

Standard Summary Project Fiche

1. Basic Information

- 1.1. Desiree Number BG 0201.07
Twinning code: BG02/IB-FI-02
- 1.2. Title – **Developing of national cooperation and information exchange network for protection of intellectual and industrial property rights**
- 1.3. Sector – Company Law
- 1.4. Location – Republic of Bulgaria

2. Objectives

2.1. Overall objective(s): Improvement of the cooperation between the executive institutions and the bodies engaged in protection of intellectual property rights.

2.2. Project Purpose

- Improvement of the coordination between the bodies engaged in protection and the enforcement institutions;
- Establishing of national information system between the separate administrations for the purpose of information exchange in the sphere of intellectual and industrial property;
- Prompt, timely, effective and transparent protection of the intellectual and industrial property rights;
- Interception of the violations at the border;
- Public access to the Patent Office and Ministry of Culture database in compliance with the Bulgarian legislation;
- Achieving a good qualification and training level of the employees, working in the enforcement institutions and the bodies engaged in protection of intellectual property rights, adequate to this in EC;

2.3. Accession Partnership and NPAA priority

2.3.1. Accession Partnership 2001

Company law

In need of particular urgent action: Enhance the enforcement of industrial and intellectual property rights, with the emphasis on the fight against piracy and counterfeiting and strengthening border control measures. Improve co-operation among enforcement bodies; intensify training for enforcement bodies including judges and prosecutors.

2.3.2. NPAA

- Efficient enforcement of the Copyright and Related Rights Law in force and the relevant provisions of the Criminal Code /Art. 172 A(1-5), Art.173(1)Art. 174/ for the purposes of continued ensuring of appropriate level of IPR protection, with emphasis on prevention and fight against IPR piracy?
- To determine an optimal way for regulating the sui generis right of the makers of database and its incorporation into the national legislation.
- To ensure improved efficiency of the collective rights management

- Exercising current control over the use of items, subject-matter to copyright and related rights, licensing of the CD and CD matrixes producers
- To ensure the effective enforcement of the border control measures in order to prevent IPR infringements.
- To step up the co-ordination between the IPR enforcement bodies
- Efficient implementation of the Law on Marks and Geographical Indications, the Law on Industrial Design and the Law on Topology of Integrated Circuits and the relevant provisions of the Criminal Code
- To ensure the effective application of the border control measures

Contribution to National Development Plan (NA)

2.4. Cross Border Impact (NA at this stage)

3. Description

3.1. Background and justification

As a candidate – member for the EU and a member-state of the World Trade Organization, the Republic of Bulgaria makes all possible efforts towards strict fulfillment of the obligations taken under the Association Agreement and the TIPS Agreement, incl. implementation into the national legislation of the provisions concerning border control measures for intellectual and industrial property rights protection. The first step made along these lines is the new Trademarks and Geographical Designations Act, the Law on Industrial Design, the Law on Topology of Integrated Circuits, as well as the adopted amendments in the Law on Copyright and Related Rights. These legislative acts provide for the methods of protection and enumerate the types of violations.

The specialised bodies engaged in the protection of the intellectual and industrial property rights in the Republic of Bulgaria are the Ministry of Interior, the National Customs Agency, the Patent Office and the Ministry of Culture.

The Ministry of Interior administration accomplish its' activities in compliance with the requirements of the Law on Copyright and Related Rights, the Law on Trademarks and Geographical Designations, Penal Code and Penal Procedure Code. In relation to this structural units of the Ministry of Interior are established in the whole country and in the Economical Police sections officers are assigned for dealing with this specific subject - matter. In compliance with the Penal Procedure Code they accomplish police investigation on crimes related to illegal usage of intellectual and industrial property rights – arts. 172A, 173, 174, 227 and 227A Penal Code.

For a first time with the adoption of LTGD, LID and LTIC and the amendments in LCRR new, enhanced legal rights are assigned to the customs authorities in the sphere of prevention and disclosure of cross border intellectual piracy. In more details the execution of these rights, as well as their precise contents and consequences are regulated in the Regulation on Border Measures for Protection of Intellectual Property Rights, adopted by Council of Ministers Decree N 249/2000. This legislative act, as it is already established in practice cannot be considered exhaustive as the regulation of the legal rights of the customs authorities are concerned.

