



## ANNEX C1: Twinning Fiche

**Project title:** Strengthening the Institutional Capacity of the Intellectual Property Agency to Manage and Protect Intellectual Property Rights in Digital Networks (“SICCA”)

**Beneficiary administration:** Intellectual Property Agency, Republic of Azerbaijan

**Twinning Reference:** AZ/13/ENPI/TR/1/16(AZ/44)

**Publication notice reference:** EuropeAid/162283

**EU funded project**

***TWINNING INSTRUMENT***

## 1. Basic Information

- 1.1 Programme: **ENPI-Annual Action Programme 2013 for the Republic of Azerbaijan**
- 1.2 Twinning Sector: **Trade**
- 1.3 EU funded budget: **€ 1 081 422**

## 2. Objectives

### 2.1 Overall Objective(s):

To enhance the legal and institutional framework for the protection and management of works protected by copyright and related rights in digital networks.

### 2.2 Specific objective:

To assist the Intellectual Property Agency of the Republic of Azerbaijan in the development of the Centre for Intellectual Property including by supporting the establishment of the “national digital aggregator”, a digital repository for objects of national heritage.

### 2.3 Contribution to National Development Plan/Cooperation agreement/Association agreement/Action plan

#### *EU-Azerbaijan agenda*

After its enlargement in May 2004, the EU faced a new geopolitical situation and adopted the **European Neighbourhood Policy (ENP)**<sup>1</sup>, as a new framework for the relations with its neighbours. The ENP aims to go beyond the earlier Partnership and Co-operation Agreements to offer neighbouring countries the prospect of an increasingly closer relationship with the EU with the overall goal of fostering the political and economic reform processes, promoting closer economic integration as well as legal and technical approximation and sustainable development.

The central element of the ENP is a bilateral **Action Plan (AP)**<sup>2</sup> of 14 November 2006 which clearly sets out policy targets and benchmarks through which progress with an individual neighbouring country can be assessed over several years. The AP defines a considerable number of priority areas.

With regard to reforms in the intellectual and industrial property rights sector, several specific activities are described<sup>3</sup>. These include measures to:

- Improve IP legislation and bring it into conformity with EU legislation;
- Implement IP rights and enhance IP management;
- Strengthen enforcement of IP rights and measures on prevention of infringement of rights.

This fiche takes into account the specific objectives set out in the Action Plan. The Twinning Project will improve the law on copyright and related rights and bring it into closer conformity with EU directives and the *acquis*; will enhance the means of management of copyright and related rights; and will strengthen the regime for enforcement of such rights. The Project will also contribute to the achievement of a further objective set out in the Action Plan, viz., “Take preventive measures and strengthen the fight against smuggling and import and export of counterfeit and pirated goods”<sup>4</sup>.

The Institutional Reform Plan 1 (Component 3.6) of the EU Comprehensive Institution Building (CIB) mutually agreed framework also emphasises the need to develop the legal and institutional environment that supports creativity and innovations in society by providing efficient protection of IPR. The Twinning Project will make a material contribution to the strengthening of the institutional framework for the protection and management of objects protected by copyright and related rights.

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<sup>1</sup> [http://eeas.europa.eu/enp/index\\_en.htm](http://eeas.europa.eu/enp/index_en.htm)

<sup>2</sup> <http://pao.az/en/newsfeeds/list-all-news-feed-categories/digital-library/other-related-eu-documents/74-euazerbaijan-action-plan/file>

<sup>3</sup> See Chapter 4, par. 4.5

<sup>4</sup> At par. 4.5. under the heading “Trade Relations”

Co-operation tools, like Twinning, TAIEX and SIGMA play an essential role in the achievement of the ENP- AP priorities. In particular, the Twinning instrument, which provides for direct co-operation between EU and Azerbaijani public bodies to support institution building activities, has proved to be particularly efficient in policy areas where the expertise required by the beneficiary country exists mainly in the public sector.

### ***Governmental policy and strategy***

#### **Legislation and strategic documents related to the project**

##### Legislation:

Current **primary-legislation** in the field of copyright and related rights consists of the following:

- May 22nd, 2012 – Law of Azerbaijan Republic “On Enforcement of the Intellectual Property Rights and Fight Against Piracy” № 365-IVQ

This Law contains measures for the enforcement of intellectual property rights and the prevention of infringements, including illegal production and distribution of the copies of protected objects.

- September 14th, 2004 – Law of Azerbaijan Republic “ On Legal Protection of Compilations of Data” №775-IIQ

This Law concerns the protection of compilations of data, irrespective of their form.

- May 16th, 2003 - Law of Azerbaijan Republic “On Legal Protection of Azerbaijani Folklore Expressions” № 460-IIQ

This Law provides protection for, and regulates the use of national folklore expressions, as a special type of intellectual property.

- May 31st, 2002 – Law of Azerbaijan Republic “On Legal Protection of Topographies of Integrated Circuits” №337-IIQ

This Law concerns the legal protection of topographies of integrated circuits in the territory of the Republic of Azerbaijan.

- June 5th, 1996 – Law of Azerbaijan Republic “On Copyright and Related Rights of the Republic of Azerbaijan” № 115-IQ

This Law provides the conditions of protection and use of objects of copyright and related rights in the territory of the Republic of Azerbaijan.

A detailed list of relevant laws and regulations is attached in Annexe 3.

##### Strategic documents:

The reforms in the field of the proposed project are stated in:

#### ***Azerbaijan - 2020: Outlook for the Future***

The Development Concept “Azerbaijan 2020 – Outlook for the Future” (Presidential Decree of 29 December 2012) outlines Government strategy for the period 2013 - 2020. The Twinning Project, although grounded in protection of copyright and related rights, has a strong cultural dimension and concerns also the enhanced use of information and communications technologies (“ICT”). For this reason, several of the main priorities of the policy are relevant. These include:

- the establishment of a knowledge-based economy;
- the expansion of the use of ICT in state and local government bodies;
- the preservation of cultural heritage and its effective management;
- the improvement of legislation on copyright and the taking of effective measures against copyright violations, including piracy and counterfeit products.

It is stated, inter alia:

#### **The transition to an information society**

“The ensuring of transition to an information society, the establishment of an economy based on knowledge

with the development of ICT, the expansion of the use of ICT in state and local government bodies..... are priority tasks within the framework of the Concept.”

#### **Protection of copyright and related rights**

“Necessary work will be carried out to promote the rich traditions and customs of the Azerbaijani people....national legislation in this sphere will be maintained in a complex manner, copyright and related rights will be protected and participation in the application and development of the international legal base will be ensured.

#### **Protection and effective management of cultural heritage**

“In order to adopt a state programme on the restoration and protection of immovable historical and cultural monuments and improvement and development of the activities of cultural reserves in 2013-2020, a single electronic database and register will be created in this sphere.”

#### **Legislation and strategic documents under drafting:**

A draft law on collective management of copyright and related rights is under development.

#### ***International Conventions and Agreements***

The Republic of Azerbaijan is a party to the following international agreements on copyright and related rights:

- The Berne Convention on the Protection of Literary and Artistic Works (Paris Act) 1971 ;
- The Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms, 1971 ;
- The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (“The Rome Convention”), 1961;
- The WIPO Copyright Treaty (1996) and Agreed Statements ;
- The WIPO Performances and Phonograms Treaty (1996) and Agreed Statements. The list of the principal relevant WIPO-administered multi-national treaties is in Annexe 3.

Azerbaijan also has the status of observer in relation to the Agreement on Trade Related Aspects of Intellectual Property (TRIPs) Agreement, 1994, pending determination of its application for membership of the World Trade Organisation.

### **3. Description**

#### **3.1 Background and justification**

##### ***Institutional Framework***

The President of the Republic of Azerbaijan signed the Order of April 20, 2018 "On Measures to Improve Management in the Sphere of Consumer Market Monitoring, Standardization, Metrology and Protection of Intellectual Property Rights". According to Part 2 of this Decree, the Intellectual Property Agency of the Republic of Azerbaijan is a legal entity which provides the unified regulation and supervision in the area in copyright and related rights, data collections and integrated circuits topologies, inventions, useful models, industrial designs, trademarks and geographical indications, samples of Azerbaijani folklore (traditional cultural examples), traditional knowledge and other intangible cultural heritage rights (hereinafter referred to as "intellectual property rights") .

