

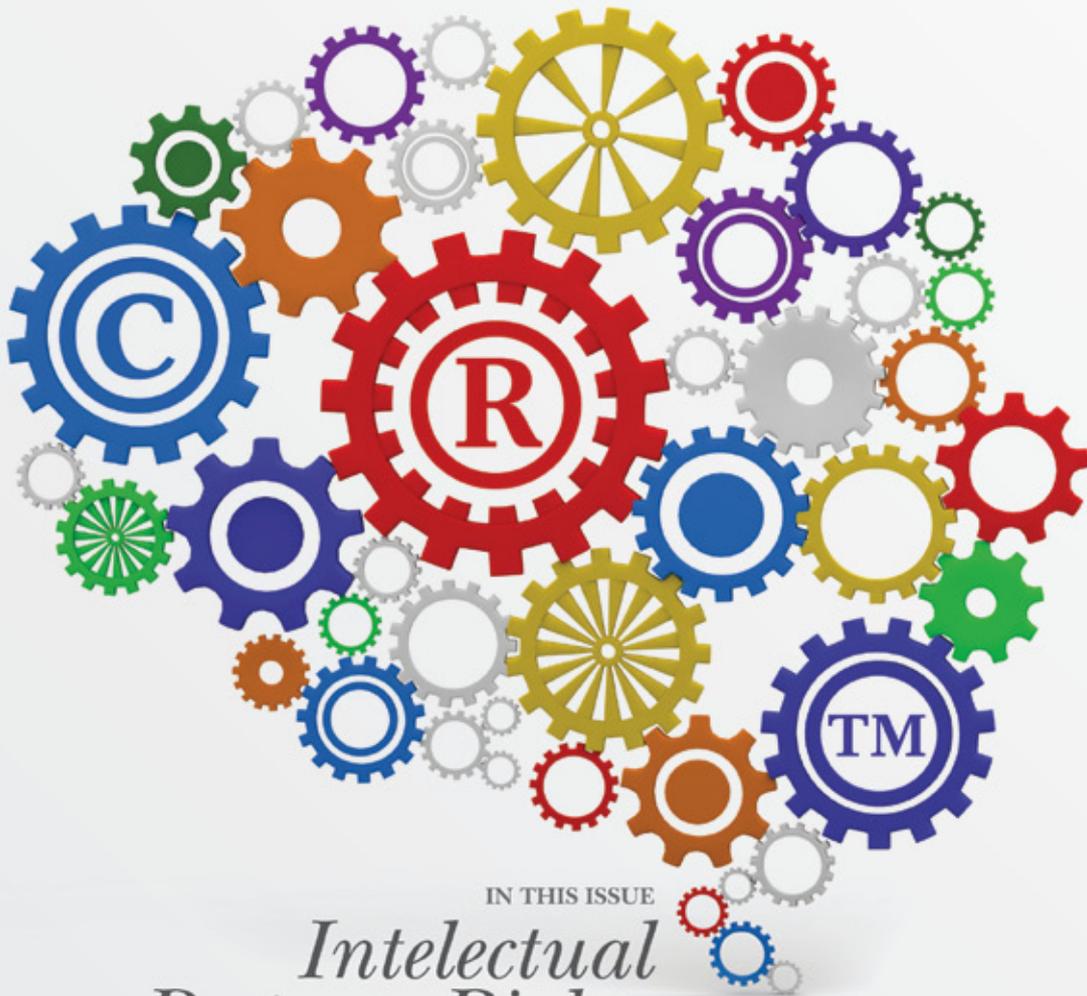
Emerging MACEDONIA

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*of the American Chamber of Commerce
in Macedonia*



IN THIS ISSUE

*Intellectual
Property Rights*

THE TASTE OF MACEDONIA



*In Macedonia,
when you say beer,
you mean Skopsko!*

idea

*Consume responsibly

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нашето најдобро



Dear AmCham members and friends,

Welcome once again to Emerging Macedonia. We decided to highlight Intellectual Property Rights in this issue. AmCham Macedonia has been organizing an IPR Conference every spring for the past few years. This year, we decided to enrich the Conference with an IPR week and campaign to highlight the need to register and protect brands. We wanted companies in Macedonia to become more aware of the need to create and cherish their brands, and to stress that brands add value to the company and its growth. There are photos of the conference further on in the magazine, as well as some of the IPR campaign adverts that were published in Macedonian media and online.

In this issue, you will also have a chance to read on the very popular global debate regarding the Anti-Counterfeiting Trade Agreement or ACTA.

Lastly it is with great sadness and regret that I announce that this edition of Emerging Macedonia will be my last issue. As many of you know, I will be leaving Macedonia in July and moving to the Middle East – Jordan - for the next four years. It has been my privilege and honor to have been the Executive Director of the American Chamber of Commerce. I have been proud to represent your interests both in Macedonia and overseas at a wide variety of conferences and events. I have learned much from you and I have also enjoyed your company, insights and entrepreneurial wisdom.

The AmCham membership is a wonderfully diverse, vibrant and powerful community for change in Macedonia. I have been proud to see the organisation grow in these last three years. As leaders in your respective professional fields, your actions and leadership, through transparency, good business governance and demand for change, act as positive drivers of change in Macedonia.

I very much hope that this will continue in the future. Macedonia more than ever needs its business leaders to act with integrity, honesty, intelligence, commitment and vision if the business community in Macedonia is going to thrive and compete in the 21st century global economy.

I would also like to offer my personal thanks to the U.S. Embassy in Skopje and its staff for the continued support and advice they have given me these last three years. Lastly I would like to thank my colleagues Ivana and Gordana for their dedication and tireless efforts to promote the work of AmCham.

Kind regards,
Sonja McGurk



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★ ANALYSYS



6 *The importance of branding in an overpopulated consumer environment*

14 *Interview*

Ljupco Veleski, Director of the export department in Vitaminka



17 *Global debate- anti-counterfeiting trade agreement*

★ LEGAL AND REGULATORY

23 *Debenture - the new security instrument soon to be introduced in Macedonia*

★ COMMITTEE UPDATES / PAST EVENTS



28 *IPR Conference*

30 *Business luncheon with Macedonian government officials*



31 *Mentoring - best corporate practices workshop*

Forum: women in corporate leadership

32 *AmCham Member List*

33 *AmCham Advantage Program*

34 *AmCham Advertising Opportunities / Board / Executive Office info*

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THE IMPORTANCE OF BRANDING IN AN OVERPOPULATED CONSUMER ENVIRONMENT

Branding – **staying true to your values**

How many brand names can you list in one minute? How many of them are domestic, and how many are global? Chances are that 90 percent of the names that come to mind immediately are well known brands of global companies and there is a reason behind this. In creating a brand, global companies invest millions of dollars over many years to create, market and sustain their brand. Millward Brown is a global research agency specializing in advertising, marketing communications, media and brand equity research. Each year, they rank world brands. Last year Apple won the title for most valuable brand in the world. According to the agency's estimates, the "bitten apple" brand is worth approximately \$153 billion USD. Google was second, while IBM was in third place; both are estimated to be worth over \$100 billion USD. According to Peter Walshe, director of BrandZ, a division of Millward Brown, the secret of these companies, in addition to their large investments, is that they can both promise miracles and also keep them.

