

UDC 347.779.1

DOI 10.37772/2309-9275-2025-2(25)-10

JEL classification: K 30, K 39, O 34

SINGLE AUTHORIZED STATE AUTHORITY FOR THE INTELLECTUAL PROPERTY PROTECTION IN THE REPUBLIC OF CROATIA, HUNGARY AND THE KINGDOM OF SWEDEN: LEGAL ASPECT¹

Ganna GUBINA, ORCID 0000-0002-7419-3007¹

¹Leading Researcher of the Scientific and Research Institute of Providing Legal Framework for the Innovative Development of NALS of Ukraine

Corresponding author: Ganna Gubina, e-mail: guanayleo@gmail.com

Abstract. Intellectual property protection is one of the phenomena that requires increased attention in the legal direction. Imperfect legislation leads to the complete absence or low indicators of innovation activity in every country, including the EU. In several EU countries (for example, the Republic of Croatia, Hungary and the Kingdom of Sweden) only one authority has been authorized to deal with such issues.

In each of these EU countries an analysis of the national legislative framework is carried out, which determines the legal status of the authority: the State Intellectual Property Office of the Republic of Croatia, the Hungarian Intellectual Property Office and the Swedish Patent and Registration Office or the Swedish Intellectual Property Office in English. Their subordination and financing are examined.

The author suggests that the Republic of Croatia and Hungary adopt the experience of the Kingdom of Sweden regarding the new model of legal status.

Keywords: a division, government, a legal status, powers, tasks

Author contributions

The author prepared the article independently. The author independently selected the literature, analysed it and formulated conclusions.

Disclosure statement

The author does not have any competing financial, professional, or personal interests in relation to others.

INTRODUCTION

Intellectual property protection requires the existence of an appropriate authority. Some EU countries have chosen the direction of creating and operating only one authorized such authority. An example is the Republic of Croatia, Hungary and the Kingdom of Sweden. In the EU innovation ranking the Kingdom of Sweden is the leader among all EU countries, and the Republic of Croatia, Hungary are also leaders, but at the other end of the list among EU countries where the authority operates (Innovation ranking). The statistical data show other indicators and the corresponding ranking among the mentioned EU countries on the Eurostat website (CIS2018, CIS2020, CIS2022). One of the reasons is incomplete information or lack of information from EU countries. For example, the Kingdom of Sweden presented incomplete information. The national legislative framework regulating the legal status of the authority also has a direct impact. It appears that there are unregulated moments or ineffective, outdated provisions. The result is the state of innovation in each

¹ The article is prepared within the framework of the fundamental topic «Legal mechanisms of the new research infrastructure» № 0121U113768.



of the mentioned EU countries and the intellectual property protection. Therefore, the purpose of the study is to clarify certain aspects of the legal nature of the single authorised state authority for the intellectual property protection in the Republic of Croatia, Hungary and the Kingdom of Sweden, and to propose amendments and additions to the current national legislation of these EU countries to improve the results of the activities of the authority.

Each section of this study analyses the national legislative framework, subordination, tasks, powers, divisions, as well as sources of funding for the authority and relevant conclusions are formed.

LITERATURE REVIEW

For the last time the problems of intellectual power in the legal sphere have received new attention. Martin Senftleben defines the «overconstitutionalization» of EU copyright and trademark legislation and proves its ineffectiveness (Senftleben, 2024). Simon Geiregat analysed trade mark protection for smells, tastes and feels in the EU (Geiregat, 2022). Some researchers, such as Christophe Geiger, Silvia Scalzini, Ludovico Bossi (Geiger et al, 2025), Heidi Häkkinen (Häkkinen, 2025), Dino Gliha (Gliha, 2025), Giulia Dore, Pelin Turan (Dore & Turan, 2024) have studied various aspects of copyright in EU legislation. Martin Zeitlin has explored the interaction between intellectual property and sustainable development in the Kingdom of Sweden (Zeitlin, 2024). Rob J Aerts has researched the legal regulation of biotechnology patenting in Europe (Aerts, 2025). Seun Lari-Williams, Stefan Rutten, Esther van Zimmeren proposed improving the intellectual property system through the design of a dispute resolution system (Lari-Williams et al, 2025).

However, researchers have overlooked issues related to the legal status of authorised state authorities responsible for the intellectual property protection in Hungary, the Republic of Croatia and the Kingdom of Sweden. This is due to many factors. For example, constant changes in national legislation and the lack of complete statistical information in Eurostat.

METHODOLOGY

The research methodology is based on a combination of the following methods and techniques of scientific knowledge. Methods of analysis and synthesis allowed us to investigate powers and tasks of the single authorized state authority for the intellectual property protection in the Republic of Croatia, Hungary and the Kingdom of Sweden. The systemic-structural approach was applied in studying the provisions of the legal organisation of this authority in the specified EU countries. The logical-semantic method was used to make proposals for improving national legislation in this area. The modelling method was used in developing proposals for improving current legislation.