The State Intellectual Property Agency of the Republic of Azerbaijan is the central counterpart and beneficiary of the Twinning Project. However the project will extend assistance to other institutions, as specified in this fiche. The Intellectual Property Agency is the responsible authority for copyright and related rights and for the protection of industrial property in Azerbaijan. Institutional stakeholders include the Ministry of Culture; the Ministry of Justice; the Ministry of Transport, Communications and High Technology; and law enforcement agencies concerned with the implementation of copyright and related rights law (including the Ministry of Internal Affairs (police), the State Customs Committee (customs) and the Judiciary).

The Intellectual Property Agency has a staff of 69, with a Chairman of the Board, 2 Members of the Board, Chief of Staff and other members divided into ten departments: Registration and legal expertise of copyright law objects department; Registration of the industrial property objects department; IP analysis and policy department; Technology transfer and commercialization support department; Finance-economy and supply department; Law, appeal and internal control department; Information technology and publishing department; International relations and information department; General and HR department; Administrative department. The Chairman of the Intellectual Property Agency is an acknowledged international expert in intellectual property rights law and seeks to bring the agency to a high standard of technological development, using digital technology to enhance the protection of creative works and to effect a significant reduction in levels of piracy. In September 2012, by Presidential Decree, Regulations were adopted for the creation of the Intellectual Property Agency.

### ***Protection of intellectual property rights***

In Azerbaijan, as elsewhere, the effective protection of intellectual property rights is challenging.

Azerbaijan suffers high levels of piracy, both involving physical product and illegal online dissemination. According to a Report prepared by the Intellectual Property Agency, the estimated level of piracy in 2014 was 85% for software, 66% for audio visual products and 30% for books. It appears that Russian-based services contribute significantly to this situation. As noted in the USTR Special 301 Report of 2015: “Russia remains home to many sites facilitating online piracy, which damage both the legitimate content market in Russia as well as third-country markets.”

The Government of Azerbaijan accords a high degree of priority to addressing this problem. It recognises that in order to build the economy of Azerbaijan as a technologically advanced, knowledge-based economy, a strong and effective intellectual property regime is essential to underpin the protection of right holders and the growth of creative and cultural industries. In addition to the economic value placed on intellectual property, the Government recognises modernisation of the culture system as a key priority, and places special value on the protection and preservation of the tangible and intangible cultural heritage of Azerbaijan.

Azerbaijan has been acting incrementally to bring its IP laws into alignment with international and European standards. In 2008 substantial alterations were made to the Law on Copyright and Related Rights. By the Law on Enforcement of Intellectual Property Rights and the Fight against Piracy of 22 May, 2012 (“the Law on Piracy”) the enforcement framework for copyright and related rights was strengthened by a number of provisions. Administrative measures mandated by the legislation include the allocation of standard international identification (“ISO”) marks to protected works and the application of “control marks” (holograms) to products containing protected works. Measures to tackle piracy in Azerbaijan do not however as yet include legislation defining the liability of the ISP and providing for the availability of blocking injunctions.

Institutional responsibility for copyright and related rights and for the protection of industrial property in Azerbaijan rests with the Intellectual Property Agency. As in other countries, IPR enforcement is carried out by the Ministry of Internal Affairs (Police), the State Customs Committee (at border posts) and the Judiciary.

The Intellectual Property Agency has a wide remit in relation to proposal of policy and drafting of appropriate legislation in the field of copyright and related rights. It has a special role in relation to the protection of folklore, or traditional expression, being empowered to defend the interests of the State in cases of violation of the Law on Legal Protection of Azerbaijani Folk Expressions. Under the Law on Piracy it is authorised to exercise the digital rights of authors, performers and phonogram producers, to arrange the management of such rights on a collective basis and to act to protect such rights in certain circumstances.

In 2012, Regulations were adopted for the creation of the Enforcement Centre on IP rights, a State body subordinated to the Intellectual Property Agency. Its functions include the administration of a system of application of control marks to protected products, which is already partly developed. It is mandated to establish a national digital aggregator, a digital repository of works of cultural importance.

A Training Centre has been established within the the Enforcement Centre on IP rights. The facilities for ICT-aided training have been installed. Hard copy training materials are being generated and printed in the Centre. The Centre has become a member of the Global Network of Intellectual Property Academies

(GNIPA) established by WIPO.

The Enforcement Centre is preparing to embark on the creation of the national digital aggregator. Its rationale is, using best international standards, to utilise ICT to protect, preserve and promote access to the cultural heritage of Azerbaijan. It is intended to link the repository to other national and international cultural repositories, using the pan-European repository, Europeana, as a reference point. In the course of the Twinning Project described below at paragraph 3.5.1 (“the CORAZ Project”) the Enforcement Centre developed an understanding of the hardware and software requirements for the project. It has installed much of the relevant hardware at the Centre and is ready now to proceed to full development of the facility.

### **Problems (direct and indirect) to be addressed**

#### *Development of the Enforcement Centre on IP rights*

The Intellectual Property Agency is the pivotal agent for developing the framework for protection of copyright and related rights. It is currently developing the Enforcement Centre on IP rights based on three disparate objectives: to utilise the system of control marks to help combat piracy; to create the national cultural aggregator; and to develop the Training Centre as a regional centre of excellence in IPR training and education. An overall strategy to guide the development of the Enforcement Centre on IP rights is needed - to underpin its current activities, to provide a more coherent sense of its purpose and to enable it to plan for the future.

The concept of the national digital aggregator was explored during the CORAZ Project. Such projects are highly complex to design and deliver, involving the interaction of legal issues, sophisticated technology and cultural values. Extensive project design and management support is needed to assist the Intellectual Property Agency in bringing this concept to fruition. The project will require close cooperation between the Intellectual Property Agency and relevant Ministries, especially the Ministry of Culture. It will also require the participation of museums, libraries, archives and other cultural institutions, at minimum to facilitate the inclusion of works in their possession in the repository. The relevant stakeholders and participants have yet to be identified and their cooperation defined and secured.

The system of application of control marks has been developed to the point that the Intellectual Property Agency is in a position to start issuing marks to applicants. However it is not fully automated. The system does not incorporate a proper system for the online clearance of rights before issue of control marks to applicants, nor does it allow the online ordering of the marks.

A particular challenge concerning both the development of the national cultural aggregator and the completion of the system for the application of control marks to protected product is the requirement for computer software, in the case of the national cultural aggregator complex, bespoke software. To date, the development of software for the Enforcement Centre on IP rights has been outsourced. There is not sufficient specialist IT expertise within the Centre to design or develop the software which will be required.

#### *Legislation*

During the CORAZ Project, an exhaustive gaps analysis was conducted to establish the extent of approximation of the law of Azerbaijan to the EU acquis. It exposed a number of respects in which approximation was incomplete, including in relation to matters underpinning the operation of the copyright and related rights regime in digital networks. A report on the various legislative acts needed for approximation was provided.

Special attention was given during the CORAZ Project to legislative changes needed to provide the legal basis for the system of application of control marks to protected product and to the creation of a digital rights management system to facilitate the online licensing of works by the Intellectual Property Agency (an essential component of the national digital aggregator). A list of legislative acts and amendments and supporting drafts were provided, which influenced the final form of the Law on Piracy and amendments of the Civil, Criminal and Administrative Codes. It was emphasised by the experts engaged in these tasks that both the control mark and DRM systems involve complex legal considerations and that it would be important to ensure that their development took place in accordance with relevant international and European norms.

While the legislative base has therefore been provided for both the system of application of control marks and the development of the national cultural aggregator, there is a concern to ensure that the legal base to

support each of them is adequate and complete, and that both, in practice, will comply with international and European norms.

In addition, there remain several possible areas of misalignment with the *acquis*, some of which are of central importance to enforcement in digital networks. These include, but are not limited to, full or better harmonisation with:

Directive 2000/31/EC on electronic commerce.

Directive 2001/29/EC on copyright and related rights in the information society.

Directive 2004/48/EC on enforcement of intellectual property rights.

Directive 2012/28/EU on certain permitted uses of orphan works

Directive 2014/26/EU on collective management of copyright and related rights.

EU laws on data protection<sup>9</sup>.

Although tangential to copyright and related rights, data protection law will be relevant to the conduct of the activities envisaged by this fiche.

