Strengthening the protection of intellectual and industrial property rights

1. Basic Information
1.1 CRIS Number: 2004/016-829.02.02 Twinning No: PL2004/IB/OT/03
1.2 Title: Strengthening the protection of intellectual and industrial property rights.
1.3 Sector: Internal market
1.4 Location: Poland

2. Objectives:
2.1 Overall objective:
1. Reinforcement of intellectual property rights’ (IPR) protection.
2. Increasing the effectiveness in the area of fighting against industrial property rights’ infringements.

2.2 Project purpose/immediate objective:
1. Providing information and knowledge about the system of industrial property protection in respect of all titles of protection.
2. Strengthening institutional cooperation between appropriate bodies in exchanging information on protected intellectual property rights.
4. Development of operational and preventive activities in the field of protection of exclusive intellectual property rights.
5. Increase of intergovernmental and international cooperation in the scope of intellectual property rights’ enforcement.
6. Facilitation and streamlining of the procedure in processing applications for protection of industrial and intellectual property rights.

2.3 Justification:
There is a continuing need for improving the organization and activities of Polish Customs mentioned in the Comprehensive Monitoring Report on Poland’s Preparations for Membership, published in November 2003. Furthermore, the Report mentions the necessity of trainings for professionals in the area of industrial property law.
In Chapter 5 (Company law) the Report states: “There remains a need to increase overall enforcement capacity, in particular in the Ministry of Culture and in the Patent Office. Training, in particular of judges and prosecutors, needs to be intensified. Further efforts are needed especially to cope with the high level of piracy in software and music and video products. Better co-ordination among enforcement bodies (in particular customs, police and judiciary) needs to be pursued. Poland should carefully implement its new strategy on intellectual property protection, adopted in August 2003 and meant to step up the fight against piracy and counterfeiting.

Chapter 16 (Small and medium-sized enterprises) mentions: “SME policy aims to improve the formulation and co-ordination of enterprise policy across the internal market with a view to supporting the development SMEs. In doing so, it seeks to improve the overall business environment in which SMEs operate. SME policy consist largely of consultation for a and Community programmes, as well as of communications, recommendations and exchanges of best practices”.

The issue of science and research is mentioned in Chapter 17: “Due to its specificity, the aquis in the field of science and research does not require any transportation in the national legal order. However, the necessary implementing capacity needs to be created to allow for effective participation in activities under the Framework Programmes in the field of research”.

Chapter 25 concerning the Customs Union provides that “Poland should continue to carry out its plans for re-organisation of customs services and relocation of staff as a result of accession, when the volume of work decreases owing to the conversion of external to internal trade. Preparation for the application of measures and provisions that will be introduced only at the time of accession should be completed, in particular via training. In addition, continued efforts should be made as regards the implementation of the Business Strategy, the combating of customs irregularities, for example with regards to counterfeit and pirated goods, and the strengthening of co-operation between customs and other enforcement bodies. (…)
According to the Monitoring Report of 5th of November 2003 further efforts are still required to ensure that Poland has an accountable, reliable and fully co-ordinated police organization. Training and information sharing in the field of combating economic and organized crime needs to be considerably improved.

3. Description:

3.1 Background and justification:
The intellectual property rights’ protection is becoming more and more worldwide important issue. Highly developed countries place a special emphasis on the development of the economy based on knowledge and on protecting and promoting their culture. This is becoming particularly important in the context of the development of new technologies and of an information society. To be able to achieve and maintain their positions, particular attention to protection of the intellectual property rights shall be paid.

Despite many activities taken by Polish Government, the level of intellectual property rights’ infringements is still high. Natural persons and private companies as well as the State are sustaining losses because of piracy and counterfeiting. The immediate action to change this situation is required. There is the need to enhance the procedures enabling the enforcement of intellectual property rights.

According to the final report of the twinning project PL00/IB/EC-04 “Intellectual Property Rights”, although Polish legislation in IPR matters meets all European and International standards there are many difficulties in the law enforcement. The reasons for that were i.e. “poor co-ordination of the different enforcement bodies” and “lack of IPR protection awareness within the society (...”)”. The training in IPR issue, “involving private sector and representatives of the administrative and enforcement bodies (Police, Border Guard, Customs, Ministry of Culture and Polish Patent Office)” is recommended. “It should improve the co-ordination and give the possibility to the participants to get to know the work and functions of each of the institutions involved, exchanging information”.

