

ROMANIA

Industrial Design Regulations

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Chapter I

1. Protection of industrial designs and models

Industrial designs and models shall be protected in compliance with the provisions of Law no. 129/29.12.1992, published in the Official Journal no. 1 on January 8, 1993, subject to the observance of the international conventions, treaties and agreements to which Romania is a party.

2. Terms

The terms used within these Regulations have the following meaning:

- "law" means the Law no. 129/29.12.1992 concerning the protection of the industrial designs and models;
- "O.S.I.M." means the State Office for Inventions and Trademarks;
- "author or creator" means the natural person who created the industrial design or model;
- "successor in title" means any natural person or legal entity who was assigned either the right to be granted the certificate of registration of an industrial design or model or the rights deriving from a certificate of registration of a granted industrial design or model;
- "applicant" means the natural person or legal entity who applies for the registration of an industrial design or model and for granting a certificate of registration of an industrial design or model with O.S.I.M.;
- "owner" means the natural person or legal entity who owns the right conferred by the certificate of registration of the industrial design or model and on whose name the certificate is being granted;
- "application" for the registration of the industrial design or model means the application in writing, containing the express solicitation for the grant of a certificate of registration for industrial designs and models;
- "description" means the brief presentation in writing of the new characteristic elements concerning the outer aesthetic appearance of the industrial design or model within the meaning of Article 12 of the Law;
- "authorized representative" means the industrial property attorney who may also have the quality of representative in the proceedings before O.S.I.M.;
- "industrial design", according to Law no. 129/29.12.1992, means the new outer two-dimensional appearance of a product having a utilitarian function;
- "industrial model", according to Law no. 129/29. 12. 1992, means the new outer three-dimensional appearance of a product having a utilitarian function;

- "regular national filing" means the application for registration of an industrial design or model attended by the description thereof and by the graphic reproductions (according to Article 12 of the Law);
- "multiple filing" means the filing comprising plural industrial designs or models intended for being incorporated in the same category of products and belonging to the same class and subclass of the International Classification according to the Locarno Agreement of October 8, 1969, amended on October 2, 1978;
- "filing date" means the date when the regular national filing was received with O.S.I.M. (according to Article 13 of the Law);
- "priority" means the date of the first filing of the application for registration of the industrial design and model, regardless of the competent national authority where the application was filed, as well as the date of the industrial design or model display in an international exhibition, in the conditions provided for by the Paris Convention for the protection of the industrial property;
- "B.O.P.I.-D.M.I." means the Official Bulletin for Industrial Property - Department for Industrial Designs and Models;
- "publication" means to be rendered accessible to the public;
- "objection" means the opposition to the registration of an industrial design or model, submitted in writing and motivated, within 3 months from the publication thereof.

3. Representation of the proceedings before O.S.I.M.

In the proceedings before O.S.I.M., the Romanian applicants or owners may come themselves or may be represented by an industrial property attorney authorized by O.S.I.M..

In the proceedings before O.S.I.M., foreign applicants or owners shall be represented only by an industrial property attorney authorized by O.S.I.M..

4. Filing the applications for registration of an industrial design or model with O.S.I.M.

(1) The application for registration of an industrial design or model shall be filed at the General Registry of O.S.I.M.:

(a) directly;

(b) by mail (registered letter with acknowledgement of receipt), the date of filing being the date of receipt with O.S.I.M.;

(c) by telefax or electronic means (confirmation by mail, which will receive the filing date through the General Registry).

(2) The O.S.I.M. Registry shall write on the application and appendices

(designs, power of attorney, etc.) the date of receipt and the registration number. After the preliminary examination, a copy of the application shall be returned to the applicant within 30 days as acknowledgement of receipt, indicating the shortcomings ascertained by O.S.I.M. and the time period within which these can be remedied.

(3) The other documents filed at the General Registry of O.S.I.M. after filing the application shall be analyzed by the Examination Board and, only if the case may be, the applicant shall be notified about the necessity of new completions.

