

**STRATEGY OF THE REPUBLIC OF ARMENIA
ON
INTELLECTUAL PROPERTY RIGHTS PROTECTION**

2011, Yerevan

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1. LIST OF ABBREVIATIONS

Strategy	This Strategy of the Republic of Armenia on Intellectual Property Rights Protection
IP	Intellectual Property
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
WCO	World Customs Organization
EAPO	Eurasian Patent Office
EPO	European Patent Office
UPOV	Union for the Protection of New Varieties of Plants
PLT	Patent Law Treaty
RTLТ	Revised Trademark Law Treaty
ENP	European Neighborhood Policy
PCA	Partnership and Cooperation Agreement between EU and Armenia
EU	European Union
MoE	Ministry of Economy
MoA	Ministry of Agriculture
MoH	Ministry of Health
MoF	Ministry of Finance
MoC	Ministry of Culture
MoJ	Ministry of Justice
SRC	RA State Revenue Committee by the Government
DCFTA	Deep and Comprehensive Free Trade Agreement
RA or Armenia	Republic of Armenia
AIPA or IP Agency	Armenian Intellectual Property Agency acting within the Ministry of Economy
Armenian	Armenian Observatory on Counterfeiting and Piracy

Observatory

2. INTRODUCTION

This Strategy of the Republic of Armenia on Intellectual Property Rights Protection (hereinafter “the Strategy”) deals with trade-related aspects of Intellectual Property Rights, as part of Armenia’s general trade and industrial policies. Therefore, this Strategy is developed to both improvement of economic, creative and investment environment in the Republic of Armenia, and to facilitate the negotiation process for a Deep and Comprehensive Free Trade Agreement (DCFTA) between the EU and the Republic of Armenia. The Strategy takes into account the current state of play of the IPR system in Armenia, suggestions and concerns expressed by stakeholders and the European Commission, as well as the actions to be taken by the Government of Armenia in that respect.

IPR is attaining higher political profile all over the world for their 1) key role in the knowledge-based economy and economic growth, 2) impact in the so-called development agenda, and 3) increasing threat of counterfeiting and piracy activities in terms of employment and economic losses and hazards for health and safety. In this context, during the last several years many countries have developed IPR strategies, which vary depending on each country’s needs.

Protection and enforcement of Intellectual Property Rights (IPR) is crucial for Armenia’s and the EU’s ability to compete in the global economy. Indeed, because EU competitiveness builds on the innovation and value added to products by high levels of creativity, and Armenia’s goal is to follow that path, the protection and enforcement of IPR goes into the heart of these two markets’ ability to be competitive in the global economy. Both EU’s and Armenia’s long term growth is hampered when our ideas, brands and products are pirated and counterfeited. Moreover, counterfeiting of medicines, toys, spare-parts and food stuff often place our citizens' safety or health at very high risk.

The Partnership and Cooperation Agreement between the EU and Armenia which entered into force in 1999 pointed out the importance of protection of IPR among those provisions affecting business and investment. Subsequently, through the European Neighborhood Policy (ENP) of the European Union (EU), among other aspects, Armenia is invited to enter into intensified economic and cultural relations with the EU, enhancing regional and cross border co-operation and trade. Thus the Armenia-EU ENP Action Plan (November 2006) foresees actions to ensure IPR protection and standards in Armenia according to EU and international standards, including enforcing customs controls on imports and exports of pirated or counterfeit goods.

In the context of implementation of the EU - Armenia ENP Action Plan, the Republic of Armenia 1) has focused on approximation of its national legislation to EU standards, 2) took initial steps towards the implementation of IPR enforcement in line with International and EU standards, 3) conducted initial IPR awareness-raising activities.

The Government of Armenia acknowledges that there are still several big challenges facing Armenia in terms of IPR protection. Those challenges include but are not limited to reducing the level of piracy and counterfeiting, completion of the approximation of the Armenian legislation with the EU standards, assuring effective enforcement of IPR protection legislation, especially with regard to protection against piracy and counterfeiting, increasing the efficiency of the enforcement bodies (police, courts, customs etc.), raising IPR awareness among the state authorities responsible for IPR policies and enforcement and the public at large. However the existed issues are not limited only with the listed ones.

