

**INTELLECTUAL PROPERTY STRATEGY  
FOR THE PERIOD 2018 – 2022**

**(„Official Gazette RS“, no 78/2018)**

## CHAPTER I : INTELLECTUAL PROPERTY STRATEGY

### Concept of Intellectual Property

The concept of “intellectual property” denotes the set of rights referring to:

- Literary, artistic and scientific works,
- Performances of artists and performers and the performances of the performing artists, phonograms and broadcasting emissions,
- Inventions in all the fields of human activities,
- Scientific discoveries,
- Industrial design;
- Factory, trademarks and service marks, as well as trade names and trade brands;
- Plant varieties,
- Protection of unfair competition and all other rights connected to intellectual activities in industrial, scientific, literary and artistic field.

The subject matter of protection of intellectual property is spiritual, intangible property created by a human. While the “classical” property refers to movable and immovable assets that can be physically touched (apartment, field, car, furniture, television set, ect), the intellectual property refers to the immaterial, spiritual creations, such as music, literature, works of fine art, inventions, etc.

Just like the property over material assets, intellectual property is part of the absolute rights, having monopole character.

As an absolute right, intellectual property has for its subject matter, as mentioned, one specific legal asset, intellectual creation, incarnated, for example, in some musical composition, work of literary art, picture of fine art, invention, etc. On that intellectual, immaterial asset, the holder of right can exercise its power. For example, the writer has more granted financial rights on his book – the right to publish his book, to print it, to put it into the channel of commerce, to change its contents, etc.

As the monopoly right, intellectual property guaranties to his holder of rights, the exclusivity with relation to what he has created by his intellectual work. That exclusivity consists in the obligation of all third parties to ask for permission from the holder of rights for the use of his intellectual property. In order words, the holder of rights in intellectual property has the possibility to allow or forbid others to use their intellectual creation. For example, the publisher must not publish a book, if the author of the book does not previously authorize that; certain producer of coffee must not use the trademark, if the holder of that trademark does not give license for that; the producer of shoes must not produce shoes that have the same shape (Industrial design) like the shoes produced by his business competition, unless he grants him a license, etc.

Intellectual property is divided in two more narrow fields: copyright and related rights and industrial property.

Copyright protects copyright protected works. The examples of the copyright protected works are artistic works, scientific works, computer programs, musical works, film works, drama works, etc. The copyright protects only original works. The original work is the work which is created by the efforts of the author (in other words, the one which the author did not copy from another person) and which possesses at least a minimum degree of creativity. For the acquiring of copyright, it is not necessary for the author to conduct some administrative or court procedure, but copyright is

created automatically: at the moment when the author creates copyright protected work, the copyright protection starts at that moment.

Industrial property consists of the following legal branches: patent law, trademarks, industrial design, indications of geographical origin, topographies of semiconductor products.

Patent is the right granted for the invention which is new technical solution of some problem which has inventive level and which is industrially applicable. The subject matter of the invention is protected by a patent that can be a product, process, implementation of the product and implementation of the process. Patented inventions are present in every aspect of the human life, from the transfer of electrical energy (Tesla patents) and microprocessors (Intel patents) to chemical ball pointed pens (Biro patents).

Trademark is the legally protected sign used by a natural or legal person to mark its products and services in the channels of commerce in order for the consumers to be able to differentiate them from the same or similar products and services put into the channels of commerce by another natural or legal person. For example, the company "Bambi" from Pozarevac produces biscuits which are marked by their trademark "Bambi". The producer, on the basis of this trademark differentiates the biscuit of that company from the biscuit of some other producer, for example Jaffa from Crvenka.

Industrial design is the right protecting new outer shape of some industrial or handicraft product. If the producer of umbrellas, for example, designs some new pattern on his product, he can, under certain conditions, protect that as the industrial design. Other producers of umbrellas shall not be able to use that pattern until they get a permission for that from the holder of right to industrial design. In such a way, a certain business subject gets a monopoly right for the appearance of his product. Apart from that, industrial design is used to protect also a three-dimensional shape, for example a body of a car, the shape of a jewelry, the shape of the computer monitor, etc.

The indications of geographical origin consist of two kinds of signs: appellation of origin and geographical indications. The appellation of origin is the geographical title of the country, region or locality, which marks the product originating from there whose quality and special characteristics are exclusively or essentially conditioned by a geographical environment, including natural and human factors and whose production, processing and preparation take place in total at the certain limited area. For example "Home-made peppers from Leskovac", "Cabbage from Futog", "Kilim from Pirot", etc. Geographical indications are also geographical names used to mark products originating from the given geographical area owing their reputation to that geographical area.

As a special form ("sui generis") of IP, there is a protection of breeders rights (protection of plant varieties).

### **Importance of intellectual property**

The importance of intellectual property is primarily reflected in the fact that in its determined and decisive protection we create better conditions for the strengthening of the economy of the Republic of Serbia. Apart from that, the protection of the intellectual property is in compliance with the European standards and a condition for our accession to the European Union. Chapter 7 is dedicated to that – intellectual property in to negotiations for the accession of the Republic of Serbia to the EU.

The laws in this field precisely prescribe contents and scope of authorizations of the holders of right, manner of their exercise and the limitations. In that case, the mentioned rights do not present an obstacle to the free access to knowledge and common inheritance, freedom of expression, development of creativity and innovations, etc.

The study under the title "Contribution to activities based on Copyright Law to the economy of Serbia" indicates that in Serbia, just like in all other countries, there are entire business sectors based on the exploitation of copyright and subject matter of related rights. The total contribution of all creative industries in the creation of gross income of the Republic of Serbia amounts to 4, 61 % . The greatest participation of 3,10 % is given by the key business activities. That includes printing and publishing, music, cinematography and video production, radio and TV, photography, software and data bases, visual and graphic art, services of advertising, organizations for collective management of copyright and related rights. The mentioned industries create more gross national product than mining or services of accommodation and food and nearly the same like the financial activities, insurance or electric energy supply.

In the total employment of the Republic of Serbia, the creative industries participate with the 4%. In total, in the Republic of Serbia, 90,503 workers work in the creative industries. By far the greatest number, 25,584 workers are employed in printing and publishing industries, and on the second place there is the production of software and data bases, where 5,868 workers are employed.

In the international study under the title "Time of culture, the first global map of cultural and creative industries" made by the USA agency EY, at the initiative of the International Association of the Authors and Composers (CISAC), published in December 2015, among other things, the following may be found:

"In order to keep its leading role, the key European players in the field of creative industries must go hand in hand with the creative industries rising from the other parts of Europe. The growing industries of video games in Serbia, Croatia and Slovenia, television and music in Turkey, film art in Russia, offer clear possibility for the Europe to increase its influence on the global level when it concerns the creative industries".

Serbia has creative potential and the state must offer conditions for the intellectual work to be protected and adequately rewarded.

### **3. Main aims of the Intellectual Property National Strategy in the field of intellectual property:**

The main aims of the Intellectual Property National Strategy are the following:

- Harmonization of the national legislation with the European legislation in the field of intellectual property;
- Improvement of Intellectual Property Right Enforcement.
- Education and raising capacities for the transfer of knowledge in the function of the improvement of the implementation of the intellectual property in the economy.

### **Strategy of the development of the intellectual property for the period 2011- 2015**

The first Intellectual Property National Strategy had the title The Development Strategy of Intellectual Property for the period 2011-2015, ("Official Gazette RS" no. 49/11) and was adopted by the Government in June 2011. The aim of the first strategy was to develop the system of the intellectual property harmonized with the international best practices. The strategic goal were:

- The harmonization of the national legislation with the *acquis*;
- Improvement of the enforcement of intellectual property rights;
- Economic utilization of the intellectual property rights, and
- Rising awareness about the importance of intellectual property rights.

Fulfilling the goals from the Intellectual Property Development Strategy for the period 2011-2015 numerous and important results have been achieved and almost all of the planned goals have been realized.

Several important laws from the IP field have been passed – The Law on Copyright and Related Rights (“Official Gazette RS” no 104/09, 99/11, 119/12 and 29/16 – Decision of the CC), The Trademark Law (“Official Gazette RS” no. 104/09. 10/13 and 44/18 – state law), The Law on the Legal Protection of Industrial Design (“Official Gazette RS” no. 104/09, 45/15 and 44/18 –state law), The Patent Law (“Official Gazette RS” No. 99/11 and 113/17 – state law), The Law on the Protection of Topographies of Semi-Conductor Products (“Official Gazette RS”, no. 55/13), The Law on Special Authorities for the Sake of Efficient Protection of Intellectual Property Rights (“Official Gazette RS”, no. 46/06 and 104/09 – st. law), The Law on the Protection of Business Secret (“Official Gazette RS”, no. 72/11), The Law on Optical Discs (“Official Gazette RS”, no. 52/11 ) and The Law on the Protection of Breeders Rights (“Official Gazette RS” no 41/09 and 88/11). However, although those laws significantly harmonized our legal system with the European *acquis* in the field of IP rights, some of them must additionally be complied with the European directives. The reason for that partly comes out of the fact that some of those legislative acts were initially not harmonized with the existing European directives, and partly come out of the fact that the European Union, in the meantime, passed new directives and our laws must be harmonized with them in the process of accession to the European Union. Therefore, the Intellectual Property Development Strategy for the period 2018-2022 is partly the continuation of the things not finished in the previous period.

Apart from passing a serial of important regulations in the IP field, some other important results have been finalized in the improvement of the system of IP protection in the Republic of Serbia, all of it in the compliance with the aims of the Intellectual Property Development Strategy for the period 2011-2015.

The Intellectual Property Office finished the digitalization of the existing documentation, introduced electronic business, enabled electronic filing of industrial property rights applications, etc. Also, in the Intellectual Property Office, the system of internal quality control has been improved and the verification of the quality control work system has been introduced by the certification body.

Some novelties have been introduced in the procedures of the protection of the industrial property rights, primarily two levels in the decision making process, and the rights of appeal against the first degree decisions of the Intellectual Property Office. The concentration of the territorial competence has been performed for the civil and criminal courts that judge in the first degree in legal suits caused by the violation of intellectual property rights and in that regard The Law on the Amendments of the Law on the Regulation of Courts (“Official Gazette RS”, no. 101/13) and The Law on the Amendments of the Law on the Seats and Areas for the Jurisdiction of Courts and Public Prosecutors Offices (“Official Gazette RS”, no 101/13) have been passed, which are enforced starting with January 1<sup>st</sup>, 2014.

In the field of the enforcement of the intellectual property rights, some significant steps ahead have been made. The compulsory system of unified recording and statistical processing of data have been introduced with regard to the sanctioning of the violations of the intellectual property rights.

The important results have been realized also in the field of strengthening of our capacities concerning IP protection. As an example, a working unit of Police Administration has been established for the supervision of Internet. In the Customs Administration, a special working place has been systematized for the intellectual property coordinator. Institutional coordination of bodies has been established in the field of operative protection of intellectual property rights. The Coordination Body for the efficient protection of intellectual property rights in the Republic of Serbia (henceforward: The Coordination Body) has been established by the decision for the establishment of the Coordination Body for the efficient protection of intellectual property rights in the Republic of Serbia ("Official Gazette RS", no 121/14, 18/15, 48/16 and 105/16). Inter-sectors Commission was formed by the Ministry competent for the tasks of agriculture, forestry and waterworks and records and periodical reports were made on the realized activities by the Commission and inspection. The Technology Transfer Centre was established at the Belgrade University.

