

LAW
No. 52/2025
ON TRADEMARKS¹

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

Object

This law defines:

- a) the rules, criteria, and procedures for the registration of trademarks;
- b) the rights arising from the registration of trademarks;
- c) the regulation of trademarks as objects of ownership and the procedures for the registration of changes in the trademark register;
- ç) the rules, conditions, and procedures for the revocation and invalidity of trademarks;
- d) the rules for the administration of the trademark system and register;
- dh) the protection of trademark rights in cases of infringement of these rights.

Article 2

Purpose

The purpose of this law is the comprehensive regulation of legal relations pertaining to trademarks within the territory of the Republic of Albania.

Article 3

Scope

This law shall apply to:

- a) applications for the registration of trademarks;
- b) trademarks;
- c) collective and certification trademarks;
- ç) international registrations of trademarks.

Article 4

Definitions

1. For the purposes of this law, the following terms shall have the following meanings:
“Authority responsible for internal market supervision” means the competent authority responsible for the supervision, monitoring, enforcement, and compliance of intellectual property rights in the internal market, in accordance with the applicable inspection legislation in the Republic of Albania and any other law or subordinate act containing provisions for the protection of intellectual property

¹ This law fully aligns with:

Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on European Union trademarks, Celex No. 32017R1001; Official Journal of the European Union, L Series, No. 154, 16.6.2017, p. 1–99 (OJ L 154, 16.6.2017, p. 1–99).

Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 approximating the laws of the Member States relating to trademarks, Celex No. 32015L2436; Official Journal of the European Union, L Series, No. 336, 23.12.2015, p. 1–26 (OJ L 336, 23.12.2015, p. 1–26).

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, Celex No. 32004L0048R(01); Official Journal of the European Union, L Series, No. 195, 2.6.2004, p. 16–25 (OJ L 195, 2.6.2004, p. 16–25).

rights in the internal market.

2. “Board of Appeal” means the body established for the review of administrative appeals, in accordance with the provisions set forth in this law.

3. “The DPPI/GDIP Bulletin” or “Bulletin” is the official periodic publication of the DPPI/GDIP, in which all data regarding trademarks, collective and certification trademarks, as well as all actions related to them, are published, as provided for in this law or in the acts implementing it.

4. “DPPI/GDIP” is the General Directorate of Industrial Property.

5. “The Opposition Chamber” or “Chamber” is a structure established within the examination unit that reviews oppositions to trademarks, in accordance with the provisions of this law.

6. “Chamber for Cancellation and Invalidity Chamber” or “Chamber” is a structure established within the DPPI that examines requests for the cancellation and declaration of invalidity of trademarks, observations filed on absolute grounds against published trademarks, and appeals against decisions rejecting a trademark or its elements on absolute grounds, in accordance with the provisions of this law.

7. “Court” means the Court of First Instance of General Jurisdiction or the Administrative Court of First Instance of Tirana, as applicable.

8. “Trademark registration application” or “Trademark application” means the application for the registration of a sign as a trademark, filed with the General Directorate of Industrial Property, in accordance with the provisions of this law..

9. “The Nice Classification” is the agreement concerning the International Classification of Goods and Services for the purposes of trademark registration, approved by the Nice Agreement of 15 June 1957, including all subsequent revisions and amendments, acceded to by Law No. 9033, dated 20.03.2003, “On the Accession of the Republic of Albania to the Nice Convention on the International Classification of Goods and Services for the Purposes of Trademark Registration.”

10. “The Vienna Classification” is the agreement establishing an International Classification of the Figurative Elements of Marks, approved by the Vienna Agreement of 12 June 1973, including all subsequent amendments, acceded to by Law No. 34/2018, dated 07.06.2018, “On the Accession of the Republic of Albania to the Vienna Agreement on the International Classification of the Figurative Elements of Trademarks.”

11. “The Paris Convention” is the Convention for the Protection of Industrial Property, adopted in Paris on 20 March 1883, including its subsequent amendments.

12. “The Convention on International Exhibitions” is the convention and the protocols of this convention, signed in Paris on 22 November 1928, including all subsequent amendments, acceded to by Law No. 9899, dated 10.04.2008, “On the Accession of the Republic of Albania to the Convention on International Exhibitions.”

13. “Exclusive license” means a license (general or limited) that authorizes the licensee, to the exclusion of any other person, including the licensor, to use the trademark in the manner authorized by the license.

14. “Non-exclusive license” means a license that does not remove the right of the person who filed the trademark application or the owner of the trademark to use or to license the trademark to other persons.

15. “Licensing” means the granting of a license, through which the person who filed the trademark application or the owner of the trademark authorizes and allows another party to perform one or more acts in relation to the trademark.

16. “Counterfeit goods” means goods, including any packaging, label, sticker, brochure, user manual, warranty document, or other similar item, even if presented separately, that bear without authorization a sign which is identical to a trademark duly registered in relation to those goods, or which cannot be distinguished in its essential aspects from that trademark, and thereby infringes the rights of the owner of the said trademark.

17. “Trademark” or “mark” means a trademark registered with the General Directorate of Industrial Property in accordance with the provisions of this law and which has effect throughout the territory of the Republic of Albania.

18. “Collective trademark” or “collective mark” means a trademark designated as such in the trademark registration application and which enables the distinction of the goods and services of the members of an association that owns the trademark from the goods or services of other enterprises.

19. "Certification trademark" or "certification mark" means a trademark designated as such in the trademark registration application and which enables the distinction of goods and services that have been certified by the owner of the trademark regarding the material, method of manufacture of the goods, provision of services, quality, accuracy, or other characteristics from goods or services that have not been certified in this way.

20. "Well-known trademark" means a trademark recognized as such in the Republic of Albania in accordance with Article 6bis of the Paris Convention.

21. "Madrid Agreement" means the Madrid Agreement concerning the International Registration of Marks, dated 14 April 1891, including all subsequent revisions and amendments.

22. "TRIPS Agreement" means 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, ratified by Law No. 8648, dated 28 July 2000, "On the ratification of the Protocol of Accession of the Republic of Albania to the Marrakesh Agreement establishing the World Trade Organization."

23. "Rights holder" means the owner or holder of the trademark license, registered in accordance with this law, and any other person or entity authorized to use the trademark in the case of collective or certification marks.

24. "Electronic means" means any means which allows the initial or subsequent sending of information and its receipt by the intended recipient through electronic devices or equipment for the processing, handling, treatment, and storage of data, entirely transmitted, conveyed, or received via cables, radio waves, optical or other electromagnetic means, including the Internet.

25. "Observations" means the comments, arguments, documents, and evidence submitted by a participating party in proceedings before the DPPI/GDIP.

26. "Person" means any natural person or legal person, as well as any entity of law, in accordance with the applicable legislation.

27. "Actual and effective use of the trademark" means the genuine, true, and effective use of the trademark within the territory of the Republic of Albania.

28. "Madrid Protocol" is the protocol concerning the Madrid Agreement on the international registration of trademarks, adopted in Madrid on 27 June 1989, with all subsequent amendments, acceded to by Law No. 8992, dated 30.1.2003, "On the accession of the Republic of Albania to the Protocol of the Madrid Agreement on the international registration of trademarks."

29. "Register" is the official collection of trademark data maintained by the DPPI/GDIP in accordance with this law.

30. "Regulations of use" are the regulations governing the use of collective and certification trademarks that are filed with the DPPI/GDIP in accordance with this law.

31. "Industrial Property Administration System" or "IPAS" is the electronic tool, including the database, for the administration of industrial property objects by the DPPI/GDIP.

32. "Absolute and relative grounds," as applicable, are the absolute and relative grounds for refusing the registration of a published trademark or for declaring the invalidity of a registered trademark, in accordance with the rules, criteria, and procedures provided for in this law.

33. "International Bureau" means the International Bureau of the World Intellectual Property Organization.

34. "WIPO" is the World Intellectual Property Organization, established by the Convention Establishing the World Intellectual Property Organization, signed in Stockholm on 14 July 1967, and acceded to by Law No. 8993, dated 30.1.2003, "On the Accession of the Republic of Albania to the Convention Establishing the World Intellectual Property Organization."

Article 5

The Nature and Method of Acquiring a Trademark

1. A trademark has a territorial character and enjoys protection throughout the territory of the Republic of Albania.

2. A trademark is acquired through registration.

3. This law applies to Albanian natural and legal persons, as well as to foreign persons.

PART II
CHAPTER I
SIGNS THAT CAN CONSTITUTE A TRADEMARK AND THE RIGHTS ACQUIRED
FROM A TRADEMARK

Article 6
Signs that can constitute a trademark

A trademark may be any sign, in particular words, including personal names, figures, letters, numbers, colors, the shapes of goods and their packaging, and sounds, provided that these signs:

- a) allow the goods or services of a natural or legal person to be distinguished from those of another natural or legal person;
- b) can be represented in the DPPI/GDIP register in such a way as to enable the competent authorities and the public to determine clearly and precisely the subject of protection granted to its owner.

Article 7
Persons who may be owners of a trademark

1. The owner of a trademark may be any natural or legal person.
2. Foreign natural or legal persons enjoy the same rights as domestic natural or legal persons, except where otherwise provided in this law.

Article 8
Absolute grounds for refusal

1. A sign shall not be registered as a trademark when:
 - a) it does not comply with the requirements of Article 6 of this law;
 - b) it lacks distinctive character;
 - c) it consists exclusively of signs or indications that serve in trade to designate the type, quality, quantity, intended purpose, value, geographical origin, or time of production of the goods or provision of the services, or other characteristics of the goods or services;
 - ç) it consists exclusively of:
 - i. the shape or any other characteristic resulting from the nature of the goods themselves;
 - ii. the shape or any other characteristic of the goods that is necessary to obtain a technical result;
 - iii. the shape or any other characteristic that gives substantial value to the goods;
 - dh) it is contrary to public interest or order, or to the protection of moral values;
 - e) it is of such a nature as to mislead the public regarding the nature, quality, or geographical origin of the goods or services;
 - ë) it is not authorized for registration by the competent authorities and is refused under Article 6ter of the Paris Convention;
 - f) it includes coats of arms, flags, emblems, or other official signs, except those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless consent for their registration has been given by the competent authority;
 - g) it is excluded from registration under the legislation of the Republic of Albania or international agreements in force in the Republic of Albania that provide for the protection of designations of origin and geographical indications;
 - gj) it is excluded from registration under the legislation of the Republic of Albania or international agreements in force in the Republic of Albania that provide for the protection of traditional terms for wine;
 - h) it is excluded from registration under the legislation of the Republic of Albania or international agreements in force in the Republic of Albania that provide for the protection of guaranteed traditional specialties;
 - i) it consists of, or reproduces in its essential elements, a previously registered plant variety name in accordance with the law of the Republic of Albania or international agreements in force in the Republic of Albania, which provide protection for plant variety rights, and which relates to plant

varieties of the same species or closely related species.

2. The grounds referred to in points “b”, “c”, and “ç” of paragraph 1 of this Article shall not apply when the trademark has acquired distinctiveness in relation to the goods or services for which registration is sought, as a result of its use prior to the filing date of the trademark application.

Article 9

Relative grounds for refusal

1. On the basis of opposition by the owner of an earlier trademark, a trademark application published in the IPRO Bulletin shall not be registered if:

a) it is identical to the earlier trademark and the goods or services for which the trademark application is filed are identical to the goods or services protected by the earlier trademark;

b) due to the identity or similarity with the earlier trademark, as well as the identity or similarity of the goods or services covered by the trademarks, there exists or may arise a likelihood of confusion among a part of the public in the Republic of Albania, including the likelihood of association with the earlier trademark;

c) it is identical with or similar to the earlier trademark, regardless of whether the goods and services for which the trademark application is filed are identical, similar, or not similar to those for which the earlier trademark is registered, when:

i. the earlier trademark has a reputation in the Republic of Albania; and

ii. the use of the applied-for trademark without due cause takes unfair advantage of, or is detrimental to, the distinctive character or reputation of the earlier trademark;

ç) the application for registration of the trademark has been made in bad faith.

2. For the purposes of paragraph 1 of this Article, an “earlier trademark” is:

a) each of the trademarks referred to in this paragraph, which has a filing date earlier than the filing date of the opposed trademark application, taking into account, as appropriate, the claimed priorities in relation to these trademarks:

i. national trademarks;

ii. trademarks registered under international agreements in force in the Republic of Albania;

b) an application for the registration of trademarks referred to in point “a” of paragraph 2 of this Article, provided that the trademark registration procedure is successfully completed;

c) a trademark which, on the filing date of the opposed trademark application, or, where applicable, on the date of the claimed priority in the application, is well-known in the Republic of Albania, in the sense that the term “well-known” is used in Article 6bis of the Paris Convention.

3. On the basis of opposition by the holder of an earlier right, the applied trademark shall not be registered if its use infringes any of the earlier rights, as follows:

a) the right to the name and surname of an individual;

b) the right to the likeness or portrait of an individual;

c) copyright;

ç) other industrial property rights;

d) the rights of an unregistered trademark or another sign that has been used for a long time in commercial activity and over a wide territorial area.

a) On the basis of opposition by a commercial entity registered with the relevant commercial registration authority prior to the filing date of the opposed trademark application, taking into account, as appropriate, the claimed priorities in relation to that trademark, the applied trademark shall not be registered if:

a) the name of the commercial entity, its trade name, or an essential part of these names is identical or similar to the trademark; and

b) the goods or services that are the object of the commercial activity of the commercial entity are identical or similar to those for which the trademark application has been filed.

4. On the basis of opposition by the owner of a trademark, the trademark shall not be registered if the representative of the trademark owner files the trademark application in their own name without the consent of the owner, unless the representative justifies his actions by proving that the filing of the application was directly authorized by the owner.

5. On the basis of opposition by any person authorized under the applicable law to exercise the rights

arising from a designation of origin or a geographical indication, the applied trademark shall not be registered when, according to the legislation of the Republic of Albania or international agreements in force in the Republic of Albania for the protection of designations of origin and geographical indications:

- a) an application for a designation of origin or geographical indication has been filed prior to the filing date of the trademark application or prior to the date of the claimed priority, provided that the registration procedure for the designation of origin or geographical indication is successfully completed; and
- b) the designation of origin or geographical indication gives the opponent the right to prohibit the use of the later trademark.

CHAPTER II

EFFECTS OF THE TRADEMARK

Article 10

Rights conferred by a trademark

1. The registration of a trademark grants its owner exclusive rights over it.
2. Without prejudice to the rights of prior owners acquired before the filing date or priority date of the trademark, the owner of this trademark has the right to prohibit all third parties from using, in the course of trade and without his authorization:
 - a) a sign that is identical with the trademark and is used for goods or services identical to those for which the trademark is registered;
 - b) a sign that is identical with, or similar to the trademark and is used for goods or services that are identical or similar to the goods or services for which the trademark is registered, where there exists or may arise a likelihood of confusion among a part of the public in the Republic of Albania, including the possibility of association between the sign and the trademark;
 - c) a sign that is identical with, or similar to the trademark, regardless of whether the sign is used for goods or services that are identical, similar, or not similar to those for which the trademark is registered, when the trademark has a reputation in the Republic of Albania and the use of the sign without due cause takes unfair advantage of or damages the distinctive character or reputation of the trademark.
3. For the purposes of paragraph 2 of this Article, the owner of the trademark also has the right to prohibit:
 - a) affixing or placing the sign on goods, their packaging, or wrappings;
 - b) offering the goods for sale, putting them on the market and storing, stocking or warehousing the goods for these purposes under that sign, as well as offering services under that sign;
 - c) importing or exporting the goods under that sign;
 - ç) using the sign as a trade or company name, or as part of a trade or company name;
 - d) using the sign in business papers, advertising, and commercial activities;
 - dh) using the sign in comparative advertising in violation of the consumer protection legislation in force in the Republic of Albania.
4. Without prejudice to the rights of owners acquired before the filing date or priority date of the trademark, the owner of the trademark shall also be entitled to prevent all third parties from bringing goods, in the course of trade, into the Republic of Albania, without being released for free circulation there, where such goods, including their packaging:
 - a) come from third countries; and
 - b) bear, without authorization a trademark which is identical to the registered trademark in relation to these goods or which cannot be distinguished in its essential aspects from the registered trademark.This right of the trademark owner shall lapse if, during the proceedings initiated in accordance with customs legislation for intellectual property to determine whether the trademark rights have been infringed, evidence is provided by the declarant or the holder of the goods that the trademark owner is not entitled to prohibit the placing of the goods on the market in the country of final destination.
5. The rights granted to the owner of a registered trademark under this Article shall also be recognized for the owner of a well-known trademark in the Republic of Albania, in accordance with the definition in point “c” of paragraph 2 of Article 9 of this law.

Article 11

The right to prohibit preparatory acts in relation to the use of packaging or other means

1. The owner of a trademark is entitled to prohibit preparatory acts in relation to the use of packaging or other means when:

a) there is a risk that packaging, labels, security and authenticity features or devices, or any other means to which the trademark is affixed or applied, may be used in relation to goods and services protected by the trademark; and

b) such use constitutes an infringement of the rights of the trademark owner under paragraphs 2 and 3 of Article 10 of this law.

c) For the purposes of paragraph 1 of this Article, the trademark owner is entitled to prohibit the following acts if carried out in the course of trade:

d) affixing or applying a sign identical or similar to the trademark on packaging, labels, security and authenticity elements or devices, or any other means to which the trademark may be affixed or applied;

e) offering the goods for sale, putting them on the market and storing, stocking or warehousing the goods for these purposes, as well as importing or exporting packaging, labels, security and authenticity features or devices, or any other means to which the trademark may be affixed or applied.

Article 12

Date from which rights shall prevail against third parties

1. The rights conferred by a trademark take precedence against third parties from the date of the trademark's registration.

2. The owner of the trademark may claim reasonable compensation for acts occurring after publication date of the trademark application, where those acts would be prohibited by virtue of the trademark's registration.

Article 13

Reproduction of a trademark in a dictionary

If the reproduction of a trademark in a dictionary, encyclopedia, or similar publication gives the impression that it constitutes the generic name of the goods or services for which it is registered, the publisher of the work shall, at the request of the trademark owner, ensure that the reproduction of the trademark in the next edition is accompanied by an indication that it is a registered trademark.

