PROJECT FICHE FOR PHARE 2006

for

Further strengthening of the Romanian institutional capacity
for the protection of the intellectual and industrial property rights

PHARE 2006/018-147.03.06
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1. Basic information

1.1. CRIS number:
PHARE 2006/018-147.03.06

1.2. Title:
Further strengthening of the Romanian institutional capacity for the protection of the intellectual and industrial property rights (IIPR)

1.3. Sector:
Company Law

1.4. Location:
Romania

1.5. Duration:
18 months

2. Objectives

2.1. Overall objective:
To further enforce the intellectual and industrial property rights under the coordination of the Prosecutor’s Office attached to the High Court of Cassation and Justice and strengthen the capacity of the institutions engaged in the protection of intellectual and industrial property rights.

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

**To be achieved by the following tasks:**
Task 1 - Institution strengthening
Task 2 - Development of the IT data base

2.3. Accession Partnership (AP) and NPAA priority

Strengthening of the capacity of institutions engaged in protection of intellectual and industrial property rights represents a priority for Romania, stated as such by the Accession Partnership, NPAA, and the Roadmap, as follows:

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

**NPAA:**

*Short-Term Priorities:*
- increase cooperation of administrative bodies fighting and/or monitoring counterfeiting and piracy.

**Roadmap for Romania, Company law:**

*Medium term*
- improved statistical reporting is necessary for the Copyright Office and the Office for Inventions and Trademarks;
- intercept counterfeit goods, further progress is needed with implementing border controls and enhancing co-operation between the different law enforcement agencies;
- strengthen the inter-institutional network to make progress in the fight against piracy and counterfeiting.

2.4. Contribution to National Development Plan
Not applicable

2.5. Cross Border Impact:
Not applicable

3. Description

3.1. **Background and justification:**

The governmental bodies engaged in the protection of the intellectual and industrial property rights in Romania are: the Public Ministry, the General Inspectorate of the Romanian Police (Fraud Investigation Division), the General Inspectorate of Romanian Border Police, National Authority of Customs, the Romanian Copyright Office (ORDA), State Office for Patents and Trademarks (OSIM), National Institute of Magistracy and Ministry of Justice.

The Public Ministry (PM), through the prosecutors from the Prosecutor Offices attached to the courts, is responsible for the coordination of the police activity. The prosecutor is the person who coordinates the investigation activity which is carried out by the police officers. The prosecutor has also the legal possibility to start the criminal action, to disclose the case, to apply administrative fines based on the different circumstances of the crime and to send the case to the judge.
By means of the Order no.412/C/2006 issued by the Minister of Justice, within the Section for Criminal Investigation in the Prosecutor’s Office attached to the High Court of Cassation and Justice, a Service for coordinating the activity of Public Ministry in the field of IIPR has been established, having in its structure 10 prosecutors.

The Service consists of two offices: the Office for countering the offences in the field of IIPR and the Office for coordinating the activity in the field of IIPR. The former office is empowered to control the activity of the penal prosecution bodies and the latter one ensures the coordination of the activities carried out by the institutions involved in IIPR protection, in order to make more efficient the activity in this respect.

In addition, two specialised prosecutors have been appointed within the Directorate for the Investigation of Organized Crime and Terrorism, for such cases when the violations of IIPR are linked with organized crime.

In order to strengthen the administrative capacity of the Public Ministry in the field of IIPR, 111 prosecutors from the Prosecutor’s Offices attached to the Tribunals have been appointed on a permanent basis to instances that will supervise criminal investigation.

The General Inspectorate of the Romanian Police (GIRP), through the Fraud Investigation Division, carries on information and operational activities, as well as research activities related to both intellectual property rights violation, copyright and related rights, and industrial property.

52 officers, specialized in the field of intellectual property, are permanently and exclusively dedicated to this area, as follows:

- one officer to each inspectorate of the District Police;
- 8 officers to the General Division of Bucharest Police;
- 2 officers to the Fraud Investigation Division.

As a result, the central and territorial organization could cooperate, in their investigation acts, with other officers from the Fraud Investigation units.

The General Inspectorate of Romanian Border Police (GIBP) paid a special attention to counterfeits phenomena in Romania, as the rate of annual increase of the number of forged and counterfeit goods, confiscated at the EU member states borders, reached 300%. In this respect, the activity of Service for Fighting against Trans-border Crime has focused on creating an internal group of officers, who will coordinate the activities in this area, develop training materials for the Border Police officers from the territorial structures, and process data collected at national level with a view to identifying trans-border networks

The National Authority of Customs (NAC) is also acting on the IIPR area, in accordance with the Law no.202/2000 on specific measures for enforcing of intellectual property rights in customs clearance operations, and its further amendments, National Customs Code and its Regulations for application.

At the central level, a Service for Combating the Counterfeit Goods, with 8 customs officers, was established the Surveillance and Customs Control Directorate of NAC. Being organized in 10 customs regions and taking into account the specific profile of each customs region, one or two customs officers have been assigned to deal with IIPR issues. In each customs office there are also customs officers, dealing with IIPR related issues. At present, NAC staff has only off-line access to databases of the Romanian Copyright Office and the State Office for Patents and Trademarks.
The Romanian Copyright Office (ORDA) is a public institution which operates under the authority of the Romanian Government, with unique competence to ensure application of the copyright and related rights legislation in Romania.

The State Office for Patents and Trademarks (OSIM) has attributions in the area of granting protection for industrial property rights. OSIM have no legal capability to enforce application of the industrial property rights, as such authority belongs to the Romanian Police, Prosecutor’s Office, Customs, Justice and judicial organisms. For the purpose of more effective dissemination of industrial property information, OSIM has established 14 regional centres for the promotion of industrial property. Upon request, OSIM can provide specialized logistic assistance to IP attorneys and inventors’ associations.

There are also specialised panels and sections within the regular Courts, dealing with IIPR related issues. The Civil and Intellectual Property Section at the Bucharest Court of Appeal, is functioning since January 2005, and employs 5 judges in 2 panels and 8 clerks. There are 13 judges, specialised in intellectual property law, within the Tribunal of Bucharest. Specialised panels are operational in all the 3 civil sections of the Tribunal.