"Apple has built its whole brand on a promise it lives up to. The BrandZ Top 100 are not only more trusted and recommended but are more valued - people are prepared to pay what they're worth," says Walshe.

★ *"It is difficult to convince company management to invest in packaging, product positioning in stores, distribution, continuous advertising and promotion, as well as other elements that are crucial in developing a brand" – Mihaela Kozar Bajaldzieva, Futura 2/2 advertising & marketing agency.*



★ ***Mihaela Kozar Bajaldzieva***
Futura 2/2 advertising & marketing agency.

“Brand” is one of those fluid words which are not strictly defined, but are well known. Out of its numerous definitions, one can conclude that “brand” surely means much more than just a logo or a product of a company. Perhaps the easiest description of “brand” is as a visual image that the company constructs and the customers recognize in its products and activities. It can be difficult to accept that such an image could be worth so much money. To put it in perspective, the Apple brand is worth 42 times the budget of the Republic of Macedonia for the year 2012.

“Every brand represents a product or a service, but not every product or service represents a brand in itself... in summary, what creates the product or service into a brand is its name, title, symbol, level of quality, level of demand, emotional attachment that the specific product has with its consumers and all the other elements that clearly differentiate between the product or service of a company and the rest of the offer on the market”, explains Mihaela Kozar Bajaldzieva from Futura 2/2 advertising & marketing agency.

“The brand is an identity through which the organization communicates its values and fulfills its promises. At the same time, the brand represents both the capital and the emotional value of the company. Also, there should be a clear distinction between brand identity and brand image... Brand identity is the perception that the company has of itself and the ways in which it presents itself. While a brand image is the perception that the audience has of the company. All companies have a brand identity. The real question is what their brand image is like, i.e. what is the perception of the market, the existing as well as the potential buyers, the competition etc.”, states Poleksena Risteska, Trade Marketing Coordinator at Bimilk Dairy located in Bitola, Macedonia.

★ *Branding – the future*

Experts agree that companies in Macedonia also have been developing and building their brands over a longer period of time. The estimated value of the brands has yet to be determined, as there are no official ranking or estimation agencies. At the moment, companies internally estimate the value of their brand and do not publish their figures. Nevertheless, there are already numerous products on the market, which makes branding a necessity. According to Ms. Kozar Bajaldzieva, the industries which specialize in high moving consumer goods and operate in highly competitive surroundings are ahead of the rest. She highlights among those the food industry (including beverages), telecommunications, the banking sector (mostly in the credit/debit card departments).

“I believe that a significant number of companies in the above mentioned industries are fully or partially owned by big, international companies who have greater understanding of the relevance and meaning of the branded products or services and lead their company in that direction.

However, I need to stress the commendable fact that more and more businesses with “local” ownership are starting to seriously think on this topic. Although at the moment the climate is not yet favorable, I am strongly convinced that change is coming”, says Ms. Kozar Bajaldzieva.

Bimilk Dairy has a 50-year history in the Macedonian dairy industry and feels a strong need for powerful branding. According to the company, their investments in branding their products have made them more recognizable. Their light blue color and the illustration of a girl carrying milk, dressed in traditional clothes is now easily recognizable on the supermarket shelves among the other products on offer.

“The Macedonian economy needs modernization of the market approach and strengthening of the marketing activities, which are among the most critical factors for competition of Macedonian companies. Nowadays, consumers have a plethora of choice, and what separates a company from the rest is its identity. By creating a brand, the company creates the feeling of trust, usefulness, security and quality in consumers.

A brand with a higher market value brings success to the company, loyal clients and partners, and positively influences the image and position of the company on the market. Therefore, one could say that by creating a recognizable brand, every company builds its position on the market and secures success of the business in the future, long-term stability and profitability”, says Ms. Risteska.

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★ *Why is a brand important when prices are the deciding factor?*



★ ***Poleksena Risteska***, *Trade Marketing Coordinator at Bimilk Dairy located in Bitola, Macedonia.*

Why don't all companies in Macedonia simply follow this example, or the advice of marketing experts? The answer is simple. The market is small, the economic situation is not great, times are uncertain, and the most inexpensive product is the most common choice of customers. For that, no special branding is needed. Just a low price tag. Branding, on the other hand, requires effort and serious investment which may not necessarily pay off in the end.

“In a period when the market is becoming more sensitive and unreliable, companies refrain from developing new products and investments and customers detach from the acquired loyalty towards their favorite brands in order to save money. The key element for long-term relations with customers in such a period is TRUST. A potential buyer would become informed and researches your product. Above all, it is important to

earn their loyalty, since loyal customers are also happy customers. To recruit loyal customers means to overcome the expectations and to offer them something more – something which has a special meaning for them – VALUE”, says Ms. Risteska.

Futura representatives have similar opinions on this topic. Ms. Kozar Bajaldzieva says that consumers know very well what they want. What kind of car they wish to drive, what brands they want to buy, and it would be ideal for them to have an opportunity to pay less attention to the price, and more to the brand that they prefer and trust. However, the majority of consumers are forced to “balance” between their desires and their wallets.

“We have all bought some cheap item from a local clothes store, but I don't believe that it takes an important place in our wardrobe. I would agree that there are no set rules. I believe that for certain generic, disposable goods the consumers will always be ready to make a compromise by choosing the cheaper option. But in the case of buying something more important, long-lasting, I believe that it is more difficult to make the same compromise”, says Ms. Kozar Bajaldzieva. She adds, however, that there are no rules and it predominantly depends on the type of product or service, but also on how well-off the consumers are, and even on the whole economic situation in the given country. “There is an unwritten rule that in a situation of difficult, unstable economic state, the consumers favor cheaper goods, whereas in a favorable and stable economic state the situation would be completely opposite”.

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When asked how long it took them to create their present brand, the marketing officials of Bimilk Dairy reacted first with a smile and a sigh.

“To create a brand like Bimilk, a long-term and consistent strategy is necessary, one that will consistently communicate the value of the company and the product. By doing that, Bimilk became a brand that promises, but also keeps its promises. Branding is not as simple as it looks. A brand for a company is like a reputation for a person – it is difficult to build, and it can be destroyed in a split second. Bimilk has been building its reputation by working diligently, being devoted to the needs of the consumers for many years. Branding is a long and painstaking process, which requires investment in human resources, finances, and time, but seen in the long run it has

a positive influence on the overall success of the company”, comments Ms. Risteska.

According to Futura, the process of branding in Macedonia is not that different from other countries. The only difference is in the investment. According to ranking of BrandZ’s Top 100 for 2011, the value of branded products is around one third of the total value of global companies. This equates to billions of dollars, which is a good enough reason for companies to continue to strategically invest in creating brands. A great deal of Macedonian companies, it appears, still cannot get used to the fact that they should invest in something which is not tangible, physical property.

This is where I see the main difference in brand development in our country. Primarily, it is difficult to

convince company management that they need to invest in the packaging, positioning of the product in stores, distribution, continuous advertising and promotion and other important elements that are crucial when developing a brand. Secondly, company management needs to be convinced about the extent of the investment. Typically, the larger the investment in the brand, the greater the possibility for its prominence and distinction from the competitive brands. Perhaps the most difficult part is convincing them that consistency and continuity in all aspects, including financial investments, is not only a crucial, but also a compulsory element in brand development. Above all, it is essential to maintain the necessary level of prominence which leads to brand success”, explains Ms. Kozar Bajaldzieva from Futura.

