



ANNEX C1: Twinning Fiche

Project title: “Protection and Enforcement of Intellectual Property Rights in Serbia”

Beneficiary administration: Ministry of Trade, Tourism and Telecommunications of the Republic of Serbia

Twining Reference: SR 16 IPA FI 01 18

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EU funded project

TWINNING INSTRUMENT

ABBREVIATIONS, ACRONYMS AND EXPLANATIONS

BC	Beneficiary country
CFCU	Central Finance and Contracting Unit
CL	Component Leaders
EC	European Commission
EPO	European Patent Office
EU	European Union
EUD	European Union Delegation to the Republic of Serbia
FIC	Foreign Investment Council
INES	IT based case handling system for IP cases
IP	Intellectual Property
IPR	Intellectual Property Rights
KE	Key expert
NAD	National Priorities of the Republic of Serbia for International Assistance
NAO	National Authorizing Officer
NPAA	National Programme for Adoption of the Acquis
MIS	Market Inspection Sector
MS	Member State
MTTT	Ministry of Trade, Tourism and Telecommunications
OHIM	Office for Harmonization in the Internal Market
PL	Project Leader
PSC	Project Steering Committee
RTA	Resident Twinning Advisor
SEE	South East Europe
SIGMA	Support of improvement of governance and management
SME	Small and medium enterprises
SPO	Senior Programming Officer
TNA	Training needs analysis/assessment
TRIPS	The Agreement on Trade-Related Aspects of Intellectual Property Rights
TW	Twinning
WIPO	World Intellectual Property Organization

1. Basic Information

1.1 Programme: Country Action Programme for Serbia for the year 2016

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions to the grant agreement.

1.2 Twinning Sector: Democracy and Governance

1.3 EU funded budget: 1.500.000, 00 EUR

2. Objectives

2.1 Overall Objective:

To support the Republic of Serbia in aligning the standard of protection and enforcement of Intellectual Property Rights with EU Best Practice in order to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance.

2.2 Specific objective:

A functional system for IPR protection and enforcement is established and aligned with EU standards and procedures.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

According to Article 75 of the Stabilisation and Association Agreement, Serbia has to take the necessary measures to guarantee a level of protection of intellectual, industrial and commercial property rights similar to that existing in the EU, including effective means of enforcing such rights.

This Twinning project will directly contribute to further development of integrated and coherent system for protection and enforcement of intellectual property rights in Serbia by supporting enforcement of legislation aligned with Union acquis in accordance with the better regulation approach and by enhancing capacities and improving cooperation among all intellectual property rights institutions.

Indicative Strategy Paper 2014-2020 for Serbia (the Strategy Paper)

This Twinning project is designed to support Serbia on its way to the EU, in line with the Enlargement Strategy and the Strategy Paper for Serbia and thus also in line with the pillars of the SEE 2020 and Europe 2020 strategy (Strategy Paper is developed to be consistent with EU policies like Europe 2020 and benchmarks agreed under SEE 2020). Chapter 6 (Competitiveness and innovation) of the Indicative Strategy Paper: *“Support will be provided for further development of a strong quality infrastructure, especially as concerns metrology, standardization, accreditation, conformity assessment and market surveillance of products as well as for strengthening the protection of **intellectual property rights** (IPR) and administrative capacity in this area.”*

EC Progress report 2016 for Serbia regarding Chapter 7: Intellectual property law

In the coming period, just as in 2015, Serbia should in particular:

→ further align its law on copyright, topographies of semiconductor products, patents and trademarks with the acquis, including the IPR Enforcement Directive;

→ further strengthen formal coordination of different stakeholders on enforcement.”

On **copyright and neighbouring rights**, the law on copyright and related rights and the law on the protection of topographies of semiconductor products remains to be fully aligned with the acquis.

On **industrial property rights**, the laws on patent and trademarks still need to be further aligned with the acquis.

On **enforcement**, the number of counterfeit and pirated goods confiscated by the Customs Administration and Market Inspectorate in 2015 was almost half the number in 2014. The number of software legality checks performed by the tax administration decreased slightly but the share of illegally used software was stable. The number of criminal charges brought by the Ministry of Interior increased slightly, from 90 in 2014 to 105 in 2015.

The IPR legislation still needs to be aligned with the Directive on the Enforcement of Intellectual Property Rights. The permanent coordination body for the enforcement of IPR became largely operational. A revised IPR strategic framework is needed.

National Priorities of the Republic of Serbia for International Assistance 2014-2017 with projections until 2020 (NAD)

The activities envisaged under this project are also in line with the NAD **Priority 3** in the Competitiveness sector - **Improve operating environment for doing business**, with emphasis on evidence-based policies and regulatory simplification through focusing on transposition and enforcement of the EU acquis in the areas of competition, consumer protection, company law and free movement of goods, capital and services, as a tool to create a well-functioning market economy.

National Programme for Adoption of the Acquis (NPAA) for the period until 2018

Concerning legislative activities a Full harmonization with the Directive 2004/48 (EC) and TRIPS Agreement is planned. Among other things, it is necessary to amend the Criminal Code of the Republic of Serbia in the part related to the criminal-legal protection of intellectual property.

In the context of measures for strengthening coordination between Authorities for the Enforcement of Intellectual Property Rights, the implementation of the National Intellectual Property Development Strategy by 2020 with the Action Plan for its implementation is planned. Activities for further strengthening of the Coordination Body will be implemented, especially in the area of work coordination for the development of methodology for connection and processing of statistical data and the intensification of data exchange among competent authorities.

Priorities (2013-2018) After establishing the Coordinating body for the enforcement of Intellectual Property Rights during 2014 and 2015, implementation of the Work Plan will commence, which means, among other things, the establishment of a uniform system for recording and processing statistical data in relation to sanctioning infringement of intellectual property rights.

The European Partnership for 2008 defined that Serbia should “continue to strengthen protection of intellectual property rights (IPR) and strengthen administrative capacity for the granting of patents and sustainable implementation and enforcement of IPR. “

3. Description

3.1 Background and justification:

A fully functional intellectual properties (IP) infrastructure is an important parameter in relation to meeting EU requirements. A new strategy on IPR for period 2018-2022 is being developed. In February 2018, a cross-sectoral harmonization of the text of Intellectual Property Strategy Proposal, for the period 2018-2022, was finalized. Along with the Strategy Proposal, the Action Plan for the implementation of the Strategy for the period from 2018 to 2022, was prepared and coordinated with the stakeholders. Both documents were harmonized with the General Secretariat for Public Policies and submitted to the Government for consideration and adoption. The Strategy Proposal contains directions, and the Action Plan Proposal provides intellectual property development towards further harmonization with the EU *acquis* in the field of protection and enforcement of intellectual property rights. Strengthening of the institutional capacities of the authorities responsible for intellectual property rights enforcement and aligning the practice with EU standards in this area, is the key section that will be developed within the planned strategic period, including the activities concerning capacity strengthening of the authorities planned for 2018, according to the reviewed NPAA that the Government has adopted in March 2018 for the period from 2018 to 2022.

According to the Global Competitiveness Report (2016-2017), Serbia ranks 127 out of 138 countries in the intellectual property protection showing the country's significant availability of counterfeit and pirate goods and limited law enforcement capacity in the field.

Chapter 7 - Intellectual Property Rights covers legal and institutional framework of the Republic of Serbia's process of implementation of the *acquis* on intellectual property law that specifies harmonised rules for the protection of copyright and related rights, including also industrial rights and provisions on enforcement.

In 2017, EU has opened negotiations with Serbia on the Chapter 7. Three closing benchmarks have been posted. The third benchmark for the closure of the Chapter refers to the monitoring of implementation of the Strategy on the Development of Intellectual Property, cooperation between relevant institutions and statistical data also.

In April 2015, an analysis of counterfeiting and piracy in Serbia was finalised by EU member state experts working with Serbian institutions. Official statistics and market surveys, carried out by the EU member state experts, confirm that a wide variety of counterfeit and pirate goods are available in Serbia. The analysis makes several recommendations to improve the protection and enforcement and those recommendations are basis of this project.

It is necessary to align Serbian legislation in with EU standards and particular focus will be on the criminal code, online enforcement and enhanced investigation techniques.

Legislation concerning Criminal Code; Criminal code should be aligned with a decision by the Court of Justice of the European Union (C-206/01). From this project we need methodological support and hands-on assistance to drafting amendments, in an inclusive process, to Criminal legislation towards full alignment with the newly developed *Acquis* in this field.

Legislation – Internet; with the exponential growth of IPR crime on the Internet, it is imperative that Serbia has the necessary tools to address this problem. Consequently, the national legislation should be reviewed to ensure Serbia has the power to block notorious websites, develop notice and take down procedures, seize domain names and prevent funding reaching websites, which provide access to IPR infringing material. What we need, in this sense, from

the project is methodological support and hands-on assistance to drafting amendments, in an inclusive process, to the Law on Electronic Commerce towards full alignment with the newly developed Acquis in this field.

