also have to do with the IP field and play an important role in the utilization of the intellectual property potential, including the Main State Inspectorate for Market Surveillance, Metrology and Consumer Protection; Moldovan Investment and Export Promotion Organization (MIEPO); Small and Medium Enterprises Development Organization (SMEDO).

In terms of international economic cooperation and domestic and foreign policy orientation of the country towards European integration, in the context of development of the National IP System, particularly important is also the role of the **Ministry of Foreign Affairs and European Integration (MFAEI)**. Thanks to the activity of MFAEI, Moldova is currently party to 32 international IP treaties, to numerous international agreements, joint commissions,

particularly economic, that also involves the observance of IP rights, thereby contributing to the promotion and integration of the National IP System into the worldwide one.

Under the responsibility on the promotion of Republic of Moldova's foreign policy, namely promotion of foreign trade and attraction of foreign investment, MFAEI addresses the size at issue as a priority. The relevance of MFAEI activities to the National Intellectual Property System derives from its economic nature and the close correlation between the volume of foreign investments and the level of protection of IP rights. In accordance with the Strategy for Attracting Investments and Promoting Exports for 2006-2015, MFAEI constantly promotes the dialogue and commercial-economic cooperation between Moldova and countries of the world through different actions. In this context, the potential to promote the performances of the National IP System by MFAEI is significant and should be fully exploited.

**Ministry of Justice** carries out the legal expertise of all draft legislative acts, including in the field of intellectual property. Also, one of the basic functions of the Ministry of Justice is to monitor the process of implementation of the legislation. By Presidential Decree no. 241 of 9 December 1991 on Registration of Enterprises Operating in the Republic of Moldova, under the Ministry of Justice was created the State Registration Chamber, carrying out the state registration of legal entities and individual entrepreneurs and keeps record of them. According to data provided by the State Registration Chamber on October 6, 2010, out of the 154,335 of economic agents registered in the State Register, about 8000 (5.2%) declared on registration one or more types of activity in the field of copyright and/or industrial property.

By virtue of its functional responsibilities, the State Registration Chamber faces some problems covering intellectual property objects, namely those related to the relationships between trade names and trademarks, on the one hand, and ambiguous evaluation of economic rights on IPO, which distorts the practice of applying Art. 106 of the Civil Code regarding the increase of the stock capital at the expense of the rights on IPO, as a contribution to the assets of the company, on the other hand. These issues come to confirm once more the need for a systemic approach to the field of IP.

A key role in the proper functioning of the National IP System, encouraging and valuing IPO through financial and fiscal mechanisms belongs to the **Ministry of Finance**.

Under current conditions, the same role in strengthening the National IP System also appertains to the **Ministry of Culture**, which promotes the state policy in the sphere of culture, arts, publishing, printing, book trade and libraries. It is undeniable that all these areas are directly related to intellectual property, particularly to the legislation on copyright and related rights.

If until recently, economic growth was associated mainly with technological development and innovation in technical fields, with the transition to "digital economy" culture moves to a qualitatively new level of development and communication. Cultural services become transformed more and more into the so-called "cultural industries" that produce and distribute many goods and services. Moreover, culture contributes to the catalyzation of creativity and innovation<sup>9</sup>. It is necessary to encourage the development of cultural and creative industries in Moldova, as in the EU countries, where cultural and creative industries are enterprises with a great economic and innovative potential, being one of the most dynamic sectors, with a contribution of about 2.6% of EU GDP, with a significant growth potential providing quality jobs to around 5 million people. In this context, among the major powers of the Ministry of Culture are revitalizing and strengthening specific local customs and traditions, encouraging the revival and development of traditional handicraft industry which, under the aegis of WIPO, fall also in the context of the international community's efforts to find effective mechanisms to protect traditional knowledge and folklore.

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<sup>9</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalizing world. Brussels, 10 May 2007, COM(2007) 242 final.

At the same time, according to Government Decision no. 644 of 19 July 2010, the Ministry of Culture is designated as the competent authority vested with powers and responsibilities relating to handicrafts with appellations of origin and geographical indications.

**Ministry of Education** currently does not have direct responsibilities related to intellectual property, but its role is to be proactive in building the knowledge-based society, in enhancing the capacities of the National IP System by introducing in the curricula at various levels of training, disciplines related to intellectual property. This will contribute significantly to increasing the IP culture, which will have a beneficial effect on the processes of creation, protection and enforcement of IP rights in the Republic of Moldova. Currently, in the curricula of several universities in our country are disciplines related to intellectual property: IP Law (in 12 institutions), Innovative Management (8) Marketing of New Products (3), Economics of IP (3) IP Protection (1), IP Assessment (1).

AGEPI initiatives on introducing the optional disciplines “IP Protection” in the university curricula of several faculties were welcomed by the Ministry and should be implemented in the coming years by university senates’ decisions with their extension to preuniversity education. IP schooling at the level of the whole society is an imperative task, the implementation of which requires full involvement of the Ministry of Education.

In accordance with the obligations assumed by the Republic of Moldova as a WTO member country, under the TRIPS Agreement, the Ministry of Health is involved in the implementation of the provisions related to the protection of undisclosed test data on approval of marketing of pharmaceutical products containing new chemical entities and under the Doha Declaration on the TRIPS Agreement and Public Health.

Also, as mentioned above, the Ministry of Health is the competent authority vested with powers and responsibilities relating to medicinal mineral waters, medicinal teas and parapharmaceutical products with appellations of origin and geographical indications.

### **1.3. Coordination of the National Intellectual Property System Functioning**

From the summary of the institutional framework proceeds that into the IP System of the Republic of Moldova are integrated multiple functional components operating at different levels of capacity and efficiency. This sometimes creates conditions of administrative confusion and dilutes both the general law enforcement effort, as well as the expected positive impact on the economy and other fields of activity involving intellectual property. Thus, there is an urgent need to coordinate the work of these structures based on a clear and coherent strategy. However, the complexity of the IP field, the multitude of its involvements in all areas of economic, social and cultural life, the need to prevent and counteract the infringements of IP rights, the phenomena of counterfeiting and piracy requires strengthening all capacities covering the coordinated actions of different stakeholders.

In order to efficiently, completely and strategically address issues related to the functioning of the National IP System, by Government Decision no. 489 in 2008 was created the **National Commission on Intellectual Property (NCIP)**, being also approved its Regulations. NCIP includes persons in charge of the following institutions: AGEPI, Academy of Sciences of Moldova, Ministry of Economy, Ministry of Justice, Ministry of Internal Affairs, Ministry of Information Technology and Communications, Customs Service, Center for Combating Economic Crimes and Corruption, Center for Consumer Protection, Executive Committee of ATU Gagauzia. President of NCIP is Moldova’s Deputy Prime Minister, Minister of Economy.

NCIP is an advisory body under the Government, established to coordinate and ensure the interaction of ministries, other central administrative authorities and holders of IP rights in activities aimed at developing and strengthening the National Intellectual Property System, combating and preventing IPR infringements and fighting against counterfeiting, import and sale of counterfeit goods in the Republic of Moldova.

Since 2010, NCIP activity intensified, and in order to make this activity more efficient there have been created working groups with the participation of representatives of relevant institutions, holders of rights, collective management organizations, business environment. At the same time, NCIP members have found the need to expand the representation in NCIP of institutions, to establish a minimum level of representation and to revise the NCIP Regulations, to increase its powers, especially in the context of efficient implementation of NCIP role as coordinator of operation of the National IP System. The Commission in question shall become a high-level decision-making body and assume a strategic role in the enforcement of legislation on IPR.

A priority of NCIP is to develop a single integrated information system in the field of IPR that will provide authorities with powers for the enforcement of legislation, the necessary support to combat counterfeiting and piracy, will enhance cooperation and coordination in the field of IP, will offer holders the opportunity to contribute to the protection of owned rights and will improve the IPR protection system.

To facilitate the exchange of information between competent authorities in the IPR defense field, the preparation of reports, analyses, studies and statistics in the field, AGEPI created an IP Information Point. This is also one of the priorities of Moldova's Action Plan on Fulfillment of the EU Recommendations for the establishment of a Deep and Comprehensive Free Trade Area between the Republic of Moldova and the European Union (DCFTA), approved by Government Decision no. 1125 of 14 December 2010. This Information Point shall perform the functions of an observer of the enforcement of IP rights.

#### **1.4. Infrastructure in the Field of Intellectual Property**

The complex and multisectoral nature of IP requires the creation of a functional and efficient infrastructure of the National Intellectual Property Protection System able to facilitate the acquisition of protection, activities for the promotion and exploitation of intellectual creations.

The infrastructure in the field of intellectual property includes all the elements and relations designed to ensure and support the proper functioning of the field. This includes the organizational, informational and consulting aspects of activities for the development and exploitation of IP. It combines the activity of attorneys in intellectual property, evaluators, organizations for collective management of copyright and related rights, information and consulting centers, technology transfer centers and the infrastructure of the innovation process.

The corps of attorneys in IP is an indispensable element of all national IP systems whereby, according to Art. 2 of the Paris Convention for the Protection of Industrial Property to which Moldova is a party, is provided the representation of natural persons and legal entities in the national offices. Representation by proxy is optional for residents and binding for nonresidents.

According to the provisions of the Code on Science and Innovation no. 259-XV of July 15, 2004, attestation and registration of patent attorneys is carried out by AGEPI. In the period 1993-2011 for the activity in this area have been attested and registered 109 persons, of which about half effectively activate.

The corps of attorneys of the Republic of Moldova, unlike countries with extensive experience in the IP field, is only at the beginning of the consolidation process: the public organization the Association of Patent Attorneys, which was created in 2007, is being set up, including today only 7 members. This does not allow an adequate representation of the interests of patent attorneys, their position in the issues related to the field of IP, from both methodological and normative aspect.

The professional activity of the evaluators of intellectual property objects, imperatively necessary for any IP system, started in the Republic of Moldova after the adoption of the Law on the Evaluation Activity no. 989-XV of 18 April 2002, of the Regulations on Evaluation of

Intellectual Property Rights and the Regulations on Attestation of Evaluators of Intellectual Property Rights adopted by Government Decision no. 783 of 30 June 2003. The attestation and registration of the evaluators of IPO are carried out by AGEPI in accordance with the provisions of the Regulations mentioned. So far, 22 evaluators of IPO have been attested, of which activating 20. At the same time, for most of them, evaluation of IPO is an auxiliary field, prevalent being the property evaluation activity. Thus, according to the data available to AGEPI, annually are made about 80-100 evaluations of the IPO, which is very little compared to the number of protected IPO. This demonstrates an insufficient development of the IPO market and their reduced involvement in the economic circuit as intangible assets.

In the field of copyright and related rights, the main element of the infrastructure is the organizations for collective management of economic rights, which operate under the principle of nonprofit and are funded by free association and directly by the holders of copyright and/or related rights, who either become members of these organizations or are invested with powers through a written contract. Five such organizations were functioning on December 31, 2011, in the Republic of Moldova.

In accordance with Law no. 139 of 2 July 2010 on Copyright and Related Rights, AGEPI approves, as established by the Government, the activity of the collective management organizations, if they meet the conditions prescribed by law, stating the rights and categories of rightholders to which the collective management extends. Currently there are two collective management organizations approved by AGEPI, which issue the extended license and the compulsory license.

Also, AGEPI has the function of controlling the activity of the collective management organizations, monitors and supervises the activity of these organizations. Following the conducted controls there were found several shortcomings in the work of the collective management organizations, for the removal of which is required a number of measures designed to ensure their transparency and proper functioning.

Information consulting and technology transfer centers are integral elements of the infrastructure of intellectual property of exclusive importance, since the rapid growth of the role of knowledge and information in the economic and social development, on the one hand, and the insufficient awareness of this fact by the general public, on the other hand, dictates the urgent need to encourage intellectual product exploitation activities.

The information and consulting component of the IP System infrastructure in the Republic of Moldova, as in other post-socialist countries, is not sufficiently developed so far comprising only structures of the state information system (scientific and technical libraries, information resources of the AGEPI and of the Agency for Innovation and Technology Transfer, university and academic centers, technical salons and exhibitions) and those financed from sources originating from the assistance of international organizations or other countries.

The same refers largely to technology transfer structures, based on the exploitation of innovations. Currently in the Republic of Moldova there are only two structures of this type:

**Agency for Innovation and Technology Transfer (AITT)**, created in 2004, in accordance with the Code on Science and Innovation of the Republic of Moldova, essential component of innovation infrastructure and, implicitly, of the intellectual property one. AITT aims to coordinate and encourage technology transfer and to exploit inventions by selecting and financing innovative projects. The implementation of the innovative projects is carried out based on the ratio of 50:50% financing from private sources and those of the state budget, the state contribution is non-refundable. In accordance with the undertaken tasks, AITT created three scientific-technological parks (“Academica”, “Inagro” and “Micronanoteh”) and an innovation incubator, in which currently operate approximately 40 residents.

**Intellectual Property Office of the State University of Moldova**, created in 2010, with the support of foreign sponsors.

By the Decision of the Supreme Council for Science and Technological Development was launched the contest of projects on the organization of two innovation incubators within

Universities in the Republic of Moldova. As a result of the contest of projects, in 2011, were created the Innovation Incubators “Politehnica”, being appointed as manager the Technical University of Moldova and the Educational Innovation Incubator “Universcience”, administrator being designated the University of the Academy of Sciences of Moldova.

Most specialized information is provided by AGEPI, which holds the National Collection of IP documents, which counted, on 1 January 2012, approximately 26.5 million national documents and from other countries, mostly – in electronic form. Also, AGEPI offers free online access to the Official Bulletin of Industrial Property (BOPI) and to the following Databases: Inventions, Trademarks, Plant Varieties, Industrial Design, Scientific Results, at [www.db.agepi.md](http://www.db.agepi.md). Through the AGEPI website users can also access databases of IPO from other countries.

Despite access to information in the IP field, few users of the system independently conduct documentary searches either because of lack of knowledge or through ignorance, which often leads to the rejection of patent/registration applications, or the emergence of IP rights infringement litigation. Therefore, providing consulting services and rendering specialized assistance remain current and priority actions for the effective functioning of the National IP System.

One of the most important and also the most vulnerable components of the infrastructure of intellectual property and, therefore, of the innovation one of the Republic of Moldova is the financial component, which includes several institutions and financial instruments for the support of innovative activity and implicitly that for the protection and exploitation of IP, such as: hedge funds (venture), preferential loans, tax incentives, special grants to co-finance innovative projects, etc. Currently in the Republic of Moldova only the last component is present, being necessary the development of the legal framework that would promote and regulate other components.

### **1.5. The Role of SMEs in the Development of Innovation Potential and Exploitation of Intellectual Property**

In the context of transition to economic development model based on knowledge and innovation, increasingly global attention, but especially in countries with economies in transition, such as the Republic of Moldova, is paid to small and medium-sized enterprises (SMEs).

According to data of the National Bureau of Statistics, in 2010 the SME sector in the Republic of Moldova numbered 45,600 companies, representing approximately 97.6% of the total number of enterprises, more than the global average (which is 90%). Within these were working 309,400 persons (58.8% of the total number of employees), while the contribution of these enterprises in GDP is growing and is 35.5%. Despite the significant role of SMEs for the vitality of economy and their increased innovation potential, it is not fully exploited. As in other countries from the Commonwealth of Independent States (CIS), medium enterprises in the Republic of Moldova are not active users of the intellectual property system, and small and microenterprises are not innovative. However, without an active involvement of SMEs in the development of competitiveness based on innovation and IP exploitation is not possible a sustainable growth.

In Moldova the encouragement of SMEs is carried out regardless of their field of activity and the support of innovation – regardless of the size of business. Thus, providing grants for the implementation of the innovative projects is carried out by AITT on the basis of finding the innovative nature of their work. Moreover, facilities for SMEs, according to the provisions of Law no. 206-XVI of 7 July 2006 on Support for Small and Medium Enterprises Sector, are applied where the annual average number of employees does not exceed 249 persons, the annual amount of sales revenue (turnover) –50 million lei, annual total value of financial assets – 50 million lei.

It is considered that two main factors hinder the exploitation of IP: on the one hand, the high cost of protection and, on the other hand, insufficient awareness by the managers of SMEs on how the IP system works. To encourage SMEs to protect and use IP, even economically developed countries apply different measures, including financial. In Moldova, reductions in fees for services in the IPO protection field for SMEs are adjusted to their limited payment capacities and the criteria stipulated in Law no. 206-XVI of July 7, 2006. Thus, for SMEs the fees with respect to inventions are only 15% of the normal rate, to industrial design – 35%, to trademarks – 50%. Taking into account that under those facilities fall about 98% of all functioning enterprises these facilities is an important tool to encourage the protection and exploitation of intellectual products by SMEs.

At the same time, providing facilities does not automatically save the situation. A more difficult problem, whose solution is long-term, is to increase the degree of awareness of the importance and benefits offered by the exclusive rights of IP and innovations. In this process is required the active involvement of various stakeholders, including the Ministry of Economy, Ministry of Education, AGEPI, AITT, SMEDO and so on, also special programs are needed exclusively for SMEs and individual entrepreneurs, training materials, transfer of good practices, etc.