With a view to adapt the intellectual property system in Romania to the EU standards, the Romanian Government has adopted, by Governmental Decision nr.1424/2003, the National Strategy in the Area of the Intellectual Property. This document states the following general objectives:

- intensifying the application of IIPR legislation;
- assuring a real and transparent cooperation between all institutions with responsibilities in IIPR area;
- improving the professional training of human resources involved in this area;
- improving the Romanian IIPR legislation by implementing the Acquis Communautaire.

In order to implement the afore mentioned strategy, the Romanian competent authorities agreed on an Action Plan on common measures to increase the effectiveness in enforcing the IIPR legislation, for the period 2005-2007. This Action Plan is focusing on three main goals:

- implementing the Acquis Communautaire in the area of IIPR legislation;
- strengthening of the administrative capacity of the Romanian authorities with responsibilities in the IIPR area;
- assuring an efficient coordination between the involved authorities.

Such an integrated approach towards tackling enforcement in the IIPR area requires further substantial efforts. To address these issues, Phare 2005 Project “Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights” was proposed. Through this Project, EU support is expected to be mobilized with a view to reduce the level of piracy and counterfeiting, to enhance the operational effectiveness of the Public Ministry and the other agencies, to provide further training for police and customs officers, magistrates and other categories of civil servants with specific attributions to stimulate cooperation at the inter-institutional level and to launch a public awareness campaign.

The hardware equipment which will be procured by this Project will complete the current IT infrastructure of the agencies at the central and territorial level, by
offering an internal and external e-mail system, as well as network management capabilities.

Phare 2005 Project will also satisfy the needs of all involved bodies for a high quality processing system necessary to allow strategic, tactic and operational analysis. The Public Ministry will acquire software licenses on specialized technologies for data and criminal intelligence analysis. The main functions of the analytical software will be:

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

The proposed Phare 2006 Project “Further strengthening of the Romanian institutional capacity for the protection of the intellectual and industrial property rights” is aimed at continuing Phare 2005 Project in the following directions:

- institution strengthening;
- development of the IT data base.

The institution strengthening component will continue the Phare 2005 Project, as follows:

- assessment of the needs for the Service for coordinating the activity of Public Ministry in the field of IIPR, in order to ensure the effectiveness and efficiency in the activity, in its capacity of a co-ordination body for all the institutions involved in the IIPR protection.
- carrying out an assessment on the legal and institutional framework in place with a special focus on analyzing the co-ordinated activity in the institutions and structures involved in countering IIPR related offences
- drafting an action plan related to intelligence management.
- developing a communication strategy with the participation of public and private institutions engaged in the IIPR protection
- to assess in practice the instrument created for the measurement of the level of counterfeiting and piracy under previous project Phare 2005
- continuing the legal approximation thus ensuring the continuation of the previous efforts to comply with the Acquis;
- updating work flows and procedures to the latest changes in legislation;
- developing a common investigation manual, comprising *inter alia*: definitions and regulations, inter-institutional co-operation methods, tasks and activities to be undertaken by mixed operative teams (police officers and prosecutors) with
a view to prevent and fight IIPR criminality, guidelines for investigation for different types of faked/forged products.

- Consideration should be given on the continuation of the awareness campaign, with an updated plan for future awareness raising

The *development of the IT database* will continue the respective task from Phare 2005 Project, as follows:

- purchasing and installing additional equipment with a view to enable extension of the access to the data base created within Phare 2005 Project so that it could be accessed from regional centres, as well as from mobile units for GIRP;
- connecting the domestic data base with those of international institutions like INTERPOL, EUROPOL, 4IIPR, etc.;
- extending data base functions by:
  - adding new functions, in case some of the needs identified by the feasibility study to be financed under the Phare 2005 Project would not be covered by the Project budget or new needs will arise after the data base is being defined
  - allowing data base accessibility at territorial level.

### 3.2. Sectoral rationale:

Both the National Strategy and Action Plan (see chapter 3.1.) in the area of intellectual property states objectives which will contribute to the achievement of the overall objective of the proposed Phare Project, namely to strengthen the enforcement of intellectual and industrial property rights. This responds also to the requirements of the European Commission, which states in the *Monitoring Report 2005* (page 38): “In the area of protection of intellectual and industrial property rights (IIPR), the Romanian legislation is generally in line with the *acquis*” and further “In terms of the enforcement of IIPR, administrative structures are in place, but the overall enforcement capacity remains weak. Urgent measures to strengthen the administrative capacity and the enforcement of legislation are needed at all levels of the administration, including the judiciary and law enforcement agencies. In order to cope with the persistent high level of counterfeiting and piracy, full co-ordination and improved cooperation between all relevant Ministries, the General Prosecutor’s Office, the Copyright Office, the Patent Office and the relevant law enforcement agencies should be ensured. Staff recruitment should be intensified and training, in particular of judges, prosecutors, customs, police and border control staff should be intensified.”

Involved institutions will use created methodologies of the enforcement of intellectual property rights during their daily work. The adjusted system of co-operation and exchange of information will contribute to the improvement of enforcement of intangible rights.

Information content of the IT network is being spread, its accessibility for end users will be improved. As better co-ordination among enforcement bodies is the constant task, the efficient functioning of a well-trained judiciary and all other partners in this field is the necessity; full scale function of the existing IT database designed under Phare 2005 will be given particular attention.
The proposed Project aims at strengthening the capacity of the relevant enforcement institutions in order to cope with counterfeiting and piracy phenomena through appropriate measures. The IIPR protection rests in large part on the state’s ability and commitment to work with all relevant parties, public and private. That is why the proposed Project will have a special focus on the cooperation between these institutions, by both soft (e.g. procedure development, and training) and hard measures (developing inter-links through the IT and the data base system).

