
Development and Progress through Intellectual Property Protection and Leverage

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Worldwide, every year, cultural, scientific and technical dimensions increases its value as a result of spiritual and creative members of society. Since surplus value and prosperity is a consequence of the act of creation, protection of creators and their creations to be one of the main factors that we must take into consideration and those involved in national security system structures.

Basically, protection creators respectively Patent, design and trademark licenses, the designs, is made by a legal institution of intellectual property, which is the State Office for Inventions and Trademarks (OSIM) - government organ specialty, with unique authority in Romania, acting in accordance with law and the provisions of international conventions to which the Romanian State is party.

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Introduction

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Scientific research and technological development, generating new creations (inventions, innovations, industrial designs, distinctive signs and industrial enterprises and regional areas, brands, trademarks, names of origin) has a major role in industrialization, restructuring and modernization of all branches of national economy.

Therefore, it must develop a coherent and responsible for safeguarding and promoting intellectual property rights.

Protection of creators, other than industrial property, is made by the Romanian Office for Copyright Protection (ORDA).

Mainly with the protection of creators is legal institution of **intellectual property**. Intellectual property refers to creations of the mind: inventions, literary and artistic works and symbols, names and images used in commerce. In Romania the following items are protected intellectual property, as follows:

a) **The industrial property**, which in turn includes: inventions, trademarks, industrial designs, new plant varieties, geographical indications, topographies of integrated circuits;

b) **Copyright and related rights**. Copyright refers to literary works and scientific, musical and artistic works and architectural design. Are recognized and protected as holders of related rights: performers for his own performance, producers of sound recordings for their own recordings and broadcasting organizations for their programs.

Innovative and creative ideas are the “engine” successful businesses. Ideas themselves are not yet a commercial value if they are developed and implemented in new products and services that enable your company to obtain benefits as a result of innovative spirit. Intellectual property, particularly patents, may play a role for transforming innovative ideas and inventions into competitive products, enabling a significant increase in profit margin.

Also, patents can be used to obtain their income from licensing to other companies that have adequate capacity to market them. This not only saves the company money, but also produces a secure and stable income as a result of employee inventions, without any marketing expenditure. **Intellectual property rights are property rights** as all other - they allow

the creator or owner of a patent, a mark or a copyright-protected works to benefit from his labor or investment. These rights are outlined in Article 27 of the Universal Declaration of Human Rights which states that everyone should enjoy the protection of moral and material rights deriving from any scientific, literary or artistic production of which is the author.

Importance of intellectual property was first recognized by the Paris Convention for the Protection of Industrial Property of 1883 and the Berne Convention for the Protection of Literary and Art in 1886. Both treaties are administered by the World Intellectual Property Organization (WIPO). Industrial property began to take legislative support since 1879 when he appeared first Romanian Law on Trademarks (7th in the world at that time). In 1906 initiated the first Romanian Law on inventions, the Patent and Industry Department is established within the Ministry of Industry and Trade.

During the interwar period functioned Industrial Property Office, and from 1975-1990 served as the institution of the state body coordinating the National Council for Science and Technology (CNST). Since 1990, the operation was based OSIM GD 374/1990, 62/1991 GD filled with art. 3 of GD 506/1992 etc.

Under a government decision, OSIM reviewed all legislation in the field, in order to harmonize it with the relevant EU law issues and the Agreement on Trade-Related Intellectual Property (TRIPS). OSIM is registered competence, examination and granting of patents and plant variety patents, certificates of registration of trademarks and geographical indications, industrial designs and integrated circuit topography and to administer those rights protection up in their forfeiture.

Patents are granted only to inventions - are new - is based on an inventive step - have industrial application. In the legal sense, are not considered inventions: ideas, discoveries, scientific theories, mathematical methods, computer programs itself, solutions of economic or organizational charts, teaching methods, game rules, plans and systematic methods, phenomena physical self, recipes, the aesthetic achievements. In Romania, surgical or therapeutic procedures in humans or animals and the appropriate methods of diagnosis can be considered applicable to industrial inventions.

Duration of patent protection and therefore is 20 years from the date of regular national filing. To maintain the patent in force shall be paid an annual fee, calculated from the date of registration.

The patent gives the holder the right to prohibit third parties to perform without approval, **for products**, manufacturing, marketing,

offering for sale, use, import or storage for sale, offer for sale or use, **for processes or methods**, use.

