

**Standard Summary Project Fiche – IPA centralised programmes**  
**(Regional / Horizontal programmes ; centralised National programmes)**

**1. Basic information**

**1.1 CRIS Number: 2007/19322**

**1.2 Title: Support to the Education and Information Centre of the  
Serbian Intellectual Property Office**

**1.3 ELARG Statistical code: 03.07**

**1.4 Location: Belgrade, Serbia**

**Implementing arrangements:**

**1.5 Contracting Authority (EC)** The Contracting Authority is the European Commission, EC Delegation, on behalf of the Republic of Serbia

**1.6 Implementing Agency: N/A**

**1.7 Beneficiary (including details of project manager): Intellectual Property Office**

**Financing:**

**1.8 Overall cost:**

The overall cost of the project is EUR 2.0 Million

**1.9 EU contribution: EUR 2.0 Million**

**1.10 Final date for contracting: 3 years after the signature of the Financing Agreement**

**1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement**

**1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement**

**2. Overall Objective and Project Purpose**

**2.1 Overall Objective:**

The overall objective of the project is to assist the beneficiary country in meeting the requirements of the Stabilisation and Association process in the field of intellectual property.

**2.2 Project purpose:**

Project purpose is to increase the knowledge on intellectual property, its requirements and protection, in compliance with the needs of the stakeholders such as the Intellectual Property Office, courts, police, trade inspectorates, universities and economic operators; this will be accompanied by setting up of a system which would unite the available relevant information in the field and dissemination of information on the importance of intellectual property.

**2.3 Link with AP/NPAA / EP/ SAA**

**Reference to the European Partnership 2006:** the project addresses EP priorities to “further strengthen the protection of intellectual property rights by adopting the remaining laws and by-laws. Ensure penal provisions and strengthen implementation and enforcement capacity in this field”.

**Reference to the Progress Report 2006:** “Further legislative improvements have been achieved with the adoption in May 2006, of the Law on Implementation of Regulations governing protection of intellectual property rights. The Law strengthens enforcement powers

of the inspection services and introduces strong penalties for violators. With a few laws, especially the Law on Optical Discs still pending, Serbia has to a large extent approximated its legislation to that of the EU.

Piracy and counterfeiting remain widespread in Serbia and implementation and enforcement mechanisms require strengthening. The expertise and capacity of trade and market inspectorates, as well as law enforcement agencies (tax and financial police, customs) to deal with IPR infringements needs to be reinforced and coordination between all agencies needs to be improved. Moreover, the current status of the Intellectual Property Office and the budgetary restrictions it faces continue to hamper recruitment, training and retention of staff, thus undermining its ability to fulfil its statutory mandate.

A clearer division of competencies and better cooperation between customs, police, right holders, market and tax inspectorates, public prosecutors and the IPR office is essential for effective protection of IPRs.

Cooperation between the Serbian custom authorities with neighbouring countries is important to further raise efficiency in the fight against piracy and counterfeiting. With regard to technical constraints regarding the stocking and destruction of seized goods, only a partial solution for the recycling of CDs/DVDs could be found in Serbia, but further efforts to solving these problems should be undertaken.

Serbia's preparations in the area of intellectual property rights are relatively advanced to meet the requirements of the SAA.”

## **2.4 Link with MIPD**

As one of its main priorities and objectives, the MIPD states that it is necessary to: “support the development and implementation of sectoral strategies and policies compatible with EC internal market legislation and best practices in areas such as standardisation, accreditation, metrology and conformity assessment; veterinary, phytosanitary and sanitary standards; consumer protection; financial services; public procurement; **protection of intellectual property rights**; data protection, market regulation, etc.”. (section 2.2.3.1, page 22)

## **2.5 Link with National Development Plan (where applicable) N/A**

## **2.6 Link with national/ sectoral investment plans(where applicable)**

Medium-term priorities of the **Plan for Implementation of the European Partnership Priorities** include strengthening of the business environment with the aim to promote development of the private sector and equal conditions for market competition.