In particular, for the needs of SMEs, AGEPI launched in 2009 a new type of services – prediagnosis of intellectual property, widely used in some EU countries (France, Romania and so on). This service in the Republic of Moldova is given free of charge and is, in fact, an audit of the enterprise in terms of intellectual property, including IP culture within it, with a review of all used intellectual creations, appropriate ways of providing the protection and their utilization in the development of business, elucidation of existing risks when IP protection is ignored. By the end of 2011, there were conducted prediagnosis studies at 78 enterprises. However, not all enterprises contacted by AGEPI agree to provide this service, which once again confirms the insufficient awareness by the managers of enterprises of the importance of IP and the need to increase efforts to overcome this situation.

## **1.6. Incentives to Support the Creation, Protection and Exploitation of Intellectual Property**

For post-socialist countries, under historical conditions of economic and scientific planned activity, which left deep impression, building the economy based on knowledge and innovation is conditioned largely by providing state incentives to support the creation, protection and exploitation of intellectual property.

Western countries, since the 1880s of the twentieth century, have realized the importance and accumulated great experience on the application of various ways to support innovation. These include: direct funding of research and development (R&D) by providing subsidies and grants; preferential loans; tax incentives; application of reduced customs duties or their cancellation on the import of advanced technologies and equipment for scientific research; reduction in IP protection taxes; supporting venture capital funds; promotion of innovation clusters, spin-off, start-up companies and business angels, etc.

In Moldova, for this purpose are only practiced direct subsidies from the state budget means for the implementation of innovative projects and reductions in IP protection taxes. Currently, by various exemptions and privileges benefit a large number of natural persons and legal entities, including organizations in the sphere of science and innovation. The latter, besides other substantial facilities, are exempt from fees for maintenance in force of the patent in the first five years for inventions created on the basis of scientific-technological research financed from the state budget.

Subsidies in the form of grants to fund innovative projects are awarded through AITT on a competitive basis. An important condition for granting them is the participation of private capital in financing the project at a rate of 50%.

The possibility of profit taxation incentives, practiced until 2008 was abolished with the establishment for all economic agents of the “zero” share in the profit taxation. If the tax profit returns, these facilities will be reinvigorated.

On the other hand, in the normative acts of the Republic of Moldova there are no provisions that would regulate the allocation of qualifier “innovative enterprise” and “innovative product”, there are no established criteria for determining the degree of novelty of the products and technologies, which hinders not only monitoring the innovation process, the technical level of enterprises, highlighting those that apply advanced technologies, but also encouraging the innovation process because it does not allow to identify companies involved in the exploitation of innovations.

Because intellectual property objects have enormous and extremely valuable growth potential, in terms of the knowledge-based society and the depletion of natural resources, ensuring effective management of intellectual creations has become an important element of corporate management. Thus, the notions of “intellectual property management”, “knowledge management” and “innovation management” in developed countries are present in managerial concerns, but also those related to economic and sectoral policies.

In Moldova intellectual property management activities are so far on the outskirts of management interests, their importance is underestimated or ignored in most cases. Unlike developed countries, in the large enterprises of the Republic of Moldova currently are practically absent special subdivisions focused on management of intellectual property (knowledge, innovation, information). This state of affairs is a consequence of the fact that intellectual property is not yet recognized by entrepreneurs as wealth generating competitive advantages and significant revenues.

Even in large enterprises IP management is put concurrently in charge of one person, usually a lawyer, whose activity is often reduced to only obtaining protection titles, prolongation of their validity (renewal), settlement of disputes, practically not being involved in the management of intellectual property. However, the portfolios of intellectual property objects of the large enterprises are steadily growing, some holding over 100 IPO, or, their effective management requires the creation of special structures and a systematic and professional approach. Some enterprises prefer to conclude with consulting firms in the IP field service contracts for the efficient use of IPO portfolio. This method has its priorities and is welcome, especially for SMEs.

During the last years were taken concrete steps towards IP management in universities and institutions in the field of R&D. Currently, only a few universities (State University of Moldova, Technical University of Moldova and State University of Medicine and Pharmacy “Nicolae Testimiteanu”) have sections (centers), the functions of which are focused exclusively on patenting inventions and efficient management of intellectual creations. In research institutions there is a person responsible for these activities, specializing in innovation and intellectual property protection issues. It is imperatively necessary to implement the Commission Recommendation of 10 April 2008 on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organizations (2008/416/EC).

In global aspect IPO market, especially innovations, over the past two decades has become the most dynamic market segment, the annual growth rates of which were estimated at about 20%. As for the IPO market and its evolution in Moldova more detailed information in this respect is lacking. The National Bureau of Statistics does not operate with data on IPO market indicators and capacity. Currently, an estimate of the general trends on the functioning and dynamics of this market can be performed only on the basis of information contained in the Register of contracts on transfer of rights managed by AGEPI. However, inclusion of IPO in the nominated register in the Republic of Moldova, as in Western countries, is optional, which does not allow adequate records thereof.

Information on registration of contracts on transfer of rights over the past ten years shows a very slow increase in IPO transactions, an absolute domination of trademark marketing over other IPO (94%), a supremacy of the assignment compared to licensing (89%) and the prevalence of foreign companies on IPO market (about 65%). In absolute terms, the annual amount of sold inventions is of the order of units (2006 – 9, 2007 – 1, 2008 – 3, 2009 – 5).

Due to insufficient enrollment of intellectual property in market relations, there is also a very low level of its capitalization. Thus, the share of intangible assets in the total long-term assets in the Republic of Moldova is about 1%, while in industrialized countries of Western Europe and the USA – about 50% and, respectively, 70%. Unique are also cases of use of IPO value as a contribution to the formation of the stock capital of the commercial company or its inclusion in the stock capital of functional enterprises, indicating an insufficient level of innovation culture. Thus, corporate assets in the Republic of Moldova are significantly undervalued.

### **1.7. Promoting Intellectual Property**

Promoting intellectual property is vital for post-Soviet countries, including Moldova, which, under historical conditions, have no traditions regarding the protection and enforcement of intellectual property rights and are facing multiple problems caused by insufficient knowledge and low level of culture in that area throughout the country. These include the poor implementation of mechanisms for protection, defense and enforcement of IP rights; the high level of counterfeiting and piracy, including the widespread use of unlicensed software; the relatively high number of cases of unfair competition involving IP rights, submission of applications for IPO registration in bad faith; the insufficient exploitation of IPO, in particular the implementation of inventions; the extremely low utilization of the IP potential by the business environment, etc.

Activities on promotion of National IP System, training, communication and dissemination of knowledge and information in the field are organized and carried out mainly by AGEPI, by virtue of its functions. They are designed to raise the level of society awareness of the fact that intellectual property rights, properly applied, are able to revive all sectors of economic life, to stimulate creativity, innovation and progress for the good of the whole country. They are aimed also to cultivate respect for intellectual work and its results, embodied in intellectual property and society awareness of the damages and dangers of counterfeit and pirated products posed to human health and welfare.

To facilitate collaboration with the entrepreneurship/services, research and development sphere, with academia and universities, with mass media institutions, involved in the IP information and communication process, AGEPI develops and publishes various publications to popularize the field of IP, organizes trainings, courses and thematic trainings, national, regional and international seminars on the most current issues of protection and exploitation of IP rights for different categories of users (representatives of central public authorities vested with responsibilities in ensuring and respecting IPR, courts, academic institutions and universities, business, patent attorneys, evaluators, inventors, students, etc.), thematic radio and TV broadcasts with regard to intellectual property, various competitions, etc.

Thanks to sustained activities to promote intellectual property, in Moldova is increasingly growing the awareness of the role of intellectual property as a valuable resource and powerful mechanism to develop creativity and innovation. But increasing IP culture in the whole society, following the example of developed countries, requires the inclusion of intellectual property training in the national educational system at all levels: pregraduate, vocational, undergraduate and postgraduate, this requiring the active involvement of the Ministry Education in this process.

However, under the computerization of society, massive spread of the Internet and performances made by Moldova in information and communication technologies, more strongly is required to fully use the possibilities of modern techniques for dissemination of information

and online provision of consultancy services, following the model of IP offices in EU countries. Along with the achievements made in recent years regarding the free online access to public information on applications/ IP titles and the implementation of the system of using the digital signature, there are left unexplored many of the advantages of information and communication technologies that can be applied for the benefit of current and potential users of the national IP system both from the country and from abroad, such as electronic filing of applications for registration/patenting of IPO, electronic payment of fees, e-mails in the procedural actions, etc.

### **1.8. Main Indicators of Functioning of the National Intellectual Property System**

Functioning of the National IP System is characterized by a broad range of activities, but currently there is no an adequate and balanced system for their monitoring. Moreover, some activities, such as patenting/registration of IPO are monitored in the smallest details, thanks to an efficient system of international standards established by WIPO, while the information on exploitation of IPO, their economic effect, the impact on the development of competitiveness, disputes involving IPO, counterfeiting and piracy rates, etc. is fragmentary, collected by different institutions, not available to other components of the IP System, in addition, often the impact is assessed only in qualitative terms, as there are no quantitative assessment methods, etc. This leads to the impossibility of adequate monitoring of the functioning of the IP System in its entirety and dictates the need to find solutions to liquidate the existing gaps. One of these solutions would be to create a centralized database that would allow storage and rapid exchange of relevant information.

At present, the main indicators of system functioning reflect dynamically the activities on submission of applications for patenting/registration of intellectual property rights in the Republic of Moldova, both by national and international way, issuance of titles of protection, settlement of disputes involving IPO, activities on promotion of IP System, provision of specialized services in the field of IP and data on exploitation of IP rights and protection of IP rights at the border.

Since the creation of the National IP System, the activity on patenting/registration of industrial property objects, and since 2005 – also that on registration of objects protected by copyright and related rights are monitored by AGEPI. Statistical data (monthly, annual and cumulative) are published on the website <http://agepi.gov.md/> and serve as benchmarks for preparing various statistical reports and studies related to these activities. There is annually made, on each IPO in part and in whole, a comparative analysis of the key indexes, which is reflected in the annual reports of AGEPI published and in electronic format, being available on the web site. Also, along with other Member States, Moldova, through AGEPI as the office specialized in the field of IP, presents to the WIPO the technical annual reports on IPO patenting/registration activity, according to established forms, data being subsequently included in the WIPO statistical reports and published on the website [www.wipo.org](http://www.wipo.org).

#### **1) Industrial Property Objects Patenting/Registration Activity**

A generalization of statistical indexes for the whole period of existence of the National IP System (1993-2011) is shown in Table 1. Thus, out of 107,765 applications for the grant of protection in the Republic of Moldova for various industrial property objects, the largest share appertains to trademarks (85.7%), followed by industrial designs (7.3%) and inventions (including short-term patents – STP) (5.7%). About 25% of applications were filed by national applicants, the remaining 75% appertaining to foreign applicants who have acted by both national and international way, under the Madrid System – for trademarks, The Hague System – for industrial design, Lisbon System – for appellations of origin, the Patent Cooperation Treaty (PCT) – for inventions.

**Table 1**  
**Submission of industrial property objects patenting/registration applications (1 January 1993–31 December 2011)**

Industrial property objects	Applications filed by applicants:		Total	%
	national	foreign		
1	2	3	4	5
Trademarks	19686	72656	92342	85.7
Industrial designs (ID)	1488	6410	7898	7.3
Inventions (including STP)	5440	714	6154	5.7
Utility models (UM)*	227	32	259	0.2
Appellations of origin (AO)	12	835	847	0.8
Plant varieties (PV)	253	13	265	0.2
Total	27106	80659	107765	100
%	25.2	74.8	100	

\* Applications for UM were received before the entry into force of Law no. 50-XVI of 7 March 2008 on the Protection of Inventions, and from that date began to be received short-term patent applications.

Statistical data relating to intellectual property protection are not only a valuable source of information, but also a reflection of the maturity of the market economy, free competition, interest of foreign investors towards the given country, etc.

Thus, the invention patenting activity is generally regarded as an economic indicator of the given country. Statistics on patent applications are used as an empirical measure of innovation results (though with a certain time lag because from research until filing of the application passes a certain period). They provide information about areas of economic interest, research activity of various natural persons and legal entities, etc., which can be used to achieve specific scientific and economic studies to analyze the innovation activity.

In order to record the inventive activity of different categories of applicants, primarily of R&D institutions, starting from 2003, AGEPI monitors the infrastructure of filed patent applications. Thus, most active during 2003-2011 proved to be higher education and R&D institutions, which on the whole filed 54% of applications, followed by the natural persons (42%), enterprises and organizations (4 %).

The origin of patent applications for inventions is a source of information on the interest in the market of the Republic of Moldova and, implicitly, the potential foreign direct investments. However, foreign entrepreneurs/investors use to secure business protection including by enforcement of IP rights. Of total patent applications for inventions, which were received by the national procedure and under Eurasian Patent Convention (EAPC), 51% come from foreign applicants, only 9.4% of them come from EAPO<sup>10</sup> member countries and 90.6 % from EAPO non-member countries, including 56% from member states of the European Patent Organization (EPO), which includes all EU member states and 10 countries from Europe. Therefore, the application of the European Patent Convention (EPC) mechanisms would greatly

<sup>10</sup> EAPO member countries: Armenia, Azerbaijan, Belarus, Kyrgyzstan, Kazakhstan, Russian Federation, Tajikistan, Turkmenistan, and Republic of Moldova (till April 26, 2012: by Law no. 78 of 21 April 2011 Republic of Moldova has denounced the Eurasian Patent Convention).

facilitate access of certain strong European patents in our country and thus stimulate attraction of foreign investments.

In market economy conditions, information on trademark protection is also highly relevant for assessing the situation on the competitive environment, areas of economic interest, entrepreneurial activity, interest of foreign investors in the Moldovan market, etc. Trademark registration activity is quite dynamic, trademarks, trademarks constituting the bulk of industrial property objects for which protection is sought.

Under national procedure, during 1993-2011 were submitted 32,766 applications, including 19,686 – by national applicants and 13,080 – by foreign applicants from 90 countries. In this respect, the most active countries are: United States of America, United Kingdom of Great Britain, Japan, Switzerland, etc.

Under international procedure, in the same period 59,576 applications concerning the international registration of trademarks were submitted by applicants from 71 member countries of the Madrid System. In this respect, the most active are: Germany, Switzerland, France, and Italy.

On the other hand, trademarks belonging to national owners are IP objects best protected abroad, only under the Madrid System being filed by the end of 2011 about 430 international applications. This is a proof of better awareness by domestic producers of the importance of IPR protection in countries for export.

Useful information for market research is the class of goods/services for which the registration of marks is sought: for national applicants, it reflects the work of local producers/providers of services and for foreign ones – the interest in expanding business in the Republic of Moldova.

For market research are also relevant the products for which industrial designs are registered and the origin of applications. Thus, under national procedure, during 1993-2011 were submitted ID protection applications by applicants from 30 countries, the absolute majority from the Republic of Moldova, and from foreign countries the most active were applicants from Romania, Russian Federation, USA, Ukraine and France.

Under international procedure, during 1994-2011 have been submitted ID protection applications by applicants from 42 countries, most applications proceeding from Germany, Switzerland, France, Italy, Greece, the Netherlands and Belgium. The most requested products incorporating ID were watches, clothing, textiles and jewelry, various parts and accessories of measuring, control and signaling instruments, etc.

During the period under review were issued 28,093 titles of protection for IPO filed by national way and was granted protection for 62,341 IPO submitted by international and regional way of the Eurasian Patent Convention (EAPC), i.e. a total of over 90,400 IPO have obtained protection. On December 31, 2011 were valid over 74,000 IPO, of which about 27% belonging to national owners. Detailed information on IPO protected in the Republic of Moldova is presented in Table 2

**Table 2**  
**Protection afforded to IPO (1 January 1993–31 December 2011) and their validity in the Republic of Moldova**  
**(on 31 December 2011)**

IPO	National way		International/regional way		Total		
	Protected	Valid	Protected	Valid	Protected	Valid	%
Trademarks	22262	18321	49398	46142	71660	64463	87.1
Inventions (including STP)	4281	1140	6023	4016	10304	5156	7.0

ID	1270	592	6107	2919	7377	3511	4.7
UM	184	42			184	42	0.1
PV	89	86			89	86	0.1
AO	7	7	813	787	820	794	1.0
Total:	28093	20188	62341	53864	90434	74052	100

From the data presented it is observed that only 27% of patents issued by national way are valid. However, maintaining patents in force is an important indicator of their economic value.

It should be noted that owners of patents in the field of research and innovation are exempt from paying fees to maintain the patents in force for the first 5 years. Thus, the number of patents valid after 5 years is an indicator relevant for objective assessment of their economic value. On 31 December 2011 this number was only 324 patents (28% of those valid), 259 (80%) belonging to national owners and 65 (20%) – to foreign owners. National owners who have maintained their patents in force for more than five years shall be distributed as follows: natural persons – 107 (41%), legal entities – 152 (59%), including 118 (46%) – science and innovation organizations.

An index no less relevant is the mean “age” of valid patents, which also is in direct correlation with their economic value. Thus, the mean “age” of patents issued under national procedure is 6.2 years, while the mean “age” of patents issued to national owners is 5.4 years, and of patents issued to foreign owners – 14.7 years. These figures demonstrate the growing interest of foreign owners in maintaining patents in force after 5 years as well.

Not all patented inventions are implemented in production, but data about them would provide the most valuable information about the economic effect of the inventions, but they, for various reasons, are not adequately reflected in the periodic statistical reports.

