



## ANNEX C1: Twinning Fiche

**Project Title:** Strengthening the Protection and the Enforcement of Intellectual Property Rights

**Beneficiary Administration:** General Directorate of Industrial Property (GDIP), Ministry of Culture (MoC) and State Inspectorate of Market Surveillance(SIMS)

**Twining Reference:** AL 17 IPA FI 01 20

**Publication notice reference:** Prospect reference code: 168694

**EU funded project**

***TWINNING INSTRUMENT***

## Abbreviations

|             |   |
|-------------|---|
| <b>GDIP</b> | General Directorate of Industrial Property of Albania |
| <b>SIMS</b> | State Inspectorate of Market Surveillance             |
| <b>IPR</b>  | Intellectual Property Rights                          |
| <b>EU</b>   | European Union  |
| <b>IP</b>   | Industrial Property                                   |
| <b>MoC</b>  | Ministry of Culture                                   |
| <b>SAA</b>  | Stabilization/Associational Agreement                 |
| <b>CD</b>   | Copyright Directorate                                 |
| <b>DCM</b>  | Decision of Council of Ministers                      |
| <b>MFE</b>  | Ministry of Finance and Economy                       |
| <b>DPT</b>  | Directorate of Patent and Trademark                   |
| <b>RTA</b>  | Resident Twinning Advisor                             |
| <b>EUD</b>  | European Union Delegation                             |
| <b>MS</b>   | Member State  |
| <b>BC</b>   | Beneficiary Country                                   |
| <b>CFCU</b> | Central Financing and Contracting Unit                |
| <b>PL</b>   | Project Leader  |

## **1. Basic Information**

### **1.1 Program**

IPA 2017 Action Program for Albania (Indirect Management with ex-ante control) 040-209.01/AL/EU Integration Facility

*For UK applicants: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>1</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014<sup>2</sup>, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom. Those persons and goods are therefore eligible under this call.*

### **1.2 Twinning Sector**

Finance, Internal market and economic criteria (FI)

### **1.3 EU funded budget: 350,000 EUR**

## **2. Objectives**

### **2.1 Overall Objective(s):**

To support the Republic of Albania in aligning the standard of protection and enforcement of Intellectual Property Rights with EU Best Practices in order to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance.

### **2.2 Specific objective:**

The project aims at providing support to the General Directorate of Industrial Property (GDIP), Ministry of Culture (MoC) and State Inspectorate of Market Surveillance (SIMS) mainly in the following areas:

- To increase their skills to support the full harmonization of the Albanian legislation with the relevant EU rules in the area of intellectual property law and policy;

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<sup>1</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

<sup>2</sup> Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

- To introduce applied model of management of IP in European level and for planning and conducting activities in order to promote and to raise awareness through the public on IP issues, and capacity building actions in order to prepare accession negotiations and to address the recommendations set in the Progress Report on Albania by the European Commission, particularly chapter 7- Intellectual Property.
- To assist the SIMS in amending or creating an industrial property bylaw, to limit the problems encountered in the inspections in the internal market.
- To assist the SIMS in drafting the amendments of legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and separation between infringement of industrial property rights and counterfeiting of goods;
- To assist in drafting specific provisions clarifying the administrative procedure and criminal procedure.

## **2.2 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans**

This Project will directly contribute to the objectives mentioned in the following strategic and/or programming documents:

- *Revised Indicative Strategy Paper for Albania for the period 2014-2020 (adopted on the 3.08.2018)* sets out the priorities for EU financial assistance for the period 2014-2020 to support Albania on its path to EU accession.
- *National Plan for European Integration 2016-2020* sets that Albania has made progress in terms of intellectual property rights. The GDIP, MoC and SIMS have made progress in the Intellectual Property field, aligning the legislation with the EU directives in the field. Tools have been used to increase the culture of intellectual property rights, with the goal of raising the awareness of actors in the intellectual property rights and principles. The institutions have continued the process of the approximation of legislation with the Union *acquis*, aiming at a comprehensive legal framework for industrial property, process that will follow even in the future.

According to the latest EU Progress Report issued in 29.5.2019, Albania has some level of preparation/is moderately prepared on intellectual property rights.

Some progress was made during the reporting period, in particular, with the legislative alignment with the Union *acquis* in the area of industrial property rights as well as in improving the functioning of collective management agencies. Recommendations from the previous year were partially met and remain valid.

In the coming year, Albania should in particular:

- intensify the efforts to align its legislation on copyright and neighboring rights with the Union *acquis*;
- Further improve the functioning of collective management agencies and the payment of royalties to right holders. The legal framework of the Republic of Albania provides protection of intellectual property that is broadly approximated to the Union *acquis*, fulfilling one of the commitments of article 73 of the Stabilization/Associational Agreement(SAA) and Chapter 7 of the National Plan for European Integration “The rights of intellectual property”.

**The European Partnership document** points out the need to continue strengthening the relevant Internal Market authorities, fully aligning domestic legislation with the Union *acquis* and SAA requirements and ensure its enforcement by all relevant authorities. It explicitly mentions the need to guarantee sufficient administrative capacity to comply with SAA requirements in the area of intellectual and industrial property.

In that regard, **Article 39 of the Interim agreement (SAA article 73)** sets that Albania shall take all the necessary measures in order to guarantee, no later than four years after the date of entry into force of this Agreement, a level of protection of intellectual, industrial and commercial property rights similar to that existing in the EU, including effective means of enforcing such rights.

### **3. Description**

#### **3.1 Background and justification:**

The General Directorate of Industrial Property of Albania (GDIP), Ministry of Culture (MoC) and the State Inspectorate of Market Surveillance (SIMS) through this project aims to enforce a functional system for Intellectual Property Rights (IPR) protection aligned with Union *acquis* and all applicable EU standards and procedures. Furthermore, it aims at finding the right mechanisms for the protection of these rights at the same level as in EU Member states.