3. THE OBJECTIVE OF THIS STRATEGY AND IPR PROTECTION

The Government of Armenia acknowledges that effective and enforceable system for protection of intellectual property rights (IPR) promotes the science and innovation by providing strong incentives to authors and innovators to create intellectual assets. The Government further acknowledges that the effective use of such intellectual assets is beneficial not only for the authors or innovators but most importantly the public at large. Therefore, the objective of this Strategy and protection of IPR in general, is to acknowledge the importance and support to the protection of IPR for the purposes of the promotion of creativity, research and technical advancement as well as dissemination and application of their results into marketplace. It will in turn serve as a powerful engine for driving innovation and contribute to Armenia's economic and social development.

4. THE OBJECTIVE OF REFORMS

The objective of reforms of Armenia's IPR system is the development of economy and creativity in Armenia as well as enhancement of competitiveness of Armenia in the global economy. An adequate IPR system is one of the pillars for a knowledge-based economy.

Reforms will also be instrumental in launching and successfully conducting the EU-Armenia negotiations for the Deep and Comprehensive Free Trade Agreement (DCFTA).

In addition, an effective IPR enforcement system is crucial for other policy areas such as public health and safety, consumers' protection and market competition.

Thus the reform aims to modify national procedures for enforcement of IPR and increase public awareness on IPR so that the IPR system can contribute to the objectives laid down above.

5. THE MISSION AND VISION OF ARMENIA'S IPR SYSTEM

THE MISSION of Armenia's IPR system is to provide protection and incentives to creativity, research, investment, transfer of technology, protection of traditions and quality, fair competition, and avoid citizens' risk associated to counterfeiting and piracy.

THE VISION of the Armenia's IPR system is that by developing an effective framework for creativity, research, fair competition and marketing of legitimate and genuine products will contribute to the prosperity, safety and welfare of the Armenian citizens.

6. CURRENT STATUS OF ARMENIA'S IPR SYSTEM

6.1. Legal Framework

Armenia has implemented reforms in its domestic legislation on registration, maintenance and enforcement of IPR in line with EU legislation in order to comply with the changes of its economic and trade reality and as a result of its commitments with the World Trade Organization (WTO). Intellectual Property Rights are regulated by domestic laws, regulations and international treaties of the Republic of Armenia.

6.2. Domestic Legislation

In the framework of implementation of the EU - Armenia ENP Action Plan, the Republic of Armenia paid significant attention to the approximation of its domestic IP legislation to the EU standards. In particular, Armenia has adopted legislation in the main titles and aspects of IPR and is currently amending some of that legislation to be fully aligned with the EU standards.

Armenian domestic IP legislation includes but is not limited to the following laws and regulations:

- Civil Code of the Republic of Armenia(Chapter 10, Section 63, Articles 1100 -1183);
- The Law of the Republic of Armenia on Copyright and Related Rights (expected to be reviewed in 2011 and aiming, inter alia, to clarify accreditation procedure for copyright collecting societies);
- The Law of the Republic of Armenia on Trademarks (in force since July 2010 and fully aligned with EU standards);
- The Law of the Republic of Armenia on Geographical Indications (in force since July 2010 and fully aligned with EU standards);
- The Law of the Republic of Armenia on Inventions, Utility Models and Industrial designs (currently under review and aiming to 1) introduce biotechnology and pharmaceutical-related provisions, 2) update patentability criteria for utility models and adequate grant procedures, etc.);
- The Law of the Republic of Armenia on the Legal Protection of Topographies of Integrated Circuits;
- Criminal Code of the Republic of Armenia (Sections 158, 159, 197, 199, 195, 212, 208, 209, 210, 211);
- Customs Code of the Republic of Armenia (Section 14);
- The Law of the Republic of Armenia on Protection of Economic Competition;
- The Law of the Republic of Armenia on Obligatory Labeling of Magnetic Carriers of Audio and Video Information by Control Marks (Holographic labels).

6.3. International Treaties Ratified by Armenia

With few exceptions Armenia has ratified most of the international Treaties related to IPR (Paris, Berne, Rome, Geneva and Brussels Conventions, Madrid Agreement, Budapest Treaty, Patent Cooperation Treaty, Nice, Strasburg, and Locarno Agreements related to classification of trademarks, patents and designs, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty and TRIPS Agreement).

