

ORDER
FOR THE APPROVAL OF
INSTRUCTIONS ON ESTABLISHING THE SERVICE NAMED
"PLICUL CU IDEI" ® (THE IDEA ENVELOPE)

By virtue of Art. 69 letter f) of the Patent Law No. 64/1991 as republished and Art. 92 and 93 of the Implementing Regulations to the Patent Law 64/1991 approved by the Government Decision No. 547/2008,

on the ground of the provisions of Art. 6 paragraph (3) of the Government Decision No. 573/1998 on the organization and functioning of the State Office for Inventions and Trademarks,

the Director General of the State Office for Inventions and Trademarks emits the following order:

ART. 1

The Instructions on establishing the service named "Plicul cu idei"® (the Idea Envelope), enclosed in the Annexe as an integral part of this order, shall be approved.

ART. 2

The State Office for Inventions and Trademarks (OSIM) shall carry out the provisions of this order.

ART. 3

This order shall be published in the Official Gazette of Romania, Part. I.

Director General of the State Office for Inventions and Trademarks
Gabor Varga

Bucharest, 27 June 2008.

No.63.

ANNEXE

INSTRUCTIONS

on establishing the service named "Plicul cu idei"® (the Idea Envelope)

ARTICLE 1

Establishment

(1) With a view to allowing documents containing works and creations of

various fields, that cannot be protected by the current industrial property law, copyright and related rights, to be deposited with OSIM and kept safely under non-public regime, OSIM shall provide a service named "Plicul cu idei" (the Idea Envelope).

(2) The Idea Envelope shall ensure the registration and deposit of documents filed by creators, natural persons or legal entities, for the purpose of certifying the filing date.

(3) The Idea Envelope shall be filed with OSIM either personally or by mail, by the creator of the work.

ARTICLE 2

Categories of documents that can be deposited under certified non-public regime

(1) Through the service named the "Idea Envelope", OSIM shall allow the filing of documents comprising works and creations, such as:

(a) non-patentable creations of the type mentioned under Art. 8 of the Patent Law 64/1991, as republished;

(b) various works in the technical and scientific field, such as: technical creations, technical norms, technologies, discoveries, theories, studies, instructions for use etc.;

(c) literary and musical works;

(d) photographs;

(e) any artistic achievement or creation meant to be published in a catalogue, irrespective of the field;

(f) norms, methodologies, organization or functioning rules or statutes, other materials in the administrative field;

(g) teaching, training and educational works, entertainment materials, calendars, horoscopes.

(2) There shall not make the object of a deposit within the Idea Envelope service the following: technical solutions or other creations contrary to public order, morality or professional ethics, including creations harmful to the health or life of persons, animals or plants, and which are likely to seriously harm the environment, samples of prohibited substances and documents containing classified or classifiable information.

(3) In the application of paragraphs (1) and (2), the entire responsibility regarding the content of the filed materials is incumbent on the depositor.

ARTICLE 3

Formal requirements concerning the documents

(1) Documents mentioned under Art. 2 of these Instructions shall be presented on writing paper, photographic paper, velvet paper, tracing paper or thin cardboard, in A4 format or multiples of A4 size and shall be folded; the mentioned documents may be written on both sides of the paper while remaining visible for at least 5 years; they shall not exceed 10 pages and shall be inserted into the special envelope, as described under Art. 4 below.

(2) Three-dimensional objects introduced into the envelope shall not be

admitted.

(3) In case that, upon receiving, it is ascertained that the envelope is open or contains three-dimensional objects, the envelope shall be returned to the depositor, without registration.

ARTICLE 4

Description of the Idea Envelope

The Idea Envelope comprises two identical compartments of A5 format provided with self-adhesive closing flaps. Said compartments are joined along one of their large sides, so that, when unfolded, they make a double A4-sized envelope. By the superposition of the two compartments and the sealing of another self-adhesive flap by folding, there results a single A5-sized envelope. One compartment shall bear the mention "To be returned to the depositor" and the other, the mention "To be kept with OSIM".

ARTICLE 5

Purchasing of the Idea Envelope

The Idea Envelope can be purchased upon payment of a fee from OSIM pay office or from the headquarters of the regional industrial property centres in the following cities: Bacău, Baia Mare, Bistrița, Brașov, Brăila, Constanța, Craiova, Galați, Iași, Oradea, Sfântu Gheorghe, Suceava, Târgu Mureș and Timișoara.

ARTICLE 6

Instructions for using and sending the Idea Envelope to OSIM

(1) Documents shall be transmitted to OSIM in two identical copies, using the two compartments of the Idea Envelope. The self-adhesive flaps 2 and 3 of said compartments shall be sealed onto the respective faces 2 and 3 thereof and the fields referring to the sender, namely: first name, family name and full address, zip code included, shall be filled in on both faces 2 and 3, in a legible manner. The postage stamps of a value corresponding to the envelope weight shall be applied on each of the graphic boxes labeled to this effect on the faces 1 and 3 of the envelope. The envelope shall be folded by superposing the face 2 on the face 3, then the self-adhesive flap 4 shall be sealed on the face 4 which bears the instructions for use.