According to the principle of territoriality, patent law and its effects are limited to Romania, the effect of the patent granted to the stretching area is given by the contents of claims, description and drawings are of interest in their writing.

There are currently 14 regional centers in the country for promotion of industrial property, coordinated by OSIM, which operates in addition to chambers of commerce and industry of the counties of Bacau, Bihor, Bistrita-Nasaud, Braila, Constanta, Suceava and Timis, in addition to technical universities Brasov, Craiova and Iasi, in addition to foundations for the development of SMEs in the counties of Covasna, Galati and Maramures, the Centre for implementing the invention in Targu Mures.

Ensuring legal protection of designs and industrial designs, an important role is to identify works of industrial design, made of OSIM service resort collections deposited in the office, recorded between 1993-1999, the Commitment deposits under the Hague as in collections in France, Australia, Finland, Norway, Sweden, United States, Japan and Hungary. OSIM also operates to prevent counterfeiting investigations in Romania. Documentary research for both brands are made in the national database and in the international Romania as a country that is designated for protection.

However, Romania has a sad record for the counterfeit goods because there is a functional harmony between the laws governing industrial property in our country. Lack of coordination of approaches made functional structures skill and / or interested in government or private spectrum to prevent counterfeiting, and delay the development of special rules absolutely necessary for the completion of a coherent system of effective protection of property rights industry are the main causes of the gap that separates us from the European community, leading a field of modern creativity.

Direct effect of these weaknesses is the insecurity of the holders of industrial property rights legally acquired in Romania. Structures of state and legal skills in control - customs, police, prosecution, courts, authority to protect consumers, etc.. - Customs authorities have made progress only in recent years, especially after the adoption of Law 203/2000 on certain measures for ensuring intellectual property rights within customs operations. It is considered that the only way policy makers will be able to enforce these rights is their joint action and supported on a common strategy. Setting up an interministerial body, invested with legislative,

industrial property protection only, the effect of reducing serious cases of infringement of intellectual property, and the volume of counterfeits of all kinds, need protection advice in the business industry investments and applying their brands authorized for testing. The presence of these advisors in all phases of approval and establishment series prototypes prevent counterfeiting, increasing the market value of that mark and thereby strengthening his reputation nationally and internationally.

There are several reasons that make intellectual property protection is imperative. First, progress and prosperity of humanity depends on its creativity in technical and cultural fields, secondly, the legal protection of new creations encourage investment and lead to other innovations, thirdly, the promotion and protection of intellectual property stimulates growth lead to the creation of new jobs and new industries and improving the quality of life.

An efficient and equitable intellectual property can help all countries in exploiting the potential of intellectual property is a powerful tool for economic development and social progress and cultural. This system helps to establish a balance between the interests of the innovator and the public interest, ensuring an environment of creativity and invention, the benefit of all. Advantages that can benefit each of us relates to:

Intellectual property rights that rewards creativity and human effort is the engine of progress and humanity. Here are some examples:

- film industry, audio and video recording industry, publishing and software industry billions of dollars for the amusement of millions of people from all over the world would not exist without copyright protection;
- Consumers could not purchase goods or services with confidence without an effective international protection of the mark in a position to deter counterfeiting and piracy;
- Without the benefits they provide patent system, researchers and inventors would have little incentive to continue to seek to improve their products to the quality and efficiency in the interest of consumers worldwide.

Industrial property in Romania is integrated into the international treaties it is a party. **Industrial property** is represented by **patents**.

Patent confers exclusive rights over an invention, which may be a product or process that provides a new way of doing something or making a new technical solution for solving a problem.

Ensure protection of **invention patent** holder. This protection is granted for a limited period, which may be generally 20 years.

Patent protection means that the **invention** can be made, used, distributed or sold without the patent owner's consent.

Rights under a patent can normally be protected by bringing an action before a court which, in most systems, has the authority to terminate any infringement arising from the patent. Meanwhile, the court may declare void and challenged by a third party patents. **Patents** have a stimulatory function because they provide both individuals recognize their creativity and material reward for **inventions** that can be marketed. They encourages **innovation** through people's quality of life is improving steadily.