The GDIP, MoC and SIMS have made progress in the Intellectual Property field, aligning the legislation with the EU directives in the field. Tools have been used to increase the culture of intellectual property rights, with the goal of raising the awareness of actors in the intellectual property rights and principles. The institutions have continued the process of the approximation of legislation with the Union *acquis*, aiming at a comprehensive legal framework for industrial property, process that will follow even in the future.

As regard to industrial property field the EU progress report for Albania for 2019 has no recommendations or needs to be addressed. However, the need remains to enforce

intellectual property rights in Albania and strengthen the administrative capacities of the enforcement bodies in our country. Through the assistance of this project the beneficiary institutions plan to draft specific action plans for raising awareness campaigns across the others districts of Albania, and not focusing only in Tirana and big cities. Raising general awareness about the implications of counterfeiting and piracy is important. Distribution of counterfeited products does not only have implications on the national economy via loos of jobs and revenues to the State it also poses a threat to the consumer who might unknowingly purchase low quality products which could pose danger to health and safety. Therefore, efforts should be made to address this to the general public.

This project also aims at addressing some crucial findings of the EU Progress Report for Albania for 2019 as follows:

- Alignment of the legislation on copyright and neighboring rights with the Union acquis;
- Further improvement of the functioning of collective management agencies and the payment of royalties to right holders.

Dictated by the challenges faced in practice, SMSI aims through this project to create appropriate legal conditions for respecting and protection of industrial property rights in Albania and as well to find the proper mechanism to monitor the IP market.

### **3.2 Ongoing reforms**

- **Harmonization of the Intellectual Property legal framework with the EU Directives**

Amendments and revision to the industrial property law will be done in order to improve the technical procedures as regards to the objects of IP and to be fully in compliance with the EU directives.

Amendment the revision in Copyright and Related Rights will be done in order to improve the legislative framework as regards to the objects of IP and to be fully in compliance with the EU directives.

The law 35/2016 is aligned with 9 EU directives. This law is fully aligned with: - Directive 2006/116 / EC of the European Parliament and the Council, dated December 12, 2006, "On the term of protection of copyright and certain related rights" amended ",

. - Directive 2004/48 / EC of the European Parliament and the Council of 29 April 2004 "On enforcement of intellectual property rights",

- Directive 2001/29 / EC of the European Parliament and Council dated May 22, 2001, "On the harmonization of certain aspects of copyright and related rights in the information society",

- Directive 2001/84 / EC of the European Parliament and the Council, dated September 27, 2001, "On the resale right for the benefit of the author of an original work of art",
- Directive 96/9 / EC of the European Parliament and Council dated March 11, 1996, "On the legal protection of databases",
- Directive 2009/24 / EC of the European Parliament and the Council of 23 April 2009 "On legal protection of computer programs",
- Directive 2006/115 / EC of the European Parliament and the Council, dated December 12, 2006, "On the right of the lease and the right to credit and on certain rights related to copyright in the field of intellectual property".

And this law is also partially aligned with:

- Council Directive 93/83 / EEC of 27 September 1993, "On the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission",
- Directive 2014/26 / EU of the European Parliament and the Council, dated February 26, 2014, "On the collective management of copyright and related rights and licensing multi - territorial rights in musical works for online use in domestic market",

The Ministry of Culture is currently working to harmonize the Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 “On certain permitted uses of orphan works”. This directive is going to be harmonized partially because some articles of the Directive can be enforced only the EU member Countries. Currently, the draft law amending law No 35/2016 “On Copyright and related rights”, by harmonizing the Orphan Works Directive is in the phase of public consultancy.

Also, in 2020, The Ministry of Culture within 2020 has planned to harmonize two other Directives:

- Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights.
- Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society.

Semiconductors Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products (OJ L 024 27.01.1987 p. 36), is fully in compliance with the Law No. 8488 of 13 May 1999 “*On the Protection of Topographies of Semi-conductors*”, amended by Law 9957 dated 17.07.2008 and Law 66/2014.

As for the directive "Conditional Access Directive 98/84/EC", it is not harmonized by the Ministry of Culture since it was not part of the EU Copyright legislation to be implemented/aligned by Albania (according to the explanatory screening meeting for chapter 7 held on February 2019 in Brussels).

Enforcement is carried out within a clear legal framework, which should be detailed enough to provide legal certainty. The Industrial Property Sector have prepared a proposal draft to amendment of the Law "On Industrial Property", addressing the lack of regulation for the inspection procedures concerning the industrial market. In this context of necessity for legislative measures, the document has been submitted to the Ministry of Finance and Economy.

- **Strengthening the IP training center near to GDIP**

The IP Training Centre, which is part of the structure and organization of the GDIP, organizes activities, courses, trainings and seminars in the IP field. Informing the public about documents and other information that is found in the GDIP is done according to the provisions of this law.

The GDIP is in the role of coordinator of Chapter 7 "Intellectual Property" and in collaboration with MFE has organized meetings every month to discuss about the problematic, the achievement and the fulfillment of the objectives foreseen in the NPIE. Inter - Institutional cooperation is strengthened year by year. The cooperation among the Albanian institutions involved in the IP system and the implementation of the action plan provided in the National IP Strategy 2016-2020 is a priority in IP institutions policies. In this framework GDIP trained specialists in Directorate of State Police and State Market Surveillance Inspectorate for the respective field.

Inter-institutional meetings have been organized with the purpose to establish association and cooperation's aiming the identification of individuals and entities with creative potential and providing guidance on how to register and protect their IP objects.

The **ongoing trainings** for the enforcement authorities in order to improve the monitoring and respecting of these rights in Republic of Albania are an utmost requirement. These kind of trainings should be organized by the IP training Centre.