★ *From trademarks to branding*

It is important for companies to recognize that brands are born out of trademark licensing. The state is also becoming more vocal and paving the way for branding opportunities for Macedonian companies. Several years ago, the state became involved in the protection of traditional products, particularly after Slovenian companies attempted to trademark typical “Macedonian” products such as “ajvar”. Ajvar is one of the most famous national dishes made from red peppers and is consumed in every household in Macedonia. It is also among the souvenirs that foreign visitors purchase in country. For this reason, when the Slovenian companies trademarked “ajvar”, Macedonian companies were forced to sell and export it under the name “ajver” for a period of time. The issue was resolved when it was determined that the name is a generic term which cannot be owned by anyone. No one thought of the need to protect the product as Macedonian before.

This allowed the state to then protect other products such as “Macedonian ajvar”, “Galicki yellow cheese”, “Berovo white cheese”, “Tetovo beans”, “Kocani rice”, “Prespa Idared apple”. These products can now be produced and branded by domestic companies, as evident on the supermarket shelves throughout the country. However, if companies wish to use the registered name, they need to adhere to product regulations. They need to use predetermined products and recipes, and their product is checked once a year at the laboratory of the Faculty for Technology and Metallurgy. A sign that the companies are starting to pay more attention to development of their own products and brands instead of just producing raw materials can be seen in the annual report of the State Office for Industrial Property. The total number of registered trademarks every year averages around 1,300, but over the years that number increasingly incorporates domestic products.

The trademark registration process can last up to a year and costs domestic companies approximately 100 Euros. A trademark is typically granted for a period of 10 years. Foreign companies’ costs amount to 300 – 400 Euros, as there is a need to cover costs of legal representatives when registering a trademark in Macedonia.

★ *Combating piracy*

A few years ago, a businessman in Macedonia may have seen his branded product counterfeited and freely sold at the market. This was another factor in dissuading companies from investing in branding. “Now that has changed”, says Mite Kostov, President of the Macedonian State Coordinative Body for Intellectual and Industry Property Protection, established in 2007. According to Mr. Kostov, it is crucially important to have political will to fight piracy. When the Coordinative Body, incorporating 11 state institutions involved in fighting counterfeiting and trading, initially assessed the situation, they concluded that the extent to which intellectual property rights were breached was greater than anticipated.

“We participate in four investigations per month which are controlled and coordinated at state level. When we receive information on IPR violations from institutions monitoring the Macedonian market, we can enter and conduct checks in any company, factory, institution, market, anywhere. As Macedonia is considered a transit country for counterfeited products, they would often be found at different locations in outdoor markets. The raids have so far been planned in great confidence which is the key to success. Out of over 470 raids carried out to date, none have been disclosed ahead of time”, stated Mr. Kostov.

The work of the Coordinative Body was most visible to the public two years ago, following an incident that happened involving sales people, inspectors and the police at the outdoor market in the poorest Skopje municipality, Suto Orizari. Local level tensions arose following an inspection and subsequent seizure of counterfeit goods. More than ten police officers were injured, culminating with an intervention by the special police with teargas to disperse the crowd.

“It is a common belief that by selling counterfeit goods, poor people make their living. The situation is in fact different. There is an excellently organized network and an operative industry in the backdrop, which on a global level earns more than drug trafficking, and the money ends up financing a string of illegal activities, including financing terrorism”, explains Mr. Kostov.

The fear of being caught in illegal activities is not the only deterrent that has decreased the counterfeit trade. Lately trainings and counseling for local authorities and businessmen have been offered throughout Macedonia. In a large number of municipalities, both domestic and foreign experts have delivered presentations on counterfeiting and trademarks, patents, geographical origin and design.

“In terms of licensed software, an area with a traditionally high percentage of offences, we inspected larger as well as smaller companies: we even inspected public notaries. We believe it is important to inspect state institutions: notary public offices should above anyone else respect the law. Equally, we also inspect institutions when we receive information that they use unlicensed software” – Mr. Kostov stated.

It seems that the conditions, and above all the need to create brands, will put additional pressure on companies in the near future. Regional competition has allowed neighboring brands to be known and recognized in Macedonia. To track whether Macedonian companies will rise to the challenge, try our test at the beginning of the article: by April 2013, see if you can list more domestic than foreign brands within one minute.

INTERVIEW – LJUPCO VELESKI, DIRECTOR OF THE EXPORT DEPARTMENT IN VITAMINKA

Sales of branded products bring greater profits

★ *Mass internationalization of large brands and the focus on retail require a new, modern approach towards markets and consumers*



There is hardly a child in Macedonia who has not nibbled on the “addictive” flips of Vitaminka during their school break. Adults still remember the Vitaminka television adverts as one of the first domestic adverts following Macedonia’s independence. Vitaminka today has changed its image, but the taste remains every bit as good as before. The company was privatized in 1999 and whilst it remains dominant on the domestic market, it also has significant exports overseas. Its current motto is “World of tastes”, and their key strategy is to penetrate world markets with a larger product range in the future. According to Ljupco Veleski, Director of the Export Department in Vitaminka, the strategy has been delivering great results every year. Today, Vitaminka is one of the largest agribusiness companies in Macedonia, producing a wide array of branded food products under its own name as well as for other private labels - chocolate confectionary, crisp snacks, powdered products and additives, ketchup, mayonnaise and soft cookies. The company exports over 40 percent of its products, primarily to Serbia, Croatia, Bosnia and Herzegovina and Slovenia.

AmCham: Mr. Veleski, Vitaminka has existed for over 55 years now and you will struggle to find anyone in Macedonia born before the 1990's who does not remember Vitaminka advertisement with the melody producing pots which let out steam. How do consumers recognize you today – as a company producing sweets and chocolates from their childhood, or have you created a different image?

Vitaminka is connected to many generations of consumers, both in Macedonia, but also around the world, having in mind our long export tradition. Our consumers recognize us from the “singing pots” in the Dafinka advert and from the “all in a circle, only pleasure squared” soup adverts, but also from the “sweet as a kiss” Choco Stobi Flips and from “...for the ones who know” Fruti Jaffa biscuits. That is the result of a long-term dedication to our consumers, who are always in the forefront of our attention and with whom we always try to have close communication.

AmCham: Vitaminka has been exporting to many countries of former Yugoslavia – what is the company's image like in those countries; have you kept your old fame and sales figures there, or has a new approach been necessary?

Vitaminka has been regularly exporting to the countries of former Yugoslavia and they are, just like for many other Macedonian companies, still our biggest market. However, apart from these countries, our product range is consistently exported to many other markets, to a total of 26 countries around the world. In the past two decades, global retail has faced revolutionary changes: mass internationalization of large trade systems, greater focus on retail etc., and Vitaminka, equally, has been continuously increasing its production portfolio and has introduced new products on the market as a result of our constant investment. All this requires a new, modern approach to markets and end consumers, but ultimately the positive image that Vitaminka has created with its consumers is constantly growing.

AmCham: Do you consider that product branding is needed in order to succeed in the Macedonian market, or do you think that low prices remain the most important prerequisite for the consumers, taking into account low living standards?