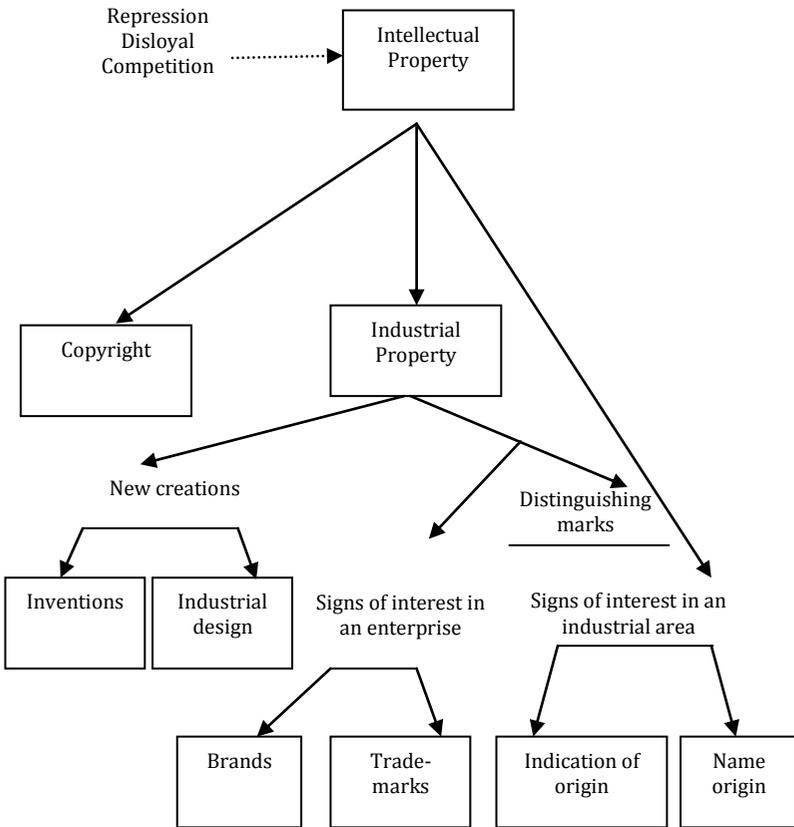


Figure 1: Components of intellectual property

Patented inventions actually invaded all aspects of daily life, from electric lighting (patents held by Edison and Swan) and plastic (Keland Bae's patent) to pens (Biro's patent) and microprocessors (Intel patents, for example).

All **the patent holders** in exchange for **patent protection** are required to disclose information about their **inventions**, in order to enrich the fund of technical knowledge around the world, this encouraging **creativity** and **innovation**. Thus, not only gives protection **patent holder invention**, but provides valuable information and is an inspiration to future generations of **researchers and inventors**.

The first step is to obtain a **patent** application for a **patent**. This invention generally contain the title and a description of a technical field to which it belongs, the request must also contain a written description of the invention clearly and sufficiently detailed so that a person with average knowledge in the field could use or reproduce the invention. Description is usually accompanied by illustrations - drawings, diagrams, or graphics - enabling a better understanding of the invention. The application contains more "*claims*" i.e. information from which it can determine the extent of protection afforded by patent.

To qualify for patent protection, an invention must meet, in general, the following conditions: you must have practical utility, to present a novelty, a new feature that is not part of existing knowledge in the technical background. This background of existing knowledge is called "*prior art*". **The invention** must involve an inventive step that is not obvious to a person with average knowledge level in the technical field concerned, ultimately, its purpose must be "patentable" under law. **In many countries, scientific theories, mathematical methods, plant or animal species, discoveries of natural substances, business methods or methods of treatment (as opposed to medical products) are excluded from patent protection.**

Patents are granted by national patent offices or regional offices serving more countries such as the European Patent Office (EPO) and the African Intellectual Property Organization (AIPO). Within these regional systems require protection for an applicant to the invention one or more countries and each country decides or not to grant such protection in its territory. Patent Cooperation Treaty (PCT) administered by WIPO, provides for a single international application that has the same effect as national applications filed in the designated countries. Submitting an application, an applicant may request protection in all signatory States wishes. After 1990, a package specifically for industrial property, Romania has an innovative

protection in this area and the means necessary to protect industrial property rights. Objectives of industrial property are protected under Romanian law: inventions, industrial designs, trademarks, trade and service.

