

PHARE 2005
STANDARD PROJECT FICHE

1. Basic Information

- 1.1. **Desiree and Twinning Number:** PHARE/2005/017-553.03.05
- 1.2. **Title** – “Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights”
- 1.3. Sector – Company Law
- 1.4. Location – Romania
- 1.5. **Duration:** According to the 2005 Financing Memorandum (Annual)

2. Objectives

- 2.1. **Overall objective(s):** “To strengthen the enforcement of intellectual and industrial property rights under the coordination of the General Prosecutors Office”

2.2. Project Purposes

Strengthening of the capacity of institutions and the agencies engaged in protection of intellectual property rights and improvement of the horizontal cooperation between them.

2.3. Accession Partnership and NPAA priority

2.3.1. Accession Partnership

Company law

Reduce the level of piracy and counterfeiting by: i) reinforcing the administrative capacity of enforcement bodies of intellectual and industrial property rights; ii) strengthening the inter-institutional network; iii) improving coo-operation among enforcement bodies (notably the police, customs and the judiciary); iv) intensifying training for enforcement bodies including judges and prosecutors; v) ensuring proper border controls.

2.3.2. NPAA

Short-Term Priorities

- concluding a Cooperation Protocol between ORDA and the General Border Police Inspectorate;
- Organizing training programs for the personnel of the institutions involved in IPR protection and public campaigns in order to improve the general public awareness on the importance of this domain;
- Development of the information dissemination system in the field of industrial property;
- Increase the cooperation between customs administration and intellectual property rights owners and also with other institutions involved in intellectual property rights field;
- Improving the methodology of control for the uniform application of customs legislation in the field of intellectual and industrial property rights.

- Enhancing institutional and administrative capacity and increasing legislation enforcement in the field of industrial property and related matters
- Increase cooperation with administrative bodies fighting and/or monitoring counterfeiting & piracy

Medium-Term Priorities

- Developing of an IT system and especially the database in the field of industrial property rights,
- Establishing fast communication means and increasing the cooperation between Intellectual property rights owners and General Customs Administration;
- Strengthening the administrative capacity at the border and ensuring the proper enforcement of border legislation.
- Systematic introduction of new EU Directive requirements and EU trademark
- Training of all stakeholders in intellectual and industrial property matters to reduce counterfeiting & piracy (Customs, Police, judges, prosecutors, lawyers)
- Increasing interconnections of new and/or existing Registers
- Implementing new Registers when needed by the business community

Roadmap for Romania, Chapter 5 Company law

Medium term

Improved statistical reporting is necessary for the Copyright Office and the Office for Inventions and Trademarks.

To intercept counterfeit goods, further progress is needed with implementing border controls and enhancing co-operation between the different law enforcement agencies.

Strengthen the inter-institutional network to make progress in the fight against piracy and counterfeiting.

Contribution to National Development Plan: N/A

2.4. Cross Border Impact: N/A

3. Description

3.1. Background and justification

The bodies engaged in the protection of the intellectual and industrial property rights in Romania are:

The Public Ministry through the prosecutors from the prosecutor offices attached to the courts is responsible for the coordination of the police activity. In this term, the prosecutor is the person who coordinates the investigation activity which is carried out by the police officers. The prosecutor has also the legal possibility to start the criminal action, to disclose the case, to apply administrative fines based on the different circumstances of the crime and to send the case to the judge.

Regarding **The Public Ministry**, in order to fulfil the objectives mentioned in the National Strategy of IPR, ever since November 2003, **at the level of the Public Ministry**, was ordered the appointment, with a permanent character, of a **prosecutor specialized** in the field of intellectual property to co-ordinate the programme for implementing the

enforcement of the legislation in the field, who had benefited up to the present from intensive courses of specialization in the field, in the country and abroad.

Another measure was the appointment with a continuous character, of prosecutors from the prosecutor's offices attached to instances that will supervise criminal investigation in these causes and order the solutions that will be submitted to the current operative control.

In addition, following the adoption of the new set of rules on the organization and functioning of the prosecutor's offices and the Law no. 508/2004 on the establishment and functioning of the **Directorate for the Investigation of Organized Crime and Terrorism**, two specialized structures with duties in IPR field:

- **The Office for Combating Counterfeiting**, within the central structure of the **Directorate for the Investigation of Organized Crime and Terrorism**;

- **The Office for the Coordination of the Public Ministry's activity in IPR field**, within the Section for Analysis, Studies, Juveniles' Problems, Professional Training, Criminology and Intellectual Property within the Prosecutor's Office attached to the High Court of Cassation and Justice, which is provided to have in his structure 10 prosecutors.