#### *Collective management.*

Collective management by right holders, largely through non-profit associations, is an integral part of the copyright regime in most countries and has the capacity to make a material contribution to the enforcement framework. Through membership of a collective management organisation (“CMO”), authors receive education about their rights and are empowered to assert them. By actions taken by the CMOs themselves, attention is drawn to the need to obtain licences to use protected material, thereby heightening public awareness and helping to deter unauthorised uses. In EU Member States, it is frequently CMOs which initiate the most effective legal actions to contain piracy, for example by applications for blocking injunctions to compel internet service providers to block access to pirate websites.

The system of collective management is incomplete in Azerbaijan. Its development is being fostered by the Intellectual Property Agency. Meanwhile the existing CMOs do not have the capacity to protect or licence their members’ digital rights. The Law on Piracy authorised the Intellectual Property Agency to exercise certain of those rights and to act to protect them when necessary, including when rights management information and/or technological protection measures applied to the works have been removed. When authors register their works with the voluntary registry of the Intellectual Property Agency they are invited to specifically grant this authority to the Agency. The Agency is also developing a draft law on collective management, taking into account the provisions of EU Directive 2104/26/EU on the management of copyright and related rights. Support for the development of collective management of digital rights is needed to complement the work of the Intellectual Property Agency.

#### *Enforcement*

Enforcement of IPR is carried out by the Police, the State Customs Committee (at border posts) and the Judiciary. The ability of these institutions to implement IPR legislation is weak. While Government policy on enforcement of IPR is expressed in strong terms, it is not matched by effective action on the ground. IPR enforcement is of concern to a number of different Ministries and Agencies in addition to the law enforcement bodies, but cooperation between them is not coordinated and occurs only on an ad hoc basis.

### **Related gaps and needs**

#### *Legal needs (Primary and Secondary legislation)*

Current legislation needs to be evaluated to identify the legislative changes necessary to achieve approximation to the EU *acquis*. An additional legal evaluation is needed to establish whether the legal base for both the national digital aggregator (as currently conceived) and the control mark system (as partly developed) is adequate and complete, and to advise the legal parameters within which development of both systems should proceed in accordance with relevant international and European norms.

#### *Institutional needs*

The Enforcement Centre on IP rights is currently organised around three separate activities. It lacks an overall strategy to guide its future direction and to ensure that the existing and proposed activities, including those described in this Twinning Project, are appropriately configured for development within that strategy.

Collective management is under-developed in Azerbaijan. The Intellectual Property Agency has taken

positive steps to improve the position but additional support is needed, in particular relating to the management and licensing of rights in digital networks.

While there is strong support at Government level for enforcement of IP, it would be beneficial to supplement this with enhanced cooperation between the different Ministries and Agencies concerned with enforcement. These include not only the Intellectual Property Agency, but a variety of different Ministries – the Ministry of Economy; the Ministry of Culture; the Ministry of Justice and the Ministry of Transport, Communications and High Technologies. An inter-ministerial committee has been under consideration for some time but has not yet been established. Such a committee would be in a position to exchange valuable information and identify and direct a number of activities which would benefit enforcement.

#### *Capacity building needs*

The centrepiece of the Twinning Project is the national digital aggregator. This is still at a conceptual stage of development. It requires careful definition of purpose and scale, and the adoption of an appropriate methodology. It will require close project management. Specialist expertise will be needed, in systems-design and computer software development.

The Enforcement Centre on IP rights has established a system of application of control marks to protected product, but it is incomplete. The system needs to be re-evaluated and the facilities for online ordering of control marks and online rights clearance need to be introduced.

The Enforcement Centre on IP rights will need increased human resource capacity to support the activities of the Twinning Project and to maintain the new systems, when developed.

#### *Training and public awareness*

A coordinated range of interventions is needed to address the high levels of piracy in Azerbaijan. Important components in raising the level of enforcement include training for all personnel involved in the enforcement process and the raising of public awareness.

### 3.2 Ongoing reforms

#### Azerbaijan - 2020: Outlook for the Future

The Development Concept “Azerbaijan 2020 – Outlook for the Future” (Presidential Decree of 29 December 2012) outlines Government strategy for the period 2013 - 2020. The Twinning Project, although grounded in protection of copyright and related rights, has a strong cultural dimension and concerns also the enhanced use of information and communications technologies (“ICT”). For this reason, several of the main priorities of the policy are relevant. These include:

- the establishment of a knowledge-based economy;
- the expansion of the use of ICT in state and local government bodies;
- the preservation of cultural heritage and its effective management;
- the improvement of legislation on copyright and the taking of effective measures against copyright violations, including piracy and counterfeit products.

It is stated, inter alia:

#### The transition to an information society

“The ensuring of transition to an information society, the establishment of an economy based on knowledge with the development of ICT, the expansion of the use of ICT in state and local government bodies..... are priority tasks within the framework of the Concept.”

#### Protection of copyright and related rights

“Necessary work will be carried out to promote the rich traditions and customs of the Azerbaijani people....national legislation in this sphere will be maintained in a complex manner, copyright and related rights will be protected and participation in the application and development of the international legal base will be ensured.

#### Protection and effective management of cultural heritage

“In order to adopt a state programme on the restoration and protection of immovable historical and cultural monuments and improvement and development of the activities of cultural reserves in 2013-2020, a single



electronic database and register will be created in this sphere.”

Legislation and strategic documents under drafting:

The draft law is being revised by taking into consideration the new approaches of international organizations in this area, and works are coming to an end. The draft law will be posted on the Agency's website in the near future for public discussion.

### 3.3 Linked activities:

#### *EU-funded activities*

“Capacity Development for Enhancing Enforcement of Copyright and Related Rights in the Republic of Azerbaijan” (CORAZ) Twinning Project (implemented with the Intellectual Property Agency as the beneficiary from August 2011 to May 2013)

The overall objective of this project was to strengthen the copyright and related rights regime in the Republic of Azerbaijan, with the aim of reducing the levels of piracy of goods protected by intellectual property laws.

The project focused on the following mandated results:

- Strengthened institutional capacity of the Intellectual Property Agency and other law enforcement institutions to allow the development of new enforcement activities envisaged by the project
- System of application of control marks to products protected by copyright and related rights developed; upgraded technological capacity of the Intellectual Property Agency
- Legal and normative framework reviewed, concrete recommendations made
- Professional capacity of the staff of the Intellectual Property Agency, of a group of trainers and of representatives of key selected stakeholder institutions is enhanced to implement upgraded law enforcement measures
- Awareness is raised on the new enforcement mechanisms for both professionals in the public and private sector as well as for the public at large through focused and tailor-made information campaigns.

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

Directive 2000/31/EC on electronic commerce

Directive 2001/29/EC on copyright and related rights in the information society

Directive 2004/48/EC on enforcement of intellectual property rights

Directive 2012/28/EU on certain permitted uses of orphan works

Directive 2014/26/EU on collective management of copyright and related rights

EU laws on data protection (Currently based on Directive 95/46/EC but expected to be superseded by Regulation.). Although tangential to copyright and related rights, data protection law will be relevant to the conduct of the activities envisaged by this fiche.

### 3.5 Results per component

The priority areas listed in this project fiche have been identified through meetings held at the Intellectual Property Agency (the Beneficiary Institution). The expected results listed here below are closely interrelated and will need coordinated implementation.

The priority areas and expected results identified can be summarized as comprising the following interventions:

- I. Development of the institutional framework supporting enforcement of copyright and related rights in digital networks.
- II. Enhancement of the institutional capacity of the Enforcement Centre on IP rights by supporting the completion of development of a system of application of control marks to products containing protected works, and the creation of a national cultural aggregator as a repository of creative material of national importance.
- III. Legal and regulatory review and development of new legislation.
- IV. Training and public awareness initiatives.

The Twinning Project should yield four overall results:

**Result 1: Institutional framework supporting enforcement of copyright and related rights developed**

The Enforcement Centre on IP rights: The Enforcement Centre on IP rights is only recently established under the control of the Intellectual Property Agency. It has embarked on three separate projects, all of which are innovative and demanding. It is appropriate to review the objectives, capacity and operational structure of the Enforcement Centre on IP rights and to provide a strategic development plan to give its development greater coherence and to support the expansion of its activities, including the activities of the Twinning Project.

Collective management structure: Enhancement of the system of collective management in Azerbaijan would make a significant contribution to the IPR enforcement framework. The Twinning Project will evaluate the current position, and produce a strategy for the Intellectual Property Agency to support the development of collective management in digital networks, taking into account activities already undertaken by the Intellectual Property Agency and legislation under drafting.