6.4. Institutional Framework

6.4.1. Armenian Intellectual Property Agency acting within the ministry of Economy (AIPA or Agency)

The Agency is the state authority for registering industrial property subject matters (inventions, trademarks, utility models, industrial designs). The Agency is acting within the Ministry of Economy of the Republic of Armenia and is responsible for implementation of relevant IPR policies, as well as updating the Armenian industrial property databases, publication of the Official IP Bulletin. It also assists the Ministry of Economy in drafting IPR policies, international cooperation, and publicizing other information relating to IPR. AIPA has a Board of Appeal to deal with the appeals that occurred in the course of examination of applications on industrial property subject matters. Through AIPA website there is access to electronic databases, annual reports, legislation, decisions of the Board of Appeal, and electronic filing is available for applicants. Furthermore, the IP Agency plays an important role in the coordination of all the institutions responsible for enforcement of IPR legislation. AIPA has a staff of 50.

6.4.2. Armenian Observatory on Counterfeiting and Piracy

Within the framework of the political commitment of the Republic of Armenia to fight against counterfeiting and piracy the Prime Minister ordered to establish a high level Armenian Observatory on Counterfeiting and Piracy with members from public and private sectors, which is chaired by the Minister of Economy.

6.4.3. Other Enforcement Bodies and Organizations:

- Police (division fighting against crimes in the field of intellectual property);
- State Customs Service;
- Judiciary:

6.4.4. Membership in and Cooperation with International/Regional Organizations

Armenia is a member of the following International Organizations:

- World Intellectual Property Organization (WIPO) since 1993;
- Eurasian Patent Office (EAPO) since 1995;
- World Customs Organization (WCO);
- World Trade Organization (WTO) since 2003.

The Armenian IP Agency cooperates with the European Patent Office (EPO), as well as other international and regional organizations and institutions (IP agencies, offices etc.).

7. REFORMS TO BE IMPLEMENTED

7.1. Legislative Reforms

The legislative reform includes the following fields and activities.

7.1.1. Trademarks

Reforms of trademark legislation have launched in 2010 by adopting a new Trademark law fully aligned with EU standards.

7.1.2. Geographical Indication and Designation of Origin

Together with the newly adopted Trademark law, Armenia has also adopted a new law on Geographical Indications which regulates the relations concerning registration, legal protection and use of geographical indications, designations of origin and guaranteed traditional products and fully aligned with EU standards.

7.1.3. Patents and Utility Models

Reforms in this field have launched in 2008-2009. However the current Law on Inventions, Utility Models and Industrial Designs should provide inter alia for biotechnology provisions according to EU Directive 98/44:

- so-called Bolar type provision; and
- a minimum standard of obviousness for utility models.

7.1.4. Industrial Designs

The current Law on Inventions, Utility Models and Industrial Designs provides protection for registered designs but the Government will consider the option of granting protection for non-registered designs either through amending the current law or drafting a separate Act on Industrial Designs.

7.1.5. Copyrights and Related Rights

The 2006 Act on Copyright and Related Rights includes main elements of the EU legislation in this area. However, the current legislation is expected to be amended to include provisions from the EU Directive 93/83/EEC (Satellite and Cable) as well the law will stipulate an accreditation procedure for collecting societies.

7.1.6. Pharmaceutical Data Protection/Data Exclusivity

The reform will also touch upon some issues of the pharmaceutical legislation to make sure that it is fully approximated with the EU legislation.

7.1.7. International Treaties

The Government of Armenia will ratify such IP-related treaties as UPOV, PLT and RTLT.

7.1.8. IPR Enforcement

Enforcement of IPR is essential for Armenia not only for business reputation purposes but also for the purposes of increasing tax collection capacity and avoid health and safety risks for Armenian population. Therefore, the enforcement bodies (the Police Department, Customs Authorities, Judiciary) and the Ministry of Economy must coordinate their forces to enforce IPR over third parties. The Armenian Observatory for Counterfeiting and Piracy plays a key role in coordinating enforcement reforms.

(a) The Target

New IPR enforcement legislation should provide effective implementation of the minimum standards provided by TRIPS and follow the standards provided by the EU standards on IPR enforcement.

(b) Current Legislation

The current legislation includes ad-hoc IPR-related provisions in the Criminal, Civil and Customs codes, and other general provisions related inter alia to Court proceedings.

(c) Reforms

The Government of Armenia will evaluate the most appropriate, transparent and efficient way of reforming its IPR enforcement policies. It will develop a draft on amendments in laws and legislative acts regulating IPR enforcement and submit to the National Assembly.

