

NOTICE TO BUSINESS ENTITIES REGARDING THE USE OF THE WORD "POST" AND THE MARK OF THE PUBLIC ENTERPRISE "POST OF SERBIA", BELGRADE

In accordance with the provisions of Article 20 of the Law on Postal Services ("Official Gazette of the RS", number 77/19), the right to use the name or the word "post" in any language or script, in the name or business operations, exclusively belongs to the Public Enterprise "Post of Serbia", Belgrade, as a public postal operator.

The mark of the Public Enterprise "Post of Serbia", Belgrade, is protected by a trademark with the authority responsible for the protection of intellectual property, with the right of priority as of May 17, 2002, under the number Ž-201-597 (48467) and this public enterprise, as the holder of that trademark, in accordance with Article 49 of the Law on Trademarks ("Official Gazette of the RS", No. 6/20), has the exclusive right to prohibit other entities from placing the trademark on the goods, their packaging or means for marking the goods, offering the goods, placing it into circulation or its storage for those purposes, or offering or performing services under a trademark, using a trademark in business documentation or in advertising, as well as the right to sue for infringement of rights, in the sense of Article 90, paragraph 1 of that law, based on unauthorized use of the trademark by any traffic participant.

Illegal use of the word "post" and the mark of the Public Enterprise "Post of Serbia", Belgrade, when the aim is to create a wrong impression in the public regarding the quality of services provided by this public enterprise, is a misleading business practice, in the sense of Article 18, paragraph 1, point 2) of the Law on Consumer Protection ("Official Gazette of the RS", number 88/21).

Such illegal action, in accordance with the provisions of Article 41, paragraph 1, items 1) and 2) of the Law on Trade ("Official Gazette of the RS", number 52/19), also represents unfair market competition (disloyal competition).

When the advertising message of another business entity contains the word "mail" or in any other way the statements from the advertising message are linked to this enterprise, it undoubtedly constitutes misleading advertising in the sense of Article 11 of the Law on Advertising ("Official Gazette of the RS", Nos. 6/16 and 52/19 - other laws).

Unauthorized use of someone else's business name and other special marks for goods or services is also a criminal offense under Article 238 of the Criminal Code ("Official Gazette of the RS", Nos. 85/05, 88/05 (correction), 107/05 (correction), 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19).

The aforementioned illegal behaviour, which is also contrary to good business practice, by creating a wrong impression in the public regarding the quality of the services provided by this enterprise, causes damage not only to this enterprise, but also to users of postal services, who are misled by such behaviour. The Public Enterprise "Post of Serbia", Belgrade, will, in the event of such illegal behaviour by other business entities, undertake all available legal actions in proceedings before the competent authorities, in order to protect its rights and interests.

PE Post of Serbia, Belgrade