RESULTS AND DISCUSSION

1. The Republic of Croatia.

The legal status of the State Intellectual Property Office of the Republic of Croatia (hereinafter – SIPO) was attempted to be regulated by a number of legal acts. The main ones are the Law «On the State Administration System» № 66/19 of 28 June 2019 (hereinafter – Law № 66/19), the Law «On the Organization and Scope of Work of State Administration Bodies» № 85/2020 of 22 July 2020 (hereinafter – Law № 85/2020) and the Regulation on the Internal Organization of the State Intellectual Property Office, approved by the Resolution of the Government of the Republic of Croatia № 1837 of 27 August 2020 (hereinafter – Resolution № 1837). Several conclusions can be drawn from their analysis.

Firstly, croatian legislation lacks a single legal act regulating the legal status of the SIPO. An attempt was made here to depart from the usual practice of adopting one legal act regulating some

of the main aspects of the legal status of a particular authority. The Law № 66/19 was adopted, which established general provisions regarding state administration authorities, including the SIPO. We believe that this practice is not positive, because each of the specified authorities, including the SIPO, must have a closed list of rights, functions, etc., in a single legal act, which is specific to each authority for the performance of its assigned tasks. Also, it is necessary to prescribe with whom the authority interacts, who heads the authority, who appoints, who approves the maximum number of civil servants and employees, etc. in this legal act.

Secondly, the SIPO is a state administrative authority directly subordinate to the Government of the Republic of Croatia and is financed from the state budget (Articles 2(2), 4(2), 9(1) of the Law № 66/19, Article 4 of the Law № 85/2020). In the author's opinion, on the one hand, this is a positive feature, as it allows avoiding any influence on the activities of this authority, except for the Government itself, and, on the other hand, such influence can be observed in the form of funding cuts. Therefore, the current national legislation needs to be revised regarding funding from the state budget. It would be more appropriate to provide for the exclusive self-financing of the authority, but this path will most quickly force optimization in the form of reducing the number of employees.

Thirdly, the croatian legislator decided to establish a clear list of tasks for all state administration authorities, including the SIPO, without reference to the specific scope of the activities of these authorities, as provided for in Articles 17, 19, 31 of the Law № 66/19. This list must be adapted to the scope of activities of the specified authority.

From the analysis of croatian legislation, it can be established that the SIPO's tasks are scattered across various legal acts (for example, Article 30 of the Law № 85/2020, Paragraphs 3-35 of the Resolution № 1837). The consequence may be the failure to fulfill the tasks assigned to the authority. Therefore, it's not possible to detect the share, percentage of fulfillment of Articles 17, 19, 31 of the Law № 66/19 regarding assigned tasks for the SIPO. However, it is relevant to analyse several tasks of the SIPO and assess their compliance with the tasks stipulated in Articles 17, 19, 31 of the Law № 66/19.

Article 30 of the Law № 85/2020 contains several tasks of the SIPO. Their analysis shows that they are identical to the tasks set out in Articles 17, 19, 31 of the Law № 66/19 and contain either «intellectual property», «industrial property» or «copyright and related rights» at the end, which is more appropriate in content in the opinion of the croatian legislator. It seems that this legal norm doesn't reveal the features and specifics of the SIPO's tasks, because they are not detailed.

An attempt was made to assign a specific list of tasks to each organisational division of the SIPO in paragraphs 3-35 of the Resolution № 1837. It appears that they need to be reviewed and improved. Thus, the tasks of the Office of the Director General of the SIPO are presented in the form of general formulations without reference to the field of intellectual property in paragraph 3 of the Resolution № 1837. For example, "...tasks related to maintaining collections of information and documents for the needs of the Director General and Deputy Director General; protocol tasks; tasks related to cooperation with the media; tasks related to petitions and complaints from citizens..." (Paragraph 3 of the Resolution № 1837). In the author's opinion, such tasks require detailing and clarification, taking into account the scope of the SIPO's activities.

The Trademarks and Industrial Designs Sector of the SIPO has two divisions with corresponding authorities: 1) the Service for Registration of Trademarks, Industrial Designs and Geographical Indications: the Department of Formal Procedures, the Department of Professional and Specialized Affairs; 2) the Bilateral, International and Administrative Procedures Service: the Bilateral Procedures Department, the International and Administrative Procedures Department.

Paragraphs 13-17 of the Resolution № 1837 set out the tasks for the division. An analysis of these tasks shows that some of them are interrelated. For example, the Department of Formal Procedures performs tasks related to the examination and processing of trademark, industrial design and geographical indication applications in relation to formal and legal requirements; makes decisions on

the rejection or refusal of trademark, industrial design and geographical indication applications on the basis of formal and legal grounds (paragraph 13 of the Resolution № 1837). The Department of Professional and Specialized Affairs performs tasks related to the examination and processing of trademark, industrial design and geographical indication applications in relation to substantial reasons for refusal of protection (paragraph 14 of the Resolution № 1837). Thus, one authority passively observes the activities and results of other authority. In our opinion, this is a positive feature, as it provides a double check in the form of processing and examination of applications for trademarks, industrial designs and geographical indications that have been refused.

Also, these tasks are sometimes duplicated. For example, it performs operational communication and cooperation tasks with the International Bureau of the World Intellectual Property Organization and the European Union Intellectual Property Office within its scope of activity (paragraphs 13, 14 of the Resolution № 1837). This appears to be a negative aspect, as several persons from one legal entity should not have to contact these organisations on different issues. Usually, a specific person is authorised to do it. A more appropriate option is to delegate such tasks to the Service for cooperation and training in the field of intellectual property and communication in the Sector for Support to Innovation and Creative Activities of the SIPO.