### **3.3 Linked activities**

**IPA 2009** - GDIP has been the beneficiary institution financed by IPA 2009: National Program for Albania Project Fiche N°13 "Capacity building for the GDPT - Developing the Industrial Property Rights System in Albania". The key target institution was the Directorate

of Patent and Trademark (DPT).

The project lasted 2 years. The headline objectives were to strengthen the technical capacity and case handling skills, to improve the enforcement capabilities, to raise the IP awareness.

The GDPT was one of beneficiary Offices of “CARDS 2002 Regional Industrial and Intellectual Property Rights”, implemented by the EPO in cooperation with the Office for Harmonization in the Internal Market, between July 2003 and November 2006. This project consisted of a series of general awareness seminars, to which civil servants from all IPR authorities (protection and enforcement) could participate and benefit from a general basic knowledge on IPR.

### **3.4 List of applicable *Union acquis*/standards/norms**

On 25 March 2017 entered into force the new law no. 17/2017 “On some additions and amendments to law No. 9947 dated 07.07.2008 "On Industrial Property”, as amended, which was approved by the Albanian Parliament on 16 February 2017.

The law 9947, “On Industrial Property” is approximated with the EU directives.

- Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trademarks;
- Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trademarks;
- Directive 2015/2436 / EC, dt.16.12.2015 "On the harmonization of the legal basis of member countries about trademarks";
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 “On the enforcement of intellectual property rights”. The changes that relate to this directive on the execution of the rights deriving from patents, marks, designs or geographical indications are centered on a single chapter at the end of the law.
- These provisions have been approximated with the provisions of the TRIPS Agreement.
- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, CELEX number: 31998L0044, Official Journal of the European Union, series L, no. 213, dated 30.7.1998, pp. 13-21.
- Council Regulation (EEC) no. 1768/92 of 18 June 1992 concerning the creation of a supplementary certificate for the protection of medical products;
- Regulation (EC) no. 1610/96 of the European Parliament and Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products.
- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs.

### **3.5 Components and results per component**

#### **Result 1 - Component 1: Legal framework and normative acts (secondary acts) in the intellectual property field improved.**

The main sub-results under this component are:

- Revision of the Law no. 35/2016 “On Copyright and related rights”, amended in line with EU legislation conducted;
- Revision of the legal framework of copyright for the better functioning of the collective management organization system conducted;
- Amendments of legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and the legal qualification between infringement of industrial property rights and counterfeiting of goods prepared;
- Manuals on the procedures on patents, trademarks and industrial design followed by GDIP, based on the European best practices prepared;
- Normative acts (secondary legal normative acts) on intellectual property (regulations and guidelines) drafted.

#### **Result 2 - Component 2: Administrative capacities of the General Directorate of Industrial Property (GDIP), Copyright Directorate (CD) and the State Market Surveillance Inspectorate (SMSI) strengthened.**

The main sub-results under this component are:

- Increased administrative capacities in line with the best practices and the recent methodologies used by EU Intellectual Property member states authorities, applicable to the Albanian IP cases on IP matters;
- Increased professional skills in the areas of copyright and related rights, patents, trademarks, industrial designs, and geographical indications during the inspections in the internal IP market.
- Increased capacities on theoretical and professional aspects related with IP matters for GDIP and CD.

#### **Result 3 - Component 3: Cooperation and coordination with State institutions and other stakeholders on the IP fields and raising awareness campaigns to the new generation enforced**

The main sub-results under this component are:

- Analyses of the effects of the recommendations of the IP Institutions and establishment of the right mechanisms conducted;
- Ministerial Network against IPR crime established;

- Increased IP awareness including understanding of the role of collective rights management in certain fields, in business environment, chambers of commerce, consumer associations, legal firms and administration in central/local level as well with the universities and schools;
- Increased awareness of Local Chambers of Commerce in different districts of Albania;
- Increased cooperation with the court system regarding IP cases in Albania and especially with the Magistrate School;
- Increased capacities of judges on IP legal framework and cases;
- Improved capacity of relevant public institutions in handling intellectual property issues;
- Increased IP culture in different regions in Albania;
- Better functioning of the collective rights management and better cooperation from users.

### **3.6 Means/Input from the EU Member State Partner Administration:**

Proposals submitted by Member State shall be concise and focussed on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and clearly show the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory results/outputs.

The Twinning Partners shall ensure that EU funded Twinning project has high and consistent level of visibility. Minimum two visibility events will be organized during implementation, namely a Kick-off meeting at project commencement and a Final event at the end of the implementation period, to wrap-up work done.

Compliance will be ensured with the provisions of the document ‘Communication and Visibility in EU-financed external actions’, available at [https://ec.europa.eu/europeaid/sites/devco/files/communication-visibility-requirements-2018\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/communication-visibility-requirements-2018_en.pdf).

The project is envisaged to provide exchange of experience and know-how with a MS Institution with good practice in the required area.

The implementation of the project requires a Project Leader who will be responsible for the overall coordination of the project activities. The Project Leader is expected to closely work with the Resident Twinning Advisor (RTA) and the short-term experts as well as with the counterpart of the Beneficiary Institution.

### **3.6.1 Profile and tasks of the Project Leader**

- University Degree in Economics and/or Law/similar discipline relevant to the project or equivalent professional experience of 8 years in public administration,
- Be a national of a Member State of the European Union;
- Proven contractual relation to a public administration or mandated body;
- At least 3 years working experience in activities linked to the scope of this project (EU IP area);
- Managerial experience will be considered an asset;
- Previous experience in project management with similar nature will be considered as asset;
- Excellent computer and English skills (oral and written);

#### **Tasks:**

- Overall project co-ordination and monitoring;
- Provide strategic advice on high level regarding reforms supported by the Twinning;
- Monitor and steer the project implementation, including coordination and direction of the MS TW partner, and develop corrective measures if and when needed;
- Supervision of the implementation of the project in coordination with the Albanian Project Leader counterpart;
- Mobilizing short-term experts;
- Communicate with the beneficiary and EUD;
- Closely work with the RTA and the short term experts;
- Executing administrative issues (i.e. signing reports, side letters etc.);
- Guarantee from the MS administration side, the successful implementation of the project;
- Ensure the backstopping functions and financial management;
- Participate in quarterly meetings of the Project Steering Committee with the BC PL;
- Participate in preparation of the initial and subsequent work plans;
- Participate in preparation of interim and final reports,
- Undertaking all activities specified in the project and achieving the mandatory results.