(4) If there are plural applicants, O.S.I.M. shall conduct the correspondence with the first applicant whose name is written on the application, unless one of the applicants is expressly designated as a representative or there exists an authorized representative.

5. The object of the application for registration

(1) The object of the application for registration may be any industrial design or model which can be incorporated into a utilitarian product which can be manufactured industrially or by craftsmen.

(2) The followings are excluded from the protection:

(a) the industrial designs or models whose destination and appearance are contrary to public order or good manners;

(b) the industrial designs and models whose appearance is determined by a technical function; official emblems and official or historical flags of a state, community or association of states, without authorization from the competent authorities;

(c) [Repealed]

(d) the industrial designs and models which contain feature portraits of personalities without due authorization;

(e) industrial designs and models which contain registered or filed trademarks, as well as geographic indications, without the owner's authorization;

(f) the industrial designs and models which incorporate known works of art without the owner's authorization;

(g) the industrial designs and models presenting elements from nature (plants, animals) or geometric elements, reproduced as such (unstylized).

6. The official language

All the applications for the registration of industrial designs and models filed with O.S.I.M. and the correspondence related thereto shall be drawn up in the Romanian language.

7. The confidential character of the application for registration of industrial designs and models

O.S.I.M. assures and is responsible for the confidential character of the data contained in the applications for registration of the industrial designs and models and of the graphic representations attached to the application, from the date of filing thereof at the General Registry of O.S.I.M. up to the date of transmitting them for publication, according to Article 20 of the Law.

Disclosure by the applicant or creator of the data contained in the application shall exonerate O.S.I.M. from responsibility.

8. The regular national filing

(1) The regular national filing shall consist of:

(a) the application for the registration of the industrial design or model which may have as an object industrial designs or models intended to be incorporated in the same category of products and belong to the same class and subclass from the International Classification according to the Locarno Arrangement;

(b) brief description of the industrial design or model which should contain only the elements related to the outer appearance of the industrial designs and models;

(c) graphic reproductions, in 10 copies, of which at least one copy could be regarded as the original, and 9 copies.

(2) The application for registration of the industrial design or model shall be drawn up and filed in three typed copies, on a standard form (enclosed).

(3) The application for registration shall contain the followings:

- the applicant's name, first name, citizenship and domicile;
- authorized representative's name, first name, citizenship and domicile;
- author's name, first name, citizenship and domicile;
- express demand for the grant of a registration certificate for an industrial design or model;
- denomination of the product into which the industrial design or model is intended to be incorporated;
- denomination of the industrial design or model;
- number of the industrial designs or models for which protection is claimed;
- dimensions demanded for publication (which shall be in compliance with the sizes of the graphic reproductions filed) and the mention of black-and-white/color;
- solicitation of postponing the publication;
- priority claimed according to Paris Convention;

- description of the industrial design or model;
- mention of the fee payment;
- solemn declaration of the authors with regard to the novelty of the industrial designs or models;
- applicant's signature;
- mention of the appended documents;
- date of drawing up the application.

(4) Conditions concerning the form of the application for registration and of the appendices:

- erasures, corrections, added words or rows are not accepted if these are not expressly certified by the applicant on the original copy;
- expressions contrary to good manners or declarations denigrating the third parties are not accepted.

If the applicant is other than the author of the industrial design or model, the application shall indicate the legal grounds according to which the registration of the industrial design or model is requested (employment contract with creative mission, assignment or license contract, succession, etc.) and the testifying document shall compulsorily be attached thereto. Incomplete applications which do not allow the identification of the applicant and the address thereof or unsigned are rejected.

The denomination of the industrial design or model as well as the title of the product incorporating the industrial design or model shall be expressed by general and known notions, without commercial codes or type sizes.

No other data shall be contained in the application and no documents or materials other than those set out by the Law shall be appended.

