



The role and activities of the Chamber of Economy of Montenegro in the field of intellectual property

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Education and Quality

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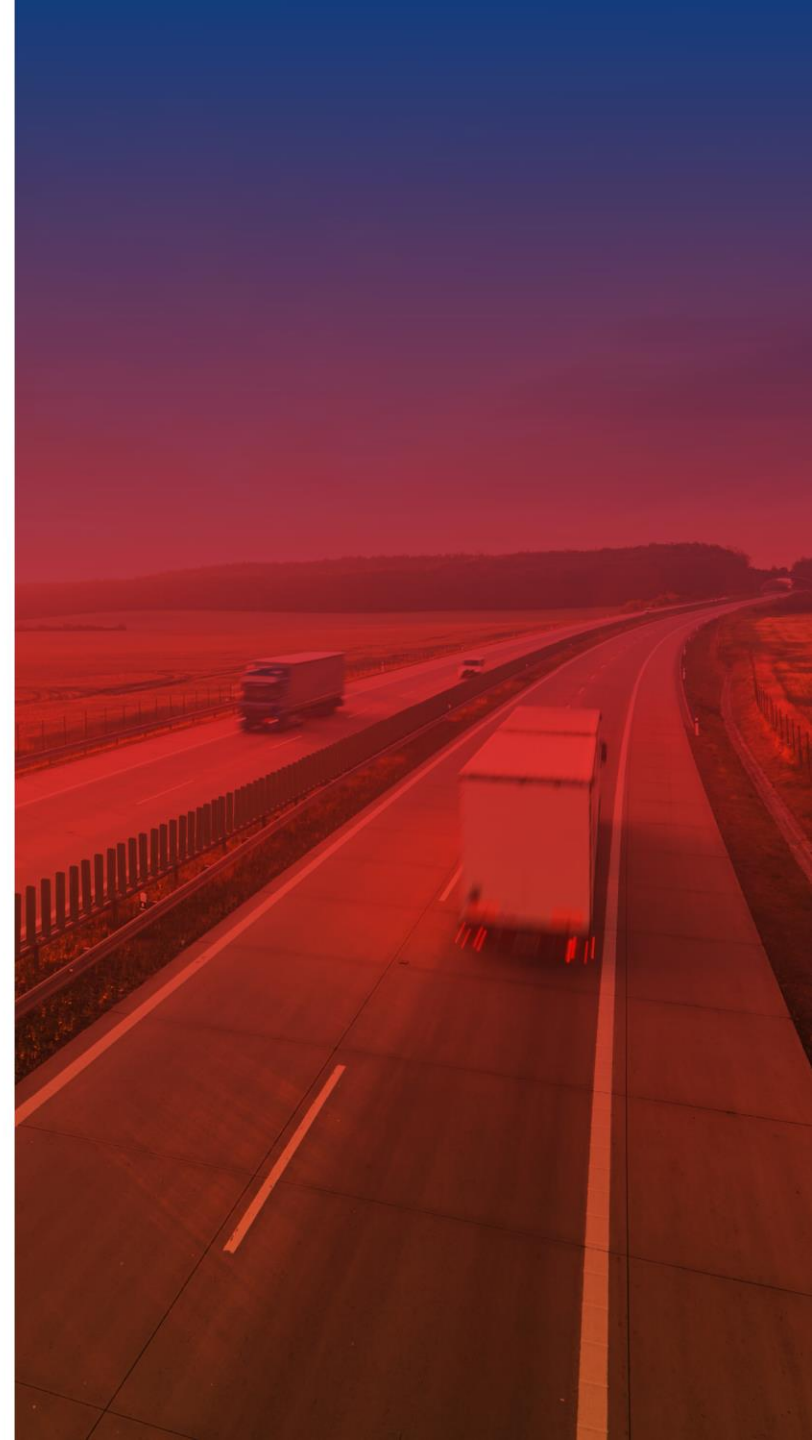


Chamber of Economy of Montenegro

The Chamber of Economy of Montenegro is an independent, professional and interest-based business association, rich in tradition, independent in its work and representing the interests of all businesses with the aim of the economic and overall development of Montenegro.

Involved in development in the field of Intellectual property

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)





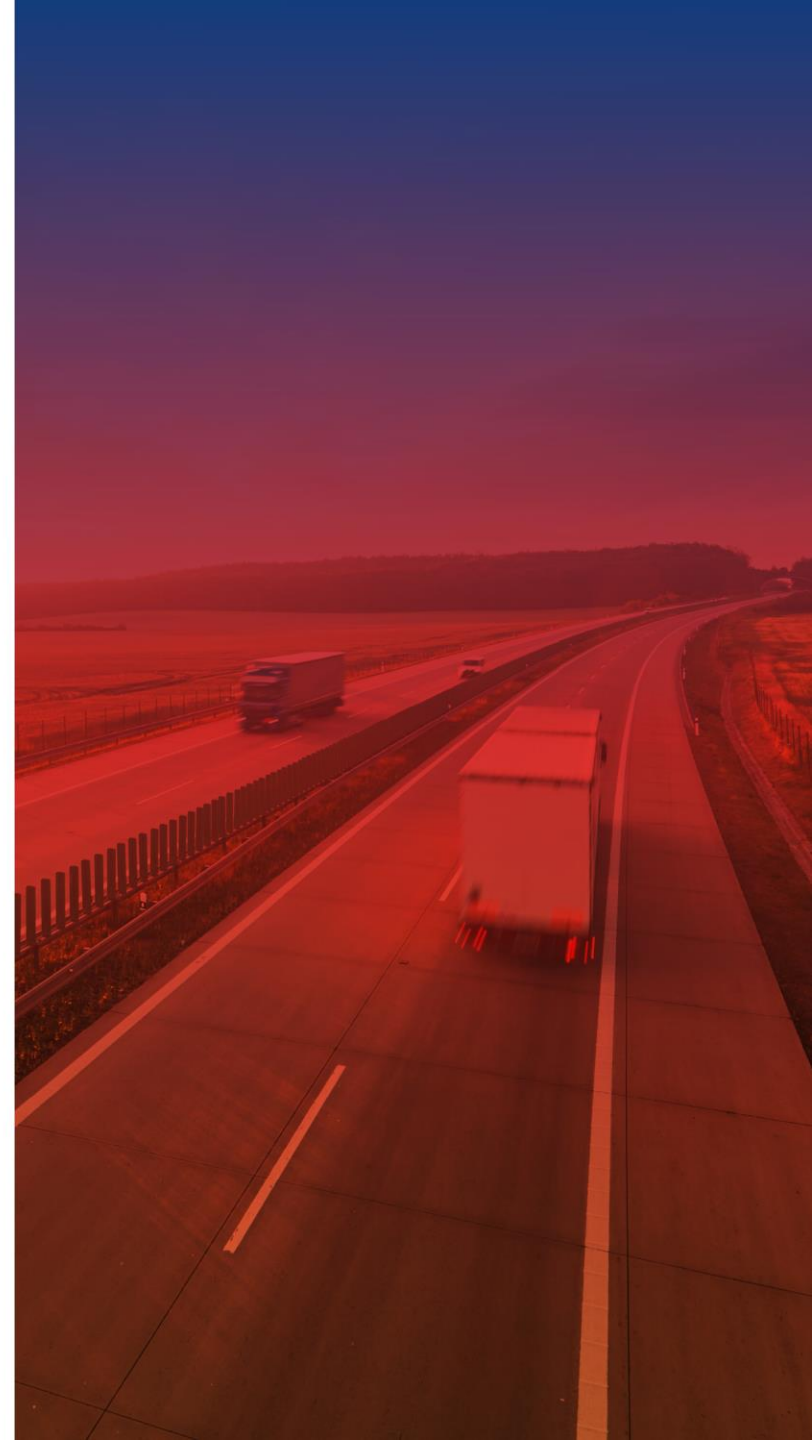
Intellectual property

Intellectual property affects the way we live.

Traditional division of intellectual property:

- *Industrial property*
- *Patent right*
- *Trademark right*
- *Industrial design right*
- *Indications of geographical origin*
- *Geographical indications*
- *Topography of semiconductors*
- *They protect works from fields of literature, science and art*

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



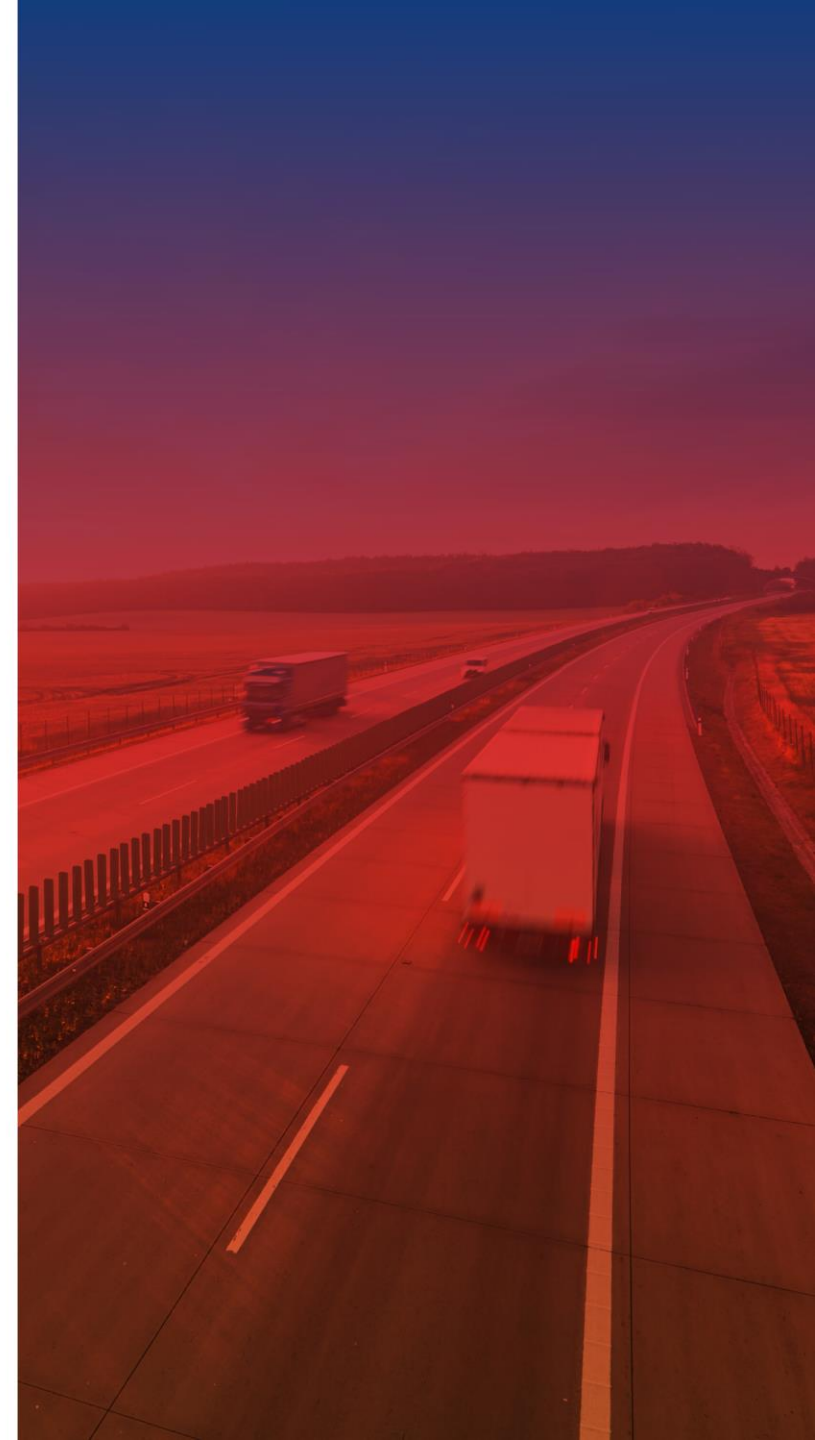


Intellectual property

Copyright does not protect an idea, but an author's work that is an expression of an idea, regardless of the type or quality of the expression.

Author's work is created by the creation of the work itself, and unlike most other forms of intellectual property, it is not subject to administrative procedures.

