



# EIC NEWSLETTER

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## Headline

### Technical assistance in the field of intellectual property rights (geographical indications and TRIPS compliance)

The Swiss Confederation provides technical assistance to the Serbian government under a three-year project whose aim is to establish an efficient system for the protection of geographical indications. It also supports Serbia in the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to enable Serbia to become a reliable and effective member of the World Trade Organization (WTO).

Most of the TRIPS-related work has already been done, including a review of Serbian legislation and a study trip to Berne.



Cheese from Zlata

The main emphasis of the project is on the protection of geographical indications (GIs). Switzerland has vast experience in this field and is helping Serbia to set up an effective protection system for its high-quality regional products. This is being done in close co-operation with the Serbian Intellectual Property Office (IPO) and the Serbian Ministry of Agriculture.

**Olga Allemann**, project co-ordinator  
Swiss Federal Institute of Intellectual Property

The project will help farmers and producers to protect their GI products, e.g. through local awareness campaigns and the assessment of product potential, the definition of rules for value creation and conservation of local resources, and marketing activities. The project will support cheese from Zlata, a var from Leskovac, a beef sausage called Sudzuk from Sjenica, and the Kulen from Srem, a sausage with chilli peppers that give it its spicy taste and dark orange colour.

The Swiss Intellectual Property Institute is implementing the project, providing know-how and legal expertise in the field of GIs. SEEDEV, a local firm of consultants, is implementing activities in Serbia and helping to improve the system by working closely with Serbian producers.

Serbian stakeholders play the most important role in this project. Only with the strong commitment and ownership of the project by institutions and value chain stakeholders will sustainable development of intellectual property rights be achieved in Serbia. ■

## Interview

### Nine decades of the Intellectual Property Office

On 15 November 1910, the successor to the throne of the then Kingdom of Serbs, Croats and Slovenes, Aleksandar Karadjordjević, enacted the Ordinance on the Protection of Industrial Property, establishing the Administration for the Protection of Industrial Property. Thus, the state which had been constituted shortly before fulfilled its obligation under the Paris Convention regarding the establishment of a special institution for the protection of industrial property.

The first president of the Administration was Janko Šuman, Ph.D., a lawyer who had studied in Graz, Vienna and Celovec, and then in the Austro-Hungarian Patent Office in Vienna, for 17 years.

The first patent to be registered by the Administration for the Protection of Industrial Property was for an invention called "rakia distilling pot still" by Milan Jovanović, a coppersmith from Novi Sad. This was in fact a Hungarian patent, No. 48772, which had been transferred, while the first patent to be granted by our Administration was patent No. 7 for a "self-rocking cradle" invented by Adem Subašić, a watchmaker from Sarajevo.

Late 1948 saw the adoption of the Law on Inventions and Technical Improvements which established the Federal Administration for Inventions attached to the Federal Planning Commission.

Since 1981, the Intellectual Property Office (Office) has been vested with the authority to protect geographical indications. Currently, the number of geographical indications registered with the Office amounts to 52. They provide protection for our traditional products such as Užice smoked ham, Homolje honey, Leskovac grilled meat, Knjaz Miloš, Voda Vrnjci and Duboka sparkling waters, various wines and the like.

Over a long period of time, the Office has been active in preparing draft laws and by-laws in the field of industrial property, and since 1994 also in the field of copyright and related rights.

Thanks to the enthusiasm of its employees and the successful management of Mr Žarković, who was followed by Professor Slobodan Marković, and owing to the successful European Union implemented by the European Patent Office and the support of the World Intellectual Property Organization, the Office has developed a modern informatics infrastructure providing its employees with advanced professional training in Serbia and abroad.

Up to now the Office has registered 51.094 patents, 1.159 petty patents, 61.100 trade marks and 10.612 industrial designs. Apart from the signifi-



The Intellectual  
Property Office of the  
Republic of Serbia

cance of these intellectual assets for their owners, information about these rights is invaluable for researchers, innovators and the business sector both in Serbia and beyond.

