**MINISTRY OF FINANCE
*Customs Administration
IPR Department*
 *PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN SERBIA***

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 **National Institutions in charge with IP enforcement, including combating counterfeiting and piracy:**

* **Intellectual Property Office of Serbia**
* **Ministry of finance – Customs Administration of the Republic of Serbia**
* **The Ministry of Interior**
* **Ministry of Trade, Tourism and Services – Market Inspection Sector**
* **Competent courts for the protection of property rights**

**(Commercial Courts, District Courts)**

**Structure**

**Structure**

***Legal Framework for protection of rights of intellectual property in the Republic of Serbia***

* **Law of Special Autorites for efficient protection of intellectual property rights**
* **Law on Stamps**
* **Law on Patetents**
* **Law on Copirights and Related Rights**
* **Law on Legal Protection of Designe**
* **Law on Geographic Origin**
* **Law on Protection of Topography of Integrated Cirqics**
* **Law on Trade**
* **Law on Advetising**
* **Law on Consumer Protection**
* **Criminal Code**
* **Law on Cinematography**
* **Law on Inssuing Publications**
* **Law on Criminal Responsibility of Legal Entity**

**Customs regulations of Serbia**

**Customs Law**

**(«Official Gazette of RS» 18/2010)**

**Article 280-287**

**Regulation on customs approved treatment of goods, release of customs goods and collection of customs debt**

**(«Official Gazette of RS» 127/03, 20/04, 24/04, 104/04, 71/05, 76/05, 106/05, 05/06, 47/06, 86/06, 10/07, 25/07, 80/07)**

**Article 286-301**

 Detention of goods

* **In case of detention of goods, along with the Minutes on suspension of customs procedure, the Customs House shall provide other details relating to the procedure carried out before the competent court by the right-holder.**

DETENTION OF GOODS – TIME LIMITS

**If the customs authority, within 10 working days as of the date when the intellectual property right-holder has been informed about the instigation of the procedure leading to meritory judgement and that the competent authority passed the temporary measure based on which the release of goods is to be postponed, the customs authority shall act in accordance with the decision on taking the temporary measure.**

**If within 10 working days the competent authority fails to pass the temporary measure to postpone the release of goods, the customs authority shall continue with conducting the appropriate customs procedure and release the goods to the declarant, while the customs authority may, where reasonably required so by the applicant, extend such period for another 15 days.**

 **Where customs procedure has been suspended, the Customs House shall accordingly notify the IPR Department – Customs Administration, which shall take further measures with regard to the identification of goods, its detention and submission of data required for conducting the procedure before the competent court.**

**Court structure**

**Competent courts for the protection of property rights:**

* **Commercial Courts (legal person)**
* **District Courts (natural person)**

**Statistics
2004.-2010.**

CUSTOMS PRACTISE

**Since the beginning of implementation, Customs authorities have, at the request of intellectual property right-holders and ex officio, suspended the import, export or transit procedure for goods suspected of infringing some of the intellectual property rights, and retained it:**

**- 2008 – 2010 – 2.493 cases**

**- During the said period, the Customs Administration passed approximately 415 decisions, in response to general requests of right-holders**

**The most frequent types of goods infringing the intellectual property rights are: *textile products, sports shoes and clothing, including accessories and equipment for mobile phones* (facias, covers, keypad buttons, batteries, chargers, cases and such), hand watches, spare parts for cars, perfumery products, cups, batteries.**

 **The new, internal database adjusted to the needs of the IPR Department was produced by the CAFAO Mission IT Team in the Republic of Serbia (now - TACTA), with the active involvement of the IPR Department, and cooperation continuous with the – SEED Tool for Systematic Electronic Data Exchange;**

**Plans:**

* **Standardisation and adoption of the model of the *Application for Action* to be lodged by Rights – Holders,**
* **Provide public education and action of raising the awareness of customs officiers and the public in general, about the importance of protecting intellectual property,**
* **compose internal guidance for the work of customs officers, in connection with the protection of intellectual property in the customs procedure,**
* **the plan is that internal databases over the network becomes available to all customs and customs houses,**
* **improve the exchange of information and cooperation with other government bodies that deal with intellectual property protection (police, market inspection ...),**
* **enhance regional cooperation and exchange of information,**
* **set coordinator for intellectual property in the customs branch**
* **intensify cooperation with the holders of intellectual property rights**
* **carry out intensive training of customs officials in the field.**

 **THANK YOU FOR YOUR ATTENTION!**