Standard Summary Project Fiche

1. BASIC INFORMATION

1.1 Désirée Number: 2002/000-579.03.01
Twinning EE02-IB-FI-04

1.2 Title: Enforcement of EU intellectual and industrial property legislation

1.3. Sector: Internal Market

1.4. Location: Estonia, Tallinn

2. OBJECTIVES

2.1 Overall Objective(s):
Estonian intellectual and industrial property protection provides for the same intellectual and industrial property protection as the EU.

2.2 Project purpose:
Basis has been created for the efficient implementation and enforcement of intellectual as well as industrial property rights legislation.

2.3 Accession Partnership and NPAA priority
The Accession Partnership 2001 and its Annex stipulates under priorities and intermediate objectives, in the field of:

Company law
− In need of particularly urgent action: Complete alignment in intellectual and industrial property rights, and strengthen administrative and judicial capacity with a view to tackling piracy and counterfeiting.

Following Chapters of NPAA 2002-2003 refer to intellectual and industrial property rights:

5. Company Law
5.1. Intellectual and industrial property rights
5.1.1. Industrial property rights.

According to the screening of the Company Law Chapter during the accession negotiations, as well as Estonia’s Progress Report for 2001, the Estonian legislation concerning industrial property rights is mostly in compliance with the acquis.

…

Upon joining the Convention on the Grant of European Patents the Patent Office also joins the centralized system of granting patents, involving all Member States, starts maintaining the

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1 Used terms
“Intellectual property”: includes copyright (rights of authors of literary, scientific, artistic works) and related rights (rights of producers of phonograms, performers, broadcasting organisations)
“Industrial property”: includes patents, trademarks, industrial designs, geographical indications etc.
National Register of European Patents and publishing full patent specifications for European patents where the Republic of Estonia is a designated state. Therefore the workload and the number of employees of the Receiving Department, Patent Department, Information Department and Bureau of Registers of the Patent Office, as well as training needs are expected to increase.

5.1.2 Copyright and Related Rights

Plans for the Year 2002-2003

A very important task is a successful enforcement of copyright-related legislation. Continuous training is necessary for the law-enforcement authorities (police, customs, judges, prosecutors). Training is continuously organised both within the framework of local and foreign support (PHARE 2002-2003 project application submitted by the Ministry of Culture). The structure of the Ministry of Culture was changed in 2000 by launching Media and Copyright Department which will be extended by one new official who is to engage in copyright issues.


Chapter 5: Company Law

“... The overall situation as regards intellectual property rights seems to have improved over the last year, as witnessed by the progress made in the fight against piracy. Nevertheless, cooperation between different authorities, including local governments, needs to be further improved. Administrative capacity also needs to be reinforced – the police and, in particular, the courts need to implement the legislation more effectively. … In general, the level of fines imposed by judges is low and sometimes fails to offset the legal costs of commencing civil proceedings.

As regards industrial property rights, some progress has been made since the last regular report and legislation is largely in line with the acquis. …. Despite Estonia’s efforts to strengthen its administrative capacity, the efficient enforcement of rights should remain a priority for the Estonian authorities. Whereas progress has been recorded in the fight against piracy, unfortunately this is not the case with regard to counterfeit goods.”

2.4 Contribution to National Development Plan

N/A

2.5 Cross Border Impact

N/A

Part of the project aim is to improve co-ordination between customs, police and judicial bodies in order to reduce inflows of counterfeit and pirated goods into Estonia and the outflow of counterfeit and pirated goods from Estonia. Within the scope of the project communication with relevant authorities from neighbouring countries shall be targeted to.

3. DESCRIPTION

3.1 Background and justification:

Intellectual property rights protection:
In Estonia the work in the field of intellectual property is continuing in order to better and more effectively protect the rights of authors and the holders of related rights. According to the Europe Agreement Art 66 Estonia had to provide, by December 31, 1999, for a level of protection similar to that existing in the European Community, including effective means enforcing such rights. The copyright-related legislation was harmonised with the EU relevant directives with the amendment-package adopted in the Parliament (Riigikogu) on December 9, 1999 (in force from January 6, 2000). See Annex 4 of the Project Fiche listing the harmonised EU Directives.

As to international copyright-related documents, Estonia is a party to numerous conventions and treaties listed in Annex 4.


**Industrial property rights protection:**

With an objective to join the European Patent Convention and the European Patent Organisation on 1 July 2002, the Ministry of Economic Affairs has prepared Act on Joining the European Patent Convention and Act on Implementing the European Patent Convention. The draft Trademark Act is harmonised with the Directive 89/104/EEC and meets the requirements of Trademark Law Treaty. The Industrial Design Protection Act will be amended by the Amendment Act to finally harmonise it with the Directive 98/71/EC. The draft Amendment Act of the Patent Act, which was elaborated at the beginning of 2002 and will be sent to Government in near future will be in full compliance with the requirements of the Patent Law Treaty. After amending the aforementioned legal acts the Estonian legislation shall be in accordance with the principles of the acquis in the sector of industrial property.

**Enforcement of intellectual and industrial property rights:**

The main problem in the field of intellectual and industrial property is related to the implementation of the legislation, rather than the legislation itself. The enforcement of IP-related legislation has improved during the past year or two, but combating piracy and counterfeiting is still an issue that needs serious work. Even when pirated and counterfeit products can not be found in the open markets as much as before, the trading in pirated copies has found other ways (internet-trading etc).

Steps have already been taken to improve the situation and the following is an overview thereof.

In addition to the Estonian Authors Society and the Estonian Drama Agency, more organisations were formed in 1998 and 1999 in order to collectively represent authors (NGO’s). In this way, the Estonian Association of Producers of Phonograms was established in April 1998, in view of the fact that the unauthorised duplication of phonograms was one of the main piracy types in Estonia. At the beginning of 1999, the Estonian Association of Motion Picture Distributors was set up (at the beginning of 2000 formed into Estonian Organisation for Copyright Protection), then in June 1999, the Estonian Authors and Broadcasters Union (concluding cable distribution agreements), in August 1999, the Estonian Audiovisual Authors Association. The Estonian Performers Association was also formed in 2000. The Business Software Alliance (BSA) representation in Estonia has equally performed
an efficient job both in contributing to drafting legislative amendments and to implementation of the existing legislation.

In April 1998 a Service of Fight against Smuggling and Intellectual Property Infringements was set up within the Economic Police Department of the Central Criminal Police. Unfortunately, the service was abolished during the restructuring of the Economic Police at the beginning of 1999, however, the activity has continued thanks to the relevant working groups which still do convene.

