

Intellectual Property Rights Factsheet

Author:
Eleonora Carnasa*
Editor:
Sabina Nikolova*

*Bulgarian Chamber of Commerce and Industry, 9 Iskar str. Sofia 1058, Bulgaria

DISCLAIMER

This document does not represent the point of view of the European Commission. The interpretations and opinions contained in it are solely those of the authors.

DEFINITIONS AND ABBREVIATIONS

CTM – Community Trade Mark

IP – Intellectual property

IPR – Intellectual property rights

OHIM - Office of Harmonization for the Internal Market

SME – Small and medium-sized enterprise

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EXECUTIVE SUMMARY

This factsheet is dedicated to a basic introduction to Intellectual property Rights and comprehensive assessment of the quality of the IPR-related law in Europe.

The study presents the history of IPR, latest development and future measures planned by the European Commission.

In addition, the paper is filled by each participating country in PROCEED project (e.g. Bulgaria, Croatia, Denmark, Greece, Italy, Latvia, Lithuania, Macedonia, Poland, Romania, Serbia, and Slovenia).

INTRODUCTION

Intellectual Property Rights

IPRs refer to rights which bestow upon their owners the right to exclude other parties from the use of a particular intangible asset. IP rights include patents, copyrights, trademarks, trade secrets, industrial designs, databases and other types of rights. Particular laws delineate the exclusive rights bestowed upon the IPR owner. For example, the owner of a copyright may prevent other parties from copying a creative work such as a book or a photograph. The owner of a patent right may exclude other parties from using an invention that is described in the patent.

IP is all around us

IP is all around us. Every product or service that we use in our daily lives is the result of a long chain of big or small innovation, such as new designs, or improvements that make a product look or function better. We can easily find IP in almost every product like a ballpoint pen or a MP3 player.

The Role of Intellectual Property in the Knowledge Economy

With its Lisbon Agenda, the European Union has developed a future vision of a region focusing on learning and innovation in order to maintain high levels of productivity and wealth. To achieve these objectives, EU policies will need to foster innovation and encourage investments in new and more efficient products, processes and organizational routines. Intellectual property plays an important role in this vision, and in several areas, the EU has embarked on a course meant to strengthen rights that support innovation. But in the public, this course of action has met controversial reactions. From an economics perspective, some aspects of the past development give reason to call for a more cautious and balanced policy approach. This essay outlines a few areas in which controversies have been particularly strong, and where prudent policies are needed most urgently.

As tangible assets are losing their capacity of generating above-normal returns and as low-cost labor production is becoming widely available across the globe, many corporations are turning to intangible assets as a source of reliable competitive advantages. These assets include the quality of the workforce, innovative products and processes as well as new ways of organizing business activities and processes. IPRs refer to those intangible assets that are legally secured through some right which entitles the owner to exclusive use of the protected matter. The frequent use of the term "intellectual property" is relatively recent, although particular IPRs such as copyright and patent protection dates back several centuries.

How Does IP Affects SME's Business?

Regardless of what product an enterprise makes or what service it provides, it is likely that it is regularly using and creating a great deal of intellectual property. This being the case, you should systematically consider the steps required for protecting, managing and enforcing it, so as to get the best possible commercial results from its ownership. If you are using intellectual property that belongs to others, then you should consider buying it or acquiring the rights to use it by taking a license in order to avoid a dispute and consequent expensive litigation.

Almost every SME has a trade name or one or more trademarks and should consider protecting them. Most SMEs will have valuable confidential business information, from customers' lists to sales tactics that they may wish to protect. A large number would have developed creative original designs. Many would have produced, or assisted in the publication, dissemination or retailing of a copyrighted work. Some may have invented or improved a product or service.

In all such cases, your SME should consider how best to use the IP system to its own benefit. Remember that IP may assist your SME in almost every aspect of your business development and competitive strategy: from product development to product design, from service delivery to marketing, and from raising financial resources to exporting or expanding your business abroad through licensing or franchising.

IP CATEGORIES

IP categories

Intellectual property is divided into two categories: [industrial property](#), which includes inventions (patents), trademarks, industrial design, and geographical indications of source; and [copyright](#), which includes literary and artistic works such as novels, films, musical works, paintings, photographs, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs

Patents

Patents protect new inventions. They can cover how things work, what they do, what they are made of, and how they are made. It gives the owner, for a limited period of time, the right to prevent others from making, using or selling the invention without permission, and provides the incentive for investing in innovation.

Cutting-edge patented technology from Europe:



Trademarks

A trademark is typically a name, word, phrase, logo, symbol, design, image or a combination of these elements that are used by business or people to make clear that the products and services they offer originate from a unique source. They allow for distinguishing their offerings from competitors.

Some of Europe's most valuable brands:



Industrial design

Combination of applied art and applied science, whereby the aesthetics, ergonomics and usability of products may be improved for marketability and production. The role of an industrial designer is to create and execute design solutions towards problems of form, usability, physical ergonomics, marketing, brand development and sales

Geographical Indications

They are forms of identification which identify a product as originating in a region or locality in a particular country. For a GI product, its reputation for quality or authenticity is intimately linked to its geographical origin.

World recognized European products

Roquefort cheese



Parma ham



Powered by DIYTrade.com

Copyright

Copyright is the right to prevent someone copying the expression of an idea. That idea may be expressed in the written word, a piece of music, or a work of art or film



copyright

all rights reserved

HISTORY OF IPR

IPRs have recently been subject to numerous, sometimes highly controversial debates in Europe. An arcane technical matter prior to the 1990s, the design of IPR systems now attracts attention, not only among the users of the respective IPR systems, but also more broadly among the citizens of Europe. It is generally accepted that IPRs can play an important role for fostering innovation, but the design choices for IPR systems remain contested. Some of the renewed interest is created by the perception that over the last decades, the IPR systems have strengthened the position of rights owners over those of the users of protected subject matter. In the field of copyright, technical and legal developments have contributed to a shift of control towards commercial content providers. In the area of patent rights, changes in the behavior of applicants have led to strong increases in the demand for patent protection, coupled with some signs of quality deterioration in the patent system. While Europe may have fared relatively well when compared to the US, problems are emerging in the EU as well. From an economic perspective, there is a need for harmonizing European administrative and legal practices in the area of IPRs while increasing the quality standards used in these system. Moreover, a new balance between the owners of rights and users of the protected subject matter needs to be found in many fields.

Recent development

In May 2011, the European Commission published the Communication “*a Single Market for Intellectual Property Rights: Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe*”. In this document, the Commission sets out its new IPR strategy intended to foster innovation, as well as the growth and competitiveness of the EU economy.

Under this new strategy, the Commission proposes an ambitious programme until the end of 2012 that foresees actions in all the main IPR, in particular patents, trade marks, copyright and related rights and geographical indications. In the field of enforcement, it is foreseen the expansion of the responsibilities of the European Observatory on Counterfeiting and Piracy, the revision of the IPR Enforcement Directive (Directive 2004/48/EC), the support of further voluntary measures between stakeholders in the context of the internet and the adoption of a new Customs Regulation.

Timetable of planned actions

	Actions	Goals	Timetable
IPR Enforcement	Regulation on the European Observatory on Counterfeiting and Piracy	Proposal for a Regulation to entrust the tasks of the European Observatory on Counterfeiting and Piracy to the Office for Harmonization in the Internal Market (OHIM) and to provide for additional tasks of the OHIM in that context	May 2011
IPR Enforcement	Replacement of the Regulation concerning customs action against goods suspected of infringing intellectual property rights	Proposal for a new Customs Regulation to strengthen customs enforcement of Intellectual Property Rights and create conditions for effective action, while streamlining procedures.	May 2011
Copyright	Legislative initiative on mutual recognition of orphan works	The legislative initiative will provide a legal base to allow EU libraries to scan and display 'orphan' works	May 2011
Copyright	Green Paper on Audiovisual productions	To determine how the delivery of audio-visual media services, in particular on a cross-border basis, can be developed and improved for the benefit of rights holders and consumers alike	July 2011
Copyright	Legislative proposal on collective rights management	To provide a clear and stable framework for cross-border services which rely on clearing a variety of copyrights.	Second half 2011
Copyright	Report on the Resale Right Directive	This report will examine whether a hereditary resale right has negative repercussions on smaller and mid-sized art galleries. The aim is to assess the effect of the Directive on the competitiveness of art markets in the European Union with regard to markets which do not apply the resale right.	3rd Quarter 2011
Trademarks	Revision of the Community Trademark Regulation	The aim is to upgrade, streamline and modernize both the EU Regulation and Directive, where	4th Quarter 2011

	and of the Directive approximating national trademark laws	appropriate, and to establish an enhanced cooperation between the OHIM and National Trade Mark Offices with the purpose of making the trade mark system in Europe, as a whole, more effective, efficient and consistent.	
Industrial property	Geographical indications	An in-depth analysis is to be carried out on the existing legal framework in Member States as well as the potential economic impact on protection for non-agricultural GIs.	3rd Quarter 2011
IPR Enforcement	Review of the Commission's 2004 strategy for the protection and enforcement of IP rights in third countries	Redefined strategy to adapt it to recent needs and evolutions, to ensure higher standards of IPR customs enforcement in third countries and cooperation in the framework of trade agreements.	4th Quarter 2011
IPR Enforcement	Review of the Directive on the enforcement of intellectual property rights	In particular to deliver solutions for rapidly developing IPR infringements on the Internet which were not envisaged when the Directive was first adopted.	2nd Quarter 2012

Case study 1: IPR law enforcement

BULGARIA

Bulgaria is a country with traditions in the field of the Intellectual property rights. The country is a member of the Paris Convention for the Protection of Industrial Property since 1921. Bulgaria is also a member of WIPO – the World Intellectual Property Organization, EPO- the European Patent Organization, the Office for the Harmonization in the Internal Market (OHIM), etc.

Bulgarian law recognizes both national and international protection and enforceability of intellectual property rights (including industrial property rights like patents, marks, geographical indications, industrial design and copyrights and neighboring rights, etc.).

Organizations specialized in providing services in the field of IPR in Bulgaria:

The Patent Office of the Republic of Bulgaria

The Patent Office is the National State authority for the legal protection of the industrial property rights. It implements the state policy in the field of the industrial property throughout the territory of the country, represents the Republic of Bulgaria in the relevant international industrial property organizations, ensures the fulfillment of the obligations assumed in compliance with the Office's status and pursues the international co-operation in this field. The principal tasks of the Patent Office are stipulated in article 80 of the Patent Law.

The great expertise accumulated by the Patent Office in the field of the examination of the industrial property rights (IPRs), the training followed by the examiners in this domain as well as in the field of information at the European Patent Office (EPO), World Intellectual Property organization (WIPO), Office for the Harmonization in the Internal Market (OHIM) and other relevant institutions, the existing national databases and the access provided to the databases of other patent offices and international organizations, EPO databases inclusive, the experience in organizing various seminars, including with participation of foreign lecturers, are among the most favorable factors for the Office's activity aimed at raising the IP awareness in Bulgaria.

<http://www1.bpo.bg>

Commission on Protection of Competition

THE COMMISSION is empowered to enforce the Law on Protection of Competition (LPC), the Public Procurement Act and the Concessions Act. The scope of activities of the Commission covers all requests on ascertaining infringements of free market competition, direct enforcement of the provisions of Art. 81 and Art. 82 of the EC Treaty, cooperation with the European Commission and the other national competition authorities of the EC member states in conformity to EC Regulation No.1/2003 and EC Regulation No. 139/2004, conducting sector analyses and competition advocacy.

On the grounds of the LPC, the Commission grants protection against imitation of goods or services. The protection encompasses intellectual property rights (Article 35 (2) – trading name, mark or geographical indication), as well as the other characteristic marks (Article

35 (1) – appearance, packaging, marking, name or other features which may lead to a deception in respect of their origin, manufacturer, seller, method and place of manufacture, the source and manner of acquisition or purpose, the quantity, quality, nature, consumer properties and other substantive characteristics of the goods or services). The prohibition also covers the use of a domain or of a web-site identical or similar to those of other persons (Article 35 (3)).

<http://www.cpc.bg/Competence/UnfairCompetitionDescription.aspx>

The Intellectual Property Center was established with a decision of the Academic board of the University of National and World Economy on 01.09.2003. The Center works as an information and consultancy center, offering services for researchers, students, academics and all interesting parties from business organizations and non-government and non-profit organizations, in the field of intellectual property. The main goal of the Center is to deliver information about: the intellectual property system; the possibilities for protection of results of research and development activities as intellectual property objects; the possibilities of economic realization of scientific results; the new trends in the development of the intellectual property system; the national and international initiatives in the field of intellectual property.

