

STANDARD TWINNING PROJECT

1. Basic Information

1.1 Publication notice reference: EuropeAid/ 137-183/IH/ACT/MK

1.2 Programme:

Instrument for Pre-accession Assistance (IPA) - National Programme for 2011 under the IPA Transition Assistance and Institution Building Component (TAIB)

1.3 Twinning Number: MK 11 IB OT 01

1.4 Title

Strengthening the enforcement of Intellectual Property Rights

1.5 Sector9. Support and other activities / other projects

1.6 Beneficiary country:

Beneficiary country¹

2. Objectives

2.1 Overall Objective(s):

The overall project objective is to increase the effectiveness of the country's preparation for EU accession and to ensure greater efficiency and impact of EU programmes in the country.

2.2 Project purpose:

Component 1: To provide efficient and quality support to the authorities in the Beneficiary Country having competences in the field of Intellectual Property Rights, to strengthen the institutional and administrative capacity of the State Office of Industrial Property (SOIP), to provide efficient and quality support to the authorities in the Beneficiary Country having competences in the field of Intellectual Property Rights (IPR).

Component 2: The project will strengthen the operational capacity of the Customs Administration (CA) to fight against infringements of IPR, according to their legal competences.

2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

Link with AP

¹ As per Amendments to the Financing Agreement concerning the Multi-Annual Operational Programme "Human Resources Development" for Community Assistance from the Instrument for Pre-Accession Assistance under the Human Resources Development Component – CCI 2007 MK 05 IPO 001, entered into force on 19 December 2012

The project will address the following priorities from the Accession Partnership 2008:

- Prepare an action plan for building up the capacity necessary to implement and enforce the *EU acquis* in each area covered, with particular focus on the need to provide specialised training for law enforcement bodies, judges, prosecutors and customs officials.
- Develop public awareness campaigns and improve cooperation among law enforcement bodies and between all relevant stakeholders
- Build up the capacity necessary to implement and enforce the *EU acquis* in each area covered by this chapter and establish a satisfactory track record on investigation, prosecution and judicial handling of piracy and counterfeiting
- Increase administrative capacity of the SOIP for improving its coordinative role for implementation of IP laws and functioning of the IPR enforcement mechanisms
- Improve Methodology for exchange and collecting data from institutions involved in the system of IPR protection and enforcement.
- Raise public awareness for the importance of protection and enforcement of Intellectual Property Rights.
- Further approximate legislation and procedures to the *EU acquis*.
- Increase administrative capacity to implement customs legislation and to fight cross-border crime.

Link with SAA

The **Stabilisation and Association Agreement (SAA)** note that the overall objectives of the EU assistance in form of institution building and investment shall contribute to the democratic, economic and institutional reforms. In this respect financial assistance may cover all areas of harmonization of legislation and cooperation policies. The Agreement furthermore provides for the creation of a free trade area with a maximum transition phase of 10 years.

Enhancement of the IP infrastructure to European standards in the Beneficiary Country is an important prerequisite for the establishment of such a free trade area.

The sector deals with the general business environment and the underlying EU internal market principles, which need adequate and consistent consideration in the context of enlargement. Specific articles of the Stabilisation and Association Agreement (SAA), with important obligations and deadlines, cover issues like financial services, intellectual property, public procurement or company law. According to Article 68 of the SAA the approximation of laws and their implementation shall endeavour to ensure that the laws will be gradually made compatible with those of the Community, starting on the date of signing of the Agreement for certain fundamental elements of the Internal Market *acquis* as well as to other trade-related areas including intellectual property law. The programme for approximation of the intellectual property law is defined in coordination with the Commission of the European Communities, and as well the modalities for the monitoring of the implementation of the approximation.

The project will reinforce the **SAA** Article 68 where the country endeavours to ensure that its laws will be gradually made compatible with those of the EU and Article 71, which refers to ensuring the adequate and effective protection and enforcement of the intellectual property rights. Article 71 refers to taking the necessary measures in order to guarantee a level of protection intellectual rights similar to that existing in the EU, including effective means of enforcing such rights. Moreover, Article 88, regarding Customs, foresees cooperation for achieving the approximation of the customs system of the Country to that of the Community and to the simplification of inspections and formalities in respect of the carriage of goods and the exchange of information including the methods of investigation.

The **National Programme for the Adaptation of the *EU Acquis* (NPAA)** identifies a series of measures which can be taken on the short and medium term in relation to the political, economic and policy criteria for membership of the European Union. The NPAA for 2015 foresees strengthening the capacity of the SOIP to ensure a quality service vis-à-vis businesses and to support innovations with the existing staff, improvement of the methodology for systematic collection of data on investigations, prosecutions and trials for offences relating to intellectual property rights and conducting broad public campaigns for raising awareness about the importance of protection and enforcement of intellectual property rights with special focus on raising awareness among small and medium-sized enterprises.

Strengthening the capacity of the authority for protection of intellectual property rights is predominantly identified with the NPAA. It further emphasised the importance of continuous monitoring and harmonization of the national legislation in the field of intellectual property with the EU legislation. The NPAA envisage creation of functional IP infrastructure where functional mechanisms for protection and coordination of enforcement mechanisms of IPR are established. Importance is given to the activities for raising public awareness by organizing various campaigns, manifestations, fairs and similar as solid IP mechanisms are considered to have an important role for economic development of the country.

In the **Annual Multi-annual Indicative Planning Document 2010-2013 (MIPD)** it is underlined that the overall objective of EU financial assistance to the Beneficiary Country is to support its efforts for reform and towards compliance with EU law in order that it may become fully prepared to take on the obligations of membership to the European Union. In the MIPD more details regarding the specific priorities for the EU support to the Beneficiary Country 2010-2013 are listed. One of the priorities is private sector development that links directly to economic development. This topic is further elaborated in the MIPD where it is stated that: “Economic development is crucial to bring the country closer to the EU policies and parameters of the Europe 2020 Strategy in terms of innovation, education and employment. In 2010, the EU resolved to revitalise its economy, not only to speed up the emergence from the crisis but also to lay the foundations for “smart, sustainable and inclusive” growth. The Europe 2020 strategy establishes the framework within which the European economy is going to evolve in the decade to come. To achieve its five key targets with regard to employment, innovation, education, sustainable development and social inclusion, the EU wishes to undertake or continue concrete action in seven key fields where the fourth refers to optimize support for R&D and innovation, strengthen the knowledge triangle (education, research and innovation). Initiatives are expected at the European (and international) level as well as the national (and regional) level.

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The proposed priorities in this area aim to incorporate key aspects that characterize the existence of a functional market economy, and thus have impact on the economic growth and private sector development. Promoting investment and low-carbon development, enhancing competitiveness, enhancing research and innovation capacity, improving statistics, as well as supporting the good functioning of the regulatory bodies are all key priorities for the country’s economic development.” (MIPD 2010-2013 p 10)

This project is directly linked to MIPD 2010-2013 in which it is also stated that; Further IPA assistance shall be considered to strengthen the capacities of the institutions involved in consumer protection and enforcement of intellectual property rights, cooperation and coordination between them as well as support for raising awareness of those rights (MIPD 2010-2013 p. 21). The Sector Objectives for EU support over next three years are related to this project in a way that improved protection of intellectual property rights, including increased level of awareness among businesses and consumers are addressed with series of activities.