**National EUI Strategy** includes, as one of the priorities, increased responsibility of all administrative structures in order to secure efficient implementation of intellectual property regulations, through training and awareness raising. The goals of the National EUI Strategy include: raising competition capacity of the Serbian industry, employment growth, creation of a national innovative system which unites education, sciences and research development and increasing efficiency in protection of intellectual property rights through the education of police, customs and inspection services, judicial bodies and the staff in the republic institutions in charge of procedures for protection of intellectual property and consumers.

### **3. Description of project**

#### **3.1 Background and justification:**

Intellectual property is an essential element for the development of a modern and competitive industry and development of the society as a whole. A coherent system of intellectual property will stimulate both local SMEs and foreign investors who are unquestionably more attracted to invest into a market where legal security for IP rights is strengthened.

After the break-up of the State Union, responsibility for the system of intellectual property protection has been transferred to the Government of the Republic of Serbia. In compliance with the strict international norms, the regime of protection must be unified on the territory of the internationally recognised state, thus it must be under the competences of one administrative body. The new Law on Ministries adopted in May 2007 implicitly stipulates that the Intellectual Property Office should be the central institution which would coordinate the work of other institutions in charge of intellectual property protection (courts, prosecutor's office, customs, trade inspectorate, etc.). The law explicitly stipulates that the Intellectual Property Office would be responsible for the overall development of IP rights protection in Serbia as well as related education and information activities in this field. Its work would, among other things, include offering appropriate data and provision of expert trainings, as well as centralising and disseminating all available information concerning intellectual property protection to all interested parties.

Bearing in mind its limited resources, the Office is currently only able to deal with administrative activities related the granting of intellectual property rights. Therefore, the Office is not able, at the moment, to carry out new tasks granted by the Law on Ministries. At the same time, a number of bodies in charge of intellectual property rights protection cannot competently perform their obligations because they lack specific knowledge in this field.

In the framework of its previous activities, the Office managed to provide specialised knowledge for harmonisation of domestic regulations with EU standards and practices as well as with international conventions. However, in spite of the satisfactory harmonisation of legal framework, the capacity of competent institutions to ensure adequate application and enforcement of this legal framework needs to be strengthened. In addition, due to constant changes in the *acquis* in this field, the process of harmonisation of national legislation is ongoing. In this respect, one of the obligations of the Government is to adopt, as soon as possible, the National Strategy of intellectual property protection. The Intellectual Property Office shall play significant role in the design of this Strategy.

The Office also has a decisive role in raising awareness on the importance of an effective protection of intellectual property and its impact on social development. One of the reasons for low level of innovative industrial activities in Serbia is the insufficient information concerning the development of IP rights and their commercialisation. There is only a limited number of individual cooperation between individual structures of state administration, scientific research and development institutions and economic operators.

Having this in mind, the project will strengthen institutional and technical capacities of the Intellectual Property Office by creating the Education & Information Centre. The Centre will develop an efficient system of training directed to raising awareness of various IP rights stakeholders experts (judges, police and customs officers; trade inspectors, small and medium

enterprises, institutes, students, associations of enterprisers, media, etc.) on the importance of intellectual property protection. The Center will also be a reference focal point to provide and disseminate information on most aspects of intellectual property protection.

Education & Information Centre shall also provide general public with permanent education on social importance of intellectual property and development of innovative activities.

Raising awareness of the importance of intellectual property protection and giving information from the description of the activities of the Centre shall be obtained by means of organising trainings and lectures (seminars, round tables, workshops, etc.); advancing cooperation with all interested parties, preparation, translation, printing and distribution of publications edited by the Office, international and regional organisations, as well as cooperation with the regional centres of the Chamber of Commerce of Serbia, scientific institutes, faculties, etc.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

The project is designed to increase knowledge of the key stakeholders concerning granting, use and protection of intellectual property rights. This will be performed through training activities, dissemination and exchange of information and awareness raising campaign/-s.

The stakeholders include administrative bodies (such as customs, trade inspectorates, ministries) which in the course of their daily work deal with intellectual property rights and which will gain specific knowledge useful for identification and management of infringement cases; economic operators which will benefit from commercial advantages of using the services of the Institute to obtain all related information; scientific and research development institutions which will be more aware of benefits of the existing system of legal protection of innovations; higher education bodies which will gain knowledge on intellectual property rights and work of the Office); courts and general public (for provision of information on the essence and purpose of intellectual property rights and its importance for public security).