(5) The brief description of the industrial design or model shall be made directly on the application or the signed and stamped appendices and shall exclusively contain the new characteristic features of the outer aesthetic appearance which occur in the reproductions appended to the application (maximum 100 words). The utilization field shall be stated for industrial designs or models which can not be identified by the product denomination. The description shall not contain: technical or operational details, technical characteristics, sizes and items.

(6) The graphic reproductions filed together with the application can be:

(a) black-and-white or color photos meeting the professional quality standards and having sufficient contrast in order to allow their reproduction by printing methods;

(b) black-and-white or color reproductions meeting the professional quality standards, carried out by means of drawing instruments, in china

ink on tracing paper or on high quality white paper.

The industrial design or model shall preferably be represented in perspective, without other accessories (persons, animals, etc.).

The maximum sizes of the graphic reproductions shall be 60 x 60 mm or a multiple thereof of maximum 180 x 240 mm.

The original copies of the graphic representation shall be signed and, as the case may be, stamped by the applicant of the application for registration. If the same product is represented in plural positions or from different angles, the numbering shall consist of two figures separated by a point (for example 1.1, 1.2, 1.3, etc., for the first product and 2.1, 2.2, 2.3, etc., for the second product). This numbering shall be written on the original copy.

(7) The followings shall not be accepted as graphic reproductions:

- (a) technical drawings presenting the product in cross-section or plane with symmetry axes and dimensions, with explanatory texts or captions;
- (b) graphic representations which can not be reproduced by offset or rotor print type methods.

9. Multiple filing

(1) The multiple filing shall be that filing which includes up to 100 industrial designs or models which are intended to be incorporated into the same category of products and belong to the same class and subclass. All graphic reproductions shall be made on A4 size paper sheets attached to the application, each set of graphic reproductions containing one copy of each model.

(2) Dividing the filings

- in case the application contains a multiple filing which does not fulfill the conditions provided for by the Law, respectively, the industrial designs or models are not incorporated in the same category or products having a unitary conception or are not classified into the same class and subclass, pursuant to the International Classification of the industrial designs and models, the applicant shall divide the application within 30 days. The multiple filing shall have the same applicant(s) and author(s) for all the industrial designs and models, otherwise, the application shall be divided.

The applicant has the obligation to divide the application, submitting to O.S.I.M. an application for registration (in copies) for each industrial design or model or group of industrial designs and models which fulfill the provisions of the Law and of the present Regulations.

When the applicant does not divide the application within 30 days from the examiner's solicitation, O.S.I.M. divides the filing ex officio and

only the industrial designs and models fulfilling the legal provisions shall be examined, and for the remainder of the designs/models filing and examination fees are requested. Failure to pay the fees brings about the rejection of the divided applications.

The divisional applications filed with O.S.I.M. shall benefit from the filing date of the application they were divided from and from the priority right thereof, provided that these should contain exactly those industrial designs or models of the initial filing without modifications.

(3) Connecting the filings

Two or more applications for the registration can be connected, provided that they fulfill the following conditions:

- have the same national filing date;
- have the same applicants and authors;
- the industrial designs or models are intended to be incorporated into the same category of products according to the International Classification.

Connecting the filings is performed within 3 months from the date of filing, upon the applicant's express request.

10. Amendments, completions, corrections, time periods

(1) The requested completions shall be transmitted to O.S.I.M. within the provided time period.

(2) The completions transmitted by the applicant, which modify the filing by the addition of some further data or graphic reproductions, are not accepted and are not taken into consideration.

(3) The graphic reproductions filed may be replaced by other graphic reproductions, only provided that the reproduction quality is exclusively improved, or the dimensions thereof are modified within the limits provided for in paragraph 8(4). The substituted sheets shall have the applicant's signature and the date.

(4) The time periods are those provided for in the Law and presented in the Regulations. Failure to observe the time periods shall result in examining the applications only according to the documents existing in the file.

