



EU Action Programme IPA 2016 for Kosovo

EU Support for the
Intellectual Property Rights
in Kosovo

19 June 2019 – 18 October 2022 Pristina, Kosovo

Inception Report



EU Support for the Intellectual Property Rights in Kosovo

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EuropeAid/139657/DH/SER/XK

INCEPTION REPORT- KOSOVO



Implemented by:

IBF International Consulting (IBF) - Belgium, consortium leader, with
European Public Law Organisation (Greece)

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List of Abbreviations

AGCOM	The Autorità per le Garanzie nelle Comunicazioni
AI	Administrative Instruction
AIPPI	The International Association for the Protection of Intellectual Property
ALAI	The International Literary and Artistic Association
CISAC	International Confederation of Societies of Authors and Composers
CMO	Collective Management Organization
EC	European Commission
ECTA	European Communities Trademark Association
EPO	European Patent Office
EUIPO	European Union Intellectual Property Office
GI	Geographical Indication
IE	Incidental Expenditures
IFRRO	The International Federation of Reproduction Rights Organisations
INTA	The International Trademark Association
IP	Intellectual Property
IPA	Instrument for Pre-Accession Assistance
IP Agency	Industrial Property Agency
IPAS	Industrial Property Automation System
IPRs	Intellectual Property Rights
MCYS	Ministry of Culture, Youth and Sports
MEI	Ministry of European Integration
MEST	Minister of Education, Science and Technology
MI	Market Inspectorate
MTI	Ministry of Trade and Industry
NPISAA	National Programme for Implementation of the Stabilisation and Association Agreement
OBI	The Hellenic Industrial Property Organisation
OCRR	Office of Copyright and Related Rights
R&D	Research and Development
SAA	Stabilization and Association Agreement
SIAE	The Italian Society of Authors and Publishers (Società Italiana degli Autori ed Editori)
TAT	Technical Assistance Team
TNA	Training Needs Assessment
UIBM	The Italian Patent and Trademark Office (Ufficio Italiano Brevetti e Marchi)
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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Project period: 19 June 2019 – 18 October 2022

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Ministry of Culture, Youth and Sports

[Date and signature]

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1. Executive Summary

The purpose of the Project “EU Support for the Intellectual Property Rights in Kosovo” is to strengthen legal, administrative and structural capacities of Kosovo institutions in charge of the development and enforcement of intellectual property rights (IPRs).

This Inception Report includes the work-plan and allocation of resources for the Project lifetime (19.06.2019 – 18.10.2022), outlining the proposed activities aimed at achieving the expected results to fulfil the Project’s purpose. It also provides for an analysis of the current situation and the needs to be addressed in the relevant sector, as well as the activities envisaged for achieving the result, including the expected impact and the objective indicators of performed activities.

The text below in this chapter summarizes the 3 results and the activities planned for achieving each of these results organised in 3 components.

The activities planned under **Component 1** (Legislative and Policy Development) are aiming to achieve full harmonization and implementation of the IPR legislation of Kosovo with the acquis and policy development in the field of Intellectual Property Rights.

The activities planned under **Component 2** (Capacity Building & Enforcement) are aiming to empower administrative and enforcement authorities to discharge their professional duties and responsibilities in an efficient and effective manner, ensuring full implementation of the IPR legal framework. Capacity building is central to ensuring full functionality of the IPR system and to render it sustainable.

Component 3 (Awareness Raising), has the purpose to create an atmosphere conducive to more respect for intellectual property and its efficient use for business, thus promoting creativity and innovation for economic growth. This activity is closely linked to major government policy objectives, reflected in the Economic Reform Strategy and the NPISAA with regard to improving the market conditions in the country, increasing the credibility for the country among foreign investors, creating legal certainty in intellectual property rights and in general aligning the general perceptions in society on IP with the perception in the EU in general.

2. Project Synopsis

Project title	EU Support for the Intellectual Property Rights in Kosovo
Project ref.	EuropeAid/139657/DH/SER/XK - Contract No. 2019/406-828
Country	Kosovo
Starting and closing date	19 th June 2019 to 18 th October 2022
Duration	40 months
Project value	1.898.280,00 EUR
Project's overall objective	To further support the role of Kosovo on economic governance through effective regulatory functions in line with SAA obligations.
Project's purpose	To strengthen legal, administrative and structural capacities of Kosovo institutions in charge of the development and enforcement of intellectual property rights (IPRs).
Project Beneficiaries / Main Target Groups	<p>Main beneficiaries of the Project are:</p> <ul style="list-style-type: none"> • The Kosovo Industrial Property Agency • The Office for Copyright and Related Rights • The Division for the Protection of Intellectual Property of the Kosovo Customs • The Market Inspectorate • The Kosovo Police (both Economic Crimes and Corruption Unit and Cyber Crime Unit) • The Independent Media Commission • The Judiciary and Prosecutors' Office <p>Other beneficiaries are:</p> <ul style="list-style-type: none"> • Ministry of Agriculture, Forestry and Rural Development • Ministry of Justice • Ministry of European Integration • Ministry of Innovation and Entrepreneurship • Ministry of Economic Development • The Food and Veterinary Agency • The Agency for Managing of Sequestrated or Confiscated Assets, • Justice Academy of Kosovo

	<ul style="list-style-type: none"> • Kosovo Agency for medical products and devices <p>The project will also target universities, private sector (business communities), civil society and the consumers.</p>
Planned results	<p>Result 1: Alignment of IPR Legislative Framework</p> <p>Kosovo legislative framework (primary and secondary) on intellectual property is fully aligned with the EU acquis.</p> <p>Result 2: Capacity Building and Enforcement</p> <p>Kosovo law enforcement authorities in charge of Intellectual Property Rights are able to ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.</p> <p>Result 3: Awareness Raising</p> <p>The importance of IPR protection is well understood and spread out to and by the business community and the public at large (awareness raising) in Kosovo</p>

3. Update of Assumptions and Risks

The Project terms of reference highlight a number of risks and assumptions that have been reviewed during the Inception phase.

The Table in Annex 1 shows the assumptions & risks updated and adapted according to the findings of the Inception Period and the risk management strategies that will be applied so as to minimize the risks.

4. Implementation Arrangements

4.1 Project Management

The EU Office in Kosovo is the responsible authority for the Project coordination, keeping the overall responsibility for the implementation and management of the contract. A Programme Manager was appointed within the EU Office to act on behalf of the Contracting Authority.

The Beneficiaries listed in the Figure 1 are directly involved in the Project Steering Committee.

The Counterpart of the EU Office Programme Manager for this Project is the Chairman of the Project Steering Committee.

The management structure comprises the following:

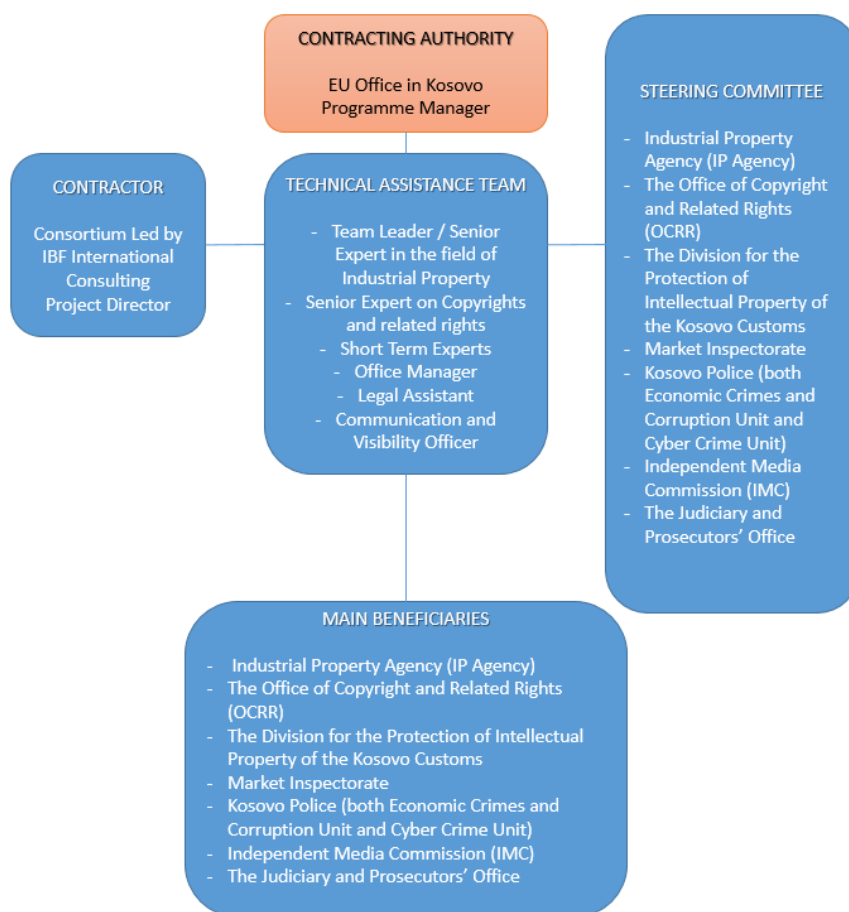


Figure 1: Project Management Structure

The Project Steering Committee (PSC) will act in support of the Programme Manager for the overall coordination, direction and oversight of the Project to maximize the benefits of the intervention. Its composition includes representatives of the EU Office and of the Project target groups:

- Mr. Valon Kashtanjeva – Director of the Copyright and Related Rights Office (OCRR) (PSC Chairman)
- Ms. Corinne Deleu – Programme Manager, EU Office in Kosovo
- Mr. Nezir Gashi – Director of the Industrial Property Agency (IP Agency)
- Sadije Topojani – Head of IPR Sector Kosovo Customs
- Fadil Abdyli – Sector of Cyber Crimes Kosovo Police
- Fadil Haliti – Department of Economic Crimes and Corruption Kosovo Police
- Lulzim E. Sylja and Lebibe Haliti from Market Inspectorate
- Mahir Tutuli, Kosovo Judicial Council
- Niman Racaji Independent Media Commission

PSC will meet at least every six months and will review the Project's progress, and provide comments and propose solutions when necessary.

The PSC will review and approve the interim reports, advise, give guidance and will ensure that appropriate measures are put in place to maximise the benefits of the Project. The Contractor will

facilitate the proper functioning of the PSC, the preparation and circulation of agenda, the writing and distribution of minutes, and follow-up on the PSC decisions. The Project team will act as a Secretariat to the Steering Committee (e.g. provide translation and interpretation if and when required, prepare minutes of the meetings etc.). The Team Leader will attend all the Steering Committee meetings. She is responsible for preparing all documents for the PSC meetings, sending the invitations to the SC Members and organizing it. The other Key Expert will attend if necessary.

Observers can be invited to attend the PSC meetings¹. Observers can be proposed by the PSC Members. The Chairman and the Contracting Authority have to agree on invited observers. All decisions of the PSC have to be approved by the Contracting Authority.

The Technical Assistance Team (TAT) consists of two key experts, senior and junior non-key experts, the backstopping team and the local support team. The Technical Assistance Team is responsible for supporting the Beneficiaries in achieving the expected results defined for this Project through the provision of ad-hoc technical support.

The two key experts share the following components:

Key expert 1 - Team Leader / Senior Expert in the field of Industrial Property	Component 1 – Legislative and Policy Development Component 2 – Capacity Building & Enforcement Component 3 – Awareness Raising
Key expert 2 – Senior Expert on Copyrights and related rights	

The above-mentioned Key Experts (KEs) divide their time on managerial tasks relevant for the whole Project and the components they head as well as the needed expert tasks (not executed by non-key experts) to achieve the defined Project results. KE1 will have overall responsibility for the implementation of the project regarding IPR legislation, enforcement and capacity building of Kosovo institutions in the field of IPR. KE1 and KE2 have to cover the legal aspects of all components.

The added value of the IBF Consortium lies in the collective strengths of its members – based on the complementarity of their experiences and expertise in light of the Project’s requirements for the *support in legal harmonization and capacity building of national reforms in the field of IPR* in Kosovo.

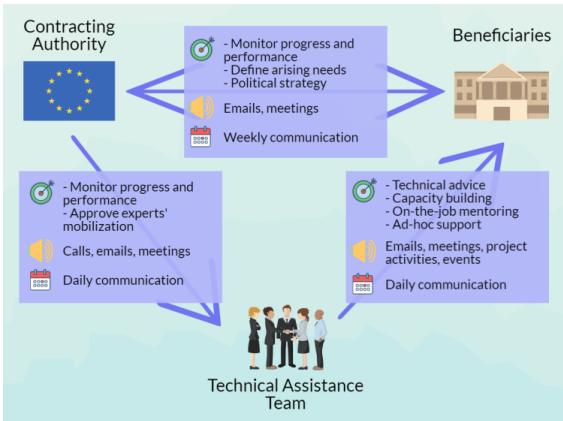


Figure 2- Project Management Workflow

¹ E.g. representatives of Min. of Agriculture, Forestry and Rural Development or Ministry of Innovation and Entrepreneurship when actions which are directly targeted them are on the agenda

The IBF consortium members collectively in a position to cover the entire range of technical requirements related to the four strategic priorities set out in the ToR. The Consortium consists of four members: **IBF International Consulting** (lead) and **EPLO** (partner). Both partners have extensive experience in implementing complex EU funded projects in the IPR and Institutional Support sectors, including a substantial track record in the successful delivery of technical assistance and capacity building services in the Western Balkans.

In the framework of this Project, the Consortium members offer a highly appropriate range of skills, expertise and experience. Each consortium member appointed a project coordinator, while the consortium leader (IBF) will also appoint a Project Director. Communication with the team of experts, as well as official communication of the consortium (towards the Beneficiaries and the EU Office in Kosovo) is channelled through the Project Director. The Team Leader will be also charged of operational communications, in particular with all project beneficiaries.

Internal project procedures contain the following; essential information on all actors and respective roles and responsibilities, flow of information / reporting, procedures and formats to be used. It will ensure that “routine tasks” such as the mobilisation and deployment of short-term experts, request and flow of funds and reporting will follow a clearly defined, transparent and efficient procedure.

Moreover, in order to support the professional and high quality execution of this contract, the Consortium ensured the collaboration of a number of public institutions from Italy and Greece responsible for IPR related activities in their respective Member State. Below listed institutions will support the Project in legislation alignment and policy development, some activities under "Capacity Building and Enforcement" as well as Component 3 "Awareness Raising". Moreover AGCOM, UIBM and OBI declared their support for the activity 2.3 under Component 2, “Membership in European and International IPRs Organizations”

- AGCOM: The Autorità per le Garanzie nelle Comunicazioni is the Italian National Regulatory Authority of the communications sector.
- IP Consultants: The Ordine dei Consulenti in Proprietà Industriale (Italian IP Consultants Institute).
- UIBM: The Italian Patent and Trademark Office (Ufficio Italiano Brevetti e Marchi)
- SIAE: The Italian Society of Authors and Publishers (Società Italiana degli Autori ed Editori)
- OBI: The Hellenic Industrial Property Organisation

4.2 Donor Coordination and Strategies

Creating synergies among donors will be highly beneficial as it may result in increasing the efficiency of the activities through sharing costs, expertise and follow up mechanism.