It is most important to underline that the key aim of the new Intellectual Property Development Strategy – is the IP Enforcement, or the actual protection of IP before the courts, public prosecutors, inspection bodies The Police and The Customs. In that regard, Intellectual Property Development Strategy for the period 2018-2022 takes over three goals that have not been completely realized in the previous period and also greatly concentrates on new goals which must be realized, referring primarily to the IPR enforcement. For the sake of example, aim under the title "Elaboration of program of cooperation between the Police, Customs, inspections, the Republic Broadcasting Organization, courts, public prosecutor offices and the Intellectual Property Office", envisaged by the Intellectual Property Development Strategy for the period 2011-2015, has not been realized, but it is included in this Strategy in the form of the coordination of the work of bodies competent for the enforcement of the intellectual property rights.

The first strategy from this field in the Republic of Serbia – Intellectual Property Development Strategy for the period 2011-2015, represents the starting point for the elaboration of this Strategy, in particular in the domain of the intellectual property rights enforcement. Its most important success was a higher level of harmonization of the national legislation in the field of intellectual property with the European acquis, apart from the other results that have been also realized.

### **National Intellectual Property Development Strategy for the period 2018 to 2022**

Regardless the results achieved on the basis of the Intellectual Property Development Strategy for the period 2011-2015, Serbia keeps on facing a serial of challenges in the field of intellectual property. In the period in front of us, it is necessary to continue the process of harmonization of the domestic legislation in the field of intellectual property with the European regulations and improve the enforcement of intellectual property rights.

The Intellectual Property Development Strategy for the period 2018 to 2022 takes into consideration the results of the previous Strategy and focuses on the solution of the above mentioned goals.

## CHAPTER II: SYSTEM OF INTELLECTUAL PROPERTY IN THE REPUBLIC OF SERBIA

### Legal framework in the field of intellectual property

Regulations from the field of intellectual property consist of:

- 1) Ratified international contracts;
- 2) Laws and
- 3) Bylaws.

For the sake of more detailed understanding with the legal system of intellectual property in the Republic of Serbia have a look in the Annex A.

**European integrations in the field of intellectual property:** Harmonization of the national legislation in the field of intellectual property with the *acquis* of the European Union, in order to secure the equal level of protection and respect of the intellectual property rights, just like in the EU, is the obligation that Serbia undertook on the basis of article 75 of the Stabilization and Accession Agreement (SAA), , made on one side by the EU member states and on the other side by the Republic of Serbia (SSP) – Law on the Ratification of the Stabilization and Accession Agreement between the European Communities and Their Member States (“Official Agreement RS – International Contracts”, no. 83/08, 11/13, and 12/14) which entered into force on September 1, 2013.

On June 20<sup>th</sup>, 2017, the Republic of Serbia, in the negotiations for the accession of the Republic of Serbia to the European Union opened the Chapter 7 – Intellectual Property. The European Union passed the “Accession Document ( AD 14/17) in which it was stated what conditions the Republic of Serbia must fulfill in order to temporarily close the Chapter 7 – Intellectual Property.

The Republic of Serbia, in the regulations from the field of intellectual property, must change the provisions referring to the exhaustion of rights so that the exhaustion of rights takes place on the territory of the member states of the European Union and the territories of the European Economic Area.

When copyright is in question, it is necessary for the provisions of the Republic of Serbia regulating the field of copyright and related rights to be harmonized with the European Directives in this field , as well as to alter the provisions regulating that the remuneration for the public communication of musical works , performances and phonograms in the handicraft shops which is not paid.

Speaking of the Patent Law, the Trademark Law, the Law on the Protection of Industrial Design and the Law on the Protection of Topographies of Semi-Conductor Products, they also must be complied with the *acquis* in the course of 2018.

Apart from the above mentioned, it is necessary to strengthen the administrative and human capacities when it concerns the enforcement of intellectual property rights in the methodologically arranged procedure, in a regular six-months period, and to inform the European Commission about the activities in the field of intellectual property rights enforcement. It is necessary to strengthen the formal coordination of various interested parties in the field of the enforcement of rights.

### Institutional framework of the national system of intellectual property

Parallel to the harmonization of the legal framework in the field of intellectual property with the *acquis* of the European Union, in Serbia, the development of the institutional framework necessary for the development and protection of the intellectual property rights took place.

Apart from the Ministry of Education, Science and Technological Development that performs tasks of government administration referring to the regulations in the field of protection and marketing of intellectual property rights, the institutional framework also includes the following bodies and institutions acting in the field of intellectual property rights protection.

- Intellectual Property Office,
- Ministry of Finances - Customs Administration;
- Ministry of Trade, Tourism and Telecommunications - Market Inspection;
- Ministry of Health - Inspection for Medicines and Medical Devices;
- Ministry of Finances - Taxes Administration;
- Ministry of Internal Affairs - Police Directorate;
- Ministry of Agriculture, Forestry and Waterworks - Administration for the Protection of Plants;
- Ministry of Defense;
- Public prosecutor;
- Courts competent for passing judgement in legal suits in the field of intellectual property.

**Intellectual Property Office** – The Intellectual Property Office is the independent administrative organization and body of the government administration of the Republic of Serbia. Its seat is in Belgrade. In the IPO, there are 83 employees working, and 90 working places have been systematized.

The Intellectual Property Office is competent to conduct the administrative procedure for the protection of industrial property rights, including patents, trademarks, industrial design, geographical indications, topographies of semi-conductor products. When it concerns copyright and related rights, the IPO has authority to perform supervision over the work of the organizations for the collective administration of copyright and related rights, depositing of copyright protected works and subject matter of related rights, issuing of written legal opinions and the performance of other activities.

The IPO works on the elaboration of all the regulations and by-laws from the field of intellectual property.

The Intellectual Property Office, together with the work of the Education and Information Centre offers support to the holders of rights by providing information for the creation of applications for the grant of industrial property rights in the competence of this office (patents, trademarks, industrial design, etc.), offers assistance in the identification of their IP rights, gives advice for the protection of those rights, etc. Also, the IPO gives support and assistance also to institutions that play significant role in the enforcement of intellectual property rights, in the following way:

- By providing trainings and organizing seminars dedicated to the intellectual property rights;
- By maintaining the electronic data bases on the protected industrial property rights in Serbia under procedure in the Intellectual Property Office that are also available over the Internet;
- By issuing certificates about the facts from the official registers, in compliance with the law.

**The Ministry of Finances - The Customs Administration** — The Customs Administration is part of the Ministry of Finances. Its seat is in Belgrade, and it has in its composition 15 customs houses in the Republic of Serbia. In the Customs Administration there are 2,500 employees at the moment. All the custom officers that perform the supervision or control of goods are authorized that during the

performance of their duties, they can seize the goods for which they suspect to infringe intellectual property rights. Apart from that, in the framework of the Sector for the control of the implementation of the Customs regulations, there is a specialized Department for the Protection of the Intellectual Property. The Department for the Protection of Intellectual Property has twelve employees and it is competent for the coordination of all the activities of the Customs Administration for the suppression of counterfeiting and piracy.

For the sake of better functioning, the Customs Administration in 2013 started using the application, software INES+. This application contains relevant data about the seized goods, when there is doubt about the violation of intellectual property rights concerning kind, amount and value of goods, participants in the procedure, etc. In the INES+ data are uploaded provided by the holder of rights (information about the holder of right, representative, authorized distributor, information about the right, the photography of the goods, etc.). Having in mind the above mentioned, this application, in the framework of its different modules, enables the easiest exchange of information between the Department for the Protection of Intellectual Property, Customs houses and the holders of rights, but the holders of rights have no access to INES+ application, but they have a possibility to use the e-IPR application to file requests electronically. This contributes to the better efficiency in the enforcement of rights. The role of this application, except the exchange of data and statistical reports is to enable the high quality analysis with the aim to plan future activities of the organization units of the Customs Administration, directed towards the suppression of counterfeiting and piracy. The Department for the Protection of Intellectual Property, in cooperation with the representatives of the SEED project (Systematic Electronic Data Base) held under the auspices of the European Commission, participated in the elaboration of the electronic data base established as prescribed by the provisions of the article 287a of the Customs Law ("Official Gazette RS", no18/10, 29/15, 108/16, 113/17 – state law). Electronic data base was made operational in April 2018 and it is available at the site of the Customs Administration.

In the course of 2015, five regional coordinators have been nominated in the framework of the custom house with the highest degree of risk, and in the framework of their regular duties, they got authority to undertake measures and acts for the purpose of IPR protection. Starting with the need to strengthen the administrative capacities and the efficiency of the Customs service from the point of view of the IPR protection, the Customs Administration, in the course of March 2018 performed amendments of the inner systematization of working places, and systematized special working places for regional coordinators, that organizationally belong to the Department for the Protection of Intellectual Property within the existing number of customs officers employed.

**The Ministry of Trade, Tourism and Telecommunication - The Trade Inspectorate** – Sector of the Trade Inspectorate in the Ministry of Trade, Tourism and Telecommunications performs inspection supervision over the production and commercialization of goods infringing Intellectual property rights (trademark, design, patent, petty patent, geographical indication of origin, topographies of semi-conductor products, copyright and related rights) as well as the supervision over the production and commercialization of goods protected by copyright and related rights.

Apart from competences prescribed for all the bodies performing tasks of inspection supervision and apart from the general authorities of the trade inspector prescribed by the Law on Trade ("Official Gazette RS" no. 53/10, 10/13, and 44/18 – state law), the Law on Advertising ("Official Gazette RS" no 6/16) and regulations referring to the safety of products and which are conducted ex officio, the Sector of the Trade Inspectorate, in the part referring to the IP rights enforcement has:

- Authority for the sake of efficient protection of intellectual property rights, which are undertaken ex officio, as well as according to the request of the holder of intellectual property right, implemented in collaboration with all the competent bodies in the field of protection and enforcement of intellectual property rights;
- Rights and duties in the framework of the inspection supervision over the enforcement of the Law on Optical Discs ("Official Gazette RS" no. 52/11) implemented in collaboration with the Customs Administration and the Ministry of the Interior.

Sector of the Trade Inspection is organized as a Sector in the Ministry of Trade, Tourism and Telecommunications, with the seat in Belgrade and 24 operating units for field work. Taking into consideration the condition in January 2017, the Sector of Trade Inspection has 423 employed state employees – inspectors, including 47 specialized for the field of intellectual property. Trade inspectors perform tasks directed towards identifying violation of IP rights and identification and temporary seizure of counterfeited and pirated goods. The final decision is passed by the competent court as preceded by the legal suit of the holder of IP rights. In the seat of the Trade Inspectorate Sector, coordination of work is secured for all trade inspectors having cooperation with other bodies competent for IP rights enforcement.

**The Ministry of Health - Inspection for Medicines and Medical Devices**– The Inspection for Medicine and Medical Devices is in the framework of the Ministry of Health with the seat in Belgrade. In the Inspection, there are seven inspectors whose authority covers the entire territory of the Republic of Serbia. The Inspection for Medicine and Medical Devices is competent to secure that the medicines and medical devices that are produced, used or put into the channels of commerce in Serbia stay in the legal chain of commercializing and are not forged, but are produced and marketed in compliance with the law.

The Inspection for Medicines or Medical Devices acts according to the application or ex officio.

**Ministry of Finances - The Tax Administration**– The Tax Administration is a body in the composition of the Ministry of Finances. In the framework of the regular activities of control of public income by the inspectors of field control, they also perform tasks to discover violation of intellectual property rights with regard to computer programs (software) and data bases and pass acts in compliance with the law, and in such a way secure fighting against institutional and software piracy.

**The Ministry of Internal Affairs - The Police Directorate** -- The Police Directorate is in the composition of the Ministry of Internal Affairs. It is competent for the investigation of criminal acts in the field of intellectual property, as prescribed by the Criminal Law. All the policemen have the authority to perform the investigation of the criminal acts in the field of intellectual property, and apart from the undertaking of measures on the basis of the request of the holder of rights, they can also act ex officio. There are two services in the Department of the Criminal Police, in the framework of the Police Directorate, that have competences in the field of intellectual property rights, in particular:

- Department for the Suppression of Fraud and Protection of Intellectual Property and
- Department for the Suppression of Crime in the Field of Intellectual Property.

