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**STRATEGY FOR
INTELLECTUAL PROPERTY
OF THE REPUBLIC OF MACEDONIA
2009 – 2012**

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Skopje, September 2009

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Institution that proposes the Strategy: Ministry of Economy

Coordinator: State Office of Industrial Property

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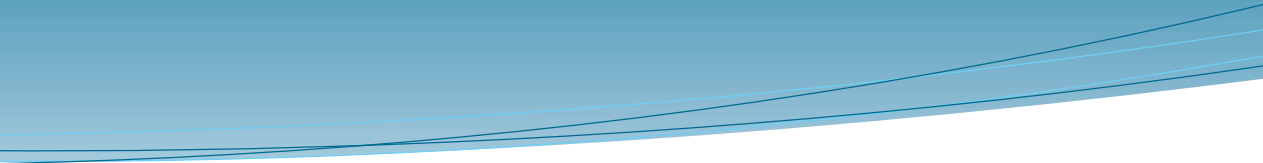
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Dears,

The recognition of the importance of intellectual property rights by users and authorized agents imposes the need for adoption of a National Strategy for Intellectual Property.

The importance of the intellectual property is enormous, considering the fact that a significant part of the trade rests exactly on protection of intellectual property rights and that the economic growth and development of the countries, including the Republic of Macedonia, is directly dependent on their proper management.

The Republic of Macedonia, since its independence, has been investing in establishing and putting in place an efficient system for protection of intellectual property rights, capacity-building of institutions, raising the awareness for respecting intellectual property rights and the benefits therefrom.

It gives me great pleasure to point out that today we have institutions, European legislation and equitable social practices to assist us in dealing with the global processes and practices in this area.

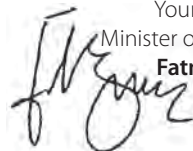
The National Strategy for Intellectual Property is an important document for the development of the intellectual property that defines the strategic goals and tasks of the competent institutions in the Republic of Macedonia which should, with particular attention, contribute to supporting the competitiveness of the domestic companies and their positioning on the EU markets and in third countries, as well as to introducing new technologies and knowledge, innovations and experiences in the development of the SMEs.

This Strategy provides the two foundations in the area of intellectual property: further development of the efficiency and efficacy of the protection of intellectual property rights and the copyright and the related rights, and the development of the intellectual property in support of the business community, the industry and the scientific public.

These are the foundations on which a new society in the Republic of Macedonia is being built, compatible with the European and the international society, based on knowledge, stimulation of foreign investments, retaining and attracting talents, economic use of innovations, promotion of creativity and innovations and building on the economic potentials in order to overcome the negative economic effect from infringement of intellectual property rights.

In my opinion, this strategic document is a good opportunity to recognize the economic dimension of the intellectual property rights in our country, which according to the global processes is expected to be the driving force of the economic growth in the Republic of Macedonia.

Yours faithfully,
Minister of Economy
Fatmir Besimi



Dears,

The State Office of Industrial Property faces with one more task entrusted to it by the Government of the Republic of Macedonia and that is the coordination of activities for implementation of the Intellectual Property Strategy in compliance with the Action Plan. This obligation also represents recognition of the capacity and role of SOIP to fulfill such a responsible task, as well as serious responsibility and challenge for quality and timely implementation of the Strategy content.

The implementation process of the Strategy involves a large number of ministries, institutions and associations, which shows that the intellectual property spreads across all spheres of our society. All involved institutions should possess the capacity and commitment for successful implementation of the Strategy. The SOIP is prepared to respond appropriately and support these institutions during this process.

The coordination of duties ahead of them is not an easy task, especially in this situation where numerous tasks, measures and activities are to be conducted by SOIP itself. We are familiar with these duties because we also coordinated the activities during the development of the Strategy. Three workshops were organized and questionnaires were developed for scanning the needs. Various solutions were proposed by a large number of entities and many meetings were organized with high government officials and members of the working group, aimed at defining the needs and priorities in the area of intellectual property.

I would like to use this opportunity to thank to all who were involved in developing this document, first of all to the employees in the SOIP and then to the entire working group. I feel special gratitude for the experts who worked on integration and finalization of the document, Professor Jadranka Dabovic Anastasovska, Ph.D. and Assistant Neda Zdraveva M.A. from the Law Faculty "Justinian the First", at the University «Ss. Cyril and Methodius» in Skopje.

The experience that we shared with our colleagues from Romani is very important, as well as, the opinion of Mr. Ron Marchand, a well known British expert who was engaged through the World Intellectual Property Organization. The knowledge that we all acquired through our participation at the seminars organized by this Organization on this topic is of immense importance, as well.

I would like to express my special gratitude to the USAID's Business Environment Activity for its support in developing this Strategy, including this printed version, which will be an important document for further dissemination of its contents to the wider public.

In the end, I would like to once again reiterate the SOIP's commitment to undertake all the required activities to make this document not only well written in paper, but also to implement it in practice with the aim of improving the efficiency in the fight against the piracy and counterfeited goods, which have negative impact on the economy of the country; to strengthen the dialogue between the public institutions and the private sector and to raise the public awareness concerning the importance and benefits of protection and enforcement of protection of intellectual property rights.

I hope that after this document, in compliance with its contents, a new long-term strategy will be developed, which will focus on the development of economic dimension of intellectual property rights in the Republic of Macedonia and making the intellectual property one of the crucial pillars of the economic development of the Republic of Macedonia.

 Yours faithfully,
Director
Safet Emruli, M.A.

I

*Basis of
the intellectual
property strategy*

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Creations of the human mind, that is to say, intellect, are subjects (objects) of intellectual property protection. Intellectual property, when analysed from a comprehensive stand point, represents the rights stemming from intellectual activities in industry, science, literature and the arts. It can also be said that intellectual property refers to information or parts of information that are simultaneously incorporated in certain objects in an unlimited number of copies, in different places throughout the world.

Intellectual property rights (hereinafter IPR) are particularly important in modern society. The development of new technologies imposes as an imperative that international standards on IPR protection must be followed. There is no product, or service whose value is not increased through the incorporation of IPR. New technologies allow creative people to use them and create new types of intellectual works, but they also allow for new ways of abusing IPR. The Republic of Macedonia, is a candidate country for EU membership, a member country of the World Trade Organisation (WTO), and a signatory of the Agreement on Trade-Related Aspects of Intellectual Property Rights. While building its Strategy for Intellectual Property Rights (hereinafter: IPR Strategy), it begins from the standpoint that: the most competitive economy is the knowledge-based economy; Europe pursues the building of a knowledge-based society; the Republic of Macedonia needs foreign direct investments for the development of its own capacities, that will grow proportionally along with the level of IPR protection; its own human potentials - talents, creative people, authors, scientists - should be stimulated by respecting the IPR and thus enabling the economic effects stemming thereof to be retained, as well as to attract new talents; the IPR could allow the small and medium sized enterprises to become competitive, to become recognized in the market, through innovations, ideas, branding and the like; protection of the intellectual property is a fundamental instrument for the success of the European Union internal market that we aspire to accede.

KNOWLEDGE-BASED SOCIETY

Recognizing knowledge as a raw material, i.e. the most important resource for the development of society, where the primary goods are intellectual and innovative products and services, the Republic of Macedonia considers the IPR Strategy as one of the developmental instruments that will pave the way towards the knowledge-based society. The final objective is through this

strategy, is to create a competitive economy, based particularly on knowledge and production that exploits intellectual capital. The triangle of knowledge is important for the strategy, too. In this triangle, the starting point is scientific work and research where knowledge is created and upgraded, and such accumulated knowledge will then be disseminated in the education process as a second point. This will enable the increasing of the primary resource. By applying the knowledge of innovations that constitute the third point of the triangle, a value-added product is created. Everything said above points to the fact that the National IPR Strategy, by stimulating scientific work and research will stimulate all other forms of education concerning IPR and will allow for their practical implementation and adding value and quality to our own products and services.

INCREASING THE FOREIGN DIRECT INVESTMENTS

The Republic of Macedonia recognizes the need for foreign direct investments, as a source for creation and development of the domestic economy and productive, creative and export-oriented industries. It therefore considers the IPR Strategy as one of the instruments for stimulating foreign direct investments, particularly when world-wide research shows that the foreign direct investments are proportionate with the level of protection of intellectual property rights in any country.

The high level of protection prevents the accumulation of negative economic consequences following the infringement of intellectual property rights. Studies and assessments conducted by relevant international institutions and organisations show that the infringement of intellectual property rights leads to serious impairment of national economies, while at the same time the improper protection of rights does not stimulate the foreign investors. This has also been identified in the Programme for Investment Incentives 2007-2010, prepared by the Ministry of Economy. The programme identifies the impediments for investors in the area of protection of intellectual property rights. According to the timeframe, the competent institution from the Action Plan of the Programme continuously monitors the envisaged activities for implementing measures for overcoming these impediments.

KEEPING AND ATTRACTING TALENTS

The Republic of Macedonia recognizes the need for stimulating creativity and innovations of individuals and teams through institutional actions. It sees the IPR Strategy as one of the instruments for establishing a stronger and permanent relationship among the education, science and research institutions, culture and commercial sectors that will provide a commercial environment for creative and innovative work. This would result in financial reward and personal satisfaction for intellectual creators, authors, performers and innovators, thus preventing the outflow of human capital and reducing the number of the most talented and highly educated individuals with master degrees and doctorates who leave the country. The Strategy, by establishing these relationships will assist in overcoming the present situation in the country and to start investing in the human capital through improved education, in order to exploit the talent and innovative knowledge.

DEVELOPMENT OF SMALL AND MEDIUM ENTERPRISES

The Republic of Macedonia acknowledges the flexibility, possibilities and importance of small and medium enterprises for the development of the economy. It recognizes the IPR Strategy as an instrument that should, in particular, contribute to the competitiveness of small and medium enterprises in the market. To that end, by approximating the range of intellectual property rights, the Strategy will enable IPR to be treated as an important element of the capital of small and medium enterprises, through improved education, and by recognizing the economic value of these rights and their implementation in the strategies for small and medium enterprises, and particularly in managerial decisions.

PROTECTION OF INTELLECTUAL PROPERTY AS A MECHANISM ON THE INTERNAL MARKET

Intellectual property is particularly important for the internal market of the European Union, bearing in mind that the protection of intellectual property not only promotes creativity and innovations, but is also very important for increasing the employment rate and enhancing the competitiveness of goods and services. "We must put an end to the counterfeiting. It causes damages to our innovative industries, to our economic development and creation of new jobs. The bigger quantity of counterfeited goods that enter our market attacks the core of the European production, which on the other hand prevents the further development of companies that produce brands that have been tried and that can be trusted. We must focus our activities on the criminal world. The former criminal gangs that were dealing cocaine and other prohibited drugs now have turned to releasing on the market counterfeited pharmaceutical products because they are able to earn money and other benefits in a faster and easier way. These people are concerned neither about the society nor about the health and safety of our citizens¹.

PARTNERSHIP FOR ACCESSION

Concerning Chapter 7: Intellectual property rights, the European Commission with the Decision of the Council concerning the principles, priorities and conditions contained in the Partnership for Accession with the Republic of Macedonia and for abolition of the Decision 2006/57/EC for Pre-accession Partnership and to define Short-term priority: "A national strategy to be prepared and an action plan for building the necessary capacity for implementation and application of *acquis* in each area covered by this Chapter, with special emphasis on the need for providing specialized training for the bodies in charge of implementation of the law, the judges, prosecutors and customs officers" with a deadline for its adoption by 30.06.2009.

1 Charlie McCreevy, Internal Market Commissioner, IP/08/1416, Date: 26/09/2008

Bearing in mind all this, the Republic of Macedonia undertakes measures for achieving a level of protection of intellectual property rights similar to the level that exists in the Community, also including effective means for enforcement of these rights. To that end, the Government of the Republic of Macedonia has started to work on the preparation and adoption of the Strategy for Intellectual Property Rights that would recognize the importance and potentials in this area.

The Government of the Republic of Macedonia, at the one-hundred and thirty-eighth session held on 18.03.2008 took the decision that obligated the Ministry of Economy, as an institution that proposes the Strategy, the State Office of Industrial Property, as the coordinator of the activities, in cooperation with other ministries and institutions involved in IPR protection, to start working on the preparation of the National Strategy for Protection of Intellectual Property Rights, which will cover the following: 1. protection of copyrights and related rights, and 2. protection of industrial property rights.

The Ministry of Economy and the coordinator, i.e. the State Office of Industrial Property, in cooperation with other institutions involved, and prior to working on the strategy, had been working on the preparation of the National Programme for enforcement of industrial property rights and on the Action Plan for implementation thereof. In the course of the preparation of the National Programme and the Action Plan, financial and technical assistance was provided by the USAID's Business Environment Activity. Also, expert opinion from Romania was provided, based on their experience.

The Ministry of Culture, at the same time prepared the Draft Strategy for Copyright and Related Rights, which was postponed by the Government of the Republic of Macedonia due to the short-term priority from the Partnership for Accession.

