LAW no. 53/2025

ON PATENTS, UTILITY MODELS AND SUPPLEMENTARY PROTECTION CERTIFICATES[1]

Pursuant to Articles 78 and 83, point 1 of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA
DECIDED:

PART I
GENERAL PROVISIONS

Article 1
Objectives

This Law has the following objectives:

a) to establish the rules, criteria and procedures for the registration of patents, utility models and supplementary protection certificates;

b) to establish the rights deriving from the registration of patents, utility models and supplementary protection certificates;

c) to establish the rules for the administration of the system and registers of patents, utility models and supplementary protection certificates.

Article 2
Purpose

The purpose of this Law is:

a) to afford due protection for inventions made by natural or legal persons, local or foreign ones, inside or outside the Republic of Albania;

b) to define and regulate the protection of patent rights for inventions, utility models and supplementary protection certificates.

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[1] This law is fully aligned with the following acts of the European Union as regards the part of the scope of application of the General Directorate of Industrial Property:

1. Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (OJ L 213, 30.7.1998).
2. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004).
3. Regulation (EC) no. 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems (OJ L 157, 9.6.2006 – hereinafter: Regulation (EC) no. 816/2006).
4. Regulation (EC) no. 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ L 152, 16.6.2009).
5. Regulation (EC) no. 2019/933 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products (OJ L 153, 11.6.2019).
6. Regulation (EC) no. 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products (OJ L 198, 8.8.1996).
7. Regulation (EC) no. 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) no. 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) no. 726/2004

Article 3

Implementation of law

This law applies:

1. In the entire territory of the Republic of Albania, which includes land space, the entirety of territorial and internal maritime waters, air space that extends over land space, and territorial and internal maritime waters, as well as any other place where the sovereignty of the Albanian state extends, such as the headquarters of Albanian diplomatic and consular missions, ships flying the flag of the Republic of Albania, ships of the navy, military or civil aviation aircraft, wherever they are located;

2. For inventions created or used abroad, in space, which are under the jurisdiction and control of the authorities of the Republic of Albania, in accordance with international law;

3. For natural and legal persons with Albanian citizenship, as well as for foreign persons coming from:

a. countries and territories, contracting parties to international conventions and treaties in the field of industrial property, to which the Republic of Albania is a party;
b. countries and territories, members of the World Trade Organization;
c. countries and territories to which the principle of reciprocity is applied in the field of industrial property.

Article 4

Definitions

In this Law, the following terms have the meanings ascribed below:

1. "International application" is an application filed in accordance with the procedures provided for in the PCT;
2. "European patent application" is an application for a European patent filed in accordance with the EPC;
3. "National patent application" is an application for a patent filed with the GDIP in accordance with the provisions of this Law;
4. "Board of Appeal" is the body that examines administrative appeals in accordance with this Law;
5. "Bulletin of the GDIP" or "bulletin" is the official periodical publication of the GDIP, where all data relating to patents for inventions, utility models, supplementary protection certificates, as well as all their related actions, as provided for in this Law and/or in its implementing acts, are published;
6. "GDIP" means the General Directorate of Industrial Property, which is the authority responsible for the registration of industrial property objects, as well as for the administration of their registers;
7. "Court" means the Court of First Instance of General Jurisdiction of Tirana or the Administrative Court of First Instance of Tirana, as the case may be;
8. "Individual" means any entity that is neither a natural person, nor a legal entity, as defined in point 25 of this Article;
9. "European Patent Convention" acceded to by Law no. 10 179, dated 29.10.2009 "On the accession of the Republic of Albania to the European Patent Convention", as amended, as well as the regulation for its implementation (hereinafter, the EPC);

10. "Paris Convention" means the Convention for the Protection of Industrial Property, adopted in Paris on March 20, 1883, with subsequent amendments, to which the Republic of Albania has acceded;
11. "Convention relating to international exhibitions" means the Convention on International Exhibitions and the Protocols thereto, signed in Paris on November 22, 1928, with all subsequent amendments, acceded to by Law no. 9899, dated 10.4.2008;
12. "Exclusive license" is a license under which the applicant or owner of a patent or the owner of a utility model (licensor) grants exclusively to another party (licensee) the right to use it in the manner authorized in the license;
13. "Non-exclusive license" is a license that does not deprive the applicant or owner of a patent or utility model (licensor) of the right to use or license the patent or utility model to other persons (licensees);
14. "Licensing" is an agreement through which the applicant or owner of the patent or utility model (licensor) authorizes another party (licensee) to perform any act or action in relation to the application for a patent, utility model, or in relation to the patent or utility model itself, under this Law;
15. "Compulsory license" is a license granted by the competent state authority under the conditions of an emergency situation, by which an entity or person is allowed to produce or use a patented product or process without the consent of the patent owner;
16. "TRIPS Agreement" is the Agreement on Trade-Related Aspects of Intellectual Property Rights, signed in Morocco on 15 April 1994, as an Annex to the Agreement Establishing the World Trade Organization and "Doha Declaration" of the TRIPS Agreement, adopted by the WTO Ministerial Conference in Doha on 14 November 2001, acceded to by Law no. 9950, dated 10.7.2008 "On the accession of the Republic of Albania to the amendments to TRIPS Agreement";
17. "Biological material" means any material that contains genetic information and is capable of reproducing itself or that can be reproduced by a biological system;
18. "Rights holder" means the owner or licensee of patents, utility models and supplementary protection certificates;
19. "Electronic means" is any means that enables the initial or subsequent delivery of information and its receipt by the intended recipient by electronic means or equipment for processing, elaboration, handling and storage of data, fully transmitted, conveyed or received by cables, radio waves, optical means and cables or other electromagnetic media, including the Internet;
20. "*Mutatis mutandis*" means "in the same way" or "equally";
21. "WTO" means the World Trade Organization;
22. "UN" means the United Nations;
23. "European patent" means a European patent granted by the EPO for a European patent application, in accordance with the procedure provided for in the EPC;
24. "National patent" means a patent granted by the GDIP for a national patent application, in accordance with the procedure contemplated in this law;
25. "Person" means any natural or legal person in the meaning of Civil Code and other national legislation;
26. The definitions, in the meaning of this Law, for compulsory licenses relating to the manufacture of pharmaceutical products for export to countries with public health problems, shall have the same meaning as the definitions in Regulation no. 816/2006 of the European Union.
27. "Microbiological process" means any process involving or carried out by microbiological material or resulting in microbiological material;

28. "Essentially biological process for the production of plants or animals" is a process that is an entirely natural phenomenon, such as crossing or selection.;
29. "Register" is the book where data on patents for inventions, utility models and supplementary protection certificates are officially recorded and collected, maintained by the GDIP, in accordance with this Law;
30. "Regulations" are the regulations on patents, utility models and supplementary protection certificates, approved by Decision of the Council of Ministers;
31. "Industrial Property Administration System, SAPI" is the electronic medium, including the database for the administration of industrial property by the GDIP;
32. Expressions used in this law in one gender shall equally include the masculine or feminine gender;
33. "Biotechnological invention" is an invention relating to a product that contains biological material or a process through which biological material is produced, processed or used.
34. "PTC" means the Patent Law Treaty, adopted in Geneva on 1 June 2000, including any subsequent amendments thereto, and the Regulations for the Implementation of the Patent Law, to which the Republic of Albania has acceded;
35. "Patent Cooperation Treaty" (hereinafter referred to as the PCT) means the treaty adopted in Washington on 19 June 1970, including any subsequent amendments thereto, and the Regulations for its Implementation, to which the Republic of Albania has acceded;
36. "Budapest Treaty" means the treaty on the international recognition of the deposit of micro-organisms for the purposes of patent procedure of 28 April 1977, with all its revisions, acceded to by Law no. 9031, dated 20.3.2003 "On the accession of the Republic of Albania to the Budapest Treaty on the international recognition of the deposit of micro-organisms for the purposes of patent procedure.";
37. "Paris Union" is the entirety of contracting states that are members of Paris Convention;
38. "Plant variety" is any plant grouping within a single botanical classification of the lowest level of classification, a grouping that can:
    a) be defined by the manifestation of characteristics resulting from a given genotype or combination of genotypes;
    b) be distinguishable from another plant grouping by the manifestation of at least one of the aforementioned characteristics; and that it may;
    c) be considered as a grouping due to its ability to reproduce in an unalterable manner, according to the relevant law on plant planting and propagating material;
39. "EPO" means the European Patent Office;
40. "Designated Office" means the national office of a State, which is designated by an applicant in accordance with the procedures provided for in the PCT;
41. "Elected Office" means the national office of a State, which is chosen by an applicant in accordance with the procedures provided for in the PCT;
42. "Residential Office" means the GDIP, the EPO or the International Bureau of the World Intellectual Property Organization, depending on the choice of the applicant, in accordance with the procedures provided for in the PCT.

PART II
OBJECT OF PROTECTION OF THE INVENTION

Article 5

Patentable inventions

1. A patent shall be granted for an invention, in all fields of technology, when the invention meets all of the following conditions:
   a) it is new;
   b) it involves an inventive step; and
   c) it is industrially applicable.
2. The following shall not constitute inventions for the purposes of this Law:
   a) discoveries, scientific theories and mathematical methods;
   b) aesthetic creations;
   c) rules, instructions and methods for performing mental operations, for playing games or
   d) for doing business;
   ç) presentation of information; and
   e) computer programs.
3. The objects of point 2 of this Article are excluded from patentability to the extent that the patent application or the patent relates to these objects themselves.
4. The object of an invention protected by a patent may be a product or a process.

Article 6

Biotechnological Inventions

1. A biotechnological invention is also patentable if it meets the requirements set out in Article 5 of this Law and if it relates to:
   a) a product consisting of or containing biological material;
   b) a process by which biological material is produced, processed or used;
   c) a biological material isolated from its natural environment or produced by a technical process, even where this process has previously occurred in nature; or
   ç) a microbiological or other technical process or a product obtained by such a process, except in the case of obtaining a plant or animal variety.
5. An invention relating to plants or animals shall be considered patentable if the technical feasibility of the invention is not limited to a single plant or animal variety.
6. An element obtained or isolated from the human body or otherwise produced by a technical process, which includes a sequence or a partial sequence of a gene, may constitute a patentable invention, even when its structure is identical to the structure of the natural element. The industrial application of the sequence or partial sequence of the gene shall be indicated in the patent application.

Article 7

Exceptions to patentability

The following subjects are not protected by patent:

1. Plant varieties and animal breeds.
2. Essentially biological processes for the production of plants or animals, as well as plants or animals obtained exclusively from such processes, with the exception of inventions relating to

microbiological processes, to other technical processes or to the products resulting from such processes.

3. Inventions relating to diagnostic or surgical methods, or to methods of treatment, which are practiced directly on the human or animal body, with the exception of the products, in particular the substances or components used in such methods.
4. Inventions, the commercial exploitation of which would be contrary to public order or morality, public health or human life, in particular:

   a) processes for the cloning of human beings;

   b) processes for the modification of genetic identity of the germ line of human beings;

   c) the use of human embryos for industrial or commercial purposes;

   ç) processes for modifying the genetic identity of animals, which may cause animals suffering, without any essential medical benefit to humans or animals, as well as animals resulting from such processes.

Article 8

Human body and its elements

1. Inventions relating to the human body at various stages of its formation and development, as well as the mere discovery of one of its elements, including a sequence or a partial sequence of a gene, shall not be patentable.
2. An invention relating to an element isolated from the human body or otherwise produced by a technical process, including a sequence or a partial sequence of a gene, may constitute a patentable invention, even when the structure of the isolated element is identical to that of the natural element.
3. The industrial applicability of a sequence or a partial sequence of a gene shall be indicated in the patent application.

Article 9

Innovation

1. An invention is considered novel when it is not part of a prior art.
2. Prior art includes everything that has been made known to the public anywhere in the world, by description, verbally or in writing, through use or otherwise, before the date of filing the patent application.
3. Prior art also includes the content of all patent applications filed or valid in the Republic of Albania, the filing date of which is earlier than the date specified in point 2 of this Article, and which have been made public only on the date of filing the patent application or after that date.
4. The provisions made in points 2 and 3 of this Article do not exclude the possibility of patent protection of a substance or composition included in the prior art for use in the methods provided for in point 3 of Article 7 of this Law, provided that its use for such a method is not included in the prior art.
5. The provisions made in points 2 and 3 of this Article do not exclude the possibility of patent protection of a substance or composition, provided for in point 4 of this Article, for any specific use in the methods defined in point 3 of Article 7 of this Law, provided that this use is not included in the prior art.

Article 10

Non-infringement of the invention by its disclosure

1. An invention shall be considered new, in the meaning of Article 9 of this Law, if the invention is made public, as part of a prior art, not earlier than 6 (six) months before the date of filing the patent application, when the public disclosure of the invention occurs:
   a) as a result of an obvious abuse by an individual or person against the patent applicant or his legal predecessor; or
   b) due to its exhibition by the patent applicant or his legal predecessor at an official international exhibition or one officially recognized under the Convention on International Exhibitions, provided that the patent application specifies, at the time of its filing, that the invention has been exhibited, by filing a certificate of such exhibition no later than 4 (four) months from the date of filing the application.
2. The certificate specified in letter "b" of point 1 of this Article shall contain data on the person who exhibited the invention, title of the invention, date of opening of the exhibition. If the invention was made public after this date, the date of first public disclosure of the invention and the confirming verification by a responsible authority.

Article 11

Inventive step

1. An invention involves an inventive step when, even if the prior art were taken into account, the invention would not be readily understandable to a person skilled in the art/achievement.
2. When determining whether an invention involves an inventive step, the content of claims set out in paragraph 3 of Article 9 of this Law shall not be taken into account.

Article 12

Applicability in industry

An invention is industrially applicable when its object can be produced or used in any type of industry, including agriculture.

PART III
THE RIGHT TO PROTECT AN INVENTION

Article 13

Persons entitled to protection

1. The right to a patent belongs to the inventor or his legal successor.
2. If the invention was made jointly by two or more inventors, the right to a patent belongs to the inventors jointly or their legal successors. Joint applicants have equal rights among themselves, except in cases where, by agreement, they agree otherwise.
3. Foreign persons enjoy the same rights as established in this law for persons with Albanian citizenship, when it derives from international treaties to which the Republic of Albania is a party, or from the application of the principle of reciprocity.
4. Persons claiming reciprocity shall submit documents or evidence in relation thereto.

Article 14

Inventor

1. Inventor is the individual who has made an invention during his creative work.
2. A person who has contributed to the making of an invention, by providing only technical assistance, is not considered to be an inventor.
3. The inventor has the right to have his name mentioned in the patent application in all documents issued or published by the GDIP in relation to them, as well as in the relevant registers.
4. Legal substitute of the inventor is any individual or person who has the right to obtain a patent based on law, a legal contract or inheritance.

Article 15

Inventions made during the employment relationship

1) An invention made during the employment relationship belongs to the employer, who acquires the right to the patent, unless otherwise provided for in an agreement between him and the employee.
2) An invention is considered to have been made during the employment relationship, in the meaning of paragraph 1 of this Article, when it results from work done by the employee in the exercise of his normal duties, or from inventive activity carried out, according to the employer's instructions, as well as using the employer's resources.
3) If the employment contract between the employer and the inventor does not provide for any specific remuneration for inventions made during the employment relationship, the inventor is entitled to a fair and reasonable remuneration.
4) Fair and reasonable remuneration, according to point 3 of this Article, means a financial reward or its equivalent in kind, the amount and form of which is decided between the parties, taking into account:
   a) the efforts and skills that the employee has devoted to the creation of the invention, including, but not limited to, the share of the employee's contribution to the invention in relation to the other inventors, if the invention was created jointly by two or more inventors;
   b) the resources that the employer has devoted or is expected to devote to the development, patenting and exploitation of the invention, including, but not limited to the provision of facilities, materials and commercial or management skills; and
   c) the economic value of the invention, including, but not limited to the economic benefits that arise or are expected to derive for the employer from the exploitation of the invention.
5) In the event of a conflict or dispute between the employer and the employee regarding the amount or form of remuneration provided for in point 3 of this Article, each party has the right to address the court in accordance with the legislation in force.

Article 16

Representation in the GDIP

1. Persons who do not have their residence, their place of business or a branch or representative office in the Republic of Albania, may be represented in the GDIP only through authorized representatives for patents, utility models or supplementary protection certificates certified and registered as such by the GDIP.
2. Persons who have their residence, their place of business or a branch or representative office in the Republic of Albania may be represented in the GDIP themselves or through authorized

representatives for patents, utility models or supplementary protection certificates certified and registered as such by the GDIP.

3. Persons may authorize one or more authorized representatives for patents, utility models or supplementary protection certificates to perform one or all of the actions in the GDIP. The representation fees for each representative are determined in the authorization of representation, which is filed with the GDIP in each case.
4. The applicant or owner of a patent, utility model or supplementary protection certificate may change his representative in the register by filing an application, which contains the authorization of representation for the new representative and the payment of the relevant fee.
5. Authorized representatives for patents, utility models or supplementary protection certificates certified and registered as such by the GDIP may be removed from the register and the list of authorized representatives at their request or upon the initiative of the GDIP when they can no longer exercise this activity.
6. Any change in the status and data of the authorized representative shall be registered in the register and published in the GDIP bulletin.
7. An invention for processes or products, which are subject of licensing under Law no. 87/2024 "On the regulation of the production, trade, research and development of weapons, ammunition, equipment and military technologies" is patentable when it meets the requirements set out in Article 5 of this Law.
8. For the inventions set out in point 7 of this Article, prior to registration, approval is required from the Defence Industry Agency to ensure that national security is not compromised.
9. The general principles of representation, the procedures and conditions for the certification of authorized representatives for patents, utility models, as well as other rules regarding representation in the GDIP are determined by a Decision of the Council of Ministers for authorized representatives.