As it was already indicated, the legislation in the sphere of the intellectual property was to a great extent harmonized with the EC legislation, but as a main problem can still be identified the implementation of the legal rights and their protection. The coordination between the state authorities, responsible for the rights' protection and the enforcement institutions – courts, Ministry of Interior, the National Customs Agency is still not sufficiently effective. There is no legal

framework for its' functioning, as well as clear rules and cooperation structures, it is established predominantly on the practice.

On the other hand the enforcement authorities do not have access to the database of the Patent Office and the Ministry of Culture and as a result of this in every separate case of violation the information should be requested from these institutions, which causes delay and prolongation of the process of rights' protection. In relation to this should be mentioned that the Patent Office has at its' disposal database containing all objects of industrial property, for which applications are submitted or protection is already granted – trademarks, geographical designations, industrial design, topologies of integrated circuits, patents, plant varieties and animal breeds. The Ministry of Culture has a paper database concerning:

- Rights on reproduction and distribution of audio and audio-visual records;
 - Contracts for production of material carriers, containing objects of copyright and related rights;
 - Production of audio and audio-visual carriers, containing objects of copyright and related rights;
- The National Customs Agency do not have at its' disposal database, containing information concerning the objects of protection.

The enforcement institutions and the authorities engaged in the protection do not have mutual access to the existing databases. The establishing of a integrated national system of databases incorporating the database of the Patent Office and the Ministry of Culture, to which the enforcement institutions have access, will contribute substantially to enhancing the efficiency of the regular control for observing the legislation in force, will also be helpful in the activities for prevention of violations and last, but not least will lead to prompt, timely and effective protection in case of violations of intellectual property rights. For the purpose of prevention the accomplishing of violations in the Patent Office web page should be incorporated the database containing all the objects of industrial property, which will provide public access to the Patent Office information regarding registered trademarks, industrial designs, geographical designations and protected patents and in this way the natural and legal persons will be kept informed about the objects, concerning the protection of which a violation can be accomplished. For the purpose of effective realization of the activities mentioned it is particularly necessary the qualification of the officers from the enforcement bodies to be improved. The coming into existence of new objects of protection, new forms of material products, as well as new types of violations require the specialists to be aware of the latest achievements in the European theory and practice in the sphere of the intellectual property. The lack of special knowledge on this subject-matter causes delay in the process of disclosure and stating the violations, and in some of the cases also leads to stating that no violation has been accomplished. In relation to this it is necessary the experts in the enforcement bodies to be trained by Bulgarian and international experts by means of courses, seminars, study visits, experience exchange and consultations.

3.2. Linked activities

- 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.

Phare 2000 *Strengthening the Public Prosecutor's Office* (EURO 3 000 000). The project is aimed at prosecutor's offices at central, regional and local levels to improve their capacity to combat organized crime and corruption, and to improve the interagency co-operation in the area. Investment component for introduction of modern information technologies in the system of the prosecution is envisaged by the project.

Phare 2001 *Recruitment and training strategy for the Judiciary* (EURO 2 000 000). This project aims at improving the system for selection, professional development and qualification for the magistrates and for professional development of clerical staff in the judicial institutions.

PHARE 1998: *Harmonisation of Bulgarian Customs Legislation* (EURO 1 000 000).

Twinning project implemented with German Customs Administration. Project aims to harmonize Bulgarian legislative and regulatory acts regarding customs matters with EU directives and regulations.

PHARE 1998: *Implementation of Bulgarian Integrated Customs Information System* (EURO 1 000 000)

PHARE 1998 *Reinforcement of Customs Border Control*: (EURO 1 100 000). The project has been contracted with the Eurocustoms Consortium. Eurocustoms has delivered a Border Control Strategy which details the border posts to be procured with additional control equipment throughout 2001.

