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**Working Party on the
Accession of Montenegro**

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Additional Questions and Replies

The following submission, dated 12 June 2008, is being circulated at the request of the Delegation of the Republic of Montenegro.

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II. ECONOMIC POLICIES

Question 1

We note Montenegro's statement that Montenegro does not have any companies with production, trade, or internal monopolies. Please outline how Montenegro has made this assessment. What procedures are used to determine that no monopoly companies exist? Who undertakes these procedures? The Government or independent regulator?

Answer:

Under the Law on Protection of Competition (RM OG No. 69/05 and 37/07), the authority responsible for the protection of competition in Montenegro is the Directorate for the Protection of Competition, which has been established as an independent agency. The Directorate, *inter alia*, administers procedures to determine the abuse of competition or the existence of monopolies. The proceedings can be initiated either *ex officio* or upon the request of an interested party. However, no such proceedings have taken place yet.

IV. POLICIES AFFECTING TRADE IN GOODS

A. IMPORT REGULATIONS

- **Application of internal taxes to imports**

Question 2

Excise duties - point 72 of JOB(07)/115: Please clarify why Montenegro's submission still reports "the old" system when the system has changed in 2005?

Could Montenegro provide a copy of the amended legislation from 2005?

Excise duties on cigarettes: The system described by Montenegro is not compliant to the WTO Agreement, as it calculates the duty on the basis of three categories, and most imported cigarettes fall into the highest tax rate, thus creating a de facto discrimination between imported and locally produced cigarettes. We have raised the issue with the Deputy Prime Minister of Montenegro, and she explained that the law was amended in October 2005, eliminating the three categories and applying a mixed duty. This would solve the problem, but it is not clear why the submission still reports the "old" system when - as Montenegro authorities explained - the system has been changed in 2005.

Answer:

The Factual Summary of Points Raised (JOB(07)/115) did not reflect the actual situation at the time it was prepared and distributed. However, the situation has been corrected in the Draft Report of the Working Party on the Accession of Montenegro to the World Trade Organization (WT/ACC/SPEC/CGR/4), which was distributed in February 2008. Paragraph 72 of WT/ACC/SPEC/CGR/4 reflected the actual situation with respect to excise taxes and has included the changes made in 2005. The translation of the Law on Excise taxes has been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

- **Quantitative import restrictions, including prohibitions, quotas and licensing systems**

Question 3

WT/ACC/CGR/24, Question 4: We welcome Montenegro's submission of the list of import licenses for 2006. Please provide an update on the amendments to the Decision on Control List of Goods for Export, Import and Transit, adopted by the Montenegro Government on 12 July 2007.

Please provide an updated list of licenced products.

Answer:

The Decision on Control List of Goods for Export, Import and Transit, adopted by the Montenegro Government on 12 July 2007 has been submitted to WTO Secretariat prior to the 4th Working Party meeting (in July 2007). However, please note that it has been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

- **Customs valuation**

Question 4

JOB(07)/115, WT/ACC/CGR/12, WT/ACC/CGR/12/Rev.2 - Legislation Action Plan:

Customs Valuation, points 90 - 93 of JOB(07)/115: Could Montenegro provide a copy of the amended legislation incorporating the Interpretative notes to the WTO Customs valuation agreement as soon as it is available.

In order to verify if the amendments to the Customs Law and the Decree on Implementation of Montenegro ensure the full compliance of Montenegro's customs valuation rules with WTO requirements.

Answer:

Please note that the translation of relevant provisions of the Customs Law and the Decree on Implementation of Montenegro have been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

C. INTERNAL POLICIES AFFECTING FOREIGN TRADE IN GOODS

- **Technical barriers to trade, standards and certification**

Question 5

Article 4, points 2 - 4: the definitions of technical regulation, technical requirement and technical specification seem to overlap in a non-coherent way. Could you please clarify the differences between them?