In order to provide theoretical knowledge about the system of industrial and intellectual property rights’ protection and improve practical abilities to succeed fighting against piracy and counterfeiting the programme of various types of trainings is planned.

In order to create social awareness of IPR protection the Ministry of Culture’ part is directed to public servants, business professionals and members of collective management organisations.

Due to the peculiarity of the regulations applicable to the each one of the IPR enforcement bodies involved in the project, the scope of programme will be differentiated in order to suit the need of the particular body.

Considering upcoming polish accession to EU the Ministry of Finance’ part of the training programme is directed mainly for customs officers form eastern border, airports and maritime border in order to increase their abilities to distinguish pirate or counterfeit goods and the origin ones, as well as to recognise types of the most existing IPR infringements.

In order to provide effective enforcement of intellectual property rights to provide customs and preventive services, both operating on the boarders and inland, with a sound basis for taking adequate decisions based on up – dated information and data. Information on industrial property rights is changing very quickly. That is why it is necessary to provide the police, customs services and bodies involved in the enforcing of law with up dated and exact information. National services dealing with the protection of industrial property rights lack the necessary tools which would enable them to quickly verify the information on the protected industrial property rights. Nowadays mentioned services do not have the access to the actual databases of trade marks. The necessary information is provided by traditional means (post and phone). The procedures so far applied in practice make impossible to check the existence of a right to the marketed goods during a routine control procedure. At the moment there is no instrument for updating data bases of protected industrial property rights. All this leads to the insufficient protection and significantly decreases efficiency of the responsible services, judiciary, customs services and the police, in fighting against piracy and counterfeiting.

In the very near future the Polish Patent Office will start to operate European Patent system and Community Trade Mark system. The amount of information the PPO will have to deal with will make it indispensable to change the system of information flow and develop modern IT systems.
In 2003 the Polish Patent Office completed the project concerning the on-line data providing system. This project improved the quality of services provided by the Polish Patent Office as well as enabled the modernization of the telecommunication and IT infrastructure of the Office.

The recently launched production servers as well as servers that were taken back during the latest modernization activities could be used also within the future initiative projects in the field of IT. Implementation of the present project should enable to finish the reengineering process at the Polish Patent Office that was started by the previous project. The modernized network information flow will enable the Polish Patent Office to deliver the required services to the EU citizens quickly and safely.

Creation of computerized system at the Patent Office for making accessible the necessary information to the police, customs services and border departments is necessary. The information shall be presented in a form making possible to take immediate and correct decisions in respect of individual right of protection. Because of the confidential character of information it is planned to use non-public governmental computer network Pesel – Net covering central administration agencies. On the basis of this network an extranet solution in a form of portal will be developed providing access to the selected data bases of the Patent Office. Data access in non-public network is planned to be achieved by modification of existing access systems. It appear to be possible to look trough Patent’s Office base or updating already existing cooperating service database.

Moreover, further development of existing IPR database to provide within the customs administration effectively operating data base to intellectual property rights’ protection is planned. It will lay on interface system which would allow reading sorted data from co-operating services databases (Police, Border Guard and Patent Office) as well as on development of data base application as to enable the co-operation with the Ministry of Finance internet portal.

The modernization of the existing mechanisms of the flow of information in the Polish administration will contribute to the improvement of productivity of experts working at the office. The modernization of the present mechanisms and launching of fully computerized system will enable to scale the system in future and dynamically adapt it to the ever-increasing needs of all the EU Member States.

Obtaining information about the best practice as well as taking advantage of the experience of the public administrations in the Member States, with the emphasis on the experiences as external EU border and effectively operating IPR data base, lead to facilitate the IPR protection. Comprehensive presentations of the IT system capabilities operating in the Member State, such as analyses and report generation for the statistics purposes, rules applicable in the terms of data access, hardware solutions, are the benefit for further upgrade of existing IPR data base within the Polish customs administrations. Acquired knowledge and experience gained result in proper adaptation of the Member States’ now-in-use IT technology to the specificity of the Polish customs administration in terms of its IPR structural and organisational set up.

