



**MILCEU**  
INTELLECTUAL PROPERTY  
**BURBEA**

**LAW OFFICE**

Bucharest, Romania

## Overview

Our philosophy is to avoid a rigid, departmental approach of the entrusted cases and to choose the right lawyer from different practice groups, according to their areas of expertise, in order to address the specific client requirements.

MILCEV BURBEA is a team of highly qualified attorneys, resulting from the partnership of two dynamic lawyers, with a strong work ethic and deep knowledge of the Romanian legal system and jurisprudence. We believe that our advice can and should add real value to clients. To accomplish this, we draw on our intellectual capabilities to conduct thorough research and to provide comprehensive analyses of all the legal issues our clients encounter, offering the optimal solutions, on time and efficiently.

The strategic combination of legal, practical and communication skills we offer, results in the highest quality advice, that helps our clients succeed. We believe that what distinguishes us is our approach that treats the clients' needs as our own and our relationship as a long-term partnership. This manner of work has brought us a deep knowledge of various industries, such as consumer goods, logistics, IT, telecommunications, media and entertainment and a variety of local and international clients that we are proud of.

We believe that our strategic advantage is that we are able to provide high quality and effective services in both consultancy and litigation areas.

We integrate different knowledge of our specialized attorneys based on the synergies we created between our specialized teams of practice. These teams are created in such a way as to combine the in-depth knowledge of specific issues with a general overview of the project.

What also makes the difference, in our opinion, between us and other law firms can be seen in the degree of attention we give to our clients needs and our deep understanding of their specific concerns. We treat every aspect with the utmost care, regardless of what confronts us.

Our clients often ask our advice on business and legal matters involving a wide range of issues and a multi-disciplinary approach.



- Commercial and Corporate Law
- Litigation & Arbitration /  
Dispute resolution
- Intellectual Property  
Trademarks  
Patents  
Design and Models  
Domain Names  
Copyright
- Real Estate
- Employment



Our vision is that a successful client representation involves primarily a deep and solid understanding of all the direct and adjacent involved matters.

## Commercial & Corporate Law

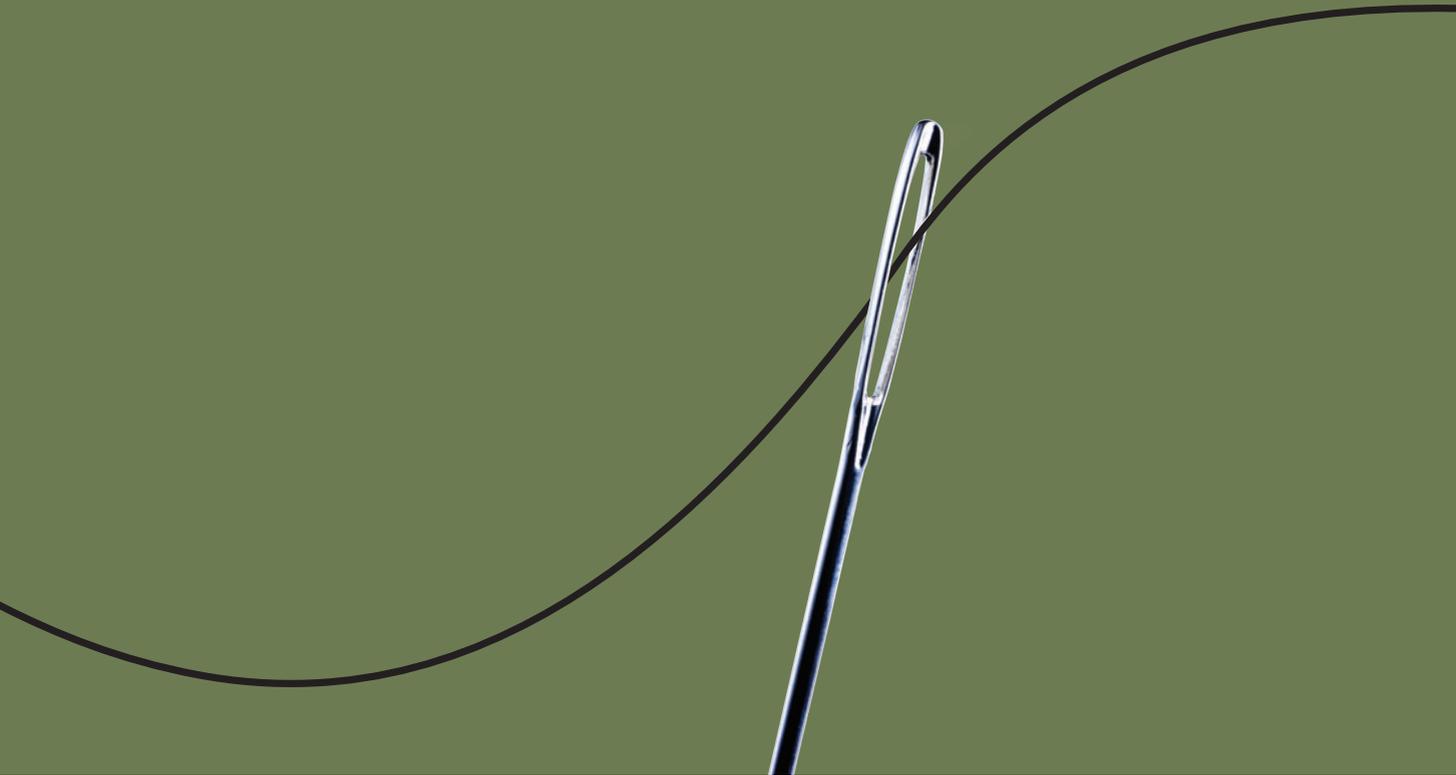
We believe that legal conflicts are not the most desirable way to preserve a business relationship and consequently we assist and advise our clients for preventing litigation. To do this we are working close to our clients in planning and executing legal situations from their daily practice. This may concern a variety of legal aspects starting with the establishment and ending with the transfer or liquidation of a company. By the close cooperation with each client we succeed to deeply understand also the social and economical collateral environment that allows us to anticipate legal traps and to react quickly and efficiently for the client legal needs.

