

TRADEMARK REGULATION

CHAPTER I GENERAL PROVISIONS

Article 1 Scope

The Regulation on the Registration of Trademarks is intended to define in detail certain issues provided for in Law No. 9947, dated 07/07/2008, "On Industrial Property" as amended, as regards to the procedures related to the trademarks managed by GDIP.

Article 2 Definitions

For the purposes of this Regulation, the following terms have the following meaning:

1. "**Regulation**" shall mean the trademark regulation;
2. "**Law**" shall mean Law no.9947, dated 07/07/2008, as amended "On Industrial Property";
3. "**Bureau**" shall mean the General Directorate of Industrial Property (herein GDIP);
4. "**Official Bulletin**" shall mean the Official Bulletin of Industrial Property;
5. "**Classification of Nice**" shall mean the international classification of goods and services, in function of trademark registration, as approved by the Nice Agreement on July 15, 1957, with all subsequent amendments;
6. "**INID codes**" shall mean the codes established by the World Intellectual Property Organisation (WIPO) WIPO Standards ST.60 and ST.3), to identify bibliographic data relating to the trademarks;
7. "**Classification of Vienna**" shall mean the classification of figurative elements of the trademark in accordance with the classification adopted by the Vienna Agreement;
8. "**Joint Regulation**" shall mean the regulation under the Madrid Agreement relating to international trademark registrations and the Protocol relevant to this Agreement;

9. **“Madrid Agreement”** shall mean the agreement on the international registration of trademarks, dated on April 14, 1891, with all subsequent amendments;
10. **“The Madrid Protocol”** shall mean the protocol related to the Madrid Agreement, adopted on June 27, 1989, with all subsequent amendments;
11. **“International Bureau”** shall mean the International Bureau of the World Intellectual Property Organization;
12. **“Competent Authority”** shall mean an administrative or judicial authority that is competent to determine whether a trademark is a well-known trademark or to guarantee the protection of well-known brands;
13. **“International Colour Systems”** shall mean standardized reproduction systems of world-renowned colours, such as: *Pantone, Hex, RAL, RGB, or CMYK.*
14. **“Relevant customer”** shall mean factual consumers that purchase or use the goods/services
15. **“Relevant public”** shall mean:
 - a) factual/relevant and/or potential customers that purchase/use or that will purchase/use these goods and/or services in the future;
 - b) to evaluate the possibility of causing confusion, relevant public consists of customers that have the opportunity to use the goods and services covered by the previous trademark, as well as the products covered by the trademark for which it is applied when they are considered to be identical or similar;
 - c) people involved in distribution channels of goods and/or services for which trademarks are protected;
16. **“Joint Recommendation”** shall mean joint recommendation in relation with the provisions for the protection of well-known brands adopted by the Paris Union Assembly “On the Protection of Industrial Property” and the General Assembly of WIPO.
17. **“Objection Chamber”**, shall mean the Chamber for the objection review.

CHAPTER II

APPLICATION FOR THE REGISTRATION OF A TRADEMARK

Article 3

Contents of the request

1. Every person is entitled to apply with GDIP for the registration of a trademark.
2. Application for the registration of a trademark contains:
 - 2.1. Request for application for national mark registration attached to this regulation, including the following information:
 - 2.1.1. the name and address of the applicant, in accordance with Article 62 of this Regulation;
 - 2.1.2. the name and address of the authorized representative, in accordance with Article 62 of this Regulation, if the request is filed by a representative;
 - 2.1.3. the list of goods and/or services, in accordance with Article 13 of this Regulation;
 - 2.1.4. information regarding priority, if the applicants claims priority in accordance with Articles 147 and 148 of the Law;
 - 2.1.5. the design of the trademark required to be registered in accordance with Articles 4, 5, 6, 7, 8, 9 and 10 of this Regulation;
 - 2.1.6. declaration of exemption from protection for elements in the trademark appearance, which are exempted from protection under Article 142 of Law 9947;
 - 2.1.7. an indicator that determines the type of trademark that is required to be registered: verbal trademark, figurative trademark, positioned trademark, repeating-pattern trademark, three-dimensional trademark, colour trademark or another type of trademark;
 - 2.1.8. converting letters and/or numbers of the trademark, if it contains elements written in characters other than Latin letters or numbers other than the Arabic or Roman numerals.
 - 2.1.9. an indicator that determines the category of the trademark that is required to be registered: individual trademark, collective trademark or certification trademark;
 - 2.1.10. trademark description, when it is not an verbal trademark, and the translation into Albanian language, when the trademark is in a foreign language and possesses a certain meaning.
 - 2.1.11. signature of the applicant or his representative.

- 2.2. Payment of the application fee;
- 2.3. Authorization of representation, if the application is filed by the representative.
- 2.4. the regulation of use of the collective or certification trademark in accordance with paragraph 4 of article 165, and paragraph 3 of article 166 of the Law, if the registration of a collective or certification trademark is required.

Article 4 **Verbal Trademarks**

1. If a trademark consists only of words or letters, numbers, punctuation marks, or other signs according to the standard keyboard or combination thereof, a trademark will be considered a verbal trademark.
2. The verbal trademark shall be represented by the reproduction of the sign in standard characters with no graphic or colour presentation.
3. The verbal trademark will be typed or printed on the application form in the space reserved for this purpose.
4. The trademark consisting in seemingly non-standard text, for example, written in more than one line, shall not be considered a verbal trademark, because such trademark is considered as a figurative trademark.

Article 5 **Figurative trademarks**

1. If a trademark is required in the application, which consists of non-standard characters, stylisations, graphic presentation, with colours, figurative elements or a combination of word and figurative elements, the trademark shall to be considered as a figurative mark.
2. The figurative trademark shall be represented by a presentation of a reproduction of a sign that indicates all its elements, and when possible, also its colours. The figurative trademark shall be presented in the application form in the space reserved for this purpose.

3. If the trademark registration is requested in colour, the application will contain a trademark colour presentation. If the trademark registration is not required in colour, the mark should appear black and white on all documents, the database and the official bulletin.
4. In the trademark register kept by the Bureau, in publications, in a decision on trademark registration, and in the trademark registration certificate, the colour mark shall be represented in the best possible technical quality by the Bureau. In the event of any dispute over the nuances and shades of colours in which the trademark is reproduced, the representation of the trademark shall be determined according to the original representation of the trademark in the application form.
5. As regards to the positioning of the trademark in the space provided for this purpose on the form, the correct position shall be determined by the position of the trademark in the application form.

Article 6

Three-dimensional Trademarks

1. If a trademark consists of, or indicates a three-dimensional shape, including boxes, packaging, the product itself or its appearance, a trademark will be considered a three-dimensional trademark.
2. The three-dimensional trademark shall be represented by a presentation of the graphical reproduction of the three-dimensional shape, including images created by the computer or a photographic reproduction.
3. The graphic or photographic reproduction may include several different images of the trademark.
4. If the trademark is a three-dimensional trademark, the appearance of the trademark must clearly show its three-dimensional features.
5. When the three-dimensional trademark is a sketch drawing, the reproduction must be in uniform and clear stripes. The drawing may contain lines and shadings to better represent the details.

Article 7

Positioning Trademarks

1. The positioning trademark indicates the specific way of placing it or its attachment to the corresponding goods.
2. The positioning trademark shall be represented by a reproduction, which adequately identifies the trademark's position and the ratio of its size to the relevant goods.
3. Elements that are not part of subject of the registration shall be exempted from visual protection by showing them broken lines or dotted lines.
4. The trademark's description should determine how the trademark relies on the relevant goods and should not serve as a reason for not visually displaying the appearance of the trademark. The presentation of the positioning trademark shall be accompanied by a detailed description of how the brand is attached to the relevant goods.