There is an agreement with the World Intellectual Property Organization for the Center to be developed as a branch of the WIPO Academy, according to which the Academy will provide programs for IP education in a Master's degree.

<http://cip.unwe.acad.bg/en/>

The Bulgarian Industrial Property Network (BIPN) involves the regional PATLIB (Patent Libraries) centres and the University Industrial Property Points (IP Points).

The main role of these centres is, on the one hand, to provide different kinds of patent information services and support to the SMEs, scientific, research, academic circles and the individual inventors and, on the other, to promote the industrial property and raise awareness of the industrial property system.

http://www1.bpo.bg/index.php?option=com_content&task=view&id=92&Itemid=191

IP Alliance

The main objective of the Alliance is IPR protection in specific areas such as chemistry, pharmacy, biology /microbiology/ and environment. The Alliance supports, promotes and protects the interests of creators and owners of IP and its members, combining efforts, knowledge and experience of IPR specialists. The members of the organization are patent agents with expertise in the field and relevant entities.

<http://www.ipalliance-bg.com/>

LEGISLATION IN THE IPR FIELD IN BULGARIA

The legislation in the field of IPR in Bulgaria is on national, European and international level.

NATIONAL LEGISLATION

National Law of Copyright and Related Rights (in force as from 01.08.1993; Denomination of 05.07.1999 reflected, promulgated in State Gazette no. 56 of 29 June 1993., amended in SG. 63 of 5 August 1994., am. SG. 10 of 27 January 1998., am. SG. 28 of 4 April 2000. supplemented in SG. 107 of 28 December 2000, am. SG. br.77 of 9

August 2002., am. SG. 28 of 1 April 2005., am. SG. 43 of 20 May 2005, am. SG. 74 of 13 September 2005, am. SG. 99 of 9 December 2005., am. SG. 105 of 29 December 2005, am. SG. 29 of 7 April 2006., am. SG. 30 dated 11 April 2006, am. SG. br.73 5 September 2006., am. SG. 59 of 20 July 2007, am. SG. 12 of 13 February 2009, am. SG. 32 of 28 April 2009, am. SG. No. 25 of 25 March 2011.

Inventions and Utility Models

[LAW on Patents and Utility Model Registration](#) (Title amended, State Gazette No. 64/2006; in force as from 09.11.2006) Denomination of 05.07.1999 reflected, promulgated in State Gazette No. 27/2 April 1993; supplemented, No. 83/ 1 October 1996; amended, No. 11/29 January 1998; amended, No. 81/14 September 1999; amended, No. 45/30 April 2002; amended, No. 66/9 July 2002; supplemented, No. 17/21 February 2003; amended, No. 30/11 April 2006; amended, No. 64/8 August 2006; amended, No. 31/13 April 2007; amended No. 59/20 July 2007

Marks and Geographical Indications

[LAW on Marks and Geographical Indications](#), Publ. in State Gazette No. 81/ 14.09.1999, amended No. 82/17.09.1999; amended No. 28/01.04.2005, amended No. 43/20.05.2005, amended No. 94/25.11.2005, amended No. 105/29.12.2005, amended No. 30/11.04.2006, amended No. 73/05.09.2006; amended, No. 59/20 July 2007

[REGULATIONS on the Drafting, Filing and Examination of Applications for the Registration of Marks and Geographical Indications](#), Published in State Gazette (SG) No. 9/01.02.2000; amended, No.14/14 February 2006; amended, No. 73/11 September 2007 amended, No. 73/11 September 2007

Industrial designs

[LAW ON INDUSTRIAL DESIGNS](#) in force as from 15.12.1999, promulgated in State Gazette No. 81/14 September 1999; amended, No. 17/ 21 February 2003; amended, No. 43/20 May 2005; amended, No. 105/29 December 2005; amended, No. 30/11 April 2006; amended, No. 73/5 September 2006; amended, No. 59/20 July 2007

[REGULATIONS on the Drafting, Filing and Examination of Applications for the Registration of Industrial Designs, State Gazette No 9/2000](#)

Topography of integrated circuits

[LAW on Topography of Integrated Circuits, State Gazette No 81/99, in force from 15.12.1999](#)

New plant varieties and animal breeds

[LAW on the Protection of New Plant Varieties and Animal Breeds](#)

Laws relating to all IPRs

[TARIFF of Fees Collected by the Patent Office](#), in force from 30.12.2009, granted with Government Decree № 242 from 27.12.1999. Denomination from 05.07.1999 reflected. Published in State Gazette № 114/ 30 December 1999, amended with State Gazette № 117/ 17 December 2002, amended with State Gazette № 91/ 15 November 2005, amended with State Gazette № 35/ 27 April 2007, amended with State Gazette № 42/ 29 May 2007, amended with State Gazette № 31/ 15 April 2011

[REGULATIONS on the Industrial Property Representatives](#)

HARMONIZED EUROPEAN LAW

Inventions and utility models

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights

Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions

Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products

Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights

Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products.

Marks and geographical indications

Council regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed

Council regulation (EC) No 479/2008 of 29 April 2008 on the common organization of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999

Regulation (EC) no 110/2008 of the European parliament and of the Council of 15 January 2008 on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

Council regulation (EC) no 207/2009 of 26 February 2009 on the Community trade mark

Commission Regulation (EC) No. 2868/95 of 13 December 1995 implementing Council Regulation (EC) No. 40/94 on the Community trade mark

Council regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

First Council Directive of 21 December 1988 to approximate the laws of the Member States relating to trade marks (89/104/EEC)

Industrial Designs

Commission regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs

Council regulation (EC) No 6/2002 of 12 December 2001 on Community designs (consolidated version)

Directive 98/71/ec of the European parliament and of the council of 13 October 1998 on the legal protection of designs

New Plant Varieties and Animal Breeds

Commission Regulation (EC) No 1831/2004 of 21 October 2004 amending Commission Regulation (EC) No 930/2000 establishing implementing rules as to the suitability of the denomination of varieties of agricultural plant species and vegetable species

Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights

Council Regulation (EC) No 1650/2003 of 18 June 2003 amending Regulation (EC) No 2100/94 on Community plant variety right

INTERNATIONAL CONVENTIONS AND AGREEMENTS

http://www1.bpo.bg/index.php?option=com_content&task=view&id=80&Itemid=127

➤ **Public support for IPR issues in Bulgaria**

Operational programme - Development of the Competitiveness of the Bulgarian Economy 2007-2013

Priority 1 - Development of knowledge-based economy and innovative activities

The activities under the priority will be concentrated on the following groups of interventions:

1.1. Support for the creation and commercialization of innovations in enterprises and protection of industrial property rights.

The support under this thematic group of operations will be focused on start-ups or existing enterprises with innovative potential, aiming to bridge the gap between enterprises and research institutions which will lead to improvement of the productivity of enterprises, development of new or improved products and services with high added value, as well as improvement of the production methods, processes and their penetration to new markets. Companies will also be offered, on the one hand, financial support towards the costs of their R&D activities, including feasibility studies, industrial research and pre-competitive development and on the other hand, integrated support (consultations, investments, training of management and/or personnel) needed for introduction of products' or process innovations in their manufacturing and management practices.

In order to assure protection of the developed innovations in Bulgarian enterprises and research organizations, support for industrial property protection through national and international application and registration of patents, trade marks and designs, (including Community Trade Mark, Community Design, the Madrid Agreement and the Protocol attached, etc.) will be also provided.

<http://www.opcompetitiveness.bg/en/>

➤ **Bulgarian private (Patent attorneys and patent law specialists) with focus on environmental sector – short selection of experts:**

Bojinov, Bojidar Borissov

Patent and Trademark Bureau "Bojinov & Bojinov" Ltd. 3
8, Alabin Street P.O. Box 728 BG-1000 SOFIA
Tel: (02)986 29 74
E-mail: ptmbojinov@bccci.bg
Fax: (02)981 4206

Bojinova, Fanny Vladimirova

Patent and Trademark Bureau "Bojinov & Bojinov" Ltd.
38, Alabin Street P.O. Box 728 BG-1000 SOFIA
Tel: (02)986 29 74
E-mail: ptmbojinov@bccci.bg
Fax: (02)981 4206

ESOVA, LUSIA YOSIFOVA (Registered under No. 48)

Field of expertise: Mechanical Engineering environmental technology

Contact details:

4003 Plovdiv, Bulgaria, P.O.Box 123

office: 65, 6-ti septemvri Str., et.3

Phone: +35932 990070

Mobiles: +359887 802663, +359889 720777

Fax: +35932 990777

E-mail: simvaspatent@hotmail.com

<http://www.simvaspatent.com>

LEVICHAROVA, ASYA VELKOVA (Registered under No. 233)

Field of expertise: Mechanical Engineering, Environmental technology

Contact details:

4000 Plovdiv, Bulgaria

11, Peshtersko shose Blvd.

Phone: +35932 990543, +359888 602380

E-mail: levicharova@abv.bg

BUROVA, ANGELINA IVANOVA (Registered under No. 169)

Field of expertise: Mechanical Engineering, Environmental technology

1225 Sofia, Bulgaria

22, Ovcharska Str., bl. B, vh.Г, ap.78

Phones: +3592 393189, +3592 9734766

E-mail: angburova@hotmail.com

ANTONOV, STOYAN STOYANOV (Registered under No 320)

Field of activity: Electrical engineering, Energy efficiency and renewables

Contact details:

1379 Sofia, Bulgaria

zh.k. Serdika, bl. 16a, ent. G, app. 84

Phone: +3592 8298075

e-mail: ssantonov@abv.bg

GANCHEVA, YORDANKA HRISTOVA (Registered under No 62)

Field of activity: Biochemistry, Chemical pollution

Contact details:

1618 Sofia, Bulgaria, P.O.B. 274

Zh.k. Bakston, bl. 8, fl. 2, app. 8

Phone: +3592 8559450

Fax: +3592 8559450

E-mail: ganchevapat@cablebg.net

IVANOVA, ELENA DZHENKOVA (Registered under No 394)

Field of activity: Automatics and telemechanics engineering, Environmental technologies

Contact details:

1612 Sofia, Bulgaria

zh.k. Hipodruma, bl. 104, ent. B, fl. 2, app. 41
Phone: +359889 138732
e-mail: elen.ivanova@abv.bg

PASKALEVA, VIOLETA PENEVA (Registered under No. 253)

Field of activity: Chemical pollution

Contact details:

1359 Sofia, Bulgaria

Compl. Lyulin, bl.425, vh.A, ap.17

Phone: +3592 9252011

Mobile: +359898 544771

E-mail: viop@abv.bg

CROATIA

The Republic of Croatia has a developed an enforcement system of intellectual property rights, aligned with the European and international standards. Such a system comprises a relevant legislative and institutional framework.

Applicable national laws/regulations for IPR:

Patent

- [Patent Act and Acts on Changes and Amendments to the Patent Act \(Official Gazette No. 173/2003, 87/2005, 76/2007, 30/2009, 128/2010, 49/2011\)](#)
- [Patent Regulations and Regulations on Changes and Amendments to the Patent Regulations \(Official Gazette No. 117/2007, 03/2011 applicable as of the date of accession of the Republic of Croatia to the European Union, 66/2011\)](#)

Trademark

- [Trademark Act and Act on Changes and Amendments to the Trademark Act \(Official Gazette No. 173/2003, 76/2007, 30/2009, 49/2011\)](#)
- [Trademark Regulations and Regulations on Changes and Amendments to the Trademark Regulations \(Official Gazette No. 117/2007, 66/2011\)](#)

Industrial design

- Industrial Design Act and Act on Changes and Amendments to the Industrial Design Act (Official Gazette No. 173/2003, 76/2007, 30/2009, 49/2011)
- Industrial Design Regulations and Regulations on Amendments to the Industrial Design Regulations (Official Gazette No. 72/2004, 117/2007, 66/2011)

Copyright

- Copyright and Related Rights Act and Act on Changes and Amendments to the Copyright and Related Rights Act (Official Gazette No. 167/2003, 79/2007, 80/2011)

- Regulations on Professional Criteria and Procedure for Granting of Authorisations for Performing Collective Management of Rights and for Remunerations for the Work Done by the Council of Experts and Regulations on Changes and Amendments to the Regulations on Professional Criteria and Procedures for Granting of Authorisations for Performing Collective Management of Rights and for Remunerations for the Work Done by the Council of Experts (Official Gazette No. 72/2004, 151/2008)

Geographical indications and appellations of origin

- Act on Geographical Indications and Appellations of Origin of Products and Services and Act on Changes and Amendments to the Act on Geographical Indications and Appellations of Origin of Products and Services (Official Gazette No. 173/2003, 76/2007, 49/2011)
- Regulations on Geographical Indications and Appellations of Origin of Products and Services and Regulations on Amendments to the Regulations on Geographical Indications and Appellations of Origin of Products and Services (Official Gazette No. 72/2004, 117/2007, 66/2011)

Topographies of semiconductor products

- Act on Semiconductor Products Topography Protection and Act on Changes and Amendments to the Act on Semiconductor Products Topography Protection (Official Gazette No. 173/2003, 76/2007, 30/2009, 49/2011)
- Regulations on Semiconductor Products Topography Protection and Regulations on Amendments to the Regulations on Semiconductor Products Topography Protection (Official Gazette No. 72/2004, 117/2007)

The principal body in charge of all intellectual property protection activities in the Republic of Croatia is the State Intellectual Property Office - SIPO.

