

THE MINISTRY OF SCIENCE AND TECHNOLOGY

Zagreb, 13 June 2001

For the Attention of:
Dr. Zvonimir Marić
Secretary of the Ministry
Strossmayer Square 4
10000 ZAGREB

Dear Dr. Marić,

At the annual meeting of the AIPPI, held on 6 June 2001 in Zagreb, I received an order to report to you, as the President of the Association, on the completely unacceptable situation at the State Intellectual Property Office which is a direct result of the actions of its Director-General, Mr. Nikola Kopčić, M.Sc.

Namely, the AIPPI branch of the Republic of Croatia, which was founded in 1993 as a national branch of the world's oldest association for the protection of intellectual property, is particularly concerned with the manner in which the quality of intellectual property protection in the Republic of Croatia will be perceived in the light of the circumstances detailed below.

Mr. Nikola Kopčić was appointed as the Director-General of the SIPO by the decision of the Croatian Government, which accorded him the status of a civil servant.

According to the information at the disposal of the Association, and as documented by the extract from the Court Register, on 12 October 1998 Mr. Kopčić, together with his son, founded a company called "FORINPRO" Ltd which is engaged in the business of providing legal representation before the SIPO. The extracts contained in the annex to this letter confirm that Mr. Nikola Kopčić and Davor Kopčić (his son) are the co-owners of the company, while Ms. Lovorka Hančić (daughter) was appointed as the director of the company.

This action on the part of the SIPO Director-General is contrary to the provisions of Art. 2 of the Civil Servants Act.

In view of the situation described above, a direct conflict of interest arises and there is the undeniable possibility of the abuse of office and preferential treatment of his own representative company. These claims are substantiated not only by the fact that "FORINPRO" Ltd has attained a considerable number published applications or granted rights in the short period since its establishment, but also by the fact that representation before the SIPO can only be performed by persons who meet the requirements prescribed by the Industrial Property Act and who are registered in the Register of Representatives on the basis of a decision taken at the sole discretion of the SIPO Director-General.

Moreover, such conduct gives rise to doubts about the protection of the rights of both domestic and foreign inventors and proprietors of intellectual property rights. The Director-General is a person who has access to documents of a most confidential nature prior to their publication and registration, and consequently, in the dual role of a representative and the Director-General, he is in a position to give preferential treatment in various ways to the parties which his company represents, or would like to represent.

It is not necessary to explain in detail the extent and manner in which such a state of affairs harms not only the reputation of the SIPO, but also that of the Republic of Croatia.

In view of the foregoing, it is evident that the actions of Mr. Nikola Kopčić are not only in breach of the law, but are also contrary to sound business practices.

On behalf of the AIPPI, I am not merely authorized, but also under obligation to request his immediate dismissal from the position of SIPO Director-General, since the prevailing circumstances indicate that this is the only possible way of resolving the matter in a prompt, effective and conclusive manner.

We kindly request your urgent feedback on the actions undertaken in this regard.

Yours Sincerely,

Dina KORPER ŽEMVA

Copy to:

1. Hrvoje Kraljević, prof, PhD, Minister of Science and Technology
2. Ivica Račan, Prime Minister of the Republic of Croatia
3. Stjepan Ivanišević, Minister of Justice, Administration and Local Government
4. Antun Vujić, Minister of Culture
5. Goranko Fižulić, Minister of the Economy
6. Mato Crikvenac, Minister of Finance
7. Šime Lučin, Minister of Interior Affairs
8. Tonino Picula, Minister of Foreign Affairs
9. Ivan Jakovčić, Minister of European Integration
10. Davorko Vidović, Minister of Labor and Social Care
11. Đuro Strugar, Minister of Education and Sports
12. Jozo Radoš, Minister of Defense
13. Minister of Croatian Homeland War Veterans
14. Božo Pankretić, Minister of Agriculture and Forestry
15. Alojz Tušek, Minister of Sea, Transports and Communications
16. Božo Kovačević, Minister of Environment Protection and Planning
17. Pave Župan Rusković, Minister of Tourism
18. Ana Stavljenić Rukavina, Minister of Health
19. Radimir Čačić, Minister for Public Works, Reconstruction and Construction
20. Ministry of Crafts and SMEs
21. Zlatko Tomčić, President of Croatian Parliament
22. Radovan Ortynski, State Attorney of the Republic of Croatia
23. Branko Jordanić, Chief State Inspector

MINISTARSTVO ZNANOSTI I TEHNOLOGIJE
N/r dr.sc. Zvonimira Marića,
tajnika Ministarstva
Strossmayerov trg 4
10000 Z A G R E B

Zagreb, 13. lipnja, 2001.