Link with national/sectorial investment plans

The project directly links to the following key strategies and action plans in the sector (see for a more extensive list annex 5):

- Evaluation of the National Strategy on Intellectual Property 2009-2012;
- Guidelines for Drafting National Strategy on Industrial Property 2005-2017;
- Strategic Plan of the State Office on Industrial Property 2015-2017;
- Bilateral co-operation plan with the European Patent Office 2013-2015;
- Strategic Plan of CA the 2014-2016;
- Strategy of the of the Customs Administration for the protection of the intellectual property rights 2014-2016;
- CA Training and Professional Development Strategy 2013-2015;
- CA Human Management Strategy 2013-2015.

3. Description

3.1 Background and justification:

Component 1: The State Office of Industrial Property is an independent Government entity responsible for acquisition of its competences according to the Law on industrial property (see more in part 4.1 of this project fish) and have a leading coordinative role of Chapter 7: Intellectual Property of the NPAA with direct competences for the Industrial Property Rights and Enforcement of Intellectual Property in the country. Protection of Intellectual Property Rights and their efficient enforcement are crucial for protecting the investments in research and innovation and is globally important for companies operating in market economies.

The growing value of IPR is an indicator of success. However, it also makes them attractive to counterfeiters and copyright-pirates, which are well financed and have become more and more organized. These infringers make full use of advances in technology and free trade, adopting modern business models to control the production, distribution and sale of illicit goods across borders and continents and via the Internet.

In Europe, counterfeiting and piracy have a dramatic and damaging impact on business and they have the potential to become even more problematical due to the recent economic downturn and the growing range of fake products being sold. While luxury goods, fashion, music and film products have traditionally been targeted, today counterfeiting and piracy affect a wider variety of mass consumption goods such as foodstuffs, pharmaceuticals, cosmetics, hygiene products, spare parts for cars, toys and various types of technical or electrical equipment. This has resulted in risks to the health and safety of European citizens.

Over the last two decades the level of infringements, piracy and counterfeiting has raised globally. These violations pose a serious threat to private companies and innovators whose existence solely depends on the surplus they make through their innovation. In case this development continues it will pose a serious threat to the global economy. Immediate action is needed in order to enhance the procedures related to various aspects of Intellectual Property Rights.

The ability of a country to protect and enforce IPR's is of high importance for investors with their main assets is knowledge-based and as such a vital requirement for countries that wants to attract investments and move towards a knowledge-based economy, themselves.

According to the conclusions in the 2014 Progress Report of the European Commission 'some legislative progress was made in the area of intellectual property law. Enforcement efforts by all institutions continue, but the complexity of the enforcement system impedes effective protection of intellectual property rights.

A track record on investigation, prosecution and trial for IPR offences has been established but there are still shortcomings in the procedures for prosecuting counterfeiters and the awareness of IPR among institutions and the within the general public remains low. Overall, preparations in the field of IPR are moderately advanced'.

Component 2: Customs Administration in the area of IPR, as stipulated in the Law on customs measures for protection of intellectual property rights², based upon the EU Regulation 608/2013, and the Rulebook on the implementation of the Law on customs measures for protection of intellectual property rights³, since 2006, is competent for taking actions in cases of existence of justified grounds that certain goods infringe the 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 country, goods in transit procedure, customs storage, import for value-adding purpose, processing 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 is in charge to act both upon requests for undertaking customs actions related to intellectual property and ex officio. It is also very important that some experience and best practices of the EU Member States in the area are taken into consideration. In this regard, administrative and operational capacity building for proper implementation of the legislation, introduction of new procedures and mechanisms for the detection and investigation the infringements of the IPR, and possible involvement of trans-border crime should be further developed.

The project shall provide advisory support to the Customs Administration as a main beneficiary, in the area of implementation and enforcement of intellectual property rights (IPR). The Twinning is aimed to support further harmonization of the legislation and procedures with the EU *acquis* and best practices related to customs enforcement of IPR, as well as the strengthening of the operational capacity of the Customs Administration to fight against infringements of IPR, including the area of enforcement, investigation and prosecution of organized crime involved into counterfeit and pirated goods. Thus, the Project will contribute to the realization of the Strategy of the of the Customs Administration for the protection of the intellectual property rights 2014-2016 and the recommendation outlined in the last EC Progress report. It will propose mechanism for enhanced institutional framework, formalize and improve cooperation and coordination between relevant authorities for enforcement of IPR and define uniform procedures.

On 10 December 2012 the Council adopted a Resolution on the EU Customs Action Plan to Combat IPR Infringements for the Years 2013-2017⁴.

The strategic objectives of this Action Plan are the following:

² *Official Gazette* No. 38/05, 107/07, 135/11 and 69/13; amendment underway)

³ *Official Gazette* No. 58/05, 82/11, 160/11 and 132/13)

⁴ 2013/C 80/01 *Official Journal* of the European Union C80/1 of 19.03.2013

- Effectively implementing and monitoring the new EU legislation on customs enforcement of IPR;
- Tackling major trends in trade of IPR infringing goods;
- Tackling trade of IPR infringing goods throughout the international supply chain;
- Strengthening cooperation with the European Observatory and law enforcement authorities on infringements of IPRs.

In June 2013, the European Parliament and the Council adopted Regulation (EU) No 608/2013⁵, concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003, entering into force on the 1 January 2014. The draft national law transposing this Regulation has been prepared and is under consideration by the Parliament.

3.2 Linked activities (*other international and national initiatives*):

The **World Intellectual Property Organisation (WIPO)** supports the Intellectual Property Office (SOIP) in relation to institution building and capacity Building. Furthermore support has been provided by the same institution in relation to the implementation of international agreements and improvement of the legal framework related to Intellectual Property Rights.

- Among various cooperation activities with WIPO the most significant were:
- Implementation of the WIPO IPAS Software in 2003;
- Preparation of Guidelines for drafting IP Strategy in 2013; and
- Use of the WIPO EDMS tool for digitalization of patent and trademark files in 2013/2014.

The **European Patent Office** has since 2009 provided educational support for SOIP staff in cooperation with the Academy for Training of Judges and Public Prosecutors. Furthermore the bilateral cooperation with EPO within the framework of the European Patent Network (EPN) has substantially supported SOIP in preparing a national action plan.

A **USAID** project for business environment has provided support to SOIP in relation to preparing the strategy on Intellectual Property for 2009-2012.

Presently there is an ongoing IPA cross-border program between the Beneficiary Country and the Republic of Albania, 2007-2013, IPA 2009, 2010 and 2011. The general objective of the project is "Contributing to the increase of competition in cross-border business through the promotion and protection of trademarks and patents.

