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## **ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA**

Pursuant Article 75 paragraphs 1 and 2 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia hereby issue

### **DECREE**

#### **FOR PROMULGATION OF THE LAW AMENDING THE LAW ON CUSTOMS MEASURES FOR PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

The Law amending the Law on Customs Measures for Protection of Intellectual Property Rights, adopted by the Assembly of the Republic of North Macedonia at the session held on 18th May 2021, is hereby proclaimed.

No. 08-2422/1  
18<sup>th</sup> May 2021  
Skopje

President of the Republic of  
North Macedonia  
**Stevo Pendarovski** (m.p)

President  
of the Assembly of the Republic  
of North Macedonia  
**Talat Xhaferi** (m.p)

#### **LAW AMENDING THE LAW ON CUSTOMS MEASURES FOR PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

##### Article 1

Article 37 of the Law amending the Law on Customs Measures for Protection of Intellectual Property Rights (Official Gazette of the Republic of Macedonia no. 88/15, 154/15, 192/15 and 23/16) shall be amended and shall read:

“Fine in amount of Euro 50 to 200 in Denar equivalent, shall be imposed to a legal entity micro trader and small trader, while fine in amount of Euro 250 to 500 in Denar equivalent shall be imposed to a legal entity medium trader and large trader , as well as fine in amount of Euro 15 to 100 in Denar equivalent shall be imposed to a responsible person in the legal entity or to a natural person, in case of failure to immediately notify the competent organizational unit about the situation referred to in Article 17 of this Law.”

##### Article 2

Article 38 shall be amended and it shall read:

“(1) Fine in amount of Euro 500 to 2,000 in Denar equivalent shall be imposed to a legal entity micro trader and small trader, i.e. fine in amount of Euro 1,000 to 6,000 in Denar equivalent shall be imposed to a legal entity medium trader and fine in amount of Euro 2,500 to 10,000 in Denar equivalent shall be imposed to a legal entity large trader, acting contrary to Article 24 of this Law involving use of the data communicated by the customs authority in the context of Article 19 paragraph (7) and (9), Article 20 paragraph (9), Article 22 or Article 29 paragraph (8) of this Law, outside the procedure and purposes of establishing infringement of intellectual property rights.

(2) Fine in amount of Euro 250 to 1,000 in Denar equivalent for a misdemeanor referred to paragraph (1) of this Article, shall be imposed to the responsible person in the legal entity and fine in amount of Euro 50 to 500 in Denar equivalent for a misdemeanor referred to in Article (1) of this Article shall be imposed to a natural person.”

### Article 3

Article 39 shall be amended and it shall read:

“(1) Fine in amount of Euro 100 to 500 in Denar equivalent shall be imposed to a legal entity micro trader or small trader, i.e. fine in amount of Euro 500 to 1,000 in Denar equivalent shall be imposed to a legal entity medium trader or large trader, in case of importing or exporting or attempting to import or export goods infringing trademark rights or counterfeit goods into/from the customs territory of the Republic of North Macedonia for a second time, or in case of placement of such goods in a customs procedure or in case of importation into/exportation from free zone or free warehouse of such goods.

(2) Fine in amount of Euro 50 to 250 in Denar equivalent for a misdemeanor referred to paragraph (1) of this Article shall be imposed to the responsible person in the legal entity and fine in amount of Euro 25 to 100 in Denar equivalent for a misdemeanor referred to in Article (1) of this Article shall be imposed to a natural person.

(3) Having determined the misdemeanor referred to in paragraphs (1) and (2) of this Article, the customs officer shall serve the perpetrator an Order for payment of a fine in the minimal amount stipulated for the committed misdemeanor.

(4) Following the receipt and signing of the misdemeanor payment order, the perpetrator is obliged to pay the imposed fine pursuant paragraph (3) of this Article within eight days of the receipt of the misdemeanor payment order at the account indicated in the order, paying half of the imposed fine, a right which shall be indicated the legal remedy.

(5) If the perpetrator fails to pay the fine in the deadline stipulated in paragraph (4) of this Article, for the misdemeanor referred to in paragraph (1) and (2) of this Article, the customs officer shall submit a request for initiation of misdemeanor procedure to the competent misdemeanor body referred to in Article 40 of this Law.”

### Article 4

Article 40 shall be amended and it shall read:

The conducting of the misdemeanour procedure and the imposing of the sanction for a committed misdemeanour under Articles 37, 39 and 41 of this Law shall be in the exclusive competence of the misdemeanour authority laid down by the Law on Customs Administration, while the misdemeanour referred to in Article 38 of this Law shall be in the competence of a court, in accordance with law.”

#### Article 5

Article 41 shall be amended and it shall read:

“(1) Fine in amount of Euro 100 to 500 in Denar equivalent shall be imposed to a legal entity micro trader or small trader, i.e. fine in amount of Euro 250 to 700 in Denar equivalent shall be imposed to a legal entity medium trader and fine in amount of Euro 500 to 1,000 in Denar equivalent shall be imposed to a legal entity large trader, in case as right holder referred to in Article 4 paragraph (6) of this Law or as applicant referred to in Article 4 paragraph (8) of this Law, fails to notify the customs authority in the stipulated deadline whether the goods infringe intellectual property rights or whether a procedure for determination of the infringement before a competent court has been initiated (Article 26 paragraphs (1) and (5), Article 29 paragraph (9)).

(2) Fine in amount of Euro 50 to 500 in Denar equivalent for a misdemeanour referred to paragraph (1) of this Article shall be imposed to the responsible person in the legal entity and fine in amount of Euro 25 to 250 in Denar equivalent for a misdemeanour referred to in Article (1) of this Article shall be imposed to a natural person.”

#### Article 6

Article 41-a shall be erased.

#### Article 7

The initiated procedures before the misdemeanour authority referred to in Article 40 of this Law until the day of entry into force of this Law shall be finalized pursuant the provisions of the Law on misdemeanors (Official Gazette of the Republic of Macedonia no. 124/15).

#### Article 8

This Law shall enter into force on the eighth day of the day of its publishing in the Official Gazette of the Republic of North Macedonia.