In order to achieve this, the Team **established during the inception phase an overview of activities already carried out, and collected when available a list of lessons learned and recommendations made**, so that it can maximize on the results achieved so far, or address the areas where results have not

been achieved.

The following non-exhaustive listed non-EU donors should be included in the coordination of activities on the ground:

Sharing a programmatic framework with the United Nations - In general the activities under the project will benefit from sharing with the United Nations Common Development Plan 2016-2020 (CDP), a five-year programmatic framework that describes the shared strategic priorities of the UNKT that will require the full range of expertise and resources from the United Nations programs, funds and agencies operating in the country.

World Bank - The World Bank is involved actively in Kosovo. Its ongoing project “Competitiveness and Export Readiness Project for Kosovo” (2017-2022) aims to support product certification for export markets, strengthen the capacity of export-oriented firms and reduce the cost of business inspections, contributing to the government’s efforts to enhance the business environment and export readiness of firms by modernizing the National Quality Infrastructure, supporting SMEs with export potential, and reforming the business inspections system. In line with it, the TAT recognized the possibility to align some training on IPR and competitiveness.

USAID - USAID runs programs in Kosovo that have a relation with IPR, in particular: Economic Management for Stability and Growth (EMSG); Kosovo Private Enterprise Program (KPEP); Systems for Enforcing Agreements and Decisions (SEAD).

The Governments of Norway and Luxembourg implement *Human Capacity Development Fund (HCDF) for the SAA*. The Ministry of European Integration (MEI) will implement a Human Capacity Development Facility, which will provide trainings, technical assistance, in depth research of EU policies, study tours and secondments to the relevant administration personnel. Our Project has analysed the list of activities proposed for the Project and identified possible cooperation areas with the HCDF Project. Another project supported by IPA “Support for the European integration process” aims to increase efficiency of Ministry of European Integration in planning and implementation of SAA.

Moreover, on GIs, a technical assistance project “Support in the field of Geographical Indications (GI)”, supported by the *French Cooperation in Kosovo*, is in the implementation phase. The IPA Project “Technical Assistance to Trade” is also covering the GI issue, together with support to IP Agency in reducing of the backlogs of the institution. Our IPR project will cooperate with the above-mentioned projects by sharing information and participating the key public events when possible.

The TAT has already started efforts for developing communication with projects implemented by other donors. Communication with other relevant EU projects, that are implemented simultaneously were also developed. The information is reflected in the timing and work plan of this Project. It should be noted that, beneficiaries are benefiting from different projects in the same period on top of our Project and some beneficiary institutions are already under staffed and act with limited resources. Therefore, it is important to develop *effective communication* and *timely involvement* to the relevant activities of the projects listed above. KE1 and KE2 will be responsible for sustaining communication through organising regular meetings with the other donors, as well as inviting the relevant parties for the PSC

meetings, keeping the EUOK informed.

4.3 Visibility and Communication

The general communication and visibility aims to make the public aware of the existence, the role and tasks of the Project, as well as of the EU support in the field. Specific project activities on awareness raising and communication related to IPR are covered under their own component (Component 3, see point 5.3 below).

The Project will develop a well-designed Communication and Visibility Plan. High and consistent visibility of the project, as requested in the TOR's, will be ensured throughout the duration of the project. The implementation will ensure compliance with the Communication and Visibility in EU-financed external actions², and harmonized with the communication and visibility requirements set by the EU Office in Kosovo.

A Visibility Plan of the project will be drafted, including a plan that covers milestones and major of press events that will be consulted with the EUOK Press Office. The objective of the plan will be to increase awareness of the project, communicate project activities and achievements and to raise the profile of EU assistance in the Kosovo.

External communication activities refer to the ways our project team exchanges information with - and create commitment among–project stakeholders, target groups and the wide public. Our implementation approach to this issue is based on the following.

The Communication and Visibility Plan is to be established, discussed and agreed with the EU Office in Kosovo and project stakeholders. This plan, as well as its implementation, will follow the requirements of the Communication and Visibility manual in EU-financed external actions, which sets clear guidelines for all communication and visibility related matters. The plan will be based on the following principles:

- Customized approach: messages, contents and communication modalities differ and need adaptation according to the target public and of the aims of the communication.
- Pro-active approach: the TA team investigate needs, expectations and existing efforts/resources of the stakeholders and propose suitable tools of communication, instead of relying on generic activities using traditional tools.
- Outreach: combined use of traditional media and new media to expand the outreach of communication activities, establish solid links with media actors and ensure information and commitment in the long run.
- Accessibility: services will be accessible to target groups (even vulnerable / disadvantaged) by use of different communication tools and by field presence / ongoing involvement whenever possible.

² Communication and Visibility in EU-financed external actions

- Networking: promotion of networking among stakeholders will also favour effectiveness in information-sharing and communication activities.

All communication activities of the Project are carried out in close cooperation with the Contracting Authority (which will officially approve the strategy and plan before their implementation), the main Beneficiary and the key stakeholders, and will adhere to the Communication and Visibility manual in EU-financed external actions.

No later than one month before the end of the Project, a final visibility report will be prepared which will summarize the Project’s achievements and describe some “success stories”. The form and content of the report will be discussed with the Beneficiary, the Project Team and the EUOK.

4.4 Monitoring and Evaluation

In order to ensure a proper and timely project implementation, namely meeting the Project objectives and reaching the 3 results, a monitoring system was designed for the whole duration of the Project. In this respect, we adopted the Logical Framework Approach and we will use the log-frame matrix shown in the Annex 2. This matrix appropriately includes the indicators and sources of verification that we defined for each of the objectives, results and individual activities.

The validity of the assumptions made will be continuously evaluated and updated and the risks identified will be constantly monitored for their proper mitigation during the entire life of the Project. The information collected in the process of monitoring will be processed by the TAT and presented to the PSC during its meetings. Since the PSC brings together all Project stakeholders, we consider this is the adequate structure for the review of the monitoring results. This will also provide the PSC with the real time information allowing it to make the best and timely recommendations for steering the Project implementation.

Our Project implementation monitoring system is in line with the provisions of the EC Project Cycle Management Guidelines.

IBF has a long track record in setting up monitoring tables in order to closely follow the management and implementation of complex projects. Monitoring tables are designed in excel and are proved to be very efficient, easy to use, modify and share. In the specific case of this project, a good monitoring table is an essential tool for planning and monitoring the various short-term missions, trainings and study visits that will take place.

The monitoring table will be developed by the IBF team and updated by the Project Director, in close collaboration with the Consortium's support staff and the key experts. More specifically, this tool will take into consideration the following aspects, which we deem essential to effectively monitor the implementation of this project:

Overall project monitoring	Financial monitoring
■ Reference number of each mission (*)	■ Reference number of each mission (*)

<ul style="list-style-type: none"> ■ KE and NKE in charge <ul style="list-style-type: none"> ■ Start/end dates ■ Deadlines for deliverables ■ Deliverables planned/delivered ■ Validation status of deliverables ■ Total budget and budget used <p>The following statistics can be retrieved (for example): assignments by location / component / budget, timeframe, budget utilization, ongoing activities, etc.</p>	<ul style="list-style-type: none"> ■ Budget line (one line per budget line) ■ Working days (planned / delivered / invoiced / paid) + corresponding support documents (ToR, time sheets, invoices, payments) ■ Amount of incidental expenses (planned / used / billed / reimbursed) + corresponding support documents (validated ToRs, validated quotes, invoices, proof of payment) <p>Can extract all useful information for: financial tracking, billing and expense verification</p>
<p>Monitoring of missions' preparation</p> <ul style="list-style-type: none"> ■ Reference number of each mission (*) ■ State of the art of the ToR (planned / validated / launched / closed) ■ Sending date of ToR ■ Submission date of CVs ■ Proposed CVs ■ State of approval of CVs (refused, eligible, accepted) ■ Selected experts <p>The following statistics can be retrieved (for example): Preparation state of the ToR (it allows to anticipate the researches), respect time of delivery, qualitative level of the experts proposed, etc.</p>	<p>Monitoring of missions' implementation</p> <ul style="list-style-type: none"> ■ Reference number of each mission (*) ■ KE and NKE in charge (one line for each expert) ■ Expert contacts ■ Phase of the mission (one line for each phase) ■ Start/end dates of the phase ■ Deadlines for deliverables (planned/ effective/ validation) ■ Working days (planned / delivered / validated) <p>The following statistics can be retrieved (for example): ongoing actions, status of missions and delivery of deliverables, respect of delivery time, consumption of w/d, etc.</p>

Moreover, direct links will be created between the tables and the pertinent documents sorted in the project's file (ToR, CV, validations, contracts, mission order, timesheets, invoices, payments, reports, deliverables, training/communication materials, etc.).

In addition to the Project implementation monitoring, a system for constantly measuring the quality of the services provided and of the participants' satisfaction put in place under the previous EU funded IPR project will be used also during this Project. The developed satisfaction questionnaires will be used for each training activity. According to the outcomes of the evaluation of participants' satisfaction, the TAT will take the necessary improvement measures when needed.

4.5 Reporting

Reporting will be performed as determined in the ToRs requirements. Prior to submitting any of the Project reports to the EU Office, they shall be endorsed by the Project Director in IBF.

Mission Report will be drafted by short-term experts mobilized for a specific purpose/activity after the end of their mission. It provides a short summary of activities performed, obstacles faced and eventual suggestions for improvement, coming from the experience of the expert on previous similar projects.

- Summary of activities performed.
- Eventual problems or difficulties faced.
- Recommendations for improvement.

The monthly reports will be short reports detailing the necessary information of actual performance measured against the planned activities, project deliverables and the quality standards, as well as a mirror reflection of the financial situation of the project for the period under review. These reports are necessary not only to evaluate the state of implementation of the project, but they also serve the continual management and steering of the project in the right direction towards achieving objectives and mitigating serious delays or eventual obstacles.

The 6-month Progress Reports will contain the necessary information to evaluate the state of implementation of the project against set milestones and the financial situation of the project, as well as whether the project is on track towards achieving its objectives, detailing where there are serious delays and/or obstacles. This document also includes a detailed plan for the next 6 months of the project implementation.

Final visibility report will summarize the project achievements and describe some success stories.

The Draft Final Report will be drafted once all activities have been performed. It will provide detailed information on the implementation of the project against set milestones and activities performed, as well as the impact of the project on its objectives, detailing where there have been serious delays and/or obstacles, how they were overcome, lessons learned. Most importantly, it provides the beneficiary institution with a clear map on further proceedings for sustainability of results.

- Executive Summary.
- Key messages and findings.
- Main Report on overall achievements, problems encountered, and recommendations.
- Methodology employed.
- Main Results and assessment of sustainability of results.
- Conclusions and follow up recommendations.

The Final Report is a revised version of the Draft Final Report, taking into account the comments of the beneficiaries and the Contracting Authority. It also includes financial closure of the project, with a detailed reporting on all expenses in relation to performed activities.

The Project TAT shall use templates for all reports as they were designed for the needs of the previous EU funded FMG project, including for JNKE and SNKE mission reports. In addition, the TAT will develop a document summarizing the critical recommendations made by the SNKEs which will be used to follow the proper implementation of these recommendations and their impact if relevant.

4.6 Ownership and Sustainability

Sustainability of the Project results is a crucial aspect of any Technical Assistance project. The Project components and activities were planned in such a way as to generate maximum ownership among the Beneficiary institutions.

Therefore, particular attention is paid to generate a smooth communication flow with our counterparts from the very beginning of our Project allowing for a good understanding of their needs and

expectations. Our main purpose is to correctly reflect these needs and expectations in the Project work plan; in order to achieve this, our counterparts were constantly involved and consulted during the development process of this Inception Report. We are aware that a lack of involvement and, therefore, ownership from the Beneficiary since the beginning of the Project implementation may be very difficult to compensate at a later stage. Beneficiary involvement will also be insured during the entire life time of the Project by proper management and leadership, continuously monitoring the proper implementation and meeting the expected results. For this, we will make an effort to ensure the needed flexibility taking into account the Beneficiary's developments and needs.

Capacity building will be the central pillar of our approach also during the activities deployment by using successful methods to increase competences. These latter are a necessary pre-condition for the proper implementation of the project and for its sustainability as well as for building up the national human capital of Kosovo on IPRs.

The approach that is hereby proposed to capacity building is based on the following elements:

- Practical focus on empowering the administrative and enforcement authorities to discharge their professional duties and responsibilities in an efficient and effective manner;
- Adopting a customised modern and scientific approach to adult learning focusing on practical problem-solving training methodology adapted to the specific professional needs of the groups of beneficiaries
- Using advanced training tools including: needs assessment, performance-based objectives, learning cycles, monitoring tools, customised models for training evaluation, with a view to systematically identifying baseline and existing knowledge, and quantifying the impact of each training event, etc. Such competencies-based approach to training will be applied to all IP training programs that will be conceived and implemented under this component.
- Targeting the capacity-building only to the specific practical issues and topics, identified in the ToR incl. industrial property applications, strengthening the inter-institutional coordination mechanisms and preparing for membership in European and International IP organizations, thus avoiding duplication with other training programs on more general topics.
- Combined use of methodological tools that may include, but are not limited to – on the job training, training seminars and workshops, technical meetings, specialized training for institutions or on specific topics, IT training, review of best practices. In particular on the job training will involve two stages where the second stage is the one assuring practical impact and ability to implement independently the knowledge gained will be checked in practice.

Our approach to capacity-building is based on the considerable experience of the partners to the Team in carrying out EU assignments and training on EU norms, practices and protocols. This will ensure smooth transfer of knowledge and ability to use existing frameworks and training capacities. As a general principle capacity building will maximize on ongoing and planned training by other donors which will be a subject of coordination (as detailed in section 4.6). The IPR project however targets only those who are involved in IPRs or are benefiting from it hence the capacity building under this

project will be very targeted.

Finally, the TAT will prepare an Exit Strategy Document (sustainability plan) in the last delivery period to make sure that our counterparts are prepared to carry the responsibility granted through the hand over. In particular, Exit Strategy Document will ensure that the outputs are fully recorded and that the products are transferred to the Beneficiaries and the Contracting Authority. It will take a form of a package that includes all the experience, information and know-how collected by the Project TAT. The Exit Strategy will therefore enable the beneficiaries to continue with the execution of the activities developed during the project life and to build on all the documents (i.e., training strategy, training programme, training materials, action plans, etc.) developed with the support of the team of experts.

Equal opportunities and non-discrimination: This will be pursued where relevant. The Key experts are respecting the equilibrium and the non-key experts are selected strictly on the basis of their knowledge and experience. In particular, this will be an issue in the design of training programmes for all Components, making sure that women will have the chance to participate adequately. The project will promote participation in IPR system development among youth and women.

Minorities and vulnerable groups: the inclusion of ethnic minorities will be a constant and essential element in the Project implementation. We will establish a monitoring system that actively assesses the reasons for non-take-up by minorities and women.

Environment and climate change: Project activities and their outputs and deliverable are to be seen by definition as intellectual ones and thus no problems with environmental protection could be envisaged. During the implementation of the Project resources will be used carefully and environmental behaviour will be regarded the Project team.