(5) The time periods set on days refer to calendar days and shall not include either the day when the time period commenced or the day when it expired. The time period set on years, months or weeks shall end in the day of the year, month, or week corresponding to the day of commencement.

(6) The time period which commence on the 29th, 30th and 31st day of the month and end in a month which has no such a day shall be deemed as ending on the first day of the following month. The time period which ends on

a statutory holiday or when the work is suspended, shall be extended until the end of the next working day.

(7) The time periods shall start from the date of notifying the documents of the proceedings, notification meaning the date on which O.S.I.M. notification was posted.

(8) The documents of the proceeding mailed to O.S.I.M. shall be regarded as fulfilled within the respective time period, provided that they were submitted to the post office before the time period expired (the post office stamp).

An application for the extension of the time period for reply to the O.S.I.M. notification shall bear the date of the post office or of the General Registry of O.S.I.M. within the falling due time period and shall depend on the grounds upon which the extension of the time period is requested. O.S.I.M. shall notify the applicant in writing of the acceptance or rejection of the application for the extension of the time period.

(9) Failure to submit the documents of the proceedings within the legal time periods does not bring about the sanctions provided for by the Law and the present Regulations, if the applicant makes evidence that he was prevented by circumstances beyond his will, and provided that he fulfills the proceeding within 2 months from the cessation of the respective circumstances.

11. Regular national filing date

(1) The regular national filing date shall be the date of receipt by O.S.I.M. of all the documents provided for in Article 12 of the Law and shall be entered the National Registry of the filed applications.

(2) In case the conditions stipulated in Article 12 of the Law are not cumulatively fulfilled, the applications shall be received at the General Registry of O.S.I.M., but shall not be entered the National Registry of the filed applications.

O.S.I.M. shall return the documentation to the applicant, except for one witness copy, which shall be kept in the O.S.I.M. archives.

12. Other documents attached to the application which do not condition the date of the national filing

(1) Power of attorney

In case the application for registration of an industrial design or model is filed through an authorized representative, under the signature thereof, the power of attorney in the original, bearing the applicant's private signature, must be submitted. This power of attorney shall be submitted together with the application or within maximum 3 months from filing the

application, otherwise, the application shall be struck off the National Register of filed applications.

If after filing the application, the applicant designated an authorized representative, the power of attorney shall be submitted.

The power of attorney shall specify the object of the application (the denomination of the industrial design or model), as well as the name, first name and address of the person who signs the power of attorney; for the foreign persons the power of attorney shall also be drawn up in Romanian.

(2) Priority document

If the application for registration of the industrial design or model claims one or more priorities according to Articles 17 and 18 of the Law, one or several priority documents shall be submitted in the original, and the legal fees shall be paid within maximum 3 months from the date of filing the application.

Failure to submit the priority documents and the proof of fee payment shall result in non-recognizing the claimed priorities.

The priority claiming conditions are stipulated in the Paris Convention:

- priority shall be claimed at the moment of filing the application;
- the industrial design or model for which priority is claimed shall be identical to the industrial design or model for which protection is claimed.

(3) The guarantee certificate (for claiming the exhibition priority)

Claiming the priority according to Article 18 of the Law is substantiated by the guarantee certificate which shall contain:

- name and address of the organizer of the exhibition where the industrial design or model was displayed;
- denomination of the exhibition, the address and the duration thereof;
- name, first name and address of the natural person, or the name and headquarters of the legal entity who displayed the design or model in the exhibition;
- duration of the public display;
- number, date of guarantee certificate, signature and stamp of the organizer of exhibition;
- a graphic representation of the displayed design or model;
- a brief description of the industrial design or model displayed.

(4) Authorization concerning the priority claiming right

In case the applicant for the registration of the industrial design or model claims a priority right which belongs to another person, in order that the priority be recognized, the owner of the priority right shall submit to O.S.I.M. an authorization showing that the applicant is entitled to claim the first filing priority.

The authorization shall be submitted within maximum 3 months from the priority claiming date; otherwise, O.S.I.M. does not recognize the claimed priority.