Article 14

Prohibition of the use of a registered trademark in the name of a representative

Where a trademark is registered in the name of a representative of a person who is the owner of that trademark, without the owner's authorization, the latter shall be entitled to oppose the use of his trademark by his representative if he has not authorized such use, unless the representative justifies his actions by proving that the filing of the trademark application was directly authorized by the trademark owner.

Article 15

Limitation of the rights conferred by a trademark

1. The owner of a trademark shall not prohibit third parties from using, in the course of trade:

a) the name or address of the third party, where that third party is a natural person;

b) signs or indications which are not distinctive or which concern the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of the services, or other characteristics of the goods and services;

c) the trademark for the purpose of identifying or referring to the goods or services of the trademark owner, in particular, where the use of that trade is necessary to indicate the intended purpose of a product or service, in particular as accessories or spare parts.

2. Paragraph 1 of this Article shall only apply where the use made by the third party is in accordance with honest practices in industrial or commercial activities.

Article 16

Exhaustion of the rights conferred by a trademark

1. The owner of a trademark shall not prohibit a third party from using the trademark for goods which have been put on the market in the territory of the Republic of Albania by the owner or with his consent.

2. Paragraph 1 of this Article shall not apply where there exist legitimate reasons for the owner to oppose the further commercialization of the goods, especially where the condition of the goods is changed or been damaged after they have been put on the market.

Article 17

Intervening right of the owner a later registered trade mark as a defence in infringement proceedings

1. In judicial proceedings for trademark infringement, the owner of a trademark shall not be entitled to prohibit the use of a later registered trademark until the later trademark has been declared invalid in accordance with paragraphs 1 and 5 of Article 66, paragraph 1 of Article 67, and paragraph 1 of Article 68 of this law.

2. When the owner of a trademark is not entitled to prohibit the use of a later registered trademark in judicial proceedings for trademark infringement, pursuant to paragraph 1 of this Article, the owner of the later registered trademark likewise shall not be entitled to prohibit the use of the earlier trademark.

CHAPTER III

Use of the trademark and consequences of non-use of the trademark

Article 18

Use of the trademark

1. The owner of a trademark shall be entitled to use the trademark in relation to the goods or services for which it is registered.

2. For the purposes of paragraph 1 of this Article, the use of a trademark is also considered to include:

- a) the use of the trademark in a form differing in elements without changing the distinctive character of the trademark in the form in which it was registered, regardless of whether the trademark in the used form is registered in the name of the owner;
- b) affixing or placing the trademark to goods or to their packaging thereof solely for export purposes.

3. The use of the trademark with the consent of the owner shall be deemed to constitute use by the owner.

Article 19

Consequences of non-use of a trademark

Except where there are legitimate reasons for non-use, the trademark shall be subject to the limitations and sanctions provided for in Article 20, paragraphs 1, 3, and 6, Article 48, paragraph 6, Article 62, paragraph 4, and Article 67, paragraphs 1, 3, and 6 of this law, when:

- a) the owner has not put his trademark to genuine and effective use in the territory of the Republic of Albania for the goods or services for which it is registered within an uninterrupted period of five years from the date of registration of the trademark; or
- b) such use has been suspended for an uninterrupted period of five years.

Article 20
Non-use as a means of defense in infringement proceedings

1. The owner of the trademark has the right to request that the use of the sign be prohibited only to the extent that his rights over the trademark, at the time the infringement action is filed, cannot be revoked under Article 62 of this law.

2. When the trademark has been registered for at least five years prior to the filing date of the infringement action and if requested by the defendant, the trademark owner must provide evidence that, during an uninterrupted period of five years prior to the filing date of the action:

- a) the trademark has been put to genuine and effective use in relation to the goods or services for which it is registered and on which the action is based; or
- b) there are justified reasons for non-use of the trademark.

CHAPTER IV
TRADEMARKS AS OBJECTS OF PROPERTY

Article 21
Transfer of ownership

1. Ownership of a trademark may be transferred in relation to some or all of the goods and services for which it is registered, either together with or independently of any transfer of ownership of the enterprise.

2. The transfer of the entire ownership of an enterprise also includes the transfer of ownership of the trademark, unless otherwise provided in an agreement.

3. Without prejudice to paragraph 2 of this Article, the transfer of ownership of a trademark must be made in writing and requires the signatures of the parties in a contract or agreement, except when such transfer of ownership results from a court decision. Otherwise, the transfer of ownership is invalid.

4. If ownership of the trademark is transferred in relation to only a portion of the goods and services for which it is registered, the registration of the trademark shall be divided in accordance with the provisions set out in Article 60 of this law.

Article 22
Registration of the transfer of ownership in the register

1. Upon the request of the registered owner or the new owner of the trademark, the transfer of ownership of the trademark shall be recorded in the register if the applicant submits to the DPPI/GDIP:

- a) one of the following documents regarding the transfer of ownership:
 - i. a copy of the contract or agreement for the transfer of trademark ownership, signed by the parties and notarized;
 - ii. a copy of the court decision on the transfer or inheritance of trademark ownership;
 - iii. a certificate of inheritance issued by a public notary for the transfer of trademark ownership by inheritance;
 - iv. in cases of mergers or divisions of commercial companies, a copy of the commercial extract or any other document proving this change, issued by the competent authority, indicating the new owner of the trademark. This document may also be submitted when the transfer of trademark ownership concerns a change in the legal form of the company.
- b) a power of attorney, if the request is submitted by a representative;
- c) payment of the applicable fee; and
- d) the relevant form, duly signed.

2. The request for the registration of the transfer of trademark ownership shall contain the necessary information to identify the trademark, the new owner, the goods and services to which the transfer of ownership relates, as well as the documents required for registering the transfer, in accordance with paragraph 1 of this Article.

The DPPI/GDIP, within 3 months from the date of submission of the request, shall examine whether the transfer request complies with the requirements set out above.

3. If the requirements for registering the transfer of ownership are not met, the DPPI/GDIP shall send the applicant a notification to correct the deficiencies or omissions within 2 months from the date of receipt of the notification. If these deficiencies or omissions are not corrected within the specified period, the request for transfer of trademark ownership shall be refused.

4. When the applicable fee is paid and the requirements for registering the transfer of ownership are met, the DPPI/GDIP shall, within 1 month, register the transfer of ownership in the register and publish it in its bulletin.

5. A request for registration of the transfer of ownership may be submitted for two or more trademarks only when the data of the registered owner and the new owner of the trademarks are the same.

6. The procedure, content of the application for the transfer of ownership, and the accompanying documents shall be determined by a decision of the Council of Ministers.

7. The new owner of the trademark cannot rely on the rights arising from the registration of the trademark if the transfer of ownership has not been registered in the register.

Article 23

Transfer of a Trademark Registered in the Name of a Representative

1. Where a trademark is registered without authorization in the name of the owner's representative, the trademark owner has the right to request the transfer of the trademark to his name, except when the representative justifies his actions by proving that the filing of the trademark registration application in his name was directly authorized by the trademark owner.

2. The trademark owner may submit a request for the transfer of ownership, pursuant to paragraph 1 of this article, to:

a) the General Directorate of Industrial Property (DPPI/GDIP), in accordance with subparagraph "ç" of paragraph 1 of Article 66 of this law, instead of submitting a request for a declaration of invalidity;

b) the court, in accordance with paragraph 2 of Article 66 of this law.

Article 24

Registration of real rights in the register

1. A trademark may be used as collateral and be the subject of real rights independently of the commercial entity.

Upon the request of either party, the rights referred to in paragraph 1 of this article, or the transfer of these rights, shall be registered in the register if the requesting party submits to the DPPI/GDIP:

a) proof of the existence and validity of the real rights or the object of the real rights;

b) authorization of representation, when the request is submitted by a representative;

c) payment of the relevant fee; and

ç) the appropriate form, duly signed.

2. The DPPI/GDIP shall examine within 3 months from the date of submission whether the request for registration of real rights complies with the above requirements.

3. If the requirements for registration of real rights are not met, the DPPI/GDIP shall send the requesting party a notice to remedy deficiencies within 2 months from the date of receipt of the notice. If these deficiencies are not remedied within the prescribed period, the request shall be refused.

4. Once the relevant fee is paid and the requirements specified in this article for registration of real rights are fulfilled, the DPPI/GDIP shall register the real rights in the register within 1 month.

5. At the request of either party, the registration carried out under paragraph 2 of this article may be canceled or modified.

6. Any registration made under this article shall be published in the DPPI/GDIP Bulletin.
7. The procedure, the content of the application for registration of real rights, and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 25

Registration of enforcement actions in the register

1. A trademark may be subject to enforcement actions by the competent authorities in charge of compulsory execution procedures in accordance with the legislation in force in the Republic of Albania.
2. At the request of one of the parties or of the competent authority for enforcement procedures, the enforcement actions shall be registered in the register if the requesting party submits to the DPPI/GDIP:
 - a) the act on the basis of which the enforcement actions are carried out;
 - b) the authorization of representation, when the request is submitted by a representative;
 - c) payment of the applicable fee; and
 - ç) the duly signed relevant form.
3. The DPPI/GDIP, within 3 months from the date of submission of the request, examines whether the request for registration of enforcement actions complies with the requirements set out above.
4. If the requirements for registering the enforcement actions are not met, the DPPI/GDIP shall send the requesting party a notice to remedy the deficiencies within 2 months from the date of receipt of the notice. If these deficiencies are not remedied within the specified time limit, the request is rejected.
5. Once the applicable fee is paid and the requirements for registering the enforcement actions are fulfilled, the DPPI/GDIP shall register the enforcement actions in the register within 1 month.
6. At the request of one of the parties, the registration carried out under point 2 of this article may be canceled or amended.
7. Any registration made under this article shall be published in the DPPI/GDIP Bulletin.
8. The procedure, content of the application for registration of enforcement actions, and the attached documents shall be determined by a decision of the Council of Ministers.

Article 26

Registration of information on the initiation of insolvency proceedings in the register

1. Information regarding the initiation of insolvency proceedings of an enterprise shall be registered in the DPPI/GDIP register based on a notification issued by the competent authorities, in accordance with the current bankruptcy legislation of the Republic of Albania, or upon request by the administrator of the insolvency proceedings.
2. Upon the request of an interested party, the information on the initiation of insolvency proceedings shall be registered in the register if the requesting party submits to the DPPI/GDIP:
 - a) the notification or request specified in paragraph 1 of this article;
 - b) the authorization of representation, when the request is submitted by a representative;
 - c) payment of the applicable fee; and
 - ç) the relevant form, duly signed.
3. The DPPI/GDIP, within 3 months from the date of submission of the request, examines whether the request for registration of the insolvency information complies with the requirements set forth above.
4. If the requirements for registering the insolvency information are not met, the DPPI/GDIP shall send the requesting party a notice to remedy the deficiencies within 2 months from the date of receipt of the notice. If the deficiencies are not remedied within the specified period, the request shall be refused.
5. Once the applicable fee is paid and the requirements specified in this article for registering the insolvency information are met, the DPPI/GDIP shall register the insolvency information in the register within 1 month.
6. At the request of any of the parties referred to in paragraph 1 of this article, the registration made

under paragraph 2 may be canceled or amended.

7. Any registration made under this article shall be published in the DPPI bulletin.

8. The procedure, content of the application for registration of insolvency information, and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 27

Licensing

A trademark may be licensed for some or all of the goods and services for which it is registered.

1. The license may be exclusive or non-exclusive.

2. The owner of the trademark may rely on the rights arising from the registration of the trademark against the licensee who acts in breach of any provisions of the licensing agreement regarding:

a) its duration;

b) the manner in which the trademark may be used;

c) the list of goods and services for which the license has been granted;

ç) the territory in which the trademark may be affixed or applied;

d) the quality of the goods produced or of the services provided by the licensee.

3. Without prejudice to the provisions of the licensing agreement, the licensee may initiate legal proceedings against trademark infringement only if the trademark owner gives consent. In the case of an exclusive license, the holder of the exclusive license may initiate such proceedings if the trademark owner, after being notified in writing by the exclusive licensee, does not initiate the legal proceedings against the infringement within 3 months from the date of receiving the formal notice.

4. For the purposes of claiming compensation for damages suffered, the licensee has the right to intervene in proceedings against the infringement initiated by the trademark owner. Likewise, for the purposes of claiming compensation, the trademark owner has the right to intervene in proceedings initiated by the licensee in accordance with paragraph 4 of this article.

5. The licensing agreement may be sublicensed to third parties if expressly provided in the licensing agreement or with the written consent of the trademark owner. When provided in the license, the licensee may grant a sublicense, and the provisions in this law concerning the licensor or licensee also apply to the sublicensor or sublicensee.

Article 28

Registration of licensing agreements in the register

1. Upon the request of either party, a licensing agreement shall be registered in the register if the requesting party submits to the DPPI/GDIP:

a) a copy of the licensing agreement, duly signed by the parties and notarized;

b) authorization of representation, when the request is submitted by a representative;

c) payment of the applicable fee; and

ç) the duly signed application form.

2. The request for registration of a licensing agreement shall contain the necessary information to identify the trademark, the licensee, the type of license (exclusive or non-exclusive), the duration, territory, conditions of the license, the goods or services for which the license is granted, and the documents required for the registration of the license in the register.

3. The DPPI, within 3 months from the date of submission of the request, shall examine whether the request for registration of the license complies with the requirements set forth above.

4. If the requirements for registration of the licensing agreement are not met, the DPPI shall notify the requesting party to remedy any deficiencies or omissions within 2 months from the date of receipt of the notice. If such deficiencies or omissions are not remedied within the prescribed period, the request for registration of the trademark license shall be refused.

5. Once the applicable fee is paid and the requirements for trademark licensing are met, the DPPI shall register the licensing agreement in the register within 1 month and publish it in the bulletin.

6. Upon the request of either party, the registration carried out in accordance with paragraph 4 of this Article may be canceled or modified.

7. A request for registration of a licensing agreement may be submitted for two or more trademarks only when the registered owner and the licensee of the trademarks are the same.

8. The provisions above regarding license registration also apply to the registration of sublicensing agreements.

9. The procedure, content of the application for license registration, and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 29

Procedure for the cancellation or modification of the registration of licenses and other rights in the register

1. Upon the request of interested parties, the registration carried out pursuant to Articles 21 to 28 may be cancelled or modified.

2. The request shall include the registration number of the trademark and the details of the right for which cancellation or modification is sought.

3. The cancellation or modification shall be registered if the applicant submits to the DPPI/GDIP:

a) a document demonstrating that the registered right no longer exists or has been modified, or when the licensee or holder of another right provides written consent for the cancellation or modification of the registration;

b) a power of attorney, if the request is submitted by a representative;

c) payment of the applicable fee; and

ç) the duly signed application form.

4. The DPPI/GDIP shall, within 3 months from the date of submission of the request, examine whether the request for cancellation or modification of the license registration and other rights complies with the above requirements.

5. If the requirements for registering the cancellation or modification are not met, the DPPI/GDIP shall notify the applicant to remedy the deficiencies within 2 months from the date of receiving the notification. If these deficiencies are not remedied within the specified period, the request for registration of the cancellation or modification shall be refused.

6. Once the relevant fee is paid and the requirements of this article are fulfilled, the DPPI/GDIP shall, within 1 month, register the cancellation or modification and publish it in its bulletin.

7. The procedure, content of the application for cancellation or modification of the registration of licenses and other rights, and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 30

Application for the registration of a trademark as an object of ownership

Articles 21 to 29 of this Law shall also apply to applications for the registration of a trademark.

Article 31

Effects against third parties

1. The transfer of ownership, the transfer of real rights, and the licensing of a trademark shall have no legal effect against third parties unless registered in the register. Nevertheless, the transfer of ownership, the transfer of real rights, and the licensing shall have legal effects prior to registration in the register only against third parties who have acquired rights over the trademark after the date of the act's registration but were aware of the act at the date on which the rights were acquired.

2. Paragraph 1 of this article shall not apply in the case of a person who acquires ownership of the trademark or a right related to it by way of transfer of the business or inheritance.

PART III
APPLICATION FOR TRADEMARK REGISTRATION
CHAPTER I
FILING AND CONDITIONS FOR A TRADEMARK REGISTRATION APPLICATION

Article 32

Filing of the Application

1. The application for the registration of a trademark shall be filed with DPPI/GDIP.
2. An application for trademark registration may not contain more than one sign for which trademark protection is sought.
3. The DPPI/GDIP shall promptly issue the applicant a filing receipt, which shall include at least the application number, a representation of the trademark, a description or other identification of the mark, the nature and number of documents submitted and the date of their receipt.

Article 33

Conditions that the application must comply with

1. The application for the registration of a trademark shall contain:
 - a) the completed application form for trademark registration;
 - b) information identifying the applicant;
 - c) the list of goods and services for which registration is sought;
 - d) a representation of the trademark that complies with the requirements set forth in letter “b” of Article 6 of this law;
 - e) payment of the applicable trademark registration fee.
2. In addition to the requirements specified in paragraph 1 of this Article, the trademark registration application must also meet the formal requirements provided for in this law and its implementing subordinate acts. The formal requirements include:
 - a) information identifying the representative and the authorization of representation, where the application is submitted by a representative;
 - b) the priority document, when priority is claimed;
 - c) the rules of use of the trademark, in the case of a collective or certification mark.
3. The procedure, content of the application for trademark registration, and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 34

Filing date of the application

The filing date of the trademark application is the date on which the applicant submits to the DPPI/GDIP the documents containing the information specified in point 1 of Article 33 of this law.

Article 35

Determination and classification of goods and services

1. The goods and services for which an application for trademark registration is filed shall be classified in accordance with the Nice Classification system.
2. The goods and services for which trademark protection is sought must be identified by the applicant with sufficient clarity and precision to enable the competent authorities and economic operators to determine the scope of the protection requested.

3. For the purposes of paragraph 2 of this article, general indications included in the titles of the classes of the Nice Classification or other general terms may be used, provided that they meet the required standards of clarity and precision set out in this article.