Civil society/stakeholders involvement: Especially under Component 3 "Awareness Raising", stakeholder involvement will be regarded and it has been identified as one of the indicators for the Project. The Project, together with the Beneficiaries, will pay attention to develop a strong communication with civil society and stakeholders of IPR; such as chambers, business associations, sectoral associations, associations of inventors, student NGOs and so on. Under Component 3 some of the activities are designed in participatory way, requiring stakeholder involvement from business, university, sectors etc.

Gender issues: will be regarded in all components of the Project. A specific Activity (under Act. 1.1) is devoted for this matter. To the extent to which this is a horizontal issue, the strategy in applying this action will include the following components:

- Review of the existing IP legislation for consistency with the law on Gender Equality in cooperation with the Agency on gender equality;
- Preparing a table with the necessary textual amendments;
- Review current practices in the IP authorities in relation to the implementation of the Law on Gender equality;
- Prepare a strategy in this field and an action plan based on the findings in the above mentioned activities and with the view of mainstreaming this policy in the practices of the IP institutions;

- Prepare guidelines for incorporating gender equality perspective in future IP legislation
- Organize consultation with the ombudsperson to review issues and best practices in this field from other areas in Kosovo;
- Review synergies with other donor programs in Kosovo on human rights, protection from discrimination, labour and employment and other fields and in particular taking into account the recommendations of the UNDP Gender Equality Strategy for Kosovo 2014-2017, its Action Plan and its Gender Focal Team;
- Establish a monitoring mechanism for reporting on the implementation of this action.

The Project will consider the EU and Kosovo legal frameworks on gender equality, equal opportunities and protection against discrimination.

5. Achieving Project Results

This chapter describes the activities which will be performed by the Project and the way they are designed to lead to achieving the results generally defined by the ToRs and further elaborated by this report.

5.1 Component 1: Legislative and Policy Development

Project Result 1: The IPR legislative framework (primary and secondary legislation) is fully aligned with the EU acquis.

Objectives of Component 1:

- Full harmonisation of the IPR legislation of Kosovo with the EU acquis
- Policy development in the field of Intellectual Property Rights.

Beneficiaries:

The main beneficiaries are:

- the Kosovo Industrial Property Agency;
- the Office for Copyright and Related Rights
- the Division for the Protection of Intellectual Property of the Kosovo Customs;
- the Market Inspectorate;
- the Kosovo Police (both Economic Crimes and Corruption Unit and Cyber Crime Unit).

The indirect stakeholders are:

- Independent Media Commission;
- Judiciary and Prosecutors' Office
- Ministry of Agriculture, Forestry and Rural Development;
- Ministry of Justice;
- Ministry of Innovation and Entrepreneurship;

- Ministry of Economic Development;
- Food and Veterinary Agency;
- Agency for Managing of Sequestrated or Confiscated Assets;
- Justice Academy of Kosovo
- Kosovo Agency for medical products and devices.

Analysis of current situation:

The EU acquis on intellectual property rights specifies the harmonised rules for the legal protection of copyright and related rights. The acquis introduces several harmonised procedures for each intellectual property rights. For the enforcement, it requires to apply effective and proportional measures and penalties for counterfeiting and piracy of goods.

According to Articles 77 and 78 of the SAA, Kosovo shall take the necessary measures in order to guarantee a level of protection of intellectual, industrial and commercial property rights similar to that existing in the EU, including effective means of enforcing such rights.

Several analyses on the Kosovo legislation underline the partial harmonisation of the legislation and request further alignment for both industrial property and copyrights as well as the need for policy development for the intellectual property.

Based on the findings of the "Gap Assessment Report" on Chapter 7 – Intellectual Property Rights – dated January 2018³. Existing laws and administrative instructions are to a large extent aligned with most of the acquis in the area of intellectual property; legislation in the field of industrial property concerning patents, topographies and industrial design are only partially harmonized and therefore need amending, while in the field of trademarks, trade secrets and copyright some of the most recent EU legal acts are not yet implemented and new legislation is needed. In relation to the implementation of the Trade Secret Directive, a competent authority should be appointed. Also, secondary legislation in the field of Topographies of integrated circuits and private copying levies should be adopted. Regulation No 20/2018 on private copying levies should be implemented.

The table summarizing the level of harmonization issues for IP legislation and how the Project will intervene is given at Annex 5.

Furthermore, the Project will draft a new law on innovation activities in line with the Article 118 of SAA, and stated in NPISAA as midterm priorities. Currently, the Law No. 06/L-049 on "Scientific Innovation and Transfer of Knowledge and Technology" governed by MEST has been identified with relevant content.

Main developments during 2018-2019:

³ Gap Assessment Report on Chapter 7 – Intellectual Property Rights, prepared in implementation of Activity 1.2. of Twinning Project KS 14 IPA OT 02 16

From the legislative perspective,

- In July 2019, one law was adopted for copyrights; namely “Law No. 06/L-120 on Amending and Supplementing the Law No. 04/L-065 on Copyright and Related Rights, Amended and Supplemented by the Law No.05/L-047”.
- In 2018, the Ministry of Trade and Industry adopted the Administrative Instruction No. 09/2018 on Determining Symbols for Geographical Indications, Designation of Origin and Guaranteed Traditional Specialties”.
- In May 2018, the Law No. 06/L-015 on "Customs Measures for Protection of Intellectual Property Rights” was adopted (fully harmonized with EU Regulation 608/2013 "Customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003") and internal instruction No: 53/2018 on implementing the law No: 06/L-015 for Customs Measures for Protection of Intellectual Property Rights⁴ was published in July 2018.
- On copyright and related rights, two legal acts were adopted in 2018 regarding mediation of disputes and private copy levies. Mechanisms to issue fees for usage of copyrighted material between CMOs and broadcasters are still needed.
- For Market Inspectorate, a new law reforming the structure and services of the Inspectorate is under preparation.
- On innovation, the Law No. 06/L-049 on Scientific Innovation and Transfer of Knowledge and Technology entered into force in November 2018.

From policy perspective,

- The State IP Council established in 2011 is active and gathers occasionally. On 30.10.2018, the Government of Kosovo issued a decision to re-establish the IP council at the Government level⁵. The Council held the last meeting on 10 April 2019⁶, during which it was agreed to have meetings twice per year.
- The Task Force against Piracy and Counterfeit is an active body with structured cooperation with the enforcement stakeholders, which participated in the preparation of the National Strategy for Strengthening the Copyright System 2019-2023.
- In June 2019, the National Strategy for Strengthening the Copyright System 2019-2023 was adopted by the Ministry of Culture, Youth and Sports. The Strategy is made up of five main themes: Enhancing the Legislative Framework; Increasing the Capacities of the Institutions Responsible for the National Copyright System; Promoting, Educating and Enhancing Respect for Copyright; Improving cooperation between stakeholders; Reduction of Copyright Infringements.

⁴ Administrative Instruction (MF) No. 53/2018 on the implementation of the Law No.06/L-015/2018 on Custom Measures for the protection of intellectual property <https://dogana.rks-gov.net/wp-content/uploads/2018/07/Udh%C3%ABzimi-administrativ-MF-Nr.-532018.pdf>

⁵ Government Decision 10/73, 30.10.2018

⁶ <https://kipa.rks-gov.net/Page.aspx?id=1,10,60>

- The Industrial Property Strategy for the upcoming period has not been prepared.
- Customs have published a Strategic Plan for the period 2019-2023.
- For the “law on innovation activities” and “trade secrets” concepts, competent authority to introduce the Law is not determined.

Project Intervention:

The Project will intervene in the following areas:

- Harmonization of the primary and secondary legislation: IP laws will be reviewed and required amendments will be drafted. Secondary legislation will be drafted and/or amended if necessary. (See Annex 5 for the detailed analysis)
- Legislation on Trade Secrets will be drafted. Competent authority(ies) for enforcement that are determined by Kosovo will be assisted in drafting of the legislation.
- Assist the IP enforcement stakeholders in reviewing and drafting necessary amendments for the harmonization with EU acquis.
- Policy development: the project will support the drafting of a “National Strategy on Industrial Property Rights”⁷ and will contribute in reviewing the Strategic Objective 4 “Strengthening the Protection of Intellectual Property Rights” of the Private Sector Development Strategy of Kosovo, in case the PSD Strategy is being adopted.

Expected impact:

Component 1 will enable Kosovo IPR legal framework to be fully aligned with EU acquis, strengthen the legal infrastructure of IP system and enforcement stakeholders, update the roadmap for developing a well-functioning IP ecosystem in Kosovo by drafting the National Strategy for Industrial Property and supporting review of the relevant objective of the Private Sector Development Strategy.

Cooperation with other components:

Component 2 – Capacity Building & Enforcement;

Component 3 – Awareness Raising.

<p>Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q4/2019 – Q2/2022</p>
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<p>Resources required:</p>

<p>Expert resources: 210 SNKE man-days (m/d) & 60 JNKE m/d</p>
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<p>Incidental expenditures: 30.000 €</p>
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⁷ Since lately a new strategy “National Strategy for Strengthening the Copyright System 2019-2023” is adopted, the Project will support the development of National Industrial Property Strategy”, that will also cover combatting counterfeiting issues too.

Activity 1.1 – Support the Alignment of Kosovo IPR Legal Framework with the EU Acquis

The Project will undertake the following actions:

- **Review of the Kosovo Legal Framework**

- Review of the legislation against the recommendations of the analysis performed during the Inception Phase. Then the TAT will formulate proposals for alignment of the IPR acts that need revision and then communicate the benefits of the revised legislation, so that a broad consensus can be achieved behind the proposed amendments.
- A new legislation on Trade Secrets, together with secondary legislation will be drafted.

All activities will be done in accordance with the overall communication strategy and in close cooperation with the State IP Council. An “Inter-Institutional Working Group on IPR harmonization” will be established with the representatives of all IP stakeholders.

- Contribution to the drafting of a new law on innovation activities in line with the Article 118 of SAA. The actual laws, “Law No. 06/L-049 on Scientific Innovation and Transfer of Knowledge and Technology” and Law No. 04/L-135 on Scientific- Research Activities, are governed by MEST. There, the intervention of the Project will be about defining “ownership of the rights” concept. It will have to be decided whether a new Law needs to be introduced or the existing laws (possibly laws on industrial property) can be amended.

Alignment of the legal framework will be processed by way of:

- reviewing developments and changes that may have occurred in the period since the gap analysis was performed with regard to relevant national primary and secondary legislation and evaluating their impact;
- reviewing the current institutional framework of the Authorities dealing with IP and proposing recommendations where necessary;
- drafting of the necessary amendments or preparing new relevant legislative acts;
- organising stakeholder consultations on the legal amendments/new act and institutional arrangements;
- supporting the process of adoption of the amendments or new acts by the relevant authorities.

During the process, the Project will consider the instructions provided by MEI, on approximation of the legislation.⁸

- **Advice and support the revision of the current Kosovo Legal Framework on "Intellectual Property Rights"**

This action will focus on supporting the review of the current Kosovo legal framework on "Intellectual Property Rights" from a gender perspective in accordance with the Law on Gender Equality in Kosovo - Law No. 05/L -020. The assistance will be provided as Information note on gender perspective in IPR

⁸ Legal Framework for Approximation, MEI, <http://mei-ks.net/en/legal-framework-for-approximation->

legal framework, to be presented to the working group established for the alignment of the legislation.

- **Assist Kosovo with monitoring international legal developments (beyond the EU Acquis) that may impact its legislation in the field of Intellectual Property Rights**

This activity will require coordination among the IP Agency, OCRR, Ministry of Justice and Ministry of Foreign Affairs and the work could be led by the Unit responsible for international law in the Ministry of Foreign Affairs. Other partners may be invited to join specific expert meetings. This coordination does not need to be formalised through a new structure; however the results of the periodic review will be reported to the State IP Council. The assistance will be delivered as reporting to State IP Council on International Legal Developments / Potential Impact on Legislation (updated yearly).

Expected impact: Harmonisation and implementation of the IPR legislation of Kosovo with the acquis will be improved.

Indicators:

- 1 Report on Review of the Legislation and Formulation of proposals for amendments and further harmonization to be prepared
- Legislation on Trade Secrets to be drafted and/or adopted
- At least 6 laws and administrative instructions on IPR to be reviewed and redrafted, at least 2 laws and secondary laws to be reviewed and amendment to be proposed, 1 Legislative Plan and adoption agenda to be prepared
- 1 Information note on gender perspective in IPR legal framework to be prepared
- 1 Inter-Institutional Working Group on IPR harmonization to be established

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q4/2019-Q2/2022

Resources required:

Expert resources: 150 SNKE man-days (m/d) & 45 JNKE m/d

Incidental expenditures: 20.000 €

Activity 1.2 – Support Policy Development in the Field of "Intellectual Property Rights"

The importance of this activity is linked to the need to move intellectual property from a relatively technical and legal issue to a mainstream policy issue and to an issue of growing relevance for the business community and the rights holders in general.

The Project will undertake the following actions:

- **Support the drafting of a strategic document in the field of IPRs**

For the policy development, the Project will support the drafting of “National Strategy on Industrial Property Rights”. Since a new strategy “National Strategy for Strengthening the Copyright System

2019-2023” has been lately adopted, the Project will support the development of National Industrial Property Strategy”, covering fight against counterfeiting issues.

- **Support the review of the Strategic Objective 4 “Strengthening the Protection of Intellectual Property Rights” of the Private Sector Development (PSD) Strategy, its action plan and the related activities.**

The Project will contribute in reviewing the Strategic Objective 4 “Strengthening the protection of Intellectual Property Rights” of the Private Sector Development Strategy of Kosovo, which has not been adopted yet (Still a draft).

The Project will provide inputs ensuring coherence with the implementation of the Private Sector Development Strategy (PDS) 2013 – 2017 and its operational instruments. It is also closely linked to part 3 of the National Development Strategy 2016-2021, in particular, about building competitive industries. The Team of experts will undertake contacts with the Ministry of Trade and Industry, which is in charge of PDS implementation.

Expected impact:

Kosovo will update mid-long-term strategy for better enforcing IP and combatting counterfeiting and piracy.

Indicators:

- 1 National Strategy on "Industrial Property Rights" to be drafted
- 1 Information note for Private Sector Development Strategy to be prepared

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q2/2020-Q3/2020

Resources required:

Expert resources: 60 SNKE man-days (m/d) & 15 JNKE m/d
Incidental expenditures: 10.000 €

5.2 Component 2: Capacity Building & Enforcement

Project Result no. 2: The law enforcement authorities in charge of Intellectual Property Rights are able to ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights similar to that existing in the EU, according to the Article 77 of the SAA.

Beneficiaries:

- Industrial Property Agency (IP Agency);
- Office of Copyright and Related Right (OCRR);
- Division for the Protection of Intellectual Property of the Kosovo Customs;
- Market Inspectorate;
- The Kosovo Police (both Economic Crimes and Corruption Unit and Cyber Crime Unit)

- Prosecutors and Judiciary;
- Independent Media Commission;
- Geographical Indications System;
- Committee of Appeals For Industrial Applications;
- State Intellectual Property Council;
- Task Force against Piracy and Counterfeit.

The main objective of this component is to effectively empower administrative and enforcement authorities to discharge their professional duties and responsibilities in an efficient and effective manner, ensuring full implementation of the IPR legal framework. Capacity building is central to ensuring full functionality of the IPR system and to render it sustainable.