During the preparations for the Stabilisation and Association Committee for 2008, a conclusion was made by the Government of the Republic of Macedonia which imposes an obligation on the Ministry of Economy and the coordinator – the State Office of Industrial Property, which are in charge of the National Programme for Protection of Industrial property Rights, and the Ministry of Culture which is in charge of the Strategy for Copyright and Related Rights, to include the documents in a unique Strategy for the Protection of Intellectual Property Rights (protection of copyright and related rights and protection of industrial property) instead of being adopted as separate documents. The USAID Business Environment Activity engaged several experts to finalize the Strategy and make suggestions for new solutions referring to conditions and basic materials, as well as for the preparation of the text of the Strategy for Intellectual Property. For certain issues, and for the text of the IPR Strategy, an expert opinion was obtained from the World Intellectual Property Organisation².

During the preparation of the IPR Strategy, consideration was particularly taken of the following:

- obligations that the Republic of Macedonia has taken with the Stabilisation and Association Agreement, and the assessments and recommendations concerning the advancement of the Republic of Macedonia given by the European Commission

2 The working group consisting of representatives from relevant ministries and state institutions (see Technical Annex 1 about the members of the working group). Experts who were involved in the preparation of the Strategy are Professor Jadranka Dabovikj-Atanasovska, Ph.D. and Assistant Neda Zdraveva, M.A. from the Law Faculty "Justinian the First", engaged through the USAID's Business Environment Activity.

- scientific and professional assessment of the situation and needs
- results and experiences in enforcement of relevant national programs/strategies in this area and
- advice and recommendations by relevant European and international bodies, institutions and organisations.

The Strategy has short-term goals focused on the creation of a level of protection of intellectual property rights and a means for efficient and effective exercise of these rights that are in compliance with the European Union. They are permeated by notions that strengthen the awareness of the business community and the public concerning intellectual property rights and the relative economic benefits. After evaluating the success concerning the implementation of the IPR Strategy, i.e. assessing to what extent the goals will have been achieved, a long-term strategy will be developed that will focus on the development of the economic dimension of intellectual property rights in the Republic of Macedonia. This will put intellectual property in a position of being one of the key pillars of economic development of the Republic of Macedonia.

The IPR Strategy of the Republic of Macedonia consists of a narrative part where assessment of the situation and needs are presented and the strategic goals are defined. In addition, it presents the measures and activities that are to be undertaken in order to achieve the set goals. The Strategy also contains an action plan for implementation of the Strategy. The Strategy is followed by reference analysis, reviews and documents based on which it has been prepared.

II

Situation and needs

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LEGAL FRAMEWORK

The current legislation on intellectual property is incorporated in the Constitution of the Republic of Macedonia, the laws and by-laws that govern this area and the international instruments that the state has signed and has acceded to³.

The **Constitution of the Republic of Macedonia**, Article 47, guarantees the rights that stem from the scientific, artistic or other intellectual works, i.e. the Republic encourages, supports and protects scientific and technological development. At the same time, Article 30 guarantees ownership and inheritance rights. Pursuant to the Constitution of the Republic of Macedonia, ownership creates rights and obligations and it should serve for the benefit of the individual and the community, while property and the rights that arise from it, may not be taken away or limited, except in the case of public interest as defined by law. Pursuant to Article 31 of the Constitution of the Republic of Macedonia, a foreigner may acquire ownership rights in the Republic of Macedonia under conditions defined by law. Article 55 of the Constitution guarantees freedom of the market and entrepreneurship and imposes an obligation to the Republic to ensure equal legal status for all entities in the market.

Some of the more important legal acts that regulate the intellectual property rights in the Republic of Macedonia are the following:

- Law on Copyright and Related Rights (Official Gazette of RM no. 47/96, 03/98, 04/05 and 131/07)⁴
- Law on Industrial Property (Official Gazette of RM no. 21/09)
- Law on Culture (Official Gazette of RM no. 31/49, 49/93, 82/05, 24/07 and 15/08)
- Law on Protection of Topography of Integrated Circuit (Official Gazette of RM no. 05/98 and 33/06)
- Law on Breeder's Rights (Official Gazette of RM no. 39/06 and 52/09)
- Law on Wine (Official Gazette of RM no. 69/04)
- Law on Agriculture and Rural Development (Official Gazette of RM no.134/07)

³ In details for development of the Law on intellectual property and the harmonization with the EU law, in Annex 1 – Legal Framework.

⁴ The procedure for drafting new Law on Copyright and Related Rights is on going.

- Law on Customs Measures for Protection of Intellectual Property Rights (Official Gazette of RM no. 38/05 and 107/07, 2008)
- Law on Obligations (Official Gazette of RM no. 18/01, 78/01, 04/02, 59/02, 05/03 and 84/08)
- Law on Protection of Competition (Official Gazette of RM no. 04/05, 70/06 and 22/07)
- Law on Consumers Protection (Official Gazette of RM no. 38/05 and 77/07, 2008)
- Criminal Code (Official Gazette of RM no. 37/96, 80/99, 48/01, 04/02, 16/02, 43/03, 19/04, 40/04, 81/05, 50/06, 60/06 and 73/06)
- Law on State Market Inspectorate (Official Gazette of RM no. 24/05 and 81/07)
- Law on Misdemeanours (Official Gazette of RM no. 62/06 and 69/09)
- Law on Litigation Procedure (Official Gazette of RM no. 79/05)
- Law on Criminal Procedure (Official Gazette of RM no. 15/97, 18/99, 44/02, 74/04, 75/06 and 83/08)
- Law on Enforcement (Official Gazette of RM no. 35/05, 44/06, 50/06, 124/06, 129/06, 20/07 and 08/08)
- Law on Securing of Claims (Official Gazette of RM no. 87/07);
- Regulation on the organisation and management of the premiere Macedonian domain MK on the Internet and on the use of sub-domains under it (Official Gazette of RM no. 35/2004, 45/2008);
- Law on Scientific and Research Activities (Official Gazette of RM no. 46/08)
- Law on Enhancing and Supporting the Technological Development (Official Gazette of RM no. 41/08 and 106/08)
- Law on Enhancing and Supporting the Technical Culture (Official Gazette of RM no. 53/00)
- Law on Associations of Citizens and Foundations (Official Gazette of RM no. 31/98)

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

- By a Declaration submitted to the World Trade Organisation on Intellectual Property, on 23.07.1993, the Republic of Macedonia, as a legal successor of the former SFRY, accepted the following:
 - Convention for Establishment of the World Intellectual Property Organisation (Official Gazette of SFRY MD no.31/72);
 - Berne Convention for Protection of Literary and Artistic Works (Official Gazette of SFRY MD no.14/75 and 4/86);
 - Paris Convention for Protection of Industrial Property (Official Gazette of RM 5/74);
 - Madrid Agreement Concerning the International Registration of Marks (Official Gazette of RM no.2/74);
 - Decree for Ratification of the Nice Arrangement for International Classification of Goods and Services for the Purposes of Registration of Marks (Official Gazette of RM no.51/74);
 - The Locarno Agreement Establishing the International Classification for Industrial Design (Official Gazette of RM no.51/74);
- Agreement for Cooperation in the Area of Patents (Official Gazette of RM no. 19/95) from 6 April 1995, that entered into force on 14 April 1995;

- Hague Agreement Concerning the International Deposit of Industrial Design – Hague Act and the Additional Stockholm Act (Official Gazette of RM no.71/96) from 30 December 1996, that entered into force on 7 January 1997;
- Agreement between the Government of the Republic of Macedonia and the European Patent Organisation for Cooperation in the Area of Patents (Official Gazette of RM no.20/97);
- The European Convention Concerning the Formalities Required for Patent Application (Official Gazette of RM no.28/97) of 20 June 1997 that entered into force on 28 June 1997;
- The Convention on the Unification of Certain Elements of the Law on the Invention Patents (Official Gazette of RM no.34/97) of 18 July 1997 that entered into force on 26 July 1997;
- Patent Cooperation Treaty (Cooperation Treaty) (Official Gazette of RM no.49/97) of 30 September 1997, that entered into force on 1 November 1997;
- Protocol of the Madrid Agreement Concerning the International Registration of Marks (Official Gazette of RM no.12/02) of 16 February 2002 that entered into force on 24 February 2002;
- Budapest Treaty on the International Recognition of Deposit of Microorganisms for the Purposes of Patent Procedure and Regulations (Official Gazette of RM no.13/02) of 18 February 2002 that entered into force on 26 February 2002;
- Strasbourg Agreement Concerning the International Patent Classification (Official Gazette of RM no.12/02) of 16 February 2002 that entered into force on 24 February 2002;
- Agreement on Trade-Related Aspects of Intellectual Property Rights (Official Gazette of RM-MD no.07/2003);
- Geneva Act to the Hague Agreement Concerning the International Registration of Industrial Design – Geneva Act (Official Gazette of RM no.33/05);
- International (Rome) Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Official Gazette of RM – MD no.50/97);
- Convention (Brussels) Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite (Official Gazette of SFRY – MD no.13/77);
- Convention (Geneva) for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms (Official Gazette of RM – MD no.47/97);
- Universal Copyright Convention– UNESCO (Official Gazette of SFRY – MD no.54/73);
- World Intellectual Property Organisation Copyright Treaty (Official Gazette of RM no. 44/03-International Agreements); and
- World Intellectual Property Organisation Performances and Phonograms Treaty (Official Gazette of RM no. 44/03-International Agreements)
- Law on Ratification of the International Convention for Protection of New Varieties of Plants – UPOV Convention (Official Gazette of RM no.98/09).

Based on the obligation undertaken according to Article 71 of the Stabilisation and Association Agreement⁵, the national legislation on intellectual property is being harmonised with the legislation of the European Union in this area. To date, the legislation has been harmonised to a great extent with the sources of the intellectual property law of the European Union:

- Council Directive 91/250/EEC from 14 May 1991 concerning the Legal Protection of Computer Programs, amended by the Council Directive 93/98/EEC⁶;
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the Legal Protection of Databases⁷;
- Council Directive 93/83/EEC of 27 September 1993 on the Coordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Retransmission⁸;
- Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on the Rental Right and Lending Right and on Certain Rights Related to Copyright in the field of Intellectual Property⁹;
- Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the Resale Right for the Benefit of the Author of an Original Work of Art¹⁰;
- Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society¹¹;
- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the Legal Protection of Biotechnological Inventions¹²;
- First Council Directive 89/104/EEC of 21 December 1988 to Approximate the Laws of the Member States Relating to Trademarks, amended by Council Decision 92/10/EEC¹³;

-
- 5 Stabilisation and Association Agreement with the European Communities and Their Member Countries (SSA) was signed on 9 April 2001 in Luxembourg, which upon the ratification by all signatories, has entered into force on 1 April 2004. Article 71, Intellectual, Industrial and Trade Property: (1) Pursuant to the provisions of this Article and the Annex VII, Parties acknowledge the importance given to ensuring relevant and effective protection and implementation of intellectual, industrial and trade property rights. (2) The Republic of Macedonia shall undertake all the necessary measures with the aim of guaranteeing, not later than 5 years from the date when this Agreement enters into force, a level of protection of intellectual, industrial and trade property rights, similar to the one that exists in the Community, including the effective means for exercising such rights. (3) The Republic of Macedonia shall accede during the aforementioned period to the multilateral conventions for intellectual, industrial and trade property rights stated in Annex VII. (4) In case of occurrence of any problems in the area of intellectual, industrial and trade property that have impact on the trade conditions, they will be urgently notified to the Stabilisation and Association Council, upon request by any of the Parties, with the aim of reaching mutually acceptable solutions.
- 6 Council Directive 91/250/EEC of 14 May 1991 on the Legal Protection of Computer Programs (Official Journal L 122, 17/05/1991 p. 0042 - 0046), amended by Council Directive 93/98/EEC (Official Journal L 290, 24/11/1993 p. 0009 - 0013).
- 7 Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the Legal Protection of Databases (Official Journal L 077, 27/03/1996 p. 0020 - 0028).
- 8 Council Directive 93/83/EEC of 27 September 1993 on the Coordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Retransmission (*Official Journal L 248, 06/10/1993 p. 0015 - 0021*).
- 9 Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on the Rental Right and Lending Right and on Certain Rights Related to Copyright in the Field of Intellectual Property (*Official Journal L 376, 27/12/2006 p. 0028 - 0035*).
- 10 2001/84/EC of the European Parliament and of the Council Of 27 September 2001 on the Resale Right for the Benefit of the Author of an Original Work of Art (Official Journal L 272, 13/10/2001 p. 0032 - 0036).
- 11 Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society (Official Journal L 167, 22/06/2001 p. 0010 - 0019).
- 12 Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the Legal Protection of Biotechnological Inventions (Official Journal L 213, 30/07/1998 p. 0013 - 0021).
- 13 First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (Official Journal L 40, 11.2.1989, p. 1), amended by Council Decision 92/10/EEC (Official Journal L 6, 11.1.1992, p. 35).

- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the Legal Protection of Designs¹⁴;
- Council Directive 87/54/EEC of 16 December 1986 on the Legal Protection of Topographies of Semiconductor Products¹⁵; and
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights¹⁶.

