



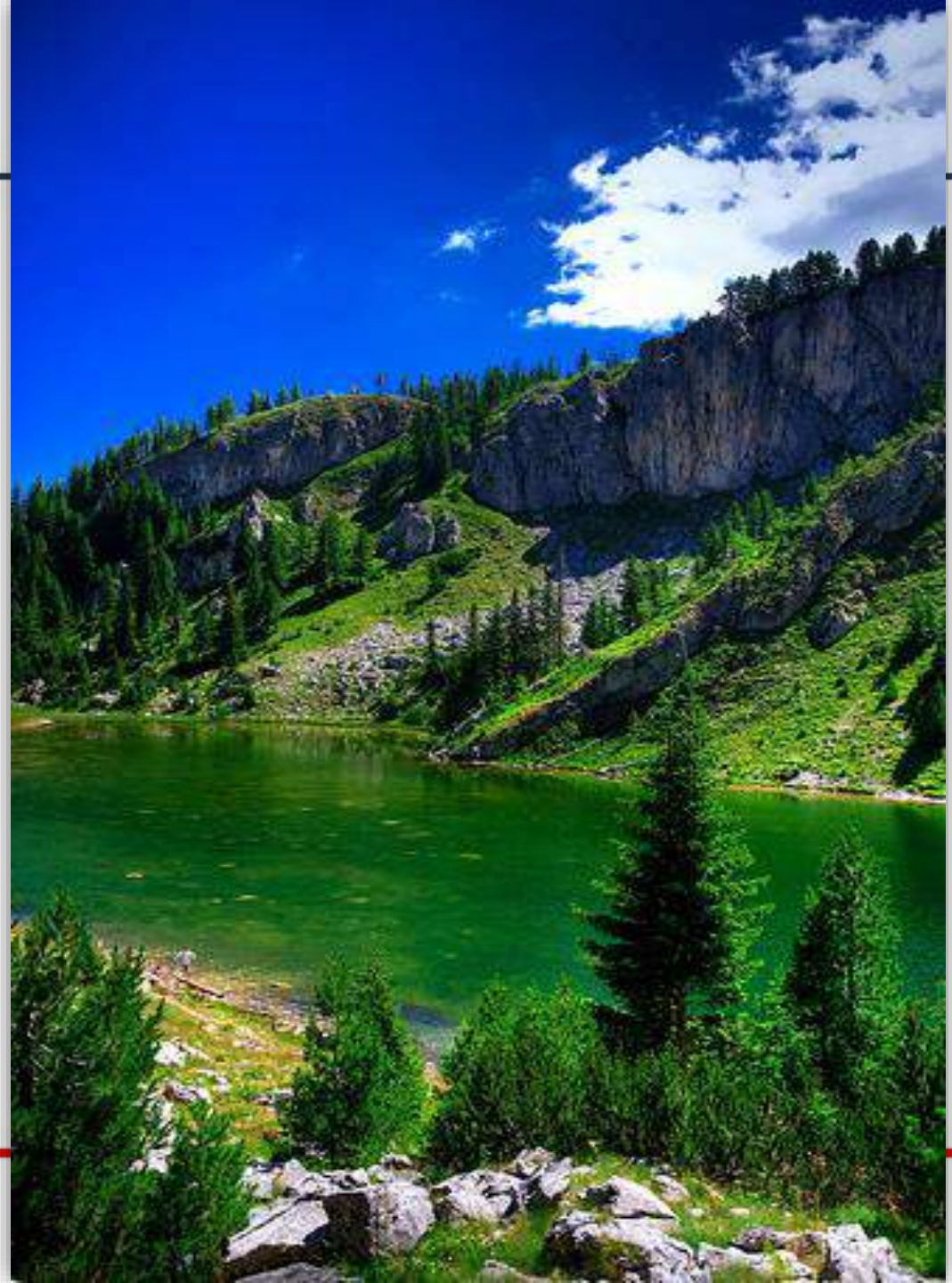
Geographical Indications KOSOVO

Veli HOTI
Consultant

**Interim Meeting of the Regional Expert Advisory Working
Group on PDO PGI TSG**
Durrës, Albania, 16 April 2019



- KOSOVO AND THE EU RELATIONS
- STRATEGIC DOCUMENTS
- EVALUATION OF THE OFFICIAL SYSTEM IN RELATION TO THE EU ACQUIS AND IMPLEMENTATION OF THE POLICIES
 - Legal Framework
 - Institutional Setting
 - Identification of key issues and challenges for which policy interventions are needed at national level
- BEST EXAMPLES AND BEST PRACTICES
- FOLLOW UPS