3.2 Linked activities:

1. The first project was the “Regional Intellectual Property Rights” (RIPP) which was financed from the PHARE funds and was administered by the European Patent Office in Munich. RIPP fund allowed, in 1993 – 1999, to publish monthly CD-ROMs with patent information. These were PRECES (patent specifications of Bulgaria, Czech Republic, Poland, Romania, Slovakia and Hungary) and TRACES (registered trade marks from the same countries).
2. In 1996 the Polish Patent Office benefited from PHARE – FIESTA project. Financial means from this program enabled to develop a CD-ROM network at the Office. 140 000 ECU was spent on it.
3. In 1998 the Patent Office of the Republic of Poland was a beneficiary of the project FIESTA II „Tideover resources“. Altogether more than 100 000 ECU was spent on the purchase of computer equipment and software.
4. Another undertaking the Polish Patent Office took part in was SIERRA project. With this fund the harmonization of the Polish law on patents and trademarks was accomplished.
5. In the period 2000 – 2003 the project PL0004.04 „Intellectual and Industrial Property Rights” within Phare 2000 program was realised and jointly implemented by the Ministry of Culture (leading institution), Ministry of Finance, Ministry of Justice and Polish Patent Office. During the period of „Intellectual and Industrial Property Rights” project various trainings and seminars for patent attorneys, attorneys, judges, customs officials and experts from the Office were organized.
6. Phare 2000 PL0004.01 “Preparation of Polish Custom Service to work as a member of European Union”. Within the scope of investment part of this project the necessary IT equipment for the pilot database was purchased (the amount allocated for this project was 35 000 EUR). Furthermore the software for this database was developed under the twinning Contract. During the twinning realisation there were delivered a package of training for customs officers responsible for IPR issue.
7. In aim to increase efficiency of detecting acts of violating intellectual property by BG officers in the years 2002-2003 in BG Regional Units trainings on this subject with representatives of ZPAV, FOTA
and other organizations were organized. This training were addressed officers of Border and Inquire and Investigative Sections in II half of 2002.

8. In the 2003 agreement was co-ordinated among Ministry of Finance and Border Guard Head Quarters on co-operation of customs service and Border Guard, in which a provision was situated about caring out common activities in frame of combating crimes violating intellectual property. This Memorandum of Understanding will be signed in I quarter of 2004 and as the effect decrease of smuggling of goods should be observed.

9. Project 2000 Phare PL0005.07 “Twining for the Police Services” – Project included the following components: combating organized crime (corruption, money laundering, drug-related criminality, protection of intellectual property, IT criminality, forensic analysis of narcotics, personnel selection), implementation and managing of IT systems (organization of communications systems, CISCO computer network, systems of computer and communication structures and networks security), preparation of the Polish Police to the EU accession.

3.3 Results

- Develop effectively operating in the public administration the computer network regarding intellectual property rights and provide the Patent Office’ database system accessible to the Police, Customs Service and Border Guard.
- Well educated and more experienced staff in the public administration as well as creation the social awareness of the role of intellectual property rights’ protection.
- Fast system of information flow between interested beneficiary services.
- Increasing of effectiveness and better organization of Police, Border Guard and Custom Services in fighting against IPR infringements.

3.4 Activities

Contract 1 - Twinning

**Component 1 – Polish Patent Office** (250 000 EUR from TF funds + 30 000 EUR of national co-financing)

1. Seminaries focused on the issue “Industrial property in business activity”

- Strengthening of competitive capabilities of the Polish economy, in particular of small and medium-seized enterprises. Effective use of acquired industrial and intellectual property rights.
- Providing information and knowledge on the operation of industrial property protection system in respect of all titles of protection, including:
  - Procedure applied under national system for granting exclusive rights for all subjects of industrial property protected by means of exclusive rights
  - Procedure applied under international systems (European Patent, Community Trademark, Community Design) for granting exclusive rights
  - Effective use of rules and provisions governing industrial and intellectual property in enterprise development strategy
  - Patent system and innovation and competitiveness of enterprises
  - Methodology of using patent information, i.e. Databases on patents and trademarks aimed at identifying technological gaps and defining competitors’ innovation activities.

The seminars are targeted at representatives of trade associations, associations of inventors, chambers of commerce, engineers, industry, patent attorneys, representatives of judiciary and universities, as well as at federations of employers, sectoral autonomous agencies and professionals self-administration.

16 seminars within the project, each for ca 60 people (in total for ca 1000 people), are planned to be organised in subsequently in each voivodship in cooperation with and with support of the Patent Office of the Republic of Poland and Patent Information Centres.

