

## REVIEW OF LEGISLATION

### Responses from the Former Yugoslav Republic of Macedonia to questions from Switzerland

The following communication, dated 4 March 2004, is being circulated at the request of the Delegation of the Former Yugoslav Republic of Macedonia.

#### A. GENERAL

**1. Are the provisions of the TRIPS Agreement, in so far as not implemented in national law, directly applicable in your legal system?**

Pursuant to Article 118 of the Constitution of the Former Yugoslav Republic of Macedonia, the international agreements ratified by the Former Yugoslav Republic of Macedonia are considered as a part of the internal legal system and may not be changed by law.

#### B. PATENTS

**2. Does your legislation grant patent protection for inventions relating to products and processes in all fields of technology? Are there any exceptions? If so, please explain what these exceptions are and how they comply with Article 27 of the TRIPS Agreement.**

Pursuant to Article 2, indent 1 and 7 and Article 19, paragraph 1 of the Law on Industrial Property, inventions in all fields of technique and technology which are new, involves inventive step and are susceptible of industrial application shall be protected by patent. This definition is in conformity with Article 27, paragraph 1 of TRIPS, as well.

Pursuant to Article 72, the patent granted for a process shall also refer to the products and substances obtained from that process.

Exceptions are anticipated in Article 20 of the Law on Industrial Property and they are entirely in compliance with the exceptions anticipated in Article 27, paragraphs 2 and 3 of TRIPS. They refer to the new animal species and plant varieties, surgical and diagnostic methods and inventions, the publishing or application of which is contrary to the public order and morality. In the old Law on Industrial Property, the plant varieties and hybrids could have been protected with a patent, but with the adoption of the Law on Seeds and Seedling Material, the requirement from Article 27, paragraph 3(b) of TRIPS, which provides for exclusion of the same from patent inventions by provision of an efficient *sui generis* system of protection, has been fulfilled.

**3. Does your legislation, in accordance with Article 27.1 in combination with Article 31 of the TRIPS Agreement, consider importation as "working" a patent and therefore preclude compulsory licensing, if a product is being imported?**

Article 76 of the Law on Industrial Property stipulates that if the patent-owner does not exploit the protected invention or exploits it to the extent which is insufficient to satisfy the needs of the Macedonian market, and refuses to conclude a licence agreement or sets forth non-market conditions for conclusion of such agreement, the right of use of the invention may be given to another person with obligation to pay remuneration to the patent-owner. Compulsory licence shall not be given if the patent-owner proves the existence of legitimate reasons justifying the non-exploitation or insufficient exploitation of the protected invention.

Satisfying the needs of the market means to satisfy the needs with domestic production or production from abroad.

**4. Does your legislation make the granting of a compulsory licence subject to all the conditions enumerated in Article 31 TRIPS of the TRIPS Agreement? Please cite the relevant provisions of law.**

Articles 76 through 81 of the Law on Industrial Property regulate the institution of compulsory licence, which is in compliance with Article 31 of TRIPS.

Pursuant to Article 76, paragraph 1 of the Law on Industrial Property, the compulsory licence is issued for the purpose of satisfying the needs of the Macedonian market in cases where the patent-owner does not exploit the protected invention, refuses to conclude a licence agreement or sets forth non-market conditions for conclusion of such agreement. This is entirely in compliance with Article 31, paragraphs (b), (c) and (d) of TRIPS. Paragraph 2 of Article 76 shall determine the conditions due to which a compulsory licence is not to be issued which is in compliance with Article 31, paragraph (a) of TRIPS.

The court shall decide in a trial procedure upon request for issuance of compulsory licence (Article 77 of the Law on Industrial Property), which is in conformity with Article 31 of TRIPS. The reimbursement is regulated with Article 79 of the Law on Industrial Property, pursuant to Article 31, paragraph 3(e) of TRIPS.

The validity period of the compulsory licence is exclusively related to the validity of the reason due to which it has been issued (Article 80 of the Law on Industrial Property, pursuant to Article 31 paragraph (i) of TRIPS).