Kosovo and EU relations

- ***“Potential Candidate”***
 - Kosovo signed a **Stabilization and Association Agreement (SAA)** on **27 October 2015** which came into force on **1 April 2016**.
 - EU and Kosovo have confirmed the importance attached in ensuring **adequate and effective protection** and enforcement of intellectual, industrial and commercial property rights.
-

Kosovo and EU relations

- Article 77 and Article 78 of the SAA, Kosovo is obliged to take the necessary measures in order to guarantee protection of the intellectual property rights.

Article 77, paragraph 2 - SAA

- Kosovo shall take the necessary measures in order to guarantee **no later than five years** after entry into force of this Agreement **a level of protection** of intellectual, industrial and commercial property rights **similar to that existing in the EU**, including effective means of enforcing such rights.
-

Article 77, paragraph 2 - SAA

- Kosovo shall take the necessary measures in order to guarantee **no later than five years** after entry into force of this Agreement **a level of protection** of intellectual, industrial and commercial property rights **similar to that existing in the EU**, including effective means of enforcing such rights.
-

International Aspects

Kosovo is neither a signatory party of any of the international Agreement/Conventions nor is a Member of any of the International and/or Regional organizations.

Strategic Documents

- The Agriculture and Rural Development Program 2014 – 2020 (MAFRD)
 - The Mid-Term Expenditure Framework (MAFRD)
 - The Economic Reform Program (MAFRD)
 - The Yearly National Measures Program (MAFRD)
 - The Strategy and Action Plan for Biodiversity 2011 – 2020
 - The Policy and Strategy Paper on Forestry Sector Development 2011 – 2020 (M. Inf. Envi)
 - The Strategy on Advisory Services for Agriculture and Rural Development 2012 – 2016 (MAFD)
 - The National Intellectual Property Rights Strategy (2010 – 2014)
-

Legal Framework

The laws are the following:

- **Law No. 05/L-051 on Geographical Indications and Designations of Origin**



REPUBLIKA E KOSOVËS
MINISTRIA E TREGTISË
DHE INDUSTRIË

- **Law No. 03/L-098 on Agriculture and Rural Development and its amendments**



REPUBLIC OF KOSOVO

MINISTRY OF AGRICULTURE
FORESTRY AND RURAL DEVELOPMENT

PGI – PDO - TSG

Legal Framework

- Law No. 05/L-051 on Geographical Indications and Designations of Origin is in line with:
 - the Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs OJ L 343, 14.12.2012, p. 1–29; and
 - the Directive 2004/48/EC of the European Parliament and of the Council of April 2004 on the enforcement of intellectual property rights (O.J. L 157, p.45, 30.4.2004; O.J. L 195, p.16, 2.6.2004).
-

Legal Framework

The sub-legal acts are the following:

- **The administrative instruction (MTI) no. 11/2016 on registration procedure of geographical indications and designations of origin**
 - **Administrative Instruction No. 09/2018 on determining symbols for geographical indications, designation of origin and guaranteed traditional specialties**
 - **Administrative instruction (MTI) no. 10/2016 on administrative fees for industrial property facilities**
-

Applications

- Any group of producers working on the same product
- One physical person or legal person under the condition that he is the only producer in the certain area at the time of the application
- Description of the product
- Geographical area determined
- Description of the link between the product and the geographical origin
- Product specifications
- Payment of fees





Term of Protection Art. 15

- **10 year**
- **Renew each 10 years**
- **Unlimited**



Institutional Framework

GEOGRAPHICAL INDICATIONS SYSTEM IN KOSOVO

```
graph TD; Title[GEOGRAPHICAL INDICATIONS SYSTEM IN KOSOVO] --> RA[Registration Authority]; Title --> CA[Certification Authority]; Title --> CTA[Controlling Authority]; RA --> RA_Ministry["Ministry of Trade and Industry<br/>Industrial Property Agency"]; CA --> CA_Ministry["Ministry of Agriculture, Forestry and Rural Development<br/>Department for Agricultural Policies and Markets"]; CTA --> CTA_Ministry["Food and Veterinary Agency<br/>Inspection Department"]; RA_Ministry --> EC[The expert commission]; CA_Ministry --> EC; CTA_Ministry --> EC; RA --> SIIPC[STATE INTELLECTUAL PROPERTY COUNCIL]; EC --> SIIPC;
```