Poštovani gospodine Marić,

na godišnjoj skupštini AIPPI-a održanoj dana 06. lipnja, 2001. godine u Zagrebu, dobila sam nalog da Vas, kao predsjednica ove Udruge, izvijestim o, u cijelosti neprihvatljivoj situaciji u Državnom zavodu za zaštitu intelektualnog vlasništva, a do koje je došlo izravnim djelovanjem ravnatelja, mr.sc. Nikole Kopčića.

Naime, AIPPI udruga koja je u Hrvatskoj osnovana još 1993, kao nacionalni ogranak najstarije svijetske udruge za zaštitu intelektualnog vlasništva posebno je zabrinuta na koji će način biti percipirana kvaliteta zaštite intelektualnog vlasništva u Hrvatskoj, a sve to zbog niže navedenih okolnosti.

Gosp. Nikola Kopčić je imenovan ravnateljem DZZIV-a odlukom Vlade Republike Hrvatske čime je stekao status državnog dužnosnika.

Prema informacijama kojima raspolaže Udruga, a što dokumentiram izvatkom iz Sudskog registra, gosp. Kopčić je 12. listopada 1998., zajedno sa sinom osnovao društvo koje se bavi zastupanjem pred tim istim DZZIV-om, kojeg je ravnatelj, pod nazivom "Forinpro" d.o.o. Iz izvatka koji se nalazi u prilogu ovog dopisa vidljivo je da su gosp. Nikola Kopčić i Davor Kopčić (njegov sin) suvlasnici ovog društva, a za direktora je imenovana gospođa Lovorka Hančić (kćer).

Ovakav postupak ravnatelja u suprotnosti je s odredbom čl. 2. Zakona o državnim dužnosnicima.

U toj situaciji postoji izravan sukob interesa, te nesporna mogućnost zlouporabe položaja i pogodovanja vlastitom zastupničkom društvu. U prilog ove tvrdnje ne samo da govori podatak da je "Forinpro" d.o.o. za kratko vrijeme od kad je osnovano, doseglo znatan broj objavljenih prijava odnosno priznatih prava, već i činjenica da se zastupanjem pred DZZIV-om mogu baviti samo osobe koje udovoljavaju uvjetima propisanim Zakonom o industrijskom vlasništvu i koje su temeljem rješenja koje donosi isključivo ravnatelj DZZIV-a upisane u registar zastupnika.

Štoviše, ovakvo postupanje rađa sumnju u zaštićenost prava kod domaćih i stranih kako izumitelja, tako i nositelja prava. Ravnatelj je osoba koja ima mogućnost uvida u najpovjerljivije dokumente prije njihove objave i registracije, te i na taj način, u dvojakoj ulozi zastupnika - ravnatelja, može na niz različitih načina pogodovati strankama koje zastupa, ili koje bi željelo zastupati njegovo društvo.

Sasvim je izlišno posebno obrazlagati do koje mjere i na koji način ovakva situacija šteti ugledu ne samo DZZIV-a već i Republike Hrvatske.

Slijedom iznesenog vidljivo je da je postupak gosp. Nikole Kopčića protivan Zakonu, a svakako i dobrim poslovnim običajima.

U ime AIPPI-a ovlaštena sam, ali i obvezana zatražiti njegovo hitno razrješenje s dužnosti ravnatelja DZZIV-a budući da sve okolnosti ukazuju da je to jedini mogući način brzog, kvalitetnog i suštinskog rješavanja nastale situacije.

O poduzetim radnjama molim da nas hitno izvijestite.

S poštovanjem

Dina KORPER ŽEMVA

O tome obavijest:

1. Ministar znanosti i tehnologije
prof.dr.sc. Hrvoje Kraljević
2. Predsjednik Vlade Republike Hrvatske
Ivica Račan
3. Ministar pravosuđa, uprave i lokalne samouprave
Stjepan Ivanišević
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Ana Stavljenić Rukavina
19. Ministar za javne radove, obnovu i graditeljstvo
Radimir Čačić
20. Ministarstvo za obrt malo i srednje poduzetništvo
21. Predsjednik sabora
Zlatko Tomčić
22. Državni odvjetnik Republike Hrvatske
Radovan Ortynski
23. Glavni državni inspektor
Branko Jordanić