

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

The Council of Ministers has recently approved the “Regulation on Trademarks” which entered into force upon its publication in the Official Gazette No. 82 dated 6 June 2018.

The regulation aims to implement and define in detail the specific issues provided by law no. 9947, dated 07.07.2008, "On Industrial Property", as amended, with regard to trademark procedures followed by the General Directory of Industrial Property (GDPI).

One of the novelties is that the regulation establishes that the GDPI may now conduct a trademark research not only based on "word" elements but also on "figurative" elements. In this way, the overlapping of the same or similar brands in the Register of the GDPI may be avoided.

The Council of Ministers has approved the “Regulation on Authorized Representatives of the General Directory of Industrial Property” which entered into force upon its publication in the Official Gazette No. 82 dated 6 June 2018.

Subject to the regulation, the authorized representatives of industrial property are classified in:

- Representatives of Patents and Utility Models;
- Representatives of Trademarks, Geographical Indications and Industrial Designs.

An authorized representative may also be any former employee of the GDPI with no less than three (3) years of work experience in the industrial property issues at the GDPI.

The regulation provides that representation in GDPI is done by natural and legal persons who are registered in the register of authorized representatives, held by the GDPI. Natural and legal persons that are not resident in the territory of the Republic of Albania and intending to apply for industrial property matters with GDPI should appoint their representative on industrial property issues such as trademarks, geographical indications, industrial designs and patents that will represent them during the procedures with the GDPI.

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The regulation sets out rules and criteria for exercising the activity of the authorized representative.

The Council of Ministers approved some amendments and additions to the decision no. 883, dated 13.05.2009 of the Council of Ministers “On approval of the registration tariffs for the objects of industrial property”, as amended (the “Decision”). The Decision entered into force upon its publication in the Official Gazette no. 82 on 6 June 2018.

The abovementioned Decision, amongst others, introduces new tariffs, which are applied by GDPI for various applications that deal with trademarks, geographical indications and industrial designs.

The Council of Ministers approved the Draft Law, “On some amendments and additions to the Law No. 9902, dated 17.04.2008 “On Consumer Protection”, as amended.

The Draft Law as proposed by the Ministry of Finance and Economy, amongst others, considers provisions regarding the protection of consumers at the local level, by delegating some

competencies of consumer protection to local authorities, mostly related to information, awareness, collection and selection of their complaints, in close cooperation with the responsible structures of consumer protection at the central level.

In view of alternative dispute resolution, the Draft Law proposes new competent authorities that will settle these disputes.

In the ambit of the harmonization of the domestic legislation on consumer protection with EU legislation, it should be highlighted the fact that upon the introduction of the proposed changes, the current law on Consumer Protection will be fully aligned with Directive 2011/83/EU of the European Parliament and of the European Council on “Consumer Rights” of 25 October 2011; and partly aligned with the Directive 2013/11/EU of the European Parliament and of the European Council of 21 May 2013 on “Alternative Dispute Resolutions and amendments to Regulation” (Consumer Protection Directive).

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BOGA & ASSOCIATES TOP TIER ACHIEVEMENTS 2018

IFLR1000 2018: Ranked in Tier 1 in Financial and Corporate and Project Development

Chambers Global 2018: Ranked in Band 1 in General Business Law

Chambers Europe 2018: Top Ranked in 5 practice areas

The Legal 500: Top Ranked in Legal Market Overview

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Boga & Associates

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The firm's particularity is linked to the multidisciplinary services it provides to its clients, through an uncompromising commitment to excellence. Apart from the widely consolidated legal practice, the firm also offers the highest standards of expertise in tax and accounting services, with keen sensitivity to the rapid changes in the Albanian and Kosovo business environment. The firm delivers services to leading clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods.