



“Strengthening the Intellectual Property Rights System in Kosovo”

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¹ The Industrial Property Office became an agency on 1 January 2013

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Glossary of Acronyms

AI	Administrative Instruction
AO	Administrative Order of EU Office
APIK	Association of Music Authors of Kosovo
BAC	Business Alliance of Kosovo
CBEI	Capacity Building for European Integration
CCI	Cross-cutting issues
CMO	Collective Management Organisation
DKPTO	Danish Patent and Trademark Office
EC	European Commission
EUAPO	EU funded project "Assistance to the Patent Office"
EUICC	European Union Information and Cultural Center
EUOK	Office of the European Union in Kosovo
FRY	Former Republic of Yugoslavia
GI	Geographical Indication
ICFEM	International Classification of the Figurative Elements of Marks (Vienna Classification)
ICGS	International Classification of Goods and Services (Nice Classification)
IP	Intellectual Property
IPA	Industrial Property Agency
IPAS	Industrial Property Automation System
IPC	International Patent Classification
IPA	Industrial Property Agency
IPR	Intellectual Property Rights
IT	Information Technology
KE	Key Expert
KJC	Kosovo Judicial Council
KCC	Kosovo Chamber of Commerce
KPO	Kosovo Prosecutor's Office
KJI	Kosovo Judicial Institute
MCYS	Ministry of Trade and Industry
MEI	Ministry of European Integration
MoJ	Ministry of Justice
MPA	Ministry of Public Administration

MTI	Ministry of Trade and Industry
NCIP	National Council for Intellectual Property
OCRR	Office of Copyright and Related Rights
O&M	Organisation & Methodology
PA	Project Assistant
SAA	Stabilisation and Association Agreement
SC	Steering Committee
SMEs	Small and Medium Enterprises
TL	Team Leader
TNA	Training needs assessment
ToC	Table of Concordance
ToR	Terms of reference
TRIPS	Agreement on Trade – Related Aspects on Intellectual Property Rights
VAPIK	Audio-Visual Association of Performers and Interpreters
WG	Working Group
WIPO	World Intellectual Property Organization
WPPT	WIPO Performances and Phonograms Treaty
WTO	World Trade Organization

1 Executive Summary

The project entitled “Strengthening the IPR System in Kosovo” is an EU-funded project managed by the EU Office in Kosovo and implemented by Pohl Consulting and Associates in partnership with the Danish Patent and Trademark Office. It commenced on 5 February 2013. Initially its duration was 24 months, however, at the request of the beneficiaries the project was extended by 9 months. It will end on 4 November 2015.

This report is the final report for the project and sets out to present a clear and concise overview of the activities undertaken during the 33-month project period and to outline the outputs produced and results achieved.

The Inception Report was endorsed by the Steering Committee on 11 April 2013 and subsequently approved by the EU Office on 20 May 2013. 6 meetings of the Steering Committee (SC) were held and 3 Interim and 1 Quarterly Reports were drafted and approved by the SC.

The main beneficiaries of the project are the Industrial Property Office (IPO) at the Ministry of Trade and Industry and the Office for Copyrights and Related Rights (OCRR) at the Ministry of Culture, Youth and Sport. Other stakeholders are Customs, Market Inspection Authorities, judiciary, Police and Prosecutor's Office and business organisations. Since the beginning of 2013 the status of the IPO was changed and currently the name of the institution is Industrial Property Agency (IPA). Due to the new status the IPA is subordinated directly to the Minister of Trade and Industry.

On 1 August 2013 Mrs. Flutra Hoxha was appointed as a Director General of the IPA and replaced the Director of the IPA Mr. Isa Dukaj. Mrs. Hoxha resigned on 3 November 2014 and since then the Agency is being headed by Acting Directors. Every Director was appointed for three months. The term of the last Acting Director Mr. Gazmend Mejzini has been extended until a permanent director is recruited.

In order to ensure full efficiency and sustainability of the action, the project was implemented using a participative approach of the beneficiary institutions as much as possible. The non-key experts with EU experience carried out the project's activities with full involvement and participation of the beneficiary institutions to an extent securing expected results of the action. However, in some cases it proved to be more efficient that non-key experts worked home-based and undertook missions to Kosovo in order to present their proposals and discuss the results with the stakeholders.

Almost all activities planned were successfully implemented. Very few of them, due to various reasons explained below, were cancelled or modified, or incorporated into other activities. Taking into consideration the needs of the beneficiary and the stakeholders, 8 activities, not envisaged initially, were also implemented.

A1 Assistance to further alignment of Kosovo IP legislation with *acquis*

The primary legislation in the field was reviewed against the EU directives and regulations, in particular the Law on Patents, Law on Trademarks, Law on Industrial Design, Law on Geographical Indications and Designations of Origin, and the Law on Copyright and Related Rights were checked for compatibility with the EU standards and tables of concordance were drafted. A table of concordance for the Law on Determining the Rights and Protection of Topographies of Integrated Circuits was drafted too. The secondary legislation was also reviewed. Gap analyses were drafted and submitted to the beneficiaries. As a result of the review, amendments to the laws and respective by-laws were prepared. Tables of concordance between every amended law and the relevant EU directives and regulations were also drafted thus proving the full harmonization of the legislation with the EU *acquis*.

The Law on Customs Measures for Protection of IPR was reviewed and at the request of the Customs a new Law on Customs Enforcement of IPR was drafted along with the necessary concept document. The Articles of the Kosovo Criminal Code related to the intellectual property were also reviewed against the international standards and a proposal for their amendment was made.

Three regulations, namely a Regulation on Private Copy Scheme, a Regulation concerning the Digital Piracy and a Regulation on Administrative Fines in the field of copyright were drawn up.

During the project extension a draft Law on Collective management was prepared as well as some amendments were proposed to the AI on the responsibilities, mandate and activities of the Appeal Commission. An Administrative Instruction (AI) on Administrative Sanctions in the field of Intellectual Property Rights was elaborated for the Market Inspectorate and some further amendments to all laws were proposed in order to give more competences to the market inspectors.

The amendments and drafted administrative instructions and regulations were translated into Albanian and submitted to the beneficiaries. The drafts were finalized based on the comments of the beneficiaries.

Two workshops on tables of concordance and a workshop on the concept document to the Customs Law were organized at the request of the stakeholders.

An IP vocabulary containing the specific terms in the field in English and Albanian were constructed.

A 2 Capacity building of IPA and OCRR

IPA

The IT infrastructure of the IPA was assessed and a plan for its development was drawn up; IPAS Java was fully deployed and all data (revalidated granted rights and new applications including industrial designs) were migrated to the system. The latter was configured in line with the legislation in force; the IPA staff and few Customs IT specialists were trained in IPAS; an IPA staff member was trained in administering the system; templates for trademark oppositions and for industrial designs were uploaded into the system; a study visit for IPAS staff was organized to the Bulgarian Patent Office (BPO).

The organisational structure of IPA was reviewed and a plan for development of the IPA was drawn up; the guidelines on patents, trademarks and industrial designs were updated and supplemented. Recommendations for the archive were made.

TNA for IPA was done and a training programme was elaborated. In the field of patents a seminar on patents and a study visit for the patent staff took place; 3 on-the-job training sessions on patents were delivered, each lasting 5 days.

In the field of trademarks a workshop on oppositions was organized and several on-the-job training on trademarks (absolute grounds for refusal and oppositions) were delivered; templates for trademark oppositions were prepared; a study visit for trademark staff was organized to the BPO; on-the-job training for the seconded staff was implemented; with the support of the project the backlog of the IPA was substantially reduced.

Two on-the-job training sessions in industrial designs were delivered; templates for notifications, invitations, decisions and certificates were drafted; with the support of the project the examination of 60 industrial design applications was initiated.

A seminar on geographical indications and designations of origin was held.

A study visit for the IPA financial officer was organized to the SIPO of FYROM.

Training on trademarks for the members of the Appeal Committee was also implemented.

The design of the certificates for registration was created, however, without the logo of the IPA.

During the project extension the latest version of IPAS Java was installed as well as IPAS+ and Data Extractor were deployed. All procedures were validated again. WIPO Public module was deployed thus giving an opportunity to the interested parties to carry out searches.

OCRR

TNA for OCRR was done and a training programme was drawn up. A large number of on-the-job training sessions in copyright and related rights and EU directives in the field were delivered to the OCRR staff. A study visit to the Bulgarian Ministry of Culture and 2 collective management organisations was implemented.

2-day training for mediators and 4 day-training for collective management organisations (CMO) was delivered. A seminar for CMO was organized. Recommendations regarding the statute of CMO were made by the KE2.

Common activities for IPA and OCRR

Two seminars for both beneficiaries were organised: a seminar on presentation skills and a seminar on team work. A workshop on drafting of an IP strategy was held. A study visit for the management of the beneficiaries was implemented to the Danish Patent and Trademark Office took place.

A3 Capacity building of enforcement institutions

The TNA of the enforcement authorities was done and training programmes were drawn up.

A manual titled "IP Crime Investigation Manual" was drafted and the Police were provided with 150 printed copies of the manual. A 2-day seminar and a workshop were held for each enforcement authority - Police and prosecutors, Customs and Market Inspectorate. Two seminars on copyright and two seminars on trademarks were held for judges from the Basic Court in Prishtina and Supreme Court; a seminar on Criminal Code was implemented for criminal judges and prosecutors from Basic Courts. Two study visits for enforcement institutions, respectively to Croatia and Hungary, were organised and a workshop to review the National IPR Strategy took place. Two seminars on cooperation between the enforcement institutions were also implemented.

During the project extension a National IPR Strategy was drafted.

A seminar for all authorities involved in the Kosovo IP system was organised with the purpose of discussing the results of EUIPR as well as the follow – up.

A4 Awareness raising

An awareness strategy was drafted and awareness materials in the form of leaflets were prepared; a copyright campaign under the motto "Respect copyright" was conducted in Prizren during the DokuFest 2014; a promotion clip was produced providing some information about industrial property objects.

A logo for IPA and OCRR was created and some materials for the applicants to be published on the IPA website were drafted.

An IP course for businesses was held in Pristina and four guides, respectively on patents, trademarks, geographical indications and designations of origin and industrial design were prepared. In the field of copyright four guides were drafted: guide on copyright for SMEs, guide on copyright and collective management of rights, questions and answers type flyer for bars and restaurants, and guide on copyright and public performance.

The World IP Day was marked every year with an event: a round table on IP in 2013 and a conference on IP in 2014 and 2015, and an exhibition of counterfeit goods seized by the Customs and distribution of IP awareness material took place in the street.

A seminar on piracy was held and a roving seminar on IP targeting the businesses took place in Gjakova, Mitrovica, Ferizaj and Gjilan. A seminar on patents for students from the Technical Faculty of the University of Pristina was held and an IP course for the students from UBT was delivered. The project participated in the Master Class programme for students from University of Pristina in cooperation with EUICC.

Problems, conclusions and recommendations

The only problems the project faced were related to the implementation of the activities designed for the IPA. The uncertain status of the institution (the Office vs. Agency issue) and keeping the former IPO director as a staff member impacted the motivation of the staff to participate in the project. The lack of decisions on the project deliverables during the first 19 months of the project's lifetime did not allow the full completion of some activities. Other activities were left without any consideration. The plan for development of the Agency was not implemented despite the promise of the Secretary General to introduce the proposed structure.

Two crucial recommendations for IPAS continuity were not implemented – the annex to the MoU between the MTI and the Kosovo Customs was not signed and the issue of IPAS maintenance was not solved.

After the resignation of the DG, the Agency was headed by acting directors for a year.

Despite the problems with the management of the IPA 119 activities were implemented due to the strong support of the project by the OCRR, some IPA staff members as well as other stakeholders.

The report contains recommendations to be implemented after the project's end.

2 Project Synopsis

2.1 Overall objective

The overall objective of the project is to contribute to the establishment of market economy through creating a favourable environment for the stakeholders on the Kosovo market and facilitating trade between Kosovo and the EU and regional trading partners.

2.2 Project purpose

The purpose of this project is to further align the IPR legislative framework with the relevant parts of the EU acquis, strengthen the capacities of the actors involved in the sector of intellectual property rights (IPO, OCRR and enforcement authorities), and raise awareness in Kosovo of the importance and the benefits of an effective IPR system.

2.3 Planned results

The planned results are according to the ToR:

- Result 1: Further alignment of Kosovo IPR legislation with EU Acquis
- Result 2: Capacity building for IPO and OCRR
- Result 3: Capacity building for enforcement authorities
- Result 4: Awareness raising

2.4 Beneficiaries

The main stakeholders of the project are the Industrial Property Agency (MTI) and the Office for Copyright and Related Rights (MCYS).

Other stakeholders mentioned in the ToR are the Customs, Police, Market Inspectorate and Judiciary and Kosovo business community.

3 Activities Undertaken during the lifetime of the project and its extension

This chapter presents an overview of the activities undertaken from 5 February 2013 till 05 October 2015 as identified in the ToR and presented in the Inception Report as well as the Work Plan for the extension.

3.0 Steering Committee meetings

The project started with a kick off meeting on 5 February 2013. At the request of the beneficiaries submitted to the EUOK on 31 July 2014 the project was extended by 9 months.

Eight SC meetings were held, namely:

- 1st SC meeting held on 11 April 2013 to consider the Inception Report;
- 2nd SC meeting on 8 July 2013 to consider the activities implemented during the first quarter and approve the Work Plan for the next quarter;
- 3rd SC meeting on 9 October 2013 to approve the First Interim Report;
- 4th SC meeting on 15 April 2014 to approve the Second Interim Report;
- 5th SC meeting (extraordinary) on 18 June 2014 to discuss the possible extension of the project;
- 6th SC meeting on 3 October 2014 to approve the Third Interim Report;
- 7th SC meeting on 6 March 2015 to report on the activities from 3 October 2014 till 4 February 2015;
- 8th SC meeting on 4 November 2015 to approve the Final Report.

The first draft of the Final Report was distributed on 5 October 2015.

On 3 November 2015 the project closing event took place at Hotel Sirius. The Minister of Trade and Industry, the Deputy Minister of Culture, the Head of Cooperation of the EUOK and representatives of the EUOK, IPA, OCRR, MTI, MCYS, all enforcement authorities and media participated in the event.

After the welcome speeches, the Team Leader presented the achievement of the project.

3.1 Activity 1 Assistance to further alignment of Kosovo IP legislation with EU acquis

3.1.1 A1.1 Advice and support in the revision of the legal framework

In the beginning of the project the legal framework in the field of intellectual property was reviewed against the respective EU directives and regulations. The findings were reflected in detailed mission reports and discussed with the beneficiaries. Tables of concordance between the laws and the directives were prepared and submitted to the beneficiaries and the EU Office. The conclusion of the experts was that Kosovo IP legal framework is harmonized with the EU acquis to a certain degree, however further alignment is still needed.

A1.1.1 General Review of the language and translation consistency

The first step of the implementation of sub-activity A1.1 was to review the language and translation consistency. The Law on Patents, Law on Industrial Design, Law on Trademarks, Law on Copyright and Related Rights and the draft Law on Geographical Indications were proofread with a view to facilitating the review of the legal framework against the EU acquis. The proofreading was done by two junior experts and the English translation of the laws was amended in line with the text of the laws in Albanian. However, at a later stage it was decided the review of the IP legal framework to be done on the official English translation which had been published. The corrected translation helped the legal experts for better understanding of the provisions, in particular where the translation was very poor and the norms were vague and unclear.

A1.1.2 Review of the Laws; A1.1.3 Review of the secondary legislation

A1.1.2.a Review of the Law on Customs Measures for Protection of IPRs

The Law on Customs Measures for Protection of IPRs was reviewed against the new EU Regulation 608/2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003. The new Regulation (EU) No 608/2013 is far more punctilious than the Regulation (EC) No 1383/2003 as well as its structure is quite different from that of the old Regulation. As a result of the discussions on the report on the review, the Sector of Intellectual Property Rights on behalf of the Customs requested the project to provide assistance in preparing a new draft Law on Customs measures for IPR enforcement.

A1.1.2b Review of the Law on Trademarks;

A1.1.3c Review of the AI on Trademark Registration;

A1.1.3c Administrative Instruction No. 1/2012 on early examination of applications for protection of trademarks

The Law on Trademarks and the two administrative instructions were reviewed against the Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks, and the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. The review revealed that the Law is not fully harmonized with these Directives in certain instances.

Two provisions of the Directive 2008/95/EC, namely the provision of Article 4, paragraph 3 (extended protection of trademarks with reputation in respect of dissimilar goods and services) and Article 6, paragraph 2 (local use as a limitation of the effect of a trade mark) are not transposed into the Law. Some other provisions of the Directive are partly transposed.

Regarding Directive 2004/48/EC on the enforcement of intellectual property rights it was found that some provisions are partly transposed in the Law.

Some further discrepancies between the Law and the international legislation were mentioned by the expert's report. Discrepancies and omissions were also found in both administrative instructions.

The conclusion as a result of the review was that the Law No. 04/L-026 is harmonized with the EU Directives in the field to a certain degree, but further alignment is necessary to achieve full harmonization. It is recommended that the Law should be amended: the amendments should aim not only full harmonization with EU acquis, but also the discrepancies found which are not directly linked to the harmonization with the EU directives should be removed. The same recommendations are made with respect to the administrative instructions.

Based on the comparison of the Law with the EU directives two tables of concordance were prepared.

The results of the review were reported to the beneficiary and the Legal department of the MTI.

A1.1.2c Review of the Law on Industrial Design;

A1.1.3c Review of the AI on ID Registration Procedure

The Law on Industrial Design and the AI on Industrial Designs Registration were reviewed against the Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs and the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

13 provisions of the Directive 98/71/EC are partly transposed in the Law and 7 other provisions were not transposed correctly. The formulation of some basic terms is not fully in line: e.g. "product", "individual character" of a design. Some provisions contain wrong references, e.g. "priority right" and the "date of the recognition of the priority right" instead of "priority date". There is some misinterpretation of some terms from the Directive, e.g. "overall impression" or some terms which do not exist in the Directive, e.g. "informed consumer", are included. There is a cardinal mistake in Article 20 of the Law regarding the so called "exhaustion of rights". Before Kosovo accedes to the European Union, the exhaustion of rights should be regulated as national, not as Union-wide exhaustion.

Regarding the Enforcement Directive the wording of some provisions were changed when transposed in the Law. Three provisions have no corresponding norms in the Law and there are some which are partly transposed.

The expert made some comments on the Law in general: some definitions are not correct e.g. the definitions of "exclusive license", "non-exclusive license" and "sub-license"; some provisions have no meaning, etc.

In her report the expert draws attention to the poor English translation of the whole Law which may explain some of the discrepancies found. It is mentioned that almost every provision is affected by language mistakes.

The review of the Administrative Instruction No. 11/2012 on Registration of Industrial Designs showed similar drawbacks.

All findings were presented to the beneficiary. The expert submitted a very detailed report on the review with some proposals for amendments.

The conclusion is that the Law No. 04/L – 028 on Industrial Design is to a certain degree harmonized with Directives 98/71/EC and 2004/48/EC but further alignment is necessary in order to achieve the full harmonization. It is recommended that the Law as well as the AI on 11/2012 on Registration of Industrial Designs should be amended.

A1.1.2d Review of the Law on Patents;

A1.1.3a Review of the AI on Procedure for Registration of Patents

The Law on Patents and the AI was reviewed against the Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions and the Directive 2004/48/EC of the European Parliament and of the Council of April 2004 on the enforcement of intellectual property rights.

The Law and the AI were also reviewed against the following EU regulations, which will be directly applicable after the EU accession:

- Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products
- 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 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems

Some other international agreements relevant to the patent field were taken into consideration, namely: Paris Convention for the Protection of Industrial Property; Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure; Agreement on Trade-Related Aspects of Intellectual Property Rights; European Patent Convention of 5 October 1973, as revised on 29 November 2000 and Implementing Regulations; Patent Law Treaty.

The level of conformity of the provisions of the Law with the two relevant EU Directives is presented in separate tables of concordance.

The review showed that half of the provisions of both Directives are not adequately transposed into the Law.

The provisions of the Regulation on Compulsory Licensing of Patents Relating to the Manufacture of Pharmaceutical Products for Export to Countries with Public Health Problems are appropriately transposed, but the provisions of the Regulations concerning the supplementary protection certificate for medicinal products and plant protection products need some further alignment.

The English translation of the Administrative Instruction on Patents is so poor that the proper assessment of its compatibility with the EU *acquis* and international standards is almost impossible.

In order to achieve a consistent legal framework in the field of patents which is in line with the EU *acquis*, it was recommended that the Law on Patents and the AI should be amended.

The results of the review were reported to the beneficiary and the Legal Office at MTI.

A1.1.2e Review of the Law on Geographical Indications and Designations of Origin

The Law on Geographical Indications and Designations of Origin (adopted in July 2013, i.e. after the project started) was reviewed against the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, and Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of

the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC).

It was found that the Law does not contravene the relevant EU Regulations. However, there are some omissions which require the Law to be amended. Tables of concordance between the Law and the Enforcement Directive and EU Regulations were prepared.

The report and the tables of concordance were submitted to the beneficiary.

A.1.1.2f Review of the Law on Copyright;

A.1.1.3d Review of the Regulation No. 01/2012 on granting licenses;

A.1.1.3e Review of the Regulation on Mediation of Disputes

The review of the Law on Copyright and Related Rights and the existing regulations was carried out by the KE2. The Law and the regulations were reviewed against 8 existing directives and 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

The results of the review are reflected in the table below:

	EU Directive	Findings and recommendations
1.	Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs	The provisions related to the objects of protection and exhaustion of distribution right were considered in particular. It is recommended that the computer programs should be enumerated in the indicative list of protected works in Article 8 of the Law.
2.	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	Further approximation is necessary for three articles related to: exhaustion of rights; single equitable remuneration paid by the user if a phonogram published for commercial purposes is used for broadcasting; and exhaustion of distribution right.
3.	Directive 93/38/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	The Law does not provide a definition of a satellite and cable retransmission, nor any provision for the time-limit for the right holder to claim his rights.
4.	Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 harmonizing the term of protection of copyright and certain related rights	Some provisions of the Directive were not transposed in the Law, namely the duration of author's rights in case of a musical composition with words and specifications for the fixation of a performance in a phonogram. Besides, according to the special rule, the protection for works for which the term of protection is not calculated from the death of the author or authors and which have not been lawfully made

		available to the public within 70 years from their creation shall terminate within 70 years from their creation. The Copyright Law in par. 6 of Art. 61 provides for the contrary solution.
5.	Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases	A provision determining the beneficiaries of protection under the sui generis right is missing.
6.	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society	The definition of reproduction is not fully in line with the Directive. The individual acts to be exempted must be precisely described and also limited to special cases. The provision regarding the broadcast of an ephemeral fixation should be amended. There is confusion between articles 49 and 57 of the Law basically addressing the same exception. there is no provision for injunctions against intermediaries as provided in the Directive
7.	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	The Law does not provide for the legal reciprocity requirement in case of resale right, as well as the limitation concerning the right to obtain information.
8.	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights	Seven provisions of the Directive are not transposed in the Law and six other are partly implemented: e.g. there is no provision for lodging of adequate security or equivalent assurance by the applicant with respect to preservation of evidence, nor a time-limit for the measures to preserve the evidence. The Articles in the Law related to the right to information, provisional measures, corrective measures and injunction require further approximation.
9.	Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.	The Directive on orphan works has not been approximated with. The reason is that it was adopted after the entry into force of the Copyright Law.

It is concluded that the Law is in line with the EU acquis to a large extent, but further alignment is needed for full harmonization.

The results of the review were presented in the form of a Gap Analysis in the field of Copyright and Related Rights. The Gap Analysis was reported to a Working Group established at the MYCS for the purposes of the harmonisation of the legal framework with EU acquis.

A1.1.2g Review of 295 - 298 of the Criminal Code

The Articles in the Criminal Code related to criminalization of the IPR infringements were reviewed against the existing international standards. Part III “Enforcement of Intellectual Property Rights” of TRIPS Agreement and the Cybercrime Convention was also taken into consideration. The expert made a detailed analysis of the Articles criminalizing the violation of patent rights (Article 295), copyright violation (Article 296), violation of technical protection of copyright (Article 297) and certain aspects of trademark violations (Article 298).

With respect to patent infringements and violations of technical protection of copyright the Kosovo Criminal Code has criminalized further than required as there no international obligations exists.

Article 296 does not criminalize violations of related rights except in regards to performers. Full compliance with international standards would require that Article 296 should also criminalize violations of other related rights as defined in the copyright law.

Article 298 does not comply fully with international standards as it only criminalizes acts of wilful trademark counterfeiting if the act has been carried out with the aim of deceiving the purchaser or the consumer. This is however, not a requirement for a trademark violation to have happened. On the contrary, a trademark violation is not depending on the subjective aim of the infringer in regards to deception of the purchaser or consumer. The ruling of the CJEU in C-206/01 clearly disregards such a requirement.

The expert recommended that all related rights should be included in Article 296 and the requirement of “intent to deceive” should be removed from Article 298.

The coherency of the existing provisions was also checked and some recommendations are made: the other objects of industrial property- industrial design, topographies of integrated circuits, and plant varieties should be covered by Article 295. It is also recommended that the coherency of the provision be improved. Copyright violations without clear justification are treated more severely than violations of patents and trademarks. In a number of countries the provisions about sentencing are fully coherent, in others there are differences. Often however, copyright and trademark violations are treated with equal seriousness.

A recommendation for simplification of the Articles in question and broader formulation is made.

The report on the review was submitted for the IPA, Legal Office of the MTI, and the OCRR.

Review of the Law on Determining the Rights and Protection of Topographies of Integrated Circuits

The review of the Law on Determining the Rights and Protection of Topographies of Integrated Circuits had not been envisaged in the Project Work Plan. However, for the sake of completeness of the review of the legal framework in the field of industrial property, a table of concordance between the Law and the Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products was prepared by the Team Leader. The Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights was also taken into consideration.

It is found that ten provisions of the Directive 87/54/EEC are not transposed and four other are partly transposed in the Law. The Enforcement Directive is not transposed at all and there is no reference in the Law to the relevant chapter of the Law on Patents.

Along with the discrepancies found with respect to the EU acquis, there are some other drawbacks and omissions.

It is recommended that the Law should also be amended on several points in order for it to comply with the EU acquis and to be able to serve its intended purpose.

A.1.1.4 Drafting of the Gap analysis and policy paper

The results of the review of the legislation in the field of copyright were presented in a Gap Analysis. The latter was drafted in the form of a policy paper describing the Rationale behind the Gap Analysis and providing for an overview of the EU acquis, of the actual situation in Kosovo and the legislative gaps. The final Recommendations focus on the full approximation of the legal framework and the factors to be taken into account as well as on the Implementation of the law and the National Strategy for the Enforcement of IPR Laws. The conclusions drawn could be summarised as follows: Kosovo would be ready to conclude a Stabilisation and Association Agreements (SAA) if the government continues approximation of the domestic legal framework with *EU acquis*. Substantive progress has been made in the area of Copyright and related rights in the past 2 years. However, a major effort is required in the short term to fully approximate copyright and related rights legal framework with that of the EU. The adoption of the amendments proposed within the framework of the project will be a great step forward. Further to adoption of necessary legislation a robust implementation and enforcement effort (also in relation to the National Strategy) is crucial. Strengthening of the human capacity of relevant state authorities is a condition sine qua non.

The Gap Analysis Report in the field of industrial property summarizes the findings as a result of the review of the laws and administrative instructions. It contains also comments on the Law on Determining the Rights and Protection of Topographies of Integrated Circuits, which is not in line with the EU acquis. It is concluded that some of the laws are in line with the EU Regulations and Directives to a certain extent. However, there is still room for alignment.

A1.1.5 Review of the Administrative Instruction No. 09/2012 on responsibilities, mandate and activities of the Appeal Commission under the Industrial Property Office

This activity was included in the Work Plan for the project extension. A legal expert was hired to review the Administrative Instruction No. 09/2012 on responsibilities, mandate and activities of the Appeal Commission under the Industrial Property Office and propose some amendments where necessary. However, due to sick leave the expert was not able to implement the activity. This activity was implemented by the Team Leader.

The AI No. 09/2012 was adopted by the Minister of Trade and Industry in 2012 based on Article 6 of the Law on Patents, Article 90 of the Law on Trademarks and Article 50 of the Law on Industrial Design.

The purpose of the Administrative Instruction (AI) is to set up the procedure for considering the appeals against the decisions issued by the Industrial Property Agency.

The AI contains 12 Articles: Purpose, Definitions, Scope of activity, Establishment of the Commission, Composition of the Commission, Responsibilities, Content of the appeal, Working procedures of the Commission, Decisions of the Commission, Conflict of interests, Transitional provision, and Entry into force.

It should be noted that the English translation is poor; no consistent terminology is used throughout the whole instruction, e.g. in some cases the term "appeal" is replaced with "claim", in the definitions the Commission is named Appealing Review Committee; in the title it is a Commission, in the AI - Committee. There are also lots of grammar mistakes.

The review established the following findings:

The name of the body should be “an appeal commission” as the term “committee” assumes a higher number of members.

The AI is not sufficiently detailed; it briefly outlines the procedure of the Appeal Commission (AC).

Currently, the appeals are filed with the MTI registration desk, not with the Industrial Property Agency, thus preventing the immediate entry of the appeal into the IPA system.

Besides, the procedure in case of inter partes procedure is not clear. The AC had not had inter partes cases in their practice. Their practice is limited to ex parte proceedings only. The parties can be invited to a meeting but no written statement regarding the appeal is requested from them.

According to Article 11 a copy of the court decision “shall be attached to the application file”. This provision incorrectly is determined as a transitional provision. The transitional provisions are needed to deal with the transition from the old law (AI) to the new law (AI). Apparently, any time when there is a final court decision, the latter should be presented and attached to the respective dossier. Therefore, Article 11 is not a transitional provision.

It is recommended to replace the current AI with a new one which is supplemented with more details of the appeal procedure.

3.1.2 A1.2 Advice and support in the completion of IP legislation

A1.2.1 Amendments to the Law on Customs Measures for Protection of IPRs

As it was mentioned above the Kosovo Customs requested that a new Law on Customs enforcements of IPRs to be drafted with the support of the project rather than the existing Law to be amended.

A draft Law on Customs enforcement of Intellectual Property Rights was prepared and presented to the WG established for that purpose at the Customs (Head of the Sector of Intellectual Property Rights and the Head of the Unit at the Sector of Legislation and Advice). The first draft was discussed on an article by article basis. As a result of the fruitful discussions the draft Law was finalized.

The final draft Law consists of 32 Articles organized into five chapters, respectively:

Chapter I Subject matter, scope and definitions

Chapter II Applications: there are two sections; section one is dedicated to the requirements for the application (the application form) and the right to apply for action; section two stipulates the procedure in case the application is incomplete and the decision to be taken by the Customs as well as the period to take an action.

Chapter III Action by the Customs: the chapter contains two sections; the first section sets up the suspension of the release or detention of the goods following and before the grant of an application, conditions for storage, sharing information with other authorities, etc.; the second section is dedicated to the destruction of goods, initiation of proceedings and early release of goods.

Chapter IV Liability, costs and data protection

Chapter V Final provisions

The draft Law follows the structure of the EU Regulation and its provisions are fully in line with the Regulation No 608 provisions. It should be noted that the new law will facilitate the verification of the level of the further alignment with the EU acquis.

The draft Law was forwarded to the Government for consideration.

Later on the Customs requested some assistance in drafting the concept document justifying the necessity of changing the current Law as well as to organize a workshop for finalizing them. These two activities were not planned initially, but given their importance, the project included them into the work plan. The expert prepared a draft concept document at his home country and forwarded it to the Customs for consideration.