The Department for the Suppression of Fraud and the IP Protection is competent for the investigation of the corruption and the economic crime, including criminal acts in the field of intellectual property with regard to the material goods. The seat of the Department is in Belgrade, and it includes also 27 regional services. At the moment, the team working at the seat has four

employees, including a supervisor. The Department for the Suppression of Crime in the field of intellectual property is competent for the examination of criminal acts in the field of intellectual property, including the use of computers or computer networks. The department has five employees at the moment, and their premises are in Belgrade.

**Ministry for the Agriculture, Forestry and Waterworks – Directorate for Plant Protection** – Tasks in the field of protection of breeders rights in the Republic of Serbia are performed by the Directorate for Plant Protection in the composition of the Ministry for Agriculture, Forestry and Waterworks. In the Directorate for Plant Protection, the Group for the Protection of Breeders Rights and Biological Safety performs tasks referring to the protection of breeders rights, coordination of work of the Expert Council for the protection of Breeders Rights, international cooperation with the relevant institutions in this field (UPOV, CPVO) and other tasks. Tasks of the protection of breeders rights are performed by two civil servants, apart from the Head of the Group.

**Ministry of Defense** - If on the basis of criteria for the evaluation of confidentiality it is established that the subject matter of the application is a secret invention, the procedure of examination and the protection of the secret inventions and the technical improvements significant for defense is done by the Ministry of Defense in the framework of its organizational structure and capacities and on the basis of Regulations on the Examination Procedure of secret application of patent, petty patent and technical improvement significant for the defense and realization of the rights of inventors (“Official Military Gazette” no 35/09).

This Regulation regulates the examination procedure of the secret application of patent and petty patent, procedure of examination of technical improvements significant for the defense and closer manner of their protection, contents and manner of keeping and securing the Register of applications of secret patents and petty patents and Register of secret patents and petty patents and moral and financial rights of the inventor. With regard to institutional capacities in the field of protection of secret inventions, by the provision of article 14, paragraph 2, point 31 of the Law on Defense (“Official Gazette RS” no. 116/07, 88/09 – state law, 104/09 – state law and 10/15) the competence of the Ministry of Defense in the field of R&D and inventive activities relevant for defense has been established.

In compliance with the Regulations on the internal composition and the systematization of working places in the Ministry of Defense , the procedure of legal protection of secret inventions and technical improvements of importance for the defense is conducted by the Directorate for Strategic Planning in the framework of the Sector for the Policy of Defense. In the Directorate for Strategic Planning in the framework of the Department for R&D and Inventive Activities, a Group for Inventive Activities has been formed, in the framework of which procedure is conducted for the legal protection of secret inventions. The mentioned tasks in the Group are performed by three persons, two engineers of technical sciences and a solicitor.

The procedure of substantive examination of secret inventions is conducted in the framework of the organizational structure and capacities of the Ministry of the Defense, where with regard to every individual secret application of patent or petty patent, for the purpose of substantive examination, and the holder of planning (tactical or technical holder) is determined for every individual device that the invention refers to or the expert unit or the institution of the Ministry of Defense is determined for this purpose.

**The Public Prosecutor Office** does not have the special department for the IP rights. However, the Law on Organization and Competences of Government Bodies for the Fighting against High Technology Crime ("Official Gazette RS" no. 61/05 and 104/09) established a special prosecution unit for fighting against High Technology Crime with the Higher Public Prosecutors Office in Belgrade, that, among other things, is also competent for the protection of intellectual property on the Internet, or for the criminal acts against intellectual property, when the subject matter or the device for the performance of the criminal act is the computer, computer system, computer data or computer network. The competence of the Special Prosecutor is established for the entire territory of the Serbia, and for that reason, the Public Prosecutor has a significant role in the framework of the institutional scheme of the national system of intellectual property in the Republic of Serbia.

**Courts competent for the resolution of disputes in the field of intellectual property** – By Law on the Amendments of the Law on the Regulation of Courts ("Official Gazette RS", no. 101/13), implemented starting from January 1<sup>st</sup>, 2014, the Economic Court in the first degree judges in the legal suits on copyright and related rights and the protection and use of inventions, industrial design, models, patterns, trademarks, indications of geographical origin, topographies of integrated circuits or topographies of semi-conductor products and breeders rights that are the result of conflict of legal persons. Higher Court in Belgrade judges in the first degree in the legal suits concerning copyright and related rights and the protection and use of inventions, industrial design, models, patterns, trademarks, indications of geographical origin, topographies of integrated circuits, topographies of semi-conductor products and breeders rights if no other court is competent. The Economic Appellation Court is competent to decide about the appeals concerning the decisions of the Higher Court in Belgrade. For the subject matter of criminal persecutions in the field of intellectual property, in the first degree, the basic court is the competent court. In the Republic of Serbia, there are around 2,700 judges. No judge is specialized exclusively for the intellectual property rights. However, due to the concentration of cases from the field of intellectual property, in the Economic Court in Belgrade and the Higher Court in Belgrade, there is a limited number of judges resolving the subject matter from the field of intellectual property rights.

**Coordination of the national system of intellectual property** – In the majority of countries just like the Republic of Serbia, there are numerous institutions with the task to protect the intellectual property rights. The competences of these institutions often overlap. Therefore, the government of the Republic of Serbia and the competent institutions should develop the model of cooperation that will secure the efficient purposeful protection of the intellectual property rights. The Ministry of Internal Affairs and the Ministry of Finances have a Protocol on Cooperation and Information Exchange regarding issues concerning the enforcement of IP rights. The Ministry of Trade, Tourism and Telecommunications (The Trade Inspectorate) and Ministry of Finances (The Customs Administration) signed the Protocol on Cooperation and Implementation of the IP Rights. Apart from that, the Intellectual Property Office and the Judicial Academy signed the Protocol on Cooperation regarding the training in the domain of intellectual property rights. Also, the major institutions competent for the enforcement of intellectual property rights have ad hoc cooperation regarding the following :

- Composition of laws and by-laws
- Accession to the European Union;
- Training of employees competent for the intellectual property rights enforcement.

On the day of the October 30, 2014, the Government of the Republic of Serbia adopted the decision on the establishment of the "Coordination Body for the Efficient Protection of the IP Rights in the

Republic of Serbia". The aim of the Coordination Body is to secure efficient protection of the intellectual property rights. Coordination body is authorized to establish the working groups that will help him to implement that goal.

In its last Report about the advances made in Serbia, the European Commission emphasized that Serbia "should enforce the formal cooperation between the different interested parties in the field of the enforcement of rights", as well as to "let the permanent coordination body for the enforcement of the intellectual property rights, (established in October 2014), function in its full capacity".

In the framework of the Coordination Body, three working groups are established engaged in the issue of raising public awareness on the importance of intellectual property rights, statistic data on the infringement of intellectual property rights and the National Intellectual Property Strategy:

1. The Working Group for the elaboration of the Intellectual Property Development Strategy in the Field of Intellectual Property Right Enforcement and the Strategy Action Plan for the period 2016-2020, established by a Decision no 119-1-169/2015-16-1 dated May 19, 2015.
2. The Working Group for the Exchange of Data in the Field of Intellectual Property Rights Enforcement established by a Decision number 119-1-169/2015-16-2 dated June 4, 2015.
3. The Working Group for Raising of Public Awareness on the Counterfeiting and Piracy established by a decision 021-2015/7204-01 dated October 13, 2015.

## **INFRASTRUCTURE OF THE NATIONAL SYSTEM OF INTELLECTUAL PROPERTY**

The complex nature of intellectual property demands the creation of the functional and efficient infrastructure of various institutions with the aim to protect, improve and utilize IPR with high quality. In Serbia, it includes the activities of representatives for intellectual property rights, organizations for collective management of copyright and centers for technology transfer.

**Representatives for intellectual property rights** – On the basis of article 2 of the Paris Convention for the Protection of Industrial Property- the representatives represent natural and legal persons before the national institutions competent for the protection of intellectual property rights. The citizens of our country can realize their rights alone, without the assistance of representatives , while the persons that are not the citizens of our country have the obligation before the national bodies to perform the legal acts with the assistance of the representative who is the citizen of the Republic of Serbia.

**Organizations for the collective management of copyright and related rights** - The author of the specific work has the right to permit or to forbid the use of his works. The writer of drama can agree or disagree for his work to be performed on the scene under certain agreed conditions. The writer can make agreement with the publisher about the publication and marketing of his work Also, the musician can agree for his work to be recorded on a compact disc. These examples illustrate how the owners of right can individually realize their rights. However, individual realization of rights is not possible with certain kinds of use. The author cannot contact every radio or television station in order to make contract on licenses with each of them individually along with the compensation for the broadcasting of his works. Contrary to that, it is not practical for the broadcaster to ask for the special permission from the every author for the use of each of the copyright protected works. The impossibility of the individual realization of these activities - by the owner of rights as well as by the user – creates the need for the existence of the organization for the collective administration of

copyright and related rights. These organizations secure the payment of compensations to its members – authors and holders of copyright and related rights. The membership in these organizations refers to all the holders of copyright and related rights, regardless whether it concerns the composers, publishers, writers, photographers, musicians or performers. At the moment of the accession to the organization for the collective management of rights, the members forward the personal data and report on the works that they have created. The information of this kind consists the constituent part of the documentation of that organization, on the basis of which it is possible to establish the connection between the work and the payment of the compensation for the use of the work that is allotted to the appropriate holder of rights.

At the moment, in the Republic of Serbia, six organizations have the license for the collective management of copyright and related rights. They are:

1. Organization of Musical Authors of Serbia - Sokoj<sup>1</sup>
2. Organization for the Collective Management of the Performers Rights – PI;<sup>2</sup>
3. Organization of Producers of Phonograms of Serbia – OFPS,<sup>3</sup>
4. Organization of Photographic Authors – OFA;<sup>4</sup>
5. Organization for the Realization of Reprographic Rights- OORP;<sup>5</sup>
6. Organization of the Film Authors of Serbia – UFUS-AFA.<sup>6</sup>

According to the Law on Copyright and Related Rights the organization is established by authors, or holders of copyright and related rights, or their associations (henceforward: founders). The organization acquires the capacity of the legal person by entry into Register, where associations are entered, in compliance with the law regulating legal position of the association. Accordingly, the association is subject to the provisions of the law regulating legal position of associations, if not provided otherwise by the Law on Copyright and Related Rights. After the establishment, the founders of the organization have the obligation to provide the license for the activities of the organization from the competent body – or the Intellectual Property Office. On the basis of the request of the organization, the Intellectual Property Office, if the legally provided conditions have been met, issues to the organization a license for the performance of activities of collective management of copyright law.

**Technology transfer centers** – For the largest number of universities and research institutions, technology transfer is defined according to the determination of the Association of managers for the technology transfer at the universities (AUTM), as well as the “process of transfer of the scientific inventions from one organization to some other organization with the aim to further develop and

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<sup>1</sup> <http://www.sokoj.rs/>

<sup>2</sup> <http://www.pravainterpretatora.org/>

<sup>3</sup> <http://www.ofps.org.rs/>

<sup>4</sup> <http://www.ofa.rs/>

<sup>5</sup> <http://www.oorp.rs/>

<sup>6</sup> <http://www.zastita.ufus.org.rs/>

commercialize.” This transfer is generally accomplished by the license agreements between the universities and private companies or agencies for the commercialization in public ownership.

According to the license agreements, the university or R&D center gives permission or license to use the intellectual property in certain newly developed technology, to the owner of license or spin-off (subsidiary) company, for the license compensation or the payment of some other compensation. On the basis of IP rights, the university has the right to be the owner of the results of its R&D and to manage the utilization of those results, so that the IP rights represent the basis for the technology transfer in this sense.