4. The use of general terms, including the general indications of the titles of the classes of the Nice Classification, shall be deemed to cover all goods or services clearly encompassed by the literal meaning of the indication or term.

5. Goods and services not clearly covered by the literal meaning of the general terms or class title indications of the Nice Classification shall not be considered included in the application for trademark registration or, as the case may be, in the registered trademark.

6. Where the applicant seeks registration of the trademark in more than one class, the applicant shall group the goods and services according to the classes of the Nice Classification and submit them according to the class order. Each group of goods and services shall be preceded by the number of the class to which the group belongs.

7. Goods and services shall not be deemed similar merely because they appear in the same class under the Nice Classification. Likewise, goods and services shall not be deemed different merely because they appear in different classes of the Nice Classification.

8. If there are goods or services that are not sufficiently clear and precise, the DPPI/GDIP shall send a notice to the applicant requesting that they provide appropriate explanations, specifications, or clarifications within two months from the date of receipt of the notice.

9. If the applicant does not provide appropriate explanations, specifications, or clarifications, or fails to do so within the prescribed period, the DPPI/GDIP shall refuse the application concerning the goods or services that were not sufficiently clear and precise.

CHAPTER II PRIORITY CLAIM

Article 36

Right of priority

1. A person who has duly filed an application for trademark registration in or concerning a member state of the Paris Convention or the Agreement Establishing the World Trade Organization, or their legal successor, enjoys the right of priority, provided that the national application for trademark registration in the Republic of Albania is filed within 6 months from the filing date of the first trademark application.

2. For the purposes of paragraph 1 of this article, the national application for trademark registration in the Republic of Albania must be filed for the same trademark, in relation to goods and services that are identical to or included in the list of goods and services for which the first trademark application was filed.

3. Any application that is equivalent to a regular national application, according to the law of the state where it was filed or according to bilateral or multilateral agreements, shall be deemed to confer the right of priority.

4. A regular national application is understood to mean any trademark application that fulfills the necessary conditions to obtain a filing date, regardless of the outcome regarding the registration of the trademark application.

5. When claiming a right of priority, the application must contain the date, number, and country of the earlier application, as well as the goods or services for which the priority right is claimed. This right of priority is claimed at the moment of filing the national trademark application.

6. The applicant claiming priority shall submit to DPPI/GDIP a copy of the first application and its translation into Albanian language within 3 months from the filing date of the national trademark application.

Article 37

Right of priority effects

The priority date is considered as the filing date of the trademark application in the Republic of Albania for the purpose of determining which rights take precedence.

Article 38
Right of priority from exhibitions

1. The applicant for a trademark who has displayed goods or services under a specific sign at an official or officially recognized international exhibition, which meets the criteria of the Convention on International Exhibitions, shall enjoy the right of priority from the date of the first display of the goods or services, provided that they file a trademark registration application in the Republic of Albania within six months from this display date. The effect of the right of priority shall be calculated as provided in Article 37 of this law.

2. When a right of priority from exhibitions is claimed, the application shall include the name and location of the international exhibition, the opening and closing dates, as well as the date of the first display of the goods or services, if this date differs from the opening date of the exhibition. This right of priority shall be claimed at the time of filing the national trademark application.

3. The applicant claiming priority from international exhibitions shall submit to the DPPI/GDIP a copy of the certificate issued by the competent authority of the exhibition, certifying that the trademark was used for the goods or services covered by the trademark application. This document and its translation into the Albanian language shall be submitted to the DPPI/GDIP within three months from the date of filing the national trademark application.

PART IV
PROCEDURE FOR THE REGISTRATION OF THE TRADEMARK
CHAPTER I

Examination and publication of trademark applications

Article 39

Examination of filing requirements

1. The DPPI/GDIP shall examine applications for the registration of trademarks according to the ordinal number of their filing.

2. An application may be examined out of order when:

- a) an application for international registration of the trademark is filed, upon payment of the respective fee for out-of-order examination; or
- b) a request for out-of-order examination has been filed, upon payment of the respective fee.

3. The DPPI/GDIP shall promptly examine whether the trademark registration application meets the conditions set forth in this law regarding the recognition of the filing date, pursuant to Article 34 of this law .

Article 40

Examination of the formal elements of the application

The DPPI/GDIP, after ascertaining that the trademark registration application meets the requirements related to the recognition of the filing date, examines whether the application fulfills the formal elements specified in point 2 of Article 33 of this law.

Article 41

Correction of defects and deficiencies in the application

1. When the application does not meet the requirements specified in point 1 of Article 33 of this law, the DPPI/GDIP shall send the applicant a notification to correct the defects or deficiencies within 2 months from the date of receipt of the notification.

2. If the applicant corrects the defects or deficiencies specified in point 1 of this Article, the DPPI/GDIP shall promptly set the date on which the defects or deficiencies were corrected as the filing date of the application and notify the applicant. If the applicant fails to correct the defects or deficiencies,

the DPPI/GDIP shall reject the application by decision.

3. The DPPI/GDIP, within 3 months from the fulfillment of the filing requirements specified in point 1 of Article 33 of this law, shall examine whether the application meets the formal elements set out in point 2 of Article 33 and Article 35 of this law.

4. When the application does not meet the formal elements specified in point 2 of Article 33 and Article 35, the DPPI/GDIP shall send the applicant a notification to correct the defects or deficiencies within 2 months from the date of receipt of the notification.

5. If the applicant corrects the defects or deficiencies, the DPPI/GDIP shall, within 3 months, proceed with the examination of the absolute grounds of the trademark application. If the applicant fails to remedy the defects or deficiencies within the time limit, the DPPI/GDIP shall reject the trademark application by decision.

6. At the applicant's request, the deadline set out in points 1 and 3 of this article may be extended by 2 months, upon payment of the applicable fee.

7. Failure to meet the requirements related to the claim for priority shall result in the loss of the right of priority.

Article 42

Examination of absolute grounds for refusal

1. When during the examination it is found that any of the absolute grounds for refusal of trademark registration under point 1 of Article 8 of this law exists, the DPPI/GDIP shall send the applicant a notification of the grounds for refusal and invite them to submit observations and evidence within 2 months from the date of receipt of the notification.

2. At the applicant's request, the deadline set out in points 1 and 3 of this article may be extended by 2 months, upon payment of the applicable fee.

3. The DPPI/GDIP shall decide to refuse the application for all or part of the goods and services when:

- a) the applicant fails to submit observations and evidence within the specified deadline; or
- b) after the submission of observations and evidence by the applicant, the DPPI/GDIP considers that the applicant has failed to overcome the grounds for refusal of registration.

4. The decision to refuse the trademark or elements of the trademark on absolute grounds may be appealed to the Chamber of Cancellation and Invalidity within one month from the date of notification of the decision.

An appeal to the Chamber of Cancellation and Invalidity shall include:

- a) the arguments, legal basis, and evidence relating to the appeal;
- b) payment of the applicable fee; and
- c) the duly signed relevant form.

5. The Chamber of Cancellation and Invalidity, within three months from the date of filing the appeal, shall examine whether the applicant complies with the requirements set out above.

6. If the requirements set out above for the appeal are not met, the Chamber of Cancellation and Invalidity shall send the applicant a notification to correct the deficiencies within one month from the date of receipt of the notification. If such deficiencies are not corrected within the specified deadline, the appeal shall be rejected.

7. When the requirements set out above for the appeal are met, the Chamber of Cancellation and Invalidity shall within one month, examine the merits of the appeal and render a decision thereon.

8. A decision of the Chamber of Cancellation and Invalidity may be appealed to the Board of Appeal within 45 days from the date of notification of the reasoned decision, upon payment of the applicable fee.

Article 43

Investigation report

1. If requested by the applicant at the time of filing the trademark application, the DPPI/GDIP shall prepare an investigation report citing prior trademark applications or registrations that may serve as a basis for opposing the registration of the trademark, in accordance with Article 9 of this Law.

2. The report prepared under paragraph 1 of this Article shall be sent to the applicant if:

- a) the applicant requested the investigation report at the time of filing the trademark application; and

b) the applicable fee for the investigation has been paid.

3. During the examination of absolute grounds for refusal, the DPPI/GDIP may also prepare the investigation report on its own initiative.

3. The investigation report shall contain the filing date, a representation of the trademark, the name of the owner or applicant, and the classes of goods and services according to the Nice Classification.

4. After the trademark application has been published pursuant to Article 44 of this Law, the DPPI/GDIP shall notify the authorized representatives and owners of prior trademark applications or registrations cited in the investigation report to inform them about the publication of the trademark application. This notification shall be sent by the DPPI/GDIP to the registered addresses of the authorized representatives and owners of prior trademark applications and registrations within the territory of the Republic of Albania, regardless of whether the investigation report was requested by the applicant.

Article 44

Publication of the trademark application

1. The DPPI/GDIP shall publish the trademark application and its data in the Bulletin if:

a) the requirements for trademark registration are met; and

b) none of the absolute grounds for refusal of the trademark registration exist, pursuant to Article 8 of this Law.

2. When the registration of the trademark is refused only for part of the goods and services, the DPPI/GDIP shall publish the data of the application for the remaining goods and services.

3. The content of the trademark application to be published in the DPPI/GDIP Bulletin shall be determined by a decision of the Council of Ministers.

4. If the application is refused on absolute grounds, the decision of refusal shall be published in the Bulletin.

5. When the publication of the application contains an error attributable to the DPPI/GDIP, the DPPI/GDIP shall correct the error on its own initiative or at the request of the applicant. The correction shall be duly published in the Bulletin.

CHAPTER II

Third-party observations and oppositions

Article 45

Third-party observations

1. Written observations may be filed with the DPPI/GDIP to explain the absolute grounds on which a trademark should not be registered in relation to some or all of the goods and services by:

a) any natural or legal person; and

b) any group or entity representing producers, service providers, traders, or consumers.

2. The persons, groups, or entities referred to in paragraph 1 of this Article shall not become parties to these proceedings before the DPPI/GDIP.

3. The observations referred to in paragraph 1 of this Article shall be filed within three months from the date of publication of the trademark application. In cases where both an observation and an opposition have been filed against the same trademark, the Opposition Chamber shall suspend the opposition proceedings until the DPPI/GDIP renders a decision on the observation thereon.

4. The observations referred to in paragraph 1 of this Article shall be sent to the applicant who filed the trademark application, who may respond and submit comments within one month from the date of receipt of the observations.

5. The submission of observations referred to in paragraph 1 of this Article shall not prevent the DPPI/GDIP from reopening, on its own initiative, the examination proceedings for absolute grounds at any time prior to the registration of the trademark.

Article 46

Filing of an opposition

1. Based on the grounds for refusal set out in Article 9 of this Law, an opposition to the registration of a trademark may be filed with the Opposition Chamber within three months from the date of publication of the trademark application by:

- a) the owners of earlier trademarks referred to in paragraph 2 of Article 9 of this Law, and the licensees authorized by the owners of such trademarks in relation to the grounds for opposition referred to in paragraph 1 of Article 9 of this Law;
- b) the holders of prior rights as defined in paragraph 3 of Article 9 of this Law;
- c) commercial entities within the meaning of paragraph 4 of Article 9 of this Law;
- d) the owners of earlier trademarks within the meaning of paragraph 5 of Article 9 of this Law;
- e) persons authorized to exercise the rights referred to in paragraph 6 of Article 9 of this Law, in accordance with the legislation of the Republic of Albania or international agreements in force in the Republic of Albania for the protection of appellations of origin and geographical indications.

2. In cases where the opposition is based on point “c” of paragraphs 1 and 2 of Article 9 of this Law, the opponent must prove that the earlier trademark is well-known or has acquired a reputation in the Republic of Albania prior to the filing date of the trademark application, or, if priority is claimed, prior to the priority date.

3. If the earlier trademark on which the opposition is based is subject to a cancellation or invalidity procedure, the Opposition Chamber shall decide to suspend the opposition proceedings until a decision is rendered in the cancellation or invalidity procedure concerning the earlier trademark.

4. The opposition application shall include:

- a) the arguments, legal basis, and evidence related to the opposition;
- b) the authorization of representation, where the application is filed by a representative;
- c) payment of the applicable fee; and
- d) the duly signed relevant form.

5. The deadline for filing an opposition referred to in paragraph 1 of this Article shall not be extended.

6. An opposition may be filed based on one or more earlier rights, provided that they belong to the same person.

7. The content of the opposition and the attached documents shall be determined by a decision of the Council of Ministers.

Article 47

Opposition procedure

1. The Opposition Chamber shall examine, within two months, whether the opposition has been filed in accordance with the requirements set out in Article 46 of this Law.

2. If the opposition does not meet the requirements provided in paragraphs 1 and 2 of Article 46 of this Law, the Opposition Chamber shall decide to reject the opposition.

3. If the opposition has not been filed in accordance with the requirements set out in Article 46 of this Law, the Opposition Chamber shall notify the opponent to correct the deficiencies within two months from the date of receipt of the notification.

4. If the opponent fails to remedy the deficiencies in accordance with the notification referred to in paragraph 3 of this Article, the Opposition Chamber shall decide to reject the opposition.

5. If the opposition meets the requirements set out in paragraph 1 of this Article, the Opposition Chamber shall, within two months, send the applicant who filed the trademark application a copy of the opposition together with a notice of the opposition, and shall invite the applicant to submit observations against the opposition within two months from the date of receipt of the notice. If, during this period, the applicant of the opposed trademark requests in writing the submission of evidence of the genuine and effective use of the earlier trademark by the opponent, the procedures and deadlines set out in Article

48 of this Law shall apply.

6. The deadline referred to in paragraph 5 of this Article shall not be extended.

7. If the applicant fails to submit observations against the opposition within the deadline referred to in paragraph 5 of this Article, the Opposition Chamber shall, within two months, automatically decide to uphold the opposition and reject the application for the registration of the trademark in respect of part or all of the goods and services.

8. If the Opposition Chamber decides to uphold the opposition only for part of the goods or services of the opposed trademark, the registration procedure for the remaining part of the goods and services shall continue, and a decision shall be made on the partial acceptance of the opposition.

Article 48

Non-use as a defense in opposition proceedings

1. If the applicant of the opposed trademark requests it in writing, and where the earlier trademark has been registered at least five years prior to the filing date of the opposition, the opponent must submit evidence that, during an uninterrupted period of five years prior to the filing date of the trademark application or the priority date of the opposed trademark:

- a) the earlier trademark has been put to genuine and effective use in relation to the goods and services for which it is registered and on which the opposition is based; or
- b) there are valid reasons for non-use.

2. The Opposition Chamber shall, within one month, notify the owner of the earlier trademark to submit observations concerning the request referred to in paragraph 1 of this Article. Such observations must be filed within one month from the date of receipt of the notification.

3. If the owner of the earlier trademark fails to submit observations regarding the request to prove genuine and effective use or fails to provide valid reasons for non-use, the Opposition Chamber shall, within one month, decide to reject the opposition. The procedure for the registration of the opposed trademark shall continue once the Opposition Chamber renders its decision to reject the opposition.

4. If the owner of the earlier trademark submits observations regarding the request to prove genuine and effective use within the specified period, the Opposition Chamber shall, within one month, send the opposed trademark applicant a copy of the observations together with the relevant notice, and shall invite the applicant to submit their observations within two months from the date of receipt of the notice.

5. Upon expiration of the period referred to in paragraph 4 of this Article, the Opposition Chamber shall, within two months, decide on the merits of the opposition based on the facts, evidence, and observations submitted by the parties.

6. If the earlier trademark has been used only for part of the goods and services for which it is registered, it shall be considered registered only for that part of the goods and services for the purposes of examining the opposition.

Article 49

Suspension of opposition proceedings for the purpose of reaching an amicable settlement

1. The applicant of the opposed trademark and the opponent may jointly request the Opposition Chamber to suspend the opposition proceedings in order to make efforts to reach an amicable settlement. The request must be signed by both parties and filed with the Opposition Chamber during the examination phase of the opposition.

2. The Opposition Chamber shall, within one month from the date of filing the joint request, decide to suspend the opposition proceedings and set a period of no more than twelve months for the parties to reach an amicable settlement during the opposition proceedings.

3. During the period referred to in paragraph 2 of this Article, either party may, at any time, request in writing the termination of the suspension and the resumption of the opposition proceedings at the stage at which they were suspended.

4. The Opposition Chamber shall terminate the suspension of the opposition proceedings if, within the period specified in paragraph 2 of this Article, the applicant of the opposed trademark and the

opponent notify the Opposition Chamber in writing that:

- a) a) the opposition matter has been resolved; and
- b) b) the opponent withdraws the opposition.

Article 50

Decision on the opposition

1. The Opposition Chamber shall examine the merits of the opposition and decide to dismiss the opposition if it is unfounded. The procedure for the registration of the trademark shall continue once the Opposition Chamber renders its decision to dismiss the opposition.

2. The Opposition Chamber shall examine the merits of the opposition and decide to fully uphold the opposition if it is well-founded for all goods and services included in the trademark application. A decision to fully uphold the opposition shall result in the complete refusal of the trademark application.

3. The Opposition Chamber shall examine the merits of the opposition and decide to partially uphold the opposition if it is well-founded only for some of the goods and services included in the trademark application. A decision to partially uphold the opposition shall result in the partial refusal of the trademark application, while the registration procedure for the remaining goods and services shall continue once the Opposition Chamber renders its decision to partially uphold the opposition.

4. A decision to fully or partially refuse a trademark application shall be published in the DPPI/GDIP Bulletin. The reasoned decision of the Opposition Chamber shall be communicated to the parties within two months from the date of the decision.

5. A decision of the Opposition Chamber may be appealed to the Board of Appeal within forty-five days from the date of notification of the reasoned decision, upon payment of the applicable fee.

CHAPTER III

WITHDRAWAL FROM THE APPLICATION FOR TRADEMARK REGISTRATION, LIMITATION OF THE LIST OF GOODS AND SERVICES, CORRECTIONS AND DIVISION OF THE APPLICATION

Article 51

Withdrawal from the application for trademark registration and limitation of the list of goods and services

1. The applicant for the registration of a trademark may, at any time, withdraw the application or limit the list of goods and services included in the application.