PART IV
PROCEDURES FOR THE PROTECTION OF INVENTIONS

CHAPTER I
GENERAL PROCEDURAL PROVISIONS

Article 17
Responsible Authority

The GDIP is the authority responsible for granting and registering patents for inventions, utility models and supplementary protection certificates, and for administering and maintaining their registers.

Article 18
Fees

The procedures carried out under this law by the GDIP are subject to the payment of certain fees, which are approved by Decision of the Council of Ministers.

Article 19
Register of industrial property objects for patents, utility models and supplementary protection certificates

1. The GDIP, in the state database for the industrial property administration system, maintains and administers the register of industrial property objects for patents, utility models and supplementary protection certificates.

2. The register of industrial property objects for patents, utility models, and supplementary protection certificates is public. Anyone has the right to be introduced to the file on the content of data recorded in this register, under the conditions provided for in Articles 24 and 25 of this Law.
3. At the request of any interested party and against payment of the relevant fee, the GDIP issues the requested extract from the relevant register.
4. The content of data of the register of industrial property objects and the procedure for issuing the requested extract from this register are determined in the regulation on the issuance of patents for inventions, utility models, and supplementary protection certificates, which is approved by Decision of the Council of Ministers.
5. The regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers, after coordination with the Defence Industry Agency, sets out special rules and procedures for processes and products that are subject to licensing, according to Law no. 87/2024 "On the regulation of the production, trade, research and development of weapons, ammunition, military equipment and technologies".

Article 20

Industrial Property Register of patents

1. Patent applications shall be made public after their publication. The patent register shall contain the following data:

   a) Primary Data:

      i. application number;

      ii. date of filing of the application;

      iii. title of the invention;

      iv. class indication according to the International Patent Classification (IPC);

      v. information that the inventor does not wish to be mentioned in the application;

      vi. information on the right of priority as defined in Article 43 of this Law (number and date of filing of the first application and the State or international or intergovernmental organization in which or for which the application was filed);

      vii. information on exhibition at an international exhibition/fair, in accordance with letter "b" of point 1 of Article 10 of this Law, if the invention has been exhibited;

      viii. number and date of the initial application, as well as the numbers of all divisional applications when the patent application is divided;

      ix. information on an international application, if filed: the number and date of filing of an international application, as well as the number and date of an international publication;

      x. the number and date of the European patent application, where the conversion provided for in Article 138 of this Law is the case;

      xi. the date of publication of the application and the Bulletin number;

      xii. the date of subsequent publication of an investigation report and the Bulletin number, where applicable;

      xiii. the factual status of the patent;

      xiv. the number of the patent;

      xv. the date and number of the Bulletin, where the publication of the grant of the patent is noted;

      xvi. the number and date of the decision to grant the patent;

xvii. information on the European patent, the number and date of the application for validity of the European patent, the number and international date of publication of the European patent and the number, date and language of publication of the European patent;

xviii. information on the payment of the patent renewal fee;

xix. information on the cessation of effects of the rights under a patent application or a patent: legal basis and date of cessation and measure of cessation, in the case of a partial cessation due to surrender or administrative conflict;

xx. information on an application for the declaration of invalidity of a patent;

xxi. information on changes in relation to the transfer of rights, licence, rights in rem, enforcement, bankruptcy and other data relevant to the legal status of an application/patent; and

xxii. information on the supplementary protection certificate: application number, filing date, certificate holder, certificate number.

b) Secondary Data:

i. name and address of the applicant or patent holder;

ii. name and address of the inventor;

iii. name and address of the representative;

iv. information on changes in relation to the applicant or patent holder, such as change of name, address, representative etc.

2. The manner of keeping and administering primary and secondary data in relation to patents shall be approved by Decision of the Council of Ministers.

Article 21

Industrial Property Register of utility models

1. Utility model applications shall be made public after their publication. The utility model register shall contain the following data:

a) Primary Data:

i. application number;

ii. date of filing of the application;

iii. title of the invention;

iv. classification indicator according to the International Patent Classification (IPC);

v. information that the inventor does not wish to be mentioned in the application;

vi. information on the right of priority specified in Article 43 of this Law (number and date of filing of the first application and the State or international or intergovernmental organization in which or for which the application was filed);

vii. number and date of the initial application, as well as the numbers of all divisional applications in the event of division of a patent application;

viii. information on exhibition at an international exhibition/fair, in accordance with letter "b" of point 1 of Article 10 of the Law, if the invention has been exhibited;

ix. information on an international application, if filed: number and date of filing of an international application and number and date of an international publication;

x. number and date of an application for a European patent, in the case of a conversion, defined in Article 138 of this Law;

xi. factual status of the utility model;

xii. number of the utility model;

xiii. date of publication of the application and number of the GDIP bulletin, where data on the application are given;

xiv. number and date of the decision on registration of a utility model;

xv. information on payment of the fee for renewal of the utility model;

xvi. information on the termination of effects of a utility model: legal basis, date of termination and extent of termination;

xvii. information regarding an application for a declaration of invalidity: filing date, applicant, type and date of decision; and

xviii. information on changes regarding the transfer of rights, license, real rights (*in rem*), execution, bankruptcy and other data relevant to the legal status of a patent or utility model application.

b) Secondary Data:

i. name and address of the applicant or utility model holder;

ii. name and address of the inventor;

iii. name and address of the representative;

iv. information on changes regarding the applicant or holder of the utility model (change of name, address, representative etc.)

2) The manner of maintaining and administering primary and secondary data regarding utility models is approved by Decision of the Council of Ministers.

Article 22

Industrial Property Register of supplementary protection certificates

1. The industrial property register of supplementary protection certificates for medicinal products and plant protection products contains the following data:

a) Primary Data:

i. number of the application for the granting of the supplementary protection certificate;

ii. date of filing of the application for the granting of the supplementary protection certificate;

iii. name of the product for which the granting of the supplementary protection certificate has been applied for (chemical or generic name);

iv. number and date of filing of the application for the basic patent and the title of invention;

v. number and date of the authorization to place the product on the market and the name of the product identified in that authorization, as described in letters "b" and "c" of point 1 of Article 78 of this Law;

vi. information on the extension of the supplementary protection certificate;

vii. number of the supplementary protection certificate;

viii. the date of the decision to grant the supplementary protection certificate and, where applicable, the decision to extend the term of the supplementary protection certificate;

ix. the duration of the supplementary protection certificate;

x. information on the payment of the fee for the renewal of the supplementary protection certificate;

xi. the factual status of the supplementary protection certificate;

xii. information on the procedure relating to the request for the declaration of invalidity of the supplementary protection certificate: date of filing, applicant, type and date of the decision.

xiii. information on changes relating to the transfer of rights, license, real rights (in rem), execution, bankruptcy and other relevant data relating to the legal status of the supplementary protection certificate.

b) Secondary Data:

i. name and address of the applicant;

ii. name and address of the representative;

iii. name and address of the holder of the supplementary protection certificate;

iv. information on changes regarding the applicant or holder of the supplementary protection certificate (change of name, address, representative, etc.).

2. The manner of maintaining and administering primary and secondary data regarding supplementary protection certificates is approved by Decision of the Council of Ministers.

Article 23

Publication of information in the bulletin

1. The data and information specified in this Law and in its implementing by-laws, as well as other official data and information, shall be published in the Bulletin.
2. In cases where classified information is subject of processes regulated by this Law, the patent shall be treated in accordance with the legislation in force on classified information.
3. The Bulletin shall be published electronically on the official website of the GDIP.

Article 24

Recognition and information about files

1. Anyone has the right to inspect their files and documents relating to patents, utility models and supplementary protection certificates.
2. Inspection of files for applications not yet published in the Bulletin shall not be carried out without the written consent of the applicant.
3. For an application not yet published in the Bulletin, anyone has the right to request the GDIP to be informed only of:
   a) the application number;
   b) the date of filing of the application;
   c) the number, date and state or authority in which the first application was filed, when priority is claimed;
   ç) data on the applicant; and
   d) the title of invention.
4. When, during the proceedings before the GDIP, anyone submits documents containing trade secrets and confidential information, at the request of the person, the GDIP shall take measures for their protection.
5. The GDIP, before providing access to files or documents containing trade secrets and confidential information, warns the persons who have requested access to the files of their obligation to maintain and preserve the confidentiality of trade secrets and confidential information, and requests them, for that purpose, to sign a declaration on maintenance of confidentiality.

Article 25

Information services

1. Upon request of any individual or person, against payment of the relevant fee, the GDIP shall issue copies of published patent applications, patents, utility models and supplementary protection certificates.
2. Based on requests and against payment of the relevant fee, the GDIP shall provide and offer information services for the data it possesses, as provided for in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.
3. The procedure and manner of providing copies of documents and information services shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 26

Corrections of obvious errors and inaccuracies

1. At the request of the applicant, the right holder or upon the initiative of the GDIP itself (ex officio), the GDIP shall correct manifest errors and inaccuracies in its documents, registers or bulletin.
2. The request for correction of an error or inaccuracy, pursuant to point 1 of this Article, shall be submitted through a form containing:
   a) the number of the application or right to which the application refers;
   b) the name of the applicant;
   c) the error or inaccuracy to be corrected or clarified;
   ç) the data to be clarified or corrected;
   d) the representative and the authorization of representation, if the application is filed by a representative;
   dh) confirmation of payment.
3. The correction or clarification shall be recorded in the register and published in the bulletin.
4. When the error or inaccuracy has been made by the GDIP, the correction or clarification shall be registered free of charge.
5. Detailed information on the request for correction and on the publication of corrections or inaccuracies shall be specified in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 27

Reinstatement in time-limit

1. When, despite all due care, the applicant or right holder fails to perform an action during the procedure at the GDIP within the time limit set out in this Law and when the failure to perform such action results in the direct loss of rights in relation to a request or a granted or registered right, the GDIP shall reinstate the action only if the applicant or right holder meets the following requirements:
   a) files a request for reinstatement in time-limit and performs all actions that he or she had not performed
   b) within the time limit set out in point 2 of this Article;

c) presents and indicates the facts that prevented him or her from performing the action within the specified time limit; and

d) pays the relevant fee.

2. The request for reinstatement shall be filed within the time limit, which expires earlier than the following time limits:

a) 2 (two) months from the date of elimination of the cause that prevented the performance of the action; or

b) 12 (twelve) months from the date of expiry of the time limit, which has not been observed.

3. If the request is relating to the non-payment of the patent renewal fee, the time limit is in any case 12 (twelve) months from the date of expiry of the additional period for patent renewal, according to point 5 of Article 89 of this Law.

4. When a request for reinstatement is accepted, the GDIP takes the decision on reinstatement, returning the procedure to the state it was in before the failure to perform the action, and revokes the consequences resulting from the loss of time limit.

5. Reinstatement is not allowed for:

a) filing a request to be reinstated in time-limit regarding the possibility of filing a request,

b) according to point 1 of this Article;

c) filing a request for deferral or extension of a time limit;

ç) filing of the request for the grant, restoration, correction or addition of the right of priority;

d) filing of the request for the grant of a supplementary protection certificate or the extension of its term;

e) filing of the request for further examination;

f) filing of the request for the registration of the European patent in the patent register and

g) the submission of the documentation specified in point 2 of Article 134 of this Law; or

h) all actions performed and rights exercised during the proceedings before the GDIP.

6. Anyone who has exploited or used in good faith the invention or has made effective and serious preparations for the exploitation or use of the invention, which is subject of a published patent application, has the right, during the period between the loss of the right specified in point 1 of this Article and the publication in the bulletin of the decision on the acceptance of the request for reinstatement, to continue such exploitation or use, without the right to compensation for damages, solely for the purposes of his business and the related needs.

7. Detailed information and procedures regarding the request for reinstatement are set out in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 28

Further examination

1. If the applicant or the right holder fails to perform an action during the proceedings before the GDIP within the specified time limit and, as a direct consequence thereof, the applicant or the right holder loses his rights, the GDIP shall allow further examination only when the applicant or the right holder:

a) files a request for further examination and performs the uncompleted action within the time limit

b) specified in point 2 of this Article; and

c) pays the relevant fee.

2. The request for further examination may be filed by the applicant or the right holder within 2 (two) months from the date of receipt of the notification from the GDIP of the loss of the time limit for performing the action and the legal consequences arising therefrom.
3. When the unperformed action is not performed within the time limit specified in point 2 of this Article, the GDIP shall reject the request for further examination by decision.
4. If the request and the conditions provided for in points 1 and 2 of this Article are fulfilled by the applicant or the holder of rights, the consequences provided for in point 1 of this Article shall be deemed not to have had any effects.
5. Filing a request for further examination shall be prohibited, when the failure to comply is relating to the deadline set:
   a) for filing the request for exercising the request provided for in point 1 of this Article, after the right to file a request under this point has been lost;
   b) for filing a request for granting, restoring, correcting or adding to the priority right;
   c) for filing a request for reinstatement in the time-limit for exercising the rights;
   ç) for paying the fees for maintaining the rights valid;
   d) for filing a request for granting a supplementary protection certificate or extending its term; or
   dh) for all actions performed and rights exercised in the course of proceedings before the GDIP.
6. Any person who in good faith has used or made true, real and serious (genuine) preparations for the use of invention, which is subject of a published request, in the period between the loss of the right specified in point 1 of this Article and the publication of the information on the approval of the request for further examination, has the right to continue this use, without the right to compensation for damages, only for the purposes of his business and the needs related thereto.
7. The content of information for further examination to be published in the GDIP bulletin is determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 29

Change of name and address

1. The registration of name or address changes shall be made by decision of the GDIP, when the applicant or patent holder meets the following requirements:
   a) files the request for name or address change;
   b) files the document proving the requested change;
   c) files the authorization of representation, when the request is submitted by a representative;
   ç) files the document demonstrating that the relevant fee has been paid.
2. The registration in a single request of several requests for name or address changes, according to point 1 of this Article, shall be made by decision of the GDIP only when the applicant or right holder indicates in the single request the numbers of all requests for name or address change and pays the relevant fee for each of the requests.
3. When the applicant or the right holder does not meet the requirements for the registration of a change of name or address under this Article, the GDIP shall send the applicant a notice to remedy the deficiencies or deficiencies within 2 (two) months from the date of receipt of the notice.
4. Upon request of the applicant or the right holder, the deadline set out in point 3 of this Article shall be extended by the GDIP by up to 1 (one) month.

5. If the deficiency or flaw is not remedied within the specified period, the GDIP shall decide to reject the application.
6. When the requirements provided for in this Article are met, the GDIP shall record the requested change in the register and publish it in the bulletin.
7. The provisions of this Article shall apply equally to the change of name and address of the representative and to any changes relating to the address for correspondence.
8. The form, content and structure of the request provided for in point 1 of this Article, as well as the information to be published in the bulletin, are determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

CHAPTER II
PROCEDURE FOR PROTECTION OF THE INVENTION

Article 30
Filing a patent application

1. The procedure for the protection of an invention begins upon filing of a patent application with the GDIP.
2. Details on the manner and technical requirements for filing a patent application are set out in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 31

Single invention

1. A single patent application shall be filed for each invention.
2. A single patent application may be filed for several inventions only when these inventions are connected in such a way that they form a single inventive concept.

Article 32
Content of the patent application

1. The patent application shall contain:
   a) the request for the grant of a patent;
   b) a description of the invention;
   c) one or more claims;
   ç) any drawings referred to in the description of the invention or in the claims, where necessary;
   d) the abstract of invention.
2. The content and manner of preparation of each element of the application, as well as the necessary documents attached to the application, shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 33
Application for granting a patent

1. The application for granting a patent shall contain:
   a) a clear indication of why granting a patent is requested;

b) the title of invention, which clearly and concisely indicates the essence of invention;

c) information about the applicant;

ç) information about the inventor; or

d) a statement by the inventor, when he does not wish his name to be mentioned in the application.

2. The inventor's written statement that he does not wish his name to be mentioned in the application, shall be filed with the GDIP within 3 (three) months from the date of filing the application.

3. The GDIP does not verify the authenticity of data provided in the application for granting a patent.

Article 34

Description of the Invention

1. The description of invention shall be sufficiently clear and precise, and disclose and specify the information required to enable the invention to be carried out by a person skilled in the art/achievement.

2. The description of invention shall contain in particular:

a) the technical field to which the invention relates;

b) the technical problem, the solution of which is sought to be protected by a patent;

c) the prior art;

ç) the disclosure of invention;

d) a presentation, a brief description of drawings, if any;

dh) a detailed description of at least one mode of carrying out the invention; and

e) the manner in which the invention is applicable in industry.

3. If the invention involves the use of a potential biological material or is relating to such material, which is not available to the public and which cannot be made public in the application in the manner specified in point 1 of this Article, the invention shall be considered to have been made public in a clear and precise manner, when the following requirements are met:

a) a sample of this material has been deposited with the institution responsible for the deposit of microorganisms no later than the date of filing the patent application;

b) the patent application contains all information known to the applicant on the potential biological material deposited; and

c) the patent application contains the name of an institution authorized for the deposit of microorganisms and the registration number of the biological material.

4. The information specified in point 3 of this Article shall be filed within 16 (sixteen) months from the date of filing the patent application or from the earliest priority date, if priority is claimed, but not beyond the deadline within which the technical preparations for publishing the application in the bulletin were made.

5. If the patent application contains the disclosure of one or more nucleotide or amino acid sequences, the description of the claims shall contain a list of these sequences.

6. The list of sequences specified in point 5 of this Article, which is filed after the date of filing the patent application, shall not form part of the description of the invention.

Article 35
Drawings

2. Drawings are a set of figures, which represent a supplementary addition to the technical description of the invention, with the aim of making clear and understandable the presentation of all technical elements of the invention, which are essential for its realization.
3. Drawings are not mandatory.