Since May 1, 1998, a position of a senior expert (specialist) for copyright issues has been established within the Media Division, which is part of the Media and Copyright Department of the Ministry of Culture. The expert is a civil servant whose task is to secure the copyright-related functions of the point 27, subsection 5 of the Ministry's statutes, i.e. address relevant problems, submit proposals, ensure surveillance within the limits of the legislation as well as draft legislation. Briefly, the expert is in charge of co-ordinating and organising the Ministry's work in the copyright field. Beginning from February 2002 the staff of the Department has further been complemented and one more person is dealing with copyright matters.

A Copyright Committee has been established at the Ministry of Culture pursuant to the Copyright Act amendments (Article 87) as of June 1, 1999. The new staff of the committee was approved by the Government on February 12, 2002. Besides Ministry of Culture, the committee consists of representatives from different Ministries dealing with copyright or enforcement matters (Ministry of Internal Affairs, Ministry of Justice, Ministry of Finance). Also right-owners through organisations representing authors, producers of phonograms, broadcasting organisations etc (Estonian Authors Society, Estonian Association of Producers of Phonograms, Estonian Organisation for Copyright Protection etc) are members of that committee.

The general tasks of this committee are stipulated in Section 87 of the Copyright Act – see annex 4.

Counterfeit and pirated goods have become a fast growing and expanding field of organised crime, which has links to other types of commercial fraud as well as traditional crime.

In 2000, the police have acted quite vigorously in combating trade in pirated and counterfeit goods. The most significant development has been the formation, by an order of the deputy national police commissioner, of a working group in May 2000 to ascertain infringements of intellectual property rights, apply corresponding measures (to conduct administrative and criminal proceedings), organise co-operation, and so on. Unfortunately, we are forced to admit that the initiative taken in May has somewhat stalled since then.

In order to find out more about the activities of the police, representatives of Tallinn Police Prefecture and the Ministry of Internal Affairs were invited to a meeting of the copyright committee on 9 November 2000. The Prime Minister has asked the Ministry of Internal Affairs to continue with the raids. The police have reintensified their activities in this field, especially in the end of 2000. Since the beginning of December 2000, the police have inspected the markets virtually every day and promise to continue as efficiently in the future. A new, larger working group to combat piracy has been formed at Tallinn Police Prefecture.

It could also be mentioned, that the authorised representatives of trademarks have not been as active as those of the pirated goods.

The authorities (i.e. police and customs) have become more active in combating with trade in pirated goods and with infringements of intellectual property rights.

According to the statistics, provided by the Ministry of Internal Affairs, during first 9 months of 2001 the customs authorities and police have confiscated in total 127 367 objects of pirated goods (mainly CD’s and videos). There are still possibilities to increase the performance of police and customs in protection of intellectual property rights.
In planning their activities for the year 2002, both the police and customs authorities shall analyse in-depth their existing experiences in combating with the infringements of the copyright and related rights, focusing on mistakes, made in the past and based on this information, elaborate the tactics and make the allocation of available resources for the year 2002.

**Latest (2001) activities of the police authorities:**
In general the work of police in combating with trade in pirated goods and with infringements of intellectual property rights has been successful in 2001. As an example of positive developments, the biggest trader of pirated goods – Kadaka Market – has significantly reduced its volume of trade of pirated goods since the police had explained to the administration of the market the intellectual property rights legislation and respective good trading practices.

Still, delays in the investigation of the infringements of intellectual property rights, lack of the adequate statistics about the crimes in the area of intellectual property rights and the shortages in the effective coordination between different police departments and other authorities in preparing for concrete actions have been the main problems the police has faced so far.

**Statistics:**
During the 9 months of 2001 the police has confiscated 59 040 objects of pirated goods, out of which:
- 2256 items of industrial goods with counterfeit trademarks;
- 317 audio tapes;
- 9689 video tapes;
- 46 485 CD-s;
- 293 software CD-s;
- 281 criminal proceedings regarding matters with elements provided for in §§ 277 – 284 of the Criminal Code commenced.

**Latest (2001) activities of customs authorities:**
The customs authorities have continued their actions for fighting against piracy throughout the year 2001. The Customs Board has intensified the training of customs officials in the field of intellectual property rights. As an example of the positive developments in stressing the importance of these problems, the customs authorities have organized their actions both on the initiative of Customs Board as well as of Estonian Organisation of Copyright Protection.

The Customs Board has set the minimum number of actions for ascertainment of the infringements of intellectual property rights for each regional customs office, which should help in achieving the stable level of customs authorities actions and facilitate in getting the information about the import of pirated goods.

Still, the co-operation between different authorities, including local governments and police, needs to be further improved. In November 2001 the customs authorities and police signed the co-operation agreement where one of the main tasks will be the development of the information exchange system between customs authorities and police.

**Latest (2001) activities of the courts:**
Bringing the punishments into accordance with the nature of infringements has remarkably improved.

The aim of the project is therefore to help achieving clear intellectual property legislation and continuously even more effective enforcement of normative acts. It is also important to raise
public awareness on IP-related matters. To achieve this general goal, given project consists of
several components:

a) **Legislation**
   An important issue is preparing the new draft Copyright Act. Estonian Copyright Act was
   adopted already in 1992. Though amended substantially during 1999 and 2000, this Act is
   still partly outdated and therefore some problematic issues could be found within the Act
   itself. It is very important to start working out the new and updated version of Copyright
   Act in order to meet the standards of contemporary legislation. The work should begin in
   2003 under this Phare project and the work should be in most parts finished during this
   project. In case necessary, the work on revised version of the Copyright Act will continue
   also later (appropriate proceedings in Government and Parliament etc).

b) **Collections of cases**
   It is planned to publish 2 different collections of cases – one related to intellectual property
   (copyright and related rights), second related to industrial property rights.
   Collection of cases would be a good assisting material for theorists, practising lawyers,
   judges, prosecutors, lecturers and students of law, people working in the collective societies
   (Estonian Authors Society, Estonian Association of Producers of Phonograms, Estonian
   Organisation for Copyright Protection etc). There is not enough practice yet on copyright (or
   industrial-property) related cases, therefore especially the above-mentioned target-group has
   need for a collection where all local cases can be found . The collections would also consist of
   relevant decisions of Estonian courts (courts of first instance, court of appeals, Supreme
   Court) and of European Court of Justice (in English and in Estonian). The collections would
   be also quite useful in English, since in academic circles such collection will be used (they
do’n’t work only in Estonian but with different foreign partners), those collections could be
   used in solving possible issues in the future when dealing with other foreign experts (in order
   for them to know the local situation better) etc. Basic information as regards proceeded court-
   cases will be received through the relevant register (Ministry of Justice) and from different
   courts as well.
   Initiated by the Ministry of Culture renewed versions of the collections will be issued at least
   every 2-3 years according to the information and data received from the relevant register in
   the Ministry of Justice.