On 12 and 13 June 2014 a workshop at Villa Germia was held where the WG established for this purpose prepared the final draft.

The concept document was forwarded for opinion to the Ministry. The project team was informed that the opinion of the Ministry of Finance is still pending.

A1.2.2 Amendment of the Industrial Property Laws

A1.2.2a Amendment of the Law on Patents

Based on the results of the review of the Law on Patents respective amendments were proposed. The amendments aimed to bring the Law in line with the EU directives and regulations in the field as well as with the international standards mentioned in the report on the review. The amendments were presented in the form of a 3-column table: in the first column the provision of the respective article to be amended is written; the second column contains the text with the changes which are highlighted and explanatory notes in the last column.

Amendments to 22 articles were proposed. The changes relate to more precise definitions of some terms (biotechnological invention, essentially biological process), amendment to the article "Right to priority" and restoration of this right, content of the application for grant of a supplementary protection certificate (an important amendment affecting the pharmaceutical industry), grounds for invalidation of a granted patent. Substantial amendments were proposed to the chapter stipulating the means for enforcement of the patent rights. Some articles were completely redrafted, thus bringing the Law in line with the Enforcement Directive. Tables of concordance between the amended Law and the EU Directives in the field were also prepared.

The amendments were broadly discussed with the IPA and later on accepted by the MTI. After passing the coordination procedure within the Government, a draft Law on amending and supplementing the Law on Patents (prepared by the Legal Office of MTI) was tabled in the National Assembly. The draft Law contained 29 Articles.

On 31 July 2015 the Law No 05/L-039 on Amending and Supplementing the Law No. 04/L-029 on Patents was adopted by the Assembly

An important change was made in Article 4 of the Law on Patents stipulating the status of the IPO. According to the amendment the authority responsible for the industrial property is the Industrial Property Agency, which an administrative central body of the Ministry of Trade and Industry responsible for the legal protection of the inventions, trademarks, industrial designs, designations of origin, geographical indications and topographies of integrated circuits and other issues arising from international agreements to which Kosovo is a signatory. Article 5 setting up the responsibilities of the IPA was also rewarded.

The Law entered into force on 7 September 2015.

A1.2.2b Amendment of the Law on Trademarks

The proposal for amending the Law on Trademarks was prepared in accordance with the findings and recommendations made as a result of the legal review of the Law. The amendments were presented in the form of a three - column table which contained “current provision”, “proposal” and “explanatory notes” to each amendment proposed.

The proposed amendments were discussed with the IPA and finalised. Tables of concordance between the amended Law and the relevant EU Directives were also prepared.

Amendments to 29 articles were proposed. Some of them contained amendment to several provisions (i.e. paragraphs and sub-paragraphs). 14 Articles aimed at harmonizing the Law with the relevant EU acquis in the field, whereas other amendments were not to be considered issues of harmonisation with the acquis, but were also significant in order to allow for the proper implementation of the Law.

The amendments were endorsed by MTI and after passing the coordination procedure within the Government, a draft Law on amending and supplementing the Law on Trademarks (prepared by the Legal Office of MTI) was tabled in the National Assembly. The draft Law contained 32 Articles.

On 30 July 2015 the Assembly adopted the Law No. 05/L-40 on Amending and Supplementing the Law No. 04/L-24 on Trademarks.

The Law entered into force on 7 September 2015.

A1.2.2c Law on Industrial Design

The proposal for amendments to the Law on Industrial Design was prepared in line with the findings and recommendations in the report on the review of the Law. Due to the very poor English version of the Law, it was not possible to use the accepted 3-column form used for the other IP laws. The amendments were introduced in the word version of the Law by using “track changes” so the English language was also corrected in order to make clear the proposed amendment.

The proposed amendments were presented to the IPA and finalized. Tables of concordance between the amended Law and the relevant EU Directives were also prepared.

The beneficiary decided to draft a new Law on Industrial Design rather than to amend the current Law. The draft Law was endorsed by the Government and tabled in the National Assembly for consideration and adoption.

The first reading had had been successfully passed.

It should be noted that the project had not been invited to the consideration of the new draft Law.

A1.2.2d Law on Geographical Indications and Designations of Origin

Due to the unavailability of the expert who reviewed the Law on Geographical Indications (GI) and Designations of Origin (DO) the amendments were prepared by another expert based on the report on the review of the Law.

All recommendations contained in the Report were followed when drafting the amendments except the recommendation to supplement the Law with the rules relating to wine and spirits which was found inappropriate. Amending the Law in line with that recommendation and introducing three different procedures for registration and definitions of GI and DO in one legal instrument would make the Law confusing. It is instead recommended to adopt a new legislation in relation to wines and spirits, if it is necessary. In the process of drafting the amendments within the scope of this mission further discrepancies were found, which were also amended.

The amendments to the Law on Geographical Indications and Designations of Origin were presented in the accepted form consisting of a three column table which contained “current provision”, “proposal” of the amendment and “explanatory notes” to each amendment proposed.

The draft amendments were presented and discussed with the IPA. As a result of the discussions the final version of the amendments was made and the tables of concordance were prepared, reflecting the concordance of the amended Law on Geographical Indications and Designations of Origin (as proposed) with the EU *acquis*, in particular the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights and Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

It was proposed that 26 articles should be amended; some amendments relate to several provisions (i.e. paragraphs and sub-paragraphs); the insertion of 10 new Articles as also proposed. The amendment of 24 Articles is necessary to be adopted in order to harmonise the Law with the relevant EU *acquis* in the field, whereas the other amendments are significant for the proper implementation of the Law.

The beneficiary decided to prepare a new draft Law rather than to amend the current Law. The draft Law was endorsed by the Government and tabled in the National Assembly for consideration and adoption.

A.1.2.3 Amendment of the Law on Copyright and Related Rights

Based on the Gap Analysis Report in the field of copyright a proposal for amendments of the Law on Copyright and Related Rights was prepared. The proposal was presented in a table with three columns: the first one contained the text of the respective provision of the current Law; the second column – the text of the provision with the highlighted amendments; the third column included explanatory notes. The final version of the proposed amendments was submitted on 27 January 2014.

The major amendments to the Law relate to:

- the definition of satellite and cable retransmission in Article 4,
- the introduction of provisions on orphan works in Articles 12a, 12b and 12c,
- the right of reproduction and its accurate definition in Article 23,
- the resale right as far as the time limit for information and material reciprocity are concerned in Article 36,
- the exceptions of private use for libraries, ephemeral recordings, use for informational purposes and use by the press of published articles in Articles 44 paragraphs 3, 45, 49, 57,
- the permitted uses of orphan works in Article 59a,
- the term of protection in Article 61, 137, 141 and 146,
- the right of equitable remuneration in Article 132,
- the exercise of the rights by CMOs in Article 160 paragraph 2,
- the mediation in Article 176 and the relevant regulation in Article 7 paragraph 2, and
- the provisions for enforcement of Articles 177, 181, 184, 185, 186 and 189.

Later on, as a result of the training of the OCRR it was found that there was a room for further improvement of the Law beyond the amendments necessary for compliance with the *EU acquis*. The KE2 expert drafted further proposals to be included in the Copyright Law, namely provisions related to supportive measures for collective management organisations and provisions for rules that would considerably simplify the existing provisions on contracts.

The amendments were endorsed by the OCRR and the MCYS and a draft Law amending the Law on Copyright and Related Rights was prepared and submitted to the Government for approval.

After having been approved the draft Law was tabled in the National Assembly for consideration and adoption. The draft Law has successfully passed the first reading.

A1.2.4 Amendment to the Criminal Code

A proposal for amendments to Articles 295–298 of the Criminal Code of Kosovo was drafted. It was built on the prior review of the relevant Articles of the Criminal Code of Kosovo (Code No. 04/L-082).

It was proposed that Articles 296 – 298 be repealed and all intellectual property rights be covered by Article 295. The latter is entitled “Violation of intellectual property rights and contains 13 sub-paragraphs related to:

- Violation of copyright and related right – property rights
- Violation of copyright and related right – moral rights
- Violation of copyright and related right – circumvention of technical measures
- Violation of trademarks
- Violation of geographical indications
- Violation of industrial design
- Violation of patents
- Violation of topographies of integrated circuits
- Violation of plant variety rights
- Violation of conditional access
- Aggravated copyright and trademark violations
- Especially aggravated copyright and trademark violations
- Confiscation

The proposal for amendment of the Criminal Code encompasses all intellectual property rights as all of them are important to a market economy. Arbitrary results in criminal cases concerning intellectual property rights will be prevented. A reference to the underlying substantive intellectual property law is made thus avoiding any limitations of protected intellectual property rights or any limitations of the scope of each right.

The proposal removes some limitations, e.g. trademark violations are not limited to those that are deceptive towards consumers as it is in the current Article 298, which is contrary to the Law on Trademarks.

The sanctioning is coherent. In the proposal the sanctioning of more serious copyright and trademark violations is higher than in regards to other intellectual property rights such as patents, industrial designs, geographical indications and plant variety rights. The justification for this is that organized crime is mainly involved in violations of copyright and trademarks.

Violations of conditional access (Directive 98/84/EC) should be included when substantive legislation concerning this area is in force in Kosovo. The justification for this is that conditional access is closely connected to copyright.

The proposal for amendments to the Criminal Code was submitted to the IPA and the Legal Department of MTI. The project was informed that the draft was forwarded the Ministry of Justice. No further information was received by the project regarding the fate of the proposal.

A1.2.5 Amendment to the Administrative Instructions in the field of industrial property

Although the consideration of the proposed amendments to the laws in the field of industrial property was delayed due to the political situation in Kosovo, the project decided to implement the activities according to the approved Work Plan and prepare the amendments to the AIs following the amendments to the laws.

A1.2.5a Amendments to the AI No. 10/2012 on the Procedure for Registration of Patents

The amendments to the AI follow the draft amendments to the Law on Patents and were prepared on the basis of the relevant EU Directives and Regulations and the international acts in the field (Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, European Patent Convention, Patent Law Treaty).

As a result of the review of the AI it was reported that the latter is in line with the EU standards to a large extent, but still needed to be amended with respect to the Directive 98/44/EC on the legal protection of biotechnological inventions and Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products (SPC Directive).

Amendments to 16 Articles were proposed:

Article 14 was supplemented with a view to providing the biological material to the requester in various stages of the patent granting procedure.

An extension of the duration of the supplementary protection certificates for medicinal products was introduced in Articles 31 – 34, thus bringing the AI in line with the SPC Directive.

Eleven other (11) Articles were amended and the terminology in the whole instruction was improved.

The amendments were discussed with Mr. Avdi Krasniqi, patent examiner at the IPA.

A1.2.5b Administrative Instruction No 13/2012 on Trademark Registration Procedure

The AI was amended and supplemented on the basis of the findings as a result of its review and in line with the amendments to the Law on Trademarks.

The main amendments relate to some procedural matters, namely:

- Chapter III is supplemented with: an Article regulating the procedure for consideration of observations; two new paragraphs are added to Article 13 and one – to Article 16; some additional requirements to the content of the opposition when it is based on well-known marks, marks with reputation and marks filed by the agent or the representative of the actual trademark holder; explicit regulations on opposition and evidence filed in foreign language. An indication that when the opposition is based on more than one earlier trademark, all of the requirements to the content of the opposition should be indicated for each of the earlier trademarks.
- Article 17 is supplemented with the conditions for suspension of the opposition procedure, namely when the earlier trademark is pending registration, revocation, invalidity or renewal.
- The requirements to the content of the authorization are set up in Article 45

The proposed amendments were discussed with Mr. Veli Hoti.

The expert pointed out that the draft amendments to the AI might be adopted before the adoption of the amendments to the Law on Trademarks as they are not in contradiction neither the current Law, nor the draft amendments to the Law. The amended AI will improve the IPA performance.

A1.2.5c Administrative Instruction No 11/2013 on Industrial Design Registration Procedure

Due to the maternity leave of the expert who reviewed the Law on Industrial Designs, the amendments to the AI on Industrial Design Registration (activity A1.2.5c) were prepared by an expert from OHIM.

As a first step in the amendment of the AI the expert made an in-depth study of the legal provisions of Kosovo pertinent to the protection of industrial designs, in particular the Law on Industrial Designs No. 04/L – 028 and the amendments to it and the current Administrative Instruction 11/2012 on Industrial Design Registration, and Administrative Instruction No. 12/2012 on Administrative Taxation for Registration of Industrial Property Objects.

While studying the amended Law, the expert established some further errors and inconsistencies in the substance and poor English in the wording which made it necessary to correct them. The corrections were done in MS Word with the “track change” enabled in order to follow and verify the changes. Besides the corrections of errors, the main changes made concern the rewording of the priority right, the relationships to other forms of protection, and the claim for damage.

On the basis of the corrected draft Law and the legal provisions currently in force the revision and amendment of the AI on ID was completed. The amendments to the AI were done with the aim to simplify and clarify the Instruction, i.e. the formalities for filing an application on paper and electronically were adapted to modern standards.

The amendments to the Law and the AI were discussed with the Team Leader and afterwards presented to the Director General Mrs. Flutra Hoxha and IPA representatives Mr. Adel Bytyqi and Mr. Veli Hoti.

Besides the preparation of the draft amendments to the AI on ID Registration, a number of industrial design applications were considered together with Mr. Adel Bytyqi, the examiner in charge of industrial designs.

A1.2.6 Drafting of the AI on GIs and DOs Procedure

The project assisted the IPA in drafting the Administrative Instruction on GIDO Registration as the Law on GIs and Dos was adopted by the National Assembly in June 2013.

A working group with the purpose to consider the draft AI was established at MTI. It consisted of three representatives from the IPA, one representative from the MTI Legal Department, and two representatives from the Ministry of Agriculture, Food and Rural Development.

At the request of the IPA a workshop for the working group was organized on 25 and 26 November 2013 in Durres, Albania. The draft AI was considered by the WG on an article by article basis. Two representatives of the General Directorate of Patents and Trademarks of Albania presented the procedure for registration of GI in Albania and shared some practical experience with respect to GIs.

The draft was successfully finalised. Along with it, some amendments to the Administrative Instruction on Administrative Fees for the Registration of Industrial Property Objects were prepared.

The AI No 5/2014 on GIs and DOs entered into force on 13 January 2014.

A1.2.6a Amendment of the AI Administrative Instruction No 05/2014 on Geographical Indications and Designations of Origin

After the Law 04/L-187 on Geographical Indications and Designations of Origin was reviewed and a proposal for amending it was prepared by the project, relevant amendments to the Administrative Instruction were drafted too.

The expert's mission was carried out from 12 to 15 January 2015. Taking into account that the AI had to be brought in line with the latest EU legislation in the field, as a first step of the mission, the AI was reviewed against the Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules, and Commission Implementing Regulation 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs. In the process of drafting the amendments, further discrepancies were found, which were also amended during the expert's mission.

Amendments to 13 Articles of the Administrative Instruction were proposed; some of them contain amendment of several provisions (i.e. paragraphs and sub-paragraphs) as well as the insertion of 2 new Articles. 5 Articles are amended with the purpose of full harmonization with the relevant EU acquis in the field, whereas other amendments are necessary to implement the proposed amendments to the Law.

The amendments to the AI on Geographical Indications and Designations of Origin were prepared in the requested form consisting of a three column table which contained "current provision", "proposal" of the amendment and "explanatory notes" to each amendment proposed.

The draft amendments were discussed with the IPA in January 2015. Following the discussions, the final version of the amendments was made.

It was recommended to adopt the amendments to the Administrative Instruction on Geographical Indications and Designations of Origin after having it properly translated into official languages of the Republic of Kosovo and checked against the official languages terminology and against other relevant legislation of the Republic of Kosovo. Also it is necessary to design the symbols that will be used together with protected indications to publicise protected geographical indications, protected designations of origin and traditional specialities guaranteed. These symbols need to be established and annexed to the Administrative Instruction under these amendments.

A1.2.7 Amendments to the Copyright Regulations

It was proposed an amendment to Article 7, paragraph 2 of the Regulation on Mediation as this provision and the corresponding provision in the Law on Copyright and Related Rights differ from the 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, OJ L 248, 6.10.1993 p. 15-21). It requires an inclusive or mutual agreement, whereas the Directive assumes the acceptance of the proposal of the mediators if none of the parties expresses its opposition within 3 months.

The modified provision reads as follows: "It shall be assumed that the parties accept the proposal for the settlement of the dispute if none of them expresses its opposition, within a period of three months from the delivery of the proposal. Notice of the proposal and of any opposition thereto shall be served on the parties concerned in accordance with the applicable rules concerning the service of legal documents."

A.1.2.8 Drafting of Regulation on Private Copy Scheme

A draft regulation based on the *EU acquis* and emerging European and International best practices was submitted by the KE2 expert in its final version on 27 January 2014. The levy system is put in place because right holders do not have any other possibility to be compensated for copies made by end users. A private copying system is very common in Europe but at the same time, there are many disparities in administering private copying and reprography levies in EU, due to different traditions and values underpinning the cultural policies of Member States, as well as to economic factors such as income per capita.

The Kosovo's Copyright Law introduced private copying and reprography exceptions in article 44, since it is practically impossible to grant permission to a large number of users or monitor such uses. In return, for the loss of revenues or harm caused to the right holders by private copying, compensation is due to authors and owners of related rights according to article 38. Article 39 sets out the liability of manufacturers and importers for such compensation. The amount of such remuneration shall be decided by the Government according to article 40 paragraph 1.

The proposed Regulation contains 16 Articles organized in two chapters, namely:

Chapter 1 is dedicated to reproduction of works for personal and private use: scope, liability for payment of private copying compensation, time for the payment, categories of the products subject to the private copy compensation, amount of remuneration to be paid, reporting, joint liability of the distributors, and collection and distribution.

Chapter 2 provides for the rules for reprographic reproduction: scope, liability for payment of private copying compensation, time for the payment, categories of the products subject to the private copy compensation, amount of remuneration to be paid, reporting, joint liability of the distributors, and

There are various advantages in adopting this regulation since experience in EU Member States shows that stakeholders may engage in extensive and time-consuming disputes. The absence of a regulation on private copying compensation paralyses the normal operation of the market for devices and media in Kosovo and creates a major legal uncertainty for those liable to the compensation (i.e. manufacturers and importers) and right holders. Manufacturers and importers bear the financial risk since they do not know whether, and to what extent, they should have included levies in the price of their products. Levies can be claimed retroactively, due to a late decision on the applicability of a levy to a product introduced to the market. In a similar vein, the situation has a negative impact on right holders since they do not know the levels of fair compensation they can expect. Furthermore, the payment may reach right holders only a long time after a given product is put on the market and the 'harm' has occurred.

The Regulation on Private Copy Scheme was part of the agenda of the Ministry of Culture for 2014. However, due to the political situation in 2014 the draft was not considered.

The MCYS have started to work on the draft Regulation. The latter was finalised by the KE2 and the OCRR Director in October.

A.1.2.9 Drafting of Regulation on administrative fines

Administrative sanctions are one of the possible remedies against copyright infringement as it arises from provisions of the Law on Market Inspectorate. However, for the sake of clarity it was recommended that a relevant provision in the Copyright Law should be included in order to regulate in an administrative instruction the administrative procedure. The text of the amendment to the Law was drafted and based on this Article a draft administrative instruction for administrative fines was

prepared. The draft follows mainly the example of the Hellenic legislation on copyright. Experience shows that administrative fines could be a deterrent remedy for fighting against piracy.

The expert pointed out the advantages of adopting such a provision and regulation. This new regulation would expand considerably the frame of protection and would bring the following changes:

- Policemen would be disengaged, because of the raising of the culpable character; thus the long lasting criminal hearing will not take place any more.
- The government would obtain prompt and important revenue, which is a clear public income.
- It would discourage people from infringing copyright, because it would establish a direct way of punishment.
- It would motivate state authorities to take action, thus the piracy rates will be reduced.

The draft was submitted to the beneficiary on 27 January 2014. The expert recommended that the OCRR should liaise with Industrial Property Agency and the Market Inspectorate for considering the proposal.

A.1.2.10 Drafting of Regulation concerning the digital piracy

The draft regulation is based on the *EU acquis* and emerging European and International best practices. It takes into account that, where notice-and-take-down procedures have been regulated in sufficient detail both in Europe (for example, in the Hungarian Copyright Law) and in other countries (for example, in the Copyright Act of the United States), they have turned out to be well-functioning means of fighting against online piracy. The internet service providers (ISP) are ready to cooperate and, while several hundred thousand notices are delivered and fulfilled every year, the number of counter-notices only amounts to a very low percentage.

There are various advantages of a detailed regulation on a notice-and-take-down procedure. In particular, (i) it may determine appropriate deadlines and eliminate, in that way, legal uncertainty; (ii) it may guarantee for alleged infringers appropriate defence in the form of presenting counter-notices if they believe that no infringement has taken place; (iii) it may make it clear that service providers, if they act in accordance with the detailed norms, are not liable if they take down (alleged) infringing materials or reintroduce them as a result of counter-notices; and (iv) it may offer adequate protection against the misuse of the system by making owners of rights liable for possible false notices.

The system consists of the following elements: (i) the owner of rights sends a formal notice to the ISP about infringing material on its network, (ii) the ISP is obligated to “take down” – delete or block access to – the infringing material promptly, (iii) the user of the service may send counter-notice alleging that the material is not infringing; (iv) in case of a counter-notice, the ISP informs the owner of right that, unless it initiates a civil or criminal procedure due to the infringement, the material will be reinserted; (v) in case of such a procedure, the ISP should be informed about the final decision promptly and it maintains the removal or reinserts the material; (vi) the ISP is exempted from any liability if it acts in accordance with the rules of the system; (vii) in contrast, owners of rights are liable for any misuse of the system.

The regulation was drafted on 3 December 2013 and submitted to the OCRR in its final version on 27 January 2014. It contains 5 Articles. Article 1 sets up the conditions for exemption from liability for infringements of copyright or related rights committed by users of the services of an online service provider. Article 2 determines the necessary content of a notice to be sent to the service provider. Article 3 contains detailed procedural rules of the notice-and-take down system.

The provision of Article 4 is necessary to exempt service providers from any liability if they act in accordance with the provisions on the notice-and-take-down system. Article 5 offers guarantee

against possible misuse of the notice-and-take-down system by owners of rights. The draft was thoroughly explained during the training for the OCRR staff in January 2014. It was recommended that the Copyright Office should liaise with the Internet service providers for adopting the draft Regulation.

A1.2.11 Transposition of the EU Directive on CMO

The KE2 prepared a table of concordance between the Kosovo Law on Copyright and Related Rights and the 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. After several meetings with the OCRR and a representative of one of the licensed CMO it was decided that the project should assist in drafting a new Law on Collective Management.

The draft Law on Collective Management is being prepared by the KE2. It contains 38 Article organised in 10 chapters:

Chapter I General provisions; this chapter determines the scope of the law, the functions, rights and obligations of the CMO, the mandatory and extended collective management

Chapter II Authorisation to conduct collective management; this chapter stipulates the establishment of the CMO and the conditions to grant authorisation to the organisations by the OCRR

Chapter III Representation of rightholders, membership and organisation of collective management organisations: the subjects of this chapter are the operational standards of CMO, the rights of the right holders, membership rules of CMO, rights of the right holders which are not members of the CMO, general assembly of the members of CMO, the supervisory board of a CMO and the obligations of the persons who manage the business of a CMO.

Chapter IV Management of rights revenue: this chapter deals with the collection and use of rights revenue, deductions from the rights revenue, and the rules for distribution of the amounts to the right holders.

Chapter V Management of rights on behalf of other collective management organisations

Chapter VI Relations with the users: this chapter determines the rules for establishment of tariffs and users' obligations.

Chapter VII Transparency and reporting; this chapter determines the obligations of the CMO to provide the right holders with information about the management of their rights and the disclosure of information to the public.

Chapter VIII Multi-territorial licensing of online rights in musical works by collective management organisations

Chapter IX Supervision of Collective Management organisations by the OCRR

Chapter X Transitional and final provisions – according to this chapter, the implementation of Chapter VIII will enter into force after the accession to the EU; upon entry into force a number of article in the Law on Copyright and Related Rights will not have effect.

The draft Law has been submitted to the OCRR for consideration.

A1.2.12 Amending the AI on Appeal Committee

Following the results of the review, a draft AI on Appeal Commission was prepared. The draft AI contains 13 Articles. The structure of the current instruction was followed to a maximum extent.

The following main elements are introduced:

Article 4 Composition of the Appeal Commission

- Article 4 (corresponding to Article 5 of the current AI) is supplemented by some details regarding the permanent members of the AC: one of them must be a staff member of the IPA and the other must be the Chair of the Commission. The possibility of re-appointment of the permanent members is included.
- A new Article 6 is formulated: Form of the appeal and term for appeal, which is a combination of Article 4, paragraph 2 and paragraph 8 of Article 7 of the current AI. The main change is that the appeal should be filed with the IPA, not with the MTI. This will reflect the change in the status of the respective IP object.
- Some amendments are made in the content of the appeal – some requirements are deleted, e.g. the requirement for the number of the decision.
- The Article setting up the procedures at the AC is redrafted: examination on admissibility and formal requirements is included. The appellant should be provided with some time to remove the defects. If he fails to do so, the appeal must be left without consideration. Another step of the procedure is to give an opportunity to IPA and other parties involved in the case (e.g. when a decision on opposition or invalidation is appealed) to make comments on the appeal. As an alternative it is suggested that the second permanent member studies the case and reports it to the other members of the Appeal Commission.
- The provision of this Article 9 Decisions of the Commission is supplemented with the types of the decisions the Commission can take. Some of the paragraphs of the current Article 9 are moved to other Articles. The Appeal Commission must provide the IPA with the decision which needs to be entered in the database.
- Article 10 giving an opportunity to appeal the decisions of the AC to the competent court obliges the appellant to provide the IPA with a copy of the appeal as well as the final decision of the court. The article is supplemented with a provision clarifying the case in which the AC fails to take a decision.

A new transitional provision is included: the Administrative Instruction should be applied to appeals filed after its entry into force.

The draft AI was discussed in detail with the current Chair of the AC Ms. Selvie Ceku. Her comments have been reflected in the draft.

A1.2.13 Drafting of AI on Administrative Sanctions in the Field of IPRs

This activity is included in the project Work Plan for the extension period based on the discussions at different event for enforcement institutions (seminars, meetings, national conference) and the draft AI on administrative fines in the field of copyright.

Under the Law № 03/L-181 on Market Inspectorate the market inspectors have some competences to undertake actions with regard to enforcement of intellectual property rights. However, serious concerns have been raised that due to lack of proper delegation in the material acts regulating intellectual property rights in Kosovo. The opinion is that the Market Inspectorate is not authorized to enforce IPR and lacks the procedure to undertake such actions in cases of IPR infringements. Goods suspected of infringing intellectual property rights had been seized, but the decision was grounded on the lack of proper documentation proving the legitimate origin of the goods.

In order to fill this gap in the legislation, a draft provision for each IP Law authorizing the market inspectors to enforce IPR was prepared. The Article contains two paragraphs – the first paragraph

authorizes the market inspectors to establish IPR infringements in accordance with the Law on Market Inspectorate. The second paragraph stipulates that the procedure for conducting market inspections with regard to trademarks, for establishment of infringements, for penalty enforcement and collecting of fines as well as other details necessary for the application of the enforcement provisions will be determined by by-law.

A draft Administrative instruction on administrative sanctions in the field of intellectual property rights was prepared. The draft contains 13 Articles:

Article 1 determines the purpose of the AI – to define the procedure for conducting market inspections with regard to trademarks, industrial designs, copyright and related rights, for establishment of infringements, for penalty enforcement and collecting of fines imposed in accordance with the Law on Trademarks, the Law on Geographical indications and designations of origin, the Law on Industrial design and the Law on Copyright and related rights.

Article 2 clarifies which IP Law must be applied in case of infringements.

Market inspections may be initiated at the request of the right holder, upon referral from other institutions or ex officio. Articles 3 - 6 set up the procedure in each of these cases. Article 7 determines the way of conducting an inspection and Article 8 – seizure of goods. Every inspection must be completed with a report and a decision (Articles 9 and 10). According to Article 11 the decision may be complained before the Chief Inspector and the decision of the Chief Inspector may be appealed before the competent court.

Article 13 determines the execution of the decision.

The amendments to the IP legislation with respect to the administrative enforcement and the draft AI were broadly discussed with the Head of the MTI Legal Office and the lawyer at the Market Inspectorate.

The draft AI was finalized in in cooperation with the representative of the Market Inspectorate.

The proposed Article authorizing the market inspectors to establish IPR infringements was not included in the Law on amending and supplementing the Law on Trademarks because the procedure at the Assembly was almost completed.

Translation of documents

It should be noted that all amendments were translated into Albanian.

3.1.3 A.1.3 Assistance in the drafting and adoption of an IP vocabulary

A vocabulary of the terms used in the IPR EU directives and regulations was constructed. The relevant EU acts as well as some international acts which were taken into consideration are presented into the table below:

Copyright	Industrial Property
DIRECTIVE 2012/28/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on certain permitted uses of orphan works	Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions
DIRECTIVE 2009/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23	Proposal for DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the

April 2009 on the legal protection of computer programs	patentability of computer-implemented inventions
DIRECTIVE 2006/116/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2006 on the term of protection of copyright and certain related rights	Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products), OJ L 24, 27.1.1987 p. 36-40)
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	Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs, (OJ L 289, 28.10.1998 p. 28-35
DIRECTIVE 2001/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society	Council Regulation (EC) n° 6/2002 of 12 December 2001 on Community Designs
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	Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version), (OJ L 299, 8.11.2008 p. 25-33)
Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of the databases	COUNCIL REGULATION (EC) No 207/2009 of 26 February 2009 on the Community trade mark
Council Directive 93/83/EEC of 27 September 1992 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning customs enforcement of intellectual property rights
Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights	COUNCIL REGULATION (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
Berne Convention Rome Convention WIPO Copyright Treaty	COMMISSION REGULATION (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
WIPO Performers and Phonogram Treaty WIPO Copyright Glossary	European Patent Convention

The vocabulary contains around 600 terms which were Law on amendments and supplements the Law on Trademarks translated into Albanian. The vocabulary was published on the website of OCRR.

3.1.4 A.1.4 Assistance and support through coordination process

The KE2 provided several comments on the feedback received from Ministry of EU integration upon the request of the OCRR. He also attended the deliberation on the Law on Copyright at the Assembly on 16 October 2015.

The Team Leader supported the discussion of the Law on GIs and Dos in the National Assembly after the first reading.

3.2 A2 Capacity building for IPA and OCRR

3.2.1 A2.1 Assistance in completion and update of the database

A2.1.1 Assessment of the IT infrastructure of the IPO

A2.1.2 Drafting of development plan

A senior non-key expert was hired under the project to make an assessment of the IT infrastructure of the IPA together with a WIPO consultant Mr. Adel Baccouche. A common mission of both experts took place in June 2013.

The expert and the WIPO consultant evaluated the situation of the IT infrastructure through holding meetings with the IPA Director, relevant staff of the IPA and MTI, as well as with the Customs IT sector. The IT equipment at the IPA and Customs was checked with the purpose of identifying if there was a need for new computers and servers. The functionality of the System was also tested. Based on the findings during the meetings and the feedback of the IPO staff respective recommendations were made with respect to the installation of the latest version of IPAS (IPAS Java).

As a result of the evaluation it was concluded that Kosovo IPA had made considerable progress regarding the automation of the procedures through using IPAS. Since the initial automation implementation in 2011, the bibliographic data of the new trademark applications were captured in the system; all new TM applications are systematically received in IPAS; the latter assigns automatically a serial number and a reception date; twenty IP gazettes were generated automatically from the automation system; any official notification issued during the examination procedure of the trademarks is automatically generated through IPAS workflow.