Our team has been involved in conducting and negotiating major M&A transactions, including privatizations, having acted for companies and high-worth individuals, private equity entities or entrepreneurs selling their businesses or participations.

**We assist clients on a large spectrum of commercial and corporate matters including:**

- counseling commercial entities in their daily commercial activity;
- setting-up shop and corporate up-keep;
- advising minority or majority shareholders at shareholders meetings;
- all aspects of corporate governance and compliance;
- structuring and negotiating various commercial arrangements, including agency, licensing, distribution, and joint venture agreements;

We seek to provide the legal advice that is most suitable to the commercial and business pressure that the clients face.



## Litigation & Arbitration / Dispute resolution

Litigation represents an important practice of our firm. We regularly advise the clients about the risks they run in relation to disputes, as they can often be expensive and time consuming.

Understanding that sometimes litigation is not the most desirable way to preserve a business relationship, where more efficient, we work closely with our clients in order to realistically evaluate and identify the best strategy in preparing and conducting an alternative dispute resolution. Before engaging in litigation, we always inform the clients on the advantages and disadvantages of an open court dispute and on its estimated costs, duration and risks.

At the same time, we are fully determined to sustain and win the clients cases in any adversarial framework and, to this end, we are trying to identify and refine the best arguments to use.

Comprehensive preparation of each case is an important condition to success. Our vision is that a successful client representation involves primarily a deep and solid understanding of all the direct and adjacent involved matters. Should litigation start, we carefully prepare each of our steps, developing a real partnership with our clients until complete relief is obtained through a final and enforceable decision.

We have successfully represented clients in litigious cases for claims of commercial or civil nature, trademark, industrial design and copyright cancellations and infringements, claims on real estate property, insolvency, and as well as other relevant problematical aspects. We are fully qualified to handle cases in front of Romanian Supreme Court, the Constitutional Court, the Romanian International Commercial Arbitration Court as well as all other lower courts.

# Intellectual Property

We perform community trademark filings and registrations before the Office for the Harmonization in the Internal Market (OHIM).

We assist our clients in performing complex operations that involve sophisticated intellectual property questions and issues. We are ready to address these issues, even in the most technical environment.

We offer a full range of specialized services from the acquisition and administration of IP rights to the enforcement and defense in case of infringement. The prosecution side of our legal services is performed through our specialized IP division, registered with and authorized by Romanian Patent and Trademark Office and OHIM as an IP agency. The activity of our IP division deals with all legal matters related to : patents, trademarks, industrial designs and models, domain names, copyright.

