

Annex
To the Order on Approval
the Enforcement Action Plan
intellectual property rights in the Republic of Moldova

**Action Plan
for the enforcement of intellectual property
rights in the Republic of Moldova 2026-2029**

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Glossary

AGEPI	State Agency on Intellectual Property
ANSA	National Agency for Food Safety
ARBI	Criminal Assets Recovery Agency
CEPOL	European Union Agency for Law Enforcement Training
CCCC	Centre for Combating Cybercrime
UNECE	United Nations Economic Commission for Europe
EC	European Commission
EDPB	European Data Protection Board
CNA	the National Anti-Corruption Center
DG TAXUD	Directorate-General for Taxation and Customs Union of the European Commission
dpi	intellectual property rights
EPO	European Patent Office
EUIPO	European Union Intellectual Property Office
Eurojust	European Union Agency for Criminal Justice Cooperation
Europol	European Union Agency for Law Enforcement Cooperation
AI	artificial intelligence
GI	geographical indication
PGI	General Police Inspectorate of the Ministry of Internal Affairs
INTERPOL	International Criminal Police Organization
SME	small and medium-sized enterprise
IPEP	Intellectual Property Rights Enforcement Portal
IT	information technology
KPI	key performance indicator
NIJ	National Institute of Justice
NFT	Non-Fungible Token
Observatory	Observatory on Enforcement of Intellectual Property Rights
EU Observatory	European Observatory on Infringements of Intellectual Property Rights
OECD	Organisation for Economic Co-operation and Development
OLAF	European Anti-Fraud Office
WTO	World Trade Organization
WIPO	World Intellectual Property Organization
UN	United Nations
PCT	Patent Cooperation Treaty
PG	the Prosecutor General's Office
PI	intellectual property
ISSNPC	State Inspectorate for Supervision of Non-Food Products and Consumer Protection
STISC	Information Technology and Cybersecurity Service
SV	Customs Service
TLD	Top-Level Domain (Top-Level Domain)
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
EU	The European Union
UNODC	United Nations Office on Drugs and Crime
UPOV	International Union for the Protection of New Varieties of Plants
WCT	WIPO Copyright Treaty
WMA	the World Medical Association
WP.6	Working Party on Regulatory Cooperation and Standardisation Policies
WPPT	WIPO Performances and Phonograms Treaty
FEZ	Free Economic Zone

Summary

The National Action Plan for the Enforcement of Intellectual Property Rights for the period 2026–2029 (the 'Action Plan') outlines the strategic approach for strengthening the protection and enforcement of IPR in the Republic of Moldova. In line with national priorities and international obligations – in particular EU standards – the Action Plan aims to combat IPR infringements, stimulate innovation and ensure consumer protection, public security and the competitiveness of the Moldovan economy.

In the Republic of Moldova, intellectual property is protected primarily under the registration of IP objects (trade marks, inventions, industrial designs, etc.) with AGEPI, which is the national intellectual property office. IP plays a vital role in supporting economic growth, creative industries and consumer protection.

However, IPR infringements, including counterfeiting and piracy – often driven by organised crime networks – pose serious risks. Counterfeiting and piracy undermine legitimate business activities, threaten public health through dangerous counterfeit goods and fuel wider illegal activities. Addressing these challenges requires a coordinated, measurable and modern implementation framework.

This Action Plan is built around five main strategic objectives, each supported by specific actions, responsible institutions and clear KPIs:

- **Alignment with the EU acquis:** aligning national legislation in the field of IPR enforcement with the EU acquis, including in the field of customs, civil, administrative and criminal procedures.
- **Institutional capacity building:** establishing and strengthening specialised IPR enforcement units or focal points within competent authorities with sufficient resources, as well as developing the professional capacities of relevant staff.
- **Enhanced cooperation:** improving inter-institutional cooperation at national and international level through coordination mechanisms, Memoranda of Understanding, designation of single points of contact, participation in EU law enforcement networks and data sharing platforms.
- **Improving enforcement mechanisms:** strengthening investigative tools, recovering criminal assets and improving mechanisms for the enforcement of judgments;
- **Promoting knowledge and awareness:** implementing information and training activities aimed at the general public, business and relevant institutions on the importance of IPR enforcement and the risks associated with counterfeiting and piracy. Promote digital tools, such as AI and blockchain, to detect and prevent IPR infringements. Conducting the public education campaign aimed at consumers, students and SMEs.

The Action Plan also strengthens existing IPR enforcement mechanisms, including:

- **Customs enforcement of IPR:** strengthening the operational and procedural capacities of the VS to identify and suspend the release for free circulation of goods suspected of infringing IPR, acting ex officio or on the basis of applications submitted by rightholders
- **Civil enforcement of IPR:** improving the enforcement of redress measures ordered by the courts, including the cessation of infringements, the award of damages and the destruction of counterfeit goods;
- **Enforcement of IPR by administrative and criminal means:** strengthening the operational and procedural capacities of the ANSA and the ISSPNPC for the detection

of , IPR infringements as well as the capacity of the PGI and the PG to investigate and prosecute IP crimes, including infringements committed online.

The implementation of the Action Plan will be coordinated by AGEPI, with the involvement of the relevant institutions. Progress will be assessed on the basis of the KPI, including:

- the number of normative acts adopted or amended;
- the establishment and activity of specialised units;
- the number of training sessions organised;
- the number of IPR enforcement actions initiated and/or completed;
- the level of public and business awareness of the risks of counterfeiting and piracy.

The implementation of the Action Plan will be ensured mainly from the allocations of the state budget of the Republic of Moldova, supplemented, where appropriate, by technical and financial assistance provided by international development partners.

Overall, the Action Plan aims to establish an efficient, coordinated and aligned system with EU IPR enforcement standards, capable of discouraging infringements, protecting rightholders and contributing to the development of an environment conducive to innovation and fair competition. By promoting legislative reforms, strengthening institutional capacities and building on strategic partnerships, the Republic of Moldova aims to improve the efficiency of IPR enforcement mechanisms and support sustainable economic development.

1 INTRODUCTION

1.1 Intellectual property

IP is an essential element of modern knowledge-based economies and a fundamental tool for boosting innovation, creativity and economic competitiveness.

According to the UN, IP crime is a transnational illegal activity managed by the same criminal organisations involved in other serious crimes, including drug trafficking, arms smuggling, trafficking in human beings, corruption and money laundering. In this context, IPR enforcement is not only an economic priority, but also an important component of public policies on market safety and security.

IP refers to creativity and innovation, such as inventions, literary works, artistic works, symbols, names, images and industrial designs used in commerce. PI is traditionally divided into two categories:

- Industrial property, which includes trademarks, industrial designs, patents, supplementary protection certificates, topographies of semiconductor products and GIs.
- Copyright, which includes literary works (e.g. novels, poems, plays), films, music, artistic works (e.g. drawings, paintings, photographs, sculptures), software and architectural design. Related rights include the rights of performers in their performances, the rights of producers of phonograms in their phonograms, the right of producers of videograms in their videograms and the rights of broadcasting organisations in their media-fixed broadcasting programmes and services.

In order to benefit from the legal protection of industrial property objects in the Republic of Moldova, with certain exceptions provided by the legislation, the creator or holder of the right is obliged to go through the registration procedure with AGEPI. Copyright protection arises automatically with the creation of the work, without the need to complete registration formalities or other administrative procedures.

IPR holders enjoy exclusive rights, including the right to authorise or prohibit the use of protected subject-matter by third parties. IPR, like other property rights, allows creators or holders to derive benefits from exploiting their own creation or investment. These rights are enshrined in Article 27 of the Universal Declaration of Human Rights, which recognises the right of every person to benefit from the protection of moral and material interests deriving from his or her status as author of scientific, literary or artistic works. At the same time, Article 33 of the Constitution of the Republic of Moldova guarantees the legal protection of intellectual property, including the moral and patrimonial rights of the holders.

In the absence of an effective IP protection system to reward creativity and stimulate innovation, inventors and creators are unlikely to have the financial resources or motivation to develop innovative solutions, including in key areas such as medicine or information technology. It is therefore essential that public authorities and law enforcement institutions enforce IPR, not only to protect the interests of rightholders, but also to guarantee the safety and well-being of society as a whole.

In the Republic of Moldova are protected various IP objects, including copyright, industrial designs, geographical indications, inventions, plant varieties, trademarks, trade secrets and topographies of semiconductor products. However, in their day-to-day work, law enforcement authorities most commonly encounter trademark and copyright infringements:

- **Marks** are signs, including words, drawings, letters, numbers, colours, which make it possible to identify goods and services and distinguish them on the market (examples of marks: 'Coca Cola' and 'Nike').
- **Copyright** protects creative works, such as literary, audiovisual, musical and artistic works, as well as computer programs and architectural works.

Intellectual property objects, such as trademarks and copyright, can provide complementary protection over the same product or service. For example, a registered trademark may protect the name of a product, while copyright may protect the embedded software, user manual or associated graphics.

However, IPR protection is limited in time, the duration of which varies depending on the nature of the protected object. Thus, copyright in works created by individual authors is protected for the life of the author and for 70 years after his death. Instead, trademarks are initially protected for a period of 10 years from the date of filing with AGEPI, with the possibility of unlimited renewal for successive periods of 10 years each.

1.2 Importance of IP

IP is essential because it protects the creations of the human intellect – such as inventions, artistic works and trademarks – by giving rightholders the right to benefit from the results of their intellectual activity and investments. By granting exclusive rights, the IP legal framework stimulates innovation and creativity, as individuals and businesses are more willing to invest time and resources in developing new ideas when they have safeguards to protect and capitalise on them.

From an economic point of view, IP plays a major role in stimulating economic growth. IP-based industries contribute significantly to national economies by creating jobs, facilitating trade and attracting investment. IP also promotes fair competition by enabling consumers to identify genuine products and to show confidence in the goods and services offered on the market, including through trade mark protection.

Beyond the economic benefits, IP contributes to the dissemination and exchange of knowledge. For example, the patent system involves the public disclosure of technical information on inventions, thus facilitating the accumulation of knowledge and stimulating the further development of innovative solutions. IP also supports cultural development, ensuring the recognition and fair remuneration of creators, which contributes to the promotion of cultural diversity and creativity.

At the same time, IP is an important factor in international trade and development. States with effective intellectual property protection systems are more attractive for investment and can participate more actively in the global economy. Overall, IP helps to maintain a balance between protecting creativity and innovation and enriching the public domain in the long term.

1.3 Impact of IPR infringements on society

1.3.1 Economics

A study conducted in 2025 by the EUIPO and the OECD estimated that the value of international trade in counterfeit and pirated products reached up to USD 467 billion annually. However, this estimate does not include domestically produced and consumed products or intangible digital products. If these types

of products were included, the EUIPO and OECD study estimates that the total value of trade in counterfeit and pirated products would be several hundred billion dollars higher.

The EUIPO and OECD study highlights the scale of financial resources that governments and legitimate businesses lose from trade in counterfeit and pirated products – resources that could be used to improve public services (e.g. building schools or hospitals) and create jobs.

1.3.2 Health and safety

The EUIPO and OECD study also showed that counterfeiting is not limited to luxury items such as watches and clothing of famous designers, but has extended to pharmaceuticals, food, beverages, medical equipment, personal care items, toys, tobacco products and automotive parts, thus threatening the health and safety of consumers.

INTERPOL stresses that counterfeiting and piracy are serious IP crimes that defraud consumers, threaten public health and safety, generate billions of dollars in losses in the form of unearned government revenue, lost foreign investment or diminished business profits, and violate the rights of holders. Counterfeit products pose a significant threat to consumer safety globally. Consumers, without being aware of it, put their health and even their lives at risk when using counterfeit pharmaceuticals, alcoholic beverages or food products, or when travelling in vehicles or aircraft maintained with counterfeit parts that do not meet safety standards.

The WMA draws attention to the fact that counterfeit medicines and other medical products can have serious effects on patients' health, including fatal consequences in the most severe cases¹.