The distinctive signs, of origin and quality, and the industrial design and traditional specialties guaranteed integrate into the economic activity more intense and faster.

For Moldova, which is a mainly agrarian country with rich traditions in the production of quality wines and other agricultural products and foodstuffs, as well as handicrafts, unquestionably important are geographical indications (GIs) and appellations of origin (AO). These IPO are effective marketing tools, the potential of which is not yet fully exploited. The national system of protection of GIs is in the process of consolidation.

Overall, in the period up to 31 December 2011 in the Republic of Moldova were protected 794 AO, including 7 – filed under national procedure, 2 of which are indigenous AO “Ciumai” and “Romanesti”, for wines, 7 – are originating from the Czech Republic and 787 – from 20 member states of the Lisbon Agreement on the Protection of Appellations of Origin and their International Registration (1958), to which the Republic of Moldova is party from April 5, 2001. AO protected in Moldova cover 21 classes of products of the International Classification of Goods and Services (CIPS). On top come AO for wines and other alcoholic beverages (about 70%), followed, at a great distance, by agricultural products and foodstuffs (caciocavallo, various kinds of cheese, vegetable oils, meat and meat products, pastries, fruits and vegetables, nuts, honey, etc.), handicrafts and mineral products, etc.

## **2) Activity on Registration of Objects protected by Copyright and Related Rights**

Of particular importance is the protection of copyright and related rights. Though registration of works protected by copyright law is optional during the monitoring period (2005-2011) were also registered 2259 objects. On overall top of registrations are literary and scientific works, however, in recent years there is a tendency to modify the infrastructure of registrations that reflect the new realities of the digital age and the development of cultural industries. Thus,

during 2011 most requested were audiovisual works, literary works and works of plastic art (20%, 18% and 15% respectively of the total number of applications), followed by scientific works (12%), phonograms (11%) and musical works (9%).

To protect the interests of holders of copyright and related rights, to combat illegal production and distribution of copies of works and phonograms, in Moldova is used the control marks system. Thus, data on holders of control marks and issued control marks are the relevant statistical indexes on legal exploitation of works protected by copyright law.

According to data from the State Register of Holders of Control Marks, kept and administered by AGEPI, at the end of 2011 the number of holders has reached 237, of whom only 92 holders had valid certificates and during the year only 38 have requested the issuance of control marks.

In the period 2003-2011 were issued more than 11 million 73 thousand control marks. At the same time, since 2005, when were issued over 2 million control marks, their number has been steadily declining. This decrease is caused by the development of information technology, the Internet and the possibilities to access/download digital works, which led to the gradual replacement of physical media with others, of high capacity. Thus, over the last four years is no longer requested control marks for video cassettes and in 2011 also dropped sharply the number of control marks for audio cassettes, which constitutes only 0.43% of the issued control marks.

### **3) Exploitation of Intellectual Property Rights**

The only indicators monitored systematically with respect to the exploitation of IPR related to transfer of rights on OPI and to their pledge, registered with the AGEPI. According to reference statistical data over the last 10 years, most of the registered contracts refer to assignments (87.5%) and of the IPO – to trademarks (92%). Since registration of license agreements is not compulsory, the real situation on the exploitation of IP rights can not be assessed, the data on implementation of patented inventions and their economic effect also missing.

### **4) Settlement of Disputes Involving Intellectual Property Objects**

Statistical data on disputes involving IPO relate to two categories: appeals examined by the Appeals Board (AB) of AGEPI (during 2005-2011) and disputes examined in courts (during 2003-2011). In both cases, most of disputes concern trademarks – 92.5% and 88.7% respectively. Disputes relating to inventions (2.2% and 6.3%) and to ID (3.5% and 5.1%) have a much smaller percentage.

Beginning from 2007, AGEPI publishes on its official website information relating to court decisions on cases of IP, but not all decisions are communicated to AGEPI, as a rule, only those in which the Agency is a party to the proceedings.

### **5) Protection of Intellectual Property Rights at the Border**

According to information provided by the Customs Service, during 2002-2011 282 applications were submitted to the customs authority on protection of IP rights at the border, from 2004 being registered a continuous increase of this activity.

Meanwhile, since 2007, the Customs Service monitors the number of IPOs that benefit from protection, given that though a single application may be requested protection of more IPO. In comparison with 2010, in 2011 there was registered a 2.4 fold increase in the number of IPO covered by border protection, the absolute majority being trademarks. In 2011 there was registered a considerable increase in the number of IPO that belong to foreign owners (from 77 to 323), which shows the increase of their confidence as a result of IP capacity building in the Customs Service.

During 2011, there have been registered 29 detentions of goods under art. 302 (*ex-officio* procedure) or 304 (based on the application of intervention of CS) of the Customs Code of the Republic of Moldova. Thus, of the 29 detentions of products made as a result of notifications submitted by the right holders to the Customs Service, were confirmed several cases of counterfeit products. Compared with 2010, the number of retention cases on the basis of the *ex-officio* procedure and intervention applications increased 2.4 times.

## **6) Activities to Promote the Intellectual Property System**

Promotion of IP System aims to raise awareness of the society about the importance of IPR protection and enforcement. For this purpose, for different categories of beneficiaries are organized: various thematic seminars (national, regional, with international participation); information dissemination activities in national and international exhibitions and through radio and TV broadcasts, press conferences; publication of methodical and popular works in the field of IP; contests; large events dedicated to IP, etc.

Most of those activities are organized by AGEPI in cooperation with various central public administration authorities, institutions and organizations in the sphere of science and innovation and universities, and under collaboration agreements. During the period 2003-2011, annually were organized on average about 200 such activities.

Training of personnel in the field of IP is a major concern of AGEPI and is carried out in courses of counselors in IP, with a duration of 162 hours, and courses of evaluators of intellectual property rights, with a duration of 164 hours.

## **7) Providing Specialized Services in the Field of Intellectual Property**

Parallel to legal services related to patenting/registration and protection of IPO, AGEPI provides a range of specialized services in the field of IP. The main services of this type refer to providing consultations and carrying out topical documentary searches for various IPO. Starting from 2009, it was introduced a new type of specialized services – PI prediagnosis, which was mentioned above in section 1.5.

During the period 2003-2011, the number of provided services increased continuously, reaching about 13,000 in 2011. Most of them (92%) refer to offering consultations.

With the development of information technologies, an increasingly important role in providing AGEPI services plays the website <http://agepi.gov.md/>, developed and launched in 1998, in 2004 and 2011 being developed new formats thereof.

With increasing access to the Internet, more and more users access the IP information placed on the AGEPI site, with free online access to updated information, including the Official Bulletin of Industrial Property (BOPI) and databases “Inventions”, “Trademarks”, “Plant Varieties”, “Industrial Design” and “Scientific Results”. Thus, during January-March 2012, there were registered 243,950 views of the site (on average 2710 each day) and about 111,000 visitors, of whom 102,256 being new visitors.

## **1.9. SWOT Analysis of National Intellectual Property System**

After analyzing the current situation, presented in sections 1.1 to 1.8., there have been highlighted the strengths and weaknesses of the national IP system, which depend on internal factors and opportunities that can foster, and also threats that may affect its development, related to external factors. The analysis results are shown in the SWOT matrix presented below.

### **SWOT Matrix**

<b>Strengths</b>	<b>Weaknesses</b>
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<ul style="list-style-type: none"> <li>• IP legislative framework harmonized with the relevant international standards and the acquis communautaire;</li> <li>• Political support of IP field;</li> <li>• High level of integration in international and regional organizations in the field of IP;</li> <li>• Membership of the Republic of Moldova to a large number of international and regional treaties in the field of IP;</li> <li>• Existence of a coordinating body between institutions with responsibilities in IP (NCIP);</li> <li>• High degree of development of information technologies and the Internet coverage of the entire territory of the country;</li> <li>• Institutional unification of industrial property with copyright and related rights;</li> <li>• IP Office (AGEPI) performance from administrative, professional, logistical and technical point of view, with a good image in the country and abroad;</li> <li>• Effective collaboration of AGEPI with international and regional organizations in the IP field and with specialized offices of other countries and institutions with responsibilities in IP of the country, business community, academia and universities;</li> <li>• Support from WIPO, EPO, EU and so on;</li> <li>• Intense activity on IP training and promotion in the business environment, R&amp;D sphere, universities, nongovernmental organizations, civil society and so on;</li> <li>• High degree of decision transparency: public information and consultation on the prepared draft normative acts, discussion and promotion thereof, etc.</li> <li>• Providing free online access to DB of various IPO;</li> <li>• Developed IP infrastructure, existence of the corps of patent attorneys, evaluators of IP, counselors in IP;</li> <li>• Development of innovative infrastructure;</li> <li>• High research and development potential;</li> <li>• Favorable natural and climatic conditions for the development of several types of products with high added value (GI, AO, TSG).</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult economic conditions;</li> <li>• Insufficient IP culture in the whole society, which generates a high degree of counterfeiting and piracy, a large number of cases of unfair competition, filing of applications for registration of IPO in bad faith and so on;</li> <li>• Insufficient institutional capacities of the institutions with responsibilities in IP;</li> <li>• Insufficient communication between institutions with responsibilities in IP;</li> <li>• Lack of a common database AGEPI-Ministry of Internal Affairs-Customs Service, etc. in the field of intellectual property;</li> <li>• Insufficient use of IPO innovation potential, poor implementation of patented inventions;</li> <li>• Insufficient level of development of technology transfer;</li> <li>• Insufficient use of IP potential by SMEs;</li> <li>• Reduced economic potential of patented inventions, leading to a small number of patents maintained in force after 5 years;</li> <li>• Low level of patenting of domestic inventions abroad;</li> <li>• Lack within AGEPI of a quality management subdivision;</li> <li>• Lack of a system for on-line submission of applications for registration of IPO and for on-line payment IPO protection fees;</li> <li>• Lack of regular reporting of statistical indicators of the innovative activity;</li> <li>• Insufficient development of information and consulting services in the field of IP;</li> <li>• Excessive gap between the IPO patenting/registration activity of the applicants from Chisinau and other localities;</li> <li>• Low activity of the Association of Patent Attorneys;</li> <li>• Lack of integration of intellectual property education in the national education system;</li> <li>• Inadequate management of activities of development, protection and exploitation of intellectual creations;</li> <li>• Lack of detailed information about the IPO market and its evolution.</li> </ul>
<p><b>Opportunities</b></p>	<p><b>Threats</b></p>
<ul style="list-style-type: none"> <li>• State policy aimed at integration of Moldova into the European space;</li> <li>• Extension of the effects of the European patent to the Republic of Moldova and accession to EPO;</li> </ul>	<ul style="list-style-type: none"> <li>• Political instability;</li> <li>• The global economic crisis;</li> <li>• Fragmentation of the National IP System as a result of sectoral reform;</li> <li>• Creation of a unique mechanism of fees for</li> </ul>

<ul style="list-style-type: none"> <li>• Increased foreign direct investment in the economy;</li> <li>• Extension of development programs from WIPO, EPO, EU, Office for Harmonization in the Internal Market (OHIM) and so on;</li> <li>• Accessing EU funds and programs for capacity building of the National IP System;</li> <li>• Creation of specialized courts;</li> <li>• Creation of joint information centers;</li> <li>• Creation of a unique information system in the field of IP;</li> <li>• Taking the best practices of IP management by right holders from foreign partners;</li> <li>• Creation of an incentive system for R&amp;D development, innovation implementation and IP protection abroad.</li> </ul>	<ul style="list-style-type: none"> <li>services provided by public institutions;</li> <li>• Changing the procedure of examination of cases of IP in the courts of first instance;</li> <li>• Reduced possibilities of the state in financing investments in the innovation infrastructure;</li> <li>• High competition on foreign markets for traditional Moldovan products;</li> <li>• Inactivity/noninvolvement of right holders in the actions of IP rights protection;</li> <li>• Civil society disinterest towards phenomena of counterfeiting and piracy, its noninterference in combating these phenomena.</li> </ul>
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### **1.10. Defining Problems Requiring Government Involvement in the Strategy Implementation**

This Strategy proposes a comprehensive, multidisciplinary and balanced approach to problems related to the IP field, based on a high degree of interdepartmental, interdisciplinary and intersectoral cooperation at all levels, designed to strengthen the National IP System.

Along with the detailed description of the current situation of the National Intellectual Property System, presented in Sections 1.1 to 1.8 and following the SWOT analysis presented in Section 1.9 of the present Chapter, there were highlighted several problems (weaknesses) that persist in the field of intellectual property, including their extent and seriousness. These problems are both of institutional (capability, functionality and interaction between different bodies), and systemic order (processes of creation, protection and exploitation of IP objects, innovation, information and so on).

The main problems facing the National IP System and requiring government involvement in the implementation of the Strategy are:

- Lack of effective mechanisms to stimulate intellectual work and innovative activity;
- Extremely low and inefficient use of IP potential by business environment, especially SMEs, and in promoting exports and favorable image of the country abroad;
- Insufficient protection of IPO in countries for export and lack of tools to support patenting of domestic inventions abroad;
- Lack of IPO market development and support mechanisms;
- insufficient development of the national system of protection of geographical indications, designations of origin and traditional specialties guaranteed, nonuse of competitive potential and its multiple economic advantages;
- Insufficient level of exploitation of intellectual property, traditional knowledge, folklore and intangible cultural heritage, including protection and preservation thereof;
- Weak institutional capacities of bodies charged with powers and responsibilities concerning the protection and enforcement of IP rights;
- High level of piracy and counterfeiting, lack of consolidated measures and an effective infrastructure to prevent and combat these phenomena;
- Weak involvement of holders of IPO in IPR protection actions;
- Low level of knowledge and culture in the IP field, lack in the national education system of IP disciplines with content adapted to each level: pregraduate, vocational, undergraduate and postgraduate.

The solution of these problems requires a set of objectives, priority areas for action and measures to achieve the strategic vision of the National IP System – to become a fundamental tool for economic, social and cultural development of the Republic of Moldova. Achieving these goals requires the involvement and efforts of all actors involved in the National IP System, mentioned in Section 1.2 of Chapter I of this Strategy, based on concrete action plans approved by the Government. Strategy objectives, measures and specific actions for their achievement are embodied in the following chapters.

## **Chapter II. Mission, Vision and Main Objectives of the Strategy**

**Strategic Vision:** Intellectual property must become a fundamental tool in creating an environment conducive to innovation, creativity and free competition, for economic, social and cultural development of the Republic of Moldova.

**Strategic Mission:** Development and strengthening of a legal, institutional and social framework adequate for the creation, protection, management and plenary exploitation of intellectual property potential, to meet the international standards and contribute to the development of a competitive national economy based on knowledge and innovation.

The complex and multifunctional nature of intellectual property, its involvement in all areas of economic, scientific, cultural and social life of the country condition, on the one hand, the need for a systemic approach both from a legal as well as institutional point of view, and on the other hand, its proper management creates an opportunity to get positive synergistic effects in various fields and to stimulate creativity, innovation and economic growth of the country.

In this context, it is necessary to implement a number of appropriate measures for the gradual integration of IP in all spheres of economic, scientific, cultural and social activity of the Republic of Moldova. The overall objectives in this regard are:

1. Encouraging creation, protection and use of intellectual property as a key tool in creating conditions for the country's transition to the innovation model of economic growth.
2. Continuous improvement of the legal framework of intellectual property, including its harmonization with EU legislation and implementation of international treaties to which Moldova is party.
3. Development and modernization of the National Intellectual Property System, increasing its transparency and consistency.
4. Strengthening institutional capacities of the bodies charged with powers and responsibilities concerning the protection and enforcement of IP rights, the development of an effective infrastructure to prevent and fight against counterfeiting and piracy.
5. Promotion and development of a high culture in terms of IP, public sensitization and awareness of the role of IP and growing interest in the protection and enforcement of intellectual property rights.
6. Development of international, regional and bilateral cooperation in the field of IP and Moldova's integration into the European and international intellectual space.

The general objectives are detailed in their implementation through specific objectives which, in turn, are achieved through specific measures and actions.

## **Chapter III. Specific Measures to Implement the Strategy**

***Main objective 1. Encouraging creation, protection and use of intellectual property as a key-tool in creating conditions for the country's transition to the innovation model of economic growth***

### **Specific objective 1.1. Increasing the role of intellectual property and innovation in country's development**

The depletion of natural resources, diminution of economic growth rates and deepening of competitive struggle significantly accelerated the need to develop new ways of development. This process, accompanied by the globalization of all human activities, led to the awareness of the exclusive role of knowledge and innovation in developing new development solutions based on advanced technologies, directed towards building the knowledge-based society, reducing consumption of natural resources and creating competitive advantages. In particular, these goals are present for Moldova, which is particularly vulnerable in terms of energy resources, but also in terms of international competitiveness of products and services.

Transforming knowledge and innovation in primary driver of economic growth and employment has led to the fact that, currently, the governments of all developed countries are concerned with accelerating the creation and exploitation of various products of intellectual activity. This is reflected in the promotion of new products and technologies whose application provides competitive advantages by increasing the added value of scientific provenance and by supporting the positive image of the country abroad.

The complex and multidimensional nature of the exploitation of intellectual products and innovations show that this process can lead to success only in the conditions of an economy which operates under real market and private property principles. Only the application of these principles may naturally encourage the development and implementation of intellectual creation by the private sector.