Article 8

Pattern Trademark

1. The pattern trademark consists exclusively of a set of elements that are repeated regularly.
2. The design trademark shall be represented by presenting a reproduction that shows the pattern of repetition
3. The presentation of the design trademark can be accompanied by a detailed description of how the pattern trademark elements are repeated on a regular basis.

Article 9

Trademarks that consist of one colour or combination of colours

1. If a trademark is required in the application, which consists of single colour or combination of colours, the colours can be listed and described in the application along with the respective colour code from international colour systems such as *Pantone*, *Hex*, *RAL*, *RGB* or *CMYK*.

2. When colour codes are significantly different from the colours represented in the trademark image the Bureau shall notify the applicant. If the applicant fails to respond to the notice of the Bureau or even after the response the codes determined by him are again significantly different from the colours represented in the trademark image, the Bureau shall not consider them and notify the applicant of the decision.
3. If in the application the registration of a trademark is required, which consists on combining the colours, the reproduction must also contain a systematic sequence of identical colours, together with the specifications of these colours in accordance with the relevant code of colours pursuant to the international colour systems. The request for trademark registration may also contain a detailed description of the systematic sequence of colours.

Article 10

Other types of trademarks

1. If a different type of trademark registration is required in the application, the trademark type should be quoted in the application.
2. Depending on the trademark type for which application registration is required, the application must be accompanied by a graphic presentation of the trademark, which must be clear, accurate, easily available, consistent and objective.

Article 11

Correction of trademark types

1. If the type of the trademark indicated in the request for trademark registration, does not match the appearance of the trademark shown, or the trademark type is not specified in the deposit form, and the type of the trademark that the applicant requested to submit is clear, the Bureau shall correct the trademark type and shall notify the applicant in writing.

2. The applicant should present his additional explanations/documentation within three months from the date of receipt of the notice.
3. If the applicant fails to respond to the Bureau's notice within the above legal terms, the correction made by the Bureau will be considered as received by the applicant.
4. If the applicant disagrees with the change, the Bureau shall return the type of the trademark as indicated initially by the applicant in the moment it has filed the request for registration. However the request for registration may be object of refusal, due to ambiguity of the nature of the trademark.
5. If the type of the trademark indicated on the request for trademark registration does not match the appearance of the trademark applied for, or the type of the trademark is not declared, or it is not clear which type of applicant's trademark is intended to apply, the Bureau will issue a notice for completing the irregularities.
6. The applicant should complete the irregularities required in the notice issued by the Bureau within three months from the date of receipt of the notice. If the irregularities of the notice issued by the Bureau are not completed within the above legal terms, the application shall be rejected.
7. If the description of the trademark does not match the filing of the trademark, the Bureau shall require to the applicant to delete or change the description of the trademark. The trademark's image can not be changed to match the trademark's description.

Article 12

Other requests regarding the reproduction of the trademark

1. The reproduction of the trademark should be of a quality, shape and colour that allows trademark elements to be clearly distinguishable in every detail. The representation of the trademark should not be over-copied and should be clear of wipes and over-colouring.
2. The presentation of the trademark must be included within the space reserved for this purpose in the application form (8 x 8 cm square) and the distance

between the two horizontal, vertical and diagonal markings of the trademark should not be less than 1.5 cm.

3. The application should not be accompanied by samples or objects for which the trademark which is required to be registered will be used. Such deposited objects must be returned to the applicant, and if their return is not possible they must be destroyed at the expense of the applicant prior to the publication of the trademark registration application.

Article 13

List of goods or services

1. Goods and/or services should be presented with sufficient clarity and accuracy so that the competent authorities and economic operators understand the goal of the required protection.
2. A description of the list of goods and/or services is sufficiently clear and accurate when its purpose can be understood from its normal and general meaning. If terms used in the titles of the Nice Classification classes are used or other general terms, these must meet the conditions of clarity and accuracy specified in this paragraph. Usage of general terms, including general indicators of titles of the Nice Classification classes, shall be interpreted as including all the goods or services clearly under the literal meaning of the general indicator or term within the context of the class applied for.
3. Goods and/or services should be listed accurately and grouped in accordance with the Nice classification classes. Class number must precede each class in accordance with the Nice classification.
4. A term (goods or services) may be part of the description of goods and services in several different classes. Such term must be clear and accurate in a specific class without further specifications, if its normal and general meaning and the class number do not leave space for doubts regarding the goal of the protection.
5. If the scope of the protection cannot be understood, the required clarity and accuracy of the term (goods/services) can be achieved through the identification of such factors as: characteristics, scope and/or identifiable market sector.

6. The classification of goods and/or services should serve exclusively for administrative purposes and goods or services can not be considered similar only to the fact that they appear in the same class according to the Nice classification. Goods or services shall not be regarded as different only because they appear in different classes according to the Nice Classification.
7. The Bureau notifies the applicant if there are goods and/or services that are not sufficiently accurate and clear, asking him to submit respective explanations or specifications within a 3-month period from the date of receipt of the notice.
8. The Bureau shall reject the application in respect of those goods and/or services which are not sufficiently clear and accurate, and when the applicant does not present relevant explanations or specifications under this Article within the three month period.

Article 14

The limitation of list of goods and/or services

The request for the limitation of list of goods/services must contain:

1. Application form for limiting the list of goods and/or services attached to this regulation, with the following information:
 - 1.1. Number of application for the registration of the trademark or number of registration;
 - 1.2. Name and address of the applicant or mark owner , in accordance with Article 62 of this Regulation;
 - 1.3. Name and address of the authorized representative, if the request is presented by a representative, in accordance with article 62 of this regulation;
 - 1.4. The limited list of goods and/or services in accordance with article 13 of this regulation.
2. Payment of the defined application fee;
3. The authorization of representation, if if the request is filed by a representative.

Article 15

Division of the application of a trademark

1. The application for the division of a trademark application should contain:
 - 1.1. Application form for dividing an initial application for trademark registration, attached to this regulation, with the following information:
 - 1.1. Number of the application of a trademark;
 - 1.2. Name and address of the applicant;
 - 1.3. Name and address of the authorized representative, if the request for division is filed by a representative.
 - 1.4. List of and goods and/or services that will be included in the separate applications;
 - 1.5. The applicant's signature or that of the representative, if the request for the division is filed by a representative;
 - 1.2. Payment of the defined application fee;
 - 1.3. The authorization of representation, if the request for the division is filed by a representative.
2. For any application for division of the initial application, a special request must be filed.
3. The list of goods and/or services of separate applications and the list of goods and/or services left in the initial application, must first be identical to the list of goods and/or services of initial application at the time the request for the division of the initial application is deposited. When the request for division relates to goods and/or services referring to a general term of their classification, this general term shall be used both in the remainder of the initial application and in the separate application and shall be limited by appropriate add-ons to avoid overlapping the list of goods and/or services.
4. Where a request does not meet the requirements set out in paragraphs 1, 2 and 3 of this Article, the Bureau shall notify the applicant of the completion of the deficiencies within two months of the date of receipt of the notification. If the applicant does not complete the deficiencies within the prescribed deadline, the request for sharing will be rejected. The division of the initial application starts effects from the date it is registered on the file from the Bureau, in relation to the initial application.

5. A full copy of the initial application documents should be part of the separate application and a copy of the request for division must be part of the initial application documents.
6. All the filed applications and the paid fees in relation with the initial application before the date of the submission of the application for division of the initial application shall be considered as filed and paid also for the application or applications for division. The fees for the initial application, which are paid before the date of the submission of the application for division of the initial application, shall not be refunded.
7. The authorized representative appointed in the initial application shall also be considered as such in the separate application, except if the applicant has revoked him/her as a representative.
8. The request for division of the initial application shall not be accepted if:
 - 8.1 . a request for objection to the initial application has been lodged; such a division affects those goods and/or services against which the request has been lodged, up to the moment a final decision has been made or the dispute has been permanently resolved by mutual consent between the parties;
 - 8.2 . The initial application did not receive a deposit date from the Bureau;
 - 8.3 . the application is submitted during the three-month period of the publication in the official bulletin.
9. The separate application is assigned a new number. The divided application will preserve the same deposit or priority date as the initial application.
10. The division of the initial application for a trademark registration shall be published in the official bulletin. The publication of the division of the application shall not start a new objection period.