1.3.3 Organised crime

The UNODC has estimated that the global illicit drug market exceeds USD 426 billion. This is lower than the EUIPO and OECD estimate of international trade in counterfeit and pirated products, which can reach up to USD 467 billion. This highlights the attractiveness of counterfeiting and piracy for organised crime groups, in particular when comparing the resources allocated by governments and law enforcement authorities to combat illicit drug trafficking with those intended to combat trade in counterfeit and pirated products.

According to INTERPOL, counterfeiting and piracy do not operate in isolation, but are closely linked to a wider network of serious crimes such as human trafficking, drug smuggling, corruption and money laundering. For organised crime groups, these activities are mainly motivated by profit-making, to the detriment of the interests and safety of society.²

1.4 IPR Enforcement Action Plan

The Action Plan will serve as a strategic framework to protect IPR and promote a culture of respect for innovation and creativity in the Republic of Moldova. Its main purpose is to coordinate and strengthen

¹ World Medical Association – Fight against counterfeiting

² Border Security Report – The [Journal of Border Security](#) and Transnational Organised Crime

the efforts of public institutions, law enforcement authorities, the judiciary, IP right holders and other stakeholders to prevent, detect and combat IPR infringements, including counterfeiting and piracy.

By aligning national IP policies with international obligations, including those set out in the Association Agreement between the Republic of Moldova and the EU, TRIPS and WIPO-administered treaties, the Action Plan contributes to strengthening the credibility and attractiveness of the Republic of Moldova for foreign investment. It also supports sustainable economic development by promoting fair competition, protecting consumers and stimulating technological progress and cultural expression.

The action plan sets clear objectives, implementation mechanisms, institutional roles and performance indicators. It also highlights the need to step up public awareness activities, strengthen inter-institutional cooperation and develop the capacities of competent authorities in the field of IPR enforcement. Effective implementation of the Action Plan will help protect the rights of creators and innovators, strengthen the rule of law and boost economic growth in knowledge-based sectors.

2 THE CURRENT STATE OF THE INTELLECTUAL PROPERTY SYSTEM IN THE REPUBLIC OF MOLDOVA

2.1 Legal framework

2.1.1 National legislation on intellectual property

The Republic of Moldova has a well-developed legal system for the protection of IPR, largely aligned with EU legislation and international standards. The national IP framework is administered by AGEPI and covers the main categories of IPR, each regulated by a special law.

Copyright and related rights in the Republic of Moldova are regulated by Law No. 230/2022 on copyright and related rights, which protects original literary, artistic and scientific works, such as books, music, films and computer programs. Authors enjoy moral rights (e.g. the right to paternity) and property rights (e.g. the right to reproduction and distribution of the work). Protection is granted for the life of the author plus 70 years after his death. Related rights are also granted to performers, phonogram producers, videogram producers and broadcasting organisations.

The protection of inventions is regulated by Law no. 50/2008 on the protection of inventions. The inventions must be new, involve an inventive step and be capable of industrial application in order to benefit from patent protection, which is granted for a period of 20 years. Patent holders enjoy exclusive rights to exploit their inventions and may prohibit unauthorised use by third parties.

Under Law No 38/2008 on trade mark protection, signs which distinguish goods or services are protected as trade marks. A registered trade mark is valid for 10 years and may be renewed indefinitely for successive periods of 10 years. On 02.04.2027 will enter into force the new framework law in the field of trade marks - Law No 25/2024 on trade marks, which transposes *Directive 2004/48/EC* of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks and Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark.

Law 161/2007 on the protection of industrial designs regulates the protection of the external appearance of the product, which must be new and have individual character. Protection is initially granted for a period of 5 years and may be renewed for successive periods of 5 years each, up to a maximum duration of 25 years. The right conferred shall entitle the holder to the exclusive use of the design and to prohibit unauthorised use by third parties.

Law No 66/2008 on the protection of geographical indications, designations of origin and traditional specialities guaranteed regulates the registration, protection and use of geographical indications, designations of origin and traditional specialities guaranteed. The names of products reflecting a particular geographical origin and the qualities or reputation associated with it shall be protected. Protection is granted after registration and has an indefinite duration, provided that the conditions of origin and production standards laid down in the product specification are complied with.

The protection of plant varieties is regulated by Law No 39/2008 on the protection of plant varieties. New, distinct, uniform and stable varieties may be registered and enjoy exclusive rights granted to breeders for a period of 25 years or up to 30 years for certain species, such as trees and vines.

At present, topographies of semiconductor products are protected by Law No 655/1999 on the protection of topographies of integrated circuits. A new law on the protection of topographies of semiconductor products partially transposing the Council Directive of 16 December 1986 on the legal protection of topographies of semiconductor products (87/54/EEC) is being adopted in Parliament. Protection shall be granted for a period of 10 years from the date of registration or first commercial exploitation. On 9 April 2026, the Parliament of the Republic of Moldova adopted, in its second reading, the draft new law on topographies of semiconductor products, which will enter into force on the expiry of a period of 12 months from the date of its publication in the Official Gazette of the Republic of Moldova. This draft transposes the Council Directive of 16 December 1986 on the legal protection of topographies of semiconductor products (87/54/EEC) and 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 384/2023 on the protection of trade secrets establishes the legal framework for the protection of confidential information that has commercial value. It defines the notion of trade secret, lays down the conditions of protection and provides for remedies in the event of unlawful use or disclosure.

The Republic of Moldova is a party to numerous international treaties in the field of intellectual property, which ensure the alignment of the national legal system with international standards and facilitate the cross-border protection of IPR. In the field of copyright and related rights, the Republic of Moldova is a party to the Berne Convention for the Protection of Literary and Artistic Works, the WCT and the WPPT, and the Rome Convention.

As regards industrial property rights, the Republic of Moldova is a party to the Paris Convention for the Protection of Industrial Property and to the PCT, which facilitates the filing of international patent applications. The Republic of Moldova also participates in international classification agreements, including the Strasbourg Agreement concerning the International Classification of Patents, the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Vienna Agreement concerning the Classification of Figurative Elements of Marks and the Locarno Agreement concerning the International Classification of Industrial Designs.

The Republic of Moldova is also a party to the Hague Agreement Concerning the International Deposit of Industrial Designs. In the field of trade marks, the Republic of Moldova has acceded to both the Madrid Agreement and the Protocol relating to the Madrid Agreement, which together constitute the Madrid System for the International Registration of Marks. At the same time, the Republic of Moldova is a party to the Lisbon Agreement on the Protection of Indications of the Place of Origin of Products and their International Registration, as well as to its Geneva Act, which extends international protection to geographical indications.

Within the framework of international treaties in the field of IP, the Republic of Moldova is a member of WIPO and WTO, having the obligation to comply with the provisions of TRIPS. These international legal instruments lay down minimum standards for the protection of IPR applicable in all relevant areas.

Also, the Republic of Moldova is a party to UPOV, which regulates the legal protection of new plant varieties. This Treaty gives breeders exclusive rights to the varieties created, thereby helping to stimulate innovation and development in the agricultural sector.

2.1.2 Customs legislation on the enforcement of intellectual property rights

The protection of IPR at the border in the Republic of Moldova is regulated by a set of national normative acts that establish the legal framework and intervention procedures of customs authorities. The basic legislative act is Customs Code No 95/2021. The Customs Code empowers the SV to detain or suspend the release of goods suspected of infringing IPR, both at the request of rightholders and ex officio. The procedure allows rightholders to apply for action to prevent counterfeit or pirated goods from entering or leaving the country. The right holder bears the storage costs once the infringement is confirmed, being exempted from the initial administrative fees for handling the application. These measures aim to combat cross-border infringements and protect IPR at the border.

In addition, Government Decision No 92/2023 on the implementation of the Customs Code No 95/2021 approved the procedures and measures for the enforcement of IPR by customs authorities. This decision operationalises border enforcement measures, setting out detailed procedures, including the rightholders' application process, the criteria for customs intervention, the time limits for detaining goods and how to deal with suspected counterfeit goods. It also clarifies how evidence is to be taken and the conditions under which goods may be destroyed.

Article 386 of the Customs Code concerns the illegal import or export of IPR infringing goods and provides that an economic operator who introduces or takes out of the country products infringing such rights is liable to significant financial penalties. Concretely, offenders can be fined from 100,000 to 300,000 lei.

Finally, compliance with IPR is supported by the Criminal Code No 985/2002 and the Contravention Code No 218/2008, which provide for sanctions for IPR infringements, including the illegal importation of counterfeit goods. These laws ensure that customs enforcement actions can lead to formal sanctions and judicial proceedings, strengthening the deterrent effect of IPR infringements in the Republic of Moldova.

2.1.3 Civil law on the enforcement of intellectual property rights

Civil enforcement of IPR in the Republic of Moldova is structured through a comprehensive legal framework, which gives rightholders the opportunity to protect their interests through the judiciary. These normative acts provide for redressive measures such as injunctions, damages and destruction of goods infringing IPR and are in line with the commitments undertaken by the Republic of Moldova under international agreements, including the TRIPS Agreement.

Civil Code 1107/2002 serves as a fundamental legal instrument for IPR enforcement. It sets out the general principles of civil liability and legal remedies for infringements of rights, including IPR. Under this Code, IPR holders can take legal action seeking compensation for damages, restitution or court orders to cease IPR-infringing activities. The Code also allows for non-pecuniary (moral) damages actions in cases where the infringement affects reputation or moral rights.

Law No 38/2008 on trade mark protection provides for specific mechanisms for the enforcement of trade mark rights. Rightholders may bring civil actions for unauthorised use, imitation or misuse of registered trademarks. Legal remedies include injunctions, financial compensation, publication of the court ruling and destruction of counterfeit goods. The law also allows for the application of interim measures to quickly prevent ongoing infringements.

Law 230/2022 on copyright and related rights regulates the legal means in cases of infringement of copyright and related rights. This law allows authors and other rightholders to initiate civil court proceedings against offenders and seek compensation for damages. Courts may also issue injunctions, order the removal or destruction of infringing copies and take action against providers of intermediary services involved in the illegal reproduction or distribution of works.

Law No 50/2008 on the protection of inventions and Law No 161/2007 on the protection of industrial designs regulate civil mechanisms for the enforcement of rights to inventions and industrial designs, respectively. These laws grant holders the right to take legal action for the unauthorised production, use or marketing of their protected subject matter. Civil remedies include the cessation of the infringement, the confiscation and destruction of IPR infringing goods, as well as compensation for the damage caused.

Law 66/2008 on the protection of geographical indications, designations of origin and traditional specialities guaranteed allows producers of geographically linked products to exercise their rights against misleading or unauthorised use of registered geographical indications. The infringement of geographical indications can be challenged in civil court, with possible remedies, including injunctions, damages and withdrawal of products from the commercial circuit or destruction of goods.

Law No 39/2008 on the protection of plant varieties grants breeders exclusive rights over registered plant varieties. Where a protected variety is reproduced, sold or used without authorisation, the breeder may bring a civil action seeking the cessation of the infringement, compensation for the loss and destruction of unauthorised propagating material.

Law No 655/1999 on the protection of integrated circuit topographies provides civil means for creators of original topographies. Rightholders may initiate legal proceedings in the event of unauthorised reproduction or commercial exploitation of protected templates. Courts may award damages, order interim measures and order the destruction of infringing goods or instrumentalities.

Law 384/2023 on the protection of trade secrets prohibits the unlawful acquisition, use or disclosure of trade secrets and provides for civil remedies for IPR holders, including injunctions, damages and remedies. This applies to both natural and legal persons. The law also includes provisions on confidentiality in court proceedings and the protection of whistleblowers in certain cases of public interest.

Together, these laws form a well-developed civil application framework in the Republic of Moldova, providing for legal instruments and remedies that allow rightholders of different categories – trademarks, copyrights, patents, industrial designs, GIs, plant varieties, etc. – to actively protect their rights and seek judicial redress when violations occur.

2.1.4 Competition law on the enforcement of intellectual property rights

The competition legal framework lays down clear rules on the prohibition of unfair competition actions, including those involving the unauthorised use and/or copying of intellectual property objects.

Thus, Article 19 of the Competition Law no. 183/2012 prohibits any actions or facts that are likely to create, by any means, a confusion with the undertaking, products or economic activity of a competitor, carried out by:

a) unlawful use, in whole or in part, of a trademark, service emblems, company names, industrial design or other objects of industrial property such as to create confusion with those lawfully used by another undertaking;

the unlawful copying of the shape, packaging and/or appearance of an undertaking's product and the placing of that product on the market, the unlawful copying of an undertaking's advertising if it has harmed or is likely to harm the legitimate interests of the competitor.

In accordance with Article 77 of the same law, such acts are punishable by penalties, which have a deterrent effect, the fine can reach up to 0.5% of the total turnover achieved by the undertaking in the year preceding the sanction.

The practice of the competition authority confirms the effective application of these provisions, and there have been cases where the penalties applied for creating confusion have been significant. For example, in the case of Supraten S.A., confusion was found to exist by illegally copying the packaging of a product belonging to Saint-Gobain Byggprodukter AB (Sweden), with the fine imposed exceeding RON 1 million.

In this context, the enforcement of IPRs and the avoidance of any practices likely to cause confusion among consumers is an essential obligation to ensure a level playing field.

2.1.5 Infringement law on the enforcement of intellectual property rights

Infringement Code No 218/2008 contains several key articles dealing with IPR infringements. These provisions are designed to deter illegal activities infringing IPR without constituting a criminal offence. The Code empowers law enforcement authorities and courts to impose fines and other sanctions as a means of enforcing IPR in less serious cases.

Article 96 of the Contravention Code regulates liability for infringement of copyright and related rights. This applies to the unauthorised reproduction, distribution or communication to the public of copyright works and objects of related rights – such as , performances phonograms or broadcasts – without the consent of the rightholder. Sanctions for this type of infringement typically include fines imposed on natural or legal persons, together with the possible confiscation of material and equipment used to commit the infringement.

Articles 97 to 103 regulate contravention liability for infringements of industrial property rights, including trademarks, inventions, designs. This Article penalises the unauthorised use of a registered trade mark, the unlawful exploitation of a patented invention or the unlawful use of a protected design. Administrative penalties may include pecuniary fines for individuals and businesses, as well as the confiscation of IPR infringing goods.

Article 283 concerns the counterfeiting of goods, if this act does not meet the constituent elements of the offence. Penalties for this type of infringement typically include fines with or without deprivation of the right to carry out a particular activity for a period of between six months and one year.

In all cases, contraventions must be proven by appropriate procedures, which typically involve investigations and the gathering of evidence by the PGI, ANSA and/or the ISSPNPC. These procedures help to ensure that rightholders have an IPR enforcement mechanism in cases that do not justify prosecution but still require a legal response.

In general, the inclusion of these IP-related provisions in the Contravention Code provides a flexible and accessible means of enforcing IPR in the Republic of Moldova, especially in cases where the infringement is minor or committed unintentionally. The legal framework supports the Republic of Moldova's broader effort to maintain a functioning and responsive IPR enforcement system in line with international standards.

2.1.6 Criminal law on the enforcement of intellectual property rights

The Criminal Code No 985/2002 includes several provisions specifically addressing serious infringements of IPR. These criminal law articles aim to deter intentional and widespread infringements that cause significant harm to rightholders or the public interest. The Criminal Code provides for punitive sanctions, such as fines, community service or imprisonment, depending on the nature and seriousness of the crime.

Article 185¹ of the Criminal Code concerns infringement of copyright and related rights. This Article applies to the unauthorised reproduction, distribution, communication to the public or use of copyright protected works and subject-matter of related rights. Criminal penalties are triggered when the infringement is committed intentionally, on a commercial scale or results in damage in large or particularly large proportions. Sanctions can include significant fines, community service or imprisonment for up to five years.

Article 185² focuses on infringement of industrial property rights, including unauthorised use of trade marks or geographical indications. This includes the intentional production, sale or distribution of goods through the unlawful use of the trade mark or the commercial use of a geographical indication to the extent that such use takes advantage of the reputation of the protected name. Criminals may face criminal liability if the infringement is committed for commercial purposes and causes material damage to the IPR holder. Penalties may include fines, community service or imprisonment for up to five years in aggravated cases.

Article 246² establishes criminal liability for the counterfeiting of goods, e.g. their manufacture for marketing purposes. The Criminal Code provides for punitive sanctions, such as fines, imprisonment of up to one year or deprivation of the right to exercise a certain activity for a period of between one and 5 years.

In all cases, the law allows for the confiscation and destruction of property, materials and equipment used to commit crimes. Repeated offences or offences involving organised criminal groups may attract more severe sanctions, in accordance with the general provisions of the Criminal Code.

These Articles reflect the Republic of Moldova's commitment to combat serious IP-related crimes in line with international obligations, including the TRIPS Agreement. They provide a powerful legal tool for law enforcement agencies, prosecutors and courts to respond effectively to intentional and harmful IPR infringements.

2.2 Institutional framework

2.2.1 Role of government agencies

In the Republic of Moldova, several government institutions are involved in IPR enforcement, each playing a specific role in providing legal protection and enforcing remedies for IPR infringements.

The Customs Service plays a key role in preventing the import and export of counterfeit or pirated goods. Acting under the Customs Code and the relevant IP legislation, the SV may suspend the release of goods suspected of infringing IPR at the border, either at the request of , rightholders or ex officio.

The VS works closely with other public law enforcement authorities and provides essential support in border enforcement actions.

The Ministry of Internal Affairs, in particular through the PGI, is responsible for investigating IP-related offences such as counterfeiting and piracy. The PGI ensures compliance with the contravention and criminal provisions of the Criminal Code and the Contravention Code which refer to PI. In this respect, the PGI has powers to detect, investigate and stop illegal operations. Under the PGI, the CCCC is the main cybercrime investigation unit and plays an increasingly important role, focusing on the detection and investigation of IP crimes online, including digital piracy, the unauthorised distribution of copyright-protected content and the sale of counterfeit goods on e-commerce platforms.

The Prosecutor General's Office supervises the prosecution of criminal cases concerning the infringement of IPR. It initiates or supervises investigations by law enforcement authorities and represents the State in judicial proceedings related to serious IP offences. The Office shall ensure that evidence collected by law enforcement authorities is used effectively in criminal prosecutions and contribute to ensuring consistency in the application of intellectual property law.

The judiciary, including civil, administrative and criminal courts, is responsible for the resolution of IP disputes and the enforcement of IPR. Courts can grant a range of remedies, including injunctions, damages, destruction of counterfeit goods and administrative or criminal penalties. They play a vital role in interpreting IP legislation and in complying with the Republic of Moldova's obligations under international treaties.

The Competition Council is an autonomous authority subordinated to the Parliament, responsible for the application of competition law, state aid, advertising and unfair commercial practices, as well as in other areas for which it is conferred powers by law. It has decision-making, regulatory, interdiction, intervention, inspection and sanctioning powers, within the limits of the applicable regulatory framework. In the exercise of its duties, the Competition Council investigates cases of violation of competition law, including situations of abuse of a dominant position, anticompetitive agreements, as well as non-notified or implemented merger operations without authorization. Such investigations may also involve elements related to IP objects and/or IPR. The Competition Council also examines acts of unfair competition, including acts of confusion among consumers, through the illegal use or copying of IP objects. In that context, IPR may constitute a relevant element in the analysis of certain anticompetitive practices, without the mere exercise of those rights constituting, in itself, an infringement of competition law. Thus, the Competition Council seeks to strike a balance between the enforcement of IPRs and compliance with the principles of fair competition.

ANSA and ISSPNPC are involved in IPR enforcement, in particular in the context of consumer goods and product authenticity. Agencies monitor the market to identify and remove counterfeit products that could mislead consumers or pose safety risks. ANSA and ISSPNPC work to ensure that goods sold on the Moldovan market comply with legal standards, including IPR. The agencies also resolve consumer complaints about IPR infringements and cooperate with AGEPI and other law enforcement authorities in joint enforcement actions.

The National Anti-Corruption Center primarily investigates corruption and related crimes, such as bribery and abuse of office, carries out anti-corruption risk assessments in public institutions, analyzes financial and wealth information, and implements prevention and education campaigns. However, it is not uncommon for NAC investigations to involve IP-related offences.

AGEPI is the administrative authority subordinated to the Ministry of Justice, responsible for promoting and carrying out activities in the field of legal protection of intellectual property concerning industrial property rights, copyright and related rights. AGEPI manages national databases on IP objects,

conducts IP training activities and represents the Republic of Moldova in international/regional organizations and international IP treaties.

Together, these institutions form an integrated IPR enforcement system in the Republic of Moldova, covering administrative, civil and criminal approaches. The establishment of the CCCC, ANSA and ISSPNPC reflects the efforts of the Republic of Moldova to address both digital and physical forms of IPR infringement and to protect consumers and IPR holders in an increasingly complex market environment.

2.2.2 Inter-institutional coordination

In the Republic of Moldova, IPR enforcement involves several government institutions working in cooperation under formal frameworks and agreements. These cooperation models are designed to ensure coordination of enforcement efforts, exchange of information and joint action against IPR infringements in civil, administrative and criminal contexts.

One of the main cooperation mechanisms is the use of memoranda of understanding and formal cooperation agreements between institutions. AGEPI signed cooperation agreements with SV, PGI and PG. These agreements define protocols for joint investigations, the exchange of IP-related data, training programmes and the coordination of confiscation and prosecution efforts.

A key institutional mechanism supporting IPR enforcement efforts is the Observatory on Enforcement of Intellectual Property Rights, coordinated by AGEPI. The Observatory functions as a collegiate monitoring and analysis body that collects data on IPR infringements, tracks enforcement trends and facilitates the exchange of best practices between enforcement institutions. It also contributes to policy-making by identifying enforcement gaps and promoting public awareness of IP protection. The Observatory increases transparency and contributes to ensuring accountability in the IPR enforcement system. In addition to AGEPI, the members of the Observatory include SV, ISSPNPC, IGP, PG, the Agency for Digitalization in Justice and Judicial Administration and the Competition Council.

National agencies often carry out joint enforcement actions, in particular in cases involving counterfeit goods, software piracy and the illegal distribution of copyright-protected material. For example, the SV, in collaboration with the police, can detain suspect goods at the border, inform right holders and initiate legal proceedings. At the same time, the PGI Cybercrime Unit can provide assistance with digital evidence and enforcement online when counterfeit products are promoted or sold online.

Another key element of cooperation involves joint training and professional development of law enforcement officers. AGEPI periodically organizes seminars and workshops in partnership with the police, customs, prosecutors and judges. These programmes are designed to harmonise the understanding of IP legislation and improve the application of enforcement procedures.

Formal models of cooperation are also supported by international technical assistance projects, in particular from the EU, WIPO and the EPO. These projects often finance institutional development, facilitate international best practices and promote cross-border law enforcement cooperation.

2.2.3 Public-private partnership

In the Republic of Moldova, public-private partnership plays an important role in IPR enforcement by encouraging collaboration between government authorities and private sector stakeholders, such as

rightholders, industry associations and legal representatives. These partnerships help close enforcement gaps, raise awareness and improve the detection and prevention of IPR infringements in different sectors.

One of the key forms of public-private cooperation is between AGEPI and IP right holders or their representatives, including IP representatives and authorised trustees. AGEPI maintains open communication channels with these entities, facilitating participation in IP enforcement campaigns and joint educational initiatives. IP right holders often provide training materials, product authentication tools and technical expertise that help law enforcement authorities – such as police and customs officials – to identify counterfeit goods more effectively.

The VS works closely with rightholders through applications for action. Rightholders may register IPR with the VS, allowing customs officials to detain goods suspected of infringing an IPR. This cooperation is supported by databases, training sessions, anti-counterfeiting guides and information provided by the private sector, which help customs officials recognise illicit shipments and notify rightholders in real time.

The Republic of Moldova has also seen an increasing collaboration between public authorities and industry associations, such as chambers of commerce, IT and software alliances and agricultural producer groups. These organisations often collaborate with AGEPI and other government institutions to organise awareness-raising campaigns, seminars and training sessions for businesses, law enforcement and the judiciary. The aim is to promote a culture of IP compliance and compliance, especially in infringement-prone sectors such as fashion, electronics, pharmaceuticals and agriculture.