The General Inspectorate of the Romanian Police by the Fraud Investigation Division carries on informing and operating activities and research activities on the cases of intellectual and industrial property rights infringements.

On the level of the General Inspectorate of the Romanian police there are presently assigned 52 officers specialized in the field of intellectual property with exclusive competences with permanent assignment on this field:

- inspectorates of District Police – one officer each;
- General Division of Bucharest Police – 8 officers;
- Fraud investigation Division – 2 officers.

As a result of the central and territorial organization, they could cooperate in their investigations with other officers from the fraud investigation units.

The General Inspectorate of Romanian Border Police paid special attention to the counterfeiting phenomenon in Romania, that in case of, the rate of annual increase of the forged and counterfeit goods number confiscated at EU member states' borders reached 300%, registering a positive trend at both national and international levels. The commercial profits obtained from these criminal infringements are very important.

In this respect, the activity of Combating Trans-border Crime Service is concentrated on creating, inside Combating Trans-border Crime Service, a group of officers who will coordinate the activities in these fields, produce training materials for the border police officers from territorial structures and connect the data obtained at national level for identifying the trans-border networks.

National Authority of Customs is acting on IPR field on the basis of Law no.202/2000 *on specific measures for the enforcement of intellectual property rights in customs clearance operations* and its further amendments, National Customs Code and its Regulations for Application.

At central level, within NCA - Surveillance and Customs Control Directorate was set up the Service for Combating the Counterfeit Goods, with eight customs officers.

Being organized in ten customs regions and taking into account the specific profile of each customs region, at least one customs officer has been assigned to deal with IPR issues. There are also customs officers assigned in each customs office for dealing with IPR's issues.

NCA does not have on-line access to the databases of OSIM and ORDA and all information should be requested on paper from these institutions.

The Romanian Copyright Office – ORDA operates as a specialized body under the authority of the Government, with sole competence on the territory of Romania in connection with the observance and the monitoring of the application of copyright and neighbouring rights legislation, its operating and investment costs being wholly financed from the State budget.

State Office for Patents and Trademarks – OSIM has attributions in the field of granting protection for industrial property rights and it does not have legal capability of enforcing industrial property rights. Such competencies belong to the police, prosecutor's office, customs and judiciary.

- For the purpose of more effective dissemination of industrial property information, OSIM has established 14 regional centres for the promotion of industrial property.

- Upon request, OSIM can provide logistic specialized assistance besides the regional information centres, IP attorneys associations and inventors' associations.

At the level of **law courts**, there are only IPR panels and sections within the regular courts. There is a Civil and Intellectual Property Section at the Bucharest Court of Appeal, in service since January 2005 (5 judges in 2 panels and 8 clerks) and 13 specialised judges in the field of intellectual property law, at the level of Bucharest Tribunal. Specialised panels are operational in all the 3 civil sections of the tribunal.

For the harmonization of Intellectual property system in Romania with the European standards, Romanian government has adopted ***The National Strategy in the field of Intellectual Property*** by Governmental Decision nr.1424/2003 that provides the following general **objectives**:

- intensifying application of intellectual property rights (IPR) legislation;
- assuring a real and transparency cooperation between all the institutions with duties in the field of IPR;
- improving the professional training of human resources involved in this field;
- improving the Romanian IPR legislation by implementing the *acquis communautaire*

In order to implement above mentioned strategy, the Romanian competent authorities have agreed in 2005 an *Action Plan on common measures for a more effectiveness in enforcing the IPR legislation*, for the period 2005-2007.

The Action Plan is focusing on three main goals:

- implementing the *acquis communautaire* in the field of IPR legislation;
- strengthening the administrative capacity of the authorities with duties in the field of IPR;
- Assuring an efficient coordination between the involved authorities.

An integrated approach tackling enforcement in the IPR field requires further substantial efforts. Phare assistance, as well as other public funds, could be instrumental and support Romania on its on going efforts in order to fight against piracy and counterfeiting. Thus, through ***Phare 2005*** support is needed in order to have a clear picture of the piracy and counterfeiting phenomenon, to enhance the operational effectiveness of the Public Ministry and the other agencies, to provide further training for police and customs officers, magistrates and other categories of civil servants with specific attributions to stimulate cooperation at the inter-institutional level and to launch a public awareness campaign.