The excellent services offered by the Centre for Patent Information, along with the substantial support provided by the EU and the European Patent Office, served as the basis for the establishment of the Office's Education and Information Centre in 2010, which also organises training activities in addition to providing information on intellectual property rights. The Centre has initiated co-operation with business associations, the Agency for Regional Development, the University of Belgrade and the Judicial Academy, and is well prepared for the commencement of its training cycles.

As in other areas where new targets apply, Serbia has also set itself a goal for the development of intellectual property, which is to reach a level of protection similar to that in the European Union by the end of 2013.

Serbia has now signed all the conventions in the area of intellectual property administered by the World Intellectual Property Organization (24 in total), and since 1 October 2010 has been a member of the European Patent Organisation. ■



Zoran Dragojević, Head of the group for design and geographical indications  
Intellectual Property Office of the Republic of Serbia

## Homolje honey

Homolje is Serbia's most famous honey. Practically every other honey displayed at honey exhibitions is sold as Homolje honey, even if it is not from that area. Owing to this product's good reputation, it has become the most abused product in the Republic of Serbia. This has prompted its producers to take appropriate steps to prevent honey produced in other areas from being sold under that name, and to preserve the distinctive quality of the real product. On 12. May 2008, the Homoljemed Žagubica honey cooperative based in Žagubica filed an application for the registration of the Homolje honey appellation of origin with the Intellectual Property Office. It was duly registered under No. G – 5/08.

Homolje is a geographical area in eastern Serbia clearly delineated by mountain ranges on all sides. In the north, it is separated from Zvižd by the Homolje mountains (940m), in the south, from Resava by Mt Beljanica (1.336m), to the east the Crni Vrh massif (1.027m) separates it from the Crna Reka basin, while the low Gornjak mountains (825 m) in the west separate it from the River Mlava as it flows through flat country.

An area featuring distinct boundaries, it belongs for administrative purposes entirely to the municipality of Žagubica. This beautiful region boasts an ecologically well preserved environment offering major potential for beekeeping and the production of ecologically pure and distinctive honeybee products. The



locals have bred the *Apis mellifera carnica* honeybee for decades, and beekeeping is one of their additional sources of income. This is one of the best known areas in Serbia as far as the quality of the honey is concerned.

Homolje honey is a polyfloral honey obtained from the flowers of ligneous and herbal plants, mainly of the medicinal type, growing in conditions suited to modified stationary beekeeping based on the local honeybee *Apis mellifera carnica*. The following proportions are produced: about 50% black locust honey and over 50% meadow honey, obtained by single extraction, maximum twice a year. The colour

of Homolje honey varies from light to dark and the nuances range from ochre to orange and dark amber. The colour of the honey is uniform and its pigmentation is consistent. The aroma is floral and characteristic of the local vegetation. It has a pleasing old-fashioned taste, and its aroma is extremely savoury, rounded and full, with clearly expressed characteristics. The honey is thick, and easily spun around the spoon. It crystallises naturally.

Honey with the Homolje appellation, and the methods involved in its production, are subject to regular quality and process control performed by the Faculty of Agriculture and the Serbian Veterinary Science Institute in Belgrade.

At the 2009 exhibition of ethnic foods and beverages, Homolje honey was awarded the Serbian trade mark award in the category of honey.