The project will therefore contribute to an improved legal security concerning IP rights and by doing so stimulate innovation and economic development.

### **3.3 Results and measurable indicators:**

The project will include two main components:

Component 1: Setting up of the Education and Information Centre

Component 2: Training of IP stakeholders

#### **Expected results and measurable indicators for component 1 (Setting up of the Education and Information Centre):**

Expected results include:

- Education & Information Centre is formed at the Intellectual Property Office;
- The Centre is adequately equipped to perform its activities;

- The Centre is adequately staffed with trained personnel able to provide broad spectrum of educational and informative services concerning intellectual property rights;
- Regular exchange of information is established between the stakeholders including enforcement bodies and the Centre in the field of intellectual property.

Measurable indicators for reviewing progress include:

- Official decision concerning setting up of the Center and its staffing
- Full list of equipment is tendered, delivered and functional
- Number of training sessions
- Number of participants in trainings
- Number of information requests received and answered
- Statistical information available from law enforcement bodies

**Expected results and measurable indicators for component 2  
(Training of IP stakeholders):**

Expected results include:

- Improved skills of courts, police, trade inspectorates, customs staff as well as economic operators, universities and research development organisations in the field of granting, managing and protection of IP rights;
- A system for follow up of the needs of stakeholders is set up.

Measurable indicators for reviewing progress include:

- Number of training/workshop sessions
- Number of staff trained
- Number of training feedback questionnaires sent by stakeholders

**3.4 Activities:**

**Activities foreseen for component 1 (Setting up of the Education and Information Centre)**

- 1) Drafting technical specifications for equipment (i.e. hardware, video and audio equipment, screens, furniture, possibly at least one vehicle, etc.) and follow up of the tendering process up to the installation in the premises of the Education & Information Centre;
- 2) Carrying out a training needs analysis for the staff's Centre;
- 3) Designing the training curriculum for the staff's Centre;
- 4) Carrying out the trainings of the staff's Centre;
- 5) Organising conferences/workshops/seminars to promote the importance of IP protection and management, as well as specific aspects of IP intended for targeted audiences and the general public;
- 6) Support IPO in development of National Strategy of development of intellectual property system in Republic Serbia and producing and distributing publications which contain information about intellectual property rights, procedures for their protection and possibilities and ways of their commercial exploitation;
- 7) Connecting the Centre with other government bodies which are included in enforcement of regulations; scientific research and development institutions, chambers of commerce, institutions of education, economic subjects and courts.

### **Activities foreseen for component 2 (Training of IP stakeholders)**

- 1) Carrying out training needs analysis among stakeholders
- 2) Designing training curricula for different stakeholders
- 3) Carrying out the trainings of the stakeholders
- 4) Regularly updating training needs of the stakeholders

It is expected that the project will be implemented through a grant to the European Patent Office.

### **3.5 Conditionality and sequencing:**

- The Intellectual Property Office must be supported by the Government in order to be able to carry out all duties as stipulated in the new Law on Ministries
- The Government must ensure that the office is adequately staffed and resourced and that the financing of the Institution is addressed and resolved
- Cooperation between the key stakeholders (courts, frontier services, trade inspectors...) on the issue of legal security in the field of intellectual property must be ensured and fostered
- Organisation, selection and (gender balanced) appointment of members of working groups, training sessions, seminars and study visits by the beneficiaries as per project work plan
- Willingness of other stakeholders such as government bodies included in enforcement of regulations; scientific research and development institutions, chambers of commerce, institutions of education, economic subjects and courts to work with the intellectual Property Office on IP related issues

### **3.6 Linked activities**

In September 2003 the implementation of CARDS 2002 Regional Programme began, enabling various projects in the field of intellectual property, financed by the EU, to be realised to the benefit of Serbia and Montenegro as well as other countries in the region. In September 2005, the CARDS 2004 project “Assistance to the Intellectual Property Office of Serbia” helped the Office to streamline the granting of patents in line with EU standards; equipment was also provided in order to digitalize the Office’s archives. Both these programs contributed to the reorganisation and improvement of the Office capacities and infrastructure. Also, with close cooperation of the European Patent Office, additional trainings of the employees with the work method and regulations applied by the EPO were provided.