The hardware which will be procured by the Phare 2005 program will complete the current IT infrastructure at the central and territorial level of the agencies by offering an **internal and external e-mail system** and network management capabilities etc.

Finally, the various information from all agencies needs a *high quality processing system necessary to allow strategic, tactic and operational analysis*. The Romanian Public Ministry should acquire software licenses on specialized technologies for data and criminal intelligence analysis.

The main functions of the analytical software should be:

- a. data collection and processing
- b. operational - investigative crime analysis process; gathering and analyzing crime information and intelligence in a timely manner (within 24 – 72 hours) to be used for operational and investigative deployment strategies.
- c. tactical analysis - an operational support process involving review and analysis of criminal record (current and past information); done in conjunction with supplementary data from multiple ancillary sources for the purpose of identifying recent, immediate and/or specific ongoing IPR crime trends, patterns, series and hotspots; as well as locating suspicious persons, developing investigative leads, case clearance, and successful prosecutorial support.
- d. strategic analysis
- e. provide analytical techniques and analytical software tools

3.2. **Linked activities**

The judiciary

- *PHARE Project RO 0107.06.01* concerning the „Upgrading and harmonization of intellectual and industrial property rights, and strengthening of implementing authorities in charge of intellectual and industrial property protection” was finalized in July 2004; among its 4 modules, it also comprised a module of training for the staff dealing with IPR issues
- Within the framework of Phare Twinning Programme between Romania and the Netherlands (RO02/IB/JH-10) – “Continuation of assistance for the development of the NIM and Training Centre for Court Clerks”, 2 seminars were organised: one in Bucharest (September 2004) with 18 magistrates attending and 9 future trainers as lecturers, and one in Sovata (May 2005) with 28 judges attending and 10 future trainers as lecturers.
- PHARE Project 2004/016-772.03.12 "Fight against organised crime – An Inter-Institutional Approach" with the overall objective reinforce the strategic, institutional and operational capacity of law enforcement structures in the fight against organised crime

Romanian Customs Administration

- Within PHARE Project RO 0107.03.01 “Enhancement of the Romanian Customs Administration enforcement function” a specific database on IPR matters was created and now it is available at national level
- Within PHARE Project RO 0107.06.01 “Upgrading Intellectual and Industrial Property Rights in Romania” have been trained customs officers, together with police officers and prosecutors.

OSIM and ORDA

OSIM and ORDA jointly benefited from two Phare programmes:

- ❖ PHARE RO0006.02-Quality Infrastructure, Sub-project RO0006.02.08 –Technical Assistance to the Romanian Copyright Office (ORDA) for the strengthening of its institutional and administrative capacity.
- ❖ PHARE RO 0107.06.01 “Upgrading and harmonization of intellectual and industrial property rights, and strengthening of implementing authorities in charge of intellectual and industrial property protection.”
- ❖ The programmes were aimed at strengthening both the institutional capacity and the quality of specific infrastructure required by IPR System in Romania.

Romanian Police

PHARE RO 0107.06.01 project -Upgrading and harmonization of intellectual and industrial property rights, and strengthening of implementing authorities in charge of intellectual and industrial property protection.”.

OLAF Investigator Workshops – regarding the identification the crimes perpetration methods which affect the European Union financial interest

CARDS regional project related to intellectual property, aimed at establishing an enhanced regional cooperation in the field of IPPR.

TAIEX Programme – Technical Unit for exchange of information and Technical Assistance from European Commission

UNESCO Programme – training in the field of intellectual property

AGIS programme - regarding the reports of irregularities that damage the financial interests of European Union and intellectual property also.

3.3. Results

Results Task 1- Institution strengthening

1. Component 1- Development of methodologies and working methods

- improving the organizational structures for an effective cooperation between the institution involved in IPR enforcement ;
- Improvement of the general legal framework for IPR, with a special emphasis on the enforcement of the IPR in Romania.
- Work flows and procedures for each institution – i.e. the description of the working relations and information flows between the The Public Ministry – Prosecutor’s Office; Ministry of Justice, Romanian Police, Border Police, Romanian, Customs Administration, ORDA and OSIM in the fight against piracy and counterfeiting.
- Development of a methodology for the estimation of the piracy rate

2.Component 2 - HR development & training

- Training plans elaborated for The Public Ministry – Prosecutor’s Office; Ministry of Justice, Romanian Police, Border Police, Romanian, Customs Administration, ORDA and OSIM
- Staff of The Public Ministry – Prosecutor’s Office; Ministry of Justice, Romanian Police, Border Police, Romanian, Customs Administration, ORDA and OSIM trained
- Know how transferred to ORDA’s staff concerning the expertise needed to undertake examination of potential counterfeit products based on modern technologies
- Evaluation of the improvement of knowledge and skills of the staff exposed to the various training stages and of the capacity to deliver quality training of the local trainers from the different institutions to be trained under this project.