Institutions concerned with IPR enforcement: The mechanisms for co-operation between the institutions involved in IPR law enforcement should also be reviewed as part of this assessment. Fresh consideration should be given to an existing plan to create an inter-Ministerial Committee on IPR enforcement.

Key output indicator(s)

- A medium term strategy for the development of the Enforcement Centre on IP rights, building on its existing activities and immediate plans.
- A Road Map and Action Plan for years 1-3 of the strategy
- Report with recommendations on organisational structure of Enforcement Centre on IP rights
- Report with recommendations on organisational capacity and responsibility for activities of Enforcement Centre on IP rights
- A strategy for development of Training Centre of Enforcement Centre on IP rights as a regional centre of excellence for IP training
- Report on current system of collective management in digital networks taking into account existing and proposed legislation; comparison to best practice in EU Member States; recommendations for development of the system and legislation necessary for the purpose.
- Recommendations for structured co-operation between the Intellectual Property Agency and other IPR enforcement bodies and agencies

**Result 2: Institutional capacity of Enforcement Centre on IP rights enhanced.**

**Sub-Result 2.1: Set up of the National digital aggregator supported**

The challenges of the tasks undertaken by the Enforcement Centre on IP rights are daunting from a technological perspective. It is intended to develop the national digital aggregator as a repository of works of cultural importance. This will involve a large-scale programme of digitisation of works; importation (and probably reformatting) of works from the existing register of the Intellectual Property Agency; storage of the works in a high-capacity database; application of a system of digital rights management to the works; development of rules for access and for licensing of the works; website development; integration of a monitoring tool to detect infringement of the works in the database. Decisions will need to be made concerning appropriate technological standards at every phase of the development, to make the database conformable with best international standards and practices. The repository will need to maximise the potential for interoperability with existing databases in national cultural institutions and with other comparable international and European repositories.

The Twinning Project will assist and support the planning phase of the development; it will assist the Intellectual Property Agency to determine high-level design and methodology after comparing the proposed repository with other comparable projects in the EU; it will evaluate existing hardware and provide advice on additional hardware requirements; primarily it will provide advice on the technological specifications for computer software required to fulfil the system-design adopted, and, working with the staff of the Intellectual Property Agency and the Enforcement Centre on IP rights throughout the period of the Project, will oversee the development by the Intellectual Property Agency and/or its contractors of a prototype

version of the system.

### **Sub-Result 2.2: Framework for finalisation of setting up of the control mark system completed**

The Enforcement Centre on IP rights has developed a system of application of control marks to physical product incorporating works protected by copyright and related rights. The system is not completely automated. Completion of the system is impeded by the need for an online ordering facility for ordering of the marks, and a system to clear the rights of the applicant before issuing the mark. The Twining Project will provide system-design and the specifications for bespoke software to solve both issues in a manner which integrates the developments with the existing system. It will provide advice (approach, principles, way to design) and specifications where required for appropriate application programming and user interfaces. It is understood that the input will only be provided by transfer of expertise from EU MS civil servants and not the private sector actors.

Key output indicator(s)

Sub-Result 2.1:

- Presentation of at least 2 comparable EU MS repositories of cultural material
- Concept of new national digital aggregator model
- Develop the specifications for high-level software architecture, incorporating data storage, data management and user interface layers; with specific requirements identified for each of the elements.
- A detailed evaluation, prior to software design, of key features pertinent to the system such as: data confidentiality, rights-clearance and licensing; design and implementation of metadata, incorporation of appropriate rights management information; application of appropriate technological protection measures; data encoding standards, software and data conversion
- Monitoring tool/service for detection of infringement
- Development of technical specifications to design the software to support data management, data protection and preservation across the repository infrastructure (procurement is not a part of the project)
- Development of technical specifications to create user interfaces with interface profiles to the repository content using appropriate accessibility standards
- Development of technical specifications for storage model
- Development of technical specifications of appropriate web security applications and procedures
- Development of technical specifications for hardware to be acquired by the beneficiary
- Development of technical specifications for the Website
- Training sessions on the cultural aggregator.
- Study tour(s) of five working days each for three senior staff members of the Intellectual Property Agency and the Enforcement Centre on IP rights to a relevant EU Member state, to study the planning and execution of a digital repository of cultural material
- Internship(s) in an EU member state totalling twelve weeks for selected technical staff of the Enforcement Centre on IP rights, to be divided into periods devoted to working alongside the computer support team for a digital repository comparable to the National Aggregator and periods working with computer systems incorporating the type of software utilised in the prototype National Aggregator

Sub-Result 2.2:

- Development of technical specifications for system-design and software specification for online ordering of control marks
- Development of technical specifications for system-design and software specification for online rights-clearance prior to the issue of control marks
- Development of technical specifications for integration of existing software and better application programming (API) and graphic user (GUI) interfaces.

### **Result 3: Legal and regulatory review undertaken and new legislation developed.**

As described in section 3.1.2 reviewing the legislation part., a number of measures have already been carried out in order to bring the legislation of Azerbaijan into alignment with EU and international standards.

However EU law has continued to develop, and strategy in EU Member States for enforcement of copyright and related rights continues to evolve. It is appropriate to conduct a legal and regulatory review with particular reference to legislation (both primary and secondary) needed to improve enforcement of copyright and related rights law in digital networks, and to identify legislative acts necessary or advisable. The review should take into account not only the issue of approximation to the EU acquis, but the adequacy of the legal base for the development of the national cultural aggregator and the completion of the system of application of control marks. It should identify any legal impediments or constraints that may need to be addressed, to ensure that both systems conform to international and European norms.

Drafts of proposed legislation and secondary acts will be prepared.

Key output indicator(s)

- A legal review with recommendations, to analyse the approximation of existing Azerbaijani legislation to the EU acquis (including EU Directives listed above in part 3.1.2), to evaluate the legal base for the national cultural aggregator and/or the system of application of control marks and to identify any legal constraints concerning the manner of their development.
- A list of recommended legislative acts and amendments
- Drafts of new laws and amendments (if necessary)

#### **Result 4: Training and public awareness initiatives implemented**

##### **Result 4.1: Training implemented**

Training is a crucial element in enhancing enforcement of copyright and related rights. A lot has already been done during the previous CORAZ project; manuals have been developed and edited. The current project is going to use the existing experience and focus on the establishment of the National Aggregator.

This component aims to reinforce the human resources in both the Enforcement Centre on IP rights and the Intellectual Property Agency, taking into account the recent establishment of the Enforcement Centre on IP rights, the changes implied by the development of its activities and the conduct of the activities of the Twinning Project. A training needs assessment will identify the specific areas of training required by each entity, which may include IT-related training. It will provide for appropriate study tours to be undertaken to give relevant staff of the Intellectual Property Agency and/or the Enforcement Centre on IP rights first-hand experience of best practice in EU Member States.

To augment the activities of the Training Centre in the Enforcement Centre on IP rights, this component also aims at enhancing the permanent capacity of the Centre through a train-the-trainers programme, to form a team of specialised Azerbaijani trainers who will receive special attention in the training strategy.

Finally, training on enforcement of copyright and related rights in the digital environment will be provided for law enforcement personnel (including police, customs officials and judges); key staff in relevant Ministries and other stakeholders in the enforcement framework.

Key output indicators:

- Training needs assessment, development and implementation of training programme/strategy
- 10 training sessions to IPA and relevant stakeholders staff
- Manuals and handbooks on the systems implemented in the course of the Twinning Project
- At least 10 trainers trained.
- At least 150 law enforcement personnel and other stakeholders, relating to enforcement of IP law in digital networks trained in the Enforcement Centre on IP rights.
- Study tour(s) / internship(s)

##### **Sub-Result 4.2: Public awareness strategy prepared**

Public awareness of the law on copyright and related rights and the penalties for infringement are also key to enforcement. It is exceptionally difficult to move consumers from accessing free, illegal content online, to subscription or other paid legal services. The previous CORAZ project assisted in preparing a Public Awareness and Communication Strategy focusing on enforcement of IP law. This will be a base for the proposed project. A concerted campaign of activity will be designed to promote active compliance. The campaign will focus on the use of the internet for illegal activity and will target various sectors including the educational sector; business and professional sectors; entertainment and leisure industries. It will target

young people in particular. The campaign will include publicity in the media (TV, radio, press, Internet), seminars and conferences and preparation of written materials. It will also involve developing a system for monitoring the effects of awareness activities.