Thanks to the good cooperation with the Ministry of Trade and Industry and Ministry of Public Administration, the IP Agency had a decent IT infrastructure framework, good workstations, safe and well performing network infrastructure, efficient and well organized ICT infrastructure. The Customs ICT hosts the IPAS database and application server within its own ICT hardware infrastructure including all related services such as database backup and network security. Part of Customs Oracle licenses is allocated to the IP Office.

During the meeting with the Customs IT management the experts were informed that the Customs were in a process of purchasing of a set of new servers and the licence of the Oracle 11G Release 2; one of these servers and some Oracle licenses could be provided to the IP Agency.

Along with the positive findings the following problems had been identified:

- Lack of sufficient staff to handle all the services;

- The revalidated Trademarks, Patents and Industrial Designs had not been migrated into IPAS. IPAS was already configured for patents and industrial designs and additional staff need to be recruited in order to handle migration process. Having all the records into IPAS the examination and searching process would be facilitated. The data already imported need to be checked and clean from the incorrect or missing information.
- There was no official plan for developing the Information Technology environment and services, and a disaster – recovery policy.

Based on the activities carried out and the results of the mission, the following recommendations are made:

- The number of staff should be increased as it is crucial for the daily work processing and the services to be provided by the Agency;
- The installed version of IPAS should be migrated to IPAS Java, in order to upgrade the automation services and to profit more from the new features of the IPAS Java. The staff should be trained to use IPAS Java.
- The revalidated trademarks must be captured in IPAS and then processed according to the specific workflow which had been set-up for them.
- Regarding the automation of the Patents and Industrial Designs Registries: the patent and industrial design applications must be incorporated without delay as their number was constantly increasing.
- Hosting the database on the Customs servers was a very good solution as they had very good IT staff; they also support the IPA through maintaining the database and even offered to allocate a new server, so we recommend that the IPAS database be hosted on their server.
- Disaster – recovery policy of the database should be drafted, adopted and implemented.
- A cooperation agreement (or MoU) on IPAS maintenance between IPA, Ministry of Trade and Industry, Ministry of Public Administration and Kosovo Customs must be adopted. The agreement should specify the IT staff to be responsible for IPAS maintenance.
- The IPA staff should be trained to classify the figurative elements of the trademarks according to the Vienna Classification of Figurative Elements with a view to providing logo searches to the public.

The results of the mission were reported to the IPA and MTI management and the advantages of IPAS Java for improving the IPA performance and productivity were explained.

An IT Development Plan for the installation of IPAS Java and further development of the system was drafted. The recommendations were taken into account and a deadline for each step was determined. It was emphasized that the IT Plan could be successfully implemented only in coordination and support of WIPO.

A2.1.3 Implementation of the IT Development Plan

A non-key senior expert on IPAS was hired to implement the IT Development Plan.

A second mission of the WIPO consultant Mr. Adel Baccouche and the expert took place on 24 and 25 March 2014 with the purpose of assessing the progress in implementation of the recommendations made as a result of their first mission in June 2013 and initiating the implementation of the IT plan.

It was found that a new server with Oracle 11 R2 licenses was allocated for the purposes of IPAS which meets the IPAS requirements. Further to that, Kosovo Customs have “Business continuity and disaster recovery plan” which was assessed as very good.

The database and the Excel Spreadsheets prepared by the IPA were checked. It was established that there was a very little progress in respect to revalidated trademarks and patent files. The data already imported in IPAS had not been checked and cleaned from incorrect or missing information.

Mr. Baccouche, the project Team Leader and the IPA Director General met with the MTI Secretary General Ms. Eljana Naka and explained the challenges being faced by the Agency to implement the recommendations of the first mission. The meeting was attended by Mr. Irfan Lipovica, Director of EU Integration Department. Ms. Naka committed to provide additional support to the Agency for overcoming the challenges.

During this mission the expert introduced the IPA staff to IPAS Java by demonstrating its functionalities. IPAS Java and the data already imported were migrated to the new server. The expert migrated also the data of the industrial design applications (without the representations of the designs). Mr. Avdi Krasniqi, the IPA staff member responsible for IPAS, was trained on how to administer the system. It was decided that the IPA Bulletin would be generated by IPAS Java, but the staff should continue using IPAS Centura.

Next two missions of Ms Hajdari took place in June and September 2014. The expert continued the implementation of the activities prescribed in the IT Development Plan.

In June the expert established that the implementation of the tasks by the IPA went very slowly and without the necessary seriousness and attention. The data already imported into IPAS had not been checked and cleaned from incorrect or missing information; more than 40% of the revalidated trademarks had not been presented in the required Excel Spreadsheet. There was no regular control of the data captured in the excel spreadsheet prepared for their migration into IPAS, as a result of which the quality of the data was poor. Due to the lack of an agreement with the Customs on IPAS Java maintenance Customs had installed a software application on the IPAS hosting server which created some problems during the installation process of IPAS Java.

As a result of the mission the expert made a number of recommendations:

- The Excel Spreadsheet of the revalidated trademarks must be completed before the next mission with a view to migrating them into IPAS and completing the TM database;
- Excel Spreadsheets must be prepared for the patent and industrial designs data in order to be migrated into IPAS;
- A cooperation agreement on IPAS hosting and maintenance must be concluded between the IPA, Public Administration and Kosovo Customs. The agreement must specify the IT staff which will be responsible for IPAS maintenance;
- The examination of the files and user documents must be handled by the IPA staff on time in order to manage the automatic actions “date is due”;
- The Agency should start classifying the trademarks according to the Vienna Classification of Figurative Elements; it will result in better quality of the search services provided by the IPA;
- Providing online access to the IP Registries on the IPA website. It is recommended the project resources to be used as much as possible for removing the incorrect or missing information from the databases.

The expert's mission in September 2014 revealed that the most important recommendations had been implemented: the data on patent applications and industrial design applications had been entered into Excel Spreadsheets; the Excel Spreadsheet of revalidated trademarks had been completed and the mistakes were corrected. The IPA prepared a draft MoU with Customs on hosting and maintaining the IPAS. The expert suggested the main clauses of the MoU. The draft MoU had been forwarded to the Customs for consideration.

Along with this progress, the expert established that the automation processes run by IPAS still remained improperly handled by the staff. User documents received in IPAS (requests for renewals, changes, formalities corrections, etc.) were not processed in IPAS on time, which resulted in lots of actions automatically generated by IPAS.

During both missions the expert configured IPAS Java on all staff computers and checked its functionality; with the support of the staff the errors from the Excel Spreadsheets were removed; revalidated trademarks were migrated into IPAS; the system was configured in respect of industrial designs and patents, according to the procedures established in the Law on Industrial Designs and the Law on Patents; the configuration was validated; patent applications, granted patents and templates were also migrated into IPAS. IPAS characteristics and functionality were demonstrated to the staff and Director General and individual on-the-job training for the IPA staff responsible for IPAS administration as well as to every staff member was delivered. Mr. Adil Bytyqi was trained to back up Mr. Krasniqi.

The expert reported that the system configuration and templates are fully operational. The data on trademarks, patents and industrial designs were migrated into IPAS except the representation of the revalidated trademarks and industrial designs. Templates for patent, trademark and industrial design templates (with the exception of the opposition templates) were also uploaded and can be used for the incoming applications, thus facilitating the daily performance of the staff. The recommendations made as a result of the missions address the MoU on IPAS hosting and maintenance between IPA and Kosovo Customs; the completion of the database in IPAS and their cleaning from incorrect or missing information.

The expert recommends that an IT specialist is recruited at the IPA for technical maintenance of IPAS. As a temporary solution an IT staff member from the Customs should be nominated and trained in IPAS issues.

Two further expert's missions were conducted in November 2014² and January 2015.

As all IT systems have a testing period to compile and fix the errors, one of the expert's tasks in all missions was to find out, collect and fix such errors. Along with this the IPAS functionality was regularly checked and the progress with respect to IPAS – evaluated.

During her mission in November, the expert fixed the problems reported by the staff and uploaded approximately 350 trademark logos and new user documents; the automatic back-up procedure was configured and made operational on the IPAS server. She also trained Mr. Krasniqi, the employee responsible for IPAS, in monitoring the procedures and IPAS administration. Further training in IPAS usage was delivered to the other staff members.

In January 2015 the IPAS implementation was completed. The roles and authorizations were configured and linked to all IPAS users. Some problems were also fixed, e.g. generation of the Excel and Word reports from IPAS which is a very important tool to generate reports and statistics from IPAS); acceptance of user documents for the 2011 series; automatic generation of the list of patents annuities according to the national legislation, etc. Some user document types were added at the request of the staff. These documents will improve the information stored in IPAS for all requests or arguments filed with the Agency.

Few Customs IT staff members were also trained in IPAS installation procedure. The step by step procedure was recorded and delivered to the Custom IT staff.

In her mission report the expert summarizes the results of all missions:

² During this mission the IPA had an Acting Director due to the resignation of Ms. Hoxha.

- IPAS is fully operational; technically all IPAS features related to the file administration and processing are implemented;
- IPAS is configured according to the legislation in force.
- All bibliographic data of patents, trademarks and industrial designs are uploaded to IPAS; however, they need to be corrected and cleaned up from errors made during the data capture;
- The database is not completed as there is missing information which must be uploaded to IPAS too;
- All IPA staff members were trained in IPAS usage according to their respective duties. Mr. Krasniqi was constantly trained during all the missions in IPAS administration, configuration and installation. The staff is satisfied with IPAS functionality and its features.

Due to the very slow progress in implementation of the expert's recommendations, the last step in the IT development plan, publication of the IP Registers, could not be realized. Appointment of an employee with IT background, as well as cleaning the data from errors are a prerequisite for providing public access to the IP Registers through the IPA website.

Given the importance of sustainability and the fact that no specialist with IT background had been appointed, a meeting with the MTI Minister Mrs. Hykmete Bajrami was held. Mr. Hafiz Gara, Acting IPA Director, Mr. Avdi Krasniqi, IPAS administrator, Mrs. Erjola Hajdari, IPAS expert and the Team Leader participated in the meeting. The Minister was informed about the importance of IPAS, its maintenance and administration, and what measures must be taken in order to ensure sustainability after the end of the project. It was emphasized that the appointment of a specialist with IT background to be responsible for IPAS administration and maintenance, is crucial for the proper functioning of the system and its future development. It was further explained that this person would serve as the contact point between the IPA and WIPO which will facilitate and strengthen the relations between the IPA and WIPO.

Based on the activities carried out and the results of all missions of the expert, the following recommendations were made:

- A specialist with IT background must be appointed as soon as possible. S/he will be responsible for IPAS administration and maintenance; a detailed job description should be approved by the IPA management. This will ensure the proper functioning of the system and its future development as well as the possibility to take advantage of all future versions of IPAS developed by WIPO. It should be emphasized that the implementation of this recommendation is crucial for the IPAS future. The improper functioning of the system will have a very negative impact on the daily work of the staff and their performance;
- Until another solution on IPAS hosting is found, the Annex to the current MoU between IPA and Kosovo Customs must be concluded as soon as possible in order to ensure legitimacy of their responsibilities. The Annex must set up the obligations of both parties regarding IPAS hosting and maintenance. It is recommended that the suggestions made by the expert are taken into account;
- All data captured in IPAS must be checked and cleaned up from incorrect or missing information; to this end it is recommended that every employee checks the correctness of the data of the application/registered IP objects s/he deals with and makes the necessary corrections; the management of the IPA must issue an order imposing this obligation to the staff;
- The IPA staff must start processing the applications for patents, trademarks, and industrial designs and user documents related to these applications on time; creating a backlog of

requests for renewal or pre- or post-granted changes is not recommended as this information must be published along with the published applications or registered IP objects. Following this recommendation will prevent the automatic action “date is due” and the system will show correctly the current status of each application or granted right;

- Providing the IP registries online on the official website of the IPA is also recommended after implementing the above recommendations;
- It is recommended that the trademarks should be classified according to the Vienna Classification of Figurative Elements which will lead to better quality of the search services provided by the IPA and better exploitation of IPAS features.

A2.1.4 Training of IT staff

A2.1.4a On-the-job training for the IT specialists

The expert delivered training in IPAS to the IPA staff responsible for IPAS – Mr. Avdi Krasniqi and Adil Bytyqi. Mr. Krasniqi was trained in IPAS administration, configuration and installation. Mr. Bytyqi was trained to back-up Mr. Krasniqi in case he is not at the Agency.

As long as there was no IT specialist at MTI/IPA to deal with IPAS, the expert delivered training in IPAS to few IT specialists at the Customs.

A2.1.4b Study visit for the IT staff

At the recommendations of WIPO, the study visit for the IPAS staff members took place at the Bulgarian Patent Office (BPO) from 24 to 26 November 2014. The purpose of the study visit was to introduce the participants to the BPO’s experience in the field of automation system, in particular with IPAS Java.

The IPA staff members responsible for administration of IPAS, namely Avdi Krasniqi, patent examiner, and Adil Bytyqi, senior officer, and the project team participated in the study visit.

The main issues for discussions were:

- Structure of IPAS Java – modules for patents, trademarks and industrial designs;
- Public access to information about granted rights – publication server;
- Maintenance of IPAS;
- E-filing;
- E- archive.

Along with these specific issues, the programme of the study visit included the organizational structure of BPO and duties from automation point of view, IPAS workflow and services for the public - e- services portal, e-filing, BPO online, OHIM tools - TM view, TM Class, Design View, Similarity of Goods/Services and IPAS Design.

During the first day the participants were introduced to the structure, tasks and duties of the Bulgarian Patent Office as well as to the legislation and history of automation system development. The old automation system and the current one - IPAS Java were presented. IPAS workflow was the topic discussed in the afternoon. The presentations were delivered by the IT experts and other staff members of BPO.

On the second day, the programme continued with a demonstration of OHIM tools, “Integrated Office”, OHIM tools and IPAS Design.

On the last day, the participants visited the Patent Library where they were introduced to the e-services provided by the BPO and e-filing as well as to the way the applicants can use them.

The participants were very satisfied with the study visit, in particular with the knowledge gained about the steps to be taken by the IPA in order to advance the automation system and provide e-services for the applicants and other interested parties.

A2.1.5 IPAS development – implementation of WIPO Publish Module

One of the most important activities during the project extension is the further development of the IPAS and, in particular, the installation of the WIPO Publish Module.

Through the WIPO Publish Module the applicants and the other interested parties (institutions, business companies, students, etc) will have access to the IP Registers thus being able to make their own searches for the legal status of the registered IP objects or applications, searches for similarity of signs, etc.

The project IT expert had four missions to Pristina. The first mission took place from 8 to 12 June 2015.

During the first mission the expert checked the functionality of the system and collected the requests for improvement of IPAS procedures. She migrated the databases and IPAS software package to the new server provided by the Customs and made the necessary configuration for the users. The new server is on the back-up system of the Customs which will increase the data security.

A meeting at the Ministry of Public Administration was held with the purpose to discuss the possibility of hosting the IPA website on their server.

The expert recommended that the IPA should ensure that the new server becomes part of the disaster recovery platform of the Customs and the MoU with Customs must be concluded without delay. She also stressed out that the backlog should be eliminated in order that IPAS functions normally; currently the files are not processed on time which required an automation action of IPAS to be frozen.

Another important issue raised by the expert related to the appointment of an IT specialist who should be responsible for IPAS administration and maintenance. Regarding the website maintenance, the Agency must request from the Ministry of Public Administration to provide a proper server for hosting the online register.

The second expert's mission was held from 10 to 14 August 2010. At the request of the Acting Director Mr. Majzini the expert prepared a detailed work plan for implementation of WIPO Publish Module and reported it to the new Acting Director Mr. Mejzini.

The last two missions of the expert took place from 5 to 16 October 2015. During these missions the expert found out that no progress was made in respect of the two main recommendations – official appointment of an IT specialist to be in charge of IPAS management and the conclusion of the annex to the MoU with the Customs.

The expert installed the latest version of IPAS. IPAS+ and Data Extractor were also deployed. The configuration of the procedures was validated again in line with the legislation in force.

Due to the failure to implement the above mentioned recommendations it was decided to deploy IPAS Public instead of WIPO Publish. The latter requires more technical knowledge and efforts on maintenance and its data updates. WIPO Publish deployment could be planned for implementation by WIPO, depending on the fulfilment of these recommendations.

Several meetings between the Expert, IPA, Ministry of Public Administration (MPA) and Customs were held in order to set up the responsibilities between these institutions with respect to IPAS Public. As a result of the meetings, it was decided to host the online register at the MPA server. The MPA created a sub-domain dedicated to the online registers at the request of the IPA.

The IPAS Public Module was deployed on the MPA server and currently is accessible on the government network. The IPA should decide to make it available for the public on their official website.

At the EUIPR Seminar in Peja, the representatives of the enforcement institutions and other stakeholders were trained on how to search on the online register.

The expert appreciated the decrease in the backlog of the Agency as it is very important for providing the public with accurate information. The decrease in the backlog is in line with one of the recommendations made in the previous mission reports.

The following recommendations are made:

- It is strongly recommended to have an officially appointed IT specialist (permanent or part time) on IPAS administration and maintenance, as it is crucial for IPAS continuity and sustainability. The job description of the current IPAS Administrator (Mr.Krasniqi) should be updated in order to include the duties and responsibilities for IPAS;
- The Annex MoU on IPAS hosting and maintenance between the IPA and Kosovo Customs must be concluded;
- As registers should be made available to the public online;
- All actions taken by the staff with respect to the applications or registered IP objects must be reflected in IPAS (including appeals submitted to the Appeal Commission, their decisions, appeals to the court, court decisions etc.), in order to offer correct information to the public and other stakeholders;
- All trademarks (registered and applied for) should be classified according to the Vienna Classification of Figurative Elements which will lead to better quality of the search services provided by IPA.
- In order to have paperless procedures it is recommended to deploy WIPO Scan and EDMS.

3.2.2 A2.2 Advice and support to optimise the new organisational structure

A2.2.1 Review of the organisation

A2.2.2 Elaboration of a Plan for the development of IPA

The purpose of the activities A2.2.1 and A2.2.2 is to review the organisational structure of the IPA and draft of a plan for its development. The expert is identified and approved by the EU Office. His first mission to Pristina is scheduled from 7 to 10 October 2013.

The expert will also analyse the workload of the Agency with a view to make recommendations for the necessary number of staff. Based on the review and analysis he will draft a plan for development of the IPA. The plan should cover the organizational structure of the Office – units and sections with their tasks and duties; human resource development - number of staff and job descriptions as well as the provision of necessary material basis.

The plan will be discussed with the IPA and the management of MTI.

The tasks of the expert were to review the organisational structure of the IPA and draft a plan for its development. Two experts' missions were carried out in Pristina, namely from 7 to 10 October and from 18 – 20 November 2013.

During the first mission to Pristina several meetings were held with different persons to learn about the tasks, organisation, legislation, production and number of applications, etc. as well as to get the IPA staff's view on issues related to the procedures and the organisation. Several meetings and discussions were held with the Team Leader and Mr. Veli Hoti. One meeting was held with the Director General Ms. Flutra Hoxha and one with the Secretary General Ms. Eljana Naka.

Individual interviews were held with the permanent and temporary staff - Vedat Avdiu, Fatlume Bujupaj, Adil Bytyqi, Isa Dukaj, Veli Hoti, Miradie Ibrahim, Avdi Krasniqi, Liridona Muhaxhiri, Nerimane Murtezi, Bashkim Navakazi, Dafina Rizvanolli and Besmire Shabanhaxhaj. During the interviews the routines and the procedures at the IPA were discussed. The information collected helped the expert to determine how the organisation works and if there is a need to change the tasks and structure.

During the second mission the main features of the plan and the job descriptions were presented and discussed with the beneficiary. During this mission the conclusions and suggestions were discussed with the Director General and the Secretary General. Thorough discussions were also held with the Team leader and Mr. Veli Hoti.

The main findings of the missions were related to:

- Inflow of new applications
- Processing of the backlog of applications for revalidation
- Procedures within the office (Flow charts are missing)
- Tasks for each position/person
- Organisation of the office
- Composition of staff

The expert made the following recommendations:

- The organisational structure of the organization should be changed and there should be no directorate and no director.
- Not specialised examination sectors instead create one examining, one Legal, International Cooperation and Disputes sector and one sector for operational support
- Each person must have multiple tasks – main and additional
- Each person must have a backup
- Heads of sectors should allocate time for production work in the sector
- The number of pending applications should be clarified and the temporary staff should be used to get rid of the backlog. IPAS should be completed i.e. all information should be uploaded to IPAS. The main areas where the problem is has to be determined. The most urgent activity is to find out where the backlog is and then take action to process the pending applications
- Individual production plans for the staff should be made.

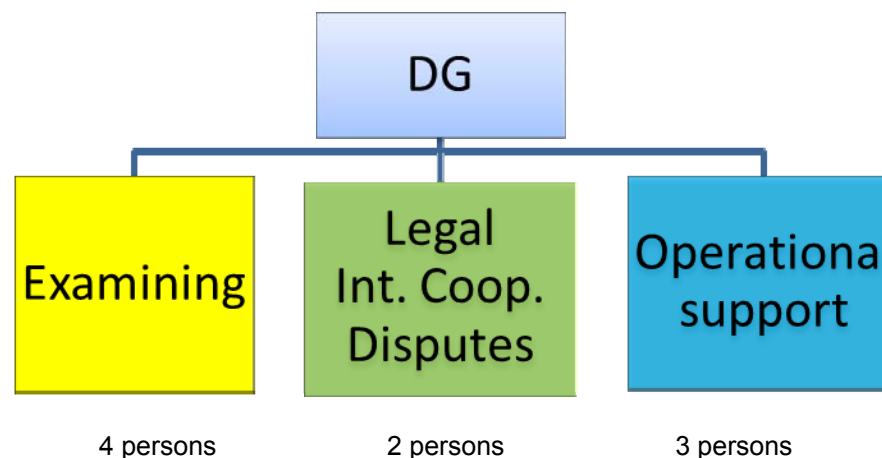
After the missions to Pristina the draft Development plan as well as Job descriptions for the staff were prepared in details in the expert's home country.

The plan includes 9 chapters:

1. Goal
2. Background

3. Activities/Workload - applications
4. Activities/Workload – other than applications
5. Organisation
6. Tasks / posts
7. Recommendations and conclusions
8. Stages
9. Road map

The expert suggested the following new organisational structure based on the current number of staff:



The three sectors will be given the following tasks:

Sector	Main tasks	Additional tasks
<p>Examining Sector 4 persons: a head and 3 examiners; 1 patent examiner to deal with patents and ID, and 2 TM examiners; the head should be able to deal with patents, ID and TM.</p>	<ul style="list-style-type: none"> ➤ Process and examine applications (Patents, Ind. Design, TM, GI., Topography of integrated circuits); ➤ Feed in information in IPAS; ➤ Classify, send communications and invitations, make decisions ➤ Watch time limits i.e. check that responses to office actions are filed within the prescribed time limits 	<ul style="list-style-type: none"> ➤ Participate in opposition procedures, invalidation ➤ Participate in awareness activities ➤ Perform searches for the public

Sector	Main tasks	Additional tasks
<p>Legal, International Cooperation, Disputes sector</p> <p>2 persons</p>	<ul style="list-style-type: none"> ➤ Legal matters (transfer of rights, changes, register in IPAS) ➤ Disputes (opposition and invalidation) ➤ Legal advice to the DG, staff, ministry ➤ Legal opinions to other public institutions ➤ Draft and propose amendments to the legislation ➤ Ensure the proper implementation of legislation ➤ Follow international trends ➤ International Cooperation ➤ Propose the ratification of international agreements in the field of industrial property and ensure the fulfilment of the obligations arising from them ➤ Feed in information in IPAS 	<ul style="list-style-type: none"> ➤ Participate in awareness and services to the public ➤ Participate in Appeal Committee
<p>Operational Support Sector</p> <p>3 persons</p>	<ul style="list-style-type: none"> ➤ Receive applications ➤ Feed in information in IPAS ➤ Administrate and work with maintenance of registers and archive ➤ Organise awareness and promotion activities and materials ➤ Administrate Services to the public, provide information ➤ Payment of fees Renewal of registration/maintenance fees ➤ Motivate continuing qualification for the staff of the Agency ➤ Training of the IPA staff, program, annual plan ➤ Website (e.g. publishing, platform updating), maintenance of IPAS database (e.g. updating, new versions) ➤ Publications (Official documents, Bulletin, Certificates) ➤ Annual reports ➤ Issuing Priority documents and ➤ Maintenance of list of representatives 	

A road map for the way forward was made up. It includes the following steps:

- Accept the restructuring of the office (part time bosses, no directorate)
- Governmental decision on change of organisation
- IPA checks and adds/deletes tasks from the list of posts and tasks
- IPA distributes the persons to the list of posts and tasks
- IPA decides on job descriptions
- IPA creates flowcharts and process descriptions
- IPA decides on a policy for priority of its tasks, e.g. upload all missing applications in IPAS (currently industrial design applications are missing);
- use temporary staff to eliminate the backlog;
- Set goals for actions in the processing of applications (e.g. 3 months till first communication)

The final draft plan was presented to the Secretary General Ms. Eljana Naka on 13 February 2014.

The project was informed that a working group was established with the purpose to consider the plan and suggest the steps for its implementation. The project is not aware if some actions had been taken by the MTI management since then.

A2.2.3 Review of the internal procedures

Given the impossibility of implementing the plan for the development of the Agency, this activity was modified and split into 3 separate activities: A2.2.3a Update of the Guidelines on Trademarks, A2.2.3b Update of the Guidelines on Industrial Designs and A2.2.3c Update of the Guidelines on Patents. The guidelines were drafted under the previous project (EUAPO), but they were based on the draft laws also prepared by the previous project which were adopted after it ended.

A2.2.3a Update of the Guidelines on Trademarks

The purpose of this activity was to update the guidelines for examination of trademark applications in line with the Law No 04/L-026 on Trademarks and the Administrative Instruction No 13/2012 on Trademark Registration and the practice of the Office for Harmonization in the Internal Market (OHIM) and European Court of Justice.

The expert updated the Guidelines in line with OHIM's Manuals on the current trademark practice and the latest decisions of the European Court of Justice regarding trademarks. The Guidelines were updated in respect of absolute grounds for refusal, relative grounds for refusal - similarity of goods/services and of signs and likelihood of confusion, assessment of well-known marks, marks with reputation and evidence for use of the trademark.

The updated Guidelines were discussed and finalised with the IPA representatives.

They are divided into several chapters:

1. Introduction and legal framework;
2. Reception of trademark applications and formalities examination;
3. Classification;
4. Substantive examination (Absolute Grounds);
5. Opposition (Relative Grounds);

6. Trademark Register.

The chapter on Absolute Grounds was supplemented by explanations concerning the classification of goods and services and enriching each of the absolute grounds for refusal with examples and further explanations.

Recent case law was added to the chapter dealing with opposition.

A very detailed description and many examples were given regarding the factors for examination of an opposition which constitute likelihood of confusion, namely assessment of proof of use, comparison of goods and services, comparison of signs in three aspects – visual, phonetic and conceptual, comparison of the signs - determining their distinctive and dominant elements, determining the distinctive character of the earlier trademark, determining the relevant public and the degree of its attention and the global assessment of the likelihood of confusion. All of the factors for assessments and comparisons were accompanied by general rules taken from ECJ's decisions.

The specific relative grounds for refusal based on well-known marks, marks with reputation and unauthorized filing by agents/representatives were explained in great detail featuring current case law examples.

The guidelines were supplemented with a procedure for observations by third parties - a possible scenario when the Office could re-open the examination on absolute grounds at any time prior to registration, for example when well-founded third-party observations were filed before or after the 3-month period following the publication of the application or when the Office itself found that a ground for refusal existed.

The expert prepared templates for decisions on absolute grounds for refusal and decisions on oppositions according to the 3 different scenarios of the opposition procedure. The templates aim to standardize the workflow and facilitate the examiners in their everyday work.

The expert recommended the Guidelines and templates, upon approval by the IPA Director General, to be introduced in the IPA staff daily work, as a result of which, a common approach for examination will be applied, the IPA productivity will be increased and sustainable practice established.

A2.2.3b Update of the Guidelines on Industrial Designs

The first draft Guidelines were never discussed and never finalized. The purpose of the expert's mission was to update and finalise the Guidelines on Industrial Designs thus strengthening the capacity of the IPA in the field of industrial designs by providing the staff with a practical tool to be used in their daily work.

The mission was carried out from 10 to 18 July 2014.

The mission may be considered as a continuation of a previous mission that took place in the first half of 2011 under the EU funded project "Assistance to the Patent Office" (EUAPO) when a first version of the Guidelines was drafted on the basis of the legal provisions which were in force at that time, and which had been changed in the meantime. The draft had been prepared in the home country of the expert and had not been presented to and discussed with the beneficiary.

The first step in the preparation of the draft Guidelines required an in-depth study of the legal provisions of Kosovo pertinent to the protection of industrial designs, in particular the Law on Industrial Designs No. 04/L – 028 of 2011, the Administrative Instruction No. 11/2012 on Industrial Design Registration, and the Administrative Instruction No. 12/2012 on Administrative Taxation for Registration of Industrial Property Objects. The expert was of the opinion that the legal provisions of Kosovo concerning industrial designs are substantially in line with the European Design Directive 98/71/EC and the Community Design Regulation Nr. 6/2002. However, as regards to the

administrative procedures, there are a number of differences which have to be taken into account for the Guidelines.

On the basis of the in-sight into the legal provisions, the previous version of the Guidelines, drafted in 2011, was updated and finalised.

The Guidelines will help the IPA to apply the provisions in a way consistent with European practice. They contain two parts: Registration and Invalidity.

The first part consists of 16 chapters, namely: 1. General Principals; 2. Receipt of an Application; 3. Allocation of a filing date; 4. Grounds for Refusal; 5. Indication of Products; 6. Classification; 7. Multiple Applications; 8. Description; 9. Priority; 10. Formalities of an Application; 11. Payment of Fees; 12. Withdrawals and Amendments; 13. Entry into Register; 14. Deferment of Publication; 15. Publications; 16. Certificates.

The Invalidity part includes seven chapters: 1. Invalidity Application; 2. Ground of Invalidity; 3. Technical Function; 4. Must-fit Clause; 5. Lack of Entitlement; 6. Conflict with Prior Design Right; 7. Public Order and Morality.

The Guidelines are supplemented with an annex entitled "Decision Drafting". The requirements for the decisions are explained in detail: basic rules, form, layout and structure of the decision.

Two meetings with the Director General of the Agency, Mrs. Flutra Hoxha, were arranged where the expert explained the general principles of the Guidelines.

The final Guidelines reflect all comments made by the IPA staff and project team.

A2.2.3c Update of the Guidelines on examination of patent applications

Very detailed guidelines on patents were prepared by Dr. Eva Hopper, a patent examiner at the EPO under the EU funded project "Assistance to the Patent Office"; however the guidelines were based on the draft Law on Patents that entered into force after the project ended. The purpose of the expert's mission was to update the Guidelines on Patents in Albanian and bring them in line with the current Law on Patents in Kosovo.

The expert's mission to Pristina was carried out from 3 to 7 November 2014.

The guidelines were proofread and necessary amendments were introduced. The amended guidelines are in line with the provisions of the Law on Patents and the Administrative Instruction on Patent Registration. Some language corrections were made following the comments by the translator into Albanian.

During the mission various provisions of the Law on Patents were discussed with the patent examiner and the Team Leader.

In her mission report, the expert mentioned that the guidelines had been very professionally drafted. They are an excellent tool to be used in registration and revocation procedures by the patent staff as their implementation would guarantee the proper implementation of the legal framework in the patent field.