In the digital environment, the CCCC cooperates with private internet service providers, e-commerce platforms and content creators to monitor and remove IPR-infringing websites and online content. These partnerships are essential for detecting online piracy, counterfeit products and other forms of digital security breaches.

Another example of public-private cooperation is the involvement of rightholders in activities coordinated by the Observatory. It encourages public-private dialogue and information exchange and includes business and industry representatives in discussions on enforcement trends and policy development.

2.3 Procedures for the enforcement of intellectual property rights

2.3.1 Enforcement of IPR at the border

The laws of the Republic of Moldova on border enforcement of IPR are designed to prevent the import and export of counterfeit and pirated goods by empowering the VS to take proactive measures at the border. These laws are mainly implemented through the Customs Code and relevant secondary legislation and align with the international obligations of the Republic of Moldova under the TRIPS Agreement and other treaties.

One of the key mechanisms available to rightholders is the possibility to submit a formal application requesting the intervention of the VS. This application must include proof of IPR – such as trade mark registration – together with a detailed description of both the original goods and the potentially counterfeit goods. The request allows SV to monitor imports and exports and suspend the release of suspected goods. The application may be valid for up to one year and may be renewed upon request.

In addition to the requests of rightholders, the customs authorities of the Republic of Moldova have the power to act ex officio if they identify goods suspected of infringing IPR during customs control. This option improves the IPR enforcement process by allowing customs officials to respond immediately, even if the right-holder has not applied for action or is not aware of the detained products.

When goods suspected of infringing IPR are identified, the VS suspends the release of the goods and promptly notifies both the right holder and the declarant/holder of the goods. If the right-holder confirms that the goods are counterfeit and the declarant/holder of the goods does not oppose the detention of the goods, then the SV may proceed with the destruction of the goods at the expense of the right-holder.

The rightholder is then given a specific period – usually 10 working days – to initiate legal proceedings or reach an agreement with the declarant/holder of the goods.

Customs intervention measures do not generally apply to goods which have been released for free circulation, which have been manufactured with the consent of the IPR holder or which are carried as travellers' personal luggage. In addition, customs procedures are subject to certain formal and evidentiary requirements that must be fulfilled before the customs authorities can act.

Despite the relevant legislation, the Moldovan IPR border enforcement system faces practical challenges, in particular related to the destruction of goods.

2.3.2 Enforcement of IPR in civil matters

The IPR enforcement system in the Republic of Moldova is based on a comprehensive regulatory framework aligned with international and European standards. The national IP legislation reflects the Republic of Moldova's obligations under international treaties such as the TRIPS Agreement, the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works or the RM-EU Association Agreement. Key legislation includes the Copyright and Related Rights Act, the Trademark Protection Act, the Design Protection Act, the Protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed Act, the Invention Protection Act, the Plant Variety Protection Act, the Protection of Trade Secrets Act, the Protection of Integrated Circuit Topographies Act, the Civil Code and the Code of Civil Procedure, which together govern the protection and enforcement of IPR in civil matters.

Civil IP disputes in the Republic of Moldova are settled by the courts, i.e. the Courts, the Courts of Appeal and the Supreme Court of Justice. AGEPI is the central authority responsible for IP registration and plays a supporting role for the judicial system. However, AGEPI does not settle civil disputes, but only intervenes in some disputes at the request of courts or parties.

National law provides for several civil remedies for rightholders. These include injunctions to prevent or stop the infringement, compensation for material and non-material damage, destruction or withdrawal of IPR infringing goods and publication of court decisions at the expense of the infringer. Courts can also ascertain rights to IP objects and ensure compliance with licensing conditions. Interim measures are available to protect IPR, such as freezing assets, confiscating IPR infringing goods or securing evidence, which can be applied both until proceedings are brought and in the litigation process. These measures are subject to judicial review and must meet criteria of urgency and proportionality.

The dispute settlement process begins with the submission of a civil action before the competent courts, followed by the production of evidence. If necessary, the parties may apply for interim measures to prevent further damage during the examination of the case. Once the judgment has been delivered, the decision may be appealed to the Court of Appeal and subsequently to the Supreme Court of Justice. Once final, judgments are enforced voluntarily or through bailiffs, who ensure the enforcement of judgments, including the payment of damages or the destruction of IPR infringing property.

Despite having a solid legal structure, the IPR enforcement system in the Republic of Moldova faces practical challenges. These include excessive length of litigation, limited specialisation among judges, relatively low levels of compensation awarded and a general lack of information on IPR. While alternative dispute resolution mechanisms, such as mediation and arbitration, are encouraged, they are still in the early stages of operation and are not widely used in IP matters.

2.3.3 Enforcement of IPR in contravention matters

PGI, ANSA and ISSPNPC are responsible for the enforcement of IPR in the Republic of Moldova, in particular with regard to contravention liability for trademark and copyright infringements involving counterfeit or pirated goods available on the internal market. The PGI intervenes, as the case may be, in the finding of contraventions and the investigation of facts that may meet the elements of IP crimes. ANSA and ISSPNPC contribute to IPR enforcement by supervising compliance with consumer protection legislation and product regulations, including where they intersect with IPR protection.

One of the key functions of ANSA and ISSPNPC is to monitor and inspect products available for marketing, in particular at retail outlets, markets and online platforms. As part of these checks, authorities can identify goods suspected of infringing IPR, including goods bearing counterfeit trademarks, such as clothing, electronics, food, beverages or cosmetics. In case of finding such deviations, ANSA and ISSPNPC may apply contravention measures in accordance with the legal framework, including ordering the withdrawal of products from the market, suspending the marketing, applying contravention sanctions and issuing prescriptions regarding the cessation of the circulation of non-compliant products.

ANSA and ISSPNPC collaborate with AGEPI and enforcement authorities, especially in cases where IPR infringements are associated with risks to the health or safety of consumers, such as in the case of counterfeit perfumes, food or electronic products. ANSA and ISSPNPC also support public awareness campaigns on the dangers associated with counterfeit goods, thus contributing to overall IPR enforcement efforts.

Although ANSA and ISSPNPC do not resolve IP disputes, their role in market surveillance is essential to prevent the movement of IPR infringing goods, in particular those reaching consumers through unauthorised commercial channels. These institutions ensure that goods offered for sale comply not only with safety and labelling standards, but also with applicable IP legislation, acting as a first level of administrative control against the placing on the market of counterfeit products in the Republic of Moldova.

In short, ANSA and ISSPNPC contribute to strengthening the contravention mechanisms of IPR enforcement in the Republic of Moldova by identifying goods infringing these rights on the internal market, carrying out inspections, ensuring the withdrawal from the trade circuit of non-compliant products and cooperating with AGEPI, customs authorities and police authorities in order to effectively enforce the legislation in the field of intellectual property.

2.3.4 Enforcement of IPR in criminal matters

The criminal IPR enforcement system in the Republic of Moldova is structured to counter serious violations of these rights, in particular those involving counterfeiting on a commercial scale, piracy and, to an increasing extent, cybercrime. Governed by the Criminal Code, the Code of Criminal Procedure and related legislation, this system complements the enforcement mechanisms of IP rights at the border, in civil and contravention matters, and plays a key role in deterring intentional and harmful IPR infringements.

Under the Criminal Code, various forms of IPR infringement are classified as criminal offences. These include the unauthorised reproduction or distribution of copyright protected works, the production and marketing of counterfeit goods, the unauthorised use of trademarks and the infringement of patent rights when committed intentionally or for commercial purposes. With the development of digital platforms and online content, the legal framework also extends to intellectual property offences committed by computer means, such as online piracy, illegal streaming, unauthorised distribution of software or illegal access to information systems for the purpose of obtaining trade secrets or copyright protected works. The inclusion of these forms of cybercrime reflects both the Republic of Moldova's commitments under international agreements and the evolution of the national legal framework.

The enforcement of IPR in criminal matters starts with investigations carried out by law enforcement authorities, such as the PGI, including its specialised subdivision in the fight against cybercrime, as well as by the Prosecutor General's Office. These authorities can act on complaints lodged by IPR holders, referrals from other public institutions or initiate ex officio investigations. In cases involving cybercrime, digital investigation teams can conduct online monitoring activities, pick up and examine electronic devices and analyse network traffic in order to identify illegal distribution channels, such as torrent sites, illegal streaming platforms or darknet markets.

AGEPI supports these investigations by providing technical expertise and verifying the existence and validity of IPR, while SV, ANSA and ISSPNPC can contribute with evidence resulting from border detentions or internal market controls. Once sufficient evidence is gathered, perpetrators can be held criminally liable under criminal law. Penalties for IPR-related offences may include fines, confiscation of property and equipment used in the commission of criminal offences, imprisonment (with time limits of up to five years), and destruction of material infringing IPR. In cases of IPR infringements committed by cyber means, courts may also order the closure of illegal websites, the blocking of domain names or the confiscation of digital assets.

Cybercrime has introduced new challenges in the enforcement of IPR in the Republic of Moldova. The anonymity, speed of operation and cross-border nature of offences committed online increase the complexity of detection and prosecution processes. In this context, effective enforcement requires strengthening the technical capacities of competent authorities and enhancing international cooperation, in particular as regards the collection and analysis of digital evidence, as well as the identification of criminals operating outside national jurisdiction.

Although the Republic of Moldova has a criminal law framework applicable to IP, the low number of criminal investigations initiated in recent years suggests the need to strengthen the efficiency of law enforcement mechanisms. Moreover, despite the measures taken to modernise capacities to fight cybercrime – including by acceding to the Budapest Convention (Council of Europe Convention on Cybercrime) – the effective enforcement of legislation continues to be limited by institutional constraints and the need to develop specialised competences among competent authorities.

3 MISSION, VISION AND MAIN OBJECTIVES

3.1 Mission

Strengthening the IPR protection and enforcement system in the Republic of Moldova by developing an effective legal and institutional framework, improving inter-institutional coordination, strengthening the capacities of competent law enforcement authorities and raising public awareness of the risks and impact of IPR infringements.

3.2 Vision

The transformation of the Republic of Moldova into a regional pole of excellence in IPR enforcement, where innovation and creativity are effectively protected and IPR are respected and valued so as to contribute to sustainable economic growth, fair trade and integration into the global knowledge economy.

3.3 Main objectives

To achieve the mission, *the Action Plan foresees* the achievement of the following five general objectives during its implementation:

- align IPR enforcement legislation with the EU acquis;
- strengthening the capacity of institutions to enforce IPR;
- strengthening national and international cooperation;
- strengthening IPR enforcement mechanisms;
- promoting IP knowledge and awareness.

The general objectives are detailed by specific objectives, the achievement of which will be ensured through the implementation of the measures set out in the Action Plan.

4 SPECIFIC IMPLEMENTATION MEASURES

4.1 GENERAL OBJECTIVE 1: Alignment of legislation in the field of enforcement of intellectual property rights with the EU acquis

4.1.1 Specific objective 1.1: Align customs legislation in the area of IPR enforcement with the EU acquis.

The Republic of Moldova aims to fully align the national regulatory framework with the provisions of the EU acquis on the protection of IPR at the border. In this respect, national legislation has already been amended to reflect, to a certain extent, the provisions of the acquis, including by establishing procedures to suspend the release for free circulation of goods suspected of infringing IPR. However, the national legislative framework on IPR enforcement at the border remains only partially aligned with *the EU acquis* and further interventions are needed to achieve full alignment.

4.1.2 Specific objective 1.2: Alignment of civil law in the field of IPR enforcement with the EU acquis.

The Republic of Moldova aims to fully align the national legislative framework in civil matters with the provisions of the EU acquis on IPR enforcement. In this regard, a number of legislative acts have been adopted in line with the acquis, including measures to stop infringements, the collection and securing of evidence, and the determination and calculation of damages. However, the national legislative framework on the enforcement of IPR in civil matters remains only partially aligned with the EU acquis and further interventions are needed to achieve full alignment.