Phare 1999 *Institutional Strengthening of the **Bulgarian Border Police***: (EURO) 3 000 000) To strengthen border management in Bulgaria by introducing operational standards and practices for the Bulgarian Border Police, based upon the best practices of border management in the EU through Twinning.

3.3. Results

- Analysis of the legislation in force in the sphere of intellectual and industrial property for the purpose of updating and improving particularly a new regulation to be adopted providing for the opportunity memoranda for understanding to be concluded regulating the legal framework for cooperation between the enforcement institutions and the protection authorities;
- Improving the legislation in force concerning the customs control on the border and in the internal customs offices for the purpose of establishing an additional barrier against the traffic in pirate and counterfeit goods;
- Establishing structural units in the enforcement institutions on a central and regional level engaged in protection of intellectual property rights;
- Providing resources and personnel for the mentioned structural units by means of employing new officers in the providing protection and enforcement agencies and improving officers' qualification;
- Providing legislative basis for and establishing a system for operative information exchange between the Patent Office, the Ministry of Culture and the enforcement institutions;
- Integrate, analyze and distribute the information, received in the central structures of the intellectual property rights institutions;
- Memoranda for cooperation and mutual assistance with trade and other non-governmental organizations;
- Public access to the Patent Office and the Ministry of Culture databases in compliance with the legal requirements.

3.4. Activities

Subproject 1 – Establishing of a legal framework for the cooperation between the enforcement institutions and the protection providing bodies.

EC member – expert survey of the Bulgarian legislation in force in the sphere of intellectual and industrial property;

Working out of recommendations, resulting in drafting of a legislative act;

Concluding of memoranda for understanding between the enforcement institutions – their particular activities, the contact methods, the information rights;

Subproject 2 – Specialized training in the sphere of protection of intellectual and industrial property rights.

Needs analysis of training the personnel of the enforcement institutions and the bodies, providing protection in the sphere of intellectual and industrial property;

Working out of recommendations on training programs as a part of the state officers training system of the Public Administration and European Integration Institute to the Council of Ministers and the future magistrate training public institution, aiming at training of judges, prosecutors, investigators and officers, working in the judiciary system;

Working out of training programs;

Working out and providing of training materials;

Officers training:

1. Training of officers working at the Patent Office, Copyright and Related Rights Directorate and the Ministry of Culture, dealing with registration of intellectual and industrial property rights and working out of expert opinions;
2. Train-the-trainers course for officers, who will form a structural unit for interested agencies officers' training;
3. Training of officers working in the National Customs Agency, the Ministry of Interior (National Service for Fight against Organised Crime and the Economical Department to the National Police service);
4. Training of officers, working with specialised software;

Public Administration and European Integration Institute experts shall deliver the training.

Subproject 3 – Setting up of national information system between the institutions for information exchange in the sphere of intellectual and industrial property.

Awareness and analysis of the existing institutional database, evaluation on it's usability and compatibility with a future national system.

Working out of recommendations concerning establishment of such system.

Working out of the system "architecture" – technical specifications and hardware.

Working out of the system software (Annex 4).

3.5. Lessons learned

It is mentioned in the EC Regular Report that the basic challenge is to enhance the administrative capacity and to strengthen the cooperation between the different bodies, responsible for the law implementation in the sphere of intellectual and industrial property, as well as to achieve the rights to be executed in an effective, timely and transparent way in order to guarantee efficacious rights' protection. Concerning the rights' execution it is necessary to be noted that the constant trade in

pirate discs and software indicates the existence of a gap in the law and contradiction between its wording and implementation.

Further efforts should be directed towards more effective cooperation between the enforcement institutions (court system, police, customs) and the border control. The training of enforcement institutions officers, incl. judges and prosecutors should be intensified.