Article 36
Claims

1. The claims define the subject matter for which protection of the invention is sought.
2. The claims must be clear, concise and fully supported by the description of invention.
3. The claims are independent and dependent.
4. Independent claims contain the new and essential features of the invention, while dependent claims contain the specific features of invention, as defined in an independent claim or in another dependent claim.
5. More detailed rules for the presentation of claims are provided for in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 37
Abstract

1. The abstract is a brief summary of the essence of invention, which constitutes an efficient tool for research in the relevant technical field.
2. The abstract does not serve any other purpose and in particular neither for the purpose of interpreting the subject matter of protection sought, nor for the purpose of implementing the provisions set out in point 3 of Article 9 of this Law.
3. The GDIP, when it deems it necessary, requests the applicant to amend the abstract.

Article 38
Availability of organic biological material

1. The deposited sample of biological material, according to point 3 of Article 34 of this Law, shall be made available upon request:
   a) to anyone who has obtained the applicant's consent for this purpose until the publication of patent application, as well as to anyone who files such a request without the applicant's consent, provided that the applicant secures evidence that the applicant has acted against him;
   b) to anyone who appears between the date of publication of the application and date of grant of the patent; and
   c) to anyone, after the patent has been granted, regardless of whether it has been declared invalid or revoked.
2. The sample shall be provided only if the person requesting it undertakes to meet the following requirements until the completion of the patent granting procedure or during the period when the patent is valid:
   a) not to make the sample or any material derived from it available to third parties;

b) not to use the sample or any material derived therefrom, except for experimental or research purposes, unless the applicant or patent holder, as the case may be, expressly waives the requirement of the request, whereby the obligation to use a sample or any material derived from it only for experimental or research purposes, shall not apply to an applicant using that sample or material under a compulsory license.

3. Until the technical requirements for the publication of a patent application are met, the applicant shall have the right to file a request to allow the availability of the deposited material only by providing a sample to an independent expert designated by the applicant:

   a) until the publication of the patent grant; or

   b) within a period of 20 (twenty) years from the filing date, unless the application is refused, revoked or the proceedings are suspended upon request, in which case paragraph 2 of this Article shall apply.

4. When biological material deposited in accordance with this Article is no longer available in an institution for the deposit of microorganisms, a new deposit of the material in a new institution shall be accepted under the same conditions as those set out in the Budapest Treaty.

5. The cessation of availability of the material shall not entail legal consequences if a deposit certificate issued by a new institution authorised for the deposit of microorganisms, certifying that the new deposited material is the same as that initially deposited, is submitted to the GDIP within 4 (four) months from the date of the new deposit.

Article 39

Content prohibited to be included in the application

1. The application shall not contain:

   a) indications or other content that is contrary to law or morality;

   b) indications or notes that discredit the products or actions of a third party, the quality or meaning of an application or patent of that person. Comparison with the prior art is not, in itself, discrediting; or

   c) other indications or content that is clearly neither essential, nor necessary.

2. When the application contains indications or content other than those provided for in paragraph 1 of this Article, the GDIP has the right to remove them and not to publish them and to note or indicate the place and number of the words and drawings removed.

Article 40

Contents of the patent application required for granting a filing date

1. The GDIP shall assign a filing date to an application when the application contains:

   a) an indication for which the grant of a patent is sought;

   b) data on the applicant or data enabling contact with the applicant; and

   c) the part which firstly appears to be a description of the invention or a reference to a previously filed application.

2. The reference to a previously filed application, pursuant to letter "c" of paragraph 1 of this Article, shall contain the filing date and number of that application, data of the office where this application was filed and an indication that the previous application replaces the description and drawings.

3. When the request contains the reference mentioned in letter "c" of point 1 of this Article, within 2 (two) months from the date of filing the previous request, a copy of this request shall be filed with the GDIP, which shall contain the certification of the office referred to in point 2 of this Article, as well as the Albanian translation of the request, if it was filed in a foreign language.

CHAPTER III
RIGHT TO PRIORITY

Article 41

Priority from a previous application

1. If the same invention is created by two or more inventors independently of each other, the priority in relation to the right to a patent belongs to the applicant whose patent application has the earliest filing date, provided that this application has been published in accordance with the provisions of this Law.
2. The priority becomes effective from the date of filing of the application with the GDIP, except when the requirements for granting the right of priority, provided for in Articles 42 and 43 of this Law, apply.

Article 42

Right to international priority

1. Anyone who has filed a regular patent application in a member state of Paris Union or in a member state of WTO shall enjoy the right of priority in the Republic of Albania for a period of 12 months from the date of filing of the application in one of these member states.
2. A regular patent application in the Republic of Albania, pursuant to point 1 of this Article, shall have as its filing date the filing date given to the application in the relevant member state of Paris Union or of the WTO, in accordance with the national legislation of that state, or in accordance with an international treaty concluded between states, regardless of the subsequent legal outcome of the first application.
3. A subsequent patent application for the same invention as that of the first application shall not be filed in the same country or for the same country where the first application is registered, unless the first application has been refused or withdrawn without being made available to the public and without having any legal effects.
4. If a subsequent application is filed for the same invention as a first application in the same country or for the same country, in conflict with the conditions set out in paragraph 3 of this Article, the subsequent application shall be invalid and shall not serve as a basis for claiming priority.

Article 43

Right to priority

1. The applicant claiming priority for a patent application under Article 42 of this Law shall file with the GDIP a priority claim, which shall contain the number of the first application, filing date and the country or international organization in which or for which the first application was filed.
2. The claim specified in point 1 of this Article may be filed with the GDIP together with the patent application, but, in any case, no later than 2 (two) months from the date of filing the application.
3. The applicant of patent application shall have the right to claim several priorities based on several previous applications in several different countries, members of Paris Union or WTO. The deadline for filing the priority claim, under this Law, for all previous claims shall begin to be calculated from the date of application, which bears the earliest priority date among the previous applications in those countries.
4. The applicant of a patent application, claiming priority right or date, is obliged to file with the GDIP a copy of the first application or with the earliest application date, when he has made several applications, certified by the competent authority of the state or state members of Paris Union or WTO, in or for which it is or were filed, but, in any case, not later than 16 (sixteen) months from the date of the earliest priority claimed.

5. When the application claiming priority is not in Albanian language and its validity is important for determining the patentability of invention, the GDIP has the right to request the applicant to file a translation of that application into the Albanian language within 2 (two) months from the receipt of the notification.

Article 44
Effect of the right of priority

The priority date is considered the date of filing the patent application with the GDIP, in the meaning of points 2 and 3 of Article 9 and point 1 of Article 41 of this Law.

Article 45
Correction or addition of priority claim

1. The applicant has the right to file an application for correction or addition of the priority claim within 16 (sixteen) months from the earliest priority date or, where the correction or addition causes the earliest priority date to change, the request shall be filed within 16 (sixteen) months from the date of the changed priority, from which the 16-month period, which expires earlier, shall apply, provided that:
   a) the request for correction or addition is filed within 4 (four) months from the date of filing of patent application; and
   b) the relevant fee has been paid.
2. Filing an application for correction or addition of a priority claim shall be prohibited, if the applicant has filed a request for early publication, according to point 3 of Article 57 of this Law, except when the request for publication is withdrawn before publication.
3. If the priority date changes due to the correction or addition of priority claim, the time limits shall be calculated from the changed priority date.
4. Correction or addition of the priority claim request includes the correction or addition of any data provided for in point 1 of Article 43 of this Law.
5. The request for correction or addition of the priority claim shall be rejected when the relevant fee provided for in letter "b" of point 1 of this Article is not paid.

Article 46
Request for reinstatement of the right of priority

1. Where the applicant has not filed the priority claim within the 12-month period or has filed the claim beyond the 12-month period, as required by point 1 of Article 42 of this Law, the applicant has the right to file a request for reinstatement of the priority right, provided that:
   a) the request for reinstatement of the priority right is filed with the GDIP within 2 (two) months from the date of expiry of the priority period;
   b) the reasons are stated and explanations or evidence is presented proving that the applicant was unable to file the priority claim within the period for reasons beyond his control; and
   c) the relevant fee is paid.
2. The request for reinstatement of the priority right is rejected by decision, if it does not meet all the requirements of point 1 of this Article.
3. A request for reinstatement may not be filed within the time limit when the applicant has filed a request for publication of the application, in accordance with point 3 of Article 57 of this Law, unless this request for publication has been withdrawn by the applicant before publication.

Article 47

Characteristics of the invention, subject of priority claim

1. The claim for priority shall relate only to those features of invention contained in the first application or in the claims for which priority is claimed.
2. If some features of invention for which priority is claimed, are not disclosed by the claims formulated in the first application or in other applications, the right to priority shall be granted only when the elements of the application taken as a whole, specifically disclose all such features.

CHAPTER IV
EXAMINATION OF THE APPLICATION

Article 48

Assignment of filing date

1. After filing a patent application, the GDIP shall examine whether the application complies with the requirements for granting a filing date set out in point 1 of Article 40 of this Law.
2. If the application does not comply with the requirements set out in point 1 of Article 40 of this Law, the GDIP shall send the applicant a notice to remedy the deficiencies or flaws within 2 months of the receipt of notice.
3. When the applicant remedies the deficiencies or flaws within the time limit set out in point 2 of this Article, the date of GDIP's notification to the applicant that the deficiencies or flaws have been remedied shall be considered the date of filing of patent application.
4. At the applicant's request, the GDIP shall have the right to extend the time limit set out in point 2 of this Article by an additional period of one month.
5. When the applicant does not remedy the deficiencies or flaws within the deadline provided for in points 2 or 4 of this Article, as the case may be, the GDIP shall reject the request by decision.

Article 49

Parts missing from the description or drawings

1. When, during the examination of patent application for the purpose of granting the filing date, the GDIP finds that a part of description or drawings of the invention specified in the application is missing, or the application contains defects or flaws in relation to Article 40 of this Law, the GDIP shall send a notice to the applicant to submit the missing parts, according to this point, or to remedy the defects or flaws, according to Article 40, within two months from the date of receipt of notice.
2. When the applicant files the deficiency or remedies the defects and flaws within the 2-month period, the application shall bear as filing date the one on which the applicant remedies and files these defects or flaws. When the filings of defects or remedies are made at different times, the application shall bear as filing date the one on which the last filing of defects or remedies was made.
3. When the missing part of the description or drawings of the invention is filed within the two-month period, as well as when an earlier priority is claimed for the application, the filing date is considered to be the date when all requirements set out in point 1 of Article 40 of this Law are met, provided that the missing part of the description or drawings is fully included in the earlier application.
4. When the part of description or drawings is not filed, it is considered that the applicant no longer refers to those parts.
5. At the request of the applicant, the GDIP has the right to extend the period set out in point 1 of this Article by an additional period of one month.

Article 50

Registration of the Request/Application in the Registry

After receiving a filing date, the patent application is registered in the relevant register and this registration is notified in writing to the applicant by the GDIP.

Article 51

Priority certificate

1. Upon request of the applicant and after payment of the relevant fee, the GDIP shall issue a certificate of priority right.
2. The content of certificate specified in point 1 of this Article, shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of Council of Ministers.

Article 52

Separation of patent application

1. The applicant, at his own request or at the request of the GDIP, shall divide the subject matter of the initial patent application into two or more separate applications. In such a case, the applicant shall follow separate procedures for each separate application.
2. The subject matter of each separate application shall not extend beyond the content of initial application.
3. The division of the initial patent application shall be permitted until a decision has been taken to grant a patent for the invention for which the initial application was filed.
4. The divisional application shall bear the filing date of the initial application and, where it has priority, the priority date.
5. The priority documents and all other translations filed with the GDIP for the initial application, shall be valid for each separate application.

Article 53

Examination of the application formalities

1. After the patent application receives a filing date, the GDIP examines whether the applicant has met the following requirements:
   a) to have paid the fee for filing the application;
   b) to have filed a translation of the application into Albanian, when the application is drafted in a foreign language;
   c) to have filed an authorization of representation, when the application is filed through an authorized representative, or when the applicant is included in the circle of persons, provided for in point 1 of Article 16 of this Law;
   ç) to have designated the inventor or, when the inventor does not wish to be named in the application, to have filed his declaration that he does not wish to be named;
   d) to have filed all the items or elements specified in Article 32 of this Law and the documents attached thereto; and
   dh) to have filed a claim for priority, in case priority is claimed.
2. When during the examination it transpires that one or more conditions required in point 1 of this Article are not met, the GDIP shall notify the applicant to remedy the defects or flaws within two months from the receipt of notice.

3. Upon a reasoned request from the applicant, the GDIP shall have the right to extend the two-month term by an additional period of two months.

4. When the GDIP finds a deficiency in relation to the priority claim, as provided for in point 1 of this Article, and despite the notice received, the applicant does not remedy this deficiency within the time limit or additional time limit, as the case may be, set in point 2 of this Article, the GDIP shall reject the priority claim. However, the applicant shall have the right to request that the time limit be reinstated, when the requirements of Article 46 of this Law are met.

Article 54

Changes to the patent application

1. The applicant shall not have the right to amend the description, claims and drawings after the request for the preparation of the investigation report has been sent, in accordance with Article 56 of this Law.

2. A patent application, to which a filing date has been given, shall not be amended subsequently in any way that the amendment would go beyond or extend beyond the subject matter of the invention for which protection is sought by means of patent application.

Article 55

Continuity of examination of the patent application

1. During the procedure for further examination of the patent application, after the examination for formalities has been completed, according to Article 53 of this Law, the GDIP examines whether the application complies with the following conditions:

   a) whether the application is drafted as required by Articles 31, 32, 34, 35, 36, 37, 38 and 39 of this Law; and

   b) whether the subject matter of protection is an invention, which is not excluded from protection, in the meaning of Articles 5, points 2 and 3, 6, 7, 8 and 12 of this Law.

2. When, during the examination procedure, the GDIP finds that the application contains defects or flaws in terms of fulfilling the conditions provided for in point 1 of this Article, it shall send the applicant a notice to remedy the defects or flaws within two months from the date of receipt of notice.

3. After receiving the notice specified in point 2 of this Article, the applicant has the right to amend the description, claims and drawings, provided that the amendment is filed together with a response to the examination result and the request for early publication of the patent application has not been previously filed with the GDIP.

4. Upon a reasoned request by the applicant, as well as after payment of the relevant fee, the GDIP has the right to extend the time limit specified in point 2 of this Article by an additional month.

Article 56

Request for investigation report

1. The applicant has the right to submit a request to the GDIP to have an investigation carried out on the prior art, which constitutes the subject matter of the patent application, by a foreign international authority with which the GDIP has concluded an agreement or by an international investigation authority, according to Article 15(5)(b) of the PCT.

2. The request for investigation is made within 13 months from the date of filing the patent application or, where priority is claimed, from the date of priority.

3. The request for investigation shall be accompanied by the payment of the relevant fee. The applicant has the right to request the GDIP to extend the deadline for payment of the fee by up to five months,

a request which shall not be refused by the GDIP. The GDIP shall not carry out the investigation, if the specified fee has not been paid.

4. When the applicant fails to file a request for investigation within the time limit provided for in point 2 of this Article or does not pay the fee specified in point 3 of this Article, the patent application shall be deemed to have been withdrawn.
5. In the event that the application is deemed to have been withdrawn, pursuant to point 4 of this Article, the GDIP shall send a notification to the applicant, informing him of the rights he has, pursuant to Articles 27 and 28 of this Law.
6. When the applicant complies with the requirements specified in points 1 and 2 of this Article, the GDIP shall forward the request for investigation to the foreign international authority designated by the applicant, pursuant to point 1 of this Article.

CHAPTER V
PUBLICATION OF THE PATENT APPLICATION

Article 57
Manner and content of publication of patent application

1. The GDIP shall publish the patent application in its bulletin immediately after the expiry of the 18-month period from the date of filing of the application or, where priority is claimed, from the date of priority.
2. The GDIP shall not publish the patent application if the application has been withdrawn or refused before the expiry of the 18-month period, as set out in point 1 of this Article.
3. At the request of the applicant, accompanied by the payment of the prescribed fee, the GDIP shall publish the patent application before the expiry of the 18-month period, but not earlier than three months from the date of filing of the request for early publication in the GDIP. Early publication shall be made in the next bulletin.
4. The GDIP, immediately after the decision to grant the patent, publishes it together with the specifications, according to the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.
5. The GDIP publishes in the bulletin all changes relating to the patent or its legal status.
6. Publications under this Article may be limited to certain inventions, on a case-by-case basis, for reasons of national defence and state secrecy, in accordance with the requirements of the legal acts and by-laws in force.
7. The GDIP applies all protective measures for classified information, in accordance with the legislation in force on the protection of classified information.
8. The publication, reproduction or distribution of classified information relating to patents and trademarks for armaments and military technologies, shall be prohibited.
9. Detailed data and procedures regarding the publication of patent application are set out in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

CHAPTER VI
EXAMINATION OF CONDITIONS FOR GRANTING A PATENT

Article 58
Decision to reject the patent

If the patent application does not meet the requirements provided for in Articles 53 and 55 of this Law, the GDIP shall reject the patent application by decision.

Article 59
Decision to granting a patent

1. When the patent application meets all the requirements set out in Articles 53, 55 and 56 of this Law, the GDIP shall send the applicant a notice to pay the relevant fee for the grant of the patent within two months from the date of receipt of notice.
2. If the applicant pays the fee within the time limit set out in point 1 of this Article, the GDIP shall take a decision on the registration of the patent.
3. If the applicant does not pay the relevant fee within the time limit set out in point 1 of this Article, the GDIP shall reject the patent application by decision.
4. The GDIP shall issue patents without conducting a substantive examination of the patentability of inventions. The value of any invention or the accuracy of its accompanying documents shall be entirely the applicant's responsibility.

Article 60
Registration of granted rights

Data regarding a patent or utility model issued by the GDIP, are recorded in the relevant registers.