A brand exists in the consumers' mind – it is an intangible category, i.e. it is how consumers perceive a product or a company. A great deal of knowledge and meticulous work is needed for its development. When a brand is balanced with high quality and a reasonable price of the product, the end result is satisfied customers. That is exactly what Vitaminka strives for – meeting customer expectations.

AmCham: Could you tell us how much Vitaminka invests in the brand, in the image of the company and its products?

Vitaminka invests a lot in brand development. That is far from simple or easy, especially knowing that our production program consists of many different types of food products, sold in various countries throughout the world. At the same time, very careful corporate identity development is needed, and that needs to happen at every occasion and in every manner of communication with customers, merchants, and the community. In this respect, the activities of Vitaminka are detailed in our annual marketing plans, but we also have brand managers who take care of the development of our most important brands on a daily basis.

AmCham: Has branding enabled you to increase the value of the company?

Definitely. The value of the company is largely created by the strength of the brands and the market share it owns.

AmCham: What is your feeling, is branding generally becoming an important tool for Macedonian companies

I think that Macedonian companies are becoming increasingly aware about this process, but branding cannot happen overnight. There are Macedonian companies who established their brands 20-30 years ago and have successfully managed them ever since. They enjoy the status of their brand in the region as well as in Macedonia (for example Vitaminka with Stobi Flips, Alkaloid with Becutan, Tikveš with the wines etc.)

AmCham: Is it at all possible to succeed in foreign markets without branded products?

In principle, it is possible to achieve successful sales in foreign markets without branded products. Many production companies are selling their products under other trademarks (most often trademarks of large retail systems) or so-called private labels and in that case large quantities can be achieved. However, the production and sales of private labels compared to brands is essentially different and they have a completely different marketing approach, a different structure of expenses, but also the return effect and the benefits for the company are significantly different.

AmCham: What is your impression: are brands in Macedonia well protected?

If you think about legal protection, it is a routine practice for Vitaminka to protect its brands on the Macedonian market, but also around the world where we export our products. In the past, there have been several isolated attempts to counterfeit or copy some of our most famous brands, but I think that over the past years in Macedonia, and in the countries around the region, the level of awareness on the need for producers to protect and register trademarks, and also the inspections by the state bodies, have been raised. The reason for this is probably the drastic change in the structure of the retail industry in the last several years, the emergence of large commercial systems which have detailed regulations in this area. This has contributed to the raising of the awareness on the protection of trademarks and industrial property and the control of these categories.

GLOBAL DEBATE- ANTI-COUNTERFEITING TRADE AGREEMENT

ACTA – Four letters that shook the world

★ *When losses rise from infringement of rights and when this money is used by terrorists, when it is undisputable that there is organized crime, then it is undisputable that there is need for such an international treaty - Valentin Pepeljugovski.*

★ *What would happen if people were forbidden to exchange books, pictures, songs, to share films, or exchange branded shoes or clothes, which are also part of ACTA. The interaction and sharing are the basis of human values - Sead Xhigal*

Mesmerizing 2,390,000 results are shown by the Internet search engine Google if you type in the acronym ACTA for Anti-Counterfeiting Trade Agreement. The world is truly globalised when four letters can cause such an attention all over the planet, a rarity lately.

A multilateral treaty, states, corporations, lobby groups, protesters, billions of dollars, non-governmental organizations, activists, lobbyists, workers, intellectual property, piracy, innovations, freedom of speech, censorship, control of the internet, are only some of the terms with which, in internet jargon, ACTA can be tagged. What is actually the Anti-Counterfeiting Trade Agreement?

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ACTA is a multinational treaty for the purpose of establishing international standards for intellectual property rights enforcement. The agreement aims to establish an international legal framework for targeting counterfeit goods, generic medicines and copyright infringement on the Internet, and would create a new governing body outside existing forums, such as the World Trade Organization, the World Intellectual Property Organization, or the United Nations. The agreement was signed in October 2011 by Australia, Canada, Japan, Morocco, New Zealand, Singapore, South Korea and the United States. In January 2012, the European Union and 22 countries which are member states of the European Union signed as well, bringing the total number of signatories to 31. No signatory has approved (ratified) the agreement, which would come into force after ratification by 6 countries. Supporters have described the agreement as a response to “the increase in global trade of counterfeit goods and pirated copyright protected works”. Large intellectual property-based organizations such as the MPAA and Pharmaceutical Research and Manufacturers of America were active in the treaty’s development. Opponents say the convention adversely affects fundamental rights including freedom of expression and privacy. The secret nature of negotiations has excluded civil society groups, developing countries and the general public from the agreement’s negotiation process and it has been described as policy laundering by critics including the Electronic Frontier Foundation (EFF) and the Entertainment Consumers Association. The signature of the EU and many of its member states resulted in the resignation in protest of the European Parliament’s appointed chief investigator, rapporteur Kader Arif, as well as widespread protests across Europe.

★ *EU and US issues with ACTA ratification.*

It has been a while since a topic has stirred so much excitement with the general public and to such an extent. As the world economic crisis has affected the common interests of governments, economies and people worldwide, the same seems to be happening with ACTA since it first appeared in public in 2008. The debate “for” or “against” seems to be omnipresent. The governments of EU member states have signed the Agreement but for the time being its ratification with parliaments is at a standstill. Mass protests throughout the EU followed the decision of the European Commission to sign the treaty. Most recently in Poland when thousands of people in many cities came on the streets following the decision of the Polish government to sign ACTA, as well as putting on the famous Guy Fawkes mask by many MPs during the session, have brought the process of ratifying the treaty to a halt.

„Europe’s economy can only remain competitive if it can rely on innovation, creativity, quality, and brand exclusivity. These are some of our main comparative advantages on the world market, and they are all protected by Intellectual Property Rights. As Europe is losing billions of euros annually through counterfeit goods flooding our markets, protecting Intellectual Property Rights means protecting jobs in the EU. It also means consumer safety and secure products. The EU’s national customs authorities have registered that counterfeit goods entering the EU have tripled between 2005 and 2010”. This is the argument with which the Commission explains the necessity of ACTA.

Statistics published by the European Commission in July 2011 show a tremendous upward trend in the number of shipments suspected of violating IPR. Customs

in 2010 registered around 80,000 cases, a figure that has almost doubled since 2009. More than 103 million fake products were detained at the EU external border.

However these numbers were not sufficient so far to convince the European Parliament to ratify ACTA. Frenchman Kader Arif has resigned as European rapporteur on the treaty’s text, complaining in a note of “unprecedented manoeuvres of the right of Parliament to impose an accelerated schedule to pass the agreement as soon as possible before the public is alerted,” adding “I will not participate in this charade.”

Many of the European MPs were skeptical of its necessity. The European Parliament’s president

Martin Schulz has criticised the treaty, arguing that it lacks sufficient balance. “I don’t find it good in its current form.” He said the necessary balance between copyright protection and the individual rights of internet users was only very inadequately anchored in the agreement.

Hoping to clear misunderstandings that the treaty is in contradiction to many EU directives, particularly those on fundamental rights and freedoms of citizens, the EU Trade Commissioner, Karel De Gucht, announced that the European Court of Justice will express its opinion in a process that may take months. However, at the pleasure of those opposing ACTA, the process in front of ECJ has been prevented by MPs who have decided through the parliamentary Trade Committee not to wait for a court decision.