In addition to the legislative and professional activities, including the procedures for granting rights, a significant segment of the Office activities makes the provision of information and services in the field of intellectual property, the cooperation with other institutions for the enforcement of intellectual property rights and support of innovation activity, as well as the cooperation with economic and R&D entities.

Intellectual property protection procedure representation services in the Republic of Croatia are provided by registered IP attorneys. Currently, there are 32 registered patent attorneys in Croatia (contact data available at <http://www.dziv.hr/hr/zastupanje/zastupnici-upisani-u-registar/patentni-zastupnici/>) and 39 trademark attorneys (contact data available at <http://www.dziv.hr/hr/zastupanje/zastupnici-upisani-u-registar/zastupnici-za-zigove/>). The attorneys are not known to specialise in a particular field, specifically environmental protection, but tend to be involved in a broad range of activities.

Croatian Consortium from Enterprise Europe Network support SME`s, scientist and individuals in the field of IPR protection. Consortium is made of 7 partners who act

regionally and covers all parts of Croatia. For all potential clients this is possibility to make consultations and to inform in the field of IPR.

Public support available for IPR issues in the country comes from the Ministry of Economy, Labour and Entrepreneurship, through the financial support to individuals and SME`s for all kinds of IPR costs. In some part of Croatia, also local counties support that kind of costs.

DENMARK

Denmark is taken part in the EU-patent work together with 10 other EU-countries after the Danish Parliament has approved, that Denmark join the development of the a EU-patent. It is expected that the EU-patent can be ready in 2014. In this period Denmark will use a bilateral system based on reduced EU-patent and EP-patent with reduced claim for translation.

Denmark is following international laws and systems for IP.

In Denmark the organization for IPR is:

Danish Patent and Trademark Office
Helgeshøj Alle 81
DK 2630 Taastrup

Phone: + 45 43508000

pvs@dkpto.dk
www.dkpto.dk

The intelligent property rights in Denmark or IP include normally all kind of protection of technology and business brands or trademarks.

In Denmark one can therefore obtain the below mentioned rights or protection..

Patent - Protection of a commercial invention in 20 years.

Utility model – also called “the little patent” a method to obtain a quick registration of your right. The time of protection is shorter.

Registered trademark - Registration to protect your brand in marketing activities

Design- Registration of design or look can be use to prevent other from use the same or similar design in their products.

Copyright: Protection of artistic, literary doing incl. IT-programs.

GREECE

A. Legislation about Copyright, Related Rights and Cultural Matters (<http://web.opi.gr>)

- **Law 2121/1993. Copyright, Related Rights and Cultural Matters. Official Journal A 25 1993**

Chapter 1: Object and content of copyright

Chapter 2: The initial subject of copyright

Chapter 3: Transfer, exploitation and exercise of rights

Chapter 4: Limitations on the economic right

Chapter 5: Duration of protection

Chapter 6: Rules relating to exploitation contracts and licenses

Chapter 7: Special provisions concerning computer programs and the sui generis right of the database maker

Chapter 8: Related rights

Chapter 9: Administration by collecting societies

Chapter 10: Measures to prevent infringements

Chapter 11: Legal protection

Chapter 12: Final and transitional provisions

Chapter 13: Cultural matters and other arrangements

Chapter 14: Entry into force

B. Legislation related to inventions, designs and models, technology transfer and topographies of semiconductor products <http://www.obl.gr/obl/Default.aspx?tabid=223>:

- Law 1733/1987 "Technology transfer, inventions and technological information"
- Ministerial Decision 15928/EFA/1253 concerning filing of applications to OBI for grants of patents or Utility Model Certificates with OBI and keeping of record books"
- Presidential Decree 77/1988 concerning implementation regulations of the Convention on the grant of European patents as ratified by Law 1607/1986
- Presidential Decree 16/1991 concerning implementation regulations of the Patent Cooperation Treaty as ratified by Law 1883/1990
- PD 45/1991 Presidential Decree 45/1991 on legal protection of topographies of semiconductor products in compliance with Council Directive 87/54/EEC of 16th December 1986 as supplemented by Decisions 87/532/EEC and 88/311/EEC"
- Council Regulation (EEC) 1768/1992 of June 18, 1992 "Concerning the Creation of a Supplementary Protection Certificate for Medicinal Products"
- European Parliament and Council Regulation 1610/96 of 23rd July 1996 concerning the creation of a supplementary protection certificate for plant protection products"
- Ministerial Decision 30560/544 on lodging of an application with the Industrial Property Organisation for the granting of a supplementary protection certificate for plant protection products
- Ministerial Decision 14905/EFA/3058 on lodging of an applications with the OBI for the granting of a supplementary protection certificate for protection for pharmaceuticals

- Presidential Decree No. 321/24.09.2001 “Adaptation to Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions”
- Joint Ministerial Decision No. 14113/EFA/3850/23.12.2002 “Amendment to the joint ministerial decision 12149/EFA/2248 (GG B 1240/11.10.2000) "Awards and financial support to inventors"
- Law 2943 (GG 203, A', 12.09.2001) "Serving of sentences by drug dealers and other provisions within the remit of the Ministry for Justice"
- Regulation (EC) No. 1891/2004 (EU OJ L 328 of 30.10.2004) OF THE COMMISSION of 21st October 2004 “Laying down provisions for the implementation of Council Regulation (EC) No. 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights”
- Law No. 3396/2005 (GG 246, A, 06.10.2005) “Ratification of the act revising the Convention on the Grant of European Patents (European Patent Convention of 5 October 1973, as amended on 17 December 1991) of 29 November 2000”
- Joint Ministerial Decision DYG3(a) 83657 (GG 59 B of 24.01.2006) on the “Harmonisation of Greek legislation with the equivalent community legislation in the fields of production and marketing of medicines for human use, in compliance with Directive 2001/1983/EC on “the Community Code relating to medicinal products for human use”, as amended by Directives 2004/27/EC, 2004/24/EC on traditional herbal medicinal products and Article 31 of Directive 2002/1998/EC on the adoption of standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components”
- Commission Regulation (EC) No 1172/2007 of 5.10.2007 “Amending Commission Regulation (EC) No 1891/2004 of 21.10.2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights”
- Ministerial Decision No. 11475 EFA 2388, (GG B' 1165/25.06.2008) on the “Submission of an application with the OBI for a six-month extension of the duration of the supplementary protection certificate for paediatric pharmaceuticals”
- Ministerial Decision No. 10374/GG B 1594, 04.08.09 “Procedure of search report or final search report drawing by the Industrial Property Organisation (OBI)”
- Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the "Supplementary protection certificate for medicinal products" (Codified version)

Governmental institutions for IPR

1. The Hellenic Copyright Organization (OPI) <http://web.opi.gr/portal/page/portal/opi> is a legal entity under private law, located in Athens (5, Metsovou Street) under the supervision of the Ministry of Culture and Tourism. OPI was established according to art. 69 of Law 2121/1993 regarding «Copyright, related rights matters and cultural issues» (Official Gazette A/25/1993) along with Presidential Decree 311/1994 (Official Gazette A/164/1994) art. 8 para. 13 and 14 of Law 2557/1997 (Official Gazette A/217/1997), as well as art. 7 para. 13 of Law 2819/2000 (Official Gazette A/84/2000). OPI is administered by a five-member Board of Directors.

Purposes of the Hellenic Copyright Organization:

The main purpose of the Hellenic Copyright Organization is to protect the authors and rightholders of related rights; to take steps for the implementation of law 2121/1993 and the international conventions; to supervise the Collecting Societies and undertake law preparatory work on matters pertaining to copyright and related rights. In the framework of its responsibilities, OPI deals with any issue in general that may be raised in the field of copyright and related rights and represents Greece before the competent international organizations, as well as the Instruments of the European Union. OPI organizes seminars for the purpose of training and informing judges, lawyers, administrative personnel, authors, rightholders of related rights and students on matters of copyright and related rights and also provides information on matters of copyright and related rights.

Copyright is a sector of law with increasing social, cultural and economic importance. It promotes and protects creativity, the work and interests - moral and economic - emanating from the author himself. It configures a complete system that promotes creation and respects the rights of those who participate in this process, namely those who create the work, those who make it accessible to the public, those who give to it flesh and bones, those who put it into production, as well as those who use and enjoy it. Within this framework, the Hellenic Copyright Organization supervises the operation of the system for protecting the authors and the related rights rightholders; safeguards the rights of the users and the public; balances the interests of copyright sectors with those of industrial property sectors; incorporates and adjusts in Greece the latest evolutions in community and international level, contributing in this way to the promotion of creativity and culture. Copyright is that part of culture which is closer to the average citizen; it arises from him and ends to him. We are all creators or participants. Copyright concerns us all.

The website intends to bring the average Greek citizen closer to copyright law, familiarize him with it, inform him, answer his questions and record his complaints and complaints. In this way, OPI comes closer to the interested parties and their problems, supports the mission of the Collecting Societies and Collective Protection Societies, facilitates communication with them, informs the public, and promotes transparency, competitiveness and good faith in transactions.

- **Legal Department**

The responsibilities of this department are as follows:

- Taking steps for the implementation of Law 2121/1993 and the related international conventions.
- Undertaking law preparatory work on matters of copyright and related rights.
- Preparing legal studies and publishing relevant documents.
- Handling the legal affairs of OPI.
- Representing Greece before the Instruments of the European Union and the International Organizations on matters pertaining to copyright and related rights.

- **Public Relations and Conference Department**

The responsibilities of this department are as follows:

- Collecting, sorting and maintaining documentation material.
- Organizing and operating a library.
- Providing information on matters pertaining to copyright and related rights.
- organizing relevant seminars for the purpose of training and informing judges, lawyers, administrative personnel, authors, rightholders of related rights and students.

- **Administration and Finance Department**

The responsibilities of this department are as follows:

- Handling all issues regarding OPI's personnel.
- Circulating the mail, typing and reproducing documents and forms.
- Drafting the budget, the balance sheet and the annual financial statement of OPI.
- Managing all expenses, settling personnel salaries and payments in general and collecting all revenues.
- Taking steps for the provision of equipment, materials, supplies or other assets and the execution of tasks.
- Managing the service materials, safeguarding and maintaining OPI's facilities clean.

2. The Hellenic Industrial Property Organisation <http://www.obj.gr> was founded under the Law 1733/87 and began functioning on January 1st, 1988. It is an economically independent legal entity governed by private law and directed by a self-reliant administration and a seven-member Administrative Council.

The Hellenic Industrial Property Organisation (OBI) has exclusive competence in Greece for the registration of inventions and industrial designs and models as well as for matters relating to technological information and technology transfer.

In this context:

- It registers inventions in Greece by granting Patents, Utility model certificates (UMC) and other protection titles.
- It registers the topographies of integrated circuits.
- It protects industrial designs and models.
- It operates as a receiving office for applications for the European Patent, the PCT certificate, the International registration of industrial designs and the Community designs and models.
- It has developed a technological information service for technical and other data regarding patents in Europe, the USA and Japan via electronic systems and from

the OBI archives containing information on national patents and UMCs and also microfilms.

- It operates three regional electronic patent libraries in Heraklion, Crete, in Thessaloniki and in Patra with the aim of providing its technological information services throughout Greece
- It registers Technology Transfer Contracts in a special register.
- It provides advice and information on the legal system applicable to its field of competence and informs the public about registering inventions and the correct policy for protecting them.
- It publishes printed material related to the fields of its competence
- It has a non-lending technical and legal library for the public.
- It participates in exhibitions and organises events to inform the public at large about its work.
- It is active internationally by cooperating with similar organisations abroad and at international level and representing Greece in these organisations and by preparing and inspecting the implementation of international treaties on matters of protection of inventions, technology transfer and industrial designs and models.