The EU has via the TAIEX programme has provided support to the stakeholders involved in this project on issues related to protection and enforcement of Intellectual Property Rights by funding expert missions, seminars and study visits for officials from the different IP active institutions in the central administration. In 2013 a regional seminar targeting officials from the Enforcement institutions (Police, Customs and Prosecution) was conducted in Skopje. The seminar was funded via TAIEX and implemented by Interpol.

An European Union funded “CAFAO – MAK” PROGRAMME (2002-2007) has provided support and assistance to the Customs Administration to draft the Law on Customs Measures for Protection of Intellectual Property Rights (IPR) and the implementing regulation to the Law in 2005. The Programme provided practical (on-the-job) training on practical implementation and enforcement of the Law to the field customs officers.

⁵ Official Journal of the European Union L181 of 29.06.2013

The Technical Assistance Project implemented by the Customs and Tax Administration of the Kingdom of Netherlands (2006-2012), financed by the Government of the Kingdom of Netherlands, has contributed to further increase the administrative capacities and the efficiency regarding the organisational set up, IPR protection procedures and processes. The programme has provided expertise, consultancy and exchange of best practices via seminars, trainings and study visits.

3.3 Results:

This project will be structured around four main components in order to deliver the mandatory results:

- Legal Alignment
- Institution Building
- Capacity Building
- Public Awareness

The following mandatory results should be jointly achieved by the MS and BC Twinning Partners, and will directly support the achievement of the project's purpose:

COMPONENT 1 – FURTHER STRENGTHENING OF THE STATE OFFICE OF INDUSTRIAL PROPERTY (SOIP) CAPACITIES

Result 1.1 National legal framework for Intellectual Property Rights further developed and aligned with the EU acquis

Measurable indicators:

- Assessment report of the legislation conducted (including assessment of Chapter 7 in EC Progress Reports)
- Gap analysis conducted and accepted by all stakeholders in the IPR system;
- Number of assessment analysis prepared;
- Conclusions from the Round table discussions drafted and accepted by all stakeholders in the IPR system ;
- Written recommendations for amendments to the national legal intellectual property framework prepared;
- Number of proposed amendments approved;
- Draft amendments and draft legislative acts within the national Intellectual Property legislation prepared;
- Alignment of the amended national IPR legal framework with the forthcoming three-years Strategy on Industrial Property (to be developed with 2011 PPF/TAF funds).

Result 1.2 Strengthening of the State Office of Industrial Property (SOIP) institutional capacities for registration, protection and enforcement of IP rights

Measurable indicators:

- Training materials prepared;
- Evaluation of the trainings conducted;
- Drafting guidelines for registration of patents, trademarks, GIs and Designs;
- Number of SOIP officials trained.

Result 1.3 Programme for raising Public awareness for the importance of the protection and enforcement of Intellectual Property Rights developed and implemented for all stakeholders in the IPR system

Measurable indicators related:

- Number of publications produced/created and disseminated;
- Number of events and campaigns conducted;
- Number of participants taking part at the events and campaigns;
- Number of printed and published brochures and posters.

Result 1.4 Improved functioning of the stakeholders in the IPR system where the existing Methodology for collecting and processing statistical data on enforcement shall be used as a starting point

Measurable indicators:

- Analysis conducted;
- Number of Guidelines developed;
- Number of operational cooperation models established;
- Approval of creation of recommendations for data exchange between SOIP and the Administrative Court;
- Improved data reports from the enforcement institutions;
- Improved Methodology for collecting and processing statistical data from institutions involved in the system of IPR protection and enforcement.

COMPONENT 2 – STRENGTHENING THE CAPACITY OF THE CUSTOMS ADMINISTRATION IN RELATION TO THEIR LEGAL COMPETENCES
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Result 2.1 - Harmonized legislation and procedures with the EU acquis and best practices related to customs enforcement of IPR

Measurable indicators:

- Gaps and needs identified based on analysis of the existing guidelines, instructions and manuals regarding procedures and working practices and control mechanisms;
- New improved procedures, working methods and standards in the operations of the CARM developed;
- Legal acts and/or amendments to the existing national legislation (laws and implementing regulation) which regulate the customs enforcement of IPR aligned with the EU legislation (including enforcement, investigation and prosecution of organized crime involved into counterfeit and pirated goods) drafted. Correlation table on the link between the provisions of the EU and the national legislation, for each legal act, prepared;
- New/updated guidelines, instructions, manuals, procedures, working methods and control procedures in line with the procedures and best working practices in the EU prepared.

Result 2.2 - Strengthening of the operational capacity of the Customs Administration to fight against infringements of IPR

Measurable indicators related:

- Assessment report of the current national organizational set up, management and control system, working methods and enforcement techniques delivered;
- Proposal for improved procedures and working methods related to customs enforcement of IPR, (including, investigation and prosecution of organized crime involved into counterfeit and pirated goods, control management system and organizational set up). Support in implementing new internal IPR enforcement procedures, working methods and techniques provided.
- Enhanced operational risk analysis and risk management system for identification of goods violating IPR according to EU standards and best practices established.
- Proposal of modalities and written procedures for an establishment of a network between the institutions to enforce, investigate and prosecute the organized crime involved into counterfeit and pirated goods within the country drafted;
- Training Plan, Training Modules, and Training Manual related to improved customs enforcement procedures and modern techniques to protect IPR for customs officers developed and delivered; Number of CA staff trained.

3.4 Activities:

The Twinning project shall be implemented as a joint project in which each partner takes on its responsibilities. The selected MS shall transfer the requested hands-on public sector expertise to the Beneficiary Country, support into reinforcement of administrative capacities to meet the obligations of the EU membership by introducing and sharing EU wide best practices in connection with EU legislation and specific needs of the Beneficiary Country in the field of intellectual property.

The proposal made by the MS should include the activities they propose to achieve the results listed in the fiche. Without listing necessarily all the possible activities, the proposal should be detailed enough to respond adequately to the Twinning project fiche.

The set of proposed activities will be further developed with the Twinning partners when drafting the Twinning work plan, keeping in mind that the final list of activities will be decided with the Twinning partners. The components are closely interlinked and need to be sequenced accordingly.

The Twinning assistance will be provided in the form of know-how transfer, and will be delivered through:

- Advice and coaching sessions: Coaching and advice activities will be the predominant type of activity. They will help for drafting of new legal acts and/or amendments to the existing national legislation (laws and implementing secondary legislation) which regulates the area of intellectual property on the basis of the mentioned relevant EU legislation in force, further development of procedures, implementing provisions and control mechanisms and strengthening the administrative capacity for protection, acquisition, horizontal synergy actions, institutional coordination in the field of intellectual property, raising public awareness of the importance of the intellectual property in general terms. Involvement of all stakeholders in the IPR system is required. Reference to the existing Methodology for collecting and processing statistical data on enforcement is important to be ensured.