Article 61
Patent certificate

1. When making a decision to grant a patent, the GDIP issues a patent certificate to its owner.
2. The content and form of the patent certificate are determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 62
Patent Specification

1. The patent specifications shall be provided to its owner within one month from the date of the decision to grant the patent.
2. The content and form of patent specifications shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 63
Publication of the decision to grant a patent

1. The decision to grant a patent shall be published in the GDIP bulletin.
2. The data to be published in the GDIP bulletin shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

PART V
UTILITY MODELS

Article 64
Conditions and scope of protection

1. An invention may be registered as a utility model if it is new and industrially applicable.
2. Points 2 and 3 of Article 5, Article 7 and point 1 of Article 8 of this Law shall apply *mutatis mutandis* to utility models.
3. A utility model shall not be registered for:
   a) inventions in the field of biotechnology;
   b) chemical or pharmaceutical substances; and
   c) processes.
4. Articles 9, 10 and 12 of this Law concerning novelty and industrial applicability shall apply *mutatis mutandis* to utility models.
5. Articles 93, 96, 98, 100, 101 and 102 of this Law concerning the acquired rights, exceptions and limitations shall apply *mutatis mutandis* to utility models.
6. Article 103 of this Law concerning compulsory licenses shall apply *mutatis mutandis* to utility models.
7. Part X of this Law concerning the transfer of rights, licensing, rights in rem and related matters shall apply *mutatis mutandis* to utility models.
8. Part XI of this Law concerning invalidity shall apply *mutatis mutandis* to utility models.

Article 65
National priority right

1. Anyone who has filed a patent application shall enjoy priority from the date of filing of that application for the purposes of a utility model application or of the conversion of a patent application into a utility model application, provided that the utility model application for the same invention has been filed within 12 months from the date of filing of the patent application, and that no priority has been claimed for the patent application.
2. The applicant for a utility model shall file the priority claim under point 1 of this Article, no later than two months from the date of filing of the patent application.
3. Articles 42 and 43 of this Law concerning international priority shall also apply to national priority.
4. Articles 42 and 43 of this Law concerning the right of international priority shall also apply *mutatis mutandis* to utility models.

Article 66
Application for a utility model

1. The procedure for registering a utility model begins upon the filing with the GDIP of the application for a utility model, accompanied by the payment of the relevant fee.
2. The application for a utility model contains:
   a) the application for the registration of utility model;
   b) the description of invention;
   c) one or more claims, which define the subject matter of invention;
   ç) the drawings mentioned in the description of the invention and claims, if necessary; and

d) the abstract of invention.

3. The application for a utility model may not contain more than ten claims.
4. Points 1 and 2 of Article 34, Articles 35, 36, 37, 39 and 40 of this Law regarding the content of application shall equally apply to utility models. Articles 31 and 48 of this Law, respectively regarding the unity of invention and filing date, shall equally apply to utility models.

Article 67

Examination of the application for a utility model

1. After granting the filing date, the GDIP shall examine whether the application for a utility model meets all the requirements provided for in Article 53 of this Law, as well as whether the application for a utility model:

   a) complies with Article 66 of this Law; and

   b) is in conflict with points 2 and 3 of Article 64 of this Law.
2. The criteria for novelty and applicability in industry, according to point 1 of Article 64 of this Law, in relation to utility models shall not be examined by the GDIP.
3. If during the examination procedure, the GDIP establishes that the application does not comply with all the requirements provided for in point 1 of this Article, it shall send the applicant a notice to correct the defects or flaws within two months from the date of receipt of notice.
4. The notice, according to point 3 of this Article, contains the result of examination with the relevant explanations.
5. After receiving the notice, according to point 3 of this Article, the applicant has the right to amend the description, claims and drawings, provided that the amendment is filed together with a response to the examination result.
6. Upon a reasoned request of the applicant, accompanied by the payment of the relevant fee, the GDIP has the right to extend the deadline provided for in point 3 of this Article by another additional month.
7. The application for a utility model is not published.

Article 68

Decision to refuse a utility model

The registration of a utility model is refused by decision when, after the examination carried out by the GDIP, according to Article 67 of this Law, the application for a utility model does not comply with the requirements set out for registration.

Article 69

Decision on the registration of a utility model

1. When the application for a utility model meets all the requirements set out in point 1 of Article 67 of this Law, the GDIP shall send a notice to the applicant to pay the relevant fee for the registration of the utility model within one month from the date of receipt of the notification.
2. If the applicant pays the fee within the period set out in point 1 of this Article, the GDIP shall register the utility model by decision.
3. If the applicant does not pay the relevant fee within the period set out in point 1 of this Article, the GDIP shall reject the application for a utility model by decision.
4. The data on registration of the utility model shall be recorded in the relevant register.

Article 70
Conversion of the application

1. The applicant has the right to file a request with the GDIP for the conversion of a patent application into a utility model application, which, after examining it, shall take the relevant decision.
2. The request for conversion of a patent application into a utility model application shall be filed only if no decision has been taken under Article 68 or Article 69 of this Law, and the request shall be accompanied by the payment of the relevant fee.
3. The request for conversion shall bear the date of filing of the patent application.

PART VI
SUPPLEMENTARY PROTECTION CERTIFICATE

Article 71
Definitions for medicinal products and plant protection products

1. Medicinal products, in the meaning of this Law, are as follows:
   a) "medicinal product" is any substance or combination of substances, which are created for the treatment or prevention of disease in human beings or animals, as well as any substance or combination of substances, which can be used in human beings or animals, with the aim of establishing a medical diagnosis or for restoring, regulating or modifying physiological functions in humans or animals;
   b) "product" is an active ingredient or combination of active ingredients of a medicinal product;
   c) "basic patent" is a patent protecting a product as such, a process for obtaining a product or an application for a product, which is designed by its holder to follow the procedure for obtaining a supplementary protection certificate;
   ç) "certificate" is a supplementary protection certificate, which is a form of industrial property protection, extending the protection of a patented invention, in particular for pharmaceutical and herbal products, beyond the standard term of a patent, as provided for in point 1 of Article 88 of this Law;
   d) "application for term extension" is a request for extension of the term of certificate, according to point 3 of Article 82 of this Law;
   dh) "producer" is a person, exercising the activity or established in the Republic of Albania, on whose behalf a product or a medicinal product containing that product is made, for the purposes of export to other countries or for storage purposes.
2. The definitions for plant protection products are as follows:
   a) "plant protection products" are active substances and preparations containing one or more active substances, made in the form supplied to the user and intended:
      i. to protect plants or plant products against all harmful organisms or to prevent the action of such organisms, insofar as these substances or preparations are not otherwise defined below;
      ii. to influence the life processes of plants, other than that of a food (e.g. plant growth regulations);
      iii. to preserve plant products, insofar as these substances or products are not subject of special protection provisions;

iv. to destroy unwanted plants; or

v. to destroy parts of plants, to control or prevent the growth of unwanted plants.

b) "substances" are chemical elements and their compounds, as they occur naturally or by manufacture, including any unavoidable impurities resulting from the manufacturing process;

c) "active substances" are substances or micro-organisms including viruses, which have general or specific action:

i. against harmful organisms; or

ii. for plants, parts of plants or plant products.

ç) "preparations" are mixtures or solutions composed of two or more substances, of which

d) one is an active substance, intended for use as a plant protection product;

dh) "plant" means plants or parts of plants in the germination or growth stage, including fresh fruits and seeds;

e) "plant products" are products in the unprocessed state or which have undergone only simple preparation, such as grinding, drying or crushing, derived from plants, but excluding plants themselves;

ë) "harmful organisms" are insects of plants or plant products, belonging to the animal or plant community, as well as viruses, bacteria and mycoplasmas and other pathogens;

f) "product" means an active substance, as defined in letter "c" of point 2 of this Article, or a combination of active substances of a plant protection product;

g) "basic patent" means a patent which protects a product, as defined in letter "ë" of this point, a preparation, as defined in letter "ç" of this point, a process for obtaining a product or an application for a product, and which is designated by its holder with a view of following the procedure for obtaining a certificate.

Article 72

Object of the certificate

Any product protected by a patent in the Republic of Albania and which has undergone an administrative authorization procedure, before being placed on the market as a medicinal product or as a plant protection product, may be subject of a certificate, in accordance with the criteria and conditions set out in this Law.

Article 73

Conditions for obtaining the certificate

1. The supplementary protection certificate for a medicinal product or a plant protection product shall be granted by the GDIP on the basis of an application, and when, on the date of submission of the application:

a) the product is protected by a basic patent in force in the territory of Albania;

b) a valid authorization has been granted for the placing of product on the market, as a medicinal product or as a plant protection product, in accordance with Article 72 of this Law;

c) no certificate has been previously issued for the product;

ç) the authorization referred to in letter "b" of this point is the first authorization for placing the product on the market.

2. The holder of more than one patent for the same plant protection product shall not be granted more than one certificate for the product. However, when two or more applications relating to the same

product are pending and originating from two or more different patent holders, each holder is entitled to a certificate for that product.

Article 74
Object of protection

Within the limits of protection granted by the basic patent, the protection provided by a certificate extends only to the product covered by the marketing authorisation for the product corresponding to the medicinal product or plant protection product, and this protection is valid for any use of the product, as a medicinal product or plant protection product, that was authorised before the certificate expiry.

Article 75
Consequences of the supplementary protection certificate

1. The certificate shall confer the same rights as those conferred by the basic patent and shall be subject to the same limitations and obligations as the basic patent.
2. By way of derogation from point 1 of this Article, the supplementary protection certificate shall not provide protection against certain acts which would require the consent of the certificate holder, where the following requirements are met:

a) The acts include:

i. the production or making of a product or of a medicinal product containing the product, for the purposes of export to other countries;

ii. any act relating to the production which is strictly necessary for the production in the Republic of Albania under subparagraph "i" of letter "a" of this point or for export;

iii. the production, not earlier than six months before the expiry of the certificate, of a product or a medicinal product containing that product, with the aim of storing it in the territory of the country of production, in order to subsequently place the product or the medicinal product containing the product on the market of other countries after the expiry of the corresponding certificate; or

iv. any action relating to the production which is strictly necessary in the Republic of Albania according to subdivision "iii" of this point or for actual storage, provided that this action is carried out not earlier than six months before the certificate expiry.

b) The manufacturer shall send the GDIP a notice through appropriate and documented means of where the production will take place, and shall inform the certificate holder of data listed in point 5 of this Article no later than three months before the start of production in the country or no later than three months before the first action relating to such production, which would otherwise deprive him of the protection provided by a certificate, whichever is the earlier;

c) If data listed in point 5 of this Article changes, the manufacturer shall notify the GDIP, as well as the certificate holder, before such changes are made;

ç) In the case of products or medical products containing these products, manufactured for export purposes to third countries, the manufacturer shall ensure that a logo, in accordance with the form provided for in the relevant regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers, is affixed to the outer packaging of the product or the medical product containing the product, as provided for in subdivision "i" of letter "a" of this point and, where possible, to the first packaging immediately placed on the product;

d) The manufacturer shall comply with the provisions of point 9 of this Article and point 1 of Article 82 of this Law.

3. The exemption provided for in point 2 of this Article shall not apply to any action or activity carried out for the import of the product or of the medicinal product containing this product, solely for the purposes of repackaging, re-export or storage.
4. The data provided to the certificate holder pursuant to points "b" and "c" of point 2 of this Article shall be used solely with a view of verifying whether the requirements of this Law have been met and, where appropriate, for initiating legal proceedings against infringements of the conditions provided for in point 2 of this Article.
5. In accordance with point "b" of point 2 of this Article, the manufacturer shall be obliged to provide the following data:
   a) the name and address of the manufacturer;
   b) a specification of whether the production is for export purposes, for storage purposes or for both export and storage purposes;
   c) the country where the manufacture and, where appropriate, the storage will take place, as well as the country where the first action relating to the manufacture will be carried out, if carried out, before the start of manufacture;
   ç) the number of certificate granted in the country of manufacture and the number of certificate granted in the country where the first action relating to the manufacture will be carried out, if carried out, before the manufacture; and
   d) for medicinal products intended for export to other countries, the reference number of marketing authorisation or the equivalent of such authorisation in each other country where the export will be carried out, as soon as it becomes publicly available.
6. In relation to the notification to be sent to the GDIP, in accordance with letters "b" and "c" of point 2 of this Article, the manufacturer shall use standard form and data to be provided in the relevant regulation.
7. Failure to comply with point "c" of point 5 of this Article in relation to a country, directly affects exports to that country and, consequently, such exports do not benefit from the exemption.
8. The manufacturer shall ensure that medical devices manufactured under subdivision "i" of letter "a" of point 2 of this Article do not bear a unique active identifier as defined in the relevant regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.
9. The manufacturer shall ensure by appropriate and documented means that any person in a contractual relationship with the manufacturer who carries out actions under letter "a" of point 2 of this Article is fully informed and aware of the following data:
   a) these actions are included in point 2 of this Article;
   b) placing on the market, import or re-import of the product or the medicinal product containing the product, defined in subdivision "i" of letter "a" of point 2 of this Article, or placing on the market of the product or the medicinal product containing the product, defined in subsection "iii" of letter "a" of point 2 of this article, may infringe the certificate defined under this point when and for as long as it is used.

Article 76

Right to a certificate

The supplementary protection certificate is granted to the owner of the basic patent or his legal successor.

Article 77

Application for a certificate

1. The application for a certificate shall be submitted within six months from the date of granting the authorization to place the product on the market as a medicinal product or as a plant protection product.
2. Without prejudice to point 1 of this Article, where the authorization to place the product on the market was granted before the basic patent was granted, the application for a certificate shall be submitted within six months from the date of granting the patent.
3. The application for an extension of the term may be made when the application for a certificate is submitted or when the application for a certificate is under consideration, as well as when the requirements of letter "ç" of point 1 of Article 78 or point 4 of Article 78 of this Law are met, respectively.
4. The application for an extension of the term of a granted certificate shall be submitted no later than two years before the expiry of certificate term.

Article 78

Content of application for a certificate

1. The application for a certificate shall contain:
   a) the request for the grant of the certificate, stating in particular:
      i. the name and address of the applicant;
      ii. if he has appointed a representative, the name and address of the representative;
      iii. the number of basic patent;
      iv. the title of invention; and
      v. the number and date of the first authorisation to place the product on the market;
   b) a copy of the first authorisation to place the product on the market, as defined in letters "b" and "ç" of point 1 of Article 73, stating in particular the product, the number, the date of authorisation and a summary of the product characteristics;
   c) where the authorisation referred to in letter "b" of this point is not the first authorisation for placing the product on the market, such as a medicinal product or a plant protection product, data on the product for which such authorisation was issued, the legal basis on which the authorisation procedure was relied upon, together with a copy of the notice of official publication of the authorisation or, where this is not possible, any other document proving that the authorisation was issued on the date of its issuance, as well as the product for which it was issued;
   ç) where the application for a certificate contains a request for an extension of the deadline, a copy of statement demonstrating that the application complies with the full paediatric investigation plan, which ends with the granting of an authorisation for a paediatric indication. This point shall also apply where the completion of the paediatric investigation plan does not lead to the authorisation of a paediatric indication, but the results of studies carried out are reflected in the summary of product characteristics and, where appropriate, in the guidebook where the medicinal product concerned is listed.
2. In the case of authorised medicinal products protected by a supplementary protection certificate or by a patent qualifying for the grant of a supplementary protection certificate, the following requirements under letters "a", "b", "c" and "ç" shall apply to applications for authorisation for new indications, including paediatric indications, new pharmaceutical forms and new routes of administration:
   a) the results of all studies carried out and details of all information collected in accordance with the full paediatric investigation plan;
   b) the decision of the relevant authority to exclude a specific medicinal product;

c) the decision of the relevant authority to exclude a specific class of medicinal products;

ç) the decision of the relevant authority to defer the start or completion of some or all of the measures set out in the investigation plan;

For the purposes of letter "a" of this point, the application shall include the decision of the relevant authority that has agreed to the relevant paediatric investigation plan.

3. The documents filed under letters "a", "b", "c" and "ç" of point 2 of this Article shall cover together all subsets of the paediatric population, as well as existing and new indications, pharmaceutical forms and routes of administration.

4. Where the application for a certificate is under examination, the application for an extension of the certificate period under point 3 of Article 77 shall contain data set out in letter "ç" of point 1 of this Article, and a reference to the application for a certificate that has been filed.

5. The request for the extension of term of a granted certificate shall contain data specified in letter "ç" of point 1 of this Article and a copy of the granted certificate.

6. The request for a certificate or for the extension of term shall be accompanied by the payment of the relevant fee.

7. The content and form of the submission of the request for a supplementary protection certificate shall be determined in the relevant regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 79

Filing of the application for a certificate

1. The application for a certificate or for the extension of the certificate term shall be filed with the GDIP.

2. The notification of the application for a certificate shall be published by the GDIP, which shall contain:

a) the name and address of the applicant;

b) the number of the basic patent;

c) the title of invention;

ç) the number and date of the authorization for placing the product on the market and the product specified in this authorization;

d) where applicable, a note that the application includes a request for an extension of the term.

3. Point 2 of this Article shall also apply to the notification of application for the extension of term of a certificate granted or when the application for a certificate is under consideration. The notification shall further contain a note that an application for an extension of the certificate term has been made.

4. The filing date for an application for a supplementary protection certificate is the date when the application meets at least the requirements of letter "a" of point 1 and point 6 of Article 78 of this Law.

5. When the application for a certificate does not meet the conditions set out in letter "a" of point 1 and point 6 of Article 78 of this Law, the GDIP shall send the applicant a notice to remedy the deficiencies or flaws or to pay the fee within two months from the date of receipt of notice.

6. If the applicant acts on the notice within the time limit set out in point 5 of this Article, the GDIP shall send the applicant a notice informing him that the date of submission of the remedy of deficiencies or flaws or of payment of the fee is the date of filing the application for a certificate.