### **CHAPTER III: MAIN AIMS OF THE STRATEGY AND THE CONCRETE MEASURES FOR ITS IMPLEMENTATION**

The enforcement of the Intellectual Property Development Strategy for the period 2018 to 2022, demands that the following main aims should be accomplished:

Main aim 1: Harmonization of the national legislation with the European legislation in the field of intellectual property;

Main aim 2: Improvement of the intellectual property rights enforcement;

Main aim 3: Education and raising capacity for the transfer of knowledge in the function of improvement of the implementation of intellectual property in the economy

The realization of above mentioned goals shall greatly contribute to the creation of the social and economic environment to stimulate creative work and the creation of various works in the field of literature, science, music, inventions etc.. That shall enable the creation of the more suitable climate for the faster economic development of the Republic of Serbia and the inflow of foreign investments. The realization of the main aims has been established in detail on the level of the concrete goals realized by means of the concrete measures.

Measures for the achievement of the mentioned goals do not conflict with the right to the access to information of public importance, realized in compliance with the law regulating the access to information of public importance.

The competent bodies have the obligation while undertaking measures for the achieving of mentioned goals, and with regard to the processing of personal data, to secure to every natural person also the protection of privacy right and other rights and freedoms, in harmony with the law regulating protection of personal data.

#### **Main aim 1: Harmonization of the national and European legislation in the field of intellectual property**

The advance of Serbia in the direction of the European integrations led to the higher level of the harmonization of the national legislation in the field of intellectual property with the *acquis* of the EU. European Union has estimated that the legislation of the Republic of Serbia in the field of

intellectual property is greatly harmonized with the *acquis*, but for the temporarily closing of Chapter 7 – Intellectual Property, it is necessary for the Republic of Serbia to additionally harmonize its legislation with the European Directives from the field of intellectual property. Also, it is necessary to pass the Intellectual Property Development Strategy, improve human and technical capacities in this field, intensify IP rights enforcement, strengthen cooperation between the bodies competent for the IP rights enforcement, report regularly to the European Union with regard to the implemented measures concerning the enforcement of rights.

Measures for the accomplishment of the main aim:

- Regulatory measures:
  1. Passing the Law on the Amendments of the Law on Copyright and Related Rights;
  2. Passing the Law on the Amendments of the Law on Trademarks;
  3. Passing the Law on the Amendments of the Law on Patents;
  4. Passing the Law on the Amendments of the Law on the Topographies of Semi-Conductor Products;
  5. Passing the Law on Special Authorities for the sake of the efficient protection of intellectual property rights;
  6. Passing the Law on Business Secret.
  7. Accession of the Republic of Serbia to the international treaties concerning intellectual property rights – Beijing Treaty on Audiovisual Performances and Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled.
  
- Institutional Measures:

Strengthening of formal institutional coordination of various interested parties with the aim to efficiently enforce intellectual property rights.

### **Main aim 2: Improvement of the intellectual property rights enforcement**

Fighting against counterfeiting and piracy is one of the ways for the stimulation of our economy, but the public awareness on the need of the decisive protection of intellectual property has not yet gained ground. The enforcement of intellectual property rights is also part of our negotiations with the European Union in the framework of the Chapter 7 – Intellectual Property.

With regard to results achieved in the previous period, concerning the enforcement of intellectual property rights, we can focus on the IPA Project 2011 – Enforcement of Intellectual Property Rights, in the period 2014-2016. The project was conducted jointly by the Ministry of Trade, Tourism and Telecommunications, Danish Patent and Trademark Office and the organization Trade Standards North-West from Great Britain.

The Report from the Twinning Project is published on April 5, 2016. The most important aims realized in the course of the mentioned projects are the following:

- New regulations for the efficient administrative enforcement of intellectual property rights are adopted along with the prescribed procedure for the seizure, storage and destruction of the pirated and counterfeited goods;

- Institutional structure of the Republic of Serbia is strengthened and cooperation between the relevant bodies , such as the Ministry of Trade, Tourism and Telecommunications, Ministry of Internal Affairs, the Customs Administration and other bodies is improved;
- Cooperation is established in the field of enforcement of intellectual property rights in the Republic of Serbia among the competent bodies and their cooperation with the related bodies in the European Union;
- Development and implementation of the information system with regard to the enforcement of intellectual property in the Sector of the Trade Inspectorate;
- The level of awareness on the importance of intellectual property has been improved.

One of the important aims of the mentioned project is the strengthening of the expert and administrative capacities having in mind the great number of trainings that have been organized for the civil servants in the period 2014-2016. There were 35 trainings for 783 civil servants from various institutions. Apart from that, software has been developed for the recording of activities and measures from the field of work of the Sector of Trade Inspectorate, according to the model previously implemented in the Customs Administration; the Coordination Body has been established with three working groups, campaigns have been conducted and other activities intended for raising public awareness about the damaging consequences of counterfeiting and piracy have been organized.

The project contains also the concrete measures what should be done in the following period when it concerns the improvement of intellectual property system: passing new regulations from the field of intellectual property in compliance with the legal system of the European Union in that field, manner of operation of the Coordination Body, recommendations concerning the enforcement of IP rights that are considered a part of this Strategy.

## 2.1 Concrete aim – Intellectual Property Protection as one of the important goals of the Government

Intellectual Property Protection is the subject of constant attention of all the structures of government administration and part of the goals of the government activities.

### Measures for the achievement of the particular goal 2.1

1. Improvement of the manner of gathering and processing of statistical data with regard to the results established in the enforcement of intellectual property rights by the bodies competent for the IPR enforcement.
2. Extending fighting against organized crime also to criminal acts against intellectual property.

### Indications of success:

1. Reduction of counterfeiting and piracy in the Republic of Serbia;
2. Increase of the number of inspection controls;
3. Shorter duration of court procedures.

## 2.2 Concrete aim – institutional strengthening of bodies competent for the intellectual property rights enforcement

The Customs Administration and the Sector of the Trade Inspection have established special organization units for the enforcement of IP rights. As far as the General Directorate of Police is concerned, within its composition there is a separate Department for Fighting High Technology Crime or the Department for the Suppression of Crime in the Field of Intellectual Property. However,

when it concerns material violation of intellectual property rights, although the Police Directorate of the Ministry of Internal Affairs in the framework of the Service for the suppression of crime – Department for the Suppression of Economic Crime, has the Division for the suppression of economic crime in the domain of frauds in conducting business and intellectual property, that Division is predominantly engaged in the examination of crime not connected to the IP.

In the course of the project under the title “Enforcement of Intellectual Property Rights”, financed by the European Union, the administrative capacities of the mentioned institutions have primarily been improved for the enforcement of intellectual property rights through the conducted analysis, research, seminars, workshops, practical IPR enforcement in the field, elaboration of streamlines and the elaboration of the computer data base for the Trade Inspectorate.

It is important that the foundation thus built should be constructed upon in order for the Republic of Serbia to become known as the country implementing best practices in the field of IPR enforcement. Further institutional strengthening of legislative institutions dealing with criminal prosecution is necessary. If these institutions are not provided with enough resources, the effects of fighting crime in the field of intellectual property shall be minimum.

Measures for achieving concrete aim 2.2:

- 1) Elaboration and improvement of procedures, methodologies, studies, data bases and similar with the aim to achieve the efficient work of the competent bodies. In all that, great help can be provided by studies, publications, data bases, etc. that can be found on the internet page of the observatory of the European Union Intellectual Property Office (EUIPO).
- 2) Organizing trainings of the employees in the bodies for the intellectual property rights enforcement in the period 2018-2022 in order to keep experts trained for the professional and efficient manner of reaction against the violation of IP rights.

2.3 Concrete aim – Improvement of the coordination of the bodies competent for the intellectual property rights enforcement.

The task of the Coordination Body, in the field of the operative protection of the IPR in the Republic of Serbia is to follow up and streamline certain tasks from the framework of the several bodies of the government administration in order to secure the efficient protection of intellectual property rights. To that effect, working groups have been organized: for the elaboration of the intellectual property strategy development; for the exchange of data in the field of intellectual property rights enforcement; for raising awareness about counterfeiting and piracy.

The regulations of the Republic of Serbia provide for the administrative, civil and criminal protection of intellectual property rights. The improvement of the system of coordination of all bodies is of significant importance for the efficient enforcement of intellectual property rights, as well as for raising awareness with regard to consequences of piracy and counterfeiting. With regard to the above mentioned, in the framework of the established working groups, especially for the exchanging of data in the field of IPR enforcement and for raising awareness on counterfeiting and piracy, more efficient system of the exchange of information and planning of joint activities should be established.

1. Efficient and continual work of the Coordination Body
  - a) Working group for the exchange of data in the field of intellectual property rights enforcement

The Coordination Body, i.e. the established working groups meet at least once every six months. Working groups acting within the Coordination Body send to that Body reports about the success in their work. This primarily refers to the Working Group for the exchange of data in the field of IPR enforcement and Working Group for raising public awareness about counterfeiting and piracy.

Efficient work of the Working Group for the exchange of data in the field of intellectual property rights enforcement is reflected in the exchange of the relevant data between the institutions competent for IPR enforcement in a systematic and structured manner in order to avoid the duplication of operations and ensure efficient enforcement of intellectual property rights.

Data on the intellectual property rights violation are understood to be the data on the registered IPR contained in the data bases of the Intellectual Property Office including data on the appearance of the counterfeited and pirated goods, distribution channels, etc. as contained in the data base "INES" or "INES+" which are used by the Trade Inspectorate and the Customs Administration. The networking of these independent data bases or the creation of a unique application (data base), available to be used by all the competent enforcement bodies, would be a great contribution to the securing of the efficient system of intellectual property rights protection. Thus, the existing protocols of cooperation between these bodies, as well as the activities of the working groups for the exchange of data in the field of enforcement would be made more effective. The existing of such applications is practice operational in the European Union (The Enforcement Database (EDB), available at the internet site of the EUIPO observatory<sup>7</sup>. The access to this database is secured for the Police and Customs of all member states of the European Union who can get the mentioned information from this data base and it is easier for them to recognize the counterfeited and pirated products and undertake the appropriate acts.

According to the data on the violation of the intellectual property rights we understand the statistical data of the competent bodies regarding the enforcement of rights. For example, those are: number of criminal acts performed against intellectual property, number of controlled tax payer and business companies, as well as the data regarding the kind and amount of the goods seized on the territory of the Republic of Serbia. The exchange of the relevant data can be done at the regular meetings of the Coordination Body by meetings in person or the exchange of forms of the competent institutions containing the these information. Therefore, it is necessary for the institutions enforcing intellectual property rights to make reliable and transparent models of statistical reporting. These models of statistical reporting should be compatible with the data bases made at the moment by the EUIPO observatory regarding the violation of IPR.

Continual collection of these data is the necessary condition for the analysis of the improvement of situation in the Republic of Serbia when it comes to the enforcement of intellect property rights which is relevant in euro - integrations.

The collecting and processing of the relevant data is performed in compliance with the legislation regulating protection of data, having in mind in particular the law regulating the protection of data regarding personality.

In order for the mentioned data to be collected in the most efficient manner and processed in best possible way from the statistical point of view, it is necessary to employ the experts who will make on the basis of the mentioned data, the analysis of the implementation of regulations in the field of intellectual property rights. Thus, we primarily have in mind the qualitative and quantitative analysis

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<sup>7</sup> <https://euipo.europa.eu/ohimportal/en/web/observatory/enforcement-database>

of the cases of counterfeiting and piracy, their influence on the GDP, etc., as well as other analysis of current trends regarding the violation of rights, etc. By using the methodology adopted by the EUIPO and the EPO – European Patent Office, it is necessary to establish the contribution of the intellectual property to results in industry and employment in the Republic of Serbia. Apart from that, it is necessary to follow the methodology currently under preparation by the EUIPO in order to establish the level of counterfeiting and piracy in the Republic of Serbia. These statistical data have the key importance for the understanding of the scope of the problem and the distribution of resources in compliance with that.