Article 16
The claim for priority

1. The request for priority shall contain:
 - 1.1 . the deposit date of the earliest application;
 - 1.2 . the number of the earliest application; and

- 1.3 . the bureau in which the earliest application is deposited or the exhibition in which the goods and/or services have been exhibited.
2. The claim for priority must be declared in the application form for trademark registration. If a priority is required, the applicant must within three (3) months from the claim priority request's submission date, deposit to DPPI the priority document, under article 147, of the law, or a certificate issued by the competent authorities of the exhibition where the goods and/or services were presented, under article 148 of the law. The priority document, either the original or the copy unified to the original, must be deposited translated into Albanian.
3. The applicant may request priority for one, some or all classes of goods and/or services, even with different priority dates for each of them, by submitting relevant priority documents.
4. If the applicant, within 3 (three) months from the request's submission date, does not deposit the priority document of the bureau the initial application was deposited, under article 147, of the law, or a certificate issued by the competent authority of the exhibition, under article 148, of the law, GDIP shall reject the request for priority.
5. The right for priority, acquired under the provisions of the law and of this regulation, resulting in the date of priority being referred to as the deposit date of the application for a registered trademark to the DPPI only for the purpose of determining which application is entitled with one previous right.

Article 17

Exceptions to protection

1. Exemption from protection of the elements of a trademark that cannot be protected shall not impede the continuation of the examination procedure for absolute basis by the bureau.
2. When a trademark consists of a combining element, each of which is not clearly distinguishable, it is not necessary to lodge a declaration of protection for each element; in such case the exclusion will be considered for all elements as a whole.

3. When the applicant requires the exclusion from the protection of a non-distinctive element of his application, such an exemption will remain, even if the bureau does not consider it necessary.
4. Exemptions from protection of distinctive elements shall be rejected by the Bureau if they result in an ambiguous trademark protection.

Article 18

Resignation from the application

1. The applicant shall be entitled to waive from the application of the trademark at any time until a final decision on the trademark registration is made.
2. If the request for resignation from the application is carried out before the Bureau started examining the application for formalities pursuant to article 21 of this regulation, the Bureau shall return the applicant 80% of the amount paid at the time of application.
3. The resignation becomes effective on the day it is submitted at the office and cannot be revoked.

CHAPTER III

REGISTRATION PROCEDURES

Article 19

Examination of the conditions for depositing the application

1. The bureau examines whether the application for a trademark meets the conditions provided for in point 4 of Article 145 of the Law. If the application completes the requirements, the Bureau shall issue the depository evidence and shall recognize as the deposit date the date in which the application was submitted.
2. When the application for a trademark does not complete the conditions provided for in point 4, article 145 of the Law, the Bureau shall require the

applicant to complete the irregularities within two months from the date of receipt of the notice.

3. If the application completes the requirements within the deadline provided in the paragraph above, the Bureau shall issue the depository evidence and shall recognize as the deposit date of the application the date when the response for the completion of irregularities is submitted at the Bureau.
4. If the irregularities are not completed within the two-month period, the Bureau shall reject the application and notify the applicant of the refusal decision. The refusal decision may be appealed to the Chamber for Abolishment/Depreciation within one month from the date of the decision.

Article 20

Certificate of the deposit

Evidence of the deposit will contain the following information:

1. Deposit date;
2. Application number;
3. Name and address of the applicant;
4. Trademark's appearance;
5. List of goods and/or services;
6. Other information declared in the application form for national trademark registration.

Article 21

Formal examination of the application for the trademark registration

1. The examiner examines the trademark applications in the order of their submission to the GDIP in accordance with points 4 and 5 of Article 150 of the Law.
2. If the applicant requires an examination overlooking the serial number (accelerated) for a trademark application, making the relevant payment, the Bureau examines the application for the trademark within the shortest possible time, without following the serial number.

3. Examination of the trademark is made within the 3 (three) months period from the date of submitting it. Within this period, the examiner shall examine whether the request is in accordance with Article 145 of the Law and Chapter II of this Regulation.
4. If the trademark application does not complete the requirements set out in Article 145 of the Law and Chapter II of this regulation, the GDIP notifies the applicant to complete the irregularities within 3 months from the date of receipt of the notice.
5. The deadline for submitting the completion of the irregularities is extended to two additional months, if the applicant submits a written request for this purpose within three months from the date of receipt of the notification and pays the relevant fee. If the completion does not respect these deadline provided for in points 4 and 5 of this article, the Bureau shall refused the application. This decision may be appealed to the Chamber for Abolishment/Depreciation within one month from the date of the decision.
6. After receiving a response from the applicant for the completion of irregularities within the three-month period, the examiner examines the response within 1 month of receiving the response for the completion of irregularities.
7. If in his response the applicant still has not completed the irregularities, the Bureau shall refuse the application and notify the applicant on the refusal act.
8. If the applicant in his response has partially fulfilled the irregularities in respect of the list of goods and/or services; the Bureau shall remove from the list, the not specified /precised goods and/or services; and notify the applicant in writing. This decision may be appealed by the applicant to the Chamber for Abolishment/Depreciation within one month from the date of the decision.

Article 22

The examination for absolute basis

1. The Bureau examines the trademark application for absolute basis, in accordance with article 142 of the Law.

2. Where it finds that the trademark application is not in accordance with Articles 140 and 142 of the Law or when it finds that the application does not comply with those Articles only for a part of the goods and/or services, the Bureau shall notify the applicant, giving real arguments for the partial or complete refusal for absolute reasons and invites him to submit explanations and/or additional documents regarding the notice of the office or resignation from the application within two months from the date of receipt of the notice.

This deadline may be extended by two months if the applicant submits a written request within two months from the date of receipt for and pays the relevant fee.

3. Following the receipt of a response by the applicant within the deadline provided for in point 2 of this Article, the examiner reviews the response within 1 (one) month of its submission.
4. If the applicant does not submit his explanations and/or documents within the two month period, or the Bureau does not consider them sufficient or well-grounded, the Bureau shall, as appropriate, completely or partially refuse the application and notify the applicant on the refusal decision.
5. If an element is considered non-distinctive by the bureau, and the element occupies the largest or the main part of the appearance of the trademark, the bureau shall refuse to register the application even if the applicant declares the exclusion from the protection of that element.
6. If, after notification to the Bureau, the applicant does not request the exclusion of one or several non-distinctive elements of the trademark, the Bureau shall refuse the protection of those elements and notifies the applicant of the decision which can be appealed at the Abolishment/Depreciation Chamber within one month of receipt of the decision by the applicant.
7. The trademark can not be registered if it is identical to a previous trademark and their goods and/or services are the same or similar, as in the case where the goods and/or services of one are closely related to the other's.
8. The trademark shall be considered identical when upon sight they do not differ or differ only in insignificant aspects of each other.