7. Upon a reasoned request of the applicant, the GDIP has the right to extend the deadline specified in point 5 of this Article for a period not exceeding two months.
8. If the defect or flaw is not corrected or the payment is not made in accordance with point 5 of this Article, the GDIP shall reject the application.
9. When an application for a certificate has received a filing date, the GDIP shall register the application in the relevant register, provided for in Article 22 of this Law, and shall publish the application in the Bulletin.
10. The data to be published in accordance with point 9 of this Article shall be determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers**.**

Article 80

Granting of a certificate or refusal of a certificate application

1. When the application for a certificate and the product to which the application relates meet the requirements set out in this Chapter, the GDIP shall issue the relevant certificate and determine its duration.
2. When the application for a certificate does not meet the requirements set out in this Chapter, the GDIP shall send the applicant a notice to remedy the deficiencies or flaws or pay the relevant fee within two months from the date of receipt of notice.
3. If the applicant does not remedy the deficiencies or flaws or does not pay the fee within the period provided for in point 2 of this Article, the GDIP shall reject the application by decision.
4. Points 1 to 3 of this Article shall apply *mutatis mutandis* to the application for an extension of the period.
5. If the request for extension of the term of supplementary protection certificate is filed concurrently with the application for this certificate or during the examination procedure of the application for granting of the certificate, the GDIP shall decide on the request for term extension by the same decision relating to the application for the supplementary protection certificate.
6. If a request for extension of the term of a granted certificate is filed, as well as when in the meantime a procedure for its invalidity or termination has been initiated, the GDIP shall suspend the procedure for extension of the term until the decision on the invalidity or termination of the certificate becomes final.
7. The request for term extension, according to letter "ç" of point 1 of Article 78 of this Law, shall not apply to medicinal products, defined as medicinal products for rare diagnoses (orphan medicinal products) according to the relevant law.
8. The request for extension of the term pursuant to letter "ç" of point 1 of Article 78 of this Law shall not apply if the applicant has requested and received a one-year extension of the term for the validity period for trade protection, granted under the relevant legal acts, on the grounds that the new medical product brings significant benefits compared to existing therapies.

Article 81

Publication of the certificate

1. When a certificate is granted, the GDIP shall publish a notice of the granting of the certificate, which shall contain at least:
   a) the name and address of the certificate holder;
   b) the number of the basic patent;
   c) the title of invention;

ç) the number and date of the authorisation for placing the product on the market and identification of the product specified in the authorisation;

d) the certificate duration.

2. When the application for a certificate is refused, the GDIP shall publish a notice of the refusal of the application for a certificate, which shall contain at least the data specified in point 2 of Article 79 of this Law.

3. Points 1 and 2 of this Article shall also apply to the notification whether an extension of the term of a certificate has been granted or whether the application for an extension has been refused.

4. The GDIP shall publish as soon as possible, but no later than one month, data listed in point 5 of Article 75 of this Law, together with the date of notification of the data. The GDIP shall also publish as soon as possible, but no later than within one month, any changes to the data notified under letter "c" of point 2 of Article 75 of this Law.

Article 82

Duration of the supplementary protection certificate

1. The maintenance of the supplementary protection certificate in force is conditional on the payment of the annual renewal fee.

2. The supplementary protection certificate shall enter into force at the end of duration determined by law of the basic patent for a period equal to the period that has elapsed between the date when the application for a basic patent was filed and the date of the first authorization to place the product on the market, reduced by a period of five years.

3. The duration of the supplementary protection certificate shall not be granted for more than five years from the date when it enters into force.

4. The period specified in points 2 and 3 of this Article shall be extended by 6 months for supplementary protection certificates for medicinal products for paediatric use. The extension of the period of 6 months shall be made only once.

5. For the purposes of calculating the duration of a plant protection certificate, the issuance of an interim authorization for the first placing on the market of the product shall also be taken into account, but only if it is immediately followed by a final authorization issued for the same product.

Article 83

Expiry of the certificate

1. The supplementary protection certificate shall expire:

a) at the end of the period specified in Article 82 of this Law;

b) when the certificate holder waives it;

c) when the annual fee set is not paid on time;

d) when and as long as the product covered by the certificate can no longer be placed on the market, following the withdrawal of the relevant authorization for placing on the market.

2. The expiry of the certificate may be decided by the GDIP upon its own initiative or at the request of any person.

Article 84

Invalidity of the certificate

1. The certificate shall be invalid when:

a) it was granted in violation of Article 73 of this Law;

b) the basic patent has expired before the expiry date specified in the Law;

c) the basic patent has been revoked or limited to the extent that the product for which the certificate was granted is no longer protected by the claims of the basic patent or, after the basic patent has expired, there are reasons justifying such revocation or limitation.

2. Any individual, person or the GDIP, upon own initiative, has the right to request a court to declare a certificate invalid.

3. When the certificate is declared invalid by a final court decision, the GDIP, at the request of the interested person or even upon its own initiative (ex officio), shall record the court decision in the register.

4. More detailed information on the request for invalidity for the registration of the court decision, as well as for its publication, is set out in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 85

Revocation of the term extension

1. The extension of the certificate term may be revoked if the extension was granted in violation of Article 77 of this Law and does not meet the requirements of paragraph 5 of Article 79 of this Law.

2. Based on paragraph 1 of this Article, any individual or person may submit a request to the GDIP for the revocation of term extension.

3. Detailed information on the request for revocation of the term extension, its examination and publication are determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 86

Notification of expiry or invalidity

1. When the certificate expires, is revoked or declared invalid, the GDIP shall publish the relevant notice in the Bulletin.

2. If the extension of deadline is revoked pursuant to Article 85 of this Law, the notice thereof shall be published by the GDIP in the Bulletin.

Article 87

Claims

Decisions taken by the GDIP may be appealed to the Appeals Board in accordance with Article 159 of this Law, unless otherwise provided for in this Law.

PART VII

DURATION, UPHOLDING AND TERMINATION OF EFFECTS OF A PATENT

CHAPTER I

DURATION AND UPHOLDING OF A PATENT

Article 88

Term of a patent

1. The term of a patent is 20 years from the date of filing the application.

2. The term of a utility model is 10 years from the date of filing the application.

Article 89

Upholding of the patent and utility model

1. The upholding of the patent and utility model is conditional on the payment of the annual renewal fee.
2. The annual renewal fee, according to point 1 of this Article, shall be paid by each individual or person.
3. The annual renewal fee, according to point 1 of this Article, shall be paid for the third year and each subsequent year, starting from the date of filing the application.
4. The annual renewal fee for the initial application that is to be made on the date of filing the application for division of the patent application is also payable for the divisional application on the date of filing the application for division.
5. If the annual renewal fee is not paid within the period specified in points 3 or 4 of this Article, it may be paid within another six months against payment of an additional fee equal to 50% of the amount of the relevant annual fee. If the annual fee is not paid within this additional six-month period, it may be paid within a second additional period of two months following the first additional period, against payment of an additional fee equal to 100% of the value of the relevant annual fee.
6. The GDIP shall notify the applicant, patent holder or utility model holder of the non-payment of the annual renewal fee and the consequences arising therefrom, as well as the possibility of making the payment in accordance with point 5 of this Article.

Article 90

Renewal of the supplementary protection certificate

1. The annual fee for the renewal of the supplementary protection certificate shall be paid to the GDIP for each year of its duration.
2. The annual fee specified in point 1 of this Article shall cover the 12-month period, starting from the date of expiry of the basic patent and shall be paid for each year separately.
3. If the last year of the duration of certificate is shorter than 12 months, the annual renewal fee for this year shall be prepaid in an amount that is proportional to the duration of certificate, together with the payment of the total amount of annual fee for the full year before the last year.
4. If the annual fee is not paid in accordance with points 2 or 3 of this Article, it may be paid within six additional months against the payment of an additional fee, equal to 50% of the value of the relevant annual fee. If the annual fee is not paid within this additional six-month period, it may be paid within a second additional period of two months following the first additional period, against payment of an additional fee equal to 100% of the value of the relevant annual fee.
5. The annual renewal fee, according to this Article, may be paid by any person who meets the conditions under Article 16 of this Law.
6. The GDIP shall notify the holder of the supplementary protection certificate of the non-payment of the annual renewal fee, of the consequences of the non-payment of the fee and of the possibility that he has to pay the renewal fee according to point 4 of this Article.

CHAPTER II

EXPIRY OF THE PATENT

Article 91

Expiry of patent and utility model for non-payment of renewal fee

1. If the patent applicant, patent holder or utility model holder fails to pay the annual renewal fee, the patent or utility model shall expire on the date following the date on which the deadline for payment of the annual renewal fee expires, pursuant to points 3 and 5 of Article 89 of this Law.
2. The expiry of the patent or utility model shall be published in the Official Gazette..

Article 92

Expiry of license by resignation

1. The holder of a patent or utility model may partially or fully waive the patent or utility model by filing a request, for that purpose, with the GDIP.
2. The effect of waiver shall commence from the date of filing with the GDIP the request for surrender.
3. In the event that rights of third parties are registered in the relevant registers, the holder of patent or utility model shall also file the written consent of these persons to the waiver, together with the request for waiver.
4. The GDIP shall record the waiver in the relevant register and publish it in the Bulletin.

PART VIII

CHAPTER I

EFFECTS OF THE PATENT

Article 93

Exclusive rights acquired by a patent

1. The holder of a patent acquires exclusive rights under the patent on the date of publication of its grant.
2. Any person, without the consent of patent holder, is prohibited from:
   a) producing, offering for sale, selling or using, importing or storing for such purposes the product which is subject of the patent;
   b) using or offering for use the process which is subject of the patent, if the other person was or should have been aware of the fact that the process is prohibited from being used without the consent of the patent holder; or
   c) offering for sale, selling, using, importing or storing for such purposes a product which is directly obtained from a process which is subject of the patent.
3. Any other person, who does not have the consent of patent holder, is also prohibited from offering or supplying the product which constitutes a basic element of invention to persons who are not entitled to use the invention in question, if the offeror or supplier knows or should have known from the factual circumstances that that product is intended to put into operation the invention, the patent for which belongs to another person.
4. Point 3 of this Article shall not apply if the product offered or supplied is a product which is offered or supplied on the market for various commercial purposes, except where the offeror or supplier induces or encourages other persons to carry out the acts provided for in point 2 of this Article.

Article 94

Exclusive rights relating to patents in the biological and genetic field

1. When biological material with specific characteristics as a result of an invention is protected by a patent, the exclusive rights provided for in points 2 and 3 of Article 93 of this Law shall extend to any other biological material derived from that biological material through reproduction or multiplication in the same or different form and possessing the same characteristics.

2. If the process that enables the production of biological material with specific characteristics as a result of the invention is protected by a patent, the exclusive rights provided for in points 2 and 3 of Article 93 of this Law shall also extend to the biological material directly obtained from this process and to any other biological material derived from the biological material, directly obtained through reproduction or multiplication in the same or different form and possessing the same characteristics.
3. When the product, which contains or consists of genetic information, is protected by a patent, the exclusive rights, provided for in points 2 and 3 of Article 93 of this Law, extend to all the material, with the exception of the material provided for in point 1 of Article 8 of this Law, including the product and material in which the genetic information is contained and performs its function..

Article 95

Rights provided by a patent application

1. Upon publication of the patent application, the applicant acquires interim rights by virtue of which he is entitled to claim and seek compensation for damages from any third party who has exploited the invention, in violation of Articles 93 and 94 of this Law, within the period between the date of publication of the patent application and the date of publication of the patent granting.
2. The patent application shall not have the effects specified in point 1 of this Article when it is suspended, dismissed or refused.

Article 96

Object of exclusive rights

1. The subject matter of the patentee's exclusive rights is determined by the claims that have been finally accepted in the patent granting procedure, while the description and drawings serve to interpret the claims.
2. When the subject matter of the patent is a process, the rights granted by this patent also extend to the product that is directly obtained from the process.
3. The terms of claims are not strictly limited to the literal meaning of words. Likewise, neither the description, nor the drawings can be considered solely for the purpose of clarifying ambiguities in the patent claims. Nor can the claims be taken as guidelines to indicate that the subject matter of exclusive rights may also extend to any matter that could be considered by a person skilled in the art/achievement as the intended subject matter of protection on the basis of the description and drawings.

Article 97

Extent of protection from a published application

1. In the period from the application for a patent to the grant of the patent, the extent of protection shall be determined by claims of the published application.
2. The rights under paragraph 1 of this Article shall be determined retroactively by the claims granted by the patent or amended in the revocation procedure, provided that the extent of protection has not been extended.

CHAPTER II

LIMITATION OF EFFECTS OF THE PATENT

Article 98

Exceptions to exclusive rights

The exclusive rights of the patent holder to exploit the invention shall not extend to:

a) acts by which the invention is exploited for private and non-commercial purposes;

b) acts carried out for research and development purposes, as well as for experimental purposes, in relation to the subject matter of a patent or a supplementary protection certificate, including acts which are necessary for obtaining authorisation to place on the market a product containing a medicinal product intended for human or animal use; or

c) the direct and individual preparation of a medicinal product in a pharmacy on the basis of an individual medical prescription, as well as acts relating to the medicinal product thus prepared.

Article 99

Limitation of the effects of patents in the biological field

1. The exclusive rights deriving from Article 94 of this Law shall not extend to biological material obtained from the reproduction or multiplication of biological material placed on the market in the territory of the Republic of Albania by the patent holder or with his consent, when the multiplication or reproduction necessarily results from the application for which the biological material was marketed, provided that the material obtained is not subsequently used for other reproductions and multiplications.
2. By way of derogation from Article 94 of this Law, the sale or any other form of marketing of the plant, which reproduces the material to a farmer for agricultural use by the patent holder or with his consent means that the farmer is authorized to use the product of his harvest for reproduction or multiplication on his farm.
3. By way of derogation from Article 94 of this Law, the sale or any other form of trade of breeding stock or any other animal reproductive material to a farmer by the patent holder or with the consent of the latter shall mean that the farmer is authorised to use the animals for agricultural purposes, including making the animal or other animal reproductive material available for the pursuit of his agricultural activity in the framework of or for the purposes of a commercial reproductive activity.

Article 100

Backdated rights

1. The rights granted by a patent shall not incur any consequences for a person who has used or produced a product that is subject of an invention, or who has made in good faith serious and effective preparations for the exploitation of this invention, in the framework of his economic activities, within the territory of the Republic of Albania, before the date of filing the patent application or before the date of granting the priority.
2. The person referred to in point 1 of this Article shall have the right to continue the exploitation of invention within the facility that he has exploited or prepared for its exploitation until the date of filing the patent application for such invention.
3. The right specified in point 2 of this Article may be transferred or inherited only by the process of work and in a place of production where the exploitation of the invention has been prepared or has begun..

Article 101

Restriction of rights for peaceful international traffic

1. The use of products made according to a protected invention on a ship belonging to a member country of Paris Union or WTO, such as the ship's hull, machinery, equipment, tools or other accessories, shall not be considered an infringement of the patent, when such ship is temporarily or accidentally located in the territorial waters of the Republic of Albania, provided that these products are used exclusively for the needs of such ship.
2. The use of products made according to a protected invention in the construction or operation of an aircraft, a land vehicle or other means of transport belonging to a member country of Paris Union or WTO shall not be considered an infringement of the patent, when such means of transport are

temporarily or accidentally located in the territory of the Republic of Albania, provided that these products for construction or operation are used exclusively for the needs of such means of transport.

Article 102

Exhaustion of exclusive rights of the patent holder

1. The exclusive rights granted by a patent shall not extend to a product that is subject of the patent, after this product has been placed on the market in the territory of the Republic of Albania by the patent holder or with his consent.
2. Point 1 of this Article shall not apply if there are grounds based on law or regulation for the patent holder to prohibit further marketing of the product.
3. Point 1 of this Article shall also apply to the exclusive rights acquired by the supplementary protection certificate.

PART IX

COMPULSORY LICENSES

CHAPTER I

GENERAL PROVISIONS

Article 103

Compulsory Licenses

1. Upon request of an interested party, the competent authority, in emergency situations, has the right to grant a compulsory license to the person, when it proves that has the ability to exploit the invention, which is subject of a patent granted in the Republic of Albania, as well as when it meets all requirements set out in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers, provided that:
   a) four years have elapsed since the filing of patent application or three years since granting of the patent;
   b) the patent owner has not used the patent for a reasonable period of time or has not made serious and effective preparations for its exploitation, unless he presents legitimate reasons for omission;
   c) he has made all efforts to obtain authorization from the patent owner, under reasonable conditions and within reasonable time limits, and these efforts have not been successful, within a reasonable time limit.
2. A compulsory license may not be granted if the holder of a patent presents legitimate reasons in law or regulation for non-use or insufficient use of the patent.
3. Notwithstanding what is provided for in point 1 of this Article, the competent authority may grant a compulsory license if the use of subject matter of the patent or patent application becomes necessary in situations of extreme urgency at national level, in particular for national security, the protection of public interest in the field of health, food supply, environmental protection and improvement, a specific commercial interest or when it is necessary to regulate an anti-competitive practice, established by a judicial or administrative decision, as such.
4. The type of use covered by the compulsory license, as well as the conditions to be met, shall be specified by the competent authority, which shall take into account that:
   a) the scope and duration of use shall be limited to the purpose for which the license was granted;

b) the use shall be non-exclusive;

c) the use shall be non-transferable.

5. The use of a compulsory license shall be authorized in particular to supply the market of the Republic of Albania, except in the case specified in Chapter II of this Part.

6. The compulsory license shall be valid until the expiry of term set by the competent authority or until the expiry of patent term. Upon reasoned request, the competent authority may cancel the authorization, for the purpose of protecting the legitimate interests of authorized persons, if and when the circumstances that led to the granting of authorization have ceased to exist and are unlikely to recur.

7. Compulsory licenses are registered by the GDIP in the relevant register.

8. The patent owner is entitled to receive appropriate compensation for each compulsory license, taking into account the economic value of the license. Where the parties do not agree, the amount of compensation shall be determined by the competent authority.

9. The holder of a compulsory license may waive it at any time.

10. If the holder of a compulsory license does not commence its use within one year from the date of grant of the license, the patent owner may request the amendment or revocation of the compulsory license from the competent authority.