Inventions in the field came into force:

- Law 64/91 patent;
- Regulation enforcement 64/91;
- Law 120/92 on fees for patent applications and patents.

In the field of industrial designs entered into force the law 129/1992 on the protection of industrial designs with an appendix on "*The amount and timing of payment of fees for industrial designs and foreign currency*".

- For protection of trademarks and geographical indications is Law 84/1998.
- The fundamental principle of law is that inventions, "*entitled to patent belongs to the inventor or his successor rights*" (Article 3). The law includes provisions for cases concerning employee inventor.

The law is generous in terms of subject protection, safeguarding unrestricted products, processes, methods, and also new varieties of plants, hybrids or new animal breeds, are excluded from patentability only evidence contrary to public order or morality.

A strengthening of **industrial property** rights is made by art. 35 of the Act, which ensures "*the protection of provisional patent applications published*", giving virtually the same protection rights as the patent issued.

Protection of computer programs includes **any expression of a program**, application programs and operating systems, expressed in any language, either source code or object code, preparatory design material, and "**books**", provides protection by copyright.

Patent protections - limited (European system) expected, "*computer programs themselves are not considered inventions*". "**But are patentable inventions in the field of software inventions that extending the use of a computer, a computer network or other programmable apparatus, and (...) made in whole or in part, using one or more computer programs**".

Even if used for the programs considered to be inventions, "**inventions in software**", the program itself, viewed separately, would be protected by all copyright, not patent.

Seek protection by copyright is automatic, without further formalities.

The National Register of Computer Programs required registering: natural or legal persons, who produce for sale, reproduce, distribute, sell or

rent computer programs in Romania. Registration is optional for a producer of computer software, copyright holders of these programs, if they themselves produce, distribute, sell, reproduce or rent computer programs where they hold the copyright.

Works in the National Register, the registration is done in order establishment of on trial, it is optional and counter-charge.

Obtaining patent protection by (valid only for “*software related inventions*”) involves attending a mandatory administrative procedure for obtaining a patent.

Signs in which it is produced and marketed a computer program can be registered as trademarks (eg, **Windows** is a trademark of **Microsoft Corporation**). Appearance can be protected by **DMI** - cover package under which the software market, graphical user interfaces.

The copyright owner of computer programs can be: legal - if the program is a collective work - **moral rights and economic**; natural (program author) - when the computer program is not a collective work - **moral rights** and in principle and **economic**; **employer, person or entity, the author’s economic** rights of the copyright holder if: the program was created in the performance of service or after the employer's instructions or if there is no contractual provision to the contrary. The moral rights relates to disclosure, paternity, name, integrity, and no withdrawal. **Property rights** means to authorize or prohibit: **reproduction** in whole or in part, directly or indirectly, temporarily or permanently, by any means and in any form, including a program where reproduction is determined by the installation, storage, running or execution display or transmission network; translation, adaptation, arrangement and other **alterations** made to a computer program and reproduce the result of these operations, without prejudice to the rights of the person who alters the program; **distributing** the original or copies a computer program in any shape; **imports** for domestic sale, lease; **loan**.

The material does not apply to programs of general limitations of copyright. For example, not reproduce without author’s consent, for personal use or for the normal circle of a family (so-called private copying).

As for the right to copy the file or safety: “*authorized user of a computer program may, without authorization from the copyright owner, an archival copy or safety, to the extent that it is necessary to ensure the use of program*”.

Infringement of copyright in computer programs draw, as appropriate: liability (compensation paid to copyright holders) - natural and legal person: the criminal liability (crime of piracy, unauthorized

reproduction of software, unauthorized operations with the original software) - individual and, in June 2005, and the legal person, liability minor (both copyright and other laws) - natural and legal person.

The law protects and technical measures to protect computer programs, and rights management information.

Association concept of "*globalization*" with the phrase "*information technology and communications*" entered the consciousness of our time as a binomial indestructible: abbreviation "*ICT*" demonstrates the interconnection and interdependence of a compact, which constitutes the driving force of global economy. Analysts have raised a paradox of globalization: the economy becomes universal, the actors they become smaller and more powerful. The paradox is found in reducing the size of companies (outsourcing, off shoring strategies are included in major national and international companies), and the increasing number and importance of SMEs, especially micro-enterprises. The entrepreneur has become the core of economic growth and human resources constitute the most valuable intangible asset for the enterprise. In this planetary motion from large to small companies through strategic alliances and cooperation, thus increasing dimensional. New technologies and telecommunications in particular emphasizes this process. Thus, the Internet is not connected states, but individuals, and their number is growing, the exact number of connections is not known with precision. Cooperation in virtual, took the form of interconnected computer networks, providing global coverage, providing local users, individual exchange of information by electronic mail discussion groups and forums, not only economic. Developing communication takes place parallel to miniaturization and cheaper equipment. Developments in the last decade, economic, social, political and technological developments have had a powerful impact on how intellectual property is created, protected and marketed. Internet has introduced new forms of intellectual property. Customizing the Internet users and the allocation of unique addresses, easy to remember, were made by the domain name. Unlike trade and service marks that are protected territorial domain names have comprehensive protection, but does provide a distinction between goods and services. Because global visibility of a site on the Internet and its role in commercial advertising, domain name is used in certain situations, as an instrument of unfair competition, either by acquiring well-known brands (non-proprietary) or by using name well-known brands use similar methods or computer user to take him to a particular site. Lack of clear regulations in early domain name registration, the principle of "*first come, first served*" system generated numerous

territorial conflicts between trademarks and domain name system overall. World Intellectual Property Organization and ICANN have developed, in 1999, a procedure well-known mark protection to reserve your domain name, but which is applied nationally.

Indeed, information society and new technologies have greatly expanded the area of intellectual creation, and thus required the legal approach to registration and protection of intellectual property rights in areas such as product information (database) software, Web -sites, airspace, the human genome. Internet has opened was self-determining a framework of organization and functioning democratic system based on agreed rules, making transparent character and nature of this process being monitored. The Internet allows and encourages the cooperation of the planet. Information Society has created its own legal framework, structured by international bodies. Thus, the framework for digital signature law was drafted by UNCITRAL and adopted by the UN. Within the European Union, information society issues were dealt with by Directive and transposed into national legislation.

By appropriating the *acquis communautaire* obligations, Romania adopted the package of laws for the information society: digital signature law, electronic commerce law, data protection law of private law and public service of providing information electronically, payment instruments with remote access, access to law universal service, law timestamp. This mark is defined as a set of techniques that allow anyone to find when it signed an electronic document.

Copyright legislation, dating from 1886, when he signed the Berne Convention for the Protection of Artistic and Literary Creation, has been upgraded and expanded our years, the regulations for the protection of software, the satellite transmission and retransmission by cable, database protection as a result of the emergence of new areas of intellectual creation. Legal framework in Romania was developed by transposing EU Directives (for example the Directive on Copyright in the Information Society) and by adding detailed rules and measures to combat piracy in audio, video and software to ensure property rights IP clearance operations. Also were introduced in November registers: National Register of phonograms, computer programs and register Register Videos (holographic stamps), administered by the Romanian Office for Copyright.

One of the most effective is traceability and animal products. Inserting a microchip in an animal body allows its permanent location, the program started in Romania. A similar procedure can be applied to locate products, default to track their movements in supply and distribution

chains. The system known as EPC code (Electronic Product Code) and is based on using radio waves: a small transmitter containing unique identification number is entered in the product, unique identification information is received by a scanner, without human intervention electronic product code, successor of bar code evolved, becomes a valuable tool for identifying counterfeit products.

New forms of piracy in the Internet age is the result of free access to comprehensive information, facilitated by electronic technology. New areas of intellectual creation occurs, but also new opportunities for theft and plagiarism of digital products (software, electronic games, information, music, etc.). Microsoft software, most used, and provided the main tools of piracy on the Internet by the two commands used in combination: copy and paste. Copying music and software from the Internet, their reproduction and distribution have evolved dangerous. The report BSA (Business Software Alliance), the annual rate of software piracy in Romania reached the end of 2003, the level of 73 percent and exceeded the value of illegal software use 49 million dollars. High levels of piracy were registered in all countries of Central and Eastern Europe, the European Union, the pirate 37 percent of software used, the cost of over eight billion.