9. If the bureau finds that an application for the trademark in question is identical to a previously deposited trademark, the bureau shall notify in writing the applicant of that fact.
10. If the applicant of a subsequent trademark requests the suspension of the examination of the application, because it has started negotiations with the applicant or the owner of the initial trademark to settle the conflict with the latter, the Bureau accepts the request for suspension if it is based on written evidence that show the beginning or existence of negotiations between the parties and decides to suspend the examination of the trademark application until the conclusion of negotiations.
11. The Bureau has the right, any time it deems necessary, to request information from the subsequent trademark applicant regarding the progress of negotiations. In the event that the subsequent trademark applicant does not submit written evidence regarding the negotiations within one month from the date of receipt of the Bureau's notice, the latter shall abrogate the suspension decision and continue the proceedings.
12. If the initial application is rejected and the refusal decision has become final, the Bureau continues the examination of the subsequent application.
13. When the Bureau finds that a trademark applied for registration later is identical to a previously registered trademark for which the 10-year renewal term has been completed but is still within the additional 6-month time limit provided for in point 2, of Article 164 of the Law, the Bureau shall suspend the registration of the subsequent trademark until the end of this term.
14. If no request for renewal of the initial trademark is filed under point 13 of this article, the suspension shall be terminated and the office shall continue the procedure for examining the application of the subsequent trademark.
If the initial trademark is renewed within the additional 6-month term, according to point 13 of this article, the suspension is terminated and the Bureau proceeds in accordance to point 9 of this article.
15. If deemed necessary, the Bureau has the right to request documents or declarations from an applicant who has filed a trademark application when examining the application for absolute grounds.

16. On the basis of an observation filed by a third party, pursuant to Article 151/a of the Law, the Bureau shall examine the objection through the Refusal Review Chamber and, where appropriate, reopen the examination procedure on its own initiative for absolute causes at any time, before the registration of the trademark. If the office decides to reopen the examination procedure, it continues in accordance with points 3, 4 and 5 of Article 151/a of the Law.

Article 23

The investigation report

1. During the examination for absolute causes of the trademark application, the bureau will draw up an investigative report listing the trademarks or applications for trademarks found in the database bureau search, on the bases of which the registration of the trademark application can be objected, based on Article 143 of the Law. The investigation report contains the date of filing, word elements, trademark representation, name of the owner or applicant, and classes of goods and/or services, according to the Nice Classification.
2. The report drafted on the basis of point 1 of this article shall be sent to the applicant only in case he has requested the investigation report and paid the fee for the investigation of the trademark in the application for registration of the trademark.
3. Upon publication of the trademark registration application, the Bureau shall notify the authorized representatives and/or trademark owners, or previous applications cited in the investigation report for the publication of the trademark application, regardless if it has been requested or not the investigation report from the applicant. Notifications are made only at the addresses that the applicants and / or the owners of previous marks or applications or their representatives have in the territory of the Republic of Albania.

Article 24

The trademark registration

1. When the application for the registration of a trademark meets the criteria set out in the Law and this regulation and no objection has been lodged within the period laid down in Article 152 of the law or when the objection has been waived or the objection has been rejected and the decision has become final , the Bureau will notify the applicant for the deposit of the fee for registration of the trademark within one month from the date of receipt of the notice.

2. Upon receipt of the registration fee, the office registers the trademark in the trademark register and publishes the registration.
3. If the applicant fails to pay the trademark registration fee within the prescribed deadline, the bureau refuses to register the trademark and notifies the applicant of the decision.
4. The decision to reject the trademark for non-payment of the registration fee in time may be appealed to the abolishment /depreciation chamber within 1 month from the date of receipt of the notice.
5. Upon settling on time the payment of the registration fee, the Bureau will issue the certificate of registration in the relevant form. This certificate may also be issued electronically at the applicant's request against a reduced fee for the registration of the trademark.

CHAPTER IV

REGISTER, PUBLICATION, CERTIFICATE OF A TRADEMARK

Article 25

Content of trademarks registration

1. The trademarks register should contain the following information:
 - 1.1. The application and registration number of the trademark;
 - 1.2. Deposit date of the application;
 - 1.3. Information concerning the applicant and the owner of the trademark as presented in the application;
 - 1.4. Information concerning the authorized representative if one is designated;
 - 1.5. List of goods and/or services;
 - 1.6. Information concerning priority (date and number of the initial application, as well as the country this application was submitted or the date of priority from the exposition/fair, as applicable);
 - 1.7. Trademark's appearance;
 - 1.8. Elements in the trademark's appearance, which are exempted from protection;

- 1.9. Type of trademark (verbal trademark, figurative trademark, positioning trademark, pattern trademark, three-dimensional trademark, colour trademark or another type of trademark);
- 1.10. Colour or combination of colours that are requested to be protected and the names of the colours or the colours allegedly distinguishable of the trademark.
- 1.11. Category of trademark (individual, collective, certifying);
- 1.12. A trademark letter and/or number conversion;
- 1.13. A description of the trademark;
- 1.14. A translation of the trademark into the Albanian language;
- 1.15. Classification of figurative elements of the trademark in accordance with the Vienna Classification;
- 1.16. Rules of use from a contract deposited for the use of a collective or certification trademark if the registered trademark is such.
- 1.17. Date of publication of the application in the official bulletin;
- 1.18. Information concerning the trademark's status;
- 1.19. Trademark's date of registration;
- 1.20. Date of termination of trademark's protection;
- 1.21. Date of publication of trademark's registration in the official bulletin;
- 1.22. Information concerning application or registration changes/corrections in the understanding of article 37 of this regulation;
- 1.23. Date and international registration number if this trademark has an international registration;
- 1.24. Information concerning the renewal of the trademark registration;
- 1.25. Information concerning the division of an application;
- 1.26. Information concerning trademark's changes such as: transfer of rights, licensing, pledge, execution actions, changes to the name and address of the applicant, trademark owner or authorized representative, list or commodity limitations, Models, changes in collective use contracts, and other key indicators regarding the legal status of the trademark.
- 1.27. Information concerning the the opposition lodged;
- 1.28. Information concerning the request for the abolishment of a trademark;
- 1.29. Information concerning to a claim for the invalidation of a trademark;
- 1.30. Information concerning the resignation of the trademark;
- 1.31. Information concerning the termination of trademark effects and the respective causes;
- 1.32. Information concerning the appeal of the Bureau's decision as: the appellant, the number and date of the appealed decision of the Bureau,

the date of the appeal, the authorized representative if assigned one, the date and type of decision issued in connection with the application, if a request for appeal is deposited.

2. Official summary of the information concerning the international registration of the trademarks is administered by the International Bureau of WIPO. With the request of any interested person and upon payment of the respective fee, the Bureau shall issue extracts from data summaries with regard to international trademark registrations available at the bureau.

Article 26

Information published in the official bulletin for an applied trademark

1. The Bureau should publish in the official bulletin the following data for a trademark application:
 - 1.1. Application number;
 - 1.2. Deposit date of the application;
 - 1.3. Name and address of the applicant;
 - 1.4. Name and address of the authorized representative if the applicant has designated one;
 - 1.5. List of goods and/or services;
 - 1.6. Information concerning the right of priority (the date of the exhibition of goods and/or services in the exhibition or fair, the type of exhibition or fair, the place of organization, or the date of the deposit and the number of the previous application and the place of deposit);
 - 1.7. Trademark's appearance;
 - 1.8. Elements in the trademark's appearance which are exempted from protection;
 - 1.9. Names of the alleged colours when the trademark is requested to be registered or protected for a colour or combination of colours. Colour or combination of colours that are requested to be protected and the names of the colours or the colours allegedly distinguishable of the trademark;
 - 1.10. Indicator determining the type of trademark that is required to be registered: verbal trademark, figurative trademark, positioning trademark, pattern trademark, three-dimensional trademark, colour trademark or another type of trademark;

- 1.11. Indicator determining the category of the trademark that is required to be registered: individual trademark, collective trademark or certification trademark;
2. The information referred to point 1 of this article should be presented through the INID codes established by the WIPO (WIPO Standards, ST.60 and ST.3), identifying the bibliographic information relating to the trademarks.
3. The official bulletin shall be published as the application for the registration of a mark as well as the corresponding data referred to in paragraph 1 of this article. The bulletin also publishes:
 - 3.1. changes concerning the application, which are recorded in the register;
 - 3.2. changes in the application, in accordance with Article 37 of this Regulation;
 - 3.3. division of the initial application.
4. In case the application is rejected, the decision to reject the application shall be published when it becomes final.
5. When the publication of the application contains a mistake made by the Bureau or the applicant, the Bureau must correct it at its own initiative or at the request of the applicant and publish the correction if the application has been previously published.

