Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1 CRIS Number: 2004/16762.01.05
   Twinning light: MT04-IB-OT-06

1.2 Title: Intellectual Property Awareness, Training and Enforcement

1.3 Sector: Intellectual Property Rights – Internal Market

1.4 Location: Malta

2. Objectives

2.1 Overall Objective(s):

To achieve effective implementation of the EU Industrial and Intellectual Property Acquis.

2.2 Project purpose:

To map out and implement a comprehensive strategy for enforcement, training, and awareness in the area of Intellectual Property Rights.

2.2 Justification

The Comprehensive Monitoring Report (5th November 2003) states:

“As regards enforcement of IPR, administrative structures are in place but need to be strengthened. Training, especially of judges and prosecutors, needs to be intensified. Staffing has been increased and training carried out, but there remains a lack of resources and fines lack sufficient deterrent effect. Further efforts are needed especially to cope with the high level of piracy in music and video products. Better co-ordination among enforcement bodies (in particular customs, police and judiciary) needs to be pursued.”

3. Description

3.1 Background and justification:

Efforts are continuously being made by customs and the police to curb counterfeiting and piracy in Malta. It is the main goal to stop counterfeit goods at border and in this regard customs are being successful. To complement this, the police have stepped up their efforts to dissuade the proliferation of counterfeit goods on the local market. This is being achieved through onsite inspections in shops and in the open market and confiscation of such goods together with the necessary legal actions. Nevertheless it is felt
that both the police and customs need further training in this regard. In addition the Commerce Division feels that it has a duty to reach out to the public and make it more aware on the ban of counterfeiting and also the business community in general and SME’s in particular in order to make these groups more aware of the benefits derived from registering their intellectual and industrial property. Malta has over the past 3 years transposed the relevant EU Industrial and Intellectual Property Acquis namely:

i. Copyright

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


ii. Designs

iii. Patents

Council Regulations 1768/92 and 1610/96 regarding supplementary protection certificates for medicinal and plant products

iv. Trademarks

v. Topography and Semiconductor Products

vi. Enforcement

Council Regulation (EC) No 3295/94 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods.

Malta will eventually form part of the European Patent Convention, the Patent Cooperation Treaty, the Community Patent System, the Protocol of the Madrid Agreement for the International Registration of marks and the Community Trademark and Designs System.

The responsibilities related to intellectual and industrial property are as follows:

The Commerce Division: policy, international relations, legislation of copyright, legislation and registration of patents, trademarks and designs as well as creating awareness regarding the action to be taken to protect one's IP and the respect of the IP owned by others.

The Attorney General's Office: vetting of legislation, prosecution, litigation and legal advice.

Police: actions against criminal offences.

Customs: border actions, customs legislation.

Chief Justice: the judiciary.

Injured Parties: civil action.

Whilst substantial effort is undertaken by each government entity above and ongoing co-operation exists to a degree, the following lacunae may be observed:

There is no comprehensive strategy in the area;
The Commerce Division in spite of its responsibilities does not have an adequate Awareness and Training Dimension;
Police and Customs need ongoing assistance in the area of identification of counterfeit goods;
All entities need particular exposure to case law and procedures on the areas.

The project is thus intended to address the above shortcomings.
3.2 Linked activities:

Pre-Accession Funds

Pre-accession funds 2002 have been approved for the creation of a patent and trademark system (MT 0806). The budget for this project is €160,000. A Grant Contract with International Organisation has been finalised in collaboration with the Contracts Department and the Planning and Priorities Co-ordination Directorate (OPM). The Grant Contract has recently been accepted by the EU Commission and the project will commence once all the documentation has been signed by all parties involved. The European Patent Office will be providing its assistance and expertise in the implementation and configuration of the patent and trademark software applications.

It is expected that implementation of this project will start in the second quarter of 2004.

IPR Guide

This Commerce Division, together with the Malta Council for Science and Technology (MCST) and our counter-parts in five other countries is participating in the EU-funded project entitled ‘Co-operation Platform for National Patent Offices and Innovation-Supporting Organizations by Developing and Using an IPR Guide for SMEs’. This project forms part of the EU’s 5th Framework Protocol and will terminate in April 2004.
## Training