**5. Does your legislation provide for the principle of the reversal of burden of proof in a process patent litigation? Please cite the relevant provisions of law.**

In cases of civil court procedures (Article 201 through 211 of the Law on Industrial Property) initiated due to infringement of the patent right, the court may, pursuant to Article 72 of the Law on Industrial Property, request evidence in case of existence of reasonable doubts that the product has been produced in a protected process which is in compliance with Article 34 of TRIPS. The burden of proof shall fall on the alleged infringer (72, paragraph 4 of the Law on Industrial Property), which is in conformity with the provision from Article 34, paragraph 2 of TRIPS.

In the part of safety measures, there is a possibility for the right-owner to request from the persons related to the infringement of the right to present for inspection the data and documentation relating to the infringement (Article 214, paragraph 1 of the Law on Industrial Property). Such possibility is anticipated in Article 50, paragraph 5 of TRIPS.

In a civil procedure, the judges may, for the needs of the procedure, order experts to testify, as well as request provision of other evidence material (Articles 204 – 261 of the Law on Trial Procedure), in criminal procedure (Articles 198 – 252 of the Law on Criminal Procedure) and administrative procedure (Articles 159 – 201 of the Law on Administrative Procedure).

In an administrative procedure, the procedure upon proposal for declaring nullity of the decision, the person filing the proposal shall be obligated to submit the necessary evidence (Article 225, paragraphs 3 and 4 of the Law on Enforcement Procedure).

Submission of evidence to the opposite party requesting reply is anticipated for all procedures.

#### C. PROTECTION OF UNDISCLOSED INFORMATION

**6. Please explain in detail if your legislation ensures that undisclosed test or other data submitted by an applicant to the responsible State agency in the procedure for market authorisation of a pharmaceutical or of an agricultural chemical product is protected against disclosure and against unfair commercial use by a competitor, for example by prohibiting a second applicant from relying on, or from referring to the original data of the first applicant, when applying subsequently for market authorisation for his own product.**

**Does your legislation provide for exceptions to this? If yes, under what conditions would such exceptions apply?**

**Does your legislation provide for a specific term of protection for such undisclosed test data?**

Protection of confidential information is mainly with the provisions for unfair competition of the Law on Trade Companies (Articles 176 through 178b) and the Law on Trade (Articles 31 through 37).

Protection of confidential information from researches and other information submitted in the procedure for approval of sale and marketing of pharmaceutical and agricultural chemical products (Article 39.3 of the TRIPS Agreement) is obtained with the provisions for unfair competition (Articles 31, 34 and 37) of the Law on Trade (Official Gazette 23/95, 30/96, 43/95 and 43/99), Law Against Unfair Competition (Official Gazette 80/99) and Article 23 and 24 of the Law Against Limiting Competition (Official Gazette 80/99). In addition to that, the protection of confidential information and records for pharmaceutical products is provided for in the law on Medicines, Medications and Medical Devices (Official Gazette 21/98).

Revealing and unauthorized acquiring of business secrets are considered as criminal acts pursuant to Article 281 of the Criminal Code. Civil servants are requested to keep secret pursuant to Article 20 of the Law on Civil Servants. Confidential information revealed during public trials and court procedures are protected pursuant to the Law on Administrative procedure (Article 150), Law on Trial Procedure (Article 292), Law on Criminal Procedure (Article 280) and Law on Misdemeanours.

D. PROVISIONAL MEASURES

**7. Do your judicial authorities have the authority to adopt, on the request of a right holder, a provisional measure *inaudita altera parte* before an action leading to a decision on the merits of the case has been lodged? Please cite the relevant provisions of law.**

Articles 263 through 276 of the Law on Enforcement Procedure and provisions of the Law on Trial Procedure authorize judges to issue provisional prohibitions and assistance for the purpose of preventing infringement and keeping of evidence. The Law on Copyrights and Related Rights (Articles 159, 162 and 168), Criminal Code (Article 157) and Law on Industrial Property (Article 213) also provide for provisional measures pronounced by a court decision. The provisional measures are permitted *inaudita altera parte* in cases of copyrights pursuant to Article 162, paragraph 2 of the Law on Copyrights and Related Rights. Provisional measures in cases of intellectual property are permitted in compliance with Articles 263 through 275 of the Law on Enforcement Procedure and Articles 257 and 260 of the Law on Trial Procedure. In accordance with these provisions, the provisional measures may be adopted *inaudita altera parte*.