## Trademark

**We provide a full range of trademark portfolio planning services:**

- advising and representing clients in filing trade mark applications with the Romanian Patent and Trade mark Office and WIPO;
- conducting oppositions, contestations and cancellation proceedings;
- administrating and renewing trademarks;
- coordinating foreign filings world-wide;
- performing community trademark filings and registrations before the Office for the Harmonization in the Internal Market (OHIM);
- building trademark survey mechanisms against infringers;
- advising and representing clients in all the procedures related to trademark infringement, including drafting intervention petitions for the Customs Authorities;
- assisting in counterfeiting and unfair competition actions;
- negotiating the sale and acquisition of trademarks;
- drafting and reviewing complex agreements related to trademarks, including assignment, license, franchise and distribution agreements.

MILCEV BURBEA IP & Law Office offers for its clients the survey service.



Trademark  
Survey

The survey service (for one trademark in one class) covers all the trademarks or trademark applications that are filed or protected on the Romanian territory (national registrations, international registrations and Community trademarks).

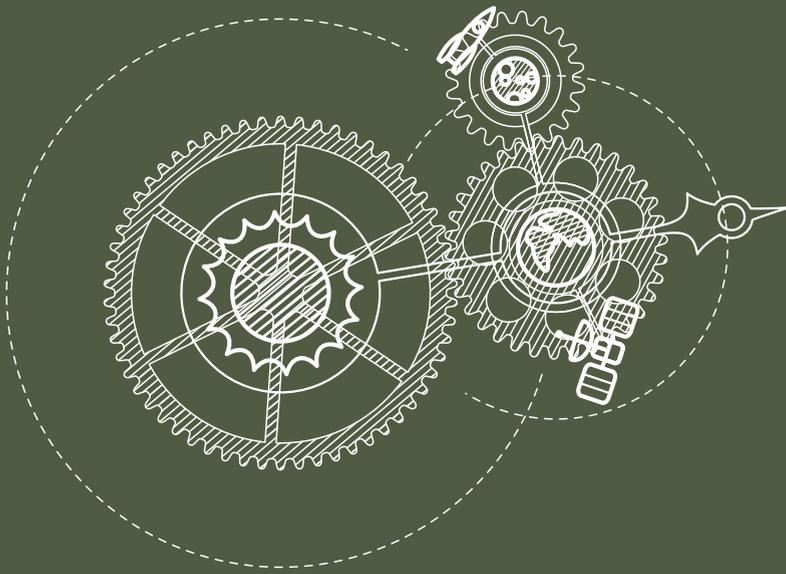
Also, upon request, we can provide information about new domain name registration (both gTLD and ccTLD) and corporate names registered with the Romanian Trade Register.

The provisions of the Romanian Trademark Law no. 84/1998 have changed recently, in order to make consistent the national legislation with the provisions of the European Parliament Directive no. 2008/95/CE dated October 22, 2008.

The new law came into force in Romania on May 9 2010 (Law no. 66/2010 amending and supplementing Law no. 84/998 regarding trademarks and geographical indications, published in the Official Gazette no. 226/09.04.2010).

Considering this very important change in the legislation, as well as the practical consequences of the implementation thereof over our clients' trademark portfolio, MILCEV BURBEA IP & Law Office has launched a reshaped trademark survey service, in order to keep them informed in a timely manner of potentially conflicting trademark applications covering Romania. It is advisable for the owners of anterior trademarks that are already registered or pending registration to ensure that no other person will register an identical or similar trademark by watching and surveillance constantly the Official Bulletin of Industrial Property, in order to be able to file an opposition within the 2 months period, if necessary.

Our expertise extends to all trademark-related commercial aspects such as labeling, packaging, consumer protection and advertising, to ensure that our clients products and services comply with the various governmental regulations.



## Patents

We offer services that cover all areas of patent protection and enforcement, extending beyond the traditional fields or combining other legal fields.