Component 3 – Definition of an IT common data base for the Public Ministry – Prosecutor’s Office; Ministry of Justice, Romanian Police, Border Police, Romanian, Customs Administration, ORDA and OSIM and development of a public awareness campaign, raising the awareness of the fact that violations of IPR constitute a serious problem at different levels.

- Feasibility study elaborated
- Common data base designed for:
 - ❖ The Public Ministry – Prosecutor’s Office;
 - ❖ Ministry of Justice,
 - ❖ Romanian Police,
 - ❖ Border Police, Romanian
 - ❖ Customs Administration,
 - ❖ ORDA,
 - ❖ OSIM
- Awareness needs of target groups identified;
- Awareness mix designed, specifying:
 - the key messages addressed to each target group
 - the main media channels to be used
 - the impact assessment methods

Results Component 2 -Awareness raising

- Awareness campaign implemented

Results Component 3 - Development of an IT data base

- Equipment purchased and software application installed

Results Task 2- Procurement of additional IT equipment

- Procurement of the necessary IT equipment for the beneficiary institutions in order to effectively use the data base created

3.4. Activities

Activities Task 1 - Institution strengthening

Component 1- Development of methodologies and working methods

1.1. Design of the mechanisms for inter-institutional cooperation between the seven institutions involved. The design will start from analysing the specific functions to be performed by each of the institutions involved in IPR enforcement and defining the institutional map of organisations involved in the fight against piracy and counterfeiting. The assistance will make the necessary recommendations concerning the cooperation organisational platforms and networking with the organisations representing the industry and trade.

1.2. Revision of the legal framework

The activity will consist in carefully analysing the existing legal framework against the European legislation in the field and proposing ways of improvement. The analysis will also consider the overall implementing legislation and the enforcement of this legislation.

1.3. Improvement of the working methods

The assistance will propose and provide advice for:

- due establishment of the necessary working groups in the field of: evaluation of the piracy and counterfeit market, improving the working method for fight against crimes in the field of IPR and improvement of legal norms concerning enforcement of IPR.
- will propose clear workflows (clearly defining the institutional roles, working mechanisms between the 7 institutions involved and the corresponding information flows.
- Will develop a methodology for the estimation of the rate of piracy

1.4 Development of a methodology of estimation of the piracy rate.

Component 2 - HR development & training

2.1 Assessment of the training needs for all seven institutions

2.2 Delivery of training sessions

The training will be tailor made according to the specific needs of each of the involved institutions according to the following specification:

Prosecutors training

The training for Romanian prosecutors will be devoted to best European practices in investigating the specific crimes against the Intellectual Property Rights and will comprise 30 prosecutors, developed in 4 training sessions of 3 days each.

A module of “train of trainers” for 15-20 prosecutors will be organised.

OSIM training

A training session will be organised on specific issues pertaining to enhancing the role of OSIM, by transferring best European practices in OSIM’s field of activity.

Duration: 5 days for 20-25 persons

Ministry of Justice training

- Training of judges at the level of Tribunals, Courts of Appeal and the High Court of Cassation and Justice;

- Creation and training of a network of trainers, one trainer for every court of appeal
- Revision and editing of the jurisprudence manual drafted under 2001 Phare project and dissemination to all relevant stakeholders

3 seminars for training for judges + 1 seminar for training the trainers = 4 seminars, involving 75 judges, each seminar for 3 days (2 nights), estimated costs 60 000 euro (including the multiplication of a best practice manual)

Romanian Police training

- 104 police officers trained in the field of procedures regarding the identification of crimes against the legislation on intellectual property rights/4 working days/4 seminars;
- 104 police officers trained in the field of investigating procedures for crimes regarding the intellectual property right/4 working days/4 seminars;
- 104 police officers trained in working groups prosecutor-police servant and prosecutor- police servant, border police servant, customs workers/4 working days/4 seminars;
- 104 police officers trained in the field of procedure regarding the lifting, with the purpose of investigating it, the crime object, keeping the evidence of the warehouse, etc/4 working days./4 seminars;
- 43 police officers trained in the field of the management of actions of fight against piracy and counterfeiting/4 working days/4 seminars;
- a train the trainers module for 15-20 police officers who will further act as trainers

Customs training

The training will consist in the delivery of 10 seminars of two days each for the staff of the customs, consisting in curricula specific to the best European practice in fighting criminality in the field of Intellectual Property Rights.