3.3. Results

**Task 1 – Institution strengthening**

**Component 1 – Institutional development and development of methodologies and working methods**

- Assessment of the needs for the Service for co-ordinating the activity of Public Ministry if the field of IIPR, in order to ensure the effectiveness and efficiency in its activity
- The instrument created to measure the level of piracy and counterfeiting in the previous Phare 2005 project (creation of such a tool/methodology is part of Phare 2005 twinning) assessed on how it works in practice
- Legal framework updated according to latest EU developments
- Work flows and procedures for the enforcement of IIPR and coordination among enforcement bodies updated
- The Common Investigation Manual elaborated
- Working group and related workshop activities regarding the joint working methodology for the Prosecutor’s Office, Border Police, Romanian Police and Customs in order to exchange researches and strategies on IIPR infringements
- Working group and related workshop activities, with the participation of both public institutions engaged in the enforcement of IIPR rules and regulations, and of the private industries, in order to develop a constructive communication strategy
- Workshops to develop an action plan relating to intelligence management in co-operation with relevant stakeholders.

An action plan for the management of criminal information and intelligence at national level will be drafted and endorsed by competent bodies in order to facilitate for all the institutions involved in fighting IIPR related crime the detection and prevention crime having an organised, serious or national security dimension in Romania.

Intelligence work concentrates on solving problems by illuminating the real issues affecting the ability to deliver effective enforcement. Complex problems require multi-disciplinary teams and technologies that bring together various skills in investigations, inter-agency cooperation, and work planning and coordination.

At its most fundamental, the management of criminal information involves the collection and analysis of information to produce an intelligence end product designed to inform decision-making at both the tactical and strategic levels. The purpose is to develop, build and support the creation of a plan which will provide law enforcement bodies with the ability to gather, analyze, protect and share credible and timely information and intelligence to identify, investigate, prevent, deter and defeat criminal activities.
Component 2 – HR development and training

Training should ensure fast and effective exchange of information between co-operating institutions (government and non-government enforcement organisations), should improve their activity and provide an overview of the needs for a smooth information flow among the main actors involved in IIPR protection.

In this respect, formation of working groups in the training courses will be arranged so that representatives of each state administration body engaged in enforcement of IIPR will be present in each working group.

- Training needs assessment and training plans updated
  - Training materials elaborated – brochures, methodologies, CD-ROMs, video – cassettes and DVD-ROMs prepared for all the persons who are to be trained
  - around 70 staff trained in prevention and investigation of crimes related to IIPR: 10 judges, 20 prosecutors, 20 police officers from GIRP, 10 police officers from RBP, 10 Customs Administration personnel-3 training sessions×3 days
  - around 45 staff trained in hardware examination, phonoscope examination, software examination and computer games, cinema and other video production, examination of music works, etc.: 20 police officers from GIRP, 20 prosecutors, 5 ORDA personnel-2 training sessions×3 days
  - around 35 staff trained in search and securing intellectual crime evidences, as well as elementary analysis of evidences, selection of exhibits for the subsequent forensic examination: 10 prosecutors, 10 police officers from GIRP, 5 ORDA personnel, 5 Customs Administration personnel, 5 police officers from RBP-1 seminar of 3 days
  - around 60 staff trained in EU acquis and implementation of findings on the enforcement of the best practices (investigations, seizures, raids, etc.): 20 judges, 10 prosecutors, 10 police officers from GIRP, 5 police officers from RBP, 5 Customs Administration personnel, 5 ORDA personnel, 5 OSIM personnel-3 seminars×3 days
  - around 50 staff trained in the protection on emerging fields in IIPR: 10 judges, 10 prosecutors, 10 police officers from GIRP, 5 police officers from RBP, 5 Customs Administration personnel, 5 ORDA personnel, 5 OSIM personnel-2 seminars×3 days
  - 10 prosecutors, 10 judges, 10 police officers from GIRP trained in updated legal approximation, how to use the new work procedures and the common investigation manual-1 seminar of 3 days

- Staff members trained in topics like:
  - prevention and investigation of crimes related to IP protection (Prosecutor’s Office, Romanian Police, Border Police, Customs)
  - hardware examination, phonoscope examination, software examination and computer games, cinema and other video production, examination of music works etc. (Prosecutor’s Office, Romanian Police, ORDA)
  - searching and securing intellectual crime evidences, as well as elementary analysis of evidences, selection of exhibits for the subsequent forensic examination (Prosecutor’s Office, Romanian Police, ORDA)
  - EU acquis and implementation of findings on the enforcement of the best practices (investigations, seizures, raids, etc. Prosecutor’s Office, Romanian Police, ORDA, Customs, OSIM)
Protection on emerging fields in IIPR (new techniques used by the criminals in committing the crimes, investigations in the area of IT technology)

Legal approximation according to the latest acquis developments, work flows and procedures assessed and updated in terms of accuracy, use of the Investigation Manual, use of the updated data base and extended network

- Know how transfer to ORDA staff in terms of technical expertise
- Training evaluated by means of reports on project course, feed-back questionnaires filled in by the participants of the training, reports of enforcement bodies, etc.

Technical Assistance should ensure a good training provider, skilled in the field of intellectual property rights, who will deliver training materials and seminars. Assistance should be also given for the elaboration of the methodology and procedures of the IIPR enforcement, including a methodology for the co-ordination among enforcement bodies.

The contractor should deliver guidelines for the of the information system and in particular of the practical instruction guides pertaining to the enforcement of intellectual property rights. The existent methodology will be elaborated and updated especially regarding: how to apply the experience accumulated in the past (after detection, what is next, who does what), a diversity of case studies, identification/update of the weaknesses and points to be addressed by the National Action Plan.

The contractor should also carry out an analysis and deliver a methodology for educational programmes in the field of IIPR enforcement, taking into account the Romanian context.

He/she should also arrange the delivery of teaching (training) materials and should provide the comprehensive technical and material organisation of the training according to the delivered methodology.