- Tailor made training programme: This project will include the development and implementation of a tailor-made training programme. The programme will be based on a training needs assessment of all BC Twinning partner institutions. The training programme will focus on all aspects of improving the capacities of the BC Twinning partners with special focus on the needs of the SOIP and CA in the areas outlined above. The Beneficiary

institution prefers on-the-job training, where applicable. They should be prepared in both English and the *македонски* language;

- Seminars, workshops and conferences: The Twinning project will involve the organisation of several seminars and workshops for transfer of knowledge in the selected areas that are critical according to the analysis reports prepared and elaborated in the results and in accordance with the developed training programme as a result of the using and sharing the expertise of MS experts and the experience of the BC administration. Involvement of all stakeholders in the IPR system is required.

- Analysis of Legal acts, Guidelines, Manuals, procedures and check-lists: The Twinning partner should propose a system for analysing the existing legislation in the field of intellectual property, information exchange mechanism between institutions, services available to the public, existing strategic documents in the field of intellectual property, the existing Government support and existing procedures among BC Twinning partner institutions in line with EU best practice. The analysis shall comprise assessment how to organize the functioning of the SOIP to response to the requirements of a service oriented institution having legal and administrative competences for protection of IPRs, coordination responsibilities arising from the role of being a Coordinator of the Chapter VII of the NPAA, drafting projects and strategic documents in the field of IP and monitoring the coordination and data exchange between the institution involved in protection and enforcement of IP. This task will be done in close cooperation and consultation with all Beneficiaries and BC Twinning partners. The Twinning partner should propose, where needed, legal acts, Guidelines and Instructions and/or amendments to existing national legislation which regulates the customs enforcement of IPR in line with the *EU acquis* and EU best practice, as well as more effective procedures. This task will be done in close cooperation and consultation with all stakeholders in the IPR system. Reference to the existing Methodology for collecting and processing statistical data on enforcement is important to be ensured.

- Development: The Twinning partner will propose and provide assistance and guidance to the SOIP in the development of an improved system for drafting analysis, legislative proposals, organizing campaigns, public awareness events and proposals of best known practices, including the institutional set up, as well as assist in improving institutional and administrative capacities and competences to successfully implement the new legislation. This will be done in the course of establishing and introducing new procedures, providing support to establishing sound training support and providing trainings to the beneficiaries of the project. This task will be done in close cooperation and consultation with the stakeholders in the IPR system. In addition, the Twinning partner is expected to provide written recommendations for improvement of the system (incl. existing Methodology for collecting and processing statistical data on enforcement) in accordance with their experience and best practices, based on which some adaptations shall be made.

The Twinning partner will further provide guidance in the development of new CA enforcement procedures and or modern techniques to protect IPR including the risk analysis and risk management system for identification of goods violating IPR to EU standards and best practices and will provide support to detect and prevent potential fraud in the area of IPR.

- Study visits: Study visit will be organised for selected representatives of the SOIP, Customs Administration and selected project beneficiaries (stakeholders in the IPR system) for exchange of good practices and experience in providing services to the third parties with

special focus on the cooperation with the universities and how to support the results of their research activities. The study visit will be useful for ensuring networking with the representatives of the national institutions of the Twinning partners, building mutual trust among the administrations as well as to see how the established systems, procedures and processes work in practice.

3.5 Means/ Input from the MS Partner Administration:

The project will be implemented in the form of a twinning contract between the Beneficiary country and an EU Member State. Details of implementation shall be agreed during the preparation of the work plan. The implementation of the project requires one Project Leader with responsibility for the overall coordination of project activities, one Resident Twinning Adviser responsible for management and implementation of project activities foreseen, and pool short-term experts within the limits of the budget. It is essential that the team have sufficiently broad expertise to cover all the areas included in the project description.

The interested Member State institution shall include in its proposal the CVs of the designated Project Leader and Resident Twinning Adviser. The details of implementation of the Twinning project will be agreed upon/during the preparation of the work plan.

3.5.1 Profile and tasks of the Project Leader

Member State Project Leader (MS PL)

The Project Leader from the Member State must be a high-ranking official of a Member State administration or equivalent staff, but preferably the Head of a structure engaged in issues related to the area with relevant working experience of at least 5 years.

The MS Project Leader will continue to work at his/her Member State administration but will devote some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning Project, and ensure the attainment of the projected outputs. The Project Leader is fully responsible for co-ordination of the work of the MS experts.

The MS Project Leader will manage the implementation of the project with the Project Leader from the Beneficiary Country and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. The Project Leader's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. In addition, he/she should coordinate, on the Member State side, the Project Steering Committee (PSC), which will meet in Skopje at least every three months.

He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

Qualifications and skills:

- High-ranking official of a Member State administration or equivalent staff;
- At least University degree⁶ in management, law, public administration, economics, engineering or other relevant discipline.
- At least 5 years of professional experience in the field of implementation and/or enforcement of intellectual property rights.
- Fluent written and spoken English.

⁶ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

Tasks:

- Conceive, supervise and coordinate the overall preparation of the project;
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS TW partner;
- Co-ordinate MS experts' work and availability;
- Communicate with the beneficiary, CFCD and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee the successful implementation of the Project's Work Plan;
- Co-chair the regular Project Steering Committee meeting with the Beneficiary Country Project Leader;
- Prepare and draft interim, quarterly and final report.

Beneficiary Country Project Leader (BC PL)

The BC Project Leader will act as the counterpart of the MS PL and will ensure close cooperation in the overall steering, co-ordination and management of the project from the beneficiary side. He will support the Twinning project team in organizational and technical matters and will also coordinate the Project Steering Committee (PSC) on behalf of the BC.. The role of the BC PL and the MS PL are complementary.

3.5.2 Profile and tasks of the RTA

One Resident Twinning Advisor (RTA) will be appointed and he/she will be located in the premises of the State Office of Intellectual Property (SOIP) in the Beneficiary country.

The secondment of the RTA will last for 21 months, during which he/she will be responsible for the direct implementation of the project under the overall supervision of the MS Project Leader.

He/she will come from an EU Member State to work on a full time and day-to-day basis with the beneficiary administration. The Resident Twinning Adviser will have a key role in the coordination of the inputs required for the successful implementation of all the project activities. He/she shall be supported by short – term experts.

Qualifications and skills:

- Be a national of a Member State of the European Union;
- Be a civil servant or equivalent staff seconded to work within departments/units of the institution in charge of intellectual property;
- At least University Degree⁷ in the field of management, law, public administration, economics, or another area relevant to the project.
- At least 3 years of experience in the field of intellectual property from the public sector - in particular having experience in granting IP rights.
- Fluency in written and spoken English.

Tasks:

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

⁷ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

- Provide technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan;
- Coordination of all project activities and experts inputs in the BC;
- Ensuring day-to-day implementation of the Twinning project in the BC;
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Taking corrective actions inside the terms of the signed contract, if necessary.
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of operative side letters;
- Together with the Project Leader, to nominate, mobilize and supervise the Short-Term experts.

RTA Counterpart

RTA Counterpart will be assigned by the SOIP. The RTA counterpart will act as a counterpart of the MS RTA and will ensure close cooperation on the day-to-day implementation of the Twinning project tasks from the beneficiary side. The role of the MS RTA and BC RTA Counterpart are complementary.