In the framework of its competence, the OBI aims at stimulating much further the innovation and its contribution to the modernization and reinforcement of the industrial property protection system. More precisely, through the realisation of various programmes, it aspires to the increase of the number of inventors, enterprises and other legal entities (e.g. universities, research centres) employing the industrial property system, and gives all its energies to the development of new products and services and the continual adaptation of the same system to the changing needs of the Greek users.

The potential access to huge non-commercial patent data bases, the devoted personnel singularly specialized on related matters and, particularly, the know-how acquired through a 20-year experience on the domain of the industrial property protection constitute the guarantee of a reliable sector expert in questions concerning the technological information and the protection of patents and industrial designs.

Private patent attorneys can be found in the European Patent attorneys Database:

<http://www.epo.org/applying/online-services/representatives.html>

Opportunities to protect IPR

In Greece the related legislation is harmonized with the European legal framework that guarantees the protection of IPR mainly in the followings issues:

- Copyright,
- Related Rights
- Cultural Matters
 - Patents
 - Medicinal Products
 - Plant protection Products

- Pharmaceuticals
- Biotechnological Inventions
- Marketing of Medicines

Public support for IPR

1. "One Stop Shop" of OBI

The "One Stop Shop" of OBI offers information about the filing procedure for the acquisition of any protection title as well as technological information. The "One Stop Shop" operates daily from 08.00 until 14.00 except from Saturdays and Sundays with experienced technicians and lawyers at your disposal.

To contact the "One Stop Shop": Telephone: 80011-08108, ++30 210 6183580 - 582
fax: ++30 210 6183643, email: info@obi.gr

2. Partners of the Enterprise Europe Network Hellas (<http://www.enterprise-hellas.gr>)

National Documentation Centre / NHRF (EKT/NHRF)

Argyro Karahaliou
Tel.: +30 2107273921
Fax: +302 210 7246824
e-mail: akarah@ekt.gr

Association of Industries in Thessaly and in Central Greece (AITCG)

Stella Vaina
Tel.: + 30 24210 28111/29407
Fax: + 30 24210 26394
e-mail: svaina@sbtke.gr

Athens Chamber of Small and Medium Sized Industries (ACSMI)

Katerina Leousi
Tel.: + 30 210 3680772
Fax: +30 2103680705
e-mail: mailto:eicgr931@acsmi.gr

Ceramics and Refractories Technological Development Company S.A. (CERECO)

Nikos Kanatsoulis
Tel.: + 30 22620 71226
Fax: +30 2262 0 71461
e-mail: nkanatsoulis@cereco.gr

Chamber of Arcadia (CHA)

Matina Tzimouri
Tel.: +302710-227141
Fax: + 30 271 0 -233738
e-mail: info@arcadianet.gr

Chamber of Ioannina (CHI)

Yannis Daskalopoulos
Tel.: +30 26510 76589
Fax: +30 26510 25179
e-mail: enterprise-europe@cci-ioannina.gr

Chamber of Kavala (CHK)

Souzanna Mavromati
Tel.: +30 2510 833964
Fax: + 30 2510 835946
e-mail: info@chamberofkavala.gr

Clothing Textile & Fibre Technological Development Company S.A. (CLOTEFI)

Vaggelis Klokanas
Tel.: +30 210 9234932
Fax: +30 210 9235603
e-mail: research@etakei.gr

Federation of Greek Industries (FGI)

Fokion Deligiannis
Tel.: + 30 211 5006155
Fax: +30 210 3222929
e-mail: deligiannis@sev.org.gr

Federation of Industries of Northern Greece (FING)

Vanessa Vlotides
Tel.: +30 2310 539817
Fax: + 30 2310 541491
e-mail: eunet@sbbe.gr

Food Industrial Research and Technological Development Company S.A. (ETAT)

Charis Delimitsou
Tel.: +30 210 9270040
Fax: +30 210 9270041
e-mail: garof@etat.gr

PRAXI / HELP-FORWARD Network, Foundation for Research and Technology - Hellas (FORTH)

Panagiotis Karniouras
Tel.: +30 210 3607690
Fax: +30 210 3636109
e-mail: mailto:vtsak@help-forward.gr

Hellenic Organisation of Small and Medium Size Enterprises and Handicraft S.A. (EOMMEX)

Elena Spyropoulou
Tel.: + 30 210 7491308

Fax: +30 210 7778694
e-mail: infoman@eommex.gr

Heraklion Chamber of Commerce and Industry (HCCI)

Michalis Katharakis
Tel.: +30 2810 342136
Fax: +30 2810 227189
e-mail: mailto:CIP-Hellasr

**Metallurgical Industrial Research and Technology Development Centre S.A.
(MIRTEC)**

Alexandra Gika
Tel.: +30 2109961408
Fax: +30 210 9969850
e-mail: a.gika@ebetam.gr

Regional Development Agency of Western Makedonia S.A. (ANKO)

Liana Papaterpou
Tel.: + 30 24610 24022
Fax: +30 24610 49210
e-mail: lpapaterpou@anko.gr

ITALY

At a national level, in Italy in 1994 a specific consortium has been created by Unioncamere (Italian Union of the Chambers of Commerce), ENEA (Italian National Agency for New Technology, Energy and the Environment), 27 Chambers of Commerce and 5 Regional Union of Chambers of Commerce. This Consortium, called DINTEC, designs and implements programs to diffuse patent information and promote its usage to increase SME competitiveness. In collaboration with the Chambers of Commerce and its partners, DINTEC performs awareness raising activities; organization of training workshops; design and implementation of programs for the creation of new innovative companies; and identification of technological trends in a particular sector. On behalf of the Chambers of Commerce, DINTEC manages Patnews, an online patent alert service, developed to help SMEs for the identification and monitoring of relevant European patents. This service allows entrepreneurs to be constantly informed about the technologies in a particular sector or area of interest. To request the service, companies complete a checklist by providing certain minimum information to define the profile and the area of interest. The company then receives initial information on patent applications to the European Patent Office (EPO) from 1 January 2004 to the present. From there, companies continue to receive monthly updates about the patent filed at the EPO. This registration service provided for free.

The DINTEC website (<http://www.infobrevetti.camcom.it>) contains information on the services provided by the Information Centers, located inside the Chambers of Commerce or the Specialized Agencies. This website contains a list of links related to: on-line patent databases, Italian IP legislation, and IP events. DINTEC distributes a monthly newsletter, which contains news on global IP issues and information on the activities of its Information Centers. DINTEC also prepares and publishes brochures and advertisements in local

newspapers and on-line banners to advertise their meetings and events. DINTEC carries out promotional activities to raise awareness of the centres' activities as well as opportunities offered by the IP system, particularly in order to encourage the transfer of technology to companies that may be potentially interested in making use of it.

DINTEC supports the creation of New Innovative Companies through several projects. For example, "Fondi rotativi" assists in funding the creation and early stages of a company. Moreover, the New Innovative Company Project encourages the use of patents as a valued instrument to create new innovative enterprises.

On a regional level, in Veneto each Chamber of Commerce has an **Office dealing with Intellectual Property rights protection** (patents, design and brands). These offices are branches of the network of the European Patents Offices (EPO) and provide information and assistance in:

- Supplying all the necessary information about the steps to the filing patent requests.
- Receiving the requests for the national trade-marks and patents for industrial invention.
- Providing information about the registered brand and the requests to register them.
- Promoting the participation of Italian SMEs in the European programs on research, development and technological innovation.
- Promoting the Registration of Patents for the protection of Intellectual Property Rights.

Treviso Tecnologia and **Centro Produttività Veneto** are the two **Special Agencies for the Technological Innovation**, established by the Veneto's Chambers of Commerce, Industry, Craft and Agriculture, with the intent to foster an innovation-oriented corporate culture.

The Veneto's Chambers of Commerce, Industry, Craft and Agriculture with their Special Offices and Agencies for Technological Innovation offer **seminars, in-depth courses and specialized training courses** with the intent to meet the specific requirements of qualification and education of the territory and its productive system.

The main source of information about Intellectual Property rights for the Veneto's Chambers of Commerce is the **Patent Information Centres (PatLib)** that are formally recognised by the National Patent Office, which is a member of the European Patent Office (EPO). Through PATLIB Centres, users can access patent databases and receive assistance. Database searches can be customised and provide information and documents pertaining to various subjects. In Italy, there are 19 PatLib Centres, 12 of which are run by the local Chamber of Commerce.

LATVIA

The protection of intellectual property rights (IPR) in the Republic of Latvia (Latvia) are administrated by several institutions. The governmental policies regarding the industrial IPR are under the competence of the Patent Office of Republic of Latvia. Patent Office provides following activities: patent granting, registration of trademarks, design patterns and inventions. Patent Office also facilitates the overall comprehension on the IPR protection needs in the country.

Industrial IPR protection in Latvia is implemented by a Patent Law, “The law on trademarks and references to geographical origins”, Law on Design patterns and the Law on protection of semiconductor product topographies.

The Patent Office accepts and reviews the applications of individual and legal entities regarding inventions, design patterns, trademarks and semiconductor product topographies for the remedy. The Patent Office manages the expertise, grants the protective patents and certificates, deals with the corresponding state registrations.

Copyright and related rights in Latvia are administrated by the Ministry of Culture and are protected by the Copyright Law. The ministry elaborates laws and regulations for copyright and related rights, and (supervises institutions dealing with collective government property rights)

The new "Copyright Law" (2000) clearly states the principles of copyrights, which is basis of the protection of copyrights in Latvia. The law also defines the owner of copyrights, what copyrights refer to and the character of copyrights. The "Copyright Law" covers the bundle of rights defined in the Berne Convention, Rome Convention for the Protection of Performers, Producers of Phonograms, TRIPS Treaty, WIPO Treaties, and EU Directives. Copyrights refer to literary, scientific and artistic works; also to unfinished works, insignificant of the goal and value of the work or nature of its expression. It is important that there is no special registration or any other formality needed to verify copyrights. The term of protection of copyrights is being extended to 70 years.

The new “Patent Law” (2007) was harmonized the national patent provisions with EU Directives. The provisions of the law were also brought into compliance with the Convention on the Grant of European Patents (1973, with the revisions of 2000), that regulates filing of international applications and the extension of European patents, as well as harmonizes procedural provisions on patent applications. In order to provide wider range of means against infringers of IPR, amendments to all the Latvian special laws on IPR, as well as to the Civil Procedure Law, entered into force on 2007, resulting in the improvement of the procedural provisions on adjudication of intellectual property disputes.

Latvian Administrative Code and Criminal Law were amended and regulations on mechanism of penal sanctions in case of IPR infringement were implemented.

The specificity of IPR in Latvia

“Law on Scientific Activity” (2005)

In Latvia a scientist has exclusive rights to the intellectual property that has been created as a result of his or her scientific activity, unless otherwise stated in a contract (Section 8, Paragraph 3); If a scientist has been working on the basis of a contract, the contract shall determine his or her rights to the property created as a result of scientific activity. Property that has been created as a result of scientific activity financed from the State budget shall be the property of the State (Section 8, Paragraph 4);

“Copyright Law” (2000)

In Latvia the proof of copyright ownership shall not require registration, special documentation for the work or observance of any other formalities (Section 2, Paragraph

3); Authors or their successors in title may indicate their rights to a work by means of a copyright protection symbol, which shall be affixed in such a manner and in such a place so that it is clearly visible. Such a sign shall include three elements: the letter “C” within a circle, the name (designation) of the rightholder; and the year of first publication of the work (Section 2, Paragraph 4);

Copyright has the nature of moral and economic rights (Section 2, Paragraph 5); The following shall not be protected by copyright: ideas, methods, processes and mathematical concepts (Section 6, Clause 5);

If an author has created a work performing his or her duties in an employment relationship, the moral and economic rights to the work shall belong to the author, except in the case specified in Paragraph two of this Section. The economic rights of the author may be transferred, in accordance with a contract, to the employer (Section 12, Paragraph 1);

If a computer program has been created by an employee while performing a work assignment, all economic rights to the computer program so created shall belong to the employer, unless specified otherwise by contract (Section 12, Paragraph 2);

The author of a work has the inalienable moral rights of an author to the following:

- 1) Authorship – the right to be recognized as the author;
- 4) Name – the right to require his or her name to be appropriately indicated on all copies and at any public event associated with his or her work, or to require the use of a pseudonym or anonymity;

The economic rights of an author is different to computer program, a database and other types of the objects of copyright (section 15, Paragraphs 1-3) !