The training methodology to be adopted will be tailor-made to the specific professional needs of its potential groups of beneficiaries, who, at the end of the training, must be able to demonstrate enhanced knowledge and skills that will enable them to properly and effectively carry out their job in the various areas of IP. Training tools include: needs assessment, performance-based objectives, learning cycles, monitoring tools, a revised and customised version of the Kirkpatrick model⁹ for training evaluation, etc.

1- The **first sub-component** under this activity focuses on strengthening the capacity of the main beneficiaries. This involves activities in several dimensions, namely:

- Upgrading staff practical skills and competencies;
- Advice on organizational aspects;
- Drafting legislation;
- Creating practical guides to support the day to day work of targeted beneficiaries;
- IT support;
- Support in specific areas, at times involving participants from different institutions and organizations.

It is crucial to recall that any capacity building initiative will be designed in accordance with a strict competencies-based and advanced training methodology, based on-the-job-training and other modern adult learning techniques.

2. The **second sub-component** in this area is linked to strengthening the inter-institutional coordination system by focusing in particular on the State Intellectual Property Council and the Task Force against Piracy and Counterfeit. This dimension ensures the interface between the enforcement institutions and the policy body in charge of the overall IP policy.

3. The **third sub-component** is on supporting membership in European and International organisations

⁹ See Annex 6 for the Model

dealing with IPR. This area has a strong policy dimension, which is linked to external factors hence the actions envisaged are only focusing on practical cooperation on IP issues.

This diverse set of requirements points to the need of addressing this component with several methodological tools at the same time. These may include but are not limited to – on the job training, training seminars and workshops, technical visits, specialised training for institutions or on specific topics, IT training, review of best practices. Furthermore, in order to create an effective networking among IPR Enforcement agencies, and also facilitate knowledge and experience sharing environment and develop cooperation culture among the agencies, capacity-building activities will be designed in an *inclusive* way.

Analysis of current situation:

The two main Kosovar authorities in charge of the administration of IPR are the Industrial Property Agency within the Ministry of Trade and Industry and the Office for Copyright and Related Rights within the Ministry of Culture, Youth and Sports.

The status and capacity in the main IP and enforcement beneficiaries, namely the IP Agency, the OCRR, the IP Division in the Kosovo Customs, the Market Inspectorate and Kosovo Police and the Independent Media Commission are presented in the ToR. The Project will thus focus on addressing those practical knowledge and skills gaps that have been identified in order to render them fully functional.

Due to the fact that Kosovo is not recognized by several countries it has been unable to join the main international IP organisations, such as the World Intellectual Property Organization (WIPO), or ratify international IP treaties. However, Kosovo has continued to strengthen its IP legislation in line with international norms and there are now substantive IP Laws.

Main developments during 2018-2019:

Main Beneficiaries:

Industrial Property Agency:

Organisational Structure: Current structure, determined in Regulation No.29/12¹⁰ is still in charge. However, the Institution has limited financial and human resources capacity. Human resources and financial resources are underlined as the most important issue for the IP Agency, which needs to be solved in the upcoming period. Currently, a new proposal has been prepared under the Public Administration Reform.

Backlog: In the latest years, the backlog issue was a critical problem for the Agency. Statistics extracted from the system reveals that, currently the Agency has no important backlog of applications. Currently

¹⁰ Regulation No. 29/2012 on Internal Organization and Systematization of Jobs of the Ministry of Trade and Industry

the IP Agency is examining applications from 2019, regarding trademarks. Regarding patents, there is no backlog and are reviewed in time, after 18 months of priority date. Industrial design backlog is also solved substantially. The IP Agency has concluded with decisions 93.2% of trademarks, remaining part is in publication procedure, payment invitation, or pre-refusal procedure. The only remaining backlog is the backlog regarding oppositions of trademarks.

IT Infrastructure: In 2018, IPAS System has been reviewed and the system was updated in June 2019 to the latest version provided by WIPO. According to the IP Agency resources, currently whole system in the IP Agency is 100% automated and all files are migrated into IPAS system and to the greatest extent are accurate. Currently database of IP Agency is accessible online system¹¹.

OCRR:

No change in the organizational structure of the Office for Copyright and Related Rights. The Office organisation consists of one Director and four staff; one staff is responsible for certification and supervision of the CMOs, one staff is responsible for promotion of copyright issues, one legal officer and one administrative assistant. Lately, the organigram has been amended and two more positions are identified on legal issues. In 2018-2019, the OCRR has coordinated the new amendment for the Copyright Law, and prepared the new strategy “National Strategy for Strengthening Copyright System in Kosovo for 2019-2023”.

Other Beneficiaries:

Among other beneficiaries, no main organizational/structural change has been experienced in 2018-2019.

- Kosovo Customs:
 - The entry into force of the new Law on Customs in relation to IPR on 23 of May 2018 introduces important changes intended to align local customs procedures with Regulation (EU) No. 608/2013 concerning customs enforcement of IP rights. The Division for the Protection of IPR within Kosovo customs has proceeded with the preparation of relevant forms and documents for the right holders and customs officers. Informative materials for Customs officers and right holders too. Training of the Customs officers on the new legislation has been prepared. However, there is still need for training on different aspects of IP.
 - Kosovo Customs has implemented the latest update for INES+ software¹². This software is a product of a CEFTA coordinated SEED Project and compatible to COPIS. Latest update has been realized in 2019 and Kosovo Customs is using the latest version as the

¹¹ <http://91.187.97.74/wopublish-search/public/home?0>

¹² INES+ software has been implemented in Customs Administration and Market Inspection of Serbia, Customs Administration of Montenegro, Montenegrin Market Inspection, and Kosovo Customs Service.

other countries. Moreover, a new project¹³ for maintenance and updating of the INES+ Software has been tendered and launched in 2019.

- Kosovo Police
 - Main issues raising in the agenda of the Economic Crimes and Corruption Unit and Cybercrime unit are online infringements, websites with infringing goods, broadcasting, plagiarism and new trends in IP crimes.
- Market Inspectorate
 - The Market Inspectorate is going through a reform. The new Law on Inspection and the administrative instructions are under preparation.
- Independent Media Commission
 - Recent developments are on audiovisual and media policy, in particular on Audiovisual Media Services Directive and the recent amendment by Directive 2018/1808 on the new developments on copyright, such as the Directive 2014/26 on collective management, the Directive 2019/790 on copyright and related rights in the Digital Single Market, the Directive 2019/789 concerning on line transmissions of broadcasting organizations and retransmissions of television and radio programs, as well as on broadcast exclusivity rules, in particular audiovisual sports rights.

IPR Policy Makers:

"State Intellectual Property Council" (SIPC)

The last decision by the Government, dated October 2018¹⁴, states that the Council acts within the MTI and chaired by the Director of the IP Agency. Based on the decision of the Government of Kosovo, dated 30/10/2018 with number 10/73, and the meeting of the State Council on Intellectual Property dated 10/04/2019, the Council approves the statute as “coordination and advisory body for intellectual property rights”.

Task Force against Piracy and Forgery in the Field of Copyright and Related Rights

In 2018-2019, The Task Force has taken active role in the preparation of the National Strategy for Strengthening the Copyright System 2019-2023. The new Task Force was established on 12 September 2019 with the Decision of the Minister of Culture, Youth and Sports 98/2019

Needs & Project Intervention:

The actual challenges faced by the Intellectual Property Rights System in Kosovo are the following:

- There is a need of enhancing cooperation between policy-making institutions with the enforcement institutions such as the judiciary and prosecutors' office.
- It is necessary to take adequate measures in order to fight the counterfeit goods and the digital

¹³ <http://cefta.int/wp-content/uploads/2016/05/PROPOSAL-FOR-PROJECT.pdf>

¹⁴ Kosovo, Government Decision Nr. 10/73, Date: 30.10.2018

piracy.

- The IP Agency, the OCRR and the enforcement institutions should have more capacities and resources (human, financial etc.) for proper protection of the intellectual property system in Kosovo. All institutions should be properly staffed with permanent staff, to ensure effective IPR enforcement.
- The coordination between relevant authorities in the area of IPR protection should be strengthened, in particular on operational level and the statistics on IPR cases should be collected in a coordinated and systematic manner.
- The Guidelines for examination, in the field of trademark, patent, and industrial design, need to be updated under new laws, in order to include revocation, cancellation and invalidity procedure.
- Capacity building for the staff of the customs and police officers, inspectors, judges and prosecutors should be scheduled.
- Education and awareness of the staff of the IP enforcement institutions, on importance of IP protection, is important.

The Action should focus on strengthening legal, administrative and structural capacities of the institutions that deal with IPRs, such as: the IP Agency and the OCRR and other enforcement institutions mainly: Customs, Market Inspectorate, Police, IMC, Prosecutorial and Judiciary.

Expected impact:

Administrative and enforcement institutions are fully functional to ensure implementation of the IPR legal framework.

Cooperation with other components:

Component 1 – Legislative and Policy Development,

Component 3 – Awareness Raising.

<p>Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q2/2020 – Q2/2022</p>
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<p>Resources required:</p>

<p>Expert resources: 340 SNKE man-days (m/d) & 80 JNKE m/d</p>
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<p>Incidental expenditures: 80.000 €</p>
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Activity 2.1 – Strengthening of Institutional and Administrative Capacities

Capacity building is central to ensuring full functionality of the IPR system and to render it sustainable. The main objective of this component is to effectively empower administrative and enforcement authorities to discharge their professional duties and responsibilities in an efficient and effective manner. In order to achieve this objective the activities will focus on strengthening the capacity of the beneficiaries. All the beneficiaries will be reviewed via detailed Training Needs Assessment (TNA), that is also reporting the capacity of the existing institutions (including human resources & budget).

TNA will provide input for the tailor-made programmes for each institution, together with the consultations to the beneficiaries.

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q1/2020 – Q4/2021

Resources required:

Expert resources: 240 SNKE man-days (m/d) & 60 JNKE m/d

Incidental expenditures: 60.000 €

Activity 2.1.1 – Support to Industrial Property Agency (IP Agency)

The IP agency will be supported through organizational analysis, IT assessment, training of the staff, resolving the backlog problems that may appear in the long-term, preparation of the examination guidelines and website matter:

Organizational Structure and Backlog:

- Considering the issues stated in the main developments in the latest years, the project will follow up the proposals for organisational structure and assist IP Agency to adopt a revised *organizational structure*.
- The structure should provide adequate number of examiners and establishment of separate divisions for the examination and processing of patent, trademarks and industrial designs applications. The structure should also include strong IT expertise within the IP Agency.
- The new structure should enable IP Agency to develop capacity in reviewing and resolving issues to arise in the future; such as backlog etc., by establishing a Special Group (or Task Force)¹⁵ headed by the General Director of IP Agency.

IT Assessment:

- The project will review the implementation of the IT development plan and update it where appropriate. An assessment will be made whether an independent automation platform (IT server) of the IP Agency is needed. Moreover, updating of IPAS with component on online applications will be assessed, considering the human resources of the IP Agency and legislation on electronic signature. There is a need to develop the IT environment and prepare disaster recovery policy, so the current risk needs to be mitigated. A senior non-key expert will be hired to perform the IT infrastructure review;
- The automation progress will be reviewed in close collaboration with the Customs Directorate and experts from WIPO and EPO. Regarding disaster recovery certain key guidelines will be produced in an independent roadmap-report which will be optimized based on the special the IP Agency's needs;

¹⁵ The Task Force should include experts from different substantive areas, such as patents, trademarks, industrial designs etc. This Task Force could be responsible to analyse the reasons for the backlog from organizational, competency and IT perspectives and prepare a plan for dealing with this issue and a timetable.

- “IPR Stat” tool will be implemented. The “IPR Stat” will be a tool used to collect and statistically analyse data regarding IP enforcement for IP Agency. The “IPR Stat” will be administered by the IP Agency and the key contributors will be the Customs, Police, Judicial Department and other beneficiaries, such as the OCRR. The objective will be to collect and statistically analyse data regarding the status and level of IP enforcement and to produce reports for IP enforcement.

Improvement of the Professional Capacities and Competences of the Personnel of IP Agency

Upon a detailed training needs assessment, training program for IP Agency staff will be determined. As the training will be a continuous and demanding process the project proposes the implementation of an online training information system which will collect and deliver the training modules to the interested parties.

- 3 trainings followed by on-the-job training for the staff of IP Agency will be organized to improve their practical knowledge and capacity to deal with the subject matter (issues to be finalized in consultation with the beneficiary);
- The IP Agency staff will be invited to take distance-learning courses available from the WIPO Academy.

Guidelines

- Drafting of new guidelines for examination procedures for patents, trademarks, industrial designs and geographical indications will be done considering the amendments of legislation.

Website of IP Agency

- The website of IP Agency will be reviewed in order to become the reference place for any information concerning Intellectual property (development in Kosovo, in EU and around the world).

Expected impact:

IP Agency is fully functional to ensure implementation of the industrial property system and able to ensure adequate and effective protection and enforcement of industrial property rights.

Indicators:

- At least 9 staff of IP Agency trained, in total at least 20 staff from different departments of MTI trained.

Activity 2.1.2 – Support to the Office of Copyright and Related Rights (OCRR)

Increase the capacities of the institutions responsible for the national copyright system is one of the objectives of the national strategy for strengthening the copyright system 2019-2023. The project will assist OCRR and his staff to improve their knowledge and capacities mainly in view of the following issues: collective management, copyright in the digital environment, private copying remuneration, public lending right, exploitation of rights and contracts in the field of audiovisual, musical or other sectors, enforcement of copyright particularly in the digital environment and best international practices

in this field, collection of data regarding piracy and enforcement, new developments in copyright as it concerns the “acquis Communautaire” and the recent debates in the international organizations (WIPO).

- Training activities, including on-the-job training for the staff of the OCRR will be organized to improve their knowledge on recent developments and practical issues. Apart the above-mentioned areas, the Directive 2019/790 on Copyright in the Digital market will be deeply examined.
- Trainings for supervision and monitoring of CMOs will be organized for the staff of OCRR. The closer involvement of the staff of OCRR in the enforcement and the availability of statistics in regard of copyright infringements and piracy will be developed and coordinated with the aforementioned “IPR Stat”.
- Trainings and workshops on the pirated seized and confiscated goods, as well as on piracy investigation techniques, will be organized. Other beneficiaries will also be involved in the trainings, such as CMOs, Media Commission, market inspectors, customs, police, lawyers and judges.
- The collective management is an essential part of copyright legislation, not only for economic but also for cultural reasons. The analysis of the Directive on collective management of copyright and related rights is necessary because of the important objectives of this Directive: common governance, transparency and financial management standards of CMOs in the EU, common standards for the multi-territorial licensing by authors’ CMOs of rights in musical works for the provision on online services, new conditions that can expand the legal offer of online music. The analysis will also focus on the determination of tariffs and the criteria used in the legislation of the member states, in particular as it concerns broadcasting and cable television, in order to assist the establishment of tariffs in the national field. An assessment report will estimate the establishment of CMOs in the field of reprographic rights and visual arts.
- Training for mediators and guidelines based on the best practices will be planned.
- OCRR staff and representatives CMOs will be invited to take distance-learning courses on copyright and collective management available from the WIPO Academy.