3.5.3 Profiles and tasks of the Medium Term Expert (MTE)

He/she should be an official from a MS body/mandated body and is expected to spend minimum 60 working days during the project period in the beneficiary country. He/she is expected to provide input for the drafting of the new legislation under Component 1.

Qualifications and skills:

- Be a national of a Member State of the European Union;
- Be a civil servant or equivalent staff seconded to work;
- Have a minimum university (Bachelor) degree in law or equivalent (Master would be an asset)⁸;
- Have at least 3 years of professional experience in the field of drafting regulation in the field of Intellectual Property Laws;
- experience in drafting legislation in the area of IPR shall be considered as an asset;
- Be fluent in written and spoken English.

Tasks:

- Provide technical advice, support and assist the SOIP in the context of a drafting new legislation under Component 1;
- Prepare Gap Analyses of the existing national legislation compared to the latest EU legislation and best practices regarding procedures and working practices;
- Overview the designing, drafting and implementing of the new legislation, as well as drafting guidelines, instructions and manuals regarding effective procedures, working processes and control mechanisms;
- Prepare the material for regular monitoring and reporting.

Additional assets are:

- Experience in implementing *acquis* requirements in EU Member States in practice.

3.5.4 Profile and tasks of the short-term experts (STE)

⁸ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

Other specialist staff will be made available by the Twinning Partner to support the implementation of activities. Specific and technical matters not directly covered by the Resident Twinning Adviser can be taken over by short-term experts within the limits of the budget. The detailed expert input shall be established when drawing up the Twinning Work Plan.

Qualifications and skills of the short-term experts:

- At least University-level⁹ degree in an area relevant to the project;
- Be Civil servants or equivalent staff seconded to work within departments/units related to intellectual property in a Member State;
- Minimum 3 years of professional experience in the field of intellectual property including drafting relevant legislation, regulations or strategic documents;
- Professional experience in developing training programmes and implementation of training sessions directed towards staff members and/or operators in the scope of the project will be considered an asset;
- Expertise in the implementation of the *EU acquis* in the field of intellectual property;
- Fluency in English;

Tasks of the Short-Term Experts:

Short-Term Experts will:

- Prepare and implement specific tasks based mainly on practical cases and experience in compliance with their mission description and in accordance with project activities in the predefined Twinning Work Plan;
- Provide practical expertise/advice to relevant staff for execution of different tasks related to the project;
- Assist in key tasks, e.g. in the field of drafting legislation, providing guidelines for strategic use and management of industrial property rights, providing training and promotional materials, organizing campaigns and events for raising public awareness,
- Contribute to the project reporting, to drafting the notes and other documents and reports on their missions;
- Address cross-cutting issues.

Short-Term experts' expertise will relate (but not inclusive):

- Organisation and delivery of trainings concerning IPR; Registration of industrial property rights;
- Preparation of legislation, methodologies and internal procedures in IPR; training and promotional materials Risk Management and Risk Analyses in the area of customs enforcement of the IPR;
- Conduct of investigations regarding detection of crime in the area of customs enforcement of the IPR (methodology, tools (ways) and techniques of detection and conduct of the investigations).

3.5.5.1 Profile and tasks of the RTA assistants

The RTA will be provided with a full-time RTA assistant acting as an assistant for technical and organizational support. The assistant will be contracted according to Twinning rules and paid from the Twinning budget. The assistant will be selected through an open call. The role of RTA Assistant is to support the RTA in the project management. In addition, the assistant

⁹ For reference on equivalent qualification see: EPSO website (http://europa.eu/epso/doc/diplomes-fortheweb_en.pdf)

will be responsible for organisation of meetings, seminars etc. and their logistics, as well as interpretation and translation.

3.5.5.2 Full-time translator / interpreter:

A full-time translator / interpreter will be selected through an open call and will be contracted according to the Twinning rules and paid from the Twinning budget. The full-time translator / interpreter will be involved in all necessary project activities (training sessions, translation of project documents/reports and materials, organizational activities, etc.). The role of the translator / interpreter will be to provide translation and editing as well as interpretation services to the Twinning project in general.

4. Institutional Framework

The Contracting Authority for this Twinning project is Central Financing and Contracting Department (CFCD) within the Ministry of Finance.

4.1 Beneficiary Institution(s)

Main Beneficiary institution:

Component 1:

The State Office of Industrial Property (SOIP) is the main beneficiary institution in this project. The SOIP is responsible for policy making and drafting legislation in this area. SOIP is interlinked with the Ministry of Economy but has the status of an independent state administrative body. The number of employees at SOIP is 33 which are divided in four sectors in twelve different units.

In accordance with the Law on Industrial Property, SOIP is competent for the following tasks:

- Receiving applications for protection of industrial property rights;
- Carrying out administrative procedure to acquire industrial property rights;
- Maintaining the registers and publishes 6 official gazettes per year;
- Conducts examination for acquiring a status of a legal representative for industrial property rights;
- Preparing legal and other proposals to adopt laws and acts in the field of industrial property;
- Promoting the industrial property;
- Presentation of the Beneficiary country at the international, European and regional organizations for industrial property;
- Launching initiatives concerning the ratification of international agreements and takes care for the obligations arising from the ratification thereof;
- Preparing and publishing guidelines, manuals and comments related to industrial property;
- Cooperation with other institutions and bodies having legal competences in the system of protection of intellectual property rights in the country and abroad.

SOIP officially represents the interests of the Beneficiary Country nationally as well as internationally. SOIP is responsible for negotiating international agreements and treaties on behalf of the government and represents the Beneficiary Country in respectively EPO and WIPO.

The SOIP has coordinative role regarding the activities in the field of Intellectual Property Rights comprised in chapter VII of the National Programme for Adoption of the *EU* Acquis. The following institutions have legal competences to perform actions related to enforcement of Intellectual Property Rights:

- Ministry of Finance – Customs Administration;

- Ministry of Interior – Police;
- State Market Inspectorate;
- Public Prosecution Office;
- Ministry of Justice;
- Ministry of Culture (Department for Copyright and neighbouring rights) .

The role of Customs Administration is to prevent that counterfeited goods enters the country. Police has the responsibility of investigating IP crime inside the Beneficiary Country. The State Market Inspectorate conducts inspections at markets and shops and has competencies in the area of IPR. The prosecution service present evidence related to IP crimes in the court and the judges are the ones passing the sentences to the infringers. Last but not least the Ministry of Culture is responsible for the legislation related to Copyright and Related Rights. For the IP infrastructure to function properly in a given country all stakeholders needs to fulfil their responsibilities.

It is expected that the project provides analysis of the extend of the existing harmonization with the *EU Acquis* of the EU and provide suggestions for further harmonization of the Law on Copyright and Related Rights to fully meets the European requirements.