Legislation concerning Enhanced Investigation Techniques; the use of enhanced investigation techniques, such as technical surveillance, gives IPR enforcement institutions the ability to identify financers, manufacturers, importers and distributors of goods, which infringe IPR. Currently, the IPR enforcement institutions cannot use enhanced investigation techniques to investigate IPR crime. This makes it difficult to target the entities behind IPR crime. Consequently, the law should be amended to allow IPR enforcement institutions to use enhanced investigation techniques to investigate IPR criminals.

IPR enforcement institutions should exchange intelligence in a systematic and structured manner. To maximize the value of available intelligence, a secure database that can be accessed through the Internet, should be developed. All IPR enforcement institutions should be given the right to enter intelligence and interrogate the database. In order to improve information exchange between Serbian IPR enforcement institutions, the analyse of current practices and systems and their needs will be carried out, followed by the preparation of the information exchange platform and implementation of the training programme that should comprehend: intelligence products, knowledge products, tasking and coordination, strategic assessments, tactical assessments, problem profiling, the information exchange platform.

It is necessary to facilitate the electronic submission of right holder applications for action to the Market Inspectorate's INES+ system. Technical specification for design of module for electronic submission of applications for action within INES+ system should be prepared within this project. Furthermore, the module should be created and embedded with in INES+ system. The instruction for usage of module will be prepared.

Analysts should add value to intelligence by highlighting trends, locations and individuals. The analysts could also ensure that appropriate IPR data is fed into the national criminal intelligence model, maximizing the chance of linking IPR offences to organized crime.

The programme should comprise of intelligence products, knowledge products, tasking and coordination, strategic assessments, tactical assessments, problem profiling.

IPR enforcement institutions and right holders should work with ISPs to develop an effective notice and take down system, which can reduce online counterfeiting and piracy.

IPR enforcement institutions and right holders should have the ability to seize the domain names of websites that facilitate the infringement of IPR.

IPR enforcement institutions and right holders should have the ability to block websites that facilitate the infringement of IPR.

IPR enforcement institutions and right holders should develop relationships with payment providers, such as Visa, MasterCard and PayPal that facilitate the transfer of funds to websites that infringe IPR. Through these relationships, the IPR enforcement institutions and right holders can gather historical financial information and prevent further payment to the website.

IPR enforcement institutions and right holders should develop relationships with the providers of ad services, such as Google, that facilitate the transfer of funds to websites that infringe IPR. Through these relationships, the IPR enforcement institutions and right holders can gather historical financial information and prevent further payment to the website.

The assessment and development of skills in online investigations related to copyright piracy and the sale of counterfeit goods over the Internet will be carried out. This implies assessment

of current practices and development of procedures to reduce online IPR infringements. Also, tailored training programme for civil servants in charge of IPR enforcement will be developed on following topics: Copyright and piracy, Electronic law and evidence, Conducting investigations online, Strategies and tactics, Advanced search techniques for identifying Internet offenders, Computer based evidence, Use of search techniques and open source and online tools and resources and Notice and take down processes.

The preparation of IPR enforcement investigation and prosecution handbooks will provide standard operating procedures for IPR enforcement institutions and judges. Procedures on: Internet investigation and Identification of Counterfeit Products and Online infringers; Identification of Unsafe Counterfeit products (connection between unsafe products and counterfeiting); IPR infringements data collection.

Through this project greater investigative skills and capacities should be gained by: working with manufacturers and industry experts to build knowledge; helping enforcers to identify suspicious goods through packaging and labelling; helping enforcers to understand certification labelling; providing guidance on best practice evidence management and storage and destruction policies. The training programme should be drafted and multiple trainings should be organised.

The need for transparent and robust IPR enforcement statistics is essential not only as a management tool to show progress but to provide intelligence on changing trends and identifying problems in the IPR enforcement system. With the exception of the Customs Administration and Market Inspectorate, the IPR enforcement institutions need to develop robust and transparent statistical models. These statistical models should be compatible with the databases currently being developed by the EU's Observatory on the Infringement of Intellectual Property Rights. Serbia should also endeavour to replicate the methodology adopted by the Office for Harmonisation in the Internal Market (OHIM) and the European Patent Office (EPO) to calculate the contribution of IPR to economic performance and employment in Serbia. Furthermore, it would also be advantageous to monitor the methodology currently being developed by OHIM to calculate the level of counterfeiting and piracy in Serbia. These statistics are key to understanding the scale of the problem and allocating resources accordingly.

Through this project a methodology should be developed, to demonstrate the value of IP to the Serbian economy and the methodology to calculate scope, scale and impact of counterfeiting and piracy. It should be followed by a training programme delivered to Serbian IPR institutions.

Through this Project the assessment of the current materials, adoption of EU best practices and development of online and hard copy guides for IPR enforcers should be provided. A training programme should be developed and delivered to Serbian IPR institutions.

Awareness is at least as important as enforcement. It is imperative that Serbia continually develops effective IPR awareness campaigns targeting different segments of society. The project should raise public awareness of the growing impact and threat of IPR crime. IPR fairs should be organised in Belgrade during implementation of the Twinning contract with aim to provide raising awareness of general public on the importance of protecting and enforcing intellectual property rights in Serbia. Various publications should be prepared and disseminated. It is necessary to re-design and upgrade existing Home page and Facebook page it in accordance with the prepared MTTT's specification and recommendations of the Twinning partner and an account on Twitter should be created.

The IPR enforcement cooperation model, developed during the last Twinning Project, needs to be established. The project should support cooperation activities between IPR enforcement

institutions by further support to already established or new working groups. Having in mind existing data base (INES+), the information exchange coordination of operational data should be developed. The procedure in relation to the cooperation on data exchange is also needed from this project.

3.2 Ongoing reforms:

Within the framework of the PG7-Intellectual Property Rights, the competent institutions have begun work on harmonizing the methodology for statistical monitoring of the effects of the work with the aim of providing comprehensive reporting on the implementation of IPR. It is planned for activities that enable the effective implementation of the IPR according the EU standards and adequate monitoring of this work, based on available statistics, to be realised in the 2018. In this regard, the Republic of Serbia counts on the Project's support.

A draft of the IPR Development Strategy by 2022 has been prepared for the adoption by the Government in 2018, as well as the Draft Action plan for implementation of the Strategy. The implementation of these documents will start in 2018, which is also a key activity in relation to the third benchmark for closing negotiations regarding Chapter 7. The Draft Strategy is focused to the IPR Enforcement where the support of this project is expected.

In the context of the state administration reform and the improvement of administrative procedures (PAR), the field of intellectual property rights enforcement is in the process of harmonization with the EU acquis and standards, including contemporary trends in this field. Special attention is being paid to increasing usefulness and efficiency through modern information technologies with the aim of speeding up and simplifying procedures and strengthening operational capacities of competent authorities. For the purpose of professional development of employees, continuous training, mutual communication and cooperation are planned, as well as coordinated communication with stakeholders. One of the key activities related to the ongoing administration reform is improvement of the system of managing administrative statistics, hence enabling the possibility of content and formal evaluation of work quality and decision making. A legal regulation and development of the information system is planned with the aim of increasing efficiency of data and electronic documents exchange in the field of planning and implementation of inspection supervision. The stated reforms contribute to increasing legal security, improving the business environment and the quality of public services provision, therefore presuming improvement of the regulation drafting process. PAR sector is partly supported by the national budget and IPA funds specially allocated for PAR sector.

3.3 Linked activities:

The Intellectual Property Office has implemented a project within **IPA 2007** project “**Support to the Education and Information Centre of the Serbian Intellectual Property Office**”. The purpose of this project was to increase the knowledge on intellectual property, its requirements and protection, in compliance with the needs of the stakeholders. Overall objective of the project was to provide the support to the Republic of Serbia in meeting the requirements set in the framework of Stabilisation and Association Process and EU integration in the IP field. The project was financed by the EU, with the contribution provided by the European Patent Office. The project was initiated in February 2009, and ended in July 2012, while the project budget was 2.2 Million Euro.

The overall aim of the regional **IPA 2008 Programme on Industrial and Intellectual Property Rights in the Western Balkans and Turkey** was further development of administrative capacities, harmonisation of legislation, strengthening enforcement authorities, sustainability of Intellectual Property Office institutional framework and creation of public awareness campaigns. The result of programme activities among others is the Study with the recommendations regarding the future system for handling IP court cases in Serbia was conducted and Introduction of IPR tools for Customs Administration and Market inspectorate (INES+).