ORDA

Intensive training of ORDA's staff regarding the technical expertise on goods suspected of infringing an intellectual property right and the issue of an expert opinion – addresses to 15-20 experts from ORDA, for 1 week duration.

Component 3 – Definition of an IT common database and awareness campaign

- Elaboration of an IT feasibility study
- Design of a common data base for:
 - ❖ The Public Ministry – Prosecutor's Office;
 - ❖ Ministry of Justice,
 - ❖ Romanian Police,
 - ❖ Border Police, Romanian
 - ❖ Customs Administration,
 - ❖ ORDA,
 - ❖ OSIM
- Assessment of the awareness gaps regarding the IPR infringements
- Design of a public awareness campaign that violations of IPR constitute a serious problem at different levels, and they are not acceptable nor legitimate practices

This component is devoted to preparing the necessary specification for the implementation of the Tasks 2 and 3, for securing a proper contracting of the TA Service Contract and of the supply Contract for IT equipment.

Activities Component 2- Awareness raising

Implementation of awareness campaigns this activity will be implemented by a specialised provider of services based on the Terms of reference designed under task 1.

The awareness raising will be focused on key awareness issues like:

- ❖ health risks relating to consumption of fake medications,
- ❖ health risks relating to fake food or drinks;
- ❖ security risks relating to use of fake car parts or fake electrical appliances;
- ❖ possible loss of foreign investment due to bad international reputation in the protection of IPRs;
- ❖ link of entities responsible for violations of IPR with organised crime networks;
- ❖ harm caused to the right-holders, etc

Activities Component 3 - Development of an IT data base

Procurement of the necessary IT equipment will be achieved based on the technical specifications to be designed under Task 1 based on a supply contract. The data base should consider connectivity with the main applications of the Ministry of Administration and Interior (ex. INTERPOL; WANTED, People IT Evidence,) and IPR 4.

Task 2- Procurement of additional IT equipment

In order to ensure the proper function of the IT data base developed under Task 2, Component 3 of the project, 0.50MEuros have been allocated for all additional necessary equipment that the beneficiary institutions might need. The list of equipment that will be purchased will be identified during the needs assessment module carried out by the twinning partners for the development of the IT data base under the twinning contract.

3.5. Lessons learned

It is mentioned in the EC Regular Report that despite recent attempts to strengthen administrative structures and to improve cooperation between general law enforcement agencies, this remains a serious problem and the enforcement of intellectual and industrial property rights is a particular concern. In order to be ready for membership, particular attention should be paid to the effective enforcement of industrial and intellectual property rights by reducing the level of piracy and counterfeiting, in particular through strengthening border controls and improving coordination between competent authorities, including customs, police and judiciary.

In June 2005, the European Commission issued the early warning letter regarding the further improvement need to be made as regards our country preparation for accession. It was drawn the attention to some areas which are cause of serious concern and require urgent remedial action from Romanian authorities. Thus, at chapter 5 – Company law:” *implementation and enforcement of the intellectual property rights, in particular as regards the fight against piracy and counterfeiting*”. The Romanian authorities issued a Monitoring table with remedial actions regarding the areas highlighted in the early warning letter.

Final Report of Phare RO 0107.06.01 “Upgrading and harmonization of intellectual and industrial property rights, and strengthening of implementing authorities in charge of intellectual and industrial property protection”: **Point 7 “General Conclusions of the project”**:

“It should be asked for an active support for creating an IP data base and for the dissemination of the information. This promoting area needs time, high technical resources and to achieve the results, needs financial support; by consequence, it should be drafted a project and it should be asked for EU financial and technical assistance in this field.

One of the principal interest area is the total lack of information and understanding the importance to protect the IP and the effect of this matter on the national economy. I repeat, in this order, it should be organized a public awareness campaign. This campaign should address to the large public, but in particular to the young people from schools and universities. It should be elaborated and presented to the EU a technical and financial support proposal. A Coordination Committee should play a major role in assisting the elaboration of this project.”