In 2005, in cooperation with the WIPO, the Office organised a seminar on “Successful Licensing of Technology” and a series of seminars aimed to advance the expertise of judges in the area of trademark similarity.

This project is particularly connected with the following:

- Current project of the National Innovation Strategy, aiming to supplement the already existing strategies and unify already existing short term measures for increasing innovations in Serbia and, by doing so, increasing competitiveness of companies. The strategy takes into consideration international experience which shows that for innovative companies it is not enough to obtain support from the government or the private sector, but that the other parts of the “innovation system”, in particular

education and training, must function efficiently, so that the innovative system could be really advanced.

- WIPO University Initiative, university initiative which the World Organization for Intellectual Property started in order to raise awareness of intellectual property issues to the University level;
- Action Plan for encouragement of development of small and medium enterprises of the Ministry of Industry, where one of the priority fields is “elevating level of knowledge and capacity in the sector of small and medium enterprises”.
- Active policy of employment conducted by the National Employment Service, by means of using information – education centre for instigating the entrepreneurship work, and therefore increase in employment.

### 3.7 Lessons learned

Experience acquired so far shows that the level of public awareness on the usefulness of protection of intellectual property rights is not satisfactory. The potential holders of intellectual property rights are often not acquainted with the basic ideas and elements of the system for protection of intellectual property rights.

Examination of the innovation system (Innovation Audit), conducted in May 2006 by EU consultants showed that the percentage of patent applications and granted patents is very low in comparison to other countries. Therefore, in order to increase successful innovation activities, it is necessary to secure a broad range of supporting services. (“Innovation Audit briefing paper”, May 2006). On the other hand, experiences acquired so far by the Intellectual Property Office in the organisation of various forms of training showed that the interest of potential users of services of the Education – Information Centre is significant, and the knowledge obtained very useful for participants.

With reference to all above mentioned and in compliance with the National Innovation strategy, there is an obvious need for informing the public about the system of intellectual property rights, training of staff in charge of enforcement of intellectual property regulations as well as enabling efficient administrative cooperation between various services, including customs and inspections.

### 4. Indicative Budget (amounts in million €)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1	2		100	2								
contract 1.1	2 Million		100	2								
contract 1.2												
Activity 2												
contract 2.1												
contract 2.2												
<b>TOTAL</b>	<b>2 Million</b>		<b>100</b>	<b>2</b>								

\* expressed in % of the Total Cost

## 5. Indicative Implementation Schedule

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T+1Q	T+3Q	T+8Q
Contract 1.2			

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA

## 6. Cross cutting issues (where applicable)

Development Policy Joint Statement by the Council and the European Commission of 10 November 2000 establishes that a number of Cross-cutting Issues shall be mainstreamed into EC development co-operation and assistance.

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs.

Cross-cutting issues will be addressed in a proactive manner, and will present a specific component of projects (at all levels of projects' development, starting from the project identification stage). Synergies between the projects and the objectives of will be identified and developed. Also, the projects' objectives and activities need to be screened in order to ensure they won't impact negatively on gender equality, minorities' inclusion and environment.

Finally, the beneficiary will make sure its objectives, policies and interventions have a positive impact on and are in line with the main principles of gender equality, minorities' inclusion and environment.

### 6.1 Equal Opportunity

In particular, curricula and delivery mechanism (place and time schedule) of training programmes in this project should be thought of so as to favour and encourage women's participation.

### 6.2 Environment

N/A

### 6.3 Minorities

N/A



## ANNEX I: Logical Framework Matrix

<b>LOGFRAME PLANNING MATRIX FOR Project Fiche</b>	Programme name and number <b>Support to the Education and Information Centre of the Serbian Intellectual Property Office</b>	
	Contracting period expires 5 years after the signature of the Financing Agreement	Disbursement period: expires 6 years after the signature of the Financing Agreement
	Total budget : 2 Million Euro	IPA budget: 2 Million Euro