(d) The Main Changes

- Introduction of ex-officio rights for public enforcement bodies.
- Introduction of civil, administrative and criminal sanctions.
- Assurance of coherent enforcement policies among different enforcement bodies.
- Explanatory works will be carried out with the right holders of copyright and related rights on establishment of necessary Collecting Management Organizations and facilitation of cooperation between them.
- Specialization of IPR court for first instance disputes on IPR.
- Introduction, development or simplification of customs' IPR register-related procedures.
- Assurance of the implementation of the TRIPS, Article 51.
- Introduction, development of procedures for storage and destruction of seized goods (corrective measures).
- Introduction of adequate injunction mechanisms.

- Introduction of procedures relating to valuation of seized goods and calculation of damages based on international best practices.
- Introduction of adequate economic threshold for qualification of criminal or administrative offenses.
- Assurance of adequate implementation of the legislation on consumers and fair competition.
- Introduction and development of additional procedures for the protection of IP subjects matters on internet and other means of telecommunication.

7.2. Institutional Strengthening and Cooperation for IPR Enforcement

The Ministry of Economy and the Armenian Observatory on Counterfeiting and Piracy as policy makers will play a coordinating and leading role in the IPR enforcement policies reform. It is expected that the Armenian Observatory will also take the central role in ensuring effective coordination and cooperation among enforcement bodies and IP holders. However the IPR enforcement institutions below must be further developed and strengthened.

7.2.1. Judiciary

The Government of Armenia will submit relevant legislative amendments in order to make possibility for the judiciary to concentrate IP disputes in a very limited number of Courts and judges. It is necessary to take measures to raise the role of arbitrage in IP disputes.

7.2.2. Police

The Police, with its IPR enforcement unit will be sufficient to conduct some raids or other activities as necessary in Yerevan or outside the capital city in collaboration with other police units of the regions.

7.2.3. Customs

Armenian Customs have proved to be effective in avoiding the release of hazardous medicines. However, although Customs authorities nowadays are expected to play significant role in ensuring the security of the international supply chain, actions against counterfeiting and piracy have not been effective so far.

Following the example of the Police Department, Customs authorities must establish an IPR unit for coordination of IPR-related risk analysis, intelligence, database, and training of customs IPR specialist. The IPR unit must be the center of operation expertise, which will cooperate with national enforcement bodies and IP holders. It should also introduce friendly procedures for IP holders to send actions applications, as well as receive information regarding IPR infringement alerts, engage in international cooperation, keep statistical records, etc.

Additionally, the unit must introduce and put a link in its website describing the new regime of customs measures against IPR infringement, etc.

7.2.4. National Bureau of Expertise and Other IPR Experts

Seized samples need to be secured and preserved while sending for authenticity assessment and economic valuation to the National Bureau of Expertise and/or any other experts skilled in the field. In any event, the experts will cooperate with IP holders in all cases when the latter can *inter alia* provide authentic samples or any relevant information to facilitate and expedite the valuation or assessment of the IP assets and/or rights. The Government will ensure IPR holders' right to disagree with the results of any valuation/assessment, conducted by the local experts and acquire and provide as evidence the results of valuation/assessment of foreign experts, provided that the IPR holder will bear all expenses of valuation/assessment conducted by experts having relevant competences.

7.2.5. IPR Information Center

The Government will also consider creating an IPR database to keep all records of actions, disputes, profiles, etc. Customs, Police and the Judiciary should have and maintain their own IPR databases which should be shared with the IPR information center. This center will be established within the IP Agency.

7.2.6. IPR Trainings

One of the most important aspects of the reforms and the sustainable development of IPR system in Armenia is the continuous trainings of the state officials in charge of IPR enforcement. It is necessary to seek opportunities to increase the level of IPR awareness among its officials responsible for IPR enforcement (customs officers, judges and police staff).

In the long run, Armenian enforcement authorities should be able to have a fully coordinated IPR database, publish annual reports, develop alternative dispute resolution mechanisms, maintain cooperation with international enforcement institutions and achieve full harmonization with EU Directive 2004/48. However, in order to obtain a level of enforcement similar to EU, it is necessary continuous actions, also in the field of IPR awareness during a number of years.