At the same time, the dynamism of technological development of modern society does not accept the focus of policies to motivate the innovation process exclusively on the expectations of establishing a favorable competitive environment that would encourage the private sector in harnessing the intellectual products. Such a situation could lead to a stagnation of technological development. It is required by the state to promote and encourage the IPO development and exploitation activities. The most important means to this end are strengthening of intellectual property infrastructure and ensuring its functionality, improvement of the mechanism for financial and economic support of innovation activity, ensuring the proper management of intellectual property, expansion of IPO market.

#### **Specific measures to achieve the objective:**

- Encouraging the development of a climate favorable to innovation, based on values of the knowledge-based society and effective use of intellectual property;
- Building a mature competitive environment able to contribute to investments in the creation and use of innovative intellectual products by realistic grounding of average rates of return on traditional economic activities;
- Promoting partnerships between industry and R&D area, between the public and private sectors to stimulate private investment in research, IPR protection and innovation;
- Creating the necessary framework for transforming innovation into the major condition of competitiveness growth and stimulating the use of intellectual property potential as a tool for obtaining competitive advantages;
- Ensuring the optimal correlation between administrative regulation and that based on market mechanisms of how to encourage intellectual activity.

### **Specific objective 1.2. Increasing innovation capacities of the research institutions, academic centers and business environment**

The development of new information, knowledge and inventions represents the starting point of the innovation process, whose key component is creativity. The main generators of knowledge and innovation in Moldova are: academic and branch research institutions; academic

centers with technical profile in the field of exact sciences and natural sciences; business environment; inventors and people of artistic and technical creation, as natural persons.

The market economy values, the opportunity of private sector employment in innovation activities, require more intensive the need for R&D and innovation concentration on the demand from the manufacturing sector of the national economy, on the real needs of society.

The objective of protecting IP rights for universities should be oriented towards encouraging economic application of research activity results and generated knowledge for public benefit and to create value to make research function more attractive and better promoted.

IP management must become an effective tool for maximizing the benefits from the use of intellectual activity results. This requires the evaluation of the scientific results obtained in universities to identify research results with commercial potential, develop the IP rights protection strategy, to find suitable industrial partners and negotiate appropriate contracts with them.

Encouraging private sector innovation activity should be based on market principles. Adequate protection of IPR should become a policy tool for attracting private investment in innovation activity, with its benefits to society, generating optimal social incentives for private sector innovative activity. In turn, business environment must become a key factor in generating innovations and their most important consumer, so that the ultimate goal of the innovation process may consist in the effective use of innovations by entrepreneurship.

It is necessary to encourage further individual intellectual creation, both in the field of copyright and related rights and industrial property, including inventions.

Any effort to encourage the development of new knowledge, including inventions, must be accompanied by actions to motivate their legal protection as IPO, creating appropriate conditions for their use adequate to market economy.

The specifics of innovative development of the Republic of Moldova, as a small country with a fragmented innovative potential requires the opportunity to encourage the implementation of new technologies and products, regardless of their origin, and the need for patenting domestic inventions abroad.

#### **Specific measures to achieve the objective:**

- Attracting private sector investment in research, innovation and intellectual property protection;
- Capacity building of public research establishments, enterprises, business environment on intellectual property management;
- Expanding the demand for research-development-innovation by increasing the innovation absorption potential by the business environment;
- Creating the necessary framework to increase the R&D and IPR exploitation capacities of research institutions, academic centers and business environment;
- Development and approval of ways to support the patenting of inventions abroad.

#### **Specific objective 1.3. Expanding the role of intellectual property in promoting trade and attracting investment. Protection and proper use of distinctive, original and quality signs, of industrial design and traditional specialties guaranteed**

In market economy conditions, the adequately protected industrial property objects, especially distinctive (trademarks, trade names, domain name), original and quality (geographical indications and appellations of origin) signs, and industrial design and traditional specialties guaranteed are valuable marketing tools that perform specific functions to enhance competition, develop competitiveness, promote trade and attract investment.

Economic activity largely depends on the presence on the market of strong trademarks, with an advanced reputation, including internationally, and with an adequate level of protection. Trademarks are currently the main ways to promote the image of enterprises, products and

services in the consumer environment. They should become an important factor in shaping a healthy competitive environment.

Taking into account Moldova's potential to produce a range of products with special qualities, characteristics or reputation attributable to their geographical origin, natural and/or specific ethnographic conditions (climate, water, soil composition, etc.) or which are due to cultural and ethnographic and professional traditions practiced only by the natives of that area, it is necessary to accelerate the recognition and protection of geographical indications and appellations of origin and traditional specialties guaranteed, both nationally and internationally.

In terms of trade globalization, the potential of IP objects, primarily of trademarks and geographical indications, should be used to promote a favorable image of the country (country branding). A possible solution to this would be to carry out rebranding activities to promote the positive image of the Republic of Moldova abroad, accompanied by complex measures for its support, on the one hand, and improvement of the positive image of Moldovan products/services by promoting the country brand, on the other hand.

With the development of information technology and electronic commerce, significantly increased the use of distinctive signs in the digital environment. In order to prevent disputes that may arise in the registration of trademarks as trade names or domain names and vice versa, it is required the opportunity for coordination of their registration.

Industrial design plays an important role in the development of industrial production, trade, a highly competitive environment and innovative SMEs. It must become a powerful tool to diversify the range of products and to meet the dynamic requirements imposed by consumers.

To diversify the range of products/services and expand the geographical area of product exports from Moldova, it should be fully used the competitive potential of IP tools – of trademarks as distinctive signs, of geographical indications and appellations of origin as indicators of origin and quality, of traditional specialties guaranteed as people traditions related products, and of industrial design – which contributes to increase the competitiveness of products and their added value.

#### **Specific measures to achieve the objective:**

- Disseminating knowledge on the role of distinctive signs and industrial design in encouraging competition, competitiveness growth, promoting trade and attracting investment;
- Attracting more actively IP, including trademarks and geographical indications in creating, developing and promoting a positive image of the country abroad;
- Promoting the country brand to improve the image of Moldovan products/services;
- Creating premises to reduce the risk of counterfeiting of products/services and unfair competition by increasing the efficiency of protection of distinctive signs and industrial design;
- Making recommendations to advance the process of registration and use of geographical indications, appellations of origin and traditional specialties guaranteed;
- Instituting mechanisms for coordinating the activities of protection and use of distinctive signs in the digital environment and as trade names.

#### **Specific objective 1.4. Enhancing the role of copyright and related rights in the development of culture, cultural industries and information technologies**

The specificity of protection of objects of copyright and related rights in relation to the protection of industrial property, the highly heterogeneous character of the components of such rights, dynamic development of information technologies, especially those for multiplication and distribution of works, and the complexity of their exploitation management process, causes the need for continuous and systematic activities to enhance performances in ensuring the protection, efficient exploitation and combating piracy. In this context, both internationally and nationally the field of intellectual property has enough drawbacks in terms of ensuring protection of copyright objects, especially in the digital environment.

Considering the ever-increasing share in the formation of the national GDP and public budget of cultural industries and information technology, whose activity relates to the field of copyright and related rights, it is extremely important to create favorable conditions to encourage creative activity, ensuring an effective protection of these works and equitable and motivational remuneration of authors.

To ensure their proper functioning, and to transparently, honestly and impartially reflect their activities, collective management organizations will make efforts to create accessible and attractive web sites, comprising:

The lists of local authors or performers they represent, updated at least once a year to identify potential heirs, in case of death of right holders and distribution of due royalties;

Information on adopted decisions, especially those related to increasing tariffs and establishing the commission noted, the method of determining the returns for the social material relief fund and the fund for promoting the interests of the members of the collective management organizations;

Information on collection and distribution of royalties, deducted commission, the modality of checking the financial and economic management by the members of collective management organizations, and other public information.

Given the patrimonial rights management principles for the collection and distribution of royalties, it will be strengthened the institutional capacity of the collective management organizations and their cooperation with other such organizations. It also needs to be established cooperation relations with state bodies with responsibilities in the field of enforcement of copyright and related rights, as well as law enforcement bodies ensuring the enforcement of legal norms.

#### **Specific measures to achieve the objective:**

- Further modernization of the field of copyright and related rights;
- Creating the necessary mechanisms to enhance the level of compliance with the provisions of the legislation in the field of copyright and related rights in the digital environment;
- Making recommendations and rendering assistance regarding the improvement of collective management of copyright and related rights, strengthening the functional capacities and those of cooperation of the collective management organizations in the country with foreign specialized organizations;
- Encouraging folklore and cultural heritage conservation and protection activities;
- Organizing public awareness campaigns to advance the process of preventing and combating the phenomena of piracy and counterfeiting.

#### **Specific objective 1.5. Modernization of intellectual property exploitation and promotion tools**

In modern society, the main reserves of economic development are focused on the effective use of immaterial factors related to intellectual property. Intellectual products should become objects of market relations and potential sources of incomes. This imposes the need for a proper management of activities for the development, protection and exploitation of intellectual creations. Risks of loss of rights in the IPO, damage caused by their illegal use increase the actuality of an effective management of intellectual property.

The stimulation of exploitation by the real sector of the national economy of IPO, especially inventions, requires the use of incentives applied selectively to support innovative activity of enterprises.

Research results, in most cases, are not implemented and difficulties occur frequently in financing their protection as IPO. Some institutions do not have knowledge of the economic potential of intellectual products created and without this knowledge it is difficult to attract the necessary investments for their protection and exploitation.

An important index of the intellectual property integration into the economic circuit in the market economy conditions are indicators of the market of intellectual property objects. To advance the integration of the IPO in economic activities, it is necessary to develop the internal market of IPO, especially innovations, which currently is only at the stage of formation.

To increase the level of capitalization of intellectual property it is necessary to boost its employment in the market relations, including through the use of IPO value as a contribution to the formation of the stock capital of companies or inclusion of these values in the stock capital of functional enterprises, which will contribute to a more appropriate assessment of corporate assets in Moldova.

It is necessary, under the model of the countries with innovative economies and advanced innovation culture, to develop innovation criteria and parameters that can be used to assess the registered progress and also may provide information to be used when the innovation charts are made or awards are granted to individual innovative companies, including criteria for awarding the qualification “innovative enterprise”. As such criteria is usually used the innovative production share in its overall volume which, in turn, implies the need for a definition of the corresponding production. At the national level, as innovation criteria is used the innovative product share in GDP, in export and domestic consumption.

#### **Specific measures to achieve the objective:**

- Ensuring the mobility of research teams through cooperation of institutions and researchers from various fields and areas for the joint execution of concrete innovation projects;
- Involvement of private sector in the extension of innovation infrastructure by encouraging the creation of consulting, information and technology transfer centers, etc.;
- Encouraging absorption of foreign advanced technology by facilitating their leasing, motivation of protection of domestic inventions in other countries, attracting foreign investments in the R-D-I sector, etc.;
- Providing the access of business environment to research results funded from budgetary sources;
- Development and approval of appropriate criteria for assigning the qualifications “innovative enterprise”, “technology”, “new (innovative) product”;
- Implementation of innovation progress indicators compatible with those used in the EU: the share of innovative enterprises, the share of innovative products in export, in GDP, in the global production of the enterprise, etc.;
- Encouraging the process of training and expansion of intellectual product market, creating conditions for its monitoring, attracting inventions created from budgetary sources and know-how in market relations;
- Increasing the capacity of identifying the intangible assets of enterprises and the degree of their employment in the balance sheets;
- Assisting the IPO exploitation activity by removing the barriers to their value inclusion in the corporate assets and their proper estimation;
- Adoption and enforcement of effective financial instruments to support and motivate innovation activities (loans, venture funds, tax incentives, etc.).

#### **Specific objective 1.6. Encouraging the use of intellectual property by SMEs**

Strengthening the competitive advantages of SME in a sustainable perspective is only possible by using the enormous potential offered by the field of intellectual property in the conditions of knowledge-based society, promoting the advanced technologies, implementing new products and services. For SME the innovative development can often be the only way of survival. At the same time, SME have the greatest need for support in promoting the use of intellectual property and innovation in particular. This proceeds both from reduced financing capacities of SME and the lack of advanced research equipment and in most cases – also of

professional skills in certain areas. SME management often does not appreciate at fair value the IPO exploitation priorities and competitive advantages that can be obtained from their application. Therefore, intellectual property infrastructure, including innovation, should be designed primarily for SME activity.

The innovation potential of SME is huge and is based on the creation and exploitation of IP. Its specificity lies in its universal character, being simultaneously generated and valued both within large corporations and SME. Moreover, for many spheres of activity, based on creativity and innovation, small business has a number of priorities, the most obvious of which are the following:

- SMEs provide, as a rule, more favorable conditions for creative activity, which has a purely individual character and is inconsistent with the trends of bureaucracy and excess hierarchy characteristic of large enterprises;
- In SME the inventor, owner and manager often represent the same person, which eliminates the contradictions characteristic of corporate management;
- New information technologies create for SME business conditions that were previously available only to large corporations.

In the conditions where the implementation of innovations has become a decisive factor of economic growth and SME priorities were fully manifested in practical economic activities, encouraging their development towards innovation has become an imperative of the time.

**Specific measures to achieve the objective:**

- Information of business environment on trade opportunities offered by IP and increase of SME benefits from the use of IPO;
- Priority stimulation of the innovation process within SMEs;
- Giving SMEs access to intellectual property protection information and IP pre-diagnosis services;
- Encouraging the creation and operation of small and start-up enterprises;
- Ensuring the access of innovative SME to financial resources on concessional terms (loans, grants, etc.).
- Creating conditions necessary for increasing the SMEs interest for the innovative development.

***Main objective 2. Continuous improvement of the legal framework of intellectual property, including by its harmonization with EU legislation and implementation of international treaties to which Moldova is party***

**Specific objective 2.1. Continuing the process of improvement and harmonization of intellectual property legislation**

In the process of assessment by European experts of the progress registered by Moldova in the harmonization of legislation with EU standards in the field of IP rights<sup>11</sup>, it was found that most achievements were obtained in recent years. However, there are some shortcomings in terms of full harmonization. According to experts, these are not legal, but rather systemic and relate to the optimization of operation of the field as a whole.

At the same time, the process of improvement and harmonization of intellectual property legislation is ongoing, given the complexity of the field and its interconnection with the various branches of economy, science and culture both nationally and internationally. The latest developments discussed in the WIPO Standing Committees in the field of patents, trademarks, industrial designs, geographical indications, copyright and so on, the attention enjoyed by the IP field both within WIPO, WTO, United Nations Economic Commission for Europe (UNECE),

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United Nations Educational, Scientific and Cultural Organization (UNESCO) and the EU, and at the regional level, show a continuous change and upward development thereof. Consequently, the National IP System must be continually adjusted to the occurring developments.

No less important is the process of adjusting the national legal framework to changes or obligations assumed by the Republic of Moldova following the signing of bilateral political and economic agreements involving the IP field.

**Specific measures to achieve the objective:**

- Permanent monitoring of the international and EU system of protection and enforcement of IPR in order to assess the degree of harmonization of the national system and, if necessary, to draft new regulations;
- Further adjustment of national legislation with EU procedural rules by adopting certain amendments and additions of the regulations related to the specialized laws in field of IP;
- Finalizing the drafting of normative acts subordinated to the Law on Copyright and Related Rights, harmonized with the *acquis communautaire*;
- Completing the national legal framework with provisions on *ex-officio* control, in support of Moldova's obligations under the EU-Moldova Agreement on protection of geographical indications;
- Comprehensive analysis and improvement of the national legal framework on the means of enforcement of intellectual property rights in Moldova.

**Specific objective 2.2. Promoting Moldova's interests in the process of development of the international legal standards on intellectual property in the international and regional organizations**

The full membership of the Republic of Moldova in international and regional organizations in the field of IP is an opportunity to promote and defend its national interests in the process of development of relevant international and regional legal standards. Country's position on the issues covered will be primarily coordinated at the national level, according to the provisions of the applicable law.

**Specific measures and actions:**

- Drafting documents related to the participation and representation of national interests in the Interstate Council on Issues of Legal Protection and Defense of Intellectual Property;
- Participation and representation of national interests in the works of the Standing Committees, Expert Groups, etc. within WIPO and other international organizations focused on the issue of intellectual property.

***Main objective 3. Development and modernization of the National Intellectual Property System, increasing its transparency and coherence***

The existing national intellectual property system is complex from the institutional and functional point of view and is based on a solid legal foundation integrated into the international system. To streamline its operation is needed to solve the existing system problems by increasing the degree of cooperation between institutions and transparency, by the development of new subsystems (the field of geographical indications), professional development and of an adequate infrastructure.

The modernization of the National Intellectual Property System aims its alignment with the needs of economic, industrial and social development of the country. In this context, it is particularly useful taking the experience of economically developed countries, in which IP is an important factor for increasing competitiveness and welfare.

