



**bogalaw**  
LEGAL • TAX • ACCOUNTING

Draft Law “On Trademarks”  
Draft Law “On Patents, Utility Models and  
Supplementary Protection Certificates”

---

# Newsletter

## Draft Law “On Trademarks”

On 01.12.2023, the Ministry of Finance and Economy submitted for public consultation the draft law “On Trademarks” (the **Draft Law**), which is fully aligned with the following EU documents:

- Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trademark;
- Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trademarks;
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

The existing Law No. 9947, dated 07.07.2008 “On Industrial Property” as amended, not only addresses matters pertaining to trademarks but also encompasses other elements of industrial property, including patents, utility models, designs, geographical indications, and designations of origin. The incorporation of these diverse subjects into a single law has resulted in technical and logistical problems during its daily application.

The proposed Draft Law aims to enhance trademark protection and fill identified legal deficiencies observed during the conduct of administrative procedures in the General Directorate of Industrial Property and civil trials in this field.

Further, the Draft Law is based on recent trademark legislation enacted in other EU countries and reflects the most up-to-date provisions of EU acts concerning trademarks with

more advanced legislative structure and technique.

In the context of enhancing comprehensive protection, the proposed Draft Law offers trademark owners affected by infringement the capacity to initiate legal proceedings, present evidence, ensure its preservation, petition for interim measures to prevent infringement, and pursue the removal, confiscation, and oversight of goods suspected of violating the rights of earlier trademarks.

The proposed Draft Law specifically outlines comprehensive procedures governing the registration and protection of international trademarks registered at the World Intellectual Property Office (WIPO) extending their protection in Albania.

The Draft Law has undergone revisions to integrate all suggestions and recommendations put forth by the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO). These revisions notably include a concentrated effort to address specific aspects related to collective and certification marks. Additionally, the refinement of the “*exclusive license*” definition was carried out to ensure complete harmonization with EU regulations.



## **Draft Law “On Patents, Utility Models and Supplementary Protection Certificates”**

On 01.12.2023, the Ministry of Finance and Economy submitted for public consultation the draft law “*On Patents, Utility Models and Supplementary Protection Certificates*” (the **Draft Law**), which is fully harmonized with the following EU documents:

- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions;
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights;
- Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems;
- Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products;
- Regulation (EU) 2019/933 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products;
- Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products;

- Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for pediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004;
- Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products.

The proposed Draft Law aims to regulate all the procedures related to secret licenses, both mandatory and voluntary licenses, certificates of additional protection, as well as patents for biotechnological inventions.

The provisions within a specific law governing patents, utility models, and supplementary protection certificates aim to address any identified legal gaps in practice, while also facilitating complete alignment with EU legislation.

Moreover, the Draft Law incorporates recommendations from international institutions such as the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO) on various issues.



**Follow us:**

LinkedIn: <https://www.linkedin.com/company/boga-&-associates>

Facebook: <https://www.facebook.com/BogaAssociates>

If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

[info@bogalaw.com](mailto:info@bogalaw.com)

**Tirana Office**

40/3 Ibrahim Rugova Str.  
1019 Tirana  
Albania

Tel +355 4 225 1050

Fax +355 4 225 1055

[www.bogalaw.com](http://www.bogalaw.com)

[www.bogalawip.com](http://www.bogalawip.com)

**Pristina Office**

50/3 Sylejman Vokshi Str.  
10000 Pristina  
Kosovo

Tel +383 38 223 152

Fax +383 38 223 153

[www.bogalaw.com](http://www.bogalaw.com)

---

**BOGA & ASSOCIATES  
AWARDS AND RECOGNITION 2023-2024**

---

**IFLR1000 2023:** Ranked **Tier 1** in Financial and Corporate

**Chambers Global 2023:** Ranked **Band 1** in Corporate/Commercial IP

**Chambers Europe 2023:** Ranked **Band 1** in 3 practice areas

**The Legal 500 2023:** Ranked **Tier 1**

**ITR Tax Review 2024** – Top Ranked

**Benchmark Litigation Europe 2022:** Top Ranked in Dispute Resolution

**WTR1000 2023:** Top Ranked in Trademarks

The Newsletter is an electronic publication edited and provided by Boga & Associates to its clients and business partners. The information contained in this publication is of a general nature and is not intended to address the circumstances of any particular individual or entity. The Newsletter is not intended to be and should not be construed as providing legal advice. Therefore, no one should act on such information without appropriate professional advice after a thorough examination of the particular situation. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. You can also consult the Newsletter on the section “Library” of our website.

© 2023 Boga & Associates. All rights reserved.

This publication is copyrighted and is protected to the full extent of the law. Nevertheless, you are free to copy and redistribute it on the condition that full attribution is made to Boga & Associates. If you have not received this publication directly from us, you may obtain a copy of any past or future related publications from our marketing department ([marketing@bogalaw.com](mailto:marketing@bogalaw.com)) or consult them in our website ([www.bogalaw.com](http://www.bogalaw.com)). To unsubscribe from future publications of Newsletter, please send “Unsubscribe” by replying to our email accompanying this edition.

## Boga & Associates

**Boga & Associates**, established in 1993, has emerged as one of the premier law firms in **Albania** and **Kosovo**, earning a reputation for providing the highest quality of legal, tax and accounting services to its clients. From the year 2000 until May 2007, the firm was a member firm of KPMG International and the Senior Partner/Managing Partner, Mr. Genc Boga, was also the Senior Partner/Managing Partner of KPMG Albania.

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 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.