



Government of Montenegro  
Ministry of Economic Development and Tourism

*IP Strategy Development and Implementation*

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Government of Montenegro

For the purpose of

**Cross-Regional Experience-Sharing Workshop on IP Strategy Development and Implementation  
organized by the WIPO**



## Background

### Ancient history

The first efforts to establish a modern concept of protection and enforcement of intellectual property rights in Montenegro were made in late 19<sup>th</sup> century. The Principality of Montenegro, which gained formal international recognition as an independent country in 1878, at Berlin Congress, ratified the Paris Convention for the Protection of Industrial Property and acceded to the Berne Convention for the Protection of Literary and Artistic Works in 1893.

King Nikola I



Cetinje, ancient capital of Montenegro





## Background

Montenegro is a member state of WIPO since 4 December 2006.



Throughout the period from 2006 until today, cooperation between Montenegro and the WIPO was

- intensive
- always a reflection of actual needs of IPR sector of Montenegro
- conducted in a professional spirit and a friendly atmosphere
- uninterrupted inspite of different challenges (internal difficulties, global health threats as covid19 and others)
- fruitful



## Main authority for IPR protection in Montenegro

Main authority for protection of intellectual property rights in Montenegro is

**Ministry of Economic Development and Tourism**, respectively Directorate for Internal Market and Competition, wherein there are, among others, two Departments for IPR protection:

- Department for Intellectual Property and
- Department for Legislation and International Cooperation in the Area of Intellectual Property.

Ministry of Economic Development and Tourism is a contact point for cooperation with the WIPO, concretely with the Division for Transition and Developed Countries (TDC).



## Previous cooperation activities

Cooperation activities in previous period:

- Support in awareness raising of professional and wider public in Montenegro, through joint organization of seminars and other events. Most important event organized jointly was *Inter-regional Conference on Geographical Indications*, held in Podgorica, in 2014, which attracted great attention of Montenegrin public. Before covid19 crisis, we used to organize one event a year together (seminars in Podgorica).
- Attendance of the IP staff from Montenegro at seminars, trainings, WIPO Committees' sessions, conferences, symposiums, regional and inter-regional events.
- Expert support, advice and recommendations for drafting IPR legislation. Most important activity in this regard: ***expert support in drafting first National IP Strategy for the period 2012 – 2015.***
- Support in IT through installation of IPAS.
- Exchange of high level visits.



# Preparations for development of National IP Strategy



Preparations started in 2019, with challenges

- WIPO hired international expert, who had to withdraw from the project.
- However, Mr. Željko Topić, international expert, managed to elaborate a comprehensive *Questionnaire* which was answered by 17 Montenegrin IPR authorities and organisations.
- In addition, Mr. Vladimir Savković, PhD, local expert, elaborated *Preliminary Desk Research Report*.
- Document titled *Development of the National IP Strategy in Montenegro - Project Outline* was elaborated by the WIPO expert, Mr. Ron Marchant.
- Mr. Slobodan Marković, PhD, Professor at the Faculty of Law, University Belgrade, was hired in February 2021.



## Role of Domestic Working Group

- Domestic Working Group was established by the Ministry of Economy immediately upon decision of the Ministry to develop new IP Strategy and after first contacts and discussion on this subject matter with the WIPO.
- Tasks and duties of the Domestic Working Group

to take active part in the process of development of National IP Strategy, i.e. to provide inputs, comments, suggestions, to study any draft document provided by the experts, to compile inputs and comments, review papers elaborated by the WIPO experts and finalize strategic document.

- WG was composed of representatives of eight (8) Montenegrin IP authorities: Ministry of Economy, Revenue and Customs Administration, Market Inspection, Police Administration, Commercial Court of Montenegro, Chamber of Economy, Ministry of Science and Ministry of Education.
- The head of Domestic Working Group is Ms. Dragana Ranitović, Head of Department for Intellectual Property, Directorate for Internal Market and Competition, Ministry of Economic Development and Tourism.