**Specific measures to achieve the objective:**

- Developing a greater degree of cooperation and communication between the institutions involved in the IP system;
- Creation and development of the National System of Protection of geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed;
- Taking the best European practices in the field of protection of IP objects and enforcement of IP rights;
- Legal and institutional and technological harmonization of the National Patent System with the European Patent System;
- Implementation of a mechanism for collecting, processing and disseminating data on the enforcement of IP rights, ensuring a constructive dialogue with stakeholders;
- Creating the necessary framework to enhance and support the innovative infrastructure of the research and development units and technology transfer and innovation entities;
- Developing effective and balanced ways of ensuring the enforcement of intellectual property rights and the fight against counterfeiting and piracy;
- Development of an information network in the field of intellectual property at national level in line with European practices;
- Rendering assistance in improving the activity of the corps of patent attorneys and evaluators of intellectual property;
- Monitoring activities and rendering assistance in strengthening the management of the organizations for collective management of copyright and related rights;
- Supporting the work of creative unions and other non-governmental associations in the country working in the IP field

*Main objective 4. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the protection and enforcement of intellectual property rights and development of an effective infrastructure to prevent and combat the phenomena of counterfeiting and piracy*

**Specific objective 4.1. Coordinating the activities of various public authorities involved in the protection of intellectual property rights through a strategic management**

To overcome barriers to full harmonization of national legislation with EU standards in the field of IP rights, in Moldova are required supported measures for its effective use and involving all responsible institutions.

In this regard, a crucial role has the National Commission on Intellectual Property (NCIP) not only to coordinate the activities of various ministries and institutions charged with responsibilities for IP, but also to provide the necessary leadership and focus the professional activity on execution of applicable legislation on enforcement of IP rights in the Republic of Moldova.

**Specific measures to achieve the objective:**

- Intensifying NCIP activity to develop a system of best practices on IP protection and to achieve maximum effect in reducing piracy and counterfeiting;
- Establishment by NCIP of measures necessary to match responsibilities of public institutions in the IP field;
- Development and adoption by NCIP of methodologies for assessment of causes and scale of the phenomena of counterfeiting and piracy and IP contribution to the economic development;
- Creating the framework necessary for strengthening the role of NCIP in the development of the National IP System and the fight against piracy and counterfeiting;
- Creating the NCIP website to ensure a high degree of transparency in its activity.

#### **Specific objective 4.2. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the legal protection of intellectual property**

Legal protection of intellectual property in Moldova, in the form of industrial property, copyright and related rights, is organized and coordinated by AGEPI, in accordance with national legislation in force. Given the central role that it accrues to ensure system functionality and the multitude of duties and functions it performs, AGEPI should improve the efficiency of its activity.

As a result of modernization of the National IP System, including by adopting the legal framework for the protection of geographical indications, appellations of origin and traditional specialties guaranteed and designating the competent authorities in this field, it is necessary the development of practical mechanisms to harness the potential of these IPO.

##### **Specific measures to achieve the objective:**

- A comprehensive analysis of institutional and organizational structure and capabilities Agency to strengthen institutional and operational capacities of the Agency to meet the challenges of globalization and the digital age, a system of quality management in Agency activities;

- Development of human resources in IP by providing a training system and training of Agency staff, creating a training of trainers ("train the trainer") in PI;

- Modernization of information technology in the Agency and its adjustment to the technologies used in the EU IP offices and the EPO;

- Implementation of the electronic filing of documents using digital signature and electronic document management within the Agency;

- Diversification intellectual property and their quality;

- Extending the promotional activities of the national and regional local PI, taking best practice awareness, education and become familiar with the scope and importance of IP;

- Enhancing cooperation with the National Agency which have functions and responsibilities regarding intellectual property, the Chamber of Commerce and Industry of the Republic of Moldova, the Organization for Development of Small and Medium Enterprises (ODIMM), institutions and associations supporting business activity and with European and international bodies;

- Developing practical mechanisms to strengthen the institutional and operational capacities of competent authorities: Ministry of Agriculture, Ministry of Culture, Ministry of Health, Ministry of Environment and Ministry of Regional Development and Construction for implementation of specific systems and procedures of recognition, registration and use of designations of origin and geographical indications for products covered and those related to registration and production of traditional specialties guaranteed.

#### **Main objective 4.3. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the enforcement of intellectual property rights**

Institutions involved in the National IP System are very different both in terms of their respective functions and duties, as well as in terms of their functional capacities. For a better functioning of the whole system is necessary to ensure a level of development compatible with all institutions, because the operating deficiencies of a link lead to lower efficiency in the work of other institutions and the system as a whole.

Increasing efficiency of the Customs Service activity related to the illegal import, export and transit of counterfeit goods is considered one of the best solutions on providing the efficient enforcement of IP rights at the border of the Republic of Moldova.

It needs to also be strengthened the institutional capacities of the Ministry of Internal Affairs regarding fraud investigations related to IP infringement, particularly in relation to the field of copyright, including information products, application of *ex-officio* measures in case of violation of rights to use protected geographical indications or appellations of origin, including under international treaties etc.

In the judiciary system, representatives of the Court of Appeal and Supreme Court of Justice show a genuine interest in the effective enforcement of IP in courts. It is therefore necessary to continue the process of specialization and training of judges. In order to complete and adequate examination of cases involving intellectual property rights, it is necessary to set up an independent specialized expertise in the field of IP.

Another key-element of the system on which the efficiency of IP rights enforcement system depends is the involvement of rightholders. Their cooperation with customs and police authorities is needed to identify and seize goods produced in violation of IP rights, to initiate legal proceedings and to provide evidence in court proceedings. In terms of civil law it is also required that rightholders initiate legal actions for the protection of their rights.

**Specific measures to achieve the objective:**

- Developing of a strategy to improve performance and increase the capacity of the Customs Service on detecting cases of violation of intellectual property rights at the border;
- Expanding Customs Service activity on export and transit controls;
- Strengthening cooperation relations of the Customs Service, Ministry of Internal Affairs and AGEPI with the main IP rightholders;
- Taking the best practices of EU countries on statistical standards on IP infringement and enhancing the capacities of the Ministry of Internal Affairs;
- Specialization and training of judges, establishment of the specialized technical expertise in the field of IP;
- Implementing measures to prevent and combat IP crimes and enhancing institutional capacities of the institutions empowered to investigate cases of violation of IP rights;
- Development and promotion of competition policy for the exercise of IP rights and strengthening the capacity of the National Agency for the Protection of Competition (NAPC) to combat anticompetitive actions involving the field of competition protection and exercise of intellectual property rights.

**Main objective 5. Promotion and development of a high intellectual property culture and raising public awareness about the role of intellectual property and growing interest in the protection and enforcement of intellectual property rights**

According to the Tokyo Declaration on Intellectual Property Culture (2004), only a society with a high level of culture in the IP field, who understands and respects intellectual creation, is moving towards stability, which allows not only its sustainable economic development, but also develop inventions and innovations to solve problems threatening the whole society, present and future generations, thereby contributing to the prosperity of all mankind.

An advanced culture in terms of creation and economic exploitation of intellectual property, including knowledge, must be built from the early stages of its education and at all levels. Intellectual property education should be included in the national educational system, with content appropriate to each level: prergraduate, vocational, undergraduate and postgraduate.

General education on intellectual property will create the medium and long-term conditions to create a society aware of the value of its own creativity and the benefits that can be achieved by innovation and exploitation of rights on its creations. This awareness will also foster innovation culture, thus contributing to the rapid economic, social, cultural, scientific and technological development.

### **Main objective 5.1. Increasing access to information and knowledge in the field of intellectual property**

Dissemination of knowledge and information from the PI field is vital for the development of the IP culture, and in the final goal – for the functioning and strengthening of the National IP System.

Throughout its existence, AGEPI continuously conducted extensive work in this respect, monitoring user requirements and the impact of IP information, providing current information on innovation process, protection of intellectual property rights and pursuing the diversification of forms and ways for dissemination thereof.

However, given the rapid development of the field of IP and mass media, the issue of extending access to relevant information, including by coordinating efforts of the institutions empowered with responsibilities in the IP field with civil society, associations of rightholders, etc. remains current.

#### **Specific measures to achieve the objective:**

- Creation and development of the national network of IP regional/territorial centers;
- Informing society about the role of IP for increasing business competitiveness, economic, social and cultural development of the country;
- Continuous dissemination and popularization of knowledge on IP legislation, the importance of the protection and enforcement of IP rights for different categories of users of the National IP System;
- Providing access to information and knowledge in the field of IP by means of modern information and communication technologies and means (web page of AGEPI and other institutions and organizations with responsibilities in the field of IP);
- Use of information and communication means in order to combat infringements of IP rights: maintaining and promoting [www.stoppirateria.md](http://www.stoppirateria.md) site.

### **Main objective 5.2. Training and education in the field of intellectual property through the educational pregraduate, undergraduate and postgraduate system**

Staff training, education, retraining and upgrading activity is extremely important, with the purpose to contribute to the acquisition by specialists and the general public of new knowledge and modern technologies in their fields of activity, improve their professional skills, profile and specificity of work, training new specialists in the field of legal protection of intellectual property.

#### **Specific measures to achieve the objective:**

- Introduction of intellectual property knowledge teaching through the educational system at all stages of training;
- Training of specialists with special education in intellectual property by creating master specializations in IP;
- Organization of training courses in IP for teachers of law faculties, technical and economic faculties of the educational institutions in the country in order to strengthen capacities of teachers;
- Carrying out of activities designed to increase interest and awareness by the studying youth of the importance of PI in solving current problems of society (climate change, implementation of green innovations, IP and public health, protection of traditional knowledge and folklore etc.).
- Organization activities on IP awareness by students from educational pregraduate institutions of the country;

- Promoting the creativity of younger generation by supporting research and innovation activity among students;
- Developing and publishing educational and promotional IP materials for pupils and students.

### **Main objective 5.3. Raising society awareness of the importance of intellectual property rights**

Public awareness of the importance of IP, the need to protect, enforce and respect the IP rights is a prerequisite to the proper functioning of the National IP System. This problem is one of constant currency for Moldova, where it is attested a still low level of culture in the IP field.

#### **Specific measures to achieve the objective:**

- Developing and implementing programs to promote and disseminate information on intellectual property rights (through video and printed materials);
- Carrying out of activities to inform consumers about the dangers of pirated and counterfeit products;
- Organizing national campaigns to combat counterfeiting and piracy phenomena;
- Organizing short-term training courses for journalists working in the IP field, with the participation of AGEPI specialists and competent institutions in the field, inviting international experts;
- Organizing the contest of journalists for the best exposure of issues related to the development of scientific-technical, innovation and rationalization activity in the country, and dissemination of information in the IP field.

### **Main objective 6. Development of international, regional and bilateral cooperation in the field of intellectual property and Moldova's integration into the European and international intellectual space**

By the very nature of intellectual property, the National IP System is an integral part of the international IP system. Management of intellectual property protection system involves an intensive international cooperation, to support the continuous development of the field, to create premises for the development of intellectual potential, creativity and innovation, to contribute to the formation of a favorable climate for investment in new technologies and products, to ensure a stable market and a fair competition.

In the context of international developments in recent years and in particular the processes of economic globalization and EU enlargement, the creation and maintenance of a climate of cooperation between intellectual property offices and between them and international institutions specialized in this field has become very important.

A work of utmost importance is monitoring the implementation of international and regional agreements in the field of intellectual property to which Moldova is a party.

Cooperation with international organizations in the field of IP – World Intellectual Property Organization (WIPO), International Union for the Protection of New Varieties of Plants (UPOV), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Economic Commission for Europe (UNECE), Eurasian Patent Office (EAPO), European Patent Office (EPO), with specialized offices of different countries, including the European Union and the CIS, will develop in many areas: modernization of legislation and implementation of international and regional treaties at national level; training and upgrading of specialists in intellectual property; increasing the role of intellectual property in economic and social development of the country; increasing the efficiency of administration of the National IP System and promotion of specialized knowledge, etc..

The activity within the World Trade Organization (WTO) in the IP field will be achieved through participation in the works of the TRIPS Council and monitoring the implementation of the TRIPS Agreement at the national level.

In the context of Moldova's integration into the European Union, there will be developed the IP cooperation relations with the EU institutions. We will act with priority to preserve and enhance the collaboration with the European Patent Office, in order to harmonize national procedures for the protection of inventions by patent with the European Patent System in terms of accession of the Republic of Moldova to this system.

Special attention will be given to cooperation with EU Member States and candidate countries, participation in EU programs in the field of IP for the states of the European Neighbourhood Policy and those of the Eastern Partnership.

There will be developed cooperation relationships with a number of international non-governmental organizations and associations including: International Federation of Phonogram Industries (IFPI), European Association of Rightholders React-Network, Business Software Alliance, etc.

**Specific measures to achieve the objective:**

- Strengthening cooperation with EU institutions in the IP field;
- Enhancing cooperation with the European Patent Office to harmonize national procedures for the protection of inventions by patent with the European Patent System in terms of accession of the Republic of Moldova to this system;
- Strengthening cooperation with national IP offices, governmental and non-governmental organizations in the field of IP;
- Adherence to new international treaties and conventions in the IP field;
- Internationalization of IPO protection, joining efforts to combat counterfeiting and piracy phenomena at local, regional and international levels;
- Monitoring fulfillment of commitments assumed under international treaties to which Moldova is party.

**Chapter IV. Estimating the Impact and Costs related to Strategy Implementation. Expected Results and Indicators of Progress**

The impact of implementing the provisions of this Strategy aims at increasing the role of intellectual property in economic, social and cultural development of the country and plenary exploitation of its potential, including:

- Creating a competitive entrepreneurial environment, based on intellectual activity and technology transfer results which will help create conditions for transition to the innovative model of economic growth of the country;
- Extending the role of knowledge in economic development, enhancing the attractiveness and prestige of scientific, innovative and creation activities, creating a favorable innovation and intellectual climate;
- Increasing the level of education and culture in the IP field on the scale of the whole society, which will lead to lower use of counterfeit and pirated goods, fewer cases of unfair competition and applications filed in bad faith and so on;
- Enhancing institutional and functional capacities of NCIP, AGEPI and other institutions with functions and responsibilities in the IP field and establishing a better communication and coordination between them to ensure the enforcement of rights, prevent and combat the phenomena of counterfeiting and piracy;
- Increasing the number of innovative SME and enhancing their competitiveness, which will contribute to economic growth, manpower employment and welfare;
- Facilitating access of private sector, especially SME, to innovative products created from budgetary sources;

- Improving the legal IP framework in accordance with international and European standards, to ensure a reliable protection of IP rights;
- Creation and development of a national system of protection of geographical indications, appellations of origin and traditional specialties guaranteed adequate to the conditions and specific character of the Republic of Moldova;
- Modernization of infrastructure of the National Intellectual Property System and improving its functionality;
- Intensifying the activity of patenting/registration of IPO, including indigenous geographical indications, abroad, and thus stimulating the export of products with high added value;
- Increasing the level of capitalization of intellectual property appropriate, adequate to post-industrial society;
- Strengthening the country's image as a state law providing effective protection of IP rights, which will help attract foreign investment in products and advanced technologies, etc.

**Main monitoring indicators of implementation of the Strategy provisions** are the following:

- The number of patent applications for inventions / registration (protection) of IPO;
- The number of patented inventions / registered (protected) IPO in the Republic of Moldova;
- The number of patented inventions / registered (protected) abroad IPO, having Moldova as the country of origin;
- Distribution protected IPO, depending on origin, by different economic sectors;
- The number of patents maintained in force and their average "age";
- The number of valid IPO;
- The number of registered transactions including IPO;
- The number of pledged IPO;
- The number of implemented patents and their economic effect;
- The amount of financial resources used to finance research and innovation and their share in GDP;
- Incentives to support innovation;
- The share of innovative enterprises in their total;
- The number of residents of scientific-technological parks and innovation incubators;
- The share of intangible assets in the total long-term assets;
- Counterfeiting and piracy;
- The number of issued control marks;
- The number of disputes involving IPO and their results;
- The number of carried out controls on enforcement of IPR (*ex-officio* and referral) and their results;
- The number of sued contravention/criminal cases in the field of IP and relevant data to them (IPO, type of offense, court decision, caused injury, etc.).
- The number of IPO benefiting from border protection on the basis of applications for intervention;
- The number of delays at the border (under the *ex-officio* procedure and on the basis of the application for intervention) and their results;
- The number of IP information centers organized in the country;
- The number of carried out documentary searches, distributed by IPO and applicants;
- The number of persons trained in IP;
- The number of teachers and students trained in IP;
- The number of seminars and conferences;
- The number of IP promotion exhibitions organized in the country and abroad;
- The number of radio and TV broadcasts organized on IP theme;

- The number of organized public information campaigns;
- The number of developed and disseminated IP promotional materials;
- The volume of exported products with GI and AO, etc.

**The costs** related to implementation of this Strategy are planned under the law.

Sources of funding can be:

1) from state budget, within the limits of expenses approved/allocated to involved institutions;

2) from projects and programs of external financial and technical assistance from donors;

3) from sponsorships and other sources allowed by law.

Final costs of the Strategy implementation will be estimated based on information submitted by the bodies responsible for implementing the measures set out in the Action Plan of the Strategy objectives and will include state budget, off-budget, private sources and those from foreign assistance.

Among the most important **expected results**, obtained as a result of implementation of the Strategy are counted:

- Financial mechanisms to encourage innovation process, new for Moldova: venture capital, tax incentives, preferential loans;

- Intellectual property infrastructure and that of enhanced innovation;

- Effective mechanism for the operation of IP management;

- Effective IP training system on different levels;

- High level of public culture in the IP field;

- High level of protection of research results and their implementation;

- Effective system of collective management of copyright and related rights;

- Mechanism to support patenting abroad;

- Increased investment in innovation and technology transfer;

- Active involvement of the private sector in the innovation process;

- Favorable conditions for expanding market capitalization increased its PI;

- Integration into the European system of protection of inventions by promoting the country's accession to the Convention on the Grant of European Patents (European Patent Convention);

- Mechanisms for protection of local GI, AO and TSG;

- Favorable image of Moldova and products from our country abroad;

- High degree of access to information in the IP field by using modern information resources.