An analysis of paragraphs 3-35 of the Resolution № 1837 shows that several tasks of the authorities in the relevant divisions of the SIPO need to be consolidated and grouped by area of activity. For example, the Independent Service for Copyright, European and International Affairs of the SIPO needs to be reorganized. Some changes need to be made to its Department for Copyright and Related Rights and Enforcement of Intellectual Property Rights. Tasks directly related to intellectual property, as set out in paragraph 34 of the Resolution № 1837, shall be transferred to paragraph 31 of the Resolution № 1837 to the Department for Legal and Legislative Affairs and Joint Affairs in the Field of Intellectual Property in the Department of Legal, General and Personnel Management, which is part of the Sector for Planning, Financial and Legal Affairs and Human Resources Management of the SIPO. The tasks of the department related to copyright and related rights, as prescribed in paragraph 34 of the Resolution № 1837, shall be added to the tasks of the Independent Service for Copyright, European and International Affairs of the SIPO, as described in paragraph 33 of the Resolution № 1837. The Department for Copyright and Related Rights and Enforcement of Intellectual Property Rights shall be liquidated. The tasks of the second department, i.e. the Department of European and International Affairs, enshrined in paragraph 35 of the Resolution № 1837, are exclusively related to the field of intellectual property. They should be enshrined in paragraph 31 of the Resolution № 1837 by the Department for Legal and Legislative Affairs and Joint Affairs in the Field of Intellectual Property in the Department of Legal, General and Personnel Management, which is part of the Sector for Planning, Financial and Legal Affairs and Human Resources Management of the SIPO. The Department of European and International Affairs should also be liquidated. Accordingly, the Independent Service for Copyright, European and International Affairs of the SIPO shall be renamed the Sector of Copyright and Related Rights. This Service's tasks, as enshrined in paragraph 33 of the Resolution № 1837, are to review and remove those tasks that don't relate to copyright and related rights. In the author's opinion, these actions will optimise the structure of the SIPO.

Fourthly, the powers of each authority are usually enshrined in the form of a list in a certain legal norm. Croatian legislation has abandoned the accepted practice. Thus, they are scattered across various legal acts. For example, Articles 266, 267, 270, 271 of the Law «On Copyright and Related Rights» № 111/2021 of 14 October 2021, Article 26 of the Law «On Patent Law» № 16/2020 of 31 January 2020, Articles 52, 54, 59, 62 of the Law «On Trademarks» № 14/2019 of 25 January 2019. It appears that this measure was applied in order to avoid powers that had become irrelevant due to changes in legal norms. However, in national legislation the lack of a single list of powers of the SIPO makes it impossible to analyze and assess the availability of appropriate powers for these tasks. In the author's opinion, the result is the failure to complete certain tasks.

Thus, the croatian legislator's idea to present the legal status of state administration authority, including the SIPO, in the form of a law with general provisions applicable to all state administration authorities led to the Republic of Croatia ranking among the lowest in the EU Innovation ranking.

2. Hungary.

The Hungarian Intellectual Property Office (hereinafter - HIPO) operates in Hungary. The current provisions regarding its legal status are contained in Articles 115/D-115/L of the Act № XXXIII of 1995 on the Protection of Inventions by Patents (hereinafter – Act № XXXIII), the Act CXXV of 2018 on Governmental Administration, Government Decree № 182/2022 of 24 May 2022 on the Duties and Powers of the Members of the Government, the KIM Instruction on the Organizational and Operational Regulations of the Hungarian Intellectual Property Office, approved by the Order of the Minister of Culture and Innovation № 14/2024 of 19 December 2024 (hereinafter – Instruction № 14/2024), the Statute approved by the Hungarian State Treasury № KINAT/343/3/2024 of 18 April 2024.

The HIPO is the main government office responsible for the protection of intellectual property (Article 115/D (1) of the Act № XXXIII, Subparagraph 1.1 of paragraph 1 of the Instruction № 14/2024). The authority's operations are covered by its own revenues, which it manages independently (Article 115/E (1) of the Act № XXXIII, Subparagraph 1.3 of paragraph 1 of the Instruction № 14/2024). However, the HIPO's activities are supervised by the Minister of Culture and Innovation (Subparagraph 1.1 of paragraph 1 of the Instruction № 14/2024, Appendix 1 to the Government Decree «On the duties and powers of members of the Government» № 182/2022 of 24 May 2022). It appears that the existing self-financing of the authority is the main condition that prevents any influence on its activities. Therefore, considering that the HIPO is the main government office, the national legislator established only supervision by the minister, which is a passive action and, accordingly, conditional, because all relations between the minister and the HIPO take the form of a statement of fact. For example, the HIPO's President 1) represents the HIPO before the Minister of Culture and Innovation; 2) submits proposals, suggestions and reports to the Government and ministers regarding the regulation of intellectual property and the HIPO's activities (Subparagraph 7.1 of paragraph 7 of the Instruction № 14/2024). The annual work plan shall be sent to the supervising minister for approval within the deadline set by the law on government strategic management (Subparagraph 22.3 of paragraph 22 of the Instruction № 14/2024).

