



**JOKSOVIĆ, STOJANOVIĆ & PARTNERI**  
ADVOKATSKA KANCELARIJA

## LEGAL NEWS

Having in mind recent changes and amendments of legislation in the Republic of Serbia, in this number of JSP Legal News we are presenting the most important novelties in legislation which could influence your business and which pertain to the following laws:

- Trade Law;
- Law on Public Notaries;
- Law on Trademarks;
- Avoiding of Double Taxation Treaties with Palestine, Georgia, Tunisia and Canada.

Also, we are using this Legal News to send a reminder to the employers with 50 or more permanent employees.

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The information provided in this Legal News is intended for informational purposes only. Nothing set forth within this document should be construed as providing legal advice regarding an individual situation or as creating an attorneys-client relationship. All readers of this document should not assume that this information is applicable to their specific situation without consulting qualified and competent counsel.



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# TRADE LAW

The Trade Law, adopted by the Serbian parliament on 28 July 2010, which came into effect on 1 January 2011, was based on the free trade principles and was meant to prevent unfair competition, while improving protection of consumers on the Serbian market.

However, certain provisions of the law have unnecessarily encumbered the traders by certain administrative procedures which were in practice recognized as obstacles for the participation of key players in the market in Serbia.

Having in mind the above mentioned, the Serbian parliament adopted the Law on Alterations and Amendments of the Trade Law ("Official Herald of the Republic of Serbia", no. 10/2013) which entered into force on 7 February 2013 (the "new Law").

The following novelties should be accentuated:

The obligation of having a market structure impact study, which was required for trade formats larger than 2000 m<sup>2</sup> and which was broadly criticized taking into account the complex procedure for the realization of investments in Serbia, has been removed by the new Law.

Court protection against unfair competition is improved. In the event of unfair competition a lawsuit can be filed to the court within 6 months as of the moment when the trader became aware of the existence of unfair competition and the offender and not later than 3 years as of the moment when such prohibited activity has been completed. The new Law prescribes that the court procedure in these type of lawsuits is urgent. Still, it remains to be seen whether this provision shall be strictly observed in practice of the courts or, will it be only of declaratory nature.



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# LAW ON PUBLIC NOTARIES

Law on Alterations of the Law on Public Notaries was published in the "Official Herald of RoS" no. 19/2013 of 27 February 2013 and is in force as of 28 February 2013

The most important alteration is that the implementation of the Law is postponed until 1 September 2014.



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# LAW ON TRADEMARKS

Law is published in “Official Herald of RoS” no. 10/2013 from 30 January 2013 and is in force as of 7 February 2013.

New alterations of the Law on Trademarks, other than defining in a more precise manner of certain terms in the Law, have introduced further development of rules of procedure before competent courts in litigations related to infringement of trademarks and lawsuits on disputing of trademarks as well as the right to extraordinary legal remedy – the revision – in litigations related to the protection and use of trademarks.



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# AVOIDING OF DOUBLE TAXATION TREATIES

## New Avoiding of Double Taxation Treaties.

The Republic of Serbia has ratified in November and December of 2012 Double Taxation Treaties with Palestine, Georgia, Tunisia and Canada.

The beginning of application of abovementioned double taxation treaties is expected in 2014, when ratification by the other party is expected.

Aforementioned Treaties prescribe the following withholding taxes for residents of contractual parties:

- on paid dividends:
  - Palestine: 10%,
  - Georgia: 5% or 10% depending on percentage of share capital in the entity paying dividends,
  - Tunisia: 10%,
  - Canada: 5% or 15% depending on percentage of share capital in the entity paying dividends.
  
- for paid interest and royalties withholding tax is 10%.

Avoiding of double taxation for residents of Serbia in all four treaties is achieved by the credit method.



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# REMINDER FOR EMPLOYERS

## INFORMATION FOR EMPLOYERS WITH 50 OR MORE PERMANENT EMPLOYEES

A reminder that employers with 50 or more permanent employees have an obligation to submit by 31 March 2013 the Plan of Measures for Elimination or Mitigation of Unequal Gender Representation along with the adopted Implementation Report to the Ministry of Labor, Employment and Social Policy, in accordance with the Law on Gender Equality („Official Herald of RoS“ no. 104/2009) and Rulebook on Content and Manner of Delivery of Plan of Measures for Elimination or Mitigation of Unequal Gender Representations and Annual Report on its Implementation („Official Herald of RoS“ no 89/2010).

Having in mind that 31 March 2013 is a Sunday, please note that the deadline for submission of Plan of measures for last year along with the adopted Report on its Implementation is the first following working day – 1 April 2013.



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