**Main indicators of progress in implementing the Strategy** are the following:

- Increasing the financial resources allocated by the state and private sector for the research-innovation field, up to the attainment of the European average;

- Increasing the number of patented inventions, reported to 1 million people, up to the level of Central Europe countries;

- Ensuring an obvious trend of increase in the number of patents maintained in force and their average "age";

- Ensuring stability in the registration of local GI, AO and TSG;

- Achieving IPO protection growth rates that will exceed the economic growth rates;

- Achieving stable OPI protection growth rates abroad;

- Strengthening the IPO market and increasing the number of registered transactions, including IPO;

- Increasing the number of residents of scientific-technological parks and innovation incubators;

- Improving accounting of immaterial objects: increasing the share of intangible assets in long-term assets;

- Reducing the counterfeiting and piracy rate up to the European average level;
- Ensuring stable growth of royalties collected by the organizations for collective management of economic copyright and related rights.

## **Chapter V. Stages of Strategy Implementation**

Strategy implementation will be carried out in three stages: the first – in the period 2012-2014, the second – 2015-2017 and the third – 2018-2020, based on the Action Plans developed and approved for each stage.

**The first stage** will focus mainly on finalizing the mechanisms to encourage innovative activity, improving the IP system infrastructure, developing curricula and gradual introduction of IP disciplines in educational institutions, institutional capacity building of the institutions with functions and responsibilities in the IP field, strengthening functional capacities of the collective management organizations, development of the system of protection of GI, AO and TSG, organization of public awareness campaigns on the damage of phenomena of piracy and counterfeiting.

**The second stage** will focus on implementation of mechanisms and programs developed in the previous stage, and promotion of intellectual property management, enhancing the innovation capacity of research institutions, the role of intellectual property in the operation of SMEs, utilization of practical modalities for registration and protection of IG and AO, organization of concerted anti-piracy and anti-counterfeiting actions.

**The third stage** includes the tasks related to the formation of a mature market of IPO, their integration into the economic circuit, creating the conditions for the transition to the innovation path of economic growth and adopting the values of the knowledge-based society, developing and implementing an effective mechanism for collective management of copyright and related rights.

Effective implementation of this Strategy appertains to each institution apart, according to areas of responsibility, coordinated and synchronized with the objectives of sectoral development strategies. Heads of the institutions concerned will take the necessary measures and will be responsible for the fulfillment of their duties.

The objectives of this Strategy will be carried out in accordance with the Action Plan on implementation of the Strategy for the respective stage, approved by the Government at the proposal of NCIP.

In order to achieve the proposed objectives will be taken into consideration the following aspects:

- Identification of priority measures;
- Mobilization of all necessary resources;
- Requiring support and assistance from national institutions, international institutions and organizations to take over their experience;
- Ongoing monitoring and assessment of the level of accomplishment of the measures set out in the implementation documents of this strategy;
- Period information of the Government, the public and the international community about the obtained results.

## **Chapter VI. Reporting and Monitoring Procedures**

Monitoring the implementation of the Strategy and the fulfillment of the Action Plan provisions on Strategy objectives will focus on monitoring indicators and those of progress, exposed in Chapter IV. The system for monitoring the Strategy implementation will be ensured

by the organization of a continuous reporting process by operational exchange of information and evaluation of the implementation stage.

Strategy monitoring activities will be conducted throughout the implementation period and will include both the collection, processing and analysis of monitoring data, identification of errors or unexpected effects and content and form rectifications in the planned measures and activities.

Ministries and institutions concerned in the Strategy will present annually and at the end of each stage progress reports on the performance results of actions included in the Action Plan. Based on the presented reports, the State Agency on Intellectual Property will prepare consolidated monitoring reports.

In the progress and monitoring reports will be reflected the results achieved at that stage of implementation of the Strategy – the level of achievement of the main and specific objectives, the achievement of planned activities, the realization of specific performance indicators for each activity and making suggestions for the improvement and correction of planned measures. For uncompleted activities will be exhibited the reasons for non-fulfillment or partial fulfillment and will be proposed effective measures to achieve the main objectives of the Strategy.

In order to ensure transparency to the strategy implementation processes, monitoring reports will be submitted to the National Commission on Intellectual Property and the Government and will be published on the website of the State Agency on Intellectual Property.

Until the completion of a stage of Strategy implementation and no later than 1 November of the last year of that period, ministries and institutions concerned in the Strategy will present to the State Agency on Intellectual Property proposals on the improvement of the Action Plan for the next period.

**ACTION PLAN FOR THE YEARS 2012-2014 ON THE IMPLEMENTATION OF THE NATIONAL STRATEGY ON INTELLECTUAL PROPERTY  
OF THE REPUBLIC OF MOLDOVA UP TO THE YEAR 2020**

No. crt	Action	Cost, thousand Lei	Time limit	Financing source	Responsible authority	Result of implementation	Monitoring indicators
1	2	3	4	5	6	7	8
<b>MAIN OBJECTIVE 1. Encouraging the strategic creation, protection and exploitation of IP as a tool-key in ensuring conditions for the transition to the innovative model of economic growth</b>							
<b>Specific objective 1.1. Increasing the role of intellectual property and innovation in country's development</b>							
1.1.1.	Drafting a study on improving the mechanism for sustaining the research institutions and university centers for the creation and promotion of the innovative spin-off and start-up enterprises	Within the aproved budget	2014	Budgets of the competent authorities	Academy of Sciences of Moldova; State Agency on Intellectual Property	Increasing the degree of valorisation of inventions patented by the research institutions and university centers through spin-off and start-up enterprises.	Elaborated and aproved study
1.1.2.	Elaboration and adoption of the instructions on inventorying of the immaterial assets of the enterprizes and institutions	30	2013	Budgets of the competent authorities	State Agency on Intellectual Property	Establishing the mechanism of inventorying the immaterial assets	Elaborated and aproved instructions
1.1.3.	Establishment of a favourable legal framework for increasing the number of partnerships between industry and research fields,	No financing required	2014	–	Academy of Sciences of Moldova (Agency for Innovation and Technology	Created legislative regulatory framework	Number of established partnerships; Number of organised

	public and private sectors in the innovation field				Transfer)		meetings; number of the aproved normative acts
1	2	3	4	5	6	7	8
1.1.4.	Improvement of the mechanisms of organizing public competitions for the research institutions to obtain financing for the research&development projects and programmes	Within the aproved budget	2012	Budgets of the competent authorities; Assistance of the donors	Academy of Sciences of Moldova	Financing the research activities according to the principles of cost reducing	Establishment of the Regulation on organization of competitions; Number of the organised competitions/participants
<b>Specific objective 1.2. Increasing innovation capacities of the research institutions, academic centers and business environment</b>							
1.2.1.	Improvement and introduction into the national statistics system the innovational indicators which reflect the potential of knowledge generation, innovation capacity, intellectual property, and the performances of the innovation management	Within the aproved budget	2013	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer); State Agency on Intellectual Property; National Bureau of Statistics	Innovation process becomes compatible with the European indicators in the field; Promotion of the positive image of the country in the field of science and innovation	Number of elaborated indicators included in the national statistical system
1.2.2.	Elaboration and editing a magazine of the innovative ideas "INNO Barometer magazine"-a measurement tool of innovation through analysis and dialogue between the research institutions and the business community	15	2012	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer); State Agency on Intellectual Property	Intensification of the dialogue between the private sector and the R&D institutions; promotion of the achievements in the field of scientific and innovational research in the business community	The edited Magazine

1.2.3.	Elaboration of the study „INNOIndex” on determination of the innovation degree in the activity of SMEs of the Republic of Moldova	Within the approved budget	2013	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer);	Evaluation of the level the SMEs and the innovation enterprises exploit the R&D achievements both nationally and internationally	The elaborated study
1	2	3	4	5	6	7	8
1.2.4.	Creation a network of technology transfer, patent information, and engineering centres	300	2014	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer)	Enabling the transaction with technologies, adequate provision of information to the business community	Number of established centres
1.2.5	Creation of a mechanism to financially support the invention patenting abroad	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Finance; Academy of Sciences of Moldova	Mechanism of supporting the local invention patenting abroad	The elaborated and approved mechanism
1.2.6.	Elaboration of the criteria to select inventions proposed for abroad patenting	Within the approved budget	2013	Budgets of the competent authorities	State Agency on Intellectual Property; Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer)	Mechanism of selected inventions patenting abroad	The elaborated and approved criteria

**Specific objective 1.3. Expanding the role of intellectual property in promoting trade and attracting investment. Protection and proper**

**use of distinctive, original and quality signs, of industrial design and traditional specialties guaranteed**

1.3.1.	Conducting a study on the methods to improve the protection of GIs, DOs, and TSG in the Republic of Moldova	No financing required	2013	–	Ministry of Agriculture and Food Industry; State Agency on Intellectual Property; Academy of Sciences of Moldova; Other designated authorities	Recommendations to promote the protection system of GIs, DOs, and TSG	The elaborated study and recommendations
1	2	3	4	5	6	7	8
1.3.2.	Elaboration of a manual on the protection of geographical indications (GI)	80	2012	Assistance of the donors	State Agency on Intellectual Property; Ministry of Agriculture and Food Industry;	Providing the potential users of GIs and DOs with a methodical tool for the protection of such objects	The elaborated and published manual
1.3.3.	Elaboration of proposals to amend and complete the legislation in order to avoid the use of the previously registered trademarks as company denominations	No financing required	2012	–	State Agency on Intellectual Property; State Registration Chamber	An adequate mechanism to verify the previously registered trademarks, proposed for company denomination	The elaborated and approved proposals
1.3.4.	Improvement of the image of the Moldovan products through the country brand and increasing the role of IP, especially trademarks and geographical indications, in creating, developing and promoting the country's positive image abroad.	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Economy; Agency for Investment and Export Promotion of Moldova; Ministry of Agriculture and Food Industry; State Agency on Intellectual Property	Increase of the country's positive image abroad and increase of the export volume of products with distinctive signs	The growth rate of exports of products With geographical indications and designations of origin

<b>Specific objective 1.4. Enhancing the role of copyright and related rights in the development of culture, cultural industries and information technologies</b>							
1.4.1.	The modernization of the protection system of copyright and related rights	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal Affairs; Customs Service	A protection system of copyright and related rights similar to the European system	Number of elaborated and adopted normative-legislative acts
1	2	3	4	5	6	7	8
1.4.2.	Conducting a study on the methods of improvement the collective management of copyright and related rights	30	2014	Budgets of the competent authorities	State Agency on Intellectual Property; collective management organisations	Identify the impediments in the development of collective management system and establish the methods to overcome such impediments; Identify the methods/ Resources for collecting remunerations which will have as a result or objective increasing the amounts collected	The elaborated study and recommendations
1.4.3.	Providing assistance to the collective management organizations (CMOs) in order to improve the author's remuneration collection, creation and development their websites to grant access to information and ensure transparency of their activity	No financing required	2013	–	State Agency on Intellectual Property; collective management organizations	High level of information provision to the public on the activity of CMOs through the developed websites.	Number of organized information actions The developed websites.
1.4.4.	Encouraging the cultural and artistic industries which use the works protected by copyright and related rights in the legal commercialization	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal Affairs; Customs Service	High level of market legalization of the objects protected by copyright and	Number of objects protected by copyright and related rights registered at

	thereof					related rights	AGEPI commercialised legally
1.4.5.	Elaboration of a guide on copyright and related rights	80	2012	Budgets of the competent authorities; Assistance of the donors	State Agency on Intellectual Property	Recommendations for the enforcement of copyright and related rights	The elaborated and published guide
1	2	3	4	5	6	7	8
1.4.6.	Stimulating the legal exploitation of computer programs by organizing information campaigns on enforcement copyright in software	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Information and Communication Technology; State Agency on Intellectual Property; Academy of Sciences of Moldova (Information Society Development Institute)	High level of information provision to the public on the necessity to respect copyright in the used computer programs, as a result of the conducted campaigns	Number of organized informing actions
1.4.7.	Negotiation of the contracts between the Government of the Republic of Moldova and the large software corporations on implementation of a plan to provide the government institutions with software	Within the approved budget	2013	Budgets of the competent authorities	State Chancellery with participation of the Ministry of Internal Affairs, Ministry of Information and Communication Technology; State Agency on Intellectual Property	Increasing the level of using authorised software	Number of performed actions
1.4.8.	Ensuring the achieving, preservation, monitoring, protection and exploitation of folklore and national cultural immaterial heritage	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Culture; Academy of Sciences of Moldova (Institute of Cultural Heritage and Institute of	Enhancement of the national cultural immaterial heritage	Number of conducted activities, number of the archived and described documents

					Phylology, National Museum of Ethnography and Natural History), Center for Conservation and Promotion of the Imaterial Cultural Heritage		
1	2	3	4	5	6	7	8
					State Agency on Intellectual Property		
<b>Specific objective 1.5. Modernization of intellectual property exploitation and promotion tools</b>							
1.5.1.	Elaboration of a mechanism to monitor the market trends of IP objects	Within the aprovead budget	2013	Budgets of the competent authorities	State Agency on Intellectual Property; Academy of Sciences of Moldova	A truthful vision on the tendencies in the IPO market of the Republic of Moldova	The elaborated and adopted mechanism
1.5.2	Training the managers and accountants for the evaluation and inclusion of IP in the social capital and balance sheet of the enterprises and institutions.	300	2014	Budgets of the competent authorities	State Agency on Intellectual Property	High level competence of the managers and accountants in the IP capitalization field	Number of trained managers and accountants
1.5.3.	Development and approval of certain criteria for awarding business innovation activity assigned to the qualifier "innovative enterprise" and the criteria for application categories "advanced technology", "new product (innovation)";	Within the aprovead budget	2014	Budgets of the competent authorities	Academy of Sciences of Moldova; Agency for Innovation and Technology Transfer; State Agency on Intellectual Property	The possibility of evidence innovative enterprises classified in innovation activity	Developed and approved selection criteria

1.5.4.	Elaboration of a guide on the IP exploitation for the small and medium enterprises (SMEs)	80	2012	Budgets of the competent authorities; Assistance of the donors	State Agency on Intellectual Property	Informing SMEs on successful projects of IP exploitation	The elaborated and published guide
1.5.5.	Strengthening the management capacities of the intellectual property at institutions/enterprises	50	2013	Budgets of the competent authorities	State Agency on Intellectual Property	Strengthening of IP management enterprises	Number of enterprises with an IP management program or strategy created in this enterprises
1	2	3	4	5	6	7	8
<b>Specific objective 1.6. Encouraging the use of intellectual property by Small and Medium sized Enterprises</b>							
1.6.1.	Examination of the legal framework in order to create mechanisms of encouraging inventions exploitation	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Ministry of Economy	Appropriate legal framework to encourage the innovation activity and extension of the innovations marketplace	Proposals of amending the existent and adopted legal framework
1.6.2.	Ensuring the access of SMEs to the services of IP pre-diagnosis for the exploitation of intellectual potential	500	2014	Budgets of the competent authorities	State Agency on Intellectual Property	SMEs aware of the best methods to use the intellectual potential	Number of SMEs which benefited from the pre-diagnosis services
1.6.3.	Creation of an information environment favourable for the transfer of open innovations	30	2014	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer); State Agency on Intellectual Property	Providing access to local economical agents free modern technologies for exploitation	Number of technologies and accessed and applied open inventions

**MAIN OBJECTIVE 2. Continuous improvement of the legal framework of intellectual property, including by its harmonization with EU legislation and implementation of international treaties to which Moldova is party**

**Specific objective 2.1. Continuing the process of improvement and harmonization of intellectual property legislation**

2.1.1.	Development of a study on improving national IP normative-legislative framework in order to encourage innovation activity	No financing required	2013	–	State Agency on Intellectual Property; Academy of Sciences of Moldova; Ministry of Economy	Normative-legislative framework adequate to the requirements of transition to innovation means of economic growth	Developed study
1	2	3	4	5	6	7	8
2.1.2.	Monitorisation of the EU and International system of IPR protection and enforcement in order to evaluate the harmonization level of the national system	No financing required	2014	–	State Agency on Intellectual Property	National system of IPR protection compatible to the international IPO protection system	Reports on the compliance level of the national IP system with the EU and International systems
2.1.3.	Initiation of the negotiations with the European Patent Organisation (EPO) on signing An Agreement of cooperation between EPO and the Government of the Republic of Moldova	Within the aproved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Foreign Affairs and European Integration	Strengthening relations of collaboration with European Patent Organization; adjusting national system of protection of inventions in line with the European system	Initiated negotiations; Signed Agreement
2.1.4.	Creating mechanisms for implementing the provisions on <i>ex-officio</i> control, within the obligations of the Republic of Moldova according to the EU- RM Agreement on protection of geographical indications	Within the aproved budget	2013	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal Affairs; Customs Service; Ministry of Economy	The national GI protection system similar to the EU system according to the provisions of EU- RM Agreement on protection of geographical indications	Number of adopted normative acts