(2) The so obtained Idea Envelope shall be transmitted by mail. In case that it is filed directly with OSIM, there is no need to apply postage stamps.

ARTICLE 7

Registration of the Idea Envelope

(1) The Idea Envelope shall be filed with the Registration Bureau of OSIM where, after having been checked up as to its integrity and the fulfillment of the requirements provided under Art. 3 paragraph 3, it shall be registered on the same

date, by entering the identification data thereof into the Register of documents held in non-public regime

(2) The two superposed compartments of the Idea Envelope shall be separated, thereby resulting one envelope bearing the mention "To be kept with OSIM" and one envelope bearing the mention "To be returned to the depositor". The OSIM stamp shall be applied before separation on both envelopes in a single stamping operation, in order to certify that the two envelopes are part of the same Idea Envelope. The date of receiving with OSIM and the current number allotted in the Register of documents held in non-public regime shall be printed on each envelope .

(3) The Idea Envelope meant to be returned to the depositor shall be immediately given thereto or shall be transmitted by mail, as the case may be.

(4) The Idea Envelope meant to be kept, shall be stored with OSIM.

ARTICLE 8

Effects arising from the deposit of Idea Envelope

(1) The Idea Envelope may constitute an evidence of the date on which the author of the intellectual creation filed the document with OSIM or an evidence of a prior use of an intellectual creation.

(2) The Idea Envelope may constitute a certification of the existence of the solution or creation inserted into the envelope at a certain date.

(3) The Idea Envelope is not an intellectual property title and it shall not grant the depositor the right to exclude the owner of an intellectual property right from the exploitation of his creation.

(4) The Idea Envelope shall not be deemed to constitute an intellectual property title and shall not confer exclusive rights.

ARTICLE 9

Duration of the deposit with OSIM

The duration of the deposit of an Idea Envelope with OSIM shall be 5 years as from the date of registration and it can be renewed for another 5-year period, upon payment of a renewal fee.

ARTICLE 10

Fees concerning the Idea Envelope Service

(1) The fee for the purchase of the envelope and for the 5-year deposit shall amount to 150 lei, due upon purchasing the envelope, in cash - lei, by payment order or post-office order.

(2) The fee for the renewal of the deposit duration shall amount to 100 lei and shall be due during the last month of the 5-year deposit. Said fee can also be paid within a 3-month time limit after the expiry of the 5-year deposit, with a surcharge of 50%.

(3) The Idea Envelope in respect of which a deposit renewal has not been requested under the provisions of paragraph (2) shall be returned to the depositor

upon request or shall be destroyed by OSIM after the expiry of a time limit of 5 years and 3 months since filing.

ARTICLE 11

Withdrawal of the Idea Envelope deposited with OSIM

(1) The depositor of the Idea Envelope can request in writing, directly with OSIM, anytime during the deposit period, the withdrawal of the deposited Idea Envelope, upon presentation of his identity documents. OSIM shall keep a copy of said documents. Said withdrawal shall not be subject to the payment of any fee.

(2) In case of a written request for withdrawal transmitted by mail, the identification data of the depositor, the registration number of the envelope and a copy of the identity documents of the depositor shall also be transmitted to OSIM.

(3) The withdrawal of the Idea Envelope may also be made by a person authorized by the depositor or by his successor, subject to submitting a notarized power of attorney or an inheritance certificate. OSIM keeps the power of attorney or a copy of the inheritance certificate.

(4) Where used as an evidence in Court, the Idea Envelope shall be transmitted to the Court, upon request. The Court request shall be entered in the Register of documents held in non-public regime and shall be kept with OSIM.

(5) At the expiry of the second 5 year-period, within a time limit of 3 months, the envelope can be withdrawn by the depositor or destroyed by OSIM, as the case may be.

ARTICLE 12

Destroying the Idea Envelope

(1) Where, within 3 months of the expiry of the first 5-year period, the depositor does not request the withdrawal of the Idea Envelope or does not pay the fee for the second 5 year-period, as provided under Art. 10 paragraph (2), the envelope shall be deemed to be abandoned and OSIM shall destroy it without any further notification of the depositor thereupon.

(2) Where, within 3 months of the expiry of the total period of deposit of 10 years, the Idea Envelope has not been withdrawn, it shall be deemed to be abandoned and OSIM shall destroy it without further notification of the depositor thereupon.

ARTICLE 13

Register of documents held in non-public regime

The Register of documents held in non-public regime shall contain the following headers:

- a) current number;
- b) date of registration of the Idea Envelope;
- c) name or title of the content of the Idea Envelope;
- d) full name of the depositor;
- e) depositor's address;

- f) number and date of the payment document;
- g) date of giving or transmitting the Idea Envelope to the depositor;
- h) full name and signature of the clerk which received the Idea Envelope to be archived;
- i) date of withdrawal of the Idea Envelope;
- j) document the withdrawal is based on;
- k) signature of the person receiving the Idea Envelope;
- l) date of destroying the Idea Envelope;
- m) name and signature of the person having destroyed the Idea Envelope.