Overall objective	Objectively verifiable indicators	Sources of verification	Assumptions
The overall objective of this contract is to assist the beneficiary country in meeting the requirements of the Stabilisation and Association process in the field of Intellectual Property	Conclusion of SA Agreement	Commission Progress reports	
Project Purpose	Objectively verifiable indicators	Sources of verification	Assumptions
Project purpose is to increase the knowledge on intellectual property, its requirements and protection, in compliance with the needs of the Stakeholders such as the Intellectual Property Office, courts, police, trade inspectorates, universities and economic operators; this will be accompanied by the setting up of a system which would unite the available relevant information in the field and the dissemination of information on the importance of intellectual property.	- Number of staff trained - IP Statistical data available at the Center - Number of information dissemination activities	-Project documents -Center's statistical data	
Results	Objectively verifiable indicators	Sources of verification	Assumptions
<u>Component 1</u> - Education & Information Centre is formed at the Intellectual Property Office. - The Centre is adequately equipped to perform its activities. - The Centre is adequately staffed with trained personal able to provide broad specter of educational and informative services concerning intellectual property rights. - A regular exchange of information is established between the Stakeholders including enforcement bodies and the Centre in the field of intellectual property.  <u>Component 2</u> - Improved skills of courts, police, trade inspectorates, customs staff as well as economic operators and universities and research development organisations in the field of granting, managing and protecting IP rights. -A system for the follow up of the needs of the Stakeholders is set up.	- Official decision is taken concerning the setting up of the Center and its staffing - Full list of equipment is designed, tendered, delivered and functional - Number of training sessions - Number of participants in trainings - Number of information requests received and answered -Statistical information available from law enforcement bodies - Number of training feed back questionnaire sent back by stakeholders		-Continued government support to the SAA process  - Continued availability of staff to participate in training  - cooperation between the stakeholders (courts, frontier services, trade inspectors...) on the issue of legal security in the field of intellectual property
Activities	Means	Costs	
<u>Component 1</u>  - To draft technical specifications for the equipment (such as hardware, audio equipment, screens, furnitures, vehicle(s)) and follow up the tendering process until installation in the premises of the Education & Information Centre - To carry out a training needs analysis for the staff's Centre	Grant contract to be signed with t the European Patent Office	Maximum €2.0  <u>Component 1</u> €1.3	As above

<ul style="list-style-type: none"> <li>- To design training curriculum for the staff's Centre</li> <li>- To carry out the trainings of the staff's Center</li> <li>- To organise conferences/workshops/seminars to promote the importance of IP protection as well as specific aspects of IP towards targeted audiences and the general public</li> <li>- Support IPO in development of National Strategy of development of intellectual property system in Republic Serbia and producing and distributing publications which contain information about intellectual property rights, procedures for their protection and possibilities and ways of their commercial exploitation;</li> <li>- To connect the Center with other government bodies which are in various ways included in the enforcement of regulations, scientific research and development institutions, chambers of commerce, institutions of education, economic subjects and courts.</li> </ul> <p><u>Component 2</u></p> <ul style="list-style-type: none"> <li>- To carry out training needs analysis among stakeholders</li> <li>- To design training curriculum for stakeholders</li> <li>- To carry out the trainings of the stakeholders</li> <li>- To regularly update the training needs of Stakeholders</li> </ul>		<p><u>Component 2</u> €0.7</p>	
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**Pre conditions:**

Support from the Serbian government to the new role of the Intellectual Property Office, as stipulated in the adopted new Law on Ministries.

**ANNEX II: amounts (in M€) Contracted and disbursed by quarter for the project**

<b>Contracted</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q5</b>	<b>Q6</b>	<b>Q7</b>	<b>Q8</b>	<b>Q9</b>	<b>Q10</b>	<b>Q11</b>
Contract 1.1		2.0									
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
<b>Cumulated</b>		<b>2.0</b>									
<b>Disbursed</b>											
Contract 1.1		1,600,000						400,000			
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
<b>Cumulated</b>		<b>1,600,000</b>						<b>2,000,000</b>			

## **ANNEX III**

### **Description of Institutional Framework**

The Intellectual Property Office is in charge of implementation and monitoring of this project. The work, mandate and authorisations of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07) – i.e. Article 39.