Commerce Division

<table>
<thead>
<tr>
<th>Number of officials</th>
<th>Dates</th>
<th>Outline of seminar/workshop</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>28-29/11/01</td>
<td>Processing of Community trademark applications and opposition hearings</td>
<td>TAIEX</td>
</tr>
<tr>
<td>2</td>
<td>25-26/11/01</td>
<td>Absolute grounds of refusal and trademark classification according to the NICE Agreement</td>
<td>OHIM (Office for the Harmonisation in the Internal Market – Community Trademarks and Designs)</td>
</tr>
<tr>
<td>2</td>
<td>13-15/03/02</td>
<td>Trademark practice and procedures and enlargement preparatory group</td>
<td>OHIM</td>
</tr>
<tr>
<td>3</td>
<td>6-7/05/02</td>
<td>Euro-Forum on Trademarks dealing with various aspects on trademarks and putting up of a stand on Industrial property in Malta</td>
<td>OHIM</td>
</tr>
<tr>
<td>12</td>
<td>3-7/05/02</td>
<td>WIPO expert visited the office to conduct training in the NICE classification system for trademarks</td>
<td>World Intellectual Property Organisation (WIPO)</td>
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<tr>
<td>1</td>
<td>23-24/09/02</td>
<td>Relative ground of Refusal and opposition proceedings and Community Designs</td>
<td>OHIM</td>
</tr>
<tr>
<td>12</td>
<td>11/11/02 (half-day)</td>
<td>Community Trademark System – administrative procedures and implications of this system on the working of the Industrial Property Office</td>
<td>OHIM (seminar was organised locally with presentations delivered by experts from the Community Trademark Office)</td>
</tr>
<tr>
<td>1</td>
<td>20-21/02/03</td>
<td>Liaison Meeting on Practice and Procedures in Trademarks</td>
<td>OHIM</td>
</tr>
<tr>
<td>2</td>
<td>25-26/03/03</td>
<td>Workshop on Absolute Grounds of Refusal In-the-Job-Training for trademark examiners</td>
<td>OHIM</td>
</tr>
<tr>
<td>2</td>
<td>27-29/03/03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>12-13/06/03</td>
<td>14th Liaison Meeting on IT and Information</td>
<td>OHIM</td>
</tr>
<tr>
<td>12</td>
<td>21/10/03</td>
<td>Seminar on the Patent Co-operation Treaty – procedures and implications (half-day)</td>
<td>WIPO (seminar was organised locally with presentations delivered by WIPO and European Patent Office (EPO) experts)</td>
</tr>
</tbody>
</table>
### Customs

<table>
<thead>
<tr>
<th>Date &amp; Place</th>
<th>Seminar title/subject</th>
<th>Number of participants</th>
<th>Organisers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malta, 7 - 8 Nov 2000</td>
<td>Legal Aspects of IPR Fraud</td>
<td>60</td>
<td>Mamo TCV Advocates</td>
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<tr>
<td>UK, Dec 2000</td>
<td>Intellectual Property Rights regulations</td>
<td>3</td>
<td>HM Customs and Excise</td>
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<tr>
<td>Malta, 12 Apr 2001</td>
<td>Tobacco-counterfeiting Worldwide</td>
<td>50</td>
<td>Philip Morris / Mamo TCV Advocates</td>
</tr>
<tr>
<td>Rome, 16 - 18th May 2001</td>
<td>Customs control methods</td>
<td>1</td>
<td>EU Customs 2002 programme</td>
</tr>
<tr>
<td>Stockholm, Apr 2001</td>
<td>IPR Controls</td>
<td>1</td>
<td>European Commission</td>
</tr>
<tr>
<td>Brussels, September 2001</td>
<td>IPR regulations</td>
<td>1</td>
<td>European Commission</td>
</tr>
<tr>
<td>Helsinki, 10 - 13 Dec 2001</td>
<td>Improve control procedures on IPR</td>
<td>1</td>
<td>EU Customs 2002 programme</td>
</tr>
<tr>
<td>Thessaloniki, Apr 2002</td>
<td>Enforcement of IPR matters</td>
<td>1</td>
<td>European Commission</td>
</tr>
<tr>
<td>Malta, 29 May 2002</td>
<td>Protecting Value in the Maltese Tobacco</td>
<td>40</td>
<td>(BAT) &amp; C.C.C. Ltd (Malta)</td>
</tr>
<tr>
<td>Athens, 3 - 5 Jun 2002</td>
<td>European Union's Policy on IPR</td>
<td>2</td>
<td>EU Customs 2002 programme</td>
</tr>
<tr>
<td>Madrid, 3 - 5 Feb 2003</td>
<td>IPR protection in the Euro-Mediterranean European Commission &amp; free trade area</td>
<td>1</td>
<td>MEDA Programme</td>
</tr>
<tr>
<td>Malta, 26 - 30 May 2003</td>
<td>HM Customs &amp; Excise Officers and EU regulations on IPR in UK</td>
<td>60</td>
<td>British High Commission</td>
</tr>
<tr>
<td>Brussels, 27 - 29 Oct 2003</td>
<td>The fight against counterfeit &amp; piracy</td>
<td>1</td>
<td>EU Customs 2007 programme (operational seminar)</td>
</tr>
<tr>
<td>Malta, 6 - 7 Nov 2003</td>
<td>Practical training on IPR regulations for front-line Customs Officers</td>
<td>50</td>
<td>World Customs Organisation</td>
</tr>
</tbody>
</table>

