

**NATIONAL STRATEGY ON INTELLECTUAL PROPERTY OF
THE REPUBLIC OF NORTH MACEDONIA**

PROPOSED FINAL DRAFT

**EU framework contract for the implementation of external aid 2018
EuropeAid “Support to the bureau for industrial property”
Project No. SIEA2-167, financed by European Commission
Contract No. SIEA-2018-1183**

**This Project is implemented by Expertise Advisors,
Member of the COWI Consortium**

Skopje, December 2021

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FREQUENTLY USED ABBREVIATIONS

AAGR - Actual average annual growth rate
 AJPP - The Academy of Judges and Public Prosecutors
 AO - Appellation of origin
 APERM - Agency for Promotion of Entrepreneurship
 AVMS - Audio and audio-visual media services
 AZAS - Collective management organization of copyright and related film rights
 CA - Customs administration
 CBIP – Coordinative Body for Intellectual Property
 CC - Chamber(s) of Commerce
 CI - Creative Industries / CRR-based industries
 CMO – Collective management organizations / Collecting societies
 CRR - Copyright and Related Rights
 DSSM - Directorate for Seeds and Seedling Material
 EPN - European Patent Network
 EPO – European Patent Organization/Office
 EU - European Union
 EUD - European Union Delegation
 EUIPO - European Union Intellectual Property Office
 FDI – Foreign Direct Investment
 FEIT – Faculty of electrical engineering and information technologies
 FITD – Fund for innovation and technology development
 GDP – Gross domestic product
 GI – Geographical indications
 GII - Global Innovation Index
 INOFEIT - Centre for Technology Transfer and Innovation
 IP – Intellectual/Industrial Property
 IPAS - Industrial Property Administration System (WIPO)
 IPR - Intellectual/Industrial property right
 MAFWE - Ministry of Agriculture, Forestry and Water Economy
 MC - Ministry of Culture
 ME - Ministry of Economy
 MES - Ministry of Education and Science
 MI - Ministry of Interior
 MISA - Ministry of Information Society and Administration
 MJ - Ministry of Justice
 MK – Republic of North Macedonia / North Macedonia
 NIPS - National Intellectual Property System
 NPAA - National Programme for Adoption of the Acquis
 OECD - Organization for Economic Cooperation and Development
 PCT - Patent Cooperation Treaty
 PPO - Public prosecutor office
 PVRs - Plant variety rights
 R&D - Research and Development
 S3 - Smart Specialization Strategy
 SEA - Secretariat of European Affairs
 SMEs - Small and medium-sized enterprises
 SMI - State Market Inspectorate,
 SOIP - State Office for Industrial Property

TRIPS - Trade related aspects of intellectual property rights (Agreement on)
UKIM - University of St. "Cyril and Methodius" Skopje
UPOV - Union internationale pour la Protection des Obtentions Végétales
ZAMP - Association for protection of music copyright
WIPO - World intellectual property organization

EXECUTIVE SUMMARY

This strategy was prepared with the support of the EU framework contract for the implementation of external aid 2018 EuropeAid “Support to the bureau for industrial property”. A consultative mechanism, a wider Strategy Preparation Team (SPT), and a narrower Strategy Drafting Team (SDT) were formed. They worked with the support of the of the project Expert Team (ET).

The strategy covers the period 5-years period, from 2022 to 2026.

While the previous national strategy was limited to Industrial Property, this document covers all Intellectual Property (IP) including Copyright and Related Rights (CRR), as it was the case with the first national strategy in this field in MK.

The scope of the Strategy concerns not only the acquisition of intellectual property rights (IPRs) and their legal protection/enforcement, but also includes relevant aspects of the creation of IP objects and their commercialization and business use.

The structure of the document is adapted to such a scope, containing clusters Creation of IP, Acquisition of Intellectual Property Rights (IPRs), Commercialization of IP and its Business Use, and Exercise of IPRs (through the recognition of rights on the one hand, and legal enforcement on the other).

The past work on strategic governance of the intellectual property system (IPS) in North Macedonia (MK) has been analyzed. While significant results have been achieved, the following issues were identified: discontinuity in strategic planning, recurring problems, strategic topics, and the proposed measures to address them, lack of ownership and insufficient commitment of institutions and poor visibility of past strategies.

Intellectual property is not goal in itself, it is a tool that serves to better and more successfully achieve number of important and valuable societal goals. Hence, this strategy is a catalyst in the realization of significant part of the Government's strategic activity over the next 5 years.

The Strategy is not intended to surpass or replace any of the Government's existing strategies and policies or parts thereof. On the contrary, it aims at identifying the substance of IP throughout the matrix of Government's policies and programs and supporting their successful realization while achieving a synergistic effect.

The strategy puts *innovation* and *creativity*, as two key sources of IP, within the entirety of public policies.

Strategic intention is supporting national strategic efforts in the field of economy, science and technology, culture, and overall development by providing efficient and stimulating national system for effective creation, protection, and exploitation of IP and exercise of IPRs.

Consequently, the subject of this strategy is the Intellectual Property System (IPS) of North Macedonia that consists of:

1. Network of stakeholders of the system including the competent administrative bodies (such as SOIP, Ministry of Culture, MAFWE, State Market Inspectorate, Customs administration), judiciary, academic and R&D entities, holders of IPRs and their associations, collective management associations, business operators and their associations, IP professionals.
2. Applicable legislative framework including national laws and bylaws regulating IPRs in narrower and wider sense as well as relevant international legislation binding North Macedonia (MK).
3. Programs, plans and projects of the Government and/or administrative or judicial bodies related to respective aspects of the national IP system.
4. Supervisory and coordinative mechanism/body for the strategic management of the national IPS.

The overall objective is that by the end of the implementation period (2026) national IPS guarantees the level of protection of IPRs in MK equal to that existing in the EU, while providing optimal conditions for advanced use of IP as a power tool for economic growth, scientific, technological, cultural, and overall societal progress.

This objective implies move from the level of “moderate preparedness” to the level of “well preparedness” of MK for the accession to the EU in the field of IP.

Specific objectives (goals) for the respective strategic themes are

1. IP component in the key public policies in MK recognized and enhanced.
2. Creation and exploitation of IP in MK boosted.
3. Institutional framework for acquisition of IPRs modernized and efficient
4. Enhanced recognition and effective and coordinated enforcement of IPRs
5. National IP legislation modernized and compliant with the EU acquis and the international IP legal order
6. International cooperation and participation in the international IPS improved.

Numerous strategic directions have been recommended for the implementation of these objectives, including but not limited to the following:

Instead of the existing Industrial Property Law, it is recommended to adopt separate laws for individual industrial property rights, i.e., the Patent Law, Trademark Law, the Law on Industrial Designs and the Law on Geographical Indications and Designations of Origin.

Additionally, it is proposed to introduce a Utility model as a new subject of protection in North Macedonia and to regulate this right within the Patent Law. It is proposed to adopt a new Act on the Protection of Undisclosed Information with Market Value (Trade secrets), and a special Law on Representation in the Field of IP.

In the process of preparing and adopting such modernized legislation, a full harmonization will be carried out with the relevant EU Acquis, with all international legal acts binding MK, and with those to which country intends to adhere.

Copyright and related rights (CRRs) will continue to be regulated by a separate law, but it is recommended to adopt a new Act that will be updated and fully aligned with the relevant EU Acquis, with all international legal acts binding MK, and with those to which country intends to adhere.

To fully integrate the national IPS into the international system, it is recommended to accede to further international acts in the field of IP, including The Beijing Agreement on Audiovisual Performances and The Marrakesh Agreement to facilitate access to published works for persons who are blind, visually impaired, or otherwise unable to use printed materials and The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indication.

It is recommended to transfer the competence for all the tasks related to protection of CRRs from the Ministry of Culture (MC) to SOIP. This would bring concentration of the affairs related to intellectual property rights in a single administrative institution, which increases the visibility of this area and enables the optimization of resources and increased effects. This form of organizing is common and applied in many countries in Europe and the world.

Given the number and structure of employees in SOIP, in relation to the existing systematization and the existing content and scope of work, and especially given the extension of competences to CRRs, as well as the orientation to provide more services to relevant sectors, it is necessary to create a comprehensive 5-year plan for the employment and training of human resources of SOIP.

Further recommendation is for SOIP specializing of the patent sector in selected areas in accordance with the priority sectors of the S3 strategy and signing of a contract with EPO to obtain a "search report with the written opinion" on favorable terms and within short deadlines for a certain number of patent applications from selected sectors.

Complete modernisation in the field of automation including E-filing, E-services, E-platform for exchange of information, procurement of the hardware required for smooth functioning of the above, as well as comprehensive training of the SIPO's IT experts.

In the field of enforcement, the amended scope of work and organization of the Coordinative body for IP (CBIP)¹, amendments to the jurisdiction of the courts in relation to IPRs and consequent changes with the Public Prosecutor are recommended².

Regarding the creation of IP, targeted levels of creation of subjects of protection of industrial property rights and CRRs are proposed, studies aimed at quantifying the economic contribution of creative industries in MK, mandatory adoption of IP policies at public universities and their linking to the financing of scientific research projects with public money. In order to stimulate creative spirit in the academia, the amendments of Law on higher education and universities regulations are envisaged.

¹ During the validation process this recommendation was challenged – see references 98 and 99.

² During the validation process this recommendation was challenged – see reference 97.

It is proposed to fully incorporate relevant IP aspects into a 3S strategy that combines Innovation strategy, Industrial strategy, Regional development strategy, Competitiveness strategy and Missing R&D Strategy

The role of chambers of commerce (CC) in IP issues for SMEs, but also in issues such as the implementation of the Prespa Agreement on contentious issues on the use of the word Macedonia, in commercial names, trademarks and brand names, is highlighted.

It is recommended to set up Collective management organizations (CMO) for all rights exercised collectively under the applicable law as well as the Commission for mediation in the field of CRRs responsible for tariff matters (instead of the Government). The establishment of a Chamber of IP Representatives is also recommended.

INTRODUCTION

A. About Intellectual Property (IP)

Throughout the history of civilization there is a high correlation between the attitude of a society or a state towards IP and the degree of development, and the overall quality of life in those societies or states.

This is particularly relevant for the period from 15th century to date. From the Republic of Venice and the Renaissance to the Fourth Industrial revolution and globalization, IP is increasingly powerful and valuable catalyst for economic, technological, and cultural growth and development.

It helps individuals, businesses, and industries to improve, and enhance human life on one hand side, with the appropriate economic effects on the other.

The recognition of moral and material rights to the creators on the results of their creative intellectual work provides a stimulating environment and ecosystem with the powerful drivers of overall civilizational progress.

The two key phenomena that we strive to materialize and protect through IP are *Innovativeness* and *Creativity*.

Traditionally the first term is associated with creativity in the field of technique and technology for industrial use, and the other with creativity in the fields of literature, arts, and culture. Hence the traditional division of intellectual property to *industrial property*³ and *copyright and related rights*⁴.

Modern mega-trends increasingly obliterate described division and emphasize the convergence of overall creativity in improving people's lives with the achievement of economic effects. This underlines the necessity of adequate management of the totality of the creation and/or acquisition of the results of intellectual human work and their effective use.

The intellectual property system (IPS) is globally considered as an important subsystem for optimizing the ratio between total cost and total benefit of innovation and creativity. And this is true for all levels - from an individual company, through industrial sectors to national and global economy.

"We human beings, as a species, are defined by our ingenuity.

As we have become increasingly dependent on technology to protect, amuse, feed and care for us, the value of the innovation and creativity behind it has correspondingly risen.

Growing interdependence among our societies has, in addition, given innovation and creativity a cross-border, universally recognized value – a common currency of sorts.

It is a currency with multiple benefits, not only in and of itself, but also through the economic benefits it can generate.

³ Industrial property includes categories such as patents, utility models, trade and service marks, industrial design, topography of integrated circuits (semiconductors), designations of origin and geographical indications of products and services, and new plant variety rights.

⁴ Copyright includes the rights of authors (writers, painters, sculptors, composers, film directors and other artists, but also architects, journalists, computer programmers, etc.) on their works; Rights of performing artists (musicians, actors, dancers, etc.) to their performances and a number of other related rights of organizations that introduce and disseminate the aforementioned works by making them available to users, i.e., consumers.

The Intellectual Property system has, therefore, been an almost inevitable construct, within and between nations, to encourage the creation of that currency and to manage and protect it.”⁵

All the above is strong justification for a nation/state to invest all efforts in preparing and implementing a comprehensive national plan how best to create, protect and manage Intellectual Property - a *National Intellectual Property Strategy*.

B. About national IP Strategy

B) a) Background

The process of formulating and enacting IP Strategy is in line with the efforts being made by the Government to stimulate research and development, cultural creativity, an appreciation of local resources and local creativity and, in this context, the establishment of a legal and institutional framework increasingly designed to stimulate and consolidate the strengthening of IP in MK. The rules and principles on the right to creativity and to the protection of IP are enshrined in the Constitution and have been consequently embodied in a range of legal instruments establishing the legal regime governing the grant and protection of IP, together with accession to the principal regional and international legal instruments on IP.

The Government has taken a series of initiatives and actions to develop a legal and institutional framework with a view to establishing national IPS.

Over the past 20 years, numerous programs, and projects have been implemented in MK aimed at improving strategic aspects and resources and operational and functional capabilities of the national IPS. The most significant, in the context of this document, are the previous iterations of national strategy of intellectual and/or industrial property.

i. Strategy for Intellectual Property of the Republic of Macedonia 2009 – 2012

The Strategy was proposed by the Ministry of Economy (ME) and the coordinator was State Office of Industrial Property (SOIP). Document defined the following as the basis of the IP strategy: knowledge-based society, increasing the foreign direct investments, keeping, and attracting talents, protection of IP as a mechanism on the internal market and partnership for accession.

The document defined Strategic Goal⁶ and Strategic Tasks with the following set of measures:

- Measures for strengthening the legal framework of IP law
- Measures for strengthening the effective and efficient enforcement of IPRs
- Measures for developing the capacity of individual holders and the business community for protection and enforcement of IPRs
- Measures for strengthening the public awareness and the benefits from IP.

The document also defined a mechanism for the implementation of the Strategy.⁷

⁵ Dr Francis Gurry former Director General of WIPO.

⁶ To elevate the level of efficiency and effectiveness in the protection and enforcement of the IPRs in the Republic of Macedonia, in compliance with the standards and rules of the EU.

⁷ The implementation mechanism will be referred to in Chapter IV. of this document

ii. National Industrial Property Strategy (2016 – 2018) of the Republic of Macedoniaⁱ

It is to be emphasized that the scope of this Strategy was limited to Industrial Property and, consequently, entire field of CRRs as well as all the aspects of creative industries (CI) were omitted.

The vision as defined in the document was:

“To guarantee the level of protection of industrial property rights similar to that existing in the European Community, and permanently maintain and harmonize that level of protection in accordance with all the international obligations and agreements concluded by the Republic of Macedonia in this field.

To contribute to develop an efficient industrial property system as a backbone for economic growth, cultural and overall progress.”

The document defined “Essential goals” and “Specific objectives” as well as number of measures and activities.

iii. Evaluation report on the National Industrial Property Strategy (2016 – 2018)ⁱⁱ

The Report concluded that “It is difficult to regard the Strategy as a success given the number of activities not completed, the uneven awareness of the strategy amongst stakeholders, and the absence of monitoring activity.

Main reasons for suboptimal outcome of the Strategy were identified.

The Report made number of recommendations out of which the following referred to the preparation of the future IP strategies, and have been considered in the preparation of this document:

- a. The strategy must be developed on a thorough assessment of the needs and the capacities of the institutions involved.
- b. the goals and objectives must be SMART i.e., specific, measurable, achievable and time bound, while the actions, including implementers, are clearly identified.
- c. the link between other relevant strategies in place (such as those aiming to support the entrepreneurship, innovation, ICT solutions etc.) must be clearly established.
- d. adequate resources for the implementation of the actions must be allocated by the Government, or at least bilateral and multilateral donors that will support the implementation must be identified.

Several other strategy related projects/programs have been implemented in MK during the period. From the perspective of this document, most relevant are mentioned below.

iv. Project for Assistance to the State office of Industrial Propertyⁱⁱⁱ

Two most relevant elements of the project were approximation of legislation to the internal market Acquis in the field of IP protection and the existing cooperation of the institutions involved in protection of IPRs including: Protocol of cooperation, Outline of the IT platform, IT infrastructure, Plan of activities required for development of the platform.

v. CARDS Regional Programme on IPRs in the Western Balkans and Turkey

In the frame of this project, the Report on full assessment of IRIS software for SOIP was done in October 2009. The Report offered a number of recommendations. It also underlined the political background, huge publicity which had been given to the project and big expectations of the Government for completion of the IRIS project up to the end of 2010.

vi. Project “Strengthening the organizational and institutional capacities of the SOIP for more efficient enforcement of legislation in the field of IP for the benefits of users of IP”^{iv}

The project aimed at establishing a system of services and information exchange between SOIP and key stakeholders in the field of industrial property. It covered four key aspects which were designated as weak points i.e., areas in which should be intervened by proposing specific solutions for their improvement, namely:

- System for information on the services that the SOIP offers to the public
- System informing about the practice of the SOIP
- System for information on decisions of the Administrative Court
- System for information on the professional exam for IP agents/representatives.

The above specified sets of information are still missing and implementation thereof as e-services is considered as an objective in this strategy.

vii. Project “Strengthening the capacities for enforcement of IPRs”^v

The overall objective of the Project was to increase the effectiveness of the North Macedonia’s preparation for EU accession and to ensure greater efficiency and impact of EU programmes in the country. The Project was split into two components:

- a) Providing efficient and quality support to the authorities having competences in the field of IPRs, to strengthen the institutional and administrative capacity of the SOIP.
- b) Strengthening the Capacity of the Customs Administration (CA) in relation to their legal competences

The Project resulted with set of ‘general recommendations’, and ‘recommendation for future works and for securing cohesion within the national legislation’. Most of them are still very relevant and will be elaborated in Chapter II within Cluster 2.4. Enforcement of IPRs.

viii. Western Balkans Regional R&D Strategy for Innovation^{vi}

The Project was based on the Ministerial Joint Statement of Sarajevo, signed in April 2009 by Western Balkan countries, which called for enhanced regional cooperation to promote innovation. To support this effort EU engaged World Bank in June 2011 to assist in developing a Regional R&D Strategy for Innovation.

The project report for Macedonia from October 2013, provided, inter alia, the overview of the features of research and innovation system in the country⁸.

ix. Project of the Ministry of Culture (MC) and the British Council Macedonia - Creative Industries mapping in the Republic of Macedonia^{vii}

The project was ‘an initial attempt for recognition of the main trends, the basic characteristics and the problems in this sector’. A research was conducted on a representative sample of

⁸ Main findings are elaborated under the theme Creation of Intellectual Property in Chapter II. of this document.

institutions and business entities in the various areas of manifestation of these specific activities on the territory of the Republic of Macedonia⁹.

x. Main conclusions from the above-specified strategic projects

While significant strategic results have been achieved in the period under consideration, the following shortcomings in the strategic governance of the national IP system were identified:

The first and most noticeable conclusion is the discontinuity in strategic planning. Although this fact was observed and highlighted in the evaluation of the Industrial Property Strategy 2016-2018, the discontinuity continued.

Strategic documents have mainly resulted from technical assistance projects and have been written by engaged experts rather than by representatives of the competent authorities. This resulted in a lack of ownership and poor commitment of institutions to these strategic documents.

Additional negative consequence of this practice is poor visibility of past strategies both within the relevant sectors and in the public.

Most of the identified problems and strategic topics in which it is recommended to intervene, as well as most of the proposed measures to address them, repeatedly appear in the above projects and documents.

Strategic documents are, by their nature, multidimensional and multisectoral. Consequently, the precondition for their successful implementation is enhanced and permanent coordination, which has been lacking in past practice.

The implementation of recommendations and measures from these projects have been inefficient and not coordinated, hence the overall effects were suboptimal.

B) b) About this IP Strategy

i. Rationale

Innovation and creativity are key drivers of economic, cultural, and overall social development in 21st century. Well-functioning IP system is key to promoting innovation and creativity. The success of modern economies and societies is dependent on a system that promotes innovative enterprises, strengthens linkages between industry and R&D institutions, supports creative, copyright-based industries and develops adequate workforce.

Furthermore, one of the most prominent strategic goals of MK is the accession to the EU. IP is a significant component of the accession negotiations process, and it has a dedicated chapter within the process.

On the EU accession pathway, as per the 2021 EC Progress Report, MK is moderately prepared for accession, with standing recommendations to continue work in the following two areas:

⁹ The content and the results of this project are elaborated under the theme Creation of intellectual property in Chapter II. of this document.

- a) render fully operational the online information platform for law enforcement institutions to exchange data on IPRs.
- b) further improve the legal framework on intellectual property, notably the collective rights management system, by aligning with the Collective Rights Management Directive, and industrial property rights by aligning with the Enforcement Directive, with EU *acquis* on design and with the Trade Secrets Directive.

Further points of the report were:

- a) Authors' rights are still managed by only one organisation, the Association of Music Artists Rights, issuing collective management licenses. Parallel organisations can collect fees from authors without authorisation from the Ministry of Culture.
- b) The relevant unit in the Ministry remains understaffed.
- c) The authorities plan to transfer this unit from the Ministry of Culture into the Bureau for Industrial Property, incorporating all IPR segments into one regulatory institution.
- d) The authorities did not fully implement the current strategy on industrial property rights and need to harmonise legislation with the EU *acquis* on design. North Macedonia still needs to align its legislation on industrial property, in particular with the Enforcement Directive and with the Trade Secrets Directive .
- e) An information platform for law **enforcement** bodies to exchange IPR-related data is being set up¹⁰ and must become fully operational. This will facilitate the creation of a credible enforcement record and gather reliable statistics on the institutional handling of IPR infringements. The coordination body for the protection of intellectual property has still not been set up¹¹.
- f) The fight against counterfeiting and piracy and protection of the interests of rights-holders has advanced further. The country's track record for seizing counterfeit goods, produced nationally as well as imported from Turkey and China, continued to improve.

In such a context, EU technically and financially support¹²

- a) Development of National Strategy for Intellectual Property for the next 5-years period, and
- b) Development of E-network for exchange of IP data among the institutions in North Macedonia and modernization of IT infrastructure in support of the e-network system.

ii. Scope

The Strategy is a matrix of strategic directions and measures formulated and implemented by the Government to encourage and facilitate the effective creation of IP, acquisition of IPRs (IP administration and management), advanced commercialization and business use of IP and efficient exercise of the rights by the proprietors via legal enforcement and/or recognition and respect of IPRs by the public at large.

¹⁰ This remark is not properly formulated due to the fact that an information platform for law enforcement bodies to exchange IPR-related data will be set up in the first quarter of 2022, as a result of EU framework contract for the implementation of external aid 2018 EuropeAid "Support to the bureau for industrial property".

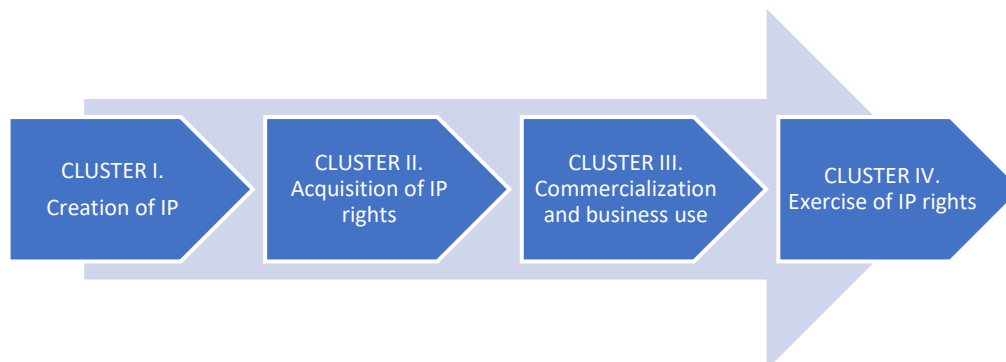
¹¹ This remark is not properly/precisely formulated, due to the fact that the Coordination body for the protection of intellectual property is set up in April 2007 with the Government Decision (Official Gazette of RM No 56/07), but due to the COVID – 19 pandemics, in the period 2020 – 2021 does not function.

¹² SUPPORT TO THE BUREAU FOR INDUSTRIAL PROPERTY - Framework Contract for the Implementation of External Aid 2018 EuropeAid/138778/Dh/Multi Lot 2: Infrastructure, Sustainable Growth and Jobs.

iii. Structure

To avoid a static presentation of the current and targeted state of certain strategic aspects, the document is structured to reflect the actual course of the process from generating intellectual property to the optimal use thereof, in the following string of clusters.

Figure 1



The same pattern of clusters is kept in Chapter II. IP System in MK - Current state per cluster, and in Chapter III. IP System in MK – Targeted state and strategic directions per cluster. Chapter IV. Implementation of the Strategy with the Action plan fills in the gap between the current and targeted state of the national IPS.

iv. Methodology and process

Methodological approach aims at integrating the specific IP objectives into a comprehensive national document that is aligned with national development priorities and strategies.

The Strategy is not intended to cover or replace any of the Government's existing strategies and policies or parts thereof. On the contrary, it aims at identifying the substance of intellectual property throughout the matrix of Government's policies and programs and supporting their successful realization while achieving a synergistic effect.

Steps in formulating the Strategy included, inter alia, meetings with the institution responsible for the formulation of the IP strategy and with other key stakeholders (relevant governmental departments, academia and research institutions, judiciary, inventors, chambers of commerce, legal practitioners, etc.) It also included interviews with high-level representatives of the relevant stakeholders to inform them on the main aspect of the strategy and to provide their strategic input in the process¹³.

Desk research aiming at reviewing existing policy documents and creating a comprehensive assessment of the national development objectives, strategies, and policies, to identify how to align the IP strategy with the national development priorities.

¹³ The team met with the following institutions: Ministry of economy, Ministry of interior, Ministry of education and science, Ministry of culture, Ministry of agriculture, forestry and water economy, Secretariat for European affairs, State office for industrial property, State market inspection, Customs Administration, Directorate for Seeds and Seedling Material, Academy for judges and public prosecutors, Coordinative body for intellectual property protection, Agency for Audio, and Audio-Visual Media Services, Fund for Innovation and technology development, Association of judges, Association of intellectual property representatives, Musical copyright society of Macedonia (ZAMP) – Skopje, University "St. Cyril and Methodius"- Law faculty "Iustinianus Primus"-Skopje, Faculty of Mechanical Engineering, Faculty of Electrical Engineering and Information Technologies, University "St. Cyril and Methodius - Business Accelerator BAU, Chamber of Commerce of North Macedonia

Data collection using the Baseline Survey¹⁴ to obtain a clear picture of the current IP situation in North Macedonia, and, on this basis, to realistically assess what issues need to be considered during the formulation of the IP strategy.

Drafting the strategy. Based on the suggestions, opinions and recommendations received during the national consultation process the project team draft the national IP strategy and related action plan.

Validation of the strategy. A second round of stakeholder consultations aiming at validating the proposed draft strategy, and ensuring that all suggestions, opinions, recommendations, and concerns raised during the first round of consultations have been taken into account before the document is finally submitted to the government for approval.

v. Strategic direction,

The overall objective is that by the end of the implementation period (2026) national Intellectual Property System (IPS) guarantees the level of protection of IPRs in MK equal to that existing in the EU, while providing optimal conditions for advanced use of IP as a power tool for economic growth, scientific, technological, cultural, and overall societal progress.

This strategic orientation should support and/or include a range of strategic objectives defined in other strategic documents such as: development and functioning of knowledge-based society; boosting foreign direct investments (FDI); strategic support to Small and medium-sized enterprises (SMEs); keeping domestic and attracting foreign talents, accession to the EU, etc.

¹⁴ Baseline Survey Questionnaires were sent to the following stakeholders: Ministry of economy, Ministry of interior affairs, Ministry of education and science, Ministry of culture, Ministry of agriculture, forestry and water economy, Secretariat for European affairs, State office for industrial property, State market inspection, Customs Administration, Administration for Seeds and Seedling Material, Coordinative body for intellectual property protection, Agency for Audio, and Audio-Visual media services, Academy for judges and public prosecutors, Fund for Innovation and technology development, Association of judges, Association of intellectual property representatives, Musical copyright society of Macedonia (ZAMP) – Skopje, University “St. Cyril and Methodius”- Law faculty “Iustinianus Primus”-Skopje, Faculty of Mechanical Engineering, Faculty of Electrical Engineering and Information Technologies, University “St. Cyril and Methodius - Business Accelerator BAU , Chamber of Commerce of North Macedonia

Replies were received from the following stakeholders: Ministry of economy, Ministry of interior affairs, Ministry of culture, Ministry of agriculture, forestry and water economy, State office for industrial property, State market inspection, Customs Administration, Coordinative body for intellectual property protection, Agency for Audio, and Audio-Visual media services, Academy for judges and public prosecutors , Association of judges, Association of intellectual property representatives, Musical copyright society of Macedonia (ZAMP) – Skopje, University “St. Cyril and Methodius”- Law faculty Iustinianus Primus”-Skopje, Faculty of Mechanical Engineering, Faculty of Electrical Engineering and Information Technologies, University “St. Cyril and Methodius - Business Accelerator BAU

CHAPTER I. - INTELLECTUAL PROPERTY AND PUBLIC POLICY IN NORTH MACEDONIA

1.1. Linking IP with the main national strategies

The role of the IP system in the totality of public policies in MK, and its correlation with the relevant policies, must be objectivized and the risk of a too narrow or too broad determination avoided. The Strategy primarily look at those policies concerning the phenomena of *innovation* and *creativity* as the origins of IP.

Innovation

It is common knowledge that if something is to be properly managed it must be measurable. Complex phenomenon such as innovation is not easily measurable. Therefore, several models have been developed to approximate this phenomenon. One of the most consistent and comprehensive frameworks is the Global Innovation Index (GII). It is presented in this document as a reference to decision makers at appropriate levels.

The notion of innovation is understood in its modern meaning as defined by the Organization for Economic Cooperation and Development (OECD): “An innovation is the implementation of a new or significantly improved product (good or service), a new process, a new marketing method, or a new organizational method in business practices, workplace organization, or external relations.”¹⁵

GII report puts into correlation the 80 indicators from 2 sets of public policies defined as Innovation input sub index and Innovation output sub index. Innovation input covers Institutions (political, regulatory, and business environment), Human Capital and Research (Education, R&D), Infrastructure (ICT, General infrastructure, and Ecological sustainability), Market sophistication (Credits, Investments, Trade competition and Market scale), Business sophistication (Knowledge workers, Innovation linkages and Knowledge absorption). Innovation output covers Knowledge and technology outputs (Knowledge creation, Knowledge impact and Knowledge diffusion), Creative Outputs (Intangible assets, Creative goods and services and Online creativity)¹⁶.

These determinations indicating effects of individual public policies converge in the single indicator GII which is consistently calculated and published for the past 13 years.

The benchmark of GII Ranks in the last five years in MK in relation to the neighbouring countries is given below.

Table 1

	Rank 2017	Rank 2018	Rank 2019	Rank 2020	Rank 2021
Total coverage	127	126	129	131	132
NORTH MACEDONIA	61	84	59	57	59
Albania	93	83	83	83	84

¹⁵ “Today innovation capability is seen more as the ability to exploit new technological combinations; it embraces the notion of incremental innovation and ‘innovation without research’. Non-R&D innovative expenditure is an important component of reaping the rewards of technological innovation.

It is noted that the same definition and conceptual approach is adopted in the Innovation strategy of the Republic of Macedonia for 2012-2020.

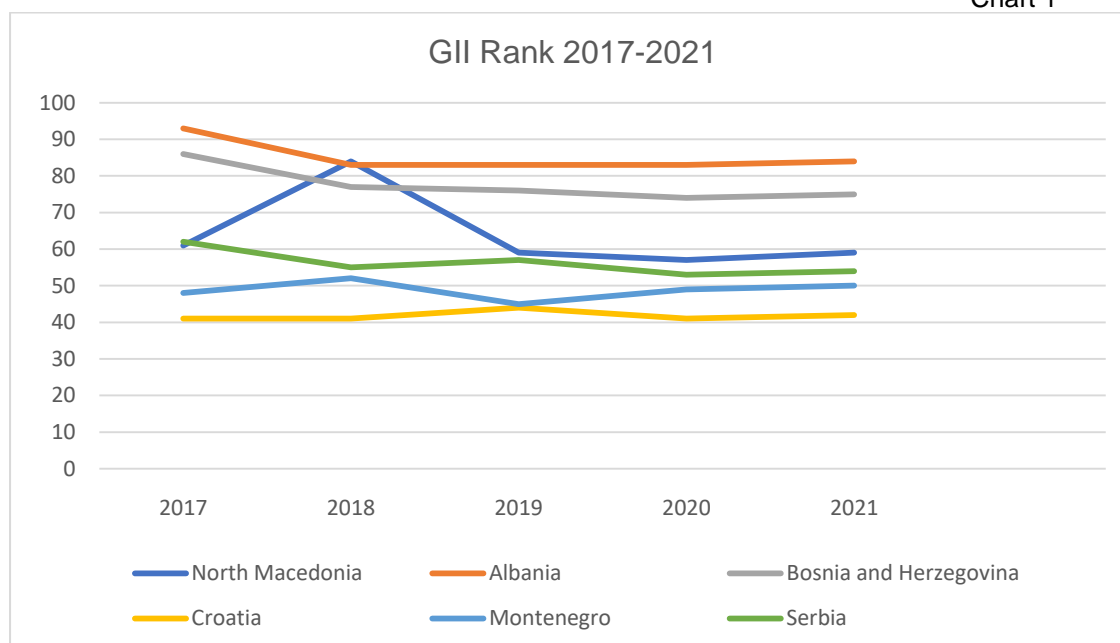
¹⁶ The scheme of the GII concept is given in Appendix 1.

Bosnia and Herzegovina	86	77	76	74	75
Croatia	41	41	44	41	42
Montenegro	48	52	45	49	49
Serbia	62	55	57	53	53

In the period under the consideration between 126 (in 2018) and 132 (in 2021) countries from all over the world were covered by study. In the single indicator GII, North Macedonia was ranked between 57 in 2020 (best) and 84 in 2018 (worst). As the chart 1 shows the tendency of GII rank for MK is similar to the values for Serbia (except in 2018) and significantly better compared to Albania and Bosnia and Herzegovina while Montenegro and Croatia performed consistently better according to GII in the observed period.

As a general comment it is noted that the rank of MK in GII is good and stabile except in 2018. More detailed analysis of the subindexes most relevant for the IP Strategy is given in Chapter II. Cluster 2.1. of this document.

Chart 1



Ten most innovative countries in the world in 2021, according to GII are presented below.

Table 2

COUNTRY	RANK	COUNTRY	RANK
Switzerland	1	Netherlands	6
Sweden	2	Finland	7
United States of America	3	Singapore	8
United Kingdom	4	Denmark	9
Republic of Korea	5	Germany	10

Creativity

The GII concept includes creativity in the "Creative outputs" under the "Innovation output sub-index". Nevertheless, this Strategy takes, as a more complete reference to the phenomenon of creativity in the context of creative industries (CI), the WIPO Guide on Surveying the Economic Contribution of the Copyright-based Industries. The concept and the methodology have been consistently used in number of national studies.¹⁷ It is accepted and used by the European Patent Office (EPO) and EU Intellectual Property Office (EUIPO) in their 2016 Study on IPR-intensive industries and economic performance in the EU.

The primary objective is to provide empirical evidence on the size and performance of the sector of the economy, which is underpinned by CRRs protection. An important characteristic of this approach is its close link to government policies in copyright and creativity. Furthermore, it seeks to provide additional statistical information in areas of growing interest, where data is generally insufficient, and it shows significant relation to GII and other relevant available indicators and indexes of socio-economic performance¹⁸

MK has not conducted such a study yet, thus quantitative analysis as the basis for policy formulation is not possible at the moment.

The benchmark given in table 3 presents contribution of copyright-based industries in some countries from the region who conducted such studies in the past.

Table 3

Country / year	GDP %	Employment %
Bulgaria – year 2011	4,5	4,5
Croatia – year 2002	4,4	4,2
Croatia – year 2004	4,3	4,7
Slovenia – year 2007	5,1	6,8
EU – 2011- 2013 (average)	6.8	7,1

MC, in cooperation with the British Council in MK, started the process of mapping of Macedonian creative industries (CI) in 2009¹⁹.

Several other methodologies²⁰ have been applied for this purpose in the last decade. It is nevertheless recommended to use above-described WIPO methodology, which ensures

¹⁷ Since 2002 WIPO supports research on assessing the economic contribution of industries which are dependent on copyright and related rights protection – "the copyright industries". In 2003 WIPO published common guidelines on carrying out such research. This methodology outlines four groups of copyright industries, identified on the basis of their level of dependence on copyright material. It establishes a set of major indicators – contribution to GDP, employment, and foreign trade, and lays out research standards and approaches. The WIPO guidelines were developed on best international practices by a group of renowned economists. The guidelines have been implemented in over 40 countries around the world and their improvement continues with the experience gained.

¹⁸ WIPO 2014 Overview of WIPO Studies on the Economic Contribution of the Copyright Industries. Further information can be found on other countries as well as the information about Relation between Contribution of Copyright Industries to GDP and: Global Innovation Index, Global Competitiveness Index, Index of Economic Freedom, Index of Freedom from Corruption etc.