Key output indicators:

- Communication strategy to prevent the use of internet for illegal activity.

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

The implementation of a Twinning projects requires the Commitment of two project Leaders, appointed in the MS and the BC administrations respectively The MS partner administration is expected to provide the Project Leader (MS PL) and Resident Twinning Advisor (RTA) as well as a team of short term experts to support them in implementation of the project activities.

The MS Project Leader should be a high-ranking civil servant or equivalent staff commensurate with the requirement for an operational dialogue and backing at political level,

The MS PL is the key link between the partners, acting at an overall operational and strategic level. The MS PL is complemented by the RTA. The RTA is seconded and resides in the BC. He/she co-operates day-to-day with the BC partners and the MS short-term experts (STEs). STEs will work in Azerbaijan on the basis of specific Terms of Reference (ToR) which will be designed by the RTA for each mission together with the Beneficiary.

It has proved to be an advantage for the project implementation in previous Twinning projects when the MS has designated a senior STE to be responsible for each mandatory result/component of the project (i.e. a component leader) and to liaise with the respective component leader to be nominated by the BC. The BC PL will nominate counterparts to these key roles (see section 6.3).

The required MS experts must either be civil/public servants of the relevant MS administration or be permanent staff of authorised mandated bodies. All experts must comply with the requirements set in the Twinning Manual.

The nature of work for technical assistance abroad requests strong initiative, good analytical, interpersonal and language skills. All experts shall possess these qualities.

The RTA should be assisted by a full time project assistant for providing translation and interpretation services on a daily basis and for performing general project duties. The RTA is supported in his or her MS administration for logistics, accounting and administrative tasks' The cost of the RTA assistant will be funded by the project. The recruitment procedure may be launched before the signature of the Twinning Contract but the RTA assistant may not start to work and corresponding costs will not be eligible before the start of the Twinning contract

A full-time interpreter/translator may also be recruited in Azerbaijan and funded by the project. (S)he will perform most of the required interpretation/translation services. Whenever required and needed on a clear justified request, e.g. for simultaneous interpretation during seminars and workshops, additional interpretation may be procured and funded by the project. (S)he will provide day-to-day interpretation/translation to the RTA and project experts during meetings.

#### 3.6.1 Profile and tasks of the PL:

The Project Leader (PL) from the MS should be a high-ranking civil servant or an equivalent senior manager in a MS national copyright and related rights legislation and enforcement body with sufficient work experience in the field relevant to the project.

The PL will supervise and coordinate the overall thrust of the project. (S)he will direct the project and will ensure that all the required strategic support and operational input from management and staff of the MS side are available. Together with the Beneficiary PL, he will organise the Project Steering Committee (PSC) meetings. The MS PL would continue to work in her/his MS administration but should devote a minimum of three working days per month to the project in Azerbaijan with an on-site visit to Azerbaijan at least every three months to participate in the project SC meetings.

*Qualification and skills*

- A university degree in law or public administration or another relevant discipline or equivalent professional experience of 15 years.
- Good command of written and spoken English (level 2 on scale from 1- 5 where level 1 is excellent)
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

*General professional experience*

- At least 5 years of professional experience at a senior management level in her/his MS public service in a sector concerned with intellectual property law and policy, including specific experience in copyright and related rights.
- Experience in project management

*Specific professional experience*

- Experience in implementing current EU-policies, existing structures and methods in copyright sector.
- Experience in implementation of e-government policy would be an asset
- Experience in the management of the implementation of international programs (including EU-funded projects) would be an asset

*Tasks*

- Liaising with the BC Administration at the political level
- Overall co-ordination, guidance and monitoring
- Ensuring the direction of the project work
- Ensuring the achievement on time of the mandatory project results
- Ensuring the availability on time of MS-Short Term Experts and other MS resources
- Executing other administrative tasks

3.6.2 Profile and tasks of the RTA:

The Resident Twinning Advisor (RTA) seconded from the EU MS should have at least five years' work experience as a staff member in a MS institution in which (s)he has gained an understanding of copyright and related rights law and policy. A network of functional contacts with related EU and Member State institutions will also be an asset. The RTA will be in charge of the day-to-day implementation of the Twinning project in Azerbaijan. (S)he should co-ordinate the implementation of activities according to a predetermined work plan and liaise with the RTA counterpart in Azerbaijan. (S)he will reside for the entire implementation period of 24 consecutive months in Azerbaijan and work full-time for the project. The RTA is expected to be actively involved in the implementation of all activities. (S)he should co-ordinate the project and have a certain level of understanding of all components.

*Qualification and skills*

- A University degree in law or another relevant discipline or equivalent professional experience of 12 years.
- Good command of written and spoken English (level 2 on scale from 1- 5 where level 1 is excellent)
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

*General Experience*

- At least 3 years' experience in a sector dealing with copyright and related rights.
- Experience in managing teams of experts
- Experience in developing, co-coordinating and conducting training programmes

*Specific Professional experience:*

- Experience in implementing current EU-policies, existing structures and methods in copyright sector.
- Experience in institutional environment related to the implementation and enforcement of relevant EU legislation
- Experience in creation and management digital repositories would be an asset.

- Experience in conducting legal reviews would be an asset

#### *Tasks*

- Day-to-day coordination and implementation of the project activities in Azerbaijan
- Preparation of Terms of Reference (ToR) for STEs' missions
- Managing secondment and input of short-term experts
- Arranging study tours to MS countries for the staff of the Intellectual Property Agency the Enforcement Centre on IP rights and other involved administrations
- Provision of substantial expertise
- Ensuring the coherence and the continuity of the inputs and the on-going progress
- Assessing continuously the Twinning-project at all stages and comparing actual progress with the specified benchmarks and time-frame
- Guaranteeing smooth implementation of the different activities;
- Liaising with the BC Project Leader and RTA Counterpart on regular basis
- Liaising with the EU Delegation and the PAO of Azerbaijan
- Support the Project Leader in the preparation of interim, quarterly and final reports
- Reporting to the MS-Project Leader

#### 3.6.3 Profile and tasks of Component Leaders:

Not applicable.

#### 3.6.4 Profile and tasks of other short-term experts:

All required EU institutional and technical expertise will be covered by the short-term experts. The short-term experts should have experience in the relevant subject matter. The STEs should be civil servants or staff members of the selected MS institution(s). They should have worked in the required fields for not less than 3 years and have appropriate qualifications and necessary skills to implement the above mentioned activities.

The Terms of Reference for the short-term experts will be elaborated by the RTA. The exact number of STEs per activity should be agreed upon during the contract negotiations. There should be a pool of short-term experts to ensure smooth implementation of the project. The STEs should be identified by the Project Leader/RTA and will be agreed with the Beneficiary Administration during the negotiation phase of the Twinning contract.

#### *Indicative fields of experience for the short-term experts:*

- Copyright and related rights law, policies and strategies in EU Member States, with a high level of specialization and a specific understanding of the IP-IT relationship. These fields of experience should be filled, at least in part, by career academic(s).
- Parliamentary draftsmanship
- Management systems analysis and implementation in the public sector
- IT-systems analysis and design
- Computer software design and engineering
- Website development
- Project management involving the creation of a large-scale database of cultural material
- Implementation of a system of control marks to products containing protected material
- Professional training in copyright and related rights enforcement
- Professional communication expertise including a track record in drafting and implementing communications strategies, with particular experience in web-based and electronic communication
- Others (to be defined in the proposal and/or during the contracting phase)

#### *Qualification and skills*

- Relevant university degree
- Good command of written and spoken English
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

#### *General Professional Experience*

- At least 5 years' proven experience in the relevant field
- Working experience in foreign countries would be an asset

#### *Specific professional experience*

- Project and training experience would be an asset
- Practical experience in the respective field of project activity
- In addition to their missions in Azerbaijan, the STEs are expected to contribute actively in developing programmes for the study visits proposed in the project.
- STEs' main tasks:
  - Provision of their specific expertise
  - Know-how transfer according to the ToR prepared by the RTA and BA
  - Reporting on their missions

#### **4. Budget**

##### **The budget allocated to this Twinning project is €1 081 422**

The Azerbaijani beneficiary administration will provide the RTA and other MS experts with office space in its main building in Baku, equipment and other provisions as stated in the Common Twinning Manual.