### 3.3 Results

a. Comprehensive strategy on the fight against piracy developed involving all national administrative actors (namely the Police, Customs, the Attorney General and the Commerce Division) and an action plan designed for its implementation.

b. Training the staff at the Commerce Division to create an IP awareness unit within the Division.

c. Customs Officers and Police Officials trained to fulfill their duties in the area of enforcement.
d. Greater awareness and interest in IPR matters in schools, SMEs, relevant authorities and the public in general.

3.4 Activities

Activity 1 – Institution Building: 8 month Twinning Light for €50,400

One Twinning ‘light’ is envisaged to be carried out by:

(a) Expert who shall
- assess the situation concerning the various parties involved in IPR;
- draw up a co-ordination strategy;
- design an action plan for its implementation involving all bodies.

(20 man-days, €16,488)

(b) Foreign expert (training and awareness) who will be required to:

- Train officials from the Commerce Division to be in a position to organise training, workshops and seminars on intellectual and industrial property matters for the staff at the Commerce Division. The trained officials should be capable of analysing the training needs of the staff at the Commerce Division and organising training workshops and seminars based on the training requirements in order to keep the staff updated and informed in their particular area of specialisation relating to intellectual and industrial property;

- Train officials from the Commerce Division to be in a position to organise awareness campaigns on intellectual and industrial property regulations and rights for the businesses, students and relevant authorities and the general public;

- Assist during the launching of the awareness campaign.

(35 man-days, €28,516)

(c) Expert on the identification of pirated goods will hold meetings with the players involved and conduct workshops thereon particularly aimed at the police and the customs in order to inform them of the latest techniques used in piracy.

(5 man-days, €4,176)

(Total for Twinning Light = 49,180 + 2.5% Contingency = € 50,409)

Activity 2 – Investment: Information Campaign

Mounting of an information campaign via the media and including the production of information videos, clips and printed matter. Consultations on the best practice for launching the information campaign will be made with the expert/s mentioned in Activity 1 under Twinning ‘light’.
The information campaign will consist in the production of a number of short videos (5-8 minutes) and information clips (15-30 seconds) and printed matter such as flyers (total of 20,000 flyers) and posters. The main emphasis in all of the above will be the protection of intellectual and industrial property rights. Short videos will be shown in schools and higher educational institutions, SME’s and will be distributed to other interested parties. Information clips will be shown on the televisions stations in order to reach the widest public possible. The printed matter will be distributed amongst the commercial sector. Additional advertising will also be carried out via email and local newspapers and radios. An appropriate advertising house will be appointed to produce the marketing campaign.

Breakdown of costs:

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Estimated Price in €</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production of Information Videos (about 3)</td>
<td>11,500</td>
</tr>
<tr>
<td>Production of Information Clips (about 10)</td>
<td>6,250</td>
</tr>
<tr>
<td>Design and Printing of Flyers (2 x 10,000) and Posters</td>
<td>3,000</td>
</tr>
<tr>
<td>Marketing campaign in all local media (over 11 months)</td>
<td>90,000</td>
</tr>
<tr>
<td>Public Workshops and Seminars (about 4)</td>
<td>20,000</td>
</tr>
<tr>
<td>Grand Total</td>
<td>130,750</td>
</tr>
</tbody>
</table>

3.5 Lessons learned:

The success of a project depends on the regular discussion and communication between the Project Leader and the Pre-Accession Advisor in order to achieve the most effective planning and formulation of the project in so far as content, project objectives, timeframes and budgets are concerned. Furthermore, the Project Leader must have the necessary knowledge and experience, not only in the area of project management but moreover on the subject areas of the project.

4. Institutional Framework

The project will be led by the Commerce Division but will be implemented with the participation of the Attorney General's Office, Customs and Police particularly with regards to enforcement.