Based on the activities carried out and the results of the mission, the expert recommends that the MTI management should take the necessary measures to make sure that the use of the guidelines becomes obligatory. The guidelines should be printed out as a booklet in order to facilitate their use by the patent examiners and increase their efficiency.

3.2.3A2.3 Training sessions for IPA and OCRR

3.2.3.1 Training for IPA

A2.3.1 TNA and drafting of training plans for IPA

A senior non-key expert was recruited with the task to assess the training needs of the IPA staff. For the assessment of their knowledge, prior to expert's mission a test was developed with particular topics on IPR protection. The test included questions based on the national laws of Kosovo in the main fields of IPR – patents, trademarks, and industrial designs. The answers to some of the questions were of the type "Right – Wrong", while the rest of the questions required reasoned written answers.

Furthermore, a questionnaire was distributed among the staff of the Office for self-evaluation of their knowledge in the industrial property. It included questions on the matters in the field of patents, trademarks, and industrial designs regulated by the Paris Convention, PLT, TLT, and the four agreements establishing the classification systems for patents (Strasburg agreement), for trademarks (Nice agreement and Vienna agreement), and for industrial designs (Locarno agreement). Some questions referred to the national laws' provisions for patents, trademarks, and industrial designs. The answers to the questions were divided into three groups – low, average, and excellent degree of knowledge. The staff had space for making remarks as well.

The third stage of the assessment consisted of interviews with the staff members, intended to determine their personal preferences on the topics of interest, the scope and type of training. During these interviews, the job descriptions of the staff, including their primary and additional duties were specified in individual protocols.

The mission of the expert took place from 1 to 5 July 2013.

The results of the test showed that the staff responded correctly to the matters related to the priority claims for all objects of IP. The trademark staff also did well with the questions related to overcoming refusals based on relative grounds, and the questions dealing with certificate and collective marks. Some of the questions requiring written answers were left without any remarks. Some staff members gave wrong answers to the questions concerning the formality check of applications for patents, trademarks and industrial designs, in particular to:

- the minimum documentation for according of a filing date;
- who may apply for the protection;
- what cannot be protected in the field of inventions, trademarks, and industrial designs;
- unity of the application in case of patents and industrial designs.

Also wrong answers were given to the questions related to the criteria and assessment of registrability: patentability, grounds for refusal of the registration of trademarks and industrial designs. This is understandable, because by law, the office does not assess patentability of inventions or registrability of industrial designs, and it has only recently started to deal with trademark oppositions. However, it is advisable for the office to have a well trained staff on the subjects of how to assess the patentability of inventions and registrability of industrial designs in order to deliver services to the public at large and especially to the business circles and universities.

The information from the Questionnaire revealed that the staff (according to their self-estimation) did not feel well prepared in the matter regulated by the Paris Convention, the PLT, TLT, and the various classifications system agreements. Their self-evaluation of their knowledge and application of the provisions of the national laws on industrial property ranged between average and excellent.

The conducted interviews showed that most of the employees perform various activities and are not strictly specialized in the different stages of the registration process. Some of them have insufficient knowledge of the legal aspects of the laws; almost all of the staff, with few exceptions, do not have sufficient foreign language knowledge.

The preferences of the staff concerning the type of training are: internships, external training courses, mentoring, combined learning, and E-learning. Analysing the individual Protocols from the Interviews reveals that the staff wishes to have more practical exercises (case studies), and also needs training on IPAS issues.

The patent examiner presented his own training programme with the preferred terms and time of training.

The IPA staff need extensive language training (English language is preferred by them).

Given the current legislation, in particular the fact that no substantive examination is carried out by the Office, the expert is of the opinion that the IPA employees have adequate knowledge to perform their tasks. Since recently some oppositions were received, the trademark staff need more training on relative grounds for refusal of registration and the opposition proceedings.

A number of recommendations were made:

- Due to the limited number of staff, most of the employees carry out tasks beyond the scope of their core duties. A job description should include not only the main duties but also the other tasks performed, as well as the list of required competences.
- It is recommended that each staff member has a backup: at least one more person should be able to replace him/her in case of holidays, sick leave, or permanent leave of the IPA.
- It seems appropriate to have a basic training programme for the new, or less experienced staff. The advanced training programme should be developed for the more experienced staff.
- The most suitable forms of training are seminars and on-the job training. Once the staff improves their language skills, they can undergo internships in well-developed national IP offices. They can also attend the existing training courses of the EPO, WIPO and OHIM.
- It is also recommended that, where appropriate, the “train the trainers” approach is applied.
- The staff members, who have attended courses, should share the acquired knowledge with their colleagues.
- The examiners responsible for trademark oppositions should undergo both theoretical and practical training on relative grounds for refusal.
- With a view of providing searches for the public, training in using the available free-of-charge on-line data-bases (espacenet, WIPO Romarin, OHIM data bases, including TM view and Design view) should be provided.

The training programmes, drafted as a result of the TNA, were submitted to the beneficiary for consideration.

A2.3.2 Implementation of the training plan

A2.3.2a On-the-job training for patent staff

The training for the IPA staff was in the form of a 2 day seminar and a half day workshop. The events took place from 30 September to 2 October 2013. The number of participants was 15 people, including four patent agents. The training was delivered by a senior expert.

The first day started with a presentation on the basic principles of patent protection and focused on the requirement for novelty. The speaker demonstrated the novelty assessment of patent claims by means of a features analysis on a number of examples.

The following presentations looked into the formal and substantive requirements for the description, drawings and claims of a patent application. A variety of examples was provided to demonstrate each of these principles.

The afternoon started with a presentation on the formal requirements for patent claims, in particular in view of clarity. Practical exercises on novelty assessment intended to put into practice the basic principles taught during the morning. The exercises asked theoretical questions with regard to the novelty requirement and its assessment. The audience was asked to assess the novelty on number of claims with increasing complexity, and with regard to various pieces of prior art.

The second day began with the demonstration of the concept of a "non-enabling disclosure". A short clip introduced a magic device whose technical function was easy to grasp (i.e. the wine ordered on a website is delivered via a "USB enabled tap"). The audience was asked how they would assess a patent application directed to such device.

The following presentation focused on the requirement for inventive step. The assessment of inventive step by means of the problem - solution approach was demonstrated on a number of examples. A practical session with general questions about inventive step followed. The audience was asked to judge the patentability of a number of example inventions with increasing complexity. The expert invited the attendees to perform an assessment of novelty and inventive step typically performed by patent examiners and patent agents applying the tools taught during the previous presentations such as the feature analysis for novelty and the problem-solution approach for inventive step. During the assessments, the audience was guided by the speaker and naturally encountered the limitations of written disclosures, the challenges of interpreting claim expressions as well as expressions found in prior art documents and the importance of the reasoning when arguing inventive step.

Routes for obtaining patent protection in Europe were looked into. A brief overview of the patent granting procedure before the European Patent Office was given. Further to that, the considerations applicants need to make before filing a patent application were discussed. The presentation concluded with a short quiz. The exclusions and exceptions from patentability with a particular focus on computer programs and biotechnical and medicinal inventions were the topic of the last presentation. The assessment of computer implemented inventions was briefly demonstrated.

The workshop on the third day was dedicated to the patent claims. An insight into how to draft claims touching on topics such as claim categories, essential features etc. was given. The concept of "scope of protection" was explained too. The session continued with a practical demonstration of the relevance of the scope of protection by means of a simple and straightforward mock-up invention for which a claim had to be drafted. This mock-up case was carefully selected such that not only the challenges in finding the appropriate balance between the interests of the patent applicant and the public could be highlighted, but also in finding the right expressions and interpretations of patent terminology. The participants were given a few minutes to draft an independent claim for the invention. The result was discussed in the group.

The audience participated very actively in assessing the implications of limiting and enlarging the scope of protection in view of the invention and the prior art, discussing the scope of various draft claims as well as making suggestions for improvements.

The workshop finished by giving the audience the opportunity to ask questions and to make any other remarks. The feedback from them is very positive - 75% of the participants have awarded the highest mark 5 to the questions "How satisfied are you with the topics of the seminar?" and "Have you learned from this seminar?"

Based on the positive feedback given throughout the training it can be concluded that it definitely met the expectations of the audience. The very active participation of the attendees during the question and answer sessions as well as the practical exercises, and the very pertinent questions and

concerns raised give reasons to believe that the seminar raised awareness for the principles of patent protection and managed to transfer theoretical knowledge and best practices not only from the speaker to the audience, but also among all participants.

A2.3.2b On-the-job training in patents

During the project lifetime three 5-day on-the-job training sessions were delivered by a junior expert in patents.

The purpose of the on-the-job training in the field of patents was to develop the patent staff's skills in this field and to increase their productivity.

The expert's missions to Pristina were carried out in July and September 2014, and January 2015.

Initially the expert discussed with the patent examiner the legal framework in the field, the procedures and his duties.

She established that the IPA was provided with very detailed guidelines on examination of patent applications drafted under the previous EU funded project, which however, need to be updated in order to be in line with the Law on Patents that entered into force after the guidelines were prepared. Templates for notifications and decisions in the field were missing. The duties of the only patent examiner include all activities related to patents – formal examination, examination according to Article 72 of the Law; issuing of the patent certificates; administration of the annual fees requests and requests for changes after the patent grant – changes in the name and address of the applicant or patent owner, transfer of rights, surrender, etc.

It was further established that the applications, received for maintenance of granted patents, had not been processed and published. The same can be mentioned in respect to changes in the status of granted patents (transfer of rights, changes in the name and address, etc.).

As a result of the findings during the first two visits the expert carried out the following activities:

- Discussing the legal procedure for configuration of the patent procedures in IPAS, including the changes after the patent grant, with the patent examiner; preparing a draft procedure for validation in IPAS;
- Drafting of the patent templates for patent examination procedures and post grant changes; the templates were discussed with the patent examiner and after their finalization they were forwarded for approval to the DG;
- Carrying out formal examination, together with the patent examiner, of 20 applications and drafting the respective notifications;
- Carrying out formal examination, together with the patent examiner, of a number of requests for continuation of the protection;
- Discussing various provisions of the Law on Patents with the patent examiner and the Team Leader.

The third on-the-job training was dedicated to the applications for renewal of granted patents. The expert carried out the following activities:

Examination of renewal applications of 50 granted patents and drafting the respective notifications; only the patents for which the renewal fee was paid for the year 2014 were taken into consideration;

For the patents for which the maintenance fees had been regularly paid, the expert together with the patent examiner issued notifications accepting the requests for renewal for the year 2014. Regarding the patents whose fees had not been regularly paid, notifications for the expiration of the patent protection was issued to the respective patent owners.

Apart from on- the-job training the expert participated as a lecturer in the seminar on IPRs for businesses on 21 January 2015 in Gjakova. The participants were introduced to the notion of patents and the procedure for registration and renewal.

Based on the activities carried out and the results of the missions, the following recommendations were made:

- Given the type of the examination of the patent applications according the Law (formal), it is advisable that another staff member, preferably with technical background, is trained on patent matters with a view to back up the only patent examiner during his absence (leave, sick leave, business trips, etc.);
- It is advisable that another IPA staff member deals with post grant requests and requests for changes in the Patent Register;
- Check up the patent database with a view to removing the errors in the data and giving public access to the Patent Register;
- The backlog of the patent applications should be eliminated as soon as possible, as any unjustified delay has a negative impact on the inventive potential of the companies and the number of applications filed with the IPA (it discourages the inventors and companies in filing applications);
- The backlog of the patent annuities requests should be examined and respective information published in the Official Bulletin;
- The requests for changes or transfer of rights should be examined without any delay and published regularly in the IPA Bulletin;
- The guidelines for examination of patent applications should be updated;
- All patent applications should be scanned and an electronic archive should be established.

A2.3.2c Study visit for the patent staff

A 3 - day study visit to the Bulgarian Patent Office (BPO) was organised for the IPA staff. It took place from 24 to 26 February 2014. The Kosovo delegation included three IPA employees: Avdi Krasniqi, Nezir Gashi and Avdil Bytyqi.

Mr. Isa Dukaj could not attend the study visit due to some personal problems.

The implemented programme of the visit encompassed various topics:

- Patent grant procedure in Bulgaria;
- Formal examination; International Patent Classification;
- Patentability – case study
- Invalidation of granted patents.

The participants were introduced to the structure and organisation of the BPO. Some real patent cases in the fields of chemistry, mechanics and energy were presented. Lectures on examining the claims and the description of an invention as well as on invalidation of granted patents were delivered.

A tour throughout the BPO premises, including the Receiving Section, the Patent Library and IT department took place. The IP point at the Sofia Technical University was visited too.

In their report the participants evaluate the study visit as very beneficial.

A.2.3.2d On-the-job training for TM staff

A 5 day expert's mission to Pristina took place from 10 to 14 February. A Workshop on trademark oppositions was organized on the first day of the mission. It was held at the Kosovo Chamber of Commerce with the participation of 10 people from the IPA's staff.

The Workshop covered 3 topics: "Relative grounds for refusal and likelihood of confusion", "Opposition procedure" and "Case study".

The participants were acquainted with the relative grounds for refusal stipulated in Article 7 of the Kosovo Law on Trademarks and each of the relative ground for refusal was explained in detail. Special attention was paid to well-known marks, marks with a reputation and marks filed by a representative of the actual holder. Some explanations were given on how to assess the evidence for reputation of a mark and the evidence for unauthorised filing of a trademark application. Furthermore, the specific conditions for refusal based on a mark with a reputation were presented and the concept of "detriment and unfair advantage" was clarified.

The concept of likelihood of confusion and the factors that have to be assessed, namely degree of similarity between the signs, degree of similarity between the goods and/or services, distinctive and dominant elements of the conflicting signs, degree of distinctiveness of the earlier trademark and attention of the relevant public were clarified by giving plenty of examples for each of them. A clear differentiation between the concept of identity and similarity of signs and of goods and services, accompanied by examples, was made.

Further to that, the opposition procedure according to the Bulgarian Law on Marks and Geographical Indications was presented and compared with the opposition procedure according to the Kosovo Law on Trademarks. The admissibility of the opposition and the formal requirements of the opposition were clarified. It was underlined that the decisions for refusal of the oppositions have to become final before the trademark is registered. The specific stage of the opposition procedure, namely the request for proof of use of the earlier trademark was clarified and all of the relevant factors that have to be taken into account when examining the proof of use (namely the place, duration, volume and nature of the use of the earlier mark, etc) were explained in detail. Furthermore, clarification and examples were given on the reasons for lack of use of the earlier trademark which could be considered as justified. Besides the opposition procedure, the other possibility for objecting a trademark registration, namely observations by third parties, was explained.

The final presentation "Case study" aimed at sharing the practice of the Bulgarian Patent Office regarding the examination of oppositions by demonstrating 16 real cases for each of the relative grounds for refusal and explaining the arguments for finding likelihood of confusion. During the presentation, the participants were asked to give their opinion. There was a lively discussion.

The feedback from the participants is very positive – all of them have awarded the highest mark (5) to the question "How satisfied are you with the topics of the seminar?"; 70% of them have awarded 5 to the question "Have you learned from this seminar?".

During the remaining days of the mission the expert worked mainly with 3 IPA staff members: Adyl Bytyqi, Anita Sutaj and Veli Hoti. A number of oppositions filed with the IPA were discussed - "OK vs. OK", "PARMALATE vs. PRIMALATTE", "RED BULL vs. RED EAGLE", "RED BULL vs. PITT BULL", "LESNA vs. LESNA".

A step by step guide for processing of oppositions taking into account the Kosovo Law on Trademarks and the respective Administrative Instruction in force was prepared. The stages of the opposition procedure are listed along with the respective legal provisions. The guide was discussed with Adil Bytyqi.

Furthermore, beyond of the expert's tasks set up in the ToRs, 13 templates in English and Albanian language were elaborated for 8 notifications and 5 decisions. The templates should be sent to the

parties according to the relevant stage of the opposition procedure. The templates aim at standardizing the workflow and facilitating the examiners in their everyday work.

The guide and templates were submitted to the Director General. It is recommended that upon approval by the Director General, the templates should be uploaded in IPAS.

A2.3.2e On-the-job training for TM staff

Following the project work plan a 2-day on-the-job training took place in October 2014. The expert's mission was combined with the preparation of amendments to the AI on Trademark Registration. A number of opposition cases were discussed with Mr. Veli Hoti.

In one of the cases, it was found out that the opponent's trademark had a later filing date than the filing date of the opposed trademark. The applicant filed evidence for use of the applied for trademark showing that he used the trademark before the opponent's trademark was applied for. The examiner was advised to terminate the opposition procedure, as the requirement for filing the opposition specified in Article 7, paragraph 2 of the Law was not fulfilled. This scenario was reflected in the draft amendments to the AI.

Some other cases were discussed, namely a case in which the word elements of the compared trademarks were visually and phonetically dissimilar, but the dominant and the distinctive elements were the figurative ones and they were visually and conceptually similar. Another case related to trademarks in different colours but with similar verbal and figurative trademarks.

A2.3.2d, A2.3.2e On-the-job training for TM staff – continuation

At the SC meeting held on 6 March 2015 it was reported that 4 employees from other departments of MTI had been seconded to the IPA with the aim to help the staff with reducing the backlog in the field of trademarks. Due to their own tasks and duties, the two IPA trademark examiners would not be able to train the seconded employees and supervise their performance. That is why the IPA requested that the project hire junior experts among the people, who already used to work at the IPA on a contractual basis and were familiar with the procedures and IPAS.

Given the importance of reducing the backlog in the field of trademarks, the project hired 6 junior experts with the task to coach the seconded staff and supervise their performance. The experts trained the seconded staff in the procedures for registration of trademarks, formal examination, examination of applications for changes and renewal, acceptance of user documents, etc. The Team Leader delivered a number of training sessions on various legal topics: rights provided by the registration, priority right, etc.

For the last 7 months of the project extension with the support of the experts the following results had been achieved:

- 3642 decisions on registration of trademarks were taken and 3006 certificates were issued;
- 1474 decisions on rejection due to non-payment were made;
- applicants;
- 1001 decisions on changes;
- 327 decisions on renewal of the registration;
- 4328 invitations for payment of the registration fee were prepared and submitted to the
- 1054 applications had been examined from formalities point of view and absolute grounds for refusal; 21 notifications for formal defects were submitted; few notifications for refusal due to absolute grounds were prepared;

- 61 applications for registration of industrial designs were examined and 71 notifications for payment were sent to the applicants.

The total number of the decisions is 6444. The Team Leader prepared the template for the notification for refusal based on the absolute grounds as it was found that the applications had been examined only for compliance with the formal requirements.

4 official bulletins were also prepared with the support of one of the experts. The junior experts made some recommendations regarding the IPA archive. They were broadly discussed with the Team Leader. The Team Leader summarised all suggestions and presented them to the Acting Director Mr. Mejjini. The recommendations address the organisation of the archive room (how to store the applications), receiving the trademark applications (actions to be taken by the receiving officer), creation of a dossier for each application, dealing with the new applications, requests for correction of technical mistakes, requests for changes, etc.

None of the recommendations were implemented during the project extension due to the lack of a permanent director.

The Work Plan for the extension envisaged training on Vienna Classification of the figurative elements of the marks. However, it was decided to cancel this activity. The reason was that the IPA could not start classifying the trademarks due to the lack of sufficient number of staff and the backlog.

A2.3.2f Study visit for TM staff

The purpose of the study visit was to introduce the participants to the experience of the Bulgarian Patent Office (BPO) in trademark matters.

The following IPA staff participated in the study visit:

1. Mrs. Flutura Hoxha, IPA General Director;
2. Ms. Anita Sutaj, Trademark examiner;
3. Mrs. Neriman Murtezi, Trademark examiner; and
4. Veli Hoti, Senior Officer;

The study visit took place from 23 to 25 September. The programme of the visit included the following topics:

- Trademark registration procedure in Bulgaria;
- Formal examination; check of the list of goods/services; Vienna Classification;
- Absolute grounds for refusal – case study;
- Oppositions; relative grounds for refusal – case study;
- Enforcement of rights - role of the Bulgarian Patent Office

The visit went very well; the participants were very active, they put a lot of questions to their Bulgarian colleagues and discussed various matters with them. A visit to the new Library of the Technical University took place on the last day of the visit where one of the so called IP points will be moved from the old Library. The students are provided with a direct link to the databases of the Bulgarian Patent Office.

The feedback from the participants is very positive. They appreciate very much the organisation of the visit, the topics and speakers. Some of the knowledge they gained would be considered with a view to improving the performance of the Agency.

A2.3.2g Seminar on GI

The one-day seminar took place on 19 December 2013 at the Kosovo Chamber of Commerce. 15 representatives of IPA, MTI and MAFRR attended the seminar.

The morning session covered the notions of geographical indications (GI) and designations of origin (DO) and systems for their protection according to TRIPS, Lisbon Agreement and EU System.

The EU system for protection of GI in detail was the topic of the second presentation. The participants were also introduced to the experience of France and Macedonia – procedures for registration, determination of the geographical area and control of the characteristics of the products.

The afternoon session was dedicated to the difference between the GI and trademarks, including the possibility of GI protection via collective marks. The last presentation gave some examples of registered GI.

The topics sparked lively discussions. Some of the participants were very active. The evaluation of the event is very positive. According to the returned evaluation forms 90% of the attendees were satisfied with the topics very much (they have awarded the highest mark 5 to the question “How satisfied are you with the topics of the seminar?”) and for 70% the seminar completely met their expectations.

In her mission report the expert has made the following recommendations:

- As a first step, the IPA should initiate some activities to raise the public awareness about GIs;
- Building of the control system (for a verification of the compliance with the specification) of the products designated by protected GIs according the EN45011 (ISO Guide 65) is a must.

A2.3.2h On-the-job training in Industrial designs

At the request of the IPA DG this activity was included in the project work plan. A junior expert on Industrial Designs was approved by the EUOK. The expert’s mission took place from 2 to 6 June 2014.

On the first day of the expert’s mission a workshop was organised at the project office. The IPA staff, nominated by the Director General (Adil Bytyqi and Nezir Gashi), was introduced to the notion of industrial designs and the procedure for registration according the Kosovo Law on Industrial Designs and Administrative Instruction on Industrial Design Registration. The PowerPoint presentation prepared by the expert covered the main aspects of the industrial designs protection: the conditions for refusal of the registration, deferment of the publication, scope and duration of the protection, the conditions for extension of protection, industrial design certificate, recording of the changes in the register, transfer of rights, and licensing. The theory was illustrated with many practical examples. The principles of the International Classification for industrial designs (Locarno Classification) were explained too.

The remaining days of the expert’s mission were dedicated to examination of industrial design applications. The expert and Adil Bytyqi examined together a number of applications to check whether the formal requirements had been met.

19 applications for revalidation of rights obtained in the FRY and around 30 applications, filed with the IPA under the previous or the current law, were checked.

It was established that for 45 applications filed in 2008 the first 5 years of protection had expired. Some of the applications meet the formal requirements and can be registered. However, a number of the applications have some deficiencies: missing authorization documents, priority documents, translation of priority documents, etc. The templates for notifications and decisions, prepared by the TL, were compared with the templates used in the State Office for Industrial Property of FYROM and some modifications were introduced.

The expert recommended that the IPA should start immediately examining the ID applications. The ID templates should be approved by the Director General and uploaded in IPAS. For those applications where no deficiencies were found, the IPA should send invitations to the applicants for paying the fees for the first five years of protection. After the fees are paid, a decision on industrial design registration should be made and the owners should be invited to pay the renewal fees for the second term of protection without additional fee. In order to speed up the registration procedure it is also recommended to contact the representatives by phone and ask for the missing documents.

Several meetings with the IPA Director General were held to explain the problem with the applications for which the first five years had expired and propose the possible measures to overcome the delay.

Mr. Adil Bytyqi examined few applications for re-validation filed in 2008 and registered 4 industrial designs. In November 2014 he was moved to another department of the MTI. The examination process was terminated.

A second 5-day mission of the expert was approved by the EUOK. However, the mission could not take place due to a long sick leave of the expert.

During the extension, at the request of the IPA, the project supported the completion of the database with the templates and representations of the industrial designs and all applications filed from 2010 till 2014 for which the first five years had not expired were checked for compliance with the formal requirements. 61 notifications for payment of the registration fee were sent to the applicants. As the registration fees were paid the registration procedure will be completed in October 2015.

A2.3.2i On the job training for Appeal Committee

This activity was included in the project work plan at the request of the IPA. The purpose of the activity was to deliver on-the-job training in the field of trademark to the members of the Appeal Committee at the MTI and provide on-the-job training in oppositions. The goal of the training was to introducing the members of the Appeal Committee to the trademark field, with a clear focus on oppositions and decisions appealed to the Committee.

The 3-day training took place from 12 to 14 January 2015. The morning training during the first 2 days was based on examination of cases and judgment from the DKPTO and the Court of the European Union. The course material was focused on registration proceedings and opposition. The afternoon training focused on local decisions and discussion on relevant and actual opposition cases from the Agency and decisions made by the Appeal Committee. On that basis different subjects were debated. The training was delivered to Mr. Veli Hoti.

On the last day of the mission, the expert delivered training to all members of the Appeal Committee, including the ad hoc member. The topics discussed were:

Introduction to Trademark Law: The Administrative Instruction on the Competences of the Appeal Committee; Administrative Instruction on the Trademark Procedure; Practical exercises in relative grounds for refusal; etc. The training session ended with a lively discussion on various issues. The participants asked questions and showed interest in the subject and a willingness to learn more.

The expert found the Appeal Committee members have as a whole a basic knowledge of the Law on Trademarks. This knowledge will develop over time and increase when more decisions are dealt with by the Committee.

As a result of the mission the following recommendations were made:

- Training on the rule of law and procedure during the examination of opposition should be organized. This would ensure that similar decisions are dealt in the same way. Furthermore, an introduction to a quality check system might also be helpful to ensure this.

- The Appeal Committee and the IPA staff members who deal with opposition cases should receive training on the procedural rules governing the Appeal Committee, namely with empathy on the binding effect of Appeal Committees decisions and the Appeal Committee competences. This would ensure a clear view on the different competences of the two instances.
- The Appeal Committee has seen a few cases regarding priority. There is a discrepancy between the old and the new Trademark Law and the applicant now have to provide evidence of priority which was not the case in the earlier law. That means that applications filed under the old law are examined under the new law. The applicant will therefore not be able to get the priority since they have not provided evidence within the timeline of the new law. The Committee has dealt with this discrepancy and has in one of their decisions given the Agency 30 days to invite the applicant to send in documentation for the priority within 60 days. It is recommended that this approach should be continued and that an official statement is made to the applicants from the Agency informing them of this opportunity and inviting them to provide evidence of the priority.

3.2.3.2 A2.3.3 TNA and training plan for OCRR

The TNA for the OCRR was carried out by the KE2. A number of initial meetings with OCRR, APIK and VAPIK was hold with a view to reveal the real training needs. A questionnaire with few copyright cases was completed by the OCRR staff. Based on the results of the meetings training programmes for the OCRR staff, CMOs and mediators were drawn up.

The training programme for the OCRR includes in depth analysis of all EU Directives, ECJ case-law and major decisions of various cases in EU countries, guidelines for legal drafting, analysis of moral rights, collective management and enforcement issues. The expert suggested that the training should be in the form of on-the-job training with theoretical presentations and workshops.

The training plan for the CMOs included in depth analysis of national legislation on Copyright and Related Rights, Collective management supportive measures, Relations between CMOs and their members, the Licensing Strategy, the Communication Strategy, definition of tariffs, the negotiations with the users, private copying, online licensing, cable retransmission licensing, enforcement issues and other specific issues

The training plan for the mediators covered the national legislation on Copyright and Related Rights, CMOs enforcement and communication strategies, general aspects of mediation, tariffs, private copying, licensing of different types of uses of copyright works and other subject matter.

A2.3.3a On the job training for OCRR

Two on-the-job training sessions for the OCRR were conducted on 11 and 12 July 2013 and on 19-20 and 23 September 2013. The training was delivered by the KE2. Three staff members of the OCRR and three representatives of MCYS attended the trainings.

The following topics were covered:

- General Introduction and case law on Moral Rights
- General introduction on Copyright Enforcement
- Fight against software piracy
- EU Directive on Rental and Public Lending Right 2006/115/EC -Comparison with National legislation of Kosovo
- Overview of Public Lending Rights schemes in the EU
- EU Directive on Resale Right 2001/84/EC

- EU Directive on the harmonization of certain aspects of copyright and related rights in the information society 2001/29/EC- Comparison with National legislation of Kosovo
- Licensing Communication to the public for hotels according to the jurisprudence of the European Court of justice
- Exceptions and limitations to Copyright and Related Rights-The triple step test as applied in Mulholland Drive Case, Supreme Court of France 28 February 2006
- New Business Models in Relation to Copyright Industries
- EU Directive on cable retransmission 93/83/EEC - Comparison with National legislation of Kosovo

An overview of all PLR systems in EU was presented as well as ECJ case law on private copying exception and licensing of hotels. At the end, new business models related to Copyright industries and mediation issues were presented. The trainings raised a lot of interest from the participants especially on the issue of copy shops that were recently raided by the task force and the negotiations between CMOs and cable operators.

A2.3.3b On the job training for OCRR

Five on-the-job training sessions for the OCRR were conducted on 14, 18 and 25 October 2013 and on 30 and 31 January 2014. The training was delivered by the KE2 expert. Three staff members of the OCRR and three representatives of MCYS attended the trainings.

During the capacity training sessions the following papers were delivered:

- EU Directive on cable retransmission 93/83/EEC - Comparison with National legislation of Kosovo;
- Mediation on disputes regarding authorization of the cable retransmission of a broadcast according to article 11 of the EU Directive on cable retransmission 93/83/EEC;
- The role of the Government in monitoring Collective Management Organisations;
- Mandatory Collective Management;
- EU Directive on orphan works;
- The resale right-UK study case;
- Directive 2011/77/EU harmonizing the term of protection of copyright and certain related rights;
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;
- ECJ policy and practice in the field of copyright and related rights;
- Enforcement in the digital environment.

The training sessions in October 2013 were delivered by a non-key expert on CMOs together with the project KE2. Different aspects of collective management of copyrights: relations between CMOs and their members; relations between CMOs and users; collective management in digital environment, and some EU directives in the field were presented.

A2.3.3c On-the-job training for mediators

A non-key expert on CMOs, approved by the EU Office, and the KE2 expert delivered training to the mediators who were entered in the list of mediators by the MCYS. The training was in the form of a 2-

day workshop and took place on 21 and 22 October 2013. Five mediators as well as the staff of the Office of Copyright and Related Rights participated in the training.

Different topics were covered, such as CMO enforcement and communication strategies; General aspects of mediation, mediation in copyright disputes, tariff parameters, user reporting and collections, private copy, etc. The presentations were followed by discussions on the pros and cons of mediation in copyright issues.

The experts reported that the mediators are very well selected; they understand precisely their role for the good functioning of the Copyright system.

A2.3.3d Seminar for CMO

Two 2-day seminars for existing Collective Management Organisations took place on 16-17 and 23-24 October 2013.

Five representatives of APIK and VAPIK attended the seminars. The training covered different issues: collective management supportive measures in legislation or by government; relation between CMO and members/non-members; analysis of APIK and VAPIK mandates; licensing strategy; training on communication strategies, etc.