## **ANNEX IV Reference to laws, regulations and strategic documents**

### **ANNEX IV.1 Reference list of relevant laws and regulations**

#### **International conventions**

The Republic of Serbia has ratified the following conventions and agreements in the field of intellectual property:

- Convention on Establishing of the World Intellectual Property Organization (1967) (member since October 1, 1973)
- Paris Convention for the Protection of Industrial Property (1883) (member since 1883)
- Berne Convention for the Protection of Literary and Artistic Works (1886) (member since June 17, 1930)
- Madrid Agreement Concerning the International Registration of Marks (1891) (member since February 26, 1921)
- Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (member since February 19, 1997)
- Patent Cooperation Treaty (1970) (member since February 1, 1997)
- Hague Agreement Concerning the International Deposit of Industrial Designs (1925) (member since December 30, 1993)
- Universal Copyright Convention (1952) (member since 1966)
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957) (member since August 30, 1966)
- Locarno Agreement Establishing an International Classification for Industrial Designs (1968) (member since October 16, 1973)
- Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite (1974) (member since August 25, 1979)
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977) (member since February 25, 1994)
- Trademark Law Treaty (1994) (member since September 15, 1998)
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958) (member since June 1, 1999)
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891) (member since May 18, 2000)

- Nairobi Treaty on the Protection of the Olympic Symbol (1981) (member since March 18, 2000)
- Treaty on Intellectual Property in Respect of Integrated Circuits (1989) (signed, not ratified)
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (member since December 20, 2002)
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (member since December 20, 2002)
- WIPO Copyright Treaty (member since December 20, 2002)
- WIPO Performances and Phonograms Treaty (member since December 20, 2002)
- Agreement between the Federal Government of the Federal Republic of Yugoslavia and the European Patent Organization on Cooperation in the Field of Patents (Cooperation and Extension Agreement)

### **Most important national laws relating to the IP**

1. Law on Copyright and Related Rights (SCG OG No. 61/2004)
2. Law on Patent (SCG OG No. 32/04, 35/2004)
3. Law on Trademark (SCG OG No. 61/2004)
4. Law on Legal Protection of Designs (SCG OG No. 61/2004)
5. Law on Indications of Geographical Origin (SCG OG No. 27/2006)
6. Law on Protection of Topographies of Integrated Circuits (SCG OG No. 61/2004)
7. Law on Ministries (RS OG No.43/2007)
8. Law on Federal Administration Taxes (FRY OG No. 81/94, 85/94, 61/95, 63/96, 29&97, 12/98, 59/98, 17/99, 44/99, 74/99, 73/2000, 21/01, 71/01)
9. Law on Protection of the Agricultural and Forest Plants Varieties (FRY OG No. 28/2000)
10. Penal Code (OG SRS No. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 42/89, 16/90 and 21/90,26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/910/02, 11/02, 80/02, 39/03, 67/038)
11. The Law on Marketing of Plant Protection Agents (FRY OG No. 24/98, 26/98)
12. The Law on Medicines and Medical Devices (RS OG No. 84/04)
13. Law on Cinematography of the Republic of Serbia (OG SRS No. 46/91, 53/93, 56/93, 67/93 and 47/94,48/94)
14. Law on Civil Procedure (RS OG No. 125/04)
15. Law on General Administrative Procedure (FRY OG No. 33/97, 31/01)
16. Law on Enforcement Procedure (RS OG No. 25/04)
17. Law on Administrative Disputes (FRY OG No. 46/96)
18. Law on Contracts and Torts (SFRY OG No. 29/78, 39/85 and FRY OG No. 31/93)
19. Law on Customs (RS OG No. 73/03)
20. Law on Special Powers of the Government Bodies on the Enforcement of IP Rights (IP Enforcement Law) (RS OG No.46/2006)

## **Decrees and Regulations**

1. Decree on Entry in the Register of Representatives kept by the Federal Office for Intellectual Property (FRY OG No. 39/95)
2. Regulation on the Manner of Taking Special Licensing Examination for the Persons Acting as Representatives in the Procedure for the Protection of Inventions, Trade Marks, Models, Samples and Marks of Geographic Origin (FRY OG No. 48/95)

## **Reference to AP/NPAA/EP/SAA**

**Reference to the European Partnership 2006:** the project addresses EP priorities to “Further strengthen the protection of intellectual property rights by adopting the remaining laws and by-laws. Ensure penal provisions and strengthen implementation and enforcement capacity in this field”.