An analysis of Articles 115/G-115/L of the Act № XXXIII shows that hungarian legislator made an attempt to link HIPO's tasks to its duties and powers. In our opinion, several changes are needed here. Thus, the HIPO is responsible for protecting intellectual property in accordance with Article 115/D (1) of the Act № XXXIII, Subparagraph 1.1 of paragraph 1 of the Instruction № 14/2024. Accordingly, the task assigned to it to promote the development and implementation of the Government's economic strategy is incorrectly formulated, in our opinion (Article 115/K of the Act № XXXIII). This task is inherent to the Ministry of National Economy, which may involve the HIPO as necessary to obtain consultations and proposals related to its professional sphere.

The next direction requiring review is «the tasks related to the registration and deregistration of enterprises supporting early-stage enterprises in order to verify their eligibility for the tax base allowance» (Article 115/H (2b) of the Act № XXXIII). They are provided with the duties and powers of the HIPO in the form of «performing registration tasks related to the tax base allowance available to enterprises supporting early-stage businesses» (Article 115/G (h) of the Act № XXXIII). This procedure is described in more detail in the Government Decree «On the detailed rules of the registration procedure of early-stage businesses and of businesses supporting early-stage businesses», № 331/2017 of 9 November 2017. An analysis of paragraph 8 of this act shows that the HIPO's activities are reduced to ensuring that all formal requirements in the application are completed. It seems that the last task of the HIPO and the duties and powers provided for it should be assigned to the National Tax and Customs Administration, as everything is aimed at obtaining tax relief.

Although the analyzed authority is self-financing, the tasks of its organisational divisions need to be adjusted to avoid duplication. This is provided for in Appendix 2 of the Instruction №14/2024. Thus, the President's Cabinet is a department operating under the direct control of the President. It has a legal advisor, whose tasks are set out in subsection 2.1.6 of section 2.1 of Appendix 2 of the Instructions № 14/2024. They have a legal aspect, but without reference to the intellectual property protection. However, he may provide assistance in legal matters related to the intellectual property protection in cases determined by the Vice-President responsible for legal and international relations (subsection 2.1.6 of section 2.1 of Appendix 2 of the Instruction № 14/2024). Thus, a legal advisor may be involved in the direct activities of the HIPO, for example, when searching for an attractive option for a legal solution to a certain issue regarding the protection of intellectual property rights.

The Enforcement Secretary, under the direct supervision of the Vice-President responsible for legal and international relations, is also entrusted with legal tasks. However, they are already focused on the protection of intellectual property rights. This list is not closed, i.e. tasks may be delegated, for example, from the legal advisor at the President's Cabinet (section 4.1 of Appendix 2 of the Instruction № 14/2024).

The Legal and International Department is also headed by Vice-President responsible for legal and international relations, which includes the Industrial Property Law Department and the International Cooperation Department (sections 6.2, 6.3 of Appendix 2 of the Instruction № 14/2024). The tasks assigned to the Legal and International Department are also characterised by a legal focus with an open list, but they are divided into two large groups: the industrial property protection and the intellectual property protection (section 6.1 of Appendix 2 of the Instruction № 14/2024).

As is well known, intellectual property shall include the rights relating to: 1) literary, artistic and scientific works; 2) performances of performing artists, phonograms and broadcasts; 3) inventions in all fields of human endeavor; 4) scientific discoveries; 5) industrial designs; 6) trademarks, service marks, and commercial names and designations; 7) protection against unfair competition; 8) and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields (Article 2 of the Convention Establishing the World Intellectual Property Organization, 1967).

Therefore, the question arises as to the expediency of the division of tasks, as provided for section 6.1 of Appendix 2 of the Instruction № 14/2024.

Another authority that is authorized to provide conclusions on projects of complex measures (programs, strategic ideas, national legislation, the EU legal acts and international treaties) aimed at protecting intellectual property is the National Council for Intellectual Property at the HIPO's President (Article 115/F (1) of the Act № XXXIII, Subparagraph 17.2 of paragraph 17 of the Instruction № 14/2024). Its legal status is regulated by Article 115/F of the Act № XXXIII and Paragraph 17 of the Instruction № 14/2024. A comparative analysis shows that they don't contradict each other, but duplicate some provisions. In our opinion, it is advisable to retain only Article 115/F of the Act № XXXIII, where its legal status will be fixed. In Paragraph 17 of the Instruction № 14/2024 it should be fixed that the legal status of the National Council for Intellectual Property at the HIPO's President is regulated by Article 115/F of the Act № XXXIII.

This authority has up to twelve members. It shall include persons with experience in the field of industrial property, copyright and intellectual property protection (Article 115/F (2) of the Act № XXXIII). Based on the above, in our opinion, persons with a legal education who are able to fulfill the legal norms of Article 115/F (1) of the Act № XXXIII, Subparagraph 17.2 of paragraph 17 of the Instruction № 14/2024. Therefore, another authority with a legal focus for the protection of intellectual property functions in the HIPO.