4.1.3 Specific objective 1.3: Evaluation of contravention legislation in the field of IPR enforcement.

The Republic of Moldova aims to align the contravention regulatory framework with the relevant standards on IPR enforcement in the context of market surveillance activities. While the EU acquis does not expressly provide for specific tasks for market surveillance authorities in the area of IPR enforcement, several Member States have integrated such powers into the tasks of these authorities with a view to combating the circulation of counterfeit products on the market.

The Working Party on Regulatory Cooperation and Standardisation Policies (WP.6) of the United Nations Economic Commission for Europe (UNECE) has also recently revised Recommendation M: Use of market surveillance infrastructure as a complementary means of protecting users against counterfeit goods. This Recommendation encourages governments to involve their market surveillance authorities in the fight against IPR infringements.

In this context, although the national regulatory framework confers certain powers on the relevant institutions, including ANSA and ISSPNPC, in the field of combating IPR infringements, it is necessary to assess the regulatory framework with a view to identifying and adjusting, as appropriate, the legal provisions in order to ensure the effective exercise of these powers. In order to strengthen the role of market surveillance authorities in combating IPR infringements, the Republic of Moldova will strive to align the existing national regulatory framework by taking on board relevant best practices from EU Member States.

4.1.4 Specific objective 1.4: Evaluation of criminal law in the field of IPR enforcement

The Republic of Moldova aims to fully align the criminal law framework with the relevant standards on IPR enforcement. In this regard, amendments have been made to the Criminal Code and the Code of Criminal Procedure to allow for the sanctioning of IPR infringements through the application of appropriate penalties, including fines and custodial sanctions.

However, the national criminal law framework for investigating and sanctioning IPR infringements remains only partially aligned with the relevant standards and further legislative intervention is needed to ensure full alignment.

4.2 GENERAL OBJECTIVE 2: Strengthening institutional capacity

4.2.1 Specific objective 2.1: Establishment of specialised intellectual property units/focal points

The Republic of Moldova will establish and strengthen specialised units or focal points in the field of IPR enforcement within the competent authorities, including ANSA, ISSPNPC, PGI (including CCCC) and the Prosecutor General's Office. In this respect, existing institutional capacities will be assessed and specific tasks in the field of IPR will be integrated into the relevant structures through the revision of job descriptions and the adoption of the corresponding internal administrative acts.

The establishment and strengthening of these specialised structures will help to streamline the investigation of complex IPR infringements, including cases of counterfeiting, piracy and unauthorised use of trade secrets, as well as to develop the necessary institutional expertise to support other subdivisions in IP enforcement activities.

4.2.2 Specific objective 2.2: Reinforcement of the specialised unit in the field of customs protection of intellectual property rights

The Republic of Moldova will strengthen the specialized unit in the field of IPR enforcement within the SV, in order to streamline the border control of goods suspected of infringing IPR. In this regard, steps will be taken to increase dedicated human resources at central and regional level, as well as to facilitate secure access to relevant operational tools, including IPEP.

Strengthening the operational capacities of the VS will contribute to the early detection and prevention of the placing on the market of counterfeit or pirated goods, in line with European standards on the protection of IPR at the border.

4.2.3 Specific objective 2.3: Strengthening institutional capacity for IPR enforcement by developing specialised human resources in the field of IP

The Republic of Moldova will strengthen the institutional capacities of the competent authorities involved in IPR enforcement by developing specialised human resources in the field of IP. In this regard, the training needs of staff in the relevant institutions will be assessed and the content of the training programmes will be developed with a view to organising continuous training courses in the field of IPR, including on the basis of materials prepared by EUIPO and CEPOL. The development of a remote IP introductory course for authorities involved in IPR enforcement will also be considered. The

implementation of these programmes will help to increase the professional skills of staff involved in investigating and combating IPR infringements.

4.2.4 Specific objective 2.4: Strengthening judicial capacity to enforce IPR

The Republic of Moldova will strengthen the capacity of the judicial system to enforce IPR by updating the content of the training programmes and courses provided by the NIJ. Material developed by EUIPO and Eurojust will be taken into account when developing the content of the training courses. Consideration will also be given to the development of a remote IP introductory course for judges.

4.2.5 Specific objective 2.5: Strengthen collaboration with international and regional bodies to take up IP best practices for law enforcement institutions

The Republic of Moldova will strengthen cooperation with relevant international bodies with a view to taking up best practices in the field of IPR enforcement. In this regard, representatives of law enforcement institutions, including SV, ANSA, ISSPNPC, the Competition Council and PGI will participate in events organized by EUIPO, CEPOL or WIPO, and the acquired knowledge will be disseminated at institutional level to strengthen operational expertise in the field of IP.

4.2.6 Specific objective 2.6: Strengthen collaboration with international and regional bodies to take on IP best practices for magistrates of the judiciary

The Republic of Moldova will promote the uptake of international best practices in the area of IPR enforcement in the judiciary through the participation of judges in training programmes organised by relevant international bodies such as Eurojust, WIPO, EPO and EUIPO. The knowledge acquired under these programmes will be disseminated within the judicial system, helping to standardise judicial practice in IPR matters.

4.2.7 Specific objective 2.7: Strengthening the methodological framework for estimating and calculating damage

The Republic of Moldova will strengthen the national methodological framework on the estimation and calculation of damages resulting from IPR infringements, in order to ensure a coherent and efficient application of compensation, restitution and confiscation mechanisms in civil and criminal proceedings.

To this end, a set of national methodological recommendations for judges, prosecutors, prosecution and right holders will be developed, based on the analysis of national judicial legislation and practice, as well as relevant EU standards on the assessment of harm and illicit benefit from intellectual property offences.

4.3 GENERAL OBJECTIVE 3: Strengthening national and international cooperation

4.3.1 Specific objective 3.1: Strengthening the work of the Observatory on Enforcement of Intellectual Property Rights

The Republic of Moldova will strengthen the role of the IPR Enforcement Observatory by extending its composition and revising the Organisation and Functioning Regulation, with a view to involving additional relevant institutions, such as ANSA. The extension of the Observatory will contribute to

improving inter-institutional coordination and facilitating the exchange of information between competent authorities involved in preventing and combating IPR infringements.

At the same time, separate working groups will be set up within the Observatory, with the participation of rightholders and providers of intermediary services, which will allow the integration of private sector expertise into public policy analysis and development processes. Both rightholders and providers of intermediary services play key roles for the IP enforcement ecosystem. Thus, the creation of working groups will allow for discussions focused on the specific challenges, needs and contributions of each. Thus, the involvement of rightholders can provide public authorities with practical information about IPR infringement trends, and providers of intermediary services can help solve online challenges or logistical problems.

The extension of the Observatory will contribute to a more comprehensive and efficient IPR enforcement framework and strengthen inter-institutional cooperation mechanisms, improving the ability to identify emerging risks and developing more tailored intervention measures to combat IPR infringements at national level.

4.3.2 Specific objective 3.2: Promoting cooperation through voluntary instruments

The Republic of Moldova will promote cooperation between the public and private sectors, including Memoranda of Understanding, with a view to preventing IPR infringements online and offline. Building on good practices developed at EU level, stakeholder workshops will be organised to develop and validate draft MoUs tailored to the national context.

Subsequently, the signing of such voluntary agreements between rightholders and providers of intermediary services, including online platforms and advertising service providers, will be promoted with a view to strengthening mechanisms to prevent the marketing of counterfeit goods and the distribution of pirated content. The implementation of these tools will help improve cross-sectoral cooperation and develop proactive mechanisms to combat IPR infringements.

4.3.3 Specific objective 3.3: Preventing misuse of transport and logistics services

The Republic of Moldova will take measures to inform and prevent the misuse of transport and logistics services for IPR infringing activities by promoting voluntary cooperation between competent authorities and economic operators in the transport and logistics sector. To this end, best practices and mechanisms to prevent the use of their services for the distribution of counterfeit or pirated goods existing at EU level and presented to national companies will be identified.

Subsequently, the signing of memoranda of understanding between competent authorities and transport and logistics companies will be promoted, with a view to integrating preventive measures into contractual relations with consignors and consignees, including procedures for verifying transport data and cooperation mechanisms with competent authorities, in accordance with national legislation.

The implementation of these voluntary tools will help improve risk assessment and early detection of shipments suspected of containing IPR infringing goods, thereby strengthening the role of the logistics sector in preventing the placing and distribution of counterfeit products on the market.

4.3.4 Specific objective 3.4: Preventing the misuse of payment services

The Republic of Moldova will prevent the misuse of payment services to facilitate IPR infringing activities by promoting voluntary cooperation between competent authorities and payment service providers. To this end, relevant companies in the payment services sector will be identified and existing good practices at EU level on preventing the use of payment services in support of the marketing of counterfeit goods or the distribution of pirated content will be presented in a dedicated workshop.

Subsequently, the signing of memoranda of understanding between competent authorities and payment service providers will be promoted, with a view to establishing notification and cooperation mechanisms with rightholders and competent authorities, in accordance with national legislation on the protection of personal data.

The implementation of these voluntary instruments will help reduce the use of payment services in illicit activities related to IPR infringements and strengthen mechanisms to prevent financial flows associated with the marketing of counterfeit goods.

The processing of personal data must comply with national law and payment service providers should not be required to set up a payment filtering system for all their customers.

4.3.5 Specific objective 3.5: Strengthening the protection of intellectual property rights in the domain name system

The Republic of Moldova will strengthen IPR protection within the national domain name system by promoting domain name dispute resolution procedures, inspired by alternative dispute resolution mechanisms, with a view to preventing and remedying cases of registration or use of domain names infringing IPR. At the same time, staff from the .md National Top Level Registry of Names and law enforcement authorities will be trained in identifying and managing cases of cybersquatting.

Relevant good practices at EU level will also be analysed, including on some preventive mechanisms in the domain name registration process, such as verifying the availability of names against publicly accessible IPR registers, with a view to establishing procedures to verify applicants' registration data and facilitating cooperation between the National Top Level Domain Registrar .md and AGEPI for the early identification of potential conflicts with IPR.

The implementation of these measures will contribute to preventing the registration and use of domain names that conflict with IPR, as well as to strengthening cooperation between the National Registry of the Top Level Domain .md and AGEPI in order to protect distinctive signs in the digital environment.

4.3.6 Specific objective 3.6: Designation of single points of contact

The Republic of Moldova will strengthen cooperation mechanisms between competent authorities, IP right holders and providers of intermediary services by designating single points of contact responsible for IPR enforcement.

In this regard, law enforcement institutions, as well as representatives of rightholders, will designate single points of contact at institutional level, the data of which will be published on the website of the Observatory on IPR Enforcement.

The establishment of these contact points will facilitate the operational exchange of information and the coordination of actions between the parties involved in preventing and combating IPR infringements.

4.3.7 Specific objective 3.7: Secure access to relevant intellectual property tools, including EU Observatory tools

The Republic of Moldova shall ensure the access of the competent authorities to the national and international databases. At the same time, institutional needs for the use of digital tools for investigation and control activities will be mapped.

The staff of the competent institutions will receive training on the use of these tools, with a view to strengthening the operational exchange of information and cooperation with the relevant authorities in the EU Member States.

The implementation of these measures will help to make the process of identifying and investigating IPR infringements more efficient, as well as to align national practices with European IPR enforcement standards.

Understanding the benefit of the relevant IPR enforcement tools of the EU Observatory, including the Intellectual Property Rights Enforcement Portal (IPEP), the Market Surveillance Information and Communication System and the EU Safety Gate Portal, which facilitates the exchange of information between national and EU IP stakeholders, the Republic of Moldova will initiate interinstitutional communication with the EC in order to gain access to these tools.

4.3.8 Specific objective 3.8: Promoting effective exchange of information

The Republic of Moldova will promote the efficient exchange of information on IPR infringements by strengthening inter-institutional cooperation mechanisms at national level. To this end, the Observatory on IPR Enforcement will convene regular meetings, at least every six months, to facilitate the exchange of intelligence on counterfeiting and piracy between law enforcement institutions, IP right holders and providers of intermediary services.

The exchange of information will include best practices on the identification and investigation of IPR infringements, risk assessment as well as the use of available operational tools, in accordance with national law.

Rightholders and providers of intermediary services will be encouraged to cooperate with competent authorities by providing information on the origin and distribution channels of IPR infringing goods, as well as on the tactics used by operators involved in such activities, both online and offline.