2. The conferences would cover the following topics:

- First experiences from the operation of the Community Trademark system and Community Design system in Poland.
- The European patent – a challenge for Polish industry, new experiences.
- Promotion of Polish products with the system of the protection of geographical indications.

Three conferences are intended to be organised for selected groups of professionals, each for ca 150 people, in cooperation with and with support of the Patent Office of the Republic of Poland and the Polish Chamber of Patent Attorneys.

**Component 2 – Ministry of Finance** (700 000 EUR from TS funds + 70 000 EUR of national co-financing)

Seminars, workshops schedule:

1. 2 seminars for 50 custom officers concerning following activities:
• EU customs actions and measures to be taken against goods suspected of infringing IPR
• New EU regulation on IPR procedures
• Practical experience of customs officers at the EU borders
• Cooperation between the Member States’ customs services and IPR right holders

2. **Workshops** – issues:
   a) 15 workshops’ course for 30 people (total ca. 450) – customs officers working at future EU border directly on customs control:
      • customs actions and measures taken against goods suspected of infringing IPR
      • distinguishing between counterfeit/pirate goods and originate ones (right holders)
   b) 5 workshops’ course for 15 people (total ca. 75) – customs offices’ managers
      • coordination and supervision under proceedings regarding IPR infringements
      • use of IPR data base
   c) 2 workshops for 15 people – IPR coordinators
      • procedures regarding IPR infringements
      • IPR data base operation

3. **Assistance of Long Term Expert in further development of the IPR database.**
The database development requires changing Microsoft Access base into SQL. New base should withstand on modern programme languages such as SQL or VirtualBasic. This solution would allow to increase speed and functionality of new data base. During modernization the possibility to change interface in order to make it more user friendly may occur. Communication between IPR data base and Patent Office IT system would rely on codes of question sent by custom base to Patent’s Office base and receiving in return e-mail selected information. Data actualisation in Custom database will proceed automatically (whole process should base on intelligent data sorting system). The IT equipment regarded as in large extend facilitating proper and quick recognition of goods as well as ensuring proper operating of database will be financed form national co-financing.

**Component 3 - Ministry of Culture** (300 000 EUR from TF funds + 30 000 EUR of national co-financing)
1. **Conferences:**
   • The role of IPR protection in the process of building the knowledge-based economy and information
   • IPR protection in connection with the development of new technologies
   • The management rights in the Internet

Conferences are directed to public servants, private sector and members of collective management organization.

2. **Trainings**
   • IPR infringements in Internet
   • Copyright law, publishing law and Internet law.

Half-a-year long training (classes two times a month) for Ministry of Culture employees are planned.

3. **Analysis and reports including the recommendations:**
   a) Analysis of the following documents:
      • Polish strategy for IP protection
      • IP reports prepared by Committee on the Protection Infringement of Copyright and Related Rights in Poland.
   b) Comparative analysis between Committee on the Protection Infringement of Copyright and Related Rights in Poland and similar bodies specializing in coordination of IP protection activities in selected EU countries
   c) Analysis of functioning Committee on the Protection Infringement of Copyright and Related Rights in Poland
   d) Report concerning relations between Media and Audiovisual Law and Copyright Law
   e) Legal analysis concerning implementation of „Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property right” into Polish legislation.

**Component 4 - Ministry of Internal Affairs and Administration** (312 000 EUR from TF funds + 31 250 EUR of national co-financing)

**Component 4a - Border Guard (BG):**
   Training: (10x20 trainings covering mentioned subjects for 200 BG officers)
   • The most often violations of copyright law and related laws,
   • Procedure and methods of working officers in PC in range of crime detection of goods infringing IPR,
   • Methods of procedure.
seminars: (3x20 – 3 seminars covering mentioned subjects for 60 BG officers, which will be prepared as a future multiplicators, trainers)

- The analysis of present substantive law and procedure law in context of protection of copyright law and related laws, including international conventions ratified by Poland,
- Penal responsibility on crimes of valid regulations of Polish copyright law,
- Tasks of prosecution and investigation authorities in process of protection of intellectual property law.

Component 4b – Police:
17 seminars and workshops for 30 Police officers, realized in International Training Centre that results in app. 500 Police officers from the regional Police Headquarters trained:

- Substantive and procedure law regarding industrial and intellectual property rights’ infringements
- Law enforcement measures in respect of IPR protection
- Member States Police officers’ experience in detection and fighting against IPR infringements
- Operating of IT system of industrial and intellectual property rights.