Task 2 – Development of the IT data base
- Additional equipment (mobile units and network extension equipment purchased and installed)
- Domestic network connected to the international networks (INTERPOL, EUROPOL, 4IIPR, and others, depending on the conclusions of the Feasibility Study under Phare 2005 twinning)
- Data base function extended and accessible at the territorial level

3.4. Activities

Task 1 – Institution strengthening

Component 1 – Development of methodologies and working methods
- Experts will be deployed in order to assess the needs of the department co-ordinating the activity of Public Ministry if the field of IIPR, in order to ensure its effectiveness and efficiency
- Assessing the effectiveness of the instrument/methodology created under Phare 2005 twinning in order to measure the levels of piracy and counterfeiting
• Continuing legal approximation
  - the degree of compliance with the relevant acquis in force at the moment
  and latest developments will be assessed and further harmonisation measures will
  be developed and implemented in case it proves necessary
• Updating the work flows and procedures of the enforcement agencies and
  their coordination
  - the current work flows and procedures will be assessed and updated in
    accordance with the legislation in force at the
    moment and corrective measures will be proposed in case it proves
    necessary
• Elaborating of a Common Investigation Manual
  - a common Investigation Manual will be drafted, comprising: definitions and
    regulations (competencies, tasks and activities of prosecutors, police
    officers, border police officers and customs officers, the carrying on of the
    intelligence-operative activities to detect the infringements of IIPR, the way
    of carrying on the inquiries and investigations, ways of carrying out the
    customs checking, indicators or risk, etc.), inter-institutional co-operation
    methods, tasks and activities to be undertaken by mixed operative teams
    (police officers and prosecutors) with a view to prevent and fight the IIPR
    criminality, guidelines for the investigation for different types of
    faked/forged products. This manual will provide coordinates of the contact
    persons who can provide information relevant to the security elements of the
    original products, expertise, assessment of the prejudice, etc., and will be
    updated in accordance with the legislation in force and with the actual level
    of the specific criminality.
• Working group and related workshop activities on joint methodology of work
  with Prosecutor’s Office, Border Police, Romanian Police and Customs in
  order to exchange researches (surveys) and strategic analysis on IIPR
  infringements phenomenon
• Working group carrying on related workshop activities, with the participation
  of the public institutions engaged in the enforcement of IIPR rules and
  regulations, and of the private industries, in order to develop a constructive
  communication strategy
• Workshops to develop an action plan relating to intelligence management in
  co-operation with relevant stakeholders

Component 2 – HR development and training
• Training needs assessment and definition of future training needs (a similar
  exercise has been included in Phare 2005 twinning project). The current
  assessment will put emphasize on the sustainability of training.
• Training of staff

Training plan will be implemented. Indicative target groups and measures are the
following:
- prevention and investigation of crimes related to IP protection
  (Prosecutor’s Office, Romanian Police, Border Police, Customs)
- hardware examination, phososcope examination, software
  examination and computer games, cinema and other video production,
  examination of music work etc. (Prosecutor’s Office, Romanian Police,
  ORDA)
- search and securing intellectual crime evidences, as well as elementary analysis of evidences, selection of exhibits for the subsequent forensic examination (Prosecutor’s Office, Romanian Police, ORDA)
- EU acquis and implementation of findings on the enforcement of the best practices (investigations, seizures, raids, etc. Prosecutor’s Office, Romanian Police, ORDA, Customs, OSIM)
- Protection on emerging fields in IIPR (new techniques used by the criminals in committing the crimes, the search in the field of IT technology)
- Legal approximation and latest amendments, updates of work flows and procedures, use of the Investigation Manual, use of the updated data base and extended network

- Know how transfer to ORDA staff
- 6 ORDA specialists trained in technical expertise for a total duration of 15 days;

- Evaluating of training
- After classes, a questionnaire will be used to assess the acquired knowledge in the subject of the participants.
- People trained under Phare 2005 twinning should be assessed based on their current performance.

All training activities will be followed by the further dissemination of the newly acquired skills by the trainees. The National Institute of Magistracy will be involved in the train- the trainers activities and especially in the process of further dissemination of the acquired skills by the trainees.

Means for Task 1:
Task 1 will be implemented through a TA contract of 0,700 MEURO, out of which:
- 0,300 MEURO for Component 1
- 0,400 MEURO for Component 2

Task 2 - Development of the IT data base
Implementation of Task 2 is conditioned of the implementation of Task 3 of Phare 2005 Project which is the design of a common data base connecting the enforcing institutions.

Component 1 – Purchasing and installing of additional equipment
- Purchasing and installing additional equipment
  - Additional equipment will be purchased and installed with a view to extend the network to regional centres, and to enable the access to the data base from mobile units;
  - Equipment purchased and software application installed at all 42 county police departments
- Extending network to regional centres;
- Connecting mobile units to the data base;
- 6 mobile units will be in function, one for each Regional Directorate, endowed with necessary radio connection, secured and compatible with the RBP mobile communication system
- 6 mobile units for GIRP, equipped with video and audio surveillance and interception devices, in order to identify (according to the legal provisions of the law) every member of counterfeiting networks, warehouses and counterfeited goods, having as main goal to find the place in which these counterfeited goods are produced.

Component 2 – Extending network and data base functions
- Connecting domestic network with international networks
  - connexions will be made with INTERPOL, EUROPOL, 4IIPR, and others, depending on the conclusions of the Feasibility Study designed under Phare 2005;
- Extending data base function
  - Should the feasibility study to be financed under the Phare 2005 Project will identify functions not be covered by the 2005 budget or new needs will arise after the completion of the data base the new data base functions will be designed and implemented;
  - data base will be made accessible at territorial level
  - wide data dissemination provided by the involved institutions according to the identified needs for more efficient enforcement of IIPR

Means for Task 2
Task 2 will be implemented through a single supply contract of 0,800 MEURO.

3.5. Linked activities

Projects orientated towards strengthening of the capacity of institutions engaged in protection of intellectual and industrial property rights were carried out by different donors, for each institution, as follows:

The Judiciary
PHARE Project 8 RO 0107.06.01 concerning the „Upgrading and harmonization of intellectual and industrial property rights, and strengthening of implementing authorities in charge of intellectual and industrial property protection” was finalized in July 2004; among its 4 modules, it comprised a module of training of staff involved in management, preservation and enforcement of IIPR.

Within the framework of Phare Twinning Programme between Romania and the Netherlands (RO02/IB/JH-10) “Continuation of assistance for the development of the NIM and Training Centre for Court Clerks”, 2 seminars were organised: one in Bucharest (September 2004) for 18 magistrates and 9 future trainers as lecturers, and one in Sovata (May 2005) for 28 judges and 10 future trainers as lecturers.

