

# **The role and activities of the Chamber of Economy of Montenegro in the field of intellectual property**

**13. Mart 2024.**

## Chamber of Economy of Montenegro

- The Chamber of Economy of Montenegro is an independent, professional and interest-based business association, rich in tradition, independent in its work and representing the interests of all businesses with the aim of the economic and overall development of Montenegro.

### Main goals

- representation and realization of common interests of members of the Chamber, that is, the entire Montenegrin economy.  
The Chamber of Economy encourages economic activities based on a free and open market, freedom of entrepreneurship and competition, the independence of economic entities and their responsibility for assumed obligations in legal transactions.  
The Chamber of Economy encourages a balanced economic development.

## Tasks and activities of the Chamber

- ensures realization and improvement of common interests of its members;
- creates a positive environment for the development of the market economy;
- participates in the development of the EU accession and inclusion program;
- helps members work on the introduction of EU standards;
- works on education and training of personnel for the needs of the economy;
- provides information to its members in order to find potential business partners on the foreign market and mediates in establishing communication with foreign partners;
- develops an information-sharing system and business connections opportunities within;
- organizes activities in the field of economic relations with foreign countries regarding the promotion of goods and services, economic propaganda, organizing fairs, developing foreign trade networks, implementing foreign trade affairs;
- informs economic subjects regarding the services of introducing the quality management system and regarding the application of QMS in the economy;
- provides assistance to members in resolving disputes through courts established by the Chamber as independent bodies that are independent in decision-making.

## International cooperation

Association of European Chambers of Commerce and Industry –  
Eurochambres

International Chamber of Commerce - ICC–WCF

Chamber Investment Forum of the Western Balkans - WB6CIF

Association of Balkan Chambers – ABC

Forum of Chambers of Commerce of the Adriatic - Ionian Regions - AIC  
Forum

Association of Chambers of the Mediterranean – ASCAME

International Association of Freight Forwarders - FIATA

International Road Transport Association - IRU



## Chamber of Economy activities in the Educational sector

- Educational activities for the employees of Chamber's members
- Education reform - cooperation with the Ministry of Education, Science and Technological Development, Culture and Media, Sports and Youth, the Employment Agency, the Federation of Independent Trade Unions and the Center for Vocational Education.
- Active participation in bodies and institutions
- Council for Higher Education
- Council for qualifications
- National Council
- Committee for Vocational Education
- Board of Adult Education
- International projects-Tempus, Erasmus+, Intervet WB, HISTEK, MARDS, TO REGOS, DUALMON

## Intellectual property

Intellectual property affects the way we live  
Traditional division of intellectual property

Industrial property

Patent right

**Trademark right**

Industrial design right

Indications of geographical origin

Geographical indications as well as

Topography of semiconductors

Topography of semiconductors

They protect works from the fields of literature, science and art

Copyright does not protect an idea, but an author's work that is an expression of an idea, regardless of the type or quality of the expression. Author's work is created by the creation of the work itself, and unlike most other forms of intellectual property, it is not subject to administrative procedures.

## Intellectual property –legislative framework

- The existing legislative framework in the field of intellectual property in Montenegro, including confirmed international agreements, is harmonized to a significant extent with EU legislation, which is a result of the fact that Montenegro has been in the process of accession negotiations with the EU since 2012, and the negotiations in the chapter 7 - Intellectual Property Law were opened in 2014.
- Of the four final benchmarks, i.e. benchmarks for closing this chapter, which were set for Montenegro within the Common Position with the EU for Chapter 7, Montenegro fulfilled three, which are directly aimed at harmonizing legislation with EU legislation in the field of intellectual property. The fourth - the one that represents the biggest challenge - is focused on ensuring that Montenegro provides sufficient administrative capacity for the registration and enforcement of intellectual property rights and provides a balance of achieved results when it comes to investigations, criminal prosecution and court proceedings in the event of rights violations.
- According to CISAC's official reports, Montenegro is highly positioned on the world scale when it comes to respect for musical copyrights in relation to the number of inhabitants and GDP, and according to the latest report for the year 2021, Montenegro took a high 5th place in the world.