Overall, the work at the seminars was successful. Following the discussions it turned out though, that the infrastructure capacity of CMOs is weak and professional staff for the management of the Organisations is missing. The provided training laid down the basis for the development of collective management; however, more detailed further needs were identified. For instance, since negotiations with the users seem to have failed for the moment, there is a need to clarify their obligations as to payment and reporting and to develop a clear understanding of the cultural and economic benefits of Copyright and related rights protection. For facilitating the future activities the list of issues and required actions to follow-up were compiled in a power point OCRR/APIK and VAPIK discussions presentation. Milestones and their time-framework have been set up for the CMOs and the OCRR in order to improve the functioning of the system.

A2.2.3d' Drafting of recommendations for the statute of CMO

During the trainings on Collective Management in October 2013, it was found out that it would be necessary to elaborate on the statutes of CMO for ensuring appropriate influence in decision-making of the various categories of right holders within the organisations, appropriate distribution schemes, the possibility of members to become members of foreign CMOs or splitting the assignment of their rights.

In the meantime the 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 (OJ L 84, 20/03/2014, p. 72-98) was adopted and needs to be transposed in the Kosovo's national legislation. It contains several provisions on the CMOs statutes that were not already fulfilled by the current statutes of CMOs in Kosovo.

That is why it was decided to elaborate a set of recommendations in order to remedy the inconsistencies which also now become an issue of non-compliance with the EU acquis.

The KE2 drafted the set recommendations on key issues to be included in the CMO statute and provided the existing CMOs with some model statutes.

According to the current legislation and the proposed draft Law on Collective Management the accreditation of Collective Management Organisations is compulsory. One of the requirements for accreditation is that the CMOs statutes are in accordance with the provisions of the Law on Copyright and the draft Law on Collective Management.

The expert recommended the key elements to be included in the CMOs statutes:

- a) Membership requirements
- b) Appropriate and effective mechanisms for the participation of CMOs members in the decision-making process
- c) Provisions on Supervisory board of the CMO
- d) Basic principles and rules of the distribution of revenue.

All features identified previously are not adequately drafted or missing from the current Kosovo CMOs statutes. It is urgently required from the management teams of the CMOs in close collaboration with their members and the Copyright Office of Kosovo to redraft the statutes and include all key elements, on membership, management and distribution rules. The participation in the decision-making process is equally important and there shall be a balance between the different categories of rightholders.

The expert provided the OCRR with the articles of Association of Performing Rights Society in the UK as amended on 19 May 2015 and their distribution policy rules as an example.

A2.3.3e Study visit for OCRR

The study visit took place in Sofia, from 18 to 21 May 2014. The purpose of the study visit was to introduce the participants to the Bulgarian experience in the field of copyright and collective management system.

The OCRR staff and the project team participated in the study visit.

During the first day and the morning of the second day the Bulgarian Ministry of Culture was visited. The participants were introduced to the Bulgarian copyright system through the following topics of discussions:

- Legal basis – Bulgarian Law on Copyright and Neighbouring Rights;
- Copyright and Neighbouring Rights Directorate – structure and duties;
- Control of the application of the Law on Copyright and Neighbouring Rights;
- Enactment of the Council of Ministers Directive № 87/1996 on using subjects to copyright and neighbouring rights;
- Collective management organisations in Bulgaria – challenges;
- Judicial system and copyright enforcement;
- Tariff setting process and interests of the parties.

The structure and duties of the Copyright Directorate were presented: it consists of two departments: a legal department and a department for inspection and control. The directorate's main duties are to license and control the collective societies as well as to conduct awareness activities.

The department for inspection and control has the power to inspect the implementation of the copyright law; it is composed of 6 inspectors. This number is not sufficient to cover all the country in an efficient way. The department was established to fight against the high level of piracy during 1990-1995.

The enforcement measures available to the rightholders, namely civil, criminal and administrative measures, were explained.

The participants visited two collective management organisations: PROPHON and MUSICAUTOR.

PROPHON is a non-profit organization for collective management of related music rights. It is established to protect and manage the rights of phonogram producers and performing artists.

PROPHON is a part of the International Performance Rights Committee of the International Federation of the Phonographic Industry (IFPI) and has bilateral agreements with neighbouring societies from all over the world.

PROPHON concludes agreements for the following uses of music:

- Public performance: playing recorded music or music videos in public, ranging from hotels, restaurants, bars, nightclubs, shops, malls, taxis, fitness centres, outdoor events, etc.
- Media: radio and TV broadcasting, webcasting (broadcasting music on the internet)
- Retransmission: by cable, satellite, etc.

The organisation manages the biggest music catalogue in Bulgaria, which includes the repertoire of the four major record companies (Universal Music Group, Sony Music Entertainment, EMI and Warner Music Group), as well as more than 25 000 independent local and foreign labels, and 180 of the most popular Bulgarian artists, bands, record companies, music companies.

The representatives of PROPHON mentioned during the meeting that only 10 % of the bars and restaurants pay the fees. They also explained how the organisation was established – at the beginning PROPHON's members paid membership fees thus covering their expenses.

The participants were introduced to the modalities of their operation and the importance of sending the payment tolls to the users thus developing good relations with them. The relations with the Copyright department and with foreign CMOs dealing with the same rights are crucial for the proper operation of the society.

MUSICAUTOR is a collective management organization of copyright of composers, authors of literary works related to music and music publishers.

The representatives of MUSICAUTOR informed the participants about the way the society was established. They were in contact with a CMO in Switzerland which provided them with financial support. It was pointed out that the establishment of a functional copyright collective management system is not only a matter of legislation and getting a license from the Ministry of Culture. The functionality is based on royalties collected by the society and the functional distribution system, which is based on transparency and efficiency of the CMO.

It was recommended that Kosovo CMOs should start functioning and agree on tariffs with the right users. As a result, the first royalties could be collected and distributed to the right-holders. After the Kosovo CMOs become functional, they can have agreements with the foreign CMOs and later become members to international CMO organizations.

The participants found the study visit very useful. In their report they listed the priorities to be set in order for the system to become operational:

- To harmonise the national copyright legal framework with the legal developments that take place in the EU and on international level;
- To take necessary measures against piracy;
- To improve the efficiency of the judicial system in the copyright area;
- To raise the public awareness about copyright;
- To make the Copyright Collective Societies operational, transparent and effective;

To set tariffs balanced in respect of the interests of the right-holders and the users.

A2.3.3f Study visit for IPA and OCRR management

The purpose of the study visit was to introduce representatives of Kosovo Industrial Property Agency and the Kosovo Copyright Office to the experience of the Danish Patent and Trademark Office (DKPTO) and the Copyright Department at the Ministry of Culture of Denmark.

The following representatives of the IPA and OCRR took place:

1. Mr. Isa Dukaj, Director of IPA;
2. Veli Hoti, senior officer at IPA;
3. Valon Kashtanjeva, Director of OCRR;
4. Zjarta Osmani, OCRR, officer

During the first two days the participants were introduced to the following topics:

- Organisation of the work; management issues - reporting, planning, human resources, recruitment and training policy of the DKPTO;
- Enforcement activities of the DKPTO; cooperation between the state authorities;
- Public awareness – activities of the DKPTO;
- Educational activities – DKPTO staff and professionals.

Lively discussions took place after each presentation. A tour around DKPTO premises took place. The DKPTO premises are organised as the so called “open plan” offices.

It should be noted that the representatives of the OCRR also benefitted from the first two days even though some of the topics related entirely to industrial property matters. Topics of common interest were – enforcement activities of DKPTO, cooperation between the state institutions, public awareness activities and educational activities.

The third day was dedicated to the copyright and CMOs. The participants visited the Danish Ministry of Culture where the Copyright Department is established. They learned about the duties of the department (consisting of three staff members), cooperation with the DKPTO, and supervision of the CMOs.

A visit to KODA (CMO of music creators and publishers), one of most successful CMO in Denmark took place.

The feedback from the participants is very positive. They submitted a report on the study visit where the latter is evaluated as very useful. Based on the “lessons learned” from the study visit the following recommendations are made in the report:

- In order to inform businesses in Kosovo more about the importance of Intellectual Property Rights there is a need for more awareness campaigns. The Industrial Property Office and the Copyright Office should take the example of DKPTO and establish “working groups” responsible for awareness campaign. The working group to make a list of activities to be included and draft an action plan. The design of the presentation should be the same for all the speakers so that it is easily identifiable.
- The IP Office to distribute some flyers to the Agency for Business Registration in Kosovo and make sure those who apply to register their companies are advised to register their TM Logo too.
- There is a need for quality management of the staff at the IPA and Copyright Office. Both offices need to make sure that their employees are aware of the main principle of IPRs in general. This certainly promotes the IPRs in the country. Additionally, IPA and Copyright Office should find ways of making sure that their staffs are being continuously informed about

the activities of the office. Thus, employees can be real ambassadors of the IPA and Copyright office.

- Staff meetings and team meetings should be held on a regular basis at the IPA
- IPA should be more open to parties/third parties. Legal Representatives should be invited from time to time to discuss any legal or other obstacles they may have.

A2.4 Workshop on presentation skills

The workshop took place from 7 to 11 July 2014 with the purpose to strengthen the presentation skills of a number of pre-selected representatives of the IPA, OCRR, Customs and Police through “train the trainers” principle.

The workshop focused on the acquisition of soft skills and know-how necessary to transmit knowledge and skills in the field of IPR (e.g. presentation, public speaking, engaging audience, answering ad hoc questions, involving participants, adapting content, language and style to the audience, conducting workshops and group exercises, providing feedback, active listening, handling reluctant and difficult participants, body language), based on relevant IP topics, using interactive learning and learning-by-doing techniques combined with traditional techniques.

At home the expert on presentation skills studied some materials regarding the IP, (WIPO Handbook, Kosovo IP legislation) in order to learn more about the role and tasks of the participants and prepared the training content and materials (visual aids, handouts and exercises) comprising the theoretical part for presentations and public speaking, principles of adult learning, development of a training programme, training techniques and communication during training. Visual aids consisted of PowerPoint slides; handouts of PowerPoint slides - based on the slides for presentation with some differences imposed by the interactive elements and exercises of the training, respectively exercise and case study sheets. Before coming to Pristina the expert prepared all materials necessary for the first day of the training as well as the content for the second and third days, requiring further consultation with the Team leader and finalisation of exercises, visual aids and handouts

The training was structured as follows: three training sessions on 7, 9 and 11 July and homework exercises on 8 and 10 July.

The main training techniques used during the workshop were: interactive presentation, discussion in plenum and small groups, pair and small group exercises, case study, demonstration, icebreakers / warm-up exercise.

Between the training days the participants prepared their homework individually or in pairs, depending on their field of activity thus having the opportunity to apply the knowledge obtained during the training session of the previous day. After the 1st day of training they had to prepare a presentation on an IPR topic adapted to a particular target group chosen individually or in pairs. The homework after the 2nd day of training consisted in the elaboration and presentation of a case study on a particular problem the participants had faced in their daily work. During these days the expert was available for consultation.

On the last day of the training the participants were asked to complete an evaluation form. This required them to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented “Not Satisfactory” and 5 represented “Excellent”). 8 evaluation forms were returned at the end of the last training day.

The results of the evaluation form are presented below:

No	Question	Average Ratings
1.	How satisfied were you with the content of the workshop?	5
2.	How satisfied were you with the ways of delivering the information?	5
3.	Have you learned from the workshop?	4.75
4.	Did you have an opportunity to participate in the discussions and express your opinion?	5
5.	How useful the presented information is in your daily work?	4.75
6.	Did the workshop meet your expectations?	5
7.	How satisfied were you with the organisation of the workshop?	5

As it is seen from the results that all respondents were satisfied at the maximum degree with the content and the methods used to deliver the training, answering that the workshop fully met their expectations, it can be concluded that the purpose of the seminar was achieved.

Two respondents recommended that more group work should be organised in the future seminars and representatives of some other institutions should be involved.

Activities which were not in the Work Plan

Study visit to the State Office of Industrial Property of Macedonia for GIs and DOs

In order to assist the IPA in preparing the forms for GI applications and the amendments to the AI on Tariff of fees collected by IPA with respect to GI legislation, the project submitted a request for approval of a study visit to the State Office of Industrial Property in Macedonia (SOIP).

The purpose of the visit was to introduce the participants to the experience of the Macedonian State Office of Industrial Property in geographical indications, in particular to the application forms and fees regarding geographical indications and designations of origin.

A 2- day study visit was approved by the EU Office. Three IPA staff members were supposed to participate in the visit: Miradije Ibrahim, Baskim Navakazi and Fatlume Bujupaj.

The study visit was cancelled by the Director General due to some health problems of two of the participants.

Workshop on IPR Strategy for IPA and OCRR

With the support of the project a workshop on the IPR strategy took place on 29 April 2014 in the MTI premises. The WIPO representative Ms. Biserka Strel, Head of Section for Central European and Baltic States and Mediterranean Countries, Department for Transitional Countries and a number of representatives from the beneficiaries' institutions attended the event. The current IPR Strategy 2010 – 2014 and the priorities for further development of the IPR system in Kosovo were presented by Mr. Veli Hoti, IPA. The WIPO representative explained in detail the methodology of drafting IPR strategies.

The participants asked about the procedure to obtain technical assistance from WIPO for the following activities:

- Drafting of a new IPR Strategy;
- Raising awareness about geographical indications;

- Raising awareness of the public at large about IP (WIPO outreach programme)
- Introduction of IP curricula in universities; and
- Digitisation of the files at the IPA through WIPO Scan.

It was explained that WIPO can provide technical assistance upon an official request submitted via UNDP in Kosovo.

The WIPO representative and the project team met with the Minister of Trade and Industry. He pointed out that Kosovo needs support for the establishment of a strong protection system of the geographical indications as this field is brand new. The Ministry of Agriculture should identify which products could be protected through GI and WIPO could provide some support.

Study visit to the State Office of Industrial Property of Macedonia

A study visit to the State Office of Industrial Property (SOIP) took place from 30 July to 1 August 2014. The financial officer, Ms Fatljume Bujupaj visited SOIP for the purpose of gaining some experience regarding the administration of the fees collected by the IPA. During the visit she was introduced to the organisation of SOIP, the number of applications received, the legal framework and financial policies. She met with the heads of the SOIP sections, in particular for trademarks, industrial designs and patents.

The most beneficial meeting was with the head of the financial unit. Ms. Bujupaj was presented with the financial system associated with IPAS SOIP, as well as the fees collected by SOIP. Possible amendments to the IPA tariff were discussed.

In her report Ms. Bujupaj concludes that the study visit was very beneficial for her daily work. She recommends that similar financial system should be associated with IPAS.

Seminar on Team Work

The purpose of this activity was to strengthen the staff's team spirit and cooperation skills, support the achievement of goals through better team work, team identity, improved communication and cooperation in the team for both beneficiary institutions – IPA and OCRR and of selected members of the Customs and Police.

The workshop took place on 5 and 6 December 2014 in Istog, hotel Trofta. It focused on the acquisition of soft skills and participants recognising their own working style and preferred team roles, as well as gaining better knowledge of each other working style and preferred team roles. The skills developed during the small team exercises were: cooperation and communication within a team, team leadership, decision making in a team, assigning tasks and coordinating the implementation of a plan, team spirit, representing the team's interests, motivating team members to accomplish tasks, recognising role preferences and distributing tasks according to them.

Before the workshop the expert prepared the content and the materials (visual aids, exercises, handouts) for delivering the "Team Work" workshop based on the Agenda of the workshop. She prepared, in particular slides for presenting the theory, introducing the exercises and the solutions and guiding the discussions on the experience of participants while working in groups; small group exercises, quiz and IP case study (the last two prepared together with the team leader); and handouts necessary to carry out the exercises.

The main topics of the training regarded the characteristics of an effective team, elements of team work, team leadership and making decision in a team, team roles and team identity. Visual aids consisted of PowerPoint slides, while the handouts contained PowerPoint slides based on the slides for presentation and work sheets containing descriptions of exercises and the case study. The necessary resources for the different exercises (scissors, adhesive tapes, glue sticks, cardboard paper sheets, post its, aluminium foil) were also prepared for the exercises.

At the end of the seminar, the participants completed an evaluation form. Their feedback is very positive. 75% of the answers to the different aspects of the training expressed a very high level of satisfaction (marked with 5), 22% were satisfied (marked with 4), and only 3 percent (3 answers in total) expressed a medium level of satisfaction with certain aspects of the training (marked with 3 points).

All respondents were satisfied (of which 80% very satisfied) with the topics of the workshop, what they have learnt and the ways they were encouraged to participate.

- 86.7% considered that the presented information will help them in their everyday work, of which 46.7% considered it helpful at the highest level; 66.7% of the participants considered that the workshop met their expectation at the highest level; while 33.3% declared that their expectations were met. Taking into account the novelty of these types of exercises for most of the participants, this can be considered a good result.
- 93.3% of the participants declared themselves highly satisfied with the organisation and structure of the workshop, while 1 participant (6.7%) only experienced only medium level of satisfaction with this aspect of the workshop.

There were three proposals formulated in relation to the organisation of future seminars and workshops. One respondent only expressed his/her interest for similar workshop. The other concrete proposals regarded “females in leadership role” and seminars directly related to professional topics.

Creation of the design of the official documents issued by the IPA

As a result of the study visits to the Croatian and Hungarian IP Offices, it was requested that the project should support the creation of the design of the official documents, issued by the IPA.

The request was approved by the EUOK, and a designer was hired. He prepared the design of the certificates for trademark and industrial design registration. However, this activity could not be completed because the logo of the IPA had not been selected. Since the resignation of Ms. Flutra Hoxha the Acting Directors decided to leave the decision to the future IPA Director General.

3.3 A3 Capacity building of enforcement institutions

A3.1 TNA and development of training programmes

A senior non-key expert on enforcement was recruited with the task to meet with the primary IPR enforcement institutions in Kosovo (Market Inspectorate, Police, Customs, Prosecutors and Judges), to assess their training needs and subsequently draft training programmes for each institution. The expert's mission took place from 13 to 17 May 2013. The expert met with representatives of Market Inspectorate, Police, Customs, Secretariat of Judicial Council, Judicial Institute, Prosecutorial Council, IPA and OCRR. During the meetings a number of questions were asked covering the structure of the respective institution, existence of IPR enforcement statistics, previous IPR enforcement training, existence of IPR enforcement training publications, current IPR enforcement training for new recruits, current IPR enforcement training for serving officers, subjects to be covered during project training event, potential venue for project training event, duration for project training event, number of officers to attend project training event, and ability to provide speakers for project training event.

The expert reported that all institutions were extremely cooperative during the TNA, and helped the short term expert gain an insight into their IPR enforcement structures and procedures. He is also of

the opinion that all institutions had been frank about their level of IPR awareness, which can be summarised as follows:

Institution	Level of awareness
Market Inspectorate	Low
Customs	Practical knowledge
Police (Economic Department)	Practical knowledge
Police (General)	Low
Prosecutors	Low
Judges	Low

Having obtained an insight into the IPR enforcement structures and procedures, in Kosovo, and the IPR awareness of each IPR enforcement institution, the non-key expert was able to identify key factors that need to be addressed to enhance the IPR enforcement capacity of each institution, namely:

- raising awareness of the impact IPR infringements have on society.
- improving IPR enforcement professionalism, within each institution.
- encouraging the IPR enforcement institutions to cooperate against IPR crime.

The police indicated they would like a training event on the internet and IPR crime. There is no budget for this in the project but it may be possible to organise such an event using other funding mechanisms e.g. TAIEX. The Team Leader and non-key expert should explore alternatives.

It should be noted that the Judicial Institute would prefer to hold their training events on Fridays and Saturdays, to minimise the impact on their work. This should be taken into consideration by the Team Leader.

On completion of the meetings, the non-key expert subsequently prepared the draft training programmes in consultation with the Team Leader. The training suggested by the non-key expert covers the above mentioned topics.

The training programmes were forwarded the stakeholders for consideration; however, some comments were received only from Customs.

A3.2 Drafting of a manual for Police

The purpose of this activity was to provide the police officers with a manual to be used in their daily job when investigate IP crimes.

The first mission of the expert took place from 8 to 10 January 2014. Several meetings were held, namely: at Police Headquarters, Prosecutors' Office, IPA and OCRR. The expert explained the purpose of the activity and presented the first draft contents of the manual. He asked for the stakeholders' opinion on the contents of the manual.

After the mission to Pristina the expert prepare the first draft manual in his home country. The draft was forwarded the Police and Prosecutors' Office for opinion.

The manual consists of 7 chapters, namely: Introduction; The Intellectual Property System in Kosovo; Legislation; Investigation and Evidence; Product Identification; Identification of Right Holder, The International Intellectual Property System.

A two-day mission to Pristina took place on 31 March and 1 April 2014. The expert met with the representatives of Police and Prosecutors' Office and discussed the draft manual.

All comments were reflected in the final draft manual. The manual was translated in Albanian and Serbian. It was printed in 150 copies which were handed over to the Police.

A3.3 Implementation of the training programme

A3.3.1 Seminar for police and prosecutors

A3.3.2 Workshop for police

The Seminar and workshop for Police and prosecutors took place on 30 and 31 October 2013 at the Kosovo Chamber of Commerce. Nineteen (19) Kosovo police officers and five (5) prosecutors attended the Seminar.

The Seminar Agenda was developed under the Training Needs Assessment Activity, in consultation with the police and prosecutors. It consisted primarily of formal presentations, discussions and workshops. The presentations included:

- An Introduction to Industrial Property;
- An Introduction to Copyright and Related Rights;
- Impact of IP Crime;
- IP Criminal Enforcement Legislation;
- Powers of Police and Prosecutors;
- Private Industry Support;
- Raising Awareness of Consumers; and
- Case Studies.

The workshops were titled:

- Trademark Recognition;
- How can you Improve IPR enforcement in Kosovo; and
- A Prosecution Case Study.

The Seminar was opened by Ms. Flutra Hoxha, Director General of the Intellectual Property Agency and Mr. Emenuale Pitto from the EU Office in Kosovo. There were 2 representatives of right holders – Adidas and Microsoft.

At the end of the event, the participants were asked to complete an evaluation form. This required the participants to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented “Not Satisfactory” and 5 represented “Excellent”).

The results of the evaluation form are presented below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.40
2.	Have you learned from the Seminar?	4.20
3.	Will the presented information help you in your work?	4.05

4.	Were you encouraged to participate in the discussions?	4.45
5.	Did the workshop meet your expectations?	4.25
6.	How satisfied were you with the organisation of the Seminar?	4.55

The experts were impressed with the enthusiasm of the Seminar participants to ask questions, interact and debate. This added value to the training and enabled all attendees to enhance their knowledge. It also showed that the participants were interested in criminal intellectual property enforcement.

During the discussions and workshops, the participants raised the following concerns about IPR enforcement in Kosovo:

- IPR enforcement agencies cannot seize domain names;
- Cooperation with other national agencies;
- Cooperation with other countries, particularly in the Balkans;
- Apathy from right holders;
- Need for capacity building training and materials;
- Other countries failing to respond to requests for information and evidence;
- International companies failing to respond to requests for information / evidence.

The experts had the following observations:

- Under Criminal Code Article 298, only trademark counterfeiting carried out in a way that is deceitful towards consumers is a criminal offence.
- In general, the participants had a limited knowledge and understanding of intellectual property;
- There were some gaps in the understanding of the basic functioning of a free market economy, i.e. connection between product safety, liability rules and intellectual property;
- Very limited experience from prior investigations and prosecutions;
- Police can take ex officio action, but it seems never to happen even in cases of blatant counterfeiting and piracy;
- Counterfeiting and piracy are a low priority for the police and prosecutors;
- Experience in online investigations is limited and it appears the police do not have the capacity and expertise to investigate online offences.

A3.3.3 Seminar for Customs; A3.3.4 Workshop for Customs

The training took place on 28 and 29 October 2013 at the Kosovo Chamber of Commerce. Twenty three (23) officers from Kosovo Customs were in attendance, throughout the Seminar and workshop.

The Seminar was opened by Ms. Emilia Gargallo-Gonzalez, from the EU Office in Kosovo, and Ms. Sadije Topojani, Head of the IPR Sector at Kosovo Customs.

As per the Agenda, the Seminar included formal presentations from an IPR Enforcement Expert, an IPR Customs Expert, the Key Expert on Copyright, Ms. Sadije Topojani, and representatives of Adidas and Nike.

The presentations were grouped into subjects and were followed by discussion periods, which gave the Customs Officers an opportunity to ask questions and offer their views.

The afternoon of 29 October 2013 was devoted to interactive workshops, in which the attendees were divided into groups.

The first workshop involved trademark recognition and identifying existing impediments that stop Kosovo Customs detecting/seizing counterfeit or pirated goods. A rapporteur from each group responded, after a period of deliberation, and the points raised included:

- Green Borders;
- Customs not being informed of transit;
- Northern Kosovo;
- Lack of communication with other countries within the Region;
- Lack of communication with China;
- Need for a communication tool/database to enable Customs Head Quarters to contact border points and vice versa;
- Lack of interest by right holders;
- Lack of legislation;
- More training needed;
- A system of profiling goods;
- Warehousing seized goods;
- The need for study visits to Customs authorities in EU member states; and
- Lack of co-operation between Customs and other enforcement authorities.

The second workshop concerned the various groups each having a different counterfeit/pirated commodity to import into Kosovo, without the true nature of the goods being detected by Customs. This was a useful way of evaluating what information had been retained from the formal presentations on Risk Analysis, as well as seeing what they knew from their own experience as they had to consider ways of circumventing the controls.

It should be noted that the representatives of the right holders gave informative presentations on how to distinguish between genuine and counterfeit product in their brands. Other important information was imparted, for example, details of the normal haulier and routings used for genuine consignments.

At the end of the training, the participants were asked to complete an evaluation form. This required the participants to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent").

The average ratings were presented below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.65
2.	Have you learned from the Seminar?	4.60

3.	Will the presented information help you in your work?	4.45
4.	Were you encouraged to participate in the discussions?	4.60
5.	Did the workshop meet your expectations?	4.80
6.	How satisfied were you with the organisation of the Seminar?	4.90

The experts were impressed not only by the Kosovo Customs IPR statistics, presented by Ms. Sadije Topojani, but also by the enthusiasm of the participants to ask questions, interact and debate. This added value to the Seminar and enabled all those attending to enhance their knowledge.

The introduction of right holders into the Seminar was of enormous benefit to the officers, not only because of the information given, but it also re-enforced what had been said, during the training, that in the fight against counterfeiting and piracy, a partnership should exist between Customs and right holders.

A3.3.5 Seminar on copyright for judges

A seminar for judges on Copyright was organised at Hotel Magra, Boge on 28 and 29 March 2014 with the participation of the Team Leader, the KE2 expert and two senior non-key experts as approved by the EU Office in Kosovo: Mr. Vittorio Ragonesi, a judge from the Supreme Court of Italy and Mrs. Dionysia Kallinikou, Professor on Copyright of the University of Athens. Two of the judges were not able to attend the seminar, one of them was sick, the other – due to some serious family problems.

The Team Leader welcomed the participants and opened the training session. Mr. Valon Kashtanjeva, Director of the Copyright Office was the moderator and made a short introduction on the activities of the OCRR, the Kosovo Law on Copyright and the actions undertaken by the Task Force for combat against piracy. Mrs. Kallinikou, after a short introduction on the EU Directives, analysed the policy and the practice of the EU Court of Justice. A participant judge Mr. Miftari explained the structure of the judiciary in charge of copyright infringements and gave an example of the case law. The KE2 expert presented then the topics: "Setting damages" with examples from the case law of Greece, Germany and France and "Analysis of the provisional measures in civil law cases".

Mr. Ragonesi analysed the various exceptions and limitations from the perspective of Marrakech treaty for visually impaired people and the EU Directive on orphan works. A workshop on the topic of striking a balance between copyright infringement and the right privacy was conducted by Mrs. Kallinikou.

The first day session was concluded with a presentation of Copyright Enforcement in the digital environment. The judges from the Economic section of the Basic Court of Pristina and the Court of Appeal were particularly active and raised a lot of questions on the representation of CMOs and the possibility to take action on behalf of their members, issues of proof, originality in particular as far as scientific works are concerned.

The second day continued with a presentation of case law for copyright infringement on Internet and case law in relation to the basic concepts of copyright such as originality and communication to the public. The session has been concluded with practical workshops conducted by Mr. Ragonesi: several cases from the Italian jurisprudence were considered. The facts of these cases were presented to the participants who were asked to give their opinion on the legal issues and make the decision, before the final judgment of the Italian courts and the reasoning of the Italian judges was given to the participants.

At the end of the Seminar, the participants completed an evaluation form. This required them to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent"). The results of the forms are very positive.

The average ratings are presented below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	5.0
2.	Have you learned from the Seminar?	4.8
3.	Will the presented information help you in your work?	4.7
4.	Were you encouraged to participate in the discussions?	4.5
5.	Did the workshop meet your expectations?	4.7
6.	How satisfied were you with the organisation of the Seminar?	4.7

Some participants recommended that similar seminars should be held in the future.

A3.3.5' Seminar on copyright for judges - continuation

A second seminar for judges on Copyright was held at Hotel Dukadjini, Peja, on 2 and 3 October 2015 with the participation of the Team Leader, the KE2 expert and a senior non-key expert Mrs. Dionysia Kallinikou, Professor on Copyright of the University of Athens. The number of attendees was 19.

This training was a follow-up to the first training for judges on Copyright issues conducted last year in Boje. Mr. Valon Kashtanjeva, Director of the Copyright Office was the moderator.

The Team Leader, Mrs. Evgeniya Tabova welcomed the participants and opened the training session. Mr. Valon Kashtanjeva, Director of the Copyright Office was the moderator. Mrs. Kallinikou, after a short introduction on the EU Directives, presented CJEU case-law on key concepts of Copyright, followed by a workshop of a case on the concept of the initial rightholder. The afternoon session started with a presentation on CJEU case law related to the right of remuneration of private copying and was concluded with a workshop on Copyright exceptions, namely the Deckmyn case.

On the second day of the training Prof. Kallinikou continued with a presentation on CJEU case law on communication to the public (from background music to hyperlinks). This presentation was followed by a very interactive discussion about retransmission of sport events in bars and cafes. The morning session was concluded with a workshop on concept of remuneration.

In the afternoon session of the last training day, I presented CJEU case-law on competitive aspects of Collective management and during the workshop I highlighted the key features of collective management in the light of competition rules with a specific CJEU judgement related to a statute of GEMA, the German CMO for authors.

The CJEU case-law on Copyright issues has increased considerably the last years, and a good knowledge of the main cases is beneficial to both legislators and judges. The illustrative purpose of the training had been achieved and the Kosovo judges got aware of the main decisions of the European Court which somehow compensates the low number court cases on Copyright litigation at Kosovo courts.

In their mission report the experts stressed that there is a need and scope to follow up with more detailed and focussed presentations in the future. The interactive format of the trainings must be maintained as well as the participation of different EU Member States in order to understand better

the uniform interpretation of the EU acquis but also the national specificities when the application of the Copyright law is left to the national judges. The participation of Kosovo judiciary institution in both trainings could ensure the sustainability of the project's results since after the end of the project they will be in charge together with the OCCR of organizing further trainings and maintain the knowledge of Kosovo judges at the desirable level.

Participants expressed their high satisfaction with the content of the training and had been very active during the session. Besides the time for general discussions and exchanges of views after each presentation, participants raised a lot of questions during the training as encouraged by the EU experts. Some of the participants took part in both trainings and were able to identify the progressive implementation of the agendas.

A3.3.6 Seminar on trademarks for judges

The seminar on Trademarks took place in Brezovica on 19 and 20 September 2014 with the participation of 18 people in total. Three senior experts: two former presiding judges from Germany and a trademark examiner from the Danish Patent and Trademark Office (DKPTO) delivered the training according to the agenda.

The seminar started with a presentation of the legal aspects of the Kosovo Law on Trademarks delivered by Ms. Bajram Miftari, a judge from the Pristina Basic Court.