Thus, the HIPO has several organizational divisions that specialize in the protection of intellectual property in the legal aspect. In the author's opinion, it is inappropriate to propose any ways to improve the organizational divisions or the tasks assigned to them, because the authority is self-financing.

The Industrial Property Protection Expert Board functions at the HIPO. Its legal status is regulated by Article 115/T of the Act № XXXIII, Government Decree № 270/2002 of 20 December 2002 on the organization and operation of the Industrial Property Protection Expert Board (hereinafter – Decree № 270/2002) and paragraph 15 of the Instruction № 14/2024. This Board provides expert opinions on technical issues arising in industrial property disputes (Article 115/T(1) of the Act № XXXIII, Section 1.1 of the Decree № 270/2002). However, it has no own incomes. The HIPO provides the conditions for its activities and the necessary financial measures, as well as concludes the contracts necessary for its activities (Section 5.2 of the Decree № 270/2002). The requirements for members of this Board, in the author's opinion, are quite general and without any special requirements: experience in the field of industrial property rights protection or experience in the field of activities related to industrial property rights protection (Section 2.2 of the Decree № 270/2002). It seems that the lack of reference to experience sometimes affects the quality of their expert opinions. In our opinion, they are not always well-founded and may be misleading or unclear (Article 115/T(8) of the Act № XXXIII). In order to avoid discrediting the HIPO, it is advisable to liquidate the specified Industrial Property Protection Expert Board. Its tasks and powers shall be transferred to a one-off Expert Board, which will be established to provide expert opinions on technical issues arising in industrial property disputes. The composition of the new Board will be formed from those employees of the Patent Department and the Department of Trademarks and Industrial Designs at the HIPO who are specialists in this issue.

The conducted research on the HIPO showed the presence of both positive aspects (for example, the self-financing of the HIPO doesn't allow influencing its activities) and negative aspects (for example, several organizational divisions specialising in the legal protection of intellectual property, the functioning of the Industrial Property Protection Expert Board). However, the author's recommendations for improving certain aspects of its legal status are not relevant, as the authority is self-financing. The legal status of the HIPO is constantly being reformed, as the relevant national legal acts are subject to frequent changes.

3. The Kingdom of Sweden.

This country also belongs to the EU countries where a single intellectual property protection authority functions. It's the Swedish Patent and Registration Office (hereinafter – SPRO). In English, this authority is called the Swedish Intellectual Property Office since 2020 (SE Sweden (name of Office)). Its legal status is regulated by the Patent Act (2024:945) of 24 October 2024 (hereinafter – Patent Act), the Design Protection Act (1970:485) of 29 June 1970, the Act (2016:977) on collective management of copyright of 10 November 2016, the Instructions for the Swedish Patent and Registration Office, approved by the Regulation of the Ministry of Climate and Enterprise RSN (2007:1111) of 29 November 2007 (hereinafter – Regulation (2007:1111)), the activities of the Swedish Patent and Registration Office as an international authority under the Patent Cooperation Treaty, approved by the Regulation of the Ministry of Climate and Enterprise RSN (1978:218) of 05 November 1978.

The SPRO is directly subordinated to the Ministry of Climate and Enterprise (Subparagraph 8.3 paragraph 8 of the Instructions for the Government Offices, approved by the Regulation of the Government Secretariat № 1996:1515 of 17 December 1996).

Of the above-mentioned regulatory acts, the Regulation (2007:1111) is the document in which the activities assigned to the SPRO are most extensively described. However, this document doesn't clearly specify the tasks, rights, powers, etc. It is also necessary to note that the SPRO's powers are contained in certain paragraphs of the Regulation (2007:1111) (for example, only the powers enshrined in paragraphs 1-4) and in other regulatory documents (for example, only the powers enshrined in Articles 16, 17, 19, 20 of Section 4 of the Patent Act, Articles 8a, 12, 14 of the Design Protection Act (1970:485) of 29 June 1970), i.e. they aren't grouped together in a closed list in a separate paragraph

of this document. This appears to be a negative practice, as not all powers vested in the authority will be implemented by it.

Let's analyze some tasks, rights, powers provided for the SPRO.