This means that the proposed deal could be put before the whole Parliament as soon as June, avoiding a possible delay of about 18 months for a court decision. If the Parliament as a whole decides to reject the treaty, it will be immaterial, as the EU cannot go ahead with ratifying the pact unless parliamentarians back it.

There is a similar situation in the USA. The „Anti-Counterfeiting Trade Agreement (ACTA) is a groundbreaking initiative by key trading partners to strengthen the international legal framework for effectively combating global proliferation of commercial-scale counterfeiting and piracy. In addition to calling for strong legal frameworks, the agreement also includes innovative provisions to deepen international cooperation and to promote strong intellectual property rights (IPR) enforcement practices. Together, these provisions will help to support American jobs in innovative and creative industries against intellectual property theft” - is stated on the website of The Office of the United States Trade Representative.

On the web page, support for ACTA is obvious by numerous chambers of commerce, organizations for the protection of rights of software companies, intellectual property organizations, associations of the film and music industry, and professional associations of several major industries. But the opponents are voiced as well. The agreement, despite the debates whether it is justified, whether it will represent a violation of the right of speech and sharing content, whether it is censorship of the internet and suffocating innovation, has also opened issues on how it should be adopted and whether the existing laws would need to change because of it. As the media say, the administration insists that it can pass and ratify ACTA without Congressional approval. The opponents to this see it as a way to circumnavigate the Congress because of the recent feeble support to the previous initiative Stop Online Piracy Act (SOPA) which proposes sentences for illegal content download of up to 5 years imprisonment.

★ *Macedonia - Awaiting the decision from the EU, the debate is as fierce as everywhere else*

The Macedonian government, like many countries who did not participate in the creation of the treaty, has not discussed it yet, and probably will not until the EU members ratify it. If adopted, the state would need to take steps in order to enforce it. University professor and expert on IPR issues, Mr. Valentin Pepeljugovski explains that it is necessary for the treaty to be ratified, which will demand further changes in the legislation. According to Mr. Pepeljugovski, Macedonia has no alternative but to sign it, if other EU member states and countries from the region do this.

“Prior to signing and ratifying the agreement, it should be calculated what is being gained and what is lost, both financially and politically. If the whole region ratifies this agreement and countries where we export most do the same, then we will have to do it as well. Otherwise we will lose clients from these countries. If the EU ratifies it, we will have to do the same undoubtedly if we want to enter the EU. I would mention that 22 member states have already signed the agreement” said Mr. Pepeljugovski.

One of ACTA’s critics, communicologist and on-line activist Sead Xhigal, thinks that the danger of this treaty is the possibility for it to be fiercely abused. He claims that it provides wide authority to the protectors of intellectual rights, and no basis to protect civil freedoms among which he mentions sharing, networking, creativity and connecting

individuals and groups. When asked how ACTA would be implemented Macedonia he answered briefly: “Very easily, only on the basis of suspicion people could be imprisoned, fined or disconnected from the internet” says Mr. Xhigal. In detail, if you’re for example having a house party where you play music by Madonna, you can be sued.

On the other hand, Mr. Pepeljugovski is not such a harsh critic of the Agreement which is very often a debate topic even here. According to him, ACTA is only a continuation of the policy of enhanced protection of the intellectual property rights which follows the increased rate of piracy and counterfeiting in the world and the great losses of the entertainment industry. ACTA follows TRIPS and the Directive on enforcement, he adds, explaining that it does not differ much from them, except for the harsher sanctions and the larger number of punishments against offenders. He does not agree as well with the statement that only this Agreement will enable censorship of the internet contents, limit the freedom of speech and that it will be abused for tracking communication.

That could have been done even now, once the authorities have used all legal means available. I think that those who use the internet for piracy and counterfeiting have purposely launched the thesis on dangers from human rights and freedom abuses, freedom of expression and privacy, etc. You know, it is true that now this could be done more easily and in a simplified procedure, but on the other hand, when dealing with terrorist organizations or organized crime, one must implement such measures in order to fight against them” says Mr. Pepeljugovski.

While Mr. Pepeljugovski hopes that the measures foreseen with ACTA will not be abused in political games or to abuse people’s privacy, Mr. Xhigal believes that the legal framework of this agreement is too strict and it will suffocate the internet culture. He thinks that copyright protection is a legitimate target, but, as he puts it, ACTA is simply the wrong medicine. He proposes, in his opinion, better protection solutions.

“For example, cheap renting of content, streaming, possibility to buy individual songs or episodes at a lower price. All these solutions would lead to prices of the products in question falling significantly, which does not suit the companies. In fact, they fight for maintaining an unsustainable price system that is losing its sustainability on a global level. Should a globally available video game cost 50-60 euro? Should those who cannot afford such services, especially those from developing countries, be excluded from the development process? For a market of several billion consumers prices should undergo a drastic change. This is the struggle, the narrow financial interests, as opposed to some universal categories and needs.” says Mr. Xhigal.

Regardless of opposing viewpoints, Mr. Pepeljugovski also agrees that ACTA has its flaws.

“Probably yes, in the opinion of the most developed countries in the world, including the EU. Above all, they are initiators for the adoption of this treaty. You know, when losses rise from infringement of rights and when this money is used by terrorists, when it is undisputable that there is organized crime, then it is undisputable that there is need for such an international treaty. However, I personally think that the basic flaw of this treaty is that it is being adopted outside of the system of the United Nations, The World Intellectual Property Organization and the World Trade Organization”.

For Mr. Xhigal, on the other hand, the most serious system error of ACTA is that with the treaty, under the pretense of protecting copyright, every home, computer or smart-phone will be a legitimate target of the “surveillance systems” of states.

“Practically, that is legalizing a whole unlimited package of measures for monitoring and prosecution” he states.

Debates on both sides will become more vocal ahead of the vote in the EU Parliament in June. It will depend on the vote whether a lot of the EU member states adopt the treaty. A possible rejection will mean that ACTA is dead in Europe and that can affect other signatories.

★ *Quotes about ACTA*

“If ACTA dies in European Parliament, then it’s a permakill, and the monopoly lobbies will have to start fighting uphill. If ACTA passes, the same monopolists get tons of new powers to use, and close the door for the foreseeable future behind the legislators for a very necessary reform of the copyright and patent monopolies.” blogged Rick Falkvinge, founder of the Swedish Pirate Party.

“In all the discussion around this issue, in the countless blog entries, tweets and articles, I have noticed that one commodity has been in short supply. That commodity is the truth. I have read that ACTA restricts free speech, that it will “break” the Internet, and that sick people in developing countries should be particularly on their guard. And yet as someone responsible for negotiating the agreement, I know that ACTA does not do any of those things. So I have one message for you today. It is the same message I delivered yesterday and the same one I will continue to deliver for as long as is needed: ACTA is not an attack on your liberties; it is a defence of your livelihoods...” Karel De Gucht, European Commissioner for Trade.

“Intellectual property theft on an unprecedented, global scale is depriving creators and copyright owners of the return they deserve on their massive investments of creativity, expertise, and hard work, undermining the creative sector in every country. An enhanced global commitment to the enforcement of intellectual property rights is an essential ingredient in pushing back this threat” Senator Chris Dodd, CEO and Chairman of the Motion Picture Association of America, Inc. (MPAA).