Mr. Miftari's lecture was followed by an introduction to trademarks. The participants were explained the definition of a trademark, different types of trademarks and the absolute grounds for refusal. The introduction was accompanied with a lot of examples.

After the introduction to the trademarks, the DKPTO trademark examiner presented the topic "Assessment of similarity between signs; assessment of similarity between goods and services; likelihood of confusion from the perspective of an IP expert". The participants were trained on how to assess the similarity between signs from visual, phonetic and conceptual point of view as well as the factors to be taken into account while comparing the goods and services. The theory was illustrated with a lot of examples.

A lecture on "Legal aspects of the likelihood of confusion" in the framework of opposition and infringement proceedings was presented by one of the German judges. The different functions of trademarks and their meaning for the likelihood of confusion as a legal tool for finding solutions for conflicts between trademarks were explained. A definition of the legal concept of likelihood of confusion, legal basis according to European and national law, the basic criteria for examination of opposition and infringement cases were issues covered by the presentation. Hints on databases and other tools for support were given and a discussion on distinctiveness and global assessment was held. A check list on likelihood of confusion prepared by the expert was distributed to the participants.

Selected case studies from the jurisdiction of the European General Court and the German Federal Patent Court were presented in the following presentation.

The afternoon session included a presentation on "Infringement of Trademark rights – problems and case study" delivered by the second German judge. The first lecture explained some provisions of the Enforcement EU Directive, claims the infringed right-holder may lodge, provisional measures for the immediate termination of infringements, a claim for information about the origin and distribution networks of the goods which infringe a TM right, and corrective measures stipulated in the Directive.

The second day of the seminar began with the topic "Setting damages in trademark infringement cases – case study". Three methods of calculation of damage were explained: compensation of the infringed party's lost profit; surrender of infringer's profit; and a general formula: $\text{infringer's profit} = \text{income (turnover with infringing products)} - \text{deductible costs}$.

The presentation was followed by group exercises. The attendees were divided into 2 workgroups to consider TM cases - each group had to assess the likelihood of confusion and then report to the decision to the rest.

At the end of the training the participants were asked to complete an evaluation form. This required them to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent").

The results of the evaluation forms are presented in the table below:

No	Question	Average Ratings
1.	How satisfied were you with the content of the seminar?	4.9
2.	Have you learned from the seminar?	4.25
3.	How does the presented information help you in your daily work?	4.25
4.	Were you encouraged to participate in the discussions?	4.5
5.	Did the workshop meet your expectations?	4.6
6.	How satisfied were you with the organisation of the seminar?	4.6

As seen from the results, all respondents were satisfied with the content of the seminar almost at the maximum degree.

It was suggested that consequent training should focus on practical exercises.

A3.3.6' Seminar on trademarks for judges- continuation

A second seminar on Trademarks took place in Hotel Sharri, Prevala on 26 and 27 June 2015 with the participation of 17 people in total, thus including judges from the Administrative Department of the Basic Court of Pristina. According to the agenda the seminar was focussed on the case study and practical exercises.

Two senior experts were supposed to deliver lectures according to the agenda: a former presiding judge from Germany and a trademark examiner from the Danish Patent and Trademark Office (DKPTO). However, at the last moment the project was informed that the Danish expert would not be able to participate in the seminar due to health problems. As it was late to replace her, the other expert agreed to deliver the training himself.

It should be noted that none of the judges attending the previous seminar were present. As most of the participants were just appointed judges", without much professional experience, the agenda was modified in order to introduce them to the notion of the "likelihood of confusion".

The seminar started with a short introduction to trademarks followed by a presentation on likelihood of confusion in theory and practice; legal and practical hints from the perspective of an IP judge.

The German judge gave an insight to the notion of "likelihood of confusion" as it is explained in the Directive 2008/95/EC and the basic criteria for main assessment: recognition of the trademark on the market, association between the marks and the degree of similarity. He presented the checklist for likelihood of confusion, which consists of the following:

- List of goods and services
- Relevant public and average consumer

- Degree of attention
- Comparison of goods and services (in case: proof of use)
- Comparison of signs
- Distinctive and dominant elements of the conflicting signs
- Distinctiveness and reputation of the earlier trademark
- Global assessment and conclusion

The first step in assessing if a likelihood of confusion exists is to establish these factors. The second step is to determine their relevance.

Each factor was explained in detail illustrated with many examples. Particular attention was paid to the assessment of the similarity between goods and services, on the one hand, and similarity between signs from visual, phonetic and conceptual point of view, on the other hand.

The afternoon session included case studies. A lot of cases (from the jurisdiction of the European General Court and the German Federal Patent Court) were presented for different types of trademarks: comparison between numbers, letters, figurative elements, words, words and figurative elements. The distinctiveness of the trademarks and the dominant elements were also discussed.

The second day was dedicated to practical exercises followed by presentation of the procedure for registration of trademarks. Some legal questions were discussed, in particular the possibility of registering the trademark in case the decision on the opposition was not final.

The participants were very interested in the topics and asked many questions.

At the end of the training the participants were asked to complete an evaluation form. This required them to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent").

The results of the evaluation forms are presented in the table below:

No	Question	Average Ratings
1.	How satisfied were you with the content of the seminar?	5
2.	Have you learned from the seminar?	5
3.	How does the presented information help you in your daily work?	4.50
4.	Were you encouraged to participate in the discussions?	5
5.	Did the workshop meet your expectations?	5
6.	How satisfied were you with the organisation of the seminar?	5

As seen from the results, all respondents were satisfied with the content of the seminar at the maximum degree.

A3.3.6 Seminar on Criminal Code for criminal judges and prosecutors

This seminar was included in the project work plan at the request of the OCRR. It was held on 22 September 2015 at Hotel Emerald, Pristina with the participation of 24 people: judges from Basic Court of Pristina and Prizren, prosecutors and police officers from Peja, Prizren, Ferizaj and Gjilan.

The seminar was opened by Valon Kashtanjeva, OCRR Director and the Team Leader Evgeniya Tabova. They welcomed the participants and explained the purpose of the training.

The welcome session was followed by a presentation of the criminal provisions in Romania related to IPR infringements and envisaged sanctions. The senior NK expert introduced the participants to the requirements of the TRIPs Agreement regarding counterfeiting and piracy, the basic principles of copyright and related rights, the notion of counterfeiting and piracy, software and internet piracy, and the criminal provisions in the Romanian legislation. Some concrete examples of violation of copyright were given, e.g. the downloading of ring tones. Further on, an insight to the notion of trademarks was provided: a definition, types of trademarks, rights conferred by the registration, similarity between signs, likelihood of confusion and the criminal provisions in the Romanian law on trademarks.

The afternoon session started with a presentation of the criminal IPR provisions in the Kosovo Criminal Code. The expert explained the differences between the Kosovo provisions and the provisions accepted in most of the European countries. The participants indicated that there had never been criminal IPR convictions in Kosovo and no cases related to organised crime or computer crimes in relation to IPRs.

The case study session aroused a great interest among the attendees. The expert presented a case of an organised crime where many countries were involved. The presentation ended with some information about the agencies to be contacted in case of organised crime and actions to be taken as well as with question and answer session.

At the end of the training, the participants were asked to complete an evaluation form. This required the participants to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent"). The average ratings were presented below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.30
2.	Have you learned from the Seminar?	4.30
3.	Will the presented information help you in your work?	4.10
4.	Were you encouraged to participate in the discussions?	3,80
5.	Did the workshop meet your expectations?	4.00
6.	How satisfied were you with the organisation of the Seminar?	4.30

Based on the discussion during the seminar the expert made a number of recommendations:

- The Kosovo authorities should consider bringing all necessary amendments to the Criminal Code in order to ensure a proper legal framework in compliance with EU and international standards in this field. Regular trainings must be organised for judges, prosecutors and law enforcement authorities in the main area of IPR laws.
- 3. The IP Agency, the OCRR and right holders should organise regular seminars for IPR Law enforcement institutions.

A3.3.7 Seminar on IPR Enforcement for Market Inspectors

The Seminar for Market Inspectors took place on 13 and 14 March 2014 at the Kosovo Chamber of Commerce. Seventeen (17) Market Inspectors attended the training.

The Seminar Agenda consisted primarily of formal presentations and discussions. The presentations included:

- Intellectual property – general overview; IP objects; Copyright; Trademarks, Industrial Designs;
- Presentation of the State Inspectorate of Croatia; Legal basis for actions of the State Inspectorate in the field of intellectual property; procedure
- Presentation of Kosovo Market Inspectorate; legal basis for the actions in the field of intellectual property
- Combating counterfeiting and piracy in Croatia– case study
- Bulgarian experience in protecting IPRs – case study
- Private Industry Support – copyright and trademarks

The Seminar was opened by Mr. Muharrem Pozhegu, Chief Market Inspector and the Team Leader. The formal presentations were given by the Team Leader, a Croatian senior market inspector, a senior officer from the Bulgarian Patent Office and representatives of Microsoft and Adidas. Mr. Pozhegu made a short presentation on Market Inspectorate.

At the end of the seminar, the participants were asked to complete an evaluation form. This required them to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented “Not Satisfactory” and 5 represented “Excellent”).

The results of the evaluation form are presented below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.4
2.	Have you learned from the Seminar?	4.2
3.	Will the presented information help you in your work?	4.5
4.	Were you encouraged to participate in the discussions?	4.7
5.	Did the workshop meet your expectations?	4.0
6.	How satisfied were you with the organisation of the Seminar?	4.6

A3.3.8 Study visit for enforcement institutions

A 3-day study visit to the Croatian State Intellectual Property Office (SIPO) took place from 7 to 9 April 2014.

The purpose of the study visit was to introduce representatives of Kosovo Customs, Police, Market Inspectorate, Prosecutor’s Office, Kosovo Copyright and Related Rights Office and of the Kosovo Industrial Property Office to the experience of Croatian enforcement institutions.

The total number of the participants was 11: Shaip Havoli and Ali Aruqaj from the KS Police; Lulzim Sylja from the Market Inspectorate, Rrahim Rama from the Agency for Administration of confiscated assets; Drenusha Rizvanolli from KS Customs; Ikramije Bojaxhiu and Agron Galani representatives of the Prosecutor’s Office; Valon Kashtanjeva, OCRR Director, Flutra Hoxha, IPA general Director, and the project team.

The first day of the study visit was dedicated to the SIPO – its mission, duties and role in the enforcement of IPRs. An introduction to the Croatian State Intellectual Property Office (SIPO) - the structure and duties of the Office, was made by the Deputy Director General Ms Ana Racki

Marinkovic. SIPO is a state administration body with responsibilities in the field of protection of intellectual property rights; it carries out procedures for granting protection of industrial property rights (patents, trademarks, industrial designs, geographical indications and designations of origin, topographies of semiconductor products) as well as licensing the collective management organisations and controlling their performance. The participants were informed about the legal framework, in particular the enforcement provisions, and the challenges that Croatia faced in approximating the IP legislation with the EU acquis.

Another topic of the presentation was the awareness activities of the Office. They are implemented in different parts of the country and promotion materials are distributed with a view to informing the public about the harmful effect the fake products might have. Common awareness activities have been implemented with the existing Copyright Collective Societies – organisation of concerts in different cities, where the Office had a stand with promotion materials.

The SIPO Deputy Director advised the Kosovo delegation to combine the awareness campaigns with some other events where more people are gathered. Media should be actively involved in the campaigns.

The topics on the second day were focused on the Customs measures for IPR enforcement. The international and national legislation in this respect was presented, in particular the requirements of articles 51-60 of the Trade Related Aspects of Intellectual Property Agreement (TRIPS). The Customs obligations according to the new Regulation No 608/2013 were explained. The participants were introduced to the procedures for seizing of fake goods -the goods are temporarily detained until a final decision, which establishes whether the goods are fake or not.

The types of the procedures that the Croatian Customs carry out in respect of IPR enforcement are: ex officio procedure, standard procedure and small consignments procedure. In case the goods are fake or pirated and this is verified, the Customs initiates a state procedure for their destruction. The Customs representative provided information on how to make the risk analysis - basically by asking several questions such as “are the goods produced by applying any IPR?”, “Were the goods produced with the authorization of the right holder?”, etc. Several factors that raise suspicion need to be taken into account when inspecting shipment of goods - unusual route of shipment; declared lower price; different trademarks in one shipment; the quality of goods; design without a trademark; copyright used without licensing information; patent used without patent information.

Several case studies were presented.

The competences of the market inspectors have been transferred to the Croatian Customs. The market inspectorate operates ex officio or upon request by the right holders; the inspectors impose fines on different forms of infringement of IP rights. It was mentioned that the key to the success of the fight against IPR infringements is the cooperation between the enforcement institutions within the country, but also between the customs authorities from neighbouring countries.

During the last day of the study visit the participants were introduced to the experience of the Croatian Police and Prosecutorial Office. The actions taken by the Police are based on the Criminal Code and procedures are initiated and developed based on the Criminal Procedure Code.

It was explained how the infringement of IPR is qualified: it depends on the level of damage whether it is qualified as misdemeanour or criminal offence; any infringement below 1000 € is a misdemeanour, and above 1000 € - a criminal offence.

Criminal investigation of internet infringements was a challenge to the Croatian Police. The Police representative presented several cases of IP infringements investigated and solved by the Police. One of the cases required trans-border cooperation between the Croatian and Serbian Police on investigating a fake watches sale on a website, hosted by a Serbian citizen, which sold watches on Croatian territory. The police managed to trace the infringers and to bring them before the court.

According to the State Prosecutorial Office in Croatia 48% of the IPR infringement cases are in the field of copyright, and 45% - in the field of trade marks. Cases, involving copyrights, are mostly infringements in bars and restaurants or selling illegal copies of CDs and DVD-s.

Croatia does not have a separate prosecutors department to fight IPR enforcement. However, the fight against piracy and counterfeiting is considered to be quite successful. In 2012, for instance, there were 146 criminal cases and 1840 misdemeanour cases.

As it can be seen from their report, the participants found the study visit very useful. It is pointed out that the IP awareness of the public must be raised and awareness activities should target different groups: from right-holders to the end users.

A3.3.9 Study visit for enforcement institutions

A second study visit for enforcement institutions was organised by the project. Initially, the study visit was planned and approved by the EUOK for Poland. However, after the approval, the Polish Patent Office informed the project that they would not be able to host the visit.

The Hungarian Intellectual Property Office (HIPO) agreed to host the study visit. The latter took place from 13 to 15 October 2014.

The purpose of the study visit was to introduce representatives of Kosovo Customs, Police, Market Inspectorate, Prosecutor's Office, Kosovo Copyright and Related Rights Office and of the Kosovo Industrial Property Agency to the experience of Hungarian enforcement institutions.

The total number of the participants was 8: Shaip Havoli from the KS Police; Sadije Topojani from KS Customs; Ikramije Bojaxhiu from the Prosecutor's Office; Valon Kashtanjeva, OCRR Director, Flutra Hoxha, IPA general Director, Veli Hoti, IPA, and the project team. Initially Lulzim Sylja from the Market Inspectorate was on the list of participants, however, at the very last moment we were informed that he could not participate; with the approval of the EUOK he was replaced by Mr. Veli Hoti.

The first day was dedicated to the HIPO. The Kosovo Delegation was welcomed by the Vice-President, Dr. Mihaly Ficsor. The participants were acquainted with the role and position of the HIPO: legal framework, legal status of HIPO, revenues and their use; functions and competences, role of HIPO in IPR enforcement and cooperation between institutions. On a Government level, a National Board against Counterfeiting (NBAC) was established in 2008. This is a consultative, opinion-giving and advisory body. The Board has 21 members: representatives of ministries, law enforcement bodies, civil society organisations and interest groups embracing holders of IPRs. The tasks of the Board encompass drafting and enforcing the national strategy and action plans against counterfeiting; coordination and support of the government activities relating to international and European initiatives and programs against counterfeiting, analysis and systematization of statistical data regarding counterfeiting, launching and coordinating awareness raising and information campaigns and monitoring their implementation, training the officials of law enforcement agencies, and participation in drafting legislative amendments regarding IPR enforcement. Awareness events aim at reducing the offline and online supply of counterfeit products, thus making the enforcement of rights more efficient, and to raise the public awareness so the consumers are better informed about the risks of buying counterfeits.

The roles of the HIPO in the IPR enforcement are: aiding legislation, awareness raising, providing information services and operation of the NBAC. The HIPO coordinates the work of the NBAC and is entrusted with the role of a secretariat. The Office has no competence to decide on the merits in case of IPR infringements; its aim is to render granted rights as valuable as possible. The HIPO organises a lot of awareness activities and training. There are regular events for SMEs and ad-hoc events on demand for greater public or specific target group.

On the second day, the participants visited the Customs Office at Liszt Ferenc International Airport. An insight to the work of the Airport Customs Directorate 1, which is responsible for the destruction of goods, was provided. After the lecture the participants attended the process of destruction of some goods infringing trademark rights and copyrights. The afternoon session included a presentation of the IP protection activities of the Customs – the legal basis and the inspection of the market. The most popular counterfeit products in Hungary were the electrical appliances (mobile phones, headsets, and software), clothes, shoes, and accessories, perfumes, washing powder, toys and kitchen tools, medicines and food supplements.

The agenda of the third day of the study visit encompassed presentations by the representatives of the Hungarian Police and Prosecutor's Office. The role of Public Prosecutors and Police in the fight against IPR infringements was explained. Two presentations were particularly very interesting: the presentation on online IP infringements and dangers of counterfeit medicines.

The participants were very satisfied with the programme of the study visit. The IPR system in Hungary is very well developed and the experience of the NBAC should be taken as an example for the Kosovo State IP Council.

A3.3.10 Seminar on Cooperation

The purpose of the seminar is to introduce a number of representatives from Kosovo Customs, Police, Market Inspectorate and Prosecutors' Office to the EU experience in institutional cooperation in the field of IPR enforcement.

The seminar took place on 11 and 12 November 2014 at the Orion Centre, Pristina. It included representatives from Customs, Police, Prosecutor's Office, Market Inspectorate, Industrial Property Agency and Office for Copyright and Related Rights. In total, there were 44 participants on the first day and 38 participants on the second day.

The first day of the Seminar was opened and facilitated by Valon Kashtanjeva, OCRR Director. The following presentations were delivered:

- Customs, Risk Analysis;
- Inter-cooperation from the perspective of police (Case Study);
- Inter-cooperation from the perspective of Prosecutors (Case Study);
- Inter-cooperation from the perspective of Market Inspectors (Case Study);
- Right holder support – presentation by a representative of the private sector.

The second day of the Seminar was opened and facilitated by Mr. Veli Hoti, IPA Senior Officer. The KE2 presented the Greek model of cooperation. The Manual for Police was presented too.

The presentations were followed by workshops entitled "What challenges faces each Kosovo institution (Customs, Police, Prosecutor's Office, Market Inspectorate) in relation to cooperating with the other IPR enforcement institutions and how can they be resolved"

At the end of the Seminar, the participants were asked to complete the Evaluation form. This required the participants to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent").

The average ratings are presented in the table below:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.45
2.	Have you learned from the seminar?	4.40
3.	Will the presented information help you in your work?	4.09
4.	Were you encouraged to participate in the discussions?	4.41
5.	Did the seminar meet your expectations?	4.14
6.	How satisfied were you with the organisation of the seminar?	4.60

In the mission report, the experts mentioned that they were impressed with the enthusiasm of the Seminar participants to ask questions, interact and debate. This added value to the seminar and enabled all attendees to enhance their knowledge. It also showed that the participants were interested in improving IPR enforcement cooperation between their institutions.

During the discussions and workshops, the participants stated the following initiatives would help them improve cooperation between the institutions with a role to play in IPR enforcement:

- Prioritisation of IPR enforcement by the Government and senior management;
- The construction of a database to share intelligence between IPR enforcement institutions;
- The establishment of an Operational Working Group to assist the Market Inspectors, Customs, Police and Prosecutors prioritise targets; and
- The construction of a database of registered rights, in Kosovo, that can be accessed by the IPR enforcement institutions through the Internet.

The experts report the following observations:

- The participants claimed cooperation between the IPR enforcement institutions was generally good and they worked well together on an ad hoc basis;
- The Market Inspectors stated they required a regulation before they could enforce intellectual property rights;
- The participants indicated there had only been a few low level criminal IPR convictions, in Kosovo, and the courts never imposed deterrent sentencing;
- Private industry stated the average time to register an IPR, in Kosovo, was in excess of three years and consequently, they could not protect their IPR;
- The participants expressed concern that different companies had registered the same IPR and, consequently, they were unsure which goods were genuine and which were fake; and
- The participants wanted more frequent right holder Seminars to assist them distinguish between genuine and fake goods.

It is recommended that:

- The European Commission reminds the Kosovo Government of the importance of IPR to society and, consequently, the need to protect and enforce IPR;
- A one-day seminar for senior management, within police and prosecution, is organised to emphasize the need to make counterfeiting and piracy a priority;
- The project works with the IPR enforcement authorities to establish the feasibility of constructing an intelligence database;

- The project works with the IPR enforcement authorities to establish an Operational Working Group;
- The project works with the Industrial Property Agency to establish the feasibility of developing an online database of all registered IPR in Kosovo;
- The project works with the Market Inspectors to ascertain if they need a regulation to enforce IPR and, if this is the case, assist them draft such a regulation. However, if this is not the case, the Market Inspectors should be made aware of their existing competences and powers;
- The Industrial Property Agency reduces the time to register an IPR, in Kosovo;
- The Industrial Property Agency ascertains whether multiple companies have registered the same IPR, in Kosovo, and, if this is the case, expeditiously resolves the situation. However, if this is not the case, they need to educate the IPR enforcement institutions to avoid confusion; and
- The Project encourages right holders to organise regular seminars for the IPR enforcement institutions.

A3.3.10 Seminar on Cooperation- continuation

A second seminar on cooperation took place on 8 October 2015 at the Hotel Emerald, Pristina.

32 police officers, customs officers, market inspectors and three representatives from the OCRR were in attendance. The Seminar was opened by the Team Leader, and, as per the Agenda, included formal presentations from the KE on copyright and a senior expert on IPR enforcement.

The presentations were grouped into subjects and were followed by discussion periods, which gave the attendees an opportunity to ask questions and offer their views.

The morning session included two presentations, respectively on the importance of the IPR statistics and the tools to fight online IP crime. The afternoon session was dedicated to regional cooperation.

The Seminar concluded with an interactive Workshop, in which the attendees were divided into groups and asked two questions. After a period of deliberation, a rapporteur from each group responded to the questions.

The points raised in response to each question included:

Question 1: What cooperation currently exists between the IPR enforcement institutions in Kosovo and the other Balkan countries?

- Interpol Operation White Mercury targeting fakes in the Balkans;
- Ad-hoc bilateral cooperation between IPR enforcement institutions;
- Legal consultations when harmonising national legislation with *acquis*; and
- Correspondence through the International Law Enforcement Coordination Unit (ILECO).

Question 2: How can you improve cooperation between the IPR enforcement institutions in Kosovo and the other Balkan countries?

- Organise joint trainings for IPR enforcement institutions;
- Organise cross border operations;
- Identify contact points in each country;
- Encourage more information exchange;

- Organise a regional IPR enforcement annual conference; and
- Establish an IPR enforcement regional office.

The participants were given copies of all presentations.

At the end of the Seminar, the participants were asked to complete the Evaluation form at Annex 2. This required the participants to rate certain aspects of the seminar on a scale of 1 to 5 (1 represented “**Not Satisfactory**” and 5 represented “**Excellent**”).

The average ratings were as follows:

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.5
2.	Have you learned from the Seminar?	4.5
3.	Will the presented information help you in your work?	4.2
4.	Were you encouraged to participate in the discussions?	4.7
5.	Did the workshop meet your expectations?	4.3
6.	How satisfied were you with the organisation of the Seminar?	4.7

The participants were very active: they asked questions, interacted and debated. This added value to the Seminar and enabled all those attending to enhance their knowledge.

From the Seminar discussions, it became apparent that Kosovo needs to adopt the following measures to enhance its response to IPR crime:

- Measure the value of IPR to the economy in Kosovo;
- Measure the value of IPR crime in Kosovo;
- Develop tools to fight IPR crime on the internet; and
- Enhance cooperation with Regional IPR enforcement institutions.

It is recommended that:

- Kosovo adopts the methodology developed by the EU’s Observatory on Infringements of IPR to calculate the value of IPR to the economy in Kosovo;
- Kosovo adopts the methodology developed by the EU’s Observatory on infringements of IPR to calculate the value of IPR crime in Kosovo;
- Kosovo develops tools to fight IPR crime on the internet, including a notice and take down protocol, blocking procedures, a domain name seizure system and a protocol to disrupt payment to websites carrying infringing content;
- Kosovo organises a Regional IPR enforcement annual conference.

A3.4.1 Workshop for IPR Council and Review of the National IPR Strategy

The workshop for the State IPR Council took place on 21 and 22 March 2014 in Hotel Trofta, Istog with the participation of 9 Council members.

The Chair of the Council Ms. Flutra Hoxha opened the event and welcomed the participants. The representatives from the enforcement institutions (Customs, Police and Market Inspectorate) reported on the Strategy implementation: activities which were successfully accomplished and activities to be implemented.

The Team Leader presented the activities carried out since the beginning of the project.

As a result of the review of the Strategy and the discussions, the Council decided to prepare a concept document of the IPR Strategy 2015 – 2018 and present it to the Government for approval.

The members also drafted the contents of the future strategy and determined the representatives of the institutions to be involved in the WG entrusted with preparation of the draft Strategy. The new strategy aims at strengthening the IPR system in Kosovo. It will contain 13 chapters, namely: Introduction; Mission and the Vision of the Strategy; Notion of Intellectual Property Rights; Institutions Responsible for administration, management, implementation and protection of IPRs in Kosovo; State IPR Council; International and European standards in the field of Intellectual Property; Current situation; Primary and secondary legislation in the field of intellectual property; Capacity Building; Awareness activities; Regional and International Cooperation; Implementation, monitoring and evaluation of the Strategy; Action Plan.

A3.4.2 Drafting of National IPR Strategy

A senior non-key expert was hired with the task to draft an IPR strategy. He drawn up a questionnaire for each institution involved in the IPR system. The questioners were forwarded to the stakeholders. The first mission of the expert took place from 15 to 19 June 2015. He met with all institutions and gathered the answers to the questionnaires. The first draft strategy was prepared in his home country.

A second mission of the expert took place from 5 to 9 October 2015. Before the mission the expert submitted the first draft of the strategy for consideration by the beneficiaries.

During the second mission the expert discussed the draft strategy with the IPA and OCRR and reflected their comments. The final draft contains 5 chapters:

Chapter I Introduction. This chapter introduces the reader to the notion of the intellectual property and its importance for the society. All necessary elements of a national IP strategy are determined.

Chapter II National IP system: Current situation. The chapter outlines the legal and institutional framework and the infrastructure of the Kosovo IPR system;

Chapter III Mission, vision and main objectives of the strategy. The mission, vision and main objectives of the strategy are established. The mission of the Strategy is to develop a National Intellectual Property System that will encourage innovation and creativity through the alignment of national legislation with international best practice, enhancing the capacities of the institutions responsible for administrating the National Intellectual Property System, encouraging intellectual activity and raising awareness about the importance of intellectual property to society. Four main objectives are determined:

- Align national legislation with international best practice, including the EU *acquis*;
- Enhance the capacities of the institutions responsible for the National IP System;
- Encourage creativity and innovation; and
- Raise awareness about the importance of IP to society.

Chapter IV Specific measures to implement the strategy. The specific measures to implement the four main objectives are explained.

Chapter V Estimating the impact and costs related to strategy implementation. This chapter is dedicated to the expected results and indicators of progress and costs.

Chapter VI Reporting and monitoring procedures.

The proposed strategy is a good draft for Kosovo to take forward.

Seminar on EUIPR – Results and Follow up

On 16 and 17 a seminar on EUIPR – results and follow up took place in Hotel Dukagjini, Peja. The purpose of the seminar was to discuss the results of the project and the follow up after it ends.

The agenda of the seminar included also a presentation of each institution and training in IPAS Publish module.

34 representatives from the beneficiaries and enforcement institutions – Police, Market Inspectorate and Customs attended the event.

The Acting Director of the IPA was not present so the participants were welcomed by Mr. Veli Hoti and the Team Leader. The morning session started with a presentation of the results of the project. The Team Leader introduced the participants to the implemented activities under each component. Particular attention was paid on the capacity building of the IPA, OCRR and enforcement institutions. Some problems faced in the project implementation were shared with the participants.

Mr. Avdi Krasniqi made some comments on the project and pointed out the support in the development of the IT infrastructure at the IPA.

The representative of the OCRR presented the latest developments in the field of copyright and in particular the problems the existing CMO face in the negotiations with the users of copyright.

Next speaker was the Head of the IPR Unit at the Customs. She presented the statistics regarding the actions taken at the request of the right holders during the last year and the first 9 months of 2015. Her presentation opened a lively discussion on a recent trademark case in which the Customs and the Market Inspectorate were involved – the existence of two almost identical trademarks registered to two different persons.

The afternoon session began with an explanation provided by the Team Leader regarding the circumstances in which two identical trademarks can be registered to two different persons. This case can happen if the owner of the first trademark missed to oppose the registration of the second mark within the determined time period after the publication of the latter. The Law on Trademark which is harmonized with the European standards does not require the IPA to carry out search for prior rights and examination of the relative grounds for refusal. Such examination requires a big number of trademark examiners and proper database – all trademarks must be classified according to the Vienna classification of the figurative elements of the marks. These elements are not in place and are not justified.

The explanation was followed by the presentations of the Police and Market Inspectorate. They shared their experience in IPR and their view on cooperation between the enforcement institutions.

The trademark examiner from the IPA demonstrated the procedure for trademark registration.

The first day ended with an IP test. The participants were asked to recognize the logos of some well-known brands and to answer 12 questions in the field of copyright and industrial property.

The second day started with a case study based on the experience of the Appeal Committee. Two cases were presented; one of them provoked an interesting discussion on the requirements for the accordance of the filing date of the trademark applications.

One of the junior NK experts presented two trademark case studies where the registration of the marks must be refused based on the absolute grounds for refusal.

The seminar ended with a presentation of the IPAS and the online register. The senior NK expert on IPAS demonstrated an online search based on different criteria.

The participants were very satisfied with the topics and organization of the seminar.

3.3 Activity 4 Awareness raising

3.3.1A4.1 Develop awareness raising strategy, action plan, awareness materials

The purpose of the activity A4.1 was to draft an awareness raising strategy and an action plan for the lifetime of the project. Two non-key experts (a senior and a junior expert) were recruited to achieve this purpose.

Three missions of the senior expert took place in September and November 2013.

The objective of the first mission was to obtain an overview of previous and existing awareness initiatives. The non-key experts met with the Team Leader and representatives from the IPR related institutions, in Kosovo, to obtain an overview of previous and existing awareness initiatives. Through discussions with the IPA, OCRR and Customs, they revealed that all have experience of implementing awareness events. The experts recommended the way of increasing the impact of future awareness events by:

- Developing an IPR awareness strategy for all institutions;
- Improving coordination between institutions;
- Identifying target groups;
- Developing messages that will resonate with identified target groups;
- Utilising communication tools, used by target groups; and
- Establishing performance indicators to measure the success of awareness events
- On receipt of the outstanding awareness related material from Customs and IPO, the experts will develop a strategy and action plan for raising public awareness, including:
 - Awareness activities to be implemented during the lifetime of the project;
 - Timeframe for activities;
 - Responsibilities of institutions, including IPO and OCRR; and
 - Recommendations for awareness material.

Based on the findings the first draft awareness strategy was prepared and discussed with the Team Leader on 1 November 2013.