### **3.6.2 Profile and tasks of the RTA**

This project requires a Resident Twinning Advisor (RTA) as well as short term experts to implement the project.

The RTA will work on a day-to-day basis in the GDIP of Albania and support the co-ordination of different actions. RTA should be familiar with the legislative procedures both in the GDIP of EU Member States and European Institutions as well as with the methods and techniques of legal harmonization.

The Resident Twinning Advisor will have a key role in the coordination of inputs required for successful implementation of the project activities. He/she shall be supported by short – term experts from the European Union Member State(s).

**Profile:**

- University Degree in Economics and/or Law/similar discipline relevant to the project or equivalent professional experience of 8 years in public administration,
- Be fully conversant with relevant EU legislation in the area concerned with proven knowledge of conceptual / systemic issues and practical experience from an executive position;
- Must have at least three years of experience in activities related to the implementation of the Union acquis in the area covered by the Twinning project fiche (EU IP area);
- Excellent public speaking, presentation and communication skills;
- Excellent computer proficiency;
- Excellent oral and written English communication skills.

The RTA will be located within the premises of the GDIP and for 12 months' period will be responsible for the following key activities:

**Tasks:**

- Daily supervision, monitoring and on-site coordination of the implementation of all activities that fall within the Twinning project, including proposing and implementing corrective measures if and when needed;
- Provide technical advice and assistance to the administration or other public sector bodies in the Beneficiary Country (BC) in the context of a predetermined work-plan;
- Developing and maintaining a close and permanent professional relationship with the leadership and staff of the beneficiary institution; Keep the Beneficiary PL informed about the implementation and reports regularly to the Member State PL;
- Coordination of the activities of the team members in line with the agreed work programs to enable timely completion of project outputs;
- Preparation of projects progress reports;
- Permanent contact with the beneficiary RTA Counterpart;
- Liaison with CFCU and EU Task Manager;
- Liaison with other relevant projects;
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan; Ensure timely and correct implementation of the activities as outlined in the initial and subsequent work plans;
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of side letters;
- Maintaining a close and permanent professional relationship with the Project Leader (reporting);
- Together with the Project Leader, to nominate, mobilize and supervise the Short-Term experts.

**3.6.3 Profile and tasks of Component Leaders:**

Component leaders will ensure the implementation of the project components and plan the agreed activities in a timely manner with high quality. They report to the RTA and liaise with the RTA counterpart.

### **Component Leader 1, 2 and 3**

#### **Profile:**

- University Degree in Law, Economic / Social or Communication Sciences or equivalent professional experience of 8 years in public administration
- At least 3 years of professional experience in EU IP area;
- Excellent English skills (oral and written);
- Excellent computer skills.

#### **Tasks:**

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Preparing and conducting training program;
- Elaborating and presenting the proposals on the area of the project components.

### **3.6.4 Profile and tasks of the short-term experts**

Short-term experts will provide support to the Beneficiary administration and shall assist the PL and the RTA in delivering the activities within the project. Tasks for short-term expert(s) will be elaborated by Project Leader/RTA and the beneficiary counterpart at the work plan preparation stage.

#### **Profile:**

- University Degree in Law, Economics or similar discipline relevant to the project or equivalent professional experience of 8 years in public administration
- At least 3 years of professional experience in EU IP area;
- Excellent English skills (oral and written);
- Excellent computer skills.

#### **Tasks:**

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Preparing and conducting training program;
- Elaborating and presenting the proposals on the area of the project components.

## **4. Budget**

The budget for the project is EUR 350,000 which will be covered by IPA contribution, in line with the Twinning Manual.

## **5. Implementation Arrangements**

5.1 Implementing Agency responsible for tendering, contracting and accounting.

General Directorate for Financing and Contracting of EU, World Bank and Other Donor Funds / Central Finance and Contracting Unit (CFCU) in the Ministry of Finance and Economy, "Dëshmorët e Kombit" Blvd. No.3, Tirana – Albania

Mrs Veronika Korkaj, Director General

Email: [veronika.korkaj@financa.gov.al](mailto:veronika.korkaj@financa.gov.al);

### **Delegation of the European Union to Albania**

Mr Enzo Damiani, Project Manager at the EU Delegation

## **5.2 Institutional framework**

GDIP is a budgetary public institution under the supervision of the Ministry of Finance and Economy, and acts as an Autonomous Agency according to Articles 10 and 20 of Law No 90/2010, “On the organization and functioning of public administration”

The change of the administrative structure of GDIP from a budgetary public institution into an institution with its own funding, with a view of strengthening administrative and financial capacities, as an essential element of accomplishing its mission, was a recommendation given by European Commission and also a recommendation of World Intellectual Property Organization (WIPO)’s experts who assisted the drafting of national strategy of intellectual property 2016-2020.

GDIP offers services to users all over the country about industrial property issues, increasing the awareness about the importance of the industrial property system, through organization of seminars, publishing information, distribution of leaflets and materials related to IP items.

The official webpage of the GDIP is [www.dppm.gov.al](http://www.dppm.gov.al), which contain the necessary information to all the objects of IP and as well the national and international legislation in the field. In our webpage you can also find the module on IP – e-learning module for all the interested parties in Albanian language, as a good opportunity for the students and business community. The last annual report 2017 is uploaded in the link ([www.dppm.gov.al/annual report](http://www.dppm.gov.al/annual-report))

With the new structure the number of staff has increased to **39 employees** and currently GDIP is in process of recruiting new employees.