#### **5. Implementing arrangements**

##### 5.1 Implementing Agency responsible for tendering, contracting and accounting

The Implementing Agency responsible for tendering, contracting and accounting is the European Commission represented by the Delegation of the European Union to the Republic of Azerbaijan. The persons in charge of this project at the Delegation of the European Union to the Republic of Azerbaijan are:

##### **Head of Cooperation**

Delegation of the European Union to the Republic of Azerbaijan Landmark III, 11th Floor, 90A, Nizami str., AZ 1010 Baku, Republic of Azerbaijan Tel. +994 12 497 20 63

Fax +994 12 497 20 69

Website: <http://eeas.europa.eu/delegations/azerbaijan>

##### **Head of Contracts of Finance**

Delegation of the European Union to the Republic of Azerbaijan Landmark III, 11th Floor, 90A, Nizami str., AZ 1010 Baku, Republic of Azerbaijan Tel. +994 12 497 20 63

Fax +994 12 497 20 69

Website: <http://eeas.europa.eu/delegations/azerbaijan>

##### 5.2 Institutional framework

##### **Intellectual Property Agency of the Republic of Azerbaijan**

##### 5.3 Counterparts in the Beneficiary administration:

###### 5.3.1 Contact person

##### **Programme Administration Office in Azerbaijan (PAO)**

The person in charge of this project at the PAO is:

Mr. Ruslan RUSTAMLI, Director of PAO

Head of the Department on Cooperation with International organizations Ministry of Economy of the Republic of Azerbaijan

6th floor, Government House, 84 Uzeyir Hajibayli str. Baku, AZ 1000

Republic of Azerbaijan

Tel.: (+994 12) 493 88 67 (ext. 2115)

Fax: (+994 12) 598 85 19

E-mail: [ruslan.rustamli@economy.gov.az](mailto:ruslan.rustamli@economy.gov.az)



Website: <http://pao.az>

#### 5.3.2 PL counterpart

Mr. Rovshan Nasirov, Director  
Intellectual Property Rights Centre  
Intellectual Property Agency of the Republic of Azerbaijan 1st floor, Government House,  
84 Uzeyir Hajibayli str. Baku, AZ 1000  
Republic of Azerbaijan  
Tel.: (+994 12) 4933944 (ext. 123); (+994 12) 4931669  
E-mail: rovshanas@mail.ru

#### 5.3.3 RTA counterpart

RTA counterpart – Mrs. Afsana Mirzazada  
Head of the sector of registration and registry  
Registration and legal expertise of copyright law objects department Intellectual Property Agency of the  
Republic of Azerbaijan  
1st floor, Government House, 84 Uzeyir Hajibayli str.  
Baku, AZ 1000  
Republic of Azerbaijan  
Tel.: (+994 12) 4933944 (ext. 122)  
E-mail: afsana606@gmail.com

During the contracting phase of the project, the beneficiary administration will nominate leaders for each of the components.

## **6. Duration of the project**

The execution period of the project is 24 months.

## **7. Management and reporting**

### **7.1 Language**

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

### **7.2 Project Steering Committee**

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

### **7.3 Reporting**

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

## **8. Sustainability**

The Twinning project will have to seek sustainable solutions and approaches based on the adoption of best practices and thus prepare the grounds for Azerbaijani enhanced compliance with the selected EU Acquis and specifically best European practices in the field of copyright and related rights.

Sustainability issues will be further elaborated in the course of the preparation of the project contract as a

joint responsibility of the MS partner and the Beneficiary Administration. Besides, in the final report, twinning partners will include specific recommendations and strategies for consolidating and safeguarding the achievement of mandatory results in the beneficiary administration.

To ensure sustainability, Beneficiary Administrations should be provided with the training materials (all handovers) in both languages, English and Azerbaijani. The maximum budget allocated to the translation of Guidelines, Handbooks, Glossaries, Methodology Manuals, etc. developed within the project is € 5 000.

The project is designed so that it addresses diverse but interrelated issues in a coordinated manner. It provides the opportunity to strengthen the policy dialogue and legislative framework for copyright and related rights in Azerbaijan. It will enhance the administrative, professional and technological capacities of the Beneficiary Administration. It envisages the participation of various relevant stakeholders in a process designed to improve the system for enforcement of copyright and related rights. An enduring legacy of the project will be the assistance provided to build the national cultural aggregator.

## **9. Crosscutting issues**

The proposed project will comply with EU equal opportunity policies. Equal treatment of women and men in project implementation at all levels will be one of the most important principles in the project management and implementation. The beneficiaries are already equal opportunity employers. In particular, great attention will be given to the equality principle in the training of personnel and the recruitment of the STEs. Of course, appropriate professional qualifications and experience will be the main decisive factors in personnel recruitment and evaluation but, subject to that, both women and men will have identical prospects.

The principle of implementation of this Twinning project is based on a paperless work environment. This means, in particular, minimising paper use during project implementation by the maximum feasible use of e-mails and, if available, project web-site and/or project electronic data base for co-operation between partners. Documents are automatically saved in electronic format.

## **10. Conditionality and sequencing**

Not applicable.

## **11. Indicators for performance measurement**

Not applicable.

## **12. Facilities available**

The Azerbaijani beneficiary administration will provide the RTA and other MS experts with office space in its main building in Baku, equipment (computers, printer, telephone and internet access) and other provisions as stated in the Common Twinning Manual

## **ANNEXES TO PROJECT FICHE**

1. Logical framework matrix in standard format
2. List of relevant Laws and Regulations of the Republic of Azerbaijan
3. A list of the principal relevant WIPO-administered multi-national treatise
4. BA Organigramme (Central Administration)

**ANNEXE 1: Logical Framework Matrix\***

<p><b>Strengthening the Institutional Capacity of the Intellectual Property Agency to Manage and Protect Intellectual Property Rights in Digital Networks</b></p> <p><b>Intellectual Property Agency of the Republic of Azerbaijan</b></p>		<p>Programme name and number: <b>AZ/15/ENP/TR/41</b></p> <p><b>ENPI AAP 2013</b></p> <p>Contracting period expires:</p> <p><b>Total budget: 1.081 million EUR</b></p> <p>Disbursement period expires:</p>		
		Objectively Verifiable Indicators	Sources of Verification	Assumptions
<b>Overall objective:</b>				
<p>To enhance the legal and institutional framework for the protection and management of works protected by copyright and related rights in digital networks</p>	<ul style="list-style-type: none"> <li>• Positive assessment of the copyright and related rights protection in digital networks by local and international organisations</li> <li>• Positive changes to practices relating to online use of protected material</li> <li>• Increased number of applications for protection of works protected by copyright and related rights in Azerbaijan</li> <li>• Increased number of members of collective management organisations</li> </ul>	<ul style="list-style-type: none"> <li>• National &amp; international Statistics on piracy rate</li> <li>• Report of the Intellectual Property Agency</li> <li>• Membership figures for collective management organisations</li> <li>• ENP AP Progress report Azerbaijan</li> </ul>		
<b>Project purpose:</b>				

<p>To assist the Intellectual Property Agency in the development of the Centre for Intellectual Property, including by supporting the establishment of the “national digital aggregator”, a digital repository for objects of national heritage</p>	<ul style="list-style-type: none"> <li>• The IPA is able to set up a new National Digital Aggregator</li> <li>• The Training Centre of Enforcement Centre on IP rights is ready to function as a regional centre of excellence for IP training</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions by the Government of the Republic of Azerbaijan</li> <li>• Regular reports of international organisations</li> <li>• Report of the Intellectual Property Agency</li> <li>• Project Interim Reports</li> <li>• Project Final report</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate and timely co-operation of key stakeholders and contributors of data to the National Digital Aggregator</li> <li>• Allocation by the Government of financial support from the budget, enabling the set-up of the National Digital Aggregator</li> <li>• Continuing reforms aiming at the improving the efficiency of the system of copyright and related rights protection in digital networks in Azerbaijan of the system</li> </ul>
<p><b>Mandatory Results:</b></p>			
<p>1. Institutional framework supporting enforcement of copyright and related rights developed</p>	<ul style="list-style-type: none"> <li>• A medium term strategy for the development of the Enforcement Centre on IP rights prepared and accepted by beneficiary</li> <li>• A Road Map and Action Plan for years 1-3 of the strategy developed and accepted by beneficiary</li> <li>• Report with recommendations on organisational structure of Enforcement Centre on IP rights prepared</li> <li>• Report with recommendations on organisational capacity and responsibility for activities of Enforcement Centre on IP rights prepared</li> <li>• A strategy for development of Training</li> </ul>	<ul style="list-style-type: none"> <li>• A medium term strategy</li> <li>• A Road Map and Action Plan</li> <li>• A strategy for development of Training Centre</li> <li>• Experts' mission reports</li> <li>• Project Interim Reports</li> <li>• Project Final report</li> </ul>	<ul style="list-style-type: none"> <li>• Continuation of the Azerbaijan Government commitment to addressing this specific issue and allocation of the necessary resources</li> <li>• Good collaboration and synergy between all involved institutions</li> <li>• Open access and information of all stakeholders to the relevant information</li> <li>• Sufficient staff at IPA in terms of qualification, quantity and availability</li> <li>• Capacity of beneficiary is sufficient to absorb the projects results</li> </ul>