The next mission was implemented on 11 and 12 November 2013. During this mission, the experts presented the draft awareness raising strategy and action plan to the beneficiaries and finalised related documentation.

The IPR awareness raising strategy and action plan, developed by the experts, took into consideration the National Strategy on IPR - 2010 to 2014, the discussions with IPA, OCRR and Customs and the remaining project activities.

The developed IPR awareness raising strategy and action plan, includes six separate campaigns, and will raise public awareness of IPR, their protection and enforcement. The six separate campaigns are:

- Copyright is a property, targeting Collective Management Organisations;
- Copyright is a property, targeting copyright users;
- IPR is a property, targeting universities;
- Infringement of IPR is a crime, targeting retailers;
- Infringement of IPR is a crime, targeting consumers; and
- Register your rights, targeting small and medium sized enterprises.

Each awareness campaign highlights:

- Strategy;
- Target Group;
- Partners;
- Effective Message;
- Communication Tools; and
- Monitoring and Evaluation.

It was pointed out that the proposed awareness strategy could be implemented in very close cooperation with the beneficiaries.

An Aide Memoir was prepared by the experts on how to implement an IPR awareness campaign. The strategy contains links to examples of IPR awareness campaign, including awareness materials as well as links to studies relating to the awareness, attitudes and behaviour of different target groups.

At the request of the Project Task Manager the final strategy was submitted for approval by EUOK. No remarks were received by March 2014. During the lifetime of the project many awareness activities had been implemented with some modifications which can be seen below.

Leaflets on copyright and related rights, on trademarks, patents, industrial designs and geographical indications were prepared, printed and distributed at any event.

This strategy can be used by the beneficiaries after the project ends.

3.3.2 Implementation of the action plan

A4.2a Copyright campaign with the motto “Respect Copyright”

On 19 and 20 August, during the international DokuFest in Prizren, an awareness copyright campaign was organised in cooperation of the IPA and OCRR. 5 students wearing T-shirts with the sign “Respect copyright” delivered about 500 guides on copyright and related rights to the owners of restaurants, bars and cafes. Another 500 leaflets on copyright and industrial property rights were delivered to the public in the street. The junior non-key In the morning on 19 August the OCRR Director Mr. Valon Kashtanjeva gave an interview for RTK explaining the purpose of the awareness event. Klan Kosova TV also reflected our presence in Prizren - they took photos of the students who were distributing the leaflets. The photos were transmitted on the news. Several meetings with holders of restaurants and cafes took place. The team met with the director of the festival and discussed the possible cooperation in the future.

It was planned to participate in DokuFest 2015. However, this activity has to be cancelled since despite the effort of the OCRR to contact the organisers of the festival no reply was received.

A4.2b Production of IP promotion clip

At the request of the IPA a short IP promotion clip was produced. A non-key junior expert on awareness raising was hired to draft the script of the clip, and another non-key junior expert – to make it.

Initially it was planned to produce a 1 minute promotion clip divided into two parts, each lasting 30 seconds: the first part should be dedicated to IPA and the industrial property objects – patents, trademarks, industrial designs, geographical indications; the second part should present the enforcement institutions and the enforcement measures available under the IP legislation or why the consumers should not buy counterfeited products.

The clip message should be “Protect your industrial property”. Both parts of the clip should be broadcasted independently or together.

The non-key expert drafted two scripts in line with the ToRs and presented them to the Team Leader. After discussing the scripts with the IPA it was decided to produce only one clip presenting the industrial property objects and the IPA. The reason for this decision was that 30 seconds did not suffice to mention all IP objects.

The non-key expert drafted a new script which was finalised based on the comments of the IPA. The text was translated into Albanian and Serbian.

The final script and the translations were submitted to the EUOK for approval. The comments of the EUOK related to the Albanian text only.

The clip introduces the viewer to the notion of industrial property and the reason to seek protection. Further on, it explains what and how it can be protected. The clip ends with the contact details of the IPA.

The second non-key junior expert produced the clip and after several modifications, the final clip was submitted to the EUOK for approval. The clip is with subtitles in English and Serbian.

The clip was shown during the National Conference on 28 April 2015 (World Intellectual Property Day).

A4.2.1 Development of a webpage of the OCRR

A junior IT expert was hired with the task to prepare the technical requirements for the development of a webpage of the OCRR. The expert was requested to meet with the relevant web related IT staff at the Ministry of Culture, Youth and Sport and discuss the possibility of developing a webpage of the OCRR within the website of the MCYS or a website of the OCRR. After having the necessary information the expert should identify the needs for the development of a webpage/website of OCRR and draft the technical requirements.

Regarding the requirements for the OCRR website the KE2 made some recommendations:

The website of OCRR should play an important role in raising the public awareness about copyright and related rights. It should contain all the necessary information and materials; it should be designed to target specific groups with specific messages and information materials. Its presentation should be contemporary and follow the main standards, both aesthetically and technically. The design plays a vital role in the effectiveness of such marketing campaign and high standards would definitely provide better dissemination of the available information and increased interest from the targeted groups.

Based on the experience of the Hellenic Copyright Office the KE2 expert made some recommendations for the OCRR website. He suggested that an Observatory for Piracy should be established as well as a statistics database should be located inside the local area network of the

OCRR. For this purpose there should be a database storage server where all information is stored as well as a statistics server which hosts the specialized statistics software and all processing of information should be performed within this server. The statistics web server should communicate with the statistics database and serves the information to the various users on the outside network. All kinds of computer devices could be used to access the statistics information including PCs, laptops, tablets, smartphones, etc. The KE2 also proposed the statistical forms and a form for collecting the data.

As a result of the meetings held with the OCRR and the MCYS IT staff representative, the junior non-key expert gathered all necessary information and prepared the ToRs for the development of the OCRR website.

However, later on, the project received a notification from the OCRR Director that the website would be developed with the resources of the Ministry of Culture. It was explained that the website of the Ministry would be upgraded and the OCRR website should be in line with the new design.

Following the request of the OCRR this activity was limited to the creation of a logo for the Office and development of awareness materials to be published on the website. The logo will support the public recognition of OCRR.

A designer, hired by the project, created several variants of a logo, which were forwarded to the OCRR. One of the variants was accepted. The comments of the EUOK were taken into consideration and the logo was finalised.

A4.2.2 Further development of the website of the IPA

The IPA requested that within the implementation of this activity the project should provide support for the development of a logo aiming at promotion of public recognition of the Agency as well as some assistance with reviewing the content of the IPA website, in particular the materials for applicants and businesses and update them in line with the IP legislation adopted in 2011 as well as to draft instructions for applicants on designations of origin and geographical indications.

A non-key junior expert on design was hired by the project with the task to create a new logo of the Agency. Several variants of a logo were prepared; however, none of them were approved by the IPA. After some consultations with the DG, the expert created a new set of logos. The new variants followed the requirements of the IPA and the project was informed that they were acceptable. Due to the unexpected resignation of the DG Ms. Flutra Hoxha none of the proposed logos was selected.

The Acting Directors appointed to head the Agency after the resignation of Ms. Hoxha decided to leave the decision on the logo selection to the future permanent director of the Agency.

In the meantime the logos were submitted to the EUOK for approval. No objections had been received.

It should be noted that the lack of decision on the IPA logo did not allowed the project to complete another activity – the preparation of the design of the official documents of the IPA and to include it into the IP clip.

A non-key expert was hired to review and update the materials for applicants published on the website of IPA.

He drafted materials on the registration procedures for patents, trademarks and geographical indications which will be useful for the applicants as they provide them with clear and understandable explanations of the procedures at the IPA.

The information material on patents contains several chapters: initiation of the procedure; content of the patent application; filing date; formal examination of the patent application; examination of the

requirements for registration; granting of the patent; patent certificate; and maintenance of the granted patent. The requirements for all elements constituting the patent application: a request for the grant of a patent; a description of the invention; one or more claim specifying the extent of protection claimed; drawings, if any, and an abstract of the invention, are explained in detail.

The information material contains 12 chapters explaining the steps of the procedure for registration: initiation of the procedure; formal requirements and content of the application; filing date; Nice classification; fees to be paid; formal examination; examination on absolute ground for refusal; publication of the application; oppositions; registration; trademark certificate; and renewal of the registration.

The information material on geographical indications and designations of origin consists of 8 chapters: initiation of the procedure; content of the application; product specification; examination of the application; opposition; registration; registration of an authorised user; duration of the protection. The documents making up the application are explained in more details.

It should be noted that the material on GIs and DOs must be reviewed after the new Law on GIs and DOs has entered into force.

A4.2.3 IP course for businesses

One-day training for businesses was organized on 12 December 2014 at the Orion Centre, Pristina.

The total number of participants was 24.

The agenda of the course included the following topics:

- Introduction to Intellectual Property, presented by the Team Leader;
- Copyright – an incentive for creativity, presented by Zjarrta Osmani, OCRR;
- Create the image of your company through trademarks, presented by Veli Hoti, IPA and
- Protect your solutions through patents, presented by Avdi Krasniqi, IPA.

After each presentation the participants asked questions. One of the questions related to the trade secrets and how a company can ensure that the trade secret would not become public. In reply, the difference between the protection of a technical solution to a problem through a patent or through a trade secret was explained in detail. Regarding the second part of the question it was mentioned that the only way to oblige the employees of a company to keep the trade secret is through special provisions in their labour contracts.

A representative of a local company expressed his concerns about the delay in the examination of the applications for industrial designs. He had filed an application for registration of industrial designs few years ago, but the IPA had not issued a decision on registration. The delay caused him a lot of damages as some competitors started to copy the design of his products and he could not stop them.

The feedback of the participants was very positive.

A4.2.3a IP course for businesses

A second IP course for businesses was envisaged in the Work Plan of the project extension. However, as a result of the discussions on the IP curricula for the universities prepared by the project, the University for Business and Technology (UBT) submitted a request to the project to organize a short IP course for the UBT students who are interested in the field of intellectual property.

It was decided to replace the second IP course for businesses with an IP course for students at UBT.

A4.2.4 Developing materials for business

The purpose of this activity was to develop IP materials for businesses in Kosovo. It was implemented by the KE2 and a junior non-key expert approved by the EUOK.

Three guides on industrial property for Kosovo businesses were prepared during the lifetime of the project, namely:

- “Protecting Trademarks in Kosovo”: the guide explains the notion of the trademarks, their functions and role in the trade, the reasons to protect the trademarks, requirements for registration, registration procedure and how to enforce TM rights; some information about well-known trademarks and the obligation of the trademark owner to use the mark is provided too.
- “Protecting Geographical Indications (GIs) and Designations of Origin (DOs) in Kosovo”: the guide introduces the reader to the notion of GIs and DOs and the reasons to be protected; requirements for registration, grounds for refusal, registration procedure, publication and opposition, procedure for registration of users, rights a registered user has with respect to a protected GI or DO, enforcement of these rights, coexistence of trademarks and GIs and Dos. The guide contains a chapter suggesting some potential GIs and DOs in Kosovo.
- “Protecting Patents in Kosovo”: this guide covers the following issues: what is a patent and its economic sense, who can obtain patent protection, what can be patented, criteria for patentability, information about the description, abstract and patent claims, registration procedure, enforcement of rights.

The guides were submitted to the IPA for consideration in December 2014.

The KE2 developed a number of guides, namely:

- Guide on copyright and collective management of rights. It gives an insight of the works subject to copyright protection, protected under copyright, related rights, author’s rights, collective management of rights and its benefits, how collective management of rights works, guidelines for establishment of collective management of rights, the obligations of users, some issues regarding the tariff, supervision of the collective management organisations, the role of the OCRR, contact information.
- Questions and answers type flyer for bars and restaurants containing some introductory information on copyright and the basic right of public performance.
- Guide on copyright and public performance. It aims at offering users, such as the owners of hotels, restaurants and bars some introductory information on copyright and the basic right of public performance. The guide contains part I – Basic introductory information, and part II – What is public performance and collective management of rights.
- Guide on copyright for small and medium enterprises (SMEs). It aims at offering to SMEs some general information about Copyright and the Collective Management of the Rights. The guide presents the protected works by copyright, the related rights and explains basic issues of collective management.

During the project extension a non-key junior expert was approved by the EUOK with the task to draft a guide for businesses on industrial designs. However, the expert informed the project that he was no longer available to implement the activity. The guide was drafted by the Team Leader and Mr. Veli Hoti and the working days were reallocated to the junior non-key experts on trademarks.

The guide contains the following paragraphs: what is an industrial design, what are the industrial designs for; protecting your industrial designs, how to protect your industrial design; who can apply

for industrial design registration; what is the registration procedure – step by step; what are the reasons for refusal; types of Industrial Design; benefits.

A4.2.5a, b, c Celebration of the IP day 2013, 2014, 2015

The celebration of the World Intellectual Day – 26 April - is an important activity in the project work plan as it aims at raising the public awareness. The 26th of April 2013 –World Intellectual Property Day was marked throughout of the project lifetime and its extension.

2013 Celebration

A Round Table on “Creativity and Innovations as Incentive for Economic Growth” was organized. Around 55 representatives of the public and private stakeholders of the IP system in Kosovo attended the event which also marked the launching of the project. The Head of the Political Section of the EU Office, Mr. Thomas Gnocchi, the Minister of Culture, Youth and Sport Mr. Memli Krasniqi and the Deputy Minister of Trade and Industry Mr. Cuneyd Ustaibo were also present.

The Conference was open by Mr Gnocchi followed by the Minister of Culture and Deputy Minister of Trade and the Deputy Minister of Trade who welcomed the participants. The Team Leader Ms Evgeniya Tabova briefly presented the project activities.

The second session of the Round Table started with a presentation of the achievements of the Industrial Property Agency by Mr. Isa Dukaj, Director. He presented some statistics especially those concerning the application of trademarks received at the office the last years. The next speaker was Ms. Zjarrta Osmani, Office for Copyright and Related Rights who presented the latest developments in the field of Copyright with the accreditation of two Collective Management Organisations and the adoption of the Regulation on Mediation of Copyright disputes. She also referred to the preparations of the public awareness campaign and the work of the task force for fight against piracy.

Law Enforcement Authorities in Kosovo also presented their powers and duties - Ms. Sadije Topojani, Head, Customs IPR Sector; Mr. Ruzhdi Shehu, Director of Market Inspectorate at MTI and Mr. Shaip Havolli, Head of Economic Crime and Corruption Sector Unit of the Kosovo Police.

The KE2 made a presentation on Creativity and Innovations as Incentives for Economic Growth. The presentation was followed by an open discussion where many participants took part.

In front of the Ministry of Culture an exhibition of counterfeited and pirated goods was organised with the support of the Customs. IPA and OCRR staff gave out some awareness materials (leaflets) to the passing people. A band was playing music thus attracting more people to visit the desks (booths) of both institutions – IPA and OCRR.

2013 and 2014 Celebration

It was decided with the beneficiaries to organize a conference which can become a National Conference on “IPR System in Kosovo – achievements and challenges” to be hold every year on the occasion of 26 April.

The conference in 2014 was held on 28 April 2014 (as 26 April 2014 was Saturday) and the conference in 2015 – on 28 April (as 26 April was Sunday). Both events were organized in cooperation with the Industrial Property Agency at the Ministry of Trade and Industry and the Office for Copyright and Related Rights at the Ministry of Culture, Youth and Sport in the same format. All the stakeholders of the intellectual property protection system were invited to attend the events: high ranking officials and decision makers, Industrial Property Agency, Office for Copyright and Related Rights, enforcement authorities - Customs, judicial system, Police, Market Inspectorate, authors, composers, artists, CMOs, representatives of Kosovo businesses, media.

The Conference in 2014 took place at the Grand Hotel Pristina. It started with an opening session where the Deputy Head of Operations at the European Union Office Mr. Melvin Asin, the Minister of

Trade and Industry Mr. Bernard Nikaj and the Minister of Culture, Youth and Sport Mr. Memli Krasniqi welcomed the participants.

In his speech Mr. Asin emphasized that the development of a strong IPR system in Kosovo is a decisive precondition for bringing foreign investments and generating more job opportunities. The IPR field has become even more significant in light of the SAA negotiations. Fighting against piracy and counterfeiting should be a concern of the Government and the public awareness should be raised. The celebration of the World IP Day is an opportunity to pay tribute to the creators for their creations and promote the benefits of IPRs.

In their speeches both Ministers acknowledged the importance of the IPR System for the economic and cultural development of Kosovo.

Over 90 representatives of all Kosovo institutions involved in the field of IP and private sector and media attended the conference.

The welcome speeches were followed by a presentation on the Role of the WIPO and the importance of IPR in developing economies, delivered by Ms. Biserka Strel, Head of Section for Central European and Baltic States and Mediterranean Countries, Department for Transition countries (TDC) in WIPO.

The Kosovo institutions briefly presented the activities implemented in 2013, their achievements and challenges.

In line with WIPO theme "Movies – a global passion" the project expert on copyright Mr Iannis Kikkis introduced the participants to the protection of audiovisual works and the rights of the film makers.

The last two presentations were dedicated to the role of IPRs in business practices.

The conference ended with a lively discussion on some problems of the IPR system in Kosovo.

In the afternoon a street awareness event accompanied the celebration. Leaflets and other promotional materials were distributed to the public in front of the Grand Hotel. An exhibition of fake and genuine good was organized by the Kosovo Customs.

The evaluation of the whole event was very positive. A high number of people approached the stands of the exhibition and lots of leaflets were handed.

The previous week, from 21 to 26 April, a large media awareness campaign was carried out. The table below reflects the interviews:

Monday, 21 April	Tuesday, 22 April	Wednesday, 23 April	Thursday, 24 April	Friday, 25 April
RTK Afternoon show – 18-19 h. Mr. Valon Kashtanjeva	Lajmi.net / Online Published review of the copyright	Kult Plus	Klan TV / Ora e Pasdites 18-18:55 Mr. Veli Hoti	Radio Plus/ Morning Show 15 min interview with Mr. Veli Hoti
				16:00 Bon-Bon show 25 min participation of representatives of MTI and MCYS
Sunday, 27 April	Monday, 28 April			
Show biz Show – Prive 5 min story on copyright	The conference was reflected in: Koha.net - day activities; Evropa e Lire - Day act. Zeri - Day Activities Tribuna Gazeta express Klan TV			

The Conference in 2015 took place at the Hotel Emerald. Over 70 people attended the event. It was opened by the Minister of Trade and Industry Mrs. Hykmete Bajrami, followed by Mr. Rexhep Hoti, Deputy Minister of Culture, Youth and Sport and Mr. Mr.Libor Chlad, Deputy Head of Cooperation, EU Office in Kosovo. All the speakers emphasised the importance of IPR system for Kosovo economic and cultural development.

The welcome session was followed by a presentation on the Importance of the IPR System in the EU Accession Process delivered by Ms. Ljiljana Kuterovac, Director General of the State Intellectual Property Office of the Republic of Croatia. She introduced the audience to the Croatian experience in the EU accession process. She presented some Articles from the SAA Croatia relevant to the field of IPRs, negotiations on IPRs, structure for the negotiations of accession to the EU, the composition of the working group for Chapter 7, and the steps for modernisation of the IPR system. Part of her presentation was dedicated to the National Strategy for the development of the Croatian IPR System. At last, she gave an insight to the Croatian system of enforcement of IPRs and coordination mechanism of enforcement.

The presentation of Ms. Kuterovac was followed by the IP promotion clip produced by the project which was shown for the first time.

Representatives of IPA, OCRR, Police, Customs, and Market Inspectorate reported on the activities implemented during 2014 and their achievements and challenges.

An interesting presentation was delivered by the KE2. It was dedicated to music – what would be the future of our relation with music, how it will be created and disseminated, etc. in line with WIPO theme for 26 April 2015 “Get Up. Stand Up. For Music.”

The conference ended with a lively discussion on collective management of IPRs and a cocktail. On the same day Mr. Valon Kashtanjeva before the conference had an interview at RTK and Mr. Veli Hoti at Klan Kosova. The event was reflected by the main TV providers in the evening news.

A4.2.6 Seminar on piracy

The purpose of the seminar was to introduce a number of representatives from the main TV broadcasters, the Kosovo Independent Media Commission (KIMC) and licensed CMOs to the forms of audiovisual piracy and anti-piracy enforcement measures in an EU member state. Currently, the broadcasting organisations in Kosovo are refusing to enter in negotiations with the CMOs and use copyright protected works without any authorization. The Independent Media Commission in Kosovo plays a specific role in supervising these organisations and could possibly apply sanctions for non compliance with the legal obligations.

Given the purpose of the seminar a representative from the Italian National Regulatory Authority of Communication (AGCOM) was hired to share the Italian experience in the field. AGCOM is an institution with the same role as KIMC.

The seminar took place on 29 October 2014 at the Orion Centre, Pristina. The total number of participants was 24.

The training was delivered by the KE2 and the Italian expert. The following topics were presented:

Italian National regulatory Authority of Communication (AGCOM): the tasks and responsibilities, structure of AGCOM, activities, mandate of the members and the incompatibility regime; legal basis; procedures; etc. were presented.

Copyright protection of audio-visual works in Kosovo: the main features of Copyright protection of audio-visual works in Kosovo were outlined: definition, conditions for protection, specific economic and moral rights, exceptions and limitations, collective management and enforcement issues. A

special part was dedicated to the fight against digital piracy with illustration of the problem and specific models of remedies from Spain, Italy, Hungary and France.

The role of the Hellenic Radio-Television Council in Greece in the fight against audio-visual piracy: the participants were provided with information of the role of the Hellenic Radio-Television Council in Greece, the supportive measures for the respect of obligations arising from Copyright Law and specific examples of sanctions taken by the Council.

Mediation issues: the existing mediation system in Kosovo and the advantages and disadvantages of mediation procedure were presented.

The seminar was very interactive; after each presentation the participants asked many questions. The issue that raised the main interest was the exclusive licensing in case of major sport events and the functioning of Collective Management, especially in the case of Mandatory Collective Management for cable retransmission.

In order to discuss the sports rights in detail this issue, a meeting at the Independent Media Commission was organized on 30 October 2014. The meeting took place at the premises of the Independent Media Commission and was attended by Mrs. Naile Selimaj Krasniqi, Chief Executive Officer, Mr. Niman Racaj, Head of the Legal Division, Mr. Valon Kashtanjeva, OCRR Director and the experts Mr Ioannis Kikkis (KE2) and Ms. Emilia Lamonica (AGCOM). The participants discussed the relationship between copyright and sports rights and the protection of sports rights.

Another topic of discussion was the negotiations between broadcasting organisations and CMOs for the use of audio-visual works. It was mentioned that KIMC should not be involved in private negotiations, but following the role they have about the enforcement of copyrights could push parties to enter into constructive and with good faith negotiations.

At the end of the Seminar, the participants were asked to complete the Evaluation form by rating certain aspects of the seminar on a scale of 1 to 5 (1 represented "Not Satisfactory" and 5 represented "Excellent"). As it can be seen from the table below, the results are very positive.

No	Question	Average Ratings
1.	How satisfied were you with the Seminar topics?	4.80
2.	Have you learned from the seminar?	4.80
3.	How does the presented information help you for your everyday work?	4.50
4.	Were you encouraged to participate in the discussions?	4.90
5.	Did the seminar meet your expectations?	4.80
6.	How satisfied were you with the organisation of the workshop?	4.80

A4.2.7 Roving seminar

A roving seminar for businesses took place on 22, 27 and 29 January 2015 in Gjakova, Ferizaj and Mitrovica, and on 28 September in Gjilan. Thirty four (34) representatives from business companies attended the seminar in Gjakova, 27 in Ferizaj and 22 in Mitrovica and 7 in Gjilan.

The agenda of the roving seminar included topics on industrial property and copyright. The participants were introduced to the notion of trademarks,

The speakers were from the beneficiaries' institutions – IPA and OCRR: Mrs. Zjarrta Osmani and Ms Donjeta Bytyqi, OCRR; Mr. Veli Hoti and Mr. Avdi Krasniqi from the IPA.

Mrs. Zjarrta Osmani and Ms. Donjeta Bytyqi *explained* the main principles of the Law on Copyright and Related Rights – works that can be protected, requirements, duration of protection, etc.

Mr. Veli Hoti's presentation was dedicated to the trademarks: signs can be protected as a trademark, requirements for registration, rights conferred by the registration, duration of protection, etc. Some infringement cases were presented too.

Mr. Avdi Krasniqi presented the patent protection: what can be a subject to a patent, criteria for patentability, exceptions, duration of protection, etc. At the seminar in Gjakova due to his unavailability, Mr. Krasniqi was replaced by Mrs. Rudina Bollano, junior expert on patents.

A lively discussion took place after the lectures. The feedback of the participants was very positive. They suggested to be given training sessions on how to complete the IPA application forms.

The training in January was reflected in media – Mr. Hoti gave a number of interviews for KTV and 21 TV.

It was planned to hold the seminar in Prizren and Peja, however, the project decided to cancel the seminar in order to avoid duplication of activities as the MTI had organised a conference for the businesses in both places where IP basic issues were presented.

A4.2.8 Developing of IP curricula for universities

The purpose of this activity was to draft an education programme for the universities in Kosovo with a view to introducing it in their curricula. Two experts, a senior and a junior, were approved by the EUOK with the task to prepare the education programme.

The 15-day mission of the senior expert Prof. Stefan Stefanov was carried out from 12 to 18 November and from 1 to 12 December 2014. During his first visit to Pristina, he met with the Team Leader, the junior expert and the beneficiaries in order to gather information necessary for drafting the programme. The programme was prepared during his second visit to Pristina.

The content of the IP education programme for universities is based on Kosovo and European legislation and is also in line with the "Strategy on Intellectual Property Rights 2010-2014" of the Kosovo Government.

The education programme contains 8 modules presented in the table below:

Content	Duration (30 or 45 hrs. in total)	
	Min	Max
I. Lectures	20	30
Module 1: Introduction to IP (copyright and industrial property)	2	2
Module 2: Protection of copyright for creative works: literature, art, music, computer programmes, databases	3	4
Module 3: Protecting inventions through patents for creating of business strategies; trade secrets	6	8
Module 4: Using patent information and performing patent researches for R&D (optional for law students)	1	2
Module 5: Protection of Trademarks and other distinctive signs	2	4

(Designations of Origin and Geographical Indications) for increasing of company image and consumers' benefit		
Module 6: Protection of design for the aesthetic appearance of industrial and hand-made products	2	4
Module 7: IP commercialization through contractual licensing	4	6
II. Practical exercises to the abovementioned modules	10	15

The copyright module reflects the input of the KE2 to the programme. Guidelines for the lecturers were developed and recommendations for the content of the training materials including information sources and literature were made.

The other expert Prof. Edmond Hajrizi was actively involved in the preparation of the education programme. He drafted a document explaining the education system in Kosovo and made a valuable contribution to the draft education programme. As a rector of the University of Business and Technology (UBS), he intends to introduce an IP course in the curricula of most majors and degrees at the UBS as well as an IP advanced course with a special certificate, which will allow the holders of the certificate to carry out professional activities before the IPA and other IP authorities in Kosovo.

The draft education programme was presented to Mr. Hafiz Gara, Acting Director of IPA, Mr. Veli Hoti, and Mr. Valon Kashtanjeva,

Meetings with two faculties of the University of Pristina were held.

The first meeting was at the Faculty of Electrical and Computer Engineering, where the expert met with the Dean - Prof. Dr. Enver Hamiti and the Vice Dean - Prof. Dr. Mimoza Ibrani. The content of the programme and the ways of its implementation in the curriculum for engineering students in all degrees were discussed.

Mr. Hamiti expressed the opinion that the IP is particularly important for engineering students and for the researchers at the Faculty. However, there exists a major problem in that there are no qualified teachers in this area. Initially, the IP training course may be incorporated as part of another discipline. After teachers have been trained, the IP course could be offered as an elective one. It all depends on the Faculty's decision. Including the IP course in the curriculum as a compulsory subject, however, requires a decision of the Academic Council of the University and the Accreditation Commission of Kosovo.

Our second visit was at the Faculty of Law at the University of Pristina. The expert met the Dean of the faculty – Prof. Dr. Bajram Ukaj and a lecturer in IP – Prof. Dr. Abdula Alin. The IP teaching at the Faculty of Law was discussed. It was a pleasant surprise that law students study this discipline. It became clear, however, that the IP training provided to students only includes copyright issues, with no training on industrial property matters. There is a need to train some of the teachers in patent, trademark, and design law and then to introduce the missing IP matter in the educational programme. It should be noted that IP is implemented as a compulsory discipline in the curriculum for law students at the bachelor and master degree levels. It only needs to be extended to include the industrial property matter. The Dean expressed the opinion that an IP educational programme could serve as a basis for this extension.

The experts summarised the results of the mission as follows:

- Extensive meetings were held with the beneficiaries where the problems of IP in Kosovo were discussed and the need to introduce university tuition in IP for students from all fields and degrees was stressed.
- An education programme for the universities (IP basic course) was developed including copyright and industrial property. In terms of duration, the course can be in a short or extended form depending on the faculty and on the students' major field of study.
- Guidelines for the lecturers were developed and recommendations for the content of the training materials, including information sources and literature were made.
- The developed IP course was discussed with the beneficiaries and the stakeholders of the activity.
- All of the interested parties supported the opinion that training in IP is very important and should be introduced in university curricula; however, they mentioned that there is a lack of qualified teachers in this area.
- It is advisable to train teachers in IP at all universities. They have to create their own association, to support each other and to take part in various European projects for the development of IPR in Kosovo.

A4.2.9a Seminar for students

The seminar on protection for inventions by means of patents was held at the Technical Faculty in the afternoon of 2 October 2013. About 35 students attended (it should be noted that this was only their second day at the university after summer break and that some of them had to sit exams after the seminar).

Mr. Christof Stock, Head of Cooperation and Ms. Emiglia Gargallo, Task Manager from the European Union Office in Kosovo were present as well as the Dean of the Technical Faculty Mr. Naser Kabashi. Mr. Stock opened the seminar by stressing the importance and the benefits of intellectual property in our society. He reminded the audience of the damages caused by the violation of intellectual property rights with particular view on software piracy. The project Team Leader asked the students if they knew that there was an Industrial Property Agency in Kosovo, as well as an Office for Copyright and Related Rights - a few did.

The seminar consisted of three PowerPoint presentations.

The lecture opened with examples of student inventions from two universities in Europe. Showing them only drawings and photographs of the inventions, the students were asked what they thought the technical functions were. The riddle was unravelled by two video clips. Both inventions are patented and commercially available.

After that Mr. Veli Hoti and Mr. Avdi Krasniqi from the IPA in Kosovo briefly introduced the IPA in Kosovo.

In the first presentation the concept of intellectual property rights was introduced. The meaning of a patent in terms of its legal implications was explained. It was stressed that a patent serves to pursue the commercial interests of the patent holder in his invention, and thus the filing of an application involves number of business decisions. By means of an example invention, the students were shown what the work of a patent examiner at the patent office implies. Involving the audience, the novelty and the inventive step of the invention were assessed.

The national and the European routes for obtaining patent protection in Europe were explained. A brief overview of the patent granting procedure before the European Patent Office was given. Next, the considerations patent applicants need to make before filing an application were discussed. The students were reminded to keep their inventions confidential before filing an application. The

presentation concluded with a short quiz summarising the presentation - the students provided correct answers to all questions.

After the break the importance of patent documentation for technical innovations was stressed and the benefits of prior art search for research and development were emphasised. This was followed by an introduction into the Espacenet search engine.

At the end of the seminar, the audience had the opportunity to ask questions.

The seminar provided the students with a basic understanding of the intellectual property system. Awareness was raised for the considerations to be made before filing a patent application. Irrespective of the intention to pursue their own patent applications one day, the benefits of online patent searches for their needs in R&D were highlighted.