The questions asked in this section refer to version of the Law on Technical Requirements and Conformity Assessment of Products form June 2007, which at that time was not final and passed by the Parliament. In the meantime, the Law was finalized, passed by the Parliament and came into effect. The answers provided below will be based on the current Law on Technical Requirements and Conformity Assessment of Products with Prescribed

Requirements (Official Gazette of Montenegro No. 14/08). The translation of the Law has been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

Answer:

Definitions in the current Law are provided in Article 5. Montenegro believes that points 2 - 4 do not overlap, but rather complement each other. Technical regulation, as defined in point 2 is actually a legal act (regulation), which contains technical requirements. This is the manner of introduction of technical requirements into the legal system.

Technical requirement and technical specification, on the other hand, are parts of a regulation, which define characteristics of a product or a method of production or processing of such a product and technical requirements that product in question must fulfill.

Montenegro believes that these definitions are compliant with those provided in TBT Agreement. These definitions are also believed to be in line with the EU regulation (from February 2007), under which Member States are obliged, in addition to notification of technical regulations, to "update lists of technical requirements for products".

Question 6

Could you also tell what is meant in Article 4, point 3 by "that are by nature obligatory and compliance with which is mandatory"?

Answer:

The current Law (now this is Article 5, point 3) does not contain the phrase "that are by nature obligatory and compliance with which is mandatory" any more.

Question 7

Risk assessment (latter half of TBT 2.2) is still missing from Article 6 of the Law. Also the second sentence of TBT 5.1.2 is not covered by Article 6 of the Law.

Answer:

Risk analysis and categorization of risks have been removed from the Law on Technical Requirements and Conformity Assessment of Products with Prescribed Requirements and included in the Law on General Safety of Products, which is pending parliamentary passage (expected by the end of June 2008).

Question 8

Numbering of articles from Article 7 onwards are wrong because there are two articles with number 6 and two articles with number 7. The contents of Article 6 is repeated in another slightly differing Article 6. The two articles numbered 7 differ a lot. We would like to see the final draft of the amended Law, please.

Answer:

This error has been corrected in the current Law.

Question 9

Article 7(4): What is meant with "participation of officials" in Montenegro in "conformity assessment systems"?

Answer:

The phrase "participation of officials" has been removed and does not appear in the current Law.

Question 10

The latter of the two Articles 7 contains main elements of TBT Articles 2.9 and 2.10. However, some aspects are missing. E.g. first paragraph point 1: how is the notice published? Same paragraph point 2: definition of the "appropriate stage" is missing. Same paragraph point 3: provide copies to whom? Second paragraph point 1: why notification only upon adoption? Why not earlier, if possible?

Answer:

Montenegro believes that all the issues mentioned in this question have been properly addressed in the new Law and that these provisions are compliant with Articles 2.9 and 2.10 of the TBT Agreement.

Question 11

Article 8(2) repeats the contents of the latter Article 7. Is there a special need for this? Or is it because they are supposed to transpose TBT Articles 5.6 and 5.7 concerning conformity assessment procedures and not technical regulations (as written in the articles of the Law)?

Answer:

Montenegro believes that all the issues mentioned in this question have been properly addressed in the new Law and that these provisions are compliant with Articles 5.6 and 5.7 of the TBT Agreement.

Question 12

Article 8(4) does not mention how quickly the publication of new technical regulations in Official Gazette takes place.

Answer:

Montenegro believes that the issue has been resolved in Article 6(3) of the current Law, under which technical regulations are published in the "Official Gazette of Montenegro" and become effective not earlier than six months after their publication. Please note that under the Montenegrin legal system, all laws and regulations, including technical regulations must be published in the Official Gazette immediately after their adoption. No legal act of general applicability can enter into force before the publication in the Official Gazette.

Question 13

In document WT/ACC/CGR/24 on page 3 it is stated that the redrafted Law on Technical Requirements will clarify our earlier question on what Article 9 (earlier Article 8) paragraph 2 of this Law means. Since the slightly revised article is not much clearer than the earlier one,

perhaps you could answer to our question: Is there always a possibility to prove the conformity of a product with relevant technical regulations by other means than using standards?

Answer:

Yes, under Article 9, paragraph 2 of the Law, conformity of a product can be established in any other manner, i.e. by other means than using standards.