	<p>Centre of Enforcement Centre on IP rights developed and accepted by beneficiary</p> <ul style="list-style-type: none"> <li>• Report on current system of collective management in digital networks prepared</li> <li>• Recommendations on effective collaboration between collective management organisations and the state authorities</li> <li>• Report with recommendations for structured co-operation between the Intellectual Property Agency and other IPR enforcement bodies and agencies prepared</li> </ul>		
<p>2 Enforcement Centre on IP rights technologically enhanced</p> <p>2.1 Set up of the National digital aggregator supported</p> <p>2.2 Framework for finalisation of setting up of the control mark system completed</p>	<p><i>Sub-Result 2.1:</i></p> <ul style="list-style-type: none"> <li>• At least 2 comparable EU MS repositories of cultural material presented</li> <li>• Concept of new national digital aggregator model developed and accepted by beneficiary</li> <li>• High-level software architecture, incorporating data storage, data management and user interface layers; with specific requirements identified for each prepared</li> <li>• Monitoring tool/service for detection of infringement developed and accepted by beneficiary</li> <li>• Design of software to support data management, data protection and preservation across the repository</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions by the Government of the Republic of Azerbaijan</li> <li>• Decisions of the IPA Chairman</li> <li>• Concept of new national digital aggregator model</li> <li>• Technical specification documents for relevant software</li> <li>• New database</li> <li>• Monitoring tool/service</li> <li>• Web site</li> <li>• Reports on delivered</li> </ul>	<ul style="list-style-type: none"> <li>• The IPA has a good knowledge of best practises of EU countries and different type of digital repositories for objects of national heritage</li> <li>• IPA has to ensure the necessary office space for the National Digital Aggregator</li> <li>• Effective involvement and active participation of the key decision makers in the relevant institutions in the project implementation</li> <li>• Trained personnel remains at the disposal of the beneficiary institution</li> <li>• Full technical development and operational efficiency of computer software designed and/or acquired</li> </ul>

	<p>infrastructure prepared</p> <ul style="list-style-type: none"> <li>• A suite of rich user interfaces with interface profiles to the repository content using appropriate accessibility standards prepared</li> <li>• Design and standards of software for storage model prepared</li> <li>• Configuration of appropriate web security applications and procedures prepared</li> <li>• Specifications for hardware prepared</li> <li>• Website specifications prepared</li> <li>• 5 CA staff with good IT knowledge and skills trained for sustainable operation of the National Digital Aggregator</li> <li>• Study tour(s)/ Internship(s) organised</li> </ul> <p><i>Sub-Result 2.2:</i></p> <p>System-design and software specification for online ordering of control marks prepared</p> <ul style="list-style-type: none"> <li>• System-design and software specification for online rights-clearance prior to the issue of control marks prepared</li> <li>• Software specifications for improved integration of existing software and better application programming (API) and graphic user (GUI) interfaces prepared</li> </ul>	<p>trainings and workshops with involvement of relevant IPA staff</p> <ul style="list-style-type: none"> <li>• Reports on the study visit(s)/internship(s) with involvement of relevant IPA staff</li> <li>• Project Interim Reports</li> <li>• Project Final report</li> </ul>	<ul style="list-style-type: none"> <li>• Full technical efficiency of the existing and/or supplied equipment</li> <li>• Access to indispensable information and documents is ensured</li> <li>• Required data are available</li> <li>• Sufficient staff at CA in terms of qualification, quantity and availability</li> <li>• Capacity of beneficiary is sufficient to absorb the projects results</li> </ul>
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<p>3. Legal and regulatory review undertaken and new legislation developed</p>	<ul style="list-style-type: none"> <li>• A legal review prepared, including recommendations, to analyse the approximation of existing Azerbaijani legislation to the EU acquis (including EU Directives listed above in part 3.1.2), to evaluate the legal base for the national cultural aggregator and/or the system of application of control marks and to identify any legal constraints concerning the manner of their development</li> <li>• Relevant amendments to existing or new primary and/or secondary legislation covering all identified gaps are ready for submission for further approval by beneficiary</li> <li>• Following training, the enforcement authorities have a working knowledge of the developed IP legislation and regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment report</li> <li>• List of needed revisions of the legal and normative framework</li> <li>• Recommended texts of revised laws, decrees and bylaws</li> <li>• Sample survey on the impact of training</li> </ul>	<ul style="list-style-type: none"> <li>• Timely adoption and implementation of the new legal provisions in the field</li> <li>• External partners will be able to attend the meetings</li> <li>• Collaboration and cooperation among the stakeholders</li> </ul>
<p>4. Training and public awareness initiatives implemented</p> <p>4.1 Training implemented</p> <p>4.2 Public awareness strategy prepared</p>	<p><i>Sub-Result 4.1:</i></p> <ul style="list-style-type: none"> <li>• Training needs assessment and training programme/strategy developed</li> <li>• 10 training sessions to CA and relevant stakeholders staff organised</li> </ul>	<ul style="list-style-type: none"> <li>• Training needs assessment report</li> <li>• Training programme/strategy</li> <li>• Reports on delivered</li> </ul>	<ul style="list-style-type: none"> <li>• Availability and commitment of local staff – particularly to attend training</li> <li>• Capacity of beneficiary is sufficient to absorb the projects results</li> <li>• Availability of suitable premises</li> </ul>

	<ul style="list-style-type: none"> <li>• Manuals and handbooks on the systems implemented in the course of the Twinning Project developed</li> <li>• At least 10 trainers trained</li> <li>• At least 150 law enforcement personnel and other stakeholders, relating to enforcement of IP law in digital networks trained in the Enforcement Centre on IP rights</li> <li>• Study tour(s) / internship(s) organised</li> </ul> <p><i>Sub-Result 4.2:</i></p> <ul style="list-style-type: none"> <li>• Communication strategy developed and accepted by beneficiary</li> <li>• Number of specific communication and public awareness tools designed</li> </ul>	<ul style="list-style-type: none"> <li>• Trainings and workshops with involvement of relevant CA staff and other institutions</li> <li>• Manuals and handbooks</li> <li>• Reports on the study visit(s)/internship(s) with involvement of relevant CA staff and other institutions</li> <li>• Communication strategy</li> <li>• List of specific communication and public awareness tools</li> </ul>	needed for training
	<b>Means</b>	<b>Costs</b>	
<b><i>Mandatory Result 0: Visibility actions</i></b>			
0.1. Kick-off meeting			
0.2. Quarterly meetings of the Steering Committee			
0.3. Final conference			
<b><i>Activities to achieve result 1:</i></b>			
1.1 Conduct a review of the Enforcement Centre on IP rights and prepare a medium term strategy for its development, with an action plan for years 1-3 of			



the strategy.			
1.2 Evaluate and provide a report with recommendations on the means to develop the system of collective management in digital networks.			
1.3 Conduct an evaluation and provide a report with recommendations on the options for structured cooperation between relevant Ministries and public agencies responsible for IPR enforcement, and for regular consultation with private sector stakeholders, such as CMOs and ISPs, and relevant representative organisations			
<b><i>Activities to achieve result 2.1:</i></b>			
2.1.1 Establish a high-level Policy and Planning Group chaired by the Chairman of the Intellectual Property Agency, for approving the design and overseeing the management of the national digital aggregator project. The Working Group will determine the policies and principles underpinning the design of the national digital aggregator, and will direct the management of the project. Its members will include senior representatives of the Ministries of Culture and Communications & High Technology			