From the analysis of the provisions of the Regulation (2007:1111), it can be established that this authority has not been assigned its own tasks and rights at the national legislative level. Other national legal acts directly related to the legal status of the SPRO or intellectual activity also don't specify the tasks and rights of the SPRO. It can be concluded that a new model of the legal status of the authority is being introduced. Accordingly, all other powers are specified in one or another national legal act when it is necessary to regulate a specific legal issue. For example, in the Regulation (2007:1111) the SPRO's powers are specified, which avoids overstepping them. However, some of them are unusual for the authority: 1) resolves issues related to the registration of municipal coats of arms (Subparagraph 1.2. paragraph 1 of the Regulation (2007:1111)); 2) is responsible for the protection of geographical indications for craft and industrial products (Article 2 of the Act on the control of protected designations of craft and industrial products (2025:949) of 23 October 2025) (hereinafter – Act (2025:949)), Subparagraph 1.7. paragraph 1 of the Regulation (2007:1111)). Article 1 of the Act (2025:949) also refers to specific EU legislation governing the protection of geographical indications for craft and industrial products. Thus, Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications has a greater scope than the protection of geographical indications for craft and industrial products. Accordingly, in the author's opinion, Article 2 of the Act (2025:949) and Subparagraph 1.7. paragraph 1 of the Regulation (2007:1111) are limited in scope, as there is no protection of geographical indications for other goods. It is proposed to amend the Act (2025:949) to ensure the protection of geographical indications for all goods. It is also proposed to amend Subparagraph 1.7. paragraph 1 of the Regulation (2007:1111): «is responsible for the protection of geographical indications»; 3) ensures that the rules and procedures at the disposal of the authority are cost-effective and simple for citizens and companies (Subparagraph 1.9. paragraph 1 of the Regulation (2007:1111)). In the author's opinion, this provision is only theoretical, because if we consider any person who decides to use the services of the authority, they do not always have the relevant knowledge, skills, etc. Accordingly, there is an opportunity to constantly challenge the inaction of the SPRO; 4) the SPRO promotes long-term growth and strengthens innovation potential and competitiveness throughout the country, must provide information on intangible assets and rights and promote their development (paragraph 2 of the Regulation (2007:1111)). As for innovation potential, the Kingdom of Sweden ranks first in the EU innovation ranking (Innovation ranking), but statistics in the Eurostat website for 2018, 2020, 2022 reflect incomplete information (CIS2018, CIS2020, CIS2022). Therefore, there is a partial exercise of such authority. The consequence will be an appeal of the actions of the SPRO.

An analysis of the SPRO's powers in Swedish law suggests that its sphere of activity is broader than its name. The proposed name in English is more appropriate. It appears necessary to introduce a single name for this authority.

Thus, the legal status of the SPRO is formed according to a new unusual model, where there are no rights, tasks, and is at the stage of improvement, especially in the direction of powers. They affect the functioning of such authority, the results of its activities, which are incorrectly presented in the Eurostat website. Therefore, it is not possible to assess the effectiveness of the functioning of it. The author's recommendations are based only on the analysis of the current national legislative framework and logic.

CONCLUSIONS

The study showed that the Kingdom of Sweden is a leader both in the EU innovation ranking and in the new vision of the legal nature of a single authorised state authority for the intellectual

property protection. The new model of legal nature provides for the existence of powers and the refusal of tasks and rights. It is impossible to assess the legal effectiveness of the new model due to the lack of comprehensive statistical information on the Eurostat website. However, in the author's opinion, the existing Swedish model should be considered and implemented in the Republic of Croatia and Hungary, which may allow these countries to focus on protecting intellectual property rather than monitoring the fulfilment of their tasks, rights and powers. It appears that in order to avoid a situation where these authorities fail to exercise their established powers, it is necessary to adopt a single legal act that will regulate their legal status.

REFERENCES

Act on the Protection of Inventions by Patents, № XXXIII (1995). Retrieved from: <https://njt.hu/jogszabaly/1995-33-00-00>.

Act on the control of protected designations of craft and industrial products, № 2025:949 (2025, October 23). Retrieved from: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2025949-om-kontroll-av-skyddade_sfs-2025-949/.

CIS2018. Enterprises that applied for a patent, registered an industrial design, trade mark or used trade secrets, by NACE Rev. 2 activity and size class. Retrieved from: https://ec.europa.eu/eurostat/databrowser/view/inn_cis11_ipr/default/table?lang=en.

CIS2020. Enterprises that applied for a patent, registered an industrial design, trade mark or used trade secrets, by NACE Rev. 2 activity and size class. Retrieved from: https://ec.europa.eu/eurostat/databrowser/view/inn_cis12_ipr/default/table?lang=en.

CIS2022. Enterprises that applied for a patent, registered an industrial design, trade mark or used trade secrets, by NACE Rev. 2 activity and size class. Retrieved from: https://ec.europa.eu/eurostat/databrowser/view/inn_cis13_ipr/default/table?lang=en.

Convention Establishing the World Intellectual Property Organization (1967). https://www.wipo.int/edocs/pubdocs/en/wipo_pub_250.pdf.

Design Protection Act, № 1970:485 (1970, June 29). Retrieved from: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/monsterskyddslag-1970485_sfs-1970-485/.

Dore, G., Turan, P. (2024). When Copyright Meets Digital Cultural Heritage: Picturing an EU Right to Culture in Freedom of Panorama and Reproduction of Public Domain Art. *IIC*, 55, 37–65. <https://doi.org/10.1007/s40319-023-01408-6>

Geiger, C., Scalzini, S. & Bossi, L. (2025). Time to (Finally) Reinstall the Author in EU Copyright Law: From Contractual Protection to Remuneration Rights. *IIC*. <https://doi.org/10.1007/s40319-025-01647-9>

Geiregat, S. (2022). Trade Mark Protection for Smells, Tastes and Feels – Critical Analysis of Three Non-Visual Signs in the EU. *IIC*, 53, 219–245. <https://doi.org/10.1007/s40319-022-01160-3>

Gliha, D. (2025). The Exercise of Copyright Under the Prism of Article 101 TFEU. In: The Copyright-Competition Interaction within the EU. Springer, Cham. https://doi.org/10.1007/978-3-031-94402-4_4

Government Decree «On the detailed rules of the registration procedure of early-stage businesses and of businesses supporting early-stage businesses», № 331/2017 (2017, November 9.). Retrieved from: <https://net.jogtar.hu/jogszabaly?docid=a1700331.kor>.

Government Decree «On the duties and powers of members of the Government», № 182/2022 (2022, May 24). Retrieved from: <https://njt.hu/jogszabaly/2022-182-20-22>.

Government Decree «On the organization and operation of the Industrial Property Protection Expert Board», № 270/2002 (2002, December 20). Retrieved from: <https://njt.hu/jogszabaly/2002-270-20-22>.

Härkönen, H. A. (2025). Narrative Approach to the Standard of Originality in EU Copyright Law: The Story of a Dress. *IIC*, 56, 289–319. <https://doi.org/10.1007/s40319-025-01562-z>

Innovation ranking. European Innovation Scoreboard. Retrieved from: <https://projects.research-and-innovation.ec.europa.eu/en/statistics/performance-indicators/european-innovation-scoreboard/eis#/eis>.

Law «On Copyright and Related Rights», № 111/2021 (2021, October 14). Retrieved from: <https://www.zakon.hr/z/106/zakon-o-autorskom-pravu-i-srodnim-pravima>.

Law «On Patent Law», № 16/2020 (2020, January 31). Retrieved from: <https://www.zakon.hr/z/121/zakon-o-patentu>.

Law «On the Organization and Scope of Work of State Administration Bodies», № 85/2020 (2020, July 22). Retrieved from: <https://www.zakon.hr/z/2653/zakon-o-ustrojstvu-i-djelokrugu-tijela-drzavne-uprave>.

Law «On the State Administration System», № 66/19 (2019, June 28). Retrieved from: <https://www.zakon.hr/z/221/zakon-o-sustavu-drzavne-uprave>.

Law «On Trademarks», № 14/2019 (2019, January 25). Retrieved from: <https://www.zakon.hr/z/120/zakon-o-zigu>.

Order of the Minister of Culture and Innovation «KIM Instruction on the Organizational and Operational Regulations of the Hungarian Intellectual Property Office», № 14/2024 (2024, December 19). Retrieved from: <https://njt.hu/jogszabaly/2024-14-B0-80>.

Patent Act, № 2024:945 (2024, October 24). Retrieved from: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/patentlag-2024945_sfs-2024-945.

Regulation of the Government Secretariat «Instructions for the Government Offices», № 1996:1515 (1996, December 17). Retrieved from: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/forordning-19961515-med-instruktion-for_sfs-1996-1515.

Regulation of the Ministry of Climate and Enterprise RSN «Instructions for the Swedish Patent and Registration Office», № 2007:1111 (2007, November 29). Retrieved from: https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/forordning-20071111-med-instruktion-for-patent_sfs-2007-1111.

Resolution of the Government of the Republic of Croatia «On approval of the Regulation on the Internal Organization of the State Intellectual Property Office», № 1837 (2020, August 27). Retrieved from: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_08_97_1837.html.

Rob J Aerts, (2025). Directive 98/44/EC and the European Patent Convention: challenges to the harmonization of biotechnology patenting in Europe, Journal of Intellectual Property Law & Practice, Volume 20, Issue 6, June 2025, 423–431. <https://doi.org/10.1093/jiplp/jpaf018>

Senftleben, M. (2024). The Unproductive “Overconstitutionalization” of EU Copyright and Trademark Law – Fundamental Rights Rhetoric and Reality in CJEU Jurisprudence. IIC, 55, 1471–1514. <https://doi.org/10.1007/s40319-024-01527-8>

SE Sweden (name of Office). Retrieved from: https://www.wipo.int/documents/d/pct-system/newsletters-en-2020-pct_news_2020_5.pdf.

Seun Lari-Williams, Stefan Rutten, Esther van Zimmeren. (2025). Enhancing the IP system through Dispute System Design, Journal of Intellectual Property Law & Practice, Volume 20, Issue 6, June 2025, 377–391. <https://doi.org/10.1093/jiplp/jpaf005>

Zeitlin, M. (2024). Sustainability and Intellectual Property in Sweden. In: Кллєзи, Р., Kobel, Р., Kilpatrick, B. (eds) Sustainability Objectives in Competition and Intellectual Property Law. LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition. Springer, Cham. https://doi.org/10.1007/978-3-031-44869-0_19

ЄДИНИЙ УПОВНОВАЖЕНИЙ ДЕРЖАВНИЙ ОРГАН З ПИТАНЬ ОХОРОНИ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ В РЕСПУБЛІЦІ ХОРВАТІЯ, УГОРЩИНА ТА КОРОЛІВСТВІ ШВЕЦІЯ: ПРАВОВИЙ АСПЕКТ

Ганна ГУБІНА, ORCID 0000-0002-7419-3007¹

¹кандидат юридичних наук, провідний науковий співробітник НДІ правового забезпечення інноваційного розвитку НАПрН України, Харків, Україна

Анотація. Охорона інтелектуальної власності є одним із явищ, що потребує підвищеної уваги в юридичному напрямку. Недосконалість законодавства веде до повної відсутності чи невисоких показників

інноваційної діяльності в кожній країні, в т.ч. ЄС. В деяких країнах ЄС (наприклад, Республіка Хорватія, Угорщина та Королівство Швеція) таким питанням уповноважили займатися виключно один орган.