c) **Public awareness campaign.**
   Currently the public has little knowledge of copyright-related rights and industrial property
   rights principles. Pirated and counterfeit copies are still bought, the understanding of where
   the money actually goes when pirated or counterfeit copy is purchased is poor, the general
   attitude on relevant issues is therefore not as positive as it could be. As regards copyright,
   people use protected works all the time (in their work-process, during studies and writing
   papers, they use it in newspapers etc etc) and the general knowledge of copyrights and basic
   principles of using a work or an object of related rights is necessary. So in order to raise
   public awareness it would be most effective to organize a public awareness campaign
   embracing as many different media channels as possible (radio, TV, writing press, out-door
   posters etc). Also publishing different relevant booklets and information sheets would be
   useful. There are some areas of copyright that have proved to be problematic in the sense of
   understanding by the wider public (public performance of works, the aims and competence of
   the Copyright Committee etc).
   In more detail the PR-campaign consists of 2 parts – active and passive PR.
   (1) **Active PR:** general conference with sub-seminars on specific topics (seminar for different
   right-holder groups, seminars for users of copyrighted works). Length of the conference
approximately 2 days. Campaign should also include artists for instance for a concert – artists could address the audience themselves also on copyright issues and promote buying legal goods etc.

(2) Passive PR: campaign via all kind of media channels, information sheets, posters etc.

d) Training of enforcement authorities
Serious enforcement problems are related to both industrial and intellectual property rights. The central enforcement authorities, the police and customs have received little practical training in the field of counterfeiting. The current situation in the enforcement field has led to public distrust in the competence of the police and customs and accusations against the enforcement authorities. Therefore, one of the main activities aimed at implementing and enforcing the industrial and intellectual property protection is the IP-related training of the police and customs.

Effective enforcement of industrial property rights by police and customs officials has been hindered by the lack of knowledge of the property rights legislation and insufficient practical skills related to identifying and handling of counterfeit/pirated goods. So far, due to the chaotic information about for instance counterfeit goods, the related health and safety risks and the real scope of the counterfeiting problem has remained vague. The project provides training in industrial property rights legislation and practical implementation of the property rights legislation to the representatives of the police and customs.

Additionally, the project includes training for the customs and police representatives who will carry out industrial and intellectual property rights related training in their institutions in the future. The study visits are also expected to contribute to the future co-operation between the enforcement authorities through the establishment of the necessary communication and information channels.

The enforcement authorities (police, customs, judges, prosecutors) have already received some training in the area of copyright and related rights. The judges receive intellectual property related (including copyright and related rights) training under a larger training programme that will take place in the spring 2002 (Phare project ES9804.01, Strengthening of the Judicial System). However, the training that has been provided has been mostly theoretical, but the customs and police personnel also need practical training and have shown the readiness and willingness to receive training oriented to more practical needs (for instance interactive training-programmes) in the field. For that purpose, the training of these enforcement authorities is foreseen in the framework of this project. Judges and prosecutors who receive training on IP-issues under a different Phare project are therefore not part of the target group for training under this project.

To ensure the highest possible efficiency of the training programmes as well as the sustainability of the results of the training (both for industrial and intellectual property training), the participants in the training programme cover all the regional customs inspectorates and police prefectures. Additionally, the areas with the most acute problems are represented by a larger number of representatives. The representatives of these structures are expected to relay the information and experience received in their respective institutions.

Relevant practical manuals for the police authorities will also be prepared. The manuals present a ‘step-by-step’ activity-guides and are aimed to assist police officials in dealing daily with counterfeit goods and copyright-related cases.

e) Training for collecting societies.
Estonia has collecting societies to represent right-holders (see above). Still only one of them is an actively working collecting society today – the only society actually collecting and distributing levies is Estonian Authors Society (representing composers, authors of musical
works). Estonian Association of Producers of Phonograms was established in 1998 and has been mostly involved with fight against piracy in Estonia (with quite high-level results), but has only recently started activities as a collecting society. Also Estonian Performers Association and Estonian Audiovisual Authors Association have not yet started relevant activities. The reason is lack of training, lack of experts in that field, lack of possibilities to exchange of experiences. All those societies need training, study-visits, foreign expertise in the field of collecting activity.

The Anti-Piracy organisation in Estonia is at the moment Estonian Organisation for Copyright Protection that started its functioning at the beginning of year 2000. Relevant practical training and study-visits should be one activity contributing to the overall aim of the project - Estonian copyright protection provides the same protection of copyright as the EU.

f) Institutional strengthening.
Many different state authorities are dealing with intellectual and industrial property matters in Estonia. The Ministry of Culture, Ministry of Economic Affairs (Patent Office), Ministry of Finance (Customs Board), Ministry of Justice, Ministry of Internal Affairs (Police Board) deal all with intellectual and industrial property matters at different levels. The co-ordination of those bodies during the project activity should be well prepared and carried out. The basis of co-ordination details can also be used later, after the end of the project. This component is carried out as part of the twinning-contract that will be signed to cover training-component of this project.

Involvement of NGO’s.
In the field of copyright and copyright related rights there are quite few collective management organisations (NGO’s) representing different categories of rightholders. Problematic areas of IP protection have been discussed with them in the meetings of the Copyright Committee (formed to the Ministry of Culture) – some of those problems seek solution via this project. Since also most important NGO’s are members of that Committee, it could be said, that they have been also involved to the process of preparing this project.

3.2 Linked activities:
1) Within the framework of Phare programme Assistance on Approximation of Legislation in Estonia (McKenna & Law Office Berning Schlüter Hald - services contract No 95-0784-00J) at the beginning of the year 1998, EU directives and new WIPO instruments were translated, and an analysis on the compliance of the Estonian Copyright Act with the directives of European Union was commissioned and received.

2) In December 1998 a contract (No 98-5419) was signed for the Phare project “Approximation, implementation, enforcement of EU intellectual property legislation” (contract No 98-5419). In co-operation with foreign and local experts the draft act of “Copyright Act Amendments Act” was prepared, also assistance was received regarding Estonian Accession to Rome Convention. Project duration was January 1999 – November 1999.


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2 See also Annex 5 of the project “Coordination of the Phare 2002 project “Harmonisation of EU intellectual property legislation, enforcement of EU intellectual and industrial property legislation”.”
harmonisation (new EU directives-proposals), implementation of harmonised directives, training of enforcement authorities, study on copyright-based industry in Estonia and piracy level in this field.

4) During 2000 more Phare-project-supported activities took place. Project No 00/C/166 “Enforcement of EU Intellectual Property Legislation” has by now also been concluded. As already indicated in the title, this project focused on enforcement-problems and involved training-program for enforcement authorities and public awareness matters (publishing a booklet on copyright issues, also publishing relevant information sheets).

5) In the frame of the Phare project ES9804.01, Strengthening of the Judicial System, judges and prosecutors receive intellectual property related (including copyright and related rights) training under a larger training programme that will take place in the spring 2002.

6) Under the Swedish Institutional Support Funds a project application was submitted to the Office of European Integration of the State Chancellery in February 2002 in order to more quickly carry out the harmonisation of 2 new EU copyright-related directives (initially planned under this project). The project title is ”Harmonisation of EU copyright and related rights legislation”. The project is planned to start in April 2002 and end in September 2002.

3.3 Results:
Several contracts will be tendered to achieve the project’s objectives, the expected results of these contracts are outlined below:

Contract 1 (twinning: institution strengthening, training of enforcement authorities and collecting societies, Copyright Act).

Results:
1. Enforcement authorities (police, customs) have the knowledge for efficient enforcement of the IP legislation
2. Enforcement authorities (police, customs) have the tools for efficient enforcement of the IP legislation (manual to be printed)
3. Collecting societies ready to start their activities as a collector and distributor of levies.
4. As to institution strengthening - better co-operation level achieved between different state authorities dealing with intellectual and industrial property-related matters in Estonia
5. Clear intellectual property (IP) legislation drafted

Contract 2 (framework contract: collections of cases).
Result: 2 collections on IP-cases published:
collection on copyright-related cases from the years 1995 to 2002,
collection on industrial property rights related cases from the years 1995 to 2002.

Contract 3 (service contract simplified procedure: public awareness campaign)
Result: basic principles of copyright issues are widely known by authors, performers, producers of phonograms, broadcasting organisations and users of IP. Campaign monitoring will be provided by the contractor.

3 Agreement signed between the Swedish International Development Co-operation Agency (SIDA) and Government of the Republic of Estonia (represented by the Office of European Integration).
4 For the indicators please see ANNEX 1 (Logical Framework Matrix)
3.4 Activities:

Contract 1 – institutional strengthening, training of enforcement authorities and collecting societies, Copyright Act (twinning, 12 mm, 484 500 EUR, involving direct contract for drafting revisions to Copyright Act)

PAA for 12 mm, 180 000 EUR.
MS Project Leader for approximately 30 days (3 days each month), 15 000 EUR.
PAA assistant, 10 000 EUR.
Short term expert 1 (police – 3 mm) and 2 (customs – 2 mm) on intellectual property, 80 000 EUR.
Short term expert 3 on industrial property for 4 mm, 64 000 EUR.
Short term expert 4 for training of collecting societies for 15 mandays, cost of the training of collecting societies 12 000 EUR.
Local expert for 1 mm for revisions to the Copyright Act (5000 EUR)

Tasks of the PAA:

Institution strengthening. Co-ordination of the activities between different state authorities dealing with intellectual and industrial property-related matters in Estonia (enforcement authorities, Ministry of Justice, Ministry of Economic Affairs, Ministry of Culture, Ministry of Internal Affairs, Ministry of Finance) (especially during the training-part of the project) and set basic rules for further effective co-operation. PAA assists also the preparation of Activity 4 (public awareness campaign).

Profile of the PAA: relevant practical background with professional experience of institutional work in the field of intellectual and industrial property, good organisational and managing skills, very good computer handling skills. The PAA should have excellent verbal and written English with a track record. Experience and knowledge of the situation in transition countries would be a major advantage.

Training.

I Short-term expert 1 and 2 on intellectual property for 5 mm and short-term expert 3 on industrial property for 4 mm for the Police Board and for Customs Board.

First task of the twinning experts as to the training-component, is assessment of legislation and working out training-programme based on that assessment.

1.1) Development of manual on copyright issues for the police (STE 1)
1.2) Practical training in intellectual and industrial property rights issues for:
   a) Police: 2-day seminars for altogether approx. 50 persons in 3 groups (ca 17 persons in one group) - Several (approx. 3) policemen from each prefecture (17) + some from the Police Board and Central Criminal Police (STE 1, 3).
   b) Customs: 2-day seminars for altogether approx. 60 persons in 3 groups
Training facilities will be provided by the Estonian counterpart. (STE 2, 3)
   c) Secondment of 2 investigators (1 from police, 1 from customs) for 2 weeks in a Member State (STE 1, 2, 3)
   d) study-tour for 6 trainers from customs into 2 member states (2x4 days) (STE 2, 3)
   e) training of 10 representatives of the customs and police to carry out further intellectual and property rights related training in their institutions in the future (STE 1, 2 and 3)

Profile of expert(s) for intellectual property training – relevant academic background with practical professional experience in the field of intellectual property, experts on practical
issues as regards combating piracy. Local experts should be contacted for co-operation. Good command of English is required as English is the working language of the project. Experience and knowledge of the situation in transition countries would be a major advantage.

Profile of expert for industrial property training – relevant academic background with practical professional experience in the field of industrial property (preferably obtained in a Member State), especially a good knowledge of combating counterfeit goods, knowledge about international treaties in the field of industrial property. Good command of English is required as English is the working language of the project. Experience and knowledge of the situation in transition countries would be a major advantage.

The experts from Ministry of Economic Affairs and the Patent Office shall assist the training-experts in preparing the training-programmes for industrial property.

II  Short-term expert 4 for 15 man-days
Tasks:
Training and study-visits for minimum 10 persons from collecting societies.
Collecting societies (Estonian Authors Society, Estonian Association of Producers of Phonograms, Estonian Performers Association, Estonian Audiovisual Authors Association) need training in the field of collecting activity.
Study tour to a Member State for 8 persons (above states the general aim of this part of the project: that is both, training that could also take place in Estonia, AND study visits. (Local) training in general is for minimum 10 persons, study visits for 8. They might also be the same persons, it is for the societies to decide + Steering Committee).
from collecting societies (2 persons form each society) for 5 days
Profile of the expert: Good knowledge on the aims and purposes of a collecting society, previous experience in working in collecting societies necessary. Extensive and specific knowledge on the working-principles, administration, daily work of those societies needed (in all fields where the societies exist – protecting the rights of performers. Producers of phonograms, audiovisual authors etc).