2.1.2 Conduct a workshop at which senior personnel of at least two comparable repositories of cultural material in EU MS make presentations on the planning and execution of their respective projects			
2.1.3 Conduct an evaluation of key issues determining design of the national digital aggregator			
2.1.4 Develop high level software design			
2.1.5 Provide specifications for data management, data protection and preservation systems in the repository infrastructure			
2.1.6 Design and provide software specifications for user interfaces and interface profiles to the repository content			
2.1.7 Design and provide specifications for software for the storage model			
2.1.8 Provide specifications for monitoring tool to detect online infringement			
2.1.9 Provide website development specifications			
2.1.10 Provide specifications for hardware			
2.1.11 Provide training on cultural aggregator			
<b>Activities to achieve result 2.2:</b>			
2.2.1 Provide system-design and software specification for online ordering of control mark			

2.2.2 Provide system-design and software specification for online rights-clearance prior to the issue of control marks			
2.2.3 Provide software specifications for improved integration of existing software and better application programming and graphic user interfaces			
<b>Activities to achieve result 3:</b>			
3.1 Conduct gaps analysis to establish the state of approximation of Azerbaijan copyright and related rights law to the EU acquis			
3.2 Conduct a legal review of the system for the national digital aggregator (as proposed) and the system for application of control marks (as partly developed), to assess their compatibility with EU and international legal norms			
3.3 Provide a report with table of concordance and list of recommended primary and secondary legislative acts and amendments, including amendment to civil, criminal and administrative codes			
3.4 Provide the assistance of legal experts to the Intellectual Property Agency on the drafting of new laws, amendments and secondary instruments			
<b>Activities to achieve result 4.1:</b>			
4.1.1 Prepare a training need assessment and a			

training strategy for staff of the Enforcement Centre on IP rights and the Intellectual Property Agency, a group of trainers and representatives of key selected stakeholder institutions			
4.1.2 Implement the training programme in Azerbaijan			
4.1.3 Organize a program of study tours and/or internships in relevant EU Copyright-related institutions			
<b>Activities to achieve result 4.2:</b>			
4.2.1 Prepare a communications strategy			

\* - This Logical Framework Matrix is tentative. The Twinning partners shall revise the content of the Logical Framework Matrix, mainly measurable indicators / benchmarks basis of commonly agreed activities and outputs during the drafting of the work plan for this project

## **ANNEXE 2: List of relevant Laws and Regulations (optional)**

The following is a list of laws, implementing rules and regulations judged to be directly or indirectly relevant to the Twinning Project. The list is extracted from the website of the World Intellectual Property Organisation (<http://www.wipo.int/wipolex/en/profile.jsp?code=AZ>).

### **Constitution**

- Constitution of the Republic of Azerbaijan (as last amended on March 18, 2009) (2009)

### **Principal Laws: enacted by the Legislature**

- Law of the Republic of Azerbaijan on Copyright and Related Rights (1996)
- Law of the Republic of Azerbaijan on Legal Protection of Topographies of Integrated Circuits (2002)
- Law of the Republic of Azerbaijan on Legal Protection of Azerbaijani Folklore Expressions (2003)
- Law of the Republic of Azerbaijan on Legal Protection of Compilations of Data (2004)
- Law of the Republic of Azerbaijan on Enforcement of the Intellectual Property Rights and Fight Against Piracy (2012)

### **Relevant related Laws: enacted by the Legislature**

- Law of the Republic of Azerbaijan on Approval of the Decision on the Rules on Customs Control of Transfer of Goods Protected by Intellectual Property Rights (2011)
- Administrative Offences Code of the Republic of Azerbaijan (2011)
- Criminal Code of the Republic of Azerbaijan (amended version 2010) (2010)
- Criminal Code of the Republic of Azerbaijan
- Civil Procedure Code of the Republic of Azerbaijan
- Civil Procedure Code of the Republic of Azerbaijan (as amended up to Law No. 972-IIIQD of March 5, 2010) (2010)
- Law of the Republic of Azerbaijan on Preservation of Historical and Cultural Monuments (2010)
- Law of the Republic of Azerbaijan on Information, Informatization and Protection of Information (as amended up to December 30, 2010) (2010)
- Law of the Republic of Azerbaijan on Publishing (2008)
- Law of the Republic of Azerbaijan on Culture (2006)
- Law of the Republic of Azerbaijan on Electronic Commerce (2005)
- Law of the Republic of Azerbaijan on Unfair Competition (as amended up to December 30, 2003) (2003)
- Law of the Republic of Azerbaijan on Architectural Activities

- Law of the Republic of Azerbaijan on Theatre and Theatre Activities
- Law of the Republic of Azerbaijan on Cinematography
- Law of the Republic of Azerbaijan on Mass Media
- Law of the Republic of Azerbaijan on Advertising
- Law of the Republic of Azerbaijan on TV-Radio Broadcasting
- Law of the Republic of Azerbaijan on Commercial Secret

#### **Implementing Rules and Regulations**

- Decision No. 38 of May 2, 1997 of the Cabinet of Ministers of the Republic of Azerbaijan on amendments to the Decision of the Cabinet of Ministers of the Republic of Azerbaijan on Issues related to the Implementation of the Law of the Republic of Azerbaijan on Copyright and Related Rights (2011)
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan on implementation of the Law of the Republic of Azerbaijan on Copyright and Related Rights (2011)
- Application for Registration of Databases Protected by Copyright Law (2010)
- Decree of the President of the Republic of Azerbaijan on the application of Law No. 580-IIIQD dated 1 April 2008 on amendments to the Law of the Republic of Azerbaijan on Copyright and Related Rights (2008)
- Decree of the President of the Republic of Azerbaijan on the implementation of the Law of the Republic of Azerbaijan on culture (2008)
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan on Rules on determining, sharing and payment of the minimum amount of the author's financial reward for the personal purposes of copying phonogrammed and audiovisual works (2007)
- Decree of the President of the Republic of Azerbaijan on the approval of the Statute of the Copyright Agency of the Republic of Azerbaijan (2005)
- Resolution of the President of the Republic of Azerbaijan on the application of the Law of the Republic of Azerbaijan on amending some legislative acts of the Republic of Azerbaijan in connection with the application of the Law of the Republic of Azerbaijan on Legal Protection of Databases (2005)
- Decree of the President of the Republic of Azerbaijan on the application of the Law of the Republic of Azerbaijan on Legal Protection of Databases (2004)
- Instruction on the form of materials and documents included into the application document for State registration of topographies of integrated circuits (2004)
- Resolution of the President of the Republic of Azerbaijan on ensuring the application of the Law of the Republic of Azerbaijan on amendments to the Administrative Offences Code and Criminal Code of the Republic of Azerbaijan in connection with the application of the Law of the Republic of Azerbaijan on Legal Protection of Expressions of the Azerbaijan Folklore (2004)
- Decree of the President of the Republic of Azerbaijan on ensuring the application of the Law of the Republic of Azerbaijan on Legal Protection of Expressions of the Azerbaijan Folklore (2004)
- Resolution of the President of the Republic of Azerbaijan on the application of the Law of the Republic of Azerbaijan on Legal Protection of Expressions of the Azerbaijan Folklore (2003)
- Rules of the Republic of Azerbaijan on the customs control of goods protected by intellectual property rights (2003)
- Rules on registration of copyright works (2000)
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan on the approval of the Rule on the Registration of the Cultural heritage of the Republic of Azerbaijan in the State Catalogue of

national cultural property and the Catalogue of protection of cultural heritage (1999)

- Resolution of the President of the Republic of Azerbaijan on the application of the Law of the Republic of Azerbaijan on Copyright and Related Rights (1996)

### **ANNEXE 3: A list of the principal relevant WIPO-administered multi-national treaties**

The following is a list of the principal relevant WIPO-administered multi-national treaties to which the Republic of Azerbaijan is party. The list is extracted from the WIPO website (<http://www.wipo.int/wipolex/en/profile.jsp?code=AZ>):

- WIPO Copyright Treaty (April 11, 2006)
  - WIPO Performances and Phonograms Treaty (April 11, 2006)
  - Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (October 5, 2005)
  - Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms (September 1, 2001)
  - Berne Convention for the Protection of Literary and Artistic Works (June 4, 1999)
- Convention Establishing the World Intellectual Property Organization (December 25, 1995)
- Convention for the Safeguarding of the Intangible Cultural Heritage (April 18, 2007)

**ANNEXE 4: Organigramme of the Beneficiary Central Administration**

**Intellectual Property Agency of the Republic of Azerbaijan**