**8. Does your legislation provide for any restrictions for obtaining provisional measures?**

**If so, what are these restrictions? Please cite the relevant provisions of law.**

There are no restrictions regarding the time of pronouncing a provisional measure.

Pursuant to Article 264 of the Law on Enforcement Procedure:

"An interim measure may be allowed before and during a court or administrative procedure, and after the conclusion of such procedures, but before the actual implementation of the enforcement."

Pursuant to Article 265 of the Law on Enforcement Procedure:

"An interim measure shall not be allowed if there are grounds [conditions] for allowing a preceding measure capable of achieving the same goal."

Pursuant to Article 266 of the Law on Enforcement Procedure:

"An interim measure for securing a monetary claim may be permitted if the creditor has made the existence of the claim evident and if there is a risk that the debtor would obstruct or make significantly more difficult the collection of the claim, in the absence of such a measure by transferring all of his/her property or assets, conceal them or dispose of them in another way.

The creditor need not prove the risk if s/he makes evident that the debtor would suffer only insignificant damages.

A risk shall be deemed to exist if the claim is due abroad.

An interim measure for preventing payment against an acceptance order may be allowed if the proposal for such a measure was made in a complaint."

Pursuant to Article 268 of the Law on Enforcement Procedure:

"An interim measure for securing a non-monetary claim may be permitted if the creditor makes evident the existence of the claim and the risk that without such a measure the debtor would obstruct or make significantly more difficult the collection of the claim.

An interim measure may also be allowed if the creditor makes evident that the measure is necessary to prevent the use of force or the damage caused could be indemnified.

The provisions pertaining to paragraphs 2 and 3 of Article 266 of this Law also apply to interim measures for securing a non-monetary claim."

**9. Please describe the provisional measures provided for in your legislation, including those useful to combat counterfeiting and piracy. Please describe the procedures that must be followed and cite the relevant provisions of law.**

The following activities of Article 162 of the Law on Copyrights and Related Rights: seizure, removal from circulation and preservation of copies, devices, equipment and documents; prohibition of activities of eventual infringement or their continuation and other similar measures – provisional measures. If there is a well-founded suspicion that this protection may not be realized later, the court may pronounce and execute such measures without prior notification and hearing of the adverse party. The procedure for securing of evidence shall be summary.

In Article 163 of the Law on Copyrights and Related Rights the provision of evidence is also considered as a provisional measure - in cases where it is known that the evidence will be destroyed or impossible to obtain at a later period of time, the court may also obtain them without prior notification and hearing of the adverse party. The procedure for securing of evidence shall be summary.

Pursuant to Article 213 of the Law on Industrial Property:

"The right-owner who can initiate an action for infringement of his rights under this Law may also submit to the court request for ruling provisional measures under the conditions and in the manner provided for by the Law on executive procedure."

Pursuant to Article 214 of the Law on Industrial Property:

"(1) The right-owner may request the persons who were in any way connected with the infringement of the right acquired under this Law (producer, publisher, importer, distributor, consignor, owner, seller, owner of samples, items or means with which his right was infringed and other persons) to submit the data and documents regarding the infringement without delay.

(2) If the persons referred to in paragraph (1) of this Article fail to submit the data or document at their disposal, they shall be responsible for remuneration of damages caused by that failure.

(3) If the right-owner referred to in paragraph (1) of this Article abuses the data or documents acquired from the persons under paragraph (1) of this Article, causing them damages, he shall be obliged to remunerate the damages under the general provisions for remuneration of damages."