Basic laws that regulate intellectual property rights (LCRR and LIP) have been harmonised with EU legislation to a great extent. LIP and LCRR are good legal acts that have largely been harmonised with the European standards and the legislation in the area of intellectual property, nevertheless, certain interventions still need to be completed. As concerns the further development of legislation, it is necessary to ensure horizontal harmonisation of legislation in terms of the measures for enforcement of the intellectual property law, covered by Directive 2004/48/EC.

Additionally, bearing in mind the development of new technologies and modalities of their transfer, it is necessary to review the national legislation that regulates matters such as the transfer of intellectual property rights.

The penalty policy that exists in relation to sanctioning the infringements of intellectual property rights, with the amendments introduced in the criminal legislation shows a clear intention for sanctioning the infringements of intellectual property rights.¹⁷ Taking into consideration that significant interventions have been made in order to incriminate the infringement of intellectual property rights, there is only a need for completing this type of protection through increasing the penalties on responsible persons in legal entities and for infringement of moral rights in the area of intellectual property.¹⁸

As concerns the practical enforcement of the registration of sub-domains, there were cases of registration of domain names that contain names of well-known trade marks, by persons who are not holders of the right to that particular trade mark. In order to prevent such situations, there is a need for amending the legal acts that regulate the operation of MARNet and for continuous following of SOIP registers. A draft text of the Law on Establishing the Macedonian Academic Research Network is currently in procedure, following a proposal by the Ministry for Information Society.

The manner of regulation of the issuance of program contents to broadcasting companies that have acquired copyrights is not harmonised with the legal framework on copyright and the general rules in terms of the terminology. Additionally, bearing in mind the pace of development

14 Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (*Official Journal L 289, 28/10/1998 p. 0028 - 0035*).

15 Council Directive 87/54/EEC of 16 December 1986 on the Legal Protection of Topographies of Semiconductor Products (*Official Journal L 024, 27/01/1987 p. 0036 - 0040*).

16 Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (*Official Journal L 157, 30.4.2004*).

17 The Criminal Code recognizes the following criminal acts: infringement of copyright and related rights, Article 157 of the Criminal Code (the infringement of substantive rights shall be prosecuted ex officio, and of the moral rights upon proposal); infringement of the right to a distributor of technical specially protected satellite signal, Article 157-a of the Criminal Code (prosecution is initiated ex officio); piracy of audio-visual work, Article 157-b of the Criminal Code (prosecution is initiated ex officio); piracy of phonograms, Article 157-c of the Criminal Code (prosecution is initiated ex officio); unauthorized use of someone else's business name and registered mark, Article 285 of the Criminal Code (prosecution is initiated ex officio); unauthorized use of someone else's invention or software, Article 286 of the Criminal code (prosecution is initiated upon proposal)

18 Currently, a novel of the Criminal Code is being prepared.

of media, it is necessary to review the legal rules that regulate the control over the broadcasting companies as to whether they respect the intellectual property rights when they broadcast and re-broadcast program content.

From the range of international instruments that regulate intellectual property rights, the Republic of Macedonia has not signed/ratified the following: the Agreement on the Right to a Patent; Agreement on the Right to a Trademark; Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks; Lisbon Agreement for the Protection of Appellations of Origin of Products and Their International Registration; Agreement on the Application of Article 65 of the EPC - London Agreement. It is necessary to complete this process.¹⁹

INSTITUTIONAL FRAMEWORK FOR PROTECTION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

The institutional framework for protection and enforcement of intellectual property rights is rather complex and several institutions have various jurisdictions.

Ministry of Justice, oversees various procedures that are particularly important for intellectual property and that are related to the judiciary, public prosecution office, public ombudsman; state administration; criminal liability and liability for infringements; notary matters, bar matters and other forms of legal assistance; inheritance, ownership, substantive rights and obligations; criminal, misdemeanour, litigation, non-litigation, enforcement and administrative procedure; and administrative supervision. The Ministry of Justice will employ one state advisor who will coordinate the activities of the Ministry in this area.

Ministry of Economy, performs various activities, concerning intellectual property, that refer to monitoring the situation in the market of goods and services and the impact of economic policy measures, and structural, technical and technological conditions. It proposes measures for realisation of the development and current economic policy in the area of the production, trade, tourism, catering and handicraft; industrial property; consumers protection; small and medium enterprises and associations; following international trade and economic movements and their impact on the economic relations of the Republic of Macedonia; and supervision over the implementation of legal acts under its jurisdiction. In the past period, the Ministry of Economy (hereinafter: ME), through its strategies, programmes and activities significantly contributed for improving the situation concerning the protection and promotion of intellectual property rights, particularly of industrial property rights. According to the Program for Investment Incentives 2007-2010, the situation concerning the rights, protection and promotion of the intellectual property is being constantly monitored, and activities are being undertaken for capacity building of institutions that are competent for the intellectual property.

¹⁹ The NPAA envisages adoption of the first four agreements during the second half of 2009, while the Agreement on the Application of Article 65 of the EPC – London Agreement is planned for the first half of 2010.

Ministry of Education and Science performs activities that are related to education and improvement of all types and levels; organisation, financing, development and improvement of capacities, education and science; verification of professions and profiles in the education; pupils' and student's standard; technological development, information and technical culture; information system; international scientific and technical cooperation and alike. Realisation of these competences is closely related to intellectual property.

Ministry of Information Society, performs activities referring to the following: provision and management of funds for financing the development of the information society; coordination and monitoring of the implementation of accepted projects for the development of information society in state administration bodies; creation of policies and giving recommendations and guidelines for implementation of strategic and operational documents for information and telecommunication technologies; coordination, management and development of integrated safe information and communication network for the needs of the state administration bodies; promotion of the use of electronic services; establishment, development and use of databases and their connection and exchange of information in a safe way in the state administration bodies; realisation of technical and technological international cooperation. The activities of this Ministry are particularly important, bearing in mind the information and communication technologies that serve as a platform for the creation of intellectual property works, but also in establishment and operation of system for exchange of information among competent institutions.

Ministry of Culture performs activities that refer to the following: monitoring, analysing and proposing acts and measures for development and improvement of culture; organisation, financing and development of the network of national institutions and financing programs and projects of national interest of this area; protection of cultural heritage; publishing, music, scene and artistic, film, gallery, library, archive and museum activities, activities in the houses of culture and mediation activities in culture, protection of copyright and related rights; monumental celebration of events and remarkable persons of national interest; supervision under its competence and other activities as defined by law. Carrying out these responsibilities is directly related to the promotion of the author's work, expressed through numerous programmes and activities undertaken by the Ministry, as well as protection of copyright and related rights, expressed through the analytical and legislative activities undertaken within the Ministry. The Sector of Copyright and Related Rights (hereinafter: SCRR) in the Ministry of Culture performs analytical and other normative activities for regulation and following the enforcement of the regime concerning the copyright and related rights from the aspect of domestic and international legislation. Its activities are in connection to international and European standards in this area and participation in preparing bilateral and multilateral agreements and proposing ratification of international agreements and monitoring the activities and the cooperation with international governmental organisations and domestic and international non-governmental organisations in the area of related rights; performance of administrative matters that arise from legal obligations; activities for harmonisation with the EU and other international agreements in this area; administrative supervision over the legality of the operation and acts of societies for collective management of copyright and related rights; and performs and realises measures and other activities for preventing the piracy of copyrights and related rights and other related activities. The activities in the Sector are preformed by the Unit

for copyrights and Unit for related rights. With the aim of improving the cooperation in enforcement of customs measures for copyrights and related rights, the Ministry of Culture concluded a Memorandum of Understanding with the Customs Administration and relevant associations, such as associations of representatives and associations of right holders.

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

The Law on Industrial Property that entered into force in February 2009, provides for establishment of Second Instance Commission with the Government of the Republic of Macedonia for taking decisions in second instance administrative procedures in the area of industrial property, upon appeals filed against the decisions taken by the State Office of Industrial Property by the date when the Law enters into force. The Commission has not been established, yet.

The situation with the personnel in both bodies (MK – SCRR and SOIP) does not correspond to the needs for efficient and effective performance of their activities. This refers both to the number of employees, as well as to the clear and precise definition of their scope of work and the relevant management mechanisms. SOIP, pursuant to the European practices in such institutions, should be oriented towards providing services to its clients, which requires preparation of separate acts and capacity building of the personnel. In addition, the technical equipment is not at a satisfactory level. The creation of databases and exchange of information with other relevant bodies in the area of protection of intellectual property rights are the basic problems. This has been particularly emphasized in regard to the information on infringement of intellectual property rights that are received by SOIP and MK – SCRR. Such information is to be analysed and should generate relevant information that would be useful for the creation of mechanisms for increasing the level of efficiency of the protection. At the same time, the public announcing thereof would contribute for the transparency of the operation of state bodies related to the protection, and for raising the public awareness. In the course of 2006, under the CARDS Programme, a system was prepared for exchange of data (web platform) between SOIP and other competent bodies for enforcement of the protection. This system is not functional.²⁰ Additional activities are needed aimed at modernising the methodology for creation of information, the method of exchanging information, particularly the protection of information flow, and at the same time a methodology for analysis and interpretation of data. Databases of registered industrial property rights are not available to the public, while comparative practice shows that such databases are easily searched by interested parties through the institutions' web sites. Such a system should also be established in the Republic of Macedonia. Trainings and examinations for representatives of industrial property rights are organized and conducted in SOIP.

²⁰ See Annex 4 for the external design of IRIS system.

The Directorate for Seeds and Seedling Material within the Ministry of Agriculture, Forestry and Water Economy (MAFW) is the competent body for the protection of the new varieties of agricultural plants. One of the duties of the Directorate is the conduct of administrative procedure for protection of new variety and registration of the name of the new variety. The procedure for protection the new variety is conducted pursuant to the Law on Breeder's Rights.

The Law on Industrial Property protects the geographic indications as an industrial property right. Should a separate legal act be adopted that would regulate the quality of agricultural products for human consumption, a much higher quality of agricultural products would be achieved. This is one part of the matter related to the protection of geographic indications during the conducting of an administrative procedure for the protection of these geographic indications, as pursuant to the European standards for quality agricultural products. During the adoption of such legal act, the harmonisation with EU regulations 32006R0509 and 32006R0510 is to be reviewed.

In compliance with the Systematisation Act of the Ministry of Agriculture, Forestry and Water Economy of March 2008, a Unit for Standards and Quality of Agricultural Products has been established, the duties of which is the management and/or administration of systems of quality and "indications of quality". In the light of strengthening the administrative capacity, realisation of an expert mission is planned under the TAIEX Instrument of the European Commission, titled "Quality of Agricultural and Food Products (PDO, PGI and TSG)"²¹. Also, the proposed project within the first IPA component for 2009 is in the final phase of approval by the European Commission, which envisages a Twinning Project that is to work on issues concerning the protection and geographic indications, and which is to be realised in cooperation with the administration from one EU member country; the planned period for realisation of this project is 2011-2012.

State Market Inspectorate (SMI), as a body that operates under the Ministry of Economy, performs inspection supervision over the implementation of legislation by trade companies and other legal entities and natural persons that perform activities and over citizens, which refer to economic activities performed on the territory of the Republic of Macedonia. In the area of intellectual property rights, they undertake the following: protection of industrial property rights and protection of copyright and related rights on the market.

It is worth mentioning that the Ministry of Economy and the State Market Inspectorate made a significant step forward in the enforcement of intellectual property rights. Nevertheless, there is a need for increasing the number of employees in the SMI and their specialisation, as well as the establishment of a separate unit for inspection concerning the protection of IPR, and continuous education for state market inspector in this area. It is also necessary to improve the technical equipment, especially in the field of software solutions that would enable the simple creation and easy search of databases for entities that infringe the rights, as well as the exchange of such data with other competent bodies in charge of the enforcement of rights.

Customs Administration, is competent for taking actions in cases of the existence of appropriate grounds that certain goods infringe IPR: a) if the goods is declared for release on the market, export or re-export according to the customs regulations and b) if the goods is discovered during the control of goods that enters or exits from the customs area of the Republic of Macedonia, goods in transit procedure, customs storage, import for value-adding purpose, processing

21 Product Designation of Origin, Product Geographical Indication and Traditional Spatiality Guaranteed²⁰

under customs control or temporary import, or when it is placed in a free zone or free storage in accordance to the customs regulations.

The Customs Administration of the Republic of Macedonia is in charge to act both upon requests for undertaking customs actions related to intellectual property and ex officio.

There is a need for increasing the number of employees in the Unit for non-tariff measures on the central level, as well as a need for professional development and continuous education of customs officers, with the aim of achieving additional development.

Ministry of Internal Affairs, pursuant to its competencies in the light of protection of IPR, acts upon criminal acts related to infringement of intellectual property rights.²²

In this institution, a need has been identified for the professional development and continuous education of police officers in respect to the specific characteristics of such criminal acts and acting upon them. There is also a need for improving the technical equipment and software applications for the purpose of creation of a database and exchange of information.

Public Prosecution Office prosecutes the perpetrators of criminal acts in the manner and procedure defined by the legislation.