## Industrial intellectual property

- Industrial property rights are acquired in Montenegro on the basis of registration carried out by the Intellectual Property Directorate on the basis of the results of the examination procedure for patent, trademark, industrial design, topography and geographical indication of origin applications in areas where the Ministry of Agriculture is not the appointed authority.
- Legal ownership of a sign is acquired by trademark registration, i.e. protection of the sign, which enables the identification of products and services. The basic conditions that a sign must meet in order to become a trademark are that it is distinctive, i.e. that it is not similar to an earlier trademark.
- Legal protection of the sign with a trademark enables its placement on products/services and packaging, offering such products/services, storage, import and export of goods, use of the sign on business documents and for advertising purposes.



## Intellectual property

- The Constitution of Montenegro guarantees the protection of intellectual creativity in Articles 76 and 77.
- The EU acquis on intellectual property law prescribes harmonized rules for the legal protection of copyright and related rights and industrial property, as well as harmonized rules for the enforcement of those rights.
- Montenegro has committed itself in Article 75 of the Stabilization and Association Agreement between the European Union and Montenegro (signed on October 15, 2007) to fully harmonize its legislation with European standards in this area.
- Montenegro has created its own national framework and passed all laws in the field of intellectual property that are largely harmonized with the legal acquis.
- The Ministry of Economy is responsible for the preparation of regulations in the field of intellectual property.

## Role of the Chamber: Participation in the negotiating group

- Chapter 7 Intellectual Property Law was officially opened on March 31, 2014.
- The Chamber of Economy of Montenegro is involved in the negotiation process.
- The CEM representative has been participating in the work of the Working Group for Chapter 7 since 2012.
- The CEM representative participates in the work of the work group for the preparation of an analysis of tariffs, i.e. fees for certain forms of use of the author's work and related rights from 2021.
- The national institution for the protection of intellectual property in Montenegro is the Intellectual Property Office (officially opened on October 28, 2008). Montenegro became a full member of the European Patent Organization on October 1, 2022).
- The Chamber of Commerce of Montenegro and the Institute for Intellectual Property signed a cooperation agreement in 2018, thus confirming the commitment to business development as one of the most important factors of social and economic prosperity and the readiness of the Chamber of Commerce of Montenegro and the Institute for Intellectual Property to contribute significantly to overall competitiveness through cooperation and economic strengthening of the state.
- **The goal of this Agreement** is to improve cooperation in the field of intellectual property through the establishment of appropriate mechanisms for the regular exchange of information and the undertaking of joint activities of importance for the signatories of this Agreement.

## Agreement on cooperation between CEM and the Institute for Intellectual Property

- The subject of the Cooperation Agreement refers to :
  - improvement of the business environment and protection of competition;
  - informing the business community about intellectual property rights and its importance for the development of the economic environment in Montenegro;
  - promoting Montenegrin innovators on the national and international level;
  - promotion of Montenegrin trademarks, designs and geographical indications of origin on the national and international level;
  - promoting Montenegro as an area suitable for entrepreneurship through innovation;
  - encouraging research, innovation and development of the economy based on knowledge, innovation and modern scientific and technological achievements;
  - joint organization of seminars, round tables and other expert gatherings on topics in the field of intellectual property, and
  - other forms of cooperation of mutual interest.

## Good practices

- One of the good examples of connecting holders of industrial property rights and users of protected objects is the activity of the Chamber of Economy of Montenegro on the valorization of the collective trademark Dobro from Montenegro, whose holder is the Chamber itself. The Chamber of Economy of Montenegro is working on the popularization of that trademark and authorizes every business entity that meets certain conditions to use that sign, which symbolizes quality, economic patriotism and the natural beauty of the country.