IPA 2009 project “**Strengthening consumer protection in Serbia**” implementation of the project lasted from August 2011 until May 2014. The purpose of the project was to assist the Ministry of Foreign and Internal Trade and Telecommunications in progressing with the further harmonization of the Serbian consumer protection legal framework with the Union acquis, strengthen the institutional capacity of this Ministry, the out-of-court dispute-settlement bodies, the courts, consumer associations and other relevant authorities, for enforcement of the new consumer protection legislation, strengthen cooperation and coordination among public institutions and private bodies involved in consumer protection in Serbia and to increase awareness on consumer protection policy among public and private sector stakeholders.

IPA 2010 project “**Strengthening of the Serbian market surveillance system for non-food and food products** (July 2012 - January 2015). The purpose of the project was to achieve market surveillance system in Serbia able to effectively and efficiently perform its tasks and responsibilities under the new legislation for product safety and food safety, and to protect consumers against products that pose serious threats to health, safety, and the environment.

IPA 2011 project “**Enforcement of Intellectual Property Rights**” – Twinning project implemented from February 2014 to February 2016, in cooperation with state administrations of Denmark and the UK. The overall objective of the project was to support the implementation of sector strategies and policies compatible with EC legislation and best practices in the area of protection of intellectual property rights. The project purpose was further improvement of the business environment, fair competition, and consumer protection by strengthening of the IPR enforcement in Serbia with special focus on withdrawal, storage and destruction of pirated and counterfeited products. With the support of the mentioned project, procedures have been prescribed for withdrawing, storing and destruction of counterfeited and pirated goods in compliance with the EU rules and standards. Also, certain norms have been defined for the dealing with dangerous goods. The improved version of the INES software has been installed. This project supported establishment of the Coordination Body in the field of IPR and provided the analysis with several recommendations to improve the protection and enforcement of IPR in Serbia. Activities covered by this Twinning project rely on these recommendations.

IPA 2011 “**Upgrading of technical capacities of institutions involved in the withdrawal and destruction of the goods violating intellectual property rights**” This supply contract with France Expertise Internationale, implemented from June 2013 to May 2015, provided Serbian administration with three shredding machines for destruction of counterfeited and pirated goods. The machines have been installed at the Market Inspectorate in Belgrade and Irig and at the Customs facilities in Krusevac. Within the framework of this contract, trainings on the usage of the machines and on waste management were also provided. In addition, the awareness campaign was also implemented.

IPA 2012 „**Support to SME development**” - implementation of this project started in May 2014 and ended in November 2016. The overall objective of the project was to enhance the competitiveness of Serbian economy through strengthening of private sector and its performance. The project was aimed at increasing the productivity and competitiveness of

Serbian private sector, its internationalisation and capacity to innovate, by creating more favourable environment, customised business services and promotion of e-business in order to strengthen the efficiency, quality and accessibility of products and services, as well as cutting costs and administrative procedures and strengthening legal and institutional framework.

IPA 2014 "SIGMA (Support of improvement of governance and management)" - SIGMA assistance encompasses the six core areas of good governance and public administration reforms, such as civil service and public administration organisation and functioning, policy development and coordination, PAR strategic framework and coordination, public finance management including public procurement. In this way SIGMA contributes to build up administrative capacities for the adoption and correct implementation of the Union acquis so as to create adequate conditions for integration of the Beneficiaries into the EU.

Support from **TAIEX** was provided in August 2016 by organizing workshop on Detention, Storage and Destruction of Counterfeited Goods in Belgrade.

3.4 List of applicable *Union acquis*/standards/norms:

The list of applicable Union acquis/standards/norms is presented as Annex III.

3.5 Results per component

Result 1 – Component 1 Legislation for efficient administrative enforcement of IPR law prepared in an inclusive and evidence-based process for adoption

As mentioned in point 3.1., further alignment of Serbian Legislation concerning Criminal Code, Internet, and Enhanced Investigation Techniques is needed. It is necessary to conduct Gap analysis of Criminal Legislation and Law on Electronic Commerce and provide amending laws in the area of criminal code, enhanced investigation techniques and online enforcement in line with newly developed Acquis. Impact assessments, inter-ministerial and public consultations will need to be ensured during the drafting process, when required by the Serbian legislation.

Result 2 – Component 2 Intelligence capacity on IPR enforcement enhanced

Further improvement of information exchange between Serbian IPR enforcement institutions. The first step should be analysing the current practices and systems and their needs, followed by the preparation of the information exchange platform and implementation of the training programme that should comprehend: intelligence products, knowledge products, tasting and coordination, strategic assessments, tactical assessments, problem profiling, information exchange platform. It is necessary to facilitate the electronic submission of applications from the right holders, by INES+ system, to the Market Inspectorate. For that an analysis should be performed and Technical specifications regarding design of Module for electronic submission of applications should be provided. Then a module should be developed, Instruction for usage of the Module prepared and trainings regarding usage of the Module organized.

Result 3 – Component 3 Enhanced capacity related to investigations on the internet

Enhancing capacity related to investigations on the internet is foreseen through preparing the analysis of current practices and capacity related to investigations on the internet, developing the guides to reduce online IPR infringements, organising training for IPR enforcement institutions and study visit.

Result 4 – Component 4 Enhanced capacity in identifying and dealing with dangerous and low quality counterfeit products

Enhancing capacity in identifying and dealing with dangerous and low quality counterfeit products should be accomplished by conducting the analysis of current practices and capacity related to identifying and dealing with dangerous and low quality counterfeit products (connection between counterfeit products and their risk to health and safety). It is necessary to prepare the procedures concerning: Internet investigation and Identification of Counterfeit Products and Online infringers; Identification of Unsafe Counterfeit products (connection between unsafe products and counterfeiting); IPR infringements data collection. In order to build greater investigative skills and capacity trainings, study visits are also needed.

Result 5 – Component 5 Calculation methods established

This Component should create a methodology to demonstrate the value of IP to the Serbian economy and the methodology to calculate scope, scale and impact of counterfeiting and piracy based on the comparative analysis of existing methodologies in EU. It will be followed by the training programme and study visit.

Result 6 – Component 6 Guides for IPR enforcers developed

Through this project the assessment of the current materials, adoption of EU best practices and development of online and hard copy guides for IPR enforcers should be provided. A training programme should be developed and delivered to Serbian IPR institutions.

Result 7 – Component 7 Public awareness regarding IPR enhanced

The aim of this Component is to develop and implement awareness campaign in order to raise public awareness of the growing impact and threat of IPR crime. Having in mind Ministry's broad experience in conducting similar events, it was shown that awareness campaigns are the most effective if development of a communication plan is included, together with organising of fairs, preparation and dissemination of publications and if project accounts are created and maintained on public networks.

Result 8 – Component 8 Functional structure of the Coordination Body is established

The project should provide administrative support on cooperation activities between IPR enforcement institutions by analysing the current level of cooperation between the IP institutions in Serbia. This should be followed by preparation of procedures for efficient functioning of Coordination Body.

3.6 Means/input from the EU Member State Partner Administration(s)*

The Project Leader and RTA (Resident Twinning Adviser) will provide support to the responsible Serbian authorities in strengthening their capacities as well as in implementation of this project. During the implementation of this project RTA will be positioned in the premises of MTTT.

3.6.1 Profile and tasks of the PL:

The MS Project Leader will manage the project team of selected member state(s) and co-ordinate the implementation of activities.

Tasks of the Project Leader:

- Overall management and coordination of the project with MS, other partners and stakeholders;
- Project reporting;
- Ensuring backstopping and financial management of the project in the MS;
- Ensuring timely, effective and efficient implementation of the project and achievement of results, through proposed activities;
- Coordination of deployment of short-term experts;
- Coordination with RTAs, from the Member State side, the Project Steering Committee meetings, which will be held in Serbia every three months;
- Participation at the Steering Committee meetings (every three months);
- Assuring compatibility with EU requirements.

Profile of the Project Leader:

Requirements:

- High ranking official/senior civil servant currently working in the MS administration;
- University degree or equivalent professional experience of 7 years in the area of IPR protection and enforcement; Project management experience;
- Fluency in English language;
- Computer literacy.

Assets:

- Experience in managing implementation of at least 1 similar project;
- Experience with Twinning rules and procedures;

3.6.2 Profile and tasks of the RTA:

The Resident Twinning Advisor (RTA) works on a daily basis with the BC staff to implement project, support and coordinate activities in the beneficiary country.

The RTA should have adequate experience and knowledge in the field of IPR protection and enforcement which will enable him/her to organize interdisciplinary team for successful implementation of the project. She/he should be an employee of the governmental competent authority for IPR (Ministry or Agency) in an EU Member State.

He/she will liaise with the BC Project Leader and will report to the MS Project Leader. The RTA will also be responsible for ensuring that experts' input and distribution of their working days will be used in the most efficient and effective way and in line with the agreed work plan to enable timely completion of project results. Duration of his/her secondment will be 24 consecutive months.