A need has been identified in this body for professional development of public prosecutors who are to act in procedures for the protection of intellectual property rights. To that end, there is a need for continuous education concerning intellectual property rights. It is also necessary to strengthen the system for the creation of databases and exchange of information regarding procedures against perpetrators of criminal acts in this area. This imposes certain changes in the legal acts that regulate the organisation of the Public Prosecution Office.

Courts play a key role in the protection of intellectual property rights. When we speak about civil legal protection of intellectual property rights, the first instance courts with extended competencies have the first instance jurisdiction (there are 11 court of this type in the Republic of Macedonia). For the criminal protection of intellectual property rights, i.e. taking decisions of first instance, the competent courts are the first instance courts (26 courts) except in cases where the criminal act is perpetrated by a juvenile, when the courts with extended competencies are in charge. The Administrative Court has already been established and it performs its functions on the entire territory of the Republic of Macedonia. It is competent to decide in the area of intellectual property rights about the following: the legality of state bodies' acts, the Government and holders of public authorisations adopted in the form of regulations, provided that they regulate the individual relations, against individual acts of state administration bodies, the Government, other state bodies, municipalities and the City of Skopje, organisations defined by law and of legal and other entities in performing public authorisations (holders of public authorisations) where for deciding in second instance against such act, no other legal protection is provided. The Appellate Courts (in

22 Criminal acts: infringement of copyright and related rights, Article 157 of the Criminal Code (the infringement of substantive rights shall be prosecuted ex officio, and of the moral rights upon proposal); infringement of the right to a distributor of technical, especially of protected satellite signal, Article 157-a of the Criminal Code (prosecution is initiated ex officio); piracy of audio-visual work, Article 157-b of the Criminal Code (prosecution is initiated ex officio); piracy of phonograms, Article 157-c of the Criminal Code (prosecution is initiated ex officio); unauthorized use of someone else's business name and registered mark, Article 285 of the Criminal Code (prosecution is initiated ex officio); unauthorised use of someone else's invention or software, Article 286 of the Criminal code (prosecution is initiated upon proposal)

Bitola, Gostivar, Skopje and Shtip) have jurisdiction to act upon appeals against decisions made by first instance courts in their territory, including appeals in cases related to the protection of intellectual property rights. The Supreme Court of the Republic of Macedonia has jurisdiction to decide upon extraordinary legal remedies against final decisions of courts, as defined by law.

In the first instance courts there is no specialisation of judges in this area, which is one of the basic conditions for ensuring effectiveness and efficiency in the procedures for protection of rights. From the analysis of statistical data related to court actions in protection of intellectual property rights for the period 01.01.2008 to 31.12.2009²³, it is obvious that the number of completed procedures does not correspond to the actual situation of infringements, while the type and the amount of pronounced fines (mainly conditional sentences and fines, which in most of the cases is not higher than 250 euro) do not correspond to the preventative purpose of the penalty. The criminal procedures are mainly conducted in acceptable deadlines (less than 9 months) while the civil procedures last approximately 2 years, on average, which again raises the question of effectiveness and efficiency of the protection system. An additional problem is the non-existence of a special system for monitoring these cases. Responding to such needs imposes a need for amending the relevant acts that regulate the specialisation of judges and keeping case books, and strengthening the IT infrastructure.

Academy for Training of Judges and Public Prosecutors is a public institution established by the Law on the Academy for Training of Judges and Public Prosecutors (Official Gazette of RM no.13/06). The primary goal of the Academy is to provide competent, professional, independent, impartial and efficient conduct of judicial and prosecutor function by selecting, organising and conducting initial training for candidates for judges and prosecutors in the first instance courts, i.e. their first instance prosecution offices and continuous professional development of judges and prosecutors and of court and prosecutors servants. The Academy organises lectures in the area of protection of intellectual property rights within the frames of the Programme for Initial Training of Candidates for Judges and Public Prosecutors. According to its jurisdiction, the Academy may also contribute in the specialisation of judges by organising special trainings for enforcement and protection of intellectual property rights. Of the judges and public prosecutors trained in this area, the Academy will also develop a pool of its own educators who, through the programs for training of trainers, organised by the Academy independently or in cooperation with other projects, will enhance and deepen their training knowledge. In addition to improving their teaching techniques and skills with the objective of more effective transfer of knowledge to other judges and public prosecutors, or other target groups trained in the Academy (candidates for judges and public prosecutors, associates, secretaries, court and prosecutor administration) or to target groups for which there is a legal possibility to organise training, such as notaries, enforcement agents, mediators and lawyers.

For the purpose of establishing coordination in the provision of an efficient integrated system for the protection and enforcement of intellectual property rights, a **Coordinative Body for Intellectual Property Rights** has been established (hereinafter: CBIPR). CBIPR consists of representatives from all state bodies involved in the enforcement of intellectual property rights. CBIPR, based on its jurisdiction, performs the following functions: cooperation in the field of IPR referring to the market supervision, identification of problems, proposing solutions, ensuring coordinated approach for implementation of proposed solutions, and undertaking activities related to creation of relevant policies for industrial property and protection of copyrights and related rights. As a consequence of co-

23 Annex 2 – Review of procedures in the area of industrial property and copyrights and related rights for the period 01.01.2008 by 31.01.2009.

ordinated activities undertaken by persons authorised at state level, from 24.04.2007 by 08.05.2009, a total number of 262.168 pirated goods were confiscated and 216 computers. The counterfeited goods are temporarily removed until the completion of court procedures. 96 criminal procedures were initiated, 183 misdemeanour procedures and 41 facilities were closed. Four public auctions were conducted for the destruction of confiscated goods that infringed the intellectual property rights, after completion of seven court procedures. During these auctions, 145.065 pirated and counterfeited goods were destroyed (CD, DVD, textile, etc.) 470.360 boxes of cigarettes, 51.029 l of alcohol.

Broadcasting council is an independent regulatory non-profitable body with public authorisations in the area of broadcasting. In exercising its competencies as defined by the Law on Broadcasting (Official Gazette of RM no.100/2005), the Council ensures the freedom and pluralism of expressing opinion, ensures the existence of various, independent and impartial media, takes care about the economic and technological development of the activity and protection of citizens' interest in the field of broadcasting. In the area of intellectual property rights, the Council has an obligation to inform the body in charge of protection of copyrights in case of suspecting and possessing evidence for infringement of copyrights and related rights.

An important part of the infrastructure for the protection and enforcement of intellectual property rights are the representatives of intellectual property rights and the societies for the collective management of copyright and related rights. **The Societies of representatives of intellectual property rights** is a non-governmental organisation where members are representatives of intellectual property rights. The goal of this association is undertaking activities for improving the protection of intellectual property rights. Taking into consideration the role that representative of intellectual property rights have in the system for enforcement of the protection defined by the LIP, and particularly because of the direct contact with the rights holder, it is necessary to further strengthen this category of entities and improve their professional skills.

The Association of Inventors and Authors of Technical Improvements of Macedonia (SPATUM) as a legal entity, is a non-governmental, non-political and non-profitable association of citizens-inventors established in 1957, as part of the central association of innovators SPATUJ (in former Yugoslavia) and one of the members of the Union of Associations for Technical Culture of the Republic of Macedonia – National Technique.

The primary goal of SPATUM by applying contemporary methods is the following: to initiate, develop, advocate and realize the innovative and inventive activities, the creative works and technical culture in companies, enterprises, educational institutions, organizations and among citizens in the Republic of Macedonia.

With its activities to date, SPATUM (over 10.000 inventions by 11.000 inventors) is the driving force of the economic, industrial and technological development in the state and individual sectors by realising inventions in the area of science, technique, technology and rational use of energy potentials by applying domestic technologies based on own ideas, projects and domestic raw materials.

The Societies for Collective Management of Copyright and Related Rights, pursuant to the LCRR is competent for collective management of copyright, the contents of which is defined by law. Societies for collective management of rights perform their function based on an approval

obtained by the Ministry of Culture in the manner and procedure as defined by the LCRR. The current collective management of rights is conducted through the Association for Protection of Authors' Music Rights (ZAMP) Administrative procedures for issuing licenses to another two associations have not yet been completed. Regardless of the date when these societies for collective management of rights will begin to operate based on the license issued by the Ministry of Culture, due to the importance of their function, there is a need for their institutional support (provision of spatial and technical conditions for their operation), until they begin to collect funds, as well as continuous capacity building of members of association and of the administrative personnel.

Among the institutions that play an important role in the enforcement of intellectual property law, the institutions for higher education must also be mentioned. Their role in this context is two-fold: as institutions that produce highly educated people who are directly involved in the enforcement process (lawyers), as well as people in the field of mathematics, technical and technological sciences, medicine, biotechnology social and humanitarian sciences that are also directly involved in the creation of intellectual property works.²⁴ Out of the accredited institutions for higher education, the education in the field of law concerning intellectual property rights is actively²⁵ organised at the Law Faculty "Justinian the First", the University "Ss. Cyril and Methodius"²⁶ and at the Law Faculty at the FON University.²⁷ At the Law Faculty "Justinian the First", University "Ss. Cyril and Methodius", the Centre for Intellectual Property Education has been established as a separate organisational unit in 2006 (CIPE), whose mission is performing educational, scientific and applied activities in the area of intellectual property rights.²⁸ This Centre evolved from the Centre for Industrial Property Education that had been established in 2004. CIPE is one of the fourteen centres of the Global Network of Intellectual Property Academies of the World Intellectual Property Organisation²⁹ and has concluded a Memorandum of Understanding with the Government of the Republic of Macedonia.

The Security Faculty in Skopje, in its Curriculum took over the education role for undergraduate and postgraduate studies and established a separate unit for continuous education based on the principle of life-long learning.

The new organisation of legal education in two cycles allows for inclusion of graduated lawyers in the legal practice upon finishing the first cycle of studies. Neither of the law faculties has introduced intellectual property rights as a mandatory subject for all students, although this area is closely related with all other areas of the law. Therefore, activities must be undertaken for introducing intellectual property rights as a mandatory subject in the curricula of the law faculties. Furthermore, the need for strengthened activities in this area also imposes the need for increased knowledge and

24 Concerning the activities of institutions for higher education in the field and natural and mathematical sciences, technical and technological sciences, medicine, biotechnology, see Chapter 3.

25 In the curriculum at the Law Faculty of the University "Goce Delecev" the intellectual property right is taught as a mandatory subject in second cycle of studies at the judiciary department, but still it is not active; at the Law Faculty of the European University of the Republic of Macedonia in second cycle of studies.

26 In second cycle of studies at the judiciary department, the intellectual property right is taught as a mandatory subject, while the industrial property right is a mandatory subject in the studies at the commercial law department. In the Master Degree studies for Journalism, the subjects, Industrial Property Rights and Copyrights had been taught as non-mandatory subject since 1995, prior the introduction of the Bologna model of higher education.

27 Mandatory programme at the judiciary department in the second cycle

28 See more on <http://www.cipe.ukim.edu.mk>

29 See more on <http://www.wipo.int/academy/en/ipacademies/>, also included in the Report of EC concerning the advancement of the Republic of Macedonia, 2008, page. 30

skills on intellectual property, especially in state bodies; therefore, there is a need for active support and participation in the realisation of post-graduate studies for intellectual property rights.³⁰

PREPARATION OF THE STRATEGY BY INSTITUTIONS

Under the National Program for Adoption of the *Acquis* for 2009, a working group had been established that worked on the preparation of the IPR Strategy, with the aim of meeting the deadline given in the National Programme and the Program for Operation of the Government of the Republic of Macedonia. The working group had fruitful cooperation with the experts engaged by the USAID's Business Environment Activity.

This strategy is a short-term priority within the Chapter 07. Intellectual property Right, with EPP number 2008.0400.4290.

In the preparation of the strategic goals and strategic tasks of the IPR Strategy of the Republic of Macedonia, the competencies of target groups were reviewed at the fifth meeting of the Internal Market Sub-Committee that was held on 18 March 2009 in Brussels.

This Strategy in its draft version was presented at the sixth meeting of the Stabilisation and Association Committee under the Stabilisation and Association Agreement that was held on 18-19 June 2009 in Brussels.

According to the Action Plan, the institutions that are competent for the operational implementation of the protection of intellectual property rights and that also participated in the preparation of the IPR Strategy of the Republic of Macedonia are the following: Ministry of Economy, Ministry of Culture, Ministry of Justice, State Office of Industrial Property, Ministry of Internal Affairs, Ministry of Finance - Customs Administration, Ministry of Health – Bureau for Medications, State Market Inspectorate, Public Prosecution Office, ZZIS and ZAMP, as representatives from the private sector.

The mentioned institutions are proposed pursuant to item 11 of the Conclusions from the 138 Session of the Government of the Republic of Macedonia held on 18.03.2008 concerning the Information on the fourth meeting of the Internal Market Sub-Committee.