Article 27

Information published in the official bulletin for an applied trademark

1. Information published in the official bulletin for an applied trademark are:
 - 1.1. The application and registration number of the trademark;
 - 1.2. Deposit date of the application;
 - 1.3. Information concerning the applicant and the owner of the trademark as presented in the register;
 - 1.4. Information concerning the authorized representative if one is designated;
 - 1.5. List of goods and/or services;
 - 1.6. Information concerning priority (date of priority from the exhibition/fair or date and first application number and the state where it is deposited);
 - 1.7. Trademark's appearance;

- 1.8. Elements in the trademark's appearance which are exempted from protection;
 - 1.9. Type of trademark (verbal trademark, figurative trademark, positioning trademark, pattern trademark, three-dimensional trademark, colour trademark or another type of trademark);
 - 1.10. Colour or colour combination for a trademark that shows that the trademark is requested to be protected for a colour or a combination of colours;
 - 1.11. Indicator determining the category of the trademark that is required to be registered: individual trademark, collective trademark or certification trademark;
 - 1.12. Date of termination of trademark's protection.
2. Information referred to point 1 of this article must be submitted through the INID codes.
 3. Information referred to paragraph 1 of this Article shall be published in the official bulletin, where is also published any change related to the registering process of the chances related to a registered trademark.

Article 28

Information containing in the trademark's registration certificate

The trademark's registration certificate must contain the following information:

1. The application and registration number of the trademark;
2. The application and registration date of the trademark;
3. Name and address of the applicant for the trademark;
4. The name and address of the authorized representative if one has been designated;
5. List of goods and/or services;
6. Information concerning priority;
7. Trademark's appearance;
8. Elements in the trademark's appearance which are exempted from protection;
9. Information concerning the type of trademark (verbal trademark, figurative trademark, positioning trademark, pattern trademark, three-dimensional trademark, colour trademark or another type of trademark);
10. Name(s) of the colours or combination of colours of a registered trademark;

11. Indicator determining the category of the trademark that is required to be registered: individual trademark, collective trademark or certification trademark;
12. Date of publication of the registration in the official bulletin;
13. Date of termination of protection;

CHAPTER V

OBJECTION FOR THE REGISTRATION OF A TRADEMARK

Article 29

Submission of objection for the registration of the trademark

1. The request for the objection of registration of a published trademark at the Refusal Review Chamber shall be deposited within the three-month period from the date of publication of the application in the official bulletin. The request may be presented by the persons provided for in point 1 of Article 152 of the Law.
2. For any objection of the registration of a published trademark, a special objection must be deposited at the Bureau, in two identical copies.
3. Request on the refusal of a published trademark registration to the Refusal Review Chamber contains:
 - 3.1. Form for the request on the refusal of a published trademark registration to the Refusal Review Chamber contains, attached to this regulation, with the following information:
 - 3.1.1. The application number for the registration of the trademark for which the objection has been deposited;
 - 3.1.2. The name and address of the applicant against whom the request for objection has been deposited;
 - 3.1.3. The name and address of the opponent, in accordance with article 62 of this regulation;
 - 3.1.4. The name and address of the authorized representative if the opponent has designated one, in accordance with article 62 of this regulation;
 - 3.1.5. List of goods and/or services for which the registration for objection is deposited;

- 3.1.6. Signature of the opponent or his representative.
- 3.2. Legal basis of the objection, based on article 143 of the Law;
- 3.3. Evidence concerning the legal basis for the request for objection;
- 3.4. The reasons for the request for objection;
- 3.5. Payment of the defined fee;
- 3.6. Authorization of representation if the request is deposited by the applicant's representative.

Article 30

Objection review

1. The Objection Chamber shall review the objection within a period of two months from the date of the submission of the objection request.
2. If the request for objection is not presented within the deadline provided in paragraph 1 of article 152 of the Law, the Objection Chamber shall reject the request for objection and inform the opposing party for the decision taken.
3. If the objection does not complete the requirements of article 29 of this Regulation, the Objection Chamber shall require the opposing party, by written notice, to complete the ascertained irregularities within two months from the date of notification. If the irregularities are not completed within the deadline, the objection shall be deemed not presented.
4. When the opposing party completes the deficiencies, the Objection Chamber sends a copy of the objection to the opponent applicant trademark against which the objection is lodged and notifies in writing the arguments and any other document in support his claims within two months from the date of receipt of the notice.
5. During the review, the Objection Chamber has the right to ask the parties, through a written notice, to submit additional materials and documents within a period of two months from the date of receipt of the notice.
6. The Chamber shall decide on the objection within two months from the fulfilment date of the file, in accordance with point 4 and 5, and notify the parties in writing of the decision taken.

7. The decision of the Chamber to review the objections may be appealed to the Appeals Board against the payment of the defined fee within a period of one month from the date of receipt of the decision notice.
8. When the Objection Chamber decides that the trademark can not be registered for one or some of the goods and/or services for which the application for a trademark has been made, the application shall be refused concerning those goods and/or services.
9. When the Objection Chamber decides to reject the objection and the decision is not appealed to the Appeals Board, this decision becomes final, and a copy of the decision shall be deposited in the application file for the registration of the trademark and the examiner shall continue the procedure for its registration.
10. When the Chamber decides to accept the objection and the decision is not appealed to the Appeals Board, this decision becomes final and a copy of the decision shall be deposited in the filing file for the trademark registration and the examiner refuses the registration of the trademark and informs the applicant on the decision to refuse the registration. This decision is published in the official bulletin.
11. When the decision of the Objection Chamber, regarding the objection of the registration of a trademark, is appealed in the Appeals Board, the decision of the latter is filed in the applicant's file for the trademark registration, and is also published in the official bulletin.
12. When the decision of the Appeals Board is appealed in the court, the decision of the latter is filed in the application file for trademark registration and is also published in the official bulletin.

CHAPTER VI

RESTORIN THE RIGHT WITHIN THE DEADLINE

Article 31

Submission of request for restoration of the right within the deadline

In accordance with the provisions of article 151/c of the Law, the applicant for a trademark application or his representative may request a restoration of the right within two months from the removal of the cause of non-compliance with the deadline, but not later than one (1) year from the end of the lost term. The request for restoration of the right within the deadline contains:

1. Application form of request for the restoration of the right within the deadline, attached to this regulation with the following information;
 - 1.1. the application number of the trademark for which the request for restoration has been deposited within the deadline;
 - 1.2. the name and address of the applicant for the trademark for which the application has been deposited for restoration within the deadline;
 - 1.3. the name and address of the authorized representative, if the applicant has appointed one, in accordance with article 62 of this Regulation;
 - 1.4. the causes/reasons of non-compliance with the deadline;
 - 1.5. signature and/or seal of the applicant or his representative.
2. Payment of the defined fee;
3. Authorization of representation if the application is submitted by the representative of the applicant.

Article 32

Review of request for restoration of the right within the deadline

1. The Bureau shall review the request for the reinstatement of the right within a one-month period from the date of its receipt, if it is in accordance with the provisions of article 151/c of the Law and article 31 of this Regulation. If the Bureau accepts the request for restoration of the right, it shall notify the trademark applicant in writing of the restoration of the right and the deadline within, it must complete the faults and publish it in the official bulletin. The refusal issued by the Bureau is repealed, and the examiner continues the procedure in accordance with the Law.
2. When an applicant has been restored the rights regarding the trademark application, he cannot use his rights against a third party, which, in good faith has launched goods and/or services in the market under an identical or similar

sign with the trademark application during the period between losing the right of the application and the publishing of the decision of the Bureau for the restoration within deadline of these rights.