3. Institutional Framework

- A Steering Committee is established on managerial and expert level (on one hand deputy ministers and/or directors of directorates and on the other hand experts from the relevant institutions)

Managerial level – Director of National Customs Agency – Mr. Emil Dimitrov, Deputy Minister of Interior – Mr. Boyko Kotzev, Deputy Minister of Justice – Mr. Sevdalin Bojkov, Deputy Minister of Culture – Mr. Rumen Dimitrov, President of the Patent Office – Mr., Mircho Mirchev;

Expert level – National Customs Agency – Mrs. Rossina Ivanova, National Service for Fight against Organized Crime – Mr. Boiko Nikolov, Mr. Stoicho Ivanov, National Police Service – Economical Department – Mr. Kiril Vladimirov, Ministry of Justice – Mrs. Snejana Maleeva, Mrs Marija Nikolova, Ministry of Culture – Mr. Bogomil Djidrov, Mr. Petar Miladinov, Mr. Blagovest Metodiev, Patent Office – Mrs. Mariana Rasheva, Mr. Petar Kalpakchiev, Mr. Lyudmil Dimitrov, the Public Administration and European Integration Institute experts;

- Project leading institution shall be the National Customs Agency;
- Project leader – Director of the National Customs Agency
- The beneficiary institutions shall be:
 - National Customs Agency,
 - Ministry of Interior (National service for Fight against Organized Crime, National Police Service – Economical Department),
 - Ministry of Justice,
 - Ministry of Culture,
 - Patent Office.
- The project results shall lead to establishing of new structural units in the Ministry of Interior and the National Customs Agency, engaged exclusively with intellectual property rights violations.

4. Detailed Budget

| | Phare Support | | | | | |
|----------------------|--------------------|----------------------|---------------------|-----------------------|-------|------------------|
| | Investment Support | Institution Building | Total Phare (=I+IB) | National Cofinancing* | IFI * | TOTAL |
| Contract 1 Twinning | | 800 000 | 800 000 | | | 800 000 |
| Contract 2 Equipment | 300 000 | | 300 000 | 100 000 | | 400 000 |
| Total | 300 000 | 800 000 | 1 100 000 | 100 000 | | 1 200 000 |

If the total cost of the project is greater than the amount envisaged in the project fiche, the extra support required will be provided by additional national co-financing. The additional national co-

financing will be provided by either allocating extra national funds to conclude a contract with the contractor proposed further to the completion of the procurement process following the Practical Guide to Phare, Ispa and Sapard Contract Procedures, or increasing of the cost of the on-going Phare financed contract via an addendum.

Under the first contract a twinning within the framework of 800 000 EUR is provided for.

Under the second contract it is provided for hardware, developing of software and the necessary technical equipment.

The hardware, provided for on the basis of the project, will be divided between the following agencies: National Customs Agency, Ministry of Interior (National Service for Fight against Organized Crime, National Police Service – Economical Department), Ministry of Culture, Ministry of Justice and Patent Office. After analysis of the existing base and the necessity of technical equipment for every beneficiary agency the detailed specifications will be worked out. For the purpose of the information network normal functioning it is advisable within the framework of 1 year the system to be maintained by the constructing experts and also specialists from the beneficiary agencies to be trained with regard to its further maintenance. Within the planned budget it is provided for developing of software and the relevant technical equipment, necessary for the information system functioning.

5 . **Implementation Arrangements**

6.1. Implementing Agency

PAO is the Deputy Minister of Finance

Project leader is the Director of the National Customs Agency – phone: 00359 2 9859 4443

The Central Financing and Contracting Unit (CFCU) in Sofia has the responsibility for the implementation of this project. It will be responsible for tendering, contacting, payments and financial reporting. E-mail: cfcu@tecno-link.com.

The CFCU will work closely together with the beneficiaries National Customs Agency, in particular with the Project Management Team. Technical specifications for equipment and the TORs for the TA sub-projects will be elaborated by the joint task force for the implementation of the project and EU nominated experts. The experts will be expected to participate in any tender evaluation boards.

Contact person for the implementation of the twinning will be: Rossina Ivanova, phone: 00359 2 9859 4245, E-mail: Rossina.Tzarvoulanova@customs.government.bg

6.2. Twinning

Part of the project 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 -Pre-Accession Advisor (PAA). The PAA will work on a day-to-day basis with the beneficiaries and accompany the implementation of the twinning project.

