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IP protection in Romania: An Overview

Romanian jurisdiction offers a stable environment in terms of intellectual property protection, in line with international and European practice. Moreover, Romania has adhered to most of the international conventions on intellectual property and has implemented, respectively, EU legislation in the field. Below there is an overview of the some of the main IP rights as well as IP protection framework.

1. Patents

As a matter of principle, an invention may be patented if it is: (i) novel; (ii) inventive (it must not be obvious to a person skilled in the field) and (iii) usable in at least one industrial sector. The patent and rights pertaining thereto may be assigned or licensed as well as transferred by succession.

2. Industrial designs and models

The exterior appearance of a product may be registered as an industrial design or model, provided that the appearance is (i) novel (the industrial design or model was not made available to the public before) and (ii) particular (the industrial design or pattern produces a different impact on an average user than the impact of any other industrial

design or model made public before). Rights pertaining thereto may be assigned or licensed, as well as transferred through succession.

3. Semi-conducting products topographies

Semi-conducting products topographies may be protected if they are original. The protection does not cover the concepts, procedures and devices, nor the information stored in the topographies. Rights pertaining thereto may be assigned or licensed or transferred via succession.

4. Trademarks

Trademarks are subject to registration if they are (i) fit for graphic or audio representation, (ii) distinctive (capable of distinguishing products or services of one trader from those of other traders), (iii) available (they must not affect any prior intellectual property right), and (iv) lawful. Rights pertaining thereto may be assigned and licensed.

5. Copyright

Copyright is protected provided that the work (i) is original, (ii) takes a concrete expressive form and (iii) is able to be made known to the public. Patrimonial copyrights may be freely assigned. Moral copyrights may not be assigned. However, moral rights, such as the right to paternity and integrity, the right to oppose any alteration that may harm the author's reputation as well as the right to disclosure are transmissible by succession for an unlimited period of time.

6. IP protection framework

Any holder of an IP right may obtain protection of its rights in or outside Romania through the Romanian State Office for Inventions and Trademarks, as well as via relevant European and international organisations e.g., the Office for Harmonization in the Internal Market and the World Intellectual Property Organization.

7. Areas for improvement

Though there are no major shortcomings, a number of aspects could be further improved, such as (i) the infrastructure for national institutions involved in IP protection, (ii) providing further training for the personnel involved in the field, (iii) enhancing the cooperation between national institutions and other IP bodies and (iv) improving collective administration system regarding copyrights.

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