¹⁹ The results of this project are described in more detail in Chapter III. cluster 3.3.

²⁰ Ernst & Young conducted a study in 2014, commissioned by GESAC, whereby it used its own methodology according to which creative and cultural industries "comprise those industries producing or distributing cultural and creative goods and services, defined in 2005 by the UNESCO as activities, goods and services, which... embody or convey cultural expressions, irrespective of the commercial value they may have." The report covers 11 sectors. This study is based solely upon revenues of the cultural industries themselves and takes no account of indirect impacts on related economic activities such as tourism. The

comparability with large number of studies conducted in many countries worldwide, over many years and, if applied consistently and regularly, valuable basis for formulating and monitoring policies in the field.

1.2. Key economic and social sectors relevant to IP in North Macedonia

From the perspective of this document, main economic and social sectors are Economy, Industry, Science and Technology, Education, Culture, Agriculture, Judiciary, ICT, and European affairs.

Consequently, main national (governmental and non-governmental) institutions/entities competent, inter alia, for Intellectual Property are:

a) Policy making (ministerial) level:

Government of the Republic of North Macedonia – Secretariat of European Affairs (SEA)
Ministry of Economy (ME),
Ministry of Education and Science (MES),
Ministry of Culture (MC),
Ministry of Agriculture, Forestry and Water Economy (MAFWE),
Ministry of Justice (MJ),
Ministry of Information Society and Administration (MISA)

b) IP administration:

State Office for Industrial Property (SOIP),
MAFVE Department for Standards and Quality of Agricultural Products
MAFVE Directorate for Seeds and Seedling Material
Ministry of Culture – Department for CRRs,
Coordinative Body for Intellectual Property (CBIP),
Agency for Audio, and Audio-Visual Media Services (AVMS)

c) Commercialization, and business use of IP:

Fund for Innovation and Technology Development (FTID),
Collective Management Organizations (CMOs),
Chambers of Commerce (CC)
Association of IP Representatives,
Association of Inventors and Authors of Technical Improvements (SPATUM)
Other IP Professionals

d) Enforcement of IPRs – Government and Judiciary:

Customs Authority (CA),
State Market Inspectorate (SMI),
Ministry of Interior (MI) / Police,
Courts and Public Prosecutors,

results of the study showed that creative and cultural industries contribute with 4,2% of the EU GDP. At the same time, more than 7 million Europeans were employed in this sector, which represented 3,3% of the EU's active population in 2014.

The creative and cultural industries also showed that they are extremely resistant to crisis. In the period of economic hardship in 2008 and in the following years, the creative and cultural sector showed exceptional resilience. According to the Ernst & Young study, while the job creation in Europe in the period between 2008 and 2012 was falling 0,7% per year, the job creation in creative and cultural industries was growing 0,7% per year.

Academy for Judges and Public Prosecutors (AJPP)

1.3. Key Policy documents relevant to the IP Strategy.

Main national blueprints currently in force (and/or in preparation) that form strategic framework at the level of the Government in which this IP Strategy belongs and shall be integrated are the following:

1. National Strategy for Sustainable Growth of the Republic of North Macedonia 2009-2030
2. Industrial Strategy - Republic of North Macedonia 2018-2027
3. Innovation Strategy 2012-2020
4. Smart Specialisation Strategy (S3) still in preparation
5. National Strategy for SMEs 2018-2023
6. National Strategy for the development of culture in period 2018 – 2022
7. Strategy for reform of public administration 2018 - 2022
8. Regulatory Strategy for development of audio and audio-visual activities 2019 – 2023,
9. Strategy for reform of judiciary 2017 – 2022 with Action Plan
10. Strategy for ICT in judiciary 2019 – 2024 (revised strategy)

Further strategic documents in force relevant for the respective aspect of this document are:

1. Strategic Plan of SOIP 2021-2023
2. Strategic Plan of MC 2021 – 2023,
3. National Cyber Security Strategy 2018 – 2022,
4. Strategy of UKIM,(2019-2023)
5. Strategic Plan of UKIM (2021-2023)

The strategic documents are elaborated in the next chapters of the Strategy under the respective clusters.

1.4. Key national institutions competent for these policies

The basic review of the competences of the above-mentioned institutions in relation to intellectual property is given below.

1.4.1. Government of North Macedonia – Secretariat of European Affairs (SEA)

With the adoption of 'The Strategy bases of the Republic of Macedonia for acquiring associative EU member status' (1997), the Government set up grounds for establishing management system of the European integration process. This system has been continuously upgraded.

Secretariat for European Affairs (SEA) was established in 2005. The SEA operation is regulated by the Law on the Government. It is a professional service within the Government of the Republic of North Macedonia, governed by the Deputy Prime Minister in charge of the European Affairs. Deputy PM manages the Working Committee for European Integration of the Government, and all state secretaries of the ministries are its members. This operational and inter-ministerial body defines the methods and dynamics for implementation of strategic decisions, political guidelines and priorities of the Government and carries out monitoring on the realization of the actual tasks.

SEA has a horizontal coordinative function relating to the issues associated with the preparation process of MK for EU membership including accession negotiations. The Secretariat accomplishes intensive cooperation with the state administrative authorities as well as with other bodies and institutions.

The Secretariat does not hold an administrative function.

1.4.2. Ministry of Economy (ME)

The role of the ME in the field of IP is twofold, on a policy level and on the administrative level.

Policy level

Ministry of Economy proposes measures for realisation of the development and current economic policy in the area of the production, trade, tourism, catering and handicraft; industrial property; consumers protection; SMEs and associations; following international trade and economic trends and their impact on the economic relations of MK; and supervision over the implementation of legal acts under its jurisdiction.

ME also develops policies and measures for more specific support to creation commercialization and business use of IP.²¹ In 2019^{viii} and 2021^{ix} the Government adopted Program for competitiveness, innovation, and entrepreneurship for 2020 and 2021. In the said programs, supporting clusters in connection to process of branding and development of new products are planned, and ME is competent body for the realization thereof.

From the perspective of this document, most relevant competence of ME, at the policy level is its leading role in the preparation of Smart Specialisation Strategy (3S). This aspect will be further elaborated in the document.

Administrative level

At the administrative level the role of the ME in the field of IP is twofold:

- a) Oversight and supervision of SOIP – IP administration
- b) Oversight and supervision of State Market Inspectorate – IP enforcement

The administrative aspects of the competences of the Ministry are elaborated in Chapter II. Cluster 2.2. and Cluster 2.4.

1.4.3. Ministry of Education and Science (MES)

MES is responsible for strategy formulation and planning in the field of science and technology, it manages project development, takes responsibility for the legislative aspect of science and technology, technological development and technical culture and organises international scientific cooperation.

²¹ Industrial Property Strategy (2016 – 2018) : “ Ministry of Economy developed programs for application of the industrial policy, published in official gazettes 4/2011 and 12/2011, a Program to improve the competitiveness of Macedonian goods and services and a Program for development of entrepreneurship, competitiveness and innovation of SMEs in 2011. These comprehensive programs of industrial policy providing increased opportunities for creating competitive products, market development, technological innovation, financed training in ecological production, financial support of young researchers recruiting and financial support for investment in patented inventions development. Aimed at small and medium-sized enterprises, the program includes financial support for the introduction of quality standards, training in HACCP-system as well as support for the filing of international patent applications.”

MES has defined the following priorities in the development of science, research and technology in MK: Energy, Transport and Ecology, Chemistry, Materials, Agriculture, Veterinary Medicine, Biotechnology and Food Production, Information technology, Water resource management and Earthquake Engineering.

These priorities are under the revision within the process of preparation of 3S. MES is together with ME responsible for the preparation of the said strategy.

Ministry is responsible for public funding of publication of scientific papers in journals which are indexed on the Web of Science and SCOPUS^x and of R&D projects in public scientific institutions^{xi}.

1.4.4. Ministry of Culture (MC)

Policy level

MC performs activities pertinent to: monitoring, analysing and proposing acts and measures for development and improvement of culture; organisation, financing and development of the network of national institutions and financing programs and projects of national interest of this area; protection of cultural heritage; publishing, music, scene and artistic, film, gallery, library, archive and museum activities, activities in the houses of culture and mediation activities in culture, protection of copyright and related rights (CRRs); monumental celebration of events and remarkable persons of national interest; supervision under its competence and other activities as defined by law.

The above-specified scope clearly includes creation of IP in the field of Creative industries (CI). This is one of the strategic themes of the Strategy for the development of culture in the period 2018-2022 (hereinafter the **Culture strategy**)

Administrative level

At the administrative level, the role of the MC in the field of IP consists of:

- a) IP Administration in the field of CRRs
- b) Commercialization of Intellectual Property (CMOs)

The administrative aspects of the competences of MC are elaborated in Chapter II. Cluster 2.2. and Cluster 2.3.

1.4.5. Ministry of Agriculture, Forestry and Water Economy, (MAFWE)

Policy level

The Ministry performs works and duties related to agriculture, forestry and water management; use of agricultural land, forests and other natural resources; hunting and fishery; Protection of cattle and plants from diseases and pests; Monitoring and Studying of situation of waters, maintenance and improvement of water regimes; Hydro-meliorative systems; Hydrological and agro-meteorological measurements, as well as anti-hail protection; Studying and research of meteorological, hydrological and bio-meteorological events and processes; Performing surveillance under their authority and Performing other duties as stipulated by law.

Administrative level

At the administrative level the role of the MAFWE, in the field of IP is twofold:

- a. Protection of Geographical Indications (GI) and Appellations of Origin (AO) for agricultural products, foodstuff, wine, and spirits.
- b. Protection of New Plant Varieties and Breeder's Rights (PVRs)

The administrative aspects of the competences of the Ministry are elaborated in Chapter II. Cluster 2.2.

1.4.6. Ministry of Justice (MJ)

Policy level

Ministry of Justice, oversees various procedures that are particularly important for intellectual property and that are related to the judiciary, public prosecution office, public ombudsman; state administration; criminal liability and liability for infringements; notary matters, bar matters and other forms of legal assistance; inheritance, ownership, substantive rights and obligations; criminal, misdemeanour, litigation, non-litigation, enforcement and administrative procedure; and administrative supervision.

Administrative level

MJ keeps the registry for witnessed experts of IPRs.

In accordance with the Article 132 and 177 of LIP, if trademark and/or industrial design contains state or other public coat of arms, flag or emblem, title or abbreviation of the title of North Macedonia, Ministry of justice is authorised to grant such a permission for use.

On the web site of MJ (www.pravda.gov.mk) the statistical data concerning IPR cases (Administrative protection, civil protection, misdemeanor, and criminal protection) are published²²

1.4.7. Ministry of Information Society and Administration (MISA)

MISA performs activities related to development and promotion of the information society; creating and maintaining a register of information and communication systems and information equipment within the state administration bodies; integrated information and communication network, databases, interconnection and exchange of information, security aspects and infrastructure development of state bodies, legal entities and other persons entrusted by law to exercise public authority; monitoring the situation with information and telecommunication technologies and introduction of international standards; telecommunications and telecommunication infrastructure; broadcasting and broadcasting infrastructure; legal regulation of issues related to the administration; overseeing and ensuring uniform application of regulations relating to civil and public servants; developing policies related to the rights, obligations, responsibilities and evaluation of civil and public servants; classification and job description, salaries and remuneration of civil and public

²² The data has not been updated for a longtime. The last Reports are from 2016 (Administrative and Higher administrative court) and for the other cases (civil, misdemeanor and criminal), statistical data are from 2013. Improvement of the situation is matter of urgency.

servants; keeping a Register for civil and public servants; preparation of strategic documents for efficient and effective operation, training and professional development of civil and public servants, organization and implementation of training; development and coordination of policies related to human resource management; public administration reform; the realization of international cooperation on issues within its competence etc.

The Sector for information and communication systems, Sector for support and development of information society, Sector for normative-legal affairs, Sector for EU integration and international cooperation and Communications Department (Department for electronic communications with information technologies and Audio-visual policy department) are of great importance and in close connection with IPR.

CHAPTER II. THE CURRENT STATE OF THE NATIONAL IP SYSTEM

“As is” status of the Intellectual Property System (IPS) in MK has been assessed in the following clusters:

1. Creation of IP,
2. Acquisition of IPRs,
3. Commercialization and business use of IP and
4. Recognition of IPRs and Enforcement thereof

Cluster 2.1. - Creation of Intellectual Property

2.1.1. Science, technology, and innovation policy

The project Western Balkans Regional R&D Strategy for Innovation (see endnote vi), evaluated main features of research and innovation system in MK.²³

It also stated that many of the identified challenges have been addressed by the Innovation Strategy 2012-2020²⁴

The Government via MES and ME, sets the goals and provides systemic conditions for the creation, development, and implementation of innovations, by adopting an innovation strategy for period of seven years in which the following strategic goals were set:

- Increasing the propensity of the business sector to innovate.
- Strengthening human resources for innovation.
- Creating a regulatory environment that will support innovation.
- Increasing knowledge flows between actors in innovation.

The main points in the Innovation Strategy 2012-2020 that concern IP are elaborated in Chapter III. of this Strategy. The Innovation Strategy shall be superseded by the Smart Specialization Strategy, currently under the preparation.

²³ “During the last decade, Macedonia has taken steps to make research and innovation more competitive, with the objective of increasing the impact on the national economy. Yet profound challenges remain. Key challenges in Macedonia’s research and innovation policy are:

- In terms of R&D capabilities in research institutions and universities, the country needs to improve institutional infrastructure for R&D, improve the number of young researchers, develop mechanisms for transferring knowledge and research in the business sector, and strive a better distribution of advanced human capital across sectors (public and private). Not only the amount of R&D needs to be leveraged but the nature and orientation needs to change (more applied research). A better balance between applied and basic research is needed.
- To foster research excellence governance of research and education systems need to be more merit-driven in line with international standards for science and education. This will require to increase competitive grant funding and enhanced career incentives (including salaries and complementary economic compensations for outstanding research quality achievements), as measured by contributions in research, education, and technology transfer.
- Strengthen firm investment in R&D and enhance firm innovation competences through industry-science technology collaboration. Improve industry-science linkages for innovation will require to develop formal and systematic industry-science collaboration mechanisms for research and innovation through increased incentives provided by a clear legal and policy framework for technology transfer activities and public support for institutional capabilities (TTOs). Such a framework should enable universities and PROs with appropriate legal rights to engage in commercialization activities, private sponsorships, personnel mobility, and other forms of industry-science collaboration.
- With respect to brain drain and the scientific diaspora, improve policy frameworks through immigration laws and connectivity programs (e.g., UKF), which should cover the wide range of research collaboration forms, including research fellowships; joint research programs and doctorates; mobility exchanges; training programs; and financial support for business creation and joint ventures.

²⁴ The Strategy was designed within the framework of the Regional Competitiveness Initiative, a project conducted by the OECD Investment Compact for South East Europe with the financial support of the European Union.

2.1.2. Human resources for innovation and creativity

According to the same source (see endnote vi) the research community of MK consisted of 2,394 researchers, of which 79 are in the business sector, 668 in the government sector, and 1,647 at universities.

The share of researchers in the MK has been on a downward trend.²⁵

State University Ss. Cyril and Methodius (UKIM), with its 23 faculties and 60 laboratories, half of which are dedicated to biotechnology research, is a leader in the scientific and research activity within the higher education system in the country²⁶. The higher education system in MK consists of six state universities, 10 private universities and one public-private non-profit higher education institution. In the segment of the private higher education system, in addition to the universities, there are also several private faculties, institutes and colleges (MES, 2017). Universities in MK are mainly focused on education. However, there is evidence for engagement of universities in research activities, predominantly represented by state universities, which show a tendency for higher R&D capacity than private ones. Other higher education institutions, public and private, are primarily focused on education. Consulting and training services are another important part of their activities, while basic and applied research is less performed. The insufficient coordination between the faculties, redundant equipment and facilities, unattractive salaries, and limited employment opportunities for academic staff etc., are ongoing problems of the higher education institutions in the country^{xii}.

Due to the regulation and university policy, professors as well as researchers are not motivated to work on preparing and filling patent and industrial designs application. Also, the problem arises from the university policy, that the professors as well as researchers mainly are focused on drafting scientific papers and when the paper is published, they lose the novelty if they want to file patent application.

The other huge problem for stimulation young researchers and professors to file patent and industrial designs application arises from the Law of high education and university regulation. Namely, steps taken towards appropriate commercialization of a research result, including obtaining a patent, should also be considered as mandatory and dominant criteria²⁷

²⁵ Statistics for the Macedonia show a decrease of more than 70 percent in the number of researchers and scientists, mainly due to the emigration of highly skilled professionals World Bank (2012). Driving forces for this migration, which included scientists, engineers, and other professionals, are found in the deteriorated economic living conditions, political instability, the lack of infrastructure, and the low levels of funding for research.

The share of researchers in the country is lower than in most neighbouring economies. In 2007, there were 1.6 FTE researchers per 1,000 employees in the country, which is significantly below the 2009 ratios for Bulgaria (3.4), Croatia (3.6), Romania (1.9), and the EU27 average (6.6).

²⁶ At the level of the University "Ss. Cyril and Methodius" Skopje²⁶, there is a "Regulation on the conditions, criteria and procedure for awarding funds for publishing scientific papers in prestigious journals and since 2016, competitions for awarding funds have been published. The number of financed scientific papers in prestigious journals was 51 in 2016, 58 in 2017, and 53 in 2018. http://ukim.edu.mk/mk_content.php?meni=146&glavno=41.

Also, at the university level from 2013/14, a competition for financing research projects is announced, in accordance with the Regulation on the use of funds from the integrative functions of the university. In 2015/16, the university financed 25 scientific projects, in 2017/18, 27 projects were financed, in 2017/18, 25 projects were financed in 2018/19, 28 projects were financed and in 2019/20 only 24 projects were financed. In the same period, the university has implemented several projects and currently 11 international projects are underway, including Erasmus + Program, EU Horizon 2020 Program, NATO Program, AUF - The Francophone University Agency. The university also has an open database of publications. http://ukim.edu.mk/mk_content.php?meni=145&glavno=41.

²⁷ Ss. Cyril and Methodius University in Annex 1 to the Rulebook on Election in Academic Positions in Article 5 provides that patents/innovations accepted by the State IP Office will be awarded with 10 points in the section professional-applicable activities. Namely, to be elected in a given academic position one person needs at least 80 points out of which at least 5 points from professional-applicable activities; and 10 points are twice the points one will receive for publication of an article in referent

for advancement in scientific careers, in order to incentivize inventors to protect for commercial exploitation those innovations with significant market potential.²⁸

The ability to understand the IP system should be broadened beyond the legal profession. Therefore, the universities (especially state financed universities) should consider adapting or augmenting the syllabi of technical and art schools and management faculties to include IP as a subject adapted to the needs of that discipline. An important point in this regard is due consideration of business models, as IP rights on their own without a proper concept of how to commercialize them (with consideration of target customers, markets access, etc.) are of little use.²⁹

2.1.3. Funding and promoting R&D and innovation

Concerning the Funding of R&D in MK, the above-referred project (ref. 15) provided analytical basis and evidence that the research and development activities have been heavily underfunded both in public and private sector³⁰.

Total R&D expenditures have been decreasing from 0.23 percent of GDP in 2003 (of which private sector funding accounted for only 0.003 of GDP) to 0.17 percent in 2007 and 0.22 percent of GDP in 2010.

In the period 2007-2018 in North Macedonia the percentage of GDP devoted to the R&D has been increased from 0,17 % of GDP in 2007 to 0,44 % of GDP in 2015 and 0,37% of GDP in 2018. Although in the analyzed period this percentage is mostly increasing, it is still very low compared to the countries from the region such as Bulgaria 0,75 %, Croatia 0,97 %, Serbia 0,92 % etc., and especially compared with the EU-28 average (2,12 %).³¹

According to official statistics, in North Macedonia, the share of innovative enterprises in total enterprises in the period 2012 – 2014 is 36.0 %, and in the period 2014 – 2016 the share is 37.4 % (DZS, 2016, 2018). According to this indicator North Macedonia, in 2016, lags behind almost all countries in the region: Slovenia (39.8 %), Croatia (48.0 %), Serbia (40.5 %) etc., except Bulgaria (27.2 %). These differences are even more pronounced and are higher than 10 percentage points if the share of Macedonian innovative firms is

publication and more than one will receive if they are head of a law codification commission (8 points). Commentary of Prof.Dr.Jadranka Dabovic Anastasovska and Prof. Dr. Neda Zdraveva, dated October 8th, 2021.

²⁸ Interview made with professor from University "St. Cyril and Methodius" - Mechanical faculty, June 3rd, 2021, in Skopje.

²⁹ This requirement was mentioned in the National Strategy of industrial property MK, 2016-2018, as well as from the interviews with the professors from "University "St. Cyril and Methodius", Mechanical faculty and Law Faculty "Iustinianus Primus" Skopje, June on 02 and 03, 2021.

³⁰ Since the beginning of the new millennium, science and research in Macedonia has been insufficiently funded, especially by the private sector. The percentage of GDP devoted to R&D in 2010 was 0.22 %, though this was up from 0.17 % in 2007. This share is lower than the EU average of around 2 %.

The vast majority of R&D activities in the country are carried out by the public sector, mainly through the state universities and other public research institutions. Funding allocated to higher education institutes represented 7 % of total general government R&D funding in 2009, whereas the private sector accounted for 4 %. Government budget outlays on R&D as a share of total general government expenditures were 9 %.

The share of national R&D funding by companies remains very limited, thus rendering research in the country under-funded and dependent on funds from the EU and other international sources. In 2010, the business expenditure on R&D (BERD) amounted to 0.04 percent of GDP, Government Expenditure on R&D (GOVERD) was at 0.09 percent of GDP, and Higher Education R&D (HERD) was also 0.09 percent of GDP.

³¹ Marica Antovska-Mitev, "Macedonian national innovation system – states, challenges and perspectives", page 7, <https://www.researchgate.net/publication/343431643>, last visit on August 21, 2021.

compared to the EU-28 average which in the period 2014 - 2016 is 50.6 % (Eurostat, 2019).³²

Law on Innovation Activity^{xiii} (adopted in May 2013) defined innovation activity, regulated the principles, objectives, and subjects of the innovation activity; and established the governance of innovation policy, including funding rules, management, and administration as well as supervision of main operating agencies in the area of innovation and research and technology development.

The Law defines principles for commercialization of innovation and funding of scientific research and firm innovation activities.

Under the provisions of this law the Fund for Innovation and Technology Development (FITD) was established in December 2013³³.

Under the provisions of the Law on Innovation, FITD introduced the following instruments:

1. Co-financed grants for establishment, operation and investments in business technology accelerators,³⁴
2. Co-financed grants for newly established start-up and spin-off companies,³⁵
3. Co-financed grants for commercialization of innovations,³⁶ and
4. Co-financed grants for technological extension³⁷.

³² Marica Antovska-Mitev, "Macedonian national innovation system – states, challenges and perspectives", page 7, <https://www.researchgate.net/publication/343431643>, last visit on August 21, 2021.

³³ The mission of FITD is to encourage and support the innovation activities in the micro, small and medium enterprises in order to achieve faster technological development, based on knowledge transfer, research, development and innovation that contribute to the creation of new job positions and economic growth and development, thus improving the business environment for development of the competitiveness of the enterprises. The focus of the work of FITD includes in particular: The bodies of the FITD are the Managing Board, the Committee for Approval of Investments, and the Director. The members of the Board and the Committee are appointed and discharged by the Government.

³⁴ The instrument provides financial support for the establishment, operation, and investment of business-technological accelerators in accordance with the provisions of the Law on Innovation. Support, through this Instrument, will be granted for the establishment and operation of an accelerator, the implementation of a pre-investment program and investments. Accelerators will provide services to start-ups, including office space (optional) and administrative support, training, consulting and / or mentoring, access to business support resources, and financial investments. The newly established start-ups that use the services of the accelerator acquire the status of users of the business-technological accelerator.

³⁵ The instrument aims to boost the level of innovation by providing the necessary financial support for research and development activities of start-ups and spin-off companies. In addition, this tool should foster a culture of risk-taking and innovation and provide support for companies that want to develop a new or improved product, process, or service.

³⁶ The instrument is to support co-financed grants for the commercialization of innovation is to encourage increased research and development activities in the private sector, to encourage cooperation between the private sector and the private sector with higher education and research institutions, and other forms of cooperation for commercialization of innovations. The instrument is intended for micro, small and medium enterprises, and private health institutions (PHI) that want to develop an innovative product, service, or process, alone or in cooperation with another enterprise, an institution that performs higher education or research activity or PHI. The instrument offers financial support to companies and PHI registered in the Republic of Macedonia in order to develop and implement innovative solutions, including support for companies and PHI with high growth potential. Support through this instrument will be awarded to projects with a clear commercial purpose that are in the prototype phase (or appropriate phase depending on the type of innovative product, service, process) up to the pre-commercial (pre-market) phase.

³⁷ The instrument is aimed at improving the adoption and adaptation of innovative, advanced technologies, know-how and technological processes in small and medium enterprises. The aim is to improve the technological capabilities of existing industries and businesses by bridging the gap between existing knowledge already available globally and local industries. The Instrument is expected to have a sectoral impact and a long-term positive contribution to increasing competitiveness. The funding provided through this Instrument is intended to support the adoption and adaptation of innovative and advanced technologies and the improvement of business processes in Macedonian small and medium enterprises (SMEs). The technology extension should target a group of SMEs in order to improve their productivity and competitiveness and achieve sectoral impact. Support can be provided for two phases of the technology extension: Phase 1 - Diagnostics and Improvement Plan; and Phase 2 - Implementation of an Improvement Plan. In case a Diagnostics and Improvement Plan already exists, the applicant can only apply for Phase 2.

Promoting and protecting local innovation through IPR is a better link to development. It is recognized by the Government, so FITD implements the measures of the Economic Growth Plan, pillar 3-financial support and the Support Program through the "Skills Development and Innovation Support Project". Some of the measures^{xiv} envisage activities for analysis, preparation, acquisition, and protection of IPR. From 2018, with the measures of FITD, efforts are being made to give more impetus to the development of local innovations in order to develop domestic technology^{xv}. It is envisaged to do this with several instruments such as co-financed grants: for commercialization of innovations; for technological extension and investments of accelerators and for work and investments of business-technological incubators.

The business plans of most entities, especially SMEs, lack provisions for IPR. This is since the IP of enterprises is not properly valued and commonly used as collateral, because the banks and other institutions are primarily interested in movable and immovable property and reluctantly incorporate IPR into their policies. It is important to note that during the privatization and denationalization process, no assessment of IPR was made as property of the entities that were privatized and denationalized. However, in mergers, acquisitions and / or takeovers of companies, the entities take into account the ownership of the IPR, assess them and they are subject to both due diligence and contracts.

MK lacks promotion of programs encouraging innovation, except for the FITD. The FITD encourages the protection of IPRs through special innovation grants, registered trademarks and registered patents, copyright works (usually software). In these grant competitions, there is no consistent policy for the development of any industry (ies), including agriculture.

The Government, business community and universities do not have a consistent policy on science and technology parks, business incubators and accelerators. This topic is elaborated in detail in cluster 2.3. 'Commercialization of IP'.

The main goal of the Agency for Promotion of Entrepreneurship (APERM) is to get business and universities closer and to encourage technology transfer.

Due to insufficient overall budget for the APERM's activities, where no budget line was approved / allocated for implementation of the National IP Strategy 2016 - 2018, the Agency did not take part into its implementation. In that sense, resources of the APERM (financial, human, and infrastructural) were not increased as envisaged in the Strategy. Because of the lack of finances, the APERM was not able to carry out the activities related to the awareness raising campaigns and trainings of the business community.

2.1.4. Other resources for innovation

The Association of Inventors and Authors of Technical Improvements of Macedonia (SPATUM) as a legal entity, is association of citizens-inventors established in 1957, and one of the members of the Union of Associations for Technical Culture of MK – National Technique.

The primary goal of SPATUM is to initiate, develop, advocate, and realize the innovative and inventive activities, the creative works and technical culture in companies, enterprises, educational institutions, organizations and among the citizens of MK. SPATUM has traditionally excellent cooperates with SOIP and in last years with FITD.

Both institutions encourage and promote activities of SPATUM. However, companies, local and central organs and bodies are not interested in investing, encouraging, and promoting

the creative work of individual inventors. SPATUM needs greater engagement of chambers of commerce and Ministry of economy.

2.1.5. National cultural policy

In the National Strategy for the development of culture in period 2018 – 2022 (hereinafter the Culture strategy) the following goals are set:

1. Improving the work of state bodies and institutions in the field of culture.
2. Proactive and appropriate treatment of cultural heritage.
3. Promoting cultural cooperation, digitalization, transnational mobility, education, development of new business models, audience development and networking of stakeholders in the cultural sector at European level.
4. Strengthening development policies, supporting innovation and creativity in the cultural sector in line with current EU trends.
5. Increasing the visibility of the cultural heritage and the activities within the cultural activities.
6. Promotion of cultural heritage and cultural activities at European level.
7. Effective protection and effective exercise of copyright and related rights.
8. Increasing the potential of activities and industries based on copyright and related rights.

From the perspective of this Strategy, most relevant are the policies related to goals 7 i 8.

In relation to CRRs (Goal 7), the Culture strategy sets a number of priorities that are elaborated in Chapter III. under the objectives 3.3. and 5.2. It also envisages harmonization of the Law on CRRs with the relevant EU Acquis. This aspect is elaborated in the Chapter II Cluster 2.2. of this document.

2.1.6. Promoting Creative Industries (CI)

According to the Culture strategy, although the CIs have only recently been the focus of interest in North Macedonia, they were part of the Ministry of Culture's funding programs. However, the results are quite vague. CIs remain underdeveloped as a result of inadequate treatment in cultural policy.

The cultural economy can be a great source of income and reduce or prevent the outflow of people from local communities in the capital and abroad. It is also a major driving force behind sustainable development. The cultural diversity of the population in MK is a great potential for the development of this type of economy.

The development of the creative economy will be realized within strategic directions specified in Chapter III. under the objective 1.

The state encourages and assists the development of the film industry, by continuous support of the production of domestic films and support of projects of national interest in the film industry, through the Film Agency of MK.

The Agency, inter alia, finances projects of national interest in the film industry, raises funds for financing projects of national interest in the film industry, proposes and implements the strategy, encourages the development of domestic film scripts, provides support for the realization of international film co-productions, in accordance with the ratified international agreements in this field, realizes international cooperation with institutions, festivals and

other organizations in the film industry. In the period 2016 – 2020, 131 films³⁸ were produced with support of the Agency.

The funds needed for the operation of the Agency are provided from the state budget and from other sources established by the Film Industry Law³⁹.

One of the main goals to be achieved with consistent implementation of the Law on Audio and Audio-Visual Media Services is to encourage, promote and protect the cultural identity, language, and tradition of the communities in MK, respect for cultural and religious differences, encourage the culture of public dialogue between citizens in order to strengthen mutual understanding and tolerance for the promotion of relations between the different communities.^{xvi}

In order to achieve this goal, until December 2018, Article 92 of the Law established quotas for music and originally created program that broadcasters were obliged to broadcast, as well as a quota for domestic documentary and feature program that state-level televisions through terrestrial general format multiplex and the public service, were obliged to produce and broadcast, and the manner of application of this Article of the Law was prescribed in more detail in the Regulation on broadcasting obligations originally created program, music, documentary and feature program adopted by the Agency in 2014.⁴⁰

Until December 2018, Article 92 of the Law provided obligations for production and broadcasting of feature and documentary program for the public broadcasting service and televisions of general format at the state level through terrestrial multiplex. According to the amendment of the Law from September 2018 this article did not apply until January 1, 2019.⁴¹

³⁸ Number of films produced: In 2016 - 24; in 2017 - 24; in 2018 - 3; in 2019 - 30 and in 2020 - 19, "North Macedonia Film Agency", "Facts and figures 2020", page 45 and 47, <http://filmfund.gov.mk/wp-content/uploads/2021/05/broshura.pdf>.

³⁹ Official gazette of North Macedonia, No.82/13, 18/14, 44/14, 129/15, 152/15, 39/16, 58/16, 11/18 and 275/19. The Agency's budget for 2020 was approx. 2.632.028 EUR (approx. 1.445.963 EUR provided by the state Budget and approx. 1.186.064 EUR from other sources). The Agency participates in financing a film project with funds in the amount of up to 70% of the total budget of the film project, but not more than 62,000,000 denars with a few exceptions. In 2020, Eurimages has supported 4 film projects in its co-producing scheme where North Macedonia is a delegate producer or a co-producer, with a total of 351.700 EUR. In 2020, the Creative Europe MEDIA program supported a total of five projects in four different funding schemes of 108.216 EUR.

⁴⁰ Prior to the amendments from December 2018, Article 92 of the Law provided for an obligation for commercial televisions to broadcast at least eight hours a week, and the public broadcasting service for at least 14 hours of instrumental music by Macedonian authors and authors of ethnic communities that are not in the majority in Republic of North Macedonia, vocal and / or vocal instrumental music in Macedonian or in the languages of the ethnic communities that are not the majority in the Republic of Macedonia.

In September 2018, with amendments to the Law, it was determined that these provisions will not apply until January 1, 2019. At the end of December 2018, amendments to Article 92 were adopted, which deleted the obligation to broadcast music to all broadcasters (except for the radio program services of the public broadcasting service) and the obligation for terrestrial televisions to annually produce a domestic documentary and feature program.

However, with the changes from December 2018, the provisions for mandatory broadcasting of Macedonian music were deleted, and the commercial radio stations were given the opportunity to decide for themselves whether and how much they will broadcast Macedonian music and if they decide to broadcast, they will receive a reduction of the fee. Thereby, the minimum reduction of the fee on this basis can be 10%, and the maximum up to 30%.

⁴¹ The televisions were obliged to produce and broadcast at least ten hours of domestic documentary program and at least 20 hours of domestic feature program, which they were obliged to broadcast in the period from 07.00 to 23.00 no later than November 25 of the current year. The obligation for the public service was to produce 30 hours of feature and the same number of documentaries, which it was to broadcast in the same periods as the commercial televisions. For the production of this program, these entities were entitled to a reimbursement of costs in the amount of 50%, which was paid from the budget of the Ministry of Information Society and Administration (MISA). In the period from 2014 to 2017, four announcements were made, and the Interdepartmental Commission for determining the fulfilment of the criteria for approval of funds, evaluated all received projects and made appropriate proposals for payment of funds to cover the costs of production of the program. The fact is that the four announcements encouraged the domestic TV production, and especially the production of feature programs and programs for children.

2.1.7. Agricultural policy relevant for IP titles

The protection of the geographical and traditional name of the products in MK is regulated by the Law on Quality of Agricultural Products^{xvii}. The law, especially with the amendments made in 2016 is almost fully harmonized with the EU Quality Policy, i.e., with the EU regulation 1151/2012. In order to support and strengthen protection of GIs and AOs, MAFWE takes measures for active promotion and informing the producers about the possibility for protection of the name of their products that have a geographical character and thus protection from abuse, imitation, reputation destruction, guaranteed quality and authenticity, etc.

The said promotion activities are mainly done through the Agency for financial support in the agricultural and rural development (AFSARD), through the public calls.⁴²

Training for improved advisory services for farmers through the project RAMONES-PL is announced by AFSARD. For successful agricultural practices, the adoption of innovative technologies and the management of market and administrative forecasts, advisory services have an irreplaceable role. Macedonian farmers need advisory services to be constantly modernized and upgraded in its practices. For that purpose, in July at the University of Godolo - Hungary, representatives of AFSARD participated in targeted training within the project RAMONES-PL.

AFSARD, also published brochure - Manual for protection of traditional products.

MAFWE is also responsible for proposing national policy and legislation in the field of seed and seedling material for agricultural plants including plant variety rights and breeder's rights.

2.1.8. Quantification of the creation of Intellectual Property in North Macedonia

Patent applications filed

Table 4

Year	Resident	Foreign	Total	Resident as % of Total
2016	49	994	1043	4,70
2017	52	951	1003	5,18
2018	32	1062	1094	3,01
2019	49	1050	1099	4,46
2020	44	991	1035	4,25

Industrial design applications filled

Table 5

Year	Resident	Foreign	Total	resident as % of total
2016	22	303	325	6,77
2017	35	253	288	12,15

⁴² AFSARD published public call no. 07/2021 for submitting applications for use of funds from the Program for financial support of rural development for 2021. The subject of this announcement is the granting of financial support for Measure 112 Assistance to young farmers to start agricultural activity, and public call 01/2021 for submission of requests for use of funds from the IPARD Program 2014-2020 for measure 7 Farm diversification and business development. Financial assets on individual request are awarded as non-repayable financial support (grant) in the amount of 65% of the value of the total eligible investment costs.

2018	33	194	227	14,53
2019	34	242	276	12,31
2020	21	249	270	7,78

Trademark applications filed

Table 6

Year	Resident	Foreign	Total	resident as % of total
2016	782	3908 ⁴³	4690	16,67
2017	780	3539	4319	18,06
2018	843	3482	4325	19,49
2019	870	3566	4436	19,61
2020	813	3173	3986	20,40

Geographical Indications and Appellations of origin

In the period 2016 – 2020 the SOIP registered 4 (four) AOs and no GI. In the same period, MAFWE registered 1 (one) GI.