Expected impact:

OCRR capacities will increase in order to ensure implementation of copyright system and ensure effective protection and enforcement of copyright and related rights.

Indicators:

- 5 OCRR staff and 30 other staff members of the CMOs, Mediators in the field of copyright to be trained.

Activity 2.1.3 – Support to Division for the Protection of Intellectual Property Rights within the Kosovo Customs

Description:

This activity will focus on the capacity building in the implementation of the new Law on custom measures for protection of IPRs. This will include a review of necessary changes in the implementing regulation and making sure that those are reflected in the current protocols for operation of the Customs.

- The Project will provide IT training with the view of upgrading the IT skills of the staff in relation to IPR enforcement. An analysis of the current situation on the ground and the preparation of a development plan for the IT component will be done. Then the Project will assist on the use, updating and functionality of the INES+ database and will include the services of one IT expert. The expert will also advice on the establishment and use of “IPR Stat”.
- A training program will be organized in cooperation with the beneficiary concerning competencies, upgrading the knowledge of the staff.
- Review of the guide for Customs officers will be realised.

Expected impact:

The capacities of Division for protecting IPR rights within the Kosovo Customs will be increased and the staff will be assisted to the new procedures requirements and new possibilities of action.

Indicators:

- 2 (two) employees of the Division for the Protection of Intellectual Property Rights and around 200 (two hundred) Custom Officers from different regions and municipalities and department of the Kosovo Customs to be trained.

Activity 2.1.4 – Support to the Market Inspectorate

Taking into consideration the new draft law on inspectors and the important reform of the legal framework on inspection, the Project will cooperate with other donor-funded projects, as well as with the inspectors in the Ministry of Trade and Industry, on drafting amendments required for IPR enforcement.

- A draft organizational chart for the Market Inspectorate in charge of the protection of IPRs, suggesting job descriptions including reporting lines, functions and responsibilities will be presented for review and comments. This draft will only concern the functions of the inspectors, which are related to IPR and their cooperation with other government agencies, such as police and customs.
- Trainings for the staff of the inspectors responsible for IPR will be organised to improve their general knowledge on intellectual property. The scope of the trainings will focus on general knowledge, on practical aspects of handling infringements and on data management.
- A training plan will be proposed to the Inspectorate with identification of the priorities of the

training, scope, process and timetable. Workshops/trainings will be organized in Pristina.

- Guidelines will be drafted for the market inspectors on handling of the goods that infringe IPRs.
- Similar to the other IPR enforcement stakeholders, the Market Inspectorate will be assisted to use “IPR Stat”.

Expected impact:

The capacities of the Market Inspectorate for enforcing IPR rights will be increased and the staff will improve their knowledge on intellectual property and gain practical skills.

Indicators:

- Market Inspectorate, in particular inspectors responsible for IPR will be trained, together with police and custom officers in order to have better coordination among the IPR stakeholders.

Activity 2.1.5 – Support to Kosovo Police

Coordination between relevant authorities in the area of IPR enforcement should be strengthened, in particular on operational level, especially among police, customs and Market Inspectorate. Capacity building activities for the police officers will improve their knowledge and practical skills in order to deal with enforcement actions. Main activities of the project will be;

- Tailored workshops/trainings followed by on-the-job trainings that address legislative amendments. Special attention will be given on the coordination with other enforcement bodies, such as Market inspectors and Customs. Police officers will benefit basic and advanced trainings in particular as it concerns investigation, online infringements, piracy and counterfeit, internet service providers and law enforcement, cyber security and cybercrime law.
- Similar to the other IPR enforcement stakeholders, the Kosovo Police will be assisted to use “IPR Stat.

Expected impact:

The capacities of police officers for enforcing IPR rights will be increased and their knowledge on intellectual property and practical skills will be improved.

Indicators:

- 24 Police Officers of both Units and approximately 80 (eighty) other Police Officers from relevant regional offices from the Kosovo Police to be trained

Activity 2.1.6 – Support to Prosecutors and Judiciary

The number of cases for IPR litigation in Kosovo is minimal. The prosecutors and the judges do not have sufficient practice in dealing with IPR. The major problems are the level of practice and the overall knowledge of IPR, the lengthy procedure and the enforcement of the final decision, which turns right holders away from pursuing such charges.

- The project will seek to enable the prosecutors and the judiciary to deal in a more efficient way with IPR litigations, by implementing tailor made training. Legal issues and case law will be developed by the project to introduce the prosecution and the judiciary in best practices in member states and other countries as well as new developments in IPR, such as parallel imports and digital environment, enforcement, evidence in IP cases, damages, criminal penalties, modalities to issue ex parte measures, collective management and digital copyright directives.

Expected impact:

Upgrade the skills of the prosecution and the judiciary, provide the judges and the prosecutors with knowledge on IPR and enable them to deal better with IPR cases.

Indicators:

- 10 (ten) prosecutors and 40 (forty) judges – 5 from Economic Matters Department, 5 from Administrative Matters Department and 30 from other Departments of other Basic Courts to be trained.

Activity 2.1.7 – Support to Independent Media Commission (IMC)

The Project will train the members of the IMC to be able to prepare strategic documents, such as the strategy on transition to digital broadcasting, to improve their duties on licensing and monitoring of broadcasters and to address the gaps in the implementation of the EU Directive 93/83 on satellite broadcasting and cable retransmission, as well as on the Directive 2001/29 (InfoSoc Directive). Moreover, the Project will concentrate on the latest developments in the area of IMC (listed in the main developments section)

- A specific training will be held in the format of participatory workshop. The members of the IMC will also be included in the stakeholder consultations and the work on the adjustments to the EU legislation.

Expected impact:

Members of the Independent Media Commission will have better knowledge in the field of broadcasting and media services.

Indicators:

- 3 employees of IMC are trained.

Activity 2.1.8 – Geographical Indications

While the geographical indications system has great potential, it is still very new in Kosovo and the number of requests for geographical indications is still minimal.

- The project will cooperate with “Further Support to Trade” project, in assisting the Commission on GI envisaged in the Law by providing information on current EU practices, requirements

and profiles of the members of similar bodies.

- The Project will work with potential GIs (including Sharri cheese, wine and other GIs identified by previous projects and Ministries) in order to increase their interest for using this system of protection and support organisation of producers on how to apply for protection. General information on geographical indications will be prepared.
- Moreover, there is a need to generate additional interest among right holders to use the potential of the system. The Project will cooperate interested GI parties in the trainings and awareness raising activities on GI system.

Expected impact:

Potential GI stakeholders including the rightholders and GI Expert Commission will have better knowledge on geographical indications and their practical skills will be increased.

Indicators:

- 30 (thirty) employees of the Ministry of Trade and Industry, Ministry of Agriculture, Forestry and Rural Development, Food and Veterinary Agency and other related stakeholders are trained.

Activity 2.1.9 – Support to Committee of Appeals for Industrial Property Applications

Since the IP Agency has processed nearly 90% of all the applications and reduced the backlog, the number of cases to be appealed in 2019–2020 are expected to rise¹⁶. The Committee of Appeals for Industrial Property Applications has to deal with complex situations. Their practice should be ameliorated taking into consideration that the number of cases has increased. There is also a need for the Committee to be aware on new developments on intellectual property. On the job training on the procedure of examination of IP applications with special focus on trademarks will be implemented and the Committee will also be included in trademark relevant activities.

Expected impact:

Upgrade the practical knowledge of the members of the Committee of Appeals for Industrial Property Applications on intellectual property and enforcement.

Indicators:

- 8 employees – 2 permanent members of the Committee of Appeals and 6 others coming from IP Agency and MTI legal department are trained.

¹⁶ IP Agency has processed 93.2% of all trademark applications; remaining part of the applications are either in publication procedure, payment invitation or pre-refusal procedure. The only remaining backlog is the backlog regarding objections of trademarks. (Information provided by IP Agency)

Activity 2.2 – Strengthening the Inter-Constitutionally Coordinated System

The State Intellectual Property Council and the Task Force against Piracy and Counterfeit are the main institutions involved in the coordination system. The strengthening of the coordination system between the institutions will be supported in two ways: a) raising professional standards and competence of the members of these bodies through their involvement in top-level specialized training activities and b) introducing best practices and experience from similar coordination efforts in other EU member States. The Project will communicate with international associations and other intermediaries and report to the policy makers in IPR on relevant issues.¹⁷ Moreover, IPR Stat database will be a useful tool with information of infringing goods and services, infringement cases and infringers.

Expected impact:

The interface between the enforcement institutions and the policy body in charge of the overall IP policy will be more effective.

Indicators:

- 1 Workshop for IPR Developments and Enforcement with the best practices in EU Member States.
- Establishment of a Communication Platform – internet based platform

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q1/2020-Q2/2022

Resources required:

Expert resources: 70 SNKE man-days (m/d) & 10 JNKE m/d Incidental expenditures: 15.000 €

Activity 2.2.1 – Support to the State Intellectual Property Council

The support of the activities of the State IP Council will focus in two issues: improving the capacity and knowledge on intellectual property of the Council Members by providing specific information on latest developments in intellectual property in EU and international field. A platform (e.g. newsletter) for the members of the Council for easy and quick contact and sharing information will be established.

Expected impact:

The capacity building of the State IP Council as well as the reporting efficiency and coordination among members will be improved.

¹⁷ E.g. CEFTA reports on “Legislation and policy Measures in the sector of E-commerce in CEFTA Region”, INTA Reports on brands and counterfeit products, EUIPO reports on status on IPR infringement, .

Activity 2.2.2 – Support to the Task Force against Piracy and Counterfeit

The support of the activities will focus on enhancing the skills of the members of the Task Force to identify, prevent and tackle infringements of intellectual property. The approach to strengthen the capacities of the Task Force is to link it to the activities of the other enforcement institutions; IP Agency, OCRR, Kosovo Customs, Market Inspectorate, Police, Prosecutors and Judges- as well as with the State IP Council.

- A training program comprising of two workshops in cooperation with the beneficiary will introduce best practices from Member States and analyse recent practical cases upgrading the skills of the members of the Task Force.

Expected impact:

Improve the practical knowledge on intellectual property in the Task Force and empower it to deal more efficiently with infringing cases.

Activity 2.3. Membership in European and International IPRs Organizations

The approach recommended is to achieve full level of compliance with the requirements for membership in European and International IP Organizations and align the national legislation, standards and practices, so that Kosovo is ready from technical content perspective to join them. The project will support participation of staff of the IP Agency and OCRR in the technical meetings and working groups organized by European and International IP Organizations, according to a plan established at the beginning of each year. Cooperation with WIPO will be developed according to the article 5 of the WIPO Convention. Participation and membership in international non-governmental professional IP organizations can be contributory in gaining expertise in the global IP dialogue and exchange. Among these organizations should be considered AIPPI, ALAI, INTA, ECTA, CISAC, IFRRO etc.

Expected impact:

Kosovo will be ready from technical and content perspective to join European and International IPRs Organizations when feasible.

Indicators:

- A list of priorities for participation and cooperation with European and International IPRs Organizations.

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q1/2020-Q2/2022

Resources required:

Expert resources: 30 SNKE man-days (m/d) & 10 JNKE m/d
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Incidental expenditures: 5.000 €

5.3 Component 3: Awareness Raising

Project Result 3: The importance of IPR protection is well understood and spread out to and by the business community and the public at large (awareness raising).

Beneficiary:

Under this Component, together with the direct and indirect beneficiaries of the IP system in Kosovo, right holders, business community, schools & universities, and the public at large will be targeted.

Analysis of current situation:

Multiple awareness raising activities have already taken place in Kosovo prior the start of the implementation of this project. The lessons learned indicate that priority should be given to increase the number of information recipients, from outreach activities, the need to have more targeted awareness raising, the need for innovative approaches that would lead to higher impact of these activities, clear indication of responsibilities among implementing stakeholders, and adaptation of the existing materials to reflect current landscape of the sector.

Main developments during 2018-2019:

The two main Kosovo authorities in charge of the administration of IPR are involved in active promotion/awareness events. The authorities offered some informational and expert level training during 2018-2019 period. Moreover, social media is widely used by both parties to deliver messages on IP that consequently reach broader audiences.

The most important event for awareness raising is the marking of World IP Day, 26th of April. Each year, WIPO determines on a concept for the World IP Day and Kosovo authorities, same as in other countries, reflect the concept locally. In the event, Kosovo authorities share the latest developments in the field of IP, discuss the cooperative approach and commitment with other IPR enforcement agencies that contribute to developing a better IP ecosystem for Kosovo.

Other than the World IP Day events, both institutions are active in organizing targeted promotion and awareness activities, as well as by partaking in events hosted by other partners. The IP Agency and OCRR attend lectures in universities (mainly specialised in law, but also with business, art and other departments), summer schools, deliver speeches at seminars, conferences, attend TV-radio shows, exhibitions, fairs and so on.

Moreover, both institutions are authors and publishers of a variety of communication products, including published materials; newsletters, magazines, informative brochures and booklets, informative videos in the format of public service announcements that are distributed and shared at events or via social media. Official social media channels are another medium used effectively to inform and raise awareness amongst the general public. For instance, the OCRR page on Facebook has nearly 3.000 followers who are informed about the latest OCRR activities, latest international developments and news on IPR. Youtube, Twitter, and Instagram are also other social media channels that are used by the institutions to

deliver messages to general public.

Needs & Project Intervention:

Awareness-raising is contextualized in two dimensions – on the one hand, **the business community and the users of the IPR system**, which need to be aware of the specific benefits that a functional IPR system will bring, and, on the other hand, the representatives of academia and civil society at large, without whom it is impossible to operate an IPR system.

The Project will use the best experiences of recent IPR awareness campaigns implemented in the region - Turkey, Romania, Bulgaria and North Macedonia as well as the experience from other EU Member Countries with significant factor of success of the campaigns – Sweden, Finland or other as appropriate. The proposed activities will be discussed with stakeholders, seeking continuity and identifying gaps in previous awareness raising. The proposed activities under this component have been reviewed during the inception phase and flexibility will be maintained with regard to changing demand and new trends. As a general rule with regard to the efficiency of awareness raising survey techniques will be used to measure impact.

The objective of awareness raising in the context of the project will be to create an atmosphere conducive to more respect for intellectual property and its efficient use for business, thus promoting creativity and innovation for economic growth. This activity is closely linked to major government policy objectives, reflected in the Economic Reform Strategy and the NPISAA with regard to improving the market conditions in the country, increasing the credibility for the country among foreign investors, creating legal certainty in property rights and in general aligning the general perceptions in society on IP with the perception in the EU in general.

Expected impact:

Kosovo raise awareness on the importance of IPR protection among the right holders, business community, schools & universities, and the public at large and to support the full enforcement of intellectual, industrial and commercial property rights in Kosovo similar to that existing in the EU as stated in the SAA.

Cooperation with other components:

Component 1 - Legislative and Policy Development

Component 2 - Capacity Building & Enforcement,

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q4/2019-Q2/2022

Resources required:

Expert resources: 200 SNKE man-days (m/d) & 110 JNKE m/d
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Incidental expenditures: 90.000 €

Activity 3.1 – Develop an Awareness Strategic Document Followed by an Action Plan Involving All Relevant IPR Stakeholders

Under this activity, a strategic document on awareness will be developed which will differ from the existing IP Awareness Strategy, developed during the first phase of the project. The document will be complementary to the National Strategy and is intended for their internal use. It will ensure general EU Communication and Visibility Requirements¹⁸ and will be harmonised with the communication and visibility standards set by the EU Office in Kosovo¹⁹. It will developed upon an analysis of “which parts of the previous awareness strategy worked best” and “which are lagging behind”. The document will provide various options that its users can resort to depending on their specific situation.