A4.2.9b Seminar for students

It was planned to organize a second seminar for the students from the Law Faculty of the University of Pristina.

However, two training events for students in the framework of EU Master Class were organized by the EUICC and the Team Leader and the KE2 were invited to take part in them as lecturers.

The first event took place on 24 April 2014 in the form of a panel discussion on "Copyright in the digital era", where the KE2 participated and replied to the questions of the students.

On 30 April the Team Leader delivered a lecture on "Introduction to IPR" to students from the Law Faculty of the Pristina University.

Both events were attended by over 30 students. The students showed a lot of interest to the topics. It should be noted that the industrial property topics were new to the Students from the Law Faculty. No subject on industrial property was included in University curricula.

At the request of UBT a short IP course for the students was held. The training was delivered by the Team Leader, KE2 and Mr. Veli Hoti after the working hours at UBT premises once a week from 12 May 2015.

The following topics were covered:

- General introduction to IPR delivered by the Team Leader;
- Introduction to Copyright and Related Rights delivered by the KE2;
- Introduction to Trademarks delivered by Mr. Hoti;
- Introduction to Patents delivered by the Team Leader.

12 to 15 students attended the training sessions.

4 Mainstreaming of Cross-cutting Issues

No particular actions were undertaken during the lifetime of the project. However, the project addressed this issue by involvement of women in the project implementation where it was possible. It should be noted that the list of participants for an event usually is prepared by the respective institution, so the project could not do much for mainstreaming the cross-cutting issues.

5 Summary of Inputs Deployed in the Reporting Period

The table below presents the inputs deployed in the current reporting period.

Inputs Deployed		Number of working days
Team Leader		587
	KE2	224
Non-key senior experts		348
	Non-key junior experts	418
Total		1577

6 Assessment of Achievements toward Planned Results

The table below presents detailed information about the implementation of the project activities against the activities foreseen for the project lifetime.

No	Ref. No	Activity	Implementation	Deliverables/Outcome/Comments
	A1	Assistance to further alignment of Kosovo IP legislation with acquis		
	A1.1	Advice and support in the revision of the current Kosovo IPR legal framework to increase alignment with the EU		
1.	A1.1.1	General review of the language and translation consistency	Implemented	Facilitated the understanding of the law provisions
	A1.1.2	Review of the Laws	Implemented	
2.	A1.1.2a	Review of the Law on Customs Measures for protection of IPR	Implemented	Mission report, tables of concordance
3.	A1.1.2b	Review of the Law on TM	Implemented	Mission report, tables of concordance
4.	A1.1.2c	Review of the Law on ID	Implemented	Mission report, tables of concordance
5.	A1.1.2d	Review of the Law on Patents	Implemented	Mission report, tables of concordance
6.	A1.1.2e	Review of the draft Law on GIs and DOs	Implemented	Mission report, tables of concordance
7.	A1.1.2f	Review of the Law on Copyright and Related Rights	Implemented	Mission report, tables of concordance
8.	A1.1.2g	Review of the Criminal Code (Art.295-298)	Implemented	Mission report, tables of concordance
9.		Review of Law on Determining the Rights and Protection of Topographies of Integrated Circuits	Implemented	Table of concordance; the activity was not in the plan
	A1.1.3	Review of the secondary legislation	Implemented	
10.	A1.1.3a	Review of the AI on Patents	Implemented	Mission report, recommendations
11.	A1.1.3b	Review of the AI on ID	Implemented	Mission report, recommendations
12.	A1.1.3c	Review of the AI on TM	Implemented	Mission report, recommendations
13.	A1.1.3d	Review of the Regulation No. 01/2012 on granting licenses	Implemented	Mission report, recommendations
14.	A1.1.3e	Review of the Regulation on Mediation of Disputes	Implemented	Mission report, recommendations
15.	A1.1.4	Drafting of the Gap analysis and policy paper	Implemented	Gap analysis and policy paper

	A1.2	Advice and support in the completion of IP legislation		
			Implemented	The legal framework is harmonised with the EU acquis
16.	A1.2.1	Amendment of the Law on Customs Measures for protection of IPR	Implemented	Draft Law on Customs Enforcement of IPRs
17.	A1.2.1a	Drafting of a concept document Workshop on the concept	Implemented	Outside the WP ; Draft concept document
18.	A1.2.2a	Amendment of the Law on Patents	Implemented	Draft amendments, tables of concordance. The Law amending and supplementing the Law on Patents entered into force on 7 September 2015.
19.	A1.2.2b	Amendment of the Law on Trademarks	Implemented	Draft amendments, tables of concordance; the Law amending and supplementing the Law on TM entered into force on 7 September 2015.
20.		Workshop on tables of concordance for TM	Implemented	Tables of concordance
21.	A1.2.2c	Amendment of the Law on Industrial Design	Implemented	Draft amendments, tables of concordance; the beneficiary decided to prepare a new draft law
22.	A1.2.2d	Amendment of the Law on Geographical Indications	Implemented	Draft amendments, tables of concordance; the beneficiary decided to prepare a new draft law
23.		Workshop on tables of concordance for GIs and DOs	Implemented	Tables of concordance
24.	A1.2.3	Amendment of the Law on Copyright and Related Rights	Implemented	Draft amendments, tables of concordance; the Law is in line with EU acquis; the law is in the Assembly
25.	A1.2.4	Amendment to the Criminal Code	Implemented	Draft amendments in line with international standards; No information about the fate of the amendments
	A1.2.5	Amendments to the secondary legislation	Implemented	
26.	A1.2.5a	Amendments to the AI on Patents	Implemented	Amendments to the existing AI in line with the amendments to the Law
27.	A1.2.5b	Amendments to the AI on Trademarks	Implemented	Amendments to the existing AI in line with the amendments to the Law
28.	A1.2.5c	Amendments to the AI on Industrial Design	Implemented	Amendments to the existing AI in line with the amendments to the Law
29.	A1.2.6	Drafting of the AI on GIs and DOs	Implemented	A workshop for finalising the draft AI was organised
30.	A1.2.6a	Amendments to the AI on GIs	Implemented	Amendments to the AI on GIs

31.	A1.2.7	Amendments to the Copyright Regulations	Implemented	Amendments to 1 Article was suggested
32.	A1.2.8	Drafting of Regulation on Private Copy Scheme	Implemented	Draft regulation
33.	A1.2.9	Drafting of Regulation on Administrative Fines for Copyright	Implemented	Draft regulation
34.	A1.2.10	Drafting of Regulation concerning the Digital Piracy	Implemented	Draft regulation
35.	A1.2.11	Transposition of the EU Directive on CMO	Implemented	Draft Law on Collective management
36.	A1.2.12	Amendments to AI on Appeal Committee	Implemented	Draft AI
37.	A1.2.13	Drafting of AI on Administrative Sanctions in IPR field	Implemented	Draft AI on Administrative sanctions, mission report
38.		Translation of documents	Implemented	
39.	A1.3	Assistance in the drafting and adoption of an IP vocabulary	Implemented	The vocabulary is published on OCRR website
40.	A1.4	Assistance and support through the coordination processes	Implemented	The TL and the KE2 participated any time they had been invited to the discussions by the beneficiaries
	A2	Capacity building for IPA and OCRR		
	A2.1	Assistance in completion and update of the database		
			Implemented	
41.	A2.1.1	Assessment of the IT infrastructure of the IPO	Implemented	Mission report, recommendations
42.	A2.1.2	Drafting of development plan	Implemented	Draft plan
43.	A2.1.3	Implementation of the development plan	Implemented	IPAS Java was deployed; the system was configured and fully operational; staff is trained in IPAS
	A2.1.4	Training in IPAS	Implemented	
44.	A2.1.4a	On-the job training for the IT specialists	Implemented	Customs IT officers are trained in IPAS; an IPA staff member was trained in administration of IPAS
45.	A2.1.4b	Study visit for the IT specialist	Implemented	The participants gained some experience in IPAS from a foreign office
46.	A2.1.5	IPAS development – WIPO Publish Module	Implemented	IPAS Public was installed instead of WIPO Publish due to some obstacles
	A2.2	Advice and support to optimize the new organisational structure		

47.	A2.2.1	Review of the organisation	Implemented	Mission report
48.	A2.2.2	Elaboration of a Plan for the development of IPO	Implemented	Organisational structure, job descriptions
	A2.2.3	Update of the guidelines	Implemented	Updated guidelines
49.	A2.2.3a	Update of the guidelines on Trademarks	Implemented	Updated guidelines on TMs
50.	A2.2.3b	Update of the guidelines on Industrial Designs	Implemented	Updated guidelines on Industrial Design
51.	A2.2.3c	Update of the guidelines on Patents	Implemented	Updated guidelines on Patents
52.	A2.2.4	Translation of documents	Implemented	
	A2.3	Training sessions for IPO and OCRR		
53.	A2.3.1	TNA and drafting of training plans for IPA	Implemented	Mission report and training plans
	A2.3.2	Implementation of the training plan	Implemented	
54.	A2.3.2a	On the job training for patent staff	Implemented	The patent staff is trained in various patent matters
55.	A2.3.2b	On the job training on patent staff	Implemented	The patent staff is trained in various patent matters
56.	A2.3.2c	Study visit for patent staff	Implemented	The participants were introduced to the experience of a foreign office
57.	A2.3.2d	On the job training for TM staff	Implemented	Some IPA staff were trained in oppositions
58.	A2.3.2e	On the job training for TM staff	Implemented	Some IPA staff were trained in different TM cases; the backlog of the IPA was substantially reduced
59.	A2.3.2f	Study visit for TM staff	Implemented	The participants were introduced to the experience of a foreign office
60.	A2.3.2g	Seminar on GI	Implemented	The participants were introduced to the notion of GIs and DOs
61.	A2.3.2h	On the job training in industrial designs	Implemented	2 staff members were trained in ID; 61 applications were examined and notifications for payment of the fees were sent
62.	A2.3.2i	On the job training for Appeal Committee	Implemented	The members were introduced to some TM cases; various issued were discussed
	A2.3.3	TNA and training plan for OCRR	Implemented	

63.	A2.3.3a	On the job training	Implemented	The OCRR staff is trained in copyright issues and EU directives
64.	A2.3.3b	On the job training	Implemented	The OCRR staff is trained in copyright issues and EU directives
65.	A2.3.3c	On-the-job training for mediators	Implemented	The mediators are trained in disputes issues
66.	A2.3.3d	Seminar for CMO	Implemented	The participants were trained in various copyright issues
67.		Drafting of recommendations for the statute of CMO	Implemented	Recommendations for the key elements of the CMO statutes
68.	A2.3.3e	Study visit for OCRR	Implemented	The participants were introduced to the experience of a foreign copyright office
69.	A2.3.3f	Study visit for IPO and OCRR management	Implemented	The participants were introduced to the experience of a well-developed foreign IP office
70.	A2.4	Seminar for both offices - presentation skills	Implemented	The participants were trained on how to improve their skills
79.		Workshop on IPR Strategy for IPA and OCRR	Implemented	Outside the WP ; The participants learned the steps in drafting of a national strategy
80.		Study visit to SOIP of FYROM	Implemented	Outside of the WP The financial officer gained some experience on how to deal with financial issues through IPAS
81.		Seminar on Team Work	Implemented	Outside of the WP The participants learned how to improve the team work
82.		Creation of the design of the official documents of IPA	Implemented	Outside of the WP
A3 Capacity building of enforcement institutions				
83.	A3.1	TNA and Training Programmes	Implemented	Mission report and training programmes
84.	A3.2	Development of training materials including a manual for police	Implemented	Manual on Investigation of IPR crimes
85.	A3.3	Implementation of training programme	Implemented	
86.	A3.3.1	Seminar for Police and prosecutors	Implemented	The participants were trained in investigating IP crimes and identification of products
87.	A3.3.2	Workshop for Police and prosecutors	Implemented	The participants were trained in investigating IP crimes and identification of products
88.	A3.3.3	Seminar for Customs	Implemented	The participants were trained in the new EU regulation and product identification

89.	A3.3.4	Workshop for Customs	Implemented	The participants were trained in the new EU regulation and product identification
90.	A3.3.5	Seminar on copyright for judges	Implemented	The participants were trained in different copyright issues and case studies
91.	A3.3.5'	Seminar on copyright for judges	Implemented	The participants were trained in different copyright issues and case studies
93.	A3.3.6	Seminar on TM for judges	Implemented	The participants were trained in different TM issues and case studies
94.	A3.3.6'	Seminar on TM for judges	Implemented	The participants were trained in different TM issues and case studies
95.	A3.3.6''	Seminar on Criminal Code for judges	Implemented	Outside of the WP ; The participants were introduced to the experience of an EU member state
96.	A3.3.7	Seminar for market inspectors	Implemented	The participants were introduced to experience of 2 EU member states and product identification
97.	A3.3.8	Study visit	Implemented	The participants were introduced to the experience of Croatian IPR system
98.	A3.3.9	Study visit	Implemented	The participants were introduced to experience of 2 EU member states and product identification
99.	A3.3.10	Common seminar on institutional cooperation	Implemented	The participants got familiar with the experience of the EU member states
99.	A3.3.10'	Common seminar on institutional cooperation	Implemented	The participants got familiar with the importance of IPR and the necessity of regional cooperation
	A3.4	Strengthening the State Council on IP		
100.	A3.4.1	Workshop for the National Council on IP	Implemented	The Strategy was reviewed
101.	A3.4.2	Drafting of National Strategy	Implemented	Draft IPR Strategy
102.		Seminar on EUIPR – Achievements and Follow up	Implemented	Out of the WP ; the results of the project and the sustainability after the project ends were discussed
	A4		Awareness Raising	
103.	A4.1	Developing of awareness raising strategy , action plan and	Implemented	Awareness strategy and an action plan

materials				
104.	A4.2	Implementation of the action plan – copyright campaign	Partly Implemented	Given the large number of other activities envisaged in the WP the plan could not be realised entirely
105.	A4.2a	Participation in DokuFest	Partly implemented	The participation in DokuFest 2015 could not take place due to impossibility to contact the organisers of the festival.
106.	A4.2a'	Production of IP promotion clip	Implemented	Out of the WP
107.	A4.2.1	Development of a webpage of the OCRR	Implemented	The activity was limited to creation of logo
108.	A4.2.2	Further development of the website of the IPA	Implemented	A set of logos was created; materials for the website were drafted
109.	A4.2.3	IP course for businesses	Implemented	Some business companies were introduced to the IPR issues
110.	A4.2.3a	IP course for businesses	Replaced	IP course for UBT university was held
111.	A4.2.4	Developing IP materials for the businesses	Implemented	8 guides on industrial property objects and copyright were prepared.
112.	A4.2.5a	Celebration of the IP day 2013	Implemented	Raised awareness about the existence of IP
113.	A4.2.5b	Celebration of the IP day 2014	Implemented	Raised awareness about the existence of IP
114.	A4.2.5b	Celebration of the IP day 2015	Implemented	Raised awareness about the existence of IP
115.	A4.2.6	Seminar on piracy	Implemented	KIMC and mediators got familiar with the experience in Italy
116.	A4.2.7	Roving seminar	Implemented partially	The seminar was held in 4 places; 2 of the seminars were cancelled in order to avoid the duplication of work
117.	A4.2.8	Developing IP curricula for the University of Pristina	Implemented	IP programme for curricula prepared
118.	A4.2.9a	Seminars for students	Implemented	Students from Technical Faculty were trained in patents
119.	A4.2.9b	Seminars for students	Implemented	Speakers from the project participated in Master Class programme

7 Problems / Obstacles

Throughout its lifetime the project tried to gain credibility and establish very good relations with the beneficiaries and other stakeholders. As a result the project had excellent cooperation with the OCRR, Police, Market Inspectorate, Customs, and KJI. The only problems the project faced were related to the implementation of the activities designed for the IPA. The uncertain status of the institution (the Office vs. Agency issue) and keeping the former IPO director as a staff member generated tensions between the project and the staff which did not contribute to the creation of a proper working atmosphere and spirit of cooperation. The project was being constantly accused of violating the Kosovo legislation by working with the IPA, since such institution did not exist in the legislation. This internal problem impacted the motivation of the DG and the staff to cooperate more actively with the project.

Another problem to be mentioned was the lack of management decisions on the project deliverables during the first 19 months of the project's lifetime. For example: no decision on the IPA logo was taken; this impacted the full and proper finalization of some other activities – the production of the IP clip, the design of the official documents and some awareness activities where the logo would have contributed to the public recognition of the Agency. The results of some activities were left without any consideration, e.g. the templates for trademark opposition, prepared by the project expert, remained without consequences, while the staff was asked to prepare the same templates; the guidelines were not introduced in the work of the IPA; the participation in the training activities was left at the discretion of the staff; the training would have been far more beneficial if the staff was obliged to attend the training sessions.

The plan for development of the Agency was not implemented despite the promise of the Secretary General to introduce the proposed structure.

Another crucial recommendation for IPAS continuity was not implemented – the annex to the MoU between the IPA and the Kosovo Customs was not signed. This might jeopardize the proper function of the system. The official appointment of an IT specialist, to be in charge of IPAS maintenance, was a WIPO requirement and also could not be solved.

The staff member who was trained in industrial design examination and was supposed to eliminate the backlog in the field unexpectedly was moved to another department. He was also trained in IPAS with a view to back-up the employee who was trained in IPAS administration.

After the resignation of the DG, the IPA was headed by an Acting Director, changed every three months. This situation has lasted for a year. The above mentioned problems could not be resolved as three months is too short for anyone to realise the tasks and duties of the IPA and take decisions with long lasting consequences.

8 Conclusions

Despite the problems explained above all activities of the work plan during the project lifetime and its extension were implemented with some minor exceptions: two activities were modified and two activities were partially implemented. 119 activities were implemented, 8 of them were implemented at the request of the beneficiaries and stakeholders. It should be pointed out that the implementation of the activities designed for the IPA was possible because of the strong support of two IPA staff members – Veli Hoti and Avdi Krasniqi, as well as of the temporary staff.

A1 Assistance to further alignment of Kosovo IP legislation with the EU acquis

This was the most important of all components since adequate legal framework in line with EU and international standards is the first pillar for an efficient IP protection system. The primary and secondary legislation was reviewed against the EU directives and regulations; the laws and the administrative instructions were amended - two of the laws were adopted by the National Assembly and are in force; three other laws are about to be adopted. A draft law on collective management of rights and a draft law on Customs enforcement of IPRs were prepared; regulations to provide adequate solutions for the most problematic areas in the field of copyright were drafted, namely "Remuneration for private copying and reprography", "Administrative Instruction on the administrative sanctions in the field of IPR". An Administrative Instructions on sanctions in the field of IPRs was drafted.

A2 Capacity Building of IPA and OCRR

IPA

IPAS Java was deployed and the data of the applications were migrated into the system; an online registers module was installed thus giving public access to the industrial property registers; an organizational structure of the Agency and job descriptions for the staff were proposed; on-the-job training sessions in patents, trademarks and industrial designs were implemented; substantial results in reducing the backlog of the IPA were achieved; the guidelines on examination of patents, trademarks and industrial designs were updated and supplemented; templates for oppositions and industrial designs were prepared.

OCRR

The OCRR staff received regular, complete and updated training during the whole duration of the project. Their knowledge has been considerably enhanced. Training was also provided to mediators and CMOs. The participation of CMOs members was rather low and it was obvious that existing CMOs hardly function and fulfil their tasks.

A3 Capacity building of the enforcement authorities

The Kosovo judiciary and law enforcement authorities (Customs, Police and Market Inspectorate) received adequate training in copyright and industrial property issues under the project as well as training on how to perform their duties.

A4 Awareness-raising

A lot of awareness activities were implemented by the project – seminars for businesses and students, distribution of awareness materials, preparation of guides for different target groups, celebration of the World IP Day, and production of an IP promotion clip.

9 Recommendations

- The amendments to the primary and secondary legislation must be adopted.
- The new EU directives and regulations as well as the case law of the European Court of Justice should be followed. The case law is of major importance for interpretation of existing EU acquis and also fills the gaps in the secondary legislation.
- The amended administrative instructions and the new ones drafted during the project lifetime should be adopted and implemented;
- A permanent DG of the IPA should be appointed as soon as possible; the person to be appointed must have proved management skills and good knowledge of English in order to be able to represent the country in IP events;
- A new organisational structure of the IPA must be introduced as soon as possible; the job descriptions must be reviewed and supplemented with more tasks and responsibilities; performance norms must be introduced in order to prevent further accumulation of pending applications; the proposed plan for development of the IPA is a very good example to be followed.
- The IPAS maintenance issue must find its solution: an IT specialist must be officially appointed to in charge of IPAS maintenance. Having an employee in charge of IPAS maintenance is a requirement of WIPO; the failure to meet this requirement might block the work of the IPA staff in case of problems.
- The organisation of the work at the IPA must be changed substantially; the delay in implementation of the steps of the procedures results in improper changes in the status of the applications which will be available to the public; all requests for changes or correction of errors must be processed immediately as the delay may have a negative impact on the whole process.
- The templates for oppositions prepared by the project must be considered and the final variants must be introduced as soon as possible; the templates and the application forms prepared by the staff must be reviewed and corrected as many mistakes were established;
- The use of the guidelines by the IPA staff must be obligatory; this is the only way to unify the practice of the Agency;
- Training must be obligatory for the IPA staff; continuous and updated training must be provided on a yearly basis; English language is a must as this is the only way to use the available free of charge databases and other tools;
- The trademark applications must be examined not only from formality point of view but also the existence of absolute grounds for refusal must be checked. During the extension if was

found out that some trademarks should have been refused based on the absolute grounds for refusal.

- The archive must be put in order; the recommendations drafted by the project should be implemented. It is strongly recommended that the IPA creates an electronic archive; WIPO Scan module can be installed.
- All trademarks must be classified under the Vienna Classification for figurative elements of the trademarks.
- Continuous and updated training of the staff of OCRR should be ensured and turnover should be avoided as much as possible;
- The OCRR must mobilise the right holders to join the existing CMOs. CMOs should redraft their statutes to comply with EU and international standards. They will need to receive support from homologue CMOs in the region and conclude reciprocal agreements for licensing foreign repertoire.
- In case that new CMOs are established, it is recommended to differentiate them as to include just one category of rightholders (for example only authors, only performers and only producers) as it is the usual practice.
- A CMO for private copying and reprographic remuneration as well as for writers and authors of fine art must be established.
- Both, the IPA and OCRR must ensure continuous and updated training for the law enforcement institutions. The Administrative Instruction on administrative sanctions in the field of IPRs should be adopted in order to strengthen the role of the market inspectors. The Police and prosecutors also should be constantly trained in particularly on how to be more successful in digital piracy and counterfeiting. It is recommended that train-the-trainers approach should be applied.
- Continuous and updated training should be provided for judges in all IPR issues. IP modules in the Kosovo Judicial Institute should be introduced.
- A National IPR Strategy should be adopted and implemented as soon as possible. A structural dialogue between line ministries and stakeholders should be enhanced, leading to improved co-ordination of activities and implementation of EU acquis. The role of the State IPR Council must be strengthened.
- Awareness raising should remain as robust as possible after the project. Both, the IPA and OCRR should carry out large IP awareness campaigns. It is recommended that the IPA and OCRR have a MoU with the Kosovo Business Registration Agency in order to distribute awareness material with the documents for registration of the company.

10 Annexes

Annex A1: Logical Framework Analysis

Annex A1: Logical Framework Analysis

Logical Framework Analysis: Strengthening the Intellectual Property Rights System in Kosovo IPA/2012/308 – 981

Interventions		Measurable indicators	Means of verifications	Assumptions
Overall objective				
	To contribute to the establishment of market economy through creating a favourable environment for the stakeholders on the Kosovo market and facilitating trade between Kosovo and the EU and regional trading partners	Percentage of increased commerce between Kosovo and regional trading partners and the EU	Official trade statistics	Kosovo has complied with International and EU standards and provides strong protection of IPR
Specific objectives				
1.	To further align the IPR legislative framework with the relevant parts of the EU acquis	Number of draft laws and administrative instructions/regulations prepared and submitted/adopted	Reports; Project documentation; Minutes of the meetings of the working group for consideration of the laws; Publication of the laws in the Official Gazette	Political will to adopt the EU standards in IPR domain; Proper understanding of the importance of the development of strong IPR system
2.	To strengthen the capacities of the actors involved in the sector of intellectual property rights - IPO, OCRR and enforcement authorities	Number of IPO and OCRR staff trained; number of internal instructions and other tools developed to increase the quality of performance; Number of officers from various	List of participants; Evaluation forms; Reports; Project documentation	IPO and OCRR staff and the officers from enforcement institutions are motivated to learn and evolve in IPR domain

		enforcement authorities trained; Number of coordination meetings between authorities held;		
3.	To raise awareness in Kosovo of the importance and the benefits of an effective IPR system.	Number of public promotion events held; Number of seminars conducted; Number of participants in the seminars; Number of awareness materials developed and distributed	Reports; List of participants; Evaluation forms of the participants; Project documentation	Interest and participation from the public
Results				
1.	Further alignment of Kosovo IPR legislation with EU <i>Acquis</i>	Number of draft amending laws prepared and submitted for consideration/adoption; Number of draft AI/regulations prepared/adopted	Reports; Project documentation; Publications in the Official Gazette	Political will and commitment to adopt the EU standards
2.	Capacity building for IPO and OCRR	Number of staff members trained; Number of reviewed/drafted internal instructions and tools developed to increase the quality of performance	Reports; List of participants; Evaluation forms; Project documentation	The staff of IPO and OCRR is motivated to learn and evolve in IPR domain
3.	Capacity building for enforcement authorities	Number of officials trained; Number of manuals/instructions developed	Reports; List of participants; Evaluation forms; Minutes of information and coordination meetings; Project documentation	The officers dealing with IP matters are motivated to learn and evolve in the IPR domain
4.	Awareness raising	Number of public promotion	Reports;	Interest and participation of

		events; Number of seminars conducted; Number of participants; Number of information materials on IP developed and distributed;	List of participants; Evaluation forms; Project documentation	the public
Activities				
A1	Assistance to further alignment of Kosovo IP legislation with acquis			
A1.1	Advice and support in the revision of the current Kosovo IPR legal framework to increase alignment with the EU	Gap analysis; Tables of concordance; Number of draft laws prepared and submitted for consideration; Number of final draft laws prepared and submitted/adopted by the Assembly; Number of draft administrative instructions/regulations prepared and adopted	Reports; Project documentation; Publications in the Official Gazette	Political will to adopt the EU standards in IPR domain and strengthen the IPR system
A1.1.1	General review of the language and translation consistency			
A1.1.2	Review of the Laws			
A1.1.3	Review of the secondary legislation			
A1.1.4	Drafting of the Gap analysis and policy paper			
A1.2	Advice and support in the completion of IP legislation			
A1.2.1	Amendment of the Law on Customs Measures for protection of IPR			
A1.2.2	Amendment of the Law on TM, patents, ID, GI			
A1.2.3	Amendment of the Law on Copyright and Related Rights			
A1.2.4	Amendment to the Criminal Code			
A1.2.5	Amendments to the AI on patents, TM, ID			
A1.2.6	Amendments to the AI on representation			
A1.2.7	Drafting of the AI on GI			
A1.2.8	Amendments to the Copyright Regulations			
A1.2.9	Drafting of Regulation on Private Copy Scheme			
A1.2.10	Drafting of Regulation on administrative fines			

A1.2.11	Drafting of Regulation concerning the digital piracy			
A1.3	Assistance in the drafting and adoption of an IP vocabulary			
A1.3	Assistance and support through the coordination processes			
A2	Capacity building for IPO and OCRR			
A2.1	Assistance in completion and update of the database	<p>Number of services provided for the public;</p> <p>Public access to the database via internet is in place;</p> <p>The organizational structure is reviewed and optimized;</p> <p>Drafted plan for the development of the office;</p> <p>Job descriptions are drafted;</p> <p>Number of staff members of IPO and OCRR trained;</p> <p>Number of mediators trained;</p> <p>Number of representatives of CMO trained.</p>	<p>IPO website;</p> <p>Annual reports</p> <p>Reports;</p> <p>List of participants;</p> <p>Evaluation forms;</p> <p>Project documentation</p>	<p>The MTI realizes the importance of the role of the IPO and is committed to its further development;</p> <p>The staff of IPO and OCRR are motivated to learn and evolve in the IP domain</p>
A2.1.1	Assessment of the IT infrastructure of the IPO			
A2.1.2	Drafting of development plan			
A2.1.3	Implementation of the development plan			
A2.1.4a	On-the job training for the IT specialists			
A2.1.4b	Study visit for the IT specialist			
A2.1.5	Translation of documents			
A2.2	Advice and support to optimize the new organisational structure			
A2.2.1	Review of the organisation			
A2.2.2	Elaboration of a Plan for the development of IPO			
A2.2.3	Review of internal procedures for patents, TM and ID			
A2.2.4	Translation of documents			
A2.3	Training sessions for IPO and OCRR			
A2.3.1	TNA and drafting of training plans			
A2.3.2	Implementation of the training plan			
A2.3.2a	On the job training for patent staff			
A2.3.2b	On the job training on patent staff			
A2.3.2c	Study visit for patent staff			
A2.3.2d	On the job training for TM staff			
A2.3.2e	On the job training for TM staff			

A2.3.2f	Study visit for TM staff			
A2.3.2g	Seminar on GI			
A2.3.3	TNA and training plan for OCRR			
A2.3.3a	On the job training			
A2.3.3b	On the job training			
A2.3.3c	On-the-job training for mediators			
A2.3.3d	Seminar for CMO			
A2.3.3e	Study visit for OCRR			
A2.3.3f	Study visit for IPO and OCRR management			
A2.4	Seminar for both offices - presentation skills			
A3	Capacity building of enforcement institutions			
A3.1	TNA and Training Programmes	Number of police officers and prosecutors trained; Number of Customs officials trained; Number of judges trained; Number of market inspectors trained; Number of meetings of the State IP Council; Number of members of the State IP Council trained	Reports; List of participants; Evaluation forms; Project documentation Minutes of the meetings	The staff of the enforcement institutions is motivated to learn and evolve in the IP domain The role of the State IP Council is strengthened
A3.2	Development of training materials including a manual for police			
A3.3	Implementation of training programme			
A3.3.1	Seminar for Police and prosecutors			
A3.3.2	Workshop for Police and prosecutors			
A3.3.3	Seminar for Customs			
A3.3.4	Workshop for Customs			
A3.3.5	Seminar on copyright for judges			
A3.3.6	Seminar on TM for judges			
A3.3.7	Seminar for market inspectors			
A3.3.8	Study visit			
A3.3.9	Study visit			
A3.3.10	Common seminar on institutional cooperation			
A3.4	Strengthening the State Council on IP			
A3.4.1	Seminar for the National Council on IP			

A3.4.2	Participation in the meetings			
A4	Awareness Raising			
A4.1	Developing of awareness raising strategy , action plan and materials	Number of promotion events; Number of promotion materials on the websites of IPO and OCRR; Number of IP materials prepared; Number of participants	Reports; List of participants; Evaluation forms; Project documentation; Websites of IPO and OCRR	Interest and participation of the public
A4.2	Implementation of the action plan			
A4.2.1	Development of a webpage of the OCRR			
A4.2.2	Further development of the website of the IPO			
A4.2.3	Developing IP materials for the businesses			
A4.2.4	Celebration of the IP day 2013			
A4.2.5	Celebration of the IP day 2014			
A4.2.6	Seminar on piracy			
A4.2.7	Roving seminar			
A4.2.8	Developing IP curricula for the University of Pristina			
A4.2.9a	Seminars for students			
A4.2.9b	Seminars for students			