**Reference to the Progress Report 2006:** “Further legislative improvements have been achieved with the adoption in May 2006, of the Law on Implementation of Regulations governing protection of intellectual property rights. The Law strengthens enforcement powers of the inspection services and introduces strong penalties for violators. With a few laws, especially the Law on Optical Discs still pending, Serbia has to a large extent approximated its legislation to that of the EU.

Piracy and counterfeiting remain widespread in Serbia and implementation and enforcement mechanisms require strengthening. The expertise and capacity of trade and market inspectorates, as well as law enforcement agencies (tax and financial police, customs) to deal with IPR infringements needs to be reinforced and coordination between all agencies needs to be improved. Moreover, the current status of the Intellectual Property Office and the budgetary restrictions it faces continue to hamper recruitment, training and retention of staff, thus undermining its ability to fulfil its statutory mandate.

A clearer division of competencies and better cooperation between customs, police, right holders, market and tax inspectorates, public prosecutors and the IPR office is essential for effective protection of IPRs.

Cooperation between the Serbian custom authorities with neighbouring countries is important to further raise efficiency in the fight against piracy and counterfeiting. With regard to technical constraints regarding the stocking and destruction of seized goods, only a partial solution for the recycling of CDs/DVDs could be found in Serbia, but further efforts to solving these problems should be undertaken.

Serbia's preparations in the area of intellectual property rights are relatively advanced to meet the requirements of the SAA.”

## **Reference to MIPD**

As one of its main priorities and objectives, the MIPD states that it is necessary to: “support the development and implementation of sectoral strategies and policies compatible with EC internal market legislation and best practices in areas such as standardisation, accreditation, metrology and conformity assessment; veterinary, phytosanitary and sanitary standards;

consumer protection; financial services; public procurement; **protection of intellectual property rights**; data protection, market regulation, etc.”. (Section 2.2.3.1, page 22)

#### **Reference to National Development Plan N/A**

#### **Reference to national / sectoral investment plans**

Medium-term priorities of the **Plan for Implementation of the European Partnership Priorities** include strengthening of the business environment with the aim to promote development of the private sector and equal conditions for market competition.

**National EUI Strategy** includes, as one of the priorities, increased responsibility of all administrative structures in order to secure efficient implementation of intellectual property regulations, through training and awareness raising. The goals of the National EUI Strategy include: raising competition capacity of the Serbian industry, employment growth, creation of a national innovative system which unites education, sciences and research development and increasing efficiency in protection of intellectual property rights through the education of police, customs and inspection services, judicial bodies and the staff in the republic institutions in charge of procedures for protection of intellectual property and consumers.

#### **Annex V**

##### **Details per EU funded contract:**

The project envisages one grant contract of 36 months with the European Patent Office. The grant will also include purchase of equipment.

#### **Activities foreseen for component 1 (Setting up of the Education and Information Centre)**

- 8) Drafting technical specifications for equipment (i.e. hardware, video and audio equipment, screens, furniture, possibly at least one vehicle, etc.) and follow up of the tendering process up to the installation in the premises of the Education & Information Centre;
- 9) Carrying out a training needs analysis for the staff's Centre;
- 10) Designing the training curriculum for the staff's Centre;
- 11) Carrying out the trainings of the staff's Centre;
- 12) Organising conferences/workshops/seminars to promote the importance of IP protection and management, as well as specific aspects of IP intended for targeted audiences and the general public;
- 13) Support IPO in development of National Strategy of development of intellectual property system in Republic Serbia and producing and distributing publications which contain information about intellectual property rights, procedures for their protection and possibilities and ways of their commercial exploitation;
- 14) Connecting the Centre with other government bodies which are included in enforcement of regulations; scientific research and development institutions, chambers of commerce, institutions of education, economic subjects and courts.

#### **Activities foreseen for component 2 (Training of IP stakeholders)**

- 4) Carrying out training needs analysis among stakeholders
- 5) Designing training curricula for different stakeholders
- 6) Carrying out the trainings of the stakeholders
- 4) Regularly updating training needs of the stakeholders