The project provides also trainings common for Police (16 local headquarters), Border Guard and Custom Services.

Contract 2 – Technical Assistance - “Development of IT solutions available to all beneficiaries” (Polish Patent Office)

- Consultancy with beneficiaries and participants with the aim to define needs of a new system. They should be helpful by defining individual both technical and organizational specification of beneficiaries with the aim of avoiding communication issues during the project.
- Development of the existing IT system at the Polish Patent Office and making available the information on protected intellectual property rights to all beneficiaries participating in the system
- Individual characteristics of the beneficiary should be taken into account. This system will have an extranet structure. The PPO’s high available cluster server will provide necessary information for other beneficiaries. The server will be feed by PPO’s data bases. Information from these bases will be filtrated and profiled with the aim to provide easy access to the appropriate information.
- Connecting the system to the external non-public network.
- Modification of interfaces for beneficiaries participating at the project and making available information collected by the Polish Patent Office
- Development of synchronization mechanisms of data bases between Polish Patent Office’s network and local data base networks of beneficiaries.
- Implementation of preliminary system providing information on protected intellectual property rights. Preliminary implementation will allow for meeting requirements of end users in final implementation.
- Training of beneficiary employees in the field of using interfaces and information delivered by the Polish Patent Office.
- Collection of opinions concerning the use of preliminary system providing information on protected intellectual property rights.
- Implementation of the system providing information on protected intellectual property rights at the beneficiaries’ places.
- Determination of needs in the field of information flow and scaling possibilities.
- Designing and implementing a system of information flow at the Polish Patent Office.
- Training for Polish Patent Office employees in the area of the new system of information flow.

Contract 3 – Purchased of necessary equipment for database (Polish Patent Office) – Polish financing

Contract no 2 will determine the technical requirement for the Polish Patent Office database to make it available for other beneficiaries. The equipment determined within contract no 2 will be purchased within the contract 3 which will be financed from national funds.

3.5 Lessons learned:
Experience in realisation of the projects co-financed from Phare funds and in co-operation with customs administrations of the EU Member States has been gathered for nearly ten years. Many monitoring missions in relation to Phare projects have resulted in the creation of valuable recommendations. Also the organisation itself carefully noted the lessons learned.

It is important to ensure that the project is properly managed throughout its lifecycle and from the beneficiaries’ side this will be done by the appointment of a project leaders and a project team for each component, who will work in close conjunction with the Pre Accession Adviser, Long Term Experts and Short Term Experts. The top management of the beneficiaries’ institutions have to be deeply involved and to support the project realisation.
strengthening the protection of intellectual and industrial property rights

with their authority. Members of the project teams cannot be burdened or overloaded with duties other than those connected with the project realisation. Strong and frequent communication between all stakeholders always helps to avoid misunderstanding, to create confidence and commitment. Reports, recommendations and action points must be acted upon within the timescales established. Part of the project management responsibility will be to identify risks to the project, to provide solutions and to arrange the necessary action.

Previous governmental reports stated the need of improvement of industrial property rights enforcement.

4. Institutional framework:

Each of the beneficiary institution will appoint a project leader, who will be responsible for implementation of its part of the project. The project leaders will be the members of a Steering Committee which will meet on quarterly basis. The Ministry of Finance project leader will be a co-ordinator for this whole project.

Polish Patent Office (PPO) parts of the project are as follows: component 1 within the Twinning Contract and Contract 2

Ministry of Finance (MoF): IPR central unit will be responsible for implementation of the MoF’s part of the project, the IPR Unit will be assisted by Foreign Assistance Unit within Customs Department. MoF parts of the projects are as follows: component 2 within the Twinning Contract.

Ministry of Culture (MoC): part of the project is component 3 within the Twinning Contract.

Ministry of Internal Affairs and Administration (MoIAA) part of the project is component 4 within the Twinning Contract.

5. Detailed Budget:

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Co-financing will be available.