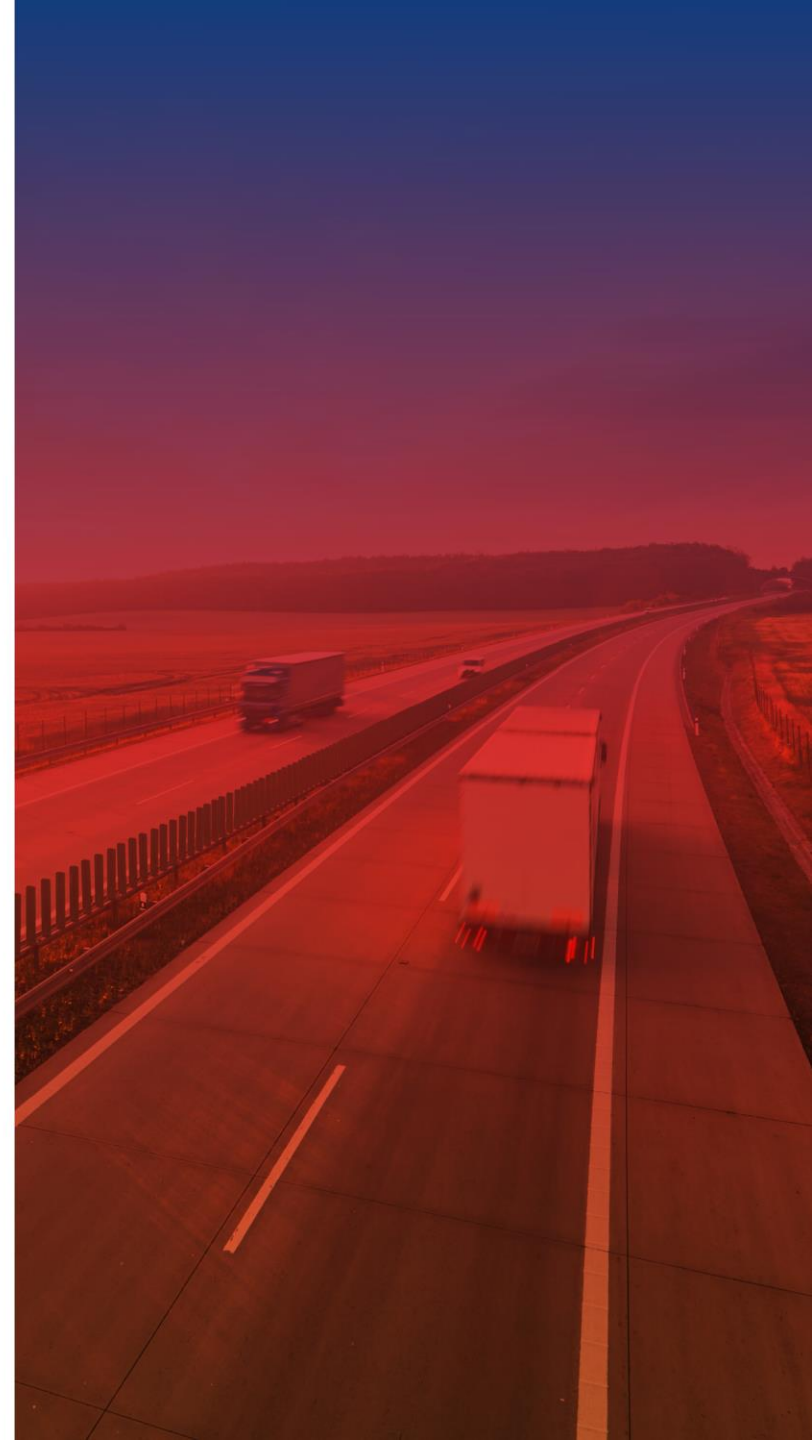
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Intellectual property - legislative framework

The fact that Montenegro has been in the process of accession negotiations with the EU since 2012, and the negotiations in the chapter 7 - Intellectual Property Law were opened in 2014. has influenced that the existing legislative framework in the field of intellectual property in Montenegro, including confirmed international agreements, **is harmonized to a significant extent with EU legislation.**

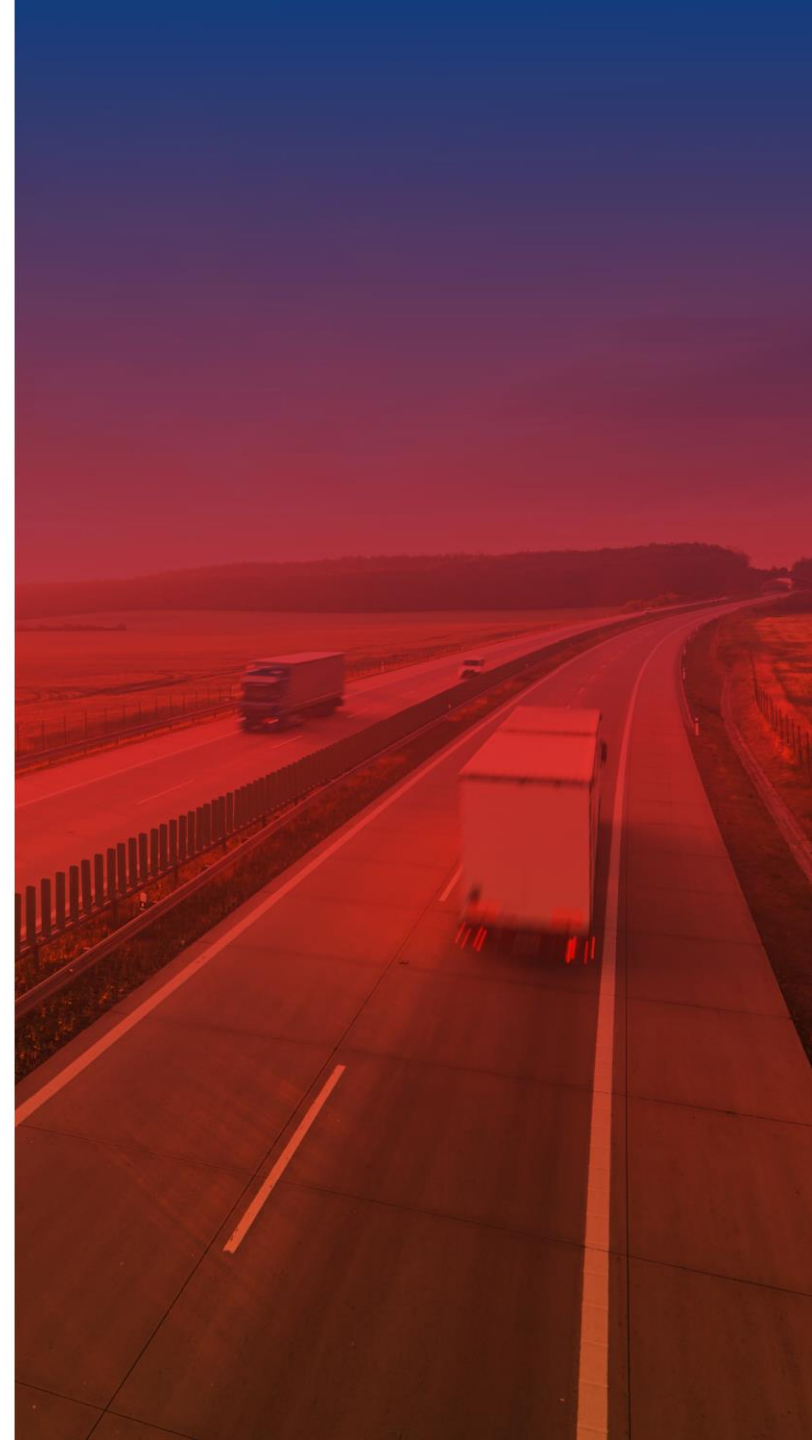
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Intellectual property - legislative framework

Of the four final benchmarks, i.e. benchmarks for closing this chapter, which were set for Montenegro within the Common Position with the EU for Chapter 7, Montenegro **fulfilled three**, which are directly aimed at harmonizing legislation with EU legislation in the field of intellectual property.

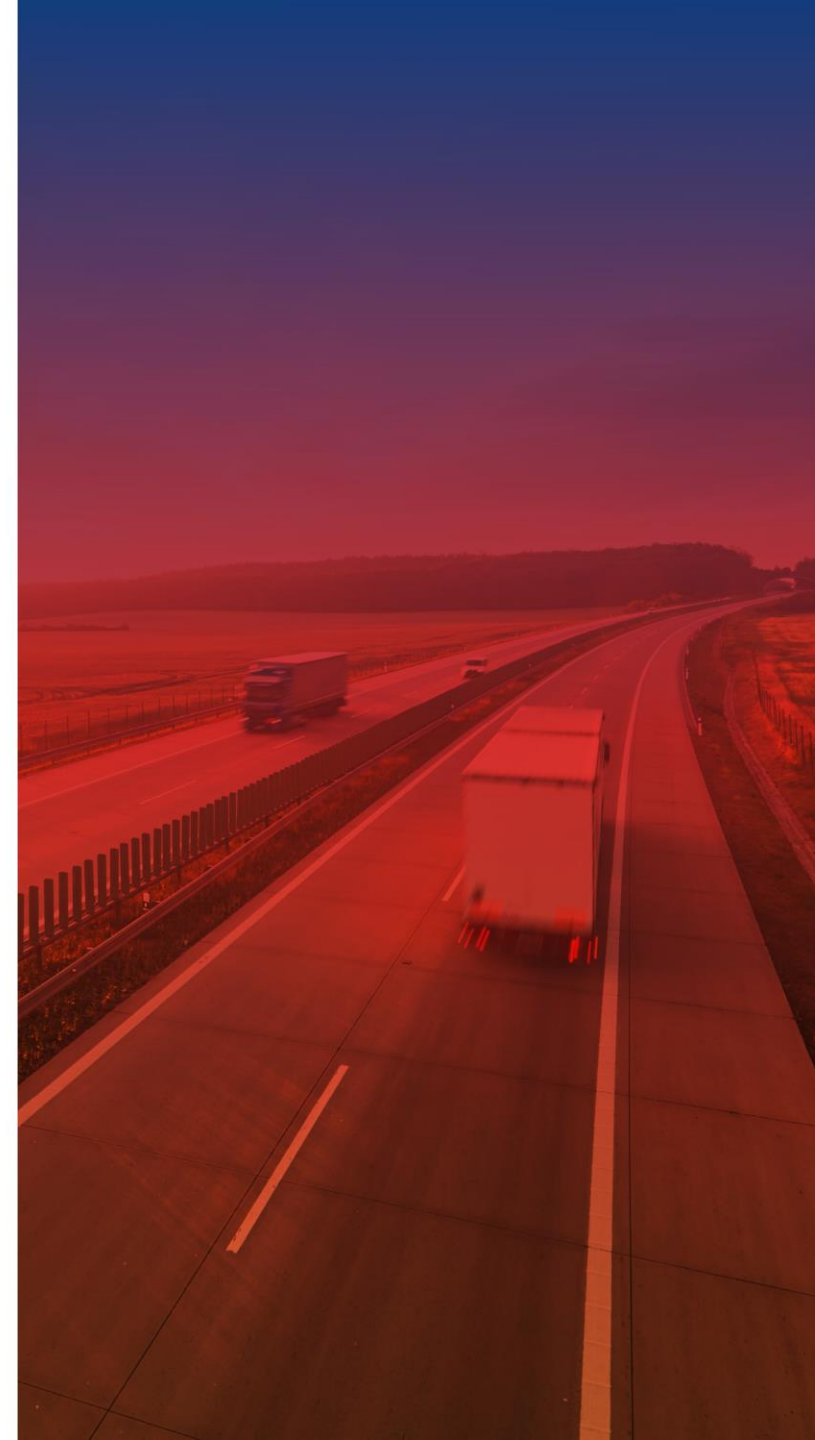
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Intellectual property - legislative framework

The fourth - the one that represents the biggest challenge - is focused on ensuring that Montenegro provides sufficient administrative capacity for the registration and enforcement of intellectual property rights and provides a balance of achieved results when it comes to investigations, criminal prosecution and court proceedings in the event of rights violations.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

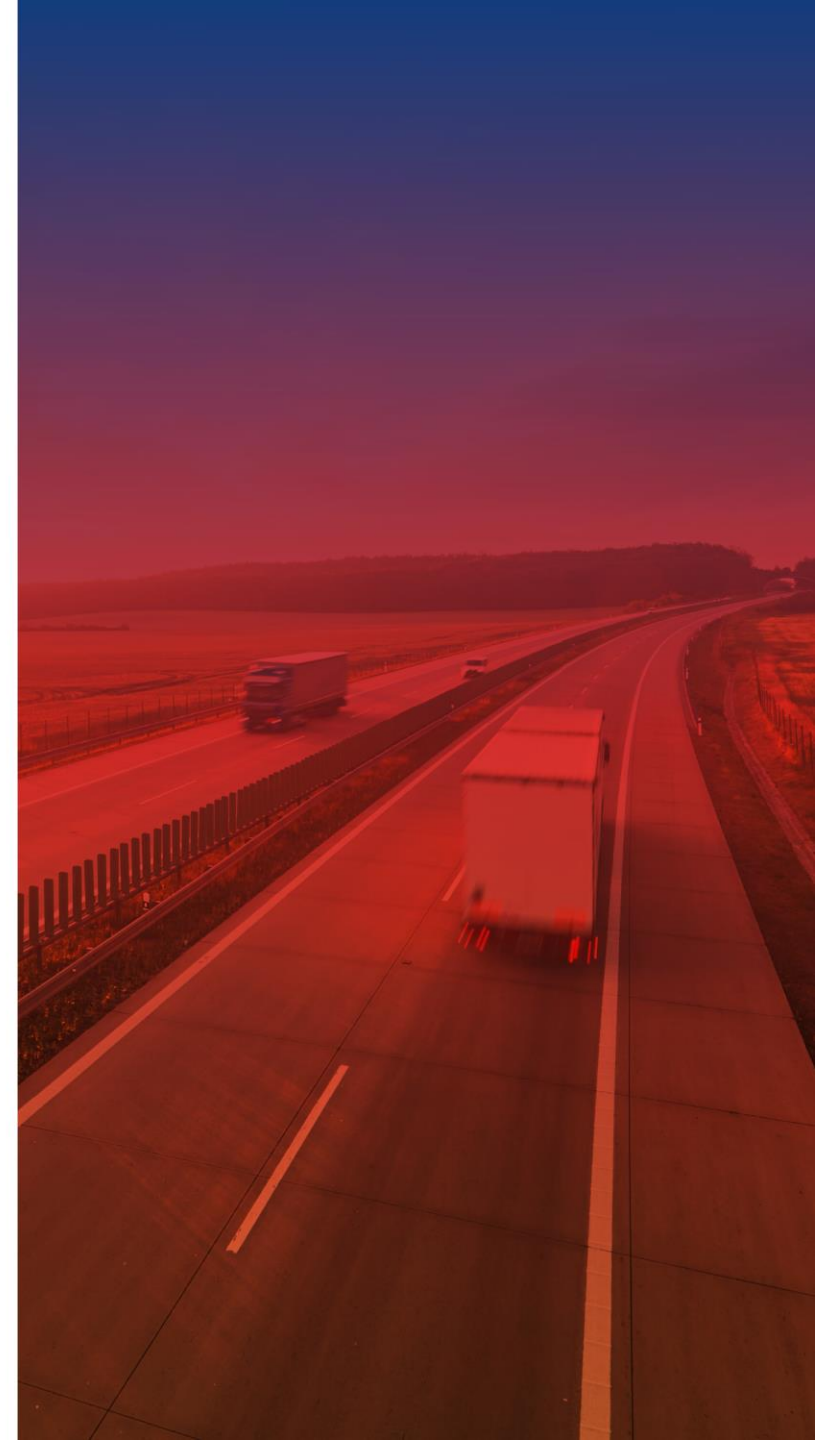


Intellectual property - legislative framework

In July 2023, Montenegro adopted the new national intellectual property strategy for 2023-2026 and its action plan for 2023.