The tasks of the PAA are as follows:

The resident PAA will be responsible for ensuring the delivery of the results of the project, identified in section 3.3. The PAA will be based at the National Customs Agency, though the project may involve frequent field visits throughout Bulgaria.

- participating in needs analysis exercise for legal and institutional framework, equipment requirements.
- assisting in the drafting of legislation.
- running training programmes for operational staff, administrative staff and managers.
- 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 PAA:

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 PAA 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 Bulgarian system of intellectual property rights will be an advantage.
- excellent expert and analytic skills.
- fluency in English and any other EU MSs language.
- computer literacy
- high communication skills.

Short- and medium-term experts

Areas not directly covered by the PAA should be taken over by 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.

6 . Implementation Schedule (NA at present)

- 6.1 Twinning selection round – 09. 2002
- 6.2 Choice of the twinning – partner – 2002 – 4th quarter
- 6.3 Start of project activity – 2003 – 1st – 2nd quarter
- 7.3 Project Completion – 2005 – 2nd – 3rd quarter

7 . **Equal Opportunity (NA)**

8 . **Environment (NA)**

9 . **Rates of return (NA)**

10 . **Investment criteria (NA)**

11 . **Conditionality and sequencing**

The signing of the Memorandum of Understanding between the National Customs Agency, Ministry of Interior (National Service for Fight against Organized Crime and National Police Service - Economical Department), Ministry of Justice, Ministry of Culture and Patent Office specifying their responsibilities for the project implementation is a prerequisite.

ANNEXES TO PROJECT FICHE

- 1. Logical framework matrix in standard format (compulsory)
- 2. Detailed implementation chart (compulsory)
- 3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
- 4. Reference to feasibility / pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (compulsory)
- 5. List of relevant Laws and Regulations (optional)
- 6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc) (optional)

A N N E X 4

The enforcement bodies in the sphere of intellectual property protection are the National Customs Agency and the Ministry of Interior – the National Service for Fight against Organised Crime and the Economical Department of the National Police Service. These bodies do not have access to the database of the Patent Office and the Ministry of Culture and as a result of this in every separate case of violation the information should be requested from these institutions, which causes delay and prolongation of the process of rights' protection.

In the Ministry of Interior there is no specialised information system worked out, responding to the present project needs. Only the specialised units in the framework of the Ministry of Interior have access to the existing information due to its specific character.

The Ministry of Justice do not have database responding to the project purposes.

The Patent Office has an electronic database containing all objects of industrial property already granted protection or applied for - trademarks, industrial designs, geographical designations, patents, integrated circuits topologies, plant varieties and animal breeds, but this database is not enough for the project purposes.

The Ministry of Culture do not have an electronic database at its' disposal. The information is on paper.

To the present moment the National Customs Agency also do not have at its' disposal database, containing information concerning the objects of protection.

The existing database and the information system BIMIS are not suitable for the project purposes, because they compile and file other kind of information.

The enforcement institutions and the authorities engaged in the protection do not have mutual access to the existing databases.

With regard to the abovementioned the establishing of an integrated national database system is essential as well as working out of specialised software and providing the necessary technical equipment.

Imperative requirement concerning the software will be the providing of specific level of access to the existing information in compliance with specific features and requirements of all the agencies, pointed at in i. 4 of the present project.

As a the result of the analysis of the existing technical equipment condition a conclusion is made that hardware and the relevant technical equipment should be provided for all the interested agencies.

After working out of analysis concerning the existing base and every agency's technical equipment needs detailed specifications will be prepared.