**10. Please describe the measures provided by your legislation to combat counterfeiting and piracy at the border. Please explain whether the competent authorities are empowered to act ex officio and, if so, please indicate the enforcement actions that may be taken. Please cite the relevant provisions of law.**

Pursuant to Article 215 of the Law on Industrial Property:

"(1) If the right-owner lodges an application that the import of given goods in the Republic of Macedonia infringes his rights acquired under this Law, at his request, the customs officials may rule the following border measures:

1. An authorized customs employee, accompanied by the right-owner or his representative, to inspect the goods which are being imported and exclude them from trade or store them in a safe place, unless the importer has authentic evidence on the production of the goods he is importing.
- (2) At request of the customs officials or the importer, the right-owner shall be obliged to submit bail for possible damages caused by the measures under paragraph (1) of this Article.
- (3) The customs officials shall immediately notify the importer and receiver of goods of the ruled measures.
- (4) The customs officials shall suspend the ruled measures under paragraph (1) of this Article if the right-owner does not institute an action for infringement of right to the competent court within 8 days from the date of filing the request."

Pursuant to Article 165 of the Law on Copyright and Related Rights:

"If the right holder reports that his exclusive right according to this Law has been infringed by the importation of certain goods in the state, the customs authorities may, on his demand determine the following customs measures:

- The right holder or his agent to inspect the goods; and
- The goods to be seized, removed from circulation, or stored in a secure place.

Together with the demand of this Article, paragraph 1, the right holder shall be obliged to deliver to the customs authorities a detailed description of the goods, necessary evidence of his exclusive rights and their presumable infringement. On the customs authorities' order, the right holder shall be obliged to provide a security against damage that may be caused by such measures.

The customs authorities shall be obliged promptly to notify the importer and the recipient of the goods of the measures adopted. The customs authorities shall rescind the measures adopted insofar the holder of right does not file a suit or initiate some other proceedings for executing the measures adopted within ten days."

Regarding the availability of the Customs Authorities to act ex officio, the Ministry of Finance and the Customs Administration shall adopt the Law on Customs Measures for Protection of Intellectual Property during the 2004. This Law is in the Plan of Acts and Activities, which will be prepared and proposed, or undertaken by the organizational units of the Ministry of Finance in the year 2004. This Law shall enable the Customs Administration to act ex officio in the process of protection of the intellectual property.

E. ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

**11. Please describe how your legislation meets the requirements of Article 41 of the TRIPS Agreement. Please cite the relevant provisions of law.**

Article 41.1 of TRIPS

Pursuant to the LCRR and other legal regulations, authors and other holders of the copyright and related rights, the Inspectorate of the Ministry of Culture, as well as other authorized state bodies (administrative and court) shall be authorized for initiating and/or undertaking measures for prevention of the misuse of the copyright and related rights.

A person whose rights under this Law have been infringed may demand protection of his/her rights and claim indemnity, unless otherwise determined by this Law. The right holder may also demand protection under this Article, paragraph 1, when there is a serious threat of infringement of the rights according to this Law (Article 156).

When there are several right holders according to this Law, each of them may demand protection of the right in its entirety. When there are several infringers of a right as per this Law, each of them shall be liable for the infringement, in its entirety (Article 157).

A person shall be considered to be infringing the exclusive rights according to this Law, when s/he manufactures, imports, possesses for commercial purposes, distributes, rents or in any other way uses any devices which sole or main purpose is, unauthorized removal or damage of technical equipment or a computer program that is used as legal protection against unauthorized use; and that makes possible or assists, without authorization, the public to receive encoded broadcasters program-carrying signals (Article 158).