The implementation of these measures will contribute to improving risk assessment and early identification of emerging trends in counterfeiting and piracy at national level.

4.3.9 Specific objective 3.9: Strengthening international cooperation

The Republic of Moldova will strengthen international cooperation in the field of IPR enforcement by intensifying collaboration with relevant EU bodies and agencies. In this regard, law enforcement institutions will systematically integrate the cross-border dimension in investigating IPR infringements, including by identifying international links, tracing transnational supply chains and fighting criminal networks involved in counterfeiting and piracy.

It will also ensure the exchange of relevant data and information with EU bodies, including OLAF, Europol, EUIPO and the EC, as well as cooperation with Eurojust to facilitate international legal assistance in cases with cross-border elements.

Strengthening operational cooperation with these institutions will help to conduct coordinated investigations and make effective use of the legal and technical tools available to prevent and combat IPR infringements.

4.4 GENERAL OBJECTIVE 4: Strengthening enforcement mechanisms for intellectual property rights

4.4.1 Specific objective 4.1: Strengthening inter-institutional cooperation on the procedure for recovering assets derived from their crimes

The Republic of Moldova will strengthen mechanisms for the identification, freezing, confiscation and recovery of assets derived from IPR crimes, including by developing cooperation with competent authorities in the field of recovery of criminal assets, with a view to reducing the economic benefits derived from counterfeiting and piracy activities.

At the same time, the Republic of Moldova will explore and identify ways, purposes and areas of use of recovered criminal assets, including to support IPR enforcement activities and compensation for damage caused by such violations.

4.4.2 Specific objective 4.2: Improvement of investigative techniques

The Republic of Moldova will strengthen institutional capacities to investigate IPR infringements by using modern investigative techniques, including financial analysis and digital forensics, in order to identify organised networks involved in counterfeiting and piracy.

These techniques are essential to combat cross-border counterfeiting and piracy, which can jeopardise public security and the integrity of the economic circuit. Strengthening IPR enforcement capacities allows competent authorities to document and process cases more rigorously, deter future infringements and demonstrate their commitment to protecting innovation, supporting the legitimate business environment and upholding the rule of law.

The Republic of Moldova will strengthen the procedural and methodological framework for investigating IPR infringements by taking over and disseminating the Handbook on the Investigation and Prosecution of IP Offences. In this regard, permission will be sought from the EU Observatory for the translation of the handbook and its dissemination to persons with responsibilities for investigating IP crimes, in particular prosecutors and investigation officers. The provisions of the Handbook will be presented in a dedicated workshop.

4.4.3 Specific objective 4.3: Improving statistical methodology on IP data

The Republic of Moldova will improve the national methodology for collecting and reporting statistical data on IPR enforcement by aligning it with EU standards and indicators used by the EUIPO.

Transparent and robust IPR enforcement statistics are essential both for monitoring progress and for identifying emerging trends and potential failures in the enforcement system. To this end, the definitions,

statistical categories and indicators currently used will be reviewed with a view to ensuring comparability of data at national and European level.

4.4.4 Specific objective 4.4: Establish an inter-institutional mechanism for data collection and validation.

The Republic of Moldova will establish an inter-institutional mechanism to collect, validate and report statistical data on IPR infringements by involving competent authorities in the provision and verification of relevant information.

To this end, focal points will be designated within the institutions responsible for IP enforcement, procedures for data exchange between authorities will be established and standardised reporting formats will be defined. The establishment of this mechanism will facilitate the aggregation and analysis of statistical data at national level.

4.4.5 Specific objective 4.5: Appropriate award of damages

The Republic of Moldova will promote adequate damages in IPR infringement cases by promoting uniform methods of estimating and calculating damages suffered by rightholders.

To this end, an information seminar for interested parties will be organised to promote best practices in the field of estimating and calculating damages in IPR infringement cases.

Thus, it is expected that in the future the national methodological framework for the assessment of damages resulting from IPR infringements will be developed, which will take into account all relevant elements of the damage, including direct and indirect economic losses, forgone benefits, non-material damage, costs of investigating and identifying infringements, and interest on amounts due.

The application of these methods will help to ensure compensation commensurate with the damage suffered.

4.4.6 Specific objective 4.6: Improvement of the mechanism of storage and destruction of counterfeit goods.

The Republic of Moldova will assess and improve the mechanism for the storage and destruction of counterfeit and pirated goods seized in IPR enforcement operations by assessing existing practices and identifying operational gaps. To this end, efficient, safe and environmentally responsible procedures for the management, storage and destruction of confiscated property will be developed.

Strengthening these mechanisms will help prevent counterfeit or pirated goods from re-entering the market and align national practices with relevant EU standards on the management of confiscated goods.

At the same time, relevant information on the mechanisms applied, including the services available for the safe destruction or recycling of confiscated property, the number and value of the property destroyed will be published in the National IPR Enforcement Report.

4.4.7 Specific objective 4.7: Strengthening collaboration with international organisations and participation in international operations in the field of countering infringements of intellectual property rights

The Republic of Moldova will strengthen collaboration with relevant international organisations and enhance participation in coordinated international operations in the field of combating IPR infringements. To this end, the competent authorities will participate in joint actions organised by international law enforcement agencies, including Europol and other specialised bodies, with a view to identifying and combating transnational criminal networks involved in counterfeiting and piracy.

Participation in such operations will facilitate the exchange of information, access to advanced investigative tools and the uptake of international best practices, contributing to the strengthening of national IPR enforcement capacities. Engaging in international initiatives, such as operations “In Our Sites”, “Silver Axe” and “Pangea”, will support the detection and fight against illicit activities posing risks to public health, safety and economic stability.

The implementation of these measures will help to increase the efficiency of IP enforcement actions and strengthen operational cooperation with international partners.

4.4.8 Specific objective 4.8: Promoting the use of advanced IT technologies to prevent and detect infringements of intellectual property rights

The Republic of Moldova will promote the use of advanced IT technologies to prevent and detect IPR infringements, including through the adoption of digital solutions used at EU level. In this regard, economic operators, in particular IP right holders and providers of intermediary services, will be encouraged to use advanced IT systems tracking products along the supply chain, such as digital product passports, tokenisation solutions or blockchain-based systems.

The competent institutions will also promote the use of data analytics tools and automated systems, including artificial intelligence technologies, to identify and combat counterfeit or pirated goods and illegal content distributed online.

The implementation of these technological solutions will help to streamline the processes for detecting IPR infringements and to strengthen cooperation between competent authorities and economic operators, in compliance with the applicable national legislation on the protection of personal data.

4.5 GENERAL OBJECTIVE 5: Promoting knowledge and awareness in the field of intellectual property

4.5.1 Specific objective 5.1: Raising society's awareness of the need to respect intellectual property rights and to counter counterfeiting and piracy

The Republic of Moldova will strengthen society's awareness of the importance of IPR enforcement and the negative impact of counterfeiting and piracy on the economy, public health and consumer safety. In this regard, information campaigns will be developed and implemented for different target groups, including consumers, economic operators and young people.

The implementation of these campaigns will help reduce demand for counterfeit and pirated goods and promote responsible consumer behaviour, monitored using key performance indicators.

4.5.2 Specific objective 5.2: Raising awareness of new anti-counterfeiting and anti-piracy technologies among small and medium-sized enterprises

The Republic of Moldova will carry out information activities aimed at SMEs on the use of digital technologies and solutions to prevent counterfeiting and piracy. In this regard, SMEs will be informed about the available tools for IPR protection, including those presented in the EUIPO Guide on Anti-Counterfeiting and Piracy Technologies.

The use of practical tools, such as checklists for SMEs, to support the assessment of risks associated with the use of emerging technologies, including artificial intelligence systems, from an IPR protection perspective will also be promoted.

The implementation of these measures will help to increase the capacity of SMEs to prevent IPR infringements and to securely seize the opportunities offered by new technologies, including through the use of appropriate contractual clauses.

4.5.3 Specific objective 5.3: Raising awareness of trade secrets

The Republic of Moldova will carry out awareness-raising activities on the importance of protecting trade secrets as an essential tool to prevent the unauthorised use of confidential information and to strengthen the competitiveness of enterprises. In this regard, AGEPI will organize information actions addressed to the business environment, especially SMEs and start-ups, on the risks associated with the disclosure of confidential information and on available protection measures.

Good practices on the management and protection of trade secrets will also be promoted among legal and compliance professionals, employees and managers. Academic institutions and research organisations will be informed about the mechanisms to protect the results of innovation activities and competent authorities will benefit from information on the effective application of the legal framework in the field of trade secrets.

The implementation of these measures will help prevent insider dealing and strengthen the capacity of relevant actors to manage the risks associated with IPR infringements.

4.5.4 Specific objective 5.4: Awareness raising on the toolbox for the prevention of cybercrime in the field of intellectual property

The Republic of Moldova will carry out awareness-raising activities for innovative SMEs on the importance of cybersecurity in protecting IPR, undisclosed information, trade secrets used in business operations.

In this regard, the resources included in the toolkit developed by the EC to prevent the illegal acquisition of trade secrets through cyber-security breaches, hacking and other forms of cyber-attacks will be promoted and disseminated. These include industry guides, FAQs, case studies and examples of good cybersecurity practices applicable to the business environment.

At the same time, in cooperation with chambers of commerce and business associations, the participation of SMEs in courses and webinars on preventing, detecting and responding to cyber threats that may affect intellectual property rights will be encouraged.

4.5.5 Specific objective 5.5: Raising awareness on how to protect intellectual property rights online

The Republic of Moldova will carry out information activities aimed at economic operators on the enforcement of intellectual property rights in the online environment and in emerging digital spaces. They will also cover the lawful use of IPR-protected content in virtual environments and the legal implications of the use of new digital technologies, such as NFT.

Dialogue with relevant actors will also be promoted to facilitate understanding of the challenges associated with the protection of trademarks and designs in the digital environment.

4.5.6 Specific objective 5.6: Creation of a helpdesk for small and medium-sized enterprises

AGEPI will develop an information support service for SMEs on preventing and combating IPR infringements, modelled on the IP Scan initiative of the EUIPO. The service will provide practical guidance to SMEs to protect their rights or manage the risks associated with potential infringements, including in cases of counterfeiting and piracy.

4.5.7 Specific objective 5.7: Strengthening training capacities in the field of intellectual property by integrating IP courses on the MLearn Government Remote Training Platform

The Republic of Moldova will strengthen the training capacities in the field of intellectual property by developing and integrating distance training courses dedicated to intellectual property rights on the Governmental MLearn Training Platform.

In this regard, educational content tailored to the needs of different target groups, including public officials, law enforcement authorities and other relevant actors involved in IPR enforcement, will be developed. Subsequently, the content of the courses will be integrated on the MLearn platform, in order to facilitate access to continuous and standardized training programs.

The implementation of these measures will contribute to the development of professional IP skills and the strengthening of institutional capacity for the enforcement of intellectual property rights.

4.5.8 Specific objective 5.8: Raising awareness of the EU Counterfeiting and Piracy Watch List

The Republic of Moldova will promote the use of information included in the EC Counterfeiting and Piracy Watch List to support activities to prevent and combat IPR infringements.

In this regard, law enforcement and policy makers will be regularly informed about the content and relevance of the Watch List, including as regards the identification of emerging trends and risks associated with platforms or markets facilitating the distribution of counterfeit or pirated goods. At the same time, the Counterfeiting and Piracy Watch List will be published on the website of the Observatory on IPR Enforcement to facilitate access to relevant information by competent institutions and other stakeholders.

4.5.9 Specific objective 5.9: Awareness raising on the protection of intellectual property rights abroad

The Republic of Moldova will carry out information activities aimed at economic operators on the importance of protecting IPR in the context of conducting commercial activities on foreign markets. In this regard, access to available resources at national and European level on IPR protection and enforcement in third countries, including IPR assistance services and the EC biennial report on IPR protection outside the EU, will be promoted.

At the same time, economic operators will be informed about the use of available technical tools, such as the databases of national and EU IP objects (TMview and DesignView) as well as the Access2Markets platform, in order to identify potential risks associated with international business activities.