6. Implementation arrangements:

6.1 Implementing Agency:

PAO: Mr Tadeusz Kozek, Under-secretary of State, Office of the Committee for European Integration - Al. Ujazdowskie 9, 00-918 Warszawa, Phone: +48(22)4555241, Fax: +48(22)4555243

The Central Financing and Contracting Unit (CFCU) will be responsible for handling tendering, contracting and payments on behalf of the Ministry of Finance which itself shall be responsible for preparing projects and managing their technical implementation. Foundation “Co-operation Fund”, Central Financing and Contracting Unit, Górnośląska 4a, 00-400 Warszawa; phone: +48 (22) 622 88 20 fax: +48(22) 622 75 65

6.2 Twinning

Leading Institution: Ministry of Finance [Polish Customs Service]

Ministry of Finance, Świętokrzyska 12, 00-916 Warsaw, Poland

Contact person: Ms Agnieszka Marciniak, Head of Foreign Assistance Unit at the Customs Department, phone: +48(22)6944469, Fax: +48(22)6945695, E-mail: agnieszka.marciniak@mofinet.gov.pl

The RTA’s office will be located in the Ministry of Finance. All necessary office equipment will be provided for RTA office and twinning experts.

Persons responsible for projects:
1. Polish Patent Office: Ms Irena Bielecka, the IT Department Director, phone: +48(22)8256499; e-mail: ibielecka@uprp.pl
2. Ministry of Finance: Ms Gabriela Iwona Monko, Head of IPR Unit, the Customs Department, phone +48(22)6943133, fax: +48(22)6943134; e-mail: iwona.monko@mofinet.gov.pl
3. Ministry of Culture: Ms Joanna Kluczewska-Strojny, expert, the Film and Audiovisual Media Department, phone +48(22)4210435, fax. + 48(22)8263956; e-mail: jklucewska_strojny@mk.gov.pl
4. Ministry of Internal Affairs and Administration:
   - Border Guard HQ: Lt Adam Mamaj, Head of First Section, the Inquiry and Investigation Department, phone: + 48(22)5004105, fax: +48(22)6029205, e-mail: wydzanaliz@sg.gov.pl
   - Police General Headquarter: Mr Jan Hajdukiewicz, Criminal Services Bureau, phone  +48(22) 6013019, fax +48(22) 8450312, e-mail: hajduk@kgp.waw.pl.

Arrangements:
The twinning arrangement will include: 18 man-months of RTA extensive assistance to the mentioned above institutions in management of the whole project; short-term missions of high professional level specialists, who will carry out the trainings, seminars and develop necessary report and analyses. The RTA will be responsible for assisting the beneficiary institutions in implementing the whole project, making recommendations concerning organisation, operations, human resources management, the drafting of and compliance with staff regulations, observance of procedural rules, the introduction of systems for monitoring administration activities and information dissemination. The RTA will assist when necessary the Candidate Country and Project Leaders/sub-project leaders in appraisal and organisation of on-site missions, seminars and training courses. This person will also prepare quarterly project reports, evaluate results and ensure that the project remains on track, proposing any necessary adjustments after consultation with the national authorities. This assistance package is expected to cover all sub-project activities requiring conceptual work (analyses, design), advisory and consultancy (project management, quality assurance, technical assistance) and transfer of knowledge and experience (training, seminars).

Long Term Expert (LTE) will be responsible for developing of user/functional requirements for updating the existing MoF’s database. The LTE will also assist the IPR unit in a process of updating database. LTE will supervise the testing and acceptance of the updated database. The LTE should have the good knowledge of IPR database and its requirements. LTE will work in Poland in the Ministry of Finance for 10 months within the period of twinning realisation (18 months).

6.3 Non-standard aspects
N/A

6.4 Contracts
According to the detailed budget it is expected to be negotiated and concluded:
- Contract 1- twinning Contract for 1 862 500 Euro (plus 161 250 Euro national co-financing);
- Contract 2 - technical assistance (development of IT solutions available to all beneficiaries) for 366 000 Euro financed from TF funds – gross value.
- Contract 3 – purchase of IT equipment. It is planned to conclude one investment contract (for Patent Office) of a value of 85 400 Euro which will allow to purchase necessary IT equipment for database from national funds – gross value.

7. Implementation schedule:
- Start of the Tendering Process: II Q 2005
- Start of the Project: II Q 2005
- Completion of the Project: III Q 2007

8. Sustainability
The beneficiaries undertake that competent personnel of the Relevant Departments and Divisions will be available to co-operate within the framework of this Transition Facility project.

Adequate staff and financial resources will be made available on a similar basis to previous Phare projects.

9. Conditionalities and sequencing
The project does not require specific sequencing. Activities will be performed simultaneously.