CHAPTER II
COMPULSORY LICENSES FOR PHARMACEUTICAL PRODUCTS

Article 104

Object

This Chapter establishes the procedure for granting compulsory licenses in relation to patents and supplementary protection certificates for the production and sale of pharmaceutical products, when these products are intended for export to importing countries in need, authorized for such products, to address public health problems.

Article 105

Definitions under this Chapter

For the purposes of this Chapter, the following terms have the meanings ascribed below:

a) "Pharmaceutical product" means any products of the pharmaceutical sector, including medical products;

b) "Rights holder" means the holder of any patent or supplementary protection certificate in relation to a compulsory license, which are required under this Law;

c) "Importing country" means the country to which the pharmaceutical product is to be exported.

Article 106

Competent authority

The competent authority, as defined in Article 103 of this Chapter and Article 122 of this Law, is the responsible ministry covering the field in which the respective patent is applied. The GDIP registers the compulsory license issued.

Article 107

Authorized importing countries

The authorized importing countries are as follows:

a) any least developed countries listed as such in the UN list;

b) any WTO member, other than those least developed country members referred to in letter "a" of this Article, which has notified the TRIPS Council of its intention to use the system as an importing system, including whether it uses the system fully or on a limited basis;

c) any country which is not a WTO member but is on the list of countries with a gross national product per capita of less than 745 USD and which has notified the Committee of its intention to use the system as an importing system, including whether it uses the system fully or on a limited basis.

d) However, any WTO member who has filed a declaration with the WTO that shall not use the system as an importing WTO member, does not qualify as an importing country.

Article 108

Extension to the WTO-non-member least developed and developing countries

The following provisions shall apply to importing countries authorized under Article 107 that are not WTO members:

a) the importing country shall make the notice directly to TRIPS Council;

b) the importing country shall, in the notice referred to in point 1 of Article 111 of this Law, declare that it will use the system for public health purposes and not as an instrument to pursue industrial or commercial policy objectives, and shall adopt the measures set out in paragraph 4 of the decision implementing paragraph 6 of Doha Declaration;

c) at the request of the rights holder, the competent authority may terminate the compulsory license granted under this Article, if the importing country has not met its obligations set out in letter "b" of this Article. Before concluding a compulsory license, the competent authority shall take into account any views expressed by the bodies referred to in letter "dh" of point 3 of Article 109 of this Law.

Article 109

Application for compulsory license

1. Anyone may submit to the competent authority an application for a compulsory license under this Law.

2. Where the person applying for a compulsory license has filed applications with the authorities of more than one country for the same product, he shall state this fact in each application, together with details of the quantities and the respective importing countries.

3. The application under paragraph 1 of this Article contains:

   a) the name and contact details of the applicant and of the agent or representative whom the applicant has appointed to act on his behalf before the competent authority;

   b) the non-proprietary name of the pharmaceutical product or products which the applicant intends to manufacture and sell for export under the compulsory license;

   c) the quantity of pharmaceutical product which the applicant intends to manufacture under the compulsory license;

   ç) the importing country or countries;

   d) where applicable, documents and data on previous negotiations with the rightsholder under

Article 112 of this Law;

dh) documentary evidence of a specific request from:

i. the authorized representative of the importing country or countries; or
ii. a non-governmental organization acting with the formal authorization of one or more importing countries; or
iii. UN bodies or international health organizations acting with formal authorization of one or more importing countries, specifying the quantity of the product requested.

4. The formal or administrative application required for its efficient processing, is determined in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers. Such applications shall not unnecessarily increase the costs or burden placed on the applicant and shall in no case make the procedure for granting compulsory licenses under this Law more onerous than the procedure for granting other compulsory licenses under the applicable licensing legislation.

Article 110

Rights of the rightsholders

1. The competent authority shall notify the rightsholder, without delay, of the application for a compulsory license.
2. Before granting the compulsory license, the competent authority shall afford the rightsholder the opportunity to comment on the application and provide the competent authority with any information required for the application.

Article 111

Verification

1. The competent authority shall establish that:

a) each importing country, mentioned in the application, which is WTO member, has made a notification to WTO, according to the decision, based on Doha Declaration; or

b) each importing country, mentioned in the application, which is WTO non- member, has made a notification to TRIPS Council for each product included in the application, which:

i. specifies the names and expected quantities of the product or products required;

ii. except where the importing country is a least developed country, confirms that the country has demonstrated to have insufficient or no production capacity in the pharmaceutical sector in relation to a particular product or products in one of the manners specified in the Annex to the decision on the implementation of paragraph 6 of Doha Declaration, specified in letter "b" of Article 108 of this Law;

iii. confirms that where a pharmaceutical product has been patented in the territory of the importing country, the latter has granted or intends to grant a compulsory license for the import of the product concerned, in accordance with Article 31 of TRIPS Agreement and provisions of the decision implementing paragraph 6 of Doha Declaration.

Point 1 of this Article shall not affect the flexibility that least developed countries should have under the decision of TRIPS Council dated 27 June 2002.

2. The competent authority shall establish that the quantity of product mentioned in the application does not exceed the quantity notified to WTO by an importing country which is WTO non-member or to TRIPS Council by an importing country which is WTO non-member and that, taking into account other compulsory licenses granted in any other countries, total quantity of the product authorized to be produced for each importing country does not significantly exceed the quantity notified by that country to the WTO, in case where the importing countries are WTO members, or to TRIPS Council, in case where importing countries are WTO non-members.

Article 112

Previous negotiation

1. The applicant shall provide evidence to the satisfaction of the competent authority that he has made efforts to obtain authorization from the right holder and that such efforts have not been successful within a period of 30 days prior to the filing of application.
2. Point 1 of this Article shall not apply in situations of national emergency, in other circumstances of extreme urgency or in cases of non-commercial public use, as referred to in Article 31(b) of TRIPS Agreement.

Article 113

Requirements of compulsory licenses

1. The compulsory license granted shall be non-transferable, except for the part relating to the value of license, and non-exclusive. It contains the specific conditions set out in points 2 to 9 of this Article, which shall be met by the licensee.
2. The quantity of product or products produced under the license shall not exceed what is necessary to meet the needs of importing country or countries mentioned in the application, taking into account the quantity of product or products produced under other compulsory licenses granted in other countries.
3. The duration of license shall be recorded.
4. The license shall be strictly limited to all operations required for the production of product or products for export and distribution in the country or countries mentioned in the application. No product manufactured or imported under a compulsory license shall be offered for sale or placed on the market in any country other than that referred to in the application, except where an importing country avails itself of the opportunity under subparagraph 6(i) of the decision resulting from Doha Declaration, to export to member countries of a regional trade agreement that share the health issue in question.
5. Products manufactured under a license shall be clearly identified by means of specific labelling or marking as having been manufactured in accordance with the rules set for that purpose. The products shall be distinguished from those manufactured by the rights holders by means of packaging, colouring, special shape, provided that such distinction is possible but does not have a significant impact on the price. The packaging and any accompanying guidelines or instructions shall bear an indication that the product is subject to a compulsory license, giving the name of the competent authority and any identifying reference number, and clearly specifying that the product is exclusively for export and distribution in the importing country or countries concerned. Details of characteristics of the product shall be made available to the customs authorities of the countries concerned.
6. Before shipment to the importing country or countries, mentioned in the application, the licensee shall post on an official website the following information:
    a) the quantities to be supplied under the license and the importing countries to which they are to be supplied;
    b) the distinguishing characteristics of the product or products concerned.

The website address shall be communicated to the competent authority.

7. If the product or products covered by the compulsory license are patented in the importing countries referred to in the application, the product or products shall be exported only if those countries have issued a compulsory license for the import, sale or distribution of products.
8. At the request of the rights holder or upon the initiative of the competent authority, the latter may require to verify and inspect the books and records kept by the licensee, solely with a view of checking

whether license conditions, in particular those relating to the final destination of products, have been met. The books and records shall include the export document of the product, through an export declaration, certified by the relevant customs authority, and the import document from one of the bodies specified in letter "dh" of point 3 of Article 109 of this Law.

9. The licensee shall be responsible for paying fair remuneration to the right holder, taking into account as follows:
   a) in the cases referred to in point 2 of Article 112 of this Law, the remuneration shall not exceed 4% of the total price, the amount of which shall be paid by or on behalf of the importing country;
   b) in all other cases, the remuneration shall be determined taking into account the economic value of the use authorized under the license in the relevant importing country or countries, as well as the humanitarian or non-commercial circumstances relating to the issue of license.
10. The terms of the license shall not be relating to the manner in which the products are distributed in the importing country or countries. Distribution may also be carried out by any of the bodies or organizations listed in letter "dh" of point 3 of Article 109 of this Law, as well as on commercial or non-commercial terms, including fully free of charge.

Article 114

Refusal of the application

1. The competent authority shall reject the application where any of the requirements provided for in Articles 109 to 112 are not met or where the application does not contain the elements required to allow the competent authority to grant the license, in accordance with Article 113 of this Law.
2. Before rejecting the application, the competent authority shall afford the applicant an opportunity to correct the situation and to be heard.

Article 115

Notification

When a compulsory license is granted, the country concerned shall notify TRIPS Council of the grant of license and of the specific conditions attached thereto. The notice shall contain the following particulars of the license:

a) the name and address of the licensee;

a) the product or products concerned;

b) the quantity to be supplied;

c) the country or countries to which the product or products shall be exported;

d) the duration of license;

dh) the address of website referred to in point 6 of Article 113 of this Law.

Article 116

Prohibition of import

1. The import, to the territory of the Republic of Albania, of products manufactured under a compulsory license granted in accordance with the decision, based on Doha Declaration or by this law for the purposes of release for free circulation, re-export, placement under suspensive procedures or placement in a free zone shall be prohibited.
2. Point 1 of this Article shall not apply in case of re-export to the importing country mentioned in the application and identified on the packaging and accompanying documentation of the product, or in case of placement under a transit procedure or customs warehousing regime or in a free zone with a view of re-export to the importing country.

Article 117

Operations by the customs authorities

1. If there are sufficient grounds to suspect that products manufactured under a compulsory license granted by a decision based on Doha Declaration or this Law are being imported into the Republic of Albania in violation of point 1 of Article 116 of this Law, the customs authorities shall suspend the release of products or block/freeze the products for a period required for the competent authority to take a decision on the nature of product. The period of suspension or blocking/freezing shall not exceed 10 working days, except in exceptional circumstances, in which case the period may be extended by a further 10 working day term. After the end of this period, the products shall be released only after all customs formalities have been completed.
2. The competent authority, the rightsholder and the manufacturer or exporter of the products concerned shall be informed, without delay, of the suspension of the release or blocking/freezing of the products and shall be provided with all available information regarding the products concerned. In carrying out these procedures, all persons responsible for handling the products are obliged to protect the confidentiality of personal data and commercial and industrial secrets, as well as professional and administrative confidentiality. Importers and, where appropriate, exporters shall be afforded adequate opportunity to provide the competent authority with the information it deems appropriate concerning the products.
3. Where it is confirmed that products suspended or blocked/frozen by the customs authorities were intended for import to the Republic of Albania in violation of point 1 of Article 116 of this Law, the competent authority shall ensure that products are blocked/frozen and disposed of in accordance with this Law.
4. The procedure for the suspension, blocking/freezing or prohibition of products shall be carried out at the expense of the importer. If it is not possible for these costs to be covered by the importer, they may be recovered, in accordance with this Law, from any other person responsible for the illegal import.
5. Where it is subsequently established that the products suspended or blocked/frozen by the customs authorities do not violate point 1 of Article 116 of this Law, the customs authorities shall release the products to the recipient only after all customs formalities and procedures have been completed.
6. The competent authority shall inform the relevant body under Doha Declaration of any decision to suspend or dispose of the products taken in accordance with this Law.

Article 118

Exemption of personal baggage

Articles 116 and 117 of this Law do not apply to goods of a non-commercial nature contained in the personal luggage of travellers for personal purposes, within the limits set for exemption from customs duty.

Article 119

Termination or review of the license

1. Subject to the due protection of interests of the licensee, based on law or regulation, a compulsory license granted under this Law may be terminated by decision of the competent authority or a body provided for in Article 120 of this Law, when the conditions of the license are not complied with by the licensee. Upon a reasoned application from the rights holder or the licensee, the competent authority shall have the right to review the compulsory license whether its conditions have been complied with. This review shall be based on an assessment carried out in the importing country, where appropriate.
2. The termination of a license granted under this Law, shall be notified to TRIPS Council, in accordance with the provisions of Doha Declaration.

3. After the expiry of license, the competent authority shall have the right to set a reasonable period within which the licensee shall arrange and take measures to send, at own expense, any product in his possession, custody, possession or control, to the countries in need, as provided for in Article 107 of this Law, or otherwise dispose of them, as determined by the competent authority in consultation with the rights holders.

4. When the importing country notifies that the quantity of the pharmaceutical product has become insufficient to meet its needs, the competent authority shall have the right, at the request of the licensee, to amend the terms of the license in order to permit the production and export of additional quantities of the product to the extent necessary to meet the needs of importing country. The licensee's request, in such cases, shall be addressed under a simple and expedited procedure, where the information provided for in letters "a" and "b" of point 3 of Article 109 of this Law shall not be required, only after the original compulsory license is identified by the licensee. In situations where point 1 of Article 112 of this Law applies, but the exception of point 2 of this Article does not apply, no further evidence of negotiations with the rights holder shall be required, provided that the additional amount of products requested does not exceed 25% of the amount granted under the original compulsory license. In situations where point 2 of Article 112 of this Law applies, no evidence of negotiations with the right holder shall be required.

Article 120

Appeals

Appeals against any decision of the competent authority on compulsory licenses and disputes regarding the compliance with their conditions, shall be heard by the competent court.

Article 121

Safety and efficiency of medical products

When the application for a compulsory license is relating to a medical product, the applicant may attach to the application a scientific opinion or export certificate, issued in accordance with the procedure provided for in the regulation for the issuance of patents for inventions, utility models and supplementary protection certificates, for export products intended exclusively for markets outside the Republic of Albania.

CHAPTER III

COMPULSORY LICENSE FOR BIOTECHNOLOGICAL INVEVENTION PATENTS

Article 122

Compulsory license for biotechnological invention patents

1. By application to the competent authority for the non-exclusive use of an invention protected by a previous patent or previous plant variety right, the competent authority may grant a compulsory license for the previous patent to the owner of a subsequent patent or the holder of a right to a subsequent plant variety, who cannot use the subsequent patent or right without infringing the previous patent or plant variety right, in return for a fee determined by the expert chosen by the competent authority, provided that:

   a) the invention of the patent or of the subsequent right constitutes a technical advancement of significant economic importance, compared with the invention of the patent or of the previous right;

   b) the holder of the patent or of the subsequent right has requested the holder of previous patent or right to use it on the basis of a license and has not been granted this, notwithstanding all efforts made.

2. The competent authority shall establish whether the parties are in a situation as provided for in point 1 of this Article before deciding to grant the compulsory license for a non-exclusive use of the patent or previous right.

3. In the case of a compulsory license granted under point 1 of this Article, the patent owner or holder of the previous right shall be entitled to obtain a cross-license under reasonable terms to use the patent or subsequent right.
4. In the case of a compulsory license granted under this Article, the authorized use or exploitation of the patent or previous right shall be transferable only when the patent or subsequent right is assigned.

PART X

ASSIGNMENT OF RIGHTS

Article 123

Transfer of patent's ownership

1. The ownership of a patent is fully or partially assigned/transferred.
2. The contract for the assignment of ownership of a patent shall be made in writing and signed by the parties before a notary, otherwise the contract shall be null and void.
3. At the request of the owner or beneficiary of the patent or, as the case may be, by a final court decision or by a notarial deed in case of transfer of ownership by inheritance, the assignment of ownership of the patent shall be registered by GDIP in the relevant register, upon filing of:
   a) one of the following documents relating to the assignment of ownership:
      i. a copy of the contract or agreement for the assignment of ownership of the patent;
      ii. a copy of the final court decision for the assignment of ownership;
      iii. a copy of the notarial deed when ownership of the patent is assigned by inheritance; or
      iv. a copy of the commercial extract, in cases of merger or division of commercial companies, issued by the relevant competent authority, specifying the new owner of the patent. This document may also be submitted in case where the assignment of ownership of the patent is relating to a change in legal form of the company;
   b) authorization of representation, when the application is submitted by a representative;
   c) payment of the relevant fee; and
   ç) duly signed relevant form.
4. The application for registration of the assignment of ownership of the patent shall contain the information required to identify the patent, the new owner, as well as documents required for the registration of the assignment of ownership, according to point 3 of this Article.
5. Within 3 months from the date of filing the application, GDIP shall examine whether the application complies with the requirements set out in points 2, 3 and 4 of this Article.
6. When the request for the assignment of ownership contains defects or flaws, the GDIP shall send the applicant a notice to remedy the defects or flaws within 2 months from the date of notice receipt. In case the defects or flaws are not remedied within the specified period, the application for transfer of ownership of the patent shall be rejected by a decision.
7. When the request for transfer of ownership has been filed in accordance with the requirements under points 2, 3 and 4 of this Article, or when the defects or flaws are remedied within the two-month period and the relevant fee has been paid and the requirements set out in this Article for registration of assignment of ownership are met, GDIP shall, within 1 month, register the assignment of ownership in the relevant register and publish it in its bulletin.
8. The assignment of ownership of the patent shall be recorded in the register of patents, after payment of the relevant fee, if it has not been previously paid.
9. This Article shall apply *mutatis mutandis* to changes in ownership of patent applications, utility models and supplementary protection certificates.

10. The registered patents for military armament and military technology may not be transferred or sold to foreign subjects or private entities without the consent of the Defence Industry Agency.
11. Detailed information on the content of application and the procedure for registering the assignment of ownership shall be determined in the regulations on the issuance of patents for inventions, utility models and supplementary protection certificates, which shall be approved by Decision of the Council of Ministers.