The implementation of these measures will help strengthen the capacity of economic operators to prevent IPR infringements in commercial operations abroad.

4.5.10 Specific objective 5.10: Promoting the intellectual property system to attract investment

The Republic of Moldova will promote the role of the IP system as a factor that would facilitate investments by integrating relevant information on IPR protection into the Investor's Guide.

In this regard, AGEPI, in cooperation with the Investment Agency, will develop a module dedicated to IPR protection in the Republic of Moldova, which will include information on the applicable legal framework, available protection mechanisms and relevant procedures for IPR enforcement.

The integration of this module in the Investor's Guide will contribute to increasing the level of information of foreign investors on the level of IPR protection in the Republic of Moldova and to strengthening the attractiveness of the investment climate.

4.5.11 Specific objective 5.11: Prevention of violations in free economic zones

The Republic of Moldova will undertake information measures for operators and residents of FEZs on the risks associated with IPR infringements and the importance of complying with the applicable legal framework in the activities carried out in these areas.

In this regard, information seminars will be organised for residents of FEZs on the protection and enforcement of intellectual property rights, including in the light of the principles set out in the OECD Code of Conduct for Clean FEZs. Operators of FEZ located in the Republic of Moldova will be encouraged to adhere to the OECD Code of Conduct for Clean FEZ, as set out in the Annex to the Council Recommendation on Combating Illicit Trade: Increase transparency in the FEZ.

The implementation of these measures will help to raise awareness among operators in free economic zones and prevent their use for activities involving counterfeit or pirated goods.

4.5.12 Specific objective 5.12: Awareness raising on the EU Guide (EMPACT) for intellectual property right holders on criminal referrals in intellectual property crime cases.

The Observatory will carry out information activities for intellectual property right holders on the use of the EMPACT Guidelines on criminal referrals in intellectual property crime cases, developed by the EUIPO.

In this regard, the Guide will be translated and published on the website of the IPR Enforcement Observatory, with a view to facilitating the access of rightholders to practical information on the procedure for reporting cases of counterfeiting and piracy to the competent authorities.

The implementation of these measures will help to increase the use of legal IP crime reporting mechanisms and strengthen the capacity of rightholders to initiate criminal proceedings effectively.

5 ESTIMATION OF IMPACT AND FINANCE SOURCES

5.1 Progress indicators

5.1.1 General objective 1: Alignment of legislation in the field of enforcement of intellectual property rights with the EU acquis

- Specific objective 1.1: Alignment of customs legislation in the field of IPR enforcement with the EU acquis
KPI: Customs procedures and legislation in the area of IPR enforcement are fully aligned with the EU acquis.
- Specific objective 1.2: Alignment of civil law in the field of IPR enforcement with the EU acquis
KPI: The alignment of civil law in the area of IPR enforcement is fully aligned with the EU acquis.
- Specific objective 1.3: Evaluation of contravention legislation in the field of IPR enforcement
KPI: Relevant national regulatory framework assessed against EU legislation and evaluation report prepared.
- Specific objective 1.4: Evaluation of criminal law in the field of IPR enforcement
- **KPI:** Relevant national regulatory framework assessed against EU legislation and evaluation report prepared.

5.1.2 General objective 2: Strengthening institutional capacity

- Specific objective 2.1: Establishment of specialised IPR units/focal points
KPI: Dedicated IPR enforcement units with sufficient resources established within ANSA, ISSPNPC, PGI and PG and internal administrative acts prepared and approved.
- Specific objective 2.2: Reinforcement of the IPR Customs Protection Unit:
KPI: The IPR Protection Unit of the VS reinforced with relevant staff and operational tools.
- Specific objective 2.3: Strengthening institutional capacity for IPR enforcement by developing specialised human resources in the field of IP
KPI: Training in IPR compliance is integrated into the training program for new employees of SV, ANSA, ISSPNPC, IGP, PG and the Competition Council responsible for IP (number of courses organized).
- Specific objective 2.4: Strengthen judicial capacity to enforce IPR.
KPI: IPR enforcement training is integrated into the training programme for candidates for judges and prosecutors.
- Specific objective 2.5: Strengthen collaboration with international and regional bodies to take up IP best practices for law enforcement institutions.
KPI: Law enforcement officers shall participate annually in at least two training sessions focusing on intellectual property and the dissemination of knowledge after training shall be verified.

- Specific objective 2.6: Strengthen collaboration with international and regional bodies to take on IP best practices for magistrates of the judiciary
KPI: Each year, representatives from the national judiciary participate in training sessions on IPR enforcement organised by EUIPO, Eurojust or WIPO, with verification of post-training knowledge dissemination.
- Specific objective 2.7: Strengthening the methodological framework for estimating and calculating damage
- **KPI:** A Guide containing methodological recommendations for the calculation of damages will be developed and promoted.

5.1.3 General objective 3: Strengthening national and international cooperation

- Specific objective 3.1: Strengthening the work of the IPR Enforcement Observatory
KPI: ANSA will join the Observatory. Separate working groups will also be set up on topics of interest, with the participation of rightholders and representatives of civil society.
- Specific objective 3.2: Promoting cooperation through voluntary instruments
KPI: A Memorandum of Understanding on online sales of counterfeit products and a Memorandum of Understanding on online advertising will be developed and promoted.
- Specific objective 3.3: Preventing misuse of transport and logistics services
KPI: Transport service providers shall adopt up-to-date terms and conditions, including IP safeguards and verification protocols.
- Specific objective 3.4: Preventing the misuse of payment services
KPI: Payment service providers shall implement intellectual property protection measures and reporting mechanisms.
- Specific objective 3.5: Strengthening IPR protection under the Domain Name System
KPI: Number of institutions, rightholders informed about IPR protection in relation to the domain name.
- Specific objective 3.6: Designation of single points of contact
KPI: Number of authorities, rightholders who have designated contact points for IPR enforcement.
- Specific objective 3.7: Secure access to IP-relevant tools, including EU Observatory tools
KPI: The Republic of Moldova shall ensure access to national and international databases.
- Specific objective 3.8: Promoting effective exchange of information
KPI: A national mechanism for the structured exchange of information on IPR enforcement is developed and implemented.
- Specific objective 3.9: Strengthening international cooperation
KPI: Cross-border elements are explored in IP-related crime cases, with reports submitted to relevant EU agencies as appropriate.

5.1.4 General objective 4: Strengthening enforcement mechanisms for intellectual property rights

- Specific objective 4.1: Strengthening inter-institutional cooperation on the procedure for recovering criminal assets
KPI: Number and value of assets recovered from IP offenders.
- Specific objective 4.2: Improvement of investigative techniques
KPI: Major investigations into IP-related crimes use advanced techniques such as surveillance. Retrieving and disseminating the Handbook on the Investigation and Prosecution of IP Crimes.
- Specific objective 4.3: Improving statistical methodology on IP data
KPI: The Republic of Moldova uses statistical IP methodologies and indicators aligned with the EUIPO/DG TAXUD indicators and methodology.
- Specific objective 4.4: Establish an inter-institutional mechanism for data collection and validation.
KPI: The Republic of Moldova collects and publishes annual statistics on IPR enforcement.
- Specific objective 4.5: Appropriate award of damages
KPI: Number of persons trained on best practices in estimating and calculating damages in IPR infringement cases.
- Specific objective 4.6: Improvement of the mechanism for the storage and destruction of counterfeit goods
KPI: Standard procedures for the storage and destruction of IPR infringing goods shall be adopted and implemented.
- Specific objective 4.7: Strengthening collaboration with international organisations and participation in international operations in the field of IPR infringements
KPI: The Republic of Moldova participates annually in several international IP operations carried out by international organizations.
- Specific objective 4.8: Promoting the use of advanced IT technologies to prevent and detect IPR infringements
KPI: Law enforcement institutions and providers of intermediary services pilot advanced technologies (e.g. AI or blockchain) for the protection and enforcement of IPR.

5.1.5 General objective 5: Promoting knowledge and awareness

- Specific objective 5.1: Raising society's awareness of the need to enforce IPR and counter counterfeiting and piracy
KPI: Percentage increase in public awareness of the risks associated with counterfeiting, piracy and other IPR infringements, as measured by national surveys conducted before and after campaigns.
- Specific objective 5.2: Raising SMEs' awareness of new anti-counterfeiting and anti-piracy technologies

KPI: Number of persons (e.g. SMEs, providers of intermediary services) participating in outreach activities or downloading material on anti-counterfeiting technologies and material on IP and AI.

- Specific objective 5.3: Raising awareness of trade secrets
KPI: The number of trade secret awareness events organised and materials distributed, participant satisfaction and knowledge acquisition being tracked through post-event evaluations.
- Specific objective 5.4: Raising awareness of the IP cybercrime prevention toolbox
KPI: The number of SMEs reached through the dissemination of the cyber theft prevention toolkit and associated training resources, as well as the percentage of reporting increased cybersecurity preparedness.
- Specific objective 5.5: Raising awareness on how to protect intellectual property rights online
KPI: Number of economic operators involved in IP awareness efforts in the digital environment and percentage demonstrating a better understanding of IP risks related to NFTs and virtual goods.
- Specific objective 5.6: Creation of an SME Helpdesk
KPI: Number of SMEs using the IPR enforcement service.
- Specific objective 5.7: Strengthening IP training capacities by integrating IP courses on the MLearn Government Remote Training Platform
KPI: The number of IP modules developed and integrated on the MLearn platform and the number of people who accessed the courses offered in the IP field through the MLearn platform.
- Specific objective 5.8: Raising awareness of the EU Counterfeiting and Piracy Watch List
KPI: Counterfeiting and Piracy Watch List published on the IPR Enforcement Observatory website and number of awareness actions based on data from the Counterfeiting and Piracy Watch List.
- Specific objective 5.9: Awareness raising on the protection of IP rights abroad
KPI: Number of economic operators accessing the IP registration helpdesk abroad.
- Specific objective 5.10: Promoting the IP system to attract investment
- **KPI:** Module on IPR protection in the Republic of Moldova integrated in the Investor's Guide.
- Specific objective 5.11: Prevention of IP infringements in the Free Economic Zones
KPI: Number of Moldovan FEZs and members of FEZs that have received training on the protection and enforcement of IPRs, including in the light of the OECD Code of Conduct, in accordance with the Annex to the OECD Recommendation on Combating Illicit Trade: Increase transparency in FEZ.
- Specific objective 5.12: Awareness raising on the EU Guide (EMPACT) for IP right holders on criminal referrals in intellectual property crime cases
KPI: Guide translated and published on the Observatory webpage. Number of IP right holders who were informed about the Criminal Referral Guide and percentage of reporting increased knowledge about the criminal complaint process.

5.2 FINANCING SOURCES

Funding for the implementation of the 'Action Plan for the Enforcement of Intellectual Property Rights 2026-2029' will be provided from the following sources:

- allocations from the state budget, within the limits of the financial resources approved annually for the institutions responsible for implementing the measures;
- technical and financial assistance provided by development partners and external donors;
- contributions from rightholders and economic operators, including through participation in training activities, voluntary cooperation initiatives and the implementation of technological solutions aimed at preventing and combating IPR infringements.

Resources will be mobilised and used in a coordinated manner to ensure the effective achievement of the objectives set out in the Action Plan.

6 REPORTING AND MONITORING

The State Agency on Intellectual Property will ensure coordination of the implementation, monitoring and evaluation process of the 'Action Plan on Enforcement of Intellectual Property Rights 2026-2029'.

In this context, AGEPI will annually prepare the Monitoring Report on the progress made in the implementation of the Plan. The responsible institutions designated in the Action Plan will contribute to the reporting process by submitting to AGEPI updated information on the status of carrying out the activities under their responsibility, by the end of the second month of each calendar year.

Based on the information received, AGEPI will consolidate the data in an Annual Progress Report, which will be submitted to the Observatory on Enforcement of Intellectual Property Rights during the third month of each calendar year, with a view to examining and formulating any recommendations.

The assessment of the achievement of the Action Plan will be carried out on the basis of the progress and impact indicators set out in Chapter 5 and the Implementation Measures in the Annex.