Registered Plant Varieties

Table 7

Year	Resident	Foreign	Total	Resident as % of total
2016	4	14	18	22,22
2017*	-	-	-	-
2018	1	3	4	25
2019	3	0	3	100
2020*	-	-	-	-

*No data available

Key indicators from the GII for North Macedonia from 2017 to 2021

While the global rank of North Macedonia in GII can be assessed as satisfactory and stable (except in 2018), the most relevant subindexes for the IP Strategy took less favourable values and showed different tendencies. Those subindexes are Innovation linkages, Knowledge creation, Knowledge absorption and Creative goods and services.

The table 8, and chart 2 show that only subindex 'Creative goods and services' was ranked better than GII in the first three years of the observed period. In 2020 and 2021 even this subindex ranked worse than GII for MK. All other above-mentioned indicators showed suboptimal values and tendencies

Table 8

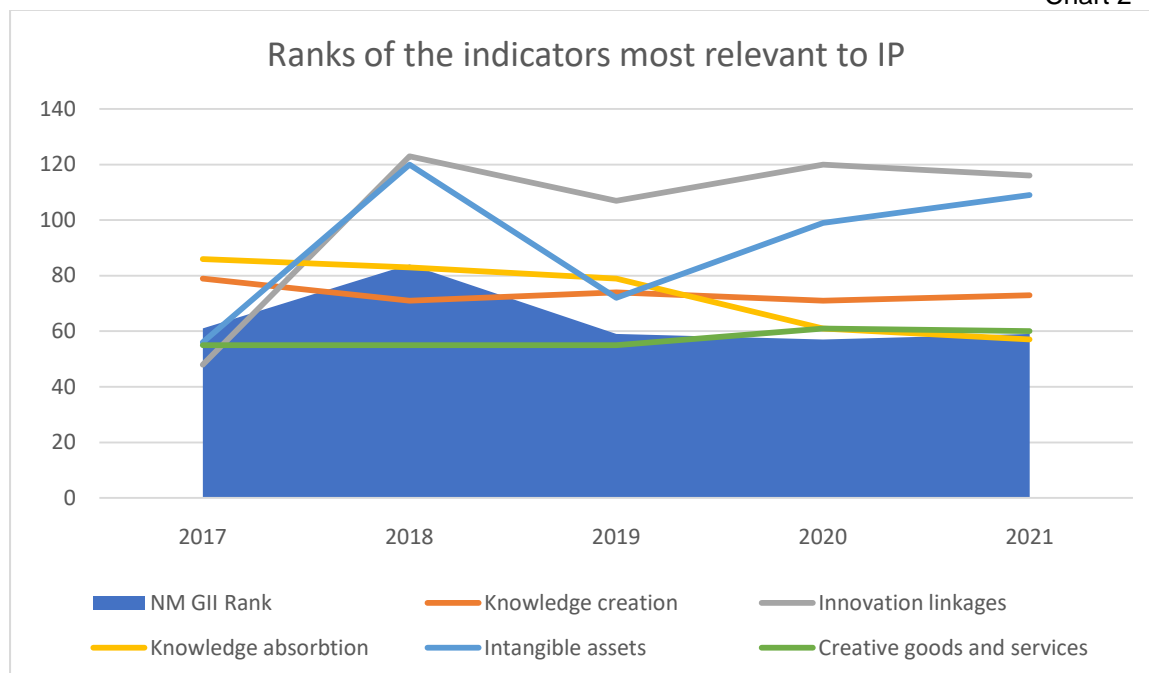
	Rank 2017	Rank 2018	Rank 2019	Rank 2020	Rank 2021
<i>Total coverage</i>	127	126	129	131	132
North Macedonia GII	61	84	59	57	59
Knowledge creation	79	71	74	71	73
Innovation linkages	48	123*	107	120	116
Knowledge absorption	86	83	79	61	57

⁴³ Data on territorial extension via Madrid system for 2016 is missing.

Intangible assets	56	120*	72	99	109
Creative goods and services	55	55	55	61	60

* Data minimum coverage requirements were not met

Chart 2



Innovation linkages include University/Industry research collaboration, State of cluster development, Gross expenditure on RD (GERD) financed by abroad, Joint venture, Patent families filed⁴⁴.

This indicator shows an unacceptably poor ranking and tendency. In the year 2021, according to this indicator, MK is ranked as 116 out of 132 countries. Poor cooperation between industry and universities in R&D, has been repeatedly identified in numerous analyzed strategic documents and here it is underlined as one of the most important goals for improving the situation.

Other elements from this indicator play important roles, and in addition to increasing GERD financed by abroad and improving joint ventures, the increase in the number of Patent Families is particularly emphasized.

Knowledge creation⁴⁵ Includes: Patents by origin, PCT patents by origin, Utility models by origin, Scientific and technical articles, Citable documents H-index. This is one of the most relevant indicators in the cluster Creation of IP. As shown in the chart above, MK is ranked significantly worse according to this subindex compared to GII. This is strong and clear indicator of what needs to be improved by implementing this strategy.

⁴⁴ Number of patent families whereas patent families containing applications filed in at least two different offices is a subset of patent families where protection of the same invention is sought in at least two different countries.

⁴⁵ Number of resident patent application filed with the national patent office, Number of international patent application filed by residents through the WIPO-administered Patent Cooperation Treaty (PCT), Utility model protection does not exist in North Macedonia (but this strategy strongly recommends its introduction into the national IP framework), Number of Scientific and technical articles published (counted on a count basis rather than on a fractional basis), Number of published articles that have received at least H citations.

An important indicator from the cluster 'Commercialization and business use of IP' is Knowledge absorption. It includes IP payments⁴⁶, High tech imports and ICT services imports (all as % of total trade), FDI net inflows as % of GDP, Research talent as % in business enterprise. The values (rank) of this subindex are even less favourable compared to Knowledge creation in the 1st three years of the observed period. This is further strategic direction for the improvement in the next 5-year period.

To increase FDI in MK, it is necessary to provide a complete stimulating business environment. From the perspective of this IP strategy, it is emphasized that there is a significant interdependence between the development of the national IP system and FDI⁴⁷.

Further relevant subindex for this strategy is Intangible assets which includes Trademarks by origin⁴⁸, Industrial designs by origin⁴⁹, ICT & business model creation, ICT & organizational model creation. This indicator shows negative tendency that has to be shifted in the course of the implementation of this strategy.

From the perspective of this IP strategy, the increase of number of the resident trademarks and industrial designs is considered as a strategic objective.

Creative goods and services⁵⁰ include Cultural & creative services exports as % total trade, National feature films (per million population 15-69 years old), Entertainment & Media market (per thousand population 15-69 years old), Printing and other media as % of manufacturing, Creative goods exports as % of total trade. According to this subindex MK was ranked better than according to GII in the first three years of the observed period and in 2020 and 2021 at almost the same level. Creative goods and services and their economic contribution are yet another important point of interest for further improvement.

2.1.9. IP Education and training

Out of the accredited institutions for higher education, the education in the field of law concerning IPRs is actively organised in almost all law faculties in the state and private

⁴⁶ Charges for the use of IP not included elsewhere payments (% of total trade), average of three most recent years or available data. Value according to the EBOPS 2010—that is: Receipts are between residents and non-residents for the use of proprietary rights (such as patents, trademarks, copyrights, industrial processes and designs including trade secrets, franchises), and for licenses to reproduce or distribute (or both) IP embodied in produced originals or prototypes (such as copyrights on books and manuscripts, computer software, cinematographic works, and sound recordings) and related rights (such as for live performances and television, cable, or satellite broadcast).

⁴⁷ „Besides facilitating imports of technology-intensive capital goods, the patent system is indeed a means to encourage international technology transfer through other channels, such as FDI or licensing. Such forms of technology transfer are powerful levers for productivity gains, as they enable the local exploitation of foreign-sourced technology. For the same reason they are also sensitive to the effectiveness of local patent protection, as indicated by empirical evidence...“ In several empirical studies, a positive and significant impact of stronger IP rights on the distribution of FDI among developing countries (including countries in Eastern Europe) was found. Moreover, patents encourage a significant rise in inward investments in manufacturing production facilities compared to distribution facilities. – Source „Patents, trade and foreign direct investments in the EU. EPO, November 2017.

⁴⁸ Number of resident trademark applications (classes of goods/services contained in trademark applications for 2020) filed at a given national or regional office.

⁴⁹ Number of resident industrial design applications (number of designs contained in industrial design applications for 2020) filed at a given national or regional office.

⁵⁰ Creative goods as defined in 2009 UNESCO Framework for Cultural Statistics, Table 3, International trade of cultural goods and services based on the 2007 Harmonised System.

universities in MK. In the technical⁵¹ and art faculty campus, there is lack of education in the field of IP.

At the Law Faculty “Iustinianus Primus”, University “Ss. Cyril and Methodius”, the Centre for IP Education has been established as a separate organisational unit in 2006 (CIPE), whose mission is performing educational, scientific, and applied activities in the area of IPRs.

This Centre evolved from the Centre for Industrial Property Education that had been established in 2004. CIPE is one of the fourteen centres of the Global Network of IP Academies of WIPO and has concluded a Memorandum of Understanding with the Government of MK.” At the same Faculty on the second circle there is a special section – Intellectual property. Also, on the third circle there is subsection - Intellectual property.

Professional training

IP representatives must pass the Professional Exam for Industrial Property Representatives. Prior to the exam, training is delivered to the candidates according to the Program of the exam.

Training is delivered by the members of the Exam Commission including the experts from SOIP.

It is emphasized that there is no qualified European patent attorney operating in MK (the patent attorney who has passed European Qualified Exam),

There is no official information available on a number and structure of young professionals from MK who have undergone adequate and complete training of the "on-the-job-training" type in WIPO, EPO or EUIPO⁵².

2.1.10. IP awareness and outreach programs

Important role in IP awareness and outreach programs have following stakeholders of the national IP system: SOIP; MC, MAFWE, ME, FITD, CA, MES, APERM, CCs, CMOs, the associations of consumers and the advisory services for consumers on local level.

In this respect the role of CCs towards the business community is indispensable. In the field of economy 4 (four) CCs are active and visible, namely: CC of North Macedonia, Union of CCs of Macedonia, CC of North-west Macedonia and CC of information and communication technology (MASIT). It is noted that, in general, none of the above stakeholders has exercised coherent, consistent and continuous program of raising awareness of the relevant IP aspects in public at large.

Good example of reaching some interested circles is the cooperation between SOIP and the CC of Northwest Macedonia. In the recent meeting^{xviii} of the heads of SOIP and CC of Northwest Macedonia future joint activities in raising awareness of the protection of IPRs were agreed. Experts from SOIP will visit the Chamber member companies and explain the benefits and procedures for the protection of different IPRs and the possibilities for accessing and using international electronic databases.

⁵¹ Only, at the Faculty of Mechanical Engineering has course “Introduction to IP Law” is offered as an elective course in the second semester. On average around 30 students elect the course annually. Commentary of Prof.Dr.Jadranka Dabovic Anastasovska and Prof. Dr. Neda Zdraveva, dated October 8th 2021.

⁵² In this regard, one could draw the attention to the Pan-European SEAL program, which allows traineeships for young professionals lasting up to two years in EPO and EUIPO. Some candidates from MK have received this training but none of them have been engaged/employed in national IP system.

As part of the current cooperation of the two bodies, workshops for the protection of industrial property rights were held in several cities in the northwestern region and 57 companies were visited.

Cluster 2.2. Acquisition of Intellectual Property Rights - (IP Administration)

In this chapter the institutional and legislative aspects of acquiring IPRs in MK are presented, per respective IP titles and competent national administrative bodies.

2.2.1. Institutional

The institutions competent for IP administration in MK are the following:

State Office for Industrial Property (SOIP),
 Ministry for Agriculture, Forestry and Water Economy (MAFWE)
 Department for Standards and Quality of Agricultural Products
 Directorate for Seeds and Seedling Material
 Ministry of Culture (MC) – Department for Copyright and Related Rights,
 Agency for Audio, and Audio-Visual Media Services (AAVMS)
 IP Representatives and their association

2.2.1.1. State Office for Industrial Property (SOIP)

According to Article 9 of the Law on Industrial Property, SOIP is an administrative organisation with a status of an independent state administrative body with responsibilities laid down by the Law.

SOIP has the capacity of a legal person. It is answerable to the ME. According to Article 316 of the Law, the ME supervises the implementation of the provisions of the Law and the respective bylaws.

SOIP is managed by a director who represents the Office. The director has a deputy. The director of SOIP and the deputy are elected through public announcement⁵³

The operating assets of SOIP are provided by its own incomes and, if necessary, also by additional resources from the state budget. SOIP uses its own incomes for the assignments it performs according to the Madrid Agreement, the Madrid Protocol, and the Hague Agreement, including the collection of costs in the procedure and from fees for providing information services. SOIP retains the operating surplus.

SOIP, prepares proposals to adopt legal and other acts in the field of industrial property; promotes the protection of industrial property; represents the country and stands for its interests in international, European and regional organisations for industrial property; launches initiatives concerning the ratification of international agreements and takes care of the delivery of obligations in the field of industrial property arising from the ratification of international agreements binding North Macedonia; prepares and publishes guidelines, manuals and comments in the field of industrial property; cooperates with other entities

⁵³ (Law on Adapting and Amending the Law on Industrial Property - Official Gazette No 41 of 27 Feb 2014).

involved in the system of protection of industrial property rights in the country and abroad; and performs other tasks provided by the law.

By Government Decision SOIP is appointed to coordinate the Working Group for Chapter 3.07. Intellectual Property Law, in the preparation of the NPAA and the preparations for the negotiating positions. Consequently, SOIP takes an active role in monitoring the implementation of the activities under the NPAA as a comprehensive long-term document that defines the timescales of the adoption of the EU legislation, the strategic guidelines, policies, reforms, structures, resources, and deadlines that need to be implemented so that MK meets the conditions for membership in the EU.

SOIP has also been appointed by Government Decision to coordinate the work of the Coordinative Body for Intellectual Property (CBIP)^{xix}, through which significant activities are carried out in the field of enforcement of IPRs and fight against counterfeiting and piracy.

Staffing of the SOIP and human resources development plan

According to the acts of systematization and internal organization within the SOIP, there are 3 sectors: Sector for patents and technological surveillance, Sector for trademarks, industrial design, appellations of origin and geographical indications and Sector for general affairs. There are seven departments within the Sectors.

Out of 54 posts (jobs) specified in the act of systematization only 30 have been occupied.

The situation with the staffing does not correspond to the needs for efficient and effective performance of the activities within the scope of SOIP. This applies both to the number of employees and to a clear and precise definition of their responsibilities and appropriate management mechanisms⁵⁴ hence, SOIP needs to adopt new acts for internal organization and systematization of jobs.

SOIP conducted a functional analysis which recommended establishing a new "Sector for European Affairs, International Cooperation and Legal Affairs" which will include two departments with 5 employees each.

The major threat in this respect is the fact that significant number of most senior experts in SOIP are due for retirement in the coming 1-3 years.

Formal and substantive examination process

SOIP grants and administers patents, trademarks, industrial designs, and geographical indications (except for agricultural products and foodstuff). In addition, SOIP performs grants and protection of topography of integrated circuits. Within the administrative procedure for granting and protection of industrial property rights, SOIP receives applications for protection of IPRs; keeps registers of granted rights and other registers determined by law; publishes an official gazette containing data on filed and granted IPRs.

SOIP makes decisions in the administrative procedure for granting of IPRs. The decisions of SOIP are final. An administrative dispute may be initiated against the decisions of SOIP before the Administrative Court of MK. The second instance in the administrative-court procedure is the Upper Administrative Court, which decides on the appeals against the judgments of the Administrative Court.

⁵⁴ Almost identical conclusion and recommendation can be found in the Strategy for Intellectual Property of the Republic of Macedonia 2009 – 2012.

SOIP conducts a formal examination of patent applications and an examination before the Office, followed by a final decision granting the patent right for 10 years. The granted patents are entered in the patent register and published in the Official Gazette of the Office OGO). Full examination of patents is performed on the request of the applicant (if applicant intends to have 20 years protection of patent) in one of the authorized governmental and intergovernmental institutions which have the status of international search authority and/or international preliminary examination authority under the PCT, or in one of the institutions with which a special agreement on search and examination has been concluded (offices of Hungary and Romania).

SOIP performs formal and substantive examination of industrial design applications. After the publication of the application in the OGO, the deadline of 90 days for submitting an opposition to the published application starts. If no opposition is filed, the right is granted, and the industrial design is entered in the register and published in the OGO.

Regarding the registration of trademarks, the Office performs formal and substantive examination. As part of the substantive examination, SOIP examines ex officio the absolute grounds for refusal of the application. The application is then published in the OGO. Within 90 days from the day of publication of the application, an opposition may be filed due to the relative grounds for refusal. If no opposition is filed, the trademark right is granted, entered in the Register of Trademarks, and published in the OGO.

Geographical name is protected with Appellation of Origin (AO)⁵⁵ and Geographical Indication (GI)⁵⁶. Geographical name may be used for designating natural, industrial, handcraft and home-made products. The geographical names that do not meet the requirements for protection as an AO may be protected as GI. Protection of the name of the place of origin of product by GI or AO is made by issuing a decision and entering the geographical name of the product and type of product to which that name refers in the register of protected geographical names.

The right to use protected geographical names is acquired by issuing a decision for grant of the right and entering it in the register of authorized users of protected geographical names. The protection of product designations and GIs for agricultural and foodstuffs is the competence of the MAFWE.

Automation of the procedures

The process of granting IPRs (excluding AOs and GIs) was automated in 2000 by WIPO donation of the IPAS⁵⁷ software. After the initial harmonization of the IPAS with the national legal framework, almost no further customization was made to the automated system for granting of rights, despite the numerous changes in the procedures.

The reason for inadequate use of the IPAS system is the lack of trained IT staff who will be able to perform the necessary adaptation of the IPAS system to the needs of the Office.

⁵⁵ AO is the geographical name of the country, region or place indicated on the product originating from that area and having quality and particular characteristics exclusively or mostly conditioned by the geographical environment, including the natural and human factors and the production, processing and preparation which are entirely carried out in the certain limited region of origin.

⁵⁶ GI is the geographical name of the country, the region, or place indicated on the product having quality, reputation or other characteristics that may be essentially attributed to the geographical origin.

⁵⁷ Industrial Property Administration System (IPAS) – software developed by WIPO that support the processing of patents, trademarks, and industrial designs from filing through to the grant of rights and post-grant processes. It is workflow-based system which is fully customizable to the requirements and legal framework of a national IP Office.

The Strategic Plan of SOIP 2021-2023, envisages within the cooperation framework with WIPO eliminating the shortcomings of the IPAS system by the appropriate trainings of IT staff who will then implement the necessary customization.

In addition to the deficit of human resources, there is an evident lack of appropriate technical equipment. SOIP in order to be up to date with the latest technologies, should provide appropriate equipment: servers; network equipment; desktop computers; scanners; printers.

Industrial property rights databases are available to the public. Bibliographic data and the legal status of patents, trademarks and industrial designs can be searched. GIs are not included in the SOIP database.

Electronic filing and E-services

Within the framework of the Cooperation Agreement with the European Intellectual Property Office (EUIPO), SOIP implemented the tools TMclass, TMview, DesignClass and DesignView. Implementation of the CESTO tool, which is designed to facilitate examining the absolute grounds for refusal is still pending.

Front Office - a tool for e-filing for trademarks and designs is in the process of realisation.

The preparation for the e-filing of patent applications has started in the framework of the bilateral cooperation with the European Patent Office (EPO) in 2015. In cooperation with the EPO expert, the analysis of the IT infrastructure of SOIP has been done, activities have started to prepare e-filing of patent applications in January 2016. The activities have not been completed.⁵⁸

Helping the SOIP to introduce e-filing and e-services is the subject of a special set of activities within the same technical assistance project for the development of a national IP strategy. This is the recurring topic that appears as a strategic goal in all relevant documents and plans in the past, and it is one of the main goals of this strategy as well. It will be elaborated in detail and implemented as a special set of activities.

E-network for exchange of IP data among the enforcement institutions

The creation of databases and exchange of information with other competent authorities in the field of protection of IPRs has started in 2006. Under the CARDS program, the 'IRIS' system for data exchange between the SOIP and the competent authorities for the implementation of IP protection was prepared, but the system, - the web platform was never put into operation.

The issue of e-network has been emphasized already in the Strategy for IP of the Republic of Macedonia 2009 – 2012 and reiterated in National Industrial Property Strategy (2016 – 2018). The topic is, similarly to e-filing and e-services, one of the main goals of this strategy as well and will be elaborated in detail and implemented as a special set of activities.

None of the above has been implemented yet.

Communication issues

⁵⁸ Regarding this topic the reference is also made to IP Strategy 2016-2018: "During 2015 SOIP in cooperation with the EPO have undertaken activities to introduce on-line filing of patent applications. In cooperation with the expert team of the EPO, the analysis of the IT infrastructure of SOIP was made. Because of the lack of adequate equipment following activities were undertaken prior to the introduction of on-line filing of applications for patents: ▪ Procurement of adequate equipment such as server machine with Linux OS, SUSE 11 SLE, PatNet Set of CISCO equipment (router and switch) ▪ Server Configuration ▪ PatNet Set Configuration ▪ Establish a safety line with the EPO ▪ Installation of the system EPTOS ▪ Upgrading Firewall Systems of the SOIP"

Service Orientation Programme for SOIP was developed in 2010. According to the Programme, the most common forms of informing the public will be realized through the website of SOIP, print media, press conferences, information flyers or other form of communication with the media. Two employees of SOIP were nominated for communications with the public.

The most common means of communication with the users are phone and e-mail.

IP applications and grants

Detailed information on applications and grants on different industrial property titles including international applications/registrations under the Madrid system for trademarks, the Hague system for industrial designs and the PCT and EPO patent applications/registrations, is given in Appendix 2.

Since most of the substantive work in SOIP is performed in relation to the direct/resident applications, the dynamics thereof is presented below.

Number of resident applications per IP title

Table 9

Year	Patent applications	Design applications	Trademark applications
2016	49	22	782
2017	52	35	780
2018	32	33	843
2019	49	34	870
2020	44	21	813

Chart 3

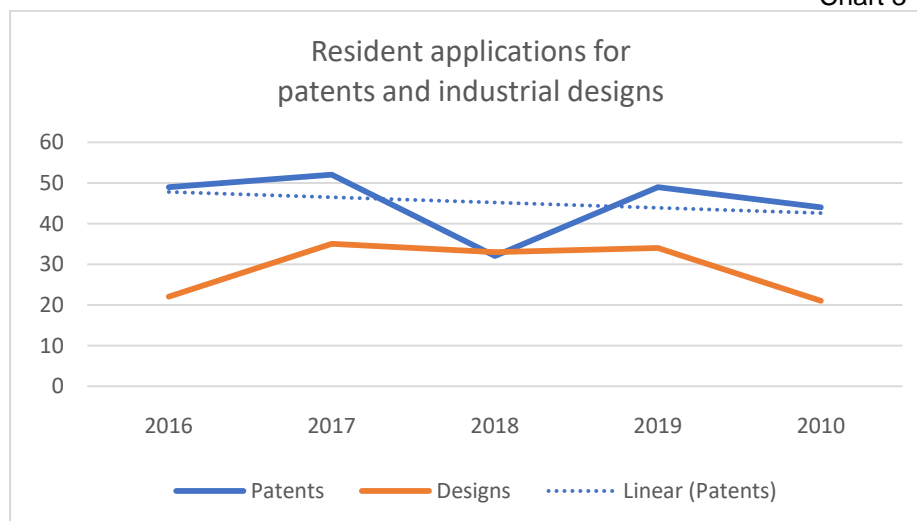
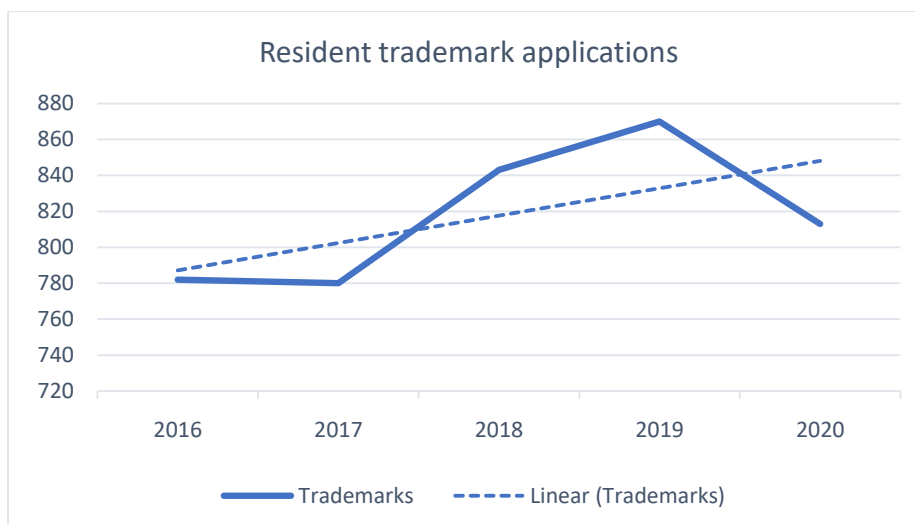


Chart 4



2.2.1.2. Ministry of Agriculture, Forestry and Water Economy (MAFWE),

In this chapter the administrative level of the competences of the Ministry in relation to IP Administration are elaborated.

At the administrative level the role of the MAFWE, in the field of IP is twofold:

- a) Protection of GIs and AOs for agricultural products and foodstuff.
- b) Protection of New Plant Varieties and Breeder's Rights

According to applicable legislation and regulations, these competences are assigned to:

- a) Department for Standards and Quality of Agricultural Products
- b) Directorate for Seeds and Seedling Material

2.2.1.2.1. Department for Standards and Quality of Agricultural Products (DSQAP)

DSQAP is competent for registration of protected designations of quality. Department also works on preparing and adaptation of the rules, planning annual measures, keeping record and Registers, mapping new traditional products and promotion and other activities related to registration of GIs or AOs.

The procedure⁵⁹ for registering a protected designation starts with filing of a request for protection by an interested group of operators dealing with the production, processing or trade of the agricultural or food product whose name is claimed to be protected.

⁵⁹ Requirement for application farmers or producers in order to apply for the protection of their product, the Food Establishments must be registered or approved (for processing food of animal origin) by the competent authority Food and Veterinary Agency (FVA).

After the administrative examination of the request and accompanying documentation, the Minister establishes an expert Commission for conducting a procedure for registering the protected labels for agricultural and food products. Once the Commission has checked all documentation and determine that there is a basis and justification of the request, it shall submit a proposal to the Minister for protection of the proposed name.

The elaboration, i.e., the specification of the product, is published on the MAFWE website in case a legal or natural person has an objection to the protection. If there is no objection within 6 months, the Minister shall issue a Decision for registration of the name. Also, it must be officially published in Official Gazette and Ministry's website and shall be entered in the Register of products with protected designations (AO or GI).

North Macedonia has not yet included the data basis from MAFWE and SOIP concerning registered (and/or applied for) GIs and AOs in the data basis eAmbrosia – The EU GIs register^{xx} and in GiView – EUIPO register of AOs and GIs^{xxi}.

2.2.1.2.2. Directorate for Seeds and Seedling Material (DSSM)

The Directorate for Seeds and Seedling Material (DSSM) within the MAFWE is a body responsible for proposing national policy and legislation in the field of seeds and seedling material for agricultural plants. DSSM is responsible for two laws and corresponding bylaws, namely the Law on Seeds and Seedlings for Agricultural Plants^{xxii} and the Law on Breeders' Rights.^{xxiii}

DSSM organizationally consists of 2 (two) sectors, as follows:

1. Sector for production, certification, control and post-control of seed and planting material comprising:

- Supplier Registration and Record Department
- Department for production, certification of seed and planting material control and post control of seed crops and plantations

2. The Sector for Recognition, Approval and Protection of Varieties comprising:

- Department for recognition, approval and trade of seeds and planting material
- Selection and Seedling Rights Section
- Department of National Gene Bank and GMO

Under the applicable legislation, DSSM creates and proposes policies in the field of seed and seedling material; prepares and proposes bylaws arising from the Law on Seeds and Seedling Material for Agricultural Plants and the Law on Breeders' Rights and their harmonization with the legislation of the EU; registers legal entities for production, preparation for the market, trade and import-export of seeds and planting material of agricultural plants and keeps the register electronically; organizes the production and certification of seed and planting material by issuing a final certificate and label for certified seed and planting material from agricultural plants; conducts a procedure for recognition and registration of varieties in the National Variety List and their publication in the Official Gazette of MK; organizes post-control of seed material that has been put on the market; organizes the storage and maintenance of seed and planting material in the Gene Banks; adopts a decision for granting a breeder right after an application submitted by a breeder and the submitted results for the variety; exercises control over the work of the authorized legal entities and the authorized laboratories in the part of implementation of the activities for which they have received authorization from the Minister of AFWE and represents the country before the international bodies and organizations in the field of seeds and planting material (UPOV, ECPGR).

The registered name can be used by any entity that produces and / or processes an agricultural or food product in accordance with the elaborate or specification, after passing the procedure for verification of compliance with the elaborate and/ or the specification. Each entity shall be individually entered in the Register of Users of AO or GI

The verification of compliance with the elaborate or specification is carried out by authorized verification bodies and is carried out on the basis of a control plan approved by the Minister. In the absence of authorized verification bodies, the role is taken by the State Agriculture Inspectorate (SAI) or FVA.

2.2.1.3. Ministry of Culture (MC)

In this chapter the administrative level of the competences of MC in relation to IP Administration in the field of Copyright and Related Rights (CRRs) are elaborated.

The Department for CRRs (DCRR) within the Sector for Normative-Administrative Affairs and for CRRs employs 1 (one) civil servant, although in accordance with the Act of internal organization on the MC, this department consists of 5 (five) employees.

The competencies of the DCRR concerning the CRRs, are the following:

Participation in study-analytical work for normative regulation of CRRs from the aspect of domestic and international legislation in the field through cooperation with international governmental and non-governmental organizations in the field of CRR, especially with for collective management organizations (CMOs) and monitors international practice and experiences in the field ; works on drafting regulations in the field of CRRs; prepares acts within the competence of MC for collective management of CRRs and proposes recommendations, gives opinions and clarifications to the CMOs; participates in performing administrative supervision over the CMOs (over acts and work); monitors the adoption of EU acts in the field of CRRs and proposes their implementation in the Macedonian legislation; Participates in the work of the Committee on Internal Market and Competition, as well as in other project tasks in the process of accession of the Republic of North Macedonia to the EU in terms of CRRs and implements the obligations of the Ministry within the national strategy of the Government of MK for European integration in the field of CRRs.

2.2.1.4. Agency for Audio, and Audio-Visual Media Services (Agency for AVMS)

The Agency for AVMS is an independent, non-profit regulatory body with the status of a legal entity with public competencies. Duties and responsibilities of the Agency are stipulated in the Law on Audio and Audio-Visual Media Services (Law on AVMS)⁶⁰.

Department for protection of copyright is a part of the Sector for strategic planning of the Agency. In the period of 2011 – 2014 the Agency prepared Annual analysis related to protection of CRRs in the sphere of broadcast and cable retransmission, which is under competence of the agency.

In accordance with its legal competence, the Agency will continue with the process of registration of providers of AVMS upon request and will issue a certificate of registration to those entities that in 2022-2026 will apply for registration. The Agency will supervise the operation of these entities, in order to ascertain whether the providers of AVMS upon request fulfill the obligations set out in the Law, which relate to transfer of cinematographic works in the period determined in the agreements with the right holders and promotion of production and access to European audiovisual works.

⁶⁰ The Agency ensures transparency in the broadcaster's work; ensures the protection and development of pluralism in the sphere of AVMS, encourages and supports the existence of diverse and independent AVMS; takes measures in accordance with the Law in cases where provisions of the Law on AVMS, or regulations adopted on the basis of is Law and terms and obligations stipulated by the licenses are violated; ensures the protection of minors; adopts acts derived from the Law on AVMS; ensures the protection of citizens' interests in the area of AVMS; detects the existence of illicit media concentration; decides on the assignment, extension or revocation of licenses for television or radio broadcasting; takes measures to temporarily restrict on transmission and reception of AVMS from other countries on the territory of the Republic of Macedonia; adopts a list of events of major importance; encourages media literacy; maintains the registries established by the Law; conducts researches and analyses on specific issues concerning AVMS; performs audience measurement in terms of viewership or listenership of the programmes, i.e. programme services of the broadcasters in the Republic of Macedonia; prescribes the manner of audience measurement in terms of viewership or listenership of the programmes, i.e. programme services of the broadcasters in the Republic of Macedonia and performs other duties determinate primary by the Law on AVMS, Law on CRRs, Law on Electronic communications and Law on public enterprise Macedonian broadcasting.

Pursuant to the Law on AVMS an operator that retransmits programme services may only retransmit the programme services of domestic broadcasters only in the service zone for which the broadcasters have obtained television or radio broadcasting license, and based on regulated CRRs, pursuant to the Law on CRRs. Also, an operator may retransmit programme services of broadcasters from other countries in accordance with article 44 of Law on AVMS and based upon regulated CRRs pursuant to the Law on CRRs. The Agency will continue to review the said documents before issuing license to check whether the CRRs are acquired by the cable operators for the territory of MK.

In addition, an operator that retransmits programme services should ensure that the programme package, as mandatory and free of charge requirement, includes the programme services of public service broadcaster funded from the broadcasting fee, except for the operator that retransmits programme services through digital terrestrial multiplex. The operator that retransmits programme services shall be obliged to state in the contracts signed with its subscribers, the programme package or list of programme services that it retransmits at the moment, for which the Agency has issued a registration certificate.

2.2.1.5. IP representatives and their association

IP representatives must pass the Professional Exam for Industrial Property Representatives and be recorded in the Register of IP representatives, kept by SOIP. Regulation on the professional exam and the Register of the IP representatives prescribes the content and procedure relevant for the exam and the Register.

Qualified candidates must hold graduation degree from a Faculty of Law or one of the Faculties of Technology or Faculties of Pharmacy (university degree with 240 ECTS-credits from the first cycle or a university degree from four-year studies issued by the Republic of North Macedonia, or a validate diploma obtained abroad).

Prior to the exam, training is delivered to the candidates according to the Program. Training is delivered by the members of the Exam Commission. IP professionals who have passed the Exam are recorded in the Register of IP representatives on their own request.

The total number of the registered IP representatives, currently practicing is 105. The number is much higher than the needs and demands for their services in the national economy. Out of total number of candidates who passed the exam 68 are engineers and 525 lawyers (not all of them are registered representatives).

IP representatives are organized in the association of IP representatives under the legislation applicable for the associations of citizens. Law on Industrial Property has no provision which regulates the Association of IP representatives.

The 28-year practice of IP representatives and their association has shown many weaknesses. These weaknesses are primarily result of the organizational set-up of the representatives' association - as association of citizens. The representatives do not have a legal obligation to be members of the association nor to pay the appropriate membership fee, which is another problem for its non-functioning.

2.2.2. Legislative

2.2.2.1. National legislation on Industrial Property

National Laws on Industrial Property

- Law on Industrial Property^{xxiv}
- Law on Protection of Topographies of Integrated Circuits^{xxv}

- Law on the quality of agricultural products
- Law against unfair competition^{xxvi}
- Law on Wine^{xxvii}
- Law on Agriculture and Rural Development^{xxviii}

National Bylaws on Industrial Property

- Regulation on Patents
- Regulation on Trademarks
- Regulation on Industrial Design
- Regulation on Appellations of Origin and Geographical Indications.
- Regulations concerning GI under the Law on quality of agricultural products⁶¹
- Regulation for the Form and Content of the Applications for the Protection of the Topographies of Integrated Circuits
- Regulation for the Form and Content of the Request regarding non issuance of a Decision for granting Topography of Integrated Circuits and a Decision for Refusal of the Request for Granting Right and Entry in the Register
- Regulation for Procedure of Issue Supplementary Protection Certificates for the Protection of Plant Products
- Regulation for Procedure of Issue Supplementary Protection Certificates for Pharmaceutical Products
- Regulation for the Special Examination for Representatives and for the Register for Representatives
- Compliance with EU acquis (industrial property)

Law on Industrial Property has been to a great extent harmonised with the European standards and the legislation in the field of IP⁶² until the year 2010.

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1. Regulation on the form and content of the application for registration of a designation of origin or geographical indication.
2. Regulation on the form and content of the report contained in the application for registration of a designation of origin or geographical indication.
3. Regulation on the form and content of the single document from the application for registration of a designation of origin or geographical indication.
4. Regulation on the costs in the procedure for registration and use of the designation of origin, the geographical indication and the designation for guaranteed traditional specialty.
5. Regulation on the form, content, size and use of the marks and marks "protected designation of origin", "protected geographical indication" and "designation of a guaranteed traditional specialty".
6. Decision for determination of the agricultural and food products that are protected on national and international level by protection of the geographical name with designation of origin or geographical indication and protection of the traditional name with designation of guaranteed traditional specialty.
7. Regulation on the form of the objection to the proposed name from the request for registration of a designation of origin, geographical indication or designation for a guaranteed traditional specialty and the form for submission of information from the settlement procedure.
8. Regulation on the form, content, and manner of submitting the request for annulment of the registration decision.
9. Regulation on the form, content, and manner of keeping the register of users of designation of origin, geographical indication and designation for guaranteed traditional specialty.
10. Regulation on the manner of submitting the request and the form and content of the application form for amendment and supplementation of the report or specification.
11. Regulation on the form and content of the register of authorized verification bodies.