Copyright shall be in effect for the entire lifetime of an author and for 70 years after the death of an author, except for the cases predicted by law .(Section 36, Paragraphs 1);

„Patent Law” (2007)

In Latvia the right to a patent shall belong to the inventor or his successor in title (Section 12, Paragraphs 1); If the invention has been jointly created by several persons, the rights to the patent shall belong to all of them, jointly (Section 12, Paragraphs 2); The inventor shall have the entailed moral rights, whatever he is the applicant or the owner of a patent, to authorship – the right to be recognized as the inventor; to the author name - the right to be designated as the inventor in the patent application and in all documents and publications concerning the patenting of the invention or the right to waive these rights, asking in written form the Patent Office not to indicate his name (Section 14).

The right to a patent shall belong to the employer, if the invention, for which the patent application has been filed, has been devised by the employee, whose work-related duties involve: inventive activity; research activity, projecting, designing or arrangement of technological development (Section 15, Paragraphs 1); If the work-related duties of the employee do not involve the conditions envisaged by Section 15, Paragraph 1, but relate to the field of professional activity of the employer, the rights to a patent shall belong to the inventor. In this case, the right to utilize the invention in the form of nonexclusive licenses

shall belong to the employer without the right to transfer these licenses to other persons (Section 15, Paragraphs 2).

State Support Program for registration of industrial property rights: patents, industrial designs, topographies of semiconductor products, plant varieties.

The Latvian government has developed state support programs for small and medium-sized enterprises registered in Latvia. The programs for 2007-2013 support development of new products, services and technologies and include grants for the registration of industrial property rights: patents, industrial designs, topographies of semiconductor products, plant varieties. Maximum amount of support is from 35%-45%, but not more as LVL 20,000 (~ EUR 28,500) for one merchant for one industrial property rights registration project. More information available at the administrator of the program Latvian Investment and Development Agency: www.liaa.gov.lv.

Patent attorneys and patent law specialists

The full list of patent attorneys and patent law specialists in Latvia is available on the website of the Patent Office of the Republic of Latvia:

<http://www.lrpv.lv/index.php?lang=EN&id=69>

REFERENCES:

<http://www.lrpv.gov.lv>

<http://www.euraxess.lv>

http://www.innovaccess.eu/iesm_latvia.html

LITHUANIA

LEGAL REQUIREMENTS

The IPR Law is absent in Lithuania, but exist separate Law group partially covering IPR. The following are the main legal acts regulating the protection of intellectual property:

- [Patent Law](#)
- [Law on Designs](#)
- [Law on Trade Marks](#)
- [Law on Copyright and Related Rights](#)
- [Law on the Legal Protection of Topographies of Semiconductor Products](#)

INTELLECTUAL PROPERTY RIGHTS

Industrial property rights

There are three ways to **obtain a patent** in Lithuania:

- State Patent Bureau;
- Patent Cooperation Treaty;
- European Patent Convention.
- [Patent Law](#)

Exclusive design rights can be obtained through the:

- national path - by applying directly to the State Patent Bureau;
- regional path - under the EU Council Regulation on Community designs, designs registered with the EU Office for Harmonization in the Internal Market (OHIM) are protected in Lithuania;
- international path - under the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.
- [Law on Designs](#)

There are currently three ways to register exclusive rights to a trademark in Lithuania:

- national path - by a direct application to the State Patent Bureau;
- regional path - under the EU Council Regulation on the Community trade mark, a trademark registered as a Community trademark with the OHIM is protected in Lithuania;
- international path - the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks covers Lithuania.
- [Law on Trade Marks](#)

Copyright

Protection of copyright and related rights is regulated in Lithuania by the Law on Copyright and Related Rights.

The said law **provides for:**

- copyright to literary, scientific and artistic works (copyright);
- the rights of performers, producers of phonograms, broadcasting organisations and producers of the first fixation of an audiovisual work (film) (related rights);
- the rights of makers of databases (*sui generis* rights);
- exercise, collective administration and enforcement of copyright and related rights, as well as the exercise and enforcement of *sui generis* rights.

No special procedures are needed to protect copyright. Authors' rights to literary, scientific and artistic works commence upon their creation.

Authors' economic rights run for the life of the author and for 70 years after the author's death.

Related rights run for 50 years after the day of the performance, fixation, or public transmission of a broadcast.

The rights of makers of databases are protected for 15 years from the date of completion of the making of the database.

- [Law on Copyright and Related Rights](#)

INTELLECTUAL PROTECTION BODIES

The following bodies are responsible for intellectual property protection in Lithuania:

- Council of Copyright and Related Rights of Lithuania
- State Plant Varieties Testing Centre

- Non-state copyright and related rights collective administration association (LATGA-A) (AGATA)
- Customs Department
- Competition Council
- Patent attorneys of the Republic of Lithuania
- Lithuanian Criminal Police Bureau
- [Ministry of Culture](#)
- [State Patent Bureau](#)
- [Ministry of Justice](#)

PROTECTING INTELLECTUAL RIGHTS ABROAD

The Seimas has ratified the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, which provides for the possibility to register industrial designs in Lithuania internationally.

- [Law ratifying the Hague Agreement](#)

Lithuania has ratified the following conventions and treaties in the area of copyright and related rights:

- Berne Convention for the Protection of Literary and Artistic Works;
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms;
- World Intellectual Property Organization Performances and Phonograms Treaty;
- World Intellectual Property Organization Copyright Treaty.

Lithuania joined the World Intellectual Property Organization in April 1992.

COMBATING COUNTERFEITING AND PIRACY

The protection of intellectual property rights is being implemented in Lithuania through the application of **civil, administrative and criminal** measures.

The **Intellectual property protection division** of the Crime Investigation Board of the Lithuanian Criminal Police Bureau carries out investigations of infringements of intellectual property rights, and coordinates them at national level.

The **Prosecutor General's Office** starts and investigates criminal cases in the area of infringements of intellectual property rights, and submits them for trial in court.

State institutions actively cooperate with **non-governmental associations** (for example, the Association of Antipiracy Activities of Lithuania (**LANVA**)).

Property rights encourage investment in innovation and research.

- [New ideas — Lithuania](#)

- [Research — Lithuania](#)

ADMINISTRATIVE PROCEDURES

- Registration

Patent applications must be submitted through a patent attorney, registered in the Register of Patent Attorneys of the Republic of Lithuania.

Registration of a Community trademark

- [Patent attorneys](#)

Registration does not apply to the protection of copyright and related rights ; copyright to literary, scientific and artistic works begins upon their creation.

- Obtaining certificates

- A patent application includes:

-
- a request for the grant of a patent;
 - a description of the invention;
 - one or more claims;
 - drawings, if necessary for the understanding of the essence of the invention;
 - an abstract;
 - a document confirming payment of the fee;
 - a declaration regarding inventorship.

If an application is being submitted by a representative appointed by the applicant, or by a patent attorney, a power of attorney to the representative or the patent attorney is to be attached to the application.

- [Request forms](#)
- [A guide to obtaining patents for inventions](#)
- [Website of the State Patent Bureau](#)

RESOURCES

The **State Patent Bureau** publishes the data of the register in the **official bulletin**.

- [State Patent Bureau](#)

The **Lithuanian Technical Library** provides intellectual property services.

Consultations regarding inventions are also provided by the **Patent Information Centre**.

- [Patent Information Centre](#)

Databases of **Lithuanian patents**, **European patents** valid in Lithuania, and Lithuanian **designs** and **trademarks** as well as patent, goods and services classifications are available in Lithuanian.

Descriptions of Lithuanian patent applications and patents are available on **ESPACE PRECES**, which contains information on patent documents from Lithuania as well as from Bulgaria, Czechoslovakia, the Czech Republic, Hungary, Latvia, Romania and Slovakia.

- [ESPACE PRECES](#)

LEGAL TEXTS

- [Trademark Law Treaty, 27 October 1994](#)
- [Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, 27 June 1989](#)
- [Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, 28 April 1977](#)
- [European Patent Convention, 5 October 1973](#)
- [Patent Cooperation Treaty, GRL agreement with the European Patent Organization on the extension of the validity of European patents to cover Lithuania, 19 June 1970](#)
- [Paris Convention for the Protection of Industrial Property, 20 March 1883](#)
- [Law on Designs, 7 November 2002, No IX-1181 \(Official Gazette, 2002, No 112-4980\)](#)
- [Law on Trade Marks, 10 October 2000, No VIII-1981 \(Official Gazette, 2000, No 92-2844\)](#)
- [Law on Copyright and Related Rights, 18 May 1999, No VIII-1185 \(Official Gazette, 1999, No 50-1598\)](#)
- [Law on the Legal Protection of Topographies of Semiconductor Products, 16 June 1998, No VIII-791 \(Official Gazette, 1998, No 59-1655\)](#)
- [Patent Law, 18 January 1994, No I-372 \(Official Gazette, 1994, No 8-120\)](#)

Key documents

- [Profile of Lithuania on the website of the World Intellectual Property Organization](#)

MACEDONIA

The country invests efforts in its EU accession. EU membership is a big driving force for the reform process. In year 2005 Macedonia attained the status of an EU candidate country, while in year 2009 the European Commission recommended that accession negotiations be opened. Macedonia is harmonizing its national legislation with that of the EU, which will enable the country to attract more foreign investors and gradually develop its economy. With regards to the intellectual property legislation, the country has fully harmonized its legislation with that of the EU, as well as the relevant international

conventions. Foreign right owners have been completely equalized with national right owners. The negative aspect is that, although the legislation is in place, it lacks strict enforcement. The country is a member of WTO and signatory of the Agreement for the trade aspects of the rights for intellectual property (TRIPS).

The current legislation on intellectual property is incorporated in the Constitution of the Republic of Macedonia, the laws and by-laws that govern this area and the international instruments that the state has signed and has acceded to. **Some of the more important legal acts that regulate the intellectual property rights in Macedonia are the following:**

- Law on Copyright and Related Rights (Official Gazette of RM no. 47/96, 03/98, 04/05 and 131/07)
- Law on Industrial Property (Official Gazette of RM no. 21/09)
- Law on Protection of Topography of Integrated Circuit (Official Gazette of RM no. 05/98 and 33/06)
- Law on Customs Measures for Protection of Intellectual Property Rights (Official Gazette of RM no. 38/05 and 107/07, 2008)
- Law on Protection of Competition (Official Gazette of RM no. 04/05, 70/06 and 22/07)
- Criminal Code (Official Gazette of RM no. 37/96, 80/99, 48/01, 04/02, 16/02, 43/03, 19/04, 40/04, 81/05, 50/06, 60/06 and 73/06)

By way of succession, ratification or accession, a range of **international instruments represents** a significant resource of law on intellectual property in the country, such as:

- Paris Convention for Protection of Industrial Property (Official Gazette of RM 5/74);
- Madrid Agreement Concerning the International Registration of Marks (Official Gazette of RM no.2/74);
- Decree for Ratification of the Nice Arrangement for International Classification of Goods and Services for the Purposes of Registration of Marks (Official Gazette of RM no.51/74);
- The Locarno Agreement Establishing the International Classification for Industrial Design (Official Gazette of RM no.51/74);
- Agreement for Cooperation in the Area of Patents (Official Gazette of RM no. 19/95) from 6 April 1995, that entered into force on 14 April 1995;
- Hague Agreement Concerning the International Deposit of Industrial Design – Hague Act and the Additional Stockholm Act (Official Gazette of RM no.71/96) from 30 December 1996, that entered into force on 7 January 1997;
- Agreement between the Government of the Republic of Macedonia and the European Patent Organization for Cooperation in the Area of Patents (Official Gazette of RM no.20/97);
- The European Convention Concerning the Formalities Required for Patent Application (Official Gazette of RM no.28/97) of 20 June 1997 that entered into force on 28 June 1997;
- Patent Cooperation Treaty (Cooperation Treaty) (Official Gazette of RM no.49/97) of 30 September 1997, that entered into force on 1 November 1997;
- Protocol of the Madrid Agreement Concerning the International Registration of Marks (Official Gazette of RM no.12/02) of 16 February 2002 that entered into force on 24 February 2002;
- Budapest Treaty on the International Recognition of Deposit of Microorganisms for the Purposes of Patent Procedure and Regulations (Official Gazette of RM no.13/02) of 18

February 2002 that entered into force on 26 February 2002;

- Strasbourg Agreement Concerning the International Patent Classification (Official Gazette of RM no.12/02) of 16 February 2002 that entered into force on 24 February 2002;
- Agreement on Trade-Related Aspects of Intellectual Property Rights (Official Gazette of RM- MD no.07/2003);
- Geneva Act to the Hague Agreement Concerning the International Registration of Industrial Design – Geneva Act (Official Gazette of RM no.33/05);
- Law on Ratification of the International Convention for Protection of New Varieties of Plants – UPOV Convention (Official Gazette of RM no.98/09).