(5) In case the documents specified in paragraphs (2), (3) and (4) are not drawn up in one of the following languages: English, French, German, these shall be translated by the applicant or the authorized representative, under the signature thereof.

13. Withdrawal, renunciation, abandonment

(1) The applicant may withdraw the application for the registration of an industrial design or model by a written application addressed to O.S.I.M.-Department of Industrial Designs and Models, up to the date of making a decision for acceptance or rejection. If, by the date a request is made to O.S.I.M. for the withdrawal of the application for registration, some proceedings had already been carried out, such as preparation for publication, examination, the respective fees shall not be refunded. In case of a multiple filing, the applicant may request the withdrawal in the whole or in part of the industrial designs or models which constitute the object of the application for registration.

(2) The applicant may abjure to the rights resulting from the registration certificate, but only during the validity period thereof, and this is made only by a written application.

(3) The abandonment of the application or of the certificate of registration is the renunciation to the right deriving from the application or the certificate of registration by the applicant's action or inaction.

Chapter II

14. Preliminary examination

(1) Examining the regular national filing

The application for registration of the industrial designs and models shall be subjected to a preliminary examination which shall establish the followings:

(a) fulfillment of the conditions concerning the form of the application;

(b) fulfillment of the conditions provided for in Articles 10, 11 and 12 of the Law;

(c) fulfillment of the conditions prescribed for the graphic representations;

(d) fulfillment of the conditions prescribed for the other documents or papers appended to the application;

(e) whether the authorized representative is entitled to represent the applicant before O.S.I.M.;

(f) whether the conventional priority is correctly claimed and sustained by the priority documents filed with O.S.I.M.;

(g) whether the adequate fees have been paid and there is a document certifying such payment;

(h) whether the applicant is entitled to be granted the certificate of registration.

(2) In case the application contains other additional data or is attended by other documents or materials except for the ones prescribed, the application shall be examined without taking into consideration the additional elements.

These additional materials may be returned, upon the applicant's request, on the expense thereof.

After a 6-month period, if these materials were not claimed by the applicant, O.S.I.M. shall destroy them and shall record this action in a report enclosed to the file.

(3) If after examining the application for registration O.S.I.M. ascertains shortcomings with regard to the fulfillment of conditions stipulated by the Law and the present Regulations, these are notified to the applicant who is allowed a time period for reply. No proceeding concerning the application for registration of the industrial design or model shall commence, unless the requested completions have been submitted and the payment of the fees has been proved within the time periods provided for by the Law, and, as the case may be, the application shall be examined according to the documents existent in the file, or shall be struck off from the National Register of filed applications.

Following to the examination of the application, if all the above mentioned conditions are fulfilled, the regular national filing of the application shall be constituted and shall be recorded in the National Register of filed applications.

15. Classification of the application

O.S.I.M. classifies the application for registration of the industrial design or model according to the Locarno Agreement concerning the International Classification for Industrial Designs and Models and shall write the class and the subclass on each application.

16. Publication of the application for registration of the industrial design or model

(1) The application for the registration of the industrial design or model, as well as the graphic reproduction thereof, for which the regular national filing has been constituted, shall be published in B.O.P.I.-D.M.I. within maximum 6 months from the date of filing the application with O.S.I.M.

(2) The due publication fee shall preferably be paid when the application is filed, or within maximum 3 months from the date when the regular national filing was constituted by the applicant. The three-month period for payment of the fee shall be calculated so that the due sum of money shall be deposited into O.S.I.M. account by the end of the time period.

(3) For each application for registration, the bibliographical data and the description drawn up by O.S.I.M. and the graphic representations of the industrial design or model are published.

(4) The graphic representations of the industrial design or model shall be published in the same size as that used by applicants when filing them, in black-and-white, except for the case the applicant pays the fees for color publications.

(5) The sizes accepted for publication in a standard space are 60 x 60 mm or a multiple thereof, respectively of maximum 180 x 240 mm.