2. An application to limit the list of goods and services shall include:

- a) the authorization of representation, where the application is filed by a representative;
- b) payment of the applicable fee; and
- c) the duly signed relevant form.

3. Where an application to limit the list of goods and services does not meet the requirements set out in this Article, the DPPI shall notify the applicant to correct the deficiencies within one month from the date of receipt of the notification. If the deficiencies are not remedied within the specified period, the DPPI shall decide to reject the application.

4. Where the application has been published, the withdrawal of the application or the limitation of the list of goods and services shall be published in the DPPI/GDIP Bulletin.

5. Where the applicant of the opposed trademark limits the list of goods and services that are subject to the opposition, the Opposition Chamber shall, within two months, send the opponent a notice of the limitation of the list of goods and services of the opposed trademark and invite him to state in writing whether he maintains the opposition as filed or withdraws it. The opponent must respond in writing within one month from the date of receipt of the notice.

6. If the opponent does not withdraw his opposition, the Opposition Chamber shall continue the opposition proceedings on the basis of the limited list of goods and services, provided that the opponent:

- a) does not respond to the invitation of the Opposition Chamber within the deadline specified in

- paragraph 5 of this Article; and
- b) does not withdraw his opposition.

Article 52

Correction of the trademark registration application

1. The DPPI/GDIP, upon request of the trademark applicant or on its own initiative, shall correct errors in the trademark application only in cases where it is necessary to correct:
 - a) the name or address of the applicant;
 - b) mistakes in wording or transcription; or
 - c) other obvious errors, provided that such corrections do not substantially alter the representation of the trademark and do not extend the list of goods and services.
2. An application for correction of errors shall include:
 - a) the authorization of representation, where the application is filed by a representative;
 - b) payment of the applicable fee; and
 - c) the duly signed relevant form.
3. The DPPI/GDIP shall, within three months from the date of filing the application, examine whether the application for correction of errors complies with the requirements set out above.
4. If the application does not meet the requirements of this Article, the DPPI/GDIP shall notify the applicant to correct the deficiencies within one month from the date of receipt of the notification. If such deficiencies are not corrected within the specified period, the application for correction of errors shall be rejected.
5. If the application meets the requirements set out in this Article, the DPPI/GDIP shall, within one month, register the correction of the error and publish it in the Bulletin.
6. The trademark application shall be published in the DPPI/GDIP Bulletin in its amended form if:
 - a) the corrections do not affect the representation of the trademark;
 - b) the list of goods and services is not extended; and
 - c) the corrections are made after the trademark has been published.

Article 53

Division of trademark registration application

1. The applicant may divide a trademark application into one or more separate applications by specifying that some of the goods and services included in the original application will be subject to one or more separate applications.
2. The goods and services in the divided application must not be the same as the goods and services remaining in the original application or those included in other divided applications.
2. An application for division shall be filed with the DPPI/GDIP and shall include:
 - a) the authorization of representation, where the application is filed by a representative;
 - b) payment of the applicable fee; and
 - c) the duly signed relevant form.
3. An application for division shall not be accepted in the following cases:
 - a) if an opposition has been filed against the original application and the divided application would result in the division of the goods and services subject to the opposition, until the Opposition Chamber has decided on the opposition or until the opposition proceedings are otherwise concluded by a decision;
 - b) before the filing date is approved by the DPPI/GDIP, pursuant to Article 34 of this Law;
 - c) during the opposition period provided in paragraph 1 of Article 46 of this Law.
4. The division of a trademark application shall take effect from the filing date recorded in the DPPI/GDIP file concerning the original application.
5. The divided application shall retain the filing date and any priority date of the original application.
6. Data concerning divided applications shall be recorded in the register and published in the DPPI/GDIP Bulletin.

7. If the application for division relates to an application that has been previously published pursuant to Article 44 of this Law, the divided application shall be published in the Bulletin.
8. The publication of a divided application under paragraph 7 of this Article shall not start any new deadlines for filing oppositions.
9. The DPPI/GDIP shall, within three months from the date of filing the application for division, examine whether the application meets the requirements set out in this Article. If the application does not meet the requirements of this Article, the DPPI/GDIP shall notify the applicant to remedy the deficiencies within two months from the date of receipt of the notification.
10. If the applicant does not remedy the deficiencies within the specified period, the DPPI/GDIP shall decide to reject the application for division. If the applicant remedies the deficiencies within the specified period, the DPPI/GDIP shall, within one month, register the division of the trademark application in the register and proceed with its publication in the Bulletin. The decision to register the division of the application shall be communicated to the applicant.
11. The registration and publication procedure, the content of the application for division, and the accompanying documents shall be determined by a decision of the Council of Ministers.

CHAPTER IV

TRADEMARK REGISTRATION AND TRADEMARK CERTIFICATE

Article 54

Trademark registration

1. The DPPI/GDIP shall notify the applicant to pay the trademark registration fee within one month from the date of receipt of the notification when:
 - a) the trademark application meets the requirements set out in this Law and no opposition has been filed within the period specified in paragraph 1 of Article 46 of this Law; or
 - b) an opposition has been filed against the trademark application with the Opposition Chamber and a decision has been made to reject the opposition, withdraw it, or any other resolution regarding the opposition proceedings.
2. If the fee referred to in paragraph 1 of this Article is not paid within the specified period, the DPPI/GDIP shall decide to refuse the registration of the trademark.
3. If the fee referred to in paragraph 1 of this Article is paid within the specified period, the DPPI/GDIP shall register the trademark in the register and proceed with its publication in the Bulletin. The certificate of trademark registration shall be sent to the owner.
4. The procedure for registering the trademark and publishing it in the DPPI/GDIP Bulletin shall be determined by a decision of the Council of Ministers.

Article 55

Copy of the trademark registration certificate

1. Upon request of the trademark owner, and after payment of the applicable fee, the DPPI/GDIP shall issue another copy of the trademark registration certificate.
2. The content of the trademark certificate shall be determined by a decision of the Council of Ministers.

PART V
DURATION, RENEWAL, MODIFICATION AND DIVISION OF TRADEMARK
REGISTRATION
CHAPTER I
DURATION

Article 56

Duration of registration

1. A trademark shall be registered for a period of ten (10) years from the date of filing the application for trademark registration.
2. The trademark registration may be renewed continuously for successive ten 10-year periods, in accordance with Article 57 of this Law.

CHAPTER II
RENEWAL

Article 57

Renewal of trademark registration

1. The registration of a trademark shall be renewed upon the request of the trademark owner or any other person authorized under this law.
2. The request for the renewal of the trademark shall include:
 - a) the duly signed relevant form;
 - b) the authorization for representation, when submitted by a representative; and
 - c) payment of the applicable renewal fee.
3. The request for the renewal of the trademark shall be filed with the DPPI within one year prior to the expiration date of the protection. If the request for renewal is not filed within this period, the trademark owner may submit the renewal request within an additional six-month period after the expiration of the registration term, subject to payment of the additional fee.
4. The DPPI/GDIP shall, no later than six months prior to the expiration of the protection term, notify the trademark owner of the expiration of the 10-year protection period. Failure to send this notification does not impose liability on the DPPI/GDIP and does not affect the expiration of the registration term.
5. If the fee is paid within the period specified in paragraph 3 or within the additional period specified in paragraph 4 of this Article, the payment shall be considered as a request for renewal of the trademark, provided that it contains all necessary indicators establishing the purpose of the payment.
6. If the request is submitted or the fee is paid only in relation to certain goods and services for which the trademark is registered, the renewal shall apply solely to those goods and services.
7. If the renewal request meets the requirements of this Article, the DPPI/GDIP shall register the renewal in the register and publish it in the bulletin. The DPPI/GDIP shall, within one month, issue the certificate of trademark renewal to the applicant.
8. The DPPI/GDIP shall, within two months from the date of filing the renewal request, examine whether the request meets the requirements set forth in this Article. If the renewal request does not meet these requirements, the DPPI/GDIP shall notify the applicant to correct the deficiencies within two months from the date of receipt of the notice. Without prejudice to paragraph 5 of this Article, the DPPI/GDIP shall decide to refuse the request if the deficiencies are not corrected within the prescribed period.
9. The renewal of the trademark, or, as the case may be, the expiration of the registration term when the trademark is not renewed, shall take effect on the date the existing registration expires.
10. The content of the request for trademark renewal and the accompanying documents shall be determined by a decision of the Council of Ministers.

CHAPTER III MODIFICATION

Article 58

Modification of the trademark

1. The trademark cannot be modified in the register during its registration or renewal period.
2. Exceptionally, modifications of the trademark may be registered upon the owner's request if:
 - a) the trademark contains the name and address of the trademark owner; and
 - b) the modification does not substantially affect the identity of the trademark in relation to its original registration.
3. The request for modifying the trademark shall include:
 - a) the element of the trademark to be modified and the modified version of that element;
 - b) the duly signed relevant form;
 - c) the authorization of representation, if the request is submitted by a representative; and
 - d) the applicable modification fee.
4. Within 3 months from the date of submission of the modification request, the DPPI/GDIP shall examine whether the request meets the requirements set out in this Article. If the request does not meet the requirements, DPPI shall notify the applicant to correct the deficiencies within 2 months from the date of receipt of the notification.
5. If the applicant does not correct the deficiencies within the prescribed period, the DPPI/GDIP shall decide to reject the request. If the applicant remedies the deficiencies, the DPPI/GDIP shall register the modification in the register within 1 month and publish it in the bulletin. The decision on the registration of the modification shall include the representation of the trademark in its modified version and shall be sent to the applicant.
6. Third parties whose rights may be affected by the modification may oppose the registration of the modification within 3 months from the date of publication of the modification.
7. The provisions of Articles 45 and 46 of this law shall also apply to the publication of the registration of the modification.

CHAPTER IV CHANGE OF NAME OR ADDRESS

Article 59

Change of the name or address of the trademark owner

1. At the request of the trademark owner, the DPPI/GDIP shall register the change of the name or address of the trademark owner in the register, provided that this change:
 - a) does not constitute a modification of the trademark, in accordance with Article 58 of this law; and
 - b) is not the result of a full or partial transfer of the trademark.
2. The request for registering a change of the trademark owner's name shall include:
 - a) the document evidencing the change of name;
 - b) the duly signed relevant form;
 - c) the authorization of representation, if the request is submitted by a representative; and
 - d) the payment of the applicable fee for the change.
3. The request for registering a change of the trademark owner's address shall include:
 - a) the duly signed relevant form;
 - b) the authorization of representation, if the request is submitted by a representative; and
 - c) the payment of the applicable fee for the change.
4. Within 3 months from the date of submission of the request for changing the name or address of the trademark owner, the DPPI shall examine whether the request meets the requirements specified in this Article. If the request does not meet the requirements, the DPPI/GDIP shall notify the applicant to correct the deficiencies or omissions within 2 months from the date of receipt of the notification.

5. If the applicant does not correct the deficiencies or omissions within the specified period, the DPPI shall decide to reject the request. If the applicant corrects the deficiencies or omissions, the DPPI shall, within 1 month, register the change in the register and publish it in the bulletin. The relevant decision on registering the change shall be communicated to the applicant.

6. The provisions of this Article also apply to changes of the name or address of the authorized representative.

7. The provisions of this Article also apply to trademark registration requests.

8. The request for registering a change of the name or address of the trademark owner may be submitted for two or more trademarks, provided that the registered owner data of these trademarks are the same.

9. The content of the request for changing the name and address of the trademark owner and the accompanying documents shall be determined by a decision of the Council of Ministers.

CHAPTER V DIVISION OF THE REGISTRATION

Article 60

Division of the trademark registration

1. The owner of a trademark may divide the registration of the mark into one or more separate registrations, specifying that some of the goods and services included in the original registration will be subject to one or more divided registrations. The goods and services in the divided registration must not be identical to the goods and services remaining in the original registration or to the goods and services included in other divided registrations.

2. The request for division of the trademark registration is filed with the DPPI/GDIP and shall contain:

- a) the duly signed relevant form;
- b) the authorization of representation, when the request is submitted by a representative; and
- c) the payment of the applicable fee for the divided registration.

3. The request for division of the trademark registration shall not be accepted in the following cases:

- a) if a request for cancellation or declaration of invalidity has been filed against the original registration, and the divided registration results in dividing the goods and services to which the cancellation or invalidity request relates, until a decision is made by the Chamber of Cancellation and Invalidity or until the proceedings in the Chamber are otherwise concluded by decision;
- b) if a counterclaim for cancellation or declaration of invalidity of the original registration has been filed in court, and the divided registration results in dividing the goods and services to which the counterclaim relates, until a decision is made by the court.

4. The division of the registration takes effect from the date it is recorded in the register.

5. The divided registration retains the filing date and any priority date of the original registration.

6. Information regarding divided registrations shall be recorded in the register and published in the DPPI/GDIP bulletin.

7. The DPPI/GDIP, within 3 months from the filing date of the request for division of the trademark registration, examines whether the request meets the requirements set out in this Article. If the request does not meet the requirements, the DPPI/GDIP shall notify the applicant to correct the deficiencies or omissions within 2 months from the date of receipt of the notice.

8. If the applicant does not correct the deficiencies or omissions within the specified period, the DPPI shall decide to reject the request. If the applicant corrects the deficiencies or omissions, the DPPI/GDIP, within 1 month, shall register the division in the register and proceed with its publication in the bulletin. The decision on the division of the trademark registration shall be sent to the applicant.

9. The procedure for registration and publication, the content of the request for division of the trademark registration, and the accompanying documents shall be determined by a decision of the Council of Ministers.

PART VI
WAIVER, REVOCATION, AND DECLARATION OF INVALIDITY OF THE
TRADEMARK
CHAPTER I
WAIVER

Article 61

Waiver of a trademark

1. The owner of a trademark may file a request to waive the trademark in relation to some or all of the goods and services for which it is registered. The waiver shall be published in the bulletin and shall enter into force once it is recorded in the register.

2. The request for waiver shall contain:

- a) the duly signed relevant form;
- b) the authorization of representation, if submitted by a representative;
- c) the payment of the applicable fee; and
- d) a written request to waive the trademark.

3. If a request for cancellation of the same trademark has been filed under Article 62 of this Law, the waiver of the trademark is valid only if:

- a) the waiver request is filed at the DPPI/GDIP after the cancellation request; and
- b) the cancellation request has been rejected by decision or the applicant has withdrawn the cancellation request.

4. A waiver of the trademark shall be registered only if the trademark owner gives written consent. If a license has been registered in relation to the trademark, the waiver shall be recorded in the register only if the trademark owner proves that the licensee has been informed of the intent to waive the trademark.

5. The waiver shall be recorded by the DPPI/GDIP. The DPPI/GDIP shall register the waiver after the expiration of a three-month period from the date on which the owner informs the DPPI/GDIP that the licensee has been notified of the intention to waive the trademark, or earlier if the owner proves that the licensee has given written consent.

6. Within 2 months from the date of filing the waiver request, the DPPI/GDIP shall examine whether the request meets the requirements set forth in this Article. If the request meets the requirements, the DPPI/GDIP shall notify the applicant to correct any deficiencies within 1 month from the date of receipt of the notice.

7. If the applicant does not remedy the deficiencies within the specified period, the DPPI/GDIP shall decide to reject the request. If the applicant remedies the deficiencies, the DPPI/GDIP shall register the waiver in the register and publish it in the bulletin within 1 month. The decision on the waiver of the trademark shall be communicated to the applicant.

8. The content of the waiver request and the accompanying documents shall be determined by a decision of the Council of Ministers.

CHAPTER II
REVOCATION OF THE TRADEMARK

Article 62

Filing of the request and grounds for revocation of the trademark

1. Any person may request the revocation of a trademark for some or all of the goods and services for which the trademark is registered, based on a request submitted to the Chamber of Revocation and Invalidity or through a lawsuit in a trademark infringement proceeding.

2. The revocation request may also be filed with the First Instance Court of General Jurisdiction in Tirana in the following cases:

- a) through a lawsuit under paragraph 1 of this article, if a proceeding for trademark rights infringement is ongoing in court; or
- b) in any other case where the revocation request has been filed with the Chamber of Revocation and Invalidity and the requesting party submits the revocation request to the court. The revocation request

may be submitted to the court at any stage of the procedure.

3. The revocation request shall contain:

- a) the duly signed relevant form;
- b) the authorization of representation, if submitted by a representative;
- c) the payment of the applicable fee; and
- d) arguments, legal basis, and evidence, but only in cases where the revocation request is filed under paragraph 5 of this article.

4. A trademark may be revoked if it has not been put to genuine and effective use in the territory of the Republic of Albania within a continuous period of five years from the date of registration, in relation to the goods and services for which it is registered, and if there are no valid reasons for non-use.

5. After its registration, a trademark may also be revoked in the following cases:

- a) if, due to the actions or omissions of the owner, the trademark has become a common name in trade for the goods and services for which it is registered;
- b) if the trademark, as a result of its use by the trademark owner or with their consent, may mislead the public regarding the goods and services for which it is registered, particularly concerning their nature, quality, or geographical origin.

6. The content of the revocation request and the accompanying documents are determined by a decision of the Council of Ministers.

Article 63

Procedure for the revocation of a trademark

1. The Chamber of Revocation and Invalidity examines, within 2 months, whether the revocation request has been filed in accordance with Article 62 of this law.

2. If the revocation request is filed before the expiration of the five-year period from the date of registration of the trademark, or if the request is not filed for the reasons specified in points 4 and 5 of Article 62 of this law, the Chamber of Revocation and Invalidity decides to reject the request.

3. If the requirements of Article 62 are not met, the Chamber notifies the applicant to correct defects or deficiencies within 2 months from receipt of the notice.

4. If the applicant addresses the defects or deficiencies within the specified period, the Board decides to reject the request.

5. If the requirements of Article 62 are met, the Chamber sends the owner of the trademark subject to revocation a copy of the revocation request within 1 month and invites them to submit observations and evidence of actual and effective use of the trademark within 2 months from receipt of the notice.

6. If the trademark owner does not submit observations and evidence within the specified period, the trademark is revoked for those goods or services for which the revocation request was filed.