Tasks of the RTA:

- Responsible for monitoring project implementation and proposing corrective management actions if required;
- Project management and coordination of the activities of the team members in line with the agreed work plan to enable timely completion of project results;
- Selection, mobilisation and supervision of the short-term experts, together with the Project Leader;

- Facilitation of the contacts with peer institutions in EU member states in order to stimulate a proper exchange of information, data and experience;
- Organization of visibility events (kick-off and final event);
- Advice on related EU policies, regulation and best practice;
- Establish and maintain cooperation with all beneficiaries involved in the implementation of the project and other related projects (ensuring the avoidance of overlapping), in close coordination with the Project Leader;
- Responsible for organisation of the of the Project Steering Committee meetings and reporting on the project progress in cooperation with the Project Leader;
- Identifying and reporting to the Contracting authority, at early stage, all difficulties that may jeopardize the implementation of the project and the achievement of its results.

Profile of the RTA:

Requirements:

- University degree or equivalent professional experience of 5 years.
- At least 3 years of working experience in the field of IPR protection and enforcement in the public administration of a Member State or Mandated body;
- Project management experience;
- Fluency in English language;
- Computer literacy.

Assets:

- Experience in implementation and/or managing at least 1 project in the field IPR protection and enforcement;
- Experience in conducting trainings;
- Experience in analysing and developing IPR protection and enforcement procedures.

3.6.3 Profile and tasks of Component Leaders:

The Twinning partner will decide on the profile, number and involvement of the short term experts during the drafting of the project work plan. Component Leaders should be identified by the Project Leader/RTA and have to be agreed with the beneficiary institutions in the course of designing and delivery of the expected project outputs.

Main areas of expertise required by the team of short-term experts should cover the following fields (the list of fields is non exhaustive): IPR protection and enforcement, Law, Intelligence capacity on IPR enforcement, Investigation on internet, Identifying and dealing with dangerous and low quality counterfeit products, Training design and delivery and Media and communication.

Tasks of Component Leaders:

Component Leaders will provide specialized know-how for the individual tasks in this project. Therefore, the experts should have a relevant professional experience in administration and minimum qualifications required, as well as specific skills needed for individual task. As a general approach, the Component Leaders will take the responsibility for the implementation of the Project and the achievement of the results, each for his/her individual mission tasks, as defined by individual ToR. They will also prepare the required reports and the output described.

Profile of Component Leaders:

Requirements:

- University degree in the relevant field depending of the area of expertise;

- At least 3 years of specific working experience in the field of IPR or other relevant field depending of the area of expertise;
- Experience in providing assistance in the capacity building initiatives in the area of IPR;
- Fluency in English language;
- Computer literacy.

The concrete assignments will be subject to the preparation of the Twinning Contract and the recommendations of the Twinning partner(s).

3.6.4 Profile and tasks of other short-term experts

The Twinning partner will decide on the profile, number and involvement of the short term experts during the drafting of the project work plan. STEs should be identified by the Project Leader/RTA and have to be agreed with the beneficiary institutions in the course of designing and delivery of the expected project outputs.

Main areas of expertise required by the team of short-term experts should cover the following fields (the list of fields is non exhaustive): IPR protection and enforcement, Law, Intelligence capacity on IPR enforcement, Investigation on internet, Identifying and dealing with dangerous and low quality counterfeit products, Training design and delivery and Media and communication. If needed, short-term expertise may also be requested to support with (regulatory/budgetary) impact assessments.

Tasks of the short- term experts:

STEs will provide specialized know-how for the individual tasks in this project. Therefore, the experts should have a relevant professional experience in administration and minimum qualifications required, as well as specific skills needed for individual task. As a general approach, the STEs will take the responsibility for the implementation of the Project and the achievement of the results, each for his/her individual mission tasks, as defined by individual ToR. They will also prepare the required reports and the output described.

Detailed profiles and tasks of short - term experts and including the duration of their assignments will be be subject to the preparation of the TW Twinning Contract and the recommendations of the TW Twinning partner(s).

Profile of the short- term experts:

Requirements:

- University degree in relevant field depending of the area of expertise;
- At least 3 years of specific working experience in the field of IPR or other relevant field depending of the area of expertise;
- Fluency in English language;
- Computer literacy.

4. Budget

Maximum Budget available for the Grant

Protection and Enforcement of Intellectual Property Rights in Serbia	IPA Community Contribution	National Co-financing	TOTAL
Twinning Contract	1.500.000,00 EUR		1.500.000,00 EUR

The Project budget should cover:

- All experts missions;
- Drafting at least 2 amending laws;
- Development of an information exchange platform;
- Preparation the guides:
 - For IPR enforcers related to information exchange platform,
 - to reduce online IPR infringements,
 - For IPR enforcers (On-line and physical);
- Preparation of module for electronic submission of applications for action within the Market Inspectorate INES+ as well as preparation of Instruction for usage of Module for electronic submission of applications;
- Developing the procedures:
 - on Internet investigation and Identification of Counterfeit Products,
 - on Identification of Unsafe Counterfeited products (connection between unsafe products and counterfeiting),
 - on IPR infringements data collection,
 - for efficient functioning of IPR Coordination Body;
- Developing Methodology to calculate the level, scope, scale and impact of counterfeiting and piracy in Serbia;
- Organization of at least 1 awareness raising fare;
- Kick off and final events;
- Preparation and dissemination of at least 3 publications of at least 2000 copies each;
- Updating of MTTT's home page on IPR and creating accounts on social networks and its maintaining;
- Preparation and organization of at least 33 trainings for approximately 835 participants in total;
- Preparation and organization at least 4 study visits for approximately 30 participants in total.

A flat rate of 6% of total eligible direct costs is compensating the Member States for costs related to time devoted to support the drafting of interim and final reports, other costs such as training provided to officials, office space and equipment, human resources management, general management and administrative costs of the Member state grantee linked, among other things, to accounting or book-keeping or invoicing.

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCU/PAO/European Union Delegation/Office):

The Implementing Agency of the project is the Central Finance and Contracting Unit (CFCU). The CFCU will be the Contracting Authority and it will be responsible for publishing tenders, concluding contracts and authorizing the Treasury to make contract related payments.

Ministry of Finance,
Department for Contracting and Financing of EU Funded Programmes (CFCU)
Sremska Street, No. 3-5
SRB – 11000 Belgrade

Mr Dušan Čarkić, Acting Assistant Minister/Head of Contracting Authority
Phone: +381 11 20 21 -115
E-mail: dusan.carkic@mfin.gov.rs

Mr Darko Vasić,
Head of Division for Evaluation and Contracting, Twinning National Contact Point
Phone: +381 11 2021 412
E-mail: twinning@mfin.gov.rs

5.2 Institutional framework

The following organisations are the main IPR enforcement institutions in Serbia:

- Ministry of Trade, Tourism and Telecommunications - Market Inspection sector;
- Ministry of Education, Science and Technological Development - Intellectual Property Office;
- Public Prosecution Service;
- Ministry of Internal Affairs;
- Ministry of Finance - Customs Administration and Tax Administration;
- Ministry of Health - Medicines and Medical Devices Inspectorate;

Main beneficiary:

The Ministry of Trade, Tourism and Telecommunications - Market Inspection Sector is in the framework of the Ministry of Trade, Tourism and Telecommunications and it has 423 employed market inspectors, including 47 specialized for the field of intellectual property. 100 inspectors are dedicated to safety issues, and 45 to consumer protection issues and the others are engaged in the field of anti-money laundering, prevention of illicit trade and other activities under the responsibilities of Market Inspection. The Market Inspectorate has four departments at Headquarters for coordination of all inspection activities including IPR enforcement in the scope of this Sector and 24 regional departments for operational work on the spot.

In accordance with the Law on Special Powers for the Purpose of Efficient Protection of IPR, the Market Inspectorate is responsible for ensuring that services and goods, which are the manufactured, distributed, used or possessed do not infringe IPR.

The Market Inspectorate has the power to respond to applications for action from a right holder or to work ex officio. In both cases, an inspector has the authority to temporarily seize goods suspected of infringing an IPR then request the right holder to confirm the existence of an infringement and provide evidence.

Furthermore, in accordance with the Law on Optical Discs, the Market Inspectorate is expected to control any premises licensed to manufacture optical discs and apply sampling procedure for further examination of optical discs.

Other beneficiaries:

Ministry of Education, Science and Technological Development - Intellectual Property Office is part of the Ministry of Education, Science and Technology. It is based in Belgrade and has an establishment of 98 staff. The Intellectual Property Office is funded by central Government and is responsible for tasks relating to the protection of IPR, including patents, trademarks, industrial designs, geographical indications, topographies of semiconductor products and copyright and related rights. The Intellectual Property Office supports right holders and institutions with a role to play in IPR enforcement by providing the following services: Registration of industrial property rights, Training, Drafting IPR Legislation, Providing expert evidence and maintaining an online database of industrial property rights protected Serbia.

Public Prosecution Service - According to the Constitution of Serbia, the Public Prosecution Service is an autonomous state authority, which prosecutes those who have committed criminal offences, including IP crimes. The Public Prosecution Service is led by the Republic Public Prosecutor and has an established of approximately 95 Prosecutors and 741 Deputy Prosecutors. The Public Prosecution Service has offices in each criminal court however there are also three specialized Public Prosecutor offices: Organised Crime, War Crimes and High-Tech Crime. The Public Prosecution Service does not have a dedicated IPR unit. However, serious IP crimes, in which computers and computer networks are utilised, are prosecuted by the Special Prosecution Office for High-Tech Crime.

Ministry of Internal Affairs - General Police Directorate

The General Police Directorate is part of Ministry of Internal Affairs and is responsible for investigating IP offences listed in the Criminal Code. All police officers are authorised to investigate IP offences and in addition to responding to complaints from right holders they are able to act ex-officio. There are two units within the Criminal Police Department of the General Police Directorate that have IPR responsibilities, namely: The Division for the Suppression of Frauds and Protection of IP and The Division for the Suppression of Crime in the Field of IP. The Division for the Suppression of Frauds and Protection of IP is responsible for investigating corruption and economic crimes, including IP offences relating to physical goods. The Division's Headquarters is situated in Belgrade but they also have 27 regional offices. Currently, the Headquarter team has four officers, including a supervisor.

The Division for the Suppression of Crime in the Field of IP is responsible for investigating IP crimes involving the use of computers or computer networks. This Division currently has five officers and their office is situated in Belgrade.

Ministry of Finance - Customs Administration is part of the Ministry of Finance. Their Headquarters is situated in Belgrade and they have 15 Customs Offices (Houses) across Serbia. The Customs Administration currently has an establishment of approximately 2,500 officers. The Customs Administration is responsible for preventing the import, export and transit of goods, which are suspected of infringing an IPR. All customs officers are authorised to intercept goods, which they suspect infringe an IPR but there is a dedicated IPR Department within the Enforcement Division. The IPR Department has an establishment of 10 officers and is responsible for coordinating the Customs Administration's response to counterfeiting and piracy. In 2013, the Customs Administration began using INES+ software to facilitate the exchange of information, including applications for action, between the IPR Department, 15 Customs Offices and right holders.

Ministry of Finance - Tax Administration is part of the Ministry of Finance. Their Headquarters is situated in Belgrade but they also have offices in Novi Sad, Niš and Kragujevac. The Tax Administration is responsible for tackling software piracy and ensuring that computer programs used by individuals or companies in the performance of business

activities do not infringe IPR. The Tax Administration has power to enter business premises and audit software licenses, workstations and servers.

The Tax Administration has the power to respond to applications for action from a right holder or to work ex officio.

Ministry of Health - Medicines and Medical Devices Inspectorate is part of the Ministry of Health. Their office is situated in Belgrade and they currently have an establishment of six Inspectors. The Medicines and Medical Devices Inspectorate is responsible for ensuring that medicines and medical devices, which are manufactured, used or traded in Serbia, do not infringe IPR. The Medicines and Medical Devices Inspectorate has the power to respond to applications for action from a right holder or to work ex officio.

Stakeholders:

- IPR holders and their organisations
- University of Belgrade
- Foreign Investment Council (FIC)
- Chamber of commerce of Serbia

Project Steering Committee

PSC will be established for the direct control and supervision of the project implementation. The PSC will be responsible for the overall quality of project implementation, provide strategic direction and ensure that the project outputs and goals are met in time, approve work plans and reports, offer guidance and advise on project activities.

The composition of the PSC will be defined by the Twinning Contract. Nevertheless, the PSC will be composed of following members: MS Project Leader, BC Project Leader, RTA, RTA BC counterpart, SPO, representatives of Market Inspection Department and IPA Unit within MTTT, Customs Administration - Ministry of Finance, Medicines and Medical Devices Inspectorate - Ministry of Health, Tax Administration - Ministry of Finance, General Police Directorate - Ministry of Internal Affairs, Public Prosecution Service and Intellectual Property Office - Ministry of Education, Science and Technology. Furthermore, PSC will involve representatives from different institution, such as: Ministry of Finance, Department for Contracting and Financing of EU Funded Programs (CFCU), Ministry of European Integration and if needed the representatives of other key institutions involved in the project. Representatives of the EUD will be invited as observer(s). If deemed necessary, representatives of other institutions with relevant expertise or KEs who can enhance the quality of the project should be invited to join the Steering Committee Meetings as observers.

The role, responsibility and main tasks of the PSC will be as follows:

- to assess progress in achievement of objectives and results planned in the project;
- to ensure exchange of information on implementation of contracts;
- to ensure synchronization of activities within contracts;
- to ensure cooperation of relevant stakeholders;
- to discuss any critical points, risks or bottlenecks in contract implementation;
- to propose and discuss remedies in case of problems;
- to review and make recommendations on reports, submitted by the contractor;
- to closely coordinate with other EU contracts related to this field and with other relevant donors' contracts to promote synergies and integration;

Project will ensure the secretariat function of the PSC, including organization of meetings, preparing and circulating the agenda, as well as writing and distributing PSC minutes to all members. The PSC meetings should be announced at least two weeks before the actual date and all relevant papers (agenda, minutes of the last meeting, progress report and other

documents to be discussed at the PSC meeting) should be circulated one week before the meetings to the PSC members. The PSC will meet on quarterly basis and ad hoc when required. It will be chaired by the BC Project Leader and in accordance with the previously circulated agenda to the PSC members.

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:

Senior Programme Officer (SPO):

Ms. Slavica Kukolj, Head of Department for European Integration and Management of EU and other international projects in the Ministry of Trade, Tourism and Telecommunications, 22-26 Nemanjina Street, Belgrade

5.3.2 PL counterpart

The BC Project Leader will manage a project team at the Serbian side and will assure that the decision makers at the national level will be informed properly on the implementation of the Project. He/she will ensure close co-operation and overall steering and coordination of the project and will be responsible for drafting and signing of the reports and other documents, related to project management at the Serbian side and will chair PSC meetings.

PL counterpart:

Ms. Lidija Stojanović, Assistant minister in the Ministry of Trade, Tourism and Telecommunications
1 Omladinskih brigada Street, Belgrade

5.3.3 RTA counterpart

Ms. Vera Despotović, Senior advisor in the Ministry of Trade, Tourism and Telecommunications
1 Omladinskih brigada Street, Belgrade

6. Duration of the project

Duration of the execution period: 24 +3 months

7. 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.

In order to ensure the implementation and prosecution of the regulations that are prepared with the support of this project, the procedure for assessing regulatory and fiscal effects of implementation and procedures of inter-ministerial coordination and consultations with internal and external stakeholders will be respected. In this regard, all requirements of the prescribed regulatory procedure will be respected, including the analysis of the necessary administrative capacities and budgetary resources for the implementation of regulations.

Knowledge and experience gained during the trainings and study visits for civil servants in charge of IPR enforcement and protection will be beneficial and used in the further implementation of their respective tasks. Also the support provided to Cooperation model will improve its future operation.

8. Crosscutting issues

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs. Upon Project completion, recommendations for further development of legislative framework will be used to officially propose changes to the LCP.

Equal Opportunity

The project will be implemented in a way which provides equal opportunities for participation for those within MTTT and those in other participating Line Ministries. No discrimination will be made on the basis of gender and activities such as Training needs analysis, 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.

Principle of gender equality will be implemented in all project activities and procedures of consumer protection enforcement. The project will result in procedures and measures that will implement this principle and by no means will not endanger it, throughout the project implementation and upon its completion.

For all the activities recycling of paper and the reduction of paper-based activities is recommended.

The project will pay attention to the application of these principles in dealing with counterfeit and pirated goods which presents a risk to the health and safety of consumers and other users, without discrimination.

As a general principle, sensitivity towards minorities and vulnerable groups, where meaningful, should be reflected in the improved provision of public services.

9. Conditionality and sequencing

Conditionality:

The commitment and the mutual agreement among the institutions involved in enforcement and protection of IPR on the establishment of a functional structure in this area is the substantial prerequisite for the definition of rules ensuring proper coordination among the IPR institutions, effective implementation of the Project and avoiding overlapping and conflict of competences. MTTT defines the particular activities and the responsible institutions such as:

- MTTT must commit sufficient resources in terms of human resources throughout the life time of the project and to ensure that the outputs are sustainable in the future (for example, developed procedures will be implemented). The MTTT will contribute to the project in kind, by providing premises and all the facilities (computers, telephones, printers etc.) during the lasting of the project.
- MTTT will ensure coordination of all actors to ensure project success and facilitate joint programmes/activities.
- MTTT will be responsible for ensuring that all relevant actors attend training and instruction.
- MTTT is responsible for inter-ministerial/inter-sectoral relations regarding the outputs of this project.

