



EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT	
TITLE:	Country report for <i>ROMANIA</i>
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TABLED TO:	FICPI delegates
PURPOSE:	For information and consideration
SNIPPET:	News from and activities of the FICPI national group in <i>Romania</i> since the Barcelona ExCo in November 2014.

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

- Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014.
No changes occurred since the last report in October 2014.

B2. MAJOR CASES

- Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.

B3. OFFICIAL PRACTICE

- Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.

B4. PROPOSALS FOR CHANGES

- Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes.
Would it be of assistance to have input from the CET on any proposed changes?
So far there is no draft of IP laws changes, but in the future, when the case may be, the input from the CET would be beneficial.



SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

- 1.1 Please describe the qualification process for becoming a patent attorney in your country/region.

The qualification of patent attorney in Romania may be obtained by passing an examination, that consists in two steps – one on the patent legislation, and the second - a written proof, related to a specific patent case – in examination or opposition procedure.

- 1.2 Has the patent attorney qualification process changed in any way in the past 5 years?
NO.

- 1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your country?

The patent Attorneys may represent clients in front of the first two stages- first instance and the first appeal - in the court, specifically in the patent matters. The representation in the second appeal (the recourse) is restricted to the attorneys-at law, the patent attorneys being permitted to assist and to give answers specifically to the technical aspects.

- 1.4 If so are there any special requirements or restrictions?

The restriction refers exclusively to the second appeal – the recourse.

- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification?

NO.

If so are there any restrictions on what they may do?

If so, please describe those restrictions.

- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.

There are no specific privileges or restrictions to the patent attorney's communications.

- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region.

The candidates shall pass the examination before the PTO in order to become a trademark attorney. The examination consists in two proofs – one in respect to specific legislation, including the Community trademark directive, and second proof – a practical case referring to a trademark application, or opposition procedure.

- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years?
NO.

- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country?

The trademark Attorneys may represent clients in the Court in the first two stages –first instance and first appeal.

If so are there any special requirements or restrictions?

The restriction is in the second appeal, where is kept to have the qualification as attorney-at law.

- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification?

Yes, the qualified lawyers are allowed to represent clients in the trademark matters, without



further qualification, in front of the Patent Office in the opposition proceedings, and in front of all courts.

If so are there any restrictions on what they may do?

No restrictions are for qualified lawyers to represent their clients in trademark matters.

If so, please describe those restrictions.

- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.

So far there is no privilege attached to trademark attorneys. The client-attorney privilege is provided in the amendments to the IP Attorneys law, which is not yet enforced.

C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?

Yes, we would be interested in assistance from FICPI when we shall organize seminars.

- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.

The topic of interest to the members could be on enforcing the IP rights, and on professional deontology.

C.3 TOPICS OF INTEREST

- 3.1 Please list three IP topics that are of particular interest to you and/or your national section members.

1. Opposition procedures in front of the EPO;
2. SPC granting;
3. Trademark opposition in front of OHIM
4. Professional deontology

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