

Jadranka DABOVIĆ ANASTASOVSKA, PhD., Full Professor,
Ss. Cyril and Methodius University in Skopje,
Faculty of law „Justinianus Primus”, North Macedonia
j.dabovicanastasovska@pf.ukim.edu.mk

Neda ZDRAVEVA, PhD., Full Professor,
Ss. Cyril and Methodius University in Skopje,
Faculty of law „Justinianus Primus”, North Macedonia
n.zdraveva@pf.ukim.edu.mk

CIVIL LAW PROTECTION IN THE FUNCTION FOR EFFICIENT AND EFFECTIVE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

Summary: The authors of this paper start from the well-known view that the enforcement of intellectual property protection implies effective and efficient protection from violations of the subjective rights of intellectual property rights holders. Emphasizing the role of intellectual property protection, the authors believe that its enforcement is particularly important for promoting innovation and creativity, consumer protection, improving competitiveness, preserving employment, preventing tax losses, ensuring fair and equitable competition, and preventing destabilization of the domestic and international market.

The authors consider that the challenges to the enforcement of intellectual property rights are related to the development of artificial intelligence and new digital technologies; globalization of international trade; unclear norms in the current legislation regarding the enforcement of intellectual property rights; insufficient specialization of the competent authorities and courts involved in the enforcement of protection; ignorance of the holders of IP rights on the legal protection of intellectual property;

In this paper, the authors analyze the international standards for the enforcement of intellectual property rights and their enforcement in domestic law.

The basic hypothesis put forward by the authors of this paper is that to implement effective protection of intellectual property, it is necessary to consistently implement (transpose) international standards in national legal regulations to facilitate and intensify international trade.

The authors argue that the effective and efficient protection of intellectual property depends not only on the legal framework governing the enforcement of protection but also on the proper understanding of legal norms and proper education of all involved in the protection of intellectual property rights for the best use and implementation of protection mechanisms.

As a sub hypothesis, the authors offer the claim that civil legal protection includes: the imposition of interim measures, various lawsuits, awarding compensation for total damage - material and moral, compensation of court costs in civil proceedings, imposition of civil penalty; can prevent violations of intellectual property rights, prevent the occurrence of greater damage and that civil protection is in the function of efficient and effective enforcement of intellectual property protection.

Keywords: intellectual property rights; enforcement; violation of intellectual property rights; civil protection; lawsuits for protection of intellectual property rights