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- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the Legal Protection of Biotechnological Inventions.
- First Council Directive 89/104/EEC of 21 December 1988 to Approximate the Laws of the Member States Relating to Trademarks, amended by Council Decision 92/10/EEC.
- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the Legal Protection of Designs.
- Council Directive 87/54/EEC of 16 December 1986 on the Legal Protection of Topographies of Semiconductor Products.
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights.
- 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

Comprehensive analysis of the compliance with the relevant current EU Acquis is urgently needed. In this respect it is strongly recommended to consider preparing and enacting separate laws for different IP titles. In the same process the goal of securing cohesion within the applicable national legislation can be achieved⁶³.

Compliance with international treaties administered by WIPO and TRIPS

On July 23, 1993, Republic of Macedonia became a member of the WIPO. The following conventions and treaties administered by WIPO are ratified by North Macedonia:

1. The Convention Establishing the World Intellectual Property Organization
2. The Paris Convention for the Protection of the Industrial Property
3. The Madrid Agreement Concerning the International Registration of Marks
4. Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks
5. Locarno Agreement establishing an International Classification for Industrial Designs
6. Patent Cooperation Treaty
7. The Hague Agreement Concerning the International Deposit of Industrial Designs- The Hague Act and Complementary Act of Stockholm
8. European Convention Relating to the Formalities Required for Patent Applications
9. Convention on the Unification of Certain Points of Substantive Law on Patents for Invention
10. Agreement on Co-operation in the field of patents (Co-operation Agreement)
11. Protocol relating to the Madrid Agreement Concerning the International Registration of Marks
12. Budapest Treaty on the international Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and Regulations
13. Strasbourg Agreement Concerning the International Patent Classification
14. Agreement on Trade-Related Aspects of Intellectual Property Rights
15. Geneva Act of the Hague Agreement Concerning the Registration of Industrial Designs and Regulations Under the Geneva Act
16. Convention on the Grant of European Patents (European Patent Convention)
17. Patent Law Treaty (PLT)
18. Singapore Treaty on the Law of Trademarks
19. Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks
20. Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

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- Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medical 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

⁶³ Expert opinion by EU Member State Experts on 17/03/2017 within IPA 2011 - TWINNING PROJECT "Strengthening the enforcement of Intellectual Property Rights" - EU Twinning Project Number: MK 11 IPA OT 01 15 (MK 11 IB OT 01):

1. It is recommended to analyze the coherence between national provisions regarding protection of confidential information and provisions implementing the articles of the European Enforcement Directive art. 6 (2) and 7.
2. It is recommended to analyze the coherence between the general provisions in Macedonian Law on Securing Claims, especially art. 38 and the European Enforcement Directive art. 7 (2) and art. 9 (6).
3. It is recommended that the relation between MK Law on Securing Claims art. 38 and MK Law on Industrial Property art. 313 and 314 is analyzed further to ensure alignment with the European Enforcement Directive art. 7 (2) and 9 (6).
4. It is recommended to analyze the MK Law on Industrial Property art. 313 to ensure alignment with the European Enforcement Directive.
5. It is recommended to analyze the MK Law on Industrial Property art. 314 containing wording there is justified doubt that his right will be violated to ensure alignment with the European Enforcement Directive art. 7.

21. Agreement on the application of Article 65 of the Convention on the Grant of European Patents
22. International Convention for the Protection of New Varieties of Plants (UPOV).
23. Nairobi Treaty on the Protection of the Olympic Symbols,

2.2.2.2. *National legislation on Copyright and Related Rights*

National Laws on Copyright and Related Rights

- Law on Culture^{xxix}
- Law on Copyright and Related Rights^{xxx}

National Bylaws on Copyright and Related Rights

- Decision on the amount of the single multiplication fee for private use^{xxxi}
- Regulation on the form, content, and technical characteristics of the system for electronic recording of broadcast copyright works, i.e., subjects of related rights^{xxxii}
- Regulation on the manner of collecting and processing data, the application form and the content and the manner of keeping records of authors and holders of related rights^{xxxiii}
- Regulation on the form and content of the request for adoption of a decision for granting a license for collective management of copyright and related rights^{xxxiv}

Compliance with EU Acquis (copyright and related rights)

Based on the obligation undertaken under Article 71 of the Stabilisation and Association Agreement, the national legislation on CRRs has been harmonised to a great extent with the legislation of the EU. The Law on CRRs has been harmonized with the relevant EU legislation⁶⁴. (The last harmonization took place in 2010).

“The Law on CRR was fully harmonized with existing European and international legislation. However, its amendment, especially in 2013, 2015 and 2016, violated the achieved compliance and now the Law does not correspond to the European regulations and the practice of the member states of the EU. Contrary to modern world trends and European practices, in the area of collective exercise of CRRs, provisions were introduced that, instead of progress, caused the impossibility of establishing a functional and efficient system of collective management of CRRs and impermissible state interference in this area.”⁶⁵

After 2010 a significant new development took place in the EU legal framework regulating the creative and cultural industries in the context of Digital Single Market. This copyright reform involves a set of legal instruments which should settle the most problematic issues of the copyright protection in the Digital Single Market. These are the Directive (EU) 2017/1564

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- Council Directive 91/250/EEC of 14 May 1991 on the Legal Protection of Computer Programs, amended by Council Directive 93/98/EEC
- Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on the Rental Right and Lending Right and on Certain Rights Related to Copyright in the Field of Intellectual Property
- 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.
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the Legal Protection of Databases.
- Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society.
- 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 93/98 / EEC on the harmonization of the period of protection of copyright and certain related rights (Directive on the duration of protection).
- Directive 2004/48 / EC on the enforcement of intellectual property rights (Enforcement Directive).

⁶⁵ The Culture Strategy

and the Regulation (EU) 2017/1563, which were passed to implement WIPO Marrakesh Treaty, as well as the Regulation (EU) 2017/1128 on cross-border portability of online content services. The most expected one was the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, which regulates the set of rules for better protection of cultural and creative industries on the Internet.

Also, the Directive (EU) 2019/789 laying down rules on the exercise of CRRs applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes and amending Council Directive 93/83/EEC entered into force, which regulates online transmissions of copyright works and subject matters of related rights and complements copyright rules on satellite broadcasting and cable retransmission.

The EU also reformed the collective management of CRRs and introduced completely new rules for online management of musical copyright through the Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of CRRs and multi-territorial licensing of rights in musical works for online use in the internal market.

It is necessary to adapt national legislation to the new copyright framework and to develop policies, business models practical instruments and tools for implementation of the new EU copyright framework into the national copyright system.

This significant step towards the reform of CRRs on the Internet in MK shall lead to better economic exploitation and functioning of creative industries and ensure better protection of those rights. This would foster the economic benefits from the exploitation of the creative and cultural content in favour of the right owners and give better competitive position for further development of creative and cultural industries of the country in the online market. Compliance with international treaties administered by WIPO and WTO

The existing Law on CRRs incorporates the following international conventions and treaties:

1. Berne Convention for Protection of Literary and Artistic Works^{xxxv}
2. Universal Copyright Convention– UNESCO^{xxxvi}
3. Convention (Brussels) Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite^{xxxvii}
4. International (Rome) Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations^{xxxviii}
5. Convention (Geneva) for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms^{xxxix}
6. World Intellectual Property Organisation Copyright Treaty^{xl}
7. World Intellectual Property Organisation Performances and Phonograms Treaty^{xli}
8. Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade
9. Organization-1994 (TRIPS Agreement).

2.2.2.3. National legislation on Plant Variety /Breeders' Rights

- Law on Seeds and Seedlings for Agricultural Plants^{xlii}
- Law on Breeders' Rights^{xliii}.

2.2.2.4. Other applicable national legislation

- Law on Customs Measures for Protection of Intellectual Property Rights^{xliv}

- Law on State Market Inspectorate^{xlv}
- Law on Consumers Protection^{xlvi}
- Law on General Administrative Procedure^{xlvii}
- Law on Administrative Disputes^{xlviii}
- Law on Obligations^{xlix}
- Law on Protection of Competition^l
- Law against unfair competition^{li}
- Criminal Code^{lii}
- Law on Misdemeanours^{liii}
- Law on Litigation Procedure^{liv}
- Law on Criminal Procedure^{lv}
- Law on Enforcement^{lvi}
- Law on Securing of Claims^{lvii}

Cluster 2.3. Commercialization and Business use of Intellectual Property

The technology transfer system comprises research sector, business sector and institutional infrastructure which supports and enables technology and knowledge transfer from research institutions to industry. In North Macedonia, from the early transition years the process of establishing institutions to support SMEs, entrepreneurship and technology, knowledge and know-how transfer has started.^{lviii}

The commercialization of IP is actively used in MK, although Macedonian entities are primarily focused on the acquisition and protection of IPR in SOIP. The classic forms of commercialization and application in business operations (transfer, license, pledge, etc.) dominate. Other more sophisticated forms of commercialization and application in the business of IP are very rarely practiced, primarily by foreign entities and / or Macedonian entities that have foreign capital in their ownership structure.

2.3.1. Technology transfer offices (TTOs)

In North Macedonia, as is the case with most of the Western Balkan countries, "cooperation between public research institutions and industry is mainly conducted on an *ad hoc* basis, driven by occasional opportunities and short-term goals" (World Bank, 2013, p. 11). This is the main reason why improving of the technology transfer process, until now, remains one of the key challenges of the country. In the mid-1990s, in the country were established five Regional Enterprises Support Centers, three Enterprise Support Agencies (ESAs), one Regional Agency for Economic Development-PREDA (Today Foundation for Sustainable Economic Development – PREDA Plus) and eight business incubators.^{lix}

Within the technology transfer infrastructure, several technology transfer centres have been established in the country, located at universities or individual faculties. Financially supported by TEMPUS and GTZ programmes the technology transfer centres / offices were established at Faculty of Mechanical Engineering (FME) – Skopje, Faculty of Electrical Engineering, and Information Technology (FEIT) – Skopje, Faculty of Technology and Metallurgy – Skopje, Faculty of Agriculture – Skopje and Faculty of Technical Studies – Bitola. In addition to these, the centre of excellence – CIRKO-MES CE and Business Start-up Centre (BSC) were founded in 2005 and 2006 respectively. Both centers are still active and are established at the Faculty of Mechanical Engineering – Skopje.^{lx}

Another important segment of the technology transfer system of MK is the Centre for Entrepreneurship and Executive Development (CEED), established in 2007, as part of the

international network of entrepreneurship centres operating in Southeast Europe. Significant specificity of the Centre is the CEED Business Angels Club (CEED BA Club), founded in November 2013, as one of the first clubs of its kind in Macedonia.^{lxi}

At the level of the University "Ss. Cyril and Methodius" (UKIM) Skopje, 3 (three) Centres for technology transfer (at the FEIT, at the FME, at the Faculty of Agricultural Sciences and Food), 1 (one) accelerator (at the FEIT), 1 (one) incubator (National Centre for Development of Innovation and Entrepreneurial Learning), 3 (three) Fabrication Laboratories (at the FME, the FEIT and the Faculty of Agricultural Sciences and Food) and was awarded vouchers for 34 (thirty-four) research projects exist.^{lxii} The aforementioned centers for technology transfer, business accelerator, incubator, fabrications laboratories are financed by FITD.

The new National Technological Transfer Office (TTO) is established at UKIM. The said TTO is business accelerator, and it is located at the FEEIT, within the Centre for Technology Transfer and Innovation^{lxiii}.

2.3.2. Financing of commercialization of IP assets

The financing of the commercialization of IP by private entities (banks and financial institutions) as assets of companies is almost unknown in MK. Banks and other financial institutions in MK do not have adequate products to encourage the development and especially the commercialization of the IP. Even some of the classic banking products, such as loans, are secured by the classical establishment of pledge over tangible goods.

Exceptions to this are FITD and NLB Bank. Namely, to start the cooperation with FITD, NLB Bank expanded its offer and introduced the Innovator package which provided a number of facilitations and benefits for newly established, micro, small and medium-sized enterprises, financed, co-financed or with a recommendation from the FITD. In addition to various credit products with favourable terms, in the new package, NLB Bank provides benefits in payment services, as well as other services and benefits in support of innovative business ideas.

Acting through its key support instruments, FITD by the beginning of 2020, has provided support to 314 micro, small and medium-sized enterprises, with a total value of the projects of € 57 million, and has supported 54 schools with more than 500 students directly involved, as well as more than 30 partner organizations. Successful piloting of the instruments for supporting technology extension and business-technology accelerators programmed in the ERP 2018-2020, part of the measures of the third pillar of the Economic Growth Plan, resulted with establishing of three business accelerators: Business Accelerator "UKIM", "SEAVUS" Accelerator and "X Factor" Accelerator.^{lxiv}

2.3.3. Licensing of IP assets

Macedonian entities use the licenses to purchase new technology, software, publishing publications, movies, music and other IPR. Rarely, our entities issue licenses to use their IPR to foreign entities. Trademarks, patents, software, music, film, literary works, etc. are most often present. Licensing is performed in accordance with the Law on obligations, Law on Copyrights and Related Rights and Law on Industrial Property. In the licensing process, Macedonian entities most often use the databases available to them through the SOIP.

License agreements are usually prepared by the expert teams that include outside counsels (domestic and / or foreign advisers, lawyers, etc.). These teams perform the necessary due diligence.

Some of the interviewed professors and IP representatives, recommended preparing and/or translation/customization of Guide for negotiation and licensing in a process of transfer of technology as tool for all stakeholders (licensor, licensee, students, entrepreneurs, business community etc.).

2.3.4. Business (technology) incubation

The government, the business community and universities do not have a consistent policy on business (technology) incubators. However, at the UKIM, there is 1 (one) incubator (National Centre for Development of Innovation and Entrepreneurial Learning). This centre was established in November 2009 by the Austrian Development Cooperation (ADC). The Centre is being developed under the recommendations of the Project – “Cooperation of Innovation Financing Agencies in Southeast Europe). Within this business incubator, a Strategy for learning entrepreneurship of RSM (2014 – 2020) was adopted.

2.3.5. Science and technology parks and accelerators

The government, the business community and universities do not have a policy on technology parks and accelerators. However, at UKIM, there is 1 (one) business accelerator (BAU) which is within the FEIT and 1 (one) science and technology park, which is within one of the technology transfer centres within the FEIT - INOFEIT.

The Science and Technology Park was established at the initiative of the Government of the RSM and is implemented by FITR and the MISA. The Science and Technology Park is a space that offers infrastructure, services, and access to finance that will foster risk-based development, knowledge and innovation, where academia, students, businesses and investors will meet. So far, the first phase has been realized and in the second and third phase, construction of new buildings and laboratories is envisaged, which will be completed by 2024, i.e., by 2027. The study is financially supported by the EU Delegation to MK and the total investment is estimated at around 80 million euros.

The business accelerator was established and funded by the university and several private entities - companies and FITD. Its goal is to identify and support the development of the most promising entrepreneurs, start-ups and companies that are in their initial stage of development in MK with strong commercial and market potential. The support provided by this accelerator refers to financial support and business program creation, including mentoring, access to international markets, business networking, business development and fund support. BAU as an accelerator is unique because its founders include a leading financial consulting firm, the SME Financing Fund, and the university.

2.3.6. Technology transfer policy

Promoting and protecting local innovation through IPR is a better link for development. It is recognized by the Government, so FITD implements the measures of the Economic Growth Plan, pillar 3-financial support and the Support Program through the "Skills Development and Innovation Support Project". Some measures^{lxv} envisage activities for analysis, preparation, acquisition, and protection of IPR, and costs related to those procedures are recognized before IPR acquisition organizations. From 2018, with the measures of the FITD, efforts are being made to give more impetus to the development of local innovations in order to develop domestic technology⁶⁶. This is envisaged with several instruments such as co-financed grants: for commercialization of innovations; for technological extension and

⁶⁶ Medium-term work program of FITR for financial support of micro, small and medium enterprises, for 2018-2020.

investments of accelerators and for work and investments of business-technological incubators.

2.3.7. IP commercialization professionals (valuation, auditing, licensing...)

The commercialization can be done by using the services of certified evaluators for industrial property and CRRs, as well as with the assistance of experts in the field of IPR.

The assessment the certified evaluators is performed in accordance with the Law on Evaluation, the Tariff for the services of evaluators as well as the Methodology for evaluation of industrial property and the Methodology for evaluation of CRRs. A Chamber of Evaluators was established, training was conducted, and licenses were issued for certified evaluators in the field of industrial property and copyright. The Chamber of Evaluators conducts seminars for the training of appraisers in the field of IPR.

Assessment in court proceedings is also performed by the experts, who work in accordance with the Law on Expertise. There is a Chamber of Experts, which is not functional. According to the Law on Expertise, training was conducted, and licenses were issued for experts in the field of IPR, although the term "protection of copyright, other related rights and intellectual property rights" was misused. It is recommendable that due to these substantial issues, the Law on Expertise to undergo changes in the part of the conditions that must be met by the experts in IPR.

Licensing, i.e., the composition of license agreements is usually done by lawyers in the companies and / or lawyers, with the help of technical staff in the areas to which the IPR refers. Although there are many lawyers, there is a limited number of specialists in MK for drafting license agreements, especially with a foreign element. In addition to the above-mentioned IPR commercialization experts, there is a shortage of professionals able to cover auditing areas and especially technology managers.

2.3.8. Economic impact of creative (copyright related) industries (CI)

The text bellow outlines the main concluding observations on the state and development of the CI in MK from the project of Ministry of Culture and the British Council Macedonia - Creative Industries mapping in the Republic of North Macedonia ⁶⁷.

The most represented CIs in MK are advertising, (13.9%), publishing (12.6%), artisan crafts (10.9%), film (9.6%), fine art (8.3%), modern art (7.8%), architecture (7.4%), software (7%). Other cultural industries are also represented, but with a smaller percentage.

Most respondents (89.5%) believes that the creative industries should be linked with policies applied in the education sector. Furthermore, another important factor is the involvement in the field of scientific and technological development (68.9%), the physical planning (64%),

⁶⁷ A survey questionnaire was used which was filled out by relevant representatives of those companies, and later focus groups were formed. Data from the State Statistical Office of the Republic of North Macedonia were included and taken into consideration, as well as data from the Central Registry, the Ministry of Culture and other relevant ministries. (Unfortunately, it turned out there are major flaws in the data recorded by the institutions of the system).

The mapping included the following areas: architecture, design, festivals and important cultural events, tourism, cultural heritage, publishing, libraries, writers/authors, visual arts, crafts, creative industries in local communities, dance, education in the area of culture and creative arts in general, fashion, media, music art, opera and musical theatres, theatre (dramatic art), software and advertising.

urban development (68.4%), local self-government (63.1%), environment (67.6%), culture (97.3%), art (95.6%), economy (76, 9%).

The lack of management of public policies in MK, especially in CIs, is most often associated with economic crisis (75.6%), social problems (63.4%), problems in education (52.6%) cultural policy (84.8%), the inconsistency in international cooperation (51.1%).

The citizens of MK do not have a clear concept of what the creative industries actually represent, while the experiences of more developed countries show that these industries are certainly a big part in the overall development of society.

The state should pay special attention to encourage and support the CIs so that they acquire the necessary capacity, not only for realization of their ideas, but also to complete the full cycle with the final product.

There is a need for promotion of the CIs outside the state boundaries, because North Macedonia is a small market for this kind of industry. That is why it is necessary to take measures for active support of the sector.

The CIs, according to the participants in the focus groups, offer solutions for the problem of unemployment through employment and self-employment of the most creative part of the society. These industries have a particularly wide range of activities and unlike other industries, the initial capital is insignificant, but the final product - idea is essential. In that direction, the SMEs in this area have a good potential which should be used in the future because these enterprises need necessary expertise training which is lacking in this area.

The conclusion from the overall discussion in the focus groups was that we need to acknowledge the need for greater intensity of development of the service industry and to inform the public through adequate public policies about the significance and the capacities of the creative industries, in both, economic terms and in terms of cultural development

The creativity is associated with intellectual property and copyright, for which there is legislation. However, the implementation of this type of regulation in practice is obviously inadequate. This problem causes reduced interest in the activities in the field of CIs. It is particularly emphasized in the field of publishing.

The above identified problems and challenges have been addressed in the Culture Strategy.

2.3.9. Collective management organizations (CMOs)

In North Macedonia 3 (three) collective management organization exist, namely: The Association for Protection of Music Copyright (ZAMP), Copyright and related rights protection association (AZAS) and Association for collective management of the rights of phonogram producers and music performers (MMI).

ZAMP is an organization for collective management of music copyright, in accordance with the Law on CRR, the Statute and the Permit of the MC. ZAMP has been continuously operating with a different organizational set-up since 1947. exclusively in the field of collective management of music copyright.

To perform the professional and administrative-technical work for the needs of the Association related to the collective management of copyright, i.e., the goals and tasks for which it was established, ZAMP has established a professional service.

There are 6820 authors in MK who exercise protection of copyright music rights, recorded during the calculation of the copyright fee. ZAMP has concluded agreements or power of attorney with 2427 domestic authors, who have registered 59514 musical works. Also, 1964 authors are members of ZAMP with access statements.

Exercising the rights of domestic authors outside MK, as well as foreign authors in MK, ZAMP realizes them in accordance with the agreements concluded with relevant foreign organizations members of the International Confederation of Writers and Composers (CISAC), which unites 231 companies from 121 countries, with over 4,000,000 authors.

ZAMP was accepted as an associate member of CISAC in May 1993, to be appointed a Full Member in May 2005. ZAMP is a full member of the International Bureau of Mechanical Editions - BIEM. Today, ZAMP has concluded 53 bilateral agreements with related copyright companies in the field of small rights, as well as 16 agreements in the field of mechanical rights,

The MC with Decision of 26.11.1998 based on Article 165 of the LCRR, issued to ZAMP a Permit for collective management of the copyright of non-stage musical works, which ZAMP successfully achieves to day. On 12.06.2003 the MC issued to ZAMP a temporary Permit for collective management of cable retransmission of original music works.

ZAMP, in accordance with the LCRR and the Statute of the association works for non-profit purposes, on the principles of rationality and transparency and respect for competition rights and exercises its rights and obligations in accordance with the Constitution of the Republic of North Macedonia and the laws. The association bodies are Assembly, as the highest body of the Association, Managing Board and Supervisory body.

The collective management of rights of the right holders includes legal matters with the users of the rights, collection of fees from the usage, their distribution and protection of rights before the state bodies and other entities. The Association manages the rights of domestic authors used abroad based on special agreements that it concludes with appropriate foreign organizations. The Association collectively manages in the territory of the Republic of North Macedonia the rights of foreign right holders under the LCRR and based on international conventions and other agreements binding MK, as well as on the basis of reciprocal agreements concluded between the Association and relevant foreign associations.

The Assembly of ZAMP adopts the general act for distribution of the fees and the general act for determining the amount of the fees-tariff.

AZAS is an organization for collective management of copyright and related film rights and acts in accordance with the LCRR, the Statute and Permission from the MC. Due to the fact that, pursuant to the article 140-a of LCRR, the Government does not pass the decision for permission of the Proposed Tariffs of AZAS, this collective management organization did not start to perform the duties and obligations.

MMI is the organization for collective management of the rights of phonogram producers and music performers and acts in accordance with the LCRR, the Statute and Permission - Decision from the MC⁶⁸. Pursuant to the item 4 of the said Decision/Permission, MMI is obliged to pass and publish the prescribed general acts in accordance with the LCRR within 6 months from the date of publishing of said Decision in the Official gazette of North Macedonia. On December 01, 2021 Ministry of culture annulled⁶⁹ the said

⁶⁸ The Permission/Decision is issued by the Ministry of culture on June 15, 2021 and is published in the Official Gazette of North Macedonia No.214, dated September 15, 2021. In accordance with the item 6 of the Decision, the said Decision/Permission enters into force from the date of publishing.

⁶⁹ Official Gazette of North Macedonia, No.266, dated December 01, 2021.

Decision/Permission of MMI for collective management of the rights of phonogram producers and music performers.

2.3.10. Commercialization of plant variety rights (PVRs)

In the Agribusiness the enterprises have to consider the cost of plant variety protection, time taken to obtain it and the capacity for legal and regulatory processes involved before looking at business opportunities with protected plant varieties. Having in mind the number of registered PVRs, shows that Macedonian legislation aims to protect plant varieties, the rights of farmers and plant breeders while encouraging the development and cultivation of new plant varieties.

The time available for cost and investment recovery is short, process of obtaining registration takes much longer than expected, hence reduction of the duration of the registration process and of direct and indirect costs of registration as well as strong enforcement of the law is necessary. Breeders often have concerns of infringement when material they develop goes out in the field. Up to now, in a field of PVRs protection there is no case of disputes concerning breaching breeders' rights. The aforementioned is of great importance due to the fact that in accordance with the experts, infringements of rights can happen in multiple ways and that recourse has reputational implications for organization in addition to legal and financial implications.

2.3.11. Business use of and management of protected GIs and AOs

MK has wide assortment of typical, specific agriculture and traditional food products which represent the rich agrobiodiversity and long tradition in agriculture and food production. Officially, almost one fifth of the working force is employed in agriculture and half the population lives in rural areas. Agriculture GDP share is around 7.9%. The share of the food processing industry including beverages and tobacco in GDP ranges between 3% - 4%. Thus agri-food sector is still being one of the bigger contributors to the national economy accounting for up to 12% in the GDP^{lxvi}.

The GIs and AOs are important for adding value to the agricultural and food products, and sustainable agriculture and socio-economic development of rural areas. The awareness of the public and political stakeholders, as well as producers about the importance and the possibilities for the specific, typical and traditional products is on low level. In contrast to the EU member states, which have strong quality policy for recognition of geographic and traditional specificity of the agricultural and food products, the South-East Europe countries/territories in general are in the early stage of establishing an adequate framework condition of the quality policy.^{lxvii}

The analysis and interviews of different stakeholders show necessity to enhance cooperation between policy makers, researchers, civil society, and business sector, as well as to raise awareness about the importance of implementing the quality policy and schemes of GIs and AOs in North Macedonia.

The National Agriculture and Rural Development Strategy for the period 2014-2020 of North Macedonia, refers to the "Regulating the markets of agricultural products, improve, promote and protect the quality change on agriculture" and defines several key goals among which "wider implementation of food policy" promoting knowledge and advancement of human potential in rural areas; restructuring and development of physical potential and promotion of innovative practices and improvement of the quality of agricultural products through support

of economic association of agricultural holdings for joint carrying out of agricultural activity; promotion and marketing of traditional products.

2.3.12. Problems and Challenges

The Government of North Macedonia has identified a number of strategies indicating a general policy direction towards innovation policy formulation. Key challenges facing the Macedonian national innovation system are identified in legislation, financial resources, human capital, IPR, implementation and inconsistency of the various strategic documents and efficiency of the institutions.

The main target of the Law on innovations is at implementing innovation policy and is an attempt to put in place a series of incentives to promote innovation primarily through funding support. Law on Industrial Property (LIP) regulates ownership of IP arising from research funded by a university. The LIP together with the Collective bargaining agreement is framework for management of ownership issues and revenue sharing related to research output. These are positive developments insofar as they attempt to establish framework conditions for innovation.

However, the various strategies were not necessarily well received by stakeholders, who perceived them as pointlessly numerous and lacking real understanding of the situation on the ground. Implementation and coordination of the enforcement of the said strategies seem to be a huge problem mostly because of little buy-in by the stakeholders.

The implementing laws referred to in the analysis, particularly the Science Law, the Law on innovations, the Law of high education failed to incentivize innovation. The result is no increase in publication of scientific papers/articles⁷⁰ and no increase in commercialization of research results. Thus, the law failed to target the research base that could commercialize innovation. In addition, from an IPR perspective, the law promoted the early disclosure of research findings without alerting researchers to the danger of losing novelty for the purposes of patent or industrial design protection.

The SOIP is not making sufficient efforts to become a useful participant in the innovation system. The establishment of the Education and Training Centre in SOIP is missing. The said Training Centre would be a place for various stakeholders to and familiarize with different services, such as IP diagnosis service, and its training programs.

Most of interviewed stakeholders have knowledge of intellectual property and some of them are users of the system having integrated IP concepts. However, there is general impression that awareness of various stakeholders is low and the capacity of those who provide support services should be strengthened.

Western Balkans Regional strategy for innovation (as per ref 15.) under the topic Business sector and R&D I North Macedonia concluded, inter alia, the following:

“Almost half of micro companies did not introduce any type of innovation; patenting activities were also limited.

⁷⁰ In the period 2016 – 2019, members of the Macedonian Academy of Sciences and Arts (MANU), have published 740 papers in total, out of which 338 in international journals (237 of them are published in journals with impact factor) and 402 in national journals and proceedings (16 of them are published in journals with impact factor), Marica Antovska-Mitev, “Macedonian national innovation system – states, challenges and perspectives”, page 7, <https://www.researchgate.net/publication/343431643>, page 5, last visit on August 21, 2021.

More than half of the Macedonian enterprises perceive the following factors as the most important obstacles for innovation: high cost of innovation, lack of funds within the company or within the group, and lack of access to external financial resources.

Another important dimension of the absorptive capacity of the companies is their willingness to acquire new knowledge. As noted, about half of the surveyed companies never offered their employees any type of training.

Only 20 percent of companies consider that “brain drain” may cause major or significant disruption to the activities of the company.

According to the survey, less than 9 percent of companies have links with Macedonian universities, and only 5 percent have connections with research institutions.”

There are various practical challenges and limitations which have a negative impact on IP protection for the companies in third countries like North Macedonia, such as, procedural deficiencies, backlogs in rights registrations, non-registration of certain rights, non-deterrent level of sanctions, lack of expertise, corruption, lack of awareness and lack of transparency.^{lxviii}

Cluster 2.4. Recognition of IPRs and Enforcement Thereof

2.4.1. Awareness, recognition, and respect of IPRs

Intellectual Property Rights (IPRs) are one of the principal means through which companies, creators and inventors generate returns on their investment in innovation and creativity.^{lxix} Effective IPR protection and enforcement are crucial for economic growth and for the ability to stimulate innovation and stay competitive nationally and globally.

In practical terms, IPRs are directly linked to the production and distribution of new and authentic goods and services from which all citizens benefit. This requires efficient and economically optimal IP “infrastructure” which covers registration, utilisation, recognition, and effective and adequate enforcement of all forms of IPR in both physical and online marketplaces.

In general, awareness, recognition, and respect of IPRs in the country is not on the desirable level according to previous relevant strategic document^{lxx}.

“The Republic of Macedonia faces many challenges caused by insufficient knowledge and culture in the IP area - low IPR protection and enforcement; counterfeiting and piracy, unfair competition regarding IP rights; low utilization of the innovative potential of the business community, etc.

Raising the IP awareness of the society is of high importance, taking into consideration the rate of piracy and the presence of counterfeited goods on the domestic market, showing that their level of knowledge is not satisfactory. It is necessary to raise and strengthen the awareness of the public about the importance of the protection and its economic benefits.”

2.4.2. Enforcement of IPRs

2.4.2.1. IPRs Enforcement System in North Macedonia

IPRs⁷¹, i.e., taking decisions of first instance, the competent courts are the first instance courts (26 courts) except in cases where the criminal act is perpetrated by a juvenile, when the courts with extended competencies are in charge.

The Appellate Courts in Skopje, Bitola, Gostivar and Shtip have authority to act upon appeals against decisions made by first instance courts in their territory, including appeals in cases related to the protection of IPRs.

The Supreme Court of the Republic of North Macedonia has authority to decide upon extraordinary legal remedies against final decisions of courts, as defined by law.

The Administrative Court performs its functions on the entire territory of the Republic of North Macedonia. It is competent inter alia, for certain aspects of IPRs protection.

According to the last published Annual report for acting in the cases of IPRs, which is for 2016^{lxxiii}, Higher administrative court deals only with 11 cases out of which 6 cases have been decided upon and 5 cases are pending. All decided cases are decided in the period longer than 12 months.

The Higher Administrative court has authority to act upon appeals against decisions made by Administrative court, as first instance court, including appeals in cases related to the protection of IPRs. According to the last published Annual report for acting in the cases of intellectual property, which is for 2016^{lxxiv}, Higher administrative court deals only with 6 cases and all cases are decided in the period of 6 months.

At the courts of first instance there is no specialisation of judges in the area of IPR, which is one of the basic conditions for ensuring effectiveness and efficiency in the procedures for protection of those rights. During the interviews many of the stakeholders from the enforcement pool, mentioned the specialization of judges as the matter of urgency. Majority of them insisted on amendment of Law on courts in direction of moving the competence of the first and second instance to one first instance court and one appellate court. The basic problem of the said proposal is the low number of cases.

2.4.2.2.2. Public Prosecutor's Office (PPO)

The Public Prosecutor's Office (PPO) is a unique and independent state body that prosecutes perpetrators of criminal acts and others by law established punishable acts and performs other activities determined by law. The PPO performs its functions on the basis and within the framework of the Constitution, the law and international conventions binding North Macedonia.

Pursuant to The Law on the PPO^{lxxv}, it is organized on the principles of hierarchy and subordination as the PPO of the Republic of North Macedonia, the Higher PPOs and the basic PPOs. The PPO of the Republic of North Macedonia is founded for the entire territory of the Republic of North Macedonia and acts before the Supreme Court. The four Higher PPOs in Bitola, Skopje, Gostivar and Shtip, act before the appellate courts, while 22 basic PPOs act before more basic courts. In accordance with the provisions of the Law, in the

⁷¹ Criminal acts: infringement of copyright and related rights, Article 157 of the Criminal Code (the infringement of substantive rights shall be prosecuted ex officio, and of the moral rights upon proposal); infringement of the right to a distributor of technical, especially of protected satellite signal, Article 157-a of the Criminal Code (prosecution is initiated ex officio); piracy of audio-visual work, Article 157-b of the Criminal Code (prosecution is initiated ex officio); piracy of phonograms, Article 157-c of the Criminal Code (prosecution is initiated ex officio); unauthorized use of someone else's business name and registered mark, Article 285 of the Criminal Code (prosecution is initiated ex officio); unauthorised use of someone else's invention or software, Article 286 of the Criminal code (prosecution is initiated upon proposal)

PPO of the Republic of North Macedonia was established a separate PPO for acting on cases related to organized crime and corruption.

The Law on Criminal Procedure^{lxvii} has strengthened the role of the public prosecutor in combating perpetrators of criminal acts that are prosecuted ex officio - the public prosecutor received a managerial role in the investigative procedure. PPO is competent for prosecution of the perpetrators of IPR criminal acts in a manner and procedure defined by the Law on the PPO, Law on Criminal procedure and Criminal code.

The necessity of professional development of public prosecutors who act in procedures for protection of IPR is defined. To that end there is a need for continuous education concerning IPR, exchange of information regarding procedures against perpetrators of criminal acts, specialization. This imposes certain changes in the legal acts that regulate the organization of the PPO.

2.4.2.2.3. Academy of Judges and Public Prosecutors

With the establishment of the Academy for Judges and Public Prosecutors⁷², MK made a significant step towards embedding the democratic principles of rule of law and protection of basic human rights and liberties into its justice system, as epitomised in numerous international independent and efficient justice system related documents. The AJPP, through the professional training it delivers, plays a crucial role in the strengthening of the independence and expertise of justice system institutions, and has grown into a responsible and professional partner in its collaboration with national and international institutions and projects.

The primary goal of AJPP is to provide competent, professional, independent, impartial and efficient conduct of judicial and prosecutor function by selecting, organising and conduction initial training for candidates for judges and prosecutors in the first instance courts, i.e., their first instance prosecution offices and continuous⁷³ professional development of judges and prosecutors and of court and prosecutors' servants.

The Academy organises lectures on protection of intellectual property rights within the frames of the Programme for Initial Training of Candidates for Judges and Public Prosecutors. According to its jurisdiction, AJPP also contribute to the specialisation of judges by organising special trainings for enforcement and protection of intellectual property rights⁷⁴.

2.4.2.3. Administrative bodies

2.4.2.3.1. Customs Administration (CA)

The Customs Administration (CA), as a body within the Ministry of Finance (MF) with a status of separate legal entity was established on 14th April 1992 with the adoption of the Law on the CA. The CA performs tasks in its competence through the Central Administration – Headquarters in Skopje and the five Regional Customs Houses.

⁷² Academy for Training of Judges and Public Prosecutors is a public institution established by the Law on the Academy for Training of Judges and Public Prosecutors (Official Gazette No.20/2015, 163/2018, 192/2015 and 231/2015).

⁷³ Academy performs permanent education of judges and public prosecutors in accordance with the Bylaw on permanent education (Official Gazette, No.77/2015, 15/2017 and 19/2017)

⁷⁴ In the period of 2015 – 2020, in the Academy, 21 trainings are conducted.

The CA perform duties and tasks pursuant the applicable legislation out of which the Law on Customs Measures for the Protection of Intellectual Property Rights is the most relevant for this Strategy.

The basic competences of the CA are:

- Customs supervision, customs clearance of goods, customs control, excise surveillance throughout the territory of MK, investigative and intelligence measures to prevent, detect and investigate customs offenses and criminal offenses.
- Protection of the safety and security of people, animals and plants, protection of objects of historical, artistic, and archaeological value, copyright, and other rights, as well as other measures of the commercial policy prescribed by law, post-clearance customs controls.
- Conducting a misdemeanour procedure, imposing a misdemeanour sanction for committed customs, excise, and foreign currency misdemeanour, as well as initiating a procedure for criminal acts laid down by law.