7.3. IPR Awareness-Raising Activities and Training for Stakeholders

The highest level of IPR infringements usually take place in countries where stakeholders and general public at large have very low level of IPR awareness. Low awareness makes any anti-piracy campaign a difficult challenge. Armenia is one of the countries where IPR awareness is very low among not only enforcement bodies, but also right holders, and the public at large, particularly in the areas of piracy and counterfeiting.

Activities for public awareness in the field of IPR are provided as a primary objective to be implemented. Seminars for raising awareness regarding counterfeits and piracy in the field of IPR will be organized as well as relevant brochures, videos and other informational materials will be prepared and disseminated. Furthermore, an expected specific outcome would be raising public awareness on IPR and “form a negative attitude among the public towards counterfeiting and pirated goods”.

Some major points concerning the IPR awareness raising mentioned in the Action Plan are as follows:

- Expanding the volume of activities for public awareness, which will change public attitude toward counterfeit and pirated goods (implementing body: Ministry of Economy; Police);
- Ensuring consistent development of professional capacities of experts (implementing body: Ministry of Economy);
- Making regular market analysis for clarifying counterfeit and pirate goods turnover volumes and loss volumes (implementing body: Police);
- Undertaking of measures for improvement of relevant area knowledge of judges and employees of corresponding police and customs bodies (implementing body: State Revenue Committee, Ministry of Justice, Ministry of Economy);

According to the suggestions of the EU Strategy for the enforcement of IPR in third countries (2005/C 129/03) that raising the awareness of users/consumers must be done by:

- Promoting the benefits of IPR in terms of promotion of creativity, investment, transfer of technology, protection of traditions and quality;
- Informing about the dangers of IPR violation to public health, safety, consumers protection, security, etc.

It is obvious that IPR awareness-raising and training is a continuous activity the results of which may be difficult to measure and which usually arise in the long run.

7.4. Immediate Actions

Some immediate actions in borders and internal market with existing legislation and with public-private collaboration will be launched and advertised to start awareness raising and send an initial message to IP holders and counterfeiters.

7.5. Key Actions to be Taken

Improve the implementation and enforcement of IPR legislation, particularly with respect to piracy and counterfeiting through. The following actions must be implemented:

- a. completion of the IPR legislation reform;

- b. strengthening the capacities of the institutions responsible for enforcement;
- c. ensuring an effective dialogue between right holders as foreseen in the ENP Action Plan.

7.6. Monitoring the Reform

The IPR reform will be monitored by the Armenian Observatory on Counterfeiting and Piracy and the IPR Working Group for the DCFTA negotiations.

8. ROADMAP FOR THE REFORM

8.1. The Directions

As discussed above the reformation of the Armenia's IPR system will develop in the following three directions:

Direction 1 - Legislative Reform

Direction 2 - Institutional Reform (including IPR Enforcement Actions)

Direction 3 - IPR Awareness-Raising Activities (including trainings for stakeholders and specialists)

8.2. The Phases and Milestones of the Directions

Direction 1

The reform of the **Direction 1** comprises of the following **three phases**:

Phase 1 – Adoption of the legislation fully harmonized with the EU legislation (2011-2012)

Milestone 1: Adoption of a fully aligned laws and regulations in the fields of Copyrights and Related Rights, Patents, Utility Models, Industrial Designs, Trademarks, Geographical Indications and Designations of Origin

Milestone 2: Private stakeholders' awareness of the existence of these laws and regulations.

Phase 2 - Development of implementing laws, regulations and/or guidelines.

Direction 2

The reform of the **Direction 2** comprises of **four phases** (phases 1 and 2 may be overlapped):

Phase 1 – Short-Term Actions with existing legislation (2011-2012).

Milestone 1: Public enforcers will use legal software.

Milestone 2: In cooperation with IP holders, customs and police will seize illegal software and other IP objects in the border and in the internal market. The results should be announced to the general public and business community via mass media.

Phase 2 – Deep Reform of Enforcement Legislation (2011-2012).

Milestone 1: To have enforcement legislation fulfilling each of the requirement of the EU-Armenia DCFTA background documentation.

Milestone 2: Adoption of the legislation fully harmonized with the EU legislation and private stakeholders’ awareness of the existence of these laws and regulations.

Phase 3 – Institutional changes in the enforcement bodies (2011-2012).

Milestone 1: Creation of new institutional units recognized by the European Commission.

Phase 4 – Drafting guidelines and training of judges, police, customs officials, public attorneys (part of capacity building activities) and organize seminars and workshops for potential stakeholders (2011 onwards and taking advantage of the IPR enforcement twinning).