**Registration
Authority**

Ministry of Trade and Industry
Industrial Property Agency

**Certification
Authority**

**Ministry of Agriculture, Forestry
and Rural Development**
Department for Agricultural
Policies and Markets

**Controlling
Authority**

Food and Veterinary Agency
Inspection Department

The expert commission

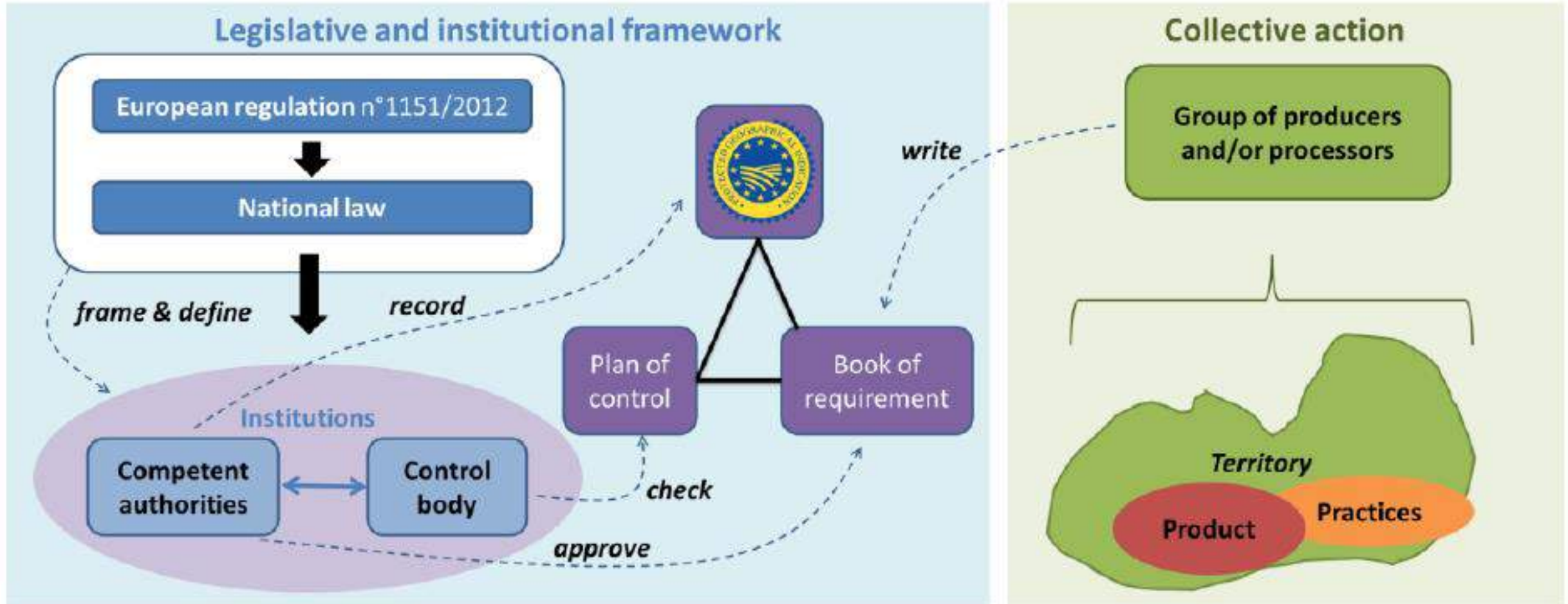
STATE INTELLECTUAL PROPERTY COUNCIL



The system has not
been challenged yet!