- A workshop with all IPR enforcement stakeholders, together with right holders, business community, patent & trademark attorneys, schools & universities, and the public will be held to ensure that strategy is inclusive;
- The document will be presented to the State IP Council for ensuring consistency and coherence among stakeholders through their review, comments and final adoption of the document by the Council.

Expected impact:

Kosovo authorities adopt an IP awareness strategy that links to existing National Copyright Strategy and National Industrial Property Strategy (to be developed by the Project),

Indicators:

- 1 Awareness Strategy and Awareness Action Plan to be developed

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q4/2019-Q2/2020

Resources required:

Expert resources: 35 SNKE man-days (m/d) & 5 JNKE m/d
 Incidental expenditures: 5.000 €

Activity 3.2 – Develop Awareness Raising Activities Supporting the Full Enforcement of Intellectual, Industrial and Commercial Property Rights

While developing the concept for enforcement awareness activities to be implemented under this Activity; the main problems faced in the academia, police, customs, market inspectorate will provide valuable input. In the inception stage; the main concepts identified as most incurring enforcement

¹⁸ Communication and Visibility in EU-financed external actions
¹⁹ European Union Office in Kosovo

problems were identified as digital piracy, counterfeited trademarks and import problems, plagiarism and cybersecurity. Under the activity;

- 2 workshops on different enforcement aspects (i.e. one on piracy (focusing on digital) and counterfeit, one on collective management) will be implemented;
- 1 “Respect for IP” campaign for universities; focusing on informing the academia on plagiarism, respecting the IP rights will be implemented;
- University students and academicians will be invited to take distance-learning courses available from the WIPO Academy;
- 1 Training for patent and trademark attorneys will be organised, they’ll also be invited to the general awareness activities and trainings for other intermediaries;
- University cooperation will be strengthened, ways to implement the Curriculum developed together with the University of Pristina (under the previous IPR project) will be explored, experts (long-short term) of the Project will deliver seminars/conferences to the students in cooperation with the university;
- 1 internet campaign on creating awareness on online infringement will be implemented.

Expected impact:

Awareness raising to support the full enforcement of intellectual and industrial property rights in Kosovo are achieved.

Indicators:

- Report on surveys to assess the impact of the campaign and events

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q1/2020-Q3/2022
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Resources required:

Expert resources: 35 SNKE man-days (m/d) & 20 JNKE m/d
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Incidental expenditures: 10.000 €

Activity 3.3 – Awareness Activities Targeting the Society at Large and the Business Community

Under the scope of this Activity; the Project will undertake:

- Implement a Pilot IP Awareness Project to create awareness in enterprises and entrepreneurs on IP and “information” role of IP in innovation process. (See Annex 7);
- Possible cooperation with other EU funded projects (on ICT, on start-ups etc.) will be explored and developed on IPR awareness issue;

- A survey/study on *public perceptions* on IP will be implemented at the beginning and at the end of the project;
- Cooperation will be developed with at least three umbrella organizations of business sectors (such as NGOs, incubators, associations etc.);
- A seminar for universities on IP and innovation will be organised;
- A joint seminar with the Investment Promotion Agency and other bodies in charge of supporting entrepreneurship and SMEs will be organised;
- A social media page (Facebook) will be developed for accessing information on IP for the public. A facility for responding to questions on IP will also be linked to the page.

Expected impact:

Pilot project and informative events will develop positive perception on IPR and increase number of applications for industrial property.

Indicators:

- Number of industrial property applications (patent, design, trademarks)
- Number of companies reached through Pilot IP Awareness Project
- Respondents to survey
- Number of attendees to seminars
- Number of followers of the social media account.

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q4/2019-Q3/2022
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Resources required:

Expert resources: 45 SNKE man-days (m/d) & 30 JNKE m/d
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Incidental expenditures: 20.000 €

Activity 3.4 – Common Training for IPR Administrative Stakeholders

Under this Component, further to the activities under Component 2, more activities are planned with the aim of “improving skills of IP Enforcement authorities for communication and perception of IP in general”. The Project will undertake:

- A joint Seminar for IPR enforcement stakeholders on new trends in communication on IP will be implemented.
- Short-term experts will also work with the institutions to publish online (via social media accounts of the project; Facebook and so on) manuals and guidelines for addressing queries on IP, maintaining a database open to the public on success stories and best practices in the EU and in the world.

Expected impact:

IPR Information and awareness capacity of the IPR administrative stakeholders will be developed. New and innovative products for communication of IP are developed.

Indicators:

- Number of attendees to events and joint seminar

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q2/2020-Q4/2021
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Resources required:

Expert resources: 30 SNKE man-days (m/d) & 10 JNKE m/d
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Incidental expenditures: 10.000 €

Activity 3.5 – Preparation of Relevant IPR Material

This activity will build on material and activities that will be prepared or carried out in the institutional and capacity building components. It involves the preparation of three types of material targeting different audiences – IP right holders, IP users and society.

Within the activity, it is planned that:

- A publication “IP for business” will be developed for the business community which will provide practical insights to rights holders for dealing with IP issues;
- Launching a promotion campaign “IP Works!” with a selection of case studies, interviews with local innovators, creators and international celebrities, which are known for their commitment to IP. Documenting best practices in the format of publications, online content and/or video materials. Preparing developing, and producing visibility materials for further dissemination;
- Application guidelines for industrial property (patents, trademarks, GIs, industrial design) will be reviewed and upgraded upon the results of a short survey among users/potential applicants;
- A selection of EUIPO outreach materials are translated and adopted, after obtaining necessary permissions.

Expected impact:

IPR promotion materials are developed. Increased awareness on IP is reached among business community, consumers, potential users of the IP system and in public.

Indicators:

- Number of booklet on IPR for business community and consumers distributed
- Number of Application Guidelines for Industrial Property (patent, trademark, design, GI -

video material) produced

- Number of EUIPO outreach materials translated, adopted.

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q2/2020 - Q3/2022
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Resources required:

Expert resources: 35 SNKE man-days (m/d) & 15 JNKE m/d
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Incidental expenditures: 20.000 €

Activity 3.6 – Organize Activities with the Business Community, Studies and Promotional Activities

The various activities presented here are first of all clustered around the need to create visibility for the project and the overall EU effort on IP in Kosovo. The second reason for organizing this activity is the need to present evidence for policy-making and for the outreach work with the business community and the public at large. This new element is based on the fact that currently there is no sufficient body of information in Kosovo that demystifies intellectual property. The results of surveys and studies would allow sharpening the message and making it more real and understandable. Finally, the third important premise for this activity is the result-based approach manifested in the embedded impact assessment at the beginning and end of the activities.

Within the scope of this Activity, it is planned:

- To organise seminars and roundtables with business community in 4 municipalities, where business community from different municipalities are targeted.
- to implement an economic study and survey in the beginning and at the end of the project; on the “knowledge of the businesses and the society for the IPR importance”. This survey will provide an important input for Component 3 and will represent a meaningful instrument to assess the impact of the project in terms of business awareness on IP.
- Additionally, in order to support decision makers in Ministries, to produce a decision support tool for State IP Council, Task Force Against Counterfeiting and Piracy; it is planned to implement a survey on “Participation of IPR to Kosovo economy”, “Kosovo Creative Industries and IPR”,
- Under this Activity, support the organization of marking the World IP Day on 26th of April to be provided for years 2020, 2021 and 2022.

Expected impact:

Background studies on importance of IPR in Kosovo economy is developed for decision makers of Kosovo. Awareness on IP in business is monitored.

Indicators:

- Number of attendances for the events and seminars
- Number of surveys executed
- Number of participants and media coverage for 3 high level World IP Day Event.

Indicative timing: The timetable for implementation is given for each activity and also in the implementation timetable (Annex 3). Q2/2020-Q3/2022
Resources required: Expert resources: 20 SNKE man-days (m/d) & 30 JNKE m/d Incidental expenditures: 25.000 €

6. Project Resources and Planning

6.1 Project Resources & Planning

RESOURCE DESCRIPTION	BUDGET		
EXPERTS	Man-days		
Key Experts:	1180		
Key Expert 1 - Team Leader / Senior Expert in the field of Industrial Property	620		
Key Expert 2 – Senior Expert on Copyrights and related rights	560		
Non-Key Experts:	1000		
	Senior	Junior	Incidental Expenditures
	750	250	200.000 €
Component 1 – Legislative and Policy Development	210	60	30.000 €
Component 2 – Capacity Building & Enforcement	340	80	80.000 €
Component 3 – Awareness Raising	200	110	90.000 €
TOTAL RESOURCES:	2180		200.000 €

6.2 Costs Eligible as Incidental Expenditures

The Terms of Reference clearly identify eight cost categories as eligible for the funding under the IE Budget of this Project. These five categories are defined as follows:

Category A

Travel costs and subsistence allowances for missions outside the normal place of posting, undertaken as part of this contract (including study visits, participation at conferences and working groups linked to the activities implemented under this project). If applicable, indicate whether the provision includes costs for environmental measures, for example CO₂ offsetting.

Category B

Costs related to translation and interpretation.

Category C

Costs related to the organization of workshops and training arrangements for beneficiaries or stakeholders (if such arrangements cannot be hosted by the beneficiary) including local transportation (if the rental of a bus is needed), rental of venue, rental of equipment necessary for the event and basic catering.

Category D

Costs related to preparation, printing and distributing leaflets, technical manuals and other materials for the activities to be performed under the ToR of the Project.

Category E

Costs related to the awareness raising activities like TV advertising campaigns.

Category F

Costs related to the visibility of the project for the production of information/publication materials, such as fact sheets, brochures, information material, advertisements, and production cost of interactive and audio-visual materials or similar expenses.

Category G

Costs related to trainees and internships undertaken as part of this Project.

In order to avoid possible differences of interpretation or any misunderstanding in the future, the following interpretation and clarifications are proposed to be formally approved in this Inception Report.

Category A – applicable not only to the Project experts, but also to beneficiaries and stakeholders (if not contravening national rules), in particular for study visits abroad, but not exclusively (also in Kosovo if prolonged stay (12 to 24 hours) outside of the Pristina district is required.)²⁰

Category C – applicable not only for the workshops and training but also for other similar types of events (e.g. conferences, roundtables, awareness seminars, Project launch or closing events). Various other types of costs related to these events, such as simultaneous interpreting, etc. are also eligible, even if not specifically mentioned alongside the examples of venue rental and catering.

Category F – “similar expenses” may include various other types of costs related to the production of materials, even if not specifically mentioned alongside other examples.

7. Annexes

Annex 1 – Assumptions & Risks

Annex 2 – Log-frame Matrix

²⁰ Pristina region/district includes the municipalities of Pristina, Fushe Kosove, Glogovac, Gracanice, Lipjan, Novo Brdo, Obilic, and Podujevo.

Annex 3 – Implementation Timetable

Annex 4 – Work-plan and Resources

Annex 5 – Summary of the Harmonization Issues for IP legislation

Annex 6 – Kirkpatrick Model for Capacity Building & Enforcement

Annex 7 – Model for the Pilot IP Awareness Project

Annex 1 – Assumptions and Risk

Assumption	Probability	Comments
Political priorities of the government of Kosovo will not change	High	Although, high risk of political instability in Kosovo has been stated, main pillars and policies of the country has underlines the commitment of the Government and it is reflected in the SAA Art.77 and 78, the NPISAA, the National Development Strategy 2016-2020 and the 2018-2020 Economic Reform Program.
Continuous commitment of the Government and other institutions involved to harmonize national legislation with EU legislation and allocate sufficient resources to implement the output of the project	Medium/ High	The policy commitment needs to be backed by allocating adequate national resources. The outcome of the project is directly linked to sustained policy on further integration with the EU and the international IPR institutions. From the harmonization perspective, the most important resource is human resources and know-how developed in the main IP institutions. During the Inception Phase, meetings with all the stakeholders, contributions made by the main IP institutions revealed that the committed management and team for IPR harmonization has already been achieved.
Institutional and legislative framework in place	High	Significant progress has already been made which gives assurance that the build up of the framework will continue. All the relevant institutions are established and functioning and main stakeholders of the IPR enforcement system are
Effective and continuous coordination assured with the various stakeholders and with other donors	Medium/Low	The Project team will work closely with stakeholders to underline the importance of effective coordination. Moreover, State IP Council with and Task Force Against Counterfeiting and Piracy with their advisory and inclusive role will constitute important enablers for structured coordination. Besides, The Project will create an cooperative and inclusive ecosystem for all IPR enforcement stakeholders; both by designing inclusive activities and also designing technology based systems; such as databases, where all the stakeholders contribute and benefit.
Adequate absorption capacities in place	Medium/Low	Absorption capacity is built over time and requires continued investment in skills and expertise of the beneficiaries involved, as well as sustained policy commitment. In order to increase the absorption capacity, the Project will benefit from technology and social media resources, by keeping all the

Assumption	Probability	Comments
		material available for the beneficiary institutions during the project lifetime; and also by developing user friendly content with case studies, real life examples and so on.
Staff of the beneficiary qualified for their task	Medium/Low	Continued training and capacity building of beneficiaries is required. This needs to be even more specific when moving the phase of addressing specific issues. The qualification requirements are likely to grow.
Industrial Property Agency and OCRR staff, Police, Custom officers, market inspectors, and other officers from enforcement institutions are motivated to learn and evolve in IPR domain	Medium	Motivation is linked to the possibilities of an efficient IPR system to bring benefits to the stakeholders. If the system is not fully efficient due to internal and external factors this is likely to affect motivation. The Project will motivate the staff of the beneficiaries by involving them actively in the media and awareness events, enabling them to convey their skills and messages to IP users and public in general. Furthermore, the staff will be invited to contribute to the awareness contents published online.
Public and business community understand the importance and the positive effect of the IPR protection in their daily life	Medium	The IPR system needs to produce tangible benefits for the business. The higher use of the system will generate continued and expanding interest by the business community and the users of the system. In order to support the positive perception and image of IPR, the Project has planned to implement a pilot project, where local enterprises will be supported to use and benefit from IP rights and Kosovo success stories on IP to be developed and publicized.
Availability of adequate expertise in the area of harmonization of existing regulations with EU regulations	Medium	This expertise is constantly being developed and requires constant updates. A critical mass of experts needs to be trained (with a good reserve for possible drop outs). The ongoing Public Administration Reform should also contribute to improving the situation in this regard.