Phare Project 2004/016-772.03.12 "Fight against organised crime – An Inter-Institutional Approach" with the overall objective to strengthen the strategic, institutional and operational capacity of law enforcement structures fighting against organised crime.

Romanian Customs Administration

Within Phare Project RO 0107.03.01 “Enhancement of the Romanian Customs Administration enforcement function” a specific database on IIPR matters was created and made available at national level.
Within Phare Project RO 0107.06.01 “Upgrading Intellectual and Industrial Property Rights in Romania” customs officers, police officers and prosecutors were exposed to a training programme.

**OSIM and ORDA**

OSIM and ORDA jointly benefited from a Phare 2000 programme aiming at strengthening the quality infrastructure system in Romania. The programme includes technical assistance (50,000 EUR to each OSIM and ORDA,) and procurement of equipment (40,000 EUR for ORDA; 200,000 EUR for OSIM).

In 2001, OSIM and ORDA benefited of the **Phare 2001 Programme** (2,000,000 EURO); of this program, targeted mainly to OSIM and ORDA, benefited also other institutions like: Ministry of Justice, Customs Directorates, General Directorates of Police and General Directorates of Border Police, Register of Commerce, etc.

**Phare RO 0107.06.01 “Prevention and fight against crimes related to intellectual property”**

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

**CARDS Regional Project** related to intellectual property.

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

**UNESCO Programme** – training in the field of intellectual property.

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

3.6. Lessons learned

In June 2005, the European Commission issued an *early warning letter* regarding the further improvement needed to be made as regards our country preparation for accession. It drew the attention to some areas which were cause of serious concern and required urgent remedial action from Romanian authorities. In response, Romanian authorities issued a *monitoring table* with remedial actions regarding the areas highlighted in the early warning letter.

4. **Institutional Framework**

**Implementing Authority**

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

Bdul Libertatii, no. 14, sector 5, Bucharest

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

The main pillars of the mechanism will be:

**Steering Committee (SC)**

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

The Steering Committee will consist of the following members:
- The Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice;
- Ministry of Justice,
- Romanian Police,
- Romanian Border Police
- National Agency for Customs
- ORDA
- OSIM

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

**The Technical Secretariat (TS)** of the above mentioned Steering Committee will be assured by the PIU within the Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice.

**The Working Groups (WG’s)**

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

**Contact points:**

**Public Ministry**  
Ms Gabriela GHITA, Deputy of the General Prosecutor of the Prosecutor Office attached to the High Court of Cassation and Justice  
Bdul Libertatii, no.14, sector 5, Bucharest  
Tel: 004 021 410 28 48  
Fax: 004 021 319 3879  
E-mail address: ghita_gabriela@mpublic.ro
Ministry of Administration and Interior:
Questor Dr Corneliu ALEXANDRU, Director
Ministry of Administration and Interior, General Directorate for European Integration and International Relations
Str. Mihai-Vodă 3-5
Sector 5, 70622 Bucharest, Romania
Tel.: 00-40-21-312 4102
Fax: 00-40-21-312 1333
E-mail: diri@mai.gov.ro

Ministry of Administration and Interior, General Inspectorate of Border Police (GIBP):
Police Questor Mr Nelu POP, General Inspector
2-4 Razoare St.
Sector 6, Bucharest, Romania
Tel.: 00-40-21-312 11 89
Fax: 00-40-21-312 11 89
E-mail: igpf@mai.gov.ro

State Office for Inventions and Trademarks (OSIM)
Mr Bogdan Boreschievici, Director
5, Ion Ghica Street, sector 3, Bucharest
Tel: 004 021 314. 21.02
Fax: 004 021 312 38 19
E-mail: bogdan.boreschievici@osim.ro

National Agency for Customs (NAC)
Mr Radu Traian Marginean, Director
Directorate for Control and Supervision of Customs
Tel/Fax: 004 021 311 24 91; 004 021 315 58 58/203
Email: radu.marginean@customs.ro

Ministry of Justice
Mr Ion Codescu, Director, Directorate for European Integration, Euro-Atlantic Cooperation and Programmes
Tel. 004 021 318 33 17
Fax 004 021 314 64 07
Apolodor 17, Street, S 5
E-mail: icodescu@just.ro

Romanian Copyright Office (ORDA)
Ms Alina-Mihaela Borobeică, Director of International Department
Calea Victoriei no. 91-93, sector 1, Bucharest
Tel: 004 021 317 50 70, 004 021 317 50 80, 004 021 317 50 90
Fax: 004 021 317 50 70, 004 021 317 50 80, 004 021 317 50 90
E-mail address: orda@kappa.ro
5. Detailed Budget

<table>
<thead>
<tr>
<th>Year 2006 - Investment support jointly co funded</th>
<th>Phare/Pre-Accession Instrument support</th>
<th>Co-financing</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National Public Funds (*)</td>
<td>Other Sources (**)</td>
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</tr>
<tr>
<td>Task 2</td>
<td>0.80</td>
<td>0.27</td>
<td>0.27</td>
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<tr>
<td>Investment support – sub-total</td>
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<td>0.27</td>
</tr>
<tr>
<td>% of total public funds</td>
<td>max 75 %</td>
<td>min 25 %</td>
<td></td>
</tr>
</tbody>
</table>

| Year 2006 Institution Building support        |                                           |              |            |
| Task 1                                        | 0.7                                      |              | 0.7        |
| IB support                                    | 0.7                                      |              | 0.7        |
| Total project 2006                           | 1.5                                      | 0.27         | 0.27       | 1.77       |

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

6. Implementation Arrangements

6.1. Implementing Agency

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

CFCU
Title: Programme Authorising Officer
PAO name: Mrs. Carmen Rosu
Address: 44 Mircea Voda Blvd., 3rd District, Bucharest
6.1. Twinning
Not applicable

6.2. Non standard aspects
There will be no non-standard aspects under this Project. The PRAG rules and procedures will be strictly followed.

6.3. Contracts
This Project will be implemented through a TA service contract for Task 1 and a supply contract, for purchasing and installing the equipments under Task 2.