- **One single GI Applications** (*France*)

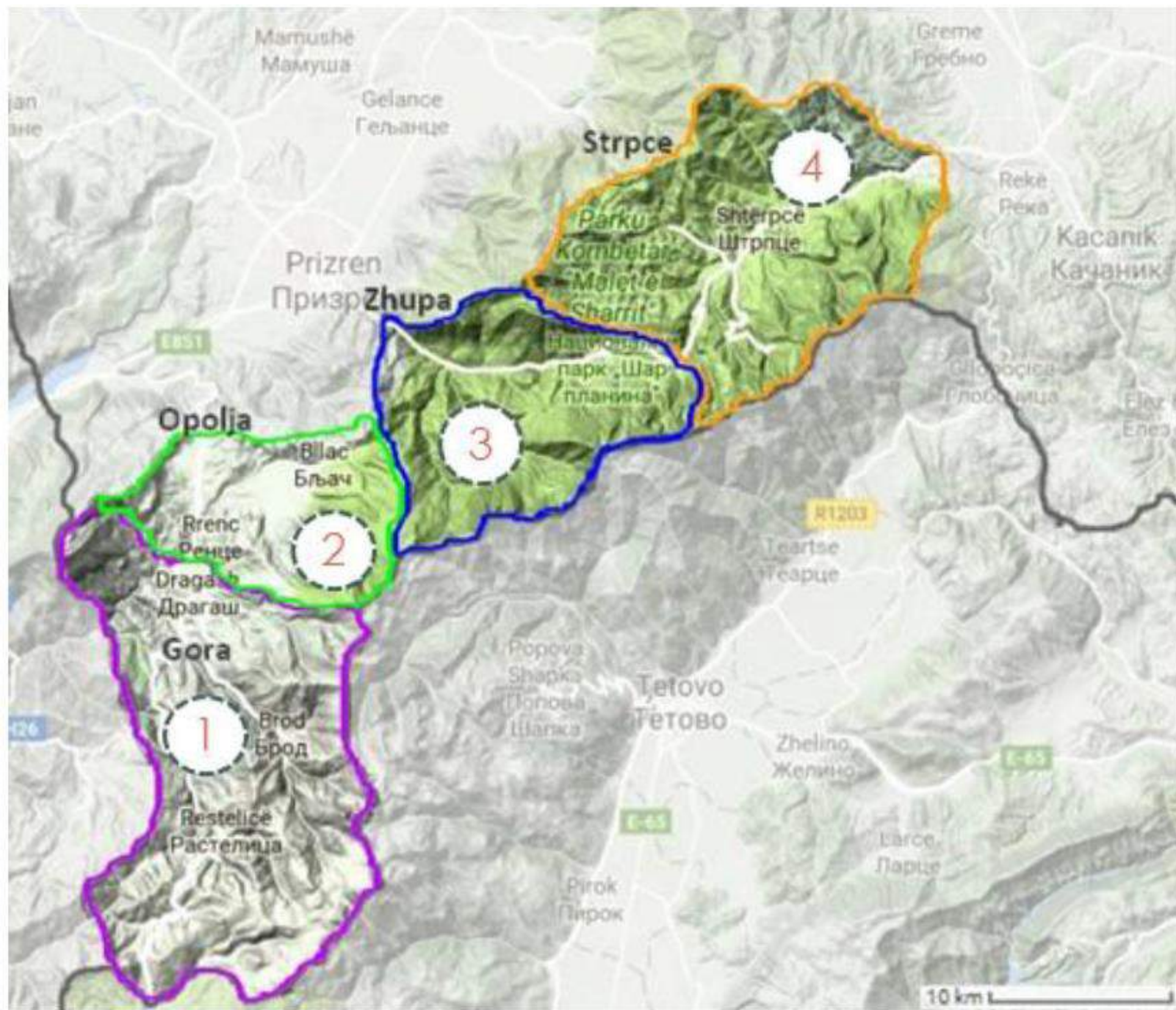
Identification issues and challenges



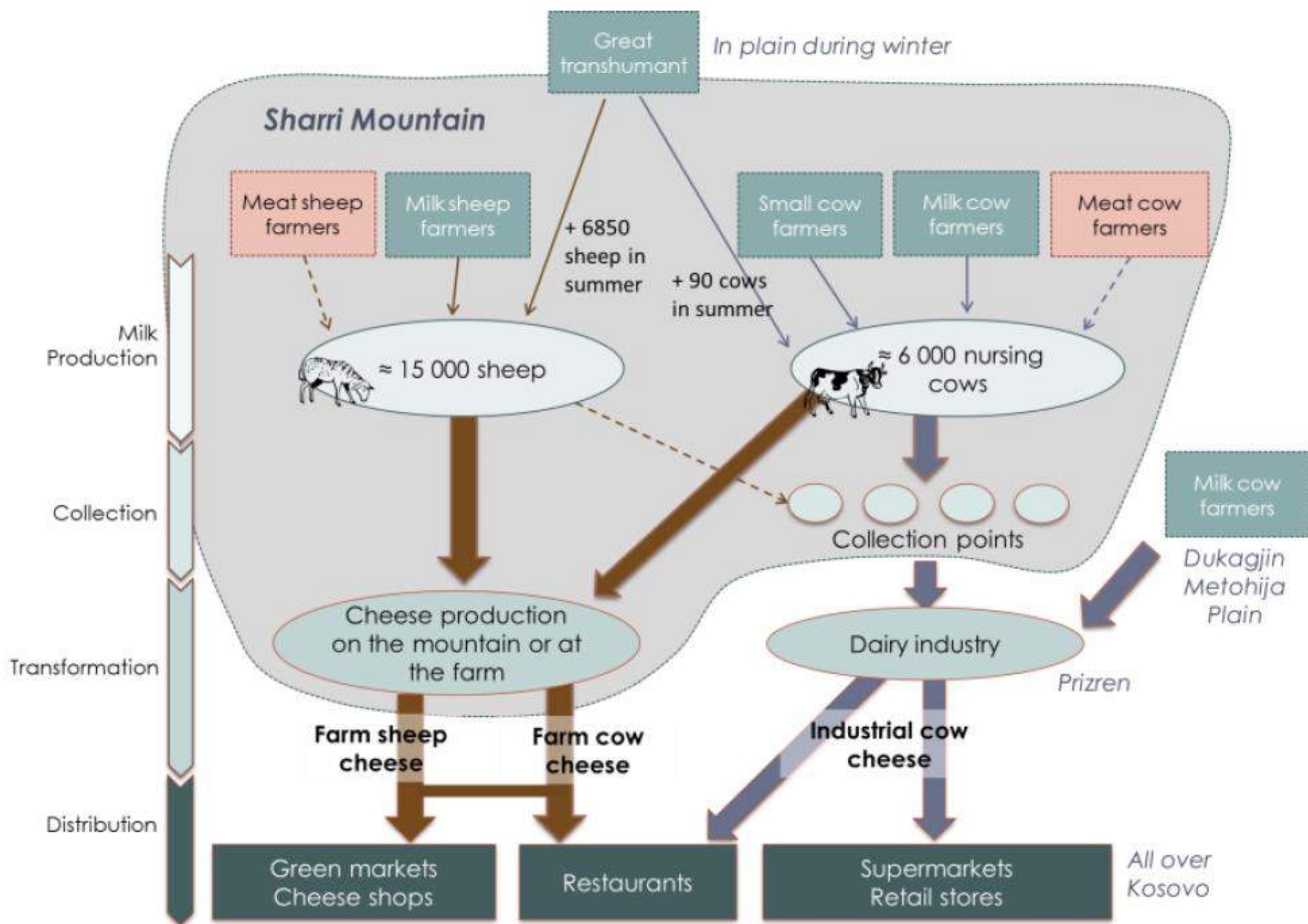


Sharri Cheese - PDO

- Association is established - up to 27 members (farmers)
- Product Specifications to be finalized
- Geographical Area to be determined



Sharri Region





Possible GIs

- Uje Rugova
- Uji Miros
- Ujmir
- Wines



Possible TSG

Flija
Pite me rrathë
Mazë e zier
Leqenik
Lakror i kollamojt (with maize flour)
Pite me kulloshtër
Përpeq
Kungullarë i gryt (with wheat flour)
Kungullorë i kollomojt (with maize flour)
Bukë e kollomoj t(with maize flour)
Bukë pogaçe
Suxhuku i Pejës





Follow up – to
get done:

- Law on GI and Law on Agriculture to be further aligned with the EU acquis
- Legal Framework to be completed
 - Administrative Instruction on determining the geographical area
 - Administration Instruction on controlling of product specifications
- Group of Expert to be established in accordance with the GI Law
- Geographical Areas of potentially GIs to be defined
- A national GI Strategy to be considered
- Awareness campaigns to be conducted



Contact:

Veli HOTI

Str. Hajrullah Abdullahu, No 35/13,
10000, Prishtina, Kosovo

Mobile: **+383 49 60 70 93**
E-mail: velihoti@gmail.com
skype: velihoti