III Copyright Act (5000 EUR)
Drafting of the new/revised legislation

Local expert is needed, since the actual structure and content of our Copyright Act (CA) is best known to local experts, who have been dealing with this piece of legislation since 1992 (when the Copyright Act was initially worked out and adopted). Person(s) who have drafted most of the amendments to the CA since, are most appropriate ones to draft the new/revised legislation meant also under this project. This way the work is less time-consuming and the quality of the result is guaranteed.
Profile of the expert: the expert should have at least 15 years of legal experience in analysis and drafting of legislation with specialisation in the field of intellectual property. Extensive knowledge of the relevant international conventions and the Community legislation in this area.

Contract 2 – collections of cases (106 000 EUR)
International copyright law expert (short-term) for 3 mm
International industrial property law expert (short-term) for 3 mm
Compiling 2 collections of cases:
1) a collection of Estonian and international (EU) copyright cases and printing 200 copies,
2) a collection of Estonian and international (EU) industrial property cases and printing 200 copies.
The collections will be available also on the Internet.
The first stage of the study will consist in an inventory of already existing relevant collections of cases, in particular as regards decisions of the European Court of Justice. On that basis, the necessary expert input (in man months) and budget might be revised, within the overall envelope of € 106,000.

Profile of the expert: relevant academic and practical background with professional experience in the field of intellectual and industrial property, good knowledge on existing intellectual and industrial property related court-cases.

**Contract 3 – public awareness campaign (100 000 EUR)**
Implementation of public awareness campaign on copyright principles embracing different media channels (radio, TV, writing press, posters, booklets). Evaluation of its results.
The campaign will be based on the proposals of the selected contractor (service contract). An idea contest on the public awareness campaign will be conducted before selecting the contractor (Steering Committee of the project will evaluate). This campaign is directed towards users of the intellectual property rights (authors, performers, producers of phonograms, etc.) as well as specific and general public (including potentially researchers, agricultural organisations on geographical indications, private companies, etc.).

3.5 Lessons learned:
No assessment has been conducted by OMAS in the field
Experience of implementing Phare projects has been received through previous Phare projects listed under linked activities. All these projects have worked out positively and have been assessed as having positive results. Important points to be mentioned concern experts - involvement of local experts who is aware of the local situation is of utmost importance. Also as to foreign experts - it is vital to have expert who is as much as possible familiar with a concrete country’s (or region’s) details and developments in the area the project is focussed to.

4. **INSTITUTIONAL FRAMEWORK**

The beneficiary of the project is the Ministry of Culture as a governmental institution responsible for copyright issues in Estonia. Local experts of the project are all from the private sector – from academic circles or from non-governmental institutions (NGO-s). NGO-s referred to here are the organisations representing right-holders (collecting societies).
The police and customs will also benefit from the project.
The police and customs are responsible for granting that relevant officials actually go to the training.
The experts from Ministry of Economic Affairs and the Patent Office shall assist the training-experts in preparing the training-programmes.
Steering Committee will assist in the co-ordination of the project (see 6.1.).

5. **DETAILED BUDGET**

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<th>National Co-financing</th>
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5 See annex 5 “Co-ordination of the Phare 2002 project” for more details
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<td>10 000</td>
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<td>10 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST-expert on intellectual property issues related to customs (2 mm)</td>
<td>32 000</td>
<td>32 000</td>
<td></td>
<td>32 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST-expert on intellectual property issues related to police (3 mm)</td>
<td>48 000</td>
<td>48 000</td>
<td></td>
<td>48 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST-expert on industrial property issues (4 mm)</td>
<td>64 000</td>
<td>64 000</td>
<td></td>
<td>64 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing 1000 manuals for police</td>
<td>10 000</td>
<td>10 000</td>
<td></td>
<td>10 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Translation of the manual</td>
<td>6 000</td>
<td>6 000</td>
<td></td>
<td>6 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study tour for 6 trainers into 2 MS</td>
<td>8 000</td>
<td>8 000</td>
<td>12 000 (CB)</td>
<td>20 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study tour for 2 investigators</td>
<td>11 000</td>
<td>11 000</td>
<td>2 500 (PB+CB)</td>
<td>13 500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interpretation (for training)</td>
<td>16 000</td>
<td>16 000</td>
<td></td>
<td>16 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training for collecting societies</td>
<td>12 000</td>
<td>12 000</td>
<td></td>
<td>12 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study visits for 8 persons from collecting societies</td>
<td>6 000</td>
<td>6 000</td>
<td>8 000 (MoC)</td>
<td>14 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingencies</td>
<td>13 000</td>
<td>13 000</td>
<td></td>
<td>13 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparation of Twinning Covenant</td>
<td>18 000</td>
<td>18 000</td>
<td></td>
<td>18 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drafting of the new/revised legislation (direct contract)</td>
<td>5 000</td>
<td>5 000</td>
<td></td>
<td>5 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit certificate</td>
<td>5 000</td>
<td>5 000</td>
<td></td>
<td>5 000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL | 0 | 655 000 | 655 000 | 35 500 | 0 | 690 500 |

| Contract 2: Service Contract simplified procedure | 0 | 100 000 | 100 000 | 0 | 0 | 100 000 |

| Collections of cases | 0 | 96 000 | 96 000 | 10 000 (MoC) | 0 | 106 000 |

The national joint co-financing will be covered by state budget (35 500 EUR). For contract 1, EUR 25 500 will be used to cover partially study-tours for enforcement authorities and collecting societies. For contract 3, EUR 10 000 will be used for translation costs.
As to co-financing, the beneficiary commits to best practice, fully in the knowledge that a closure audit will require confirmation thereof.

6.IMPLEMENTATION ARRANGEMENTS

6.1 Implementing Agency
The CFCU will be the Implementing Agency responsible for tendering and contracting. The responsibility for project preparation, implementation and control will remain in the recipient institution.

CFCU:
Mr Hennart Arismaa
Director
Ministry of Finance
Phone: +372 6113012
Hennart.Arismaa@fin.ee

PAO:
Mr Renaldo Mändmets
Deputy Secretary General
Ministry of Finance
Phone: +372 6113 545
e-mail: renaldo.mandmets@fin.ee

PO:
Mr Peeter Sookruus
Head of Media and Copyright Department
Ministry of Culture
Phone: +372 6 28 22 08
E-mail: peeter.sookruus@kul.ee

The Project Manager responsible for everyday management\(^6\) of the project is:
Ms Kärt Hinnok
Media and Copyright Department
Ministry of Culture
Phone: +372 6 28 22 49
E-mail: kart.hinnok@kul.ee

The contact person assisting in the preparation of the training component in the Ministry of Economic Affairs is:
Mr Jaak Kalda
Executive Officer
Ministry of Economic Affairs
Phone: +372 6 256 393
E-mail: jkalda@mineco.ee

The contact person for the training component in the Central Criminal Police is:

\(^6\) Beginning from February 2002 additional person is working in the Ministry of Culture, Media and Copyright Department, who is dealing with this project (Mr Toomas Seppel).
The contact person for the training component in the Customs Board is:
Mrs Vaike Seppel
Development Department
Phone: +372 696 7714
E-mail: vaike.seppel@customs.ee

For regular monitoring purposes a Steering Committee will be formed, consisting of persons from the Media and Copyright Department and the Division of Eurointegration and International Relations of the Ministry of Culture, Ministry of Justice, representative(s) from the EC Delegation, Ministry of Finance, Ministry of Economic Affairs (Industry Department), representatives from the customs, police and Tax Board as well as representatives from collective societies.