### **Our patent-related services include:**

- drafting of patent specifications and application filing in Romania and European Patents;
- conducting patent searches, portfolio administration, including renewals;
- issuing opinions on patent validity and infringement;
- representing clients in appeals, interferences, oppositions, re-examination and reissue proceedings;
- assisting our domestic and international clients in the litigation for infringement, counterfeit and nullity of patents in front of Romanian courts;
- representing clients before the Romanian Custom Authorities, the Police and other state authorities in patent infringement procedures;

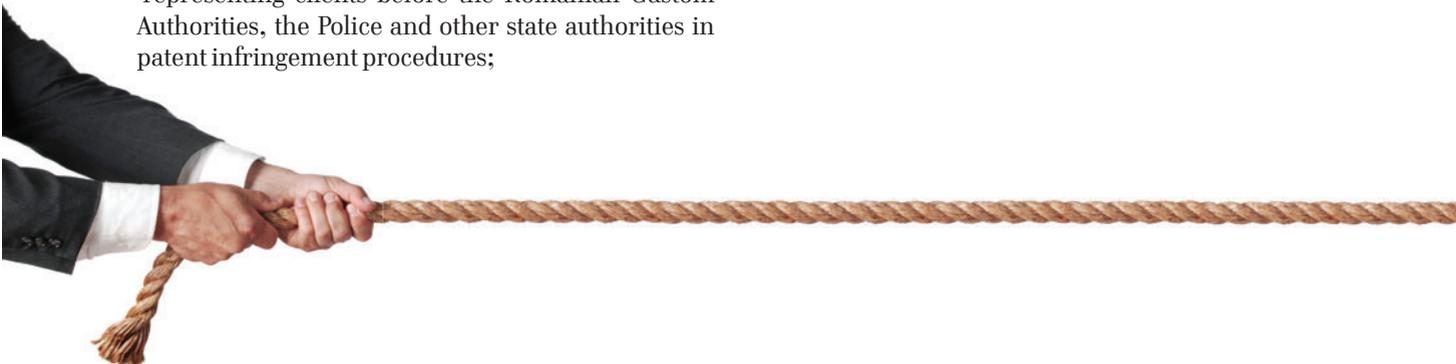
## Designs and Models

The design and models legal services we provide are complete and include assistance with both prosecution and enforcement matters.

We have assisted clients in connection with:

- the analysis of the possibility to obtain design protection;
- performance national and international searches;
- filing trademark applications with the Romanian Patent and Trade mark Office and the WIPO;
- filing oppositions, contestations and cancellation proceedings.

We also have also advised and represented clients in all the procedures related to design infringement, including drafting petitions for the intervention of the Customs Authorities, counterfeit and unfair competition actions.



We advise on all aspects related to domain names, with particular focus on litigation or arbitration proceedings regarding infringement of a trademark by a domain name, including representation in front of the WIPO Arbitration and Mediation Center, under the UDRP Rules and Policy.



## Domain Names

We advise on all aspects related to domain names, with particular focus on:

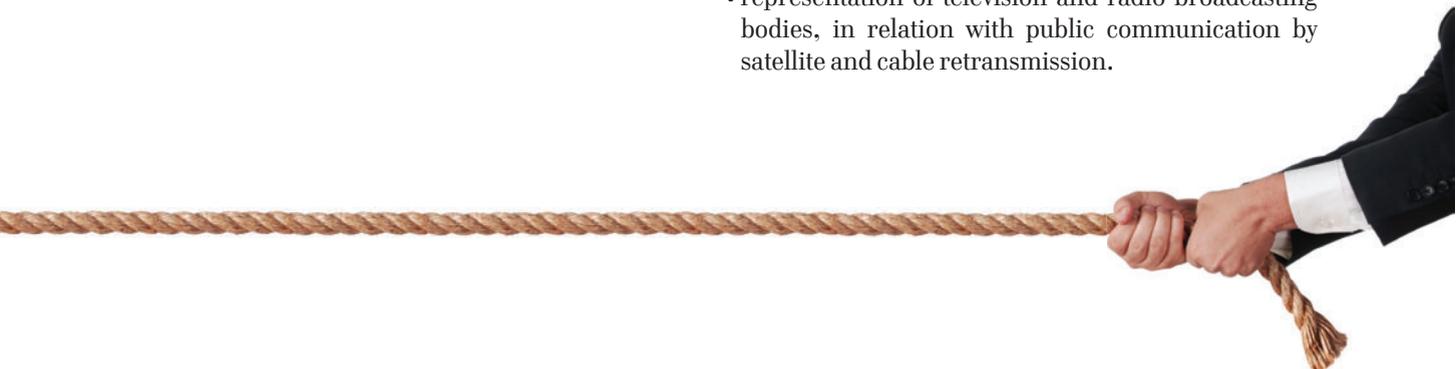
- litigation or arbitration proceedings regarding infringement of a trademark by a domain name, including representation in front of the WIPO Arbitration and Mediation Center, under the UDRP Rules and Policy;
- recovering domain names from cyber squatters;
- negotiations, sales and transfers of domain names registered by third parties;
- advising on litigation and arbitration strategies regarding any infringement of the domain name;
- managing domain names portfolios, including domain name acquisitions and renewals.