Component 2:

The Customs Administration is a part of the Ministry of Finance and competent for taking actions in cases of existence of justified grounds that certain goods infringe the IPR. The CA is structured in three hierarchical levels: the Headquarters located in Skopje, five Regional Customs Houses, and 37 Customs Offices. Each Regional Customs House is responsible for one or more of the 19 Border Crossing and 18 inland Customs Offices. The CA employs around 1180 employees. The relevant legislation in the area of Customs includes the Customs Code, the Law on the Customs Administration, the Implementing Regulation of the Customs Code and a number of other laws and implementing legal acts.

This project will primarily focus on capacity building of the Customs Administration as the main beneficiary from Component 2, Sub-Component2.

The Sector for Excise and Non-Tariff Measures is responsible for analyses of the customs legislation, building up the customs system and policy in the area of IPR. This Sector is drafting legislation, guidelines and instructions for the application and enforcement of those procedures within the competences of CARM. The Department for Non-Tariff Measures, within this Sector, is responsible for the building of a stable, comprehensive and modern customs system and uniform application of customs regulations. It is dealing with the drafting of the amendments to the legislation and the establishment and implementation of customs and customs related procedures. It gives assistance to the other organizational units regarding the application of regulations and conduct of customs procedures in the area of IPR. It cooperates with other agencies and organizations on issues of application of regulations in the customs procedures, proposing and participating in drafting the regulations adopted by other authorities and applied by CARM. It also cooperates with the economic operators and general public regarding their clear and timely information on the procedures, when needed to initiates amendments to the legislation and keeps the economic operators informed of the development in this area. The approximation of the national legislation with the *EU acquis*, procedures compatible with the EU best practices, as well as training on this area is part of description of the responsibilities.

Sector for controls and investigations with its organizational units for: Intelligence Department, Risk Analyses Department, Operational Matters Department, Investigation Department and Trade Companies Control Department is responsible to conduct control, investigation and intelligence measures for the purpose of prevention, detection and

investigation of customs offences and crimes, as well as filing charges against offences and crime.

Customs Offices are responsible to conduct supervision and control of passengers and vehicles, customs clearance, control of goods whose import or export is regulated, control the implementation of customs regulations to calculate and collect or repay the import duties, excise duties, taxes and other public levies on importation, exportation or transit of goods, and trade and movement of goods, as well as to conduct forcible collection of the above in accordance with law. They apply the customs tariff, free trade agreements and other regulations, foreign currency-control in international travel and border operations, prevention and detection of customs offenses, criminal offenses and economic relating to customs supervision of goods, temporary import and / or export clearance of goods, temporary importation or exportation.

4.2. Co-ordination mechanisms between institutions

A project Steering Committee (SC) will be established at the beginning of the project comprising senior representatives of the Beneficiary Institution, the Delegation of the European Union, the Secretariat for European affairs and the Central Financing and Contracting Department within the Ministry of Finance, and will be co-chaired by the MS PL and BC PL.

The SC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The SC will provide guidance for the different components of the project, will define priorities, approve and monitor budgets and approve the results.

4.2. Reporting requirements as per Art 6.4 of the Twinning Manual

Reports will follow the templates of Annex C4 of the Common Twinning Manual. In addition to these formal reporting stages, the twinning partners are obliged to inform in writing the Contracting Authority as well as the final beneficiary of the action of any critical aspects or conditions of project implementation, or any amendments/modifications necessary within the budget.

All reports must be produced in the English in electronic and hard copy. These reports shall be signed by both Project Leaders. Each report must be presented in electronic format one week prior to the Steering Committee meetings and in two hard copies to the following addresses:

Central Financing and Contracting Department

Ministry of Finance

Dame Gruev 12, 1000 Skopje

The final versions should incorporate any comments and discussions during the Steering Committee meetings.

5. Budget

The project will be implemented through a Twinning Contract estimated at a maximum of EUR 1.400.000 out of which IPA contribution will amount to EUR 1.330.000 while national contribution will amount to EUR 70.000.

Twinning Contract	Total (EUR)	IPA Community contribution		National Public contribution	
	1.400.000	EUR	%	EUR	%
		1.330.000	95	70.000	5

The co-financing requirement foreseen under IPA will be considered fulfilled according to the provision of the relevant Financing Agreement.

In addition to the IPA and National co-financing as part of the Twinning Contract amount, as a rule, all twinning contracts must provide additional co-financing on the side of the Beneficiary Institution (State Office of Industrial Property), for the purpose of covering costs not covered under the project budget as per Twinning manual, point 5.13, as follows:

- Direct and indirect cost of the Beneficiary administration, civil servants and national private experts working for the project;
- Travel by the beneficiary officials from their capitals to a MS or between MS;
- Organization of seminars/ workshops/ trainings (incl. hall rental, printing seminar materials and other logistical support).
- Facilities for the Member State experts: adequately equipped office space; telephone; e-mail services; fax; photocopiers; computer; internet access; secretarial support; access to information.

The following expenses are also to be covered with the project funds:

- Visibility Costs and
- Audit certificate cost.

The project will be located in the premises of the State Office of Industrial Property which will also ensure providing the Member State experts with the documents necessary for project implementation.

6. Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting

The Central Financing and Contracting Department (CFCD) of the Ministry of Finance will be the Contracting Authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management including payment of project activities. The Head of CFCD will act as the Programme Authorising Officer (PAO) of the project:

Ms. Radica Kocева (PAO)
Central Financing and Contracting Department
Ministry of Finance
Tel: +389-2-3255 374
Fax: +389-2- 3255 723
E-mail: radica.koceva@finance.gov.mk

The State Office of Industrial Property is interlinked with the Ministry of Economy and therefore the contract will be implemented and coordinated by the IPA Structure in the Ministry of Economy.

6.2 Main counterpart in the BC

Senior Programme Officer:
Mr. Lukman Shakiri
Ministry of Economy

European Integration Department
Head of Department

Beneficiary Institution:

Component 1
State Office of Intellectual Property (SOIP)
11 Oktomvri street, no. 25
1000 Skopje

Component 2
Customs Administration
Lazar Licenoski 13, 1000 Skopje

Project leader Counterpart

Mr. Safet Emruli
Director General (SOIP)

RTA Counterpart

Mr. Jetmir Shabani
Head of Patent Unit - Department for patents, technological monitoring and promotion –
SOIP

CARM contact person

Mr. Ilija Janoski,
Senior Programme Officer

6.3 Contracts

The project shall be implemented through one Twinning contract.

7. Implementation Schedule

7.1 Launching of the call for proposals

The estimated date for launching of the call for proposals is: May 2015

7.2 Start of project activities

The estimated date for start of project activities is: November 2015

7.3 Project completion

The project implementation period (duration of the work plan) is 19 months after the commencement date of the Project.

7.4 Duration of the execution period

The overall execution period of the Twinning project is 22 months with an implementation period of 19 months. (The execution period of the contract shall enter into force upon the date

of notification by the Contracting Authority of the contract signed by all parties, whereas it shall end 3 months after the implementation period of the Action).