IMPLEMENTATION (USE) OF INTELLECTUAL PROPERTY RIGHTS AND THE PUBLIC AWARENESS ON THE IMPORTANCE OF INTELLECTUAL PROPERTY RIGHTS

The development of telecommunications and information technologies in the Republic of Macedonia allows the public easier access to artistic and literary works, especially phonograms and

30 TEMPUS project titled "Regional Joint Degree Master of Intellectual Property Law" (Regional post graduate studies with joint degree on intellectual property law) managed by the Law Faculty "Justinian the First" at the University "Ss. Cyril and Methodius". The goal of the project is to introduce new regional post graduate studies on intellectual property law. The studies will be in English language. A joint diploma is envisaged to be awarded by: the Academy of the World Intellectual Property Organisation, the Centre for International Studies on Intellectual Property at the University Robert Schuman in Strasbourg; Law Faculty "Justinian the First" from Skopje and the Law Faculty from Belgrade.

audio-visual works. On the other hand, the technological development in the Republic of Macedonia enables the occurrence of various forms of audio, audio-visual and computer piracy,³¹ such as:

- unauthorized recording of live events for commercial purposes, unauthorized reproduction and distribution of such recordings for commercial purposes;
- reproduction, distribution and public performance and broadcasting of phonograms by infringing relevant existing rights of right holders for commercial purposes;
- illegal re-broadcasting, cable distribution, recording and reproduction for commercial purposes and illegal distribution of copies of broadcasting programmes and films for commercial purposes;
- reproduction, distribution and public performance and broadcasting of audio-visual works for commercial purposes by breaking the exclusive rights of right holders;
- unauthorized production and distribution for commercial purposes of decoding equipment and other similar means that enable illegal access to works and protected contents;

The number of media is also growing. According to the data by the Broadcasting Council, in addition to radio and TV programme services of the public service (Macedonian Radio Television), five other television programme services are broadcasted at the national level, 10 television programme services at the regional level, 47 television programme services at the local level, three radio programme services at the national level, 16 regional radio programmes and 49 at the local level. There are ten television programme services broadcasted via satellite; registered programme packages and 52 operators of public communications networks (51 cable operators and one IPTV operator). However, this media pluralism has led to increased illegal broadcasting, re-broadcasting and cable distribution for commercial purposes.

At the international level, the Republic of Macedonia should participate in and facilitate the following: legal procedures concerning activities in the domain of tone and audio-visual piracy; exchange of information among bodies that in various countries are in charge of the fight against piracy, bearing in mind the relevant international recommendations.³²

In the last couple of years, there is an expansion of the IT industry in the Republic of Macedonia.³³ However, the expansion of personal computers and the use of the Internet³⁴ were followed by the expansion of unauthorized reproduction of computer software for commercial purposes, particularly the reproduction and distribution for commercial purposes of computer software re-

31 According to the most frequently used terminology in the international communication, the term "piracy" in this Strategy is also used to indicate the unauthorized use of exclusive authors' rights and other right holders of copyrights and related rights for commercial purposes.

32 Council of Europe, Committee of Ministers in the Media Field: Rec (99) 14 on universal community service concerning new communication and information services, Council of Europe, Committee of Ministers in the Media Field: Rec (93) 5 containing principles aimed at promoting the distribution and broadcasting of audio-visual works originated in countries or regions with a low audio-visual output or a limited geographic or linguistic coverage on the European television markets

33 The market for computer related activities consists of business activities related to software (13%), IT services (21%) and hardware (66%). The largest number of business entities and of employees is in the field of consulting and software offer. Data published on the web site of the Ministry of Information Society of RM. See more on <http://www.mio.gov.mk/?q=node/2098>

34 According to data of the State Statistical Office, during the first quarter of 2008, 45,6% of households used computers, which by 12,4% higher than the first quarter of 2007. In the same period, 29,4% of households had access to Internet which is by 12,9% higher than the first quarter of 2007; in the first quarter of 2008 out of the total population at the age between 15 and 74, 41,5% used Internet, or by 11,8% more compared to 2007. The Internet is most often used for communication, information and on-line services. Data published on the web site of the Ministry of Information Society of RM. See more on <http://www.mio.gov.mk/?q=node/2097>

lated to audio-visual productions, mostly in the domain of multimedia and video games. Activities of the Government of the Republic of Macedonia for the legalisation of the Microsoft³⁵ software brought results, but there are still many things that need to be done in this field, by undertaking concrete measures and activities by the competent institutions. At the same time, it is necessary to raise the awareness of the business community that operates in the IT industry about the importance of the protection and about the economic and financial opportunities provided through the trade in intellectual property rights.

Analysis of statistical data for registered industrial property rights in the Republic of Macedonia prepared by SOIP shows a low level of interest among domestic industrial property right holders for protection thereof.³⁶ Simultaneously, the applications for protection by foreign right holders are numerous. As concerns the various industrial property rights, it is obvious that the patenting is most frequent for products that are used for general consumption in the field of chemistry and metallurgy; this is proof that the interest for protection is closely related to the structure of production facilities in the Republic of Macedonia. The number of filed applications for registration of trade marks is continually growing, but, foreign applicants are still far ahead of domestic ones. Products that are most often subject to protection are pharmaceutical and medical products, as well as food products, which is proportional to the share of these industries in the Macedonian economy. Currently, procedures are underway for the protection of six certified marks. The number of applications for protection of industrial design is quite low compared to the applications for protection of other rights. There are 8 protected appellations of origin for wines, however, the rights of authorised users has not been renewed, yet. The Ministry of Agriculture, Forestry and Water Economy initiated protection of six appellations of origin for agricultural products, which is still in procedure. Protection of varieties of plants is in stagnation.

The low level of registration of industrial property rights by domestic applicants is, to a great extent, the result of the low level of knowledge of the business community concerning the economic benefits that may be acquired from intellectual property rights. Two other facts support this situation: there are no applications for use of funds obtained through the programme for improving the competitiveness of Macedonian products for 2009 for compensations of costs for preparing industrial design solutions and for filing international applications for patent protection³⁷; as well as the fact that the number of court procedures for protection of rights initiated by rights holders is quite insignificant. The low level of knowledge is particularly evident in small and medium enterprises and in the agricultural sector. The Agency for Supporting the Entrepreneurship of the Republic of Macedonia, in its Programme for Development of Entrepreneurship, Competitiveness and Innovations in Small and Medium Enterprises for 2009

35 In December 2003, the Government of the Republic of Macedonia signed an Agreement for Strategic Partnership with the Microsoft Corporation, which is valid for four years. The Agreement envisage strengthening the legal protection of intellectual property, complete legalisation of the government's software and investments of Microsoft of US\$ 6 million through localisation of its software in Macedonian and Albanian language and transfer of technological and business knowledge to 20 selected Macedonia companies. With the concluded agreement, the Government took a commitment to pay in 3 instalments US\$ 3.9 million for 6,200 licenses for a period of 4 years for the software that it had already been using and that cover client licenses (any OS of Microsoft in use and Office XP Professional), service software, licenses for access to servers and consultancy services. Microsoft made a commitment to donate additional 6,200 licenses for their use in the education sector and provide training for IT teachers.

36 See Annex 3 for more details concerning the registered rights, their distribution per applicants, classes and years – statistical data on registered intellectual property rights for the period 1994 – 2008.

37 Official Gazette of RM no. 03/09, item 1.2 and item 1.3

planned activities and budget for raising the awareness concerning the importance of intellectual property rights.³⁸ On the other hand, the economic chambers recognize the importance of intellectual property rights in relation to the growth of the entire economy, in all economic sectors evenly.³⁹ Therefore, it is necessary to extend and strengthen the activities for capacity building of the business community for the protection of intellectual property rights and their economic effect, in the forthcoming period. The active participation of relevant state agencies and economic chambers should be strengthened.

An important role in encouraging the activities of small and medium enterprises in this direction is played by the European Information and Innovative Centre, the mission of which is to support the long-term growth and sustainable development of small and medium enterprises by establishing efficient national and local infrastructure for support in conquering the European Union market. The unit of EIIICM for transfer of innovations, technologies and knowledge helps the companies and research organisations in the process of technology transfer, in establishing business partnerships and providing information about possible sources for financing innovations. Activities in this sphere should be significantly strengthened and supported. Creation of efficient trilateral mutual support: business community-universities-public administration has proven to be a very useful model for encouraging innovations and technological development. In this context, the role of the technological infrastructure is particularly important, which consists of research and development units in the economy, innovation centres and centres for technology transfers, scientific and technological parks and information and communication technology centres.⁴⁰ The Ministry of Economy and the Ministry of Education signed a Declaration for Promotion of Entrepreneurship Learning aimed at improving the cooperation for joint promotion and strengthening the entrepreneurship learning in the Republic of Macedonia. Potentials and capacities for research and development of Universities should be used in the function of the business and the public administration, especially those ones that are supported by public funds.⁴¹

In addition to the need for increasing the funds for financing research and development, and innovative projects, it is also necessary to build awareness and upgrade knowledge of innovators and authors, and of the business managers and administrators in the process of higher education. With minor exceptions⁴², the study programmes at the technical faculties, faculties of natural sciences, information technology, art, economy and business do not contain any education on intellectual property rights. Initiatives should be undertaken for improving the higher education process in this context, especially by using the benefits from the ECTS.

38 Adopted by the Government of the Republic of Macedonia on 02.01.2009, item 2.11.

39 Information obtained from the opinion research conducted during the preparation of the IPR Strategy.

40 Technological nucleuses have been established at the Faculty of Natural Sciences and Mathematics, Mechanical Engineering Faculty, Electrical Engineering and Information Technology Faculty, at the University Ss. Cyril and Methodius with the support from the Ministry of Education and Science. With the assistance by TEMPUS, GTZ and other international donors, the following centres have been successfully functioning: Centre for research, development and continual education with the Mechanical Engineering Faculty, Centre for Technology Transfer with the Electrical Engineering and Information Technologies Faculty, Centre for Applied Researches and Permanent Education in the Agriculture with the Faculty of Agriculture, Centre for Technology Transfer in the Chemical and Textile Engineering with the Technological and Metallurgy Faculty, at the University "Ss. Cyril and Methodius" in Skopje; Euro-regional Technological Centre with the Technical Faculty at the University "St. Clement of Ohrid" in Bitola, Regional Innovation Centre in Shtip.

41 The Ministry of Education and Science, each year provides co-financing (up to 50%) for development, research and innovative projects for the entities of the technological development. The projects that are financed to the phase of a prototype, anticipated a procedure for protection with the State Office of Industrial Property prior the beginning of the procedure for review, selection and co-financing.

42 According to the available data, education for the IP rights is provided at Faculty for music, The Faculty for Electrotechnic and Information Technologies and the Faculty for Pharmacy of the University "University Ss. Cyril and Methodius"

The Republic of Macedonia gives tax incentives for intellectual property right holders. Pursuant to Article 17-a of the Law on Profit Tax, costs of legal entities for research and development made within their own research and development centres or through independent scientific and research institutions, are recognized in the item of expenditure in the tax balance, i.e. they reduce the tax base on which the profit tax is calculated. According to the provisions of the Law on Personal Income Tax, the income subject to taxation consists of income from copyrights and intellectual property rights. The basis for calculation of the tax is the net income that is obtained by a natural person after deducting the costs made for earning such income. The costs may vary between 25% to 60% of the gross income, depending on the type of the work, however, upon request by the taxpayer, the substantive costs may also be recognized if s/he has evidence for that. The tax incentives will be retained and promoted in the future.

During the past period, activities were performed in the light of raising public awareness concerning the importance of intellectual property rights. Several mass media campaigns, numerous meetings with businessmen at the municipal level, education for various target groups, public destruction of confiscated pirated and counterfeited goods, numerous events, fairs, exhibitions, conferences, etc., were organized. Activities of the Coordinative Body of Intellectual Property and other competent institutions contributed for improving the situation in regard to the piracy and counterfeited goods⁴³. However, the rate of piracy, especially for audio-visual works and computer programmes, and the presence of counterfeited goods in the market⁴⁴ show that the level of public awareness concerning the importance of intellectual property rights is not at a satisfactory level. It is a fact that the infringement of intellectual property rights is a global phenomenon.

Problems with piracy and counterfeiting are not a concern only of the right holders, but they also have an impact on consumers, bearing in mind the quality and safety of counterfeited goods. Thus, it is necessary to undertake actions in this area, by raising public awareness regarding the consequences of supplying goods and use of services that infringe intellectual property rights. Associations of consumers play an important role in this process, as well as the advisory services for consumers at the local level.

Future actions with the intention of strengthening the protection of intellectual property rights and its enforcement should be based on referential data on the economic effects of intellectual property rights and the consequences suffered by the national economy due to their abuse. Currently, there is no such data in the Republic of Macedonia. Business Software Alliance has conducted research on the rate of piracy of software and the rate of economic loss as a consequence of that.⁴⁵ Nevertheless, there is no assessment of economic losses that it suffers from tone and

43 According to the Annual Report of the World Customs Organization for 2007, the Republic of Macedonia is on the tenth place on the global level in regard to achieved results.