ANNEX 5

LIST OF RELEVANT LAWS AND REGULATIONS

1. Penal Code
2. Penal Procedure Code
3. Law on Trademarks and Geographical Designations
4. Law on Industrial Design
5. Patent Act
6. Law on Topology of Integrated Circuits
7. Law on Copyright and Related Rights
8. Law on Culture protection and development
9. Law on Administrative Procedure
10. Law on Administrative Violation and Penalty
11. Law on Plant Varieties and Animal breeds
12. Regulation on Border Measures for Protection of Intellectual Property Rights, adopted by Council of Ministers Decree N 249/2000
13. Council of Minister Decree ? 87/96

| | | |
|--|--|--|
| LOGFRAME PLANNING MATRIX FOR Project | <u>Programme name and number</u> | |
| Developing of national cooperation and information exchange framework for protection of intellectual and industrial property rights | Contracting period expires | Disbursement period expires |
| | Total budget: 1 200 000 Euro | Phare budget: 1 200 000 Euro |

| <i>Overall objective</i> | Objectively verifiable indicators | <i>Sources of Verification</i> | |
|--|---|---|---|
| Improvement of the cooperation between the executive institutions and the bodies engaged in protection of intellectual property rights. | Improving the protection in cases of violations concerning intellectual property | <u>Criminal statistics</u> | |
| <i>Project purpose</i> | Objectively verifiable indicators | <i>Sources of Verification</i> | <i>Assumptions</i> |
| <ul style="list-style-type: none"> ■ Improvement of the coordination between the bodies engaged in protection and the enforcement institutions; ■ Establishing of national information system between the separate administrations for the purpose of information exchange in the sphere of intellectual and industrial property; ■ Prompt, timely, effective and transparent protection of the intellectual and industrial property rights; ■ Interception of the violations at the border; ■ Public access to the Patent Office and Ministry of Culture database in compliance with the Bulgarian legislation; ■ Achieving a good qualification and training level of the employees, working in the enforcement institutions and the bodies engaged in protection of intellectual property rights, adequate to this in EC; | <ul style="list-style-type: none"> ■ Improving the counteraction effectiveness against violations concerning intellectual property rights. ■ Timely interception of intellectual property rights violations. ■ Providing of certain level access to the national information system data. ■ Qualified officers, technically equipped network and information system worked out. | Criminal statistics PAA and short-term experts reports Technical assistance reports | Support from other relevant institutions; Recruitment of adequately qualified staff and training of the staff available. |

| Results | Objectively verifiable indicators | Sources of verification | Assumptions |
|--|--|--|--|
| <ul style="list-style-type: none"> - Analysis of the legislation in force in the sphere of intellectual and industrial property for the purpose of updating and improving particularly a new regulation to be adopted providing for the opportunity memoranda for understanding to be concluded regulating the legal framework for cooperation between the enforcement institutions and the protection authorities; - Improving the legislation in force concerning the customs control on the border and in the internal customs offices for the purpose of establishing an additional barrier against the traffic in pirate and counterfeit goods; - Establishing structural units in the enforcement institutions on a central and regional level engaged in protection of intellectual property rights; - Providing resources and personnel for the mentioned structural units by means of employing new officers in the providing protection and enforcement agencies and improving officers' qualification; - Providing legislative basis for and establishing a system for operative information exchange between the Patent Office, the Ministry of Culture and the enforcement institutions; - Integrate, analyze and distribute the information, received in the central structures of the intellectual property rights institutions; - Memoranda for cooperation and mutual assistance with trade and other non-governmental organizations; - Public access to the Patent Office and the Ministry of Culture databases in compliance with the legal requirements. | <p>Signing of memoranda for understanding between the enforcement institutions and the protection authorities;</p> <p>Amendments in the relevant legislative acts rendering the border and internal customs control;</p> <p>Existence of structural units effectively engaged in the fight against intellectual property rights' violations;</p> <p>Effectively working operative information exchange between the mentioned bodies;</p> <p>Existence of a working system for integration, analysis and distribution of the relevant information;</p> <p>Conclusion of such memoranda, improving the protection of intellectual property rights effectiveness.</p> | <p>Government Official journal;</p> <p>Amendments in the National Customs Agency Internal Regulations;</p> | <p>Support from other relevant institutions;</p> <p>Adequate provision from the state budget</p> |

| Activities | Means | Assumptions |
|-------------------|--------------|--------------------|
|-------------------|--------------|--------------------|