This comprehensive strategy aims to improve the efficiency of the system of registration and enforcement of intellectual property rights, by strengthening administrative capacity.

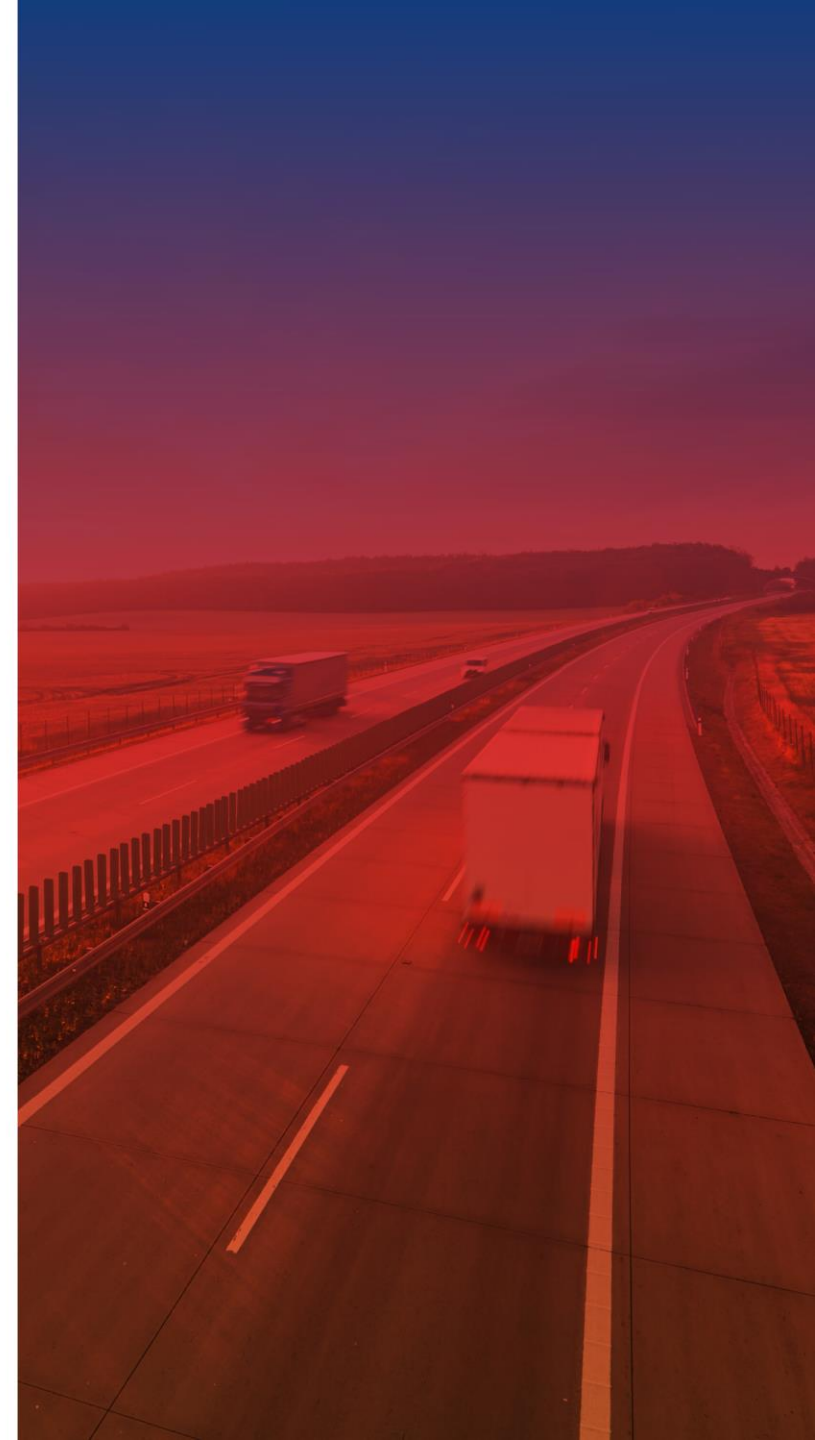
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Industrial intellectual property

Industrial property rights are acquired in Montenegro on the basis of registration carried out by the Intellectual Property Directorate, on the basis of the results of the examination procedure for patent, trademark, industrial design, topography and geographical indication of origin applications in areas where the Ministry of Agriculture is not the appointed authority.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



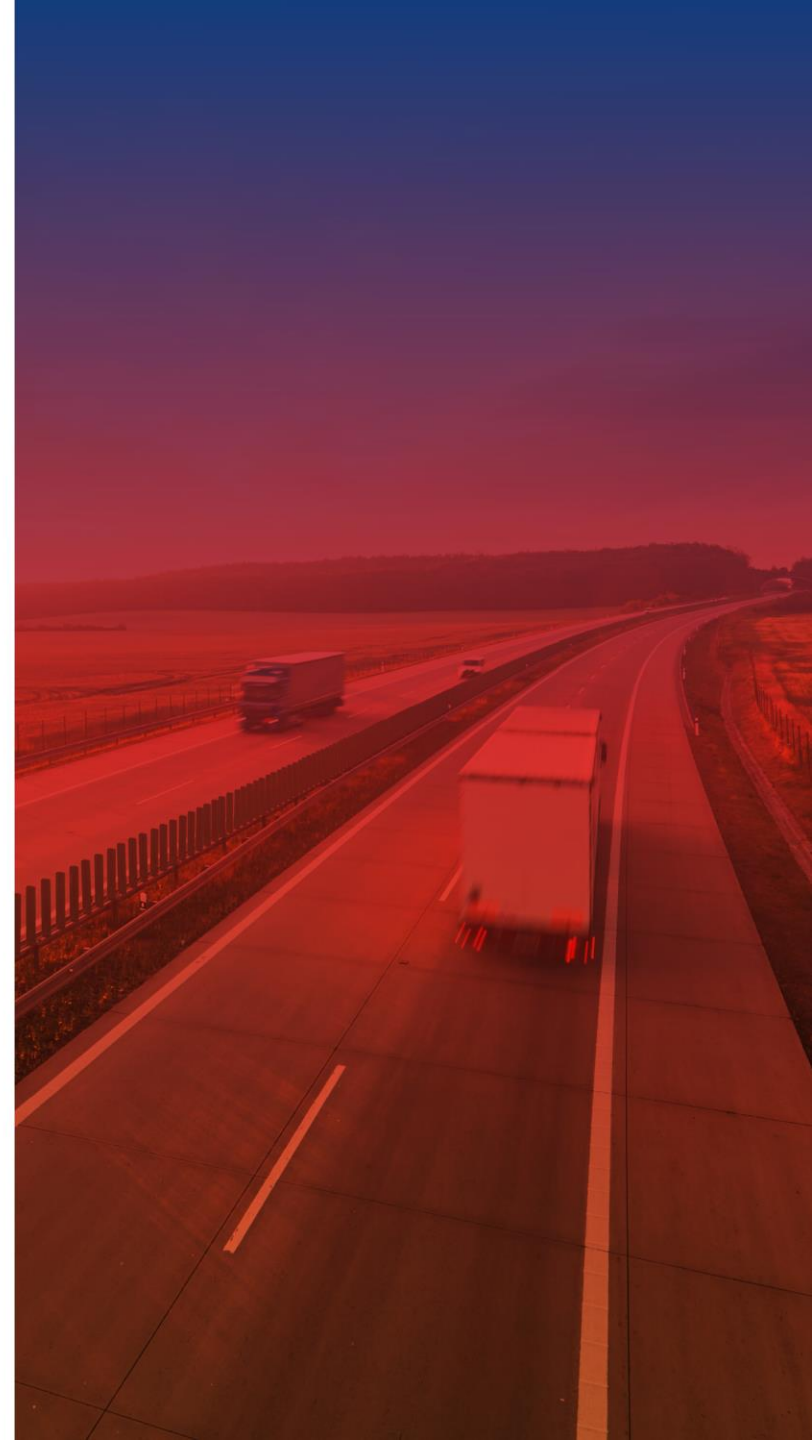
Industrial intellectual property

Legal ownership of a sign is acquired by trademark registration, i.e. protection of the sign, which enables the identification of products and services.

The basic conditions that a sign must meet in order to become a trademark are that it is distinctive, i.e. that it is not similar to an earlier trademark.

Legal protection of the sign with a trademark enables its placement on products/services and packaging, offering such products/services, storage, import and export of goods, use of the sign on business documents and for advertising purposes.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



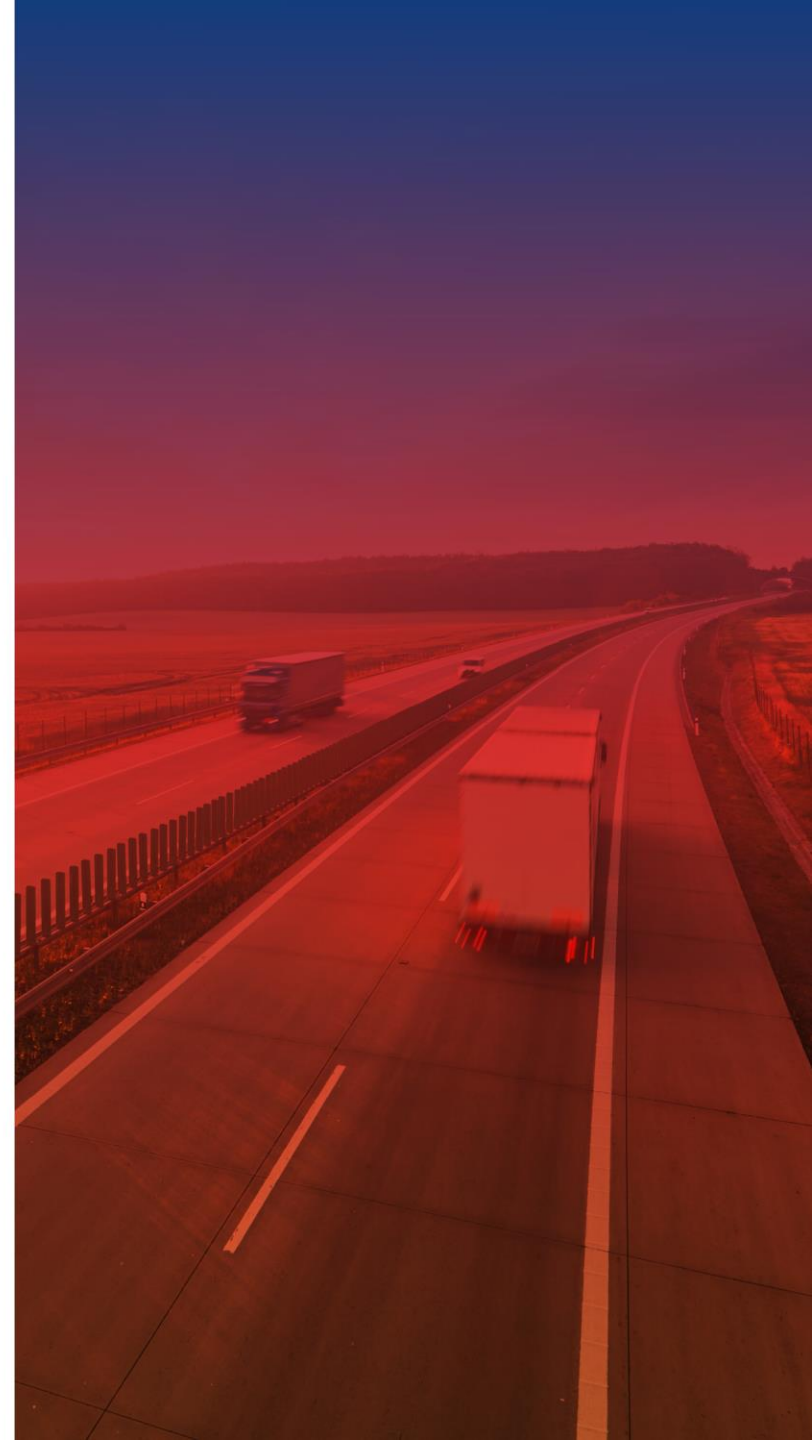
Intellectual property in Montenegro

The Constitution of Montenegro guarantees the protection of intellectual creativity in Articles 76 and 77

The EU acquis on intellectual property law prescribes harmonized rules for the legal protection of copyright and related rights and industrial property, as well as harmonized rules for the enforcement of those rights.