The leading organs of the General Directorate of Industrial Property are the **Supervisory Council and the Director General**.

The competence of GDIP is exercised by **the Supervisory Council**.

**The Director General** directs the activity of this directorate and follows the fulfillment of the provisions provided in this law and regulations issued in implementation of it.

**The IP Academy**, which is part of the structure and organisation of the GDIP, organises activities, courses, trainings and seminars in the IP field.

Copyright Directorate (CD) is structure established in the Ministry of Culture and is a directorate dedicated to policies and with a wide range of competences to increase professionalism and more effective cooperation in giving a specialized opinion and much more efficient in its cooperation with the inspectorate and the public in cases of infringement of rights. The CD has competences to supervise the CMO and cooperate with other actors and the tax organs. The hierarchical competence within the Ministry of Culture is clearly oriented toward public awareness of the property rights of creator and educational campaigns and public education activities. The new curriculum will be implemented in middle schools applying the new law, giving knowledge to the new generation about the new potentials of a digital economy. The CD has a new conceptualization, more efficient and giving more results, for the implementation of this law.

The change of the administrative structure from Albania Copyright Office to the Copyright Directorate within the Ministry of Culture was made to have a better enforcement of copyright in collaboration with other actors/institutions.

The CD offers the voluntary system of registration of copyright, guaranteeing in the same time, the general principle of the Bern Convention, which is protection without formalities, Authors of copyright and related rights can apply to register their work, voluntarily, for the categories mentioned in the law 35/2016 “On copyright and related rights”.

Voluntary registration of works in the register of the Albanian Copyright Office has legal power, until the contrary is proved by the court.

The official webpage of the MoC is [www.kultura.gov.al](http://www.kultura.gov.al) and [www.dda.gov.al](http://www.dda.gov.al), which contain the necessary information to all the objects of copyright and as well the national and international legislation in the field.

Ministry of Culture is a first level budgetary public institution that according to law no. 35/2016 “On Copyright and related rights” is responsible for developing the copyright in the Republic of Albania. In this framework, the Directorate of Copyright is part of the organogram of the Ministry of Culture. It consists of 6 civil-servants.

The State Market Surveillance Inspectorate (SMSI) established by DCM no.36 dated 20.01.2016 "On the establishment, organization and functioning of SMSI ", is comprised of 3 directorates, one of which is the Directorate of Industrial and Intellectual Property. This directorate is divided in the sector of copyright and the sector of industrial property. In total the Directorate has a personnel of 14 inspectors, two head of sectors and one Director. The Intellectual Property Directory is responsible for guaranteeing and protecting intellectual property rights according to the legislation in force. With the establishment of the SMSI, a separate sector has been created which has the responsibility of protecting the consumer, as well as the rights of the owners of industrial property titles through market monitoring as

well as complaints of right holders.

### **5.3 Counterparts in the Beneficiary administration:**

#### **5.3.1 Contact person**

Sonila Meka, Head of Coordination, Analyses and Reporting Sector  
General Directorate of Industrial Property  
Bulevardi “Zhan D’Ark”, Prona nr.33, Shtëpia e Ushtarakëve, Tirana, Albania  
[www.dppm.gov.al](http://www.dppm.gov.al)

#### **5.3.2 Project Leader counterpart**

Ledina Beqiraj, General Director of General Directorate of Industrial Property  
Bulevardi “Zhan D’Ark”, Prona nr.33, Shtëpia e Ushtarakëve, Tirana, Albania  
[www.dppm.gov.al](http://www.dppm.gov.al)

#### **5.3.3 The Resident Twinning Advisor counterpart:**

Maria Solis, Director of Coordination, Promotion, Training and Analysis Directorate  
General Directorate of Industrial Property  
Bulevardi “Zhan D’Ark”, Prona nr.33, Shtëpia e Ushtarakëve, Tirana, Albania  
[www.dppm.gov.al](http://www.dppm.gov.al)

### **6. Duration of the project**

Duration of the implementation period:12 months. The execution period will end 3 months after the implementation period of the Action (work plan), which will take 12 months.

### **7. Management and reporting<sup>3</sup>**

#### **7.1 Language**

The official language of the project is the one used as contract language under the instrument (English / French). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

#### **7.2 Project Steering Committee**

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalizing the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

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<sup>3</sup> Sections 7.1-7.3 are to be kept without changes in all Twinning fiches.

### **7.3 Reporting**

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

### **8. Sustainability**

The successful implementation of the project will further improve the regulatory and oversight functions of the Industrial Property in general and in the EU-related issues in particular. The successful implementation of the project will bring a more efficient and qualitative approximation of Albanian legislation to the Union *acquis*, strengthen the administrative capacities of all institutions involved.

The sustainability of this project's results will be ensured by the continuation of the reforms and efforts to further strengthen the capacities of GDIP, CD and SMSI for more efficient approximation of domestic legislation to EU law and improved oversight functions.

### **9. Crosscutting issues** (*equal opportunity, environment, etc.*)

Equal access in compliance with the constitutional principal of equality will be guaranteed for participation in this project. The selection of the training participants in this twinning program will be made on non-discriminatory criteria regarding men, women, and administration staff. The project has no evident effect on the environment.

### **10. Conditionality and sequencing**

#### **10.1 Conditionality**

A key condition for the implementation of the Twinning Project is the full support of the GDIP staff to the execution of this twinning project.

Additional conditionality includes:

- Co-operation and transparency among all partners and stakeholders involved in the implementation of the project.
- Full commitment of both the IP institutions and the twinning counterpart to mobilize all appropriate human and financial resources for a successful implementation of the project.