Milestone 1: A data base related to IPR violations is set-up, statistics are kept and an annual report is publishing (2012-2015). This is so called “Effective Implementation Phase” which will be developing during the IPR enforcement twinning starting from 2012.

Direction 3

The reform of the **Direction 3** comprises *inter alia* of the following phases:

Phase 1 – Organization of trainings, seminars and workshops for the potential stakeholders (2011 onwards);

Phase 2 – Awareness-Raising seminars for IP stakeholders and the public at large (2011 onwards);

Phase 3 – Training of private and public stakeholders (2011 onwards);

Phase 4 - Training for trainers (2011 onwards);

Phase 5 – Establishment of an IP information center (2012-2013).

9. THE RISKS, ASSUMPTIONS AND SUCCESS FACTORS

The proposed Strategy builds on the following assumptions:

- The government of Armenia will remain politically supportive over the whole implementation period.
- The government of Armenia will mobilize needed resources with donors’ support. IP holders collaborate in the process.

The success of the Strategy depends on inter alia the following factors:

- Elimination of vested interest conflicting with this reform.
- Engagement of all enforcement bodies.
- Increase awareness among population on respect for IPR.
- Involvement of private stakeholders.
- Understand and transmit information on the risks related to counterfeiting and piracy activities in relation to public health, safety and image of the country.

10. REFORM COSTS

Some additional resources have to be allocated as a result of the reforms outlined above, especially in increasing the staff of some enforcement agencies and some office and warehouse facilities. It is necessary to provide for a relevant amount in the State Budget for obtaining licensed software. Spreading legal software use among private sector will increase tax collection and therefore offset the public expenditure in legal software (for this process, the public administration and big companies have to lead this practice). However, it is not necessary to devote major investments as in other reforms that require purchases of expensive machinery and ad-hoc facilities. Some of the costs can be reduced by collaborating with IP holders.

11. REFORM MANAGEMENT, MONITORING AND EVALUATION

All the Directions of the reform process will be managed, monitored and evaluated by the Ministry of Economy, the Armenian Observatory on Counterfeiting and Piracy, the IP working group for the DCFTA negotiation and the IP Agency of the Ministry of Economy. The reform will be evaluated on the semiannual bases, starting from 2011.

12. CONCLUSION

The present Strategy is the outcome of several years of assessment of the IPR system in Armenia and the growing international concern for counterfeiting and piracy, an activity that it is destroying jobs, legitimate business, tax collection, fair competition and putting in danger citizens' health and safety, while nurturing criminal organizations and activities.

The Republic of Armenian is also committed to conclude this reform to fulfill one of the key criteria demanded by the EU to start negotiations for a DCFTA. This incentive is also an opportunity to accelerate a reform which is demanded by nowadays market economies to compete in a global

economy. This will help Armenia to abandon the lowest rankings in the international IP watch lists and therefore improve its market image.

Short-Term Actions will be launched to obtain immediate and provisional tangible results. However, long and sustainable actions such as Awareness-Raising Campaigns cannot be neglected. These actions can be conducted by public and private stakeholders with the support of international donors. There is still a long path to undergo before public at large is aware of the importance of IP respect.

Action Plan for Reform of Intellectual Property Rights System in Armenia

This document is the Action Plan (“the Action Plan”) for the “Strategy of the Republic of Armenia on Intellectual Property Rights Protection” (“ the Strategy”). The Action Plan will be monitored and implemented by the following authorities:

1. Observatory on Counterfeiting and Piracy;
2. Ministry of Economy;
3. Armenian IP Agency;
4. RA State Revenue Committee by the Government;
5. Ministry of Justice;
6. Police Department ;
7. Other Departments/Agencies.