There are no special requirements for sequencing between the results, but certain need for sequencing between the activities within the same result should be respected:

10. Indicators for performance measurement

The indicators for Result 1 are:

- Gap analysis of criminal legislation conducted;
- An amending law in the area of criminal code in line with newly developed Acquis in this field developed in accordance with the better regulation approach;
- Gap analysis on the Law on Electronic Commerce conducted;
- An amending law in the area of enhanced investigation techniques and in the area of online enforcement in line with newly developed Acquis in this field developed in accordance to the better regulation approach;

The indicators for Result 2 are:

- The analysis of current information exchange system with assessment of effects of information exchange usage template prepared;
- Formation of a Targeting Group
- An information exchange platform developed;
- The guides for IPR enforcers prepared;
- Training Need Analyses conducted and a Training Plan package prepared;
- Multiple trainings for civil servants in charge of IPR, carried out;
- Study visit for multiple participants related to regional cooperation in the area of information exchange system and methodology for data exchange assessment organized;
- Technical specifications for design of module for electronic submission of applications for action within the Market Inspectorate INES+ system prepared;
- Module for electronic submission of applications for action within the Market Inspectorate INES+ system prepared and implemented
- Multiple trainings for civil servants in charge of IPR and IPR holders, carried out.

The indicators for Result 3 are:

- The analysis of current practices and capacity related to investigations on the internet prepared;
- The guides to reduce online IPR infringements developed;
- Training Need Analyses conducted and a Training Plan prepared;
- Multiple trainings, for civil servants in charge of IPR, carried out;
- Study visit for multiple participants in duration of at least five days related to investigations on the internet, organized.

The indicators for Result 4 are:

- The analysis of current practices and capacity related to identifying and dealing with dangerous and low quality counterfeit products prepared;
- The procedures on Internet investigation and Identification of Counterfeit Products, developed;
- The procedures on Identification of Unsafe Counterfeit products (connection between unsafe products and counterfeiting) developed;
- The procedures on IPR infringements data collection developed;
- Training Need Analyses conducted and a Training Plan prepared;
- Trainings, for multiple civil servants in charge of IPR, carried out;
- Study visit for multiple participants, related to identifying and dealing with dangerous and low quality counterfeit products conducted.
- Capacity Building - IPR Enforcement Handbooks prepared and printed;

The indicators for Result 5 are:

- The comparative analysis of existing methodologies in EU prepared;
- Methodology to calculate the level, scope, scale and impact of counterfeiting and piracy in Serbia developed;
- Training Need Analyses conducted;
- Training Need Analyses conducted and a Training Plan prepared;
- Multiple trainings, for civil servants in charge of IPR, carried out;
- Study visit for multiple IPO and MTTT representatives related to calculation methods conducted.

The indicators for Result 6 are:

- The analysis of current materials based on EU best practice related to IPR enforcers prepared;
- Guides (On-line and hard copy version) for IPR enforcers developed;
- Comprehensive guides for IPR enforcers related to laws and procedures developed
- Training Need Analyses conducted and a Training Plan prepared;
- Multiple on the field trainings, for multiple civil servants in charge of IPR, carried out.

The indicators for Result 7 are:

- Awareness raising IPR fare organized;
- Publications prepared and disseminated;
- MTTT's home page on IPR redesigned and upgraded through web design;
- Accounts on social networks created and maintained;

The indicators for Result 8 are:

- Current level of coordination between the IPR institutions in Serbia analysed with the recommendations for improvement;
- Procedures for administrative support of efficient functioning of Coordination body developed;

11. Facilities available

The beneficiary will provide the MS Twinning partner with adequate office space for RTA and experts, meeting rooms and equipment necessary for relevant everyday activities and training foreseen in TW fiche.

MTTT will dedicate all necessary human and institutional resources in order to guarantee an effective implementation of the respective project. In particular, the beneficiary institution will insure the availability of the following provisions: Adequately equipped office space for the RTA and the RTA assistants.

Component Leaders and short-term experts for the entire duration of their secondment (in particular a desk, a telephone line, PC with e-mail account and internet access, possibility to use fax & copy services) Adequate conditions for the STEs to perform their work while on mission to the BC Training and conference venues as well as presentation and interpretation equipment.

The availability of the BC human resources (BC experts) during the implementation of the activities.

ANNEX I: Log frame in Standard Format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number:	
Protection and enforcement of intellectual property rights in Serbia		Programme name and number: IPA 2016	
Ministry of Trade, Tourism and Telecommunications		Total budget: Contracting period expires: 2 years following the date of conclusion of the Financing Agreement Total budget: 1.500.000,00 EUR	Disbursement period expires: 5 years following the end date for contracting :
Overall objective	Objectively verifiable indicators		Sources of Verification
To support the Republic of Serbia in aligning the standard of protection and enforcement of Intellectual Property Rights with EU Best Practice in order to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance.	<ul style="list-style-type: none"> Adequate administrative capacity ensured to apply the legislation. The administrative capacity of the authorities for consumer protection rights in terms of implementation and enforcement further strengthened 		<ul style="list-style-type: none"> EC Progress Report; Strategy documents; Internal rules and procedures; Information on cases handled
Specific objective	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
A functional system for IPR protection and enforcement is established and aligned with EU standards and procedures.	<ul style="list-style-type: none"> Procedures and mechanisms of cooperation in place Improvement in the enforcement of consumer protection legislation The enforcement of the consumer protection in Serbia is enhanced and in line with the European Standards 	<ul style="list-style-type: none"> EC Progress Report; Reports from relevant institutions (Market inspection Sector) 	<ul style="list-style-type: none"> Adequate human and financial resources available; Commitment of the parties involved and good cooperation among interrelated institutions and project teams; Adequate cooperation among competent national, regional and local institutions; Active participation of all stakeholders involved in the project implementation; Availability of BC experts to participate in trainings; Legislative framework in place;

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p><u>Result 1</u> Legislation for efficient administrative enforcement of IPR law prepared in an inclusive and evidence based process for adoption</p>	<ul style="list-style-type: none"> - Gap analysis of criminal legislation conducted; - An amending law in the area of criminal code in line with newly developed Acquis in this field developed in accordance with better regulation approach; - Gap analysis on the Law on Electronic Commerce conducted; - An amending law in the area of enhanced investigation techniques and in the area of online enforcement in line with newly developed Acquis in this field developed in accordance to the better regulation approach. 	<ul style="list-style-type: none"> • Records and reports of MTTT and MF; • Project reports; • Reports on expert visits. • Reports on the results of inter-ministerial and public consultations • Fiscal/budgetary impact assessments (as required) 	<ul style="list-style-type: none"> • R: Existing staff in market inspection sector still dealing with a variety of other unrelated issues; • A: Staff motivated to learn.
<p><u>Result 2</u> Intelligence capacity on IPR enforcement enhanced</p>	<ul style="list-style-type: none"> - The analysis of current information exchange system with assessment of effects of information exchange usage template prepared; - Formation of a Targeting Group - An information exchange platform developed; - The guides for IPR enforcers prepared; - Training Need Analyses conducted and a Training Plan package prepared; - Multiple trainings for civil servants in charge of IPR, carried out; 	<ul style="list-style-type: none"> • Records and reports of MTTT and MF; • Training reports; • Evaluation questionnaire; • Training certificates; • Reports on study visits; • Reports on expert visits. 	

	<ul style="list-style-type: none"> - Study visit for multiple participants related to regional cooperation in the area of information exchange system and methodology for data exchange assessment organized; - Technical specifications for design of module for electronic submission of applications for action within the Market Inspectorate INES+ system prepared; - Module for electronic submission of applications for action within the Market Inspectorate INES+ system prepared and implemented - Multiple trainings for civil servants in charge of IPR and IPR holders, carried out. 		
<u>Result 3</u> Enhanced capacity related to investigations on the internet	<ul style="list-style-type: none"> - The analysis of current practices and capacity related to investigations on the internet prepared; - The guides to reduce online IPR infringements developed; - Training Need Analyses conducted and a Training Plan prepared; - Multiple trainings, for civil servants in charge of IPR, carried out; - Study visit for multiple participants in duration of at least five days related to investigations on the internet, organized. 	<ul style="list-style-type: none"> • Project's Progress report; • Training reports; • Evaluation questionnaire; • Training certificates; • Reports on study visits. • Reports on expert visits. 	
<u>Result 4</u> Enhanced capacity in identifying and dealing with dangerous and low quality counterfeit products	<ul style="list-style-type: none"> - The analysis of current practices and capacity related to identifying and dealing with dangerous and low quality counterfeit products prepared; - The procedures on Internet investigation and Identification of Counterfeit Products, developed; - The procedures on Identification of Unsafe Counterfeit products (connection 	<ul style="list-style-type: none"> • Project's Progress report; • Training reports; • Evaluation questionnaire; • Training certificates; • Reports on study visits. • Reports on expert visits. 	