**Specific objective 2.2. Promoting Moldova's interests in the process of development of the international legal standards on intellectual**

<b>property in the international and regional organizations</b>							
2.2.1.	Participation in, and representing the national interests within the World Intellectual Property Organisation and other international bodies on IPR protection and enforcement	Within the approved budget	permanent	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Foreign Affairs and European Integration	Submitting the position of the Republic of Moldova on the documents adopted within the sessions of the WIPO Standing Committees and Groups of experts	Number of adopted proposals Number of participations to events
2.2.2.	Informing the right holders of the Republic of Moldova on means of IPO protection	Within the approved budget	permanent	Budgets of the competent authorities	State Agency on Intellectual Property	Advanced level of knowledge on International IP protection system of the domestic applicants	The increased number of IPO protected abroad
1	2	3	4	5	6	7	8
	International protection of the IP objects			Assistance of the donors	Ministry of Finance; Academy of Sciences of Moldova;	International systems of IP protection	
<b>MAIN OBJECTIVE 3. Development and modernization of the National Intellectual Property System, increasing its transparency and coherence</b>							
3.1.	Overtaking the best European practices in the field of IP protection and enforcement of IPRs for the continuous modernization of the IP national system	Within the approved budget	permanent	Budgets of the competent authorities	State Agency on Intellectual Property	National system of IPR protection and enforcement harmonized with the EU system according to the best European practices	Number of performed activities
3.2.	Approximation of the institutional and technological framework of the national patent system to the European patent system	80	2014	Budgets of the competent authorities; Assistance of the donors	State Agency on Intellectual Property	Normative-legislative and institutional-technological framework of inventions protection adjusted to the	Number of performed activities

						European system in the field	
3.3.	Creation and development of the national system of protection of geographical indications, designations of origin, and traditional specialities guaranteed	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; State Agency on Intellectual Property; Ministry of Culture; Ministry of Economy; Ministry of Health; other competent authorities	The necessary conditions for the implementation of the national legislation on protection of geographical indications, designations of origin, and traditional specialities guaranteed	Number of performed activities; Increased number of products with geographical indications Number of trained persons
1	2	3	4	5	6	7	8
3.4.	Implementing of a mechanism of collection, processing and dissemination of data on IPR enforcement, ensuring a constructive dialogue with the interested persons by establishing an Information Center / IP Observatory	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal affairs; Customs Service; Ministry of Justice in cooperation with , General Prosecutor's Office	High level of information provision to the society on the activity of public institutions in the field of IPR enforcement	The adopted mechanism; Created IP information center; number of organized training seminars, number of trained persons
3.5.	Elaboration and implementation of a national Anti-counterfeiting and anti-piracy Program	Within the approved budget	2014	Budgets of the competent authorities; Assistance of the donors	State Agency on Intellectual Property with participation of the institutions responsible for enforcement of the IPR	High level of acknowledgment by the consumers on the negative effects of the counterfeiting phenomena on national economy, people's life and health	The elaborated program;  Number of disseminated materials;  Number of performed activities

3.6.	Elaboration of a Study on piracy and counterfeiting phenomena in the Republic of Moldova	60	2012	Budgets of the competent authorities; Assistance of the donors	State Agency on Intellectual Property with participation of the institutions responsible for enforcement of the IPR	Evaluation of the situation in the field of copyright and related rights and undertaken measures for reducing piracy	The elaborated study and recommendations
3.7.	Strengthening the role of IPR representatives and patent attorneys; assistance for improvement of the patent attorney Association's activity in the Republic of Moldova	No financing required	2013	–	State Agency on Intellectual Property; Association of patent attorneys	Enhancing the quality of the services rendered by the republican authorised patent attorneys; taking the best practices in the field	Number of organized activities in cooperation with Patent attorney's Association
1	2	3	4	5	6	7	8
3.8.	Strengthening the management of the collective associations of Copyright and Related Rights	No financing required	2014	–	State Agency on Intellectual Property; Collective management organisations (CMOs)	Ensuring conditions for the efficient functioning of the CMOs	Number of activities organized in cooperation with CMOs; launched website
3.12.	Assistance to the activities of the artistic unions and other IP non-governmental organizations	No financing required	2013	–	State Agency on Intellectual Property; Ministry of Culture; artistic unions	Efficient cooperation between public institutions and artistic unions	Number of activities organized in cooperation with artistic unions
<b>MAIN OBJECTIVE 4. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the protection and enforcement of intellectual property rights and development of an effective infrastructure to prevent and combat the phenomena of counterfeiting and piracy</b>							

<b>Specific objective 4.1. Coordinating the activities of various public authorities involved in the protection of intellectual property rights through a strategic management</b>							
4.1.1.	Establishment and initiation by the National Commission for Intellectual Property (NCIP) of measures necessary for the correlation of responsibilities of the IP public institutions	No financing required	2013	–	National Commission for Intellectual Property (NCIP); State Agency on Intellectual Property	Increasing efficiency in the process of coordination of the IP system	System of information exchange in the field of IPR enforcement
4.1.2.	Elaboration and adoption by the National Commission for Intellectual Property of an evaluation methodology of causes and level of counterfeiting and piracy, as well the IP contribution in the economy of the Republic of Moldova	No financing required	2013	–	National Commission for Intellectual Property (NCIP); State Agency on Intellectual Property; Ministry of Economy; Ministry of internal Affairs; Customs Service	Reducing the cases of counterfeiting and piracy	The adopted methodologies
1	2	3	4	5	6	7	8
4.1.3.	Ensuring a high transparency level of the NCIP activity	No financing required	2014	–	National Commission for Intellectual Property (NCIP); State Agency on Intellectual Property	Transparency in the activity of NCIP ; creation of a website for NCIP	The amended regulation; The created website
<b>Specific objective 4.2. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the legal protection of intellectual property</b>							
4.2.1.	Improving the institutional and organizational structure, and the capacities of the AGEPI to face the challenges of globalisation and digital age	No financing required	2012	–	State Agency on Intellectual Property	modified institutional and organizational structure	The adopted proposals for the modification of the institutional and organizational structure

4.2.2.	Establishing a quality management system (ISO 9000) for the activity of the State Agency on Intellectual Property	150	2014	Budgets of the competent authorities	State Agency on Intellectual Property	Improving the quality of services rendered by the agency to the users of national IP system as a result of implementing a modern system of quality management, training management team, enhancing the image of the State Agency on Intellectual Property	Number of conducted activities in order to acquire ISO 9001:2008 certificate; number of trained persons
4.2.3	Improvement and continuous modernization of the IPO examination and patenting/registration procedures	No financing required	Permanent	–	State Agency on Intellectual Property	The increased quality of examination, time limits and improved patenting/registration procedures, entirely complied with the special applicable laws and the related regulations	The adopted internal documents
1	2	3	4	5	6	7	8
4.2.4.	Acquisition or obtaining the access to the commercial databases in the field of patented inventions with efficient analytical tools and databases with non-patent literature	50	2014	Budgets of the competent authorities	State Agency on Intellectual Property	High level of quality of the patent applications examination procedure	Number of accessed commercial databases
4.2.5.	Ensuring a training system and continuous education of the AGEPI staff	300	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	High level of professional training of the specialists	Number of trained employees; Number of participations to international trainings and seminars

4.2.6.	Modernization of the AGEPI informational technologies system and adjusting it to the technologies used in the EU and EPO states' IP offices	850	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	High level of informational technologies' development within the State Agency on Intellectual Property	Number of performed activities
	Elaboration and placement of the database on registration of IPO protected by copyright and related rights on the AGEPI web page	30	2012	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	Free access to the information on objects protected by copyright and related rights registered at AGEPI	The elaborated and launched database; Number of website visits
	Elaboration and implementation of the on-line filing of the IPO applications for protection System; payment of fees using the digital signature, and system of the documents management within the State Agency on Intellectual Property	820	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	Ensuring the access and reducing the expenditures of the applicants while filing the applications for protection of the IPO; efficient control of the electronic documents workflow	implemented program; number of applications filed online; number of entries in the automated system
1	2	3	4	5	6	7	8
4.2.7.	Diversify the IP services and adjust the quality and time limits thereof to the international standards	No financing required	2013	–	State Agency on Intellectual Property	A wide range of IP services and consultations in achieving desired international standards	Number of services provided by AGEPI that have reached international standards
4.2.8.	Promoting the IP system at a local and regional level: raising awareness, educating and familiarising the public with the IP field, and the importance of IPR	1250	2014	Budgets of the competent authorities	State Agency on Intellectual Property	High awareness level of IP role for the development of a knowledge based economy, necessity to protect and enforce the IPR	Number of organized IP promotion activities
	Sustaining the activity of the public and university libraries on dissemination of IP information	50	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	High level of informing the society on the role of IP in the economic, social, cultural development	Number of activities organised in collaboration

						of the country	with public and university libraries
	Promoting domestic patented inventions and the scientific results during the International exhibitions and Salons of new inventions and New Technologies, organized outside of the Republic of Moldova	1200	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Academy of Sciences of Moldova; Agency for Investment and Export Promotion of Moldova	Promoting the achievements of the R&D institutions and universities at international exhibitions; Attracting inventions for the implementation of domestic inventions	Number of exhibitions with participation; Number of promoted inventions
4.2.9.	Modernization of the training system, continuous education and upgrading for the IP specialists	Within the approved budget	Permanent	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Education	Improving the training programs	Number of organized courses; number of trained persons
1	2	3	4	5	6	7	8
4.2.10	Intensifying the cooperation with national authorities empowered with responsibilities in the field of IPR enforcement, on the basis of some bilateral agreements. Collaboration plans/programmes	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Agriculture and Food Industry; Ministry of Culture; Ministry of Economy; Ministry of Justice; Customs Service; Ministry of Internal Affairs; Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer); ODIMM in cooperation with ,	Increasing bilateral collaboration for promotion of the national IP system	Number of signed bilateral programs; number of organized activities

					Broadcasting Coordinating Council; Prosecutor's Office; Chamber of Commerce and Industry of the Republic of Moldova; International Center of Exhibitions „Moldexpo” S.A.		
1	2	3	4	5	6	7	8
4.2.11	Strengthening the operational capacities of the public authorities for the implementation of specific systems and procedures related to the recognition, registration and use of the designations of origin and geographical indications for products	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; Ministry of Culture; Ministry of Health; Ministry of Environment; Ministry of Regional Development and Constructions	A comprehensive understanding and use of geographical indications as a way / mean of improving the competitiveness	National system of GIs, DOs, and TSG harmonized with EU requirements
	Providing assistance for establishing producers' associations and training thereof	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; State Agency on Intellectual Property with participation of the competent IP institutions	Upgrading the development process of producers' associations and increasing the level of awareness of the benefits of GI protection system	Number of created associations
	Equipping the laboratories of quality certification of products with GI, DO and TSG	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Agriculture and Food Industry with participation of the competent IP institutions	Ensuring conditions for the quality attestation of the products for which GI, DO and TSG was required	Number of equipped laboratories

	Promotion of the logo/emblem designating the protected GI, DO and TSG, selected and approved by the Government, on the basis of the contest for elaboration of the logo/emblem designating the protected GI, DO and TSG	Within the approved budget	2012	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; State Agency on Intellectual Property with participation of the competent IP institutions	Promotion of exploitation on market of the signs on products protected by GI, DO and TSG	Number of the performed activities organised for promotion of the selected and approved symbol/logo
1	2	3	4	5	6	7	8
4.2.12	Strengthening the <i>sui generis</i> system of plant variety legal protection	Within the approved budget	permanent	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; State Agency on Intellectual Property; State Commission for Plant Variety testing with participation of the competent IP institutions	The <i>sui generis</i> system of new plant variety protection in the Republic of Moldova harmonized with the international and regional requirements in the field	Number of annually protected plant varieties
	Development of the reference collections in the field of plant variety protection	Within the approved budget	2012	Budgets of the competent authorities	Ministry of Agriculture and Food Industry; State Commission for Plant Variety testing	Modern conditions of plant variety testing	Number of developed reference collections
	Training the employees of the State Agency on Intellectual Property and Ministry of Agriculture and Food Industry, the State Commission for the Plant Varieties Testation (SCPVT) on implementation of UPOV Convention provisions	Within the approved budget	Permanent According to special programs	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Agriculture and Food Industry; State Commission for Plant Variety testing	High professional training level of the examiners	Number of trained persons

**Specific objective 4.3. Strengthening institutional capacities of the bodies charged with functions and responsibilities for the**

enforcement of intellectual property rights							
1	2	3	4	5	6	7	8
4.3.1.	Enhancing the capacities of Customs service (CS) in the field of IPR enforcement at border	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Increased capacity of the customs bodies on detection and prevention of illegal traffic of counterfeit merchandise involving IP rights	Number of intervention applications filed with Customs Service
	Creating an accounting system (receipt and processing) of the requests (intervention applications) of the right holders	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Increasing the number of protected IPO	Number of IPO registered in the IPO Register of the Customs Service
	Establishing the mechanisms of cooperation with national and international IP protection authorities	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Implemented mechanism of exchange of information	Number of regional and internations actions with participation of the Customs Service
	Dissemination and administration of the information on IPR infringement cases at the border	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Information provision to the public on protection of the IPR at the border	Information and updates published on the Customs Service' website
	Creation of the automated system of monitoring and recording the information on counterfeited and pirated works traffic	The costs shall be set at the elaboration level of the system	2014	Budgets of the competent authorities; Assistance of donors	Ministry of Finance; Customs Service	System administered by Customs Service	Tested and implemented system
	Elaboration and implementation of the specific risk profiles and the corresponding module for the risk analysis	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	System of risk analysis in the implemented field	The elaborated risk profiles
4.3.2.	Continuous IP training of the Customs Service staff	Within the approved	2014	Budgets of the	Ministry of Finance;	Increasing the IP knowledge level of	number of organized courses;

		budget		competent authorities; Assistance of donors	Customs Service	the customs staff	number of trained customs staff; number of organised working visits
1	2	3	4	5	6	7	8
	Organization of national and international seminars with the participation of right holders and law enforcement bodies in order to raise the IP protection awareness and improve the cooperation between them	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Increasing the cooperation between the right holders and public institutions	Number of organised seminars
	Organization of working visits abroad with the view of exchanging experience and taking over the most advanced practices	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	Ministry of Finance; Customs Service	Overtaking the best practices on development of the system of IPR protection at the border	Number of organised working visits
	Providing the Training Center for customs officers and bodies with specialized didactic, methodological and information materials	Within the approved budget	2013	Budgets of the competent authorities; assistance of donors	Ministry of Finance; Customs Service	Creating training conditions in IP field for customs officials	Elaborated and acquired didactic, methodological and information specialized materials
4.3. 3.	Providing the customs offices with necessary equipment for ensuring IPR enforcement at the border	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	Ministry of Finance; Customs Service	Providing modern tools for detecting counterfeted and pirated goods and products	Established specialised equipment
	Development of the cooperation, including interactive mechanism, exchange of information and cooperation with right holders in the field of IP	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Finance; Customs Service	Efficient collaboration with holders for extending the IP protection efforts at the border	Number of signed Memorandums of Understanding with right holders

1	2	3	4	5	6	7	8
	Coordination of activities and exchange of information with other institutions, NGOs	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Finance; Customs Service	A more efficient collaboration with NGOs	Number of activities organised in cooperation with NGOs
	Development of an automated database containing information related to key products, right holders, interested persons and their contact data	The costs shall be set at the elaboration level of the system	2012	Budgets of the competent authorities; assistance of donors	Ministry of Finance; Customs Service; State Agency on Intellectual Property	Operative exchange of information between customs officers in charge of the risk of introduction/ removal of counterfeited and pirated goods on/from the customs territory of the Republic of Moldova	Created database
	Providing the customs offices with the necessary equipment (computers, digital photo-video cameras, scanning equipment, microscopes, projectors with ultraviolet rays) and training of customs officers by using this equipment	Technical assistance of donors	2013	Budgets of the competent authorities; assistance of donors	Ministry of Finance; Customs Service	Modern conditions of examination of cases of infringement of IP rights at the border	Number of acquired equipment; number of trained employees
	Ensuring the expertise, consultation, permanent cooperation with specialists in IP field	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Coordination of the IPR enforcement domain at the border	Number of surveys and provided consultations
4.3.4.	Development of cooperation with economic agents and the general public to improve IPR protection at the border	Within the approved budget	permanent	Budgets of the competent authorities	Ministry of Finance; Customs Service	A better understanding by the public and a more active involvement of other economic agents	Number of training activities organized for public; extending of the

							cooperation
	Conducting mediatization and information dissemination campaigns through mass media means and Internet on IP rights protection at the border	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	High level of awareness of citizens and business community of the protection measures at the border	Number of organised campaigns
1	2	3	4	5	6	7	8
	Continuous implementation of the consultation and collaboration process with the private sector interested in protecting IP rights at the border	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	High level of involvement of the right holders in the protection of IP rights at the border	Number of documents submitted to public consultation; Number of organized press conferences
4.3.5.	Strengthening the cooperation relations of Customs Service, Ministry of Internal Affairs and the State Agency on Intellectual Property with the main IP rights holders	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Finance; Customs Service	Maximum effect of the activities	Number of activities organised for holders
4.3.6.	Improving the automated information systems of recording the data managed by the Ministry of Internal Affairs on IPR infringement	Within the approved budget	2014	Budgets of the competent authorities	Ministry of Internal Affairs	Implemented automated information systems of recording the data managed by the Ministry of Internal Affairs on IPR infringement	Statistical reports reaching international standards
4.3.7.	Increasing the capacity of the judicial system: specialization and training of judges in IP field	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Justice	High level of professional training in IP field	Number of organized events; Number of trained judges