In 2010, this product won the great gold quality medal and the gold medal for packaging innovations at the Novi Sad agricultural exhibition. That same year, steps were taken to provide international protection for the product on the basis of the Lisbon agreement. Thus, on 8. July 2010, Homolje honey became the first Serbian product to be granted an internationally protected appellation of origin. The authorised user of the Homolje honey appellation of origin is the Homoljemed Žagubica beekeepers' cooperative, comprising 84 beekeepers from the area of Homolje. Their production is based on more than 4.000 beehives, and in the next three to five years production of Homolje honey is expected to increase significantly, reaching approximately 100.000kg. ■

Vuk Raičević, Ph.D. and Slobodan Spasić, M.A., Faculty of Law for Business and the Judiciary  
University Business Academy

## Intellectual property law at the Faculty of Law for Business and the Judiciary



In pursuit of excellence in research and education in the area of legal sciences, the Faculty of Law for Business and the Judiciary of the University Business Academy in Novi Sad seeks to maintain top international standards in higher education, applying best practices and implementing a proactive approach in order to win its students' confidence. Striving to fulfil its mission to create future intellectual leaders capable of facing up to the challenges in the private and public sectors, the Faculty has been involved in constant research and development in search of new dynamic modalities, primarily in the area of practical education.

"One of the common, unwritten and often unspoken, rules deriving from the basic modern academic policy is that many universities are competing in trading in profitable educational courses, similar to competitive retail companies that compete for clients." These

words written by Thorstein Veblen in his Memorandum on the Conduct of Universities by Business Men back in 1918, even though a distinct warning, must not distract us from reasserting the purpose of the university as the foremost driver of knowledge.

The conception of intellectual property as a process for the creation of all other values, including those by which man has expressed the purpose of his existence, as well as those by which he has extended the boundaries of his development, forms the basis upon which we have built our relation to the products of intellectual creativity. Being firmly convinced that a knowledge of the rights inherent in intellectual property and their full application is not only an obligation of each individual, but also a matter of the strategic orientation of the state and of the socially responsible behaviour of the corporate sector, the Faculty has decided to provide for a better affirmation of this fascinating branch of law (the second driver of knowledge).

What we have realised at the very beginning of this exciting journey is that there is no institution in our country that deserves to be credited with the role of partner better than the Intellectual Property Office of the Republic of Serbia. A fact that both of our

institutions have in common is that we have been spreading the word, almost in the manner of preachers, about the beauty and the benefits, as well as the value and future prospects of this modern legal discipline, which is intertwined with economic factors. True, Norbert Wiener, mathematician and founder of cybernetics, wrote back in 1973 that treating ideas as property and the desire to earn profits from patents instead of simply loving inventions for themselves would sterilise the soil of human intellect. Nonetheless, respect for intellectual property has never required greater focus than today.

Industrial Property Law is a textbook which looks into the theory and practice of this branch of law (courtesy of the Intellectual Property Office, which provided us with numerous practical examples). Without claiming to indicate the analytical direction of future approaches to this subject-matter, the book prompts further discussion of industrial property rights in the light of the challenges we shall soon be facing.

We owe special thanks to our colleague and friend Dragan Vasiljević for his time and trust, as well as for his profound commitment to the writing of this textbook. ■



**Zoran Dragojević**, Head of the group for design and geographical indications  
Intellectual Property Office of the Republic of Serbia

## Geographical indications

### What are geographical indications?



Geographical indications are appellations of origin and geographical indications used in designating natural products (e.g. water), farming products (e.g. raspberries), food and industrial products (e.g. sausages and beer, respectively), cottage industry products (e.g. rugs), and services.

An appellation of origin is the geographical name of a country, region or locality, which is used to designate a product originating there. The quality and specific characteristics of the product are exclusively or essentially determined by local geographical factors, including natural and human input, and the entire

procedure for producing, processing and preparing the product within a specified limited area. Examples: HOMOLJE HONEY, PIROT RUG, PETROVAC SAUSAGE.

The essence of this type of protection provided by geographical indications is that all the elements of the production process (the raw material itself, the production phase, then packaging and labeling) are confined within a specific geographical area. Only a product having this type of protection may be protected under the Lisbon Agreement in another 26 countries, seven of which are EU states.

A geographical indication identifies a product as originating from the territory of a certain country, region or locality. Moreover, a particular property of the product, its reputation, or some other characteristic is attributable essentially to its geographical origin, and its production and/or processing and/or preparation takes place within a specified limited area.