The Beneficiary furthermore shall:

- Support the RTA with office accommodation, trainings rooms and logistical assistance, for details;
- Ensure that appropriate staff is made available to work with the EU twinning partner(s). Counterparts for each of the objectives will be appointed to facilitate the implementation of the respective activities of the twinning project;

- Be responsible for providing the EU experts with legislation and any other documents necessary for the implementation of the project;
- Ensure that staff trained under this project is encouraged to increase its capacity according to the tasks specified in the job description and to its promotion based on the merit. In this context a data base of what training was provided to which person should be maintained by the implementing partner for future monitoring;
- Provide all possible assistance to solve any unforeseen problem that the EU twinning partner(s) may face.

Equally, the Twinning team, as led by the Twinning Resident Adviser must ensure full collaboration with the counterparts of the institution. Communications should be open and consistent. The Twinning team must carry out activities in the interest of the institution, and maintain its involvement at all stages of activities.

## **10.2 Sequencing**

Keys milestones will be:

- Successful selection of a Twinning partner;
- Signature of the Twinning contract, including the Twinning Work Plan, where the sequencing of the activities will be defined jointly with the agreement of the beneficiary institutions;
- Start of the twinning partnership (inter alia, the arrival in the country of the Resident Twinning Advisor);
- End of the implementation period;
- Submission of the final report.

## **11. Indicators for performance measurement**

### **Result 1 - Component 1: Legal framework and normative acts (secondary acts) in the intellectual property field improved.**

The main indicators under this component are:

- Revision of the Law no. 35/2016 “On Copyright and related rights”, amended in line with EU legislation;
- Revision of the legal framework of copyright for the better functioning of the collective management organization system;
- Number of amended legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and the legal qualification between infringement of industrial property rights and counterfeiting of goods;
- Number of manuals on the procedures on patents, trademarks and industrial design followed by GDIP, based on the European best practices;
- Number of normative acts (secondary legal normative acts) on intellectual property (regulations and guidelines).

**Result 2 - Component 2: Administrative capacities of the General Directorate of Industrial Property (GDIP), Copyright Directorate (CD) and the State Market Surveillance Inspectorate (SMSI) strengthened.**

The main indicators under this component are:

- Approximately 50 employees trained in line with the best practices and the recent methodologies used by EU Intellectual Property member states authorities, applicable to the Albanian IP cases on IP matters;;
- Number of tailor made trainings to increase administrative capacities of SMSI in the relevant area of competence for approximately 25 employees;
- Approximately 50 employees trained in the copyright and related rights, patents, trademarks, industrial designs, and geographical indications during the inspections in the internal IP market;;
- Approximately 65 employees trained from GDIP, SMSI and CD;
- Approximately 50 employees trained on theoretical and professional aspects related with IP matters for GDIP and CD;;
- One study visit organized in the homologue IP office for the enforcement of IP rights and on strategies on awareness on IP issues composed by 6 or 8 employees.

**Result 3 - Component 3: Cooperation and coordination with State institutions and other stakeholders on the IP fields and raising awareness campaigns to the new generation enforced**

The main indicators under this component are:

- Analyses conducted of the effects of the recommendations of the IP Institutions and establishment of the right mechanisms;
- Number of necessary meetings, workshops and trainings (around 5 or 6 workshops/trainings) between IP institutions, regulatory bodies, such GDIP, CD, SMSI, Customs, Magistrate School, Authority of Media Audiovisual, National Agency for Scientific Research and Information, Chambers of commerce, Ministry of Education, Sports and Youth, Education, State police and Collective management organizations, The Electronic and Postal Communications Authority on the IP matters;
- Number of training programs for enforcement authorities; International corporation and capacity building outside EU;
- Number of awareness raising activities in business environment, chambers of commerce, consumer associations, legal firms and administration in central/local level as well with the universities and schools; (approximately 10 activities with universities and schools and 2 national workshop with the listed bodies above)

- Approximately 10 workshops with Local Chambers of Commerce in different districts of Albania, not only in the capital, Approximately 4 national trainings with judges on IP legal framework and cases. .

## **12. Facilities available**

The General Directorate of Industrial Property will be available and take measures for hosting the RTA and his/her assistant/s including meeting rooms, offices, hard and software equipment's, security arrangements and facilities for training, seminars and conferences.

## **ANNEXES TOPROJECTFICHE**

1. The Simplified Logical framework matrix as per Annex C1a;
2. List of relevant Laws and Regulations.

**ANNEX 1: Simplified Logical Framework**

|                          | <b>Description</b>  | <b>Indicators (with relevant baseline and target data)</b> | <b>Sources of verification</b>   | <b>Risks</b> | <b>Assumptions (external to project)</b>  |
|--------------------------|---|--|--|--------------|---|
| <b>Overall Objective</b> | To support the Republic of Albania in aligning the standard of protection and enforcement of Intellectual Property Rights with EU Best Practice in order to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance. |  | <p>EU Progress Report for Albania</p> <p>Reports from relevant institutions (Market inspection Sector)</p> |              | <p>Adequate human and financial resources available.</p> <ul style="list-style-type: none"> <li>• Commitment of the parties involved and good cooperation among interrelated institutions and project teams.</li> <li>• Adequate cooperation among competent national, regional and local institutions.</li> <li>• Active participation of all stakeholders involved in the project implementation.</li> <li>• Adequate human and financial resources available.</li> <li>• Commitment of the parties involved and good cooperation among interrelated institutions and project teams.</li> </ul> |