No	Action	Objective and Brief Description	Preconditions	Expected Outcome	Responsible Institutions	Deadline
1.	Legislation approximation on registration, maintenance and enforcement of IPRs					
1.1	Establishment of a new Trademark system		N/A	Harmonization of trademark system with EU standards.	AIPA	2010-2011
1.2	Establishment of a new Geographical Indications and Designation of Origin (GI/DO) System.		Adequate implementation of the new GI/DO Law	Harmonization of GI/DO system with EU legislation.	MoE, MoA and AIPA	2010-2011

1.3.	Implementation of new provisions for GI/DO.		N/A	Harmonization of GI/DO system with EU standards.	MoE, MoA and AIPA	Continuous
1.4.	Drafting an updated patent and utility model Law.		N/A	To include aspects related to: biotechnology provisions according to EU Directive 98/44, a so-called Bolar type provision and a minimum standard for obviousness for utility models.	MoE and AIPA	2011
1.5	Drafting implementing provisions for updated patent and utility model Law.		1.4	Patents and utility models granted according to international standards	MoE and AIPA	2011-2012
1.6	Drafting implementing legislative acts for updated industrial designs legislation.		1.6	Including protection of non-registered designs	MoE and AIPA	2011-2012
1.7	Improvement of copyrights and related rights legislation.		N/A	Clarify a number of issues, including conformity with EU Directive 93/83/EEC (Satellite and Cable). Regarding Collecting Societies, the reform should tackle the issue of the accreditation procedure.	MoE and AIPA	2011-2012
1.8	Drafting appropriate data exclusivity legislation for medicines and fitosanitaires fulfilling non-disclosure and reliance principles.	Provide an adequate and balanced data exclusivity protection in	N/A	Improvement of protection in line with EU legislation. Streamlining entry of generics.	MoH and MoA	2012

		terms of confidentiality and non-reliance.				
2.	Short-term IPR enforcement actions					
2.1	State authorities fully update their software licenses.	State authorities must provide example of good practices and use “updated” legal software.	Full governmental commitment and budget allocation.	Improve the image of Armenia, including vis-à-vis the international community. Bringing example to society.	State Authorities	2011-2012 Continuous
3.	IPR enforcement actions: legislative and institutional reforms					
3.1	Enforcement of IPR Legislation, especially providing <i>ex-officio</i> actions to the relevant public bodies.	New framework based on EU standards, <i>inter alia</i> Directive 2004/48 on enforcement on IPR and Regulation 1383/2003 on Customs actions against piracy and counterfeited goods.	N/A	Adopt full and proper enforcement of IPR legislation in line with EU standards. Ensure ex-officio powers for the customs and police. Specialization of courts or judges. Introduction of procedures for custody, storage and destruction of seized goods (corrective measures). Adequate injunction mechanisms. Procedures related to	Observatory, State Revenue Committee, Police Department	2011-2012

				valuation of seized goods. Adequate economic thresholds for qualification for criminal and administrative offenses.		
3.2	IP Agency	Improvement eAdminsitration services	N/A	Increase eAdminsitration services	AIPA	Continuous
3.3	IP Agency	Improvement of IT system	N/A	Bringing Armenian IP Agency's IT system in line with European IP Agencies' standards.	AIPA	2012-2013 Continuous
3.4	Copyrights and Related Rights Collecting Societies	Introduce best practices for the development of collecting societies in the area of copyrights and develop this industry	N/A	Improvement in collection of royalties. Raising IPR awareness among the society.	Observatory, MoE, MoC, AIPA	Continuous
3.5	Customs	Ensuring full and proper enforcement of IPR on the border	3.1	Effective customs related procedures for IPR holders. Full implementation of effective procedures in relation to the IPR register. Building capacity and	Observatory, State Revenue Committee	2012 Continuous

				implementation of adequate procedures for storage and destruction of seized goods.		
3.6	Police	Ensuring full and proper enforcement of IPR	3.1	Implement ex-officio powers. IPR trainings. Coordination and support of several police units with the IP Police unit. Building capacity and implementation of adequate procedures for storage and destruction of seized goods.	Observatory, Police Department	2012-2013
3.7	Judiciary	Increase Courts' specialization on IPR cases by, <i>inter alia</i> , allocation of IPR cases in a limited number of Courts and training	N/A	Some degree of IPR specialization in some Courts. Increase confidence of IPR holders in Courts.	Observatory	2012-2013
3.8	Statistics	Registration and maintenance of statistics on IPR	A database must be built and maintained	Data collection of registrations, infringement cases;	AIPA, Police Department, State Revenue Committee	2012 Continuous

		infringements		analysis and reporting.		
4.	IPR Awareness Raising Activities					
4.1	Public Awareness	Awareness of IPR importance and more respect for IPRs	N/A	Reduction of consumption of counterfeited and pirated goods.	MoE, AIPA	Continuous
4.2	Training for Trainers	Create a team of IPR specialists	N/A	Continuous training	Observatory, AIPA	2012 Continuous

The List of Background Documents

1. Partnership and Cooperation Agreement between the EU and Armenia (PCA)

Description: The PCA entered into force in 1999 and encloses a Chapter VI devoted to the protection of IPR among those provisions affecting business and investment. The first mandate of the PCA for Armenia included accession of Armenia to the main multilateral conventions on IPR which has been up to date fulfilled. The second IPR-related mandate regarding providing a level of protection of IPR similar to that of EU, including enforcement of these rights is currently being fulfilled.