Question 14

Even though in document WT/ACC/CGR/24 on page 2 (Question 8) it is stated that in the re-drafted "Law on Technical Regulations" a possibility of an appeal is provided for, we could not locate it. The present Article 17 seems to be identical to the former Article 15 which stated that the decisions as regards authorizations of conformity assessment bodies are final. Could you please clarify what your intensions are? (The same applies to Article 15 of the Decree on Manner of Authorizing Conformity Assessment Bodies).

Answer:

The meaning of the term "final" in the Montenegrin legal system is that the decision is final within the administrative procedure, which means that the review of such a decision is possible within the "administrative dispute proceedings". The administrative dispute proceedings is actually the court review of an administrative act, which is performed by the Administrative Court of Montenegro. This system actually prevents the authority who has issued a decision to be involved in deciding on an appeal lodged against such a decision and provides for the independent tribunal to decide upon an appeal.

Question 15

Article 5.9 of the TBT Agreement: Article 5.9 would seem to be still missing. If it is included in one of the separate regulations mentioned in the Law, we would like to know in which one.

Answer:

The time intervals, within the meaning of Article 5.9 of the TBT Agreement, have been included in Article 15(2) of the Law.

Question 16

Decree on Manner of Authorizing Conformity Assessment Bodies, document WT/ACC/CGR/24: Could Montenegro submit the revised Decree on Manner of Authorizing Conformity Assessment Bodies?

In document WT/ACC/CGR/24, page 3 it is stated that a revision of Article 3 will answer our earlier question on Article 3.6 of the Decree and its meaning. Document JOB(07)/115 of 29 June 2007 also refers to the revision of this Decree on page 42. We are wondering when the revised Decree could be submitted to us.

Answer:

The revisions of the Decree are planned to be adopted in June 2008 and submitted to the Working Party prior to the next Working Party Meeting.

Question 17

As stated earlier our understanding of Article 7 of the abovementioned Decree together with the related Article 3.6 is that the technical competence of a conformity assessment body can be proven by three different means: by an accreditation certificate, by a report on competence from other equally significant procedure (these are also mentioned under Article 17(4) of the Law on Technical Requirements and Conformity Assessment of Products) or by evidence which is in accordance with the regulations issued by the Accreditation Body. What is meant with the two last mentioned means of proving competence? How do they differ? Could you provide us any examples?

Answer:

The revised Decree mentioned above will provide for just two ways to prove the technical competence of a conformity assessment body: by an accreditation certificate or by a report on competence from the other equally significant procedure. This change will be in line with Article 19(4) of the Law Technical Requirements and Conformity Assessment of Products with Prescribed Requirements, which already has identical provision related to assessment of competence. Details of the equally significant procedures will be prescribed by the appropriate regulations and notified in accordance with the provisions of the TBT Agreement.

Question 18

Standardization: Standards can apparently still be mandatory, which is contrary to the definitions in Annex I of the TBT Agreement.

Answer:

Under the Law on Standards (Official Gazette of Montenegro No. 13/08) standards cannot be mandatory any more. The translation of the Law on Standards has been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

Question 19

We would also like to know whether the revised Strategy of Quality Infrastructure Development in Montenegro, foreseen to be adopted in April 2007 and mentioned on pages 40 - 41 of document JOB(07)/115 of 29 June 2007 has already been adopted?

Answer:

Yes, it was adopted as planned. Please note that the translation of the Strategy has been submitted to the Secretariat and notified through document WT/ACC/CGR/28/Add.3.

- **Sanitary and phytosanitary measures**

Question 20

Could Montenegro clarify its current membership status to the OIE? Could Montenegro clarify the current status of Montenegro's accession to FAO, which is a pre-condition for Codex Alimentarius?

There is still no indication regarding the possible membership in OIE (normally decided by now). A quick look on the OIE website in end-September 2007, the list of New Member Countries of OIE still includes Serbia-and Montenegro, member on 2002-11-21.

Answer:

Montenegro is the Member of OIE as of 10 July 2007. Montenegro is the Member of FAO as of 17 November 2007.

- **Free zones, special economic areas**

Question 21

How does Montenegro see the compatibility of Article 23 (exemption from profit tax) with State aid rules and WTO anti-subsidy obligations?