Montenegro has **committed itself in Article 75 of the Stabilization and Association Agreement** between the European Union and Montenegro (signed on October 15, 2007) to fully harmonize its legislation with European standards in this area

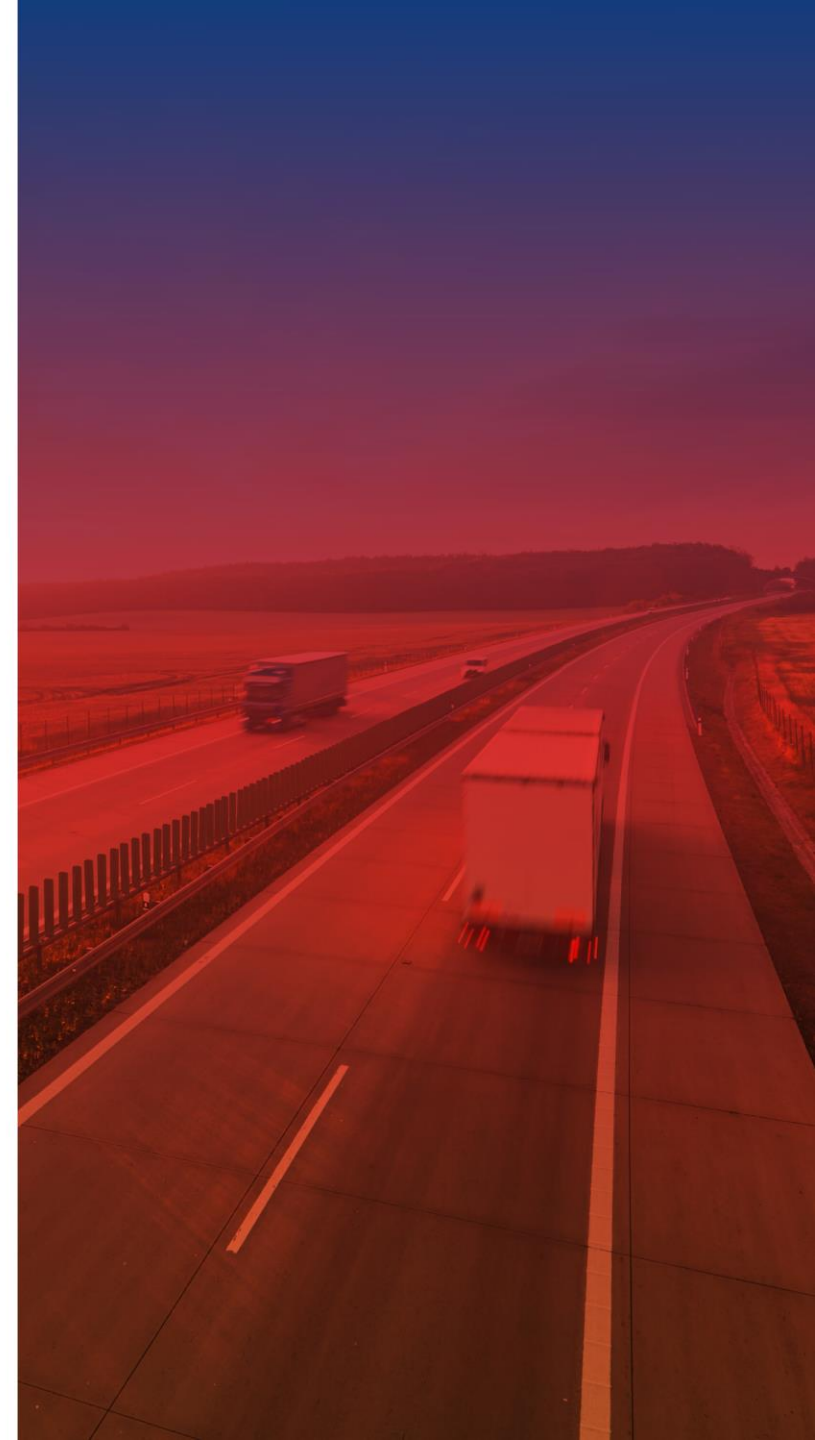
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Intellectual property

Montenegro has created its own national framework and passed all laws in the field of intellectual property that are largely harmonized with the legal acquis

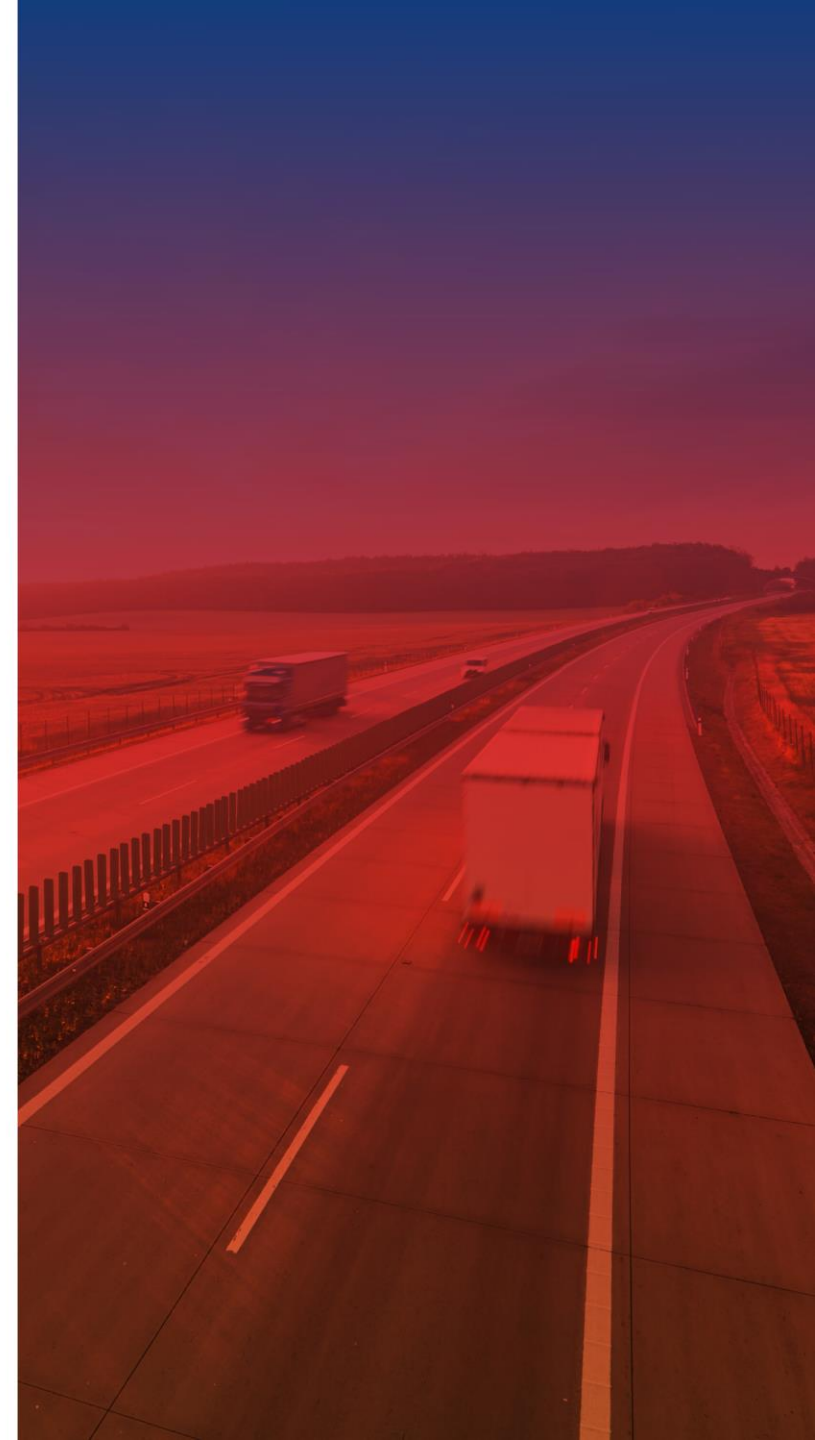
The Ministry of Economical growth and the Directorate for Intellectual Property is responsible for the preparation of regulations in the field of intellectual property



Role of the Chamber: Participation in the negotiating group

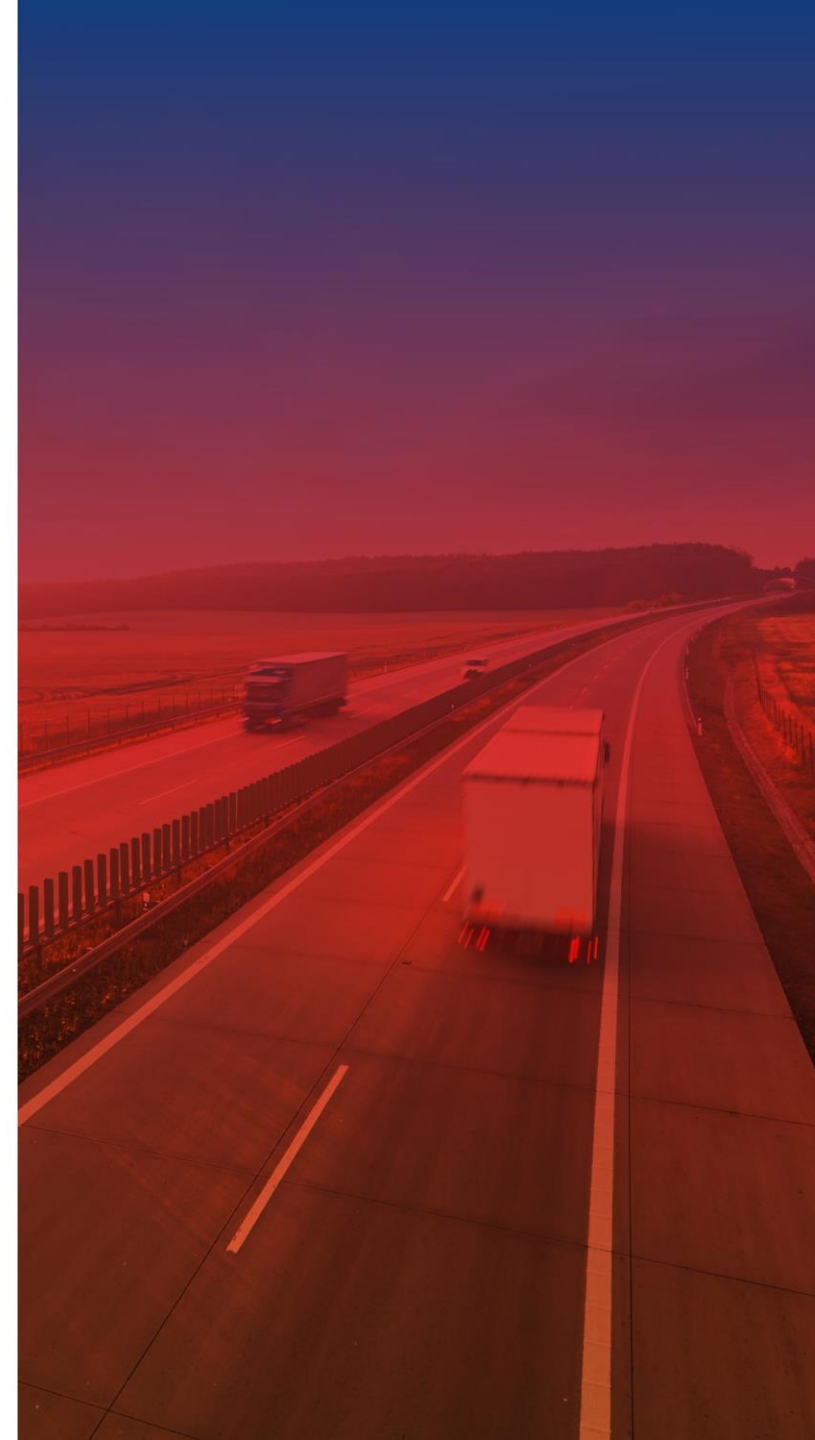
- Chapter 7 Intellectual Property Law was officially opened on March 31, 2014.
- The Chamber of Economy of Montenegro is involved in the negotiation process.
- The CEM representative has been participating in the work of the Working Group for Chapter 7 since 2012.
- The CEM representative participates in the activities of the working group for the preparation of an analysis of tariffs, i.e. fees for certain forms of use of the author's work and related rights from 2021.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