The Patent Office has developed a database containing information for all objects of industrial property for which protection is already granted or applied for. This database can be used in the establishment of a information framework between the different institutions.

Phare 1999 *Strengthening the independence of the Judiciary and the Ministry of Justice* (EURO 2 000 000). The twinning project includes completion of reforms at all levels including improved operation of the judicial system such as court administration, training for the judiciary in community law and its application and reinforcement of the professional skills of members of the judiciary. Investment part for three pilot courts in Sofia is also foreseen.

4. Institutional Framework

Implementing Authority:

PIU established within the Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice

Bdul Libertatii, no. 14, sector 5, Bucharest

The Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice is the main body responsible for the overall management of the programme as well as the Implementation Authority. When developing and implementing the projects the Public Ministry will closely co-operate with the main institutions involved in the process of enforcement of the Intellectual Property Rights in Romania, particularly with the Ministry of Justice, Romanian Police, Border Police, Romanian Customs Administration, ORDA, OSIM, and other relevant institutions, according to their profile of activity.

The main pillars of the mechanism will be:

The Steering Committee (SC)

A steering committee will be set up. The SCs will be responsible for the technical co-ordination between the programme and the other activities undertaken under the Phare horizontal programme and other possible donors in the field of IPR enforcement covered by the programme. The SCs will endorse proposals made for preparing, organising and conducting all aspects of the work under this programme. The SCs will ensure through working groups a proper co-ordination among the various actions foreseen to be undertaken under this project, as well as systematic information of all parties on the work achieved.

The Steering Committee will consist of the following members:

- ❖ The Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice;
- ❖ Ministry of Justice,
- ❖ Romanian Police,
- ❖ Border Police, Romanian
- ❖ Customs Administration,
- ❖ ORDA,
- ❖ OSIM

The chairman of the SC will be **Gabriela GHITA**, Deputy of the General Prosecutor of the Prosecutor Office attached to the High Court of Cassation and Justice.

The technical secretariat of the above mentioned Steering Committee is assured by the programme implementing unit (PIU) of the the Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice.

The Working Groups (WG’s)

The WG’s established by the Steering Committee and chaired by the the Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice will consist of representatives from the National Institute of Statistics and of the represented bodies for each component, upon the case.

Contact point from the Public Ministry

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4. Detailed Budget MEuro

Project Title	Phare Support		Total Phare (=I+IB)	National Co-financing	IFI	TOTAL
	Investment Support	IB				
<i>Task 1 Institution strengthening</i>	-	2.00	2.00		-	2.00
<i>Component 1- Development of methodologies and working methods</i>						
<i>Component 2 - HR development & training</i>						
<i>Component 3 – Definition of an IT common database and awareness campaign</i>						
Task 2 Procurement of	0.50		0.50	0.17		0.67

additional IT equipment						
TOTAL	0.50	2.00	2.50	0.17		2.67

(*) contributions from National, Regional, Local, Municipal authorities, IFIs loans to public entities, funds from public enterprises

(**) private funds, IFIs loans to private entities

6. Implementation Arrangements

6.1. Implementing Agency

The Central Finance and Contracts Unit, Ministry of Public Finance (CFCU) will be the *Implementing Agency*, and will be responsible for overseeing the procedures applied, as well as for contracting, payments and financial reporting (Programme Authorising Officer).

Contact details of CFCU:

Title: Programme Authorising Officer
PAO name: Mrs. Carmen Rosu
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Telephone: 040-021-3268733
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Implementing Authority:

Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice
Bdul Libertatii, no. 14, sector 5, Bucharest

Steering Committee

A Steering Committee will be responsible for the monitoring, supervision and coordination of the overall progress and project implementation.

6.2. Twinning

Task 1 will be implemented through twinning with one or more Member States. In all the twinning projects, the success in delivering a guaranteed result will depend on the coherence of a number of successful inputs, the continuity of those inputs and steady progress. In case if no suitable twinning proposal is forthcoming, this component of the project will be implemented through conventional technical assistance.

The twinning will include a Member State Project Leader, who will continue to work in his/her Member State administration but at the same time will conceive, supervise and coordinate the overall thrust of the project. He/She will be complemented by at least one full-time Member State expert - (RTA). The RTA will work on a day-to-day basis with the beneficiaries and accompany the implementation of the twinning project.

