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Capacity Building Activities in Protection of Intellectual
Property in Bosnia and Herzegovina

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Institute for Intellectual Property of Bosnia and Herzegovina

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Bosnia and Herzegovina IPR System

The intellectual property system of BIH has been set up in 1992 with the acceptance legislation regarding industrial property protection, copyright and related rights from former Yugoslavia as well as the conventions and treaties which had been ratified also by former Yugoslavia



IPR System

In the IP field, two most important political processes are:

- Negotiations for the accession to WTO
- Implementation of the Stabilisation and Accession Agreement (SAA) with the EU



WTO and SAA

Both of these processes, especially in case of their expected successful completion, require additional and constant efforts in improving the protection of IPR in BIH, along the lines of standards set in the WTO's TRIPS Agreement and EU's *Acquis communautaire*.

A decorative graphic on the left side of the slide features a large green balloon at the top, a blue balloon in the middle, and a purple balloon at the bottom. Yellow streamers and triangular flags are scattered around the balloons.

IPR legislation

- The Law establishing the Institute for Intellectual Property of BiH was adopted on 29 June 2004 (BiH Official Gazette No. 43/04).
- At the moment, substantive intellectual property legislation is contained in the:
 - Law on Copyright and Related Rights (BiH Official Gazette No.7/02),
 - Law on Industrial Property (BiH Official Gazette No. 3/02 and 29/02),
 - Law on the Protection of New Plant Varieties (BiH Official Gazette No.46/04),
 - Law on Topographies of Integrated Circuits is in the legislative procedure

Membership on the International Conventions and Treaties

- 1) Convention Establishing the World Intellectual Property Organization
- 2) Paris Convention for the Protection of Industrial Property
- 3) Madrid Agreement Concerning the International Registration of Marks
- 4) Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of the Marks
- 5) Locarno Agreement Establishing an International Classification for Industrial Designs
- 6) Berne Convention for the Protection of Literary and Artistic Works
- 7) Universal Copyright Convention
- 8) Satellite Convention
- 9) Patent Cooperation Treaty (PCT)
- 10) Trademark Law Treaty (Geneva, 1994)
- 11) Singapore Treaty on the Law on Trademarks (Revised Trademark Law Treaty, signed at the Diplomatic Conference in Singapore, March 2006)
- 12) Treaty on Intellectual Property in Respect of Integrated Circuits (Instrument of accession deposited to WIPO on March 8, 2007) (Treaty not yet into force)



International Conventions in process

On June 17, 2008 Parliamentary Assembly of BiH approved for ratification:

1. Convention for the Protection of Producers of Phonograms against Unauthorized Duplications of their Phonograms
 2. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
 3. Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks
 4. Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
 5. Strasbourg Agreement Concerning the International Patent Classification
 6. Haque Agreement Concerning the International Registration of Industrial Design (Geneva Act, 1999)
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Assistance in IPR Capacity Building

- EU Regional CARDS Project “Industrial and Intellectual Property Rights” (2003-2006).
- Devoted to the five countries of the Western Balkans: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro, including Kosovo.
- The implementing organizations were the European Patent Office and Office for the Harmonization of Internal Market (OHIM).



Other Related Programmes

- Among the ongoing programmes of international assistance in BiH none is treating the issue of IPR *per se*.
- The only programme that marginally touches upon this issue is the **CARDS 2006 “Developing Trade Policy and Related Capacity in Bosnia and Herzegovina” (EUTPP)**, started on June 11, 2007.
- In this Project the IPR are identified as one of many instruments of trade policy. Although this Project will not specifically dwell on IPR matters, the potential for possible synergy lays in the support the EUIPR Project could provide to the EUTPP in form of making available relevant assessments and contacts, and participation of EUIPR’s Long Term Experts in seminars and workshops organized by the EUTPP.
- Seminar organized in Neum (BIH) (May, 2008), was focused only to the TRIPS Agreement issues.



EU CARDS Project “Capacity Building in Protection of IPR in BIH”

- Project started on September 17, 2007.
- EU assistance to Institute for Intellectual Property of Bosnia and Herzegovina to institutional capacity building and to improve the overall state of economic utilization, legal framework and enforcement in the IPR field on its territory.

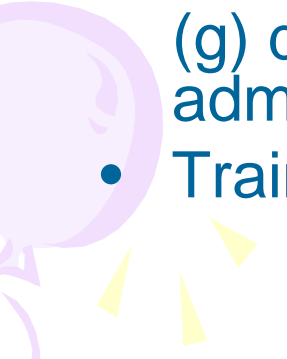


Immediate objectives

- to support the development of BiH Intellectual Property Institute's institutional capacity and ensure the Institute is able to carry out all the necessary functions
- to strengthen the intellectual property legal framework, including harmonization with "TRIPS plus" requirements, and to support the development of the wider intellectual property implementation and enforcement environment.



Project Results

- Development strategy of the Institute in next 5 to 10 years
 - Projection of the structural and functional organization of the Institute and recruitment needs,
 - Prepared draft laws harmonized with the “TRIPS Plus” requirements:
 - (a) Law on Copyright and Related Rights, (b) Law on Patents; (c) Law on Trademarks (d) Law on Industrial Designs, (e) Law on Geographical Indications, (f) Law on Plant Varieties Protection,
 - (g) draft laws amending existing laws regulating civil, administrative and criminal enforcement of IPR
 - Training delivery
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Thank you for your attention!