Answer:

Montenegro is aware that Article 23 of the Free Zones Law might be incompatible with the State aid and anti-subsidy obligations. However, there is only one operational free zone in Montenegro, which, since it was established, has failed to attract significant number of companies willing to operate there. Therefore, the real effect of Article 23 is almost negligible.

In addition, please note, that Montenegro has committed, in paragraph 152 of the revised Draft Final Report, to administer, from the date of accession, free zones or free economic zones established in Montenegro, in compliance with WTO provisions, including the Agreements on TRIPS, TRIMs, and Subsidies and Countervailing Measures. Thus, any incompatibilities will be corrected.

V. TRADE-RELATED INTELLECTUAL PROPERTY REGIME

- **GENERAL**
- **Fees and taxes**

Question 22

Can Montenegro give details about the official application fees in connection with registering various IP rights (i.e patents, trademarks, design, GIs). Is there a difference on the level of fees between nationals of Montenegro and foreign applicants?

Answer:

The Schedule of Fees, which includes the fees applicable to registering various IP rights, is annexed to this document. In accordance with the Schedule of Fees, for registering various IP rights nationals of Montenegro pay 10 per cent of the amount of fees prescribed by the Schedule of Fees. As of the date of accession to WTO, the amount of fees for all applicants, both nationals of Montenegro and foreign nationals, will be identical.

- **SUBSTANTIVE STANDARDS OF PROTECTION, INCLUDING PROCEDURES FOR THE ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS**
- **Trademarks, including service marks**

Question 23

Law "On Trademarks" (SM OG No. 61/04): The expression "general appearance" as used in Article 5 paragraphs 2 6 and 12 is vague and is not usually used in trademarks field but merely concerns Designs protection. Can you please clarify the meaning of this expression in this context?

Answer:

Montenegro respectfully disagrees with the above statement. Montenegro is of the opinion that (general) appearance is one of the key elements of a trademark, which in almost all cases, first and foremost, is a visual experience. The visual element, as the key feature of the trademark, is included in the definition of a trademark in TRIPS.

In TRIPS Article 15.1 a trademark is defined as any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, in particular words including personal names, letters, numerals, figurative elements and combinations of colours as well as any combination of such signs. Under the same provision, Members are allowed to require, as a condition of registration, that signs be visually perceptible.

All the above elements actually define the "appearance" of a trademark, i.e. its visual perception. Appearances are analyzed in order to compare different marks. Article 12 of the Trademark Law lists situations where a mark cannot be protected by a trademark. The way to establish registrability of a mark is, *inter alia*, to analyze its visual characteristics, i.e. its appearance. Therefore, Montenegro believes that "appearance" as used in the Trademark Law is not vague and that it does not concern designs protection only, but is relevant for trademarks, too.

Question 24

Please clarify what could be the added value of the expression used in the end of Article 5, paragraph 9 "... and misleads the participants in commerce;". Is it an additional criteria to be checked alongside with the "likelihood of confusion"? According to Article 16, paragraph 1 of the TRIPS Agreement "likelihood of confusion" is sufficient.

Answer:

WTO Agreement On Trade-Related Aspects of Intellectual Property Rights regulates the protection of intellectual property rights within the context of trade, i.e. commercial activity. Therefore, the "likelihood of confusion" within the meaning of TRIPS Article 16.1 refers to the confusion in the context of commercial activity. Therefore, such confusion involves "participants in commerce", including consumers, who may be confused or misled by the similarity of a mark attached to certain product. This type of confusion differs from the "common" confusion (by those not involved in commercial activity, or simply not buying products in circulation), because it can cause an injury to participants in commercial activities. Montenegro believes that a distinction of such a commerce-related element of the confusion must be emphasized in the Trademark Law. The provision of Article 5, paragraph is not an additional criterion to be checked alongside the "likelihood of confusion", it simply explains the meaning of the phrase "likelihood of confusion" in the context of TRIPS.

Question 25

According to answer to Questions 91 and 112 - document WT/ACC/CGR/23 - the Law on Indications of Geographical Origin will be modifying to comply with Articles 16.1 and 24.5 of the TRIPS Agreement. What about the Law on Trademarks? Are modifications also foreseen to align it to the same articles of the TRIPS Agreement?