From the range of international instruments that regulate intellectual property rights, Macedonia has not signed/ratified the following: the Agreement on the Right to a Patent; Agreement on the Right to a Trademark; Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks; Lisbon Agreement for the Protection of Appellations of Origin of Products and Their International Registration; Agreement on the Application of Article 65 of the EPC - London Agreement.

The State Office of Industrial Property of the Republic of Macedonia (SOIP) is competent for performing activities related to acquiring and protection of industrial property rights, such as conducting (national and international) procedure for acquiring and recognition of industrial property rights, keeping relevant registers, following the development of inter- national and European legislation and raising initiatives for harmonization of national legislation; giving information about procedures for protection of rights, services for searching the databases, access to information, promotion of the industrial property protection and organizing trainings and examination for representatives in the industrial property area.

The country gives tax incentives for intellectual property right holders. Pursuant to Article 17-a of the Law on Profit Tax, costs of legal entities for research and development made within their own research and development centers or through independent scientific and research institutions, are recognized in the item of expenditure in the tax balance, i.e. they reduce the tax base on which the profit tax is calculated.

The Criminal Code recognizes the following criminal acts: infringement of copyright and related rights, Article 157 of the Criminal Code (the infringement of substantive rights shall be prosecuted ex officio, and of the moral rights upon proposal); unauthorized use of someone else's business name and registered mark, Article 285 of the Criminal Code (prosecution is initiated ex officio); unauthorized use of someone else's invention or software, Article 286 of the Criminal code (prosecution is initiated upon proposal). The penalty policy that exists in relation to sanctioning the infringements of intellectual property rights, with the amendments introduced in the criminal legislation shows a clear intention for sanctioning the infringements of intellectual property rights. Taking into consideration that significant interventions have been made in order to incriminate the infringement of intellectual property rights, there is only a need for completing this type of protection through increasing the penalties on responsible persons in legal entities and for infringement of moral rights in the area of intellectual property.

The list of IPR agents with their contacts can be downloaded from this web site

<http://www.ippo.gov.mk/dzzis/dzzis1.nsf>. There are no agents still in Macedonia with special focus on environmental sector.

POLAND

National legislation in Poland:

- Act of 30 June 2000 - Industrial Property Law: *codified* ([Dz. Laws of 2003, No. 119, item. 1117](#) , of [2004 No. 33, pos. 286](#) , of [2005 No. 10, item . 68 - Art. 60](#) , [No. 163, pos. 1362 - art. 29](#) and [No. 167, item. 1398 - Article 144.](#) , of [2006 No. 170, pos. 1217 - art. 52](#) , [1218 - art. 106](#) and [No. 208, pos. 1539 - art. 46](#) , of [2007 No. 99, pos. 662 - Art. 3](#) and [No. 136, item. 958](#) , of [2008 No. 180, item. 1113 - Art. 2](#) , [No. 216 , pos. 1368 - Art. 2](#) and [No. 227, item. 1505 - Art. 161](#) and [2010, No. 182, item. 1228 - art. 127](#))
 - [Industrial Property Law](#)
 - [Industrial Property Law, as Amended by act of 23 January 2004 and act of 29 June 2007](#)
- Act of 12 September 2002 on the ratification of the Act of 29 November 2000 revising the Convention on the Grant of European Patents ([Coll. Laws No. 183, pos.1520](#))
- Act of 14 March 2003 on filing European patent applications and effects of European patents in the Polish Republic ([Coll. Laws No. 65, pos. 598](#) and [2007 No. 136, item. 958 - Art. 2](#))
 - [Act of 14 March 2003 on filing patent applications of European and the effects of European patents in the Republic of Poland](#)
- Act of 19 September 2003 - the ratification of the Convention on the Grant of European Patents done at Munich on 5 October 1973, as amended by the act of amending the Articles. 63 of the Convention of 17 December 1991 and the decisions of the Administrative Council of the European Patent Organization of 21 December 1978 13 December 1994, 20 October 1995, 5 December 1996 and 10 December 1998, together with Protocols forming an integral part of ([Dz. U. Nr 193, pos. 1885](#))
- Act of 30 May 2008 on the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs , adopted at Geneva on 2 July 1999 ([Journal. Laws No. 130, pos. 827](#))
- Act of 30 May 2008 on the ratification of the Singapore Treaty on Trademark Law Treaty and Regulations to the Singapore Trademark Law , adopted at Singapore on 27 March 2006 ([Dz. U. Nr 133, poz. 842](#))

The implementing rules of the Industrial Property Law

- Council of Ministers of 29 August 2001 on charges relating to the protection of inventions, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits ([Dz. U. Nr 90, pos. 1000](#) ; [of 2004 No. 35, pos. 309](#) , [of 2008 No. 41, pos. 241](#))
 - [Regulation of the Council of Ministries of 2 March 2004 amending the Regulation on fees Relating to the protection of Inventions, utility models, industrial designs, trademarks, geographical Indications and topographies of integrated circuits](#)
- Prime Ministerial Decree of 17 September 2001 on filing and processing of patent and utility models ([Coll. Laws No. 102, item. 1119](#) ; [of 2005, No. 109, pos. 910](#))
 - [Regulation of the Prime Minister of 17 September 2001 on filing and processing of patent and utility model applications \(as Amended on 14 June 2005\)](#)
- Prime Ministerial Decree of 19 October 2001 on the filing and processing of topographies of integrated circuits ([Coll. Laws No. 128, pos. 1413](#))
 - [Regulation of the Prime Minister of 19 October 2001 on filing and processing of integrated circuits topography of applications](#)
- Council of Ministers on 8 January 2002 on the detailed scope of the Polish Patent Office ([Dz. Law No. 8, pos. 59](#) , [of 2011, No. 129, pos. 737](#))
- Prime Ministerial Decree of 30 January 2002 on filing and processing of industrial design applications ([Dz. U. Nr 40, pos. 358, cz. 1](#) , [cz. 2](#) , [cz. 3](#) , [of 2005 No. 106, pos. 893](#))
 - [Regulation of the Prime Minister of 30 January 2002 on filing and processing industrial design applications \(as Amended on 13 June 2005\)](#)
- Prime Ministerial Decree of 25 April 2002 on the filing and processing of geographical indications ([Dz. No. 63, pos. 570](#))
 - [Regulation of the Prime Minister of 25 April 2002 on filing and processing geographical indication applications](#)
- Prime Ministerial Decree of 17 June 2002 on the application expertise and asesury and evaluation activities performed by an expert assessor in the Polish Patent Office ([Dz. U. Nr 91, poz. 810](#))
- Prime Ministerial Decree of 8 July 2002 on filing and processing of trademark applications ([Coll. Laws No. 115, item. 998](#) , [2005, No. 109, pos. 911](#))
 - [Regulation of the Prime Minister of 8 July 2002 on filing and processing of trademark applications](#)

- Council of Ministers of 23 July 2002 on inventions and utility models relating to national defense or security of the State ([Coll. Laws No. 123, pos. 1056](#))
- Prime Ministerial Decree of 29 July 2003 on the submission and processing of requests for supplementary right of protection for medicinal and plant protection products ([OJ. Laws No. 141, pos. 1361](#))
 - [Regulation of the Prime Minister of 29 July 2003 on lodging and processing of applications for grant of a supplementary right of protection for Medicinal Products and plant protection products](#)
- Prime Ministerial Decree of 7 June 2004 on the statute of the Republic of Polish Patent Office ([Coll. Laws No. 140, item. 1484](#) ; [of 2010, No. 41, item. 237](#))
- Prime Ministerial Decree of 3 November 2004 on the multipliers used for determining the remuneration of experts, expert assessors and trainee allowances and rates in the Polish Patent Office ([Dz. U. Nr 240, pos. 2411](#) ; [of 2009 No. 149, pos. 1204](#))
- Prime Ministerial Decree of 15 May 2008 on filing patent applications, products, medicinal and plant protection products, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits and correspondence in electronic form ([Coll. Laws No. 89, pos. 540](#))
 - [Regulation of the Prime Minister of 15 May 2008 on filing in an electronic form of applications for the protection of Inventions, Medicinal Products and plant protection products, utility models, industrial designs, trademarks, geographical Indications and topographies of integrated circuits, and on carrying out correspondence in an electronic form](#)
- Prime Ministerial Decree of 20 May 2008 on the records kept by the Polish Patent Office ([Dz. U. Nr 91, poz. 564](#))

Other

- Council of Ministers of 27 May 2003 on the badges of honor "Merit for Innovation", its design, principles and mode of transmission and how to wear ([Dz. U. Nr 112, poz. 1062](#))

Copyright Act

The Act of February 4, 1994. on Copyright and Related Rights ([Dz.U. z 1994 r. Nr 24, poz. 83](#))

Governmental institutions for IPR in Poland

Existing since 1918 **Polish Patent Office** (UPRP) is the central government administration body competent for matters concerning **industrial property protection** .

The office operates under the Act of 30 June 2000 - **Industrial Property Law** (Journal of Laws of 2003 No. 119, item. 1117, as amended. d..) and the implementing regulations to this law.

Tasks and powers of the Patent Office shall specify in detail:

- Council of Ministers on 8 January 2002 on the detailed scope of the Polish Patent Office ([Dz. Laws of 2002 No. 8, pos. 59](#) , [of 2011, No. 129, pos. 737](#))
- Prime Ministerial Decree of 7 June 2004 on the statute of the Republic of Polish Patent Office ([Coll. Laws of 2004, No. 140, item. 1484](#) , [of 2010 No 41, pos. 237](#))
- Ordinance No. 3 of the President of the Polish Patent Office dated 30 June 2008 to introduce a uniform text of the orders on the detailed internal organization of the Polish Patent Office ([Dz. Gazette. UPRP of 2008, No. 2, pos. 3](#) , as amended. d. .)

Patent attorneys and patent law specialists

Full list of Polish Patent Attorneys and Patent Attorneys Offices are available from links below (it is extremely difficult to extract only those who are specialists in one branch):

1. Polish Patent Office list
http://ipu.uprp.pl/portal/web/guest/rejestr_rzeczni_kow_patentowych
2. Polish Chamber of Patent Attorneys
http://www.rzeczni_kpatentowy.org.pl/

Governmental & state support for protecting IPR in Poland and other opportunities

There are few opportunities in Poland for supporting protection of IPR. One is Patent Plus Programme launched by Ministry of Science and Higher Education which offers support for max. 90% of fixed budget (<http://www.nauka.gov.pl/ministerstwo/inicjatywy-ministerstwa/programy-ministra/patent-plus/>)

Other possibility is a Innovative Economy Programme which offers 100% support for promotion and implementation of IPR protection outside Poland.

At the same time governmental and private entities are running additional activities connected with raising awareness about importance of IPR. For example Polish Agency for Enterprise Development is organizing meeting and workshops for which they're inviting representatives of SME, research area etc. The same process we can observe on main Universities in different cities. Due to novella of Law on Higher Education Universities are obliged to adopt Regulation of IPR which also creates new opportunities to raise awareness of scientists and motivates them to consciously protect their ideas.

