

**MARKET SURVEILLANCE  
ROLE IN COMBATTING COUNTERFEIT PRODUCTS**

*Experience of Serbian  
Market Surveillance Authority*

---

**UNECE WP6 Webinar**

21 February 2023

Vera Despotović

# Jurisdiction in the field of Market Surveillance

---

## Ministry of Internal and Foreign Trade-Market Inspection Sector:

- Low Voltage equipment (**LVD**)
  - Electromagnetic compatibility (**EMCD**)
  - Machinery (**MD**)
  - Radio equipment (**RED**)
  - Construction Products (**CPR**)
  - **ATEX**
  - Other product categories
- 
- **General Product Safety and coordination in the National System for the exchange of Information on Dangerous Products**
  - **Support Product Safety Council in the coordination of Market Surveillance**

# Role in combatting counterfeit products

---

**Ministry of Internal and Foreign Trade-Market Inspection Sector** apart from the control of product compliance and safety (Market Surveillance) is in charge of the Enforcement of Intellectual Property Rights, especially industrial property rights:

- ***Trademarks***
- ***Copyrights***
- ***Patents***
- ***Designs***
- ***Geographical indications***

**Legal & Institutional framework has been established**

# Special powers of the competent IPR Enforcement Authorities

---

## Ministry of Internal and Foreign Trade-Market Surveillance inspectors

- Perform inspection of production and commerce of goods infringing industrial property rights
- Start administrative procedure *ex officio* or at the request of the IPR holder – *Application for Action (AfA)*
- *Identify counterfeit goods and supply chain*
- *Provide evidence and samples – ask for expertise*
- *Undertake temporary measures including the detention of goods with the reasonable suspicion of infringement of the protected IPR, that should be verified by a competent court*

## Special powers of the competent IPR Enforcement Authorities

---

- **Out-of-court settlement**
- The competent authority should **exclude counterfeit or pirated goods from the circulation**
- **Final administrative decision**
- **Destruction of counterfeit and pirated goods**
- **Cooperation with IPR holder**
- Cooperation with the Market Surveillance Authority competent for ***dangerous waste*** and ***environmental protection*** and those competent for other risks depending on the kind of goods

## Market Inspection Sector Statistics of Market Surveillance activities

---

Year	NUMBER OF INSPECTIONS CARRIED OUT IN THE FIELD OF GENERAL PRODUCT SAFETY	NUMBER OF INSPECTIONS IN THE FIELD OF CONTROL PRODUCT COMPLIANCE AND SAFETY	NUMBER OF RESTRICTIVE AND CORRECTIVE MEASURES FOR NON-COMPLIANT AND UNSAFE PRODUCTS	NOTIFICATIONS ON DANGEROUS PRODUCT
2022	565	3519	468	<a href="http://www.nepro.gov.rs">www.nepro.gov.rs</a>

# Market Inspection Sector Statistics of IPR Enforcement

---

Year	NUMBER OF INSPECTIONS CARRIED OUT	EX OFFICIO	APPLICATION OF ACTION	NUMBER OF DETAINED PIECES DETAINED OF COUNTERFEIT GOODS	NUMBER OF DESTROYED COUNTERFEIT GOODS
2022	3880	1875	2005	952,922	321,362

# COOPERATION

---

- **Cooperation between Market Surveillance Authorities/IPR enforcement Authorities and Customs Authority**
- **Cooperation with specialized prosecution office for high-tech crime**
- **Coordinated cooperation with IP rights holders and organizations for the collective protection of intellectual property rights other professional organisations and consumer organisation**
- **Monitoring and analysing trends**
- **Assessment of the extent of counterfeiting, consequences and links to health and safety risks**
- **Public perception**
- **The importance of cooperation with intellectual property office for effective Law enforcement**



# Thank you very much for your attention

---

**Contact details:**

*Vera Despotović*



**Republic of Serbia**

**Ministry of Internal and Foreign Trade**

**Market Inspection Sector**

[vera.despotovic@must.gov.rs](mailto:vera.despotovic@must.gov.rs)