It is necessary for the institutions competent for the intellectual property rights enforcement to exchange information and provide assistance for one another thus joining capacities to fight against the violation of rights, in particular when it refers to violation having the character of the organized crime.

b) Working group for raising awareness on counterfeiting and piracy

The aim of establishment and operation of this group is raising public awareness on the importance of intellectual property. It is, to say the least, equally important as the intellectual property rights enforcement. The reduction of demand for counterfeited and pirated goods will automatically reduce the accessibility of such goods. Accordingly, the efficient campaigns are necessary to raise public awareness intended for different segments of community. Apart from the campaigns, various educative events should be devised in order to adapt them to various target groups. For example: the young, the children, certain professions, SMEs, etc.

c) Annual Conference

It is necessary to organize annual conferences with the topic of intellectual property rights enforcement and raising awareness on piracy and counterfeiting. The annual conferences where the representatives of all enforcement institutions will participate, along with the judges and holders of IP rights, present an opportunity to gather in one place all the actors in this process and to get information about the latest events, exchange the best practice and establish mutual contacts.

d) Establishment of the working group for the gathering, analysis of data and identification of trends with regard to the violation of intellectual property rights

The Coordination Body shall organize the working group dealing with the identification of trends concerning the violation of intellectual property rights (and other facts that can assist the competent bodies to enforce the rights). With regard to the mentioned, among the trends so far identified, the greatest attention of the world and Serbian expert public is drawn to the protection of intellectual property right on the Internet. Therefore, it is necessary to establish the balance between the enforcement of intellectual property rights on the internet and the establishing of values such as the freedom of speech, freedom of access to knowledge and culture, etc. The protection of intellectual property on the internet shall take place strictly in compliance with the regulations of the Republic of Serbia – the Constitution, laws and international treaties from this field that the Republic of Serbia signed and ratified. With regard to that, it is necessary to do the following:

- Establish organized cooperation of the institutions competent for the enforcement of intellectual property rights and holders of rights on one side with the administrators of internet pages (transmitters of announcements) on the other side, for the sake of acquiring information concerning people violating intellectual property rights on the internet. For

example: the Law on Electronic Trade (“Official Gazette RS”, no. 41/09 and 95/13) establishes that the duty of the provider of services implies that he must inform the competent government body if he has well grounded doubts 1) that by the use of his service forbidden activities take place; 2) that the user of his service gave forbidden information. According to the Law on Announcement, it is forbidden to announce the commercialization of goods and the offering of services forbidden by the law. Also, such a law establishes the responsibility of the person transferring the message in the announcement.

- Create conditions for the establishment of the valid court decision that concerns the violation of rights on the internet, the removal of the announcement that may be illegal, the stopping of the announcement, the correction of the message, the prohibition of further announcing, the prevention of the access to information, etc. and the blocking of the internet pages in question.
  - Establish the mechanisms of cooperation between the person transferring the message in the announcement, operator, provider of services of electronic communication, holder of rights and the user of internet for the sake of prevention of the violation of intellectual property rights on the Internet.
- e) Establishment of international cooperation

It is important that the institutions in charge of the intellectual property rights enforcement establish the operative cooperation with the international institutions dealing with the enforcement of intellectual property rights. In the communication of the European Union no. 467 (2009), it is stated that “due to the international character of the violations of the intellectual property rights, the improvement of the internal cooperation *cross border* represents not only the legal obligation, but also the obvious need. For that effect, efficient network of contact points all over the European Union is of the essential importance for the stimulation of the fast exchange of data on the dubious products, places of production, channels of distribution and key points of sale. That will contribute to the harmonization of the national policies and offering of mutual assistance.” In the process of accession to the European Union, the Republic of Serbia has the obligation to accept the *acquis* and practice of the European Union in the field of IPR enforcement and that can be achieved by the implementation of the harmonized practice of the enforcement bodies that can be realized by the operative cooperation both on the bilateral level as well as on the level of the European Union.

Although the international cooperation can be of the bilateral character, it must also imply the relations with the organization sectors for the enforcement of the intellectual property rights in the composition of the international organizations such as Interpol, Europol, World Customs Organization and the Observatory of the EUIPO.

Main aim 3:

#### EDUCATION AND RAISING CAPACITIES FOR THE TRANSFER OF KNOWLEDGE IN THE FUNCTION OF IMPROVEMENT OF THE UTILIZATION OF THE INTELLECTUAL PROPERTY IN ECONOMY

In the modern economy based on knowledge and Lisbon Strategy which the European Union adopted in 2000, education, scientific and technological research and innovations are the key factors of competitiveness and sustainable development. The strategy of scientific and technological development of the Republic of Serbia for the period 2016 – 2020, (“Official Gazette RS”, no 25/16), Strategy for the support of development of the small and medium enterprises, entrepreneurship and competitiveness for the period 2015-2020, (“Official Gazette RS” 35/15), Strategy of the

development of education in Serbia till 2020 (“Official Gazette RS”, no. 107/12), have the goal to connect science and economy for the sake of the implementation of results of research originating at the universities, institutes and other R&D institutions through the exploitation of various forms of intellectual property by the business subjects. The projects of the European Union, through the framework of financing “Horizon 2020” for the researches, focus on the market implementation of the results of R&D organizations through consortia including at least one business subject. The Rules of Procedure, manner of evaluation and quantitative determination of R&D results of the scientific researchers (“Official Gazette RS”, no. 24/16, 21/17 and 38/17), significantly increase the valuation of the results expressed through patents in the field of technical and technological and biotechnical sciences.

Measures to achieve the main aim:

- 1) Introduction of the training on intellectual property at the universities through the accredited study programs, independent subjects or in the framework of other subjects adjusted to educational profiles, as well as the courses of continual education;
- 2) Formal introduction of the third mission at the universities in the Law on High Education (“Official Gazette RS”, no. 88/17, 27/18 –state law and 73/18);
- 3) Raising level of comprehending the system of protection and management of intellectual property for researches at the universities and other research institutions through various courses organized by the Intellectual Property Office through the Education and Information Center alone or in the cooperation with the WIPO, EPO, Technology Transfer Centers and other organizations for the support to innovations;
- 4) Adoption and implementation of the “National Recommendations for the Universities and Institutes in Serbia for the Management of Intellectual Property in Transfer of Knowledge Activities” elaborated in the framework of the expert team for the reform of high education (HERE team) nominated by the Ministry of Education, Science and Technological Development<sup>8</sup>;
- 5) Raising level of knowledge of the business subjects on the protection and utilization of the intellectual property rights through the activities of the Intellectual Property Office – Education and Information Center in cooperation with the organizations for the support to economy (business chambers, associations of businessmen, development agencies, etc.) by offering services to the business subjects through the Intellectual Property Diagnosis or other tools developed in the framework of the European Union projects in which the IPO participated (Iporta, VIP4SME), through activities and services of other organizations;
- 6) Enabling more significant support through various programs of financing innovations (Ministry of Education, Science and Technological Development, Ministry of Justice, cabinet of Minister for Innovations and Technological Development, Fund for Innovation Activities) and the support for the protection of intellectual property rights abroad for the creation of the preconditions for successful commercialization on foreign markets.

#### IV EVALUATION OF EFFECTS AND EXPENSES WITH REGARD TO THE IMPLEMENTATION OF STRATEGY EXPECTED RESULTS AND INDICATION OF IMPROVEMENTS

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<sup>8</sup> [http://erasmusplus.rs/wp-content/uploads/2016/06/nacionalne\\_preporuke\\_web.pdf](http://erasmusplus.rs/wp-content/uploads/2016/06/nacionalne_preporuke_web.pdf)

By the enforcement of the Intellectual Property Development Strategy from 2018 to 2022, the following results shall be achieved:

- Harmonization of the national legislation in the field of intellectual property rights with the acquis of the European Union;
- Improvement of the coordination of the IPR enforcement;
- Establishment of the separate organization units for the IPR enforcement;
- Improvement of the capacity of the institutions for the intellectual property rights enforcement;
- Strengthening of the image of the Republic of Serbia as the state that offers the efficient protection of intellectual property rights, that will contribute to the attraction of foreign investments in the products and advance technologies;
- Increasing the level of public awareness on the importance of intellectual property for the society, that will lead to the reduction of demand for the counterfeited and pirated goods, as well as the reduction of the number of cases of unfair competition and requests filed in bad faith for the protection of intellectual property rights;
- Improvement of the implementation of the intellectual property in economy.

#### CHIEF INDICATORS FOR THE FOLLOW UP OF THE IMPLEMENTATION OF STRATEGY

Chief indicators for the follow up of the implementation of the IP Development Strategy for the period 2018-2022 are the following:

1. Harmonization of the national legislation in the field of intellectual property with the European legislation
  - Positive evaluation of the Chapter 7 – Intellectual Property in the annual report of the European Commission on the advance of the Republic of Serbia;
  - Implemented recommendations of the Final Report of the Twining Project “the Enforcement of IP Rights”, completed in January 2016 under the activities 2.11 – Support to the harmonization of legislation in Serbia with the EU Standards
  - Adopted amendments of the Law on Copyright and Related Rights, Law on Trademarks, Law on Patents, Law on Topographies of Semi-Conductor Products, Law on Special Authorities for the Sake of the Efficient Protection of Intellectual Property Rights, Law on Business Secret;
  - Accession to multilateral conventions on the intellectual, industrial and commercial property, as stated in the Annex.
2. Improvement of Intellectual Property Rights Enforcement
  - 2.1 Concrete goal: Protection of IP rights as one of the significant goals of the Government
    - Reports of the inspection and other competent bodies concerning the unified collection and processing of statistical data;
    - Inclusion of crime from the field of intellectual property in the national evaluations dealing with threat from the heavy and organized crime (so-called SOCTA analysis);
    - The report of the competent body on the confiscated property acquired by the performance of criminal acts against the intellectual property in the period from 2018 to 2022.
  - 2.2 Concrete goal: Institutional strengthening of bodies competent for the Intellectual Property Rights Enforcement in the Period 2018-2022.

- The number established special organizational units for the enforcement of intellectual property rights and the number of experts employed in each of them;

The reports of inspection and other competent bodies about the unified acting when performing control and supervision;

Number of held trainings (seminars, workshops, etc.) concerning the infringement of intellectual property rights for the employees in the bodies for the enforcement of intellectual property rights.

### 2.3 Concrete goal: Improvement of the coordination of the operations of the bodies competent for the enforcement of intellectual property rights

- Reports from the meetings of the Coordination Body;
- Reports from the meetings of the Working Group for raising awareness on counterfeiting and piracy, number of annual conferences held on the topic of intellectual property, topics included and potential conclusions;
- Reports from the meetings of the Working Group for the exchange of data in the field of the enforcement of intellectual property rights, topics included and possible conclusion;
- Annual Report of the Coordination Body;
- Number of conferences on the intellectual property rights enforcement (agenda and lists of guests); topics discussed and conclusions,
- Passing an act on the establishment of the working group for the gathering of information, analysis of data and identification of trends with regard to the infringement of intellectual property rights,
- Number of the held meetings of the Working Group for the gathering of information, analysis of data and identification of trends with regard to the infringement of intellectual property rights and the report from the meeting of that group,
- Report on the established cooperation of institutions for the infringement of the intellectual property rights and holders of rights with the providers of internet services,
- Number of the measures enforced by the bodies for the IPR enforcement, as the result of the coordination meetings (removal of internet pages where the counterfeited products are advertised as merchandise to be sold).