| | | |
|--|---|--|
| <p>Subproject 1 – Establishing of a legal framework for the cooperation between the enforcement institutions and the protection providing bodies.</p> <p>EC member – expert survey of the Bulgarian legislation in force in the sphere of intellectual and industrial property; Working out of recommendations, resulting in drafting of a legislative act; Concluding of memoranda for understanding between the enforcement institutions – their particular activities, the contact methods, the information rights;</p> <p>Subproject 2 – Specialized training in the sphere of protection of intellectual and industrial property rights.</p> <p>Needs analysis of training the personnel of the enforcement institutions and the bodies, providing protection in the sphere of intellectual and industrial property; Working out of recommendations on training programs as a part of the state officers training system of the Public Administration and European Integration Institute to the Council of Ministers and the future magistrate training public institution, aiming at training of judges, prosecutors, investigators and officers, working in the judiciary system; Working out of training programs; Working out and providing of training materials; Officers training:</p> <ol style="list-style-type: none"> 1. Training of officers working at the Patent Office, Copyright and Related Rights Directorate and the Ministry of Culture, dealing with registration of intellectual and industrial property rights and working out of expert opinions; 2. Train-the-trainers course for officers, who will form a structural unit for interested agencies officers’ training; 3. Training of officers working in the National Customs Agency, the Ministry of Interior (National Service for Fight against Organised Crime and the Economical Department to the National Police service); 4. Training of officers, working with specialised software; Public Administration and European Integration Institute experts shall deliver the training. <p>Subproject 3 – Setting up of national information system between the institutions for information exchange in the sphere of intellectual and industrial property.</p> <p>Awareness and analysis of the existing institutional database, evaluation on it’s usability and compatibility with a future national system. Working out of recommendations concerning establishment of such system. Working out of the system “architecture” – technical specifications and hardware. Working out of the system software.</p> | <ul style="list-style-type: none"> ▪ Twinning covenant (PAA, short term experts) | <p>Effective cooperation with other institutions, involved in preparation and approval of legislative acts;</p> <p>The relevant institutions recruit and retain adequate staff</p> <p>Providing of technical equipment, necessary for establishing the information system.</p> |
|--|---|--|

Preconditions

The signing of the Memorandum of Understanding between the National Customs Agency, Ministry of Interior (National Service for Fight against Organized Crime and National Police Service - Economical Department), Ministry of Justice, Ministry of Culture and Patent Office specifying their responsibilities for the project implementation is a prerequisite.

1.5. ANNEX 2: DETAILED IMPLEMENTATION CHART Phare 2002 Project on Developing of national cooperation and information exchange network for protection of intellectual and industrial property rights

| Sub Projects | 1Q 2003 | 2Q 2003 | 3Q 2003 | 4Q 2003 | 1Q 2004 | 2Q 2004 | 3Q 2004 | 4Q 2004 | 1Q 2005 | 2Q 2005 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Sub project 1 | | | | | | | | | | |
| Sub project 2 | | | | | | | | | | |
| Sub project 3 | | | | | | | | | | |

ANNEX 3 – CONTRACTING AND DISBURSEMENT SCHEDULE

| | MEURO | | | | | | | | | | | |
|---------------------------------------|------------|---------|---------|------------|---------|---------|------------|---------|---------|----------|----------|--------|
| | 2Q 2003 | 3Q 2003 | 4Q 2003 | 1Q 2004 | 2Q 2004 | 3Q 2004 | 4Q 2004 | 1Q 2005 | 2Q 2005 | 3 Q 2005 | 4 Q 2005 | Total |
| <u>Contracted</u> twinning | 0.800 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.800 |
| <u>Contracted</u> <u>Equipment</u> | | | | | | 0.400 | | | | | | 0.400 |
| <u>Disbursed</u> twinning | 0.400 | 0 | 0 | 0 | 0.180 | | 0.060 | | 0.160 | | | 0.800 |
| <u>Disbursed</u> equipment | | 0 | 0 | 0 | | 0.240 | | 0.120 | | | 0.040 | 0.400* |