Answer:

Montenegro believes that its Trademark Law is compliant with the TRIPS Article 16.1. The TRIPS Article 24.5. refers to Geographical Indications (GI) and the coexistence of GIs and prior in time registered patents. This issue is addressed in the draft of new Law on Indications of Geographical Origins. For details, please see the answer below.

Question 26

Please clarify how Article 22.3 of the TRIPS Agreement is dealt with by the Trademark law. Does Article 5 paragraph 12 cover this situation? Or is a modification foreseen to adapt the Article 5 to include among the grounds for refusal the existence of former registered GI's?

Answer:

Yes, Article 5 paragraph 12 may cover this situation. Please note, however, that the Trademark Law effective in Montenegro is the law of the former State Union, which will be enforced until replaced by the new, Montenegrin law. Montenegro plans to replace all former State Union IP laws. Thus, the new Law on Indications of Geographical Origins and the new Patent Law have been approved by the Government and are pending parliamentary passage. Once all the former State Union IP laws are replaced, minor linguistic inconsistencies that may be encountered now, will be corrected.

- **Geographical indications, including appellations of origin**

Question 27

WT/ACC/CGR/24, Question 91: Montenegro states that the Law on Indications of Geographical Origin will be amended no later than January 2008 to meet the requirements of the TRIPS Agreement Articles 16.1 and 24.5. The amendment does not appear to be in the Legislative Action Plan. Please provide an update on the timetable for making the amendments.

Answer:

The draft of the new Law on Indications of Geographical Origin, has been approved by the Government and is pending parliamentary passage. The draft Law was submitted to the WTO Secretariat on 15 February 2008.

Question 28

Please indicate how Montenegro, through its Law on Indications of Geographical Origin or some other form, will allow the co-existence of GIs with prior trademarks. Under certain circumstances this fully justified under the TRIPS Agreement; Article 17 of the TRIPS Agreement permits Members to provide limited exceptions to the rights conferred by trademarks, including Article 16.1 rights, provided that such exceptions take account of the legitimate interests of the owner of the trademark and of third parties; and that a system of

GI protection that provides under certain limited circumstances for coexistence with GIs may be one of the limited exceptions accepted under Article 17 of the TRIPS Agreement.

Answer:

Montenegro believes that the issue of co-existence of GIs with prior in time trademarks is properly resolved in Article 44 of the draft Law.

Question 29

Can Montenegro confirm that the provisions on GIs would be applicable to all goods? Could non-geographical names (for example traditional names) be registered as GIs in accordance with the current draft of the Law on Indications of Geographical Origin?

Under the TRIPS Agreement (Article 22.1), GIs can be applied to all types of products. A GI is any kind of designation which points to a given country, region or locality. It may be a geographical name, such as "Parma" for ham from Italy or it may be a denomination that is not a geographical name, such as "Feta" for cheese from Greece. A GI can also be a symbol like the "Eiffel Tower" for goods from Paris.

Answer:

Yes, Montenegro confirms that the provisions on GIs would be applicable to all goods. Non-geographical names (traditional or historic names) can be registered as GIs in accordance with the draft of the Law on Indications of Geographical Origin.

- ENFORCEMENT

Question 30

Can Montenegro tell the Working Party whether the mandate to carry out *ex-officio* action by Customs authorities on the grounds of suspected Intellectual Property infringement apply to all intellectual property rights and also to goods in transit?

Answer:

Yes, the mandate to carry out *ex-officio* action by Customs authorities on the grounds of suspected infringement of intellectual property rights apply to all intellectual property rights, and to goods placed into any of the customs procedures, including the transit.

- Civil judicial procedures and remedies

Question 31

The Law "On Enforcement of the Legislation that Regulates Protection of Intellectual Property Rights" (Articles 233-238, 271): Please explain whether the laws of Montenegro comply with the general obligations as laid down in Article 41 of TRIPS.

Answer:

Yes, they do. Montenegro has the legislative framework in place and the system of enforcement of IPRs that are compliant with the general obligations as laid down in TRIPS Article 41.

Question 32

Please explain whether the Montenegrin judicial authorities have the authority to order the production of evidence lying in the control of the opposing party as provided in Article 43(1) of TRIPS.