3. If the request for restoration of the right is not in accordance with the provisions of Article 151/c of the Law and article 31 of this Regulation, the Bureau shall reject the request for restoration within the deadline and notify the applicant in writing.
4. The decision of the Bureau to reject the restoration within the deadline may be appealed to the Appeal Board within 1 month from the date of receipt of the decision to reject the restoration.

CHAPTER VII CHANGES IN THE TRADEMARKS REGISTER

Article 33 Content of request for changes in the register

1. The request for the registration of a change in the register will contain:
 - 1.1. The request form for the registration of a change in the register, attached to this regulation, in which the following information will be specified:
 - 1.1.1. the application number or the registration number of the trademark;
 - 1.1.2. the name and address of the applicant or trademark owner, as written in the register;
 - 1.1.3. the name and address of the person depositing the application, in accordance with article 62 of this regulation;
 - 1.1.4. the name and address of authorized representative if such one has been designated;
 - 1.1.5. the type of the change requested;
 - 1.1.6. the change requested by the applicant or the trademark owner;
 - 1.1.7. the list of goods and/or services for which a change in the register is required;

- 1.1.8. the signature of the person submitting the request or of his representative;
 - 1.2. Legal document where the change is based except for cases of change of address of the applicant, change of the address of the trademark owner or change of address of the authorized representative.
 - 1.3. Payment of the defined fee;
 - 1.4. Authorization of representation, if the applicant/owner of the trademark has appointed a representative.
2. The provisions of this article and also of articles 34 and 35 of this regulation, shall also apply to the coverage of the transfer of ownership, name change, address of the owner or applicant of a mark, licensing, pledge, execution actions and any other change required to be reflected in the register.
 3. If the verbal element of the trademark applied or registered previously coincides with the CGM or the EOM, the trademark in question can not be transferred, licensed or leased by an agreement.

Article 34

Other documents concerning the request for the registration of changes in the register

1. When the application for registration of a change in the register relates to several applications/registrations which have the same applicants or owners, a single application may be deposited provided that:
 - 1.1. The application or registration numbers of all applications or registrations have been indicated in the application;
 - 1.2. In the case of the transfer of ownership of the trademark, the transfer must be complete for all goods or services.
 - 1.3. Payment is to be made for all required changes.
2. If a partial transfer of ownership is required, the bureau creates a new application and/or registration of the trademark which contains the goods or services for which the transfer is made. Where the transfer involves goods or services covered by a general term, that term should be used in all lists of goods and/or services to which that term is transferred, limited by appropriate additions in order to avoid overlapping of lists of goods and/or services.

3. A full copy of the initial application or registration documents shall be made part of the application or registration documents referred to in paragraph 2 of this article. A copy of the registration transfer request must be part of the initial application or registration document.
4. A new application and/or registration number will be issued for the application or registration of the trademark according to point 2 of this article.
5. All the filled requests and paid fees concerning the application or initial registration of a trademark shall also be considered to have been filed and paid also for the applications or registrations referred to in paragraph 2 of this article if they cover the goods and/or services for which the procedures have been initiated.
6. The legal document on which the amendment according to point 1.2 of article 33 of this regulation is based should be as follows:
 - 6.1. For the transfer of ownership as appropriate:
 - 6.1.1. The document certifying the transfer of ownership in the form of an agreement signed by both parties and certified by the notary.
 - 6.1.2. Commercial extract issued by the competent authority for commercial companies to be identified by the new owner of the trademark.
 - 6.1.3. In cases when the transfer of ownership relates to the amendments in the legal form of the company, it will be filled the commercial extract issued by the competent authority for commercial companies to be identified by the new owner of the trademark.
 - 6.2. For the change of the name, as appropriate:
 - 6.2.1. The document which verifies the change of the name;
 - 6.2.2. Commercial extract issued by the competent authority for commercial companies where the defined change is evidenced.
 - 6.3. For the registration of the license contract:

- 6.3.1. Agreement/contract which is signed by both parties and certified by the notary;
 - 6.3.2. Duration of the license;
 - 6.3.3. The way of using the trademark by the license;
 - 6.3.4. Goods and/or services for which a license is granted;
 - 6.3.5. The territory where the trademark will be used for which the license is given;
 - 6.3.6. The quality of goods produced or services provided;
 - 6.3.7. Obligations that the licensor places on the license for the implementation of the terms set out in the contract;
 - 6.3.8. The type of license: exclusive or non-exclusive license.
7. A registered contract license may be amended or cancelled at the request of one of the parties and any change shall be entered in the register. Every change should be accompanied by relevant evidence document.

Article 35

Other documents concerning the request for the registration of changes in the register

1. If the request for registration of a change in the register has not been deposited in accordance with the law and this regulation, the Bureau will notify the person for completing the irregularities or for depositing additional documents within 2 months from the date of notification.
2. If the applicant who filed the request completes the irregularities or deposits additional documents within two months from the date of notification, the Bureau decides in relation with the request for the registration of the change.
3. With the request of the applicant, the two month period may be extended up to two months from the payment of the defined fee for this purpose.
4. If the applicant does not meet the irregularities or does not deposit the additional documents, referred to in point 1 of this article within two months or within the extended deadline, the Bureau shall reject the request for registration of change in the register.

Article 36

Renewing the registration of a trademark

1. The trademark registration shall be renewed with a request, after payment of the defined fee.
2. The Bureau informs the trademark owner and any representative of the owner or any person who has a registered right concerning the trademark in connection with the termination of the protection at least 6 months before that date. Failure to comply with this obligation assumes no responsibility for the bureau, nor does it affect the termination of the trademark protection.
3. The request for renewal for the trademark and the basic renewal fee, including the fees for the additional classes, must be paid and deposited within 6 (six) months prior to the expiration date of the defence.
4. The request for renewal of the trademark and the defined fees may be deposited and paid even after the term for protection has expired, but no later than six months from the date of termination of protection. In such a case, an additional fee shall be paid.
5. The request for trademark renewal shall contain:
 - 5.1. Application form for the trademark renewal, attached to this regulation, with the following information:
 - 5.1.1. The application number or the registration number of the trademark which is requested to be renewed;
 - 5.1.2. Name and address of the applicant for the trademark;
 - 5.1.3. The name and address of authorized representative if such one has been designated;
 - 5.1.4. The list of goods and/or services grouped under the Classification of Nice, only if the renewal is required only for a part of the goods and/or services;
 - 5.1.5. The signature of the person submitting the request or of his representative.
 - 5.2. Payment of the defined fee;
 - 5.3. The authorization of representation, if the renewal is requested for a part of the list of goods and/or services and if the owner has appointed a representative.

6. When the request is deposited and the payment is made only for certain goods and/or services for which the trademark has been registered, the registration will only be renewed for these goods and/or services.
7. When the payment made is not sufficient to cover all the classes of goods and/or services for which the renewal is requested, registration will be renewed if it is clear which classes must be covered.
8. If it is not clear which classes cover the goods and/or services, the Bureau shall renew the trademark taking into account the order of classification.
9. The renewal starts effects from the next day of the date when the existing registration ends the effects.
10. The renewal must be registered in the trademark register.
11. When the request for renewal has been deposited and the payment of the defined fee has been made within the time limits provided in point 3 and 4 of this article, but not all renewal requirements are completed, the Bureau notifies the applicant for completing irregularities within two months from the date of receipt of the notice. This deadline may be extended by two additional months against the request and payment of the extension fee.
12. When the request for renewal has not been deposited or has been deposited after the period specified in point 4 of this article or when the relevant fees have not been paid within the terms defined above in this article, the Bureau shall notify the owner of the trademark or his representative that the registration has completed the effects of the defence and will make the reflection of this fact (decision) in the trademark register.
13. When the owner or his representative have not completed the irregularities within the deadline or they are not duly completed within the deadline, the Bureau shall notify the trademark owner or his representative, in relation with the decision taken, in accordance with this article.
14. The Bureau shall publish any decision to accept or refuse the renewal application for a trademark.