(6) The following shall be published in B.O.P.I.-D.M.I.:

- the applications for registration of the industrial designs and models (bibliographical data, description, graphic representations);
- the industrial designs and models registered in the National Register of Industrial Designs and Models;
- decisions of the Re-examination Board and court rulings pronounced to be final;
- decisions of cancellation of the certificate of registration of the industrial designs and models;
- lapse of rights of the owners as a consequence of failure to pay the

fees for maintaining into force the certificate of registration for the industrial design or model;

- renewal of the certificate of registration of the industrial design and model;

- changes of the legal status of the owners of the applications for registration;

- general information;

- errata (if the case may be).

The postponed publication of a multiple filing may be requested only for all the industrial designs and models and for the same time period.

17. Third parties' objection to the registration of industrial design or model

(1) Any person concerned may file an objection (opposition) concerning the registration of the industrial design or model, within 3 months from the date of publication thereof.

(2) The objection shall be presented in writing and shall be based on official documents attached thereto (brochures, books, magazines, prospects, etc.) published prior to the date of constituting the regular national filing of the industrial design or model (date which shall be specified on the official documents) indicating also exactly the model(models) which have as object the opposition.

(3) The objections shall be filed directly with the General Registry of O.S.I.M. by mail or telefax.

(4) The applicants whose applications for registration of the industrial designs and models were objected to shall be notified in writing and shall be allowed a time period for reply of maximum 30 days for the applicants residing in this country, and of maximum 60 days for the applicants residing abroad.

(5) The objections which are not filed with O.S.I.M. within the legal time period or which are not based on the appended documents, shall not be taken into account.

18. Examination of the applications for the registration of industrial designs and models

(1) After the application for registration of the industrial design or model has been published, in compliance with the provisions of the Law and or the present Regulations, the Examination Board makes the decision of acceptance or rejection of the registration of the industrial design or model and records the decision made into the Register of decisions. The registration of the accepted industrial designs and models shall be

recorded into the National Register of Industrial Designs and Models.

(2) When examining the application, the Examination Board shall check the observance of Articles 8, 9, 10 and 11 of the Law, taking into account that the industrial designs and models created in an independent manner, which are new (or original) may benefit from protection. The Board shall establish that the industrial designs and models are not new (or original) if they do not differ significantly from the known designs or models. The Board establishes that such protection shall not be extended to the designs and models dictated essentially by technical or functional considerations.

(3) The Examination Board shall be made up of a chairman and two members from the department of industrial designs and models. The chairman shall be the Head of the Department for Industrial Designs and Models.

(4) The Board may make the following decisions:

- strikes off the application;
- accepts the application;
- rejects the application;
- takes act of the withdrawal of the application and of the renunciation to the rights deriving from the certificate of registration.

(5) O.S.I.M. shall notify the applicant or his successor in title of the decision made by the Examination Board concerning the fulfillment of the conditions provided for by the Law (Articles 8, 9, 10 and 11) for the registration of the industrial design or model. The notification shall specify the time period allowed by O.S.I.M. for reply, which, as a rule, is of 30 days for the applicants residing within the territory of Romania, and of 60 days for the applicants residing abroad. If the applicant fails to reply within the allowed period of time, the application shall be rejected.

(6) In case the application for the registration of the industrial design or model is rejected, the registration and publication fees shall not be refunded.

19. Examination of the international applications filed pursuant to the Hague Arrangement concerning the international filing for industrial designs and models

(1) After the receipt of the International Bulletin for industrial designs and models, the filing shall be checked with regard to the form. The regularly constituted filings are recorded in the National Register of the filed applications.

(2) The bibliographical data of the regular national filing shall be published in B.O.P.I.-D.M.I. for the information of the persons concerned,

these having no juridical effects.