New technology foundations for essential changes in IP management with beneficial effects on macroeconomic and microeconomic level. Internet and software enabling easy access to public information. Databases, patents, trademarks and other intellectual property is a rich source of information capable of facilitating economic development through technology transfer and investment. Update the procedures for registration of forms of intellectual property through online technology has positive effects on the duration and cost of operation. Existing legislative framework (digital signature, mark time), communications infrastructure, electronic payments are predisposing factors for making online registration procedure, already applicable in the domain name registration to the RNC. Business managers are becoming increasingly worried about the accumulation of patents and trademarks, which to use in development strategies through mergers or acquisitions or business transactions. Because of its value, intellectual property management is a major large companies, which have the necessary resources and create business opportunities for increasing employment and training of human resources.

If we refer only to music, the Internet makes available, worldwide, huge legacy of composers and performers of universal artistic heritage: sound art lovers have the option unlimited, to enjoy your favorite tracks at affordable prices, under the conditions of themselves.

Meanwhile, the Internet offers a “*weapon*” new for pirates to “*kill*” copyright and related rights: the unauthorized use of music. This type of intellectual property theft has grown in recent years in geometric progression. Composers, singers and performers, the music industry as a whole are the biggest victims. Sites with unauthorized musical archives on the Internet, using multiple formats, such as was-files or MP3 files, providing illegal phonogram, “*online*” any holder of a personal computer connected to Internet. The music on these sites can be copied (Downloaded) and / or heard, endlessly, without authorization and without compensation for composers, performers or producers of phonograms, who have creative or financial investment to achieve those outputs. Given the nature of the theft, loss calculated is difficult but not impossible.

Legal doctrine entitles the buyer to sell (dispose of in any way) that copying a legally purchased, but does not confer the right to distribute copies of that music by putting it to the public on a website, to be discharged and no right to send digital files to friends. In other words: if someone bought a CD may decide to sell or to offer a friend, but can provide a virtually unlimited number of copies of that CD on a site, while he retains a copy bought for him.

It is an offense to copy the entire CD, without the owners.

MP3 is a way of presenting a large number of songs in a very small space, using special compression technology, applied since 1992. Its use had a positive impact on the music industry, allowing it to increase consumer interest in music, “*on-line*”. However, the music industry has at least a concern because this technology can just as easily be used for distributing pirated copies, not only for promoting legal.

Using the Internet and optical media, digital copying undermines becoming more copyright protection. Widespread digital copying is easy and cheap, perfect copies are unlimited, but difficult to detect (invisibility, technical equipment difficult to infiltrate). Arrests do not close the distribution network. In these circumstances, organized crime is involved in the production and distribution of pirated songs. Only criminal investigations and prosecutions can dismantle criminal networks. World countries have specific legislation to strengthen this type of crime. Legislation in Hong Kong for instance, provides plants with confiscation of criminal-type activities. Law no. 285/2004 laying down technical measures of copyright protection and related. Ie, using any technology that would prevent or hinder acts that are not authorized by the holders of the rights recognized by law. A crime and is punishable by imprisonment of three to five years to achieve, for commercial purposes by any means and in any way,

pirated or pirate access control devices, and import, transit or any other way of introduction their domestic market. Also renting pirated or pirate access control devices, and offer for sale or to rent them, by public notices or by electronic means of communication, a crime and is punishable by imprisonment from six months to three years or a fine of 50 million to three hundred million lei.

By “*parallel imports*” means imports of products bearing the intellectual property rights, made without the right holder, if imported products were previously marketed by the holder or even clearly expressed his agreement. In commercial terms, the concept envisages only trade in the original, and not related to counterfeit. Commonly, parallel imports up, “*gray*” market (or gray), and trade in counterfeit goods covered “*black market*”.

In the context of market globalization and standardization of goods and services supply, multinational companies are increasingly focusing their attention on the distribution of goods and services, seeking the creation of a more strictly control the distribution chain. For manufacturing industries, there was an acute problem: the lack of rigorous control of transnational movement of goods, after putting on the market by the proprietor concerned. Interest in the phenomenon, parallel imports is huge worldwide. In Romania, this interest is stronger than elsewhere, being potentiated by specific movements in the training market. Is the period when, in November, are the foundations of stable supply relationships for major brands known, enter the Romanian market ever more great players in world trade. Training and development of new markets requires promotion and support of the trade mark cannot be achieved only in an organized distribution and largely controlled by producers. On the other hand, is left in our country and company ability to adapt to free market needs, their flexibility in finding new sources of supply to domestic market, is always looking for exporters able to offer quality products at best price. These traders continued pressure to eliminate any restrictions to parallel imports.

