

Administrative Revocation and Invalidation Mechanisms

Moldova

A patent granted by AGEPI and a validated European patent may be revoked in whole or in part, in accordance with Art. 64 of Law No.50-XVI/2008 on the Protection of Inventions, on the following grounds:

- a) the subject-matter of the patent is not patentable, it is an exception to patentability, the invention is not new, does not involve an inventive step or is not susceptible of industrial application, or on taking the decision it was based on non-prejudicial disclosures, which are in fact prejudicial disclosures and, where appropriate, short-term patents were granted in respect of inventions concerning a biological material, chemical or pharmaceutical substances and processes for their preparation, which in fact cannot be protected by such a means of protection as a short-term patent for invention;
- b) the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;
- c) the subject-matter of the patent extends beyond the content of the application as filed, or, if the patent was granted on a divisional application or on a new application filed by a non-entitled person, the subject-matter of the patent extends beyond the content of the earlier application as filed;
- d) the protection conferred by the patent has been extended;
- e) the patent owner is not the person entitled to obtain a patent under Article 14 or, in the case of employee inventions, under Article 15 of Law No.50-XVI/2008 on the Protection of Inventions.

If the grounds for revocation only affect the patent in part, revocation shall be pronounced in the form of a corresponding limitation of the said patent, by an amendment to the claims, the description or the drawings. Non-compliance with one or more formal requirements in respect of a patent application may not form grounds for revocation of the patent, in whole or in part, except where it results from a fraudulent intention.

Proceedings for revocation of patent may be instituted with the court at any time during the term of validity of the patent and solely on the grounds mentioned above. Proceedings for revocation of patent may be instituted even if the rights conferred by the patent have terminated or if the patent is renounced. Proceedings for revocation of Eurasian patent on the territory of the Republic of Moldova should be instituted in accordance with the Eurasian Convention, Implementing Guidelines to the Eurasian Convention and the national legislation. A final and irrevocable decision for revocation of patent, in whole or in part, shall be communicated to the AGEPI by the interested person. Mention of revocation shall be entered in the National Register of Patents and published in BOPI.