Role of the Chamber: Participation in the negotiating group

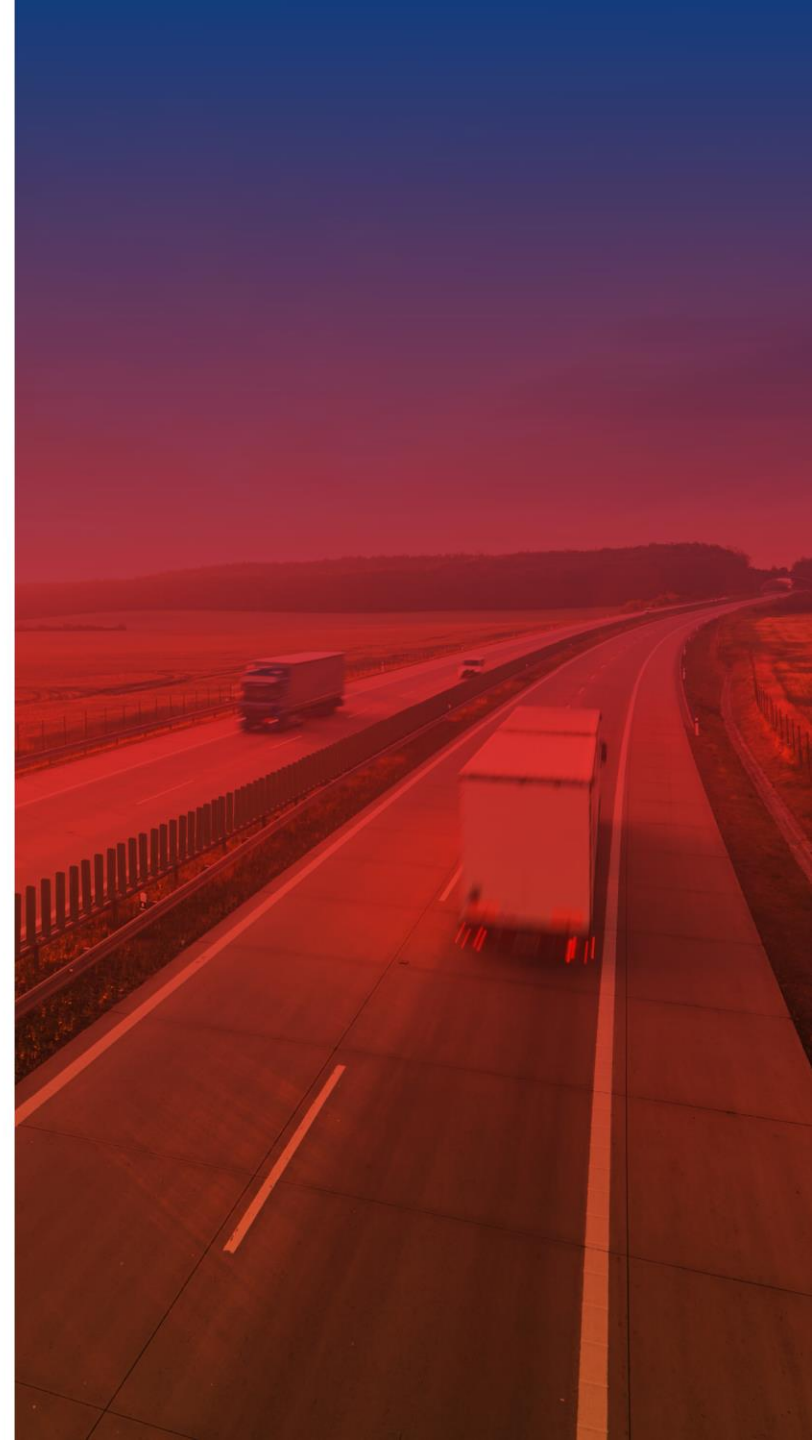
The national institution for the protection of intellectual property in Montenegro is the Intellectual Property Office (officially opened on October 28, 2008). Montenegro became a full member of the European Patent Organization on October 1, 2022).



Role of the Chamber: Participation in the negotiating group

The Chamber of Commerce of Montenegro and the Institute for Intellectual Property signed a cooperation agreement in 2018, thus confirming the commitment to business development as one of the most important factors of social and economic prosperity and the readiness of the Chamber of Commerce of Montenegro and the Institute for Intellectual Property to contribute significantly to overall competitiveness through cooperation and economic strengthening of the state.

The goal of this Agreement is to improve cooperation in the field of intellectual property through the establishment of appropriate mechanisms for the regular exchange of information and the undertaking of joint activities of importance for the signatories of this Agreement.



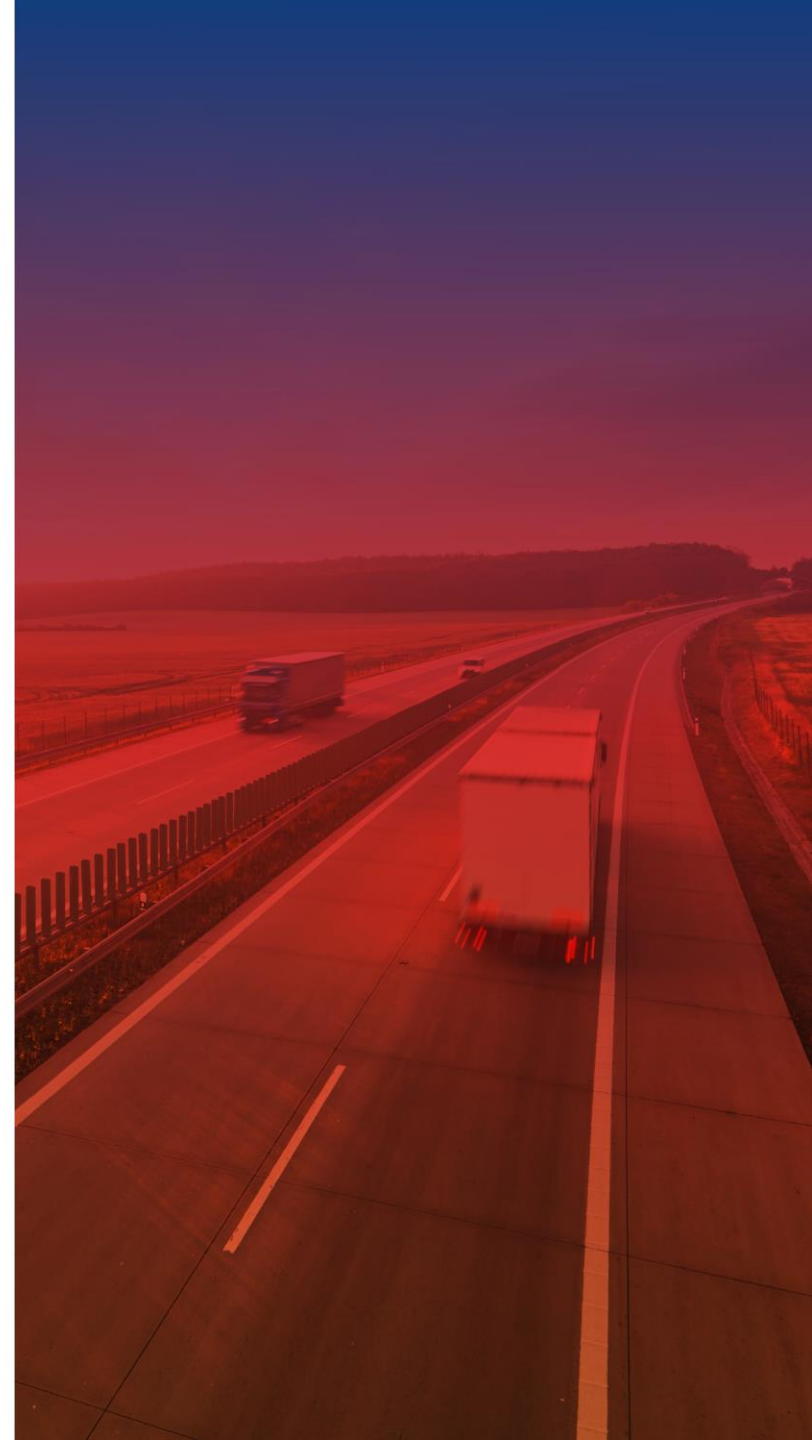


Agreement on cooperation between CEM and the Institute for Intellectual Property

The subject of the Cooperation Agreement refers to:

- improvement of the business environment and protection of competition;
- informing the business community about intellectual property rights and its importance for the development of the economic environment in Montenegro;
- promoting Montenegrin innovators on the national and international level;
- promotion of Montenegrin trademarks, designs and geographical indications of origin on the national and international level;

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

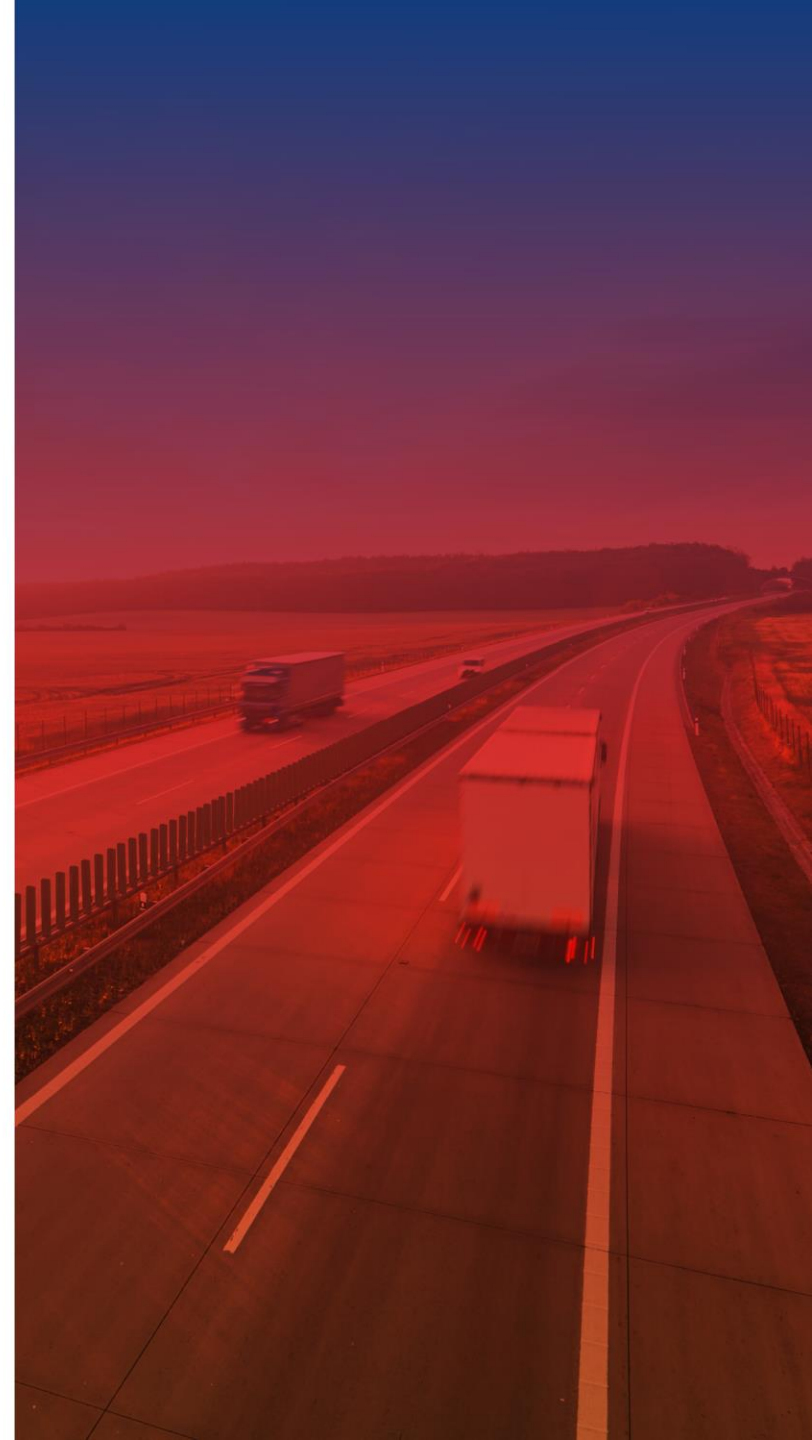


Agreement on cooperation between CEM and the Institute for Intellectual Property

The subject of the Cooperation Agreement refers to:

- promoting Montenegro as an area suitable for entrepreneurship through innovation;
- encouraging research, innovation and development of the economy based on knowledge, innovation and modern scientific and technological achievements;
- joint organization of seminars, round tables and other expert gatherings on topics in the field of intellectual property, and
- other forms of cooperation of mutual interest.