44 See data on the actions of KTIS, in Chapter 2.

45 According to the research conducted by Business Software Alliance, the rate of piracy in the Republic of Macedonia is 68%. Although a fall by 4% has been noticed in the past five years, (in 2005 the rate was 72%), still Macedonia is above the average rate of piracy in the Central and East European countries (66%) and high above the average in EU (35%). The estimation is that the Republic of Macedonia loses US\$ 14 million every year. See more 08 Piracy Study <http://global.bsa.org/globalpiracy2008/studies/globalpiracy2008.pdf>

audio-visual piracy and counterfeiting, which in Europe are measured in billions of euro.⁴⁶ Pirated and counterfeited goods are often used as a replacement for purchasing legally produced goods; thus, as a result, the piracy leads to significant losses of income of authors, performers, producers, and industrial property right holders, as well as companies included in the production and distribution of authors' works and products in which industrial property rights are incorporated. This discourages the cultural creation and future investment, which had negative impact on the variety and quality of available products and may be harmful for the consumers in the long run. The state loses as well because of piracy and counterfeiting, if we take into consideration the customs duties, the value added tax and other fees and revenues. Social contributions for street piracy and in companies that "deal" with piracy and counterfeiting are not paid either. Some individuals or companies are specialised for misuse of intellectual property rights. Although the Republic of Macedonia has achieved important improvement in terms of the existing legislation, those who are to apply it are still indifferent or even repulsive. Frequently, in some quite important sectors there is widely spread opinion that the piracy is not that harmful activity (there is no measure for its harmfulness) and therefore it should not be punished (there is even some opinion that it is good for poor countries).

Areas that should be in the focus of the future activities is not to prevent the public from using the technological development and accessing to creative works such as the audio-visual works, software, etc., however, it must always be emphasized that the rights and legitimate interest of domestic and foreign right holders must be protected. The improvement of the legal framework, technical anti-piracy methods, must go hand in hand with the raising of the awareness of judicial (civil and criminal) and administrative (police and customs) bodies. Furthermore, great efforts should be invested in forming and raising the awareness of users of audio-visual works and software. In other words, the entire public must become aware how harmful piracy is. This is particularly important considering that piracy is felt as a serious attack on numerous sectors in the production and commercial presentation of phonograms, films, video recordings, broadcasted programmes, printed works and computer software. It can be said that the relation between the trade in pirated materials and organised crime is evident. Therefore, the preparatory activities and other acts should be sanctioned as accomplice in piracy activities that are subject to punishment.⁴⁷

Bearing in mind the overall activity of the government sector for encouraging innovations and entrepreneurship, and the activities of the business community for the creation and use of intellectual property rights, it is necessary to create a relevant database about the industrial sectors most active in this area. At the same time, it is necessary to identify the "weak points" and the economic losses suffered by the Republic of Macedonia from the infringement of intellectual property rights. This should represent grounds for the creation of further policies in the field of innovations, technological and industrial development and the development of entrepreneurship.

46 According to the latest analyses of OECD, the losses in the world trade in 2005 as a result of the piracy and counterfeiting reached the amount of US\$ 200 billion: *The Economic Impact of Counterfeiting and Piracy*; <http://www.oecd.org/dataoecd/11/38/38704571.pdf> about the impact of SMEs, see: "Effects of counterfeiting on EU SMEs and a review of various public and private IPR enforcement initiative and resources"; http://ec.europa.eu/enterprise/enterprise_policy/industry/doc/Counterfeiting_Main%20Report_Final.pdf

47 In the Republic of Macedonia attention must be given not to overuse the term "piracy" because it might have an adverse effect and may weaken the fight against piracy. Of course, the failure to pay a fee for using authors' works should be condemned, but it may not be considered as an act of piracy.

III

*Strategic goal
and strategic tasks*

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In line with the situation and the needs in the area of intellectual property in the Republic of Macedonia, the Government of the Republic of Macedonia defined the following strategic goal and strategic tasks:

STRATEGIC GOAL

TO ELEVATE THE LEVEL OF EFFICIENCY AND EFFECTIVENESS IN THE PROTECTION AND ENFORCEMENT OF THE INTELLECTUAL PROPERTY RIGHTS IN THE REPUBLIC OF MACEDONIA, IN COMPLIANCE WITH THE STANDARDS AND RULES OF THE EUROPEAN UNION.

STRATEGIC TASKS

1) To strengthen the legal framework in the area of intellectual property law by:

- o Increasing the level of horizontal and vertical compliance of national legislation as concerns enforcement of intellectual property rights
- o Acceding to the multilateral conventions on intellectual property rights
- o Strengthening the penalties for violating the protection of intellectual property rights
- o Improving the legal framework in the area of labour relations for issues pertaining to intellectual property law
- o Improving the legal framework for registration of internet domains pertaining to trademarks
- o Improving the legal framework that governs transfer of intellectual property rights
- o Improving the legal framework that governs protection of agricultural and food products as concerns their origin and traditional specificity.

2) To strengthen the enforcement of intellectual property rights by

- o Adopting a comprehensive and operative programme for fighting piracy and counterfeiting
- o Strengthening the institutional and administrative capacity of the Copyright and Related Rights Sector in the Ministry of Culture
- o Strengthening the institutional and administrative capacity of the State Office of Industrial Property
- o Improving the efficiency and efficacy of the judicial protection of intellectual property rights
- o Improving the efficiency and efficacy of the prosecution of perpetrators of criminal offences against intellectual property rights
- o Improving the efficiency and efficacy of the procedures for identifying the perpetrators of criminal offences against intellectual property rights
- o Improving the efficiency and efficacy of the inspection control over the respect of intellectual property rights
- o Improving the efficiency and efficacy of the system for protection of the intellectual property rights on the borders by strengthening the institutional and administrative capacity of the Customs Administration on central and local level
- o Improving the effectiveness of the system for coordination and communication among the competent institutions, organs and organisations
- o Improving the legal knowledge-base of intellectual property law
- o Supporting the associations for collective realization of copyright and related rights
- o Strengthening the role of the intellectual property rights representatives
- o Establishing a Second Instance Commission of the Government of the Republic of Macedonia for deciding in second instance of the administrative procedure in the area of industrial property.

3) To develop the capacity of individual right holders and the business community for protection and enforcement of intellectual property rights by:

- o Strengthening the institutional and administrative capacity of the Science and Technical Development Sector in the Ministry of Education and Science
- o Raising the knowledge-base, skills and awareness of the individual holders of intellectual property rights as concerns protection and enforcement of intellectual property rights and the economic benefits from intellectual property
- o Raising the knowledge-base, skills and awareness of the business community for protection and exercising intellectual property rights and the economic benefits from intellectual property
- o Strengthening the relations public administration – business community – universities so as to improve the protection of intellectual property rights
- o Defining the economic potentials of the intellectual property rights in the Republic of Macedonia and the negative economic effect from infringement of intellectual property rights

4) To strengthen the public awareness and the benefits from intellectual property by

- o Manifesting respect of intellectual property rights within the public administration
- o Raising awareness of the intellectual property rights through the system of primary and secondary education
- o Raising awareness of intellectual property rights with the general public, in particular the consumers
- o Improving access to information on intellectual property rights through web sites, in particular the web sites of the SOIP, the Ministry of Economy, the Ministry of Culture and the Ministry of Agriculture, Forestry and Water Economy.

IV

*Measures for strengthening
the legal framework
in the area of
intellectual property law*

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A legal framework that will ensure a high level of protection of the intellectual property rights is the basis for an efficient and effective enforcement of those rights. Concurrently, the level of protection that is provided to the right holders in the Republic of Macedonia should be harmonized with the level of protection offered in the European Union. Therefore, the following measures will be taken:

1. Increasing the level of horizontal and vertical compliance of the national legislation as concerns enforcement of intellectual property rights

So as to provide complementarity of the measures of the internal system as well as compliance with the EU *Acquis* on substantive and procedural and legal protection, the following specific actions and activities will be taken:

- 1.1. Creating a single mechanism for protection of intellectual property rights as concerns the enforcement (providing evidence, provisional measures, submission of information), in particular in light of the digital technologies.
 - Analysis of the existing legislation that governs the implementation of the protection and the existing practice and identification of where and what changes are needed
 - Preparation of normative texts
 - Expert and scientific discussion
 - Adoption of amendments and revisions to the normative acts
- 1.2. Continuous follow up of the EU *Acquis*, initiating and implementing changes to the national legislation
 - Comparative analysis of the EU sources and the national legislation
 - Preparation of normative texts
 - Expert and scientific discussion
 - Adoption of amendments and revisions to the normative acts

2. Acceding to the multilateral conventions on intellectual property rights

In light of the accession to multilateral conventions on intellectual property rights, the following specific actions and activities will be taken:

2.1. Enactment of the Law on Ratification of the Patent Law Treaty

- Drafting the law
- Adoption of the law

2.2. Enactment of the Law on Ratification of the Trademark Law Treaty

- Drafting the law
- Adoption of the law

2.3. Enactment of the Law on Ratification of the Vienna Agreement Establishing the International Classification of the Figurative Elements of Marks

- Drafting the law
- Adoption of the law

2.4. Enactment of the Law on Ratification of the Lisbon Agreement for the Protection of Appellation of Origin and their International Registration

- Drafting the law
- Adoption of the law

2.5. Enactment of the Law on Ratification of the Agreement on the Application of Article 65 EPC – the London Agreement.

- Drafting the law
- Adoption of the law

3. Strengthening the penalties for violating the protection of intellectual property rights

In line with strengthening sanctions against those liable for criminal offences that infringe intellectual property rights and for sanctioning the infringement of moral rights (prosecution upon petition), the following specific actions and activities will be taken:

3.1. Completing the process of amending and revising the Criminal Code

- Analysis of the proposed law on amendments and revisions to the Criminal Code
- Proposing amendments as concerns the liability of the liable person in the legal person, the liability for infringement of moral rights (based on private lawsuit, sanctioning of software piracy)
- Expert and scientific discussion
- Adoption of amendments and revisions to the Criminal Code

4. Improving the legal framework for registration of internet domains pertaining to trademarks

In order to prevent registration activity on the Internet that infringe an intellectual property right, the following specific actions and activities will be taken:

- 4.1. Amendments to the MARNet regulations for registration of domain names
 - Analysis of the existing solutions for regulating registration of domain names
 - Preparation of amendments and revisions to the MARNet regulations
 - Expert discussion
 - Adoption of amendments and revisions to the MARNet regulations

5. Improving the legal framework that governs transfer of intellectual property rights

In order to improve the legislation in the area of radio broadcasting, the following specific actions and activities will be taken:

- 5.1. Amendments and revisions to laws governing transfer of intellectual property rights
 - Comparative analysis of reference normative acts that govern transfer of intellectual property rights
 - Drafting amendments and revisions to laws
 - Scientific and expert discussion
 - Adoption of amendments and revisions to the laws

6. Improving the legal framework that governs protection of agricultural and food products as concerns their source and traditional specificity

In order to improve the legislation in the area of protection of the source and the traditional specificity of agricultural and food products, the following specific actions and activities will be taken:

- 6.1. Adoption of a Law on the Quality of Agricultural Products
 - Comparative analysis of the EU sources and the national legislation
 - Drafting the law
 - Adoption of the law

V

*Measures for
strengthening the
effective and efficient
enforcement of
intellectual
property rights*

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In order to ensure efficiency and efficacy of the protection of intellectual property rights, the system needs infrastructure that supports the process of implementation of the legislation. Therefore, it is necessary to strengthen the institutional and administrative capacities and to increase the level of specialization of those institutions and organisations involved in the protection. This will be ensured through:

1. Preparation and adoption of a comprehensive operative programme for fighting piracy and counterfeiting

In light of a precise definition of the activities of the administrative organs in charge of protection and enforcement of intellectual property rights, as well as their coordinated action, the following specific actions and activities will be taken:

- 1.1. Defining the situation in the relevant areas and scope of operation
 - Determining the relevant areas and the authorized institutions
 - Defining the situation, the needs and the opportunities for action
- 1.2. Determining the specific measures and actions for fighting piracy and counterfeiting and the perpetrators thereof
 - Drafting a proposal of specific measures and actions
 - Adoption of the proposed specific measures and actions
- 1.3. Defining implementation plans
 - Drafting implementation plans
 - Adoption of the implementation plans
- 1.4. Implementation of the operative programme for fighting piracy and counterfeiting
 - Taking the foreseen measures and activities
 - Notification of the public of the taken measures and activities

2. Strengthening the institutional and administrative capacity of the Copyright and Related Rights Sector in the Ministry of Culture

In order to strengthen the capacity of the Copyright and Related Rights Sector in the Ministry of Culture, the following specific actions and activities will be taken:

- 2.1. Ensuring new jobs in the MK-SCRR and implementation of the programme for management of SCRR and staff
 - Employment of new civil servants
 - Preparation of a management programme for MK-SCRR and the staff
 - Implementation of the management programme for MK-SCRR and the staff
- 2.2. Preparation of a continuous training programme for the staff of the MK-SCRR and implementation thereof
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training
- 2.3. Technical equipping of the Copyright and Related Rights Sector in the Ministry of Culture and the provision of software applications for the creation of a contemporary database and exchange of information
 - Defining the needs for technical equipment
 - Specifying the type of equipment and quantity
 - Providing the equipment
 - Defining the need for software applications
 - Development of software applications
 - Training for use of software applications