Authors and other holders of copyright and related rights, independently or through a representative that may be a collective organization as well, may initiate court procedures (trial procedure - as unique initiators of the procedure, misdemeanour or criminal procedures for which the Inspectorate at the Ministry of Culture may also appear as initiator). The foregoing entities may submit criminal charges for initiation of a criminal procedure for the performed criminal acts before the public prosecutor and if there is evidence for the performed criminal act, which according to Article 157 of the Criminal Code (Official Gazette of the Former Yugoslav Republic of Macedonia no. 37/96) shall be prosecuted officially, the public prosecutor shall press charges. At the same time, protection measures to be undertaken may be demanded. Under the Law on Copyrights and Related Rights, the infringement of the copyright and related rights is also anticipated and is subject to sanctions.

The Inspectorate at the Ministry of Culture shall perform regular and extraordinary supervisions and control and investigate each case separately. If it finds that certain copyright and related rights have been infringed, it shall undertake the prescribed measures and press misdemeanour charges. At the same time with the misdemeanour charges, protection measures shall be undertaken.

When an authorized person (hereafter: inspector) in the course of his supervisory activity, has well-founded suspects that an infringement has been committed, he shall temporarily seize the objects that have been or are intended to be used for committing an infringement, or have been created by such an infringement. The inspector shall submit the temporarily seized objects, together with a writ for institution of misdemeanour proceedings, to the competent authority in misdemeanour proceedings (Article 170, paragraph 2 and 3).

Civil legal protection according to Law on Copyrights and Related Rights is stipulated in Articles 159 through 163.

The Law on Industrial Property anticipates provision of efficient protection in case of infringement of an industrial property rights through:

- A procedure upon proposal for declaring nullity of a decision (Article 224 and 225 of the Law on Industrial Property);
- Provisional measures (Article 213);
- Submission of data and other documentation (Article 214 of the Law on Industrial Property);
- Court protection (201 – 212);
- Customs measures (215);
- Misdemeanors (228 of the Law on Industrial Property).

The Criminal Code provides for criminal acts such as unauthorized use of other's business name (Article 385) and unauthorized use of other's invention (Article 286). Objects produced with the abovementioned criminal acts shall be seized, while the prosecution shall be initiated upon a proposal.

Procedures for the legal, civil legal protection, misdemeanor and criminal protection are regulated in the relevant articles of the following regulations: Law on Administrative Procedure, Law on Trial Procedure, Law on Obligations (Compensation of Damages), Law on Misdemeanors, Criminal Code, Law on Criminal Procedure, Law on Enforcement Procedure, etc.

#### Article 41.2 of TRIPS

The following provisions refer to enforcement of fair, simple and cheap procedures:

The Law on Criminal Procedure anticipates the following basic principles: the accused person for a criminal act shall be considered as innocent until the guilt is proven on the basis of facts which the court determines in a favourable manner for the accused – presumption of innocence (Article 2), the accused person needs to be notified about the reason for which the procedure has been initiated against him/her in the language which s/he understands (Article 3), the accused person shall have a right to a just and public trial in a reasonable time period (Article 4), it is prohibited and punishable to elicit confession (Article 10), the procedure shall be carried without delay (Article 13), the obligation of the court and other state bodies for a truthful and complete determination of facts (Article 14), evaluation of evidence shall not be related or limited with special formal evidence rules (Article 15).

Provisions regarding the criminal procedure shall also be applied in the misdemeanour procedure.

The Law on Trial Procedure anticipates the following basic principles: determination of limits of the request (Article 2), the parties may freely dispose with the requests (Article 3), the court shall decide upon the complaint request orally, immediately and in public (Article 4), an opportunity for each party to express its opinion upon requests of the other party (Article 5), an obligation of the court for complete and honest determination of the disputable facts and evaluation of evidence (Article 7), the court shall be obligated to carry out the procedure without delay and with the least expenses (Article 10), educating an ignorant party about the possibilities for initiating trial procedures (Article 11).



The Law on Administrative Procedure, anticipates the following basic principles: solving the problem according to law (Article 4), provision for protecting the citizens and public interest (Article 5), efficient realization of the rights (Article 6), determination of the real conditions by analysing all the facts (Article 7), guaranteed opportunity for the parties to express their opinion about the facts and circumstances (Article 8), the procedure to be carried out with the least expenses (Article 13), providing assistance to ignorant parties for the purpose of protecting his/her rights, that belong to him/her according to the Law (Article 14).