Article 124

Licensing

1. The right to exploit the invention protected by a patent may be granted to another person by a licensing contract.
2. The license is exclusive or non-exclusive.
3. The licensing contract shall be made in writing and signed by the parties.
4. The conclusion of a licensing contract for a patent jointly owned by several patent holders, shall be made with the consent and signature of all patent holders.
5. This Article shall equally apply to the patent application, utility model and supplementary protection certificate.
6. The licensing contract shall have effects for the parties and third persons from the date when it is recorded in the register.
7. The assignment of ownership before registration shall have effects on other parties who have acquired rights over the patent after the date of such assignment, even if they were aware that assignment had not yet been registered on the date when these parties acquired the rights.
8. The registered patents for military armament and military technology cannot be licensed or sold to foreign subjects or private entities without the consent of the Defence Industry Agency.

Article 125

Registration of the assignment of rights and licensing contract

1. At the request of the patent holder or a person who has acquired a patent, or of either party, GDIP records the changes to the patent in relation to the assignment of rights and license provided for in Articles 123 and 124 of this Law, in the relevant register, provided that:
   a) the relevant fee is paid;
   b) the contract or agreement proving the assignment/transfer or licensing is filed and, where the contract or agreement is not in Albanian language, a copy translated into Albanian language shall be filed;
   c) the authorization of representation is filed, if registration is requested through a representative.
2. The original contract or agreement or the one true to the original is filed in full or in part, provided that the change made is clearly indicated.
3. If the registration of the assignment of rights requires the change of data for the patent holder, who is represented by a representative in the meaning of point 1 of Article 16 of this Law, an authorization of representation for the new patent holder shall be filed.
4. If the application for registration of change in the patent, according to this Article, contains defects or flaws, the GDIP shall send the applicant a notice to remedy the defects or flaws within two months from the date of notice receipt.

5. If the defects or flaws are not remedied within the two-month period, GDIP shall reject the request by a decision.
6. When the application is duly filed or defects or flaws are remedied within the two-month foreseen term, the GDIP shall record the requested change in the relevant register and publish it in the bulletin.
7. The filing method and details of the content of application are determined in the regulations for the issuance of patents for inventions, utility models and supplementary protection certificates.

Article 126

Registration of real rights

1. A patent may be subject of a guarantee contract, pledge or other real rights.
2. At the request of one of the parties to the contract and against payment of the relevant fee, the contract specified in point 1 of this Article shall be registered in the patent register and be published in the GDIP bulletin.
3. The contract specified in point 1 of this Article shall produce effects against third parties after being registered in the patent register.
4. The provisions of this Article shall equally apply to the application for a patent, utility model and supplementary protection certificate.

Article 127

Registration of bankruptcy and pre-bankruptcy procedures

If a patent application, a patent, utility model or supplementary protection certificate is part of a bankruptcy estate, data on the bankruptcy situation or pre-bankruptcy procedures shall be recorded in the relevant register on the basis of notifications from a competent authority, a liquidator or administrator of the bankruptcy estate, as well as otherwise provided for in the special law.

PART XI

INVALIDITY

Article 128

Patent's invalidity

1. Anyone or GDIP, upon own initiative, has the right to request the declaration of a patent as fully or partially invalid, when the patent was granted:

   a) for an object that cannot be protected by a patent, in the meaning of Articles 5, 6, 7, 8 and 10 of this Law;

   b) for an invention that was not innovation in the meaning of Article 9 of this Law, or that did not constitute an inventive step in the meaning of Article 11 of this Law, or for an invention that was not applicable in industry, in the meaning of Article 12 of this Law, on the date of filing the patent application or on the priority date, where there is priority;

   c) for an invention that has not been made known in a sufficiently clear and detailed manner, so that it can be implemented by a person skilled in the field of art/achievement;

   ç) for the object of the patent or that part of its object, which extends beyond the content of patent application, as filed, or, if the patent was granted on the basis of a separate application, beyond the content of initial application, as filed; and

   d) on behalf of a person who is not entitled to protect the invention by patent.
2. The application, according to point 1 of this Article, shall be examined and decided before the court.

3. If the validity of the patent is contested in a litigation, initiated by the holder of the exclusive license against a third party, in which the patent owner does not participate as a litigant, the court's decision shall be binding only upon the parties to trial.
4. When examining a request for invalidity of a patent, the court shall afford the patent owner the opportunity, by notice, to present his arguments within one month from the date of receipt of notice, and may also request the patent owner to submit, for evidentiary purposes, publications and documents demonstrating prior arts to which the patent application refers or on the basis of which the patent was granted by other examining offices.
5. The provisions of this Article regarding the invalidity of a patent shall equally apply to utility models and supplementary protection certificates.

Article 129

Consequences of the patent's invalidity

1. Any patent, claim or part of a claim declared invalid shall be deemed to have had no effect from the outset.
2. If the grounds for the declaration of invalidity affect only part of the patent, the invalidity shall extend only to that part of the patent declared invalid. The partial declaration of invalidity or limitation may be applied, recorded or registered in the form of an amendment to the patent's claims.

Article 130

Publication and issuance of amended specifications of the patent

1. GDIP shall register the declaration of invalidity of the patent in the relevant register and publish it in the bulletin.
2. Where a patent is upheld as amended, the GDIP shall publish in the bulletin new specifications of the patent.
3. More detailed rules on the content of data to be published are set out in the regulation on issuance of patents for inventions, utility models and supplementary protection certificates.

PART XII

APPLICATION FOR EUROPEAN PATENT AND EUROPEAN PATENT

Article 131

Filing of the European patent application

1. The European patent application shall be filed with:

   a) EPO; or

   b) GDIP.
2. The European patent application shall be filed directly by mail or electronically in one copy, in each of the languages specified in points 1 and 2 of Article 14 of the EPC, in accordance with EPC provisions and its implementing regulations.
3. The application for sharing a European patent, pursuant to Article 76 of the EPC, and the new application for a European patent, according to letter "b" of point 1 of Article 61 of the EPC, shall be filed directly with EPO.
4. Where an invention is of interest to the national security and defence, the applicant domiciled or resident in Albania shall file the European patent application only with GDIP.
5. A European patent application filed with GDIP on a given date shall have the same effect as if it had been filed with EPO on the same date, provided that GDIP has transmitted it to EPO in accordance with EPC provisions.

6. A European patent application filed with GDIP, according to letter "b" of point 1 of this Article, may be filed in any language specified in points 1 and 2 of Article 14 of EPC.
7. Where it is not clear from the application filed with GDIP that the applicant is applying for a European patent, the applicant shall, upon notice by the GDIP, file an explanatory statement in Albanian or English, clarifying that a European patent is being applied for.

Article 132

Procedural fees and charges for European patent applications

The procedural fees and charges for European patent applications are paid to EPO in accordance with EPO provisions and its implementing regulations.

Article 133

Consequences of the application for a European patent

1. A European patent application seeking to extend the protection of an invention to the Republic of Albania as a designated country, which application has been assigned a filing date, shall be the same as a national patent application, with a priority date of filing date of the European patent application, notwithstanding the outcome of application during the procedures.
2. A published European patent application filed for the protection of an invention in the Republic of Albania as a designated country, shall afford the applicant the same protection as a published national patent application, pursuant to Article 95 of this Law, starting from the date when the applicant has communicated the Albanian translation of claims of the published European patent application to the person using the invention in Albania or from the date when the claims translated into Albanian are published by the GDIP.
3. The European patent application shall be deemed to have not brought any effects from the outset, as provided for in point 2 of this Article, if the application has been withdrawn, is deemed to have been withdrawn, has been ultimately refused or if the designation of the Republic of Albania has been withdrawn or is deemed to have been withdrawn.

Article 134

Consequences of the European patent

1. The European patent, which designates the Republic of Albania as the country for protection of an invention, according to the requirements of this Article, shall provide the same rights as those provided by a national patent, according to this Law, from the date of publication of the grant of the European patent by EPO.
2. After sending the relevant notification, the GDIP shall register the European patent by decision in the patent register, after the owner of the European patent has paid, within three months from the date of publication of the grant of the patent, the relevant fee for registration and other payments for the publication of translation of the European claims into Albanian language. In order to register the European patent, the applicant shall file with the GDIP:

   a) an application for registration of the European patent in the Patent Register;

   b) the specification of the European patent in English or a translation of that specification into English, unless the specifications were in English language;

   c) translation of claims into Albanian language; and

   ç) proof of payment of the registration fee.
3. If, as a result of an opposition filed with e EPO, the European patent is upheld with amended claims or is limited after the claims have been amended, as a result of an application for limitation, the owner of the European patent shall, within three months from the date of publication of the relevant

decision of EPO on upholding or limitation, submit to the GDIP a translation of the amended claims into Albanian language and pay the specific fee.

4. Where the claim contains reference marks used in drawings, these drawings shall be attached to the translation in accordance with points 2 and 3 of this Article.
5. GDIP shall publish as soon as possible any translation duly filed in accordance with points 2 or 3 of this Article.
6. If the translation referred to in points 2 and 3 of this Article, is not filed in due time or the relevant fee is not timely paid, the European patent shall be deemed to be invalid from the outset for the Republic of Albania. The European patent application and the granted patent shall be deemed not to have brought, from the outset, the consequences set out in point 1 of this Article and in Article 131 of this Law, in case where the European patent has been revoked or limited by opposition, limitation or revocation procedure before EPO.
7. The deadline referred to in points 2 and 3 of this Article may be extended by one month, if the applicant files an application for extension of the deadline and pays the relevant fee for this purpose.
8. Further details concerning the application for registration of a European patent and the content of publication are set out in the Regulation on the grant of patents for inventions, utility models and supplementary protection certificates.

Article 135

Authentic text of the application for European patent or of the European patent

1. The text of a European patent application or of a European patent made in the language of application in proceedings before EPO shall serve as the authentic text for all procedures in the Republic of Albania.
2. Where the translation referred to in point 2 of Article 133 and points 2 and 3 of Article 134 of this Law provides for a more limited protection than that afforded by the European patent application or European patents, such translation shall be deemed authentic. This shall not apply to procedures relating to the declaration of a patent as invalid.
3. The applicant or the owner of the patent may file a corrected translation at any time.
4. The corrected translation of the claims of a European patent, published in accordance with Article 134 of this Law, shall have no legal effect in the Republic of Albania until such translation has been communicated to the person using the invention in the Republic of Albania.
5. The corrected translation of claims specified in this Law shall not produce legal consequences in the Republic of Albania as a designated country until the GDIP publishes the said correction once the relevant publication fee has been paid, in accordance with point 5 of Article 134 of this Law.
6. Anyone who uses in good faith or has made effective and serious preparations to use an invention, the use of which does not constitute an infringement of a European patent application or a European patent in the original translation, may continue such use in the course of his business or for various purposes, after the corrected translation becomes valid, without making any payment for this purpose.

Article 136

Rights deriving from the earliest date

1. The application for a European patent or a European patent designated to be extended to the Republic of Albania shall have the same effect as the application for a national patent or national patents in respect of the prior art.
2. The application for a national patent or a national patent shall have the same effect as the application for a European patent or a European patent designated to be extended to the Republic of Albania in respect of the prior art.

Article 137

Concurrent protection

Where a European patent, which is intended to extend to the Republic of Albania, and a national patent bearing the same filing date or, where priority is claimed, the same priority date, have been granted to the same person or his legal successor, the national patent, insofar as relating to the same invention as that of the European patent, shall cease to have effect:

a) from the date when the time limit for filing an opposition to the European patent has expired, if

b) no opposition has been filed; or

c) if opposition has been filed, from the date when the opposition procedure has been concluded by a final decision granting the European patent.

Article 138

Conversion into a national patent application

1. At the request of the applicant for a European patent, the GDIP shall initiate the procedure for the conversion of a European patent into a national patent in the following cases:
   a) where the European patent application has been withdrawn pursuant to Article 77(3) of the EPC; or
   b) where the translation of a European patent application pursuant to Article 14(2) of the EPC has not been filed within the time limit referred to in Article 90(3) of the EPC.
2. In the case stipulated in letter (a) of point 1 of this Article, the application for the conversion of a European patent application into a national patent application shall be filed with the GDIP, when the European patent application for which conversion is requested has been filed with the GDIP. The GDIP shall, subject to the legal provisions on national security, forward the request to the central industrial property offices of the contracting states of the EPC, specified in the request.
3. In the case referred to in letter "b" of point 1 of this Article, the application for the conversion of a European patent application into a national patent application is filed with EPO, which forwards the request to the GDIP, if the Republic of Albania is designated therein as a country of extension.
4. The request for the conversion of a European patent application into a national patent application shall be filed within the time limit set out in Article 115(1) of the EPC and the effects of this European patent application, as provided for in Article 131 of this Law, shall cease if the request for conversion is not filed within the time limit.
5. Within two months from the date of filing with the GDIP of the application for the conversion of a European patent application into a national patent application, the applicant shall pay the relevant fee for filing the application, as well as file the Albanian translation of the original text of the European patent application.
6. If the fee is not paid within the deadline or the Albanian translation of the original text of the patent application is not filed within due deadline, the application for conversion is deemed not to have been filed, for which the GDIP issues the relevant decision.
7. The conversion is published in the GDIP Bulletin.
8. Detailed information regarding the conversion and the content of publication is provided for in the regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 139

Upholding fees

Renewal fees for European patents are paid to the GDIP for years after the year when the grant of the European patent is published according to the regulation issued for the implementation of point 2 of Article 141 of the EPC.

Article 140

Declaration of invalidity of the European patent

1. A European patent may be declared null and void by a court, with effect in the Republic of Albania, pursuant to Article 138 of the European Patent Convention, as well as Article 128 of this Law.
2. Where, during the proceedings for the declaration of invalidity of a European patent in the GDIP, the patent owner may limit the patent by amending the claims, in which case the proceedings for the declaration of invalidity of the European patent shall continue on the basis of the limited patent, as provided for in point 3 of Article 138(3) of the EPC.
3. If the request for invalidity of the European patent is filed with the GDIP after the initiation of opposition proceedings at EPO, pursuant to Article 99 of the EPC, or after the initiation of proceedings in relation to a request for limitation or revocation of the patent, pursuant to Article 105/a of the EPC, the GDIP shall suspend the procedure in relation to the request for declaration of invalidity until the completion of procedure by EPO.

Article 141

Applicable law

1. This Law shall apply to the European patent applications and to European patents which, in accordance with the provisions of the EPC and this Law, extend their effects to the Republic of Albania, unless the EPC provides otherwise.
2. In the event of a conflict between the provisions of EPC and the provisions of this Law, the provisions of EPC shall prevail and apply.

PART XIII

INTERNATIONAL APPLICATION ACCORDING TO PCT

Article 142

International application

The provisions of the PCT, this Law and by-laws issued for its implementation shall apply to international applications filed with the GDIP as a host office or where the Republic of Albania is recorded as a designated or elected office.

Article 143

International application filed with the GDIP as a host office

1. The international application shall be filed with the GDIP, as the host office, when the applicant is an Albanian citizen or has his residence or principal place of business in the Republic of Albania.
2. The filing of the international application, according to point 1 of this Article, shall be accompanied by the payment of relevant fee for sending the application to the International Bureau of the World Intellectual Property Organization, payment which shall be made within one month after the date of filing the international application with the GDIP.

Article 144

Method of filing the international application with the GDIP as a host office

1. The international application is filed with the GDIP, as host office, electronically or otherwise provided for in Law no. 10 180, dated 29.10.2009 "On the accession of the Republic of Albania to the World Intellectual Property Organization Patent Agreement", in English or Albanian.
2. If the international application is filed in Albanian, the applicant shall file a translation of the international application in English within 1 month after filing the application with the GDIP.
3. The fees set out in the regulations issued for PCT implementation and fees set out in the agreement between EPPO and the International Bureau shall be paid within one month from the date of filing the international application.
4. The international investigation and international preliminary examination of international applications filed with the GDIP, as host office, shall be carried out by the EPO.
5. The technical requirements for filing the application, method of payment of fees, accounts where the payments provided for in point 3 of this Article will be made, are determined in the regulation for the issuance of patents for inventions, utility models and supplementary protection certificates.

Article 145

International application filed with the GDIP as a designated or elected office

1. The international application, where the Republic of Albania is designated or elected to grant the national patent, according to PCT provisions, shall be filed with the GDIP in Albanian language within a period of 31 months from the date of filing the international application or from the priority date, when the right of priority is claimed in the international application, pursuant to Article 8 of the PCT. The international application shall be accompanied by the relevant fee payment.
2. If the claims are amended, in accordance with Article 19 of the PCT, the international application referred to in paragraph 1 of this Article, shall contain the amended claims and a translation of the declaration referred to in Article 19 of the PCT.
3. If the international application is amended in accordance with Article 34 of the PCT and if the international preliminary examination report contains annexes to the amendments made, the international application referred to in paragraph 1 of this Article shall be made in accordance with the annexes to the international preliminary examination report.
4. The provisions of this Law, which refer to the procedure for granting a patent initiated under a regular national patent application, shall equally apply to the international application referred to in point 1 of this Article.
5. The international application referred to in point 1 of this Article shall be published in the Bulletin of the GDIP, no later than 6 months from the filing date.
6. The interim rights provided for in Article 95 of this Law for the international application referred to in paragraph 1 of this Article, shall enter into force from the date of publication of the translation into Albanian language.
7. The international application, published in accordance with Article 21 of the PCT, shall not be considered a prior art pursuant to point 3 of Article 9 of this Law, if the requirements set out in paragraph 1 of this Article are not met.