“The problem with ACTA is that, by focusing on the fight against violation of intellectual property rights in general, it treats a generic drug just as a counterfeited drug. This means the patent holder can stop the shipping of the drugs to a developing country, seize the cargo and even order the destruction of the drugs as a preventive measure.” Kader Arif, French MEP who resigned his position in charge of negotiating the international ACTA.

“It will encourage and empower nations to work together to stop those who use the Internet to profit from counterfeiting of software. The agreement will also extend SIIA’s reach and ability to thwart counterfeiting – especially operations taking place on foreign websites. The signatories clearly understand that this illegal activity threatens jobs and hurts economic growth.” Keith Kupferschmid, The Software & Information Industry Association (SIIA), General Counsel and Senior Vice President for Intellectual Property Policy & Enforcement.

“I believe Congress should approve binding international agreements before the U.S. is obligated to comply with those agreements. This a point where the administration and I disagree and is particularly true on matters that impact our nation’s ability to implement policies that encourage innovation,” Senator Ron Wyden.

It’s a real form of private justice, a regression, because normally in a democracy one has the right to a fair trial, access to a judge, so we can defend ourselves, have a right to appeal, and so on. So, these forms of privatised repression that ACTA foresees will have an impact on the way we share knowledge among students, researchers and individuals, and could radically alter the face of the free Internet the way we all share it today, as a common good” Jérémie Zimmerman of Internet user advocacy group La Quadrature du Net.

Debenture the new security instrument soon to be introduced in Macedonia



★ *Author: Veton Qoku*
Junior Associate at KN Skopje Office

★ *Who are we?*

KN Karanovic & Nikolic is a regional law firm focused on international commercial law. Established 15 years ago, the firm represents leading investors entering the market in Macedonia. Ranked by both the Legal 500 and Chambers Global as a leading commercial law firm we are proud to serve our clients in their business activities in the region. KN Karanovic & Nikolic currently has 11 Partners and a total of 80 lawyers making it the largest commercial law firm in the near region.

Our team is divided departmentally into groups of lawyers specialized in certain areas of law. Led by Lawyer Marija Filipovska Jelcic our team of 5 internationally trained lawyers ensures that we combine the best of both international and local practice and clients respect our pro business and active approach. Further information on the firm and its success in the region can be seen at our site www.karanovic-nikolic.com.

★ *The Solvency Problem*

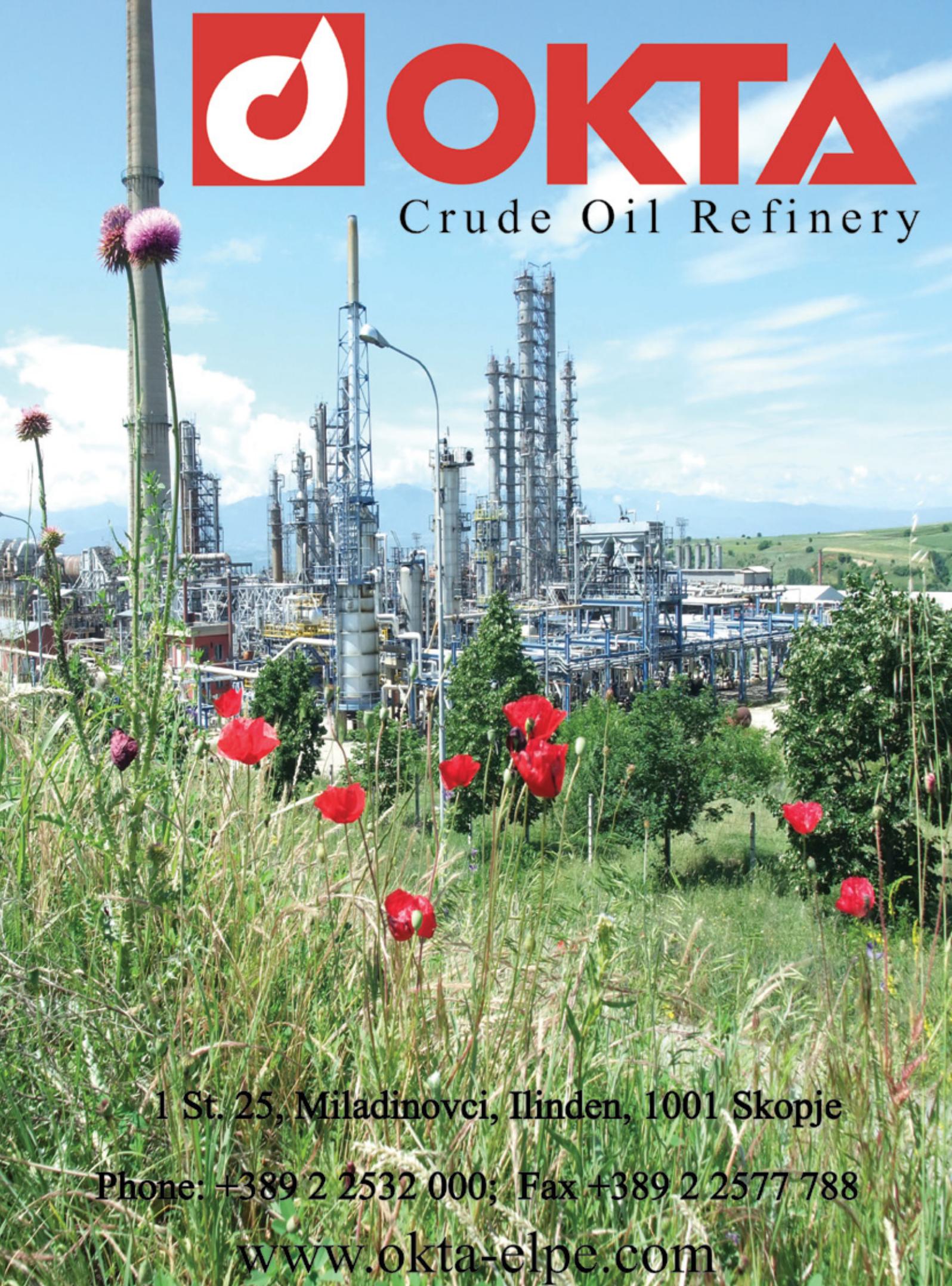
A number of companies in Macedonia are having problems with maintaining their solvency at a desirable level in order to carry out their ordinary course of business. Apart from reasons which may be attributed to the fragile nature of the Macedonian economy, another reason for this occurrence is the lack of financial discipline amongst Macedonian companies and statecontrolled entities, often resulting with their failure of making timely payments of their due financial obligations. This has significant impact on the increase of the number of enforcement procedures for collection of debts, resulting with more than 100.000 Macedonian companies with blocked bank

accounts, according to the most recent reports. Nevertheless, the companies' options for securing their claims, thus enabling them to enforce their receivables against their debtor's assets efficiently and effectively, are rather time consuming and costly. This remains a fact, notwithstanding the recent judicial reforms transferring the competence for procedures for collection of debts from the court's arena in the hands of the notary public service and the available security instruments.