8. Sustainability

The work-plan should consider the sustainability of the project and particularly how the mandatory results of the twinning project will be maintained as a permanent asset to the project beneficiaries even after the end of the Twinning project implementation. The twinning work plan will need to detail and put in place effective mechanism within the beneficiaries institutions to ensure optimum dissemination and consolidation of the results of the project. The sustainability issues will be further elaborated in the course of the project as a joint responsibility of the MS partner and BC institution. Besides, in the final report twinning partners will include specific recommendations for safeguarding the achievement of mandatory results in the beneficiary administration.

9. Crosscutting issues

The cross-cutting issues will be addressed throughout the project. The mainstreaming of the cross cutting issues is regarded on two different levels:

- Ensuring that the internal policies, structure or operating procedures of the beneficiary institution will conform to and promote the relevant principles outlined per section below.
- Ensuring that the products, outputs produced within the project by the beneficiaries (primary and secondary legislation, analysis, plans and programmes) will conform to and promote the relevant principles outlined per section below.

9.1 Equal Opportunity

The project will provide equal opportunities for participation for officials from SOIP and the other institutions involved in the project. No discrimination will be made on the basis of gender and the trainings will be organised in a way which makes them accessible for both men and women. The number of men and women participating in training events will be monitored during the project and this information will be used to identify any potential discrimination. The principles of gender equality will be adapted to all project activities.

9.2 Environment

Any ecological friendly initiative which can be taken will have to be implemented.

9.3 Equal Opportunity and non-discrimination

The training activities will have in mind the Government Gender Strategy, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-2006). Equal participation in this project of women and men will be enforced at the start of the project.

9.4 Minority and vulnerable groups

Where the main reference is the Ohrid Framework Agreement, in an EU context, the training activities will include a specific component to train beneficiary staff in the different aspects of mainstreaming minority and vulnerable groups in programme and project development as well as monitoring and evaluation.

9.5 Good governance, with particular attention to fight against corruption

Taking into account the overall objective and the project purpose, this project will contribute to a more effective fight against corruption, especially at regional and local level.

9.6 Communication and publicity

All requirements to ensure the visibility of EU financing will be fulfilled in accordance with Regulation (EC). N. 718/2007¹⁰.

10. Conditionality and sequencing

10.1 Conditionality

- Appointment of counterpart personnel by the beneficiaries before contract signature;
- Allocation of working space and facilities within the premises of the beneficiaries before contract signatory;
- Participation by the beneficiaries in the selection process as per Twinning manual;
- Organisation, selection, appointment and participation of members of working groups, steering and coordination committees, seminars by the beneficiaries/stakeholders as per work plan of the project;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
- Sufficient managerial, technical and human resources allocated to the relevant Departments.

10.2 Sequencing

Key milestones will be:

- 1) Approval of the Twinning project fiche;
- 2) Circulation of the Twinning Project Fiche to Member State National Contact Points;
- 3) Completion of the selection of the twinning partner;
- 4) Signature of the Twinning contract, including the Twinning Work Plan;
- 5) Commencement of the implementation of the twinning (inter alia, the arrival in the country of the Resident Twinning Adviser);
- 6) End of the implementation period;
- 7) Submission of the final report.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Organigram

¹⁰ See Article 62 and 63 of Regulation(EC) N. 718/2007

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number: Reinforcement of the capacity of the State Office of Industrial Property to efficiently support the system of protection and enforcement of intellectual property rights and Customs Administration with respect to their legal competences	
		Contracting period expires two years from the date of the conclusion of the Financing Agreement	Execution period expires two years from the final date for contracting
		Disbursement period expires one year from the final date for execution of contracts	
		Total budget : EUR 1.400.000	
		IPA budget: EUR 1.330.000	
Overall objective	Objectively verifiable indicators	Sources of Verification	Assumptions
The overall project objective is to increase the effectiveness of the country's preparation for EU accession and to ensure greater efficiency and impact of EU programmes in the country.	- Full compatibility with the EU acquis is achieved; -Improved work of the State Office of Industrial Property (SOIP) as main beneficiary of the Project and its coordinative role related to chapter 7 of the NPAA with respect of services and assistance provided to the institutions involved in the project: Customs, Police, State Market Inspectorate, and Ministry of Justice leading to reduction of the level of piracy and counterfeiting in Beneficiary Country;	- EU Regular progress Report towards accession (in particular related to chapter 7 which covers Intellectual Property Rights). - Reports issued by the Government and by international organizations; -Statistics gathered by the relevant IP active government bodies in the administration: SOIP, Customs, State Market Inspectorate, Police and Ministry of Justice and Ministry of Culture.	- The EU accession process for the Beneficiary Country is not delayed due to external factors.
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To strengthen the institutional and administrative capacity of the State Office of Industrial Property, to provide efficient and quality support to the authorities in the Beneficiary Country having competences	-Mission Reports from the Twinning project; -Final Report from the Twinning project;	-Project reports; -Reports prepared by the EU institutions and other international organisations; -Reports issued by the government as well as annual reports to Government issued by SOIP	

in the field of Intellectual Property Rights. The project will strengthen the operational capacity of CARM ¹ to fight against infringements of Intellectual Property Rights, according to their legal competences.		regarding the implementation of the national strategy; -Statistics gathered by the relevant IP active government bodies; SOIP, Customs, Police, State Market Inspectorate, Ministry of Justice, and -Articles in newspapers and/or websites.	
COMPONENT 1 - FURTHER STRENGTHENING OF THE STATE OFFICE OF INDUSTRIAL PROPERTY (SOIP) CAPACITIES			
Result 1.1	Objectively verifiable indicators	Sources of Verification	Assumptions
Strengthening of the State Office of Industrial Property (SOIP) institutional capacities for registration, protection and enforcement of IP rights	<ul style="list-style-type: none"> Assessment report of the legislation conducted Gap analysis conducted and accepted by all BC Twinning Partners; Number of assessment analysis prepared; Conclusions from the Round table discussions drafted and accepted by all BC Twinning Partners; Written recommendations for amendments to the national legal intellectual property framework prepared; Number of proposed amendments approved; Draft amendments and draft legislative acts within the national Intellectual Property legislation prepared; 	<ul style="list-style-type: none"> National IP legislation aligned with the EU acquis Mission Reports Project Reports Final Report 	<ul style="list-style-type: none"> The project will receive the necessary political support. Beneficiary institutions provide the necessary human, material and financial support to the project. Good coordination among the main stakeholders.
Result 1.2	Objectively verifiable indicators	Sources of Verification	Assumptions
Strengthening of the State Office of Industrial Property (SOIP) institutional capacities for registration, protection and enforcement of IP rights	<ul style="list-style-type: none"> Training materials prepared; Evaluation of the trainings conducted; Drafting guidelines for registration of patents, trademarks, GIs and Designs; Number of SOIP officials trained. 	<ul style="list-style-type: none"> Number of trainings/workshops and/or study visits conducted for improvement of the capacity of the SOIP employees Number of trainings/workshops and/or study visits conducted for improvement of the capacities of the BC Twinning Partners organized 	<ul style="list-style-type: none"> Proper venues are provided by the BC institutions. Relevant officials identified as participants in the trainings.