2. ENP Action Plan adopted in 2006 and list of actions 2009-2011

Description: This EU/Armenia ENP Action Plan is the first step in this process for Armenia and the EU to develop an increasingly close political cooperation and economic integration. The Action Plan is a political document laying out the strategic objectives of the cooperation between Armenia and the EU for a timeframe of five years. Its implementation will help to fulfill the provisions in the Partnership and Cooperation Agreement (PCA), build ties in new areas, and encourage and support Armenia's objective of further integration into European economic and social structures.

Implementation of the Action Plan aims at significantly advancing the approximation of Armenia's legislation, norms and standards to those of EU. In this context, it will build solid foundations for further economic integration based on the adoption and implementation of economic and trade-related rules and regulations, including those related to IPR, with the potential to enhance trade, investment and growth.

One of the actions of the plan related to Trade-related issues, market and regulatory reform, aims at IPR¹, including enforcing customs controls on imports and exports of pirated or counterfeit goods.

3. RA Government Policy Paper on Implementation of Reliable and effective protection of IPR (Protocol Decree N14, April 2, 2009)

Description: As part of the Armenian Government recognition of the value of developing an adequate IPR system and it is committed to implement these reforms approved in April 2009 a Concept Paper on Implementing Reliable and Effective Protection of Intellectual Property and a Observatory on Counterfeiting and Piracy for the implementation of this paper, led by the

¹ In particular:

- Ensure full conformity of IPR legislation with PCA obligations and TRIPS requirements and its effective enforcement;
- Ensure proper functioning of the judicial system to guarantee access to justice for right-holders and availability and effective implementation of sanctions;
- Consolidate the relevant institutional structures, as well as of the offices for industrial property rights, copyright protection and collecting societies. Extend cooperation with third country authorities and industry associations;
- Increase resources dedicated to enforcement, including for the judicial system;
- Improve enforcement of the relevant conventions provided for by PCA Article 42(2);
- Develop cooperation between Armenian and EU law enforcement bodies in the fight against crimes in the field of IP.

Minister of Economy and including public (Ministry of Economy, IP Agency, Police Department, State Revenue Committee, Judiciary) and private representatives of right-holders and relevant NGOs, was set up in August 2009 .

Additionally, the government created in 2010 a working group on IPR to facilitate negotiations for a DCFTA with the EU. The Government counts with the support of the tailor-made policy advice of the EU Advisory Group which was set up by the EU in April 2009 to support the political and economic reform process initiated by the government of Armenia.

4. IPR enforcement twining synopsis fiche, June 2010

An EU twining on IPR enforcement has been identified and is under design as a practical institution building tool to facilitate the approximation of EU standards through direct cooperation between institutions which have a public service mission (Ministries, governmental agencies, etc.). This thought EU assistant instrument could start in 2012 after the Republic of Armenia (RA) has undertaken initiatives to bring legal and regulatory framework into conformity with the international rules on Intellectual Property Rights (IPR) protection to fulfill the Armenia's commitment under PCA and ENP-Action plan described above. The overall objective is to achieve a level of IPR protection similar to the one at the EU through the strengthening of IPR enforcement institutions in the Republic of Armenia.

5. Survey on the extent of Counterfeiting and Piracy on the Armenian Domestic Market, AEPLAC-ICHHD, 2010

6. Progress report Armenia in 2009: Communication from the commission to the European parliament and the Council taking stock of the ENP: Implementation of the ENP, Brussels, 12/05/2010, SEC(2010) 516

7. European Commission's trade services fact finding trade mission (February 2009)

8. First Trade Policy Review of Armenia by the WTO Secretariat, 2010

9. Side IPR meeting between the IP Agency and the European Commission representatives; EU-Armenia Subcommittee on Trade, Economic and related issues (Yerevan, 16 June 2010)