	<p>between unsafe products and counterfeiting) developed;</p> <ul style="list-style-type: none"> - The procedures on IPR infringements data collection developed; - Training Need Analyses conducted and a Training Plan prepared; - Trainings, for multiple civil servants in charge of IPR, carried out; - Study visit for multiple participants, related to identifying and dealing with dangerous and low quality counterfeit products conducted. - Capacity Building - IPR Enforcement Handbooks prepared and printed. 		
<p>Result 5 Calculation methods established</p>	<ul style="list-style-type: none"> - The comparative analysis of existing methodologies in EU prepared; - Methodology to calculate the level, scope, scale and impact of counterfeiting and piracy in Serbia developed; - Training Need Analyses conducted; - Training Need Analyses conducted and a Training Plan prepared; - Multiple trainings, for civil servants in charge of IPR, carried out; - Study visit for multiple IPO and MTTT representatives related to calculation methods conducted. 	<ul style="list-style-type: none"> • Project's Progress report; • Training reports; • Evaluation questionnaire; • Training certificates; • Reports on study visits. • Reports on expert visits. 	
<p>Result 6 Guides for IPR enforcers developed</p>	<ul style="list-style-type: none"> - The analysis of current materials based on EU best practice related to IPR enforcers prepared; - Guides (On-line and hard copy version) for IPR enforcers developed; - Comprehensive guides for IPR enforcers related to laws and procedures developed - Training Need Analyses conducted and a Training Plan prepared; 	<ul style="list-style-type: none"> • Project's Progress report; • Training reports; • Evaluation questionnaire; • Training certificates; • Reports on expert visits. 	

	<ul style="list-style-type: none"> - Multiple on the field trainings, for multiple civil servants in charge of IPR, carried out. 		
<u>Result 7</u> Public awareness regarding IPR enhanced	<ul style="list-style-type: none"> - Awareness raising IPR fare organized; - Publications prepared and disseminated; - MTTT's home page on IPR redesigned and upgraded through web design; - Accounts on social networks created and maintained. 	<ul style="list-style-type: none"> • Project's Progress report; • Reports on expert visits; Photos from fairs; Publications.	
<u>Result 8</u> Functional structure of the Coordination Body is established	<ul style="list-style-type: none"> - Current level of coordination between the IPR institutions in Serbia analysed with the recommendations for improvement; - Procedures for administrative support of efficient functioning of Coordination body developed. 	Project's Progress report; Reports on expert visits.	

ANNEX II: List of relevant Laws and Regulations

Area of intellectual property is regulated by separate laws: Law on Copyright and Related Rights, Law on Patents, Law on Trademarks, Law on Legal Protection of Industrial Design, Law on Geographical Indications of Origin, Law on the Protection of Topographies of Integrated Circuits and Law on Protection of Plant Breeder's Rights.

In the domain of exercising intellectual property rights, the following laws apply: Law on Special Powers for the Efficient Protection of IPR, Law on General Administrative Procedure, Criminal Law, Law on Criminal Procedure, Law on Infringements, Law on Civil Proceedings, Customs Law, Law on Courts and Law on Court Organisation.

Legal framework made of these laws regulating certain field of intellectual property rights, as well as international conventions in the area of intellectual property of general character: Paris Convention for the Protection of Industrial Property and Convention Establishing World Intellectual Property Organisation – WIPO and other international convention administered by the WIPO.

- Law on Special Powers for the Efficient Protection of Intellectual Property Rights (“Official Gazette of the Republic of Serbia”, no. 46/2006)
- Law on Patents (“Official Gazette of the Republic of Serbia“, no. 99/11, dated December 27, 2011; in force since January 4, 2012)
- Decree on procedure for the legal protection of inventions (Official Gazette of SM, no. 62/04)
- Law on Trademarks (“Official Gazette of the Republic of Serbia”, no. 104/09 and 10/2013),
- Regulation on the content of the registers of trademark applications and registered trademarks, of the requests that are filed in the procedure of trademark registration and data which are published in the official gazette of the competent authority ("Official gazette of the Republic of Serbia“, No. 43/2010)
- Law on Legal Protection of Industrial Design (“Official Gazette of the Republic of Serbia”, no. 104/09 and 45/2015),
- Regulations on the content of the register of applications and register of industrial designs, content of requests filed in the procedure for the grant and protection of rights on industrial designs and data published in the official gazette of the competent body
(„Official Gazette of the Republic of Serbia", No 43/2010)
- Law on Indications of Geographical Origin (“Official Gazette of the Republic of Serbia”, no. 18/2010)
- Regulation on the content of the request for registration of indications of geographical origin and the request for granting of the status of authorized user of indications of geographical origin ("Official Gazette of the Republic of Serbia", No 93/2010)
- Law on the Protection of Topographies Semiconducting Products (“Official Gazette of the Republic of Serbia”, no.55/2013),
- Regulation on the contents of the Register of Topography Applications and Register of Topographies and the content of the request for the grant of the right in the procedure for the protection of a topography of integrated circuits ("Official Gazette of the Republic of Serbia", No 45/10)
- Law on Copyrights and Related Rights (“Official Gazette of the Republic of Serbia”, no. 104/09, 99/2011, 119/2012 and 29/2016)
-
- Regulation on conditions to be met by the copies of copyright works or subject-matters of related rights to be deposited, brought into the record and deposit of copyright works and subject-matters of related rights, and the contents of the register of deposited works or subject-matters of related rights, with the competent authorities (Official gazette of Republic of Serbia No. 45/2010).
- Regulation on establishing the list of technical devices and objects for which there is an obligation of payment of special remuneration to the holders of copyright and related rights (Official gazette of Republic of Serbia No. 45/2010)
- Regulation on the method of payment of the compensation for the work of the Commission on Copyright and Related Rights (Official Gazette of Republic of Serbia No.5/2011)
- Rules of Procedure of the Commission for Copyright and Related Rights (30 December 2010. With the latest amendments of 23.11.2011)

- The Law on Protection of Trade Secret has been adopted by the National Parliament on September 26, 2011, “Official Gazette of the Republic of Serbia” No 72/11.
 - The Law on Optical Discs (“Official Gazette of the Republic of Serbia”, No. 52/2011; since July 15, 2011; in force since July 23, 2011)
 - The Law on the Amendments of the Law on Protection of Plant Breeders Rights was adopted by the Parliament on November 24, 2011, “Official Gazette of the Republic of Serbia” No 88/11.
 - Criminal Code (“Official Gazette of the Republic of Serbia”, no. 107/2005, 72/2009, 111/2009)
 - Law on Ministries (“Official Gazette of the Republic of Serbia”, No. 72/2012), Law on Customs (“Official Gazette of the Republic of Serbia”, No. 73/03, 61/05, 85/05-state law, 62/06-state law, 18/10), The Regulation on Amendments on the Regulation on the Conditions and Manner of Border Enforcement of Intellectual Property Rights, “Official Gazette of the Republic of Serbia” No 28/12, Court Law (“Official Gazette of the Republic of Serbia”, No. 46/91, 60/91-amend, 18/92-amend, 71/92, 63/2001- state law, 42/2002-state law, 27/2003 – state law, 29/2004-state law), Law on Court System (“Official Gazette of the Republic of Serbia”, No. 63/2001, 42/2002, 27/2003, 29/2004, 101/2005 and 46/2006).
- The protection of intellectual property can be performed by the means of civil, administrative, offence, and criminal procedures regulated by the following laws: Law on General Administrative Procedure (“Official Gazette of FRY”, No. 33/97 and 31/2001), Law on Civil Procedure (“Official Gazette of the Republic of Serbia”, No. 125/2004), Criminal Procedure Act (“Official Gazette of the Republic of Serbia”, No. 46/06, 49/07) and the Law on Offences (“Official Gazette of the Republic of Serbia”, No. 101/2005); Penal Code (OJ RS No. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 42/89, 16/90 and 21/90, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/910/02, 11/02, 80/02, 39/03, 67/038); Law on Federal Administration Taxes (FRY OG No. 81/94, 85/94, 61/95, 63/96, 29&97, 12/98, 59/98, 17/99, 44/99, 74/99, 73/2000, 21/01, 71/01); Law on Enforcement Procedure (RS OG No. 25/04); Law on Administrative Disputes (FRY OG No. 46/96); Law on Contracts and Torts (SFRY OG No. 29/78, 39/85 and FRY OG No. 31/93)
- Decree on Entry in the Register of Representatives kept by the Federal Office for Intellectual Property (FRY OG No. 39/95)
 - Regulation on the Manner of Taking Special Licensing Examination for the Persons Acting as Representatives in the Procedure for the Protection of Inventions, Trade Marks, Models, Samples and Marks of Geographic Origin (FRY OG No. 48/95)