### 3. Concrete goal: Establishment and continual improvement of the capacities for the transfer of knowledge with the function of improvement of the implementation of intellectual property in the economy;

- Number of training for teachers that will coach about the intellectual property;
- Elaborated curriculums from the field of intellectual property for the teachers that will teach intellectual property;
- Number of programs/subjects, in particular at the technical faculties, in the framework of which intellectual property is taught;

- Formally introduced third mission of the university in the Law on High Education as the goal of the international project “Institutional framework for the development of the third mission of the universities in Serbia” – IF4TM, where, as a partner, the Ministry of Education, Science and Technological Development and the Intellectual Property Office participate. The goals of the third mission imply that the universities, apart from high education and scientific exploration as the basic values, introduce as an obligation also the transfer of technologies, they should have in their offer the courses for continual education and should organize socially responsible activities;
- Number of trainings held at the faculties, institutes;
- Passing Regulations on Intellectual Property at all the state universities;
- Number of established offices for the transfer of technology and the number of employees in the offices for the transfer of technologies;
- Number of trainings/seminars on intellectual property for economy;
- Passing Laws on innovation activities;
- Number of programs of financial support for the intellectual property protection.

## EXPENSES

The financial means for the enforcement of the Intellectual Property Development Strategy for the period 2018-2022 are established by the Action Plan and include:

- Funds from the budget of the Republic of Serbia in the framework of the expenses approved by the included institutions;
- Technical assistance secured from the donors;
- Sponsorship and means secured from other legally permitted sources.

## V PROCEDURE OF REPORTING AND FOLLOW UP

In the course of the period for the enforcement of this Strategy, the Intellectual Property Office shall compose the annual reports on its implementation. On the basis of reports on the achieved results sent by the competent institutions in the February of each calendar year, the Intellectual Property Office shall direct to the Government or its bodies, the annual report on the implementation of the Intellectual Property Development Strategy for the period 2018 -2022, in March of each calendar year.

## VI FINAL CONCLUSION

The Action Plan for the enforcement of the Intellectual Property Development Strategy for the period 2018-2022 and the Annex are printed along with this strategy and make its constituent part.

This Strategy shall be published in the “Official Gazette of the Republic of Serbia”.

## **ANNEX A: INTERNATIONAL TREATIES AND NATIONAL LEGISLATION**

### **NATIONAL LEGISLATION FROM THE FIELD OF INTELLECTUAL PROPERTY**

The basic legislation of the Republic of Serbia in the field of intellectual property is the following:

1. Law on Copyright and Related Rights, adopted on 16.12.2009, last amended on March 18, 2016 ("Official Gazette RS" no 104/09, 99/11, 119/12 and 29/16 – decision of the Constitutional Court);
2. Law on Patents, adopted on 27.12.2011 ("Official Gazette RS", no. 99/11);
3. Law on Trademarks, adopted on 16.12.2009, last amended on 30.1.2013 ("Official Gazette RS", no. 104/2009 and no. 10/2013)
4. Law on Legal Protection of Industrial Design, adopted on 16.12.2009, last amended on 22.05.2015, ("Official Gazette RS", no. 104/2009 and 45/2015) and
5. Law on the Protection of Topographies of Semi-conductor Products, adopted on 15.06.2013 ("Official Gazette RS", no. 55/13).
6. Law on the Protection of Breeders Rights ("Official Gazette RS", no 41/09 and 88/11)

In addition to the mentioned laws, in the Republic of Serbia, laws are implemented that regulate the enforcement (protection) of intellectual property rights, in particular:

1. Law on Special Authorities for the Sake of Efficient protection of intellectual property rights ("Official Gazette RS", no 46/2006 and 104/2009, etc.);
2. Criminal Code ("Official Gazette RS", no 85/2005, 88/2005 – corr. , 107/2005, cor., 72/2009, 111/2009, 121, 2012, 104/2013 and 108/2014);
3. Customs Law ("Official Gazette RS", no. 18/2010, 111/2012 and 29/2015) and the Regulations on the Conditions and Manner for the Implementation of Measures for the

Protection of Intellectual Property Rights at the Border (“Official Gazette RS”, no. 86/2010 and 28/2012); and

4. Law on Optical Discs (“Official Gazette RS”, no. 52/2011)

## INTERNATIONAL AGREEMENTS FROM THE FIELD OF INTELLECTUAL PROPERTY

### FIELD OF INTELLECTUAL PROPERTY IN GENERAL<sup>19</sup>

1. **Stabilization and Accession Agreement between the European Union and their Member States** – Law on the ratification of the Stabilization and Accession Agreement between the European Union and their Member States, on one side and the Republic of Serbia, on the other side (“Official Gazette RS – International Treaties”, no 83/2008 and 10.09.2008).

The agreement was signed on April 29, 2008 in Luxembourg , **and it has been enforced on September 1, 2013** on the basis of the Information on the date of entry into force of the Stabilization and Accession Agreement between the European Union and their Member State on one side and the Republic of Serbia, on the other side, which was published in the “Official Gazette RS – International Agreements”, no. 11/2013 dated September 24, 2013.

The contracting parties of this treaty are the contracting party of the Treaty on the Establishment of the European Union and the Treaty on the Establishment of the European Union for Atomic Energy and Treaty on the European Union , or 27 member states and European Union and European Union for Atomic Energy, which approach unanimously, as one contracting party and the Republic of Serbia on the other side. Because of this, this treaty represents a specific bilateral agreement.

2. **Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967, and as amended on September 28, 1979** – Regulation on the ratification of the Paris Convention for the Protection of Industrial Property (“Official Gazette SFRY – International Treaties and other Agreements”, no. 5/74 and “Official Gazette SFRY – International Agreements no. 7/86 – state regulation).

The Convention was signed on March 20, 1883 in Paris, revised in Brussels on December 14, 1900, in Washington on June 2, 1911, in the Hague on November 6, 1925, in London on June 2, 1934, in Lisbon on October 31 1958 and in Stockholm on July 14, 1967 and it was ratified by the competent body of the SFRY on January 25, 1973, and with regard to the entry into force, please see article 20 to 25 of this Convention. This Convention was changed by the amendments adopted in 1979 and 1980, which were **ratified by the competent body of the SFRY on September 20, 1984** which were published on the “Official Gazette SFRY – International Agreements”, no. 7/86).

3. **Convention Establishing the World Intellectual Property Organization (Signed at Stockholm on July 14, 1967 and as amended on September 28, 1979)** – Regulation on the ratification of the convention on the establishment of the World Intellectual Property Organization

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<sup>9</sup> Serbia is in the process of negotiation for the membership in the WTO

(“Official Gazette SFRY – International Agreements and Other Treaties”, no. 31/72 and “official Gazette SFRY – International Treaties”, no. 4/86 – state regulation).

The Convention was signed on July 14, 1967 in Stockholm and ratified by the competent government body of the SFRY on July 16, 1971 and it enters into force for every state that consequently accesses three months after the depositing of the instruments on ratification or accession. This Convention was changed by the amendments adopted in 1979 and 1980 and **were ratified by the competent body of the SFRY on September 20, 1984** and published in the “Official Gazette SFRY – International agreements”, no. 4/86).

#### FIELD OF PATENTS

1. **Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure Done at Budapest on April 28, 1977, and amended on September 26, 1980** – Law on ratification of the Budapest Treaty on the International recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (“Official Gazette SRY – International Treaties”, no. 3/93)

The Treaty was concluded on April 28, 1977 and amended on September 26, 1980 and **ratified by the competent body of the SRY on June 14, 1993** and it enters into force for every member state that consequently joins it, three months after the date of the depositing of the Patent Cooperation Treaty instruments on ratification or accession.

2. **(PCT) Patent Cooperation Treaty done at Washington on June 19, 1970, amended on September 28, 1979, modified on February 3, 1984, and on October 3, 2001 with the Regulations for the enforcement of the Patent Cooperation Treaty** – Law on the ratification of the Patent Cooperation Treaty with the Regulations for the Enforcement of the Patent Cooperation Treaty (“Official Gazette SRY International Agreements”, no. 3/96 and the “Official Gazette SMN”, no. 32/2004 and other laws).

The Treaty was concluded on June 19, 1970 in Washington, amended on October 2, 1979 and amended on February 3, 1984 with the Rules of Procedure for the enforcement of the Patent Cooperation Treaty, **ratified by the competent body of the SFY on August 29, 1996.**

**Agreement Between the Federal Government of the Federal Republic of Yugoslavia and the European Patent Organization about Cooperation in the Fields of Patents (Cooperation and Extension Agreement) with the Annex, was made on November 26, 2001 in Munich2010**

Law on Ratification of the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the European Patent Organization on Cooperation in the Field of Patents was made (Cooperation and Extension Agreement, with the Annex (“Official Gazette SMN – International Agreements” no. 14/2004).

3. **Convention of the Grant of European Patents (European Patent Convention) dated October 5, 1973, with the amendments dated November 29, 2000** – Law on the ratification of the European Patent Convention (EPC) from October 5, 1973 with the amendments of

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<sup>10</sup> Having in mind that the Convention on the Grant of European Patents has been ratified, the question remains if the Treaty is still enacted.

article 63 of the European Patent Convention from December 17, 1991 with the amendments dated November 29, 2000.

On June 9, 2010, the Law on the Ratification of this Convention was ratified by the competent body of the RS., from October 5, 1973 the Convention was ratified with the amendments of article 63 of the European patent Convention from December 17, 1991 and the amendments from November 29, 2000 ("official Gazette RS – International Treaties", no. 5/10 and 99/11 –state law

4. **Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979** – Law on the Ratification of the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979 ("Official Gazette RS – International Treaties", no. 42/2009).

The Agreement was made on March 24, 1971 and amended on September 28, 1979 and **ratified by the competent body of the Republic of Serbia on June 2, 2009**, and it is enforced one year after the date when the Secretary General of the World Intellectual Property Organization informed about the ratification or accession, if in the instrument of ratification or accession some later date has been stated in which case it enters into force with regard to that country on the date in question.

5. **Patent Law Treaty, adopted on June 1, 2000 in Geneva** – Law on the ratification of the Patent Law Treaty ("Official Gazette RS – International Agreements", no. 19/2010)

This Treaty was adopted on June 1, 2000 in Geneva, **ratified by the competent body of the Republic of Serbia on March 26, 2010**, and it enters into force for every other state, after the expiry of three months from the date when the state deposited the instrument of ratification or accession at the Director General, or at any other later date mentioned in that instrument, but not later than the expiry of six months from the date of such depositing.

## FIELD OF TRADEMARKS

1. **Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Nice on June 15, 1957, and at Stockholm on July 14, 1967, and as amended on September 28, 1979** – Regulation on the ratification of the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Nice on June 15, 1957, and at Stockholm on July 14, 1967, and as amended on September 28, 1979 ("Official Gazette SFRY – International Treaties and Other Agreements", no. 2/74)<sup>11</sup>

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<sup>3</sup> By the accession of Algiers to the Madrid Protocol, on 31.10.2015, there is no longer the possibility to examine the national applications according to the urgent procedure when the request for the international registration urgent examination has been filed ( in the case of the designation of Algiers), and the conclusion designating the payment of the double fees in RSD and Swiss francs for the protection of trademarks, shall no

Madrid Agreement was adopted on April 14, 1891, and it was **ratified by the competent body of the SFRY on December 26, 1972**, and it enters into force for every state which subsequently accedes after the depositing of the instruments of ratification or the accession at the Director General of WIPO.

2. **Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks as adopted at Madrid on June 27, 1989.** – Law on Ratification of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("Official Gazette of the FRY - International Treaties", no. 2/97 of 27.06.1997. Year)

The Protocol was adopted on June 27, 1989 in Madrid, and **ratified by the competent body of the SRY on June 26, 1997**, and it enters into force for every state which consequently accedes to it three months after the date when the Director General of WIPO is informed of ratification, or accession.