(3) The Examination Board shall pursue, in the examination of the application, the fulfillment of the provisions of Articles 8, 9, 10 and 11 of the Law. If the Board sets out that the designs or models are not new, a provisional refusal addressed to the International Bureau of WIPO-Geneva shall be drawn up and transmitted.

(4) The Examination Board makes the decision of acceptance or rejection of the registration of the industrial design or model within 6 months from the date of filing with O.S.I.M. of the International Bulletin for designs and models.

The decision of acceptance or rejection shall be recorded into the register of decisions.

The decision of rejection is transmitted to the International Bureau of WIPO-Geneva.

20. Legal contest

(1) The decisions concerning the applications for the registration of industrial design or model can be contested administratively, in writing, within the legal time period, with a detailed presentation of the reasons and of the supporting public documents.

The legal contest together with the proof of payment of the legal fees is submitted to the Juridical Department, being addressed to the Re-examination Board of Industrial Designs and Models.

(2) The legal contests shall be solved by the Re-examination Board, consisting of the chairman and two members designated by the director general of O.S.I.M., one of the members being a jurist, others than those of the Examination Board.

(3) The chairman of the Re-examination Board is the director general of O.S.I.M. or an authorized representative thereof.

(4) The Re-examination Board may decide the acceptance or rejection of the legal contest.

(5) The Re-examination Board judges according to the Regulations of the board.

21. Granting the certificate of registration of the industrial design or model

(1) Granting the certificate of registration of the industrial design or model by O.S.I.M. is performed within 30 days from the date when the decision of acceptance becomes final, only provided that legal fees have been paid.

(2) The certificate of registration shall contain the bibliographical

data and the graphic representations.

22. Renewal

Renewal in whole or in part of the certificate of registration of the industrial design or model is made by O.S.I.M. upon express solicitation by the applicant.

The application for renewal shall be filed with O.S.I.M. at least one month before the period of validity of the certificate of registration expires, together with the proof of payment of the legal fees.

Renewal may be total or partial (the totality of the industrial designs or models or a part of the filed industrial designs and models).

After checking the payment of the fees, O.S.I.M. shall grant a document confirming the renewal.

Renewal is recorded into the National Register of Filed Industrial Designs and Models and shall be published in B.O.P.I.-D.M.I.

23. Cancellation

The certificate of registration of the industrial design or model can be canceled in whole or in part, at the request of an interested person, if it is ascertained that at the time when the application was registered, the conditions for granting the protection were not fulfilled, according to Article 37 of the Law no. 129/1992.

The cancellation may be requested for the entire validity period of the certificate of registration of the industrial design or model and is judged by the Municipal Court of Bucharest.

24. Fees

(1) All the procedures concerning the applications for the registration of the industrial design or model are subject to payment of the fees.

(2) If the legal fees are not paid within the time periods provided for by the Law, O.S.I.M. shall not carry out any proceedings concerning the registration of the industrial design or model, renewal of the certificates or examination of the legal contests.

(3) The proof of payment of any fee is sent to the Department of Industrial Designs and Models within the legal time periods.

(4) Any document of payment which does not contain the data of identifying the application shall be filed as witness document and the sum of money shall be refunded only in the case the payer's name and address can be identified. If the sum is refunded, the cost of mailing shall be deducted therefrom.

(5) The full payment of the application filing and publishing fee is compulsory, and shall be made within three months from filing the application for registration. The maximum time period of 3 months for payment of the fee shall be calculated so that the sums owed should enter the O.S.I.M. account by the end of the time period, otherwise, the application shall be rejected.

(6) For the graphic representations having a size exceeding the standard 60 x 60 mm space, the fee shall be calculated depending on the number of standard spaces in which the graphic representation can be included.

(7) Evidence of the fee payment shall be produced for the grant of the certificate of registration within 30 days from the notification of the

final decision of the Examination Board; failure to pay the fee results in the owner's lapse rights.

(8) In case of juridical changes in the legal status of the applicant, the fees shall be paid together with the application for the modification. Otherwise, the changes shall not be performed.