|   | <b>Description</b>   | <b>Indicators (with relevant baseline and target data)</b> | <b>Sources of verification</b>  | <b>Risks</b> | <b>Assumptions (external to project)</b>  |
|---|--|--|---|--------------|---|
| <b>Specific (Project) Objective (s)</b> | <p>The project aims at providing support to the abovementioned institutions mainly in the following areas:</p> <ul style="list-style-type: none"> <li>- To increase their skills to support the full harmonization of the Albanian legislation with the relevant EU rules in the area of intellectual property law and policy;</li> <li>- To introduce applied model of management of IP in European level and for planning and conducting activities in order to promote and to raise awareness through the public on IP issues, and capacity building actions in order to prepare accession negotiations and to address the recommendations set in the Progress Report on Albania by the European Commission, particularly chapter 7 - Intellectual Property.</li> <li>- To assist the SIMS in amending or creating an industrial property bylaw, to limit the problems encountered in the inspections in the internal market.</li> <li>- To assist the SIMS in drafting the amendments of legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and separation between infringement of industrial property rights and counterfeiting of goods;</li> <li>- To assist in drafting specific provisions clarifying the administrative procedure and criminal procedure.</li> </ul> |  | <p>EU Progress Reports for Albania</p> <p>Reports from relevant institutions (Market inspection Sector)</p> |              | <ul style="list-style-type: none"> <li>• Adequate human and financial resources available.</li> <li>• Commitment of the parties involved and good cooperation among interrelated institutions and project teams.</li> <li>• Adequate cooperation among competent national, regional and local institutions.</li> <li>• Active participation of all stakeholders involved in the project implementation.</li> <li>• Availability of BC experts to participate in trainings</li> <li>• Legislative framework in place.</li> </ul> |

|  | Description  | Indicators (with relevant baseline and target data)  | Sources of verification        | Risks   | Assumptions (external to project)  |
|--|--|--|--------------------------------|---|--|
| <b>Mandatory results/outputs by components</b> | <p><b>Component 1: Legal framework and normative acts (secondary acts) in the intellectual property field improved.</b></p> <p><u>Result 1:</u> Revision of the Law no. 35/2016 “On Copyright and related rights”, amended in line with EU legislation conducted.</p> <p><u>Result 2:</u> Revision of the legal framework of copyright for the better functioning of the collective management organization system conducted.</p> <p><u>Result 3:</u> Amendments of legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and the legal qualification between infringement of industrial property rights and counterfeiting of goods prepared.</p> <p><u>Result 4:</u> Manuals on the procedures on patents, trademarks and industrial design followed by GDIP, based on the European best practices prepared.</p> <p><u>Result 5:</u> Normative acts (secondary legal normative acts) on intellectual property (regulations and guidelines) drafted.</p> | <p><b>Under component 1</b></p> <ul style="list-style-type: none"> <li>- Revision of the Law no. 35/2016 “On Copyright and related rights”, amended in line with EU legislation;</li> <li>- Revision of the legal framework of copyright for the better functioning of the collective management organization system;</li> <li>- Number of amended legal sub acts necessary for the implementation of the Industrial Property Law to reflect the legal definition and the legal qualification between infringement of industrial property rights and counterfeiting of goods;</li> <li>- Number of manuals on the procedures on patents, trademarks and industrial design followed by GDIP, based on the European best practices;</li> <li>- Number of normative acts (secondary legal normative acts) on intellectual property (regulations and guidelines).</li> </ul> | EU Progress Reports on Albania | Delays of the project implementation will cause the non-fulfillment of the result 1 | <p>Political commitment.</p> <p>-Full commitment of the twinning project partners (MS and BC).</p> <p>-Optimal collaboration and transparency between twinning partners (MS and BC teams).</p> <p>-Relevant training materials</p> |

|  | Description   | Indicators (with relevant baseline and target data)  | Sources of verification               | Risks   | Assumptions (external to project)                                    |
|--|---|--|---------------------------------------|---|--|
|  | <p><b>Component 2: Administrative capacities of the General Directorate of Industrial Property (GDIP), Copyright Directorate (CD) and the State Market Surveillance Inspectorate (SMSI) strengthened.</b></p> <p><u>Result 1:</u> Increased administrative capacities in line with the best practices and the recent methodologies used by EU Intellectual Property member states authorities, applicable to the Albanian IP cases on IP matters.</p> <p><u>Result 2:</u> Increased professional skills in the areas of copyright and related rights, patents, trademarks, industrial designs, and geographical indications during the inspections in the internal IP market.</p> <p><u>Result 3:</u> Increased capacities on theoretical and professional aspects related with IP matters for GDIP and CD.</p> | <p><b>Under component 2</b></p> <ul style="list-style-type: none"> <li>- Approximately 50 employees trained in line with the best practices and the recent methodologies used by EU Intellectual Property member states authorities, applicable to the Albanian IP cases on IP matters;;</li> <li>- Number of tailor made trainings to increase administrative capacities of SMSI in the relevant area of competence for approximately 25 employees;</li> <li>- Approximately 50 employees trained in the copyright and related rights, patents, trademarks, industrial designs, and geographical indications during the inspections in the internal IP market;;</li> <li>- Approximately 65 employees trained from GDIP, SMSI and CD;</li> <li>- Approximately 50 employees trained on theoretical and professional aspects related with IP matters for GDIP and CD;;</li> <li>- One study visit organized in the homologue IP office for the enforcement of IP rights and on strategies on awareness on IP issues composed by 6 or 8 employees.</li> </ul> | <p>EU Progress Reports on Albania</p> | <p>Lack of staff training might cause inefficient final reports and low decision making effectiveness</p> | <p>-Relevant training materials.</p> <p>Sustainability of staff.</p> |