6.2 Twinning
Contact person for twinning expert:
Ms Kärt Hinnok
Media and Copyright Department
Ministry of Culture
Phone: +372 6 28 22 49
E-mail: kart.hinnok@kul.ee

6.3 Non-standard aspects
Due to a specific nature of assignment, derogation of standard DIS procedures is foreseen for a sub-contract under twinning. A local expert Mr Heiki Pisuke, is to be contracted to carry out this task. He has the unique competence and previous legislative experience related to intellectual property, as he also drafted the initial version of the Act. The work is to be carried out in Estonian language and will be translated after the new revision of the Act has passed the Parliament.

Contract No 4 is foreseen as Service Contract and since the Public Awareness Campaign is carried out in Estonian Language - leaflets, booklets, TV and radio shots - local service is required and simplified procedure will be used to carry out the Service Contract.

6.4 Contracts
Contract 1- Twinning: Institution strengthening, training of enforcement authorities and collecting societies, Copyright Act (direct contract) - Phare 655 000 EUR, national 35 500 EUR

Contract 2 – Service Contract Simplified Procedure: Public Awareness Campaign – Phare 100 000 EUR

7. IMPLEMENTATION SCHEDULE

7.1 Start of tendering/call for proposals
August 2002
7.2 Start of project activity
January 2003 – implementation

7.3 Project Completion
January 2004

8. EQUAL OPPORTUNITY
Equal opportunity for men and women and minorities to participate in the project will be guaranteed and measured by recording the experts and consultants employed. The Estonian laws and regulations and ratified international conventions concerning the equal opportunities for women, men and minorities will strictly be followed.

9. ENVIRONMENT
N/A

10. RATES OF RETURN

After successful project there will be clear quantifiable and qualitative benefits through improved rule of law, rising fiscal revenues from indirect taxation, higher public awareness on intellectual property matters etc.

11. INVESTMENT CRITERIA
N/A

11.1 Catalytic effect:
The current Phare project will give an effective impulse for future activities in the area of IP protection

11.2 Co-financing: 35 500 EUR

11.3 Additionality:
Phare resources do not displace other financiers.

11.4 Project readiness and Size: the project is ready for implementation after the Financing Memorandum will be signed. All preliminary works for the good implementation of the project will be guaranteed by the beneficiary.

11.5 Sustainability:
The training of the enforcement authorities will continue on the basis of the knowledge and experience obtained by the police and custom representatives involved in the training under the current project. The representatives involved have shown their formal commitment (relevant letter from the Ministry of Finance) to organise in turn training events in intellectual and industrial property rights protection in their institutions. However, the sustainability of the results of the project’s training component depends on the level of staff turnover.

The staff who does not participate in the training during the current project will also use the manuals compiled within the project framework in the future. Renewed versions will be issued on regular basis according to need and availability of resources. Additionally, the level of public awareness is going to be addressed by further actions in the future.

11.6 Compliance with state aids provisions:
Project will comply with Estonian Competition Law, which regulates provision of state aid in Estonia and is harmonised with EU regulations.

11.7 Contribution to National Development Plan: N/A

12. CONDITIONALITY AND SEQUENCING

Conditionality:
- A study on the nature and level of piracy and counterfeiting, and on the performance of the enforcement system will be carried out prior to the beginning of this project (during 2002)

Quantified revision of the OVI’s in the logframe matrix will be performed under the supervision of the Steering Committee on the basis of such results.

Sequencing:
- It is possible to carry out all the components of the project at the same time, they are independent of each other. However, to guarantee the success of the PR-campaign, the study on the nature and level of piracy will be carried out prior to the beginning of this project (during 2002)
- The amendments to legislation do not necessarily have to be made before the training project. The issues that police need to be trained on are also in existing legislation.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (5 pg)
2. Detailed time implementation chart (2 pg)
3.a. Contracting schedule by quarter for full duration of programme (1 pg)
3.b. Disbursement schedule (1 pg)
4. List of relevant Laws and Regulations (2 pg)
5. Project co-ordination table (1 pg)
6. Problem tree (1 pg)
7. Letters of commitment (2 pg)
**Phare log frame**

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR</th>
<th>Programme name and number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project title: “Enforcement of EU intellectual and industrial property legislation”</td>
<td></td>
</tr>
</tbody>
</table>

| Contracting period expires: | 30 November 2004 |
| Disbursement period expires: | 30 November 2005 |

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonian intellectual and industrial property protection provides for the same intellectual and industrial property protection as the EU.</td>
<td>Level of piracy in Estonia drops 3% per year</td>
<td>Yearly statistics of right holder organisations</td>
</tr>
<tr>
<td></td>
<td>The relative level of copyright payments increase 5% during the lifetime of the project; copyright payments / GNP</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basis has been created for the efficient implementation and enforcement of the intellectual as well as industrial property rights legislation.</td>
<td>The developed IP legislation and regulations are well known by the enforcement authorities after receiving training</td>
<td>Sample survey on the impact of training</td>
<td>Statistics of the rightholder organisations and the Ministry of Justice developed to enable copyright monitoring</td>
</tr>
<tr>
<td></td>
<td>Increase of copyright cases and more efficient handling of them</td>
<td>Statistics of the Ministry of Justice</td>
<td>Bilateral assistance providing legislation harmonisation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>