15. When the payment is made, but the request for renewal is refused by the Bureau, this payment shall be reimbursed to the extent of 80% against a written request of the applicant or his representative.

Article 37

Corrections in applying or registering a trademark

1. Upon request of the applicant, subject to the payment of the defined fee or at the initiative of the Bureau, corrections may be made to the application or registration in respect of the name, address of the applicant or the list of goods/services, in cases where necessary for correct visible spelling errors.
2. If the application or registration error is caused by the Bureau, the applicant has no obligation to pay the defined fee according to point 1 of this article.
3. The representation (appearance) cannot be changed (corrected) unless it includes the name and address of the applicant. In such a case, with the applicant's request the appearance may be changed (corrected) but without affecting the essence of the appearance of the applied trademark.
4. The Bureau shall review the request for correction within a month from the date of the deposit of the application.
5. Any correction made to a published trademark application or a registered mark, should be published in the next official bulletin.

CHAPTER VIII

PROCEEDINGS UPON THE BUREAU CONCERNING THE ABOLISHMENT AND DEPRECIATION OF THE TRADEMARK

Article 38

Content of the request for the repeal of the trademark

1. The request for the repeal of a registered trademark in the abolishment /depreciation chamber, based on article 173 of the law, must be deposited as a separate request, in two identical copies.
2. The request for trademark repeal shall contain:

- 2.1. The application form for the abolishment/depreciation of a trademark registered in the abolishment/depreciation chamber, attached to this regulation, where the following information will be specified:
 - 2.1.1. the registration number of the trademark for which the repeal has been requested;
 - 2.1.2. name and address of the owner of the trademark;
 - 2.1.3. name and address of the person depositing the request in accordance with article 62 of this regulation;
 - 2.1.4. the name and address of the authorized representative if such one has been designated in accordance with article 62 of this regulation;
 - 2.1.5. list of goods and/or services for which the repeal is required;
 - 2.1.6. The signature of the person submitting the request or of his representative.
- 2.2. The legal basis supporting the request for the repeal of the trademark;
- 2.3. Evidence regarding the legal basis supporting the request for the repeal of the trademark;
- 2.4. Arguments supporting the request for the repeal;
- 2.5. Payment of the defined fee;
- 2.6. The authorization of representation, if the applicant has designated a representative.

Article 39

Content of the request for the repeal of the trademark

1. The request for the repeal of a registered trademark, based on article 174 of the law, must be deposited as a separate request, in two identical copies.
2. The request for trademark repeal shall contain:
 - 2.1. The application form for the abolishment/depreciation of a trademark registered in the abolishment/depreciation chamber, attached to this regulation, where the following information will be specified:
 - 2.1.1. the registration number of the trademark for which the repeal has been deposited;

- 2.1.2. name and address of the owner of the trademark;
 - 2.1.3. name and address of the person depositing the request in accordance with article 62 of this regulation;
 - 2.1.4. the name and address of the authorized representative if such one has been designated in accordance with article 62 of this regulation;
 - 2.1.5. the list of goods or services for which a repeal is required;
 - 2.1.6. The signature of the person submitting the request or of his representative.
- 2.2. The legal basis supporting the request for the repeal of the trademark;
 - 2.3. Arguments supporting the request for the repeal of the trademark;
 - 2.4. Payment of the defined fee;
 - 2.5. The authorization of representation, if the applicant has designated a representative.

Article 40

Review of the request for the repeal of the trademark

1. Abolishment/ Depreciation Chamber reviews the request for the repeal of the registered trademark within two months from the date of its deposit. In reviewing the request for the repeal of a registered trademark, the Chamber for the abolishment/ depreciation shall invite the parties to the extent necessary to deposit their claims within a period of 2 months with respect to the communications submitted by the other parties or issued by the abolishment/ depreciation Chamber itself.
2. If the abolishment/ depreciation Chamber considers it reasonable, it may invite the parties to find a solution with understanding, through an agreement, which, if achieved, must be in writing and signed by both parties.
3. When the abolishment/ depreciation Chamber decides that the trademark shall be repealed for one or some of the goods and/or services for which the trademark has been registered, the trademark shall be repealed concerning those goods and/or services.
4. Any decision of the abolishment/ depreciation chamber regarding a trademark, after becoming a final decision, is published in the official bulletin and registered in the trademark register.

Article 41
Review of the request for the repeal of the trademark

1. Abolishment/ Depreciation Chamber reviews the request for the repeal of the registered trademark within two months from the date of its deposit. In reviewing the request for the repeal of a registered trademark, the Chamber for the abolishment/ depreciation shall invite the parties to the extent necessary to deposit their claims within a period of 2 months from the day of the receipt of the notice, with respect to the communications submitted by the other parties or issued by the abolishment/ depreciation Chamber itself.
2. In the case of a claim for the repeal of a registered trademark, the burden of proof falls on the owner of the trademark for which the repeal is requested, only if the request for repeal is made in accordance with letter "a" of point 1 of Article 174, of the law, which must provide evidence of use of the trademark or evidence that there are reasonable grounds for not using the mark.
3. When the abolishment/ depreciation Chamber decides that the trademark shall be repealed for one or some of the goods and/or services for which the trademark has been registered, the trademark shall be repealed concerning those goods and/or services.
4. Any decision for abolishment/ depreciation chamber regarding the repeal of a trademark, after becoming a final decision, is published in the official bulletin and registered in the trademark register.

CHAPTER IX
APPEAL

Article 42

Appealing decisions

1. Any decision for the repeal taken during the examination process may be appealed with the repeal/ depreciation Chamber, within 1 month of the receipt of the notice, unless otherwise provided by law or this regulation.
2. Decisions that may be appealed to the Appeals Board are:
 - 2.1. Decisions taken by the Chamber to review the objections;
 - 2.2. Decisions taken by the Chamber for abolishment/depreciation;
 - 2.3. Decisions on restoration within the deadline.
3. The appeal of a decision results in the suspension of further prosecution of the relevant proceedings.
4. The above-mentioned decisions take effect as they become final.

Article 43 Procedures of appealing

1. The appeal procedure of any decision taken by the Bureau shall be initiated by depositing a request for appeal to the relevant structure.
2. The request for appeal in accordance with point 1 of article 42 of this regulation shall contain:
 - 2.1. The appeal form for rejection decisions in the Abolishment/ Depreciation Chamber attached to this Regulation, which shall specify the following information:
 - 2.1.1. the name and address of the appellant, in accordance with article 62 of this Regulation;
 - 2.1.2. the decision of the Bureau, in which the appeal was deposited;
 - 2.1.3. number of application of the trademark;
 - 2.1.4. an information indicating whether the decision of the Bureau was appealed partially or entirely.
 - 2.2. Legal basis where the appeal is based;
 - 2.3. Arguments and./or evidence on which the appeal is based;

- 2.4. Payment of the defined fee;
 - 2.5. The authorization of representation, if the appeal has been deposited by a representative.
3. The request for appeal, in accordance with point 2 of article 42 of this regulation shall contain:
 - 3.1. The application form for appeals to the Appeal Board, attached to this regulation, which will provide the information, as follows:
 - 3.1.1. the name and address of the appellant, in accordance with article 62 of this Regulation;
 - 3.1.2. the decision of the Bureau, in which the appeal was deposited;
 - 3.1.3. the application or registration number of the trademark;
 - 3.1.4. an information indicating whether the decision of the Bureau was appealed partially or entirely.
 - 3.2. arguments and/or evidence on which the appeal is based;
 - 3.3. Payment of the defined fee;
 - 3.4. The authorization of representation, if the appeal has been deposited by a representative.
 4. The request for repeal shall be deposited as a separate request, in two identical copies.
 5. Any relevant structure, such as the Objection Review Chamber, the Abolishment/Depreciation Chamber and the Appeals Board, when considering a request, in accordance with the respective powers provided for by law and this regulation, shall be expressed by acceptance, partial acceptance or the dismissal of the request under review.
 6. The claim of an opposing party, not related to the subject matter of the request, is not reviewed by the Board of Appeals.