In accordance with the Strategic Plan of the CA 2021-2023, one of the top priorities is complete introduction of digital procedures, thus contributing in two directions: trade facilitation and strengthening and enhancing border security. Customs will continue digitize the import, export, and transit procedures, which should become completely paperless. This will significantly improve the services rendered to economic operators involved in foreign trade operations and will reduce the costs for customs operations. Modul for IPR is ready but is not operational due to the insufficient capacity of SOIP to implement software and hardware connectivity between enforcement agencies.

CA is permanently focused on ensuring progress - by simplifying customs procedures. In such a way, CA will contribute to reducing the time and cost for moving goods across the border and encouraging trade, increasing revenues and employment, and further promoting domestic and foreign investments. By taking even stronger measures to combat trade fraud (piracy and counterfeiting) Customs will also contribute to strengthening the rule of law, stability, and economic growth.

Important and growing is the role of CA in the area of safety and security. Protection of the health and safety of citizens and society remains high on the agenda. The CA is on the first line of defense against illegal and prohibited activities. It shall remain committed to its broader social goal - to provide sustainable economic growth by increasing competitiveness and investments, to improve the business environment and create equal opportunities for economic growth and development of all participants in the economic processes.

The strategic priorities remain: Improving the control over the application of the Law on Customs Measures for implementation of protection of intellectual property rights; Raising awareness of the harmful consequences of counterfeit goods; Intensifying the cooperation with domestic and international institutions and the business community; United data base of entities which breach the law and are convicted for piracy and/or counterfeiting, and Networking of all stake holders-enforcement agencies especially with PPOs and courts.

2.4.2.3.2. State Market Inspectorate (SMI)

The State Market Inspectorate is a body within the Ministry of Economy, with the capacity of a legal entity, has a budget account as a first line budget user, independently performs employment procedures in accordance with the law.

The SMI is organized in two Sectors namely, Sector for General Affairs⁷⁵ and Inspection Sector⁷⁶

From the organizational structure of SMI, it is obvious that there is no special unit for inspection in the field of IPRs property. In order to achieve increased efficiency and continuity in the work, the director of SMI, appointed state market inspectors from all departments in the territory of MK. They are also supervising other laws to perform the protection of IPRs.

The Inspectorate inspects implementation of the laws and regulations in the operation of the companies, legal entities and individuals, implementation of the regulations in the field of prohibition and prevention of unregistered activity, as well as the imposition of inspection measures in order to elimination identified irregularities. The inspection implements in its daily operations over 40 laws and 120 bylaws.

The SMI defines the following priorities to improve its functioning in the field of IPRs: 1) Software application, 2) Capacity building in the field of human resources, 3) Staff training, and 4) Cooperation and coordination of institutions.

In accordance with its competencies SMI is directly involved in the protection of IP rights. Fieldwork is a segment that further requires information communication, database, service system and information exchange. The software application is a priority tool in performing inspections, and it is efficient and effective if the information of the SMI is exchanged with other bodies participating in the exercise of IP rights.

Taking into consideration above facts for the SMI supervision of the operation of the entities, it is necessary to strengthen the capacities in the field of human resources. Inspections as a daily competencies of the SMI are permanently increasing, so there is a need for capacity building in the area of the human resources.⁷⁷

Continuity of employee training is a factor that influences the performance of inspection. SMI needs: Basic training for SMI, Advanced training for SMI, Training for violations of the SMI, Training in the procedures for performing inspection supervision, Training on the best practices of the SMI regarding the inspection procedures for IP and Public awareness of IP through training.

The SMI needs strengthening of the cooperation and coordination with other stakeholders in the field of protection of IP rights. The basic condition for efficient inspection is the coordination of the institutions with the SMI-MIA-Customs Administration-SOIP. Cooperation with the business community, regular meetings and contacts with representatives of rights holders is a pre-condition for effective and efficient protection of the IP rights.

⁷⁵ Department for Legal and General Affairs , Department for Information and Communication Technology Independent organizational units outside the sectors, Department for HR Management, Department for Financial Affairs Department for Internal Audit, Risk Management Unit

⁷⁶ Product Safety Department, Inspection Unit Skopje, Inspection Unit – Tetovo, Inspection Unit – Gostivar, Inspection Unit-Ohrid, Inspection Unit - Struga, Inspection Unit-Bitola, Inspection Unit-Kavadraci, Inspection Unit-Stip, Inspection Unit – Strumica Inspection Unit – Kumanovo General Affairs Department:

⁷⁷ In COMMISSION STAFF WORKING DOCUMENT , North Macedonia 2021 Report, European Commission stress the fact that ... “Despite new employments in the first half of 2021, the Inspectorate lacks enforcement capacity and operates with an insufficient number of licenced inspectors, outdated equipment and insufficient funds to carry out product sample tests. “See page 65 of the Report.

2.4.2.3.3. Ministry of Interior /Police

Ministry of interiors / Police enforces protection of the fundamental freedom and human rights guaranteed by the Constitution, national laws and ratified international agreements, takes care of the protection of the legal order, prevention and detection of criminal offenses, takes measures to prosecute the perpetrators of those acts, and maintaining public order and peace in society.

Police affairs are actions of police officers related to, inter alia, preventing the commission of criminal acts and misdemeanors, detecting and apprehending their perpetrators and taking other measures determined by law to prosecute the perpetrators of those acts; identification and search for direct and indirect property gain obtained by committing a criminal offense.

Pursuant to its competences defined in Law on internal affairs^{lxxvii} and Law on Police^{lxxviii}, in the light of protection of IPRs, Ministry of internal affairs (MIA) – within Bureau of Public Security -Sector for computer criminal and digital forensics, acts upon criminal acts related to infringement of IPRs. In this institution a need has been identified for the professional development and continuous education of police officers in respect to the specific characteristics of such criminal acts and acting upon them.

There is also a need for improving the technical equipment and software for the purpose of creation of data base and exchange of information and coordination between various stakeholders in combating against piracy and counterfeiting.

The aforementioned is especially relevant in the context of booming e-commerce where so-called digital piracy is a lucrative market⁷⁸ for infringers, especially in the case of IPTV - televised content acquired through an internet connection.

2.4.2.4. Coordinative Body on Intellectual Property (CBIP)

Taking into consideration the advices and recommendations of the relevant European and international institutions for undertaking measures against counterfeiting and piracy with purpose of reaching similar degree of protection of IPRs to those provided in the EU member states, the Government of the Republic of Macedonia in April 2007 adopted Decision on establishing of the Coordinative Body on Intellectual Property (CBIP)^{lxxix} and Decision for appointment of Head, Deputy Head, Secretary and members of the CBIP^{lxxx}

CBIP is composed of the representatives of state institutions directly or indirectly involved in the enforcement of IPRs namely, SOIP, Ministry of Economy, Ministry of Interior, Ministry of Culture, Ministry of Justice, Ministry of Agriculture, Forestry and Water Economy, Secretariat of European Affairs, State Market Inspectorate, Customs Administration and Ministry of Finance - Public Revenue Office.

The CBIP was established as a body competent for providing integrated and efficient management of the administration regime in protection of IPRs including the following functions: cooperation in the field of IPR referring to the market supervision, identification of problems, proposing solutions, ensuring coordinated approach for implementation of proposed solutions, and undertaking activities related to creation of relevant policies for

⁷⁸ Only in EU, providers of illegal IPTV gain almost a billion euro every year, harming content creators and legitimate businesses, see, https://euipo.europa.eu/tunnelweb/secure/webdav/guest/document_library/observatory/documents/Awareness_campaigns/spring_campaign_2021/pressRelease_SpringCampaign_ir-en.pdf.

IPRs, as well as direct participation in coordination actions as determined in the monthly Action Plan.

Operative Program for fight against piracy and counterfeiting was enacted in 2010 and amended in 2021. The strategic objectives of the Operative Program are:

- Realization and protection of IPRs, as precondition for existence and improvement of creative potential in the country.
- Strengthening the institutional and administrative capacities for fight against piracy and counterfeiting.
- Promotion of efficient and effective inspection surveillance due to respecting of IPRs.
- Promotion of the functionality of the system for coordination and communication among the competent institutions, bodies and organizations.
- Promotion of the economic potentials of the IPRs in the country and the negative economic influence of violation of IPRs.
- Rising awareness for the IPRs to the public, especially consumers.
- Fulfilling the priorities and recommendations of the European Union.

In cooperation with the Agency for Management with the Confiscated Property and the Ministry of Justice, the CBIP participate in organization of public destruction of pirated and counterfeited goods after completion of the court procedures. Public destruction is conducted twice a year (April and December), accompanied by media coverage.

2.4.2.5. Statistics and information on the enforcement of IPRs

On 09/10/2012, the Methodology for statistical monitoring and data collection for undertaken measures for violation of IP rights was adopted. The analysis of the Methodology in 2016 within the frame of IPA 2011 Project showed certain shortcomings. The proposed solution was revision of the Methodology and creation of web-based information platform to facilitate the exchange of data between IP active institutions.

The cooperation of the institutions that have authority in the protection and the enforcement of the industrial property rights is within their legal obligation to cooperate and exchange information in fulfilment of their roles and responsibilities. Methodology for statistical monitoring and processing of data for actions taken in relation to enforcement of law for intellectual property is defined with clear responsibilities among institutions for reporting, data preparation and types of reports which should be prepared. Methodology also describes processes and collaboration activities in area of protection of intellectual property.

Ministry of Justice (MJ) – collects statistical data on, inter alia, the violations of IPRs⁷⁹. Data refer to the number of received, resolved and unresolved cases.

⁷⁹ The type of statistics depends on the court in which the research is conducted.

The basic courts with extended jurisdiction monitor the total number of cases related to infringement of industrial property rights, i.e., infringement of patent rights, trademark rights, industrial design rights, then infringement of copyright and other related rights such as and certain criminal offenses provided for in the Criminal Code.

The Basic Courts of General Jurisdiction monitor the total number of misdemeanor cases related to infringement of industrial property rights and infringement of copyright and other related rights.

The appellate courts monitor the total number of appeals filed after the first-instance decisions on intellectual property cases (patent, trademark, industrial design, copyright infringement and other related rights) and criminal offenses under the Criminal Code.

In the Administrative Court and the Higher Administrative Court, the control of administrative acts is monitored through the total number of cases in order to ensure judicial protection of the rights and legal interests of natural and legal persons and to ensure the legality of acts adopted by state administration bodies (in case of The State Office of Industrial Property and the Ministry of Culture) when deciding on the rights and obligations in specific administrative acts (decisions).

The reporting units are: Basic courts with extended jurisdiction, in the area of misdemeanors, Basic courts with general jurisdiction, Courts of Appeal, Administrative Court, Higher Administrative Court and the Supreme Court of the Republic of North Macedonia. Reporting period is every 6 months, but since the process is slow and manual, they prepare these reports once a year. MJ requests by mail information from every court. Courts send information in paper. Representative from MJ is summarizing manually collected data from Courts and prepares required reports and send final reports to European Affairs and to SOIP. Representatives of the MJ showed great interest in automating these processes with the implementation of e-Networking system

Customs Administration (CA) - The regular communication between the two institutions (CA and SOIP) is conducted traditionally, by phone or written Requests/inquires for documents regarding certain IPR case. A requirement was raised from CA representative to electronically exchange data between two institutions instead of current phone / paper-based communication. Also, representatives from CA proposed separate module "Coordinative Body" to be developed, where parties will have direct view / access to report directly in the SOIP. This should operate as an administrative procedure module. The CA also have interest and need to receive information about the Courts' cases and their status, in the IPR domain.

State Market Inspectorate (SMI) - The regular communication between the two institutions is conducted by phone or written Requests/inquires for documents regarding certain IPR case. Representative from SMI also expressed interest to have electronic communication, and possibility to access Cases of court practice as good learning tool in the area of IPR.

The MJ processes the collected data in a single table, which is a sublimation of the processed data from the reporting units.

The statistical data related to court actions in protection of IPRs for the period 2016 to 2020 are not published. The last published statistical data are from 2013 and 2015, which create great difficulties for capacity building of the courts as well as for having true numbers to improve the situation in judiciary

There are no available statistical data for criminal procedures.

In the web page of Public prosecutor's office^{lxxxii} there are annual reports for the period 2015-2019. Unfortunately, in the statistical data there are no data for perpetrators of criminal acts of intellectual property.

The Supreme Court of the Republic of Macedonia monitors the total number of submitted and resolved extraordinary legal remedies in criminal, misdemeanor and civil proceedings in relation to cases in the field of industrial property and copyright and related rights.

CHAPTER III. INTELLECTUAL PROPERTY SYSTEM IN NORTH MACEDONIA TARGETED STATE AND STRATEGIC DIRECTIONS PER CLUSTER

STRATEGIC INTENTION

The strategy puts innovation and creativity, as two key sources of Intellectual Property (IP), within the entirety of public policies.

Strategic intention is supporting national strategic efforts in the field of economy, science and technology, culture, and overall development by providing efficient and stimulating national system for effective generation⁸⁰, protection⁸¹, and exploitation⁸² of intellectual property and exercise⁸³ of IP rights.

Consequently, the subject of this strategy is the Intellectual Property System (IPS) of North Macedonia that consists of:

1. Network of stakeholders of the system such as the competent administrative bodies, judiciary, academic and R&D entities, holders of IPRs and their associations, collective management associations, business operators and their associations, IP professionals and their associations.
2. Applicable legislative framework including national laws and bylaws regulating PRs in narrower and wider sense as well as relevant international legislation binding MK.
3. Programs, plans and projects of the Government and/or administrative or judicial bodies related to respective aspects of IPS.
4. Supervisory and coordinative mechanism/body for the strategic management of the national IPS.

The overall objective is that by the end of the implantation of the Strategy (2026) national Intellectual Property System (IPS) guarantees the level of protection of IPRs in MK equal to that existing in the EU, while providing optimal conditions for advanced use of IP as a power tool for economic growth, scientific, technological, cultural, and overall societal progress. This objective implies move from the level of “moderate preparedness” to the level of “well preparedness” of MK for the accession to the EU in the field of IP i.e., the targeted state of the national IPS that would ensure conditions for opening and closing negotiations in Chapter VII. (3.07.)

Specific objectives (goals) for the respective strategic themes are

1. IP component in the key public policies in North Macedonia recognized and enhanced.
2. Creation and exploitation of IP in North Macedonia boosted.
3. Institutional framework for acquisition of IP rights modernized and efficient

⁸⁰ Intellectual Property can be generated by own or joint creation and/or commercial acquisition of somebody's else's IP.

⁸¹ Acquiring and maintenance of the exclusive rights under the applicable national and international legislation before the competent national or international authorities.

⁸² Profitable use by businesses at national and international level.

⁸³ Legal enforcement by the state enforcement bodies under the applicable legislation and respect of rights based on public awareness and recognition of IPRs.

4. Enhanced recognition and effective and coordinated enforcement of IPRs
5. National IP legislation modernized and compliant with the EU acquis and the international IP legal order
6. International cooperation and participation in the international IPS improved.

OBJECTIVE 1. - IP component in the key public policies in North Macedonia recognized and enhanced.

Intellectual Property can have significant effects in the implementation of many public policies. Apart from the obvious ones such as economic growth, science, research and development, innovation and technology transfer or creative industries, IP is a relevant factor in public policies such as development of agriculture and food production, regional and rural development, the health protection of humans, animals and plants, protection of the natural environment, etc.

Smart Specialization Strategy (S3) in North Macedonia is being jointly prepared by the ME and MES⁸⁴ in cooperation with GIZ Germany⁸⁵. S3 combines some of the most relevant public policies mentioned above⁸⁶ by using criteria for economic potential, innovation potential and scientific potential in quantitative mapping of the sectors.

At the end, the mapping is combined, and an overall set of mapped industries is proposed as a base for Smart Specialisation, in other words as priority domains and activity areas for public investments.⁸⁷

⁸⁴ The process started in March 2018 with official request by the Deputy Prime Minister for Economic Affairs to the Joint Research Center (JRC) and the creation of inter-ministerial WG for development of S3 led by the Ministry of Economy and Ministry of Education and science consisting of 13 representatives from governmental institutions and representatives from academia, chambers, IPO, SSO,

⁸⁵ Project Mapping economic, innovative, and scientific potential in the Republic of North Macedonia is funded by GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The process started in February and was finalized in November 2019. The quantitative mapping has been conducted by National Centre for Development of Innovation and Entrepreneurial Learning from Skopje.

⁸⁶ Smart Specialization Strategy, is closely correlated to the:

- Innovation strategy,
- Industrial strategy,
- Regional development strategy,
- Competitiveness strategy.
- Missing R&D Strategy.

⁸⁷ In total, 19 industries are selected and promoted as a base for the development of the national S3:

Manufacture of grain mill products, starches and starch products.

Manufacture of other food products.

Manufacture of beverages.

Cutting, shaping and finishing of stone.

Manufacture of electric motors, generators, transformers and electricity distribution and control apparatus.

Manufacture of other electrical equipment.

Manufacture of parts and accessories for motor vehicles and their engines; C31.0 Manufacture of furniture.

Publishing of books, periodicals and other publishing activities.

Wireless telecommunications activities.

Other telecommunications activities.

Reproduction of recorded media.

Manufacture of rubber products.

Manufacture of metal forming machinery and machine tools.

Restaurants and mobile food service activities.

Event catering and other food services.

Sound recording and music publishing activities.

Radio broadcasting; and

The process continues with the qualitative mapping.

S3 as strategy for economic growth based on innovation should replace the Innovation strategy that ended in 2020. Furthermore, S3 is inherent part of NPAA for Chapter 25 - Science and research and Chapter 20 - Enterprise and industrial policy.

Progress Report 2020 in Chapter 25 Science and research states that North Macedonia has a good level of preparation in the area of science and research. Some progress was made in the research and innovations capacities in the public and private sector and in the development of the Smart Specialization Strategy (S3). Out of last year's recommendations, the country addressed investments in innovations in private companies and started the development of a S3. Thus, in the coming year, the country should:

- a) ensure a higher level of investment in research and intensify efforts to increase participation in the Horizon 2020 and future EU programs for research and innovation.
- b) continue to work on completing the S3 to underpin national research and innovation strategies and policies.

The above-specified recommendations are complementary to the strategic objectives of this IP Strategy and their implementation is hereby strongly supported.

Furthermore, what has been repeatedly emphasized as a priority in the existing strategic documents is the (absence of) connection of scientific research and development at academic institutions with the needs of the economy. As the first step this process would require a technology needs assessment at relevant levels and areas.

Competent ministries will explicitly regulate in the policy of public financing R&D at universities and other R&D institutions, as well as in the instruments for the implementation of this policy, that funding priorities have:

- a) those research areas and programs relating to sectors with the highest innovation potential according to S3,
- b) those research projects that have contracted cooperation and/or co-financing with business entities
- c) those academic institutions that have a clearly defined intellectual property policy of their own and the corresponding regulations for the implementation of that policy according to the guidelines set out below.

Public scientific-research institutions will develop IP policies that will balance relevant public strategies (the strategies of the decision-makers on public funds) and the strategies of autonomous academic institutions. In aligning these strategies, all the issues concerning the creation, protection and commercialization of IP will be clearly identified.

The policies will, in relation to the creation of IP, clearly identify possible forms and potential creators of IP in academic institutions, as well as the treatment of IP generated in joint research, including the treatment of, not only patents, utility models and industrial designs, but also copyright and confidential information in the creation process.

Furthermore, the state of the art should be included as a criterion for projects funding via introduction, of the obligation for scientific and research institutions to analyse existing state of the art contained in the patent literature (searching the relevant sources of patent information), as a criterion/ precondition in the application procedure for public funding.

This will result in double benefit: first, avoiding of wasting of limited funds on research the “targeted results” of which already form part of the state of the art, and second, providing researchers with actual and reliable starting point for further research.

Concerning the protection and commercialization of IP, the questions such as: identifying IP rights, identifying patent proprietors on "Academic Inventions", publication of research results in the context of the novelty of invention, allocation of rights and profit from commercialization, dispute resolution mechanism must be answered.

Public Universities and R&D institutions, need to formulate policies on innovation and transfer of knowledge that would extend the scope of innovation and research bases to the student population. Such policies shall include, among other programs, creating preconditions for innovation and business projects of students by evaluating and awarding innovation projects and setting up students’ business incubators.

In line, and complementary to the above, an appropriate systematic education of students in the field of IP matters should be introduced through the formal curricula, as an improvement of the sporadic education carried out so far within the courses of lectures at the relevant faculties.

Basic knowledge and skills of IP have to be introduced in school programs (elementary school and high school). At the university level special curriculum should be designed for social faculties, technical faculties, science, and arts. In order to motivate, and stimulate creative spirit in the academia, the amendments of Law on higher education and universities regulations should be done. Namely, steps taken towards appropriate commercialization of a research result, including obtaining a patent, should also be considered as mandatory and dominant criteria for advancement in scientific careers, in order to incentivize inventors to protect for commercial exploitation those innovations with significant market potential.

MES should consider adapting or augmenting the syllabi of technical and art schools and management faculties to include IP as a subject adapted to the needs of that discipline.

The government shall via the ministries competent for different aspects of regional development policy, in creating conditions that will reduce the disparities among regions, define specific measures based on the creation, protection and profitable use of the different types of intellectual property. This refers particularly to agricultural and rural policy, as well as cultural policy.

The main goal of an overall agricultural and rural policy is to increase the competitiveness of agriculture, to improve the status of farmers and to improve the quality of life in rural areas.

Increased competitiveness of the agricultural and food sector is stimulated with the programs for agricultural products market regulation, increased quality of food and ecological agricultural production. Special attention shall be given to the protection of autochthonous agricultural products and foodstuffs, plant varieties and animal breeds.

Competent ministries and agencies would prepare and implement dedicated policies at the state and local levels, including comprehensive analysis, mapping, and creating of a catalogue of autochthonous agricultural products, foodstuff, cottage industry, plant varieties and animal breeds.

On this basis competent bodies will establish a policy on governance, (collective) management and protection of different (collective) IP titles (Geographical Indications, Appellations of Origin, Collective Trademarks, Certification Marks etc.) for products and services originating from specific regions in North Macedonia and/or having specific characteristics.

As it is stated in the current Culture strategy the cultural economy can be a great source of income and reduce or prevent the outflow of people from local communities in the capital and abroad. It is also a major driving force behind sustainable development. The cultural diversity of the population in MK is a great potential for the development of this type of economy.

The strategic directions for development of the creative economy defined in the Culture strategy are still very relevant and reinforced with the IP strategy as follows:

- Expedient use of cultural values (historical monuments, cultural landscape, art projects) to promote the economy in the municipalities and in the country as a whole.
- Encouraging CSOs to provide the necessary assistance to producers of cultural goods in promotion and sale, through support from the central and local budgets and through the opportunities provided by European funds.
- Changes in the tax system in order to provide tax incentives to private companies to support the creative industries and, in general, to sponsor culture.
- Changes in legislation that will facilitate relations between all entities involved in the creative economy - producers of cultural goods, facilitators of their placement on the market, as well as mobile operators, cable, radio and television operators and other entities.

Concerning *protection of the health of humans, animals and plants*, the system could be improved, with a clear allocation of competencies and responsibilities of all the bodies and institutions involved. Specifically, the system of official controls in this field must clearly include the conformity assessment and control in the field of agricultural products and foodstuffs protected by geographical indications (GI), Appellations of Origin (AO) and plant variety rights (PVRs).

Furthermore, the links between legislation regulating IP issues and legislation regulating public health issues in North Macedonia should be borne in mind.⁸⁸

The policies concerning *protection and conservation of nature* should ensure the stability of the basic resources and potentials for further development of North Macedonia. In this respect the competent ministry should, in cooperation with the SOIP, monitor the development of the international legal instruments in the field of IP relating to genetic resources and protection of biological diversity, and will initiate the corresponding national measures, if necessary.

Preparing and adopting a S3 Strategy is an excellent opportunity to integrate the IP component through a single document into several relevant public policies, especially those related to creation and exploitation of IP.

⁸⁸In this context some of the following questions may arise: Does IP (and if yes, in what way) affect access to medicines? How are problems solved and who is responsible for addressing the interrelations of IP and health issues? Does IP affect access to modern medical technologies and/or resources? Does North Macedonia have policies and regulations that can use the flexibility of TRIPS? Is there a cooperation between the health authorities and the holders of IPRs on these issues?

OBJECTIVE 2. - Creation and exploitation of IP in North Macedonia boosted

Most relevant national strategic documents in this respect are the Innovation Strategy 2012-2020, the national SME Strategy 2018-2022, and national Culture strategy 2018-2022.

The main points in the *Innovation Strategy 2012-2020* that concern IP System are the following:

1. To support innovation, the creation of new technologies and the flow of information in both the public and the private sector, adequate framework conditions such as human capital, access to finance, intellectual property rights legislation and a favourable business climate, are required.
2. Even though North Macedonia has a regulation of intellectual property (IP) rights that is well advanced, and it has ratified most of the respective international frameworks, enforcement of IP legislation can be improved.
3. The research output of research institutions currently suffers from the lack of collaboration with businesses and the lack of labour mobility. Furthermore, policies for IPRs such as patents and trademarks, determining, for example, whether the rights should belong to the university or individual academics, are lacking. These policy gaps prevent the research institutions from fully contributing to innovation in the country”
4. Trainings on drafting patent applications - The Ministry of Economy will undertake measures for training the legal representatives how to write and submit good quality international patent applications. With this, it is expected for the number of international patent application by the citizens of MK to be increased.

The IP strategy in appropriate manner encompass those strategic directions.

To support patent propensity at the universities and R&D institutions, it is recommended to open two IP information centres - PATLIB Centres. The Service Portfolios for the Centres will be defined at a specific level. Namely, minimum service portfolio for a general PATLIB centre accompanied by the completion of a basic training programme for PATLIB Centre staff and advanced and excellence service portfolios for PATLIB Centres offering services beyond the minimum portfolio.

It is recommended that advanced level PATLIB centre is established in Skopje, and general level in Shtip in short term, and that both centres develop to the next level during the period of implementation of the Strategy i.e., excellence and advanced levels respectively.

The PATLIB centres should be located at the leading (public) universities and thus brought closer to students and professors as well as to scientific research institutes. Services on the general level should be free of charge for the users.

The Government of North Macedonia adopted a Strategy for small and medium-sized enterprises (SMEs)^{lxxxii} which determined the following strategic objectives:

1. Favorable business environment: To create a favorable business environment in which entrepreneurship and investment are encouraged.

2. Increasing and improving the opportunity for SMEs growth: To assist SMEs become highly productive and competitive participants in European and other international markets.

3. Dynamic ecosystem of entrepreneurship and innovation: To stimulate the economic competitiveness of North Macedonia by increasing the entrepreneurial and innovative capacity of SMEs.

SMEs are particularly important segment of the modern economy. They account for 99% of all businesses in the EU and contribute 57% of EU GDP and around two-thirds of total employment^{lxxxiii}. Much of the value created by these companies comes from a small number of high-growth companies that are often very innovative. SMEs that apply for patents, trademarks or designs have a greater probability of experiencing high growth than SMEs that do not.⁸⁹

Main reasons for registering an IPRs by SMEs in Europe are preventing copying, better legal certainty, Increased value and image, more effective enforcement, improved negotiation position, and main positive impacts are: increased reputation or image of reliability, strengthening of long-term business prospects and increased turnover.

Bearing in mind these facts, and the low level of awareness of SME's regarding the benefits of IP for their businesses a coordinated effort is necessary in formulating a specific policy to stimulate the development and use of IP in SMEs.

In accordance with the article 1(3)(h) of Prespa Agreement, in relation to the name Macedonia and Macedonian and terminologies in commercial names, trademarks and brand names, the chambers of commerce, should encourage SMEs to participate in the committee of business dialogue between North Macedonia and Greece.

The main strategic directions from the *Culture strategy* are:

Mapping the available and potential resources for cultural and creative industries at national, local, and urban level by analysing the existing infrastructure, identifying problems, positive capacities, and development trends, as well as giving directions for future development.

Creating an integrated strategy for the development of the cultural and creative industries and the inclusion of the cultural and creative industries in the relevant public policies at national and local level.

Building awareness of the potential of the cultural and creative industries for socio-economic development.

Creating favourable conditions for cooperation and development of the cultural and creative industries through appropriate sectoral policies, including regional and local strategies, local development plans and national strategic documents.

Utilization of local resources and infrastructure to improve the local economy through a stimulated link between creativity and the economy.

Greater financial incentives for the cultural and creative industries.

⁸⁹ The study shows that SMEs that have filed at least one IP right are 21% more likely to experience a growth period afterwards and are 10% more likely to become a High-Growth Firms (HGF) than firms without IP rights applications. The research also reveals that the chances of an SME becoming an HGF increase by 33% if they use "bundles" of trademarks, patents, and designs instead of one single IP right category. (HGF are defined as companies that experience a growth rate in turnover of 20% or more for a three-year period).

Encouraging research activities, innovation, creativity, and entrepreneurship in the creative and cultural industries.

A well-functioning system of collective management of copyright and related rights is the main prerequisite for their successful market realization, and its absence or poor functioning, is the main obstacle to the development of creative industries.

As previously pointed out, there is only one collecting society existing and operating in North Macedonia, and the formation of missing collective organizations and the start of their effective functioning stands out as an urgent need.

The Ministry of Culture and/or SOIP, in cooperation with associations of copyright and related rights holders, will encourage and supervise the expeditious establishment of collecting societies of all rights provided for in the Copyright and Related Rights Act.

In this process the “WIPO Connect”, a new IT solution, developed and offered by WIPO, aimed at facilitating the collective management of copyright and related rights, shall be considered^{lxxxiv}.

The tariff setting procedure for collective management organizations (CMOs) is regulated in the Law. The procedure is rather simple, from a legal point of view. If there is no agreement between the CMO, on the one hand, and the association of users or, exceptionally, an individual user, on the other hand, the Commission for mediation in the field of CRRs shall issue opinion about the tariff, which is binding for the CMO. The amended tariff shall be sent to the Commission for mediation in the field of CRRs. The Commission will issue opinion on the amended tariff and send both (the tariff and the opinion) to the Government, which has to pass the decision for issuing consent of the said tariff.

The said procedure must be amended⁹⁰ giving the competence for issuing consent to the tariff of CMO to the Commission for mediation in the field of CRRs, as expert body.

The Commission for mediation in the field of CRRs shall be completed/appointed (only three members are appointed) by the Government of North Macedonia. Regrettably, it has not been done yet⁹¹.

It is recommended that the members of the Commission for mediation in the field of copyright and related rights are appointed, and the Commission starts its work, as soon as possible.

Ministry shall consider the creation of a fund to support domestic music, feature, and documentary production, especially of deficient television forms and genres. This support should be carefully determined to ensure that the desired goal is achieved - the production of a quality music, feature, documentary, and educational program. It is necessary to determine the sources of the funds, the amount, competent body for collection and distributing the funds, the entities entitled to receive the support, the content, the objectives, and transparent criteria according to which the funds will be distributed.

The good practice of Film Agency of North Macedonia, regulated in the Law on film industry activities and the ways in which European countries support domestic production, can be

⁹⁰ The competence of the Commission for mediation in the field of CRRs for issuing consent on tariff was regulated in the basic text of The Law for copyright and related rights (“Official Gazette”, No.115/10).

⁹¹ The President of the Commission was appointed by the Government, recently.

used to create the most appropriate model to support domestic production in North Macedonia.^{lxxxv}

There is a significant number of quality products in MK linked to the origin, with special characteristics that users recognize and are willing to pay a higher price for them. This is primarily case with, but not limited to, food and agricultural products and beverages (cheese and other dairy products, honey, fruit and vegetables, wines, brandy, tobacco, but also handicrafts products, cottage industry, etc).

These are typically the objects of protection by appellations of origin, geographical indications, collective or certification marks (with additional protection of individual manufacturers with other forms of IPRs, mainly trademarks and/or industrial designs).

This area deserves special attention and dedicated policy at the state and local levels, including comprehensive analysis, mapping, and creating of a catalogue of these products, comprehensive plan aiming at improving their collective management and marketing.

This should be particularly to the benefit of small and micro producers, especially in agricultural areas and small villages where there is no capacity for marketing and no knowledge on the management. Therefore, the care of the state, regional and local government with respect to the collective approach to the management and marketing for those specific area which are not at all able to organise individual distribution of products and its visibility would give an incentive to the growth to these producers and remote areas.

MK also had a tradition of selection work and the development of new varieties of field crops, which might be protected as a new plant variety right, as well as a palette of traditional varieties that thrive in specific local conditions, which might be protected by the appellation of origin. In the modern supply and demand of agricultural and food products on the global market, these products can have a "premium" position. To allow breeders or holders of plant variety refining rights, to return the funds they have invested in the creation of the variety and make a profit, the protection of plant varieties has been introduced as one of the forms of IP protection. In this way, breeders are stimulated to intensify work on the creation of new varieties, thereby directly encouraging the development of domestic agriculture and improving the production of food.

Since the relevant public is not sufficiently informed about the protection of plant variety rights, it is strongly recommended to work on promoting this topic through certain workshops, thus enabling a better understanding of the system of protection of these rights and benefits of it.

Having in mind the above specified strategic directions, this document defines the quantitative targets of the creation of respective types of intellectual property.

TARGETED LEVEL OF CREATION OF INDUSTRIAL PROPERTY

Number of resident patent applications

The number of resident patent applications filed with SOIP for the year 2021 is calculated based on the actual average annual growth rate (AAGR) in the period 2016 -2020. The calculated value for the year 2021 is 43 applications.

If the same tendency continues, in year 2026 number of applications will be 38, and total number in the next 5 years will amount 200.

Targeted AAGRs for the period 2022 -2026 are set as:

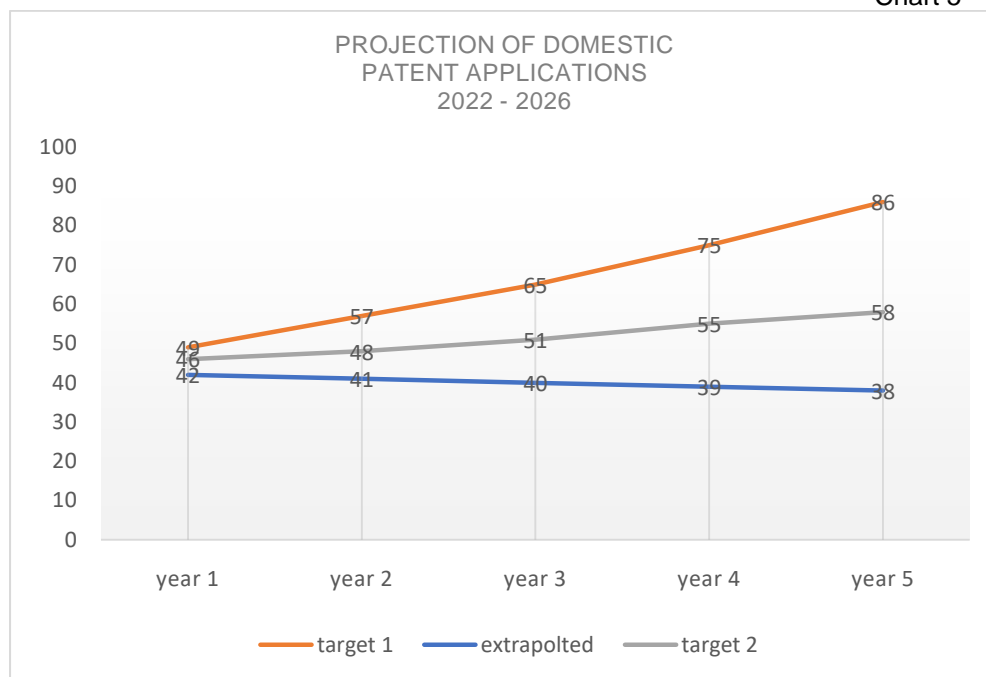
a) Target 1 (higher/preferred) is set as doubled number of patent applications filed in 2026 (86) compared to the assessed number in 2021 (43). That would require AAGR of 14,87 % and total number of applications in the 5 years period would be 332.

b) Target 2 (lower/conservative) is set as arithmetic mean between the AAGR in the period 2016-2020 (-2,65%) and the Target 1 AAGR (14,87%) which equals to AAGR of 6,11%. Consequently, total number of patent applications in 5 years period would be 258.