## Development of National IP Strategy

- WIPO experts had online interviews with the representatives of eight (8) Montenegrin IP institutions (on 9, 10 and 16 February 2021). The *Minutes of Meetings* were elaborated by Domestic WG, translated into English and sent to the WIPO and experts, on 24 March 2021.
- Dr. Marković elaborated *First Assessment Report*, dated 19 April 2021. This document was discussed during a video meeting held on 5 May 2021 that was participated by the representatives of Domestic WG, WIPO, local and international experts.
- Dr. Marković composed a *Questionnaire* with additional questions for Montenegrin IPR institutions. Thirteen (13) Montenegrin institutions provided answers that were sent to the WIPO and experts on 8 June 2021.
- Experts provided pre-draft IP Strategy with pre-draft Action Plan which were considered by the Domestic WG. Comments and suggestions of the WG and other Montenegrin institutions were collected and sent to experts. The documents, supplemented by the experts, were then commented and revised by Domestic WG and other Montenegrin institutions, translated into English and submitted to the WIPO for opinion, in June 2021.
- The revised draft strategic document together with draft action plan was submitted by the WIPO to the Domestic WG on 18 October 2021.
- Thereafter, on 28 October 2021, online meeting was held, participated by the WIPO, experts and Domestic Working Group.



## Role of the Ministry of Economic Development and Tourism

- In the stage that followed, crucial activities were on the Ministry of Economic Development.
- In November 2021, draft documents were translated from English into Montenegrin language.
- In elaboration of final strategic document, WG consulted domestic authorities: General Secretariat of the Government of Montenegro, Directorate for Digital Economy and Technological Development within the Ministry of Economic Development, Center for Alternative Dispute Resoluton.
- Final version of National IP Strategy of Montenegro for the period 2023 – 2025 with Action Plan was put to public debate on 7 December 2021.
- Under Article 17 of the *Regulation on manner and procedure for elaboration, alignment and control of implementation of strategic documents* ("Official Gazette of Montenegro", No. 54/18), the Strategy was submitted to General Secretariat of the Government of Montenegro for opinion.



## Internal alignment of Draft IP Strategy

After Draft National IP Strategy 2023 – 2026 (the period had to be changed as the starting period elapsed) with Draft Action Plan had been aligned with the WIPO and the public debate had been completed, it was considered, amended and adapted with the General Secretariat of the Government of Montenegro, since under Regulation on manner and procedure for elaboration, alignment and control of implementation of strategic documents ("Official Gazette of Montenegro", No. 54/18), the Secretariat provides its opinion with recommendations in relation to:

- alignment of this document with plan and strategic documents determining general directions of development at the level of Montenegro and other strategic documents
- harmonization of priorities and objectives of strategic document with obligations arising from process of Montenegro's accession to the EU, also with sectoral policies of EU and conditions for utilisation of EU funds
- harmonisation of structure and content of the strategic document with methodology of development of policies, elaboration and control of implementation of strategic documents.

General Secretariat of the Government of Montenegro provided positive opinion on 4 April 2022.

In April 2022, inter-sectoral alignment with all institutions recognized as bearers of activities and also with all other institutions was completed with obtained positive opinions.



## Final steps in obtaining external opinions

- Proposal of National IP Strategy 2023 – 2026 with Action Plan was submitted to the WIPO and the European Commission for opinions, on 10 May 2022.
- WIPO sent its response on 6 July 2022 saying that strategic and operational objectives are adequate. WIPO proposed some terminological modifications and asked for clarification of certain formulations. WIPO also provided general comments in regard with implementation of the Strategy.
- European Commission sent its opinion on 24 October 2022 providing comments, proposals and suggestions. Currently, we consider their opinion with due attention, which will result in revision of the text of the Proposal of IP Strategy and Action Plan. Further consultations with the EC are necessary. Once a positive opinion of the EC is obtained, we will be able to continue our internal procedure which comprises consultations with Ministry of Finances and General Secretariat of the Government of Montenegro. Thereafter, Proposal of the IP Strategy with Action Plan will be submitted to the Government of Montenegro for consideration and adoption.



## Considerations how to draft the Strategy

From the moment when it had been decided to develop IP Strategy, the main issue was how to structure the document and what were the goals to be achieved. Both Domestic Working Group and the international expert had the same approach – the Strategy has to be grounded on reality, i.e. to have in mind the status of IPR protection in the country, to create realistic objectives and set forth achievable and sustainable results.