PART XIV

EXECUTION OF RIGHTS

CHAPTER I

Article 146

Court jurisdiction

1. Appeals against the decisions of Appeals Board of the GDIP shall be filed with the Administrative Court of First Instance of Tirana within 45 days from the date of the reasoned decision.
2. The Court of First Instance of General Jurisdiction, Tirana, has jurisdiction over all other matters, including:
   a) all actions relating to the infringement of patent rights, utility model or supplementary protection certificate, as well as actions threatening the infringement of these rights;
   b) actions relating to the declaration of invalidity of the patent, utility model or supplementary protection certificate, according to the requirements provided for in this Law;
   c) the grant of compulsory licenses, in accordance with the provisions of this Law;
   ç) any other disputes between persons regarding patent rights, utility model and supplementary protection certificate, except for the cases specified in point 1 of this Article.

Article 147

Applicable standards

1. Legal remedies, measures and procedures provided for in this Law shall apply in relation to infringements of patent rights, utility models or supplementary protection certificates, without prejudice to other legal remedies provided for in the national legislation.
2. This Law shall not exclude the application of criminal legislation in relation to criminal proceedings or sanctions for infringements of patent rights, utility models or supplementary protection certificates.

Article 148

Implementation of measures, procedures and remedies

1. The persons entitled to request the application of protective measures, procedures and remedies are:
   a) the right holders, in accordance with the provisions of this Law;
   b) anyone authorized to use these rights, including the licensee, in accordance with the provisions of this Law.
2. In order to seek compensation for the damage suffered, the licensee has the right to participate as a third party in the legal proceedings against the infringement of rights initiated by the owner of the patent, utility model or supplementary protection certificate.

Article 149

Actions constituting a violation of the right to patent, utility model or supplementary protection certificate

Any unauthorized use of patent rights, utility model rights or supplementary protection certificates, as appropriate, constitutes an infringement of patent rights, utility model rights or supplementary protection certificates, according to the provisions of this Law.

CHAPTER II

EVIDENCE

Article 150

Evidence

1. At the request of the party that has presented sufficient evidence in support of her claims that the opposing party possesses one or more pieces of evidence that are relevant and important to the case under trial, the competent court may order the opposing party to present evidence in his/her possession, provided that confidential information is protected.
2. For the purposes of paragraph 1 of this Article, the court shall assess any evidence presented by the requesting party in relation to her claims.
3. At the request of the party, the court shall order, as appropriate, the presentation of banking, financial or commercial documents in the possession of the opposing party, provided that confidential information is protected.

Article 151

Measures to secure evidence

1. At the request of the party who has presented sufficient evidence to support his/her claims regarding the infringement or risk of infringement of the patent rights, utility model or supplementary protection certificate, the court shall order the adoption of immediate and effective measures to secure evidence, provided that confidential information is protected.

   These measures may be taken even before the initiation of judicial proceedings on the merits of the case and may include the detailed description with or without taking samples, physical seizure of infringing goods and, where appropriate, of the materials and means used for the production and/or distribution of these goods and related documents.

   The court rules on the adoption or not of measures to secure evidence within 5 days from the date of filing the request, and sets the time limit within which the measure ordered by this decision, shall be implemented.

   This time limit does not exceed 5 days from the date of the decision.
2. The court rules on the adoption of such measures without hearing the other party when necessary, in particular where the delay may cause irreparable damages to the rights holder or where there is a risk of evidence being disposed of.

   When measures to secure evidence are taken without hearing the other party, the party against whom the measure has been taken, shall be notified immediately, but not later than at the beginning of the measure execution.

   When measures to secure evidence are taken without affording the party against whom the measure has been taken the opportunity to be heard, the latter may file a petition with the court for review of the measure within 5 days from the date of measure's notification.

   In review proceedings, the court shall afford the parties the opportunity to be heard and shall confirm, amend or revoke the decision ordering the adoption of measures to secure evidence within a reasonable time limit which shall not exceed 5 days from the date of filing the petition for review.
3. The court shall decide that adoption of measures to secure evidence shall be conditional upon filing by the applicant of a proper guarantee or other equivalent means of security, in order to guarantee or ensure compensation for any damage that may be caused to the respondent under point 5 of this Article.
4. At the request of the respondent, the measures for securing evidence shall be revoked or removed, without prejudice to the right to compensation that may be claimed, if the claimant does not file a claim with the court on the merits of the case within a reasonable time limit set by the court in its decision to take the measures.

   This reasonable time limit cannot exceed 20 working days or 31 calendar days, whichever is the longer, from the date of execution of the measure to secure evidence.

5. At the request of the respondent, the court shall order the applicant to provide the respondent with due compensation for any damage caused by these measures if:

   a) the measures to secure evidence are revoked, removed or become invalid due to an action or omission of the applicant; or

   b) it is later established that there has been no infringement of the patent rights, utility model or supplementary protection certificate.

6. The court shall take measures to protect the identity of witnesses.

Article 152

The right to information

1. Upon a reasoned and proportional request of the plaintiff, the court shall order during the examination of the infringement of patent rights, utility model and supplementary protection certificate that information on the origin and distribution networks of goods and services that infringe the patent rights, utility model or supplementary protection certificate be provided by the infringer and/or any other person who:

   a) is found to possess infringing goods on a commercial scale;

   b) is found to use infringing services on a commercial scale;

   c) is found to provide services used in infringing activities on a commercial scale; or

   ç) is identified by the person specified in letters "a", "b" or "c" of this point as being involved in the production, processing or distribution of goods or the provision of services.

2. The information specified in point 1 of this Article shall, where applicable, include:

   a) the names and addresses of producers, processors, distributors, suppliers, other previous holders of goods or services, as well as of wholesalers and retailers;

   b) information on the quantities produced, processed, distributed, received or ordered, as well as the prices received for the goods or services in question.

3. Points 1 and 2 of this Article shall apply without prejudice to other legal provisions which:

   a) entitle the rights holder to obtain more complete information;

   b) regulate the use of information communicated in accordance with this Article in civil or criminal proceedings;

   c) regulate the liability for misuse of the right to information;

   ç) afford the opportunity of refusing to provide information when this information would oblige the person specified in point 1 of this Article to admit his or her participation or that of his or her family members in the infringement of patent rights, utility model or supplementary protection certificate;

   d) regulate the protection of confidentiality of information sources or personal data processing.

CHAPTER III

INTERIM MEASURES

Article 153

Provisional measures

1. At the request of the concerned party, the court shall decide to:

a) adopt provisional measures against the alleged infringer to prevent an expected infringement of the rights of the patent, utility model or supplementary protection certificate or to temporarily stop the continuity of the alleged infringement of rights;

b) confiscate or place under control the goods suspected of infringing the rights of the patent, utility model or supplementary protection certificate, in order to prevent their entry into or circulation on the market.

The court rules on the adoption or not of provisional measures within 5 days from the date of filing the petition.

2. The provisional measures, specified in paragraph 1 of this Article, may also be imposed on a counter-intermediary whose services are used by a third party to infringe the rights of a patent, utility model or supplementary protection certificate.

3. The court may decide on the temporary confiscation of movable or immovable properties of the alleged infringer, including the freezing of his bank accounts and other assets, where the injured party demonstrates circumstances that may threaten the recovery of damages.

   For this purpose, the court may order the submission of banking, financial or commercial documents, or the use of other proper means of obtaining the relevant information.

4. The court may request evidence from the applicant regarding the measures set out in points 1, 2 and 3 of this Article to establish whether he is the rights holder and whether his rights have been violated or are expected to be violated.

5. The court rules on the adoption of these measures without hearing the other party, if necessary, in particular when the delay may cause irreparable damage to the rights holder. In such a case, the applicant shall file the lawsuit within 15 days.

   In such a case, the other party shall be promptly informed, but no later than in the beginning of measure execution.

6. When interim measures are imposed without affording the other party against whom the measure has been imposed, an opportunity to be heard, the latter may file a petition with the court for review of the measure within 5 days from the date of notification of the interim measure. In review proceedings, the court shall afford the parties the opportunity to be heard and shall ultimately confirm, amend or revoke the decision ordering the adoption of interim measures within 5 days from the date of filing the petition for review.
7. At the request of the respondent, the court shall decide to revoke or lift measures if the applicant does not file a lawsuit with the court on the merits of the case within a time limit not exceeding 20 working days or 31 calendar days, whichever is longer.

8. The court decides that the adoption of measures shall be conditional upon filing by the applicant of a proper guarantee or other equivalent means of security, in order to guarantee or ensure compensation for any damage that may be caused to the respondent under point 9 of this Article.

9. At request of the respondent, the court orders the requester of measures to provide the respondent with due compensation for any damage caused by these measures if:

   a) the interim measures are revoked, lifted or have become invalid due to an act or omission of the applicant; or

   b) it is later established that there has been no violation of the rights of patent, utility model or supplementary protection certificate.

CHAPTER IV

PROCEDURES AND MEASURES AGAINST THE VIOLATION OF RIGHTS

Article 154

Procedures and measures against the violation of rights

1. Persons entitled to request the application of protective measures, procedures and remedies, under this Law, have the right to apply to the court to claim:
   a) the prohibition of trade of goods and provision of services that infringe the rights of patent, utility model or supplementary protection certificate;
   b) the removal from commercial channels and/or confiscation of the infringing goods and, where appropriate, the materials, equipment, instruments and means used mainly for the creation or production of these goods and services;
   c) the destruction of infringing goods, as well as/or the materials, equipment, instruments and means used mainly for the creation or production of these goods and services;
   ç) the partial or full publication of the court decision in public media at the expense of the person who committed the infringement, in the way provided by the court.
   d) compensation for damage suffered from the infringement of rights of the patent, utility model or supplementary protection certificate;
2. The court shall order the implementation of measures provided for in letters "b", "c" and "ç" of paragraph 1 of this Article at the expense of the infringer, unless there are special reasons to decide otherwise. In examining the request for taking these measures, the court shall assess the proportionality between the severity of violation and the measure ordered, as well as the interests of third parties.
3. The measure provided for in letter "a" of point 1 of this Article may also be taken against an intermediary when the use of his services by a third party infringes the rights of a patent, utility model or supplementary protection certificate.

Article 155

Damage compensation

1. At the request of injured party, the court shall order the person who is involved in the infringing activity to pay compensation for damages caused as a result of the infringement of patent rights, utility model or supplementary protection certificate.
2. In calculating the amount of damage compensation, the court shall take into account any effective and real damage, including:
   a) the missing profit of the injured party;
   b) any unfair advantage gained by the infringer; and
   c) moral damage caused to the injured party by the infringement, damage to the name and commercial reputation.
3. The court may, as appropriate, rule on the immediate compensation of damages by determining a monetary amount to be paid by the infringer in favour of the injured party. The court decision shall be based on elements such as profits, revenues and/or fees that would have been earned, if the infringer would have requested authorization to use the rights of patent, utility model or supplementary protection certificate in question.
4. Where the infringer is not engaged in infringing activity knowingly or with reasonable grounds for being aware of the infringement, the court shall order the recovery of profits or payment of damages, which may be predetermined.

Article 156

Measures at the customs

The conditions and procedures regarding the actions undertaken by the customs authorities, if there are reasonable grounds for suspecting that a patent, utility model or supplementary protection certificate right is being infringed by goods, which are or should have been subject of customs supervision or

customs control, within the customs territory of the Republic of Albania, are regulated by the customs legislation in force in the Republic of Albania.

Article 157

Internal market measures

1. The rights holder, according to this Law, may submit a complaint application for inspection to the authority in charge of supervising the internal market, requesting the initiation of procedures and adoption of the relevant inspection measures, if there are reasonable grounds for suspecting that the rights of patent, utility model or supplementary protection certificate are infringed by goods and services placed on the market in the territory of the Republic of Albania, after their release by customs authorities and entry into the internal market.
2. The procedures implemented by the authority in charge of supervising the internal market, according to point 1 of this Article, are regulated by the legislation in force on inspection in the Republic of Albania and by any other laws or by-laws containing provisions for the protection of intellectual property rights in the internal market.

PART XV

GENERAL PROVISIONS

Article 158

Administrative appeal to the Board of Appeal

1. Unless otherwise provided for in this Law, decisions taken by the GDIP, which have an adverse impact on the acquisition, exercise or maintenance of rights or titles of ownership under this Law, including, in particular, any decision refusing to grant or register a patent, utility model or supplementary protection certificate, may be appealed administratively to the Board of Appeal.
2. Only the applicant or the rights holder affected by the decision, may file an administrative appeal against a decision of the GDIP, according to point 1 of this Article, within 2 months from the date when the decision was notified.
3. The administrative appeal clearly specifies the decision against which the appeal is filed and contains the following elements:

   a) arguments, legal basis, reasons and evidence relating to the appeal;

   b) reinstatement in time limit of a right claimed through appeal;

   c) authorization of representation when the request is filed by a representative;

   ç) payment of the relevant fee; and

   d) duly signed relevant request form.
4. The administrative appeal shall be examined by the Board of Appeal in accordance with this law and by-laws issued under this Law, taking into account the facts, evidence and arguments available thereto. The procedures before the Board of Appeal shall not be open for intervention of third parties.
5. Following the examination of appeal specified in point 3 of this Article, the Board of Appeal may uphold, review or repeal the contested decision of the GDIP.
6. The administrative appeal filed with the Board of Appeal suspends the execution of the act until the notification of appeal decision. An appeal to the court does not suspend the execution of the Board of Appeal's decision.
7. The composition and procedures relating to the administrative appeal to the Board of Appeal, are determined in the relevant regulation on the issuance of patents for inventions, utility models and supplementary protection certificates, which is approved by Decision of the Council of Ministers.

Article 159

Time limits

1. Unless expressly prohibited in this Law, any time limit set out in this Law may be extended by up to 2 months upon request of the concerned party and against payment of the relevant fee.
2. The concerned party shall file with the GDIP a request for extension of the time limit before the expiry of due time limit together with the payment of relevant fee.
3. The GDIP shall review, without delay, the request for extension of time limit and, when it finds that the conditions set out in this Article have been met, shall approve the extension of time limit by up to 2 additional months by a decision.

Article 160

Electronic requests for services provided by GDIP

1. Every request for services provided by the GDIP shall be filed electronically, in accordance with the legislation in force regulating on-line services in the Republic of Albania.
2. Every request in electronic format shall bear an electronic signature, in accordance with the legislation in force.

Article 161

Personal data protection

Personal data with a view of implementing this Law shall be processed in accordance with the provisions of the legislation in force on personal data protection.

Article 162

Transitional provisions

1. Processes for the violation of administrative rights and procedures, which have been initiated or suspended before the entry into force of this Law, shall be addressed and established in accordance with the provisions of Law no. 9947, dated 7.7.2008 "On Industrial Property", as amended, and the Decision of Council of Ministers no. 1707, dated 29.12.2008 "On the approval of regulation for the issuance of patents for inventions and utility models", as amended.
2. The by-laws, issued pursuant to Law no. 9947, dated 7.7.2008 "On Industrial Property", as amended, and the by-laws in force in the field of industrial property shall be upheld insofar as they do not conflict with this Law, until the adoption of by-laws pursuant to the present Law.
3. This Law, regulations and other by-laws adopted under this Law shall be interpreted and implemented in accordance with the PTC.

Article 163

By-laws

The Council of Ministers is hereby responsible to adopt by decision, within nine months from the date of entry into force of this Law:

a) the regulation of patents for inventions, utility models and supplementary protection certificates according to point 9 of Article 16; Article 18; points 4 and 5 of Article 19; point 2 of Article 21; point 2 of Article 22; point 3 of Article 25; point 5 of Article 26; point 7 of Article 27; point 7 of Article 28; point 8 of Article 29; point 2 of Article 30; point 2 of Article 32; point 5 of Article 36; point 2 of Article 51; point 8 of Article 57; point 2 of Article 61; point 2 of Article 62; point 2 of Article 63; points 6 and 8 of Article 75; point 7 of Article 78; point 10 of Article 79; point 4 of Article 84; point 3 of Article 85; point 1 of Article 103; point 4 of Article 109; point 11 of Article 123; point 7 of Article 125; point 3 of Article 130; point 8 of Article 134; point 8 of Article 138; point 5 of Article 144 and point 7 of Article 158 of this Law;

b) the regulation on authorized representatives according to point 9 of Article 16 of this Law;

c) fees for services provided by the GDIP in relation to industrial property objects, pursuant to Article 18 of this Law.

Article 164

Repeals

1. Points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of Article 4 and Articles 5, 6, 7, 8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 36/a, 36/b, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 87/a, 87/b, 87/c, 87/ç, 87/d, 87/dh, 87/e, 87/ë, 87/f, 87/g, 87/gj, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 188/a of the Law no. 9947, dated 7.7.2008, "On industrial property", as amended, shall be repealed upon entry into force of this Law.
2. Articles 184/a, 184/b, 184/c, 184/ç, 185, 185/a, 186, 187, 188 of Law no. 9947, dated 7.7.2008, "On industrial property", as amended, shall be repealed upon the entry into force of this Law, insofar as provided for in relation to patents, utility models and supplementary protection certificates and not for other industrial property objects.

Article 165

Entry into force

This Law shall enter into effect 15 days after its publication in the Official Journal.

Adopted on 3.7.2025.

Promulgated by virtue of the Decree no. 281, dated 29.7.2025, of the President of the Republic of Albania, Bajram Begaj.

DEKLARATA E PËRKTHYESIT ZYRTAR

Unë, ERDI HOXHALLI, përkthyes zyrtar i gjuhës angleze, certifikuar nga Ministria e Drejtësisë me nr. certifikate 166, datë 31.07.2024 deklaroj se kam përkthyer tekstin që më është paraqitur nga gjuha e burimit SHQIPE në gjuhën e synuar ANGLEZE me saktësi, me kujdesin e duhur dhe me përgjegjësi ligjore.

Data _____

Vula dhe nënshkrimi i përkthyesit zyrtar

OFFICIAL TRANSLATOR'S DECLARATION

I, ERDI HOXHALLI, official translator of English language, certified by the Ministry of Justice under the certificate number 166, dated 31.07.2024, hereby declare that I have translated the text submitted to me, from source language ALBANIAN to target language ENGLISH, faithfully, with due care and legal responsibility.

Date _____

Seal and signature of the official translator