3. **Nairobi Treaty on the Protection of the Olympic Symbol adopted at Nairobi on September 26, 1981** – Law on the ratification of the Nairobi Treaty on the Protection of the Olympic Symbol adopted at Nairobi on September 26, 1981 with Annex ("official Gazette SRY – International Agreements", no. 1/99)

The Treaty was adopted on September 26, 1981 in Nairobi, **ratified by the competent body of the SRY on December 24, 1999**, and for every state which consequently deposits the instrument of ratification, adoption or accession, it enters into force a month after the date of depositing of those instruments.

4. **Trademark Law Treaty (henceforward: "Treaty") is adopted on October 27, 1994 in Geneva** – Law on the Ratification of the Trademark Law Treaty : "Official Gazette FRY – international Agreements", no. 4/98).

The Treaty was adopted on October 27, 1994 in Geneva, and **ratified by the competent body of the FRY on March 3, 1998** and it enters into force for every state that consequently accedes to it three months after the date of the depositing of the instruments of the ratification or accession of that state.

5. **Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks Done at Vienna on June 12, 1973 as amended on October 1, 1985** – Law on ratification of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks Done at Vienna on June 12, 1973 as amended on October 1, 1985. ("Official Gazette FRY – International Agreements", no 4/98).

The Agreement was made on June 12, 1973 in Vienna and amended on October 1, 1985 and it was **ratified by the competent body of the RS on June 2, 2009**, and it enters into force three months after the date when the Director General of the WIPO informed about the ratification or accession to it.

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longer be applied. The above mentioned refers to the requests for the international registration that shall be filed after 31.10.2015. The applications are examined according to the Protocol alone.

6. **Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979<sup>12</sup>.** Law on the ratification of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979. ("Official Gazette RS- International Agreements", no.19/2010).

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979 was **ratified by the competent body of the Republic of Serbia on March 26, 2010** and it enters into force with regard to the Republic of Serbia on December 17, 2010.

7. **Singapore Treaty on the Law on Trademarks, Regulation under the Singapore Treaty on the Law on Trademarks (as in force on November 1, 2011) and Resolution by the Diplomatic Conference Supplementary to the Singapore Treaty on the Law on Trademarks (done in Singapore on March 27, 2006)** – Law on the ratification of the Singapore Treaty on the Law on Trademarks, Regulation under the Singapore Treaty on the Law on Trademarks (as in force on November 1, 2011) and Resolution by the Diplomatic Conference Supplementary to the Singapore Treaty on the Law on Trademarks (done in Singapore on March 27, 2006), ("Official Gazette RS –International Treaties", no. 5/2010)

The Treaty **was ratified by the competent body of the Republic of Serbia on June 9, 2010** and it enters into force three months after ten states or international organizations, according to the article 26(1)(ii), deposit their instruments of ratification or accession, or on November 19, 2010.

#### FIELD OF DESIGN

1. **The Hague Agreement Concerning the International registration of Industrial Designs, concluded on November 28, 1960, in original in French and the Complementary Act of Stockholm of July 14, 1967.** – Law on ratification of the The Hague Agreement Concerning the International registration of Industrial Designs, concluded on November 28, 1960, in original in French and the Complementary Act of Stockholm of July 14, 1967 – ("Official Gazette FRY - International Agreements", no. 3/93).

The Hague Agreement was concluded on November 28, 1960 in Hague and the Complementary Act was concluded in Stockholm on June 14, 1967 and they are **ratified by the competent body of the FRY on June 14, 1993**, because for every state that consequently accesses, they enter into force three months after the depositing of the instruments on ratification or accession of that state.

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<sup>12</sup> Nice Agreement which has been signed on June 15, 1957, and revised in Stockholm on July 14, 1967, was ratified by the competent body of the SFRZ on March 14, 1973 and it enters into force for every state which consequently accesses three months after the date when its ratification or accession was announced by the Director General of the WIPO with whom the instruments of ratification are deposited.

2. **Locarno Agreement Establishing an International Classification for Industrial Designs** Signed at Locarno on October 8, 1968 as amended on September 28, 1979 – Regulation on the ratification of the Locarno Agreement Establishing an International Classification for Industrial Designs Signed at Locarno on October 8, 1968 as amended on September 28, 1979 (“Official Gazette SFRY” – International Treaties and other Agreements”, no. 51/74)

Agreement was signed in Locarno on October 8, 1968, **ratified by the competent body of the SFRY on April 4, 1973**, and it enters into force in relation to every country which subsequently accesses three months after the date when its ratification or accession is announced by the Director General.

3. **Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at the Diplomatic Conference dated July 2, 1999.** – Law on the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at the Diplomatic Conference dated July 2, 1999 (“Official Gazette RS – International Agreements”, no. 42/2009).

The Agreement was adopted on July 2, 1999 at the Diplomatic conference and **ratified by the competent body of the Republic of Serbia on June 2, 1999**, and for every state or intergovernmental organization which deposited instrument on ratification or accession it enters into force three or more months before the enactment of this act, and this act is an obligation from the date of its entry into force.

#### FIELD OF INDICATIONS OF GEOGRAPHICAL INDICATIONS

1. **Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, as revised at Stockholm on July 14, 1967, and as amended on September 28, 1979** **October 31, 1958, as revised at Stockholm on July 14, 1967, and as amended on September 28, 1979** – Law on the ratification of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, as revised at Stockholm on July 14, 1967, and as amended on September 28, 1979 (“Official Gazette FRY – International Agreements, no. 6/98)

Lisbon Agreement was concluded on October 31, 1958 and amended in Stockholm on July 14, 1967 and it contains amendments from September 28, 1979 and it **was ratified by the competent body of the FRY on December 4, 1998, and it entered into force on June 1, 1990**, and in relation to every other country, this act enters into force three months from the date when the Director General announces its ratification or accession, unless in the instrument in the ratification or accession some other date is denoted. In this last case, this act enters into force, in relation to that country, on the precisely denoted date.

2. **Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of April 14, 1891 Act revised at Washington on June 2, 1911, at The Hague on**

**November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958 with the Additional Act of Stockholm from July 14, 1967** – Law on the Ratification of the . Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of April 14, 1891 Act revised at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958 with the Additional Act of Stockholm from July 14, 1967 (“Official Gazette FRY – International Agreements”, no. 1/99)

The Agreement was concluded on April 14, 1891 in Madrid, revised in Washington on June 2, 1911, in the Hague on November 6, 1925, in London on July 2, 1934, in Lisbon on October 31, 1958 with the additional act from Stockholm from June 14, 1967. It was **ratified by the competent body of the FRY on December 24, 1999**, and the declaration on the succession was given to the depository (WIPO) on June 11, 2001

#### FIELD OF COPYRIGHT AND RELATED RIGHTS

1. **Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, completed at PARIS on May 4, 1896, revised at BERLIN on November 13, 1908, completed at BERNE on March 20, 1914, revised at ROME on June 2, 1928, at BRUSSELS on June 26, 1948, at STOCKHOLM on July 14, 1967, and at PARIS on July 24, 1971, and amended on September 28, 1979** – Law on the ratification of the Berne Convention for the Protection of Literary and Artistic Works (“Official Gazette SFRY – International Treaties”, no. 14/75 and no. 4/96 – declaration”).

Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, completed at PARIS on May 4, 1896, revised at BERLIN on November 13, 1908, completed at BERNE on March 20, 1914, revised at ROME on June 2, 1928, at BRUSSELS on June 26, 1948, at STOCKHOLM on July 14, 1967, and at PARIS on July 24, 1971, and amended on September 28, 1979 was **ratified by the competent body of the SFRY on March 12, 1975, or September 20, 1984, and the last amendments were entered into force on September 20, 1984.**

2. **International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Done at Rome on October 26, 1961** – Law on the ratification of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Done at Rome on October 26, 1961 (“Official Gazette FRY – International Treaties”, no. 13/02)

Convention was concluded on October 26, 1961 in Rome, and **ratified by the competent body of the FRY on December 16, 2002**, and for the state that subsequently ratifies the convention it enters into force three months after the depositing of the instruments of ratification.

3. **Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971 in Geneva** – Law on the ratification of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971 in Geneva (“Official Gazette FRY – International Treaties”, no. 13/02)

The Convention was concluded on October 29, 1971 in Geneva and **ratified by the competent body of the FRY on December 16, 2002**, and for the state which subsequently ratifies it enters into force three months after the date when the Director General of the World Intellectual Property Organization informs the states in compliance with the article 13, paragraph 4 of the Convention for the depositing of those instruments.

4. **World (Universal) Convention on Copyright with annexes amended on July 24, 1971 in Paris** – Law on ratification of the World (Universal) Convention on Copyright with annexes amended on July 24, 1971 in Paris (“Official Gazette SFRY – International Treaties”, no. 54/73).

The World (Universal) Convention on Copyright was amended in Paris on 24.07.1971, and it was **ratified by the competent body of the SFRY on December 6, 1972**, and this convention enters into force three months after the depositing of the twelve instruments of ratification, adoption or accession.

5. **WIPO Copyright Law Treaty, concluded on December 20, 1996 in Geneva** –Law on the Ratification of the WIPO Copyright Law Treaty, concluded on December 20, 1996 in Geneva (“Official Gazette of FRY – International Agreements”, no. 13/02).

The Treaty was adopted on December 20, 1996 and **ratified by the competent body of the FRY on December 16, 2002**, and the state which consequently accesses to it, is obliged by the expiry of the term of three months after the depositing of the instruments for the ratification to the Director General of the WIPO.

6. **WIPO Performances and Phonograms Treaty (WPPT) (adopted in Geneva on December 20, 1996)** – Law on the ratification of the WIPO Performances and Phonograms Treaty (WPPT) (adopted in Geneva on December 20, 1996) (“Official Gazette of the FRY – International Treaties”, no. 13/02).

The Treaty was concluded on the December 20, 1996 in Geneva, **ratified by the competent body of the FRY on December 16, 2002**, and it is bounding three months from the date of the depositing of the instruments of ratification at the Director General of WIPO.

7. **Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite Done at Brussels on May 21, 1974** – Regulation on the ratification of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite Done at Brussels on May 21, 1974 (“Official Gazette SFRY – International Treaties”, no. 13/77).

The Convention was adopted on may 21, 1974 in Brussels, **ratified by the competent body of the SFRY on November 24, 1976**, and it enters into force three months after the depositing of the fifth instrument of ratification, accession or adoption and for every state which consequently accesses to it, it enters into force three months after the depositing of the instruments of that state.

#### FIELD OF THE BREEDERS RIGHTS

**International Convention on the Protection of New Breeders Rights** was ratified by the adoption of the Law on Ratification of the International Convention on the Protection of

New Breeders Rights (“Official Gazette SFRY – International Treaties”, no 19/10 dated March 26, 2010); International Convention on the protection of the new breeders rights was passed in 1961 in Paris, when the International Union for the protection of new plant varieties was established in 1961 in Paris when the International Union for the Protection of New Plant Varieties –UPOV was established. The Convention entered into force in 1968 and it was originally made in French, English and German. The Convention was revised in 1972, 1978 and 1991. The Act from 1991 has entered into force in 1998.