## Copyright

Our lawyers are able to handle all aspects related to copyright protection.

Recent examples of the services we provide in this area relate to:

- advising clients on any type of infringement of moral and patrimonial rights;
- representing clients in relation with counterfeiting and piracy;
- negotiation and assistance in connection with assignment, distribution, publishing, theatrical representation, musical execution, and rental agreements;
- assistance regarding the neighboring rights of the copyright, especially for cinematographic and other audiovisual works;
- assistance regarding the protection of computer software;
- representation of television and radio broadcasting bodies, in relation with public communication by satellite and cable retransmission.



# Real Estate

Over the years the legal aspects of the property ownership and investments have become increasingly complex in Romania in light of the continuous transformation of legislation and the market unprecedented development. We have assisted our clients in property cases from very early on, when the legislation allowed the return of the real estate confiscated by the communist dictatorship to former owners, up to recent years, when we have witnessed the commercial market realities taking the stage. Therefore we have a comprehensive knowledge of the real estate legislation and its evolution and a rich practical expertise in the field.

Based on our extensive background in real estate matters, we can take a real estate project from conception to completion offering the following services:

- due diligence investigation;
- assistance in gathering and reviewing public record documents;
- negotiations of sale purchase agreements;
- structuring and negotiating documentation for real estate transactions;
- general contractor agreements;
- assistance during the financing process;
- assistance with administrative proceedings and litigation based on the restitution laws or the general provisions of the Civil Code.

We can also handle litigation that may arise during project implementation or following project completion.

Thinking together with our client and understanding the dynamics that drive the real estate business means finding solutions to the various legal problems that our clients face in this highly competitive sector.

Our belief is that a complete understanding of the whole business environment and the local market knowledge are essential ingredients for the successful client representation.

# Employment

People are the most important asset of a company. We are doing our best to provide practical advice on any employment issue, in order to give our clients the best legal solutions to avoid or successfully defend employment claims.

We work closely with our clients to plan and implement employment policies that limit the potential for dispute.

We apply a professional and commercially focused approach to develop effective, client-driven solutions, fully compliant with the rigors of Romanian employment law.

Our practice covers the full range of employment matters including personnel administration, contract negotiations and representation in employment-related disputes before courts:

- legal issues regarding the conclusion, amendment and termination of individual employment contracts;
- advice in connection with and negotiation of collective bargaining agreements;
- disciplinary and pecuniary liability of the employees;
- restructuring and redundancy advice;
- advice in connection with labor readjustment and optimization;
- employment disputes;
- unfair dismissal and unfair contract claims;
- compensation packages and other benefits.

## Mrs. Iulia Burbea



**Mrs. Iulia Burbea is Partner at Milcev Burbea.**

Iulia has 11 years of experience in the field of legal services. She is well versed in the area of civil law, with a special focus on litigation matters. She has successfully advised and represented clients in many of the important court cases in recent years with respect to general commercial, competition, consumer protection, regulatory and IP matters, at all jurisdiction levels.

Iulia has acquired an impressive experience also working as an intellectual property attorney in one of the largest specialized firms in the country, where she advised clients on all aspects related to IP registration, litigation, infringement or counterfeiting, domain names, as well as on large IP transactions involving transnational companies and structuring and management of IP portfolios. She is member of the Bucharest Bar since 2003, a licensed European trademark and design attorney and member of the National Chamber of Intellectual Property Attorneys of Romania. Iulia is fluent in English.

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## Mrs. Gabriela Milcev



**Mrs. Gabriela Milcev is Partner at Milcev Burbea.**

Gabriela has 15 years of experience in the field of legal services. She was focused on the consultancy area in domains as intellectual property, commercial and civil law. She was implied successfully in solving disputes through negotiation and mediation approach. Also Gabriela represented important clients in litigations on trademark counterfeiting, damages compensation, copyright infringement, design issues, commercial debt recovery. She was also involved in arbitration disputes in front of International Arbitration Court of Romania. She is member of the Bucharest Bar since 1999 and member of the National Chamber of Intellectual Property Attorneys of Romania since 2003. She is also licensed European trademark and design attorney. Gabriela is fluent in English.

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