LIST OF PATENT INFORMATION CENTRES IN POLAND:

- [University of Mining and Metallurgy in Krakow](#)

- [University of Technology and Life Sciences them. Jan and Jędrzej Śniadeckich in Bydgoszcz](#)
 - [Gdynia Innovation Centre](#)
 - [Central Mining Institute](#)
 - [OBR BOSMAL in Bielsko-Biala](#)
 - [Gdansk University of Technology](#)
 - [Technical University of Lublin](#)
 - [Kielce University of Technology](#)
 - [Wroclaw University of Technology](#)
 - [Copernicus University in Torun](#)
 - [University of Lodz](#)
 - [Officers School in Wroclaw](#)
 - [Bialystok Technical University](#)
 - [Czestochowa University of Technology](#)
 - [Technical University of Lodz](#)
 - [Opole University of Technology](#)
 - [Poznan University of Technology](#)
 - [Politechnika Radomska](#)
 - [Centre for Innovation and Patent Protection Rzeszów University of Technology](#)
 - [Silesian University of Technology](#)
 - [University of Warmia and Mazury in Olsztyn](#)
 - [University of Zielona Góra](#)
 - [Higher Vocational State School in Kalisz](#)
 - [Wroclaw Council of the Federation of Engineering Associations NOT in Wroclaw](#)
 - [Provincial Club Technology and Rationalization in Lublin](#)
 - [West Pomeranian University of Technology \(Center for Information Management Multimedia and Standards Patents\)](#)
- tel / fax: +48 (91) 449 41 93
 e-mail: normyipatenty@zut.edu.pl
 Anna Wiktorska
 e-mail: annaw@zut.edu.com

- **Podkarpackie Province and the rationalization of Technology Club in Rzeszów**
 ul. Kopernika 1
 35-959 Rzeszów
 tel: (17) 853 45 40
 Fax: (17) 853 45 10
 e-mail: pwktir@neostrada.pl

ROMANIA

1. Applicable national laws/regulations for IPR:

- Law no.8/1996 regarding copyrights and related rights
- Law no.84/1998 republished in 2010 regarding brands and geographical indications
- Law no.129/1992 regarding protection of industrial drawings and sketches

2. Governmental institutions for IPR in the country:

- OSIM: State Office for Brands and Inventions
- ORDA: Romanian Bureau for Copyrights
- MADR: Ministry for Agricultural and Rural Development
- MMP: Ministry of Environment and Forestry

3. Private (Patent attorneys and patent law specialists) with focus on environmental sector (contact details and what kind of support the company could expect):

The list of private attorneys and patent law specialists in Romania can be found at: <http://www.patent-chamber.ro/4.html>. Companies will be offered consultancy services, advice on how to access national and EU funding, as well as opportunities to protect IPR.

4. Opportunities to protect IPR:

When applicants send proposals to OSIM, ORDA or any other public institution, they set out details of the work, which is intended to be carried out under the project. Many ideas are therefore put forward by participants when submitting their proposals to these institutions. This information is not only disclosed to them, but also to the independent experts, who assist in the evaluation of proposals.

Even though ideas are generally not protected under intellectual property rights, this does not mean that you do not have any type of tool you may use to protect them. In fact, you may rely on confidentiality to make sure that your ideas are not disclosed to the public, that is, that the people to whom you disclose your ideas have the obligation to keep it in secrecy (i.e. do not tell about it to anyone else).

Thus, all proposals and related data are treated under the principle of confidentiality by public institutions dealing with IPR. Independent experts must, therefore, sign an appointment letter binding them to maintain confidentiality of any document and data received.

5. Public support (if any) available for IPR issues in the country:

As for public support, it comes under several forms: financing schemes from ministries (Agriculture, Environment); European initiatives – funding set out by the European Commission to stimulate IPR in less developed countries; Information and Documentation Centres of OSIM – available in almost every county, with the goal of offering advice and consultancy in IPR (including environment).

SERBIA

Serbia has long tradition of legal protection of intellectual property (it was one of the 11 states that established Paris union for protection of intellectual property in 1883). Always open to introduce high protection standards, Serbia has followed and implemented a great number of international conventions from this area in its regulations. Especially after 2000, in the context of European integration, Serbia has intensified harmonization of domestic regulations with legal acts of EU. Patent law of Serbia is fully harmonized with E.U Laws, as well as with TRIPS Agreement, and relevant provisions of the WIPO Patent Law Treaty, and Patent Cooperation Treaty. Applicable laws for IPR in Serbia are:

- [PATENT LAW](#): This law governs legal protection of inventions.
(Published in the Official Gazette of the Republic of Serbia RS, No. 32/04 of 2 July 2004.)
- [LAW ON ELECTRONIC SIGNATURE](#): This Law governs the use of an electronic signature in legal affairs and other legal actions, in operations, as well as the rights, commitments and responsibilities with respect to electronic certificates unless otherwise specified by separate laws.
(Published in the Official Gazette of the Republic of Serbia, No. 135/04 of 21 December 2004.)
- [LAW ON THE PROTECTION OF TOPOGRAPHIES OF INTEGRATED CIRCUITS](#): This Law regulates the procedure for acquiring of protection (administrative and juridical procedure), as well as the subject, conditions and entities of protection of topographies of integrated circuits, the rights of the entities and manner to exercise them, right of company or other legal person where the topography was created, as well as the restrictions related to protection of topographies of integrated circuits.
(Published in the Official Gazette of the Republic of Serbia, No. 104/09 of 16 December 2009.)
- [THE LAW ON TRADEMARKS](#): The Law on Trademarks regulates the procedure of obtaining and protecting the right to a mark in trading of goods, i.e. services.
(Published in the Official Gazette of the Republic of Serbia No. 104/09 of 16 December 2009.)
- [LAW ON LEGAL PROTECTION OF INDUSTRIAL DESIGN](#): This law governs the procedure of obtaining and protection of the right to a look of industrial or craft products.
(Published in the Official Gazette of the Republic of Serbia, No. 104/09 of 16 December 2009.)
- [LAW ON COPYRIGHT AND RELATED RIGHTS](#): This law regulates the rights of authors of literary, scientific, professional and art works, right of performers, right of the first publisher of a free work, right of producers of phonograms, video-grams, shows and data bases, and rights of publisher of printed editions as rights similar to copyright (related rights) as well as manner of exercising copyrights and related rights and court protection of these rights.
(Published in the Official Gazette of the Republic of Serbia, No. 104/09 of 16 December 2009.)
- [LAW ON INDICATIONS OF GEOGRAPHICAL ORIGIN](#): The Law regulates the procedure of obtaining and protection of indications of geographic origin.
(Published in „Official Gazette of the Republic of Serbia, No. 18/2010 of 26 March 2010.)

In the last two years, Serbia made progress in strengthening legislation in the area of protection of intellectual property rights and building the capacities of the institutions responsible for surveillance of obeying and enforcement of the law. Intellectual property rights in Serbia is under the responsibility of several institutions in the public administration system of the Republic of Serbia, as follows: Intellectual Property Office (IPO) (copyright and related rights, patents, trademarks, industrial design, indications of geographic origin, topography of integrated circuit), Ministry of Agriculture, Forestry and Water Management (GI for wine and spirits, protection of plant sorts, i.e. protection of plant breeders' rights), Ministry of Economy and Regional Development (protection of undisclosed information). The institutional framework for enforcement of intellectual property rights in the Republic of Serbia comprises:

- The Ministry of Interior: Special Department for Fight Against High-end Technological Crime, which consists of the Division for Fight Against Crime in the field of IP, and which is organizationally placed within the Department for Fight Against Organized Crime of the Criminal Police Directorate; as well as the Department for Fight Against Economic Crime, which includes the Division for Fight Against Frauds and Abuse in the field of IP.
- The Department for Protection of Intellectual Property of the Customs Office, within the Sector for Control of Customs Legislation, deals with the protection of intellectual property at the border of the Republic of Serbia.
Since 29 May 2007, the Tax Police has been conducting checks of legality of the use of computer programmes (software) and databases by economic operators.
- The Market Inspection of the Ministry of Trade and Services is authorized to conduct inspection surveillance over production and trading of goods and services violating intellectual property rights.

The register of professional representatives to the IPO can be found at: http://www.zis.gov.rs/upload/documents/pdf_en/pdf/IP%20Representatives.pdf. However, there are still no representatives with specialty in environmental sector.

The problems for protection IPR in Serbia include enforcement of the IP laws, lack of political and public awareness of the problem and the political will to address it, weakness in the court system, and a general lack of the training to enforce existing and future IP laws.

The SMEs sector gradually understands that protection of intellectual property is important in today's knowledge-based economy and that it helps the enterprises fight fierce competition on the market. However, innovation and creative potentials are not exploited to the full, since most SMEs do not have appropriate knowledge on the intellectual property system and the protection it provides. Raising awareness and prompt information on importance of the intellectual property system is vital contribution to competitiveness development of SMEs based on knowledge and innovation. Efficient developing management of intellectual property implies approach of enterprises to this area as to strategic investments. Information of SMEs through the use of data bases of patents and trademarks, presents an analysis of competition and introduction to new technological innovations. Such access may significantly affect decision making on new investments and opportunities for return of investments in suitable periods, having in mind what the competition is doing. At the same time, SMEs that commercialize their innovations and opt for protection of their rights, strengthen their competitive position on the market and reduce different risks in business operation. In that process, IPO has an important role and has recognized SME sector as its priority client and also a partner. Further work of employees in IPO is focus on emphasis of the fact that protection of intellectual property is only the first step that is not enough for profit achievement, and that only efficient management of intellectual property is what enables companies to use their ownership under intellectual property with the aim to increase innovation, competitiveness and achieve strategic advantages.

Public sectors in Serbia are still in the process of accepting the role of raising the awareness of the SMEs on the significance of protection of intellectual property, and also of creating proper conditions so that the procedures for protection would be simple, affordable and available according to the capacities of future and existing SMEs. Serbia is

the new chair of the World Intellectual Property Organization. Ambassador of Serbia at the United Nations in Geneva, Mr. Ugljesa Zvekic, Ph.D. has been elected by acclamation for the chairman of the General Assembly of the WIPO for the period 2011-2013. For the first time, after 30 years, the representative of one country from Eastern and Central Europe and Baltic Region gets elected for this important high rank diplomatic post.

Serbia is the new chair of the world intellectual property organization.

SLOVENIA

Applicable national laws/regulations for IPR

The protection of intellectual property rights (IPR) in the Republic of Slovenia (Slovenia) is administrated by several institutions:

- General Acts: *competence of Ministry of Economy; Customs Administration*
- Copyright, Industrial Property (Patents & Supplementary patent certificates; Industrial designs; Trademarks; Geographical indications; Job related inventions), 3. Topographies of semiconductor circuits: *competence of Ministry of Economy; Slovenian Intellectual Property Office*
- Geographical indications: *competence of the Ministry of Agriculture, Forestry and Food*

The governmental policies regarding the industrial IPR are under the competence of the Ministry of Economy, Slovenian Intellectual Property Office (SIPO).

Laws on IPR in Slovenia (attached).

Governmental institutions for IPR in the country

Slovenian Intellectual Property Office

Kotnikova ulica 6

SI-1000 Ljubljana

Slovenia

T: +386 1 620 31 00

T. +386 1 620 31 01 (Customer service)

F: +386 1 620 31 11 (IP Rights)

F: +386 1 620 31 10 (Head Office)

E: sipo@uil-sipo.si

W: <http://www.uil-sipo.si>

SIPO is an autonomous body within the Ministry of Economy. It is responsible for the field of industrial property and copyright.

SIPO grants protection for the following industrial property rights: patents, supplementary protection certificates, industrial designs, trademarks, topographies of integrated circuits and geographical indications, with exception of agricultural products and foodstuffs.

It issues permits to collecting societies of authors and holders of related rights for collective administration of their rights and supervises the functioning of collecting societies. It prepares intellectual property legislation, carries out documentation activities and provides services to the public.

Copyright

The Copyright and Related Rights

Apart from the protection of classic works, the Act also provides for the protection of computer programmes and databases. New economic rights (e.g. rental, lending, distribution and importation, satellite broadcasting and cable retransmission), related rights and their collective administration are also regulated by the Act. In compliance with the WTO TRIPs Agreement, special attention has been paid to enforcement issues, such as, for example, punitive damages, provisional measures *inaudita altera parte*, securing of evidence *inaudita altera parte* and border (customs) measures

SIPO is responsible for the drafting of copyright related legislation, for issuing licences to collective organisations and for supervision of their activities: Collective organisations are:

- Association of authors and holders of small and other copyright of Slovenia (Slovenian Society ZAMP); collective management of copyrights on works of literature, science, journalism and translations

Slovenian Society ZAMP

Kersnikova 10a
SI-1000 Ljubljana, Slovenia
T: + 386 1 43 41 690
F: + 3861 43 41 698
E: info@zamp.si
W: <http://www.zamp.si/>

- Association of Composers, Authors and Publishers for Copyright Protection of Slovenia (SAZAS Association) for the collective management of copyright in works of music

SAZAS

Spruha 19
SI-1236 Trzin, Slovenia
T: +386 1 423 81 10
F: +386 1 401 45 49
E: sazas@sazas.org
W: <http://www.sazas.org/>

- Slovene collecting society for asserting rights of performers and producers of phonograms (Zavod IPF) for the collective management of rights of performers and producers of phonograms

Zavod IPF

Collecting society for asserting rights of performers and producers of phonograms of Slovenia

Smartinska 152/6

SI-1000 Ljubljana, Slovenia

T: +386 1 52 72 930

F: +386 1 52 72 931

E: info@zavod-ipf.si

W: <http://www.zavod-ipf.si/>

- Slovenian reproduction rights organization (SAZOR - GIZ) for the collective management of authors 'and publishers' works of literature, science, publications and their translations in cases of reproduction and distribution of copyright works to the benefit of disabled persons

SAZOR GIZ, Ljubljana

Kersnikova 10/a

1000 Ljubljana

T: +386 1 43 41 690

F: +386 1 43 41 698

E: info@sazor.si

W: <http://www.sazor.si/en/>

Private (Patent attorneys and patent law specialists) with focus on environmental sector (contact details and what kind of support the company could expect)

The full list of patent attorneys and patent law specialists in Slovenia is available on the website of the SIPO: <http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents>

Public support (if any) available for IPR issues in the country

A tender for Innovation voucher is available for companies and innovators active in Slovenia and registered in Slovenia. The purpose of the tender is preparation and implementation of development-oriented projects and promoting integration between companies and external consultants in order to protect industrial property rights.