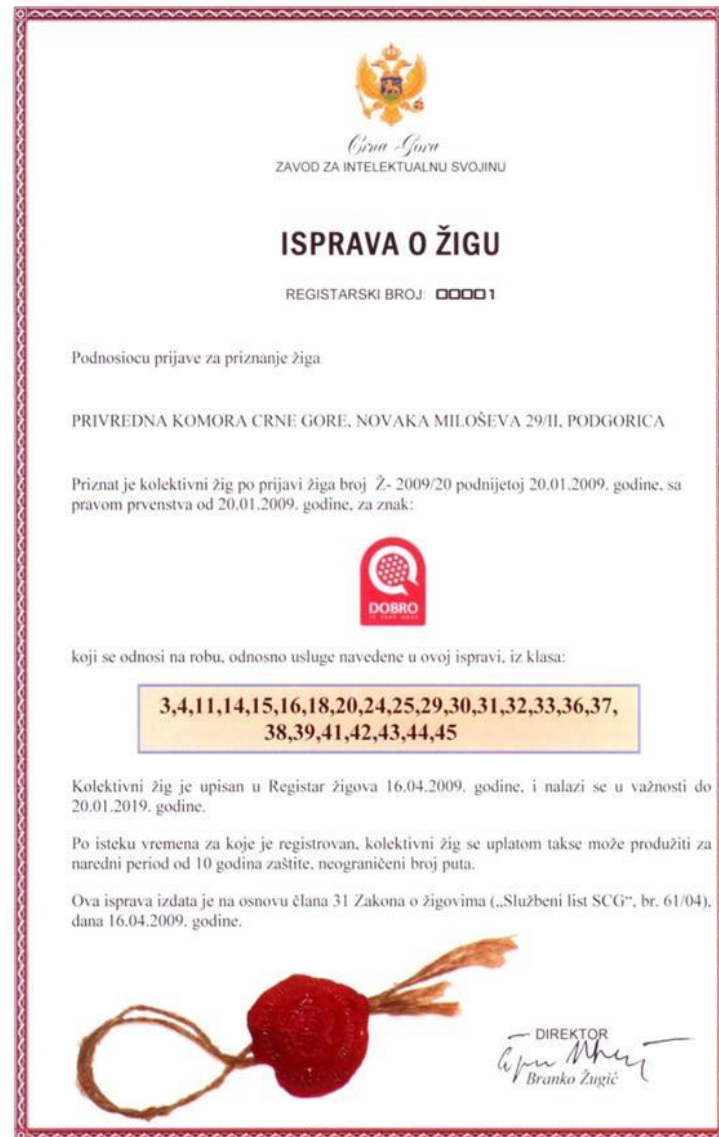
## Collective trademark

- Institute for Intellectual Property

## Main goals

- increase in exports/decrease in deficit
- development of domestic production
- new investments
- new jobs
- growth of the living standard

**Primarily aimed at promoting domestic resources and stimulating profitable usage**



## Reasons

- High deficit of trade between Montenegro and abroad, that is, extremely low coverage of imports and exports
- Absence of quality and traditionally recognized products from Montenegro on the domestic market
- Balances of production and consumption, primarily of certain agricultural and food products



## Rosehip as the “Dobro” trademark

*Full like a rosehip!*

*...as a simbol of wealth and  
health*

*It wears a crown, and can be  
interpreted as a sign of top quality*

*A stylized rosehip fruit, cut in the  
center and lengthways, with the  
crown facing the lower right  
corner, also forms the letter "Q",  
an international mark of quality*



## VISUAL MARKING SYSTEM

Chamber of Economy of Montenegro:

- holder of the right to assign a collective trademark,
- determines the conditions for acquiring the right to a collective trademark of a product or service
- appoints the Project Council, Technical Committees

The Council of the Visual Marking Project, based on the opinion of the Technical Committee, decides on the resolution of the request submitted by the company to the Education and Quality Department of the Chamber





## GENERAL TERMS:

- 1) that the company have been registered for performing activities on the territory of Montenegro for at least three years,*
- 2) that the company is not in bankruptcy or liquidation proceedings,*
- 3) the company performs business activities in a registered facility of appropriate purpose, in accordance with regulations,*
- 4) the company properly fulfills obligations based on taxes and contributions,*
- 5) the company in the last three years has not been legally convicted for performing economic activities,*
- 6) the company has implemented quality systems.*

## SPECIAL TERMS:

*economic responsibility - that they have performed positively in the last three years,*  
*ethical responsibility - fair and honest business and respect for good business practices,*

*philanthropic responsibility - responsibility towards the local and wider community.*

## **The Council decides:**

- ✓ on granting and revocation of the right to use the sign,
- ✓ determines the list of experts for members of technical committees for certain products and services,
- ✓ appoints presidents and vice presidents of technical committees,
- ✓ determines the amount that should be paid to cover the costs of resolving requests in the process of awarding or extending the right to use a trademark,
- ✓ determines the fee for the right to use the trademark (license) and the fee for the work of members of the technical commissions,
- ✓ manages other affairs.