Answer:

Yes, they do. Under Article 177 of the Law on Copyright and Related Rights the court may order a person which is associated with the infringement of another person's copyright or related right to furnish information or hand over documents relating to the infringement. Similar provisions are contained in Article 65 of the Trademark Law, Article 64 of the Law on Protection of Design, Articles 96 and 97 of the draft Patent Law and Article 62 of the draft Law on Indications of Geographical Origin.

Question 33

Please explain to what extent injunctions can be ordered by the judicial authorities in accordance with Article 44(1) of TRIPS.

Answer:

Each of IP laws applicable in Montenegro contains a provisions that authorize the court to order a party to desist from an infringement of intellectual property rights, in compliance with the TRIPS Article 44.1.

Question 34

Please explain whether other remedies within the meaning of Article 46 of TRIPS are available under the laws of Montenegro. Do they include the possibility for the judicial authorities to order that materials and implements which served for the creation of the infringing goods be disposed of the channels of commerce?

Answer:

Laws of Montenegro provide for other remedies within the meaning of Article 46 of TRIPS, including, *inter alia*, the possibility for the judicial authorities to order that materials and implements which served for the creation of the infringing goods be confiscated and destroyed or disposed of the channels of commerce in any other way.

- **Provisional measures**

Question 35

Further to the answer received to Question 98 - document WT/ACC/CGR/23 - could you please specify where the notice requirement of Article 50(4) of TRIPS is laid down in the Montenegrin law. Do the relevant statutes also provide for the possibility of a review, including a right to be heard, to take place upon request of the defendant as further provided in Article 50(4) of TRIPS?

Answer:

The requirements of TRIPS Article 50.1 have been met in the following provisions: Article 183(3) of the Law on Copyright and Related Rights, Article 62(3) of the Trademark Law, Article 61(3) of the Law on Protection of Design, Article 94(3) of the draft Patent Law Article 61(3) of the draft Law on Indications of Geographical Origin.

The requirements of TRIPS Article 50.4 have been met in the Law on Litigation Proceedings and the Law on Enforcement Proceedings, which regulate the proceedings related to civil cases and proceedings related to enforcement (execution) of court decisions, respectively. Both laws grant the possibility of a review and the right to heard.

ANNEX

Law on Administrative Fees

Provisions on Intellectual Property Rights

Schedule of Fees

Tariff No. 126

- 1) For filing of application for patent registration:
 - For up to 10 patent claims 20, 00; and
 - Each additional patent claim exceeding 10 patent claims 2, 00.
- 2) For filing of application for topography protection 20, 00.
- 3) For filing of application for model registration, i.e. sample:
 - Up to one design i.e. sample 15, 00; and
 - Each additional design or sample 12, 00.
- 4) For filing of application for trademark registration:
 - If the list of goods and services encompass up to three classes of the International classification of goods and services 60, 00;
 - If the list of goods and services encompass more than three classes of the International classification of goods and services, for each additional class 8, 00; and
 - For figurative element or verbal trademark with graphical solution 8, 00.
- 5) For filing of application for collective trademark registration:
 - If the list of goods and services encompass up to three classes of the International classification of goods and services 125, 00;
 - If the list of goods and services encompass more than three classes of the International classification of goods and services, for each additional class 30, 00; and
 - For figurative element or verbal trademark with graphical solution 15, 00.
- 6) For a request for patent, trademark, model, sample, i.e. geographical mark and indication international registration 20, 00.
- 7) For filing of application for geographical indication registration 32, 00.
- 8) For filing of application for recognition as an authorized user of a geographical indication 100, 00.
- 9) For filing of application for international patent registration:
 - Up to 10 patent claims 40, 00; and
 - Each additional claim exceeding 10 patent claims 2, 00.

NOTE:

- 1) Fee described in points 1) and 2) of this tariff number, shall be reduced for 10 per cent, if the submitter of a claim, together with the claim, also submits name of the invention and abstract translated in English language.
- 2) Fee described in point 9) of this tariff number shall be increased for 50 per cent, if the application for patent international registration is submitted in additional deadline of 30 days, after expiry of the deadline for entering national phase of application considering.
- 3) If the submitter of a claim for patent, topography, or design registration, national inventor, i.e. author, pays fee in amount of 10 per cent of the fee prescribed by this tariff number. This reducing refers to the successors of the first direct heritable line.