The requirements for obtaining protection are remarkably unexacting and only some of them have to be met. Examples: APATIN JELEN BEER, BEZ-DAN DAMAST and the like.

### Initiating the procedure

The protection of products by geographical indications is the responsibility of the Intellectual Property Office.

Information about the procedures for registering geographical indications and for obtaining the status of authorised user can be found at: [http://www.zis.gov.rs/sr/oznake\\_geografskog\\_porekla/ogp\\_pitanja.html](http://www.zis.gov.rs/sr/oznake_geografskog_porekla/ogp_pitanja.html)

The protection of wines, rakia and other alcoholic beverages is the responsibility of the Ministry of Agriculture, Forestry and Water Management in accordance with the law on wines and the law on rakia and other alcoholic beverages.

### Term of protection

Only authorised users of geographical indications entered in the register of authorised users of geographical indications kept by the Intellectual Property Office have the right to use the respective geographical indications.

### Why is it necessary to protect a geographical indication?

Because it may be used only by authorised users who have the legal authority to ban any other party involved in trading in goods and services from using their registered geographical indications. The product designated by a geographical indication creates added value, contributing to the rural development of the region concerned and discouraging migration of the rural population. It also promotes the development of tourism and generally helps to give the country as a whole a good name. ●

**Katarina Čavor**, adviser  
Intellectual Property Office of the Republic of Serbia

## Industrial design

### What is industrial design?

Industrial design is the 3-D or 2-D appearance of a product as a whole or of a part of it, determined by its visual characteristics. It includes primarily lines, contours, colours, shape, texture, as well as the materials a product is made of, or ornamented with, and combinations of these.

Industrial design provides protection for industrial or artisan products, for components designed to be fitted together to form a compound product, and for product packaging, graphic symbols and topographic signs. Industrial design cannot be used for the protection of computer programs or products whose outward appearance is determined exclusively by their technical function.

### Why does industrial design need to be protected?

By protecting an industrial design, its owner acquires an exclusive right to use it and is also entitled to prevent third parties from making unauthorised copies or imitations. An industrial design which has been protected enables the owner to exploit it commercially: he may assign it to third parties, license out its utilisation, or use it as a pledge.

Industrial design protection promotes creativity in the industrial and artisan sectors, promotes economic expansion and enhances a country's export potential.

### How can industrial design be protected?

In the Republic of Serbia, as in most countries, an industrial design has to meet the requirements of novelty and individual character to be eligible for protection. The procedure starts with the filing of an application - with the Intellectual Property Office - for the granting of a right to an industrial design, which must include the following: a request for the granting of a right to an industrial design, a description of the industrial design, a 2-D representation of the industrial design, and payment of the fee for the application, the amount of which depends on the number of industrial designs included. If the application includes all the required elements and meets the requirements for the grant of an industrial design, the right to the industrial design is granted at the conclusion of the examination procedure and the applicant is issued with an industrial design certificate.

### How to get an industrial design registered internationally

An industrial design holder may file an application for the international registration of the industrial design with the World Intellectual Property Orga-

nization (WIPO) via the Intellectual Property Office, and thus obtain protection for the design in the countries which are parties to the Hague Agreement Concerning the International Registration of Industrial Designs. ●



Saša Zdravković, adviser

Intellectual Property Office of the Republic of Serbia

## List of geographical indications registered by the Intellectual Property Office

There are 55 geographical indications registered in Serbia, 39 of which apply to the territory of Serbia, while 16 are international. In 2010, four applications were filed for the registration of geographical indications. The following geographical indications are registered in Serbia:

- Užice smoked ham (beef)
- Užice smoked ham (pork)
- Užice bacon
- Srem kulen sausage
- Srem home-made sausage

