

TSG TSG NEWSLETTER

TOMIĆ SINDJELIĆ GROZA

Advokatska kancelarija TSG TOMIĆ SINDJELIĆ GROZA informiše o aktuelnostima u radu kancelarije i zakonodavnom reljefu RS | Die Rechtsanwälte TSG TOMIĆ SINDJELIĆ GROZA informieren über aktuelle Themen der Kanzlei und des Rechtsrahmen der RS | The aim of the TSG Newsletter is to help clients and associates understand trends and legal developments in various areas of the law in the RS | Юридическое бюро ТСГ ТОМИЧ СИНДЖЕЛИЧ ГРОЗА информирует о самых актуальных событиях, о работе конторы и законодательном рельефе РС | Glavna urednica|Chefredakteurin|Editor-in-Chief|Главный редактор: Ljubica Tomić |Prevodi|Übersetzungen|Translations|Переводы: Andrijana Mihailović, Mirjana Zdravković, Viktorija Topalović |Lektor|Lektor|Proofreader|Лектор: Ivana Radović, Magda Braun |Print & Online urednica|Print & Online-Redakteurin|Print & Online editor|Печать & Онлайн-редактор: Mirjana Zdravković

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Serbian Patent Law – Amendments

(Official Gazette RS No.95/2018)

The National Assembly of the Republic of Serbia adopted the Law on Amendments to the Patent Law (Official Gazette of RS No.68/2015), which entered into force on 16 December 2018.

The most significant amendments may be summarized under the following headings:

1. Harmonization with EU legislation

The amendments aim at further harmonization with the EU legislation, i.e. the Directive on Protection of Legal Biotechnological Inventions (98/44/EC) and the Directive on Enforcement of Intellectual Property Rights (2004/48/EC).

2. Improvement of Protection under the Civil Law

The system of civil protection has been improved in terms of resolving issues observed in the application of the law.

In this regard, a legal claim may be filed not only for an infringement of right, but also based on a serious threat of right infringement. Furthermore, the legal claim may be directed against a party whose services were used in connection with the infringement of patent (intermediary).

In terms of damages, the law now explicitly prescribes that the injured party may seek both material and immaterial damage. In determining the amount of damages, the courts will consider all circumstances of the case, particularly the adverse economic consequences the injured party has suffered, the loss of profit and the profit which the infringing party gained through patent infringement.

Should circumstances allow, the court may award a lump-sum compensation instead of damages. However, such compensation may not be smaller than what the injured party would have received had the use of patent been lawful.



Predrag Groza, Partner

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3. Expanded Right to Appeal

The amendments allow for an additional control over the decisions of the Serbian Intellectual Property Office ("IP Office"), as all decisions of the IP Office that deal with the exercise of rights in administrative proceedings are now open to appeal, which was not the case before.

4. Supplementary Protection Certificate

The provisions of the law governing supplementary protection certificate have been further aligned with the EU legislation.

5. Services of IP Office

The IP Office now offers a new range of services related to the provision of information and education in the field intellectual property, including trainings for interested parties, professional assistance to the authorities responsible for the enforcement of intellectual property rights, etc.

If you have any questions about the new statutory solutions or the patent system in the Republic of Serbia, you may contact us at predrag.groza@tsg.rs.