7. If the trademark owner submits observations and evidence within the specified period, the Chamber sends a copy of these submissions to the applicant within 1 month and invites the applicant to submit their observations within 2 months from receipt of the notice.

8. If the applicant does not submit observations within the period specified in point 7, the Chamber decides within 2 months based on the previously submitted observations and evidence.

9. If the applicant submits observations according to point 7, the Chamber sends a copy of these additional observations to the trademark owner within 1 month and invites them to submit additional observations and evidence within 2 months from receipt of the notice.

10. If the applicant does not submit observations within the period specified in point 9, the Chamber decides within 2 months based on the previously submitted observations and evidence.

11. Before issuing the decision, the Chamber may summon the parties to a hearing. No new evidence may be presented during the hearing.

Article 64

Decision on the merits of a revocation request

1. The Chamber for Revocation and Invalidity examines the merits of the request and decides whether to revoke the trademark or not.
2. Revocation of a trademark cannot be requested if the real and effective use of the trademark has begun or resumed during the interval between the end of the uninterrupted 5-year non-use period and the date of filing the revocation request. The start or resumption of use within a 3-month period prior to the date of filing the revocation request is not taken into account if:
 - a) it begins no earlier than the end of the uninterrupted 5-year non-use period; and
 - b) preparations for starting or resuming use occur only after the owner became aware that a revocation request could be filed.
3. The Board rejects the request if it considers the revocation request unfounded.
4. The Board revokes the trademark, either fully or partially, for some or all goods or services if it considers the revocation request well-founded.
5. When a trademark is revoked, it is deemed to have no effect:
 - a) from the date of filing the revocation request; or
 - b) if requested by one of the parties, from an earlier date on which any of the grounds for revocation specified in Article 62 of this law occurred.
6. The DPPI/GDIP publishes the revocation in the bulletin and registers it after the revocation decision is made. The reasoned decision of the Chamber for Revocation and Invalidity is communicated to the parties within 2 months from the date of the decision.
7. An appeal against the decision of the Chamber for Revocation and Invalidity may be filed with the Board of Appeal within 45 days from the date of notification of the reasoned decision, subject to payment of the applicable fee.

CHAPTER III

INVALIDITY OF THE TRADEMARK

Article 65

Declaration of invalidity of a trademark for absolute grounds

1. Any person may request the declaration of invalidity of a trademark on absolute grounds for some or all of the goods and services for which the trademark is registered, based on a request submitted to the Chamber for Revocation and Invalidity, or through a lawsuit in a rights infringement procedure.
2. The request for the declaration of invalidity may also be submitted to the Court of First Instance of General Jurisdiction in Tirana in the following cases:
 - a) through a counterclaim if a trademark rights infringement process is ongoing in court; or
 - b) in any other case where the request for declaration of invalidity has been submitted to the Chamber for Revocation and Invalidity, and the requesting party forwards the request to the court. The request for declaration of invalidity of a trademark may be addressed to the court at any stage of the procedure.
3. The request for declaration of invalidity shall contain:
 - a) the arguments, legal basis, and evidence supporting the request;
 - b) the duly signed relevant form;
 - c) the authorization of representation, if submitted by a representative; and
 - d) payment of the applicable fee.
4. A trademark is declared invalid if:
 - a) it has been registered contrary to the provisions of Article 8 of this Law; or
 - b) the person who submitted the trademark application acted in bad faith at the time of filing the application.
5. When a trademark has been registered in violation of the provisions under letters “b,” “c,” and “ç” of paragraph 1 of Article 8 of this Law, the trademark shall not be declared invalid if the owner proves that, due to use, the trademark acquired distinctive character in relation to the goods or services for which it is registered before the date of filing the request for declaration of invalidity.

6. The content of the request for declaration of invalidity on absolute grounds and the supporting documents shall be determined by a decision of the Council of Ministers.

Article 66

Declaration of invalidity of a trademark on relative grounds

1. The declaration of invalidity of a trademark on relative grounds may be requested for some or all of the goods and services for which the trademark is registered, based on a request submitted to the Office for Revocation and Invalidity, or through a counterclaim in a rights infringement procedure. The request for declaration of invalidity may be submitted by:

- a) the owners of earlier trademarks specified in point 2 of Article 9 of this law, as well as licensees authorized by the owners of these trademarks concerning the grounds for opposition set out in point 1 of Article 9 of this law;
- b) holders of earlier rights, as specified in point 3 of Article 9 of this law;
- c) commercial entities, within the meaning of point 4 of Article 9 of this law;
- d) owners of trademarks, within the meaning of point 5 of Article 9 of this law;
- e) persons authorized to exercise the rights specified in point 6 of Article 9 of this law, in accordance with international agreements to which the Republic of Albania is a party or national law providing for the protection of designations of origin and geographical indications.

2. The request for declaration of invalidity may also be submitted to the Court of First Instance of General Jurisdiction in Tirana in the following cases:

- a) through a counterclaim if a trademark rights infringement case is ongoing in court; or
- b) in any other case where the request for declaration of invalidity has been submitted to the Chamber for Revocation and Invalidity, and the requesting party forwards the request to the court. The request for declaration of invalidity may be addressed to the court at any stage of the procedure.

3. The request for declaration of invalidity shall contain:

- a) the arguments, legal basis, and supporting evidence;
- b) the duly signed relevant form;
- c) the authorization of representation, if submitted by a representative; and
- d) payment of the applicable fee.

4. Where the declaration of invalidity is based on a well-known or reputed trademark, the requester must prove that the earlier trademark was well-known or had acquired a reputation in the Republic of Albania prior to the date of filing of the later trademark registration, which is the subject of the invalidity request, or prior to the priority date if the trademark enjoys priority rights.

5. A trademark shall not be declared invalid if the owner or holder of the rights referred to in point 1 of this Article has given written consent to the registration of the trademark before the date of filing of the counterclaim or the invalidity request.

6. If the earlier trademark, on which the invalidity request is based, is subject to a revocation or invalidity procedure, the Chamber for Revocation and Invalidity shall decide to suspend the invalidity procedure of the later trademark until a decision is made on the revocation or invalidity of the earlier trademark.

7. A request for declaration of invalidity may be based on one or more earlier rights. If the request is filed on the basis of multiple earlier rights, all such rights must belong to the same holder or owner.

8. The content of the request for declaration of invalidity on relative grounds and its supporting documents shall be determined by a decision of the Council of Ministers.

Article 67

Non-Use as a Means of Defense in Proceedings for the Declaration of Trademark Invalidity

1. If the owner of the later trademark requests it in writing and the trademark has been registered at least 5 years before the filing date of the request for declaration of invalidity, the owner of the earlier

trademark must submit evidence that, during an uninterrupted period of 5 years prior to the filing date of the request for declaration of invalidity:

- a) the earlier trademark has been put to genuine and effective use in relation to the goods and services for which it is registered and on which the request for declaration of invalidity is based; or
- b) there are justified reasons for non-use, provided that this procedure applies when the request for declaration of invalidity of the trademark is based on a prior trademark.

2. The Chamber for the Cancellation and Invalidity shall, within 1 month, send a notification to the owner of the earlier trademark to submit their observations within 2 months from the date of receipt of the notification.

3. If the owner of the earlier trademark does not submit their observations to prove genuine and effective use, or does not provide justified reasons for non-use of the earlier trademark, the Chamber for the Cancellation and Invalidity shall, within 2 months, decide to reject the request for declaration of invalidity of the trademark.

4. If the owner of the earlier trademark submits their observations to prove the genuine and effective use of the earlier trademark within the set period, the Chamber for the Cancellation and Invalidity shall, within 1 month, send a copy of these observations to the applicant and invite them to submit their observations within 2 months from the date of receipt of the notification.

5. At the end of the period specified in point 4 of this article, the Chamber for the Cancellation and Invalidity shall, within 2 months, decide on the declaration or non-declaration of invalidity of the trademark based on the facts, evidence, and observations.

6. If the earlier trademark has been used only for a part of the goods or services for which it is registered, the Chamber for the Cancellation and Invalidity, for the purposes of examining the request for declaration of invalidity, shall consider the trademark as registered only for that part of the goods or services.

Article 68

Acceptance by silence

1. The owner of the earlier trademark has no right to request the declaration of invalidity of the later trademark or to oppose the use of the later trademark in relation to the goods or services for which it has been used, if they have silently accepted the use of the later trademark for an uninterrupted period of 5 years. Silent acceptance does not include cases where the application for registration of the later trademark was made in bad faith.

2. In the case referred to in paragraph 1 of this Article, the owner of the later trademark still does not have the right to oppose the use of the earlier trademark.

Article 69

Examination of the request for declaration of trademark invalidity

1. The Chamber for Revocation and Invalidity, within 2 months from the date of filing the request for the declaration of invalidity of a trademark, examines whether the request has been filed in accordance with the conditions set out in Articles 65 or 66 of this law.

2. If the request for the declaration of invalidity of a trademark on relative grounds has not been filed according to paragraph 1 of Article 66 of this law, the Chamber for Revocation and Invalidity shall decide to reject the request.

3. If the requirements specified in paragraph 3 of Article 65, as well as in paragraphs 3 and 4 of Article 66 of this law, are not met, the Chamber shall notify the applicant to remedy the deficiencies or omissions within 2 months from the date of receipt of the notification.

4. If these deficiencies or omissions are not remedied within the prescribed period, the Chamber shall decide to reject the request.

5. When the conditions to initiate the procedure for the declaration of invalidity of the trademark are met, the Chamber shall, within 1 month, send a copy of the request to the owner of the trademark, which is the subject of the invalidity request, and invite them to submit their observations within 2 months from the date of receipt of the notification.

6. If the owner of the trademark, which is the subject of the invalidity request, does not submit observations within the prescribed period, the Chamber shall, within 2 months, decide on the declaration of invalidity of the trademark regarding the goods or services for which the invalidity procedure has been initiated.

7. If the owner of the trademark submits observations within the prescribed period, the Chamber shall examine the merits of the request for the declaration of invalidity.

8. The period specified in paragraph 5 of this Article shall not be extended.

9. Before taking a decision, the Chamber may summon the parties to a hearing. No new evidence shall be presented during the hearing.

Article 70

Decision on the merits of the request for declaration of trademark invalidity

1. The Chamber for Revocation and Invalidity shall reject the request if it considers that the request for declaration of invalidity is unfounded.

2. The Chamber for Revocation and Invalidity shall declare the trademark invalid for some or all of the goods and services if it considers that the request for declaration of invalidity is well-founded.

3. When a trademark is declared invalid, it shall be considered to have no effect from the date of filing the trademark registration application.

4. The DPPI publishes the declaration of invalidity in the bulletin and records it in the register after the decision on invalidity is taken. The reasoned decision of the Chamber for Revocation and Invalidity is communicated to the parties within 2 months from the date of the decision.

5. The Chamber for Revocation and Invalidity shall not declare the trademark invalid but may decide on the transfer of ownership of the trademark to the name of the trademark owner when:

a) it is considered that the request for declaration of invalidity of the trademark registered in the name of a representative is well-founded; and

b) a transfer of the trademark is requested in accordance with paragraph 1, Article 23 of this law.

6. The transfer of ownership of the trademark shall be published in the bulletin and recorded in the register after the Chamber for Revocation and Invalidity has taken the decision to transfer ownership to the trademark owner.

c) An appeal against the decision of the Chamber for Revocation and Invalidity may be filed with the Board of Appeal within 45 days from the date of notification of the reasoned decision, subject to the payment of the relevant fee.

PART VII

SPECIAL PROVISIONS ON COLLECTIVE AND CERTIFICATION MARKS

CHAPTER I

COLLECTIVE MARKS

Article 71

Collective marks

1. A collective mark is a mark designated as such in the application for trademark registration and that allows distinguishing the goods and services of the members of the association that owns the trademark from the goods and services of other enterprises.

2. An application for the registration of a collective mark may be filed by associations of producers, service providers, or traders under the applicable legislation, which have the right to acquire rights and assume obligations of all kinds, to enter into contracts in their name, to carry out legal acts, and to sue or be sued. An application for the registration of a collective mark may also be filed by legal persons governed by public law.

3. Signs or indicators that can be used in commerce to indicate the geographical origin of goods and services may be protected as a collective mark, with the exception of letter “c”, point 1, of Article 8 of this law.

4. A collective mark does not give the owner the right to prevent third parties from using in commerce the signs or indicators referred to in point 3 of this article, provided that they use the signs or indicators in accordance with honest and fair practices in the fields of industry and commerce, particularly

with respect to third parties entitled to use a geographical name.

5. The other provisions of this law also apply to collective marks, except where otherwise provided in this chapter of the law.

Article 72

Regulations on the use of the collective mark

1. The owner of a collective mark must establish regulations governing its use, which define the conditions and procedures under which the members of the association are entitled to use the collective mark.

2. The regulations on the use of the collective mark must ensure:

- a) that the goods and services to which the collective mark is applied correspond to the specified characteristics, quality, or production method;
- b) that all members using the mark comply with the obligations set out in the regulations;
- c) that any misuse of the mark is sanctioned appropriately;
- d) transparency and fairness in granting the right to use the collective mark.

3. The regulations on the use of the collective mark must be submitted to at the time of the application for registration of the collective mark.

4. Any amendment to the regulations on the use of the collective mark must be communicated to the DPPI/GDIP.

5. The DPPI/GDIP may refuse to register or continue the registration of a collective mark if the regulations on its use do not comply with the provisions of this law.

Article 73

Refusal of an application for a collective mark

1. In addition to the grounds for refusal of a trademark application specified in Articles 39 and 42 of this law, an application for a collective mark shall be refused when:

- a) the application does not comply with the provisions of Articles 71 and 72 of this law; or
- b) the regulations for the use of the collective mark are contrary to public order or to the protection of moral values.

2. An application for a collective mark shall also be refused if there is a likelihood that the public may be misled regarding the character or meaning of the mark, in particular if it may be confused with another collective mark.

3. An application for a collective mark shall not be refused if the applicant meets the requirements of paragraphs 1 and 2 of this Article as a result of amending the regulations for use.

Article 74

Observations by third-parties regarding the application for a collective mark

If written observations regarding application for a collective mark are filed in accordance with Article 45 of this Law, they may also be based on the specific grounds for refusal of a collective mark application provided for in Article 73 of this Law.

Article 75

Use of the collective mark

The use of the collective mark by any person entitled to use it must also comply with the other requirements concerning the use of trademarks, in accordance with this law.

Article 76
Amendments to the regulations on the use of the collective mark

1. The owner of the collective mark shall file with the DPPI/GDIP any amendment to the regulations on the use of the mark.
2. Amendments to the regulations on the use of the mark shall not be recorded in the register if they do not comply with the requirements of Article 72 of this law, or if they include any of the grounds for refusal provided in Article 73 of this law.
3. Observations in accordance with Article 74 of this law may also be filed concerning amendments to the regulations on the use of the mark.
4. For the purposes of implementing this law, amendments to the regulations on the use of the mark shall enter into force from the date of their registration in the register.

Article 77
Persons entitled to act against infringement of rights

1. The provisions set out in points 4 and 5 of Article 27 of this Law regarding the rights of licensees shall apply to any person entitled to use the collective mark.
2. The owner of the collective mark has the right to claim compensation for damages on behalf of the persons entitled to use the mark when they have suffered harm as a result of the unauthorized use of the collective mark.

Article 78
Grounds for the cancellation of a collective mark

In addition to the grounds for cancellation provided in Article 62 of this Law, the rights of the owner of a collective mark shall be canceled on the basis of a request addressed to the Cancellation and Invalidity Chamber or a lawsuit in the process of infringement of rights if:

- a) the owner does not take reasonable steps to prevent the use of the collective mark in a manner inconsistent with the conditions of use specified in the regulations of use, including amendments to the regulations of use that have been registered with the DPPI/GDIP;
- b) the manner in which the mark has been used by the owner causes public confusion, as provided in point 2 of Article 73 of this Law;
- c) amendments to the regulations of use of the mark have been registered in the register in violation of the provisions of point 2 of Article 76 of this Law, except when the owner of the mark amends the regulations of use to comply with the requirements.

Article 79
Grounds for the invalidity of a collective mark

In addition to the grounds for invalidity provided for in Articles 65 and 66 of this Law, a collective mark registered in violation of the provisions of Article 73 of this Law shall be declared invalid based on a request submitted to the Chamber for Cancellation and Invalidity or as a counterclaim in proceedings concerning the infringement of rights, except where the owner of the mark amends the regulations of use in order to comply with the requirements.

CHAPTER II
CERTIFICATION MARKS

Article 80
Certification marks

1. A certification mark is a mark designated as such in the application for trademark registration and which allows distinguishing goods and services that have been certified by the owner of the mark

regarding the material, method of production of the goods or provision of services, quality, accuracy, or other characteristics from goods or services that are not certified in this manner.

2. Any natural or legal person, including institutions, authorities, and entities governed by public law, may file an application for the registration of a certification mark, provided that this person does not engage in a commercial activity involving the supply of goods and services of the type being certified in accordance with paragraph 1.

3. The other provisions of this law apply to certification marks as well, except where otherwise provided in this part of the law.

Article 81

Regulations on the use of certification marks

1. The regulations on the use of the certification mark shall be submitted to the DPPI/GDIP within 2 months from the date of filing the application for a certification mark.

2. The regulations on the use shall specify the persons authorized to use the mark, the characteristics certified by the mark, the manner in which the certifying body must test these characteristics and supervise the use of the mark, as well as the conditions for using the certification mark and the applicable sanctions.

3. If the regulations on the use do not contain the information required under point 2 of this Article, the DPPI/GDIP shall notify the applicant to correct the defects or deficiencies within 2 months from the date of receiving the notification.

4. The elements of the regulations on the use and the accompanying documents shall be determined by a decision of the Council of Ministers.

Article 82

Refusal of the application for a certification mark

1. In addition to the grounds for refusal of a trademark application set out in Articles 39 and 42 of this law, an application for a certification mark shall be refused when:

- a) it does not meet the requirements of Articles 80 and 81 of this law; or
- b) the regulations on the use of the certification mark are contrary to public order or to the protection of moral values.