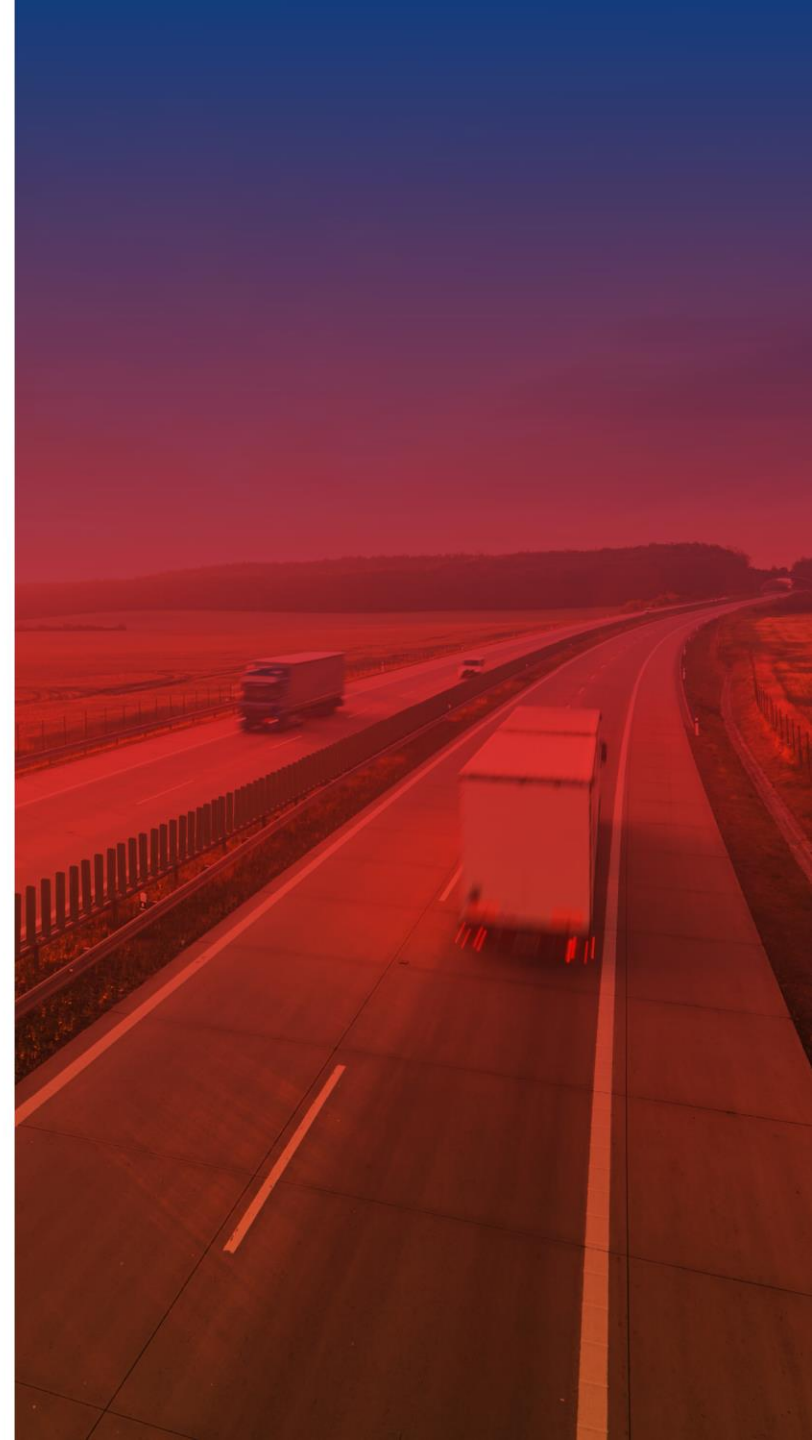
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Working groups for raising public awareness of the importance of intellectual property rights and the cooperation of competent authorities with holders of intellectual property rights

- Organizing an "Open Door" day for interested groups - In order to more effectively raise public awareness of the importance of intellectual property rights,
- As part of the Intellectual Property Open Day, the Chamber of Commerce of Montenegro, in cooperation with the Ministry of Economic Development - Directorate for Intellectual Property, organized a round on the topic "Protection of visual identity through trademark and industrial design - registration procedures".
- Creation of an informative and educational brochure, with the aim of raising the awareness of relevant subjects about the importance, registration and protection of intellectual property rights.
- Flyers were made and distributed at the PKCG round table on the occasion of the open day: "What is industrial design?" and "What is a trademark and what can be protected by a trademark?"

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

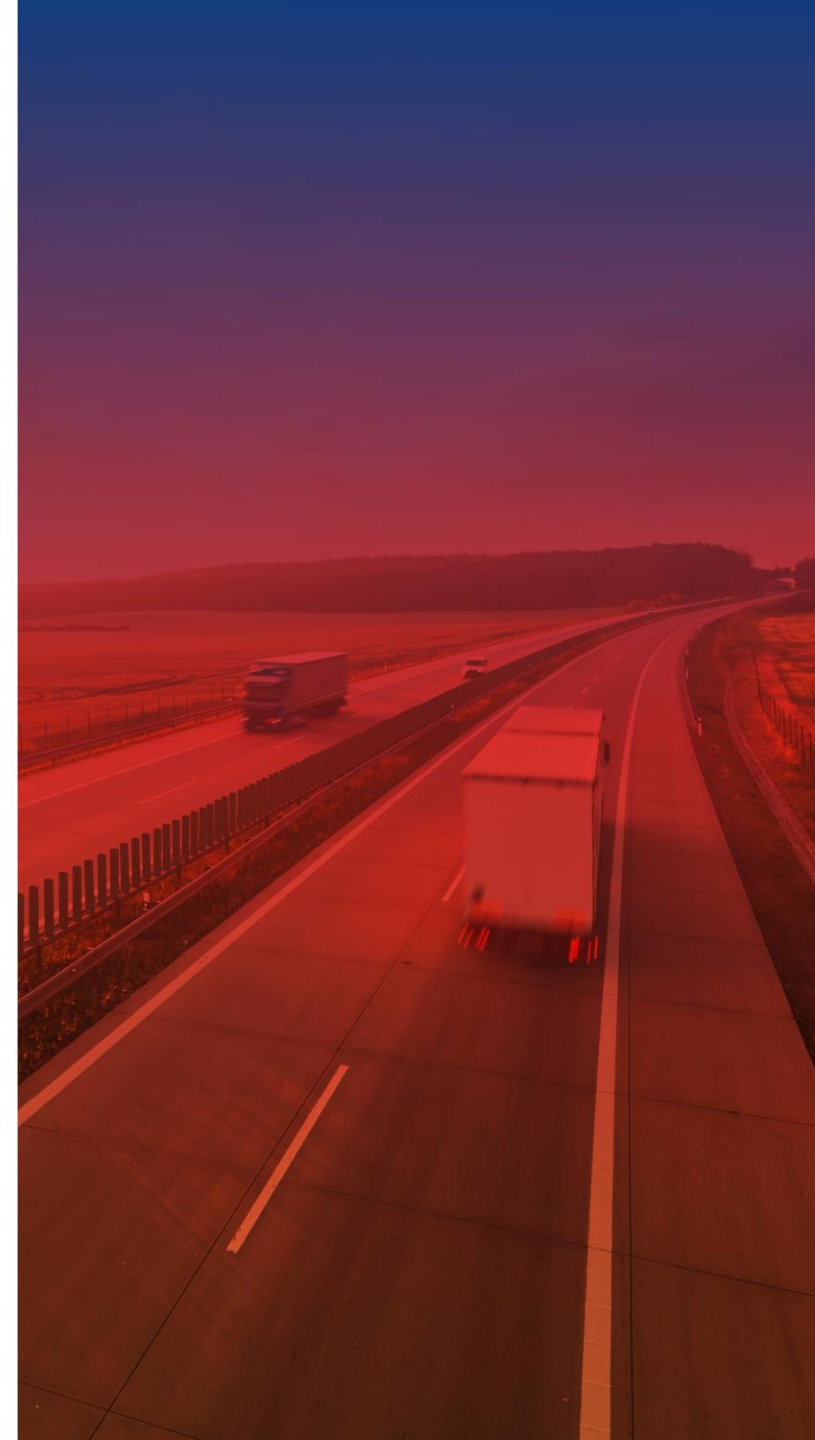


Good practices

One of the good examples of connecting holders of industrial property rights and users of protected objects is the activity of the Chamber of Economy of Montenegro on the valorization of **the collective trademark Dobro from Montenegro**, whose holder is the Chamber itself.

The Chamber of Economy of Montenegro is working on the popularization of that trademark and authorizes every business entity that meets certain conditions to use that sign, which symbolizes quality, economic patriotism and the natural beauty of the country.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)





Good practices

Collective trademark

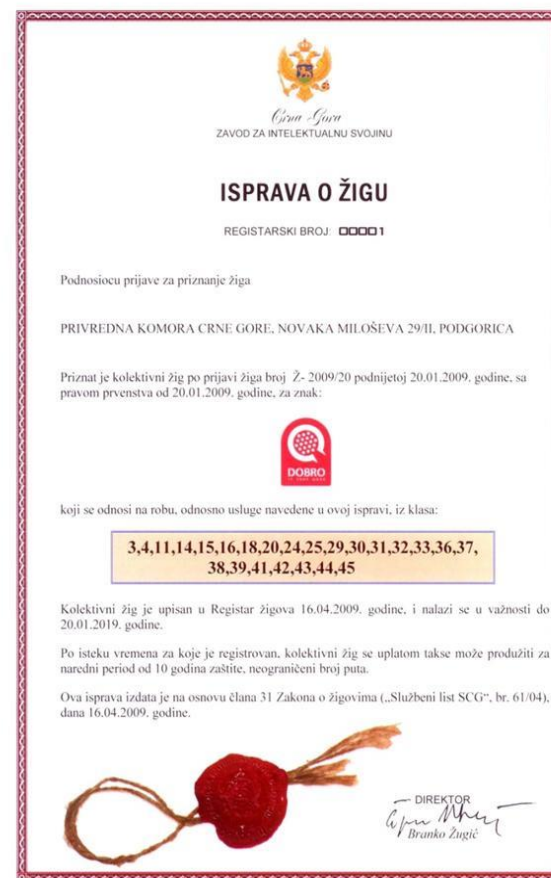
- Institute for Intellectual Property

Main goals

- increase in exports/decrease in deficit
- development of domestic production
- new investments
- new jobs
- growth of the living standard

Primarily aimed at promoting domestic resources and stimulating profitable usage.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)





Good practices

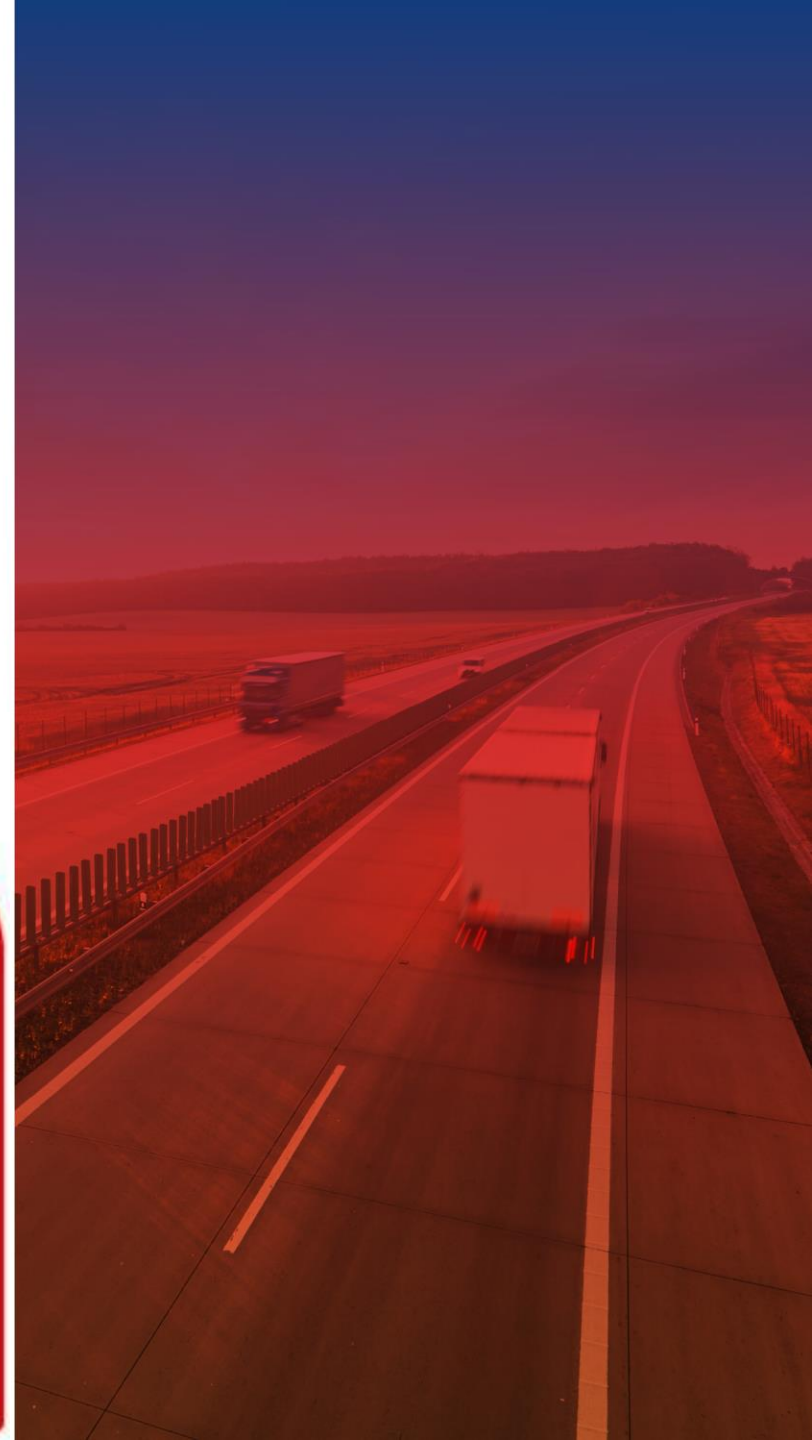
Reasons

High deficit of trade between Montenegro and abroad, that is, extremely low coverage of imports and exports

Absence of quality and traditionally recognized products from Montenegro on the domestic market

Balances of production and consumption, primarily of certain agricultural and food products

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)





Good practices

Rosehip as the “Dobro” trademark

Full like a rosehip!

