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ASSEMBLY OF THE REPUBLIC OF MACEDONIA

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

**DECREE FOR PROMULGATION THE LAW AMENDING
THE LAW ON CUSTOMS MEASURES FOR PROTECTION OF
INTELECTUAL PROPERTY RIGHTS**

The Law amending the Law on Customs Measures for Protection of Intellectual Property Rights,

adopted by the Assembly of the Republic of Macedonian at the session held on 2nd November 2015, is hereby proclaimed.

No. 08-5130/1
2 November 2015
Skopje

President
of the Republic of Macedonia
D. Djorge Ivanov, (signed)

President
of the Assembly of the Republic
of Macedonia
Trajko Veljanoski, (signed)

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

Article 1

Article 37 of the Law on Customs Measures for Protection of Intellectual Property Rights ("Official Gazette of the Republic of Macedonia" No. 88/2015 and 154/15) shall be amended and shall read:

"(1) Fine in amount of euro 1,000 in denar equivalent, shall be imposed to a legal entity or individual trader acting contrary to Article 17 of this Law. For the offence, the offence authority shall immediately notify the competent organizational unit of the Customs Administration.

(2) Fine in amount of 30% of the imposed fine to the legal entity or individual trader shall be imposed to the responsible person of the legal entity or individual trader for the offences referred to in paragraph (1) of this Article.

(3) Fine in amount of euro 100-150 in denar equivalent shall be imposed to a natural person for the offences referred to in paragraph (1) of this Article."

Article 2

Article 38 shall be amended and shall read:

“(1) Fine in amount of euro 2,000 in denar equivalent shall be imposed to a legal entity and individual 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 30% of the fine imposed to the legal entity or individual trader shall be imposed to the responsible person of the legal entity or particular trader for the offences referred to in paragraph (1) of this Article.

(3) Fine in amount of euro 200-300 in denar equivalent shall be imposed to a natural person for the offences referred to in paragraph (1) of this Article.”.

Article 3

Article 39 shall be amended and shall read:

“(1) Fine in amount of euro 5,000 Euros in denar equivalent shall be imposed to a legal entity or individual trader in case of importing or exporting or attempting to import or export goods infringing trademark rights into / from the customs territory of the Republic of Macedonia for a second time, or in case of placement of such goods in a customs procedure with economic impact or in case of importation into/exportation from free zone or free warehouse of such goods.

(2) Fine in amount of 30% of the fine adjusted to the legal entity or individual trader shall be imposed to the responsible person of the legal entity or individual trader for the offence referred to in paragraph (1) of this Article.

(3) Fine in amount of euro 500-750 in denar equivalent shall be imposed to a natural person in case of importing or exporting or attempting to import or export goods infringing trademark rights for the second time into / from the customs territory of the Republic of Macedonia, placement of such goods in a customs procedure with economic impact or in case of importation into/exportation from free zone or free warehouse of such goods.”.

Article 4

Article 41 shall be amended and shall read:

“(1) For the committed offences laid down by this Law, the customs officer shall serve the offender – legal entity or individual trader an Order for mandatory payment of fine in amount of Euro 100 in Denar equivalent, when the value of the goods subject to offence does not exceed Euro 500 Euros in Denar equivalent.

(2) Fine in amount of 30% of the fine adjusted to the legal entity and individual trader shall be imposed to the responsible person of the legal entity or individual trader for the committed offences laid down by this Law, when the value of the goods subject to offence does not exceed Euro 500 in Denar equivalent.

(3) For the committed offences laid down by this Law, the customs officer shall serve the natural person an Order for mandatory payment of fine in amount of Euro 25 in Denar equivalent, when the value of the goods subject to offence does not surpass Euro 500 in Denar equivalent.

(4) If the offender fails to voluntarily pay the fine within eight days following the serving of the Order for mandatory payment of fine, this document shall be considered as an executive document and the customs officer shall submit it to the authority that is responsible for enforced execution, for its execution.

(5) The customs officer is obliged to keep records on the served Orders for mandatory payment of fine and on the outcome of the launched procedures, including collection, processing and storage of the following data: name and surname, i.e. name of the offender, domicile, i.e. place of residence, headquarters, type of offence, number of the Order for mandatory payment of fine and the outcome of the procedure.

(6) The data of paragraph (3) of this Article shall be kept for a period of five years following their entry into the records.

(7) The form and contents of the Order for mandatory payment of fine shall be prescribed by the Minister of Finance.

Article 5

After the Article 41, a new Article 41-a shall be added and it shall read:

“Article 41-a

The determination of the amount of the fine to the legal entity or individual trader shall be made in conformity with the Law on Offences.”

Article 6

The bylaw determined with this Law shall be adopted within 30 days following the entrance into force of this Law.

Article 7

This Law shall enter into force on the eighth day following the day of its publication in the “Official Gazette of the Republic of Macedonia”.