IMPLEMENTATION ACTIONS

the Action Plan for the Enforcement of Intellectual Property Rights in the Republic of Moldova
2026-2029

General objective 1: Alignment of legislation in the field of enforcement of intellectual property rights with the acquis of the European Union

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
1.1	Alignment of customs legislation in the field of IPR enforcement with the EU acquis	Elaboration of correlation tables Elaboration of draft normative acts Public consultation Adoption of normative acts	SV Ministry of Finance	December 2026	State budget
1.2	Alignment of civil law in the field of IPR enforcement with the EU acquis	Elaboration of correlation tables Elaboration of draft normative acts Public consultation Adoption of normative acts	AGEPI Ministry of Justice	December 2026	State budget
1.3	Evaluation of contravention legislation in the field of IPR enforcement	Creation of a working group in order to evaluate the national regulatory framework in the field Preparation of the evaluation report of the national regulatory framework in the field	AGEPI ANSA ISSPNPC PGI	December 2027	State budget Technical assistance
1.4	Evaluation of criminal law in the field of IPR enforcement	Creation of a working group in order to evaluate the national regulatory framework in the field Preparation of the evaluation report of the national regulatory framework in the field	AGEPI PG PGI	December 2027	State budget Technical assistance

General objective 2: Strengthening institutional capacity

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
2.1	Establishment and/or consolidation IP specialised units/focal points	Assessment of existing capacities Preparation and approval of internal administrative acts on the establishment of specialised IP units/focal points Revision of job descriptions to include specific tasks in the field of IP Integration of IP responsibilities into existing structures (e.g.: units fighting economic crime and fraud)	ANSA ISSPNPC PGI PG	December 2026	State budget Technical assistance

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
2.2.	Consolidation the Specialised Unit for Customs Protection of IP Rights	Additional specialised human resources in the field of customs protection of IPR under the VS: Central apparatus - five people; Customs offices – two persons each in charge of IP activity. Ensuring secure access to IPEP	SV	December 2029	State budget
2.3	Strengthening institutional capacity for IPR enforcement by developing specialised human resources in the field of IP	Assessment of training needs	SV ANSA ISSNPC PGI PG the Competition Council	2027	State budget Technical assistance
		Development of the content of training programmes	AGEPI	2027	State budget Technical assistance
		Organisation of IP training courses			
2.4	Strengthening judicial capacity to enforce IPR	Analysis of training needs. Development of training content. Organisation of IP training courses	AGEPI	January 2027	State budget Technical assistance
		Development of an online IP training course for judges	AGEPI		
2.5	Strengthen collaboration with international and regional bodies to take up IP best practices for law enforcement institutions	Participation in events for IPR enforcement authorities organised by EUIPO, CEPOL or WIPO as needed and budget available	SV ANSA ISSNPC PGI PG the Competition Council	December 2029	State budget Technical assistance
2.6	Strengthen collaboration with international and regional bodies to take on IP best practices for magistrates of the judiciary	Participation in training courses organised by Eurojust and EUIPO to take up good practices as needed and available budget Dissemination of post-training knowledge	AGEPI	December 2029	State budget Technical assistance
2.7	Strengthening the methodological framework for estimating and calculating damage	Development of methodological recommendations for the calculation of damages in IPR infringements Assessment of the situation in the field and identification of needs Development of a guide Organisation of a seminar to present the guide to interested persons	AGEPI SV ANSA ISSNPC PGI PG	December 2026	State budget Technical assistance

General objective 3: Strengthening national and international cooperation

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
3.1	Strengthening the work of the IPR Enforcement Observatory	Revision of the Observatory Regulation to extend its membership Participation of new members in the work of the Observatory	AGEPI ANSA	May 2026	State budget
		Establishment of working groups within the Observatory with the participation of rightholders, representatives of civil society and providers of intermediary services	AGEPI	December 2026	
3.2	Promoting cooperation through voluntary instruments	Organisation of the Workshop on Voluntary Instruments Draft Memorandum of Understanding prepared and presented to stakeholders Promote the signing of memoranda of understanding between the private sector and rightholders	AGEPI	June 2027	State budget Technical assistance
3.3	Preventing misuse of transport and logistics services	Identification of companies Organizing a workshop for identified companies Promoting the signing of memoranda of understanding by transport and logistics companies	SV AGEPI	December 2027	State budget Technical assistance
3.4	Preventing the misuse of payment services	Identification of companies Organizing a workshop for identified companies Promoting the signing of memoranda of understanding by payment service providers	AGEPI	December 2027	State budget Technical assistance
3.5	Strengthening IPR protection under the Domain Name System	Promote domain name dispute resolution procedures modelled on alternative dispute resolution mechanisms Organise a seminar on IPR protection in relation to domain names focusing on cases of cybersquatting and misuse of domain names	AGEPI	December 2028	State budget Technical assistance
3.6	Designation of single points of contact	Designation by law enforcement institutions of a single point of contact Designation by rightholders' representatives of single points of contact Designation by providers of intermediary services of single points of contact Publication of the List of Single Points of Contact on the Observatory's website	AGEPI SV ANSA ISSPNPC PGI PG the Competition Council	December 2026	State budget

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
3.7	Secure access to IP-relevant tools, including EU Observatory tools	Mapping institutional needs and assessing digital tools needed for investigation and control work	AGEPI SV ANSA ISSPNPC PGI PG	June 2026	State budget Technical assistance
		Ensuring access to national and international databases (e.g. BD Brands, e-IPR, TMview, DesignView, eSearch, etc.) Training of representatives of law enforcement institutions on the use of databases in the field of IP	AGEPI SV ANSA ISSPNPC PGI PG	December 2026	State budget Technical assistance
		Organisation of the presentation session for national competent authorities on the tools available in the EU Observatory on Infringements of Intellectual Property Rights (e.g. databases, analysis platforms, operational cooperation tools)	AGEPI SV ANSA ISSPNPC PGI PG	June 2026	State budget Technical assistance
		Initiate institutional communication with the EC (DG GROW and DG JUST) and EUIPO in order to obtain secure access to the EU Observatory tools	AGEPI SV ANSA ISSPNPC PGI PG	December 2027	State budget Technical assistance
		Designation of national contact points for managing access to and use of EU Observatory tools	AGEPI SV PG	December 2028	State budget Technical assistance
		Convene meetings of the Observatory every six months to facilitate the exchange of data, information and intelligence on counterfeiting and piracy, with the participation of law enforcement institutions, rightholders and providers of intermediary services	AGEPI SV ANSA ISSPNPC PGI PG	Semi-annual 2026-2029	State budget
3.9	Strengthening international cooperation	Systematic investigation of cross-border IPR infringements and liaising with foreign jurisdictions, where appropriate Ensuring the exchange of IP information and intelligence with relevant EU IP bodies at the request of the EU institutions	SV ANSA ISSPNPC PGI PG	Annually 2026- 2029	State budget

General objective 4: Strengthening enforcement mechanisms for intellectual property rights

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
4.1	Strengthening inter-institutional cooperation on the procedure for recovering criminal assets	Organisation of a workshop on the recovery of IP criminal assets	AGEPI	June 2029	State budget Technical assistance
4.2	Improvement of investigative techniques	Familiarity with IP crime investigation techniques according to European best practices	PG PGI	June 2027	State budget

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
4.3	Improving statistical methodology on IP data	Assessment of the existing data collection framework Methodological alignment with EU standards Taking over and adapting the indicators used by the EU Observatory on IPR Enforcement	AGEPI SV ANSA ISSPNPC PGI PG the Competition Council	September 2026	State budget Technical assistance
4.4	Establishment of an interinstitutional mechanism for the collection and validation of IP data	Designation of focal points in each institution responsible for providing data Establishing the frequency and format of reporting Digitalisation of the data collection process Periodic publication of national statistical reports on IPR enforcement	AGEPI SV ANSA ISSPNPC PGI PG the Competition Council	December 2026	State budget
4.5	Appropriate award of damages	Organizing a seminar to inform interested persons about best practices in the field	AGEPI	December 2026	State budget Technical assistance
4.6	Improvement of the mechanism for the storage and destruction of counterfeit goods	Elaboration of a draft amendment to the regulatory framework Adoption of regulatory changes and adjustment of the mechanism to ensure the storage and destruction of counterfeit goods Organisation of a workshop on good practices Conducting a study visit to take up EU best practices	SV ISSPNPC PGI PG	December 2027	The state budget. Technical assistance.
4.7	Strengthening collaboration with international organisations and participation in international operations in the field of IPR infringements	Establish and/or strengthen contacts with Interpol, Europol, the World Customs Organisation, etc. Participation in concrete international/regional operations carried out by international organisations	SV ANSA ISSPNPC PGI PG	June 2029	State budget
4.8	Promoting the use of advanced IT technologies to prevent and detect IPR infringements	Organise best practice workshops to showcase advanced IT systems used in the EU to: a) rightholders and representatives of providers of intermediary services IPR Enforcement Institutions Takeover of advanced IT systems used in the EU by bodies with responsibilities in the field of IPR enforcement.	AGEPI SV ANSA ISSPNPC PGI PG	December 2029	State budget Technical assistance

General objective 5: Promoting knowledge and awareness in the field of Intellectual Property

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
5.1	Raising society's awareness of the need to enforce IPR and counter counterfeiting and piracy	Establishment of a working group. Planning and implementation of an information campaign in the field Conducting surveys on public awareness of the risks associated with counterfeiting, piracy and other IPR infringements	AGEPI SV ANSA ISSPNPC PGI PG	December 2029	State budget Technical assistance
5.2	Raising SMEs' awareness of new anti-counterfeiting and anti-piracy technologies	Organisation of best practice workshops and presentation of the EUIPO Guide on Combating Counterfeiting and Piracy Development and presentation of the SME checklist Publication of the SME checklist on the Observatory webpage	AGEPI	December 2027	State budget Technical assistance
5.3	Raising awareness of trade secrets	Organisation of a webinar on the protection of trade secrets Development of information material in the field of trade secrets for economic operators	AGEPI	December 2026	State budget Technical assistance
5.4	Raising awareness of the IP cybercrime prevention toolbox	Organise a session to present best practices and tools Developing information to raise consumer and rightholder awareness of the risks of cybercrime	AGEPI PGI PG	December 2027	State budget Technical assistance
5.5	Raising awareness on how to protect intellectual property rights online	Organisation of an information campaign	AGEPI PGI SV	December 2028	State budget Technical assistance
5.6	Creation of a helpdesk for SMEs.	Identification of needs Implementation of a support service for SMEs.	AGEPI	December 2027	State budget Technical assistance
5.7	Strengthening IP training capacities by integrating IP courses on the MLearn Government Remote Training Platform	Development of the content of the distance learning course(s) Integration of the content of the IP distance learning courses on the Mlearn Platform	AGEPI	December 2029	State budget Technical assistance
5.8	Raising awareness of the EU Counterfeiting and Piracy Watch List	Informing IPR enforcement authorities about the EU Counterfeiting and Piracy Watch List Publication of the Counterfeit and Piracy Watch List on the Observatory website	AGEPI	December 2029	State budget Technical assistance
5.9	Awareness raising on protecting IP rights abroad	Organisation of awareness-raising events for exporting companies and/or companies with export potential	AGEPI	December 2027	State budget
5.10	Promoting the IP system to attract investment	Development and integration of a module in the field of IP in the Investor's Guide	AGEPI	December 2026	

No	Specific objective	Action	Responsible authority	Deadline	Source of funding
5.11	Prevention of IP infringements in the Free Economic Zones (FEZs)	<p>Organisation of an IP information seminar for FEZ residents</p> <p>Encouraging operators of FEZs to adhere to the OECD Code of Conduct for Clean FEZs;</p>	AGEPI	June 2028	State budget
5.12	Awareness raising on the EU Guide (EMPACT) for IP right holders on criminal referrals in intellectual property crime cases	<p>Translation of the guide into Romanian</p> <p>Organisation of a workshop to present the guide</p> <p>Publication of the Guide on the website of AGEPI and law enforcement institutions</p>	AGEPI PGI PG	December 2026	<p>State budget</p> <p>Technical assistance</p>