Tariff No. 127

For publication of application information for patent, topography, trademark, collective mark, model, sample, geographical indication, application for international registration of patent, application for international registration of trademark and disposition and evidence application for subjects of related rights 7, 00.

Tariff No. 128

For substantive examination of application for patent registration 45, 00.

Tariff No. 129

For maintenance of the rights from the application for patent registration, i.e. annual maintenance fee for the patent is paid as follows:

- For the 3rd year from the application filing 20, 00;
- For the 4th year from the application filing 22, 00;
- For the 5th year from the application filing 24, 00;
- For the 6th year from the application filing 30, 00;
- For the 7th year from the application filing 38, 00;
- For the 8th year from the application filing 40, 00;
- For the 9th year from the application filing 60, 00;
- For the 10th year from the application filing 70, 00;
- For the 11th and each subsequent year up to the expiry date of the patent, fee from the item 8 of this tariff number increased for €25,00 per each year is paid.

NOTE:

- 1) If the submitter of a claim for patent registration, i.e. maintenance of the patent, is national inventor then he pays fee in amount of 10 per cent of the fee prescribed by this tariff number. This reducing refers to the successors of the first direct heritable line.
- 2) Annual maintenance fee from the claim for patent registration, i.e. patent maintenance, is to be paid before the beginning of a year to which the fee refers, and, the earliest, three months before the expiry of a period for which the previous fee is paid.
- 3) If the annual fee is not paid in deadline described in point 2) of this note, it can be paid in six months period following the date of expiry of deadline, increased for 50 per cent.

Tariff No. 130

Annual maintenance fee for the petty patent is paid as follows:

- For the 3rd year from the application filing 15,00;
- For the 4th year from the application filing 17,00;
- For the 5th year from the application filing 20,00;
- For the 6th year from the application filing 28,00;
- For the 7th year from the application filing 30,00;
- For the 8th year from the application filing 37,00;
- For the 9th year from the application filing 45,00; and
- For the 10th year from the application filing 55,00.

NOTE:

- 1) If the submitter of a claim is national inventor then he pays fee in amount of 10 per cent of the fee prescribed by this tariff number. This reducing refers to the successors of the first direct heritable line.
- 2) Annual maintenance fee for petty patent maintenance is to be paid before the beginning of a year to which the fee refers, and, the earliest, three months before the expiry of a period for which the previous fee is paid.
- 3) If the annual fee is not paid in deadline described in point 2) of this note, it can be paid in six months period following the date of expiry of deadline, increased for 50 per cent.

Tariff No. 131

For topography registration 65, 00.

NOTE:

- 1) If the submitter of a claim from this tariff number is national inventor then he pays fee in amount of 10 per cent of the fee prescribed by this tariff number.
- 2) Reducing described in the point 1) of this note refers to the successors of the first direct heritable line.

Tariff No. 132

- 1) For renewal of right of model, i.e. sample for the five years period:
 - for the first model, i.e. sample 38, 00; and
 - for second and each subsequent model, i.e. sample from the series 28, 00.
- 2) For renewal of right of model, i.e. sample for the period from 6th to 15th year:
 - For the first model, i.e. sample 25, 00; and
 - For second and each subsequent model, i.e. sample from the series 20, 00.

NOTE:

- 1) If the owner of the model is national author, he pays fee in amount of 10 per cent of the fee prescribed by this tariff number. This reducing refers to the successors of the first direct heritable line.
- 2) Annual maintenance fee for maintenance of right of model, i.e. sample, i.e. maintenance of the model is to be paid before the beginning of a year to which the fee refers, and, the earliest, six months before the expiry of a period for which the previous fee is paid.
- 3) If the annual fee is not paid in deadline described in point 2) of this note, it can be paid in six months period following the date of expiry of deadline, increased for 50 per cent.