- Srem salami
- Požarevac sausage
- Rtanj herbal tea
- Krivovir Caciocavallo
- Homolje sheep's cheese
- Homolje goat's cheese
- Homolje cow's cheese
- Banat Riesling
- Jagodina Ružica wine
- Vršac Champion beer
- Kosovo polje (Amselfeld, Field of the Blackbird, Champ de merle)
- Kosovo wine (Amselfelder)
- Metohia
- Kladovo caviar (Caviar of Kladovo)
- Vrnjci water
- Apatin Jelen beer
- AQUA HEBA Bujanovac sparkling water

- Pirot rug
- Sirogojno
- Duboka sparkling water
- Biserno Ostrvo Krokam Muscat
- Knjaz Miloš Bukovička Banja
- Petrovac sausage
- Leskovac grilled meat (for pljeskavice and ćevapčići)
- Valjevo pork crackling
- Bermet
- Svrlijig Caciocavallo
- Karlovac Riesling
- Futog fresh sauerkraut
- Homolje honey
- Arilje raspberries
- Svrlijig belmuž
- Beždan damask
- Stara Planina Caciocavallo

## News

Nikola Radovanović, adviser

Intellectual Property Office of the Republic of Serbia



### Contract signed for the establishment of the technology transfer centre

An agreement on a programme of support to be provided by the Intellectual Property Office (IPO) to the University of Belgrade, and on the establishment and operation of the Centre for Technology Transfer (CTT), was signed on 30. November by the Rector of the University of Belgrade, Prof. Branko Kovačević,

and the Director of the IPO, Ms Branka Totić. The establishment of the CTT was envisaged as part of the project entitled "Support to the Education and Information Centre of the Intellectual Property Office of Serbia". The CTT was established by a decision of the University Council of 26. October 2010. Its purpose is to identify, protect and commercialise the results of research done by professors, researchers and students, and to protect intellectual property.

### Participation of the IPO in the 9th Business Base

Belgrade Fair was host to the 9th international fair of entrepreneurship known as Business Base which was held from 2. to 4. December 2010 and organised by the National Agency for Regional Development. The Intellectual Property Office (IPO) took part in the fair as usual. Its stall attracted many visitors, and its staff were on hand at all times to give them expert advice and useful information about intellectual property. During the fair, the IPO gave a presentation on intellectual property as a source of competitiveness. This covered a variety of topics relating to intellectual property and its strategic uses with a view to increasing the market value of companies. Examples from national and international practice were given.

### IP seminar for students from the Faculty of Mechanical Engineering

On Thursday 9. December, fifth-year students from the Faculty of Mechanical Engineering visited the Intellectual Property Office. Experts from the Education and Information Centre held a series of lectures on types of intellectual property right and the importance of the protection of such rights. The emphasis was on patent protection for new technical solutions and patent information, and the students were also shown how to search the freely available esp@cenet global database of patent documentation to find technical information for research purposes and establish whether an invention is new.

**Intellectual Property Office of the Republic of Serbia**, Kneginje Ljubice 5, 11 000 Belgrade; [www.zis.gov.rs](http://www.zis.gov.rs); Phone: (+381 11) 202 58 00; **Director:** Ms. Branka Totić • **Project Coordinator:** Ms. Branka Bilen-Katić; [bbilenkatic@zis.gov.rs](mailto:bbilenkatic@zis.gov.rs); Phone: (+381 11) 202 58 25 • **Local Project Team** • **Team Leader:** Mr. Mladen Stojanović; [mstojanovic@zis.gov.rs](mailto:mstojanovic@zis.gov.rs); Phone: (+381 11) 263 04 60 • **Project Assistant:** Ms. Dijana Penčić; [dpencic@zis.gov.rs](mailto:dpencic@zis.gov.rs); Phone: (+381 11) 202 58 47 • **Contact e-mail:** [info.EIC@zis.gov.rs](mailto:info.EIC@zis.gov.rs) • **web:** [www.zis.gov.rs](http://www.zis.gov.rs)



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