#### Article 41.3 of TRIPS

Decisions of competent bodies in written form, containing explanation and based on evidence presented by the parties in a dispute are stipulated in the provisions of the following regulations:

Pursuant to the Law on Criminal Procedure the verdict shall be pronounced and published (Article 337), the court shall base the verdict only on facts and evidence presented at the main hearing (Article 339), the published verdict shall be prepared in written form within 8 days from the date of its publishing, or if more complex within 15 days (Article 347), the verdict needs to contain introduction, disposition/statement and explanation (Article 348).

Pursuant to the Law on Trial Procedure, the verdict shall be pronounced and published (Article 321), the announced verdict shall be prepared in written within 8 days, while for more complex procedures, as an exception, within 15 days from the date of its publishing (Article 323), the verdict needs to contain an introduction, statement (disposition) and explanation (Article 324).

Pursuant to the Law on Administrative Procedure, the authorized body shall make a decision (Article 202) and it shall be in a written form and shall contain: an introduction, statement (disposition) and explanation (Article 206). The procedure shall be administered while the decision shall be made and submitted to the party within 60 days, unless otherwise provided by the law.

#### Article 41.4 of TRIPS

Complaints upon final administrative decisions and decision of first instance court authorities.

An appeal against first instance decision may be filed to the Second Instance Committee of the Government (Article 14 Law on Enforcement Procedure) and (Article 144, 145 of the Law on Copyrights and Related Rights).

A complaint may be filed for the purpose of initiation an administrative procedure against a decision adopted in a second instance administrative procedure (Law on Administrative Procedure).

An administrative procedure may be initiated within 30 days upon the receipt of the second instance decision (23 and 24 of the Law on Administrative Procedure). The complaint is field to the Supreme Court of the Former Yugoslav Republic of Macedonia (Article 3, paragraph 1 of the Law on Administrative Procedure).

In compliance with Article 350 of the Law on Criminal Procedure, it is anticipated a right on complaint within 15 days from the submission of the verdict upon which the second instance court shall decide (the Appellate Court).

Also, some extra legal remedies have been anticipated upon an effective verdict, such as: repetition of the criminal procedure (Articles 388-398) and decision of the first instance court; extraordinary alleviation of the punishment (Articles 399-402) upon which the Supreme Court shall decide; demand for protection under the Law (Articles 403-410) upon which the Supreme Court shall

decide and request for extraordinary check of the effective verdict (Article 411-415) upon which the Supreme Court shall decide.

Pursuant to Article 75 of the Law on Misdemeanours an appeal may be filed to a second instance court (Appellate Court) against a verdict and decision of the first instance. Extraordinary legal remedies are the following: Demand for Repetition of the Misdemeanour Procedure and Demand for Protection of the Rule of Law.

Pursuant to Article 334 of the Law on Trial Procedure a right to an appeal is anticipated within 15 days from the day of submission of the verdict upon which the second instance court shall decide (Appellate Court).

Extraordinary remedies are: Revision (Articles 368-386) upon which the Supreme Court shall decide; demand for protection of the rule of law (Articles 387 – 394) upon which the Supreme Court shall decide and repetition of the procedure (Articles 395 – 402) upon which the first instance court shall decide).

According to the Law on Copyrights and Related Rights, upon a decision for issuance or revocation of a licence for collective realization of the copyright and related rights, an appeal is allowed to be submitted to the Government of the Former Yugoslav Republic of Macedonia within 15 days from the submission of the decision. Upon the second instance act an administrative trial may be initiated.