When drafting the document, the following principles were followed:

- The document is based on the National Strategy for Sustainable Development of Montenegro until 2030 and the Montenegro's Program of Accession to the European Union. There are no contradictions and overlaps with other public policies and sectoral strategic documents. In particular, it is compatible with a number of other strategies currently being implemented in Montenegro, which are of particular importance for the development of intellectual property systems (Industrial Policy of Montenegro 2019-2023, Smart Specialization Strategy of Montenegro 2019-2024, Strategy for the Development of Micro, Small and Medium-Sized Enterprises in Montenegro 2018-2022, etc.).
- It was also taken care of the continuity of public policies, meaning that the strategy is, among other things, based on the analysis of the results of the National Intellectual Property Strategy 2012-2015, Montenegro's experience in meeting the closing benchmarks in Chapter 7 - Intellectual Property Law, Montenegro's accession negotiations with the European Union and annual progress reports from the European Commission.
- The strategy focuses only on goals that are priority and achievable within the given resources of Montenegro and other constraints dictated by the size and geographical position of the country.



## Structure of the Strategy

The Strategy is structured in line with methodology prescribed under Regulation on manner and procedure for elaboration, alignment and control of implementation of strategic documents ("Official Gazette of Montenegro", No. 54/18), taking into account guiding principles.

The content of the Strategy:

- **I Introduction:** containing general overview, a brief history of IPR system in Montenegro, the importance of intellectual property, development of the Strategy, goals of the Strategy
- **II State analysis:** legal framework for protection of IP, institutional framework in the field of intellectual property - key relevant actors in the Montenegrin intellectual property system, national policies regarding long-term strategic development plans, international and EU policies, international cooperation in the field of intellectual policy, interdepartmental collaboration, current situation in the area of intellectual property, information services and registers, public awareness, SWOT analysis, the problem tree
- **III Strategic and operational goals**
- **IV Monitoring, reporting and evaluation**



## Assessment of priorities

The assessment of priorities is based on the following vision of Montenegro until 2026:

- a level of legal protection of intellectual property similar to that in the European Union has been established, including effective means of enforcing these rights;
- administrative bodies for recognition and annulment / revocation of intellectual property rights perform their administrative competencies in a fast and efficient manner, thanks to good internal organization, training of employees and the use of modern information and communication technology;
- thanks to increased capacity, better training and more intensive mutual and international cooperation between the Police Directorate, Administration for Inspection Affairs, the Revenue and Customs Administration, the State Prosecutor's Office and courts, the level of piracy and counterfeiting has been reduced to the EU average, while all infringements of intellectual property rights are prosecuted as soon as possible;
- mechanisms of interaction between scientific research organizations and the economy have been established, as well as mechanisms for facilitating contact between holders of intellectual property rights and users of objects of protection;
- the relevant public understands and supports the concept of intellectual property protection.



## Goals of the IP Strategy 2023 - 2026

Therefore, the strategic goal that stands out is

- **Improved efficiency of the system of registration and enforcement of intellectual property rights**

with three operational goals:

- **Strengthened administrative capacity of institutions in charge of registration and enforcement of intellectual property rights**
- **Improved public information on intellectual property rights**
- **Ensuring better enforcement of intellectual property rights.**



# Implementation

The IP Strategy 2023 – 2026 prescribes

- Monitoring
- Reporting
- Evaluation

The Strategy is accompanied by detailed ***Action Plan for Implementation of Montenegro Intellectual Property Strategy for 2023*** which contains

- Strategic goal
- Operational goals with performance indicators

Having in mind experience in regard with implementation of the previous IP Strategy 2012 – 2015, and taking into account realistic approach in elaboration of the Strategy, we expect that all planned activities will be carried out in proper manner and due time.



## Gratitude to the WIPO

- We wish to reiterate our thanks to the WIPO for their support in development of National IP Strategy.
- We appreciate greatly expert support in elaboration of this strategic document.
- Our thanks goes to the Division for Transition and Developed Countries (TDC), in particular to Ms. Virag Halgand, who followed regularly all activities and provided her comments and suggestions. We wish to express thanks to Mr. Ryszard Frelek who has been with us in all cooperation activities for many years now.
- During the process of development of the IP Strategy, also other WIPO staff provided their advice: Ms. Nahal Zebarjadi - WIPO Judicial Institute; Mrs. Tamara Nanayakkara - WIPO - IP for Business Division; Mr. Thomas Dillon – WIPO - Legal Counsellor, Building Respect for IP Division, and others. Please extend our thanks to entire WIPO team included in this process.
- We wish to use this opportunity to ask you kindly to express our appreciation to Mr. Habip Asan, Director of TDC. We are convinced that cooperation between Montenegro and the WIPO will be continued in the same spirit as until today and even enhanced.



# Montenegro, a country of natural beauties, vast resources...





**Thank you**

Thank you for Your attention!

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