3. Strengthening the institutional and administrative capacity of the Science and Technical Development Sector in the Ministry of Education and Science

In order to strengthen the capacity of the Science and Technical Development Sector in the Ministry of Education and Science, and bearing in mind its function in stimulating technical development, the following specific actions and activities will be taken:

- 3.1. Operationalisation of the programmes for technological development and technical culture
 - Preparation of the operational plans
 - Adoption of the operational plans
- 3.2. Additional staffing of the Sector pertaining to technological development and technical culture

- Needs assessment in line with the authorities
- Defining the tasks
- Defining the profile of staff needed
- Employment of new servants

3.3. Technical equipping of the Sector

- Defining the needs for technical equipment
- Specification of type of equipment and quantity
- Providing the equipment
- Defining the need for software applications
- Development of software applications
- Training for use of software applications

4. Strengthening the institutional and administrative capacity of the State Office of Industrial Property

In order to strengthen the capacity of the SOIP, the following specific actions and activities will be taken:

4.1. Development of plans of the SOIP sectors' structure, thus assessing the need for new jobs and ensuring new employment, development and implementation of the SOIP Management Programme

- Needs assessment in line with the authorities
- Defining the tasks
- Defining the profile of staff needed
- Employment of new civil servants
- Preparation of a management programme for SOIP and the staff
- Implementation of the management programme for SOIP and the staff

4.2. Development of a Service Orientation Programme for SOIP

- Assessment of needs and opportunities
- Defining the legal framework
- Defining and ensuring staffing needs

4.3. Development of a Continuous Training Programme for SOIP Staff and the implementation thereof

- Defining the target groups and their classification
- Assessing the training needs
- Defining the training goals and tasks
- Development of training curricula and programmes
- Development of training materials
- Delivering of the training

4.4. Technical equipment of SOIP and provision of software applications so as to create a contemporary database and exchange of information

- Defining the needs for technical equipment
- Specifying type of equipment and quantity
- Providing the equipment
- Defining the need for software applications
- Development of software applications
- Training for use of software applications

5. Strengthening the institutional and administrative capacity of the Ministry of Agriculture, Forestry and Water Economy

In order to strengthen the capacity of the MAFW, the following specific actions and activities will be taken:

5.1. Amendments and revisions to the structures in charge of quality assurance under the MAFW

- Needs assessment in line with the authorities
- Amendments to the organisational setting of the MAFW and promoting the existing Unit for Standards and Quality of Agricultural Products to the level of a sector
- Defining the profile of staff needed
- Employment of new servants as defined in the NPAA
- “Twinning” for protection of the origin and traditional specificity of agricultural and food products in cooperation with the administration of an EU Member State under IPA I 2009

5.2. Technical equipment of MAFW and provision of software applications so as to create a contemporary database and exchange of information

- Defining the needs for technical equipment
- Specifying type of equipment and quantity
- Providing the equipment
- Defining the need for software applications
- Development of software applications
- Training for use of software applications

6. Improving the efficiency and efficacy of the judicial protection of intellectual property rights

In order to improve the efficiency and efficacy of the judicial protection of intellectual property rights, the institutional and administrative capacity of the courts will be strengthened by undertaking the following specific actions and activities:

6.1. Amendments and revisions to the Law on Courts for the purpose of regulation of the specialization of courts for deciding in cases for protection of intellectual property rights

- Assessing the situation and the organisational needs
 - Preparing the normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adopting the normative solutions
 - Developing an implementation plan for the normative solutions and implementation thereof
- 6.2. Amendments and revisions to the Court Rules of Procedure in order to create a separate system for registration of cases on protection of intellectual property rights
- Assessment of the system for registration of the cases on protection of intellectual property rights
 - Defining the needs for coordination of other competent bodies for the purpose of establishing a mechanism for exchange of information
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions
 - Developing an implementation plan for the normative solutions
- 6.3. Development of a programme for the continuous training of judges and implementation thereof
- Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training
- 6.4. Technical equipment of courts and provision of software applications so as to ensure a contemporary database and data exchange
- Defining the needs for technical equipment
 - Specifying type of equipment and quantity
 - Providing the necessary equipment
 - Defining the need for software applications
 - Development of software applications
 - Training for use of software applications
- 6.5. Continuous follow-up and publishing of court practices in the area of intellectual property law
- Development of annual almanacs (yearbooks) of court practice in the area of intellectual property
 - Publishing annual almanacs (yearbooks) of court practice in the area of intellectual property law

7. Improving efficiency and efficacy of the prosecution of perpetrators of criminal offences against intellectual property rights

In order to improve the efficiency and efficacy of the prosecution of perpetrators of criminal offences that infringe intellectual property rights, the institutional and administrative capacity of the Public Prosecution will be strengthened by undertaking the following specific actions and activities:

- 7.1. Amendments and revisions to the legislative acts that govern the organisational structure of the Public Prosecutor's Office for the purpose of regulation of the specialization of the public prosecutors acting in cases of protection of intellectual property rights
 - Assessment of the situation and the organisational needs
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions
 - Developing an implementation plan for the normative solutions and implementation thereof
- 7.2. Amendments and revisions to the legislative acts that govern acting on cases in the Public Prosecutor's Office for the purpose of creating a separate Book of Procedures for cases of the prosecution of perpetrators of criminal offences infringing intellectual property rights
 - Assessment of the system for recordkeeping
 - Defining the needs in coordination with other competent bodies for the purpose of establishing a mechanism for exchange of information
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions
 - Developing an implementation plan for the normative solutions
- 7.3. Development of a programme for continuous training of public prosecutors and implementation thereof
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training
- 7.4. Technical equipping of the Public Prosecutor's Office and provision of software applications so as to ensure a contemporary database and exchange of information
 - Defining the needs for technical equipment
 - Specifying type of equipment and quantity
 - Providing the equipment
 - Defining the need for software applications
 - Development of software applications
 - Training for use of software applications

7.5. Development and implementation of an annual action programmes of the Public Prosecutor's Office for fighting piracy and counterfeiting

- Defining the sectors of operation (production and distribution facilities, relation to organized crime, etc.)
- Development of annual and monthly action plans
- Result-based management and consulting the RBM system, as needed
- Regular notification of the plans' implementation

8. Improving the efficiency and efficacy of the procedures for identifying the perpetrators of criminal offences against intellectual property rights by the Ministry of Internal Affairs

In order to improve the efficiency and efficacy of the identification of perpetrators of misdemeanours and criminal offences against intellectual property rights by the Ministry of Internal Affairs, the institutional and administrative capacity of the Police will be strengthened by undertaking the following specific actions and activities:

8.1. Amendments and revisions to the legislative acts that govern the organisational setting of the Ministry of Internal Affairs for the purpose of regulation of the specialization of the police officers for acting in cases of protection of intellectual property rights

- Assessment of the situation and the organisational needs
- Preparation of normative solutions
- Expert discussion on the normative solutions and their finalization
- Adoption of the normative solutions
- Developing an implementation plan for the normative solutions and implementation thereof

8.2. Amendments and revisions to the documents that govern acting on cases in the Ministry of Internal Affairs so as to develop a separate Book of Procedures for the procedures for identifying perpetrators of criminal offences against intellectual property rights

- Assessment of the system for recordkeeping
- Defining the needs for coordination with other competent bodies for the purpose of establishing a mechanism for exchange of information
- Preparation of normative solutions
- Expert discussion on the normative solutions and their finalization
- Adoption of the normative solutions
- Developing an implementation plan for the normative solutions and implementation thereof

8.3. Development of a programme for the continuous training of police officers and implementation thereof

- Defining the target groups and their classification
- Assessment of training needs
- Defining the training goals and tasks
- Development of training curricula and programmes

- Development of training materials
- Delivering the training

8.4. Technical equipping of the Ministry of Internal Affairs and provision of software applications so as to ensure a contemporary database and data exchange

- Defining the needs for technical equipment
- Specifying type of equipment and quantity
- Providing the equipment
- Defining the need for software applications
- Development of software applications
- Training for use of software applications

8.5. Development and implementation of annual action programmes of the Police for fighting piracy and counterfeiting

- Defining the sectors of operation (production and distribution facilities, relation to organized crime, etc.)
- Development of annual and monthly action plans
- Result-based management and consulting the RBM system, as needed
- Regular notification of the plans' implementation

9. Improving the efficiency and efficacy of the inspection controls of the respect of intellectual property rights

In order to strengthen the efficiency and efficacy of the State Market Inspectorate in protection of intellectual property rights, the following specific actions and activities will be taken:

9.1. Amendments and revisions to the Law on the State Market Inspectorate for the purpose of regulation of the specialization of state market inspectors for acting in cases of protection of intellectual property rights

- Assessment of the situation and the organisational needs
- Preparation of normative solutions
- Expert discussion on the normative solutions and their finalization
- Adoption of the normative solutions
- Developing an implementation plan for the normative solutions and implementation thereof

9.2. Amendments and revisions to the documents for the purpose of creating a separate Book of procedures for cases of protection of intellectual property rights

- Assessment of the system for recordkeeping
- Defining the needs for coordination with other competent bodies for the purpose of establishing a mechanism for exchange of information
- Preparation of normative solutions
- Expert discussion on the normative solutions and their finalization

- Adoption of the normative solutions
 - Developing an implementation plan for the normative solutions
- 9.3. Development of a programme for continuous training of state market inspectors and implementation thereof
- Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training
- 9.4. Technical equipping of the State Market Inspectorate and provision of software applications so as to ensure a contemporary database and data exchange
- Defining the needs for technical equipment
 - Specification of type of equipment and quantity
 - Providing the equipment
 - Defining the need for software applications
 - Development of software applications
 - Training for use of software applications
- 9.5. Development and implementation of annual programmes for market inspection for fighting piracy and counterfeiting and implementation thereof
- Defining the sectors of operation (market of goods for mass consumer use or defined products, market of technical equipment, market of audio-visual works and alike)
 - Development of annual and monthly action plans
 - Result-based management and consulting the RBM system, as needed
 - Regular notification of the plans' implementation

10. Improving the efficiency and efficacy of the border system of protection of intellectual property rights (customs measures)

In order to strengthen the efficiency and efficacy of the Customs Administration in protection of intellectual property rights, the following specific actions and activities will be taken:

- 10.1. Amendments and revisions to the pertinent legislation for the purpose of regulating the specialization of customs officers for acting in cases of protection of intellectual property rights
- Assessment of the situation and the need for amending the laws and regulations
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions

10.2. Analysis and improvement of the organisational setting of the Customs Administration so as to increase the efficacy of the implementation of the safeguards

- Establishing mechanisms for decentralization of the administration of cases of seizure at local level in the customs outposts
- Establishing a system for accepting requests for taking customs actions at central level in the Customs Administration
- Improving an electronic system for recordkeeping
- Strengthening the staff in the Non-Tariff Measures Unit

10.3. Improving the system of recordkeeping

- Defining the needs for coordination with other competent bodies for the purpose of establishing a mechanism for exchange of information
- Development of normative solutions for the recordkeeping system
- Developing an implementation plan for the normative solutions
- Establishing a system for exchange of information with the authorized institutions

10.4. Development of a programme for continuous training of customs officers and implementation thereof

- Defining the target groups and their classification
- Assessment of training needs
- Defining the training goals and tasks
- Development of training curricula and programmes
- Development of training materials
- Delivering of the training

10.5. Technical equipment of the Customs Administration and provision of software applications so as to ensure a contemporary database and data exchange

- Defining the needs for technical equipment
- Specification of type of equipment and quantity
- Providing the equipment
- Defining the need for software applications
- Development of software applications
- Training for use of software applications

10.6. Development and implementation of the annual programmes of the Customs Administration for fighting piracy and counterfeiting

- Defining the sectors of operation
- Development of annual and monthly action plans
- Result-based management and consulting the RBM system, as needed
- Regular notification of the plans' implementation

11. Improving the effectiveness of the system for coordination and communication among the competent institutions, organs and organisations

In order to strengthen the total efficiency and efficacy of the institutions, organs and organisations involved in the protection of intellectual property rights, the following specific actions and activities will be taken:

- 11.1. Revision of the methodology for creating data bases and data exchange, direct and through IT systems (IRIS system)
 - Defining the needs and the opportunities of the participants in the system
 - Defining the mechanisms for exchange of information
- 11.2. Training for use of the IT systems for exchange of information
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training
- 11.3. Regular notification of the public about all activities
 - Development of a public relations programme
 - Appointment of a person in charge
 - Regular public relations activities
- 11.4. Records of public servants trained in intellectual property law
 - Appointing a person in charge of education activities in each competent institution
 - List of trained individuals
 - Development of forms for training reports
 - Regular collection and processing of data

12. Strengthening legal education

In order to strengthen the legal, criminal and ICT knowledge-base, as concerns legal education the following specific actions and activities will be taken:

- 12.1. Defining the national standards of legal education in the area of intellectual property law
 - Comparative analysis of study programmes and subject programmes
 - Defining the standards for education of lawyers in the area of intellectual property law
- 12.2. Amendments and revisions of the study programmes of the accredited institutions for higher education
 - Preparing amendments and revisions to the study programmes
 - Adopting amendments and revisions to the study programmes
- 12.3. Supporting the participation in postgraduate study programmes in the area of intellectual property law
 - Identifying the need for highly educated staff in the public administration

- Granting full and partial scholarships for postgraduate studies in the area of intellectual property law

13. Supporting the societies for collective management of copyright and related rights

In order to strengthen the societies for collective management of copyright and related rights, the following specific actions and activities will be taken:

- 13.1. Providing institutional support to the societies for collective management
 - Identification of the needs of the societies for collective management of rights
 - Development and implementation of grant programmes for supporting societies for collective management of rights
- 13.2. Continuous education of the members and the staff of the societies
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training

14. Strengthening the role of the intellectual property rights agents

In order to strengthen the role of intellectual property rights agents, the following specific actions and activities will be taken:

- 14.1. Determining the possibilities for professionalization of the association of intellectual property rights agents
 - Analysis of comparative experiences for organizing agents in associations, chambers etc.
 - Drafting of normative acts for reorganization of associations of agents
- 14.2. Development and implementation of a cooperation programme for agents and the authorized institutions
 - Analysis of comparative experiences of cooperation of agents and the authorized institutions
 - Development of a cooperation programme
 - Adoption of the cooperation programme
 - Implementation of the cooperation programme
- 14.3. Continuous education of agents in intellectual property rights
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes

- Development of training materials
- Delivering of the training

15. Supporting the Union of Inventors and Authors of Technical Improvements of Macedonia (SPATUM) and other non-governmental associations

In order to strengthen the capacity of the Union of Inventors and Authors of Technical Improvements of Macedonia (SPATUM) and other non-governmental associations, the following specific actions and activities will be taken:

- 15.1. Ensuring institutional support for SPATUM and other non-governmental associations
 - Identification of the needs of SPATUM and other non-governmental associations
 - Development and implementation of grant-programmes for supporting SPATUM and other non-governmental associations
- 15.2. Continuous training of the members and the staff of SPATUM and other non-governmental associations
 - Defining the target groups and their classification
 - Assessment of training needs
 - Defining the training goals and tasks
 - Development of training curricula and programmes
 - Development of training materials
 - Delivering of the training

16. Establishing a Second Instance Commission of the Government of the Republic of Macedonia for deciding in second instance of the administrative procedure in the area of industrial property upon appeals submitted against the decisions of the State Office of Industrial Property until the date of entering into force of the Law on Industrial Property

For the system of protection to function, the following specific actions and activities will be taken:

- 16.1. Adoption of a Decision for Establishing the Second Instance Commission
 - Drafting a proposal for adoption of a decision
 - Adopting the Decision
- 16.2. Adopting a Decision for Appointing the members of the Commission
 - Drafting a proposal of the decision for appointing the Commission members
 - Adopting the Decision for appointing the members of the Commission
- 16.3. Deciding on appealed cases by the Commission
 - Commission deliberations and adoption of a Decision

VI

*Measures for developing
the capacity of individual
holders and the
business community
for protection
and enforcement
of intellectual
property rights*

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In a society based on knowledge, intellectual creativity is viewed as a potential for economic development. Republic of Macedonia recognizes this and is determined to create an environment in which such activities are supported and desired. The basic principle of these tendencies is to inform the potential holders of intellectual property rights of the benefits there from. The following measures will be taken to this effect:

1. Raising the knowledge-base, skills and awareness of the individual holders of intellectual property rights, protection and enforcement of the intellectual property rights and economic benefits from intellectual property rights

In order to raise the knowledge-base, skills and awareness of the holders of intellectual property rights, the following specific actions and activities will be taken as a stimulating starting point:

- 1.1. Defining of the national standards for education in the area of intellectual property, the natural and mathematical sciences, the technical and technological, medical, biotechnical, social sciences and humanities
 - Comparative analysis of study programmes and subject programmes
 - Defining of the standards for education of lawyers in the area of intellectual property law
- 1.2. Amendments and revisions of the study programmes of the accredited institutions for high education
 - Preparing amendments and revisions to the study programmes
 - Adopting amendments and revisions to the study programmes
- 1.3. Supporting the participation in postgraduate study programmes in the area of intellectual property law
 - Granting full and partial scholarships for postgraduate studies in the area of intellectual property law
- 1.4. Development and implementation of training programmes (seminars, workshops, conferences) for authors and inventors
 - Defining the target groups and their classification
 - Assessment of training needs

- Defining the training goals and tasks
- Development of training curricula and programmes
- Development of training materials
- Delivering of the training

1.5.Promotion of the activities under the strategies and programmes in the areas of culture, entrepreneurship, industrial development, science, technological and technical development

- Defining the promotion plan
- Improving the promotion materials
- Dissemination of the promotion materials

2. Raising the knowledge-base, skills and awareness of the business community of intellectual property rights, for the protection and enforcement of intellectual property rights and economic benefits from intellectual property rights

In order to raise the knowledge-base, skills and awareness of the business community of intellectual property rights, the following specific actions and activities will be taken as a stimulating starting point:

2.1.Improving short-term plans and programmes for general training of small and medium enterprises and associations under chambers of commerce and implementation thereof

- Defining the target groups and their classification
- Assessment of training needs
- Defining the training goals and tasks
- Development of training curricula and programmes
- Development of training materials
- Delivering of the training

2.2.Development of short-term plans and programmes for training for creation and use of certified marks and geographical indications for small and medium enterprises and agricultural associations and implementation thereof

- Defining the target groups and their classification
- Assessment of training needs
- Defining the training goals and tasks
- Development of training curricula and programmes
- Development of training materials
- Delivering of the training

2.3.Promotion of the activities under the strategies and programmes in the areas of culture, entrepreneurship, industrial development and agriculture

- Defining the promotion plan
- Improving the promotion materials
- Dissemination of promotion materials

3. Strengthening the relations public administration – business community – universities so as to improve the protection of intellectual property rights

In order to strengthen the relations public administration – business community – universities, the following specific actions and activities will be taken:

3.1. Improving intellectual property policy at the universities, thus providing for: a) a comprehensive regulation of intellectual rights generated at universities; b) the intellectual property generated at the universities (graduation papers, specialization and MA papers, PhD dissertations, final reports and studies produced in scientific, research and development and innovation projects) to be utilized by the public administration and the business community

- Identifying the condition at the universities as concerns generation and use of intellectual property rights (generation of industrial property rights, author's works and their availability to the public, digital universities and libraries, centres for transfer of technology)
- Defining the need for regulation of the relations author/inventor – university – research and development donor
- Defining the policy goals
- Developing a document explaining the policy

3.2. Adopting intellectual property policy at all accredited universities in the Republic of Macedonia

- Expert and scientific discussion
- Adoption by the Inter-University Conference
- Adoption by Universities

4. Defining the economic potentials of the intellectual property rights in the Republic of Macedonia and the negative economic effect from the infringement of intellectual property rights

In order to create the basis for further development activities and the promotion of intellectual property rights, the following specific actions and activities will be taken:

4.1. Development of an analysis on the economic potentials of the intellectual property rights in the Republic of Macedonia and the negative economic effect from the infringement of intellectual property

- Determining the scope of the analysis
- Identifying the body/organisation that will conduct the analysis and sign an agreement/memorandum
- Defining the methodology of the analysis
- Preparations for the analysis
- Adopting the conclusions of the analysis

VII

*Measures for
strengthening
public awareness and
the benefits
from intellectual property*

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The established relationship between appropriate legislation and the consistent application thereof, should be supported by a high level of protection of intellectual property rights. The public awareness of these rights and their social and economic implications are a constituent part of the infrastructure, and in order to accomplish this task the following measures will be taken:

1. Manifestation of respect of intellectual property rights within the public administration

So as to promote intellectual property in public administration by generating respect of the rights in the every-day operations of public administration by the public administration, the following specific actions and activities will be taken:

- 1.1. Development and adoption of legal acts that will define the actions of the public administrative bodies and the public servants with respect to intellectual property rights
 - Analysis of comparative experiences of actions of the public administration organs and the public servants
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions
- 1.2. Introducing mechanisms of control of the actions taken by the public administration organs and the public servants with respect to intellectual property rights
 - Defining of the control measures
 - Appointing of responsible persons for conducting such controls
 - Regular control activities

2. Raising the awareness of intellectual property rights through the system of primary and secondary education

For the purpose of raising awareness of intellectual property rights through the system of primary and secondary education, the following specific actions and activities will be taken:

- 2.1. Amendments and revisions of primary and secondary school curricula and programmes that will incorporate intellectual property rights (workshops, elective subjects, etc.)
 - Analysis of comparative experiences with regard to intellectual property education in primary and secondary schools
 - Preparation of normative solutions
 - Expert discussion on the normative solutions and their finalization
 - Adoption of the normative solutions
- 2.2. Massive celebration of the Intellectual Property Day in the schools
 - Defining activities
 - Implementation of activities
- 2.3. Development and distribution of printed materials for students
 - Adaptation of the existing educational materials of relevant international organisations
 - Development of national educational materials
 - Printing and distribution of educational materials

3. Raising the awareness for intellectual property rights with the general public

In order to raise the awareness of intellectual property rights with the general public, the following specific actions and activities will be taken:

- 3.1. Development and realization of marketing programmes for information and education of the public on intellectual property rights (through video and printed materials)
 - Defining communication goals
 - Selection of a marketing agency
 - Development of a marketing programme
 - Realization of marketing programmes for information and education of the public on intellectual property rights (through video and printed materials)
- 3.2. Conducting activities for informing and educating the customers of the perils from pirated and counterfeited goods
 - Development of an information and education programme for customers
 - Realization of the programme

4. Improving the access to information on intellectual property rights through web sites

In order to improve the access to information on intellectual property rights through web sites, the following specific actions and activities will be taken:

- 4.1.Changes to the SOIP site so as to provide appropriate access to general information on industrial property rights and databases of registered rights
 - Defining of the site's contents and anticipated placing of practical guides
 - Revisions to the existing site
 - Constant updating of the site
- 4.2.Revisions to the MK-SCRR site in order to provide appropriate access to general information on copyright and related rights
 - Defining of the site's contents and anticipated placing of practical guides
 - Revisions to the existing site
 - Constant updating of the site
- 4.3.Changes to the site of the Ministry of Agriculture, Forestry and Water Economy so as to provide appropriate access to general information on industrial property rights and databases of registered rights
 - Defining of the site's contents and anticipated placing of practical guides
 - Revisions to the existing site
 - Constant up-dating of the site
- 4.4.Design and maintenance of the sites of organisations and associations
 - Defining the sites' contents
 - Revisions to the existing site
 - Constant updating of the site

VIII

Implementation of the strategy

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In parallel with the completion of the set goal and tasks, other measures and actions will be taken as determined in the Strategy and the Action Plan, as its constituent parts.

A responsible person will be assigned in all institutions in charge of the implementation of the measures who will coordinate implementation of the activities in the responsible institution and will communicate with those institutions and organisations participating in the implementation of the measures.

For a comprehensive coordination of the implementation of the Strategy, the State Office of Industrial Property will establish a Development and Project Implementation Unit (Project Unit) with three employees – a program manager and a program assistant with experience in intellectual property law and project management knowledge, skills and experience. The Project Unit will coordinate the overall activities, collect information on the implementation of the activities, and inform the Ministry of Economy, as the institution proposing the Strategy, of the progress each month. The State Office of Industrial Property will inform the Government of the Republic of Macedonia of the status of implementation of the Strategy on a semi-annual basis.

In line with the evaluation, the Action Plan will be appropriately amended and revised for the purpose of implementation of the Intellectual Property Strategy. Revised Action Plans will be adopted by the Government of the Republic of Macedonia.

In the last two quarters of the implementation of the Strategy, the Government of the Republic of Macedonia will take measures to prepare and adopt a long-term Strategy on Intellectual Property.

IX

List of abbreviations

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Legal documents

LCRR	Law on Copyright and Related Rights
LIP	Law on Industrial Property
CC	Criminal Code

Institutions and organisations

MoE	Ministry of Economy
MoC	Ministry of Culture
MoJ	Ministry of Justice
MoES	Ministry of Education and Science
MAFW	Ministry of Agriculture, Forestry and Water Economy
MoF	Ministry of Finance
MoIS	Ministry of Information Society
SEA	Secretariat for European Affairs
SCRR	Copyright and Related Rights Sector
SOIP	State Office of Industrial Property
SCourt	Supreme Court
PPORM	Public Prosecutor's Office of the Republic of Macedonia
CA	Customs Administration
ASERM	Agency for Supporting Entrepreneurship
SMI	State Market Inspectorate
AJPP	Academy for Judges and Public Prosecutors
CIPE	Centre for Intellectual Property Education
EIIC	European Information and Innovation Centre
AIPRA	Association of Intellectual Property Rights Agents
KTIS	Coordinative Body for Intellectual Property
APS	Agency for Public Servants
ZELS	Association of the Units of Local Government of Macedonia
ZPRM	Consumer Organization of Macedonia

X

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TECHNICAL ANNEX 1

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