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★ *Available Security Instruments*

The current legislation caters for a number of security instruments readily available to Macedonian companies, such as bank and ordinary guarantees, promissory notes, pledges on movable and immovable assets, equipment, securities etc., but in practice none of these have proven sufficiently time and cost effective. The main weakness of these security instruments is that they have to be notarized in the form of an enforceable document in order to provide a certain degree of comfort to the respective creditors, and the notarization and the enforcement thereof is often a time consuming and costly procedure that does not meet the dynamic nature of the business. As a result, more and more Macedonian companies are unable to secure and/or collect their receivables from their debtors. The Macedonian Government's answer to this problem is the introduction of a so-called 'debenture' as a new security instrument, that should enable (i) efficient protection of the creditors, (ii) swift collection of debts and (iii) decrease of the overall debt between the Macedonian companies. The draft of the Law on Debenture is currently in parliament procedure and, if enacted, it will be applicable from September 2012.

★ *The Pros and Cons of the Debenture*

By definition, a debenture is a written document issued and signed by the debtor (before a notary public), providing its consent for the creditor to collect its receivables directly from the debtors' bank account(s) available funds, in the event the debtor does not make timely payments of its due financial obligations. The debenture is a convenient security instrument since the creditor is able to enforce its receivables in the first instance directly from the debtor's bank account(s) funds. Namely, creditors should be able to collect their receivables without the assistance from a court or an enforcement agent, by simply filing an application for enforcement to the debtor's bank. In the event the creditor is not able to collect the total amount of its receivables from the 2 debtor's bank account(s), the creditor is entitled to initiate an enforcement procedure before an enforcement agent against the overall debtor's assets, since the debenture has the quality of an enforceable document (Macedonian: *Извршна исцрава*).

Although, the issuance of the debenture requires notarization in the form of an enforceable document, same as other currently available security instruments, the main advantage of the debenture is that the notary public will be able to determine, through the use of the electronic Register of debtors to be established within the Central Registrar of the Republic of Macedonia, whether an individual debtor may issue this security instrument. Namely, the draft Law on Debenture prescribes that a debtor may not issue a debenture if the total number of issued debentures thereof exceeds the amount of 30% of the total debtor's income in the previous year. An additional advantage is that the debenture will be issued in a predetermined form requiring predetermined details, thus the issuance procedure should be swift. These advantages seem to advocate the debenture as the most efficient security instrument available to Macedonian companies yet established. However, it is very important to underline that the draft Law on Debenture limits the right for issuance of debentures exclusively to trade companies and excludes the possibility for state authorities and public agencies to issue debentures. Considering that state authorities and public agencies often fail to timely pay off their financial obligations to Macedonian companies and reportedly their debts to the latter are substantial, the introduction of the debenture will not improve this side of the solvency problem whatsoever. Additionally, the draft Law on Debenture does not provide the possibility for the issuance of a blank debenture (common in countries that are already using this security instrument, e.g. Croatia), and moreover, it prohibits the assignment of the rights and obligations thereof. In practice this would prevent creditors to transfer their receivables secured with issued debentures together with the security, meaning that the debenture is not a flexible security instrument.

★ *The Debenture in Practice*

The draft Law on Debenture seems to be a relatively good legal solution for the collection of debts problem that Macedonian companies have endured for some time now. However, it remains to be seen how the Macedonian companies will accept, as well as, to which extent they will use this security instrument in their business relations. The use of the debenture in practice by the Macedonian companies is planned to start from September 2012, and the initial experiences should indicate whether the debenture will serve its purpose and constitute 'the best available security instrument' for securing companies' receivables, as announced.

How to create a Facebook page for your company?

It is undoubtedly important to start this text by answering another question first, i.e. “Why create a Facebook page for your company?”

According to www.socialbakers.com, there are presently 884,000 Facebook users in Macedonia, or 42.66% of the whole population of Macedonia. It is interesting to also note that this number represents 83.6% of all Macedonian population using the Internet in general. Even more interesting to note is the fact that 84% of all Facebook users in Macedonia are in the age range 16-44.

And that is not the only reason why companies should create their Facebook page. Facebook pages are free of charge, easy to maintain and not different from Facebook profiles/timelines, they offer statistics for page usage by members, and also very important, unlike Facebook profiles, which have a limit on the number of possible friends, pages can have an unlimited number of followers.

So to move on to the main question “How to create your company Facebook page?”, we will first start with saying that only an official representative of your company who is informed about the major company activities/products and events should create and manage your page. Ideally, there would be only one official Facebook page for each company/brand you are trying to promote.

After you have created a new Facebook profile/timeline (or have logged onto your personal account, since you can also create and manage a Facebook page from your profile), go to <http://www.facebook.com/pages/create.php>, and choose the category of the page you want to create (company page, brand page, etc.).

Then choose the category and name, agree to the terms of Facebook and click on Get Started.

Follow the instructions and complete the next steps: upload a profile picture, add basic information and website/Twitter page, and choose a Facebook address (so people could access your page more directly).

Then follow the instructions (not obligatory): like your new page, invite your friends, invite your e-mail contacts, add a status update, and you are ready to start using your page.

We recommend that you post content regularly, add a cover picture, invite people who you think may be interested in what your company does, and check the page insights to track your page’s growth and activity.

Some additional tips:

- You may add other admins to help you manage the page (this can be undone later). Page admins can share posts under the page’s name.
- You may swap between your private profile and the page you administer by clicking the arrow in the upper right corner and selecting the page/profile that you wish to administer.
- It is recommended that you adjust the settings of your page as soon as you create it. You can do that by choosing the Edit Page option from the drop-down menu under the Manage tab at the top of the page. Here, you can manage permissions (who can post on your page etc.), admins, change basic information and profile picture, and more.
- For more tips and help, please visit the Facebook Help Center at <http://www.facebook.com/help/pages>

We look forward to connecting with you and your company via Facebook (page name: AmCham Macedonia).

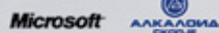
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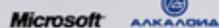


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IPR Conference - ®register

On the occasion of the observance of the Intellectual Property Rights Day, 26th of April, AmCham Macedonia, in cooperation with its IPR Committee, organized a nation-wide campaign to raise awareness on IPR issues and the need for protection of intellectual property, complemented by an IPR Conference held on April 25th.

AmCham Macedonia would like to extend warmest thanks to Futura 2/2 Advertising and Marketing Agency for their ideas and tireless work on making our campaign a reality.

The conference drew attention to the need of developing and protecting brands in Macedonia. It offered best branding practices and valuable legal advice from leading experts in that field in Macedonia, featuring Mr. Vanco Uzunov, Professor at the University Cs. Cyril and Methodius - Faculty of Law, Mr. Valentin Pepeljugoski, lawyer at Pepeljugoski Law Office, Ms. Maja Jakimovska, lawyer at Cakmakova Advocates, and representatives of well established global and national brands - Ms. Maja Mizo from Becutan, Alkaloid AD Skopje and Ms. Aneta Indovska, legal representative for The Coca Cola Company in Macedonia.



According to the intellectual property protection index, out of 129 states, Macedonia jumped from 97th to 87th place in 2011, which testifies that many companies are interested in intellectual property rights protection.

Participants concluded that intellectual property rights protection becomes even more important also for small and medium-sized businesses and for those who develop sophisticated products.

This issue becomes essential for Macedonia's economy considering the fact that many local companies are trying to promote themselves in foreign markets where the issue is of great importance.