Table 10

ACTUAL		PROJECTED FUTURE APPLICATIONS			
Year	Applications	Year	extrapolated	Target 1	Target 2
AAGR	-2,65 %		-2,65 %	14,87 %	6,11 %
2016	49	2022	42	49	46
2017	52	2023	41	57	48
2018	32	2024	40	65	51
2019	49	2025	39	75	55
2020	44	2026	38	86	58
TOTAL	-	-	200	332	258

Chart 5



Number of resident design applications

Table 11

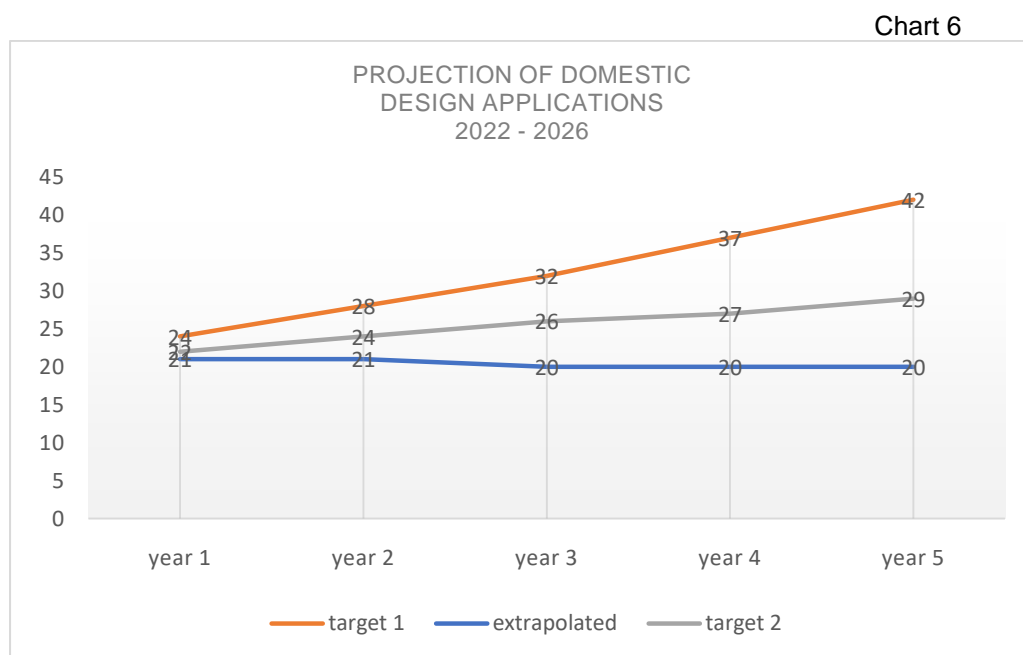
ACTUAL		PROJECTED FUTURE APPLICATION			
Year	Applications	Year	extrapolated	Target 1	Target 2
AAGR	-1,1%		-1,1 %	14,87 %	6.88 %
2016	22	2022	21	24	22
2017	35	2023	21	28	24
2018	33	2024	20	32	26
2019	34	2025	20	37	27
2020	21	2026	20	42	29
TOTAL	-	-	102	163	128

The number of resident design applications filed with SOIP for the year 2021 is calculated based on the actual average annual growth rate (AAGR) in the period 2016 -2020. The calculated value for 2021 is 21.

Targeted AAGRs for the period 2022 -2026 are set as:

a) Target 1 (higher/preferred) is set as doubled number of Design applications filed in 2026 (42) compared to the assessed number in 2021 (21), that would require AAGR of 14,87 % and total number of applications in the 5-year period would be 163.

b) Target 2 (lower/conservative) is set as arithmetic mean between the AAGR in the period 2016-2020 (-1,1%) and the Target 1 AAGR (14,87%) which equals to AAGR of 6,88%, consequently, total number of applications in the 5-year period would be 128.



Number of resident trademark applications

Table 12

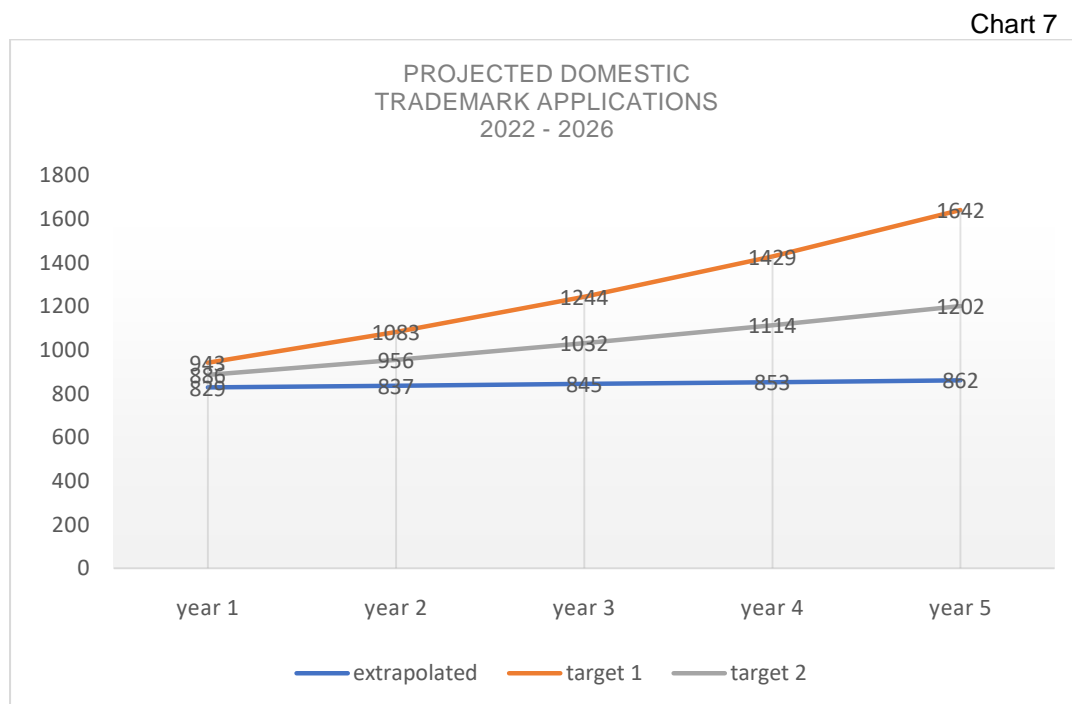
ACTUAL		TARGETED			
Year	Applications	Year	extrapolated	Target 1	Target 2
AAGR	0,98 %		0,98 %	14,87 %	7,93 %
2016	782	2022	829	943	886
2017	780	2023	837	1083	956
2018	843	2024	845	1244	1032
2019	870	2025	853	1429	1114
2020	813	2026	862	1642	1202
TOTAL	-	-	3466	6341	4190

The number of resident trademark applications filed with SOIP for the year 2021 is calculated based on the actual average annual growth rate (AAGR) in the period 2016 - 2020. The calculated value for 2021 is 821.

Targeted AAGRs for the period 2022 -2026 are set as:

a) Target 1(higher/preferred) is set as doubled number of trademark applications filed in 2026 (1642) compared to the assessed number in 2021 (821), that would require AAGR of 14,87 %, and total number of applications in the 5-year period would be 6341.

b) Target 2 (lower/conservative) is set as arithmetic mean between the AAGR in the period 2016-2020 (0,98%) and the target 1 AAGR (14,87%) which equals to AAGR of 7,93%, consequently, total number of applications in the 5-year period would be 4190.



TARGETED PERFORMANCE OF THE CREATIVE INDUSTRIES (CI)

As stated in Chapter II. there is a relevant methodological instrumentation for measuring the economic contribution of the CIs as well as a large number of studies already carried out that provide a good basis for comparisons and strategic planning and decision-making in this area.

The benchmark given in table 13 presents contribution of copyright-based industries in some countries from the region who conducted such studies in the past and the in the EU member states (average).

Table 13

Country / year	GDP %	Employment %
Bulgaria – year 2011	4,5	4,5
Croatia – year 2002	4,4	4,2
Croatia – year 2004	4,3	4,7
Slovenia – year 2007	5,1	6,8
EU – 2011- 2013 (average)	6.8	7,1

North Macedonia has not conducted such a study yet, thus quantitative analysis as the basis for policy formulation is not possible now.

Ministry of Culture, in co-operation with the State Institute of Statics, will conduct a study on the economic contribution of creative industries in North Macedonia at the beginning of the strategic period (2022). The study will determine the contribution to selected macro-economic indicators, including GDP and Employment. In order to evaluate the success of the implementation of the strategy in this segment, the same study will be re-conducted at the end of the strategic period (2026).

At the moment, these quantifications are not available, but the targeted strategic effect of this strategy is to achieve:

Target 1 (higher/ambitious) the values that these industries had in EU (average) namely, total (direct and indirect) contribution to employment 7.1% and contribution to GDP 6,8%

Target 2 (lower/optimal) the values that these industries had in the above benchmark (average without EU) namely, total contribution to employment 4,7% and contribution to GDP 5,5%

OBJECTIVE 3. - Institutional framework for acquisition of IP rights modernized and efficient

3.1. State Office for Intellectual Property (SOIP)

3.1.1. Transfer of competences for copyright and related rights to SOIP

During the consultative process on the preparation of this strategy, the issue of possible extension of the competences of SOIP to copyright and related rights was repeatedly raised by various participants. This would make SOIP an administrative state institution in charge of intellectual property. This solution is common in many countries and, comparatively speaking, in the region and in the EU, many countries have chosen such an institutional arrangement.

Consequently, it is recommended to transfer the competence for all the tasks related to protection of copyright and related rights from the Ministry of Culture to SOIP. This would bring concentration of the affairs related to intellectual property rights in a single administrative institution, which increases the visibility of this area and enables the optimization of resources and increased effects.

3.1.2. Human resources staffing, recruitment, professional development

In respect to the number and structure of employees in relation to the current systematization of jobs and the existing content and scope of business, and especially given the extension of competences to CRRs, as well as the orientation to provide more services to relevant sectors, SOIP has a very unfavorable human resources situation.

An additional, critically important aspect is that several most experienced staff who have undergone numerous educations at home and abroad are retiring in the next 2-3 years, and no suitable replacement has been prepared.

It is therefore recommended to prepare a comprehensive 5-year plan for the recruitment and professional development of human resources in SOIP. In doing so, projections of the future number and structure of applications for respective IPRs, the effects of automation programs, and specialization on individual economic sectors in accordance with the results and recommendations of S3, should be taken into account.

Specialization in the patent sector

Specializing in the patent (and utility model) sector in selected areas of technology in accordance with the priority sectors of the S3 strategy.

In the patent (and utility model) sector, specialist patent examination work is carried out for resident applications, other applications submitted directly to the office and PCT applications entering the national phase. Validations of European patents do not require substantive work of patent examiners, and the number of PCT applications is very small and declining. Therefore, the focus is on applications submitted directly to the Office that are almost entirely domestic.

Consequently, for the needs of the priority sectors of the S3 strategy, human resources of appropriate specialties will be provided and the Agreement with the European Patent Office (EPO) on obtaining a "search report with the written opinion" on favorable terms and within short time periods, will be concluded for adequate number of patent applications from selected sectors, (total of 50 to 100 applications per year).

3.1.3. Professional development

SOIP will make a complete 5-year plan for vocational training, development, and personnel advancement. This plan will specify the content, level, and sources of specialist training. In addition to appropriate graduate and postgraduate studies at home and/or abroad, specialist training will be based on the following.

The plan shall, among other methods, encompass distance-learning programs developed by WIPO,^{lxxxvi} both in the field of copyright and related rights and in the field of industrial property. The WIPO distance – learning programs are divided into two sections: General Courses and Advanced Courses. There are also programs which are created for very high level of specialisation.

Due to described outspread of the distance – learning WIPO programs, the relevant education and specialisation needs of the civil servants employed within the SOIP can be met, for professionals in all fields of IP and for newcomers in the field.

The distance-learning courses developed by EUIPO^{lxxxvii} are also available on-line, for trademarks and industrial designs, in particular, but also for commercialisation and use of IP as asset for economic growth and development. They are available as basic programs, intermediate and advanced webinars.

European patent office (EPO) also developed platform for online learning, particularly on patents and inventions.^{lxxxviii} The webinars and online courses may be selected by interest and by profile. Different materials and programmes are available for universities, for businesses and for lawyers and patent attorneys. Particularly, EPO E-Learning Centre offers the whole online platform for e-learning and education.

Other forms of education and specialisation are also available, such as specific and tailor-made seminars and courses developed by WIPO, EUIPO, EPO and by professional international organisations such as European Patent Institute (EPI), International Licensing Executive Society (LESI), International Trademark Association (INTA), European Community Trademark Association (ECTA) and others.

3.1.4. Outreach and Publications

The SOIP / Ministry of Culture will prepare and print relevant publications to make the information about the system in North Macedonia available to the public. It is recommended to develop publications in domestic languages, which are available in WIPO library and ready for translation without further costs. Those publications should present IPRs within the recent technological developments, in particular with respect to the consumption of copyright works and subjects protected by related rights on digital platforms and generally, in digital environment.

Intensive and dynamic technological development shall affect creation, commercialisation and consummation of subject matters protected by IP and therefore the publications prepared by the SOIP / Ministry of culture, intended for general public, should be frequently updated and should follow the dynamics of technological development.

With the assistance of WIPO, SOIP / MC will make available to the interested stakeholders, in domestic languages comprehensive sets of publications in the field of CRRs intended primarily to CMOs.

With the assistance of WIPO, SOIP / CCs will make available to the interested stakeholders, in domestic languages comprehensive sets of publications in the field of IP intended primarily to SMEs and Start-ups.

In cooperation with other relevant NIPS stakeholders, SOIP will regularly and, at least twice a year in the next 5-year period, organize thematic events with relevant members of the public (promotional events, presentations, workshops, conferences, etc.)

3.1.5. E-network for exchange of IP data

Electronic platform for data exchange and implementation of the Methodology for collection of statistical data from the institutions competent for the enforcement of IP rights^{xxxix} is a topic that has been under way for many years and no adequate solution has been achieved. Resolving of the problem started in 2006. Under the CARDS program, the 'IRIS' system for data exchange among the competent authorities was prepared, but the system has never been put into operation.⁹²

On 09/10/2012, the Methodology for statistical monitoring and data collection for undertaken measures for violation of IP rights was adopted. The analysis of the Methodology in 2016 within the frame of IPA 2011 project, showed certain shortcomings. The proposed solution

⁹² The REPORT on full assessment of IRIS for SOIP was done in October 2009 under the CARDS Regional programme on IP rights in the western Balkans and Turkey. The Report offered the set of recommendations bearing in mind political background, huge publicity which has been given to the project and big expectations of FYR Macedonia's Government for completion of the IRIS project up to the end of 2010, and the efforts invested in elaboration of cooperation between institutions and specification of data needed for each institution.

was revision of the Methodology and creation of web-based information platform to facilitate the exchange of data between IP active institutions.

This is one of the undoubted strategic directions for the improvement of national IP system in North Macedonia. In this project, funds and resources are provided for the realization of the goal. Therefore, it is considered the first priority in the implementation of this strategy.

3.1.6. E-filing and E-services

E-filing of trademark, and industrial design applications.

SOIP signed the agreement with the EUIPO concerning the provision of software solution and technical assistance to SOIP for the installation and the implementation of E-filing for trademark and industrial designs applications.

This is critically important strategic decision whose implementation will ensure enormous benefits for both the SOIP and the users of the system (applicants). This solution will bring not only the significant improvement of efficiency in the administrative procedures for trademarks and industrial designs in SOIP but shall also bring knowledge and best practices that are embodied in this solution.

Additional value of this strategic direction is convergence of the practice of SOIP to the practice of EUIPO and its member states, which will be of critical importance for the future accession of North Macedonia to EU and the integration of the national IP system into IP system of EU.

SOIP will do all the necessary to ensure successful implementation in accordance with the EUIPO's project governance and duration of the implementation⁹³.

Content-wise it is important to note that e-filing include functionalities⁹⁴ and e-services⁹⁵. What is designated by the EUIPO as e-services, actually represents subsequent actions before the Office. In other words, those e-services does not include e-services as specified in earlier strategic programs, such as development of 4 modules resulting from the Project implemented with the technical support of Norway.

SOIP will develop said e-services in accordance with the long-standing strategic direction.

E-filing of patent applications.

⁹³

- Process goes through the following phases: project organization, gap analysis, kick-off (set-up costs), analysis, development, testing, go-live, closure
- Implementation of e-filing part for trademark applications takes between 9 and 12 months.
- Implementation of e-services part follow the step 2.
- EUIPO follows Project organization that includes:
 - a) on the side of IP Office: Project board (Executive + Senior user + Senior Provider) and Project Team (Project manager + Key Business user + Internal and external IT consultant)
 - b) on the side of EUIPO: Project board (Executive-Head of service) and Project team (Project manager + Deployed PM + Project Lead + BA Lead & external consultants + IT Lead and external consultants)
- All the above-mentioned equally applies to the modules for industrial designs.

⁹⁴ Such as: retrieve similar TM details, search Nice/Locarno classifications, retrieve applicant/representative details, PreClerance report, automatic calculation of fees etc.

⁹⁵ Such as: renewal, change of details of the owner or representative, transfer of rights, invalidity, rights in rem, license, opposition, revocation, objection, withdrawal, etc.

North Macedonia is full member state of the European Patent Organization and represented in the Administrative Council which also supervise the European Patent Office as an executive arm of the organization. Consequently, North Macedonia benefits from all the developments within European Patent Network (EPN).

This concerns the cooperation based on EPO strategic plan until 2023 and bilateral cooperation plans. Most important aspects of this cooperation are given under the objective 6 below.

Concerning e-filing for patents as a module provided by EPO, it is noted that development of such module for IP offices of the member states is planned in the course of 2023.

3.1.7. Communication issues

SOIP shall review and renew its Service Orientation Programme from 2010 and define communication mix comprising different forms of informing the public (the website, print media, press conferences, information flyers) and/or communication mechanisms of consulting the users and the public (telephone, e-mail, website blogs, social networks etc).

SOIP will nominate two employees of appropriate qualifications, skills and experience for communications with the public, and provide a specialized training for them.

3.1.8. Physical/material resources

Strategic direction of SOIP is to provide optimal material basis/ physical resources for the future efficient work of the institution in accordance with its enlarged scope of competencies and the shift in its mission towards the service organisation. This primarily concerns the working premises and ICT equipment.

SOIP plans to move to the new premises in its own property. This would provide optimal conditions for the future work of the institution, including implementation of this strategy.

ICT equipment in SOIP is suboptimal and inadequate for modernization plans in the field of e-filing, e-services, e-network within the national IP system, as well as “back-office” for the efficient processing of the applications and other necessary functionalities.

SOIP will (with the assistance of this project) define the needs concerning IT and communication equipment and procure it as a priority.

3.2. Ministry of Agriculture, Forestry and Water Economy (MAFWE)

3.2.1. Department for Standards and Quality of Agricultural Products

In respect to the number and structure of employees in relation to the current systematization of jobs and the existing content and scope of activities, in some areas of Department for Standards and Quality of Agricultural products, there is a shortage of professional staff.

It is therefore recommended to prepare a comprehensive 5-year plan for the recruitment and professional development of human resources in this department. In doing so, projections of the future number and structure of applications of GI and AO should be taken into account.

The insufficient coordination between the Department for Standards and Quality of Agricultural Products, the Agency for Promotion of Agriculture and the Inspection Departments, should be improved.

3.2.2. Directorate for Seeds and Seedling Material

In respect to the number and structure of employees of Directorate for Seeds and Seedling Material, in relation to the current systematization of jobs and the existing content and scope of activities in the field of inspection and control departments, in some areas, there might be a shortage of professional staff. Namely, in a field of plant variety protection there are no cases of disputes concerning breaching breeders' rights. However, the necessity of capacity building of the inspection and control departments is continuous obligation. The aforementioned is of important because, according to the experts, infringements of rights can happen in multiple ways.

The highest priority is modernization of the equipment, horizontal networking and data exchange with Customs authority and other enforcement bodies, organization post-control of seed material that has been put on the market and storage and maintenance of seed and planting material in the Gene Bank, exercises control over the work of the authorized legal entities and the authorized laboratories.

3.3. Ministry of culture (MC)

Sector for Normative-Administrative Affairs and for Copyright and Related Rights – Department for Copyright and related rights (DCRR)

The DCRR employs only one civil servant, although the Act of internal organization of the Ministry envisaged five employees in the department.

For the efficient implementation of the current competences of the department and the priorities as defined in the Culture strategy in respect to CRRs, adequate institutional capacity of the competent administrative body is required.

The discrepancy between the current situation concerning human resources, equipment, organizational structure, visibility of the department and the mission and the role of this body, in particular the possibility of monitoring specific international trends, and participation in international cooperation on the protection and exercise of CRRs is noticeable.

The Ministry of Culture or, in the event of a change in competencies for CRRs, the SOIP will realize activities from the current Culture Strategy and the existing plan of activities for DCCR as follows.

1. Raising the level of knowledge needed for successful realization and protection of CRRs by organizing thematic workshops for implementation of the Law on CRRs, with emphasis on the collective realization of copyright and related rights; for protection and transfer of CRRs and new technologies and media; CRRs and activities and industries based on CRRs and more.
2. Organizing campaigns on the importance of CRRs; on the role of CRRs in activities and industries based on CRRs; to encourage the collective management of CRRs; to encourage legal ways of use of CRRs, etc.
3. Development of a functional website for copyright and related rights.
4. Preparation of a strategic document for the inclusion of CRRs in the education system.

5. Development of informative-educational materials within the website for CRRs.
6. Encouraging and nurturing active cooperation with stakeholders in the process of exercising and protecting CRRs.
7. Establishing a contact point as a permanent forum for promoting the realization and protection of CRRs for the purpose of sharing knowledge and experiences and debating on topics of common interest. The forum would function as a separate blog within the CRRs website.
8. Intensify the coordination in the inter-ministerial cooperation with other competent state bodies and institutions, with special emphasis on providing and exchanging data on the realization and protection of CRRs.
9. Intensify the international cooperation with the World Intellectual Property Organization in Geneva and intensify the bilateral cooperation in the field of CRRs with the countries of the region of Southeast Europe.

OBJECTIVE 4. - Enhanced recognition and effective and coordinated enforcement of IPRs

National laws are currently the prime mechanism for achieving protection of IP. While there may be several approaches to protection, reflecting the diversity of IP and their social context, developing a strategy for IP protection usually involves the following key components: *Policy initiatives*, including political decisions to give greater attention and value to IP and their protection, as well as policy statements that set overall directions on key issues; *Legislative initiatives*, including strengthening existing legal tools and creating new ones; *Infrastructure*, especially inventories, databases and other information systems, which can complement and support the implementation of legal systems; *Practical tools*, including the use of contracts, guidelines and protocols, as well as capacity-building and awareness-raising, if and when appropriate.

Policy of raising the level of recognition of IPRs and efficient exercise thereof will be implemented by two complementary sub-policies:

- A) Raising public awareness about the IP, its social and economic importance and value and
- B) Increasing the effectiveness of the legal enforcement of IPRs

4.1. Raising public awareness about the IP

Authorities at national and local levels will contribute to raising awareness about IP directly and indirectly.

Direct contribution will be materialized via: Regular reporting to the public on all the activities by the administration including the successful enforcement activities; Specific reports on most significant cases with appropriate media coverage; Strict policies for public administration at observing and respecting all types of IP rights in procuring goods and services as well as in regular use thereof; Promotion of respect of IP rights in public education institutions.

Indirect contribution will be materialized via: Initiating, organizing and/or sponsoring events related to raising awareness about IP; Participation of government officials in those events and similar events organized by other interested parties and entities; Inclusion of IPRs in the programs of regular training and education for civil servants and staff members of relevant administration bodies.

Additionally, strategies to raise awareness, starting at a young age with different methods e.g. competitions for children focusing the attention of the youth on their innovative potential and introducing a module in the programs of primary schools, will be considered.

Operational initiatives in this respect will be organized and implemented by the Operational group on the Promotion of IPRs and Cooperation with Rightsholders under the Coordinative Body for Intellectual Property (see below).

4.2. Increasing the effectiveness of the legal enforcement of IPRs

Ministry of Interior - Police, Considering the number and structure of employees in relation to the existing systematization and the existing content and scope of business, and given the specificity and gravity of criminal acts in cybercrime, the increase in e-commerce and problems around IPTV, it is necessary to make a plan for the recruitment and training of specialized personnel as well as a plan for the procurement of specific equipment for the prosecution and detection of these criminal acts

Customs Administration (CA) will put into operation a module on IPR and connect with other bodies, especially SOIP. Considering the specificity and gravity of intellectual property violations CA will plan the recruitment and training of specialized personnel.

CA will explore best practices of other countries, in particular experience from Croatia, concerning the manner in which the seized goods are handled, for which a court judgment has been rendered and for which annulment should be carried out. Specific points of interest in this context are where are the seized goods stored until the final court decision, who bear the costs in connection with their destruction, etc.

The State Market Inspectorate, considering the specificity and gravity of intellectual property violations and in particular the increase in e-commerce, will plan the recruitment and training of specialized personnel, as well as a plan for the procurement of specific equipment for pursuing and detecting these violations. There is an urgent need to create software as well as horizontal connection with SOIP and other enforcement authorities of IPRs.

Agency for AVMS, in cooperation with MISA shall harmonize Law on Audio and Audiovisual media services, with EU legislation

Macedonian legislation for protection of plant varieties, namely Law on Seeds and Seedlings for Agricultural Plants and the Law on Breeders' Rights aim to protect plant varieties, the rights of farmers and plant breeders while encouraging the development and cultivation of new plant varieties. The official controls for primary products of plant origin are carried out by the State Agriculture Inspectorate, while for the products of animal origin and food by the Food and Veterinary Agency.⁹⁶

The dedicated body/ies for the verification of compliance with the elaborate or specification of GI and/or AO for agricultural and food products is/are not accredited. The verification of compliance with the elaborate or specification is carried out by authorized verification bodies and is carried out on the basis of a control plan approved by the Minister.

In the absence of authorized verification bodies, the role is taken by the State Agriculture Inspectorate (SAI) or Food and Veterinary Agency (FVA).

North Macedonia has not yet included the data basis from MAFWE and SOIP concerning registered and/or applied for GIs and AOs in the data basis eAmbrosia – The EU GI register^{xc} and in GiView – EUIPO register of appellation of origin and geographical

⁹⁶ See also strategic direction under 3.2.2.

indications^{xci}. Inclusion of the data in the two mentioned registers is a matter of highest priority.

4.2.1. Judiciary

Project “Strengthening the enforcement of IPRs”⁹⁷ recommended, inter alia, due to limited number of IP cases, to concentrate the IP matters (civil as well as criminal cases) to one court of first instance and to one court of appeal, respectively⁹⁸. Alternatively, IP cases could be concentrated to specialized departments of the competent courts.

This measure would allow the judges to become more experienced in handling of IP cases, including provisional measures, providing of evidence and assessment of damages, in which field the provisions to a certain extent are different from the rules in other fields of civil law. Furthermore, the judges may become more accustomed to assessing questions such as similarity of trademarks, likelihood of confusion and other concepts specific for IP matters.

Irrespective of whether the abovementioned changes in the structure of the courts are decided it is recommended to conduct training seminars of judges focusing on the practical aspects that are specific for IP, for instance evaluation of similarities between trademarks and determining the damages.

If the Government accepts the proposal for amending the competence of the courts in direction of concentration the IP protection in one Basic Court as court of first instance and one Appellate court, the Law on courts must be amended. The amendment of Court Regulation is a matter of urgency, because of the „small number of IP cases“ in courts is partially result of having inadequate registration of these cases.

The amendments in the field of competence of Public prosecutor’s office should follow the amendments in the field of court competence. As a result of the above amendments of the Law on Public Prosecutor should be done.

Furthermore, in the field of judiciary, amendment of the Law on expertise should be done, in order title intellectual property to be mentioned properly (not as intellectual property rights and copyright and related rights). Also, the qualifications of the experts in the field of intellectual property have to be amended in order to have better professional expertise.

The same recommendation was made in the meeting of the CBIP dedicated to this strategy held on 28.05.2021, - Judges and public prosecutors to specialize in IP, with more training being organized annually. Academy of Judges and Public Prosecutors to organize a larger number of trainings per year.

4.2.2. Coordinative Body for Intellectual Property (CBIP)

⁹⁷ EU TWINNING PROJECT (MK 11 IB OT 01) - IPA 2011- Denmark *March 2017*– “Strengthening the enforcement of IPRs.” - Some further recommendations are:

It is recommended that the law enforcement agencies with competences in the field of IPR should have the ability to employ enhanced investigation techniques, such as technical surveillance, in order to identify distributors, importers, manufacturers and financers of IPR infringements.

In order to combat counterfeiting and piracy, it is recommended that authorities dealing with criminal IP matters should have the ability to recover assets of IPR criminals (the total or partial confiscation of goods belonging to convicted natural or legal persons).

⁹⁸ During the evaluation of this document, Ministry of Justice expressed its negative opinion on this recommendation and asked for the deletion of the proposed measure.

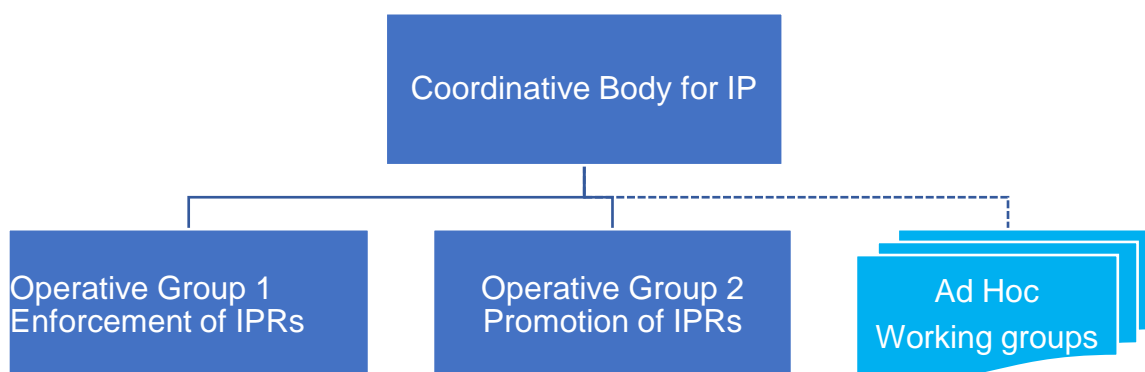
CBIP as a permanent mechanism plays a key role in coordinating the activities of all relevant participants in the national IPS. This role inherently includes several levels of coordination, from the creation and implementation of agreed policies to the operational planning and implementation of joint activities.

The body was founded in April 2007 and was marked by discontinuity in work and lack of clearly defined scope and content of its operation and its precise positioning in the national IPs. In the recent past, the work of CBIP has intensified but still the scope and mode of its operation are not sufficiently specified, as well as the methods of operation, communication system, good governance, reporting, etc.

The scope of work of the CBIP is limited to IP enforcement and to the operational action of law enforcement agencies. It is therefore recommended to organize a coordination mechanism on two levels, through permanent coordination body and two permanent operative groups, with the possibility of forming ad hoc working groups to support individual professional activities.

The CBIP should be the tactical level of harmonization of all tasks and activities in the acquisition of IP rights and the prevention and suppression of infringements of those rights. It shall consist of the officials and managing civil servants from state administration bodies responsible for the acquisition and enforcement of IPRs, other public law bodies also competent for certain issues in IP protection and a representative of the PPO.⁹⁹

Figure 3 – The scheme of the proposed two-level organization of CBIP



The CBIP will continue to coordinate concrete joint activities aiming at increasing recognition of IPRs as well as the legal enforcement of those rights and shall take up the coordination of the implementation of this strategy, as well as preparation of the future iterations, providing thereby the continuity of strategic planning within the national IP system.¹⁰⁰

⁹⁹ After validation of the draft Strategy, during the validation of the draft Action Plan, CBIP on November 25, 2021, send four specific questions and requested dedicated meeting with the drafting team. The team replied with detailed explanation/answers on November 26, 2021. In the meeting, held on December 01, 2021, some members, and the president of CBIP expressed skepticism on proposed two-levels structure of the CBIP, arguing that the proposed involvement of the government officials at the tactical level of coordination could complicate, rather than improve, functioning of the body. Hence, according to this opinion, organizational structure of the CBIP should remain unchanged but number of appointed representatives from member-institutions should be reconsidered/increased.

¹⁰⁰ CBIP accepts proposed enlarged competencies including but not limited to coordinating implementation of this Strategy and Action plan, 2022 – 2026.

The scheme of the mechanism for coordination of the implementation of the strategy is presented in the respective chapter of the document (Chapter IV), and hereinafter the functioning of the CBIP within its current scope is elaborated.

The body undertakes activities to strengthen public awareness of the importance of IPRs protection, activities in the professional development of its employees, monitor the implementation of domestic regulations and propose continuous improvement and mutual alignment, monitor the practice of international IPRs enforcement bodies, in particular the EC - EUIPO, WIPO – ACE, ICC – BASCAP and cooperate with them¹⁰¹.

The Body shall receive and analyze the reports of the Operative Groups in the field of public recognition and respect of the IPR as well as in the field of legal enforcement of those rights.

The Operative Group 1 for the Legal Enforcement of IPRs is an operational level of coordination of tasks and activities to prevent and combat infringements of intellectual property rights, which operates on an appropriate regional and interdepartmental structure, involving employees of the Ministry of the Interior, the Market Inspectorate, the Customs Administration, PPO and SOIP.

The Operative Group 2 on the Promotion of IPRs and Cooperation with Rightsholders. Representatives of bodies responsible for the enforcement of IPRs, representatives of associations of IPR holders, Organizations for management of CRRs, representatives of certain branches of industries potentially threatened by IPRs violations, and representatives of consumers associations are included.

A recurring issue concerning the work of CBIP development of an e-networking system for exchange of IP data among the competent institutions including Modul for collecting statistical data from various institutions based on Methodology for collecting statistical data.

To digitize the work of the CBIP it should have its own portal on which information related to the work will be published. This portal should enable electronic anonymous reporting of infringements of IPRs by natural and legal persons, which the Coordinating Body will review and act upon.

The above will be solved in the framework of the current project.

Institutions which already have software solution (modules) for collecting data for IPR cases will be integrated through web services. For data which is not available through web services manual entry for users with adequate authorizations / permission roles will be provided.

It is also noticed that the operational work of the Coordinative body, the workflow related to the preparation, holding, and monitoring of the sessions of the CB must be improved. The project will provide support solution / module, as presented in the Figure 5 below.

Figure 4 - Diagram of the Module for collecting statistics

¹⁰¹ [The European Observatory on Infringements of Intellectual Property Rights \(EUIPO\), European Commission - Action Plan on the enforcement of Intellectual Property Rights, European Commission - EU Customs Action Plan to combat IPR infringements \(2013-2017\), International Chamber of Commerce - Business Action to Stop Counterfeiting and Piracy \(BASCAP\), World Intellectual Property Organization \(WIPO\) - Advisory Committee on Enforcement.](#)

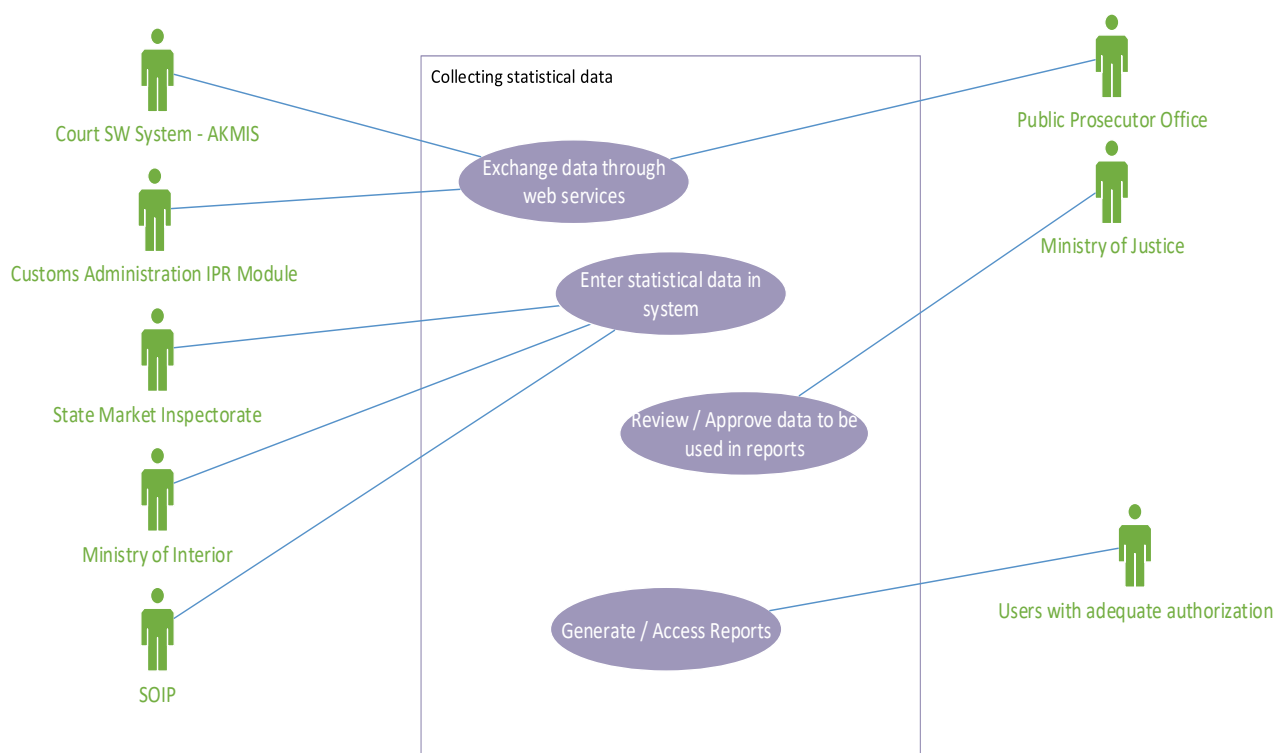
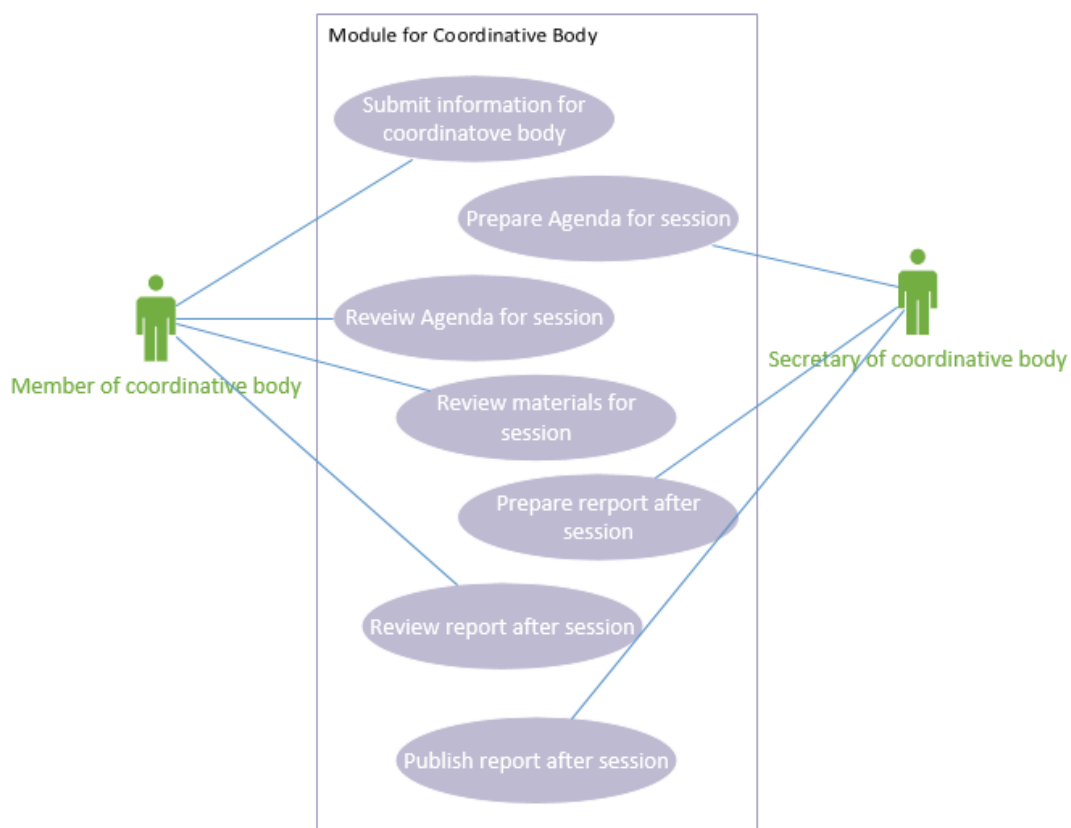


Figure 5 - Diagram of the Module for support to CBIP



OBJECTIVE 5. - National IP legislation modernized and compliant with the EU acquis and the international IP legal order

5.1. Legislation in the field of industrial property

In line with strategic political orientation of MK to advance the process of accession to the EU, the complete IP legal framework must be harmonized with the EU acquis that entered into force after 2010. Therefore, the complete screening of national legislation in the field of IP needs to be conducted with respect to the EU acquis¹⁰².