**12. Please indicate the authorities responsible for the application of the measures provided by your legislation to combat counterfeiting and piracy. Please explain whether the competent authorities are empowered to act ex officio and, if so, please indicate the enforcement actions that may be taken. Please cite the relevant provisions of law.**

The Ministry of Culture monitors the implementation of the Law on Copyrights and Related Rights – Managing Board of Associations for Collective Exercise of the Copyrights and Related Rights and Inspection Surveillance. The inspection is carried out ex officio and upon request by right holders. The inspection may initiate misdemeanor procedure. The inspection also has authorization to seize objects and equipment – provisional measure – with a compulsory initiation of the misdemeanor procedure.

The Ministry of Economy – State Market Inspection carries out inspection on practicing the trade rules ex officio – origin of goods, provision for consumers protection and alike.

The Ministry of Internal Affairs carries out inspection ex officio in cases where the unauthorized use of works and objects protected by the Law on Copyrights and Related Rights reaches the level of organized crime.

The Public Prosecutor shall ex officio initiate criminal procedure.

The Customs Administration undertakes border measures of search for right holders.

Courts decide upon civil, misdemeanor and criminal procedures. The civil procedure may be initiated only by right holders; misdemeanor procedures – inspections, right holders, as well as the public prosecutor; criminal procedure may be initiated only by the Public Prosecutor.

Associations for collective exercise of rights and right holders may individually initiate civil and misdemeanor procedures, while for initiation of a criminal procedure, they file a request to the Public Prosecutor.

The Customs Administration, in compliance with Article 215 of the Law on Industrial Property (Official Gazette 47/02) has a right to act in the following manner. When a property right holder has doubts that a certain company will import or is already importing piratical and counterfeited goods, s/he shall address the Customs Administration.

An authorized person from the Customs Administration, escorting the right holder or his/her representative may check the goods subject of imports and prohibit the release of the same on the market and store it in a safe place, in case he importer does not possess a relevant evidence for the production of the imported goods. In such a case, the Customs Administration has the right to keep the goods and prohibit the import of such piratical or counterfeited goods.

**13. Please describe any new initiatives that are planned to improve the enforcement of intellectual property rights in your country, particularly initiatives to combat counterfeiting and piracy. Is there a particular action plan in place?**

In accordance with the expressed readiness of the Government for providing implementation of the requirements pursuant to the TRIPS Agreement, and in particular for applying more efficient protection of copyrights and related rights on the basis of the Information for Exercise and Protection of Copyrights and Related Rights, the following activities have been undertaken:

(1) A Coordinative Body for copyrights and related rights has been established, where the coordinator is the Minister of Culture. Representatives of the following ministries and institutions participate in its work: Ministry of Justice, Ministry of Finance, Customs Administration of the Former Yugoslav Republic of Macedonia, Ministry of Economy, State Market Inspection, Ministry of Internal Affairs, Ministry of Education and Science and the Sector for European Integration in the Government of the Former Yugoslav Republic of Macedonia.

(2) The Government of the Former Yugoslav Republic of Macedonia shall adopt the following: Program for improving and implementing the regime for realization and protection of copyrights and related rights and for education and awareness by analyzing the status and proposal for short-term and long-term measures and activities and Action plan for efficient realization of the protection of copyrights and related rights in the Former Yugoslav Republic of Macedonia – strategic and developing documents.

(3) Currently, the Law on Copyrights and Related Rights is in the process of amending for the purpose of putting it into compliance with the EU Directives. These amendments shall provide for a higher level of protection than the one determined in TRIPS. The most significant amendments are the following: provisions for database protection sui generis, IT agenda provisions covering the right to making available to the public, technological measures, and right management information.

(4) The following legislation shall be adopted – Law on Governing Customs Measures for Import, Export and Re-Export and Suspension Procedures for Counterfeit and Pirated Goods – in conformity with the provisions of the pertinent legislation of the European Union. This Law shall provide for customs protection to be realized ex officio, as well.

The Former Yugoslav Republic of Macedonia is part of the regional CARDS programme for intellectual property and the TEMPUS programme targeting all institutions in charge of protection and implementation of intellectual property rights. Our estimation is that these projects, where numerous seminars, trainings and plans for netting of the concerned institution are planned, will contribute to our efforts for improving the protection of intellectual property rights.

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