7. Implementation schedule

7.1. Start of tendering/call for proposal
Start of tendering for TA service contract, Task 1 – January 2007
Start of tendering for supply contract, Task 2 – March 2008

7.2. Start of project activity
July 2007

7.3. Project completion
December 2008

8. Equal opportunity
Equal opportunity is a fundamental principle of this Project. Ensuring equal opportunity will be embedded at every level of implementation.

9. Environment
This Project will have no negative impact to the environment. The equipment purchased under this Project will be installed so that it will not damage the environment, and its later disposal will be done in accordance with the in force environment protection legislation.
10. Rates of return
Not applicable

11. Investment criteria

11.1. Catalytic effect
The equipment purchased under this Project will facilitate an early identification and a rapid reaction to possible criminal activity related to IIPR, which will lead to minimization of the potential negative consequences of the criminal acts upon the Romanian economy and those of the related EU countries.

11.2. Co-financing
The necessary co-financing for this Project will be provided from the Romanian national budget.

11.3. Additionality
No other financiers shall be displaced by this Phare intervention.

11.4. Project readiness and size
This Project will start with launching the framework contract procedure for the PPF. This will be followed by the preparation of Call for Proposal tender documentation by responsible project units. Overall methodology for project implementation, operational monitoring and evaluation will be also prepared. All documents will be put in operation after approval by the EU authorities.

11.5. Sustainability
This Project contributes to the fulfillment of a critical condition for Romania’s accession to the EU: observing the EU legislation. Providing support to this major area ensures a sustainable development for all sectors of the Romanian economy and society.

11.6. Compliance with state aids provisions
All actions financed by Phare under this Project are addressing public institutions only.

12. Conditionality and sequencing
This Project is conceived as a follow-up to Phare 2005 Project “Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights” . Consequently, its implementation is depending to an important extent of the implementation of the specific tasks of Phare 2005 Project, as stated in chapter 3.4. Activities.

ANNEXES TO PROJECT FICHE
1. Logframe in standard format for each project
2. Detailed implementation chart
3. Contracting and disbursement schedule, by quarter, for full duration of project
4. For all projects: reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory work. For all investment projects, the executive summaries of economic and financial appraisals, environmental impact assessments, etc, should be attached

5. Reference list of relevant laws and regulations

6. Reference list of relevant strategic plans and studies
## Annex 1 - Log frame

### LOGFRAME PLANNING MATRIX FOR Project Fiche

<table>
<thead>
<tr>
<th>Programme name and number</th>
<th>PHARE 2006/018-147.03.06</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of the project</strong></td>
<td>Contracting period expires: <strong>December 2008</strong></td>
</tr>
<tr>
<td><strong>Further strengthening of the Romanian institutional capacity for the protection of the intellectual and industrial property rights (IIPR)</strong></td>
<td>Total budget: <strong>1.77 MEURO</strong></td>
</tr>
</tbody>
</table>

### Overall objective

| To further enforce the intellectual and industrial property rights under the coordination of the Prosecutor’s Office attached to the High Court of Cassation and Justice and strengthen the capacity of the institutions engaged in the protection of intellectual and industrial property rights. |

### Project purpose

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

**To be achieved by the following tasks:**
- Task 1 - Institution strengthening
- Task 2 - Development of the IT data base

### Objectively verifiable indicators

<table>
<thead>
<tr>
<th><strong>Objectively verifiable indicators</strong></th>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Task 1</strong></td>
<td>National statistics</td>
<td>Continuation of the Romanian Government commitment to addressing this specific issue and allocation of the necessary resources</td>
</tr>
<tr>
<td><strong>Better performance of the staff of the involved institutions reflected in the annual performance evaluations</strong></td>
<td>International statistics</td>
<td>Good collaboration between Romanian and international institutions</td>
</tr>
<tr>
<td><strong>Improved predictability of the piracy phenomena</strong></td>
<td>Sectoral reports</td>
<td>Timely adoption and implementation of the new legal provisions in the field</td>
</tr>
<tr>
<td><strong>Increased number of detected breaches of intellectual and industrial property rights</strong></td>
<td>EU monitoring reports in the field</td>
<td></td>
</tr>
<tr>
<td><strong>Increased number of detected breaches of intellectual and industrial property rights</strong></td>
<td>Interim evaluation reports</td>
<td></td>
</tr>
<tr>
<td><strong>Number of investigated cases of piracy</strong></td>
<td>Monitoring reports</td>
<td></td>
</tr>
</tbody>
</table>

### Results

**Task 1 – Institution strengthening**

<table>
<thead>
<tr>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>National statistics</td>
<td>Good collaboration and synergy between all involved institutions</td>
</tr>
<tr>
<td>International statistics</td>
<td></td>
</tr>
<tr>
<td>Sectoral reports</td>
<td></td>
</tr>
</tbody>
</table>

### Results

**Task 2 – Development of the IT data base**

<table>
<thead>
<tr>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
</tr>
</thead>
<tbody>
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<td>Sectoral reports</td>
<td></td>
</tr>
</tbody>
</table>

---

**Further strengthening of the Romanian institutional capacity for the protection of the intellectual and industrial property rights (IIPR)**

<table>
<thead>
<tr>
<th><strong>Overall objective</strong></th>
<th><strong>List of other projects with same objective</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>To further enforce the intellectual and industrial property rights under the coordination of the Prosecutor’s Office attached to the High Court of Cassation and Justice and strengthen the capacity of the institutions engaged in the protection of intellectual and industrial property rights.</td>
<td></td>
</tr>
</tbody>
</table>

### Project purpose

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

**To be achieved by the following tasks:**
- Task 1 - Institution strengthening
- Task 2 - Development of the IT data base

### Objectively verifiable indicators

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<td>Monitoring reports</td>
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</table>

### Results

**Task 1 – Institution strengthening**

<table>
<thead>
<tr>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>National statistics</td>
<td>Good collaboration and synergy between all involved institutions</td>
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<td>International statistics</td>
<td></td>
</tr>
<tr>
<td>Sectoral reports</td>
<td></td>
</tr>
</tbody>
</table>