...as a simbol of wealth and health

It wears a crown, and can be interpreted as a sign of top quality

A stylized rosehip fruit, cut in the center and lengthways, with the crown facing the lower right corner, also forms the letter "Q", an international mark of quality!

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



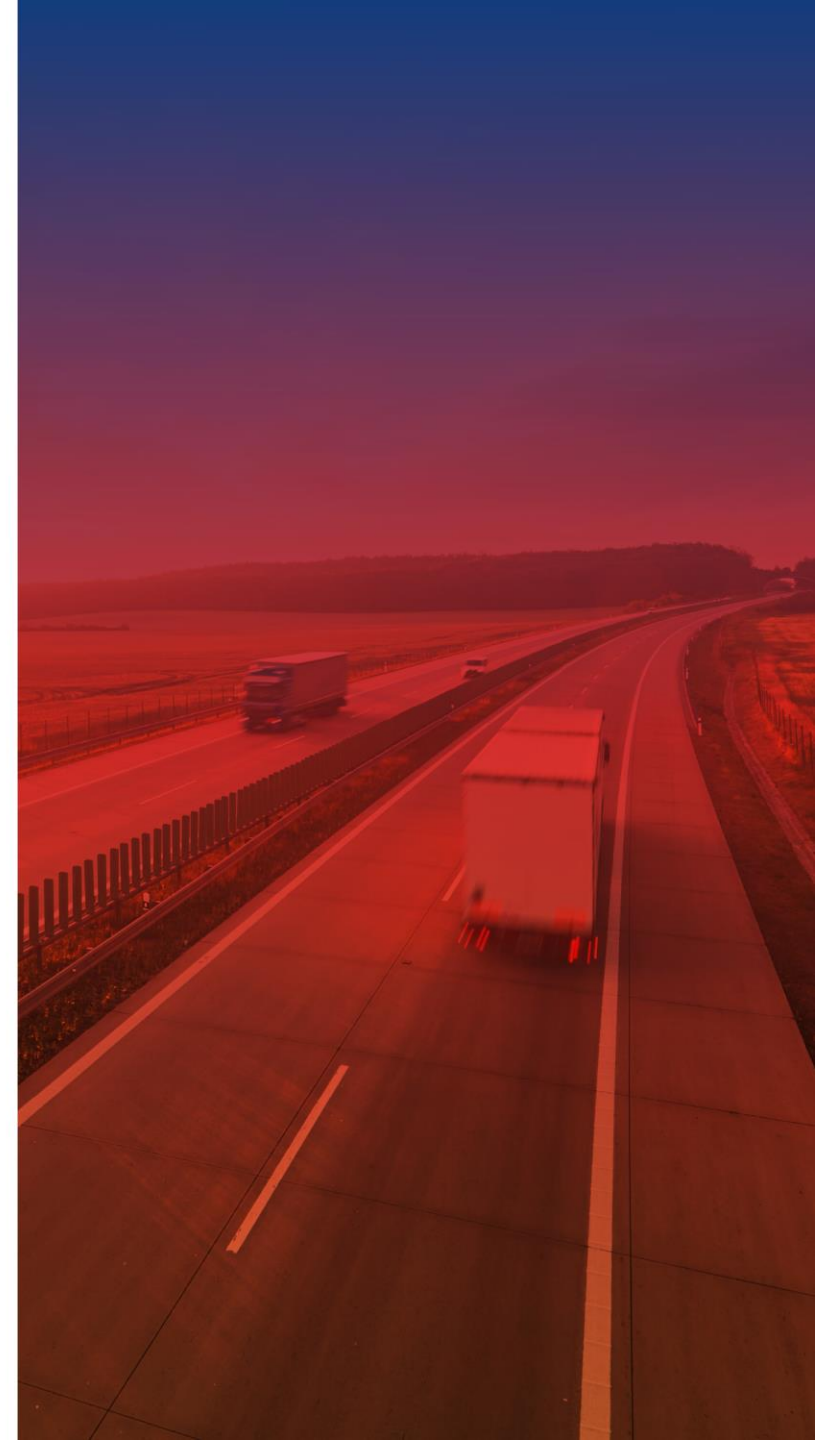


VISUAL MARKING SYSTEM

Chamber of Economy of Montenegro:

- holder of the right to assign a collective trademark,
- determines the conditions for acquiring the right to a collective trademark of a product or service.
- appoints the Project Council, Technical Committees

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



VISUAL MARKING SYSTEM

The Council of the Visual Marking Project, based on the opinion of the Technical Committee, decides on the resolution of the request submitted by the company to the Education and Quality Department of the Chamber



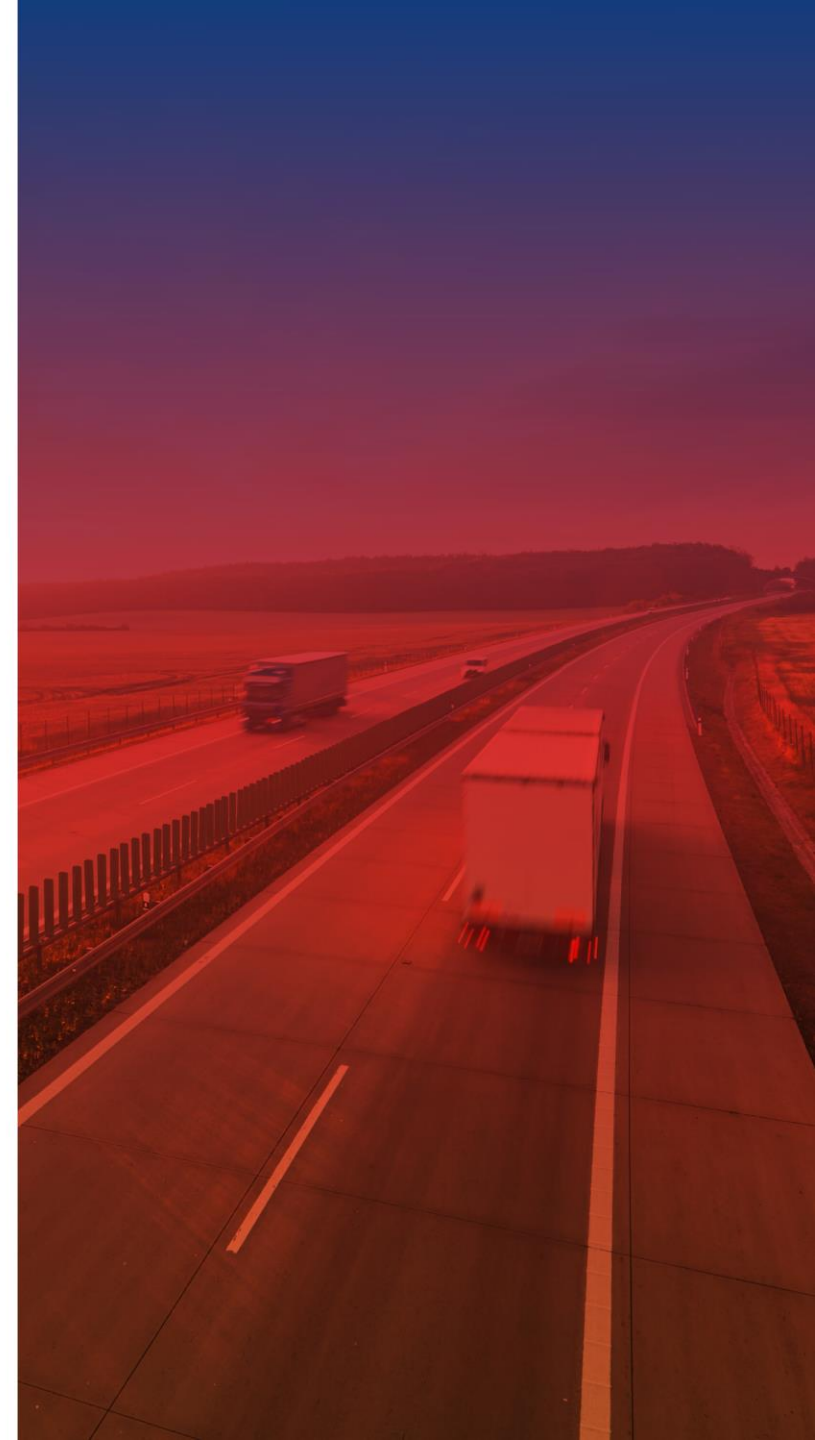
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GENERAL TERMS:

- 1) that the company have been registered for performing activities on the territory of Montenegro for at least three years,
- 2) that the company is not in bankruptcy or liquidation proceedings,
- 3) the company performs business activities in a registered facility of appropriate purpose, in accordance with regulations,
- 4) the company properly fulfils obligations based on taxes and contributions,
- 5) the company in the last three years has not been legally convicted for performing economic activities,
- 6) the company has implemented quality systems.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

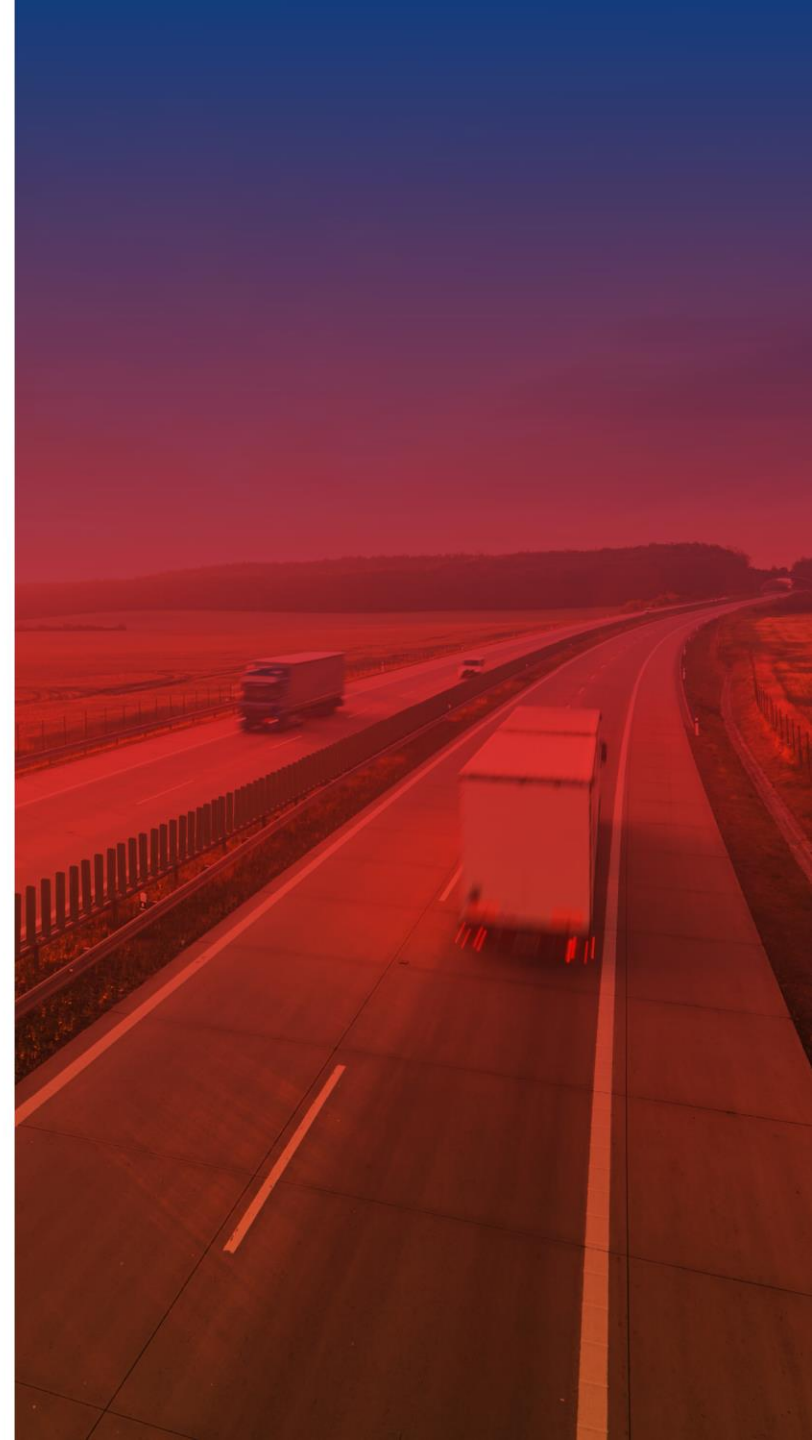




SPECIAL TERMS:

- economic responsibility - that they have performed positively in the last three years,
- ethical responsibility - fair and honest business and respect for good business practices,
- philanthropic responsibility - responsibility towards the local and wider community.