¹ Customs Administration

		<ul style="list-style-type: none"> - Number of trainings/workshops and/or study visits conducted - Number of officials and participants benefitting from the trainings - Level of satisfaction expressed by the participants - Minutes from the Steering Committee Meetings - Mission Reports - Project Reports - Final Report 	Trainees subsequently allowed using their acquired skills.
Result 1.3	Objectively verifiable indicators	Sources of Verification	Assumptions
Raising Public awareness for the importance of the protection and enforcement of Intellectual Property Rights	<ul style="list-style-type: none"> • Number of publications produced/created and disseminated; • Number of events and campaigns conducted; • Number of participants taking part at the events and campaigns; • Number of printed and published brochures and posters. • 	<ul style="list-style-type: none"> - Number of publications produced/created and disseminated - Number of events and campaigns conducted - Number of participants taking part at the events and campaigns - Mission Reports - Project Reports - Final Report 	Beneficiary representatives appointed to participate in developing the awareness materials so that they match the “cultural code” of the Beneficiary Country.
Result 1.4	Objectively verifiable indicators	Sources of Verification	Assumptions
Improved functioning of the IPR enforcement institutions	<ul style="list-style-type: none"> • Analysis conducted; • Number of Guidelines developed; • Number of operational cooperation models established; • Approval of creation of recommendations for data exchange between SOIP and the Administrative Court; • Improved data reports from the enforcement 	<ul style="list-style-type: none"> - Number of analysis conducted - Number of Guidelines developed; - Number of operational cooperation models established - Approval of creation of recommendations for information system supporting data exchange between SOIP and the Administrative Court 	<p>The relevant officials are allocated for meetings with the TNA experts.</p> <p>Willingness among the institutions to share information with the experts.</p>

	institutions; <ul style="list-style-type: none"> Improved Methodology for collecting and processing statistical data from institutions involved in the system of IPR protection and enforcement. 	<ul style="list-style-type: none"> Mission Reports Project Reports Final Report 	
COMPONENT 2 – STRENGTHENED CAPACITY OF THE CUSTOMS ADMINISTRATION IN RELATION TO THEIR LEGAL COMPETENCES			
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
Result 2.1 - Harmonized legislation and procedures with the EU acquis and best practices related to customs enforcement of IPR Measurable indicators related to result 2.1 - Gaps and needs identified based on analysis of the existing guidelines, instructions and manuals regarding procedures and working practices and control mechanisms; - New improved procedures, working methods and standards in the operations of the CARM developed; - Legal acts and/or amendments to the existing national legislation (laws and implementing regulation) which regulate the customs enforcement of IPR aligned with the EU legislation (including enforcement, investigation and prosecution of organized crime involved into counterfeit and pirated goods) drafted. Correlation table on the link between the provisions of the EU and the national legislation, for each legal act, prepared. - new/updated guidelines, instructions, manuals, procedures, working methods and control procedures in line with the procedures and best working practices in the EU prepared.	Sub - Component 2.1 - Harmonized legislation and procedures with the EU acquis and best practices related to customs enforcement of IPR Gaps and needs based on analysis of the existing guidelines, instructions and manuals regarding procedures and working practices and control mechanisms identified; - New improved procedures, working methods and standards in the operations of the CARM developed; - Legal acts and/or amendments to the existing national legislation (laws and implementing regulation) which regulate the customs enforcement of IPR aligned with the EU legislation (including enforcement, investigation and prosecution of organized crime involved into counterfeit and pirated goods) drafted. Correlation table on the link between the provisions of the EU and the national legislation, for each legal act, prepared. - new/updated guidelines, instructions, manuals, procedures, working methods and control procedures in line with the procedures and best working practices in the EU prepared.	<ul style="list-style-type: none"> Reports on the realization of the Action plans produced and drafted Adopted manuals, guidelines, instructions and manuals New procedures introduced Mission Reports Project Reports Final Report 	Full commitment of the parties involved. Continuing adherence to agreed policy objectives Good and continuous interaction between the stakeholders relevant to the economic sector
Result 2.2 - Strengthening of the operational capacity of the Customs Administration to fight	Sub-Component 2.2 - Strengthening of the operational capacity of the Customs Administration		

<p>against infringements of IPR</p> <ul style="list-style-type: none"> - Assessment report of the current national organizational set up, management and control system, working methods and enforcement techniques delivered; - Proposal for improved procedures and working methods related to customs enforcement of IPR, (including, investigation and prosecution of organized crime involved into counterfeit and pirated goods, control management system and organizational set up). Support in implementing new internal IPR enforcement procedures, working methods and techniques provided. - Enhanced operational risk analysis and risk management system for identification of goods violating IPR according to EU standards and best practices established. - Proposal of modalities and written procedures for an establishment of a network between the institutions to enforce, investigate and prosecute the organized crime involved into counterfeit and pirated goods within the country drafted; - Training Plan, Training Modules, and Training Manual related to improved customs enforcement procedures and modern techniques to protect IPR for customs officers developed and delivered; Number of CARM staff trained. 	<p>to fight against infringements of IPR</p> <ul style="list-style-type: none"> - Assessment report of the current national organizational set up, management and control system, working methods and enforcement techniques delivered; - Proposal for improved procedures and working methods related to customs enforcement of IPR, (including, investigation and prosecution of organized crime involved into counterfeit and pirated goods, control management system and organizational set up). Support in implementing new internal IPR enforcement procedures, working methods and techniques provided. - Enhanced operational risk analysis and risk management system for identification of goods violating IPR according to EU standards and best practices established. - Proposal of modalities and written procedures for an establishment of a network between the institutions to enforce, investigate and prosecute the organized crime involved into counterfeit and pirated goods within the country drafted; - Training Plan, Training Modules, and Training Manual related to improved customs enforcement procedures and modern techniques to protect IPR for customs officers developed and delivered; Number of CARM staff trained. • Number of representatives of institutions involved into investigation of counterfeit and pirated goods trained and capable of applying new enforcement techniques, • Number of advice and coaching sessions; • Tailor made training programme delivered; • Number of seminars, workshops and conferences delivered; 		
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	<ul style="list-style-type: none"> • Number of trained officers and traders 		
Activities	Means	Costs	Assumptions
<p>The twinning will be provided in the form of know-how transfer, and will be delivered through:</p> <ul style="list-style-type: none"> - Advice and coaching sessions; - Tailor made training programme; - Seminars, workshops and conferences; - Drafting legal acts, guidelines, manuals, procedures and check-lists; - Development; - Study visits; 	<ul style="list-style-type: none"> • One Twinning contract • One Member State Project Leader; • One Member State Resident Twinning Adviser; • A Medium-term expert • A pool of short-term experts. 	<p>Total budget: EUR 1.400.00</p> <p>IPA budget: EUR 1.330.000</p>	<p>Input from EU MS partner</p> <p>Continuing commitment of staff and management</p>