---

7 Contracting period expires 2 years after the signature of the Financing Memorandum.
8 Disbursement period expires 3 years after the signature of the Financing Memorandum.
1. Enforcement authorities (police, customs) have the knowledge for efficient enforcement of the IP legislation.
2. Enforcement authorities (police, customs) have the tools for efficient enforcement of the IP legislation (manual to be printed).
3. Collecting societies ready to start their activities as a collector and distributor of levies.
4. As to institution strengthening - better co-operation level achieved between different state authorities dealing with intellectual and industrial property-related matters in Estonia.
5. Clear intellectual property (IP) legislation drafted.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 copies of manual on copyright issues in Estonian prepared for police within 12 months after commencement of the project</td>
<td>Manually printed and distributed</td>
</tr>
<tr>
<td>Minimum of 50 persons from police and 50 from customs trained in copyright and piracy issues as well as in industrial property issues (incl study-visits)</td>
<td>Minimum of 50 trained personnel</td>
</tr>
<tr>
<td>10 representatives of the customs and police trained to carry out further intellectual and property rights related training in their institutions in the future</td>
<td>10 trained personnel</td>
</tr>
<tr>
<td>2 study visits for a 6 persons (including 5 persons from the customs, and 1 from the police) into two Member States</td>
<td>2 study visits</td>
</tr>
<tr>
<td>8 persons from Collecting Societies trained (incl study-visits)</td>
<td>8 trained personnel</td>
</tr>
<tr>
<td>Qualitative feed-back from training</td>
<td>Qualitative feedback</td>
</tr>
<tr>
<td>More efficient circulation of information and data between relevant authorities</td>
<td>More efficient data sharing</td>
</tr>
<tr>
<td>Drafting a new Copyright Act started within 24 months after launching the project</td>
<td>New Copyright Act drafted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manuals</td>
<td>Available</td>
</tr>
<tr>
<td>Evaluation reports of the training programmes</td>
<td>Submitted</td>
</tr>
<tr>
<td>Project reports, information received from relevant authorities as training providers, police and customs</td>
<td>Received</td>
</tr>
<tr>
<td>Training certificates</td>
<td>Issued</td>
</tr>
<tr>
<td>Respective documents</td>
<td>Completed</td>
</tr>
<tr>
<td>Project reports</td>
<td>Completed</td>
</tr>
</tbody>
</table>

6. Two collections on IP-cases published:
- collection on copyright-related cases from the years 1995 to 2002.
- collection on industrial property rights related cases from the years 1995 to 2002.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 copies of a publication on copyright cases prepared and distributed to academic circles (universities), practising lawyers and other interested parties</td>
<td>Distributed</td>
</tr>
<tr>
<td>200 copies of a publication on industrial property right cases and distributed to academic circles (universities), practising lawyers and other interested parties</td>
<td>Distributed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant documents, drafts of collections etc</td>
<td>Available</td>
</tr>
</tbody>
</table>

| 20 |
4. Basic principles of copyright issues are widely known by authors, performers, producers of phonograms, broadcasting organisations and users of IP. Campaign monitoring will be provided by the contractor.

Payments of copyright increased by 5% by the end of the project, more people turning to the Copyright Committee or courts in order to protect their rights. Level of awareness among public on copyright principles increased compared to baseline information.

Quantified revision of the OVI-s will be performed under the supervision of the Steering Committee on the basis of the results of the study on the level of piracy.

- Records of the right-holder organisations
- Sample survey vis-à-vis baseline study (to be carried out prior to the beginning of this project)
- Campaign monitoring results

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Cost (EUR)</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

28.10.02
<table>
<thead>
<tr>
<th>Contract 1</th>
<th>Twinning</th>
<th>Phare</th>
<th>Estonia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activities for the Result</strong></td>
<td>PAA for 12 mm</td>
<td>180 000</td>
<td>3000 (MoC)</td>
</tr>
<tr>
<td><strong>Institution strengthening. Co-ordination of the activities between different state authorities dealing with intellectual and industrial property-related matters in Estonia (especially during the training-part of the project) and set basic rules for further effective co-operation (PAA). PAA assists also the preparation of Activity 4 (public awareness campaign).</strong></td>
<td><strong>Project Leader</strong></td>
<td>15 000</td>
<td></td>
</tr>
<tr>
<td><strong>Training.</strong></td>
<td><strong>PAA assistant</strong></td>
<td>10 000</td>
<td></td>
</tr>
<tr>
<td><strong>I Short-term expert 1 and 2 on intellectual property for 5 mm and short-term expert 3 on industrial property for 4 mm for the Police Board and for Customs Board.</strong></td>
<td><strong>First task of the twinning expert(s) as to the training-component, is assessment of legislation and working out training-programme based on that assessment.</strong></td>
<td><strong>1.1) Development of manual on copyright issues for the police (STE 1)</strong></td>
<td><strong>1.2) Practical training in intellectual and industrial property rights issues for:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>a) Police: 2-day seminars for altogether approx. 50 persons in 3 groups (ca 17 persons in one group)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Several (approx. 3) policemen from each prefecture (17) + some from the Police Board and Central Criminal Police (STE 1, 3),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b) Customs: 2-day seminars for altogether approx. 60 persons in 3 groups. Training facilities will be provided by the Estonian counterpart. (STE 2, 3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c) Secondment of 2 investigators (1 from police, 1 from customs) for 2 weeks in a Member State (STE 1, 2, 3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>d) Study-tour for 6 trainers from customs into 2 member states (2x4 days) (STE 2, 3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>e) Training of 10 representatives of the customs and police to carry out further intellectual and property rights related training in their institutions in the future (STE 1, 2 and 3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>1.2) a), b), e) ST-expert 2 on intellectual property issues related to customs: 2 mm (training + training of trainers)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b) ST-expert 1 on intellectual property issues related to police: 3 mm (training + training of trainers + preparing the manual)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c) Training of 10 representatives of the customs and police to carry out further intellectual and property rights related training in their institutions in the future (STE 1, 2 and 3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>1.2) d) Study tour for 6 trainers into 2 Member States (2 x 4 days)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>II Training and study visits for minimum 10 persons from collecting societies. Collecting societies (Estonian Authors Society, Estonian Performers Association, Estonian Audivisual Authors Association) need training in the field of collecting activity. Study tour to a member state for 8 persons from collecting societies (2 persons from each society) for 5 days</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Interpretation (for training)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>II ST-expert 4 for training of collecting societies for 15 mandays</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Study visits for 5 days (8 persons)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Commitment of law enforcement bodies (police and customs) to participate in the training;
- People are willing to give anonymously information on piracy in order for the study on piracy to be successful;
- A study on the nature and level of piracy will be carried out prior to the beginning of this project (during 2002);
### III Drafting of the new/revised legislation

<table>
<thead>
<tr>
<th>III Direct Contract: local expert 1 mm</th>
<th>5000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contingencies</td>
<td>13 000</td>
</tr>
<tr>
<td>Preparation of Twinning Covenant</td>
<td>18 000</td>
</tr>
<tr>
<td>Audit certificate</td>
<td>5 000</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>459 000</strong></td>
</tr>
</tbody>
</table>

### CONTRACT 2

#### Activities for the Result 3

- Compiling 2 collections of cases
  - 3) collection of Estonian and international (EU) copyright cases and printing 200 copies
  - 4) collection of Estonian and international (EU) industrial property rights cases and printing 200 copies

<table>
<thead>
<tr>
<th>Framework contract:</th>
</tr>
</thead>
<tbody>
<tr>
<td>International copyright law expert: 3 mm</td>
</tr>
<tr>
<td>International industrial property law expert: 3 mm</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
</tr>
<tr>
<td>48000</td>
</tr>
<tr>
<td>48000</td>
</tr>
<tr>
<td>96 000</td>
</tr>
</tbody>
</table>

#### TOTAL:

- 10 000 (printing + translating: MoC)

### CONTRACT 3

#### Activities for the Result 4

- Implementation of public awareness campaign on copyright principles embracing different media channels (radio, TV, writing press, posters, booklets).