Tariff No. 133

- 1) For granting, renewal and annual maintenance trademark fee for the first ten years:
 - If the list of goods and services encompasses up to three classes of International classification of goods and services 80, 00;
 - If the list of goods and services encompasses more than three classes of International classification of goods and services, for each additional class 13, 00; and
 - For figurative element or verbal trademark with graphical solution 13, 00.
- 2) For granting, renewal, and annual maintenance of the collective mark fee for the first ten years:
 - If the list of goods and services encompasses up to three classes of International classification of goods and services 230, 00;
 - If the list of goods and services encompasses more than three classes of International classification of goods and services, fee for each additional class 13, 00; and
 - For figurative element or verbal trademark with graphical solution 13, 00.
- 3) For granting, renewal, and annual maintenance geographical indication fee:
 - for period up to five years following the day of inscription of the registered status of competent owner into the Register of the competent users of geographical indications 100, 00; and
 - For each renewal of the right on using geographical indications 100, 00.

NOTE:

- 1) Fee for renewal of the right described in this tariff number is to be paid before the beginning of a year to which the fee refers, and, the earliest, six months before the expiry of a period for which the previous fee is paid.
- 2) If the annual fee is not paid in deadline described in point 1) of this note, it can be paid in six months period following the date of expiry of deadline, increased for 50 per cent.

Tariff No. 134

- 1) For entering in the registry of representatives:
 - For legal entities 50, 00; and
 - For physical entities 25, 00.
- 2) For the renewal of the registration in the registry of representatives annual fee is paid:
 - For legal entities 40, 00; and
 - For physical entities 20, 00.

Tariff No. 135

- 1) For certificates of the data regarding registered and recognized rights on which the Official record is kept 6, 00.
- 2) For certificates of international registered trademarks, models i.e. samples on which the Official record is kept 12, 00.

Tariff No. 136

For certificate of the right to priority for intellectual property application:

- For first certificate 2, 50; and
- For each successive certificate 0, 60.

Tariff No. 137

For a request for restoring the former state registered rights in procedure before the body competent for intellectual property matters 12, 00.

Tariff No. 138

For a request for extension of the term before the body competent for intellectual property matters:

- For first request up to 30 days 4, 00; and
- For each successive request for every month of prolonging deadline 8, 00.

Tariff No. 139

- 1) For issuing certificate on registered intellectual property right 6, 00.
- 2) For issuing a photocopy of a registration certificate on registered intellectual property right 5, 00.

Tariff No. 140

- 1) For a request for termination of the validity of a trademark in case of not using 115, 00.
- 2) For a proposal for announcement of a an invalid decision for recognition of patent, petty patent, trademark, i.e. international registered trademark 115, 00.

- 3) For a proposal for announcement of a an invalid decision for recognition of geographical indications, i.e. recognition as authorized user 115, 00.
- 4) For a proposal to revoke decision on registered patent 115, 00.
- 5) For a request to revoke decision on recognition as authorized user 115, 00.
- 6) For a proposal for announcement of an invalid decision for recognition of model, i.e. sample:
 - Up to one model, i.e. sample 115, 00; and
 - For two or more model (based on multiple claim), or samples, for second and each additional model or sample 12, 00

Tariff No. 141

For a decision at the request for registration of transfer of right or license for a registered patent, petty patent, topography, trademark, model i.e. sample 10, 00.

Tariff No. 142

For a decision at the request for registration of whatever other change of the registered or recognized rights 6, 00.

Tariff No. 143

- 1) For a request for announcement of a patent application before the expiry of a term of 18 months from the day of submitting the application 12, 00.
- 2) For a request for application of trademark, i.e. model to put in urged procedure 23,00.

Tariff No. 144

For a request of registration application of a patent to be converted to a registration application of a model and vice versa 5, 00.

Tariff No. 145

- 1) For a activity license for collective implementation of copyrights and related 100, 00.
- 2) For renewal of license 100, 00.

Tariff No. 146

For a request for issuance of forced license 150, 00.

Tariff No. 147

For disposition and evidence of works and subjects of related rights 40, 00.

NOTE:

- 1) If the submitter of a claim described in this tariff number is national author, he pays fee in amount of 10 per cent of the fee prescribed by this tariff number.
 - 2) This reducing refers to the successors of the first direct heritable line.
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