The tasks of the RTA are as follows:

The resident RTA will be responsible for ensuring the delivery of the results of the project, identified in section 3.3. The RTA will be based at the Prosecutor’s Office attached to the

High Court of Cassation and Justice, though the project may involve frequent field visits throughout Romania.

- participating in needs analysis exercise for legal and institutional framework, equipment requirements.
- assisting in the drafting of legislation, if necessary.
- professional support in the project implementation in close co-operation with the beneficiaries and the national project leader.
- advising on matters of technical implementation.
- methodological support in evaluation and analysis of data.
- support the organizational development related to the IT technologies and the security systems.
- implementation of training programmes.
- co-ordination and supervision of the assistance of the short- and medium-term experts.
- overall monitoring of the implementation of the project.

Required inputs of RTA:

The twinning institution has to be well acquainted the system of enforcement of the intellectual property rights. The twinning institution must be closely linked to, or preferably be within the structures of the governmental administration of an EU Member State.

The RTA should correspond to the following job description:

- highly qualified expert with a long experience in the system of enforcement of the intellectual property rights. Preference would be given to a person with legal background.
- knowledge about the Romanian system of intellectual property rights will be an advantage.
- excellent expert and analytic skills.
- fluency in English language.
- computer literacy
- high communication skills.

Short- and medium-term experts

Areas not directly covered by the RTA should be taken over by one short-term experts with special regard to:

- advise in matters of technical implementation
- methodological support in evaluation and analysis of data
- implementation of training programmes

The concrete assignments and further topics will be a subject to the preparation of the technical covenant and the recommendations.

ANNEXES TO PROJECT FICHE

1. Detailed implementation chart
2. Contracting and disbursement schedule, by quarter, for full duration of project (including disbursement period)
3. Logframe

ANNEX 1- DETAILED TIME IMPLEMENTATION CHART

	2005						2006												2007												2008														
calendar months	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D			
Activities																																													
Task 1						D	C	C	C	C	C	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I															
Task 2																D	D	D	D	C	C	C	C	C	C	C	I	I	I	I	I	I													
Task 3																D	D	D	D	C	C	C	C	C	C	C	I	I	I	I	I	I													
	<div>D = Design</div> <div>C = Contracting</div> <div>I = Implementation</div>																																												

ANNEX 2

CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (2.50 MEURO)

DATE:

	31/03/06	30/06/06	30/09/06	31/12/06	31/03/07	30/06/07	30/09/07	31/12/07	31/03/08	30/06/08	30/09/08	31/12/08
CONTRACTED (Component)			1,5		2,5							
DISBURSEMENT (Component)				0,9	1,0	2,0	2,2	2,5				

NB: 1. All contracting should normally be completed within 6-12 months and **must** be completed within 24 months of signature of the FM.
 2. All disbursements **must** be completed within 36 months of signature of the FM.

ANNEX 3. Log frame

LOGFRAME PLANNING MATRIX FOR <u>“INTELLECTUAL PROPERTY RIGHTS”</u>		Programme name and number	
Name of the project		Contracting period expires: Dec. 2005 – Dec. 2007	Disbursement period expires: <i>Dec. 2005 – Dec. 2008</i>
“Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights”		Total budget: 2.67 MEURO	Phare budget 2.50 MEURO
Overall objective	Relates to Copehagen criterion and acquis chapter	List of other projects with same objective	
To strengthen the enforcement of intellectual and industrial property rights under the coordination of the General Prosecutors Office			
Project purpose Purpose Strengthening of the capacity of institutions and the agencies engaged in protection of intellectual property rights and improvement of the horizontal cooperation between them. To be achieved by the following tasks: Task 1 Institution strengthening Awareness raising Task 2 Procurement of additional IT equipment	Objectively verifiable indicators OVI Task 1 Better performance of the staff of the implied institutions reflected in the year performance evaluations Improved co-operation in the field : - Established and functional SC - Established and functional WG % of population aware of the piracy and counterfeit issues % of improved knowledge of the IPPR issues Improved predictability of the piracy phenomena Increased number of detected breaches of Intellectual property rights OVI Task 2 Enhanced infrastructure for running of the IT application developed under Task 1	Sources of Verification National statistics International statistics Sectoral reports EU monitoring reports in the field Twinning Reports Interim Evaluation Reports Monitoring reports	Assumptions Continuation of the Romanian Government commitment to addressing this specific issue and allocation of the necessary resources Good collaboration between Romanian and international institutions Timely adoption and implementation of the new legal provisions in the field
Results	Objectively verifiable indicators	Sources of Verification	Assumptions