<table>
<thead>
<tr>
<th>Service contract simplified procedure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR-company contracted to carry out the awareness raising campaign</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
</tr>
<tr>
<td>100 000</td>
</tr>
</tbody>
</table>

### Preconditions

- A study on the nature and level of piracy will be carried out prior to the beginning of this project (during 2002).
- Quantified revision of the OVI’s in the logframe matrix will be performed under the supervision of the Steering Committee on the basis of such results.
# TIME IMPLEMENTATION CHART

**Project No:**

**Project Title:** “Alignment of Estonian intellectual property legislation, enforcement of EU intellectual and industrial property legislation”

<table>
<thead>
<tr>
<th>Contract 1</th>
<th>Twinning (including direct contract)</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>J F M A M J</td>
<td>J F M A M J</td>
<td>J F M A M J</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
<tr>
<td>Institution strengthening (PAA)</td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
<tr>
<td>Development of manual on copyright issues for the police (STE 1)</td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
<tr>
<td>Implementation of the training programmes (STE 1-3)</td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
<tr>
<td>Training and study-visits for minimum 10 persons from collecting societies (STE 4)</td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
<tr>
<td>Drafting of the new/revised legislation (direct contract)</td>
<td></td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
<td>I I I I I I I</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract 2</th>
<th>Framework Contract</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td>Compiling 2 collections of cases (Estonian and international (EU) copyright and industrial property right cases)</td>
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<td>Implementation of public awareness campaign on copyright principles embracing different media channels (radio, TV, writing press, posters, booklets)</td>
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### CUMULATIVE CONTRACTING SCHEDULE

**Project No:** täidab Laienemise peadirektoraat pärast Rahastamisettepaneku (Financing Proposal) heakskiitmist Phare Juhtkomitee (Management Committee) poolt

**Project Title:** “Enforcement of EU intellectual and industrial property legislation”

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### CUMULATIVE DISBURSEMENT SCHEDULE

**Project No:**

**Project Title:** “Enforcement of EU intellectual and industrial property legislation”

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Annex 4

Main dedicated Laws and Regulations

Estonia


2) **Accession to the Berne Convention Act** (adopted on 18 May 1994);

3) **Accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations Act** (adopted on 9 December 1999);

4) **Accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms** (adopted on 9 December 1999).

European Union Directives


2) Council directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;

3) Council directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights;

4) Council directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;


Conventions and Treaties Estonia is a party to

1) Estonia is party to the Berne Convention for the Protection of Literary and Artistic Works since October 26, 1994;

2) Estonia is the member of the World Intellectual Property Organisation (WIPO) since February 5, 1994;

3) Estonia is a party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome 1961) since April 28, 2000;

4) Estonia is a party to the Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of their Phonogram (Geneva 1971) since May 28, 2000;

5) Estonia signed the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty on December 29, 1997 (has not yet ratified them).
"Section 87. Copyright Committee
(1) The copyright committee (hereinafter committee) will be formed at the Ministry of Culture, that is a committee of experts. The Government of the Republic shall name the members of the committee for each subsequent two years. The committee:

1) monitors compliance of the level of copyright and related rights protection in Estonia with the international obligations assumed by Estonia;
2) analyses the practice of implementation of copyright-related legislation;
3) makes suggestions to the Government of the Republic for amendments to copyright-related legislation and accession to international treaties;
4) resolves copyright-related disputes out-of-court by mediation;
5) fulfils other tasks appointed by the Government of the Republic.

(3) The committee shall provide an overview of compliance of the level of copyright and related rights protection in Estonia with the international obligations assumed by Estonia to the Government of the Republic twice a year and, if necessary, shall make proposals for the improvement of activities in this field.
Coordination of the Phare 2002 project “Harmonisation of EU intellectual property legislation, enforcement of EU intellectual and industrial property legislation”

Responsibilities of the parties:

**Ministry of Culture**
Ministry of Culture co-ordinates the copyright and neighbouring rights- related matters in the Republic of Estonia.

**Ministry of Economic Affairs**
In the Republic of Estonia the realisation of protection measures offered by the industrial property legal protection system is conducted via the Patent Office. PO is a government agency in the area of government of the Ministry of Economic Affairs.
Ministry of Justice.
The first and most important task of Estonian Ministry of Justice is formulating and carrying out the legal policy of Estonia. As related to this project – the Ministry of Justice, according to Article 59 of the Government of the Republic Act, the administrative area of the named Ministry includes:
- co-ordination of legislative drafting;
- organisation and management of work of courts of first and second instance;
- management of work of the Prosecutors Office;
- etc

Police Board (within the area of government of the Ministry of Internal Affairs) and Customs Board (within the area of government of the Ministry of Finance) are main enforcement authorities in Estonia

Collecting Societies
Authors, performers, producers of phonograms, broadcasting organisations and other holders of copyright and related rights have the right to establish associations pursuant to the procedure provided by legislation for the collective exercise of their copyrights and other rights arising from Copyright Act and for the protection of their creative and economic interests. Such collective management organisations (Collecting Societies) are non-profit associations.
High level of piracy and copyright as well as industrial property violations (problems at international level and problems for legal business)

- Inadequate enforcement
  - Poor capacity
    - Poor level of knowledge among enforcement authorities
      - Inadequate tools
      - Shortage of stuff
    - Poor stuff training
      - Shortage of trainers
      - Inadequate training and working materials and programs
  - Inadequate enforcement

- Legislation needing further alignment
  - Existing Copyright Act not clear

- People buy pirated and counterfeit goods
  - Cheap
  - People not aware of impacts
  - Products available
  - People don’t care
  - Low risk