Business Luncheon with Macedonian Government Officials

On March 5th, during the business luncheon hosted by the American Chamber of Commerce in Macedonia, members had the opportunity to meet with Mr. Vladimir Pesevski, Deputy Prime Minister of the Government of the Republic of Macedonia in charge of economic affairs, Mr. Valon Saraqini, Minister of Economy and Mr. Ivo Ivanovski, Minister of Information Society and Administration. The event offered the opportunity for member companies to meet these high ranking government officials and their teams, to discuss important issues, but also to hear from the Government representatives on the planned projects and activities for the year with regards to the implementation of the phases of the regulatory guillotine, aimed at improving the business climate in Macedonia.



Mentoring - Best Corporate Practices Workshop

On March 7th, AmCham Macedonia successfully organized a Mentoring Workshop which encompassed three presentations of best corporate practices (conducted by Ms. Iskra Trajkoska from Nextsense, Ms. Marija Popova Majstorova from ONE Telekom Slovenia Group and Ms. Angjela Trpeska Kostova from T-Mobile Macedonia), as well as a general mentoring introduction presented by Ms. Natasa Ivanovska, expert. The presentations were followed by a Q&A session, where the participants exchanged their views and experiences with mentoring and coaching. AmCham Macedonia would like to thank all the presenters and participants for the successful workshop.



FORUM: Women in Corporate Leadership

As the European Union is thinking of introducing quotas for women in corporate boardrooms, AmCham Macedonia is proud to contribute to the timely and important discussion on the need to increase representation of women in corporate and business leadership positions in Macedonia. In order to add to the debate about gender equality in the corporate sector in Macedonia, AmCham Macedonia hosted a forum “Women in Corporate Leadership” on March 28, with one of the world’s leading experts in the field of women’s enterprise development and entrepreneurship, Ms. Julie Weeks. The panel discussion was also enriched with four successful Macedonian business leaders: Ms. Liza Popovska, CFO – Pivara Skopje AD (one of the leading companies in the country and part of Coca Cola and Heineken large international families), Ms. Verica Hadzi Vasileva Markovska, Owner of Analysis and Advisory Group (Advisory company) and President of the National Institute of Directors, Ms. Venera Novakovska, Owner of Nova International Schools and Ms. Aleksandra Dilevska, Director of Publicis (International Advertising Agency). All panelists shared their knowledge and opinions on the status of women in the corporate sector in Macedonia and the concept of female leadership, while at the same time contributing to raising awareness on this important issue.



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Avon Cosmetics Macedonia
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Education & Training

NOVA International Schools
University American College
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Financial Institutions

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Diners Club Macedonia
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Komercijalna Banka AD Skopje
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NLB Tutunska Banka AD Skopje
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Savings House Mladinec
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PI Vitaminka AD Prilep

Pivara Skopje AD
The Coca Cola Company
Macedonia
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SJ Company McDonald's Skopje
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Vivaks

Hospitality, Travel & Event Centers

Makedonijaturist AD
Skopje Jazz Festival
Skopski Saem DOO Skopje

Industrial Suppliers, Energy & Manufacturing

Cementarnica Usje AD Skopje
EVN Macedonia AD, Skopje
Johnson Controls
Makpetrol AD Skopje
Makstil Dufferco Group
Okta AD Crude Oil Refinery
Shareholding Company Skopje
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Wabtec MZT AD Skopje

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CISCO Systems Macedonia
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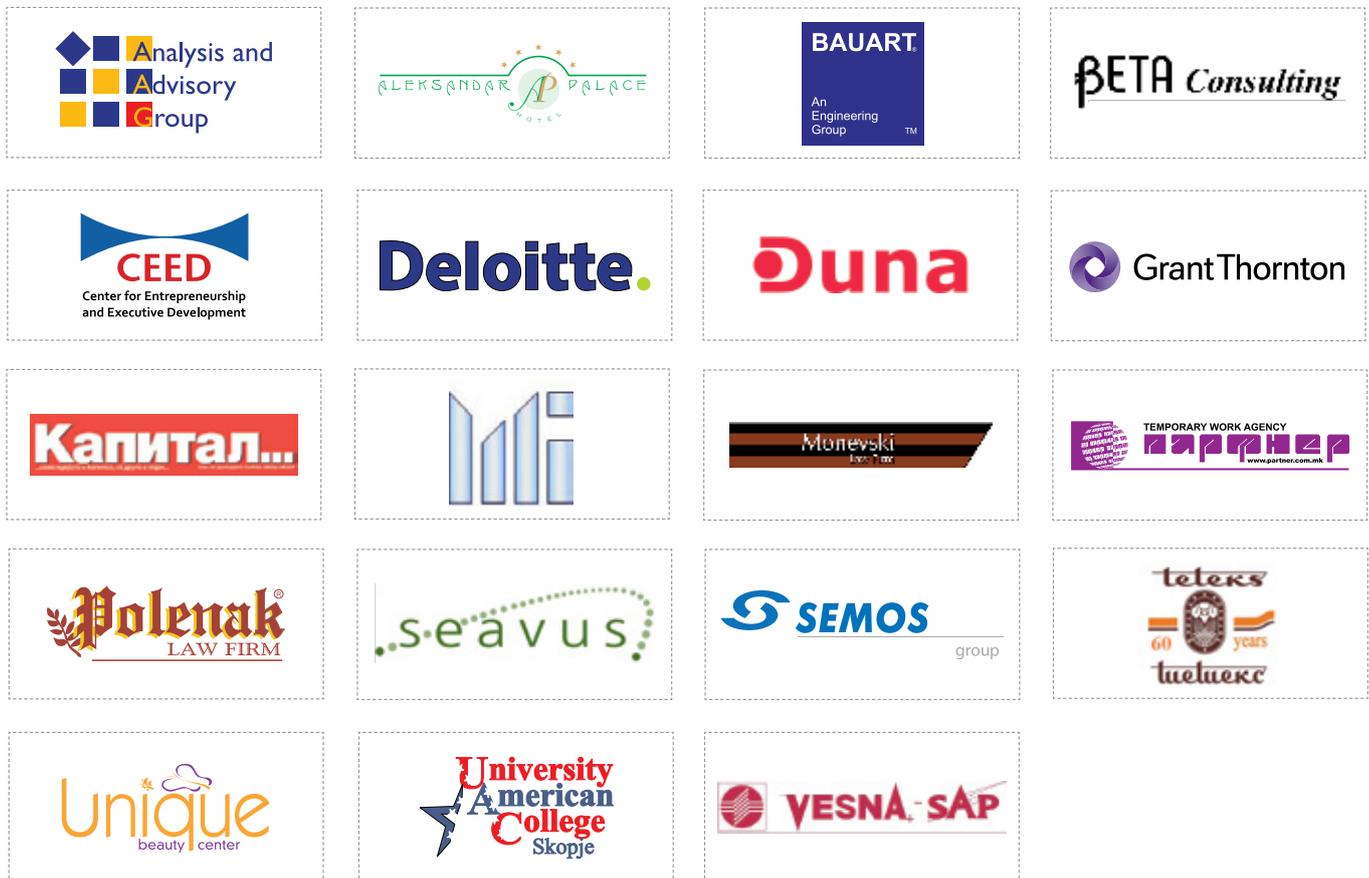
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