У кожній із цих країн ЄС проводиться аналіз національної законодавчої бази, що визначає правовий статус такого органу: Державне відомство інтелектуальної власності Республіки Хорватія, Угорське відомство інтелектуальної власності та Шведське патентне і реєстраційне відомство або Шведське відомство інтелектуальної власності на англійській мові. Розглядається їх підпорядкованість та фінансування. Встановлюється, що лише Угорське відомство інтелектуальної власності знаходиться на самоокупності. Результатом є виключно нагляд з боку Міністра культури та інновацій. Нагляд – це пасивна дія і, відповідно, умовна, бо всі взаємовідносини між цим міністром та відомством відбуваються у вигляді констатації факту.

Для кожного органу проаналізовані завдання, повноваження передбачені у національному законодавстві. У Державному відомстві інтелектуальної власності Республіки Хорватія був проведений порівняльно-правовий аналіз завдань, закріплених за певними організаційними підрозділами. Були виявлені як позитивні аспекти (наприклад, подвійна перевірка), так і негативні (наприклад, наділення деяких організаційних підрозділів даного органу непримітними для них завданнями; повноваження давного органу знаходяться у різних нормативно-правовим актах та непредставлені у вигляді єдиного переліку).

В Угорському відомстві інтелектуальної власності також були проаналізовані завдання, закріплені за його організаційними підрозділами. Результатом стало виявлення, що декілька організаційних підрозділів такого органу спеціалізуються на охороні інтелектуальної власності в юридичному аспекті. На думку автора, необхідно провести реорганізацію вказаних підрозділів та закріплених за ними завдань. Проте, авторські рекомендації відсутні у дослідженні, бо Угорське відомство інтелектуальної власності знаходиться на самоокупності.

Законодавство Королівства Швеції знаходиться на етапі становлення в напрямку, що аналізується, бо сформована нова модель правового статусу, де відсутні права, завдання, а в наявності лише повноваження. Виявити переваги та недоліки такої нової моделі не є можливим, на думку автора, бо відсутня достовірна та повна статистична інформація на сайті Євростату.

Автор пропонує Республіці Хорватії та Угорщині перейняти досвід Королівства Швеції щодо нової моделі правового статусу.

Ключові слова: підрозділ, уряд, правовий статус, повноваження, завдання.

SINGLE AUTHORIZED STATE AUTHORITY FOR THE INTELLECTUAL PROPERTY PROTECTION IN THE REPUBLIC OF CROATIA, HUNGARY AND THE KINGDOM OF SWEDEN: LEGAL ASPECT

Abstract. Intellectual property protection is one of the phenomena that requires increased attention in the legal direction. Imperfect legislation leads to the complete absence or low indicators of innovation activity in every country, including the EU. In several EU countries (for example, the Republic of Croatia, Hungary and the Kingdom of Sweden) only one authority has been authorized to deal with such issues.

In each of these EU countries an analysis of the national legislative framework is carried out, which determines the legal status of the authority: the State Intellectual Property Office of the Republic of Croatia, the Hungarian Intellectual Property Office and the Swedish Patent and Registration Office or the Swedish Intellectual Property Office in English. Their subordination and financing are examined. It is established that only the Hungarian Intellectual Property Office is self-financing. The result is exclusively supervision by the Minister of Culture and Innovation. Supervision is a passive action and, accordingly, conditional, because all relations between this minister and the authority take the form of stating facts.

Tasks and powers provided for each authority in national legislation are analyzed. A comparative legal analysis of the tasks assigned to certain organisational divisions was conducted at the State Intellectual Property Office of the Republic of Croatia. Both positive (for example, double checking) and negative aspects (for example, assigning tasks that are not inherent to certain organisational divisions of this authority; the powers of the authority are in various legal acts and aren't presented in the form of a single list) were identified.

The tasks assigned to its organisational divisions were also analyzed in the Hungarian Intellectual Property Office. The result was that several organisational divisions of this authority specialize in the legal protection of intellectual property. In the author's opinion, it is necessary to reorganize these divisions and their assigned

tasks. However, the author's recommendations aren't included in the study, as the Hungarian Intellectual Property Office is self-financing.

The legislation of the Kingdom of Sweden is in the process of formation in the analyzed direction, as a new model of legal status has been formed, where there are no rights or tasks, and only powers. It is not possible to identify the advantages and disadvantages of the new model, in the author's opinion, because there is no reliable and complete statistical information on the Eurostat website.

The author suggests that the Republic of Croatia and Hungary adopt the experience of the Kingdom of Sweden regarding the new model of legal status.

Keywords: a division, government, a legal status, powers, tasks.

Date submitted by author: 09.01.2026

Date accepted after review: 22.01.2026

Date of publication: 24.01.2026

Cite this article: Gubina, G. (2025). Single authorized state authority for the intellectual property protection in the Republic of Croatia, Hungary and the Kingdom of Sweden: legal aspect. *Law and innovative society*, 2 (25), 120-131. [https://doi.org/10.37772/2309-9275-2025-2\(25\)-10](https://doi.org/10.37772/2309-9275-2025-2(25)-10).