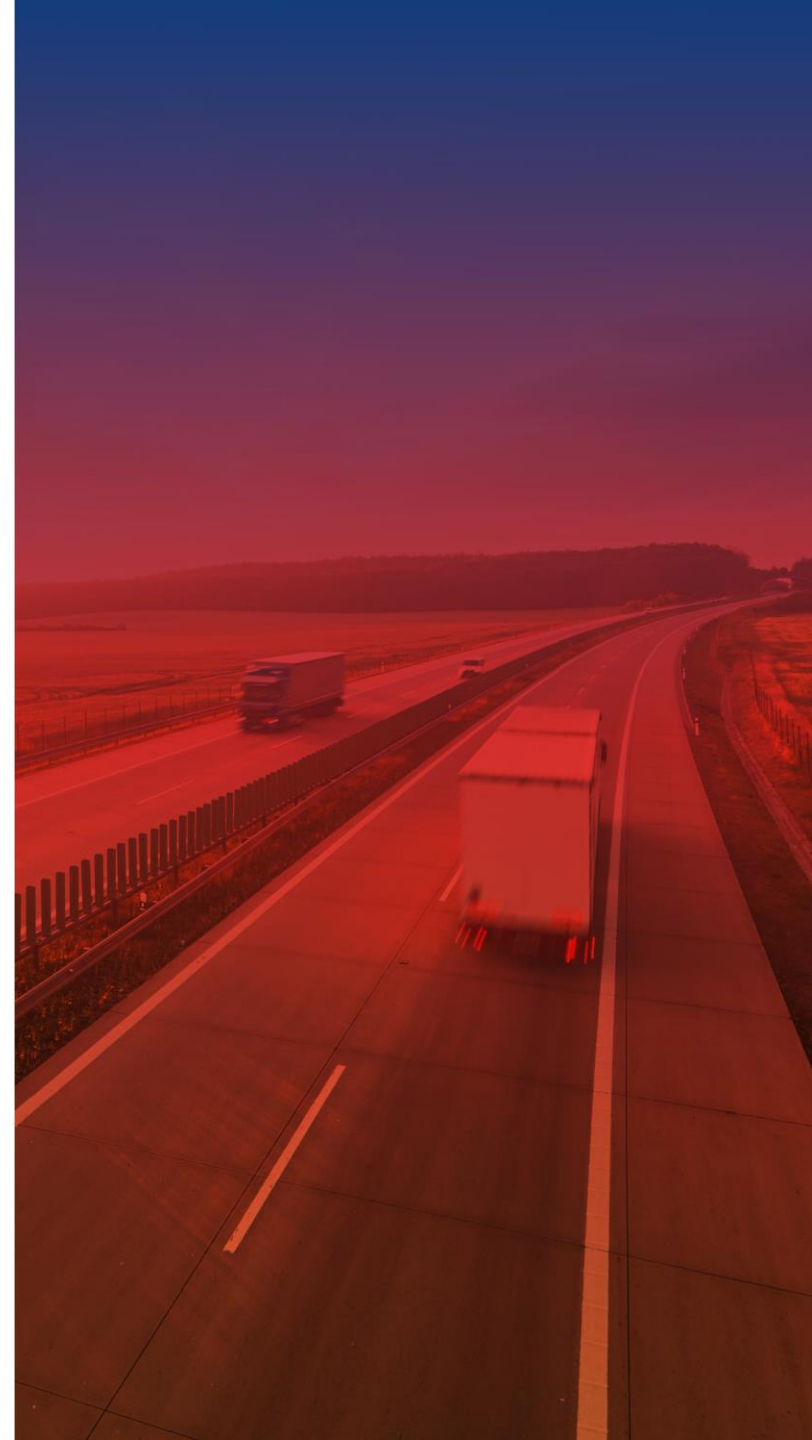
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The Council decides:

- ✓ on granting and revocation of the right to use the sign,
- ✓ determines the list of experts for members of technical committees for certain products and services,
- ✓ appoints presidents and vice presidents of technical committees,
- ✓ determines the amount that should be paid to cover the costs of resolving requests in the process of awarding or extending the right to use a trademark,
- ✓ determines the fee for the right to use the trademark (license) and the fee for the work of members of the technical commissions,
- ✓ manages other affairs.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



Technical committees :

Technical committees are occasional working bodies of the Council for the awarding of the trademark "DOBRO IZ CRNE GORE", for carrying out professional work, determining special tests and checks, and drafting expert opinion as a basis for issuing or rejecting requests for use of the trademark.

The TC with the president has five members, of whom two must be experts from the area to which the product or service belongs that are in the process of resolution, one expert from the field of graphic design and one expert from the field of quality.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

Technical committees :

- ✓TC for Beverages,
- ✓TC for meat, fish and processed products,
- ✓TC for milk and milk products,
- ✓TC for Fruits, Vegetables and Processed Products,
- ✓TC for other food products,
- ✓TC for textiles, leather and textile and leather products,
- ✓TC for wood, wood products and furniture,
- ✓TC for Software,
- ✓TC for Metal Industry and Mechanical Engineering,
- ✓TC for Building Materials and Construction,
- ✓TC for Chemical Industry Products,
- ✓TC for art and graphic products,
- ✓TC for Health Insurance and Social Services,
- ✓TC for Medicines and Medical Devices,
- ✓TC for thermomechanical installations,
- ✓TC for Services.

General qualitative characteristics of products and services that can bear the label:

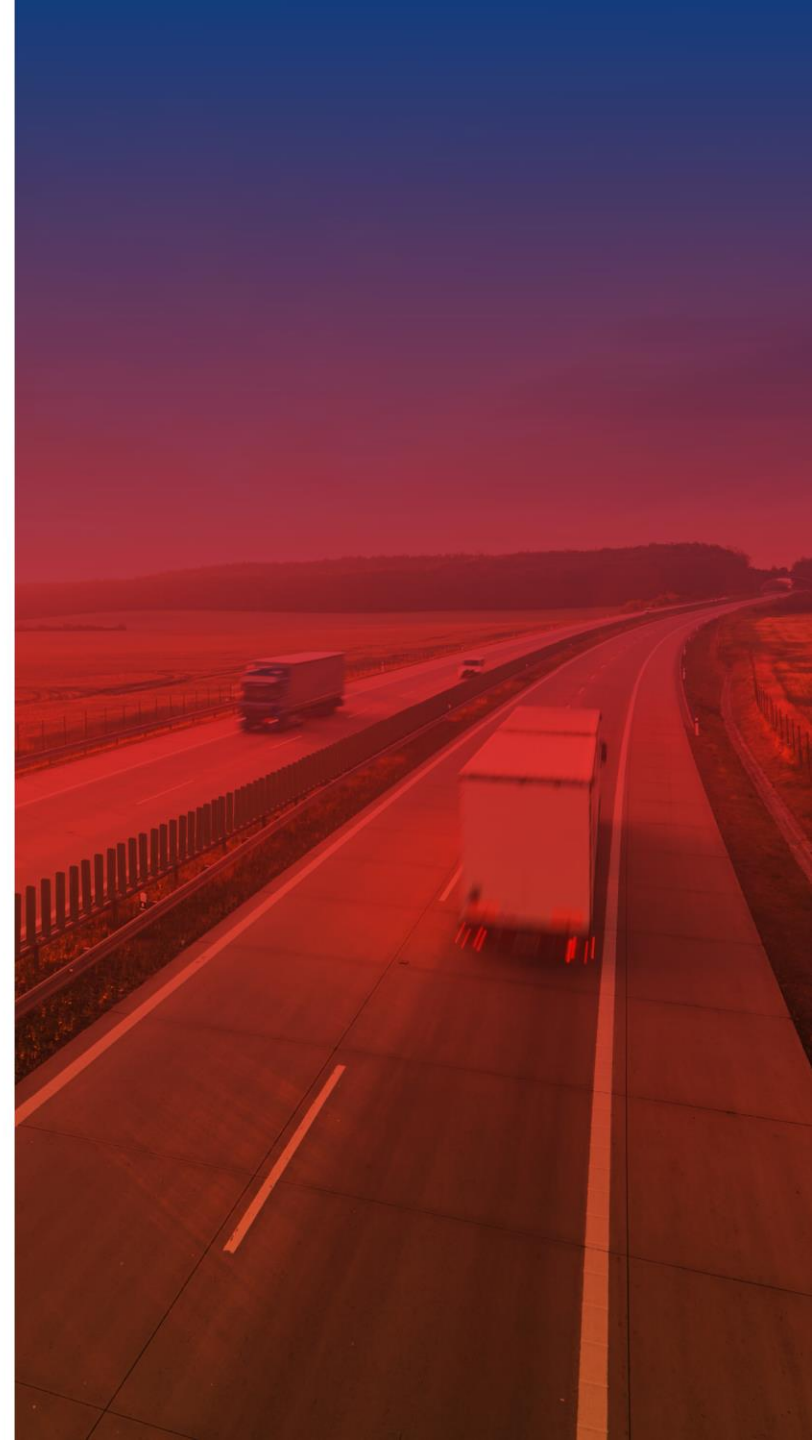
With the general and special conditions met, the right to use the mark is granted for a product or service that, with its overall properties, can satisfy the expressed or assumed needs of the user and the requirements established in norms or specifications, which ensure a higher level of quality than that established by positive regulations.

The product, depending on the type, should possess all or most of the following characteristics to the necessary degree:

- that it is made of high-value and ecologically acceptable natural materials and raw materials,
- that it is characterized by better functionality,
- greater utility value,
- recognition,
- modern design and
- durability.

The service should be reliable, enjoy the trust of users, be recognizable and accessible, as well as be provided under conditions and in an environment that ensures a higher level of quality.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)



Application:

Documentation:

1. trademark application,
2. certificate of registration and extension of registration of the business company, i.e. the entrepreneur who submits the request, issued by the Central Register of Business Entities,
3. decision on classification from the Administration for Statistics,
4. the applicant's statement about the Montenegrin origin of the goods (for products),
5. decisions, certificates, test reports, certificates or other confirmation documents on the satisfaction of legal provisions related to the product or service,
6. technical documentation of the product or service, promotional materials and other documentation for unique and reliable identification of the product or service,
7. certificates or other documents about the introduced quality system,
8. documentation about the product or service available to the applicant, which relates to proving the safety and quality of the product or service,
9. a brief description of activities, development and other information about the applicant and
10. proof of the amount paid to cover the costs of resolving the request in the process of awarding the sign.

Source of verification: European Commission (European Economic Forecast, Communication on EU Enlargement Policy)

Contact and more information on:

www.komora.me

and

Sector for Education and Quality



Consumer court :

✓ Have you heard about the **DOBRO IZ CRNE GORE** project?

- Positive response from 92%, from which 46,2% is familiarized with the project



Who offers the better value?

- Around 30% of Montenegrin population estimates relationship between price and quality and general quality is mainly related to Montenegrin products.

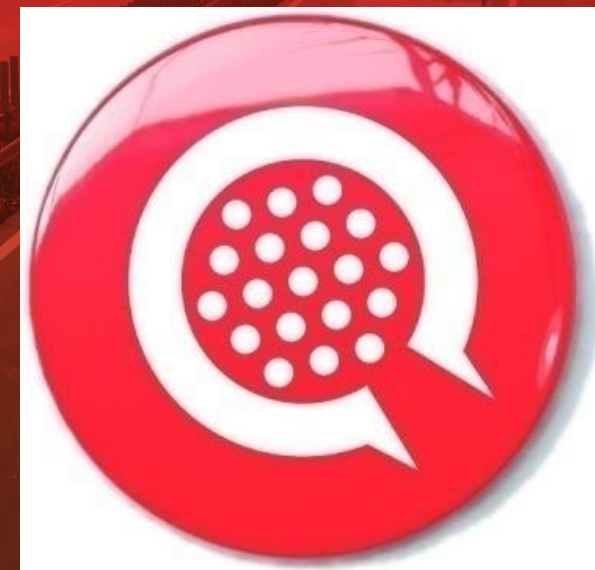
✓ Thinking about product brands from Montenegro, which three brands come to your mind first??

- Amongst the first five, all of them are the bearers of the trademark



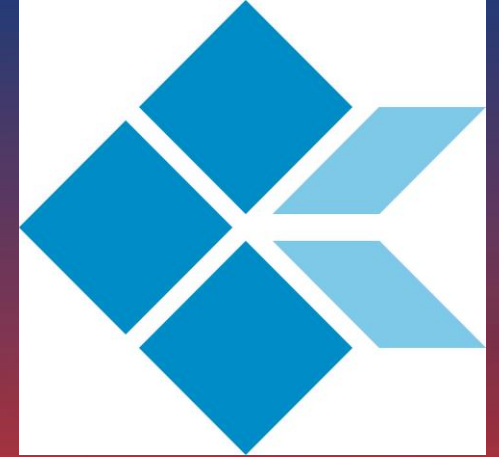
Should the **DOBRO IZ CRNE GORE** project be continued?

- Positive response from 88% of the polls.





Co-funded by the
European Union



Thank you for your attention!

Mladen Perazic- director of the Department of Education and
Quality

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