The role of Customs is to prevent counterfeit goods from entering Malta. Regular searches are carried out and any such goods found are confiscated. Two Customs officials and their Head of Section are working in this area, assisting in organising training and co-ordinating these matters from a Customs aspect. This is complemented by other Customs officers, stationed at entry points in Malta, who inspect goods on arrival.

The Police’s role - like that of Customs - is also one of enforcement. However they concentrate on confiscating any counterfeit goods which maybe on the market (and not at border). Additionally they ensure that the laws in the area of enforcement are implemented. One of the many duties of the Economics Crime Unit within the Police is that of enforcement in intellectual and industrial property. This Unit totals to twenty officers led by an Assistant Commissioner and a Superintendent.
The Attorney General’s Office role is that of a counsel to Government *inter alia* in the areas of intellectual and industrial property. This Office has a total of four lawyers who undertake the vetting of legislation, prosecution and litigation.

The Commerce Division is the regulatory and registration body of intellectual and industrial property rights. The Division incorporates the Industrial Property Registrations Directorate (responsible for the operational aspect of trademarks, patents and designs), the Policy and Regulatory Services (responsible for the regulatory services of industrial and intellectual property) and Small Business and Crafts Directorate (responsible for the provision of information and offering assistance to SME’s). The afore-mentioned Directorates have a total of twenty-five employees inclusive of support staff. The Comptroller of Industrial Property Registrations is also the Director-General of the Commerce Division.

5. **Detailed Budget**

<table>
<thead>
<tr>
<th>Transition Facility Support</th>
<th>Component 1: Institution Building</th>
<th>Component 2: Information campaign</th>
<th>Total TF (=IS+IB)</th>
<th>National Co-financing*</th>
<th>IFI*</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Support</td>
<td>-</td>
<td>98,000</td>
<td>148,000</td>
<td>32,700</td>
<td>-</td>
<td>180,700</td>
</tr>
<tr>
<td>Institution Building</td>
<td>50,000</td>
<td>-</td>
<td>50,000</td>
<td>-</td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>Total</td>
<td>98,000</td>
<td>50,000</td>
<td>148,000</td>
<td>32,700</td>
<td>-</td>
<td>180,700</td>
</tr>
</tbody>
</table>

*In cases of co-financing only

The amounts for co-financing indicated in the table correspond to cash co-financing. In addition, in-kind contributions from the Maltese administration for effective implementation of the twinning ‘light’ may be further detailed in the Twinning ‘light’ Terms of Reference.

The cost of air tickets of Maltese officials participating in study visits will be paid for out of the Travel vote of the beneficiary.

The co-financing expenses will be monitored by the beneficiary and the NAO. For the earmarked co-finance, a clear and verifiable set of costs will be provided. The beneficiary will define which budget lines are the source for co-finance.

6. **Implementation Arrangements**

6.1 **Implementing Agency**

Ministry of Finance  
House of Catalunya,  
Marsamxett Road,  
Valletta CMR 02  
Tel: (00356) 21 220782  
Fax: (00356) 21 247173
6.2 Twinning

Twinning ‘light’ counterpart:

Ms M Bonello,
Director Industrial Property Registrations
Commerce Division, Lascaris,
Valletta CMR 02
Tel: (00356) 25690223/36
Fax: (00356) 25690338/206
E-mail: michelle.bonello@gov.mt

6.3 Non-standard aspects

N/A

6.4 Contracts

Contract 1: Twinning ‘light’ – €50,000
Contract 2: Service contract for an Information campaign – €130,700

7. Implementation Schedule

7.1 Start of tendering/call for proposals:
September 2004
7.2 Start of project activity:
February 2005

7.3 Project completion:
December 2006

8. Sustainability

Current staff in the respective entities will be involved. Costs for maintenance and up-date are included in the normal budget exercise. Trained officials will be obliged to share their knowledge and expertise with other officers within the Division. In fact, under Activity 1 in Section 3.4 the importance of in-house training is emphasised. In this way the acquired knowledge will be retained within the Division in order that the Division’s role of awareness-raising in the area of IP within the local community will also be maintained.