Web page is only in Slovene language: <http://www.japti.si/index.php?t=razpisi&id=89>

REFERENCES:

<http://www.uil-sipo.si>

<http://www.japti.si>

Case study 2: The relative costs of European patents

Patents in Europe

The current European patent system, particularly in terms of translation requirements, is very expensive and complex. The EPO – an intergovernmental body which includes 37 countries (EU 27 + 10 other European countries) – examines applications for a patent and is responsible for granting a European Patent if the relevant conditions are met. But for the granted patent to be effective in a member state, the inventor then has to request validation at national level. This implies translation and administrative costs.

Because of the costs involved, most of the inventors only patent their invention in a very limited number of member states. A European Patent validated for example in 13 countries costs as much as 20,000 euro, of which nearly 14,000 euro arises from translations alone. This makes a European Patent more than 10 times more expensive than an American patent which costs about 1,850 euro.

European Commission proposes to cut EU patent costs

The cost of obtaining a patent in Europe currently costs ten times more than one in the US which discourages research, development and innovation, and undermines Europe's competitiveness.

A proposal to drastically reduce existing translation costs for EU patents was published on 01.07.2010 by the European Commission. The processing costs for an EU Patent covering 27 member states would be less than 6,200 euro, of which only 10% would be due to translations.

The Commission proposes EU Patents be examined and granted in one of the official languages of the European Patent Office (EPO) - English, French or German. The granted patent will be published in this language which will be the authentic (ie legally binding) text. The publication will include translations of the claims into the other two EPO official languages. The claims are the section of the patent defining the scope of protection of the invention.

No further translations into other languages will be required from the patent proprietor except in the case of a legal dispute concerning the EU patent. In this case, the patent proprietor may be required to provide further translations at his or her own expense. For example, the proprietor may have to supply a copy of the patent into the language of an alleged infringer, or into the language of the court proceedings when this is different from the language of the patent.

CROATIA

On the territory of the Republic of Croatia the Office carries out a patent granting procedure in compliance with the [Patent Act](#) and the [Patent Regulations](#). (The former

Patent Act and the former Patent Regulations apply to patent applications as filed before January 1, 2004).

Since April 1, 2004 the procedure for granting patents having effect in the territory of the Republic of Croatia may also be carried out through the European Patent Office, by filing a corresponding application directly to the European Patent Office.

The protection for a patent granted on the basis of the results of substantive examination shall last for **20 years** as from the filing date of a patent application, and for a consensual patent it shall last for **10 years**. Granting and maintenance of a patent in Croatia is subject to administrative fees and administrative procedure charges in accordance with the [Act on Administrative Fees](#) in the Field of Intellectual Property, as well as charges in accordance with the [Regulations on Special Charges and Charges for the Provision of Information Services by State Intellectual Property Office](#).

The costs of protection of a patent in the Republic of Croatia for a 20-year period amount to 6,070.00 EUR, whereas the consensual patent protection costs for a 10-year period amount to 1,040.00 EUR.

The mentioned regulations provide for numerous benefits that significantly reduce the overall costs of patent protection procedure; eligibility to benefits allows for an up to 75% reduction of the above-mentioned price.

MACEDONIA

Patent registration: The patent granting procedure is initiated by filing the patent application to the State Office for Industrial Property (SOIP) of the Republic of Macedonia (www.ippo.gov.mk). Procedure for grant of a patent may be initiated by the inventor (person who created the invention) and his legal successor (legal or natural person whose grant of a patent is based on law, legal work, inheritance or court decision). If the invention is a product of joint work of several inventors then the right to initiate proceedings for the grant of a patent belongs to all inventors or their legal successors. The employer is considered the legal successor of the inventor when based on law or contract he has the right to acquire a patent for an invention created under the working basis for the inventor. Inventor is not a person that provided only technical assistance. The patent application contains:

- Bibliographic information (Inventor, proprietor, date of filing, technology class, etc.)
- Abstract (Around 150 words)
- Description: Summary of prior art; The problem that the invention is supposed to solve; An explanation and at least one way of carrying out the invention
- Claims (Definition of the extent of patent protection)
- Drawings (Illustration of the claims and description)

Costs: Official filling fee 15 Euro and up 250 Euro for 20 years of maintenance.

Exclusive use right: The holder of a patent shall have the exclusive right to use the protected invention in production, to place on the market items manufactured according to the protected invention and to dispose of the patent. The patent holder shall have the right

to forbid the use of the protected invention in the production or in trade by third parties that do not have a license for such use if such a use relates to production, offering for sale, export, or import and storage of products for those purposes

Validity: The patent right shall be valid for 20 years, counting from the date of filing the application.

Enforcement: Enforcement of patent rights in Macedonia is possible before the national courts. According to the Macedonian criminal code a person who without authorization uses, publishes, cedes or transfers another's registered or protected invention, shall be punished with a fine, or with imprisonment of up to three years.

Regulations:

- [Law on Industrial Property, \(Official Gazette of RM 21/09, 26/10\)](#)
- Patent Regulation (Official Gazette of RM)

SERBIA

The fees for filing an application are laid down by the Tariffs of the Federal Administrative Fees, which is an integral part of the Law on Federal Administrative Fees ("Official Gazette of the Federal Republic of Yugoslavia" no. 71/01).

The patent grant procedure shall be instituted by a filing of an application. A patent application must contain: a request for the grant of a patent, a description of the invention (title of invention, field of invention, technical problem, state of the art, summary of the invention, brief description of the drawings and detailed description of the invention), one or more patent claims, a drawing when appropriate and an abstract.

The post application procedure for the grant of a patent takes much longer, between 4 and 5 years, on an average.

A patent is granted for 20 years from the filing date of the application, upon requirement that maintenance fees are paid, while a petty patent is granted for 6 years, with a possibility of two times prolongations for the periods of 2 years, upon condition that prescribed maintenance fees are paid.

Average expenses for the grant of a patent are 300 €.

Case study 3: Community Trade Mark

CTM is a trade mark valid across the European Union, registered with OHIM in accordance with the provisions of the CTM Regulations.

A CTM is valid in the European Union as a whole. It is not possible to limit the geographic scope of protection to certain Member States.

A CTM is valid for 10 years and can be renewed indefinitely for periods of ten years.

The CTM system provides for one single registration procedure, consisting of:

- a single application
- a single language of procedure
- a single administrative centre and
- a single file to be managed.

The CTM grants its owner an exclusive right in the 27 member states of the European Union at a reasonable cost.

The time taken from application to registration of a Community trade mark has fallen dramatically in recent years. OHIM's current target is to register straightforward CTM applications, for which no oppositions are filed, within 26 weeks.

For the registration of a Community trade mark, there is a unique fee to be paid:

Basic fee:

- EUR 900 to file online (e-filing) or EUR 1050 if you use the paper form

CROATIA

The protection requirements and the whole procedure concerning an application are prescribed by the [Trademarks Act](#) and the [Trademarks Regulation](#).

Considering the time required for the examination, monthly dynamics of the Official Gazette publication and a three-month time limit set for filing opposition against the registration of a trademark, the entire procedure normally takes 9 to 12 months.

There are two types of protection: **Individual trademark and Collective or guarantee trademark**. They are both valid for the period of 10 years and can be renewed.

Minimal total fees and charges of the procedure for the registration and maintenance of a trademark for the period of ten years, for individual trademark without reduction, shall include fees and charges in total amount of 310 EUR. For collective or guarantee trademark the respective minimal charges include the total amount of 620 EUR.

The mentioned regulations provide for numerous benefits that significantly reduce the overall costs of patent protection procedure; eligibility to benefits allows for an up to 75% reduction of the above-mentioned price.

Until the moment of accession of the Republic of Croatia to the full membership in the European Union, the nationals of the Republic of Croatia and legal entities having an effective commercial establishment in the Republic of Croatia may protect CTM directly with the [OHIM](#), or under the Madrid System for the International Registration of Marks (it must be indicated that protection in the European union (EM) is requested); following the accession of Croatia, it will be possible to file a CTM application through the State Intellectual Property Office of the Republic of Croatia.

MACEDONIA

Trademark registration: Any natural or legal person may apply for trademark registration before the State Office for Industrial Property (SOIP) of the Republic of Macedonia (www.ippo.gov.mk). Information on unpublished trademarks is available upon request, followed by payment of a prescribed fee. Published trademark applications are available to the general public via an official gazette published on the SOIP's web site. The trademark registration process is initiated by filing a trademark application with the Office. The form includes:

- A request for recognition of a trademark;
- Applicant data;
- Trademark appearance details;
- A list of goods and services for which protection is requested.

Costs: The official fees associated with this process range between €10-35.

Exclusive use rights: The trademark owner has the exclusive right to use the trademark for marking its own goods or services. It has the right to use the symbol ® next to the trademark. The trademark owner has the right to prohibit use of a mark that is:

- Identical to his trademark for identical goods or services;
- Identical or similar to his trademark for identical or similar goods or services if that similarity can cause confusion to the average consumers, including the possibility of association between the trademarks;
- Identical or similar to his trademark and is used for different goods or services, if the trademark has repute in Macedonia and if the use of that mark without justified reason can lead to unfair competition and damage the distinctive character or reputation of the trademark.

Validity: A registered trademark is valid 10 years from the date of filing the trademark application. All registered trademarks may be renewed an indefinite number of times for 10-year terms. The renewal request along with the corresponding renewal fees can be submitted with the SOIP during the 10th year, or during the grace period of 9 months after the expiration date. The new period of protection continues after the day of expiration of the previous 10-year protection.

Enforcement: Enforcement of trademark rights in Macedonia is possible before the Customs Administration, the State Market Inspectorate and the courts. The enforcement procedure before the Customs and the State Market Inspectorate is short and efficient, but only in cases of "obvious" trademark infringement. More complicated cases are usually resolved through negotiations or are brought before the Court. However, the procedure

before the courts is generally long and can be relatively expensive. The right owner, among **other things, has the right to demand from the infringer to refrain from future infringement, he can demand** damages, destruction of the infringing products or removal of the infringing signs.

Regulations:

- [Law on Industrial Property \(Official Gazette of RM 21/09, 26/10\)](#)
- [Regulations for Trademarks \(Official Gazette of RM 92/09\)](#)
- [Law on Customs Measures for Protection of Intellectual Property Rights \(Official Gazette 38/05\)](#)
- [Book of Rules for Law on Customs Measures for Protection of Intellectual Property Rights \(Official Gazette of RM 58/05\)](#)

SERBIA

Serbia is a member of the Madrid Agreement and the Madrid Protocol. Trademark protection is obtained by registration. It can also be acquired by sufficient public recognition. A trademark application has to be filed before the Intellectual Property Office of the Republic of Serbia by a local agent. A non-legalized power of attorney is sufficient. Foreign applicants do not need a domestic registration. The application process includes a formal examination, an examination of distinctiveness and a search for prior trademarks. It takes approximately 3-6 months from first filing to registration. After registration, the trademark is published in the two-monthly "Glasnik intelektualne svojine". In Serbia there are no national provisions for filing opposition against a pending trademark application. A trademark registration in Serbia is valid for 10 years and starts with registration date. The registration is renewable for periods of 10 years. If the trademark has not been used within 5 years from issue of the registration certificate or has not been used later for a continuous period of 5 years, it may be subject to cancellation.

The official fees for a trademark application are around 200 €.

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2. A memorandum on removing barriers for a better use of IPR by SMEs
A Report for the Directorate-General for Enterprise and Industry by an IPR Expert Group
June 2007 – PRO INNO EUROPE

3. PATQUAL – Study on the quality of patent system in Europe -
Tender MARKT/2009/11/D
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4. Revamping Intellectual Property Rights in the European Union – EC, Internal Market and Services