## Technical committees :

Technical committees are occasional working bodies of the Council for the awarding of the trademark "DOBRO IZ CRNE GORE", for carrying out professional work, determining special tests and checks, and drafting expert opinion as a basis for issuing or rejecting requests for use of the trademark. The TC with the president has five members, of whom two must be experts from the area to which the product or service belongs that are in the process of resolution, one expert from the field of graphic design and one expert from the field of quality.

- ✓ Technical Committee for Beverages,
- ✓ Technical Committee for meat, fish and processed products,
- ✓ Technical Committee for milk and milk products,
- ✓ Technical Committee for Fruits, Vegetables and Processed Products,
- ✓ Technical Committee for other food products,
- ✓ Technical Committee for textiles, leather and textile and leather products,
- ✓ Technical Committee for wood, wood products and furniture,
- ✓ Technical Committee for Software,
- ✓ Technical Committee for Metal Industry and Mechanical Engineering,
- ✓ Technical Committee for Building Materials and Construction,
- ✓ Technical Committee for Chemical Industry Products,
- ✓ Technical Committee for art and graphic products,
- ✓ Technical Committee for Health Insurance and Social Services,
- ✓ Technical Committee for Medicines and Medical Devices,
- ✓ Technical Committee for thermotechnical installations,
- ✓ Technical Committee for Services.

## **General qualitative characteristics of products and services that can bear the label**

With the general and special conditions met, the right to use the mark is granted for a product or service that, with its overall properties, can satisfy the expressed or assumed needs of the user and the requirements established in norms or specifications, which ensure a higher level of quality than that established by positive regulations.

The product, depending on the type, should possess all or most of the following characteristics to the necessary degree: that it is made of high-value and ecologically acceptable natural materials and raw materials, that it is characterized by better functionality, greater utility value, recognition, modern design and durability.

The service should be reliable, enjoy the trust of users, be recognizable and accessible, as well as be provided under conditions and in an environment that ensures a higher level of quality.

## Application

1. Contact and more information on: [www.komora.me](http://www.komora.me) and Sector for Education and Quality
2. Documentation
  1. trademark application,
  2. certificate of registration and extension of registration of the business company, i.e. the entrepreneur who submits the request, issued by the Central Register of Business Entities,
  3. decision on classification from the Administration for Statistics,
  4. the applicant's statement about the Montenegrin origin of the goods (for products),
  5. decisions, certificates, test reports, certificates or other confirmation documents on the satisfaction of legal provisions related to the product or service,
  6. technical documentation of the product or service, promotional materials and other documentation for unique and reliable identification of the product or service,
  7. certificates or other documents about the introduced quality system,
  8. documentation about the product or service available to the applicant, which relates to proving the safety and quality of the product or service,
  9. a brief description of activities, development and other information about the applicant and
  10. proof of the amount paid to cover the costs of resolving the request in the process of awarding the sign.

## Companies that use the „Dobro iz Crne Gore” trademark:

- ✓ MI Goranović,
- ✓ Meso-promet Franca,
- ✓ Martex,
- ✓ Mianja,
- ✓ Montstate company,
- ✓ Montecco INC -Akademija
- ✓ Mljekara SRNA-Šljukić CO,
- ✓ Agro mont
- ✓ Amplitudo
- ✓ Barska uljara
- ✓ Trebjesa

## Consumer court

- ✓ Have you heard about the DOBRO IZ CRNE GORE project?
  - positive response from 92%, from which 46,2% is familiarized with the project



Who offers the better value?

- Around 30% of Montenegrin population estimates that the relationship between price and quality and general quality is mainly related to Montenegrin products.
- ✓ Thinking about product brands from Montenegro, which three brands come to your mind first??
  - Amongst the first five, all of them are the bearers of the trademark



Should the **DOBRO IZ CRNE GORE** project

✓ be continued?

- ✓ - positive response from 88% of the polls



**Thank you for your attention!**

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