The Steering Committee will be created and will meet quarterly to monitor the implementation of the project. The members of Steering committee will be the project leaders of each beneficiary institution (mentioned in 4),...
RTA, LTE and project leader form twinning partner side. The Steering Committee will evaluate quality of performed activities, taking into consideration financial sources involved in the implementation of the project. It will be responsible for approval of the RTA’s quarterly reports. Offices, taking part in project, declare close cooperation and commitment during fulfilling the project stages.
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Legend:  
D = design of sub-projects;  
C = tendering and contracting;  
I = contract implementation and payment.
### Project Title:
Strengthening the protection of intellectual and industrial property rights

### Project Number:

### Total Budget of the Project:
2 773 750 EUR

### Transition Facility EUR:
2 228 500

### Planning Period:
II Q 2005 – III Q 2007

### Wider Objective:
Reinforcement of intellectual property rights' (IPR) protection Increasing the effectiveness in the area of fighting against industrial property rights infringements.

#### Indicators of Achievement:
The level of the effectiveness of activities undertaken compliant with EU norms and standards. Efficiency in the area of fight against industrial property rights infringements increased.

#### Sources of information:
EU reports, twinning expert including these ones provided by professionals dealing with the issue of piracy,

#### Assumptions and Risks:
The willingness of cooperation among beneficiaries.

### Immediate Objectives:

1. Providing information and knowledge about the system of industrial property protection in respect of all titles of protection.
2. Strengthening institutional cooperation between appropriate bodies in exchanging information on protected intellectual property rights.
3. Development of new techniques and methods of fighting against industrial property right infringements.
4. Development of operational and preventive activities in the field of protection of exclusive intellectual property rights.
5. Increase of intergovernmental and international cooperation in the scope of intellectual property rights’ enforcement
6. Facilitation and streamlining of the procedure in processing applications of the subjects of industrial property filed for protection.

#### Indicators of Achievement:
Providing of data processed in the Polish Patent Office database to the other beneficiaries of this project. Services which enforced the intellectual property right trained.

#### Sources of information:
Reports on the evaluation of the project and trainings.

#### Assumptions and Risks:
Engagement of beneficiaries in analysis and trainings.

### Results/Outputs:

1. Develop effectively operating in the public administration the computer network regarding intellectual property rights and provide the Patent Office’ database system accessible to the Police, Customs Service and Border Guard.
2. Well educated and more experienced staff in the public administration as well as creation the social awareness of the role of intellectual property rights’ protection.
3. Fast system of information flow between interested beneficiary services.
4. Increasing of effectiveness and better organization of Police, Board Guard and Custom Services in fighting against IPR infringements.

#### Indicators of Achievement:
Possibility of verification of the patent information in the near real time. Access to the information from basic working places. Increase of arrested lawbreakers. Increase of applications received by the Polish Patent Office. Ministry of Finance’s database updated.

#### Sources of information:
Reports of customs, border services and the police.

#### Assumptions and Risks:
Access to the terminals during routine police, border services and customs controls. Logistic cooperation between beneficiaries of the project.
Strengthening the protection of intellectual and industrial property rights

the protection of intellectual and industrial property rights

- About 50 customs officers trained in the scope of measures and actions taken against IPR infringements.
- About 450 customs officers working on future EU borders trained during workshops carried out in the scope of detention of IPR infringing goods.
- About 75 customs offices management trained (5 workshops for 15 people) in the workshops focused on coordination and supervision under IPR proceedings.
- A number of documents: Analysis and reports.
- About 200 border guards officers trained in the scope of the most often violations of copyright law and related laws.
- 60 border guards trainers trained in the scope of law procedures on IPR protection.
- About 500 police officers trained in the scope of fighting against the infringements of intellectual property right.

### Activities

<table>
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<tr>
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<tr>
<td>Carrying out the trainings, workshops, conferences, seminars as well as development of the reports and analyses for beneficiaries. Updating the Ministry of Finance database. Providing the access for the other beneficiaries to the Patent Office database.</td>
<td>RTA, Long Term Experts and short-term experts. Services delivered within the framework of the contracts. IT equipment delivered within the national investment contract (contract no 3).</td>
<td>Summary and reports. Minutes on the achieved trainings.</td>
<td>The correctly composed proposals of the functioning of the project. Collaboration between beneficiaries and project contractor. The training, workshops and seminars participants’ willingness to widen the knowledge.</td>
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