4.3.8.	Study and analysis of international and comparative law regulations in the field of Internet monitoring by the legal norm protection bodies to prevent and combat cyber crimes, including infringements of intellectual property	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Internal Affairs with participation of other competent institutions	Ensuring the compliance of the national legislation with international standards in the field, including with the European Strategy on Internet Governance for the years 2012-2015 sustained by the Republic of Moldova	Developed proposals for amendment
1	2	3	4	5	6	7	8
4.3.9.	Organization of the exchange of analytical information among judicial bodies and other institutions on matters of amplification of the phenomenon of criminality against IP, tactical and procedural peculiarities	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Internal Affairs with participation of other competent institutions	Crime prevention in the IP field in a more effective and efficient way	Number of submitted analytical reports
4.3.10.	Continuous training of employees of the judicial bodies dealing with detection, investigation, prosecution and trial of those offenses, as well as the link to other categories of crimes	Within the approved budget	permanent	Budgets of the competent authorities	Ministry of Internal Affairs with participation of other competent institutions	High level of professional training of employees of the judicial bodies in IP field	Number of trained persons
4.3.11.	Establishment and checking the most vulnerable sectors of high risk of committing frauds in the IP field	Within the approved budget	2013	Budgets of the competent authorities	Ministry of Internal Affairs with participation of other competent institutions	Improving activities of frauds detection	Identified sectors
4.3.12	Extension of cooperation	Within the	2013	Budgets of the	Ministry of	Ensuring the	Number of

.	with international institutions specialized in preventing and combating criminality against IP	approved budget		competent authorities	Internal Affairs with participation of other competent institutions	compliance of the national legislation with international standards in the field	organized programs and events
4.3.13	Strengthening the capacities of the National Agency for the Protection of Competition (NAPC) in detecting and combating anti-competitive and unfair competition actions involving the IPR	Within the approved budget	2013	Budgets of the competent authorities	Competition Council	Ensuring competition protection by combating anti-competitive and unfair competition actions involving the IPR	Number of undertaken actions
1	2	3	4	5	6	7	8
	Development and promotion of competition policy by providing a continuous dialogue with the society	Within the approved budget	2014	Budgets of the competent authorities	Competition Council in collaboration with State Agency on Intellectual Property	Identification of problems, objectives and solution tools for these problems by considering the best practices of other states; policy development; informing the society with reference to the policy promoted by the state to combat anti-competitive and unfair competition actions involving IPR	Number of undertaken actions
<b>MAIN OBJECTIVE 5. Promotion and development of a high intellectual property culture and raising public awareness about the role of intellectual property and growing interest in the protection and enforcement of intellectual property rights</b>							
<b>Specific objective 5.1. Increasing access to information and knowledge in the field of intellectual property</b>							
5.1.1.	Organization of national campaigns to inform the society on the role	500	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry	Increasing the level of knowledge of the IP field by the general	Number of organized seminars, round

	of IP in the economic, social and cultural development of the country and the importance of enforcement of IP rights				of Internal Affairs; Customs Service; Ministry of Agriculture and Food Industry in cooperation with competent institutions	public	tables, workshops for different users of IP system; number of specialists trained
1	2	3	4	5	6	7	8
5.1.2.	Development, printing and distribution of promotional materials in IP field	200	2014	Budgets of the competent authorities	State Agency on Intellectual Property	Increasing the level of public information and awareness with respect to IP, forming a proper attitude towards the respect to the negative impact of piracy and counterfeiting	Number of developed and distributed materials
5.1.3.	Development, maintainance and promotion of the Webpage "Stop piracy" <a href="http://www.stoppirateria.md">www.stoppirateria.md</a>	30	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal Affairs; Customs Service in cooperation with competent institutions	Increasing the level of society information with reference to the negative impact of these phenomena on the country's economic development and public health	Launched webpage Number of elaborated reports and disseminated to the public
5.1.4.	Creation and development of regional information centers in the IP field	600	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property; Ministry of Culture; Chamber of Commerce and Industry of the Republic of Moldova; Association of librarians of Moldova	Establishment of a information centers network in the IP field within public libraries, and subsidiaries of Chamber of Commerce and Industry	Number of libraries and subsidiaries of the Chamber of Commerce and Industry involved in IP promotion activities; number of activities organised for bussiness community

<b>Specific objective 5.2. Training and education in the field of intellectual property through the educational pregraduate, undergraduate and postgraduate system</b>							
5.2.1.	Introduction in Lyceum, university and post-university curricula certain IP courses and rendering assistance with a view to develop the study programs	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property; Ministry of Education in cooperation with Competent institutions	Raising the level of training of students in the IP field; Improving the IP training system	Number of institutions that have introduced in the curricula and syllabi the IP introductory course
1	2	3	4	5	6	7	8
5.2.2.	Establishment and granting of annual scholarships for students of IP management specialty	30	2014	Budgets of the competent authorities	State Agency on Intellectual Property	System of encouraging training of the staff in IP field	Number of granted scholarships
5.2.3.	Signing of Agreements of cooperation with graduate and pre-graduate institutions on educating the teacher staff and students in IP field	No financing required	2013	–	State Agency on Intellectual Property; Ministry of Education in cooperation with educational institutions	Increasing the skills of teachers in the IP field, increasing the number of specialists in the IP field	Number of teachers who have attended training courses in IP
5.2.4.	Organization in common with the Moldova Junior Achievement Program of the activities on awareness in the IP field of students of the pre-university institutions of the country	100	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Education, in cooperation with educational institutions	Increasing the level of understanding of the IP concepts by the youth	number of conducted activities; Number of pupils, Lyceum pupils, students who have been trained in IP field
	Celebration of the World Intellectual Property Day in schools, lyceums, universities	150	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Education in cooperation with educational	Raising the IP awareness level of pupils, lyceums pupils, students	Number of pupils, lyceum pupils, students who have participated in the event

					institutions		
5.2.5.	Sustaining research and innovation activity among pupils, continuous promotion of the annual Republican Contest “The Best Innovator Pupil”	500	2014	Budgets of the competent authorities	Academy of Sciences of Moldova (Agency for Innovation and Technology Transfer) in cooperation with State Agency on Intellectual Property; Ministry of Education	Increasing the students interest in the innovation activity	Number of participants in the contest; Number of presented works
1	2	3	4	5	6	7	8
5.2.6.	Organization of the Scientific Conference of students on protection and enforcement of IP rights, with participation of the representatives of the international and regional institutions with presentations focused on current issues in the IP field	150	2013	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Education (Academy of Economic Studies of Moldova)	Involvement of students in debates on current issues in the IP field	Number of participants in the Conference
5.2.7.	Development, multiplication and distribution of the educational and promotional materials in the IP field for pupils and students	100	2014	Budgets of the competent authorities	State Agency on Intellectual Property in cooperation with educational institutions	Developed and printed promotional materials in the IP field	Number of the distributed materials
<b>Specific objective 5.3. Raising society awareness of the importance of intellectual property rights</b>							
5.3.1.	Promotion and dissemination of information on intellectual property rights (through video and printed materials)	500	permanent	Budgets of the competent authorities;	State Agency on Intellectual Property	Raising the awareness level of intellectual property rights by SME,	Number of organized events; Number of developed

				assistance of donors		universities, institutions in the science and innovation sphere for the general public; forming a public negative attitude towards the piracy and counterfeiting	materials amnd video clips
1	2	3	4	5	6	7	8
5.3.2.	Active involvement of rights holders and collective management organizations' rights on copyright and related rights to combat piracy and counterfeiting	Within the aproved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property in cooperation with the competent institutions responsible for IPR enforcement	Active involvement and contribution of the rights holders to carry out the activities of public authorities in order to reduce the level of counterfeiting and piracy on the local market	Number of events organised with participation of rights holders and collective management associations
5.3.3.	Organization of national companies on negative effects of counterfeiting and piracy and the necessity of IPR enforcement	1500	permanent	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property in cooperation with the competent institutions responsible for IPR enforcement	Better understanding by the public of the negative effects of counterfeiting and piracy	Number of the organised events
5.3.4.	Organizationm of a regional Symposium on combating the counterfeiting and piracy with participation of international experts	150	2012	Budgets of the competent authorities; assistance of donors (WIPO)	State Agency on Intellectual Property	Exchange of experience on the best practices of diminishing the negative impact of counterfeiting and piracy phenomena on economic development of the country	Organised Event
5.3.5.	Organization of the	350	2013	Budgets of the	State Agency on	Valorification of the	Number of

	Specialized International Exhibition “INFOINVENT” with the view of promoting innovative and scientific achievements			competent authorities	Intellectual Property; Academy of Sciences Moldova (Agency for Innovation and Technology Transfer); International Exhibition Center „Moldexpo”	intellectual potential within science and innovation institutions and universities, attracting investments for implementation of innovations	organised exhibitions; number of promoted inventions
1	2	3	4	5	6	7	8
5.3.6.	Organization of short training courses for journalists addressing the IP theme	60	2014	Budgets of the competent authorities	State Agency on Intellectual Property	Formation of a group of well-informed journalists in the IP field	Number of organised sessions, number of trained journalists
5.3.7.	Organization of the Journalist Contest for best exposure of the issues related to scientific and technical, innovation and rationality activity in the country, and dissemination of information in the IP field	20	2013	Budgets of the competent authorities	State Agency on Intellectual Property	popularization of scientific and technical, innovation and rationalization elaborations; forming a group of well informed journalists in the IP field	number of participants at the contest; number of elaborated materials by the journalists and submitted for the contest
<b>MAIN OBJECTIVE 6. Development of international, regional and bilateral cooperation in the field of intellectual property and Moldova’s integration into the European and international intellectual space</b>							
6.1.	Cooperation with the World Trade Organization; Participation in meetings of the TRIPS Council	50	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	Monitoring the compliance of the legal framework in the IP field with the requirements of the WTO TRIPS Agreement	Number of participations in the events; Number amendment proposals
6.2.	Strengthening the relations with the United Nations Economic Commission for Europe (UNECE)	50	2014	Budgets of the competent authorities; assistance of	Ministry of Economy; State Agency on Intellectual Property	Moldova’s participation in the debates with reference to the role of IP	Number of participations in the UNECE Working

				donnors		in the economic development of the country, during the UNECE sessions	Group sessions; Number of organized events
6.3.	Strengthening the relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO)	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	Ministry of Culture; State Agency on Intellectual Property	Moldova's participation in the UNESCO meetings; promotion of the national cultural heritage	Number of participations in the UNESCO sessions
1	2	3	4	5	6	7	8
6.4.	Extension of cooperation with the foreign associations of IP right holders	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property	Increasing the interest of foreign IP rights holders for internal market of the Republic of Moldova; attraction of investment	Number of events organized with the participation of foreign rights holders
6.5.	Extension of cooperation relations with international organizations activating in the Republic of Moldova and with foreign embassies accredited in Chisinau	No financing required	2014	–	State Agency on Intellectual Property with participation of the competent institutions responsible for IP field	Informing representatives of foreign embassies accredited in Chisinau and representatives of international organizations activating in the Republic of Moldova with reference to the news in the field of national IP system for increasing the number of foreign investors on local market	Number of organised events
6.6.	strengthening the cooperation relations	No financing required	2014	–	State Agency on Intellectual Property	Strengthening the national IPO	Number of new signed bilateral

	with national offices from abroad, governmental and nongovernmental organizations in the IP field					protection system on the basis of bilateral exchanges of experiences and overtaking of existing best practices at the national, regional and international level	agreements and programs; Number of organized events
1	2	3	4	5	6	7	8
6.7.	Moldova's participation in the works of the Annual Meeting of the WIPO Member States, including in the sessions of the Standing Committees of the Expert Groups and Working Groups	500	2014	Budgets of the competent authorities; assistance of donors (WIPO)	State Agency on Intellectual Property; Ministry of Foreign Affairs and European Integration	Promoting the interests of the Republic of Moldova in the IP field on international level	Number of attended events
6.8.	Updating and signing of the Memorandum of cooperation between the Republic of Moldova and WIPO in the IP field	No financing required	2012	–	State Agency on Intellectual Property; Ministry of Foreign Affairs and European Integration	Promoting the interests of the Republic of Moldova in the IP field in the WIPO	Developed and signed Memorandum
6.9.	Taking over the experience of the WIPO Arbitration and Mediation Center in the organization of IP mediation activity. Identifying the mediation mechanism that can be implemented in the Republic of Moldova	130	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property with participation of the collective management organisations of the economic rights	Creation and implementation of the mediation and arbitration mechanism within AGEPI	Number of activities organized jointly with WIPO
6.10.	Moldova's participation in WIPO assistance programs designed for its member states	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors (WIPO)	State Agency on Intellectual Property	Attracting WIPO assistance in the programs for countries with economies in transition for organization of IP	number of organized events; Number of participants

						promotion and training activities	
1	2	3	4	5	6	7	8
6.11.	Organization in Chisinau of the national seminars with participation of the WIPO experts focused on enforcement of IPR topic	420	2014	Budgets of the competent authorities; assistance of donors (WIPO)	State Agency on Intellectual Property	Overtaking the best practices of organization and development of the protection and enforcement of IPR system	Number of organised seminars
6.12.	Implementation of the AGEPI-WIPO joint project "Creating and developing a network of IP and technology transfer centers" in 5 higher education institutions of the Republic of Moldova	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors (WIPO)	State Agency on Intellectual Property; state University of Moldova; Technical University of Moldova; State University of Medicine and Pharmacy "Nicolae Testemitanu"; State University „A.Russo” of Bălți; state University „B.P. Hasdeu” of Cahul	Promoting the role of IP and technology transfer in the economic development of the institutions and organizations with a view to establish a knowledge-based economy	Number of created centers; number of events organized by these centers
6.13.	Moldova's participation in activities planned by the International Union for the Protection of New Varieties of Plants (UPOV), including the works of the Council, Committees and Technical Working	150	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Agriculture and Food Industry; State Commission for Plant Variety Testing	Local development and approval of the UPOV recommendations on the <i>sui generis</i> protection of new plant varieties	Number of attended events; number of presented country reports; organized event

Groups of UPOV							
1	2	3	4	5	6	7	8
6.14.	Organization of the UPOV Working Group session on automation and computer programs	200	2012	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Agriculture and Food Industry; State Commission for Plant Variety Testing	Increasing the level of understanding by the local breeders of the need for holding exclusive rights on new plant varieties	
6.15.	Strengthening the cooperation with EU institutions in the IP field: - Office for Harmonization in the Internal Market (OHIM) - Community Plant Variety Office (CPVO)	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property; Ministry of Foreign Affairs and European Integration; Ministry of Economy	Promotion of information on Community system of protection of trademarks, industrial designs, plant varieties; overtaking the best practices of IP protection	Number of organized seminars; Number of trained specialists
6.16.	Expanding and strengthening the relations with the European Patent Organization (EPO) and its Member States; Implementation of measures included in the AGEPI-EPO Cooperation Program	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors (EPO)	State Agency on Intellectual Property	Strengthening the national system of protection of inventions and its adjustment to the provisions of the European system in the field; implementing best european practices in the field of protection of inventions; training national staff in the field	Number of organized events; number of trained specialists
1	2	3	4	5	6	7	8
6.17.	Implementation of the recommendations of the TWINNING Project <i>“Support to implementation of intellectual</i>	80	2012	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Internal Affairs;	The IP rights enforcement system similar to European one; The high level	Number of organised events

	<i>property rights in the Republic of Moldova</i>				Customs Service; Ministry of Agriculture and Food Industry; Ministry of Justice in cooperation with Prosecutor's Office	of training the national staff that will ensure the implementation of the system's provisions	
6.18.	Implementation of the priorities from the Agenda for European Integration in relation to negotiation of the RM-EU Association Agreement, chapter "Intellectual Property"	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property; Ministry of Economy with participation of the competent institutions responsible for IP field	Adjustment of the national IP protection system to the European and Community one	Number of presented reports
6.19.	Achievement of the Action Plan on implementation of priority and additional Recommendations in the negotiation of the Deep Comprehensive Free Trade Agreement between Moldova and European Union (DCFTA)	Within the approved budget	2014	Budgets of the competent authorities	State Agency on Intellectual Property; Ministry of Economy with participation of the competent institutions responsible for IP field	Implementation of measures included in the Chapter "Intellectual Property" of the Action Plan on implementation of primary and additional Recommendations in the negotiation of the DCFTA Agreement	Number of presented reports; Number of undertaken actions
1	2	3	4	5	6	7	8
6.20.	Implementation of the provisions of the Agreement between the Republic of Moldova and European Union on protection of geographical indications	Within the approved budget	2014	Budgets of the competent authorities; assistance of donors	State Agency on Intellectual Property; Ministry of Economy; Ministry of Agriculture and Food Industry, with participation	Creating technical and legislative conditions for implementation of the RM-EU Agreement on protection of geographical	Number of presented reports; Number of carried out actions

					of the competent institutions responsible for IP field	indications; developing the necessary infrastructure and training of the national staff in the field	
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