2. The application for a certification mark shall also be refused if there is a possibility that the public may be misled as to the character or meaning of the mark, in particular if it could be perceived as different from a certification mark.

3. The application for a certification mark shall not be refused if the applicant fulfills the requirements of points 1 and 2 of this Article, for example, by amending the regulations on the use.

Article 83

Observations by third parties regarding the application for a certification mark

If written observations regarding an application for a certification mark are filed in accordance with Article 45 of this law, they may also be based on the specific grounds for refusal of the application for a certification mark as provided in Article 82 of this law.

Article 84

Use of the certification mark

The use of the certification mark by any person entitled to use it must also comply with the other requirements concerning the use of trademarks, in accordance with this law.

Article 85

Amendments to the regulation on the use of the certification mark

1. The owner of the certification mark shall file with the DPPI/GDIP any amendments to the regulation on use.
2. Amendments to the regulation on use shall not be recorded in the register if they do not meet the requirements of Article 81 of this Law, or if they include any of the grounds for refusal provided in Article 82 of this Law.
3. Observations made in accordance with Article 83 of this Law may also be filed regarding amendments to the regulation on use.
4. For the purposes of implementing this Law, amendments to the regulation on use shall enter into force from the date of their registration in the register.

Article 86

Transfer of the certification mark

With the exception of point 1 of Article 21 of this Law, the certification mark may be transferred to a person who meets the requirements set out in point 2 of Article 80 of this Law.

Article 87

Persons entitled to act against infringement of rights

1. A lawsuit for infringement of rights may be filed only by the owner of the certification mark or by any other person authorized in writing by the owner for this purpose.
2. The owner of the certification mark has the right to claim compensation for damages on behalf of those entitled to use the mark if they have suffered harm as a result of the unauthorized use of the certification mark.

Article 88

Grounds for the cancellation of a certification mark

Except for the grounds for cancellation provided in Article 62 of this Law, the rights of the owner of a certification mark shall be cancelled based on a request submitted to the Cancellation and Invalidity Chamber or a lawsuit in an infringement procedure if:

- a) the owner no longer meets the requirements set out in point 2 of Article 80 of this Law;
- b) the owner fails to take reasonable steps to prevent the use of the certification mark in a manner inconsistent with the conditions of use specified in the rules of use, including amendments to the rules of use that have been registered with the DPPI/GDIP;
- c) the manner in which the mark is used by the owner causes public confusion, as provided in point 2 of Article 82 of this Law;
- d) amendments to the rules of use of the mark have been registered in the register in violation of the provisions of point 2 of Article 85 of this Law, except where the owner modifies the rules of use to comply with the requirements.

Article 89

Grounds for the invalidity of a certification mark

Except for the grounds for invalidity provided in Articles 65 and 66 of this Law, a registered certification mark that has been registered in violation of the provisions of Article 82 of this Law shall be declared invalid on the basis of a request submitted to the Chamber for Cancellation and Invalidity or a counterclaim in a procedure for infringement of rights, unless the owner of the mark amends the rules of use to comply with the requirements of Article 82 of this Law.

PART VIII
INTERNATIONAL REGISTRATION OF TRADEMARKS UNDER THE MADRID
SYSTEM

Article 90

Implementation of provisions

Except as otherwise provided, this law applies to:

- a) international trademark registrations based on a national trademark application or registration; and
- b) international trademark registrations recorded in the International Register maintained by the International Intellectual Property Office that designate the Republic of Albania among the countries for which the trademark is protected.

Article 91

Filing an international trademark registration application

1. An international trademark registration application based on a national trademark application or registration, pursuant to Article 3 of the Madrid Protocol, shall be filed with the DPPI/GDIP.
2. The content and accompanying documents of the international registration application shall be submitted in accordance with the Madrid Protocol and its regulations.

Article 92

Examination of the accuracy of an international trademark registration application

1. If the international trademark registration application meets the requirements set out in Article 91 of this law, the DPPI/GDIP forwards the application to the International Bureau at WIPO.
2. If the international trademark registration application does not meet the requirements set out in Article 91 of this law, the DPPI/GDIP notifies the applicant to remedy the deficiencies within 2 months from the date of receipt of the notification.
3. If the applicant does not remedy the deficiencies within the given deadline, the DPPI/GDIP decides to refuse the international trademark registration application.
4. When the international trademark registration application complies with the specified requirements, the DPPI/GDIP approves it, records the date of receipt of the application, and forwards it to the International Bureau.

Article 93

Irregularities in international trademark registration applications rectified before the International Bureau

1. The DPPI/GDIP, as the case may be, responds to the International Bureau regarding any irregularities identified under Rules 11 to 13 of the Protocol Regulations, within the time limit set by the International Bureau. When necessary, the DPPI/GDIP shall consult with the applicant.
2. When the irregularities must be rectified by the Office of Origin, the DPPI/GDIP consults with the applicant and sets a two-month time limit for providing the required information. When the information is provided within the time limit, the DPPI/GDIP shall forward the information to the International Bureau.

Article 94

Suspension of the effects of the basic application or registration

1. When the basic application for a mark, the registration resulting from this application, or the basic registration no longer produces effects under Article 6 of the Protocol, the DPPI/GDIP shall inform the International Bureau, as required under Rule 22 of the Regulations under the Protocol, and request the cancellation of the international registration.
2. When the facts and decisions relating to the basic application or registration produce effects on the international registration only with respect to a part of the goods and services, the DPPI/GDIP shall record:
 - a) the goods and services for which the effects have arisen from the facts and decisions; or
 - b) the goods and services for which no effects have arisen from the facts and decisions.

Article 95

Filing of the request for territorial extension and registration of changes in the international register

1. A request for territorial extension following an international registration, as well as a request for registration of changes in the International Register, may be filed with the International Bureau through the DPPI/GDIP, provided that the DPPI/GDIP, based on the provisions of the Madrid Protocol, is competent to forward such requests to the International Bureau.
2. The content of the request for territorial extension and the request for registration of changes in the International Register, along with the accompanying documents, shall be filed in accordance with the Madrid Protocol and the Protocol Regulations.
3. If the request for territorial extension or the request for registration of changes in the International Register meets the requirements set out in paragraph 2 of this Article, the DPPI/GDIP shall forward the request to the International Bureau.
4. If the request for territorial extension or the request for registration of changes in the International Register has not been filed in accordance with the requirements set out in paragraph 2 of this Article, the DPPI shall notify the holder of the international registration to remedy the deficiencies or omissions within 2 months from the date of receipt of the notification.
5. If such deficiencies or omissions are not remedied within the specified period, the DPPI/GDIP shall decide to refuse the request.

Article 96

Fees for requests related to international marks

1. Any fee for forwarding a request related to international trademarks to the International Bureau shall be paid directly to the DPPI/GDIP, in accordance with the provisions of the relevant secondary legislation.
2. Any fee payable to the International Bureau under the Madrid Protocol shall be paid directly to the International Bureau.

Article 97

Effects of international registrations extending to the Republic of Albania

1. An international registration extending to the Republic of Albania produces the same effects as a national trademark application, starting from the date of its registration under paragraph 4 of Article 3 of the Madrid Protocol, or from the later date of extension to the Republic of Albania under paragraph 2 of Article 3ter of the Madrid Protocol.
2. If the DPPI/GDIP has not notified any refusal to the International Bureau in accordance with paragraphs 1 and 2(a) of Article 5 of the Madrid Protocol, or if any such refusal has been withdrawn, the international trademark registration produces the same effects as a national trademark registration, starting from the date specified in point 1 of this Article.

3. The filing date is the date of the international registration when the Republic of Albania is designated for protection in the international registration, or the later extension date when the Republic of Albania is designated at a later time for protection in the international registration.

4. The indication of goods and services specified in the international registration extending to the Republic of Albania does not constitute a binding obligation for the DPPI/GDIP regarding the determination of the scope of trademark protection.

Article 98

Examination of absolute grounds for refusal and specification of the list of goods and services in the International Registration

1. International registrations extending to the Republic of Albania are subject to examination by the DPPI/GDIP with respect to absolute grounds for refusal and the specification of the list of goods and services in the same manner as national trademark applications.

2. If an international registration extending to the Republic of Albania is considered unregistrable for protection for all or part of the goods and services for which it has been registered with the International Bureau, the DPPI/GDIP, before the expiration of the applicable refusal period specified in paragraph 2(a) of Article 5 of the Madrid Protocol, shall, on its own initiative, send a notification of provisional refusal to the International Bureau, in accordance with paragraphs 1 and 2 of Article 5 of the Madrid Protocol.

3. Any notification of provisional refusal of an international registration extending to the Republic of Albania must be communicated to the International Bureau together with a statement containing all the reasons related to the notification. This notification must be made before the expiration of the applicable time limit, which is calculated from the date on which the extension notification was sent to the Republic of Albania by the International Bureau.

4. The holder of the international registration may respond to the notification of provisional refusal by submitting their observations on the grounds for refusal within 4 months from the date of receipt of the notification sent by the International Bureau. The observations must be submitted in writing through authorized trademark representatives licensed and registered as such by the DPPI/GDIP.

5. The DPPI/GDIP decides on the refusal of protection for all or part of the goods and services of the international registration and communicates the final decision to the International Bureau when:

- a) the holder of the international registration does not submit observations in response to the provisional refusal notification within the prescribed time limit; or
- b) the international registration is considered unregistrable for protection in the Republic of Albania.

6. The DPPI/GDIP decides on the acceptance of protection of the international registration and communicates this final decision to the International Bureau when:

- a) the holder of the international registration submits observations in response to the provisional refusal notification within the prescribed time limit;
- b) the international registration is considered registrable for protection in the Republic of Albania; and
- c) no opposition to the international registration is filed.

Article 99

Collective and certification trademarks of International Registrations

1. When an international registration is based on a trademark application or basic registration relating to a collective or certification trademark, the international registration including the Republic of Albania shall be treated in the same manner as national collective or certification trademarks.

2. The holder of an international registration for a collective or certification trademark shall submit the regulations for the use of the collective or certification trademark directly to the DPPI/GDIP. The submission of the regulations for use shall be subject to the rules provided respectively in Articles 72 and 81 of this Law.

3. If the regulations for the use of a collective or certification trademark are not submitted directly

to the DPPI/GDIP, the DPPI/GDIP shall, on its own initiative, issue a notification of provisional refusal.

Article 100

Opposition to the international registration of a trademark

1. The deadline for filing an opposition to the international registration of a trademark is 3 months from the date of publication of the international trademark registration in the Official Journal of the International Bureau.

2. Detailed information and documents to be attached to the opposition request are provided for in the Protocol regulations.

Article 101

Procedure for opposing an International Registration

1. When an opposition is filed against an international registration extending to the Republic of Albania, the DPPI/GDIP shall, before the expiration of the applicable refusal period under paragraph 2(a) of Article 5 of the Protocol, notify the International Bureau of this fact. The notification from the DPPI/GDIP to the International Bureau is sent as a provisional refusal based on an opposition, in accordance with the requirements of the Madrid Protocol and the Protocol regulations.

2. Any provisional refusal of an international registration extending to the Republic of Albania must be communicated to the International Bureau together with a statement containing all the grounds of the opposition. This notification must be made before the expiration of the applicable time limit, which is calculated from the date on which the extension notification was sent to the Republic of Albania by the International Bureau.

3. The holder of the international registration may respond to the notification of provisional refusal by submitting their observations on the opposition within 4 months from the date of receipt of the notification sent by the International Bureau. The observations must be submitted in writing through authorized trademark representatives licensed and registered as such by the DPPI/GDIP.

4. The deadlines specified in points 2 and 3 of this Article may not be extended.

5. If the holder of the international registration does not fulfill the requirements specified in points 2 or 3 of this Article within the prescribed time limits, the DPPI/GDIP shall automatically decide on the acceptance of the opposition and the refusal of the international trademark registration in respect of part or all of the goods and services.

6. The holder of the international registration enjoys the same rights as if the trademark had been filed directly with the DPPI/GDIP. When the holder submits their observations within the prescribed time limits, the DPPI/GDIP shall follow the same opposition procedure as if the trademark had been filed directly with the DPPI/GDIP.

Article 102

Statement on granting protection or final refusal of protection of an international trademark registration

1. The DPPI/GDIP shall send to the International Bureau the notification or statement granting protection to the international trademark registration in the Republic of Albania in respect of all or part of the goods and services if:

a) there were no grounds for refusal of the international trademark registration in the examination procedure for absolute grounds and for the specification of the list of goods or services;

b) there were no grounds for refusal of the international trademark registration in the opposition procedure; or

c) the procedures referred to in points “a” and “b” of paragraph 1 of this Article have concluded with a decision granting protection to the trademark in respect of all or part of the goods or services.

2. The DPPI/GDIP shall send to the International Bureau the notification or statement refusing protection of the international trademark registration in the Republic of Albania in respect of all or part of the goods and services if:

a) the examination procedures for absolute grounds and for the specification of the list of goods or

services have concluded with a refusal decision; or

b) the opposition procedures have concluded with a refusal decision.

3. The DPPI/GDIP shall send to the International Bureau a subsequent notification or statement indicating the status of the trademark in respect of all or part of the goods and services if:

a) the provisional refusal notification was not sent by the DPPI/GDIP within the applicable time limit under paragraph 2(a) of Article 5 of the Madrid Protocol; or

b) the DPPI/GDIP, the Cancellation and Invalidity Chamber, or the Board of Appeal has issued a subsequent decision affecting the protection of the trademark in the Republic of Albania following the sending of a notification or statement in accordance with points 1 and 2 of this Article.

Without prejudice to Rule 19 of the Protocol, in connection with the Madrid Agreement concerning the International Registration of Marks, and Article 104 of this Law, the DPPI/GDIP shall send to the International Bureau the subsequent notification or statement to the extent it is aware of such decision.

Article 103

Transformation

1. A request for the transformation of an international trademark registration into a national trademark application may be filed with the DPPI/GDIP within three months from the date on which the international registration extending to the Republic of Albania was cancelled by the Office of Origin, in accordance with Article 6(4) of the Protocol. The holder of the international registration may request the transformation for all or part of the goods and services listed in the international registration. When the requirements set out in points 2 and 3 of this Article are met, the DPPI/GDIP shall follow the trademark registration procedures in the same manner as for an application filed directly with the DPPI/GDIP.

2. The request for transformation shall contain:

a) a statement that the application is filed by way of transformation;

b) the international registration number of the trademark that has been cancelled;

c) the date of the international registration or the later extension date, as applicable;

ç) the date on which the international trademark was cancelled;

d) the date of any priority registered in the International Register, as applicable;

dh) payment of the official fee for the transformation;

e) a power of attorney, when the request is filed by a representative.

3. The trademark subject to the international registration shall be registered by the DPPI/GDIP when:

a) the trademark has obtained protection in the Republic of Albania on or before the date on which the international registration was cancelled; and

b) all requirements related to the transformation request have been fulfilled. The trademark resulting from the transformation, as applicable, shall retain the same registration date as the date of the international registration or the later extension date of the cancelled international trademark, as well as the right of priority.

4. Procedures initiated for the registration of the international trademark on or before the date of filing the transformation request shall be deemed to have been undertaken for the purposes of the trademark application resulting from the transformation if the trademark has not obtained protection in the Republic of Albania on or before the date on which the international registration was cancelled. The filing date of the trademark application resulting from the transformation shall be the date of the international registration or the later extension date, as applicable.

Article 104

Cancellation and declaration of invalidity of an international trademark registration

1. An international trademark registration extending to the Republic of Albania may be declared invalid in accordance with this Law.

2. A request for the invalidity of an international trademark registration extending to the Republic of

Albania is subject to the same rules and procedures provided for a request for cancellation under Articles 62 to 64 of this Law or a request for declaration of invalidity under Articles 65 to 70 of this Law, as applicable.

3. In the proceedings concerning a request for cancellation or declaration of invalidity of an international trademark registration, the DPPI/GDIP shall notify the holder of the international registration of the request for cancellation or declaration of invalidity of the trademark and shall invite the holder to appoint an authorized trademark representative within 2 months from the date of receipt of the notification. The authorized representative must submit a power of attorney or proof of representation to the DPPI/GDIP.

4. The time limit specified in paragraph 1 of this Article shall not be extended.

5. When the requirements set out in paragraph 3 of this Article are met, the DPPI/GDIP shall send a copy of the request to the authorized representative and invite them to submit their observations within 2 months from the date of receipt of the notification.

6. If the holder of the international registration does not comply with the requirements set out in paragraphs 3 and 5 of this Article within the prescribed time limits, the DPPI/GDIP shall automatically decide on the acceptance of the request for cancellation or declaration of invalidity of the international trademark registration in respect of part or all of the goods and services.

7. The DPPI/GDIP shall send to the International Bureau the notification of the cancellation or declaration of invalidity of the international trademark registration once the decision becomes final.

8. The notification to the holder of the international registration concerning the request for cancellation or declaration of invalidity of the international trademark registration shall be communicated to the International Bureau in accordance with Rule 23bis of the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks.

Article 105

Use of an international trademark registration

1. The date of the international trademark registration or the later extension date of the international registration, as applicable, shall be considered as the date from which the international trademark is deemed to have been put to genuine and effective use in the territory of the Republic of Albania, for the purpose of proving that the international trademark registration has been used.

2. Paragraph 1 of this Article applies for the purpose of submitting evidence proving the use of the international trademark registration in:

- a) the trademark opposition procedure;
- b) the trademark cancellation procedure; and
- c) the trademark invalidity declaration procedure.

Article 106

Replacement of a national registration by an international trademark registration

1. The holder of an international trademark registration may request the DPPI/GDIP to record in the register that the national trademark registration is replaced by the international registration if the following conditions are met:

- a) the trademark registered in the Republic of Albania is simultaneously subject to an international registration extending to the Republic of Albania;
- b) the same person is simultaneously registered as the holder of the national registration and the holder of the international trademark registration;
- c) the goods and services listed in the national registration are also listed in the international registration extending to the Republic of Albania;
- ç) the extension of the international registration to the Republic of Albania occurred after the date of the national trademark registration.