Risk	Probability	Risk Management Strategy
Political instability in Kosovo	High	Working towards consensus among policy-makers on IPR matters, ensuring involvement and constant dialogue with stakeholders will ensure sustained policy support regardless of the political party in power. However, political instability may cause delays in legislative work and disruptions in capacity building. Broader participation in capacity building may be a useful strategy.
Political support and commitment at central governmental and parliamentary level for the reforms and adoption of the acquis	Medium	Political support and commitment, which in beyond the rhetorical level, is very important for the project's success as well as for the beneficiaries. The project will seek for assistance from EU Office in Kosovo to liaise with decision makers when appropriate. The project will deploy all possible efforts to adopt a new IP Strategy as a sign of further political commitment, taking into consideration the national strategy for strengthening the copyright system 2019-2023.
Lack of willingness for cooperation and coordination between Ministries and Agencies already involved in the development and implementation of IPR regulation	Medium	The Government has established the State Intellectual Property Council to improve cooperation between institutions involved in the enforcement of IPR. The Council delivers advice and assistance to the Government and other stakeholders involved in the protection of IPR. The project will enable dialogue with all members of State IP Council, by improving the reporting as well as the capacity and knowledge on IP of the Council Members.
Effective co-operation between project stakeholders	Medium	Cooperation between the beneficiaries and other IPR stakeholders will improve protection and enforcement of intellectual property in Kosovo. Efforts at the very early stage of the project would be directed towards enshrining credibility and establishing excellent relations with the beneficiaries and other stakeholders, supporting also the State Intellectual Property Council and the Task Force against Piracy and Counterfeit.

Risk	Probability	Risk Management Strategy
Period provided to implement requirements of the legislation is very short	High	Project's timeframe is enough for legislative development and for alignment with the EU acquis provided the implementation of the legislation in national level. Work in parallel on all expected results, maximize opportunities for synergies where possible, constant dialogue with legislative authorities, provide technical assistance in drafting amendments to legislation or enacting new legislation
Limited absorption capacity at the relevant institutions	High	Active participation from all relevant institutions is required and expected. Establishing of working groups enabling dialogue would allow assessing the general level of capacity within agencies and bodies involved. Where necessary technical assistance should target facilitating the execution of the activities. Corrective measures will be envisaged if absorption appears challenging.
Weak sustainability of the outputs after the end of the implementation	Medium/ High	The outputs will be designed with built-in follow up mechanisms to guarantee monitoring of the progress after the end of the project. The self-monitoring and evaluation of the situation by the institutions should be part of the transfer of knowledge and skills and will ensure sustainability. The development of written manuals and guidelines, the cooperation and synchronization of efforts between stakeholders will ensure that the results are sustainable in the long run.
Staff turn-over and limited resources allocated for the implementation of the activities	Medium	The adequate number of competent staff working in the beneficiary institutions, the turn-over staff and adequate absorption capacities are important for the implementation of the activities. A careful analysis should be made of the commitment and interest of the staff in the key beneficiary institutions and authorities. Incentives will be discussed with beneficiaries, such as career development within the institutions, exchange programs and participation in institutional networks with partners. Resource allocation will be planned with the beneficiaries and reviewed regularly. Technology-based solutions should be encouraged where applicable.
Law quality of policy and legislative proposals affecting their actual implementation and	Medium	Dialogue with legislative and policy partners will assist in raising the quality of the proposals. Using the EU experts and experts who have already benefited from training and have drafted existing legislation will expand the critical mass of expertise in this field and will be consolidated. The gap analysis outlines the areas where legislation needs further refinement to enable implementation and enforcement and achieving the intended effect of the corresponding

Risk	Probability	Risk Management Strategy
enforcement		legislation in line with the acquis.
Allocation of resources to implement the output of the project is not sufficient	Medium	An assessment will be made to identify bottlenecks and discuss with the beneficiaries resource allocation. Where resources are not likely to be made available, an adjustment of the activities may be required.
Lack of Human Resources in the institutions targeted by the project	Medium/ High	While with most of targeted institutions some work has already been done, not all institutions have a critical mass of expertise. The efficiency of the existing human resources will be improved through appropriate training. Where projections do not allow a meaningful increase in human resources an assessment should be done to identify possible outsourcing of activities. A dialogue should be undertaken with partner institutions to identify possibly synergies in addressing lack of human resources in the respective areas. The ongoing Public Administration reform should be instrumental for addressing the issue.
Lack of capacities of staff	Medium/ High	This will be addressed through training of the staff, higher priority will be given to the quality of the training and the estimation of the knowledge and expertise acquired by the staff. Outsourcing of certain activities or technology-based solutions should be studied and considered.
Staff trained will not remained within the institutions	Medium	Motivation of staff should be monitored and evaluated throughout the activities. Motivated staff should be incentivized through targeted programs for developing their expertise. Participation in attractive exchanges should be linked to continued work in the institution. It is reasonable to assume that not all of the trained staff will remain within the institution, therefore training should include a higher number of trainees so that a critical mass can be retained.
Interest and participation in public awareness raising campaigns	Medium	Target groups of public awareness raising campaigns should be defined rigorously, including business community. Efforts are to be directed towards the interrelationship with the authorities responsible for the implementation of the campaigns. Indicators for measuring the success and the impact of the campaigns will be monitored closely

Annex 2 – Log-frame Matrix

OVERALL OBJECTIVE	VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
To enhance the economic governance of Kosovo through effective regulatory functions in line with the SAA obligations “level of protection of intellectual, industrial and commercial property rights similar to that existing in the EU, including effective means of enforcing such rights.”	<ul style="list-style-type: none"> increased application of IPR in economic transactions improved business conditions (including creative industries) resulting from clear business regulation in IPR improve the quality and effectiveness of IPR institutions and services 	<ul style="list-style-type: none"> Annual statistics on IP services Annual reports and surveys by Kosovo Ministries, Reports on business climate of Kosovo (such as Worldbank etc.) Annual surveys on the business climate in the country 	Strong policy commitment for full implementation of the SAA
PURPOSE	VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
Purpose: to strengthen the legal, administrative and structural capacities of Kosovo institutions in charge of the development and enforcement of IPR.	<ul style="list-style-type: none"> Fully functional IP institutions operating on the basis of clear laws and administrative instructions; Automation and Increased efficiency in the operation of IP institutions Reduced rate of infringement of IPR 	<ul style="list-style-type: none"> EC Annual report on Kosovo IP Institutions annual reports Project progress reports and periodical surveys Customs Statistics Final summary report for the delivery of all training courses 	<ul style="list-style-type: none"> Continued financial and institutional support for the implementation of the project Sustained broad consensus around the implementation of the SAA Enforcement remains a policy priority Institutions are willing to achieve high EU standards in the field of IPR
Result 1: The IPR legislative Framework (primary and secondary legislation) is fully aligned with the EU acquis.	<ul style="list-style-type: none"> Primary and secondary IPR legal framework developed according to an inclusive and evidence-based approach, approved and fully aligned with the EU acquis Number of representatives of enforcement authorities participating in the working group 	<ul style="list-style-type: none"> Project progress reports Meetings’ minutes of the working groups on legislation 	<ul style="list-style-type: none"> High Level of engagement by the stakeholders. Legal and institutional frameworks for underpinning IPR operations completed; Human resources available Absorption capacity in place Sustainability of the outputs after the end of the project
Result 2: The law enforcement authorities in charge of	<ul style="list-style-type: none"> Number of Industrial Property Applications examined 	<ul style="list-style-type: none"> Project progress reports IP Agency Annual Reports 	

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<p>Intellectual Property Rights are able to ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights</p>	<ul style="list-style-type: none"> • Number of applications examined by Board of Appeal of IP Agency • Number of counterfeit goods and copyrighted seized • Number of staff trained in enforcement agencies • Number of representatives of CMOs trained on collective management and in particular on the collection and distribution of fees 	<ul style="list-style-type: none"> • Customs Statistics • Meetings' minutes • Trainings statistics and participation reports 	
<p>Result 3: The importance of IPR protection is well-understood and spread out to and by the business community and the public at large</p>	<ul style="list-style-type: none"> • Number of copyrighted and counterfeit goods seized and adjudicated • Number of awareness raising activities • Number of guidelines completed • Number of publications, translations and adaptations • Number of studies completed • Number members and visitors to social media accounts of the project • Number of industrial property applications filed 	<ul style="list-style-type: none"> • Project progress reports • IP Agency Annual Reports • Customs Statistics • Meetings' minutes • Events' report 	

Annex 3 – Implementation Timetable

		June 2019 - July 2019	July - August 2019	August - September 2019	September - October 2019	October - November 2019	November - December 2019	December 2019 - January 2020	January - February 2020	February - March 2020	March - April 2020	April - May 2020	May - June 2020	June - July 2020	July - August 2020	August - September 2020	September - October 2020	October - November 2020	November - December 2020	December 2020 - January 2021	January - February 2021	February - March 2021	March - April 2021	April - May 2021	May - June 2021	June - July 2021	July - August 2021	August - September 2021	September - October 2021	October - November 2021	November - December 2021	December 2021 - January 2022	January - February 2022	February - March 2022	March - April 2022	April - May 2022	May - June 2022	June - July 2022	July - August 2022	August - September 2022	September - October 2022								
		M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M13	M14	M15	M16	M17	M18	M19	M20	M21	M22	M23	M24	M25	M26	M27	M28	M29	M30	M31	M32	M33	M34	M35	M36	M37	M38	M39	M40								
Component 1: Legislative And Policy Development																																																	
Activity 1.1: Support The Alignment Of Kosovo IPR Legal Framework With The EU Acquis																																																	
Action 1.1.1: Review Of The Kosovo Legal Framework																																																	
Action 1.1.2: Advice And Support The Revision Of The Current Kosovo Legal Framework On IPRs																																																	
Action 1.1.3: Assist Kosovo With Monitoring International Legal Developments (Beyond The EU Acquis) That May Impact Its Legislation In The Field Of IPRs																																																	
Activity 1.2: Support Policy Development In The Field Of "Intellectual Property Rights"																																																	

	M1																			June 2019 - July 2019	Q3/2019
	M2																			July - August 2019	Q3/2019
	M3																			August - September 2019	Q3/2019
	M4																			September - October 2019	Q4/2019
	M5																			October - November 2019	Q4/2019
	M6																			November - December 2019	Q4/2019
	M7																			December 2019 - January 2020	Q1/2020
	M8																			January - February 2020	Q1/2020
	M9																			February - March 2020	Q1/2020
Action 2.1.3: Support To Division For The Protection of IPRs Within The Kosovo Customs	M10																			March - April 2020	Q2/2020
Action 2.1.4: Support To Market Inspectorate	M11																			April - May 2020	Q2/2020
Action 2.1.5: Support To Kosovo Police	M12																			May - June 2020	Q2/2020
Action 2.1.6: Support To Prosecutors And Judiciary	M13																			June - July 2020	Q3/2020
Action 2.1.7: Support To Independent Media Commission	M14																			July - August 2020	Q3/2020
Action 2.1.8: Geographical Indications (GI) System	M15																			August - September 2020	Q3/2020
Action 2.1.9: Support To Committee Of Appeals For Industrial Property Applications	M16																			September - October 2020	Q4/2020
Activity 2.2: Strengthening Inter-Institutionally Coordinated System	M17																			October - November 2020	Q4/2020
Action 2.2.1: Support The State Intellectual Property Council	M18																			November - December 2020	Q4/2020
	M19																			December 2020 - January 2021	Q1/2021
	M20																			January - February 2021	Q1/2021
	M21																			February - March 2021	Q1/2021
	M22																			March - April 2021	Q2/2021
	M23																			April - May 2021	Q2/2021
	M24																			May - June 2021	Q2/2021
	M25																			June - July 2021	Q3/2021
	M26																			July - August 2021	Q3/2021
	M27																			August - September 2021	Q3/2021
	M28																			September - October 2021	Q4/2021
	M29																			October - November 2021	Q4/2021
	M30																			November - December 2021	Q4/2021
	M31																			December 2021 - January 2022	Q1/2022
	M32																			January - February 2022	Q1/2022
	M33																			February- March 2022	Q1/2022
	M34																			March - April 2022	Q2/2022
	M35																			April - May 2022	Q2/2022
	M36																			May - June 2022	Q2/2022
	M37																			June - July 2022	Q3/2022
	M38																			July - August 2022	Q3/2022
	M39																			August - September 2022	Q3/2022
	M40																			September - October 2022	Q4/2022

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Annex 4 – Work-plan and Resources

Activity No	Activity Budget	SNKE	JNKE	Incidentals	Year 1		Year 2/3		Incidentals	
					Senior	Junior	Senior	Junior	Year 1	Year 2/3
	Grand Total	750	250	200000 €						
Component 1: Legislative and Policy Development										
1.1	Support the Alignment of Kosovo IPR Legal Framework with the EU Acquis	150	45	15.000	150	40	0	5	13.000	2.000
1.2	Support Policy Development in the Field of "Intellectual Property Rights"	60	15	5.000	50	10	10	5	4.000	1.000
	TOTAL COMPONENT 1	210	60	20000	200	50	10	10	17000	3000
Component 2: Capacity Building & Enforcement										
2.1	Strengthening Of Institutional and Administrative Capacities	240	60	50.000	65	20	155	40	15.000	35.000
2.2	Strengthening the Inter-Constitutionally Coordinated System	70	10	15.000	0	0	60	10	0	15.000
2.3	Membership in European and International IPRs Organizations	30	10	5.000	0	0	30	10	0	5.000
	TOTAL COMPONENT 2	340	80	70000	65	20	245	60	15000	55000
Component 3: Awareness Raising										
3.1	Develop an Awareness Strategic Document Followed by an Action Plan Involving All Relevant IPR Stakeholders	35	5	5.000	35	5	0	0	5.000	0

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Activity No	Activity Budget	SNKE	JNKE	Incidentals	Year 1		Year 2/3		Incidentals	
					Senior	Junior	Senior	Junior	Year 1	Year 2/3
3.2	Develop Awareness Raising Activities Supporting the Full Enforcement of Intellectual, Industrial and Commercial Property Rights	35	20	10.000	0	0	35	20	0	10.000
3.3	Awareness Activities Targeting the Society at Large and the Business Community	45	30	10.000	20	10	40	20	3.500	6.500
3.4	Common Training for IPR Administrative Stakeholders	30	10	10.000	5	0	25	10	2.500	7.500
3.5	Preparation of Relevant IPR Material	35	15	15.000	10	5	35	10	5.000	10.000
3.6	Organize Activities with the Business Community, Studies and Promotional Activities	20	30	20.000	5	25	10	20	8.000	12.000
	TOTAL COMPONENT 3	200	110	70000	75	45	145	80	24000	46000
Special Fund				40.000						

Annex 5 – Summary of the Harmonization Issues for IP legislation²¹

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
1	Patent	Law No. 04/L-029 on Patents as amended by the Law No 05/L-039	<p>Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions</p> <p>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</p> <p>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</p>	<p>Not fully harmonized.</p> <p>Some translation mistakes should be corrected.</p> <p>Enforcement directives (2004/48) should be regarded too.</p>	<p>The Project will review and draft the amendments required for full harmonization of the law and secondary law.</p> <p>Moreover, the project will undertake drafting of the amendments required for administrative instructions on (MTI) No. 06/2018 on Authorized Representatives In The Field Of Industrial Property, to introduce qualifying examination, as required by IP Agency.</p>
2	Topographies of integrated circuits	Law No. 03/L-165 on Determining the Rights and Protection of Topographies of Integrated Circuits	Council Directive 87/54/EC of 16 December 1986 on the legal protection of topographies of semiconductor products	<p>Not fully harmonized.</p> <p>Secondary law is not enacted. Enforcement directives (2004/48) should be regarded too.</p>	The Project will review and draft the amendments required for full harmonization of the law, draft the secondary law.
3	Trademarks	Law on trademarks	Directive 2015/2436/EU of the European	Not fully harmonized.	The Project will review and draft the amendments

²¹ Derived from the Gap Assessment Report on Chapter 7 – Intellectual Property Rights, prepared in implementation of Activity 1.2. of Twinning Project KS 14 IP Agency OT 02 16, updated with the information gathered from the during the meetings with the stakeholders

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
		No. 04/L-026 amended and supplemented by Law No. 05/L-040	Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks Regulation (EU) No. 2017/1001 on European Union trademark	Enforcement directives (2004/48) should be regarded too.	required for full harmonization of the law and secondary law.
4	Industrial Designs	Law No. 05/L-058 on Industrial Designs	Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs Regulation (EC) No 06/2002 on community designs Hague Agreement Concerning the International Deposit of Industrial Designs (London Act, 1934, The Hague Act, 1960 and the Geneva Act, 1999)	Harmonized. Secondary law should be reviewed. Enforcement directives (2004/48) should be regarded too.	The Project will review and draft the amendments required for full harmonization of the law and secondary law.
5	Trade Secrets	N/A	Directive 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	No relevant law	The Project will draft law and secondary law for trade secrets. - Law on trade Secrets In the implementation, the Project will coordinate with other donor projects ²²

²² Human Capacity Development Fund for the SAA, supported by the Governments of Norway and Luxembourg, under Operation Implementation Plan for Chapter 7: Intellectual Property Rights, with the Objective “To complete legislative framework on Industrial Property and increase the efficiency of Agency for Industrial Property in processing applications for IP objects”, it is planned to implement “Advanced training of staff on the requirements of Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets)” and “Technical Assistance to prepare the Concept Document on Trade Secrets”. The Project will coordinate the HCDF Project to complement their efforts on trade secrets and capacity building to the staff of IP Agency on Trade Secrets Directive.