International conventions

The Republic of Serbia has ratified the following conventions and agreements in the field of intellectual property:

- Convention on Establishing of the World Intellectual Property Organization (1967) (member since October 1, 1973)
- Paris Convention for the Protection of Industrial Property (1883) (member since 1883)
- Berne Convention for the Protection of Literary and Artistic Works (1886) (member since June 17, 1930)
- Madrid Agreement Concerning the International Registration of Marks (1891) (member since February 26, 1921)
- Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (member since February 19, 1997)
- Patent Cooperation Treaty (1970) (member since February 1, 1997)
- Hague Agreement Concerning the International Deposit of Industrial Designs (1925) (member since December 30, 1993)
- Universal Copyright Convention (1952) (member since 1966)
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957) (member since August 30, 1966)
- Locarno Agreement Establishing an International Classification for Industrial Designs (1968) (member since October 16, 1973)
- Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite (1974) (member since August 25, 1979)
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977) (member since February 25, 1994)
- Trademark Law Treaty (1994) (member since September 15, 1998)

- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958) (member since June 1, 1999)
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891) (member since May 18, 2000)
- Nairobi Treaty on the Protection of the Olympic Symbol (1981) (member since March 18, 2000)
- Treaty on Intellectual Property in Respect of Integrated Circuits (1989) (signed, not ratified)
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (member since December 20, 2002)
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (member since December 20, 2002)
- WIPO Copyright Treaty (member since December 20, 2002)
- WIPO Performances and Phonograms Treaty (member since December 20, 2002)
- Agreement between the Federal Government of the Federal Republic of Yugoslavia and the European Patent Organization on Cooperation in the Field of Patents (Co-operation and Extension Agreement)
- Law on the Ratification of the Singapore Trademark Law Treaty, Regulations for the Implementation of the Singapore Trademark Law Treaty and the Resolution of the Diplomatic Conference amending Singapore Trademark Law Treaty, Regulations for the Implementation of the Singapore Trademark Law Treaty, ((“Official Gazette of the Republic of Serbia” Int. agreements 5/10)
- Law on the Ratification of the Convention the Grant of European Patents (European Patent Convention) from October 5th, 1973, with the amendments of article 63 of the European Patent Convention from December 17, 1991, and amendments from November 29th, 2000, ((“Official Gazette of the Republic of Serbia” Int. agreements 5/10)
- Law on the Ratification of the Geneva Act of the Nice Agreement Concerning the International Classification of Goods and Services, adopted in the National Parliament RS on March 23rd, 2010 (“Official Gazette 19/10)
- Law on the Ratification of the Patent Law Treaty, adopted in the National Parliament RS on March 23rd, 2010 ((“Official Gazette of the Republic of Serbia” 19/10)
- Law on the Ratification of the International Convention on the Protection of New Plant Varieties (UPOV Convention) from 1991, adopted in the National Parliament RS on March 23rd, 2010 ((“Official Gazette of the Republic of Serbia” 19/10)

The law-making process in line with the Better regulation approach is regulated by the following legislation:

- Law on the Government ("Official Gazette of the Republic of Serbia" No. 55/05, 71/05 – correction, 101/07, 65/08, 16/11, 68/12 – Constitutional Court Decision (CC), 72/12, 7/14 – CC and 44/14);
- Rules of Procedure of the Government of the Republic of Serbia (“Official Gazette of the Republic of Serbia” No.61/06, 69/08,33/10,20/11,30/13)
- The Uniform Methodological Rules for the Drafting of Regulations (“Official Gazette of the Republic of Serbia” No. 21/10);
- Methodology for drafting by-laws (“Official Gazette of the Republic of Serbia” No. 75/10 and 81/10).

ANNEX III: List of applicable Union acquis/standards/norms

Copyright and Related Rights:

- 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;
- Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Codified version) (Text with EEA relevance);
- Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version);
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;
- 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;
- Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights;
- Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works;
- Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market Text with EEA relevance;
- 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 art;
- Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products.

Industrial Property:

Patents

- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1985 on the legal protection of biotechnological inventions;
- Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products;
- Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medical products;
- Regulation (EC) no 816/2006 of the European Parliament and of the Council of May17, 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems.

Trademarks

- Directive 2008/95/EC of the European Parliament and of the Council of October 22, 2008 to approximate the laws of the Member states relating to trademarks;
- Directive (EU) 2015/2436 of the European Parliament and of the Council of December 16, 2015 to approximate the laws of the Member States relating to trademarks;
- Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs).

Industrial Design

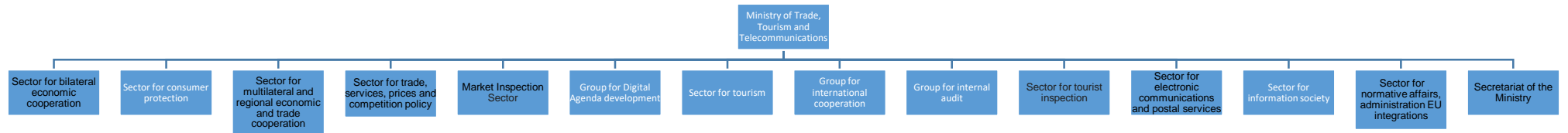
- Directive 98/71/EC of the European Parliament and of the Council of October 13, 1998 on the legal protection of designs;
- Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs.
- Trade Secrets Directive 2016/943 of 8 June 2016 on trade secrets.

IPR enforcement

- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights;
- The comprehensive package of measures adopted on 29 November 2017 by the Commission - https://ec.europa.eu/growth/industry/intellectual-property_en#enforcement_package¹.

¹ Communication from the Commission to the Institutions - A balanced IP enforcement system responding to today's societal challenges; Communication from the Commission to the Institutions on Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights; SWD(2017) 431 - IPR Enforcement Directive Evaluation post RSCC; Support study for the ex-post evaluation and ex-ante impact analysis of the IPR enforcement Directive (IPRED); Communication from the Commission to the Institutions on Setting out the EU approach to Standard Essential Patents; SWD(2017) 430 - Overview of the functioning of the Memorandum of Understanding on the sale of counterfeit good via the internet.

ANNEX IV: Organizational chart



**MINISTRY OF TRADE, TOURISM AND TELECOMMUNICATIONS
MARKET INSPECTION SECTOR**

**HEADQUARTERS
ASSISTANT MINISTER AND CHIEF MARKET INSPECTOR**

Coordination and Improvement of Cross-Sectoral and Regional Cooperation in the field of Market Surveillance

Contact point for the rapid exchange of information on dangerous products

Group for Development and Improvement of Sector's works

1. Department for control of trade, prevention of unfair competition and consumer protection
2. Department for control of product compliance and safety
3. Department for education and reporting
4. Department for internal control

Departments in the Administrative Districts

1. Department Belgrade (City Belgrade's Administrative District)
2. Department Bor (Bor's Administrative District)
3. Department Valjevo (Kolubara's Administrative District)
4. Department Vranje (Pčinj's Administrative District)
5. Department Zaječar (Zaječar's Administrative District)
6. Department Zrenjanin (Middle-Banat's Administrative District)
7. Department Jagodina (Pomoravski Administrative District)
8. Department Kragujevac (Šumadija's Administrative District)
9. Department Kraljevo (Raška's Administrative District)
10. Department Kikinda (North- Banats's Administrative District)
11. Department Kosovska Mitrovica (Kosovskomitrovački, Kosovskopomoravski, Kosovski, Prizrenski and Pečki Administrative Districts)
12. Department Krušavac (Rasina's Administrative District)
13. Department Leskovac (Jablaniči and Pirotski Administrative Districts)
14. Department Niš (Nišavski Administrative District)
15. Department Novi Sad (South-Bačka's Administrative District)
16. Department Pančevo (South-Banat's Administrative District)
17. Department Požarevac (Braničevski and Podunavski Administrative Districts)
18. Department Prokuplje (Toplički Administrative District)
19. Department Sombor (West-Bačka's Administrative District)
20. Department Sremska Mitrovica (Srem's Administrative District)
21. Department Subotica (North-Bačka's Administrative District)
22. Department Užice (Zlatibor's Administrative District)
23. Department Čačak (Moravički Administrative District)
24. Department Šabac (Mačva's Administrative District)