With a view to modernizing national intellectual property legislation and aligning it fully with the EU Acquis, and with all relevant international legal acts binding MK as well as those to which country plans to adhere over a strategic 5-year period, the Government will propose to Parliament the following legislative package.

Instead of the existing Industrial Property Act, it is recommended to adopt separate laws for individual industrial property rights, namely Patent Law, Trademark Law, Law on Industrial Designs and The Law on Geographical Indications and Appellations of Origin.

Additionally, it is proposed to introduce a Utility model as a new object of protection in North Macedonia and to regulate this IP right within the Patent Act.

The protection of Topography of Integrated Circuits (semiconductor products) would still be regulated by a separate law.

It is recommended to prepare and adopt a new Law on the Protection of Undisclosed Information with Market Value Act¹⁰³ - (Trade secrets¹⁰⁴) and a dedicated Law on Intellectual Property Representation.

The latter shall, inter alia, regulate the establishing of a chamber of IP representatives, as one of the well supported proposals in the consultations.

In the same process the goal of securing cohesion within the applicable national legislation shall be achieved.

Consequently, SOIP shall prepare draft laws for each of the industrial property rights, as well as other laws and bylaws within its competences as follows:

Laws

¹⁰² Relevant EU acquis is specified in Appendix 2.

¹⁰³ This Act shall lay down and govern the preconditions of protection and the rules for protection against unlawful acquisition, use and disclosure of trade secrets relating to undisclosed information with market (commercial) values.

This Act shall transpose the following directives into the legislative framework of MK: – Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15. 6. 2016) – Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30. 4. 2004).

¹⁰⁴ DEFINITION: »trade secret« means information which meets the following requirements: a) it is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; b) it has market (commercial) value because it is secret; c) it has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret. Information referred to above include, inter alia, know-how and experience, business information and technological information.

Law on Patents and Utility models
 Law on Trademarks
 Law on Industrial Designs
 Law on Geographical Indications and Appellations of Origin
 Law on Topographies of Integrated Circuits (semiconductor products)
 Law on Representation in the field of IP
 Law on the Protection of Undisclosed Information with Market Value (Trade secrets)

Regulations

Regulations on Patents and Utility models
 Regulations on Trademarks
 Regulations on Industrial Designs
 Regulations on Geographical Indications and Appellations of Origin
 Regulations on Topographies of Integrated Circuits (semiconductor products)
 Regulations on Professional exam for the Representation in the field of IP

Law on Seeds and Seedlings for Agricultural Plants and the Law on Breeders' Rights
 are harmonized with the UPOV - Convention, TRIPS - Agreement, and relevant EU regulations. The adjustment of the legislation in the field of new plant varieties with the relevant EU acquis shall be continuously done.

5.2. Legislation in the field of copyright and related rights (CRRs)

CRRs will continue to be regulated by a separate law, but it is recommended to adopt a new Law on CRRs that will be modernized and fully harmonized with the relevant EU Acquis, and with all relevant international legal acts binding MK as well as those to which country plans to adhere over the next strategic 5-year period.

As elaborated earlier, the Law has been harmonised to a great extent with the legislation of the EU until 2010. With the amendments that took place several years later, this compliance was significantly diminished. In addition to the above, after 2010 a significant new development took place in the EU legal framework regulating the creative and cultural industries in the context of Digital Single Market. This copyright reform involves a set of legal instruments which should settle the most problematic issues of the copyright protection in the Digital Single Market.

The draft law amending the Law on CRR has been prepared in order to harmonize the Law with some important new developments in the EU acquis. prescribe a normative basis for establishing an efficient model for the functioning of the system of collective management of copyright and related rights in accordance with Directive 2014/26 / EC. on collective management of CRRs and multi-territorial licensing of music works for use online, in the area of collective management, then, in order to comply with Directive 2011/77 /EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116 / EU on the term of protection of copyright and certain related rights, in relation to the protection of co-authors of musical works with text, as well as the duration of protection of performers and phonogram producers of recorded music performances, appropriate introduction of the provisions of Directive 2012/28 /EU of the European Parliament and of the Council of 25 October 2012 on the permitted use of orphan works, compliance with the Marrakech Treaty, as well as harmonization of the Law with the Law on Misdemeanours

This work has been done before and in parallel to the preparation of this strategy. There is still a need for the significant further harmonisation with the current EU Acquis¹⁰⁵ beyond the scope of the proposed draft law. In these circumstances it is recommended to proceed with the desired but incomplete harmonization and at the same time to start preparation of the new modernized Law on CRRs fully harmonized with the relevant EU Acquis.

Compliance with international treaties administered by WIPO and WTO

North Macedonia is a member of most of the relevant international intellectual property agreements administered by WIPO (including UPOV convention) and the WTO.

To fully integrate the national intellectual property system into the international system, it is recommended to join further international acts:

- The Beijing Treaty on Audio-visual Performances¹⁰⁶
- The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.¹⁰⁷
- The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications,¹⁰⁸

¹⁰⁵ Remain for further harmonization:

Directive 2019/790 / EU on copyright and related rights in the single digital market and amendments to Directives 96/9 / EC and 2001/27 / EC; Directive 2019/789 / EU on certain rules for the exercise of CRRs which apply to certain online broadcasts of broadcasting organizations and retransmission of television and radio programs by amending Directive 93/83 / EEC; Directive 2014/26 / EU of the European Parliament and of the Council of 26 February 2014 on the collective management of copyright and related rights and of the multi-territorial license for the rights of music works for online use in the internal market - in the section on multi-territorial license.

¹⁰⁶ The Beijing Treaty deals with the intellectual property (IP) rights of performers in audio-visual performances, notably by bolstering five kinds of exclusive economic rights for the beneficiaries' performances fixed in an audio-visual format: The rights of reproduction, distribution, rental, making available and broadcasting and communication to the public.

By joining the Treaty, its members agree to adopt, in accordance with their legal systems, the measures necessary to ensure the application of the Treaty. In particular, each contracting party must ensure that enforcement procedures are available under their laws, permitting effective action against any act of infringement of rights covered by the Treaty. The action must include expeditious remedies to prevent and defer infringement.

The Beijing Treaty modernizes and updates for the digital era the protection for singers, musicians, dancers and actors in audio-visual performances contained in the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961). These updates for the digital era complement the provisions in the WIPO Performances and Phonograms Treaty (WPPT), which updated protections for performers other than audio-visual performers and for producers of phonograms.

¹⁰⁷ „The Marrakesh treaty was adopted on 27th June and entered into force on 30th September 2016. It has a clear humanitarian and social development dimension, and its main goal is to create a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired and otherwise print disabled.

It requires Contracting Parties to introduce a standard set of limitations and exceptions to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to VIPs, and to permit exchange of these works across borders by organizations that serve those beneficiaries.”

¹⁰⁸ The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, adopted May 20, 2015, entered into force on February 26, 2020. Bosnia and Herzegovina signed the Geneva act on 21.05.2015. The Geneva Act updates and enhances the existing international registration system protecting names that identify the geographic origin of products: the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958.

The Lisbon Agreement applies only to appellations of origin – a special kind of geographical indication for products that have a particularly strong link with their place of origin.

The Geneva Act extends that protection to geographical indications alongside appellations of origin, to better take into account existing national or regional systems for the protection of distinctive designations in respect of origin-based quality products. In addition, it introduces maximum flexibility with respect to how the protection standard of the Act may be implemented (i.e., through a sui generis appellation of origin or geographical indication system or through the trademark system). Together, the Lisbon Agreement and the Geneva Act of the Lisbon Agreement form the Lisbon System, offering more comprehensive and effective international protection for the names of origin-based quality products.

Having this intention in mind, the preparation of new IP legislation will integrate all the specific requirements of the respective, above-specified international treaties.

5.3. Other relevant legislation

If the recommendation under 4.2.1. on the concentration of IP cases and competences of courts is accepted, the following laws/regulations need to be amended:

Law on courts,
Law on Public Prosecutor, and
Court Regulation

Furthermore, the Law on expertise should be slightly amended in relation to wording and qualifications of the experts in the field of intellectual property.

OBJECTIVE 6. - Improved international cooperation and participation in the international IP system

6.1. European Patent Office (EPO)

The cooperation is marked as a key factor for the success of the European patent system which is generally considered as one of the most advanced patent systems in the world. This reference is made primarily to EPO's cooperation with its member states (European Patent Network) but also to enhanced coordination with WIPO and EUIPO. The cooperation has strengthened both European and domestic systems.

With the IP Strategy, North Macedonia aims at aligning its strategic objectives among others with the strategic concept of cooperation within the EPO/EPN, and other international institutions thus facilitating the implementation of the strategy, while achieving synergies.

Most relevant cooperation areas according to the EPO strategic plan in force are:

- Projects to enhance knowledge and quality.
- IT infrastructure (based on program of simplification of processes and procedures),
- Projects to promote the converge of patent offices practice.

Knowledge cooperation as an aspect of cooperation with the EPO is primarily relevant in relation to the professional training (see under 2.1.9.) and new co-operation framework of the EPO Academy aiming at developing new capacity building programme for the staff of national offices of the EPO member states.

The above includes examiner training scheme for additional services such as area of mediation for IPRs, technology watch and special searches (focus on patents as a business assets), technology transfer, landscape searches, freedom to operate searches and commercialization.

In these ways, additional skills would be built to address the relatively high number of "unused" patents and ensure that the IP asset can be turned into economic value by the business.

Having in mind that all current European patent attorneys in MK, acquired this status based on so called "Grandfather clause" it is of paramount importance to foster EQE preparation for the next generation of European patent attorneys in the country.

The EPO Academy will prepare in co-operation with the EPI, a new training programme for support of the preparations of candidates for the EQE, that will inter alia, include extensive training on legal developments and litigation.

The same cooperation areas are listed in the current strategic plan of the SOIP. In realization of this strategic directions SOIP shall

- prepare and sign bilateral cooperation plan with the EPO,
- prepare the project of integration of the EPO's e-filing solution, and
- plan education and on-the-job training for 3-5 young IP professional (graduates from the relevant faculties) in the framework of the Pan-European seal joint project of EPO and EUIPO.

6.2. European Union Intellectual Property Office (EUIPO)

EUIPO is the specialized EU agency for trademarks, and industrial designs. EUIPO registers said IP rights following the procedures stipulated in the relevant EU legislation binding the EU member states.

Only after the accession to the EU, MK will become a member of the EUIPO and thus party to the EU Trademark and Community Design systems. Nevertheless, the SOIP has already started some cooperation with the EUIPO via bilateral activities¹⁰⁹.

An additional important function of the EUIPO is the fight against infringements of IP rights in the EU through the specialized unit - the EU Observatory on Infringements of IPRs.

Through the EU Observatory, EUIPO recently also got involved in some aspects of copyright protection. The Observatory performs activities related to raising public awareness on the importance of IP, trainings on effective enforcement, fight against piracy and counterfeiting through effective means and collection and administration of relevant data. All these activities include trademarks, industrial designs but also copyright. Although there is some cooperation between North Macedonia authorities and EUIPO on the said issues, it is strongly recommended to enhance this cooperation and transpose principles, standards and recommendations of EUIPO to improve the copyright system in North Macedonia.

The EU Observatory within EUIPO is also the competent authority for the Orphan Works Database, as regulated in the Directive 2012/28/EU of the European Parliament and of the Council of October 25, 2012, on certain permitted uses of orphan works¹¹⁰. Said Directive sets out common rules to make digitisation and online display of orphan works legally possible and EUIPO is responsible for the establishment and management of a single publicly accessible online database on orphan works. Since orphan works are part of the collections currently held by European libraries, museums, archives, film and audio heritage institutions, and public service broadcasting organisations, this mechanism enables and enhances their digitisation, making them available online.

MK should consider, after having transposed the Directive 2012/28/EU into national legislation and then exercise those rules in practice in order to enable orphan music, books, newspapers, magazine articles and films to be digitalised and made available to the public

¹⁰⁹ See Chapter 2.2.1.1. under the topic e-filing, and 3.1.6. under the topic e-filing.

¹¹⁰ Orphan works are works that are still protected by copyright, but whose authors or other right holders are not known or cannot be located.

online, through cultural heritage institutions (including archives of the national public broadcasters) and therefore improve the accessibility of the cultural heritage.

The EU Observatory is also the gateway to several Pan-European portals. For copyright AGORATEKA is particularly relevant, this European online content portal, allows the search national – level portals that link to legal offers online for music, film and television, e-books video games and sporting events. Accessibility of legal sources for copyright works and subject matters of related rights is of pivotal relevancy for awareness raising campaigns and promotion of national cultural and creative industries, as well as for proper treatment of foreign content.

Therefore, North Macedonia authorities and stakeholders in cultural and creative industries should enhance cooperation with EUPIO, also with respect to legal online sources for creative and cultural content through the IP Observatory. This enhances the visibility of the national repertoire in the field of creative and cultural industries and commercialisation of protected and related rights.

Nevertheless, involvement of national stakeholders from the cultural and creative industries, either on the individual basis or on the collective basis, through their associations and guilds, is an indispensable element in promoting online legal content and its commercialisation.

Pursuant to the relevant documents of international partners ¹¹¹, the SOIP shall remain the focal point for enhanced cooperation with EPO and EUIPO. SOIP shall work with the EPO on new catalogue of cooperation projects.

6.3. World Intellectual Property Organization (WIPO)

SOIP shall remain the focal point for enhanced cooperation with WIPO as well and shall work with WIPO on further implementation and advanced use of WIPO IP automation solution packages and Artificial Intelligence enabled tools.

SOIP and MC shall actively engage in the work of WIPO governing bodies for the international treaties to be acceded by the MK in the implementation of this strategy. (Marrakesh Treaty, Beijing treaty, Geneva Act of the Lisbon Agreement).

MK will actively engage in the work of the WIPO Advisory Committee on Enforcement, primarily by CBIP.

Following the transfer of competences for CCRs, SOIP shall actively engage in the work of WIPO governing bodies for the implementation of all international agreements in the field of CRRs.

In the cooperation plan with WIPO, SOIP will concretize the employees' training plan for IPAS, a training plan for other employees based on WIPO online education and training programs, participation of participants from MK in WIPO summer schools, as well as other forms of education and professional development.

SOIP will specify and agree with WIPO on all aspects (including legal and financial) regarding the translation and localization of WIPO publications into domestic languages in MK in accordance with this strategy and action plan.

¹¹¹ Cooperation within EPN was recently put in focus as a strategic goal of the EPO were following two principles were underlined: a) NPOs are the entry point for cooperation activities in the national territories, in full respect of the principles of efficiency and subsidiarity, and b) Cooperation activities are co-funded by the NPOs and the EPO on a cost-sharing basis. The contribution of the NPOs may be provided in kind.

SOIP will plan with WIPO support for the preparation and implementation of promotional activities including the marking of World IP Day every year, and special promotional event marking taking over the competence for CRRs by SOIP and becoming State Intellectual Property Office.

SOIP will request WIPO technical and financial assistance in conducting two National studies on the economic contribution of the Creative (copyright-based) Industries in MK.

CHAPTER IV. IMPLEMENTATION OF THE STRATEGY WITH THE ACTION PLAN

4.1. Coordination and Reporting Mechanism

Intellectual property is not goal in itself, it is a tool that serves to better and more successfully achieve number of important and valuable societal goals. Hence, this strategy is a catalyst in the realization of significant part of the Government's strategic activities over the next five years and coordination between the main holders of these policies is crucial for the successful implementation thereof.

This strategy, as already stated, is not intended to replace any of the Government's existing (or future) strategies and policies or parts thereof. On the contrary, it aims at identifying the substance of IP throughout the matrix of Government's policies and programs and supporting their successful realization while achieving a synergistic effect.

Consequently, the strategic directions identified in the various Government's strategic documents are listed here as relevant parts of the matrix of comprehensive improvement of the national IPS over the next five years. They, as well as the measures for their realization, are listed in the **CATALOGUE of directions and measures in this strategy, but their planning and implementation is entirely left within the framework of their respective original strategies and competent state bodies.**

The measures and activities introduced by this Strategy are presented in the ACTION PLAN for the implementation of this document.

Because of the above, it is strongly recommended to connect this strategy (particularly its implementation) with other simultaneous processes that have inherently greater strength and visibility. The best example of such a process is the EU accession process including NPAA.

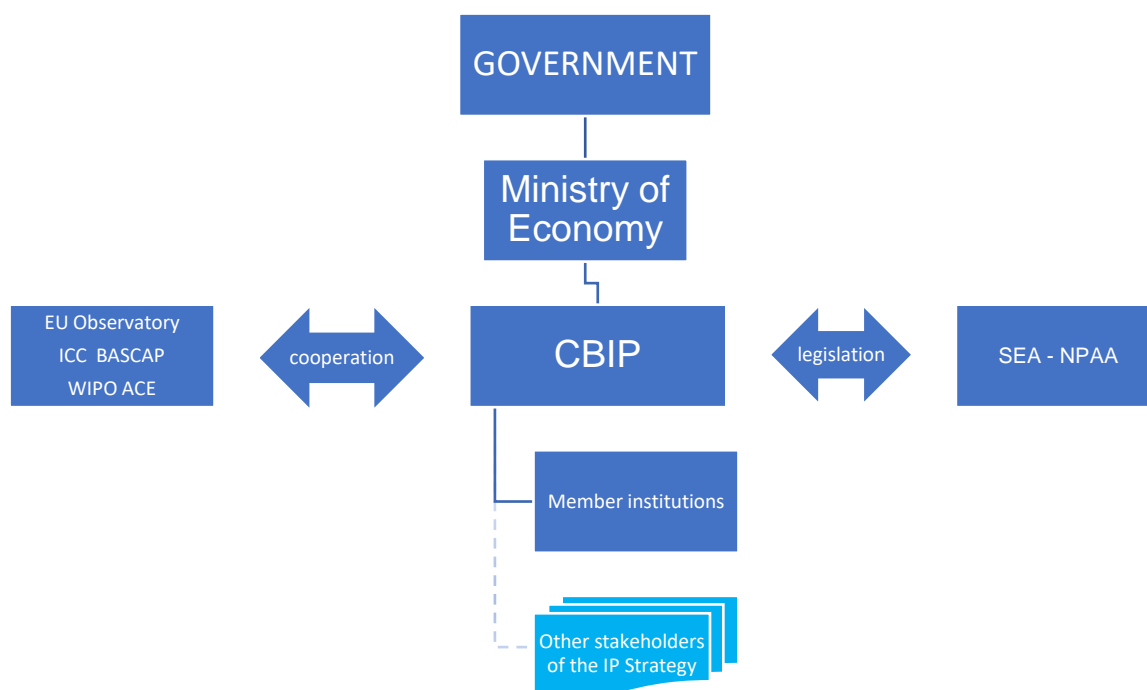
Regular reporting on implementation and feedback of competent implementation holders and competent decision-makers is critical. It is recommended to report jointly by having individual stakeholders submit their regular reports to a coordinating body/institution that produces a consolidated report and submits it to the Government of North Macedonia.

As mentioned in the previous chapter, the CBIP is the obvious and most logical choice of a central point for coordination and reporting on the implementation of this strategy, primarily due to the representation of most of the relevant national IPS entities, and due to the experience gained in coordinating joint activities. Nevertheless, the implementation of national IP Strategy comes out of the formal and actual scope of the body.

Therefore, it is necessary to adjust the scope, composition, and organization of the work of this body as proposed in 4.2.2. This would optimize its operational work and enable its engagement at a strategic level.¹¹²

For CBIP to successfully conduct its the extended competence, it is proposed that the composition of the body on this level consists of the representatives of ME, MC, MES, MAFWE, MF, MJ, MI, at the level of state secretary or assistant minister and representatives of SOIP, CA, and Police at the level of director or deputy director.

¹¹² In the dedicated meeting of the project experts with the CBIP held on 01.12.2021, the objection to this recommendation was raised. See references 99 and 100.



Also considering the implementation mechanisms adopted in the first and second national IP strategies, and the lessons learned from their implementation, it is proposed that:

1. SOIP shall establish a strategy implementation unit (SIU) with two employees, a project manager ($\frac{1}{2}$ FTE) who will also act as a secretary of CBIP and project administrative assistant ($\frac{1}{2}$ FTE), who will act as a CBIP technical secretary.
2. Responsible persons will be assigned in all institutions competent for the implementation of the measures who will coordinate implementation of the activities in their institutions and will communicate with other stakeholders.

Reporting

All the institutions and other entities - the stakeholders in this strategy, who are competent and/or responsible for the implementation of measures and activities stipulated in the strategy and its action plan shall prepare progress reports every six months and submit it to the CBIP.

CBIP will analyse the reports and provide feedback to the participating stakeholders.

CBIP will prepare annual consolidated reports on the overall implementation of the strategy and submit it to the Government via Minister of Economy.

4.2. Catalogue of IP relevant strategic directions and measures from other strategic documents – per objective of this Strategy

OBJECTIVE 1. IP component in the key public policies in North Macedonia recognized and enhanced.

Strategic DIRECTIONS and/or MEASURES	HOLDERS	DOCUMENTS
In preparing and adopting the S3 Strategy use a unique opportunity to integrate the IP component through a single document into several relevant public policies, especially those related to creation and exploitation of IP, and thereby underpin national research and innovation strategies and policies	ME and MES	Smart Specialization Strategy (S3)
To enhance and improve connection of R&D at academic institutions with the needs of the economy, competent ministries and other bodies will explicitly regulate within the policy on financing R&D at public universities and R&D institutions that funding priorities have: <ul style="list-style-type: none"> - research areas and programs relating to sectors with the highest innovation potential according to S3, - research projects that have contracted cooperation and/or co-financing with business entities - academic institutions that have a clearly defined own IP policy and the corresponding regulations for the implementation of that policy. 	MES, ME, FTID	S3 and This Strategy
Public scientific-research institutions will develop IP policies that will clearly identify all the issues concerning the creation, protection, and commercialization of IP including but not limited to: <ul style="list-style-type: none"> - identify possible forms and potential creators of IP in academic institutions - treatment of IP generated in joint research, including the treatment of patents, utility models, industrial designs, copyright, and confidential information/trade secrets in the creation process. - policies on innovation and transfer of knowledge that would extend the scope of innovation and research bases to the student population - the state of the art as a criterion for projects funding (where applicable) 	Public Universities Public R&D Institutes	S3 and This Strategy IP Policies at the Universities
Development of Cultural Economy – Industries based on CRRs, as a driving force for increased income, sustainable development, and cultural diversity: <ul style="list-style-type: none"> - Expedient use of cultural values (historical monuments, cultural landscape, art projects) to promote the economy in the municipalities and in the country. - Encouraging CSOs to provide the necessary assistance to producers of cultural goods in promotion and sale, through support from the central and local budgets and through the opportunities provided by European funds. - Changes in the tax system in order to provide tax incentives to private companies to support the creative industries and, in general, to sponsor culture. - Changes in legislation that will facilitate relations between all entities involved in the creative economy producers of cultural goods, facilitators of their placement on the market, as well as mobile operators, cable, radio and television operators and other entities. 	MC MF AAVMS	Culture Strategy

OBJECTIVE 2. Creation and exploitation of IP in North Macedonia boosted

Strategic DIRECTIONS and/or MEASURES	HOLDERS	DOCUMENTS
Main directions and measures relevant for IP in the Innovation strategy are:		Innovation Strategy 2012-2020

- Provide adequate framework conditions such as human capital, access to finance, intellectual property rights legislation and a favourable business climate, to support innovation, the creation of new technologies and the flow of information in both the public and the private sector.	Government	Innovation Strategy 2012-2020 and Next iteration of Innovation Strategy
- Improve enforcement of IP legislation	MJ, MI, MF-CA, SOIP	Innovation Strategy 2012-2020 and This Strategy
- Fill up the policy gaps that prevent the research institutions from fully contributing to innovation in the country, such as: a) the research output of research institutions currently suffers from the lack of collaboration with businesses and the lack of labour mobility. b) Policies for IPRs such as patents and trademarks, determining, for example, whether the rights should belong to the university or individual academics, are lacking.	ME, MES Universities	Innovation Strategy 2012-2020 S3
- Undertake measures for training the legal representatives in drafting and prosecuting quality international patent applications aiming at increasing number of international patent application by the citizens of MK.	ME and SOIP	Innovation Strategy 2012-2020
National Strategy for SMEs 2018-2023 which determined the following strategic objectives: - Favorable business environment: To create a favorable business environment in which entrepreneurship and investment are encouraged. - Increasing and improving the opportunity for SMEs growth: To assist SMEs become highly productive and competitive participants in European and other international markets. - Dynamic ecosystem of entrepreneurship and innovation: To stimulate the economic competitiveness of North Macedonia by increasing the entrepreneurial and innovative capacity of SMEs.	ME, CC	Strategy for SMEs 2018-2023
The main strategic directions from the <i>Culture strategy 2018-2022</i> are:		
Mapping the available and potential resources for cultural and creative industries at national, local, and urban level by analysing the existing infrastructure, identifying problems, positive capacities, and development trends, as well as giving directions for future development.	MC	Culture Strategy
Creating an integrated strategy for the development of the cultural and creative industries and the inclusion of the cultural and creative industries in the relevant public policies at national and local level.	MC	Culture Strategy
Building awareness of the potential of the cultural and creative industries for socio-economic development.	MC	Culture Strategy
Creating favourable conditions for cooperation and development of the cultural and creative industries through appropriate sectoral policies, including regional and local strategies, local development plans and national strategic documents.	MC	Culture Strategy
Utilization of local resources and infrastructure to improve the local economy through a stimulated link between creativity and the economy.	MC	Culture Strategy
Greater financial incentives for the cultural and creative industries	MC	Culture Strategy
Encouraging research activities, innovation, creativity, and entrepreneurship in the creative and cultural industries.	MC	Culture Strategy
A well-functioning system of collective management of copyright and related rights is the main prerequisite for their successful market realization, and its absence or poor functioning, is the main obstacle to the development of creative industries.	MC	Culture Strategy

OBJECTIVE 3. Institutional framework for acquisition of IP rights modernized and efficient

Strategic DIRECTIONS and/or MEASURES	HOLDERS	DOCUMENTS
3.1. State Office for Industrial Property (SOIP)		
3.1.6. E-filing and E-services		
SOIP signed the agreement with the EUIPO concerning the provision of software solution and technical assistance to SOIP for the installation and the implementation of E-filing for trademark and industrial designs applications as well as corresponding e-services (see footnote 92). SOIP will do all the necessary to ensure successful implementation in accordance with the EUIPO's project governance and duration of the implementation (see footnote 90).	SOIP	SOIP's Strategic plan 2021-23
SOIP will develop additional e-services as defined under the project referred to in <i>vi</i> . and in accordance with the long-standing strategic direction.	SOIP CBIP	SOIP's Strategic plan 2021-23 and This Strategy
E-filing of patent applications.		
Within the cooperation based on EPO strategic plan until 2023 and bilateral cooperation plans, e-filing for patents as a module provided by EPO, will be developed for IP offices of the member states in 2023.	SOIP	SOIP's Strategic plan 2021-23
3.3. Ministry of culture		
The Ministry of Culture and after the change in competencies for CRRs, the SOIP will realize activities from the current Culture Strategy and the existing activity plan for DCCR as follows.		
- Raising the level of knowledge needed for successful realization and protection of CRRs by organizing thematic workshops for implementation of the Law on CRRs, with emphasis on the collective realization of copyright and related rights; for protection and transfer of CRRs and new technologies and media; CRRs and activities and industries based on CRRs and more.	MC	Culture Strategy
- Organizing campaigns on the importance of CRRs; on the role of CRRs in activities and industries based on CRRs; to encourage the collective management of CRRs; to encourage legal ways of use of CRRs, etc.	MC	Culture Strategy
- Development of a functional website for copyright and related rights.	MC	Culture Strategy
- Preparation of a strategic document for the inclusion of CRRs in the education system.	MC	Culture Strategy
- Development of informative-educational materials within the website for CRRs.	MC	Culture Strategy
- Encouraging and nurturing active cooperation with stakeholders in the process of exercising and protecting CRRs.	MC	Culture Strategy
- Establishing a contact point as a permanent forum for promoting the realization and protection of CRRs for the purpose of sharing knowledge and experiences and debating on topics of common interest. The forum would function as a separate blog within the CRRs website.	MC	Culture Strategy
- Intensify the coordination in the inter-ministerial cooperation with other competent state bodies and institutions, with special emphasis on providing and exchanging data on the realization and protection of CRRs.	MC	Culture Strategy
- Intensify the international cooperation with the WIPO and intensify the bilateral cooperation in the field of CRRs with the countries of the region of Southeast Europe.	MC	Culture Strategy

OBJECTIVE 6 Improved international cooperation and participation in the international IP system.

Strategic DIRECTIONS and/or MEASURES	HOLDERS	DOCUMENTS
6.1. European Patent Office (EPO)		
In realization of this strategic directions SOIP shall - prepare the project of integration of the EPO's e-filing solution	SOIP	This Strategy
6.2. European Union Intellectual Property Office (EUIPO)		
Only after the accession to the EU, MK will become a member of the EUIPO and thus party to the EU Trademark and Community Design systems. SOIP has already started some cooperation with the EUIPO via bilateral activities in this respect. - prepare the project of integration of the EUIPO's e-filing solutions for trademarks and industrial designs	SOIP	SOIP's Strategic plan
6.3. World Intellectual Property Organization (WIPO)		
In this respect, the priority is dedicated education and training for SOIP's employees dealing with the full customisation/localisation, implementation, and maintenance of the IPAS Java.	SOIP	This Strategy SOIP's Strategic plan

4.3. ACTION PLAN

OBJECTIVE 1. - IP component in the key public policies in North Macedonia recognized and enhanced.

Strategic MEASURES and/or ACTIVITES	Holders	Indicators	Term
MES, ME and FITD will explicitly regulate within the policy on financing R&D at public universities and R&D institutions that funding priorities have: - research areas and programs relating to sectors with the highest innovation potential according to S3, - research projects that have contracted cooperation and/or co-financing with business entities - academic institutions that have a clearly defined IP policy of their own and the corresponding regulations for the implementation of that policy.	MES, ME, FITD	Enacted policies on public financing of R&D in accordance with this measure	2023
Public universities and R&D institutions will develop and adopt IP policies clearly identifying all the issues concerning the creation, protection, and commercialization of IP including but not limited to: - possible forms and potential creators of IP in academic institutions - treatment of IP generated in joint research, including the treatment of patents, utility models, industrial designs, copyright, and confidential information/trade secrets in the creation process. - policies on innovation and transfer of knowledge that would extend the scope of innovation and research bases to the student population - the state of the art as a criterion for projects funding (where applicable)	Public Universities Public R&D Institutes	Enacted IP policies in accordance with this measure at all public universities and R&D institutions	2022
MES shall prepare and pass the amendments of Law on higher education introducing obtaining an IP right on the result of scientific research as criteria for advancement in scientific careers.	MES,	Law amended	2023

Public universities will amend university regulations introducing obtaining an IP right on the result of scientific research as criteria for advancement in scientific careers.	Public Universities	Regulations amended	2023
MES shall adapt the syllabi (the formal curricula) of technical faculties, art schools and management faculties to include IP as a subject adapted to the needs of that discipline.	MES	Syllabus adapted	2023
MES shall introduce in an appropriate manner teaching on basic knowledge and skills of IP in school programs (primary/elementary schools and high schools).	MES	school programs amended	2024
Competent stakeholders of the NIPS will formulate a specific policy to stimulate the development and use of IP in SMEs within following iteration of the national strategy on SMEs. (2024 -)	ME, SOIP, CC	Policy on IP in SMEs adopted	2024
MAFWE and other competent bodies will conduct comprehensive analysis, mapping, and cataloguing of autochthonous agricultural products, foodstuff, cottage industry, plant varieties and animal breeds.	MAFWE SOIP	Analysis mapping and catalogue finalized	2022
On this basis MAFWE and other competent bodies will establish a policy on (collective) management and protection of different (collective) IP titles (GIs, AOs, Collective Trademarks, Certification Marks etc.) for products originating from specific regions in North Macedonia and/or having specific characteristics.	MAFWE SOIP	Policy on (collective) IP titles adopted	2023
MAFWE will amend relevant regulations to ensure that system of official controls and inspection in this field explicitly include the conformity assessment and control of agricultural products and foodstuffs protected by GI, AO and PVRs.	MAFWE	Relevant regulations amended	2023
Dedicated policy at the state and local levels, on quality products and services (non-agricultural) linked to the origin, non-material cultural heritage and cultural expressions, including comprehensive analysis, mapping, and creating of a catalogue of these products, comprehensive plan aiming at improving their collective management and marketing shall be developed.	SOIP, MAFWE, MC, ME	Policy adopted	2023-2024
SOIP and Ministry for health will analyse the links between legislation regulating IP issues and legislation regulating public health issues in MK to determine if there are overlapping and/or obstacles for implementation of this strategy and public health policies.	SOIP MH	Analysis conducted	2022
MAFWE will in cooperation with the SOIP, monitor the development of the international legal instruments in the field of IP relating to genetic resources and protection of biological diversity, and will initiate the corresponding national measures in respect of protection and conservation of nature, if necessary.	MAFWE SOIP	n/a	Permanent

OBJECTIVE 2. - Creation and exploitation of IP in North Macedonia boosted

Strategic DIRECTIONS and/or MEASURES	Holders	Indicators	Term
To support patent propensity at the universities and R&D institutions, it is recommended: - that advanced level PATLIB centre is established at UKIM in Skopje, in short term, and develop to the excellence level during the period of implementation of the Strategy	SOIP MES UKIM	PATLIB at UKIM established	2023-2026
To support patent propensity at the universities and R&D institutions, it is recommended: - that general level PATLIB centre is established at the	SOIP MES	PATLIB at	2024-2026

University in Shtip (USH) in short term and develop to the advanced level during the period of implementation of the Strategy.	USH	USH established	
Ministry of Culture and/or SOIP, in cooperation with associations of copyright and related rights holders, will encourage and supervise the expeditious establishment of CMOs of all rights provided for in the Law on Copyright and Related Rights. - In this process the "WIPO Connect", an IT solution, developed and offered by WIPO, aimed at facilitating the collective management of CRRs, shall be considered	MC SOIP Associations of the holders of CRRs, MAIS	CMOs for all CRRs under the Law on CRRs established	2022-2024
The tariff setting procedure for CMOs is regulated in the Law. The procedure should be amended to shift the competence for the issuing consent to the tariff of CMO from the Government to the Commission for mediation in the field of CRRs, as expert body.	MC	Law on CRRs amended	2022
The Commission for mediation in the field of CRRs shall be completed/appointed and start its work, as soon as possible.	Government	Commission appointed	2022
MC in cooperation with Government shall consider need and possibility of creation of a body¹¹³ for supporting domestic music, feature, and documentary production, especially of deficient television forms and genres - a quality music, feature, documentary, and educational program, and decide on it.	MC Government	analysis and decision made	2023-2024
Depending on the above, body ¹¹⁴ for supporting domestic music, feature, and documentary production, shall be established	MC Government	Body established	2025-2026
MAFWE shall undertake systematic promoting of PVRs through workshops, aiming at better understanding of the system of PVR protection and benefits of it.	MAFWE		permanent
MC, in co-operation with the State Statistical Office (SSO) ¹¹⁵ , Ministry of economy, Ministry of information society and administration and SOIP will conduct a Study on the economic contribution of creative industries in North Macedonia at the beginning of the strategic period. The study will determine the contribution to selected macro-economic indicators, including GDP and Employment	MC ME MISA SSO SOIP	Study conducted and published	2022-2023
To evaluate the success of the implementation of the strategy in this segment, the same study will be re-conducted at the end of the strategic period by SOIP and SSO, (2026).	SOIP SSO	Study conducted and published	2025-2026

OBJECTIVE 3. - Institutional framework for acquisition of IP rights modernized and efficient

Strategic DIRECTIONS and/or MEASURES	Holders	Indicators	Term
3.1. State Intellectual Property Office (SOIP)			

¹¹³ Ministry of culture proposed instead of Fund, a special Body to be considered. Ministry also proposed the Government as a holder of this measure. The proposal is integrated above with recommendation that stakeholders are both the Government and MC.

¹¹⁴ Ibid

¹¹⁵ MC proposed that the Study is conducted by State Statistical Office (SSO), in cooperation with ME MISA, MC/SOIP. Ministry of culture insists on postponing the implementation to 2023-2024 instead of 2022. The said proposal is not recommended for the reasons explained in the strategy.

3.1.1. Ministry of information society and administration, MC and SOIP will prepare an amendment to the Law on organization of state administration regarding the transfer of competences for all the tasks related to protection of copyright and related rights from the Ministry of Culture to SOIP.	MISA MC SOIP	amendment prepared?	2022-2023 ¹¹⁶
MC and SOIP will prepare all other administrative and technical preconditions for transfer of competences for CRRs from MC to SOIP	MC SOIP	conditions prepared and fulfilled	2023
3.1.2. Human resources staffing and recruitment			
- SOIP shall prepare a comprehensive 5-year plan for the recruitment of human resources. Projections of the future number and structure of applications for respective IPRs, the effects of automation programs, and specialization in accordance with the results and recommendations of S3, shall be considered.	SOIP	strategic recruitment plan adopted	2022
- SOIP shall plan and implement specializing in the patent (and utility model) sector in selected areas of technology in accordance with the priority sectors of the S3 strategy.	SOIP	Plan adopted and specialization fulfilled	2024-2026
- Agreement with the EPO on obtaining a "search report with the written opinion" on favourable terms and within short time, will be concluded for adequate number of patent applications from selected sectors.	SOIP	agreement signed	2023
3.1.3. Professional development			
- SOIP will make a complete 5-year plan for vocational training, development, and personnel advancement. This plan will specify the content, level and sources of specialist training.	SOIP	plan adopted	2023
In addition to adequate graduate and postgraduate studies at home and/or abroad, specialist training will be based on the following: - distance-learning programs developed by WIPO, - General Courses, Advanced Courses and programs created for very high level of specialisation. - distance-learning courses developed by EUIPO for trademarks and industrial designs, in particular, but also for commercialisation and use of IP as asset for economic growth and development. They are available as basic programs, intermediate and advanced webinars. - EPO platform for online learning, particularly on patents and inventions. Different materials and programmes are available for universities, for businesses and for lawyers and patent attorneys. EPO E-Learning Centre offers the whole online platform for e-learning and education.	SOIP	all formal and technical conditions for systematic use of the distance learning programs fulfilled	2023
The SOIP's plan for vocational training development, including above-specified platforms and programs, realized	SOIP	specified platforms & programs utilized by SOIP staff	2023-2026
3.1.4. Outreach and Publications			
Develop publications in domestic languages, which are available in WIPO library and ready for translation without		publications	

¹¹⁶ Ministry of culture proposed the term to be postponed to 2023. The said proposal is not recommended. Transfer of the competences can be done with amendments of LCRR and LIP, too. It is common practice in legislative system in MK.

<p>further costs. Those publications should present IPRs within the recent technological developments, with respect to the consumption of copyright works and subjects protected by related rights on digital platforms and generally, in digital environment.</p> <p>With the assistance of WIPO, SOIP / MC will make available to the interested stakeholders, in domestic languages comprehensive sets of publications in the field of CRRs intended primarily to CMOs.¹¹⁷</p>	MC SOIP CMOs	translated and published in domestic languages	2022 ¹¹⁸ -2026
<p>- The Good Practice Toolkit for CMOs (2018): https://www.wipo.int/publications/en/details.jsp?id=4358</p> <p>- The Toolkits for Musical Works and Audio-Visual Works and for Neighbouring Rights (2016): https://www.wipo.int/publications/en/details.jsp?id=4037&plang=EN</p>	MC	as above	2024-2025 2022 ¹¹⁹
<p>- Copyright Collective Management of Music (by Dr. Uchtenhagen, 2005) https://www.wipo.int/publications/en/details.jsp?id=362&plang=EN.</p> <p>- The Educational Material on Collective Management (Modules 1-6, 2014):</p> <p>a) general aspects https://www.wipo.int/publications/en/details.jsp?id=3401&plang=EN</p> <p>b) music https://www.wipo.int/publications/en/details.jsp?id=3402&plang=EN</p>	MC ZAMP	as above	2024
<p>c) audio-visual https://www.wipo.int/publications/en/details.jsp?id=3403&plang=EN</p> <p>d) print and publishing https://www.wipo.int/publications/en/details.jsp?id=3404&plang=EN</p> <p>e) visual arts and photography https://www.wipo.int/edocs/pubdocs/en/wipo_pub_emat_2014_5.pdf</p> <p>f) dramatic works https://www.wipo.int/publications/en/details.jsp?id=3406&plang=EN</p> <p>- Collective Management in Reprography (joint publication with IFRRO, 2005) https://www.wipo.int/publications/en/details.jsp?id=137&plang=EN</p>	SOIP CMOs	as above	2024-2026
<p>Develop publications in domestic languages, which are available in WIPO library and ready for translation without further costs.</p> <p>With the assistance of WIPO, and in cooperation with ME and CCs, SOIP will make available to the interested stakeholders, in domestic</p>	SOIP ME CC	publications translated and published in domestic languages	2022 ¹²⁰ -2026
languages comprehensive sets of publications in the field of IP intended primarily to SMEs and Start-ups. ¹²¹			
Enterprising Ideas - A Guide to Intellectual Property for Start-			

¹¹⁷MC and SOIP will liaise with the competent authorities of Albania to check interest and possibilities for collaboration in translating and publishing of these publications in Albanian language.

¹¹⁸ Ministry of culture proposed the earliest term to be 2023. The postponement is not recommended because it is measure in continuation which starts at the beginning and lasts until the end of strategic period.

¹¹⁹ Ibid,

¹²⁰ Ibid

¹²¹SOIP will liaise with the Albanian IP office to check interest and possibilities for collaboration in translating and publishing of these publications in Albanian language.

ups https://www.wipo.int/publications/en/details.jsp?id=4545&plang=EN Secrets of Intellectual Property: A Guide for Small and Medium-sized Exporters (exists in Macedonian but not in Albanian language) https://www.wipo.int/publications/en/details.jsp?id=294&plang=EN	SOIP ME	as above	2022 ¹²²
Looking Good: An Introduction to Industrial Designs for SMEs (exists in Macedonian but not in Albanian language) https://www.wipo.int/publications/en/details.jsp?id=4388&plang=EN Inventing the Future: An Introduction to Patents for SMEs https://www.wipo.int/publications/en/details.jsp?id=4350&plang=EN Making a Mark: An Introduction to Trademarks for SMEs https://www.wipo.int/publications/en/details.jsp?id=4208&plang=EN	SOIP	as above	2023
Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual (exists in Macedonian but not in Albanian language) https://www.wipo.int/publications/en/details.jsp?id=291&plang=EN	SOIP CC	as above	2024
Creative Expression: An Introduction to CRRs for SMEs https://www.wipo.int/publications/en/details.jsp?id=152&plang=EN Marketing Crafts and Visual Arts: The Role of Intellectual Property https://www.wipo.int/publications/en/details.jsp?id=281&plang=EN How to Make a Living in the Creative Industries https://www.wipo.int/publications/en/details.jsp?id=4166&plang=EN	SOIP MC	as above	2025-2026
3.1.5. E-network for exchange of IP data			
Electronic platform for data exchange and implementation of the Methodology for collection of statistical data from the institutions competent for the enforcement of IPRs	SOIP CBIP members	e-platform in place	2022 ¹²³ -2023
3.1.6. E-filing and E-services			
SOIP signed the agreement with the EUIPO concerning the provision of software solution and technical assistance to SOIP for the installation and the implementation of e-filing for trademark and industrial designs applications as well as corresponding e-services. (see footnote 92). SOIP will do all the necessary to ensure successful implementation in accordance with the EUIPO's project governance and duration of the implementation ¹²⁴ .	SOIP	e-filing for trademarks & designs & related e-services in place	2022-2023 ¹²⁵
SOIP will develop additional e-services as specified under B)a)/vi. in accordance with the long-standing strategic direction.	SOIP	e-services in place	2023-2024
E-filing of patent applications.			
Within the cooperation based on EPO strategic plan until 2023 and bilateral cooperation plans, e-filing for patents as a module provided by EPO, will be developed for IP offices of the member states in the course of 2023.	SOIP	e-filing for patents in place	2024-2025

¹²² Ibid.¹²³ Ibid.¹²⁴ This activity is planned for 2021 in the SOIP's strategic plan but, with the view on afore-mentioned EUIPO's standard timelines for this project, it is more realistic to plan full implementation in 2022-2023.¹²⁵ Ministry of culture proposed the term to be postponed to 2022-2024. It is not acceptable, because all stakeholders insist on urgent digitalization.

3.1.7. Communication issues			
SOIP shall review and renew its Service Orientation Programme (SOP) from 2010 and define communication mix comprising different forms of informing the public (the website, print media, press conferences, information flyers) and/or communication mechanisms of consulting the users and the public (phone, e-mail, website blogs, social networks etc)	SOIP	SOP renewed	2023
SOIP will nominate two employees of appropriate qualifications, skills, and experience for communications with the public, and provide a specialized training for them.	SOIP	employees appointed & trained	2022 ¹²⁶ -2024
3.1.8. Physical/material resources			
Strategic direction of SOIP is to provide optimal material basis/ physical resources for the future efficient work in accordance with its enlarged scope of competencies and the shift in its mission towards the service organisation.			
- SOIP plans to move to the new premises in its own property. This would provide optimal conditions for the future work of the institution, including implementation of this strategy.	SOIP	Office moved	2022
- SOIP will (with the assistance of this project) define the needs concerning IT and communication equipment and procure it as a priority.	SOIP	equipment procured & installed	2022-2023
3.2. Ministry of Agriculture, Forestry and Water Economy			
3.2.1. Department for Standards and Quality of Agricultural Products			
It is recommended to prepare a comprehensive 5-year plan for the recruitment and professional development of human resources in this department. In doing so, projections of the future number and structure of applications of GI and AO shall be considered.	MAFWE CBIP	5-year plan prepared 5-year plan realized	2022 2022-2026
3.2.2. Directorate for Seeds and Seedling Material			
The highest priority is modernization of the equipment, horizontal networking and data exchange with CA and other enforcement bodies, organizing post-control of seed material put on the market, storage and maintenance of seed and planting material in the Gene Bank, control over the work of the authorized legal entities and the authorized laboratories.	MAFWE	complete system of the official controls In place	2023-2024

OBJECTIVE 4. - Enhanced recognition and effective and coordinated enforcement of IPRs

Strategic DIRECTIONS and/or MEASURES	Holders	Indicators	Term
4.1. Raising public awareness about the IP			
Authorities at state and local levels will contribute to raising awareness about IP directly and indirectly. - <u>Direct contribution</u> will be materialized via: Regular reporting to the public on all the activities by the	Govern- ment CBIP		

¹²⁶ Ministry of culture proposed the term to be postponed to 2023-2024. It is not acceptable, because all stakeholders insist on urgent digitalization.

administration including the successful enforcement activities; Specific reports on most significant cases with appropriate media coverage; Strict policies for public administration at observing and respecting all types of IP rights in procuring goods and services as well as in regular use thereof; Promotion of respect of IP rights in public education institutions	regional and municipal authority		Permanent
- <u>Indirect contribution</u> will be materialized via: Initiating, organizing and/or sponsoring events related to raising awareness about IP; Participation of government officials in those events and similar events organized by other interested parties and entities; Inclusion of IPRs in the programs of regular training and education for civil servants and staff members of relevant administration bodies.			Permanent
CBIP will develop policy to raise awareness, starting at a young age with different methods e.g. competitions for children focusing the attention of the youth on their innovative potential.	CBIP	policy adopted	2022
Operational initiatives in this respect will be organized and implemented by the Operational group on the Promotion of IPRs in cooperation with rightsholders (see below).	CBIP	policy implemented	2023-2026
4.2. Increasing the effectiveness of the legal enforcement of IPRs			
<u>Ministry of Interior - Police,</u> Considering the number and structure of employees in relation to the existing systematization and the existing content and scope of work, and given the specificity and gravity of criminal acts in cybercrime, the increase in e-commerce and problems around IPTV, Ministry shall plan the recruitment and training of specialized personnel as well as the procurement of specific equipment for the prosecution and detection of these criminal acts	MI / Police	plan prepared & adopted plan realized	2022-2023 2024-2026
<u>Customs Administration (CA)</u> - will put into operation a module on IPR and connect with other bodies, especially SOIP. - considering the specificity and gravity of IP violations CA will plan the recruitment and training of specialized personnel. - CA will explore, adapt and implement best practices of other countries, concerning the way the seized goods are handled, for which a court judgment has been rendered and for which annulment should be carried out.	CA CBIP CA CA	module put in operation personnel recruited and trained best practice established	2023 2024-2025 2024
<u>State Market Inspectorate (SMI),</u> - considering the specificity and gravity of IP violations and in particular the increase in e-commerce, SMI will plan the recruitment and training of specialized personnel, as well as a plan for the procurement of an equipment for pursuing and detecting these violations. - There is an urgent need to create software as well as horizontal connection with SOIP and other enforcement authorities of IPRs.	SMI CBIP	personnel recruited and trained equipment procured software in place	2024-2026 2023 2023
MAFWE			

The verification of compliance of GIs and AOs with the elaborate or specification shall be carried out by (dedicated) authorized verification bodies and on the control, plan approved by the minister.	MAFWE	authorized bodies accredited	2022
North Macedonia will include the data basis from MAFWE and SOIP concerning registered and/or applied for GIs and AOs in the data basis eAmbrosia – the EU GI register and in GiView – EUIPO register of AOs and GIs.	SOIP MAFWE	Data included	2022
4.2.1. Judiciary			
It is recommended to concentrate the IP matters at one competent court of the 1 st instance and one court of appeals for civil and criminal cases respectively (or to specialized chambers/departments of the competent courts). ¹²⁷ - MJ will prepare the amendments to the Law on courts and the Court Regulation.	MJ	Amendments of the Law and of the Regulations prepared	2023
The amendments concerning the competence of PPO must follow the amendments concerning the court competence. MJ shall prepare the amendments of the Law on Public Prosecutor accordingly (see remark in footnote 110)	MJ	Amendments of the Law prepared	2023
MJ shall prepare Amendments of the Law on expertise to mention title Intellectual Property in correct meaning/content. Also, the qualifications of the experts in the field of IP should be amended.	MJ	Amendments of the Law prepared	2024
It is recommended to conduct training seminars of judges focusing on the practical aspects that are specific for IP, for instance evaluation of similarities between trademarks and determining the damages.	AJPP	seminars conducted regularly	2022-2026
It is recommended to conduct training seminars with join participation: of police officers, public prosecutors, market inspectors, right holders, attorneys at law and judges focusing on the practical aspects that are specific for IP.	AJPP	training seminars conducted regularly	2022-2026
4.2.2. Coordinative Body for Intellectual Property (CBIP) The decision of the Government of North Macedonia on CBIP shall be amended to encompass the following recommendations: - CBIP will continue to coordinate concrete joint activities aiming at increasing recognition of IPRs as well as the legal enforcement of those rights <u>and shall take up the coordination of the implementation of this strategy, as well as preparation of the future iterations, providing thereby the continuity of strategic planning within the national IP system.</u> - CBIP undertakes activities to strengthen public awareness of the importance of IPRs protection, - CBI monitor the implementation of domestic regulations and propose continuous improvement and mutual alignment, - CBI monitor the practice of international IPRs enforcement bodies, in particular the EC - EUIPO, WIPO – ACE, ICC – BASCAP and cooperate with	Government	Decision on CBIP amended	2022

¹²⁷ In the validation process of the draft document, Ministry of Justice expressed negative opinion on this recommendation.

<p>them.</p> <ul style="list-style-type: none"> - Two operative groups under the CBIP shall be established - <u>The Operative Group 1 for the Legal Enforcement of IPRs</u> is an operational level of coordination of tasks and activities to prevent and combat infringements of IPRs, which operates on an appropriate regional and interdepartmental structure, involving employees of the MI, SMI, CA, PPO and SOIP. - <u>The Operative Group 2 on the Promotion of IPRs</u> and cooperation with rightsholders. Representatives of bodies responsible for the enforcement of IPRs, representatives of associations of IPR holders, Organizations for management of CRRs, and representatives of consumers associations are included. 			
A recurring issue concerning the work of CBIP is development of an e-networking system for exchange of IP data among the competent institutions including Modul for collecting statistical data from various institutions based on Methodology for collecting statistical data.	CBIP	e-networking system established & operational	2022-2023
CBIP should have its own portal on which information related to the work will be published. The portal should enable electronic anonymous reporting of infringements of IPRs by natural and legal persons, which CBIP will review and act upon.	CBIP	CBIP portal functional	2023
Operational work of CBIP, the workflow related to the preparation, holding, and monitoring of the sessions must be improved. The project will provide support solution / module.	CBIP	workflow module functional	2022

OBJECTIVE 5. - National IP legislation modernized and compliant with the EU acquis and the international IP legal order

Strategic DIRECTIONS and/or MEASURES	Holder	Indicator	Term
Ratification of Geneva Act of Lisbon Agreement in relation to GI and designations of origin (<i>The Geneva Act</i>)	SOIP	Geneva Act, Ratified	2022
Ratification of The Beijing Treaty on Audio-visual Performances (<i>The Beijing Treaty</i>)	MC/SOIP	Beijing Treaty, Ratified	2023
Ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (<i>The Marrakesh Treaty</i>)	MC	Marrakesh Treaty to Ratified	2022
Enactment of new Law on Patents and Utility models	SOIP	Law enacted	2023
Enactment of new Trademark Law	SOIP	Law enacted	2023
Enactment of new Law on Industrial Designs	SOIP	Law enacted	2023
Enactment of new Law on GIs and AOs	SOIP	Law enacted	2023
Enactment of amendment of Law on Topographies of Integrated Circuits	SOIP	Law amended	2023
Enactment new Law on Industrial Property Representatives	SOIP	Law enacted	2023
Enactment new Law on copyright and related rights	SOIP	Law enacted	2024-2025
Enactment of new Law on the Protection of Undisclosed Information with Market Value (<i>Trade Secrets</i>)	SOIP	Law enacted	2022
Enactment of Amendment of Law on organization of state	MISA	Law amended	2024

administration(transfer of competences for CRRs from MC to SOIP)			
Enactment of Amendment of Law on organization of courts (Concentration of IP cases at one competent court of the 1 st instance and one court of appeals for civil, criminal and misdemeanour proceedings respectively)	MJ	Law amended	2024
Enactment of the amendments of the Law on Public Prosecutor in accordance to the above.	MJ	Law amended	2024
Enactment of Amendment of Law on expertise	MJ	Law amended	2024
Enactment of Amendment of Law on higher education	MES	Law amended	2023
Amendment of Law on Audio and Audio-visual Media Services	MISA	Law amended	2022-2023
Regulations on Patents and Utility models	SOIP	Regulations enacted	2023
Regulations on Trademarks	SOIP	Regulations enacted	2023
Regulations on Industrial Designs	SOIP	Regulations enacted	2023
Regulations on Geographical Indications and Appellations of Origin	SOIP	Regulations enacted	2023
Regulations on Topographies of Integrated Circuits (ICs)	SOIP	Regulations enacted	2023
Regulations on Professional exam for the IP Representatives	SOIP	Regulations enacted	2023

OBJECTIVE 6. - Improved international cooperation and participation in the international IP system.

Strategic DIRECTIONS and/or MEASURES	Holders	Indicators	Term
6.1. European Patent Office (EPO)			
Most relevant cooperation areas according to the EPO strategic plan in force are: <ul style="list-style-type: none"> - Projects to enhance knowledge and quality. - IT infrastructure (based on program of simplification of processes and procedures), - Projects to promote the converge of patent offices practice. 	SOIP	As per SOPI's Strategic plan 2019-2023	
SOIP will, in relation to the professional training, focus on a new co-operation framework of the EPO Academy that aims at developing new capacity building programme for the staff of NPOs including examiner training scheme for additional services such as area of mediation for IPRs, technology watch and special searches (focus on patents as a business assets), technology transfer, landscape searches, freedom to operate searches and commercialization.	SOIP	As per plan on professional training	2023-2026
To foster EQE preparation for the next generation of European patent attorneys in MK SOIP and AIPR will liaise with EPI and the EPO Academy in preparation of a new training programme to support the preparations of candidates for the EQE, including inter alia, extensive training on legal developments and litigation.	SOIP AIPR	Training program developed	2023
In realization of these strategic directions SOIP shall <ul style="list-style-type: none"> - prepare and sign bilateral cooperation plan with the EPO, - prepare the project of integration of the EPO's e-filing solution, and - plan education and on-the-job training for 3-5 young IP 	SOIP	Co-operation plan(s) realized Project realized	Continuous 2023-24

professional (graduates from the relevant faculties) in the framework of the Pan-European seal joint project of EPO and EUIPO.		Plan realized	2024-26
6.2. European Union Intellectual Property Office (EUIPO)			
EUIPO is the specialized EU agency for trademarks, and industrial designs. EUIPO registers said IP rights following the procedures stipulated in the relevant EU legislation binding the EU member states. Only after the accession to the EU, MK will become a member of the EUIPO and thus party to the EU Trademark and Community Design systems. SOIP has already started some cooperation with the EUIPO via bilateral activities in this respect (see above)	SOIP	n/a	n/a
6.3. World Intellectual Property Organization WIPO			
Active engagement in the work of WIPO governing bodies for the international treaties to be acceded by the MK in the implementation of this strategy. (Marrakesh Treaty, Beijing treaty, Geneva Act of the Lisbon Agreement).	SOIP, MC	n/a	perma- nent
Active engagement in the work of the WIPO Advisory Committee on Enforcement	CBIP, SOIP	n/a	perma- nent
Following the transfer of competences for CCRs, SOIP shall actively engage in the work of WIPO governing bodies for the implementation of all international agreements in the field of CRRs.	SOIP	n/a	perma- nent
Dedicated employees' training for IPAS, a training for other employees based on WIPO online education and training programs, participation of participants from MK in WIPO summer schools.	SOIP	education and professional training plan realized	2023 – 2026
Translation and localization of WIPO publications into domestic languages in MK in accordance with this strategy and action plan (see above).	SOIP	publications translated and published	2023 – 2026
WIPO support in preparation and implementation of promotional activities including the marking of World IP Day every year, and special promotional event marking taking over the competence for CRRs by SOIP and becoming State Intellectual Property Office.	SOIP	promotional activities realized	2022 - 2026
WIPO technical and financial assistance in conducting two National studies on the economic contribution of the Creative Industries in MK.	SOIP	technical and financial support realized	2022 and 2026

ENDNOTES

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- ⁱ The document was prepared within the project “Technical support for developing a national strategy for industrial property 2016-2018” (Project No. IPA/TAIB2011/6.9/LOT10/07).
- ⁱⁱ Done on September 23, 2019 by Professors Jadranka Dabovic Anastovska, and Neda Zdraveva, both from Faculty of Law “Iustinianus Primus” – Skopje; and Mr. Ron Marchant, Independent Consultant to WIPO
- ⁱⁱⁱ European Agency for Reconstruction; 04/MAC01/04/002, Beneficiary - State Office for Industrial Property, Project Duration - September 15, 2005, to June 16, 2006
- ^{iv} Twinning Project with Norway. (10 December 2014 – 10 March 2016)
- ^v Twinning Project with Denmark, (MK 11 IB OT 01 - IPA 2011) - *March 2017*
- ^{vi} Country Papers Series – Republic of Macedonia, WORLD BANK technical assistance project (P123211) - October 2013
- ^{vii} Skopje, July 2009 2; Elaborated by the expert team: Antoanela Petkovska, Kokan Grcev, Gorgi Tonovski, Gorge Ivanov, Pande Lazarevski, Jonuz Abdulai; Official data from the State Statistical Office of the Republic of Macedonia
- ^{viii} Official Gazette, No.277/2019
- ^{ix} Official Gazette, No.15/2021
- ^x <https://mon.gov.mk/content/?id=4029> For 2020 there were 38 applicants, out of which 21 were granted with the funding because they fulfilled the criteria of the call.
- ^{xi} <https://mon.gov.mk/category/?id=3>
- ^{xii} Marica Antovska-Miteva, “Macedonian national innovation system – states, challenges and perspectives”, page 5 - 6, <https://www.researchgate.net/publication/343431643>, page 5, last visit on August 21, 2021.
- ^{xiii} Official Gazette No. 79/2013, 137/2013, 41/2014, 44/2015, 6/2016 and 53/2016
- ^{xiv} Relating to the measure 1 and 3. Ibid., page 9 and 10.
- ^{xv} Medium-term work program of FITD for financial support of micro, small and medium enterprises, for 2018-2020.
- ^{xvi} Regulatory Strategy for development of audio- and audio-visual activities in a period of 2019 to 2023, page 26, <https://avmu.mk/wp>,
- ^{xvii} "Official Gazette No. 140/10, 53/11, 55/12, 106/13, 116 / 15, 149/15, 193/15 and 39/16)
- ^{xviii} <https://www.ippo.gov.mk/MK/NovostiView.aspx?id=10476&cat=GM> - Meeting of Mr. G. Gerasimovski and Mr. Drilon Iseni on 17th September 2021
- ^{xix} Established in April 2007 with the Government Decision (Official Gazette of RM No 56/07)
- ^{xx} <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>
- ^{xxi} <https://www.tmdn.org/giview/gi/search>
- ^{xxii} Official Gazette No. 39/06, 89/08, 171/10, 53/11, 69/13, 187/13, 43/14, 129/15, 39/16, 71/16 and 83/18
- ^{xxiii} Official Gazette No. 52/09.
- ^{xxiv} Official Gazette No 21/2009, 24/11, 12/14, 41/14, 152/15, 53/16, 83/18, 31/20
- ^{xxv} Official Gazette No. 05/98, 33/06, 136/11
- ^{xxvi} Official Gazette No. 80/99
- ^{xxvii} Official Gazette No. 50/10, 53/11, 6/12, 23/13, 106/13, 188/13, 149/15, 39/16, 172/16

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- xxviii Official Gazette No. 49/10, 53/11, 126/12, 15/13, 69/13, 106/13, 177/14, 25/15, 73/15, 83/15, 154/15, 11/16, 53/16, 120/16, 163/16.
- xxix Official Gazette No. 31/1998, 49/2003, 82/2005, 24/2007, 116/2010, 47/2011, 51/2011, 136/2012, 23/2013, 187/2013, 44/2014, 61/2015, 154/2015, 39/2016, 11/2018
- xxx Official Gazette No. 115/2010, 140/2010, 51/2011, 147/2013, 154/2015, 27/2016
- xxxi Official Gazette No. 199/2014 and 152/2011.
- xxxii Official Gazette No. 74/2014
- xxxiii Official Gazette No. 61/2014
- xxxiv Official Gazette No. 104/2011
- xxxv Official Gazette of SFRY MD no.14/75 and 4/86
- xxxvi Official Gazette of SFRY – MD no.54/73
- xxxvii Official Gazette of SFRY – MD no.13/77
- xxxviii Official Gazette – MD no.50/97
- xxxix Official Gazette No.47/97
- xl Official Gazette No. 44/03-International Agreements
- xli Official Gazette No. 44/03-International Agreements
- xlii Official Gazette No. 39/06, 89/08, 171/10, 53/11, 69/13, 187/13, 43/14, 129/15, 39/16, 71/16 and 83/18.
- xliii Official Gazette No. 52/09.
- xliv Official Gazette No. 88/15, 154/15, 192/15 and 23/16
- xlvi Official Gazette No. 24/2007, 81/2007, 152/2008, 36/11, 18/13, 164/13, 41/14, 33/15, 61/15, 152/15
- xlvi Official Gazette No. 38/2004, 77/2007, 103/2008, 24/11, 164/13, 97/15, 152/15
- xlvi Official Gazette No.124/15, 65/18
- xlvi Official Gazette No.96/19
- xlvi Official Gazette No. 18/2001, 78/2001, 04/2002, 59/2002, 05/2003, 84/2008, 81/2009, 161/09
- i Official Gazette No. 145/2010, бр.136/11, 41/14, 53/16 и 83/18
- ii Official Gazette No. 80/99
- iii Official Gazette No. 80/99
- iii Official Gazette No. 96/19
- liv Official Gazette No. 79/05, 110/08, 83/09, 116/10, 124/15
- lv Official Gazette No. 150/10
- lvi Official Gazette No. 72/16, 142/16, 233/18 и 14/20
- lvii Official Gazette No. 87/07, 31/16
- lviii Marica Antovska - Mitev, “Macedonian national innovation system – states, challenges and perspectives”, page 7, <https://www.researchgate.net/publication/343431643>, last visit on August 21, 2021.
- lix Ibid, page 8
- lx Ibid
- lxi Ibid, page 8
- lxii http://ukim.edu.mk/mk_content.php?meni=223&glavno=41
- lxiii Marica Antovska-Mitev, “Macedonian national innovation system – states, challenges and perspectives”, page 7, <https://www.researchgate.net/publication/343431643>, page 5, last visit on August 21, 2021.
- lxiv <http://www.fitr.mk/>
- lxv Relating to the measure 1 and 3. Ibid., page 9 and 10.
- lxvi FOOD quality policy : schemes of geographical indications and traditional specialities in South East Europe / [edited by Sonja Srbinska *et.al* .]. - Skopje : Standing working group for regional rural development (SWG), 2020. Page 169

^{lxvii} FOOD quality policy : schemes of geographical indications and traditional specialities in South East Europe / [edited by Sonja Srbinovska *et.al.*]. - Skopje : Standing working group for regional rural development (SWG), 2020. Page 3

^{lxviii} Ibid,

^{lxix} Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, *A balanced IP enforcement system responding to today's societal challenges*, COM(2017) 707 final.

<https://ec.europa.eu/transparency/regdoc/rep/1/2017/EN/COM-2017-707-F1-EN-MAIN-PART-1.PDF>

^{lxx} National Strategy on Industrial Property of the Republic of Macedonia 2016-2018.

^{lxxi} Europol Report (2020), *IP Crime and its link to other serious crimes focus on poli-criminality*.

<https://www.europol.europa.eu/publications-documents/ip-crime-and-its-link-to-other-serious-crimes-focus-poly-criminality>

^{lxxii} See last EU Progress reports.

^{lxxiii}

<https://www.pravda.gov.mk/Upload/Documents/ÒÄÄËË%20óïðàâ%20C3%AD%20ÓĬÄÄÄ%20ŃÓÄ%20.pdf>,

^{lxxiv} <https://www.pravda.gov.mk/Upload/Documents/>

^{lxxv} Official Gazette No.42/2020

^{lxxvi} Official Gazette No.150/2010

^{lxxvii} Official Gazette No.42/14, 116/14, 33/15, 5/16, 127/16, 142/16, 190/16, 21/18, 108/19, 275/19 and 110/21

^{lxxviii} Official Gazette No.114.06, 6/09, 145/12, 41/14, 33/15, 31/16, 106/16, 120/16, 21/18, 64/18 and 148/08

^{lxxix} "Official Gazette No.56/07, 32/08, 11/09 и 222/18

^{lxxx} "Official Gazette No. 56/07, 32/08 and 11/09

^{lxxxi} [https://jorm.gov.mk/category/dokumenti/izvestai/last visit on August 10](https://jorm.gov.mk/category/dokumenti/izvestai/last%20visit%20on%20August%2010),

^{lxxxii} National SME Strategy 2018-2022

^{lxxxiii} European Commission, Annual report on European SMEs, COM (2018)

^{lxxxiv} further information is available on: https://www.wipo.int/global_ip/en/activities/wipo_connect/

^{lxxxv} Similar conclusions are elaborated in the Regulatory Strategy for development of audio and audio-visual activities in a period of 2019 to 2023, page 32, <https://avmu.mk/wp>

^{lxxxvi} https://www.wipo.int/academy/en/courses/distance_learning/

^{lxxxvii} <https://euipo.europa.eu/knowledge/>

^{lxxxviii} <https://www.epo.org/learning>

^{lxxxix} The issue has been elaborated and emphasized already in the Strategy for intellectual Property of 2009 – 2012:

^{xc} <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>

^{xc}_i <https://www.tmdn.org/giview/gi/search>

APPENDIXES

Concept of the Global Innovation Index



Appendix 2

List of the relevant EU Directives and Regulations in the field of Intellectual Property

A) IPRs - GENERAL

1. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Text with EEA relevance)

ELI: <http://data.europa.eu/eli/dir/2004/48/oj>

1.a. Communication from the Commission to the Institutions on Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights

Document date: 29/11/2017 - Created by GROW.A.1.DIR - Publication date: 29/11/2017

2. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

ELI: <http://data.europa.eu/eli/dir/2006/123/oj>

B) COPYRIGHT AND RELATED RIGHTS

1. 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

ELI: <http://data.europa.eu/eli/dir/1993/83/oj>

2. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases

ELI: <http://data.europa.eu/eli/dir/1996/9/oj>

3. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

ELI: <http://data.europa.eu/eli/dir/2001/29/oj>

4. 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

ELI: <http://data.europa.eu/eli/dir/2001/84/oj>

5. 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 (codified version)

ELI: <http://data.europa.eu/eli/dir/2006/115/oj>

6. 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 (codified version)

ELI: <http://data.europa.eu/eli/dir/2006/116/oj>

7. Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Codified version) (Text with EEA relevance)

ELI: <http://data.europa.eu/eli/dir/2009/24/oj>

8. Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights

ELI: <http://data.europa.eu/eli/dir/2011/77/oj>

9. Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works Text with EEA relevance

ELI: <http://data.europa.eu/eli/dir/2012/28/oj>

10. 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 Text with EEA relevance

ELI: <http://data.europa.eu/eli/dir/2014/26/oj>

11. Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market Text with EEA relevance.

ELI: <http://data.europa.eu/eli/reg/2017/1128/oj>

13. Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired, or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

ELI: <http://data.europa.eu/eli/dir/2017/1564/oj>

14. Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled

ELI: <http://data.europa.eu/eli/reg/2017/1563/oj>

15. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.)

ELI: <http://data.europa.eu/eli/dir/2019/790/oj>

16. Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes and amending Council Directive 93/83/EEC (Text with EEA relevance.)

ELI: <http://data.europa.eu/eli/reg/2019/789/oj>

C) PATENTS & SPCs

1. 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 (Codified version) (Text with EEA relevance)

ELI: <http://data.europa.eu/eli/reg/2009/469/oj>

2. Regulation (EU) 2019/933 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products (Text with EEA relevance.)

ELI: <http://data.europa.eu/eli/reg/2019/933/oj>

3. 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

ELI: <http://data.europa.eu/eli/reg/1996/1610/oj>

4. 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

ELI: <http://data.europa.eu/eli/reg/2006/816/oj>

5. Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions

ELI: <http://data.europa.eu/eli/dir/1998/44/oj>

D) TRADEMARKS

1. Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (Text with EEA relevance)

ELI: <http://data.europa.eu/eli/dir/2015/2436/oj>

2 . Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (Text with EEA relevance.)

ELI: <http://data.europa.eu/eli/reg/2017/1001/oj>

3. Commission Implementing Regulation (EU) 2018/626 of 5 March 2018 laying down detailed rules for implementing certain provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Implementing Regulation (EU) 2017/1431

ELI: http://data.europa.eu/eli/reg_impl/2018/626/oj

4. Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430

ELI: http://data.europa.eu/eli/reg_del/2018/625/oj

5 . 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)

● No longer in force, End of validity: 14/01/2019; Repealed and replaced by [32015L2436](#)

ELI: <http://data.europa.eu/eli/dir/2008/95/oj>

E) INDUSTRIAL DESIGNS

1. Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs

ELI: <http://data.europa.eu/eli/dir/1998/71/oj>

2. Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs

ELI: <http://data.europa.eu/eli/reg/2002/6/oj>

3. Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs

ELI: <http://data.europa.eu/eli/reg/2002/2245/oj>

4. Commission Regulation (EC) No 2246/2002 of 16 December 2002 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) in respect of the registration of Community designs

ELI: <http://data.europa.eu/eli/reg/2002/2246/oj>

F) TOPOGRAPHIES OF INTEGRATED CIRCUITS

1. Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products

ELI: <http://data.europa.eu/eli/dir/1987/54/oj>

G) TRADE SECRETS

1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Text with EEA relevance)

ELI: <http://data.europa.eu/eli/dir/2016/943/oj>