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
			disclosure		
6	Copyright and Related Rights	<p>Law No. 04/L-065 on Copyright and Related Rights as amended and supplemented by Law No 05/L-047</p> <p>Law No. 06/L-120 on Amending and Supplementing The Law No. 04/L-065 on Copyright and Related Rights, Amended and Supplemented By The Law No.05/L-047</p>	<p>Directive 2009/24/EC on computer programs, Directive 96/9/EC on databases</p> <p>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)</p> <p>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</p> <p>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) as amended by Directive 2011/77/EU</p> <p>Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases</p>	<p>Not fully harmonized. (Law No. 04/L-065)</p> <p>Secondary legislation for CMOs should be enacted. New amendment is published on 04.07.2019.</p>	<p>The Project will review and draft the amendments required for full harmonization of the law and secondary law. Below laws will be drafted:</p> <ul style="list-style-type: none"> - Law On Collective Management, - Law On Certain Permitted Uses Of Works For The Benefit Of Blind And Visually Impaired, - Law On The Exercise Of Copyright And Related Rights Applicable To On Line Broadcasting Transmission, - Law On Copyright And Related Rights In The Digital Market

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
			<p>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</p> <p>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</p> <p>Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works</p> <p>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</p> <p>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</p>		

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
			<p>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;</p> <p>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;</p> <p>Directive 2019/789 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and</p>		

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
			<p>retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC;</p> <p>Directive 2019/790 - on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.</p>		
7	Geographical Indications	Law No. 05/L-051 on Geographical Indications and Designations of Origin	<p>Regulation (EU) No. 1151/2012 Quality schemes for agricultural products and foodstuffs</p> <p>Regulation (EU) 2019/787 Definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008</p> <p>Regulation (EU) No. 251/2014 Definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products</p>	No relevant analysis done.	The Project will review and draft the amendments “if required” for full harmonization of the law and secondary law. GI Technical Commission procedures will be reviewed and amended (if necessary).

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
8	Plant Varieties	Law No. 02/L-098 on Protection of Plant Varieties	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights Commission Regulation (EC) No 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14 (3) of Council Regulation (EC) No 2100/94 on Community plant variety rights	Partially harmonised ²³ No further analysis is done.	The Project will not intervene plant varieties theme, since Chapter 7 of the acquis does not cover them. Currently relevant Law on plant variety protection is covered under Acquis Chapter 11: Agriculture and Rural Development.
9	Enforcement – Customs	Law No. 06/L-015 on Custom Measures for the protection of IPRs	EU Regulation 608/2013 Customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003	Harmonized.	The Project will not intervene, since the latest legislation is fully harmonized with EU Regulation 608/2013.
10	Enforcement – Market Inspectorate	Law NO. 03/L-181 on Market Inspectorate and Inspective Supervision	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights	Not harmonized.	Currently Law on Market Inspectorate is under a reform, and their Law is reviewed and amended by other donor projects. ²⁴ The Project will cooperate and combine efforts with these projects to guarantee the full harmonization with Directive 2004/48/EC. Moreover, the Project will support Market Inspectorate by drafting the secondary legislation for the Market Inspectorate for the purposes of dealing with goods that infringe IPRs (Under Component 2,

²³ NPISAA, page 166. “The law is partially harmonized with European Council Directive (EC) no. 2100/94 of 27 August 1994 on the rights of the community of plants EC; Commission implementing Directive 2014/97/EC of 15 October 2014 for the Council Implementing Directive 2008/90/EC relating to the registration of suppliers of varieties and their list.”

²⁴ Support to Private Sector Project by Worldbank.

	Concept	Relevant Kosovo Law	Relevant EU Legislation	Notes on Harmonisation	Project Intervention
					Capacity Building & Enforcement)
11	Enforcement – Police	Code no. 06/l-074 Criminal Code of Kosovo	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights The Directive (EU) 2016/1148 for security of network and information systems.	No relevant analysis done.	The Project will review and draft the amendments “if required” for full harmonization of the law and secondary law. Although The Directive (EU) 2016/1148 for security of network and information systems does not have direct connection to IP, The Project will consider (in cooperation with the Beneficiary and other projects implemented) transposition of this Directive to national legislation, since it is listed among the most important problems for the beneficiaries.

Annex 6 – Kirkpatrick Model for Capacity Building & Enforcement

Considering that 100% of the beneficiaries of any capacity building initiative under this program will be adult professionals, a fundamental element of this component will be the adoption of a customised modern and scientific approach to adult learning. All programs offered under this component will have to be conceived and delivered in accordance with a very practical, participatory, rigorous and problem-solving training methodology suited to the needs of adult professional learners.

In order to achieve this ambitious objective, the training methodology adopted and applies throughout this component will consist of a number of steps, actions and tools that need to be carry out before, during and after each training event. Such training tools include: needs assessment, performance- based objectives, learning cycles, monitoring tools, a revised and customised version of the Kirkpatrick model²⁵ for training evaluation, etc.

Each step and each tool is aimed at increasing the level of retention of adult learners and at providing them with the precise expertise that they need to perform their daily duties in the various areas of IP. Such scientific and competencies-based approach to training will be applied without exceptions to all IP training programs that will be conceived and implemented under this component.

In order to gain efficiency in the capacity building and maximize its impact it is crucial to identify the appropriate participants and to organise it as early as possible. It is proposed to organise the training in two stages – the second stage being the one where practical impact and ability to implement independently the knowledge gained will be checked in practice. A tool for assessing impact of the training is proposed. More in particular, the project will adopt a training evaluation policy with corresponding evaluation tools, based on the well-known Kirkpatrick 4-tiers model.

In addition to the above, it is expected that:

- Ex ante and ex post questionnaires will be systematically administered before and after each training event, with a view to systematically identifying baseline and existing knowledge, and quantifying the impact of each training event.
- Mechanisms to assess self-perceived knowledge and skills increase due to a particular
- Capacity building program will be put in place, and utilized a further training evaluation tool.



Figure: The Kirkpatrick Model

Level 1 Reaction measures how participants react to the training (e.g., satisfaction?).

Level 2 Learning analyzes if they truly understood the training (e.g., increase in knowledge, skills or experience?).

Level 3 Behavior looks at if they are utilizing what they learned at work (e.g., change in behaviors?).

Level 4 Results determines if the material had a positive impact on the business / organization.

<https://educationaltechnology.net/kirkpatrick-model-four-levels-learning-evaluation/>

²⁵ See Figure

"EU Support for Intellectual Property Rights System in Kosovo" – Inception Report

Annex 7 – Model for the Pilot IP Awareness Project

Kosovo has made significant progress in IP awareness, which resulted in increase in IP applications made by locals.²⁶ Data from the IP Agency underlines that main users of IP system in Kosovo are foreigners.

Number of Applications to the IP Agency in total²⁷:

	Total	# of Local Application	% of Local Application
Trademark	30819	3855	12.5%
Patent	2339	42	1.79%
Industrial Design	231	74	32.0%

Considering the potential of the businesses and creative industries in Kosovo, it is obvious that more awareness and information among potential applicants/users of IP is needed.

Another issue to be discussed is the perception that IP is for the benefit of foreign or large-scale enterprises. There are number of local enterprises that develop IP strategy and enforce their rights. Local enterprises needs to get aware on the benefits of the system and “information” role of the IP system in general. It is generally perceived that IP system is only for the “protection of the novelties” created by the enterprises or inventors. Information and experience on IPR is important for a start-up company/entrepreneur. IPR is a great resource to:

- Determine the business idea to create company,
- Increase efficiency in R&D efforts of the entrepreneur,
- Provide better knowledge on technology and market trends,
- Provide solutions to the technical problems in production cycle,
- Protect the unique shape of the product and excluding other to use the same shape/design,
- Protect the brand of the company from imitators.

Furthermore, use of patent databases may contribute to the innovation process, by specifying the current state of the technology to avoid duplicate R&D, inspiration for creative ideas, development of ideas by adding new elements, providing solutions to technical problems encountered, assessment and work done by the competitors.

In order to create awareness in enterprises and entrepreneurs on IP and “information” role of IP in innovation process; a pilot project is planned to be implemented by both institutions, with the help of short-term experts. This project will be designed in a way to cover various business sectors and various aspects of IP (copyrights, patents, trademarks, GIs, designs etc.). Moreover, the pilot actions will be

Under this Pilot IP Awareness Project, all the events, products, messages will underline the “information” role of IPR.

²⁶ Around 40% increase in trademark applications from locals, 9% increase in total trademark applications in 2018. <https://kipa.rks-gov.net/Page.aspx?id=1,10,68>

²⁷ Statistic from the IP Agency database

implemented in an inclusive way. Different regions, sectors and stakeholders, (e.g. NGOs from Prizren, businesses from Mitrovica, entrepreneurs from Pristina etc.) Kosovo will benefit from the pilot IPR Awareness project.

The IP system contributes to the innovation process by providing both protection and information. The latter is an underutilized feature of the patent system. The IP database or information pool of the IP applications is the largest source of technical information in the world. According to the OECD, 80% of all technical information is classified in the patent databases and again more than 80% of this information is not published anywhere else.

Case studies from various business sectors and IP rights are developed. IP and “protection” and “information” role of IP are produced. Moreover, The TAT plans to strengthen cooperation with umbrella organizations of business sectors, NGOs, incubators and so on. Through dissemination of such cases from local companies, it is expected to generate positive perception on IP, showing the benefits to the companies in several matters (such as exporting, product development, idea generation etc.)

In developing network with umbrella organizations and public, designing of the activities of the pilot IP awareness project, AIDA model (see Figure 3) will be followed, where the IP Agency and the OCRR services will be presented as “service” to the “clients”.

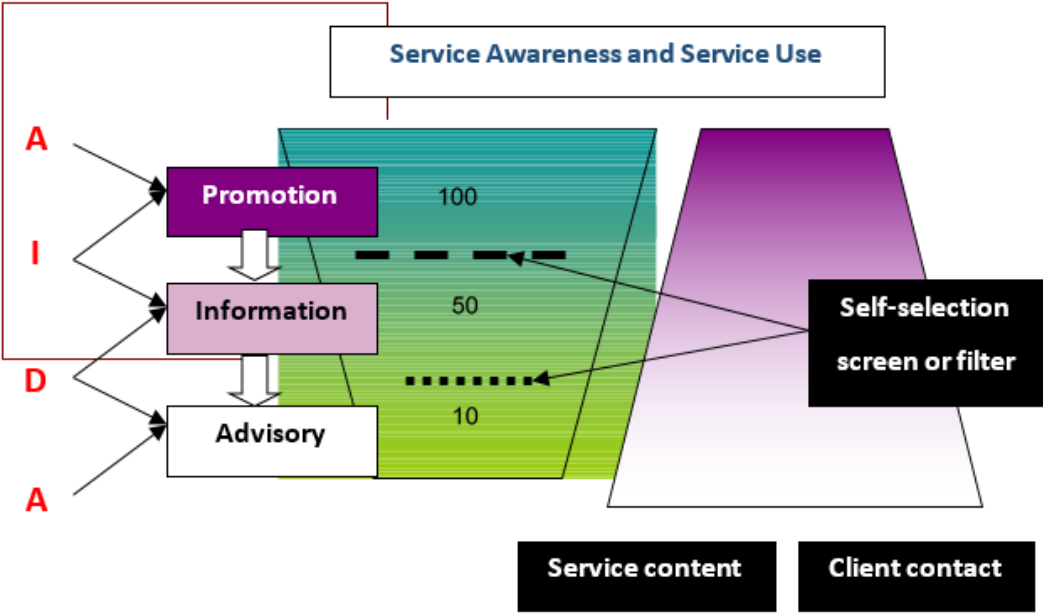


Figure 3: AIDA Model for IPR Awareness Pilot Project

The *first* category of services is in *promotion, creating awareness*. Promotion aims at increasing the reach of the IPR services within its target groups. Activities in this category can be directed at the improvement of the awareness of the IPR “brand”, the IP Agency and the OCRR and/or the awareness of their services. The purpose of promotion depends on the innovation readiness of the company, entrepreneur, e.g. it could be to explain how they can generate a business idea, how IP can contribute to a company’s or a target groups’ growth.

The *second* category of products relates to providing *information*. Information about specific topics

(e.g. IP protection or avoiding counterfeits) or particular services (e.g. applying for IP) and is provided as a first response to target group interest resulting from a promotional activity in the previous phase. Providing information is therefore more a product with a “reactive character”. Informative and properly designed customer friendly websites and social media are the core tool in this process, allowing major efficiency gains over e.g. wrongly focused, and time-consuming open helpdesks. The information provided by the IP Agency and the OCRR will be wide ranging and general, i.e. applicable to all entrepreneurs or companies belonging to a particular target group or sector.

The *third* category of services or activities are *advisory services* and relates to the complementary assistance and support to the client with a tailor made service. Usually the support service answers to a need of a client, which can only be determined after an analysis or in-depth diagnosis. Usually this service product will be offered as a logical follow-up on products from the promotion and information phase. An example of an advisory product is a first counselling meeting following on or resulting from an information seminar. Advisory services focus on an individual enterprise/entrepreneur or NGO. The form is mainly consulting, coaching or mentoring, all of these intensive and costly. In this regard, the Project will cooperate the IP Agency and the OCRR to consider distance to client (tenant or region), outreach (quantity) as well as depth of expertise (competence level).