### Results

**Task 2 – Development of the IT data base**

<table>
<thead>
<tr>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>National statistics</td>
<td>Good collaboration and synergy between all involved institutions</td>
</tr>
<tr>
<td>International statistics</td>
<td></td>
</tr>
<tr>
<td>Sectoral reports</td>
<td></td>
</tr>
</tbody>
</table>
Component 1 – Institutional development and development of methodologies and working methods

- Assessment of the needs for the Service for co-ordinating the activity of Public Ministry in the field of IIPR, in order to ensure the effectiveness and efficiency in its activity
- The instrument created to measure the level of piracy and counterfeiting in the previous Phare 2005 project (creation of such a tool/methodology is part of Phare 2005 twinning) put into practice
- Legal framework updated according to latest EU developments
- Work flows and procedures for the enforcement of IIPR and coordination among enforcement bodies updated
- The Common Investigation Manual elaborated
- Working group and related workshop activities on joint methodology of work with Prosecutor’s Office, Border Police, Romanian Police and Customs in order to exchange researches and strategic analyze

Component 1
Level of piracy and counterfeiting measured
Legal approximation continued
Work flow and procedures updated
Investigation manual implemented

EU monitoring reports in the field
Interim evaluation reports
Monitoring reports
Project reports

Open access and information of all stakeholders to the relevant information
Low level of staff turnover in the beneficiary institutions
Adequate resources made available by beneficiary institutions to allow maximum benefits for the project results
on IIPR infringements phenomenon

- Working group and related workshop activities, with the participation of both public institutions engaged in the enforcement of IIPR rules and regulations, and of the private industries, in order to develop a constructive communication strategy

- Workshops to develop an action plan relating to intelligence management in co-operation with relevant stakeholders

Component 2 – HR development and training

- Training needs assessment and training plans updated

- Training materials elaborated – brochures, methodologies, CD-ROMs, video – cassettes and DVD-ROMs prepared for all the persons who are to be trained

- around 70 staff trained in prevention and investigation of crimes related to IIPR: 10 judges, 20 prosecutors, 20 police officers from GIRP, 10 police officers from RBP, 10 Customs Administration
- around 45 staff trained in hardware examination, phonoscope examination, software examination and computer games, cinema and other video production, examination of music works, etc.: 20 police officers from GIRP, 20 prosecutors, 5 ORDA personnel - training sessions × 3 days

- around 35 staff trained in search and securing intellectual crime evidences, as well as elementary analysis of evidences, selection of exhibits for the subsequent forensic examination: 10 prosecutors, 10 police officers from GIRP, 5 ORDA personnel, 5 Customs Administration personnel, 5 police officers from RBP - 1 seminar of 3 days

- around 60 staff trained in EU acquis and implementation of findings on the enforcement of the best practices (investigations, seizures, raids, etc.): 20 judges, 10 prosecutors, 10 police officers from GIRP, 5 police officers from RBP, 5 Customs Administration personnel, 5 ORDA personnel, 5 OSIM personnel - 3 seminars × 3 days
• around 50 staff trained in the protection on emerging fields in IIPR: 10 judges, 10 prosecutors, 10 police officers from GIRP, 5 police officers from RBP, 5 Customs Administration personnel, 5 ORDA personnel, 5 OSIM personnel - 2 seminars × 3 days

• 10 prosecutors, 10 judges, 10 police officers from GIRP trained in updated legal approximation, how to use the new work procedures and the common investigation manual - 1 seminar of 3 days

Results Task 2 – Development of the IT data base
- Additional equipment (mobile units and network extension equipment purchased and installed)
- Domestic network connected with international networks (INTERPOL, EUROPOL, 4IIPR, and others, depending on the conclusions of the Feasibility Study from Phare 2005)
- Data base function extended and accessible at territorial level

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
</table>


<table>
<thead>
<tr>
<th>Activities Task 1 – <strong>Institution strengthening</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Component 1 – Development of methodologies and working methods</td>
</tr>
<tr>
<td>Component 2 – HR development and training</td>
</tr>
<tr>
<td>Activities Task 2</td>
</tr>
<tr>
<td><strong>Development of the IT data base</strong></td>
</tr>
<tr>
<td>Component 1 – Purchasing and installing additional equipment</td>
</tr>
<tr>
<td>2.1.1. Purchasing and installing additional equipment</td>
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<tr>
<td>2.1.2. Extending network to regional centres</td>
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<tr>
<td>2.1.3. Connecting mobile units to the data base</td>
</tr>
<tr>
<td>Component 2 – Extending network and data base functions</td>
</tr>
<tr>
<td>2.2.1. Connecting domestic network with international networks</td>
</tr>
<tr>
<td>2.2.2. Extending data base function</td>
</tr>
<tr>
<td>Means Task 1</td>
</tr>
<tr>
<td>Task 1 will be implemented through a TA service contract of 0,700 MEURO.</td>
</tr>
<tr>
<td>Means Task 2</td>
</tr>
<tr>
<td>Task 2 will be implemented through a single supply contract of 0,800 MEURO.</td>
</tr>
</tbody>
</table>

| Availability of staff of the involved institutions to participate in project activities |
| Effective involvement and active participation of the key decision makers in the 7 institutions in project implementation |
Annex 2 - Detailed implementation chart

Implementation of this Project was designed such as to correlated with the implementation of the respective tasks and activities under Phare 2005 Project “Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights”

<table>
<thead>
<tr>
<th>Actions</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
</tr>
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<td>ToR for TA Task 1 elaborated under a PPF (Contract 1)</td>
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<td></td>
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<tr>
<td>Tendering and contracting TA for Task 1 (Contract 2)</td>
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<tr>
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<tr>
<td>ToR elaborated for supply contract, Task 2</td>
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<tr>
<td>Tendering and contracting supply, Task 2 (Contract 5)</td>
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<tr>
<td>Implementation of Task 2</td>
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<td></td>
</tr>
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</table>

Annex 3 - Contracting and disbursement schedule, by quarter

<table>
<thead>
<tr>
<th>Components</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
</tr>
<tr>
<td>Contract – TA Task 1</td>
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<td></td>
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<tr>
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</tr>
<tr>
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<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td>Contract TA Task 2</td>
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<td></td>
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<tr>
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<tr>
<td>Disbursed</td>
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<td>0.36</td>
<td>0.4</td>
<td>0.4</td>
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<tr>
<td>Contract – Supply Task 2</td>
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<td></td>
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<tr>
<td>Contracted</td>
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<td></td>
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</tr>
<tr>
<td>Disbursed</td>
<td>0.48</td>
<td>0.72</td>
<td>0.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>
Annex 4 - Reference list of feasibility/pre-feasibility studies