This trade is absolutely fair if the importer tax obligations related to trade and trade original products. The main factor directly affected, “*parallel imports*” is authorized importer, integrated distribution channels approved by the owner. He is committed to the holder, through a series of obligations relating to brand awareness and conducting trade investment to support its image at a level consistent with that of the brand they represent. Competition law to impose such limitations and standards accepted as favorable factors promoting growth and protect brand quality products and services. But merchants, “*parallel imports*” have no obligation, thus

achieving a competitive advantage by being able to offer the same products at lower prices.

Proprietor is made of, "*parallel imports*" unable to control distribution of its products to the final consumer, it will not be able to control the quality of distribution and trade, threatening the image and prestige of being affected by the quality mark their bad.

Recent theoretical developments and case defined the concept of brand, associating it not only with products and services under its image, but also with trade and services through which they reach the final consumer. Only then, will help achieve brand success its essential function, to indicate the commercial origin of products and services.

Identity mark is achieved not only in terms of products or services is applied, but also in the unit and specifically how they are marketed. To give one example: we cannot expect Mc Donald `s products are successfully resold at a street kiosk.

By purchasing products, "*parallel imports*", consumers are misled by the commercial origin of goods, with a gap between branded products and services normally associated with them. The damages are often deprived of security and service quality, materials use weaknesses in Romanian, or even their absence, inconsistency of quality products with local rules on consumer protection, product failures or inadequate sources of energy parameters providers communications.

It can be argued that the ban under the trademark law would be an excessive expansion of the monopoly conferred by it, an undue restriction of free competition, barriers to free movement of goods and services. Legislative permissiveness towards parallel imports would create competitive climate necessary to prevent the artificial increase in prices, thus resulting in direct benefit to consumers can purchase quality products at lower prices.

Positive and negative aspects of parallel imports are the foundation on which national laws have adopted a policy to encourage or restrict such trade, the solutions adopted are different from one era to another, from one state to another. Legal methods by which to promote a policy or another to parallel imports is achieved through different concept of exhaustion of trademark rights. Depending on how the meaning or the Community legislature to regulate the concept of exhaustion of rights, we distinguish between permissive systems to parallel imports (international exhaustion) and prohibitive systems (national or regional exhaustion).

Romanian legislature did not intend that, by Law 84/1998 on trademarks and geographical indications, to adopt an explicit and clear-cut

solution. Article 37 stipulates that *“a trademark holder cannot ask others to prohibit the possession, offering for sale or marketing of products bearing the mark, for products that have not been released commercially by the holder himself or with his consent”*.

The provision has sparked debate concept, *“in trade”*, which supports both interpretations: both in the sense of national exhaustion, if by *“in trade”* is considered the national market and for the purposes of international exhaustion if the international market has. As an argument for national exhaustion: the right cannot be deployed to mark its territorial nature, and thus cannot be considered exhausted trade mark only those acts which took place in territory protection. The argument for international exhaustion: Romania wanted many others, to encourage free movement of goods in a period in which economic development is much needed. We believe that the Romanian legislature intended to adopt the system of international exhaustion of trademark rights, allowing parallel imports. Principle of law: where the law makes no distinction, or those who apply are not entitled to do so.

Dimensions of Internet information (over ten million pages) are difficult to monitor the illicit use of copyright, especially since search engines compile only a part of these pages. Monitoring the use of copyright require significant resources, which not all companies have. It is even more difficult for individual creators. The solution lies in creating specialized bodies: the collective management society to watch over copyright.

The answer to this question is given the level of intellectual property culture of entrepreneurs, who need to know about key issues: intellectual property forms, the protection offered by intellectual property registration form, time and territorial area that provides protection; institutions empowered to register. With market liberalization, Romanian exporters have to register intellectual property rights in markets where it operates: the request by the patent protection in countries to be exported goods or technology by the application of an invention, registration of trademarks internationally in under treaties to which Romania joined, drawings and designs protection through registration under the national legislation of the country where registration is sought, the protection of geographical indications and designations of origin.

Ministry of Economy has initiated a funding program for recording the actions of Romanian companies on other markets. International Chamber of Commerce in Paris has included among its concerns the issue of intellectual property.

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