|  | Description   | Indicators (with relevant baseline and target data)   | Sources of verification               | Risks  | Assumptions (external to project)  |
|--|---|---|---------------------------------------|--|--|
|  | <p><b>Component 3: Cooperation and coordination with State institutions and other stakeholders on the IP fields and raising awareness campaigns to the new generation enforced.</b></p> <p><u>Result 1:</u> Analyses of the effects of the recommendations of the IP Institutions and establishment of the right mechanisms conducted.</p> <p><u>Result 2:</u> Ministerial Network against IPR crime established.</p> <p><u>Result 3:</u> Increased IP awareness including understanding of the role of collective rights management in certain fields in business environment, chambers of commerce, consumer associations, legal firms and administration in central/local level as well with the universities and schools.</p> <p><u>Result 4:</u> Increased awareness of Local Chambers of Commerce in different districts of Albania.</p> <p><u>Result 5:</u> Increased cooperation with the court system regarding IP cases in Albania and especially with the Magistrate School.</p> <p><u>Result 6:</u> Increased capacities of judges on IP legal framework and cases.</p> | <p><b>Under component 3</b></p> <ul style="list-style-type: none"> <li>- Analyses conducted of the effects of the recommendations of the IP Institutions and establishment of the right mechanisms;</li> <li>- Number of necessary meetings, workshops and trainings (around 5 or 6 workshops/trainings) between IP institutions, regulatory bodies, such GDIP, CD, SMSI, Customs, Magistrate School, Authority of Media Audiovisual, National Agency for Scientific Research and Information, Chambers of commerce, Ministry of Education, Sports and Youth, Education, State police and Collective management organizations, The Electronic and Postal Communications Authority on the IP matters;</li> <li>- Number of training programs for enforcement authorities; International corporation and capacity building outside EU;</li> <li>- Number of awareness raising activities in business environment, chambers of commerce, consumer associations, legal firms and administration in central/local level as well with the universities and schools; (approximately 10 activities with universities and schools and 2 national workshop with the listed bodies above)</li> <li>- Approximately 10 workshops with Local Chambers of Commerce in different districts of Albania, not only in the capital;</li> </ul> | <p>EU Progress Reports on Albania</p> | <p>The non-fulfillment of the result 3, will take the GDIP of not implementing the fourth pillar of the Law 9947/2017, On Industrial Property.</p> | <p>Availability and good will of regulatory bodies to participate in meetings and workshops.</p> |

|  | <b>Description</b>  | <b>Indicators (with relevant baseline and target data)</b>  | <b>Sources of verification</b> | <b>Risks</b> | <b>Assumptions (external to project)</b> |
|--|---|---|--------------------------------|--------------|--|
|  | <p><u>Result 7:</u> Improved capacity of relevant public institutions in handling intellectual property issues.</p> <p><u>Result 8:</u> Increased IP culture in different regions in Albania.</p> <p><u>Result 9:</u> Better functioning of the collective rights management and better cooperation from users.</p> | <ul style="list-style-type: none"> <li>– Approximately 4 national trainings with judges on IP legal framework and cases.</li> </ul> |                                |              |  |

## **ANNEX 2: List of relevant Laws and Regulations**

### **Legislation on copyright**

Law no. 35/2016 “On Copyright and related rights”

### **Industrial Property legal framework**

- "The Industrial Property" Law, no. 9947, dated 07.07.2008, as amended.
- DCM no.1705, dated 29.12.2008 "On Approval of the Regulation for the Registration of Geographical Indications", as amended.
- DCM no.501, dated 29.08.2018 " On Approval of the Regulation for the experts of Industrial Property Objects".
- DCM no.883, dated 13.05.2009 " On Approval of the Regulation for the Registration of Industrial Property Objects".
- DCM no.317, dated 31.05.2018 " On Approval of the Regulation for the authorized Agents in the Industrial Property Directorate".
- DCM no.315, dated 31.05.2018 " On Approval of the Trademark Regulation".
- DCM no.270, dated 16.05.2018 " On Approval of the Regulation for the Registration of Industrial Designs", as amended.

- DCM no.1707, dated 29.12.2008 "On Approval of the Regulation for the Patent for Invention and Utility Models", as amended.
- "For the Protection of Topography and Integrated Districts" Law, no. 8488, dated 13.05.1999, as amended.

DCM no.752, dated 19.12.2018 "On Approval of the Regulation on the Organization, Functioning and determining the extent of the Remuneration of the Board of Appeal's members of Industrial Property Directorate". During the period October 2017- December 2018, **11 regulations** have been drafted from GDIP, for the implementation of Law no. 9947, dated 07/07/2008, "On Industrial Property" as amended, **8 of which have been approved by the Council of Ministers and 3 others** are expected to be approved in 2019, increasing in this way the efficiency of the procedures and the level of protection of rights deriving from IP, as below:

- DCM no. 270, dated 16.05.2018, "On approval of regulation on Registration of Industrial Designs"
- DCM no. 315, dated 31.05.2018, "On the approval of the Trademark Regulation";
- DCM no. 316, dated 31.05.2018 "For Some Additions and Amendments to Decision no.883, dated13.05.2009 to the Council of Ministers", "On the Approval of Tariffs for Registration of Industrial Property Objects";
- DCM no. 460 dated 26.07.2018"For some Additions and Amendments to Decision no.1707, dated 29.12.2008 to the Council of Ministers, "On Approval of the Regulation for the Patent for Invention and Utility Models".
- DCM no.317 dated 31.05.2018 "On the approval of the Regulation of Authorized Representatives of GDIP";
- DCM no.252 dated 09.05.2018 "To Determine the Extent of the Remuneration of the Members of the Supervisory Council of the General Directorate of Industrial Property".
- DCM no 501 dated 29.08.2018 "On the adoption of the Regulation of the GDIP Experts".
- DCM no.752, dated 19.12.2018 "On approval of the Regulation on the Organization and Functioning of the Board of Appeals of GDIP".

Moreover there are three regulations that are still expecting the approval by the Council of Ministers:

- Draft decision of CM "On approval of regulation on Registration of Geographical Indications and Designation of Origin";
- Draft decision of CM "On the adoption of the regulation on the procedures for the functioning of the Training Centre in the IP field".
- Draft Decision of CM "On creation of the state database on Industrial Property, Industrial Property Administration System".