1. Early Warning Letter, European Commission, June 2005, and consequent Monitoring Table by the Romanian Government
2. Regular Report, European Commission, 2005
5. Interim Evaluation, Monitoring, and Project Reports, Phare 2005 Project “Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights” (to be developed)

Annex 5 - Reference list of relevant laws and regulations

1. Law no 64 / 1991 regarding invention licences;
2. Law no. 84 / 1998 regarding marks and geographical indications;
3. Law no. 129 / 1992 regarding protection of drawings and industrial designs;
4. Law no 16 / 1995 regarding protection of topography, integrated circuits, modified by Governmental Ordinance no 41 / 1998 regarding taxes in the field of industrial property and the regime of those use, approved with modifications by Law no 383 / 2002;
5. Law no 255 / 1998 regarding protection of new sorts of plants.
6. Urgence Ordinance no 100/14.07.2005 regarding assuring the respect of industrial property rights, approved by Law no. 280/05.10.2005
8. Governmental Ordinance no 45 / 2000 regarding some measures for combating the unauthorised producement and merchantment of phonograms, approved and modified by law no 624 / 2001;
9. Governmental Ordinance no 124 / 2000 regarding the completement of juridical frame regarding intellectual and connected rights, by adoption of some measures for combatting audio – video piracy and also computer programms, modified by Law no 213 / 2002
10. Law no 11 / 1991 regarding combatting unloyal competition, with some modifications and completations;
11. Law no 202 / 2000 regarding some measures for intellectual propety right assurance in the field of clearing customs, modified by Law no 344/2005;
12. Governmental Ordinance no 2/1992 regarding protection of consumers,
13. Law no. 26 / 1990 regarding Chamber of Comerce, republished, with modifications and completations
15. Urgency Ordinance no 190/21.11.2005 for achievement of some measures necesary in the european integration process.
16. Decision no.758/8.07.2003 concerning the organization and functioning of the ORDA and of the arbitrators corps
17. Governmental Ordinance no.25/30.01.2006 regarding the strengthening of the administrative capacity of the ORDA
18. Law no.280/5.10.2005 for the adoption of the Emergency Governmental Ordinance no.100/20.07.2005 to ensure the observance of the intellectual property rights
19. Governmental Decision no.1174/18.10.2005 for the adoption of the National Strategy in the field of IIPR and of the Action Plan for the implementation of the strategy(2005-2007)
20. Law no.344/5.12.2005 concerning some measures for insurance the observance of the IIPR within customs procedures
22. Law no.77/1998 for Romania joining the Convention from Berna concerning the protection of artistic and literary works signed on September 9, 1986

23. Urgency Governmental Ordinance no.105/2001 concerning the state border of Romania, as it has been revised by the Law no. 243/2002 and Law no.39/2003

24. Urgency Ordinance no.104/2001 concerning the setting up and functioning of the Romanian Border Police, with the modifications provided by Law no.81/2002 and Law no.196/2004

25. Order no.412/C/10.02.2006 of the Minister of Justice for modification and completion of the in-service rules and regulations of the prosecutors’ offices

---

**Annex 6 - Reference list of relevant strategic plans and studies**


2. Action Plan on common measures to increase the effectiveness in enforcing the IIPR legislation, for the period 2005-2007, Government of Romania

3. Cooperation Agreement no. 595/15.04.2005 between the Administration and Internal Affairs Ministry (MAI) and the Public Finances Ministry (MFP) for preventing and controlling the trans-national criminality;

4. Cooperation Agreement no. 565/24.03.2005 between MAI – General Inspectorate of the Romanian Police(IGPR) and the MFP – National Customs Authority (ANV) concerning change of information in order to prevent and control the custom frauds;

5. Cooperation Agreement no. 27014/27.09.2005 between IGPR and the National Office for Inventions and Trademarks (OSIM) for a permanent change of information concerning the Industrial Rights, in order to prevent and control the criminality from this important sector;

6. Cooperation Agreement no. 25629/26.05.2005 between IGP Romanian Copyright Office(O.R.D.A) for a permanent change of information about the rights’ owners as well as for the individuals or firms involved in activities concerning the Author Rights and other related rights, in order to prevent and control the criminality from this important sector;

7. Cooperation Agreement no.147/21.12.2005 between IGPR and the Union of Commerce and Industry Chambers (UCCIB) for keeping a legal status for all the activities involving the Intellectual Property Rights developed by individuals or firms;

8. Cooperation Agreement between MAI and The Council of Competitors for creating and maintaining a functional market economy and a strong competitive business environment, able to face the difficult conditions from the European Market.
Annex 7 – Lessons learnt

<table>
<thead>
<tr>
<th>Recommended courses of intervention</th>
<th>Action for covering the recommended intervention</th>
<th>Phare Programming (Project Reference)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- to strengthen the administrative capacity and the enforcement of legislation at all levels of the administration, including the judiciary and law enforcement agencies-EC Monitoring Report 2005. - to improve the cooperation between law enforcement agencies, the general prosecutor and the judiciary- 2005 EC Regular Report.</td>
<td>- development of methodologies and working methods</td>
<td>- Project 2005: Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights (TW)</td>
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<tr>
<td>- staff recruitment should be intensified and training, in particular of judges, prosecutors, customs, police and border control staff should be given priority – EC Monitoring Report 2005. - trainings are imperative – Peer Review from August 2005.</td>
<td>-HR development and training.</td>
<td>- Project 2006:Further strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights (TA, supply)</td>
</tr>
<tr>
<td>- full scale function of the IT data base designed under Phare 2005 will be given particular attention- EC Monitoring Report 2005.</td>
<td>- development of the IT data</td>
<td></td>
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</tbody>
</table>

- Project 2005: Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights (TW)
- Project 2006:Further strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights (TA, supply)