#### **INTERNATIONAL AGREEMENTS TO WHICH THE REPUBLIC OF SERBIA SHOULD ACCESS**

1. Beijing Treaty on Audiovisual Performances adopted by the Diplomatic Conference on the Protection of Audiovisual Performances in Beijing, on June 24, 2012.
2. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled adopted by the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities in Marrakesh, on June 27, 2013

#### **ANNEX B:**

**ACTION PLAN FOR THE PERIOD 2018 – 2022  
ON IMPLEMENTATION OF INTELLECTUAL PROPERTY STRATEGY OF THE  
REPUBLIC OF SERBIA**

**MAIN GOAL 1: HARMONIZATION OF THE NATIONAL LEGISLATION WITH THE EU LEGISLATION IN THE FIELD OF INTELLECTUAL PROPERTY**

<b>No</b>	<b>Measures</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>1</b>	<b>Passing the Law on Amendments of the Law on Copyright and Related Rights</b>	<b>December 2018</b>	<b>State budget with the possibility of technical support</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on Amendments of the Law on Copyright and Related Rights</b>
<b>2</b>	<b>Passing the Law on Amendments of the Law on Trademarks</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on Amendments of the Law on Trademarks</b>
<b>3</b>	<b>Passing the Law on Amendments of the Law on Patents</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on Amendments of the Law on Patents</b>
<b>4</b>	<b>Passing the Law on Amendments of the Law on Topographies of Semi-conductor Products</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on Amendments of the Law on Topographies of Semi-conductor</b>

					<b>Products</b>
<b>5</b>	<b>Passing the Law on Special Authorities for the Sake of Efficient Protection of IP Rights</b>	<b>December 2018</b>	<b>State budget</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on Special Authorities for the Sake of Efficient Protection of IP Rights</b>
<b>6</b>	<b>Passing the Law on the Protection of Business Secret</b>	<b>March 2019</b>	<b>State budget</b>	<b>Intellectual Property Office, Ministry of Education, Science and Technological Development</b>	<b>Elaborated proposal of the Law on the Protection of Business Secret</b>
<b>7</b>	<b>Implementation of the Legal Recommendation of the Project “Implementation of IP Rights”</b>	<b>March 2019</b>	<b>No financial needs</b>	<b>Intellectual Property Office</b>	<b>Harmonized legislation. Reports of the EU Commission on advance</b>
<b>8</b>	<b>Accession to the Beijing Treaty and Marrakesh Treaty</b>	<b>September 2019</b>	<b>No financial needs</b>	<b>Intellectual Property Office</b>	<b>Established proposal of the law on the ratification of the international treaties</b>
<b>9</b>	<b>Follow up of further development of the EU in the field of IPR Enforcement</b>	<b>In the course of happening</b>	<b>No financial needs</b>	<b>Intellectual Property Office</b>	<b>Reports of the EU Commission on advance</b>

**MAIN GOAL 2: IMPROVEMENT OF INTELLECTUAL PROPERTY RIGHT ENFORCEMENT**

<b>Measures for achieving main aim 2</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>Elaboration of Report on the IPR Enforcement in the Republic of Serbia</b>	<b>In the course of happening</b>	<b>No financial needs</b>	<b>Intellectual Property Office</b>	<b>Reports of the EU Commission on progress</b>

**Concrete goal 2.1 Intellectual Property Protection as one of the significant goals of the Government**

<b>No.</b>	<b>Measures for achieving concrete aim 2.1</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>1</b>	<b>Improvement of measures for collection and processing of statistical data concerning results realized in the enforcement of IP rights by competent enforcement bodies</b>	<b>June 2019</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Reports of inspection and other government bodies about the unified collection and processing of statistical data</b>

<b>2</b>	<b>Extending fight against organized crime to criminal acts against IP</b>	<b>June 2019</b>	<b>No financial needs</b>	<b>Ministry of Internal Affairs</b>	<b>Inclusion of crime in the field of intellectual property into the National assessment of threat by the heavy and organized crime (so called SOCTA analysis)</b>
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**Concrete goal 2.2: Institutional strengthening of bodies competent for the intellectual property rights enforcement**

<b>No</b>	<b>Measures for achieving concrete goal 2.2</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>1</b>	<b>Elaboration or improvement of procedures, methodologies, studies, data bases, etc. with the aim to achieve efficient work</b>	<b>June 2019</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Reports from inspections and other competent bodies about the unified procedure of control and supervision</b>

	<p>of the competent bodies. In all that, great help can be obtained from studies, publications, data bases, etc. on the site of the Observatory of the European Union Intellectual Property Office (EUIPO).</p>				
2	<p>Organization of trainings for the employees in the bodies for the enforcement of IPR in the period 2018-2022 to train them to react in a professional and efficient manner against IPR enforcement</p>	2018-2022	No financial needs	IPO + Enforcement institutions (Customs Administration, Sector for Trade Inspection, Tax Administration and Police Directorate)	Number of trainings held (seminars, workshops, etc.) with regard to IPR violation for employees in the enforcement bodies

**Concrete goal 2.3: Improvement of the coordination of bodies competent for IPR Enforcement**

<b>No</b>	<b>Measures to realize concrete goal 2.3</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>1</b>	<b>Coordination Body Meetings once every 6 months, at least</b>	<b>2018-2022</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Reports from the meetings</b>
<b>2</b>	<b>Meetings of the Working Group for the exchange of information in the field of IPR Enforcement, at least once every 6 months</b>	<b>2018-2022</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Reports from the meetings</b>
<b>3</b>	<b>Exchange of relevant information among the institutions competent for IPR Enforcement in a systematic and structured manner</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Annual Report</b>
<b>4</b>	<b>Elaboration of the unified, reliable and transparent models of statistical reporting of bodies for IPR</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Report of the Coordination Body</b>

	<b>Enforcement</b>				
<b>5</b>	<b>Analysis of the realistic possibility of networking of independent bases of the bodies competent for IPR Enforcement or creation of unified data base (application) like in the EU</b>	<b>September 2019</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Report of the Coordination Body</b>
<b>6</b>	<b>Creation of the HR for the elaboration of the qualitative and quantitative analysis of information exchanged by the IPR Enforcement Bodies</b>	<b>December 2019</b>	<b>No financial needs</b>	<b>IPO I Bodies (Ministry of Finances, Ministry of Internal Affairs, Ministry of Trade, Tourism and Telecommunications, Public Prosecutor and Ministry of Health)</b>	<b>Number of employees on the tasks of qualitative and quantitative analysis of information exchanged by the bodies for the IPR Enforcement</b>
<b>7</b>	<b>Elaboration of the study on the qualitative and quantitative analysis of counterfeiting and piracy, their influence on GDP, employment and similar in the</b>	<b>January 2020</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Written study</b>

	<b>Republic of Serbia</b>				
<b>8</b>	<b>Holding meetings of the Working Group for Raising Public Awareness on Counterfeiting and Piracy every six months, at least</b>	<b>2018-2022</b>	<b>No financial needs</b>	<b>Working Group for raising awareness on piracy and counterfeiting</b>	<b>Reports from the meeting</b>
<b>9</b>	<b>Holding Annual Conference and other educational and informative activities in the organization of the Working Group for Raising Public Awareness on Counterfeiting and Piracy</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Working Group for raising awareness on piracy and counterfeiting</b>	<b>Number of Conferences (agenda and listing of attendees), topics covered and possible conclusions</b>
<b>10</b>	<b>Establishment of Working Group dealing with collecting, analysis of data and identification of trends regarding IPR violation (and other facts)of assistance to</b>	<b>December 2019</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Established proposal on the establishment of the Working Group</b>

	<b>IPR Enforcement Bodies</b>				
<b>11</b>	<b>Established cooperation of institutions for the IPR enforcement and holders of rights with the providers of Internet services on the establishment of the efficient system of warning and removal of contested web sites</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Coordination Body, institutions for the IPR Enforcement</b>	<b>Report on the established cooperation</b>
<b>12</b>	<b>Establishing cooperation of IPR Enforcement institutions and holders of rights with the providers of services of marketing assisting in the transfer of funds to web pages where IP Rights are violated</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Coordination Body, institutions for the IPR Enforcement</b>	<b>Number of conducted measures by IPR Enforcement bodies as an outcome of coordination meetings (removal of web sites advertising counterfeited products)</b>
<b>13</b>	<b>Establishment and development of</b>	<b>December 2018</b>	<b>No financial needs</b>	<b>Coordination Body</b>	<b>Number of meetings of the working groups</b>

	<b>international cooperation of institutions for the IPR Enforcement with the international institutions for the IPR Enforcement</b>				<b>(membership and agenda); processed topics and possible conclusions</b>
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**MAIN GOAL 3: EDUCATION AND RAISING CAPACITIES FOR THE TRANSFER OF KNOWLEDGE IN THE FUNCTION OF IMPROVEMENT OF INTELLECTUAL PROPERTY IMPLEMENTATION IN ECONOMY**

<b>No</b>	<b>Measures to realize the goal</b>	<b>Timeline</b>	<b>Financial resources</b>	<b>Responsible institution</b>	<b>Development indicators</b>
<b>1</b>	<b>Implementation of IPR training at universities through accredited study programs, independent subjects or in the framework of other subjects adjusted to educational profiles, as well as through courses of continual education</b>	<b>June 2022</b>	<b>State budget with the possibility of technical support</b>	<b>Ministry of Education, Science and Technological Development</b>	<b>Number of trainings for teachers teaching IPR; elaborated curriculums for teachers teaching IPR; Number of programs/subjects, in particular at the technical faculties in the framework of which IPR is taught</b>
<b>2</b>	<b>Formal introduction of the third</b>	<b>June 2019</b>	<b>No financial needs</b>	<b>Ministry of</b>	<b>The third mission of</b>

	<b>mission of the universities in the Law on High Education</b>			<b>Education Science and Technological Development</b>	<b>the universities is formally introduced in the Law on High Education</b>
<b>3</b>	<b>Raising level of knowledge, protection and management of IPR by researchers at the universities and other R&amp;D institutions through various courses organized by the IPO through the Education and Information center or in cooperation with WIPO, EPO, TTCs</b>	<b>June 2020</b>	<b>No financial needs, possibility of technical support, donations</b>	<b>Ministry of Education, Science and Technological Development, the IPO</b>	<b>Number of trainings held at the faculties and institutes</b>
<b>4</b>	<b>Adoption and implementation of the “National recommendation for universities and institutes in Serbia for the management of IP in the activities of transfer of knowledge” elaborated in the framework of the Expert Team for the reform of high education. <a href="http://erasmusplus.rs/wp-content/uploads/2016/06/nacionalne-preporuke_web.pdf">http://erasmusplus.rs/wp-content/uploads/2016/06/nacionalne-preporuke_web.pdf</a></b>	<b>June 2019</b>	<b>No financial needs, possibility of technical support</b>	<b>Ministry of Education, Science and Technological Development</b>	<b>Regulations on intellectual property passed at all state universities; Number of TT offices and number of employed in the TTO</b>
<b>5</b>	<b>Raising level of knowledge of the business subjects about the protection and use of IPR for ex. through the activities of the IPO –</b>	<b>January 2020</b>	<b>No financial needs</b>	<b>IPO, Ministry of Education, Chamber of Commerce of Serbia, Regional</b>	<b>Number of trainings, seminars on IP and economy</b>

	<p><b>Education and Information Center in cooperation with the organizations for support to economy (chambers of commerce, associations of businessmen, development agencies, etc.) through offering services to businessmen such as IP Diagnosis or with the assistance of other tools developed within the projects of the EU where the IPO participated (Iporta, VIP4SME)</b></p>			<p><b>Agency of Serbia through the networks of the accredited regional development agencies</b></p>	
6	<p><b>Enabling significant support through the various programs of financing of innovations (Ministry of Education, Science and Technological Development, Ministry of Economy, Cabinet of the Minister for Innovations and Technological Development, Fund for Innovation Activities, private funds) and support for the protection of IPR abroad for the sake of creating preconditions for successful commercialization on foreign markets.</b></p>	<p><b>January 2019</b></p>	<p><b>State budget with the possibility of technical support, private funds</b></p>	<p><b>Ministry of Economy, Science and Technological development, Ministry of Economy, Cabinet of the Minister for Innovations and Technological development, Fund for Innovation Activities</b></p>	<p><b>Law on Innovation Activities is passed. Number of programs of financial support for the protection of intellectual property.</b></p>