2. The request under paragraph 1 of this Article shall be filed with the DPPI/GDIP and shall contain:

- a) the duly signed relevant form;
- b) the authorization of representation, if submitted by a representative;
- c) payment of the applicable fee.

3. The replacement of a national registration by an international registration shall be deemed to occur automatically when the conditions set out in Article 4bis of the Madrid Protocol are met and does not depend on any action by the trademark holder or the DPPI/GDIP. The effective date of the replacement of the national registration by the international registration shall be the date of the international registration or the later extension date, as applicable.

4. The DPPI/GDIP shall examine the request to ensure it complies with the conditions set out in Article 4bis of the Madrid Protocol.

5. The DPPI/GDIP shall regularly notify the International Bureau if the international trademark registration has been recorded in the register pursuant to paragraph 1 of this Article. The notification sent by the DPPI/GDIP to the International Bureau shall contain:

- a) the international registration number;
- b) the goods and services in respect of which the national registration is replaced by the international registration;
- c) the filing date and number of the national trademark application;
- ç) the date and number of the national trademark registration;
- d) the priority date of the national trademark, if any; and
- dh) information regarding other rights acquired on the basis of the national trademark registration.

6. The national trademark registration shall not be cancelled and shall have no other effect as a result of its replacement by the international registration or by virtue of the DPPI/GDIP recording this replacement in the register.

7. When the international registration does not cover all the goods and services listed in the national trademark registration, the scope of the replacement is limited only to the goods and services simultaneously listed in both the national and international registrations.

Article 107

Communication with the International Bureau

The DPPI/GDIP shall communicate with the International Bureau in the manner and format agreed between them, including by electronic means.

PART IX

CHAPTER I

GENERAL PROVISIONS REGARDING PROCEDURES BEFORE THE DPPI/GDIP

Article 108

Restoration of rights within the time limit

1. A person who has filed a trademark application or the owner of a trademark, as well as any other party in proceedings before the DPPI/GDIP, may request the restoration of rights within the time limit if:

- a) they were unable to meet a deadline before the DPPI/GDIP due to objective reasons beyond their control; and
- b) the failure to meet the deadline has directly resulted in the loss of rights under this Law.

2. A request for restoration of rights within the time limit shall be filed with the DPPI/GDIP within 2 months from the date on which the obstacles to meeting the deadline have been removed, but no later than 1 year from the expiry of the missed deadline. The request for which the party has missed the deadline must also be filed within the same time frame.

3. The request for restoration of rights within the time limit shall contain:

- a) the form for the request for the restoration of rights;
- b) the grounds, facts, and evidence supporting the request;
- c) payment of the applicable fee; and
- ç) the authorization of representation, if submitted by a representative.

4. The DPPI/GDIP shall examine the request within 2 months from the filing date to determine whether it complies with the requirements of this Article. If the request does not meet the formal

requirements specified in paragraph 3 of this Article, the DPPI/GDIP shall notify the applicant to remedy the deficiencies or omissions within 2 months from the date of receipt of the notification.

5. If the applicant corrects the defects or deficiencies within the deadline, the DPPI/GDIP shall proceed with the examination of the request and notify the applicant of the decision taken. The decision on the request for restoration of rights within the time limit shall be published in the Bulletin.

6. An appeal against the decision to refuse or reject the request for restoration of rights within the time limit may be filed with the Board of Appeal within 45 days from the date of receipt of the decision.

7. The restoration of rights within the time limit does not apply to:

- a) the deadlines specified in paragraph 2 of this Article;
- b) the deadline specified in paragraph 1 of Article 46 of this Law;
- c) the deadlines specified in Article 109 of this Law; and
- ç) the deadlines for appealing decisions to the Board of Appeal.

8. When a request for restoration of rights within the time limit is accepted, the person who filed the trademark application or the owner of the trademark may not rely on the restored rights against a third party who, in good faith, has placed goods on the market or offered services under a sign identical or similar to their trademark during the period between the loss of rights and the publication of the restoration of rights.

9. A third party who may benefit from the provisions of paragraph 8 of this Article may file an appeal with the Board of Appeal against the decision to restore rights within the time limit of the person who filed the trademark application or the owner of the trademark. The appeal must be filed within 2 months from the publication of the decision on the restoration of rights within the time limit, upon payment of the applicable fee.

10. The content of the request for the restoration of rights within the time limit and the documents attached thereto shall be determined by a decision of the Council of Ministers.

Article 109

Restoration of the continuation of proceedings within the time limit

1. A person who has filed a trademark application, the owner of the trademark, as well as any other party in proceedings before the DPPI/GDIP, may request the restoration of the continuation of proceedings within the time limit:

- a) if they have failed to meet a deadline before the DPPI/GDIP; and
- b) provided that the unfinished action is completed at the moment of filing the request for the continuation of proceedings.

2. A request for the restoration of the continuation of proceedings within the time limit is accepted only if it is filed within 2 months from the date of expiry of the missed deadline. The request is considered not filed until the fee for the restoration of the time limit for the continuation of proceedings at the DPPI/GDIP has been paid.

3. The request for the restoration of the continuation of proceedings within the time limit shall contain:

- a) the form of the request for the restoration of the continuation of proceedings within the time limit;
- b) the reasons, facts, and evidence supporting the request;
- c) the relevant fee; and
- d) the authorization of representation, when the request is submitted by a representative.

4. Within 2 months from the date of filing, the DPPI/GDIP examines whether the request complies with the requirements of this article. If the request does not meet the formal requirements set out in point 3 of this article, the DPPI/GDIP shall notify the applicant to correct the deficiencies or omissions within 2 months from the date of receipt of the notice.

5. If the applicant corrects the defects or deficiencies within the deadline, the DPPI/GDIP proceeds with the examination of the request and notifies the applicant of the decision taken. The decision on the request for the restoration of the time limit for the continuation of proceedings is published in the bulletin.

6. An appeal against the decision to refuse or dismiss the request for the restoration of the time limit

for the continuation of proceedings may be filed with the Board of Appeal within 45 days from the date of receipt of the decision.

7. This article does not apply to the deadlines provided for in Articles 34(1), 36(1), 38(1), 41(1), 46(3), 57(2), 108(2) of this law, and to the deadlines for appealing decisions to the Board of Appeal.

8. When a request for the restoration of the continuation of proceedings within the time limit is accepted, the consequences of missing the deadline are considered not to have occurred.

If the DPPI/GDIP decision was taken during the period between the expiry of the missed deadline and the date of filing the request for the restoration of the continuation of proceedings within the time limit, the DPPI/GDIP reviews the decision taken and may issue a revised decision if the action performed is sufficient in itself.

If, after reviewing the decision, the DPPI/GDIP concludes that the original decision does not need to be changed, it confirms the decision in writing.

8. The content of the request the restoration of the continuation of proceedings within the time limit and the accompanying documents are determined by a decision of the Council of Ministers.

Article 110

Suspension of proceedings

1 Proceedings before the DPPI/GDIP shall be suspended:

- a) in the event of the death or lack of legal capacity of the applicant or the owner of the trademark;
- b) in the event of the death or lack of legal capacity of the person authorized to act on behalf of the applicant or the owner of the trademark.

2. Proceedings before the DPPI/GDIP shall resume immediately once the identity of the person authorized to continue the proceedings has been established.

3. The procedures, the content of the request for suspension and resumption of proceedings, and the documents attached thereto shall be determined by a decision of the Council of Ministers.

Article 111

Fees for applications and actions performed at the DPPI/GDIP

1. Every application and action regarding trademarks at the DPPI/GDIP, except for specific cases provided for in this law, shall be subject to a fee.

2. The fees for each application and action regarding trademarks are determined by a decision of the Council of Ministers.

Article 112

Certificate of Priority

1. At the request of the applicant or the owner of the trademark, and upon payment of the applicable fee, the DPPI/GDIP/GDIP shall issue the trademark priority certificate.

2. The content of the trademark priority certificate and the procedure for its issuance shall be determined by a decision of the Council of Ministers.

Article 113

Register of industrial property objects for trademarks

1. Based on the state database of the Industrial Property Administration System (SAPI/IPAS), the DPPI/GDIP maintains and manages the following data regarding national trademark applications and registrations:

- a) Primary data, such as:
 - i. Date of filing the application;
 - ii. Application number;
 - iii. Date of publication of the application;
 - iv. Representation of the mark and its type, and where applicable, description of the mark;
 - v. List of goods and services in the application;

- vi. Data on claimed priority under Article 36 of this law;
 - vii. Data on priority claimed from exhibitions under Article 38 of this law;
 - viii. Declaration that the mark has acquired distinctiveness through use, pursuant to point 2 of Article 8 of this law;
 - ix. Indicator that the mark is a collective mark;
 - x. Indicator that the mark is a certification mark;
 - xi. Date of registration and registration number;
 - xii. Data on an international trademark registration extended to the Republic of Albania, which has been transformed into a national trademark application under Article 103 of this law.
- b) Secondary data, such as:
- i. Name and address of the applicant;
 - 2. ii. Name and address of the applicant's representative.
3. SAPI/IPAS also maintains and manages the following records regarding trademarks, along with their registration dates:
- a) Primary data, such as:
 - i. Modifications and changes to the mark under Articles 58 and 59, as well as corrections to the trademark application under Article 52;
 - ii. Notification of changes to regulations on the use of collective or certification marks under Articles 76 and 85;
 - iii. Transfer of ownership under Article 22;
 - iv. Real rights under Article 24;
 - v. Enforcement actions and commencement of insolvency procedures under Articles 25 and 26;
 - vi. Registrations, cancellations, modifications, granting, or transfer of licenses under Articles 28 and 29, including type of license;
 - vii. Renewal of trademark registrations under Article 56, including effective dates and any limitations on the list of goods or services under point 6 of Article 57;
 - viii. Data for determining the duration of registrations under Article 56;
 - ix. Withdrawal of trademark applications and limitation of the list of goods and services under Article 51, abandonment of a trademark under Article 61, opposition, cancellation, invalidity requests, and appeals to the Board of Appeal;
 - x. Date and content of decisions on oppositions, cancellations, invalidity requests, and appeals;
 - xi. Deregistration of the owner's representative under Article 123;
 - xii. Changes, modifications, or deregistrations as specified in subpoints "iv," "v," and "vi," letter "a," point 2;
 - xiii. Replacement of national registration by an international trademark registration under Article 106;
 - xiv. Date and number of the international trademark registration based on a national application or registration under Article 93;
 - xv. Division of trademark applications and registrations under Articles 53 and 60, together with records specified in point 2, and the modified list of goods or services;
 - xvi. Correction of evident errors, deregistration of data, and annulment of DPPI/GDIP decisions under Articles 116 and 117;
 - xvii. Date and content of final judicial decisions concerning national and international trademarks extended to the Republic of Albania.
 - b) Secondary data, such as:
 - i. Changes to the name and address of the owner's representative;
 - ii. Name and address of a newly appointed representative.
4. The DPPI/GDIP notifies the national trademark owner of any changes in the register.
5. Data processing regarding the records specified in points 1 and 2, including personal data, is carried out for the purpose of:
- a) Administering trademark applications and registrations as provided in this law and implementing regulations;
 - b) Maintaining a public register for inspection and informing public authorities and economic operators to enable them to exercise rights recognized by this law and be informed about pre-existing rights of third parties;
 - c) Preparing reports and statistics to allow the DPPI/GDIP to optimize its operations and improve

system functionality.

6. All data concerning the records specified in points 1 and 2 are considered to be of public interest and may be accessed by any third party. For legal certainty, records in the register are maintained indefinitely.

Article 114

Access to Documents

1. The files of trademark applications that have not yet been published are not subject to access by third parties without the applicant's written consent. Access to the documents of a trademark application that has not yet been published cannot be carried out without the applicant's written consent.

2. Exceptionally, access to documents may be granted without the applicant's written consent to any person who demonstrates that the trademark applicant has declared an intention to enforce the rights arising from the trademark registration against them, once the trademark is registered.

3. Once a trademark application is published, the files related to that application and the resulting trademark may be accessed through the submission of a request for access to documents.

4. In cases of access pursuant to paragraphs 2 or 3 of this article, parts of the file for which the interested party has requested confidentiality before the submission of the access request cannot be accessed, except when access is justified by a legitimate and overriding interest of the party.

5. Access to the documents of trademark applications and registered trademarks is carried out on the original documents, their photocopies, or technical archiving means if the files are archived in that manner.

6. When access to documents is carried out as provided in paragraph 7 of this article, the request for access is considered incomplete until the relevant fee is paid.

7. Access to documents is conducted at the DPPI/GDIP premises or online. Upon request of the interested party, access to the file may also be carried out through the issuance of copies of the documents, subject to the payment of an additional fee determined by the DPPI/GDIP.

8. The interested party may also request the issuance of duplicates of administrative acts concerning trademarks, subject to the payment of the relevant fee.

9. The procedures, the content of the request for access to documents, and the accompanying documents are determined by a decision of the Council of Ministers.

Article 115

Confidential information

1. During proceedings at the DPPI/GDIP, the parties may indicate that submitted evidence or documents contain trade secrets and confidential information. In such cases, the DPPI/GDIP may decide to:

- a) prohibit the copying of documents or evidence containing trade secrets and confidential information, allowing only their inspection;
- b) restrict access to documents or evidence containing trade secrets and confidential information, except when access is justified by a legitimate and overriding interest of the party requesting inspection; or
- c) enclose the documents or evidence containing trade secrets and confidential information in a separate envelope, which may only be opened within the DPPI/GDIP premises. After inspection, the documents or evidence shall be resealed in a separate envelope, and the DPPI/GDIP shall record the fact of inspection, including the date and time of the process and the identifying details of the person who conducted the inspection.

2. If documents or evidence containing trade secrets and confidential information are made available for inspection under paragraph 1 of this Article, the DPPI/GDIP shall inform the person entitled to access the documents in advance of their confidentiality obligations. In this case, the individual must sign a declaration acknowledging the confidentiality obligation.

Article 116

Correction of obvious errors and inaccuracies

1. The DPPI/GDIP, on its own initiative or at the request of the parties, corrects:
 - a) any grammatical or spelling errors, transcription mistakes, and any other obvious inaccuracies in its acts;
 - b) technical errors attributable to the DPPI/GDIP in relation to the publication or registration of a trademark.
2. The DPPI/GDIP issues a new act to correct the obvious errors and inaccuracies. The decision on the correction of errors and obvious inaccuracies is sent to the interested parties and published in the bulletin.
3. If the obvious errors and inaccuracies were made by the applicant or the trademark owner, the DPPI/GDIP corrects the errors or inaccuracies upon submission of a request and payment of the applicable fee.
4. If the obvious errors and inaccuracies were made by the DPPI/GDIP itself, the correction is carried out free of charge.
5. The procedures, content of the request for correction of errors and obvious inaccuracies, and accompanying documents are determined by a decision of the Council of Ministers.

Article 117

Revocation of Decisions

1. The DPPI/GDIP shall delete data reflected in the register or revoke a decision it has made when it has recorded data in the register or adopted a decision containing an obvious error attributable to the DPPI/GDIP. When there is only one party in the administrative procedure at the DPPI/GDIP and the registration of data or the decision produces effects on that party's rights, the deletion or revocation of the decision shall be carried out even if the error is not obvious to the party.
2. The deletion or revocation referred to in paragraph 1 of this Article shall be carried out on the DPPI/GDIP's initiative or at the request of any of the parties involved in the procedure. Each deletion of data or revocation of a decision shall be recorded in the register.
3. This Article does not prejudice the parties' right to file an appeal with the Board of Appeal or the possibility to correct obvious errors under Article 116 of this law. When an appeal has been filed against a DPPI/GDIP decision containing an error, the appeal procedure becomes moot following the revocation of the decision by the DPPI/GDIP in accordance with paragraph 1 of this Article. In such cases, the fee paid for the appeal shall be refunded to the appellant.

Article 118

Investigation

1. At the request of any interested person and upon payment of the applicable fee, the DPPI/GDIP conducts investigations regarding:
 - a) the similarity of trademark applications and registered trademarks that have effect in the Republic of Albania; and
 - b) any other data recorded in the register.
2. The procedures, content of the investigation request, and accompanying documents are determined by a decision of the Council of Ministers.

Article 119

Database

1. In addition to the obligation to create and manage the state database for the Industrial Property Administration System (SAPI/IPAS) in accordance with Article 113 of this law, the DPPI/GDIP collects and archives in an electronic database all data provided by applicants or any other party participating in the procedures before the DPPI/GDIP, in accordance with this law or other legal acts.

2. In addition to the personal data included in SAPI/IPAS pursuant to Article 113 of this law, the electronic database may include other personal data to the extent required by this law or other legal acts. The collection, archiving, and processing of personal data serve the purposes of:

- a) administering trademark applications and registrations as provided in this law and the implementing subordinate acts;
- b) accessing the information necessary for the smooth and effective conduct of the relevant procedures;
- c) communicating with applicants and other parties in the procedure;
- d) preparing reports and statistics that enable the DPPI/GDIP to optimize its operations and improve the functioning of the system.

3. Access to the personal data specified in paragraph 2 of this Article is restricted, and personal data shall not be made publicly available, except when the interested party provides written consent.

4. Personal data shall be processed in accordance with the applicable legislation on personal data protection.

5. Notwithstanding the provision in paragraph 4 of this Article, the interested party may request the removal of personal data from the database 18 months after the expiration of the trademark protection period or the closure of the relevant procedures between the parties. The interested party has the right to request the correction of erroneous or inaccurate data at any time.

Article 120

Deadlines

1. Except where expressly prohibited by this law, the deadline may be extended for up to an additional 2 months at the request of the interested party and upon payment of the relevant fee.

2. The interested party shall submit to the DPPI/GDIP the request for extension of the deadline before the expiration of the initially set deadline, together with the payment of the relevant fee.

3. The DPPI/GDIP shall examine the request for extension without delay and approve an extension of up to 2 additional months if the request meets the requirements set forth in paragraphs 1 and 2 of this article. The decision on the extension of the deadline shall be recorded in the register and sent to the applicant.

