

To keep you up-to-date with the latest legal and economic developments, this newsletter prepared by our Team provides information that may affect the operation of your business in Albania.

New changes to the law no. 9947, dated 07.07.2008 “On Industrial Property”

Upon proposal of the Council of Ministers, the Parliament approved the Law No. 96/2021 “On amendments and additions of the law no. 9947, dated 07.07.2008 “**On Industrial Property**”.

This law is in line with Albania's ongoing initiative to harmonize legislation with the *acquis communautaire* as well as with Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

The law introduces novelties such as the:

- protection of trade secrets;
- establishment of a database system for industrial property rights (the Industrial Property Management System or IPMS); and
- regulatory instruments for the protection of industrial property rights by the State Inspectorate on Market Supervision (SIMS).

Particularly, in compliance with EU Directive 219/943, the law provides specific rules and provisions regarding:

- protection of trade secrets against illegal appropriation, misuse and detection in the domestic market,
- provision of a sufficient level of compensation in case of misuse,
- maintenance of the confidentiality of trade secrets during and after litigation,
- prevention of third-party misuse or dishonest use of trade secret.

Moreover, the new amendments have formalized the state database by creating the Industrial Property Management System – a unique register that collects and processes data on industrial property, including all requests deposited by local or foreign individuals/entities aiming to register industrial property objects in the Republic of Albania. This system provides for more efficient information and interaction with both domestic and

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international organizations in the field of industrial property.

In conclusion, the final provisions of the law relate to the SIMS' (State Inspectorate on Market Supervision) competence with regard to the protection of industrial property rights, as a result of a recommendation of the European Commission. SIMS is stipulated to be the competent authority for monitoring the observance of IP rights whether there are reasonable grounds for suspecting that an industrial property right has been infringed by goods that are placed on the market and are in service / use in the territory of the Republic of Albania, after release for free circulation by the customs authorities.

SIMS operates *ex-officio* or on the basis of a request-complaint for inspection of the holder of the right.



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Chambers Europe 2021: Top Ranked in 4 practice areas

The Legal 500 2021: Top Ranked in Legal Market Overview

Benchmark Litigation Europe 2022: Top Ranked in Dispute Resolution

WTR1000 2021: Top Ranked in Trademarks

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