<p>Results Task 1- Institution strengthening</p> <p>Component 1- Development of methodologies and working methods</p> <ul style="list-style-type: none"> - Organizational structures for effective cooperation between the institution implied in place; - Conclusions and recommendations for improvement of the legal framework - Work flows an procedures for each institution established - Methodology for estimation of the piracy rate <p>Component 2 - HR development & training</p> <ul style="list-style-type: none"> - Training plans elaborated - Staff trained - Know-how transferred to ORDA staff - evaluation of training and ToT <p>Component 3 – Definition of an IT common data base and awareness campaign</p> <ul style="list-style-type: none"> - Feasibility study elaborate - Common data base designed, created and implemented - Awareness needs of target groups identified; - Awareness mix designed <p>Awareness campaign implemented</p> <p>Development of an IT data base</p> <p>Equipment purchased and</p>	<p><i>OVI Task 1</i></p> <p><i>Component 1</i></p> <p>Workflows (for each of the concerned institutions)</p> <p>Relationship diagrams for inter-institutional cooperation</p> <p>Cooperation structures and procedures</p> <p>Working groups established</p> <p>Legal norms revised/defined</p> <p>Methodology for evaluation of the piracy and counterfeit market</p> <p>Set of indicators for measuring the piracy and counterfeit market</p> <p><i>Component 2</i></p> <p>TNA for each of the institutions</p> <p>30 prosecutors trained</p> <p>4 sessions for prosecutors</p> <p>104 police officers trained in various topics</p> <p>43 police officers trained in management of the piracy fight</p> <p>5 seminars x 4 sessions for each subject held for police officers</p> <p>30 custom officers trained</p> <p>10 seminars for Customs</p> <p>15-20 ORDA staff trained</p> <p>75 judges trained</p> <p>3 seminars for judges</p> <p>OSIM staff trained 30 officers from Border Police trained</p> <p>1 seminar x 2 sessions</p> <p>Manuals for all the training progr.</p> <p><i>Component 3</i></p> <p>Structure of the data base</p> <p>Terms of reference for equipment supply</p> <p>Terms of reference for the awareness campaign TA contract</p>	<p>National statistics</p> <p>International statistics</p> <p>Sectoral reports</p> <p>EU monitoring reports in the field</p> <p>Twinning Reports</p> <p>Interim Evaluation Reports</p> <p>Monitoring reports</p> <p>Projects reports</p> <p>Protocol of acceptance for the supply component:</p>	<p>Good collaboration and synergy between all involved institutions</p> <p>Open access and information of all stakeholders to the relevant information</p> <p>Low level of staff turnover in the beneficiary institutions</p> <p>Adequate resources made available by beneficiary institutions to allow maximum benefit from the project results</p> <p>For the supply component: the equipment are correctly identified</p> <p>the acquisition procedure is finished in time</p> <p>the equipment are delivered in time</p>
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software application installed	No of spots No of events Coverage (%) of targeted population Data basis fully operational Access of all the 7 institutions involved		
Task 2 Procurement of additional IT equipment	OVI Task 2 Supply Equipment are in place Staff of the institutions trained in use and maintenance of the equipments		
Activities	Means		Assumptions
Activities Task 1 - Institution strengthening Component 1- Development of methodologies and working methods 1.1 Design of the mechanisms for inter-institutional cooperation between the seven institutions involved. 1.2 Revision of the legal framework 1.3 Improvement of the working methods 1.4 Design of the methodology for piracy estimation Component 2 - HR development & training 2.1 Assessment of the training needs for all seven institutions 2.2 Delivery of training sessions Component 3 – Definition of an IT common data base and	Task 1 will be implemented through a Twinning Covenant of 2 MEURO Task 2 will be implemented through a Supply contract of 0,5 MEURO		Availability of the institutions' staff to participate in the project activities Effective involvement and active participation of the key decision makers in the 7 institutions in the project implementation An adequate offer for twinning will be received by the beneficiary. <u>In case no offer or non compliant offer will be received the twinning will be transformed into a Technical Assistance component</u>

awareness campaign 3.1 Elaboration of an IT feasibility study 3.2 Design of a common data base 3.3 Assessment of the awareness gaps 3.4 Design of the awareness campaign Awareness raising Implementation of awareness campaigns Activities task 2 - Procurement of additional IT equipment			