Article 121

Administrative Appeal to the Board of Appeal

1. The Board of Appeal examines administrative appeals submitted in accordance with the provisions of this law, including:

- a) appeals against decisions of the Opposition Chamber;
- b) appeals against decisions of the Revocation and Invalidity Chamber;
- c) appeals against decisions of the Examination Directorate;
- ç) appeals against decisions regarding the restoration of rights and the reinstatement of deadlines for continuation of procedures;
- d) appeals against decisions related to the requests provided for in Articles 116 and 117 of this law.

2. An administrative appeal is submitted to the Board of Appeal within 30 days from the notification of the reasoned decision and contains:

- a) the arguments, legal basis, reasons, and evidence related to the appeal;
- b) authorization of representation, when the appeal is submitted by a representative;
- c) payment of the relevant fee; and

ç) the relevant form, duly signed.

3. The Secretary of the Board of Appeal, within 1 month from the date of submission of the administrative appeal, verifies whether the appeal has been submitted in accordance with the requirements specified in points 1 and 2 of this article.

4. If the requirements set out in point 1 of this article are not met, the Board of Appeal decides to reject the appeal based on the written report of the Secretary and sends the decision to the appellant.

5. If the administrative appeal has not been submitted in accordance with the requirements specified in point 2 of this article, the Secretary of the Board of Appeal notifies the appellant to remedy the deficiencies within 2 months from the date of receipt of the notification.

6. If the appellant does not remedy the deficiencies within the specified period, the Board of Appeal decides to reject the appeal based on the written report of the Secretary of the Board and sends the decision to the appellant.

7. If the administrative appeal is submitted in accordance with the requirements specified in points 1 and 2 of this article, the Secretary of the Board of Appeal sends a copy of the appeal to the other party and invites them to submit observations on the appeal within 2 months from the date of receipt of the notification.

8. The deadlines specified in points 2, 5, and 7 of this article are not extended.

9. If the other party does not submit their observations on the appeal within the deadline set in point 7, the Secretary of the Board of Appeal, within 1 month from the expiration of the deadline, notifies the Board of Appeal in writing. The Board of Appeal, within 2 months from the notification by the Secretary, examines the merits of the appeal and decides solely based on the observations submitted by the appellant.

10. If the other party submits their observations within the deadline set in point 7, the Secretary of the Board of Appeal, within 1 month from the date of receipt of the observations, notifies the Board of Appeal in writing. The Board of Appeal, within 2 months from the notification by the Secretary, examines the merits of the appeal and decides based on the observations submitted by the parties.

11. Before taking a decision, the Board of Appeal may summon the parties to a hearing. No new evidence may be submitted during the hearing.

12. The reasoned decision of the Board of Appeal is communicated to the respective parties within 2 months from the date of the decision. This decision may be appealed to the competent court within the 45-day period provided for in Article 125 of this law.

13. An administrative appeal submitted to the Board of Appeal suspends the execution of the act until the appeal decision is notified.

14. An appeal to the court against the decision of the Board of Appeal does not suspend its execution.

15. The procedures, content of the administrative appeal to the Board of Appeal, and accompanying documents are determined by a decision of the Council of Ministers.

Article 122

Notification

1. The DPPI/GDIP notifies the parties via electronic means, postal delivery of documents, or formal notification, except where otherwise provided by law.

2. The DPPI/GDIP follows the general rules of notification in accordance with the legislation governing administrative procedures in force when communicating with the parties or other entities.

Article 123

Representation before the DPPI/GDIP

1. Persons who do not have residence, a principal place of business, or a branch or representative office in the Republic of Albania may be represented before the DPPI/GDIP only through authorized trademark representatives, certified and registered as such by the DPPI/GDIP.

2. Persons who have residence, a principal place of business, or a branch or representative office in the Republic of Albania may represent themselves before the DPPI/GDIP or be represented through

authorized trademark representatives, certified and registered as such by the DPPI/GDIP.

3. Persons may authorize one or more authorized trademark representatives to carry out one or all actions before the DPPI/GDIP. The scope of representation for each representative is determined in the power of attorney, which is filed with the DPPI/GDIP in each case.

4. The applicant or the owner of the trademark may change their representative in the trademark register by submitting a request containing the power of attorney for the new representative and payment of the applicable fee.

5. Authorized trademark representatives, certified and registered as such by the DPPI/GDIP, may be removed from the register and the list of authorized representatives at their own request. Changes to the list of representatives are published.

6. Any change concerning the status or data of an authorized representative is recorded in the register and published in the DPPI/GDIP Bulletin.

7. The general principles of representation, the procedures and conditions for the certification of authorized representatives, as well as other rules regarding representation before the DPPI/GDIP, are determined by a decision of the Council of Ministers.

Article 124

Electronic Applications for Services Provided by the DPPI/GDIP

1. Any request for services provided by the DPPI/GDIP shall be submitted electronically, in accordance with the applicable legislation regulating online services in the Republic of Albania.

2. Every electronic application must be accompanied by an electronic signature in accordance with the applicable legislation.

PART X

ENFORCEMENT OF RIGHTS

CHAPTER I

GENERAL PROVISIONS

Article 125

Judicial Jurisdiction

1. Appeals against the decisions of the DPPI/GDIP Board of Appeal shall be filed with the Tirana First Instance Administrative Court within 45 days from the date of receipt of the reasoned decision.

2. The Tirana First Instance Court of General Jurisdiction has jurisdiction over all other matters, including:

a) all actions related to the infringement of trademark rights and actions that may risk violating such rights;

b) actions related to the annulment and declaration of invalidity of a trademark, in accordance with the requests provided for in this law.

Article 126

Applicable Rules

1. The legal remedies, measures, and procedures provided for in this law shall apply in relation to the infringement of trademark rights, without prejudice to other legal remedies provided under national legislation.

2. This law does not exclude the application of criminal legislation concerning procedures or criminal sanctions for the infringement of trademark rights.

Article 127

Implementation of measures, procedures, and protective remedies

Persons entitled to request the enforcement of measures, procedures, and protective remedies are:

a) the holders of the rights, in accordance with the provisions of this law;

b) any person authorized to exercise these rights, including licensees, in accordance with the provisions of this law.

Article 128
Acts constituting infringement of trademark rights

An infringement of rights, as the case may be, is any unauthorized use, restriction, or imitation of the trademark, as well as any other act that infringes the rights of the owner, in accordance with the provisions of this law.

CHAPTER II
EVIDENCE

Article 129
Evidence

1. At the request of the party that has submitted sufficient evidence to support its claims and has specified the evidence in the possession of the opposing party, the competent court shall order that such evidence be presented by the opposing party to ensure the protection of confidential information.
2. For the purposes of paragraph 1 of this Article, the court shall assess any evidence submitted by the claiming party in relation to its claims.
3. At the request of a party, the court may order, as appropriate, the submission of bank, financial, or commercial documents that are in the possession of the opposing party, with the aim of protecting confidential information.

Article 130
Measures for securing evidence

1. At the request of a party that has presented sufficient evidence to support its claims regarding the infringement or risk of infringement of trademark rights, the court shall order immediate and effective measures to secure the evidence, in order to protect confidential information. These measures may also be taken before the commencement of proceedings on the merits of the case and may include a detailed description of the goods with or without taking samples, physical seizure of infringing goods, and, where applicable, seizure of materials and tools used for the production and/or distribution of such goods, as well as related documents. The court shall decide whether to take measures to secure the evidence within five (5) days from the date of filing the request, and shall set the deadline within which the ordered measure must be executed. This deadline shall not exceed five (5) days from the date of receipt of the decision.
2. The court may order the securing of evidence without hearing the opposing party when necessary, particularly if any delay could cause irreparable harm to the rights holder or when there is a risk that the evidence may be destroyed. When measures are taken without hearing the opposing party, that party shall be notified immediately, but no later than the commencement of the execution of the measure. The opposing party has the right to file a request with the court to review the measure within five (5) days from the date of notification. During the review procedure, the court shall allow the parties to be heard and shall confirm, modify, or revoke the decision ordering the measures to secure evidence within a reasonable period, which shall not exceed five (5) days from the filing of the request for review.
3. The court may condition the adoption of measures to secure evidence on the submission by the applicant of an appropriate guarantee or other equivalent security, in order to ensure compensation for any damage that may be caused to the respondent pursuant to paragraph 5 of this article.
4. At the request of the respondent, measures to secure evidence may be revoked or removed, without prejudice to the right to compensation that may be claimed, if the applicant does not file a lawsuit on the merits within a reasonable period set by the court in its decision ordering the measures. This reasonable period shall not exceed 20 working days or 31 calendar days, whichever is longer, from the date of execution of the measure to secure evidence.
5. If the measures to secure evidence are revoked, removed, or rendered invalid due to the actions or omissions of the applicant, or if it is subsequently determined that there was no infringement of trademark rights, the court shall order the applicant, at the request of the respondent, to provide appropriate compensation for any damage caused by these measures.
6. The court shall take measures to protect the identity of witnesses involved in the procedure for securing evidence.

Article 131
Right to information

1. At the reasoned and proportionate request of the plaintiff, the court, during the examination of trademark infringement, shall order that information regarding the origin and distribution networks of goods or services that infringe trademark rights 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 services that infringe the right on a commercial scale;
- c) is found to offer services that infringe the right on a commercial scale; or
- d) is identified by any of the persons referred to in points “a,” “b,” or “c” of this paragraph as being involved in the production, processing, or distribution of the goods or in the provision of the services that infringe the right.

2. The information referred to in paragraph 1 of this article may include, as appropriate:

- a) the names and addresses of manufacturers, processors, distributors, suppliers, previous holders of the goods or services, as well as wholesalers and retailers;
- b) information on the quantities produced, processed, distributed, received, or ordered, as well as the prices obtained for the goods or services in question.

3. Paragraphs 1 and 2 of this article shall apply without prejudice to other applicable legal provisions which:

- a) recognize the right of the rights holder to obtain more complete information;
- b) regulate the use of information obtained under this article in civil or criminal proceedings;
- c) provide for liability for misuse of the right to information;
- d) allow the refusal to provide information when such information would compel the person referred to in paragraph 1 of this article to admit their own or their family members’ participation in trademark infringement;
- e) regulate the protection of the confidentiality of information sources and the processing of personal data.

CHAPTER III
PROVISIONAL MEASURES

Article 132
Provisional measures

1. At the request of the interested party, the court may order:

- a) the adoption of provisional measures against the alleged infringer to prevent an imminent infringement of trademark rights or to temporarily suspend the continuation of the alleged infringement;
- b) the seizure or placing under control of goods suspected of infringing the trademark rights, in order to prevent their entry into or circulation through trade channels.

2. The court decides on the adoption of provisional measures within 5 days from the date of filing the request.

3. The provisional measures referred to in paragraph 1 may also be applied against intermediaries whose services are used by a third party to infringe trademark rights.

4. The court may order the temporary seizure of movable or immovable assets of the alleged infringer, including the blocking of bank accounts and other assets, when the injured party demonstrates circumstances that could jeopardize the recovery of damages. For this purpose, the court may request the submission of bank, financial, or commercial documents, or use other appropriate means to obtain relevant information.

5. The court may request evidence from the applicant regarding the measures specified in paragraphs 1, 2, and 3 to verify that the applicant is the rights holder and that their rights have been infringed or are likely to be infringed.

6. The court may adopt these measures without hearing the other party when necessary, particularly

when delays could cause irreparable harm to the rights holder. In such cases, the parties are informed immediately, but no later than the start of the measure's enforcement.

7. When provisional measures are adopted without giving the other party an opportunity to be heard, the latter may file a request with the court for review of the measure within 5 days from the notification of the provisional measure. In the review proceedings, the court allows the parties to be heard and confirms, modifies, or cancels the decision ordering the provisional measures within a reasonable period, which must not exceed 5 days from the filing of the review request.

8. At the request of the defendant, the court may revoke or lift the provisional measures if the applicant does not file a main action in court within the time limit set by the court in the decision ordering the provisional measures. This time limit cannot be shorter than 20 working days or 31 calendar days from the date of enforcement of the measure, whichever is longer.

9. The court may condition the adoption of measures on the applicant providing a suitable guarantee or other equivalent security to ensure compensation for any damage that may be caused to the defendant under paragraph 9 of this article.

10. If provisional measures are revoked, lifted, or rendered ineffective due to the action or inaction of the applicant, or if it is later established that no infringement of trademark rights occurred, the court shall order the applicant, at the request of the defendant, to provide appropriate compensation for any damage caused by the enforcement of the measure.

CHAPTER IV PROCEDURES AND MEASURES AGAINST INFRINGEMENT OF RIGHTS

Article 133

Procedures and measures against infringement of rights

1. Persons entitled to request the enforcement of measures, procedures, and remedies under this law may apply to the court to request:

- a) the prohibition of trading goods and/or providing services that infringe trademark rights;
- b) the removal from the market and/or confiscation of goods that infringe rights, and, where applicable, of materials, equipment, instruments, and means used primarily for the creation or production of such goods and services;
- c) the prevention of market entry of counterfeit goods solely by removing or detaching the affixed mark;
- ç) the destruction of goods that infringe rights, as well as/or materials, equipment, instruments, and means used primarily for the creation or production of such goods and services;
- d) partial or full publication of the court decision in the public media at the expense of the infringer, in the manner prescribed by the court;
- dh) compensation for damages resulting from the infringement of trademark rights.

2. The court orders the implementation of the measures provided in letters "b", "c", and "ç" of point 1 at the infringer's expense, unless there are specific reasons to decide otherwise. In considering the request for such measures, the court assesses the proportionality between the severity of the infringement and the ordered measure, as well as the legitimate interests of third parties.

3. The measure provided in letter "a" of point 1 may also be taken against an intermediary whose services are used by a third party to infringe trademark rights.

Article 134

Compensation for damages

1. At the request of the injured party, the court orders the person involved in infringing activities to pay compensation for the damages caused as a result of the trademark rights infringement.

2. In calculating the amount of compensation, the court takes into account all actual and real damages suffered by the injured party, including:

- a) the lost profits of the injured party;
- b) any unfair gains obtained by the infringer; and

c) moral damages caused to the injured party due to the infringement, including harm to the business name and reputation.

3. Where appropriate, the court may award immediate compensation by determining a monetary sum to be paid by the infringer in favor of the injured party. The court's decision is based on factors such as profits, revenues, and/or fees that would have been earned if the infringer had sought authorization to use the relevant trademark rights.

4. Where the infringer has acted without intent or without reasonable grounds to know that their activity constituted an infringement, the court orders the recovery of profits gained from the infringement or the payment of damages, which may be predetermined according to the provisions of Article 13, paragraph 2, of this law.

Article 135

Customs measures

The conditions and procedures regarding actions taken by customs authorities, when there are reasonable grounds to suspect that a trademark right is being infringed by goods that are or should be subject to customs supervision or control within the customs territory of the Republic of Albania, are governed by the applicable customs legislation in force in the Republic of Albania.

Article 136

Measures in the domestic market

1. The rights holder, within the meaning of this law, may submit a request-complaint for inspection to the authority responsible for supervising the domestic market, in order to initiate procedures and take appropriate inspection measures, when there are reasonable grounds to suspect that trademark rights are being infringed by goods and services placed on the market within the territory of the Republic of Albania.

2. The procedures for actions taken by the authority responsible for supervising the domestic market, under paragraph 1 of this article, are governed by the applicable legislation on inspections in the Republic of Albania and by any other law or subordinate act containing provisions for the protection of intellectual property rights in the domestic market.

PART XI

Transitional and final provisions

Article 137

Protection of personal data

The processing of personal data for the purpose of implementing this law shall be carried out in accordance with the provisions of the applicable legislation on personal data protection.

Article 138

Transitional and final provisions

Proceedings regarding the infringement of rights and administrative procedures that were initiated or suspended prior to the entry into force of this law shall be handled and concluded in accordance with the provisions of Law No. 9947, dated 7.7.2008, "On Industrial Property," as amended, and Decision No. 315, dated 31.5.2018, of the Council of Ministers, "On the Approval of the Regulations for Trademarks," as amended.

Article 139

Adoption of by-laws

The Council of Ministers shall adopt the by-laws within nine months from the entry into force of this law, for the implementation of point 7 of Article 22; Article 22; point 8, Article 24; point 8, Article 25; point 8, Article 26; point 9, Article 28; point 7, Article 29; point 3, Article 33; point 3, Article 44; point 7, Article 46; point 11, Article 53; point 4, Article 54; point 2, Article 55; point 10, Article 57; point 9, Article 59; point 9, Article 60; point 8, Article 61; of point 6, article 62; of point 6, article 65; of point 8, article 66; of point 4, article 72; of point 4, article 81; of point 1, article 96; of point 10, article 108; of point 9, article 109; of point 3, article 110; of point 2, article 111; of point 2, article 112; of point 9, article 114; of

point 5, article 116; of point 2, article 118; of point 15, article 121 and of point 7, article 123.

Article 140

Repeals

1. Articles 1, 2, 3, 4, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 150/“a”, 151, 151/“a”, 151/“b”, 151/“c”, 152, 153, 153/“a”, 154, 155, 156, 156/“a”, 157, 158, 159, 160, 161, 162, 163, 163/“a”, 163/“b”, 164, 165, 166, 172, 173, 174, 175, 175/"a", 184, 184/“a”, 184/“b”, 184/“c”, 184/“ç”, 185, 185/“a”, 186, 187, 188, 192, 195, 201, 202, 203 and 204, of Law No. 9947, dated 7.7.2008, “On Industrial Property”, as amended, are repealed, insofar as it is provided for in relation to trademarks, upon the entry into force of this Law.

2. Until the adoption of the by-laws provided for in this Law, the by-laws issued in implementation of Law No. 9947, dated 7.7.2008, “On Industrial Property”, as amended, and the existing by-laws in the field of industrial property remain in force to the extent that they do not conflict with this Law.

Article 141

Entry into force

This law enters into force 15 days after its publication in the Official Journal.

Adopted on 3 July 2025.

Promulgated by Decree no. 280, dated 29.7.2025, of the President of the Republic of Albania, Bajram Begaj.