9. Conditionality and sequencing

Most important milestones of the project in terms of impact:

1. Drawing up of co-ordination strategy between all entities involved.
2. Setting up of awareness and training unit at commerce division.
3. Training in awareness raising and training of staff.
4. Launch of information campaign.
## LOGFRAME PLANNING MATRIX FOR
Project

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>To achieve effective implementation of the EU Industrial and Intellectual Property</td>
<td>The members of the alliance will be in a better position to meet its obligations resulting from the Acquis in the area of IPRs. This means that there will be a notable improvement in the areas of responsibility of parties involved in the project. This will be better achieved by the identification of a team of focal points (2 officials) within each of the organisations involved to better solve any issue or organise any activity relating to industrial and intellectual property.</td>
<td>Continuous assessment of progress made in the areas of enforcement and in the adoption and implementation of the Acquis.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
</table>
| To map out and implement a holistic strategy for training, awareness and enforcement in the area of IPR. | Better co-ordination of IP activities between the Parties concerned particularly through the identification of a team of focal points (2 officials per organisation) with a view of achieving desired results. The main aim is to ensure that the IP campaign reaches its targeted audience. | Monthly statistical reporting  
Case results                                                                 |

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assumptions</td>
<td>The commercial sector has the information and resources to use the services of the Commerce Division.</td>
<td></td>
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</tbody>
</table>

Programme name and number
Transition Facility 2004 Programme.

<table>
<thead>
<tr>
<th>Contracting period expires: 15/12/2006</th>
<th>Disbursement period expires: 15/12/2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total budget: €180,700</td>
<td>TF budget: €148,000</td>
</tr>
</tbody>
</table>
a) Comprehensive strategy on the fight against piracy developed involving all national administrative actors and an action plan designed for its implementation.
b) An IP training and awareness unit at the Commerce Division.
c) Customs Officers and Police Officials trained to fulfil their duties in the area of enforcement.
d) Greater awareness and interest in IPR matters in schools, SMEs, relevant authorities and the public in general

- Better co-ordination of enforcement activities particularly from the Customs and the Police.
- Better informed and trained judiciary and AG staff (max. 4 lawyers).
- Training will lead to an increase in the efficiency and productivity of the officials working in IP (all organisations).
- An increase in promotional activities related to IPR such as meetings, seminars, workshops and promotional material (as indicated in Activity 2).
- Awareness campaigns will educate the layman to understand better the importance and value of IP rights, to facilitate the creation of IP and the appreciation of the rights associated therewith.

Activities | Means | Assumptions
--- | --- | ---
1. One Twinning ‘light’ to be carried out by (a) experts to assess: - the situation concerning the various parties involved in IPR - draw up a co-ordination strategy - design an action plan for its implementation involving all bodies
(b) Foreign experts (training and awareness) who will be required to: - Train officials from the Commerce Division to be in a position to organise training, workshops and seminars for staff at the Commerce Division; 1. Twinning ‘light’ contract | Statistical reports. Monthly departmental reports. | • The commercial sector has the information and resources to use the services of the Commerce Division.
• Recruitment of two officers in addition to current staff.
- Train officials from the Commerce Division to be in a position to organise awareness campaigns for businesses, students and relevant authorities and the general public;

(c) Experts on the identification of pirated goods to hold meetings with the players involved and conduct workshops thereon particularly aimed at the police and the customs.

2. Mounting of an information campaign via the media that includes the production of information videos, clips and printed matter. The same expert/s as in Activity 1 will assist in its organisation and will oversee the progress and launch of the information campaign.

<table>
<thead>
<tr>
<th>2. Service tender</th>
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</table>

**Preconditions**
### SUMMARY DETAILED TIME IMPLEMENTATION CHART FOR THE PROJECT

**Title:** Intellectual Property Awareness, Training and Enforcement

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
</table>
| Intellectual Property Awareness, Training and enforcement | D | D | D | C | C | C | C | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | X | X | D = Design | C = Contracting | I = Implementation | X = Closure
CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

Title: Intellectual Property awareness, training and enforcement

Component 1: Twinning Light

<table>
<thead>
<tr>
<th></th>
<th>III Q 2004</th>
<th>I Q 2005</th>
<th>II Q 2005</th>
<th>III Q 2005</th>
<th>I Q 2006</th>
<th>Total</th>
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<tbody>
<tr>
<td>CONTRACTED</td>
<td>50,000</td>
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<tr>
<td>DISBURSED</td>
<td>40,000</td>
<td></td>
<td></td>
<td>50,000</td>
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</table>

Component 2: Information campaign

<table>
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<tr>
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<td>CONTRACTED</td>
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<tr>
<td>DISBURSED</td>
<td></td>
<td></td>
<td>78,000</td>
<td>97,500</td>
<td>117,000</td>
<td>130,700</td>
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