Article 44
Review of requests from the Appeal Board

1. The Secretary of the Appeals Board shall, within a month from the date of the deposit of the request for appeal, review if it contains the documents provided for in paragraph 3 of article 43 of this regulation.
2. If the requests for appeal have been deposited in accordance with paragraph 3 of article 43 of this regulation, the secretary of the Appeal Board shall send the opposing party a copy of the request for appeal and shall notify the other party in writing to submit the arguments, and any other document, within two months from the date of receipt of the notice.
3. If the requests for appeal is not deposited in accordance with paragraph 3 of article 43 of this regulation, the Secretary of the Appeal Board shall notify by a written report the Appeal Board, which rejects the appeal request and notifies the appellants of the decision taken.
4. The Secretary of the Appeal Board submits to the Appeal Board for consideration the request for appeal within 1 month from the end of the deadline provided for in point 2 of this article.
5. The Appeal Board reviews the claims within a period of three months from the date of their submission to the Board.
6. During the review of a request for appeal, the Appeal Board, when it considers it reasonable, has the right to request from the parties, through a written notice, to submit additional materials and documents within a reasonable period of time, but in any case no later than a month from the date of the receipt of the notice from the party.
7. If the Appeal Board considers it reasonable, it may invite the parties to hearings and asks them to find a solution by understanding, which, if achieved, must materialize in a written agreement signed by both parties before the notary or before the Appeal Board.
8. The Secretary of the Appeal Board notifies the parties involved in the procedure upon the decision of the Appeal Board, but not in any case, no later than a month from the date of the decision.

Article 45
Effect of decisions

1. The Appeal Board's decision becomes final from the next day of the expiration of the deadline for appeal to the court, when none of the parties filed an appeal against the decision of the board.
2. When the decision of the Appeal Board or the decision of the Court has become final, the Bureau executes the decision in accordance with the legislation in force.
3. In case of appeal of the decision of the Board of Appeal to the court, the complainant is obliged to notify GDIP within 1 month from the filing date of the appeal to the court, in order to avoid the execution of the decision of the Board of Appeal.

CHAPTER X INTERNATIONAL REGISTRATIONS

Article 46

Application for international trademark registration and the review of application by the Bureau

1. Application for international registration of the trademark shall contain:
 - 1.1. The relevant form set by the WIPO International Bureau with the following specifications:
 - 1.1.1. application or registration number i trademark on which the application for international registration is (hereinafter: basic application or registration);
 - 1.1.2. the name and address of the applicant;
 - 1.1.3. the name and address of authorized representative if such one has been designated;
 - 1.1.4. the representation (appearance) of the trademark which must be deposited identical as in the application or the national registration.
 - 1.1.5. information concerning priority if it is claimed for priority;
 - 1.1.6. if the trademark registration is required in colour, an indication of this fact as well as the colour names which the applicant claims

as distinctive features of the trademark. The colours should be shown according to the provisions of the common regulation;

- 1.1.7. List of goods and/or services for which international registration is required, in the language prescribed by the common regulation. The list of goods and/or services may cover all goods or services of the base application or a part of them;
- 1.1.8. Member states of the Union of Madrid for which the extension of the international registration is required;
- 1.1.9. The trademark description in the international application should be the same as that of the basic application/registration. The translation of the trademark must be in one of the languages specified in the common regulation.
- 1.1.10. Signature of the applicant or his representative.

1.2. Payments of the defined fee.

2. The form under point 1.1 should be submitted in two identical copies.
3. The Bureau shall examine whether the international application has been filed in accordance with the above mentioned rules and issues a notification for completing the application irregularities in case it finds a discrepancy between the basic application and the international application.
4. The applicant should complete the irregularities ascertained by the Bureau within a months from the date of receipt of the notice.
5. In case the applicant fails to comply with the application's irregularities, the Bureau refuses to submit the international application to the WIPO.
6. The same rules shall apply even in the case of a request for territorial jurisdiction of the trademark following the international application, in accordance with Article 3 (2) of the Madrid Protocol. The request for territorial jurisdiction following the international application can be deposited through the mediation of the Bureau.

Article 47

Request for registration of changes in the international register

1. Request for registration of changes in the international register must contain:

- 1.1. The relevant form set by the WIPO International Bureau;
 - 1.2. Document confirming the respective change in the register;
 - 1.3. Payments of the defined fee.
2. The form under point 1.1 should be submitted in two identical copies.
 3. The application for registration of changes to the international registration shall be examined by the office, in accordance with the rules laid down in the Madrid Agreement and / or the Madrid Protocol.

Article 48

Transformation of an international trademark into a national trademark application

1. The request for the transformation of an international application into a national registration application must be deposited within three months of the date on which the international registration has been cancelled and must be accompanied by the following documents:
 - 1.1. Form for the transformation of an international trademark into a national application;
 - 1.2. Document certifying that the international application has been cancelled by WIPO, based on the request of the office of origin. This document must be deposited translated in the Albanian language;
 - 1.3. Authorization of representation, if the objection is filed by the representative;
 - 1.4. Payment of the defined fee;
2. Requests for the transformation of an international application into a national registration application will be subject to the same examination procedures as a national application.
3. If during the examination for formalities the Bureau notes that the request for transformation has not been deposited within three months according to point 1 of this article, or the goods and/or services for which the trademark must be registered do not contain the list of goods and/or services for which the

international registration was registered, the Bureau shall notify the applicant of the deficiency within three months from the date of receipt of the notification.

4. If the defaults referred to in paragraph 3 of this article are not completed within the deadline set by the bureau, the right to the date of international registration or territorial scope , and the priority right if claimed to be a priority shall be lost. If the transformation request is rejected by the Bureau, the application shall be examined as a regular national application.

CHAPTER XI COLLECTIVE TRADEMARKS

Article 49 Regulations of use

1. The applicant of a collective trademark must deposit the collective use regulation within three months from the date of the deposit.
2. The regulation of usage must contain:
 - 2.1. the persons authorized to use the trademark,
 - 2.2. terms of membership in the organization,
 - 2.3. terms of use of the trademark where possible,
 - 2.4. sanctions.
3. The trademark use regulation should authorize any person whose goods or services originate in the relevant geographic area to become a member of the organization that owns the trademark.
4. The use of a collective trademark by any person entitled to use it shall comply with the requirements of the law and this regulation, provided that other requirements provided by law and this regulation apply to the use of the trademarks.

Article 50 Refusal of the application

1. Except bases for refusal of a trademark application under articles 142 and 143 of the law, the application for a collective trademark shall be refused where the conditions laid down in article 165 of the law and article 49 of this regulation are not completed or when the regulation of use is in opposition to public policy or the principles of morality.
2. The application for a collective trademark will also be rejected if there is a possibility that the public misrepresents the trademark's character or significance, especially if there is a possibility to be understood as different from a collective trademark.
3. The application shall not be refused if the applicant as a result of changes in the use regulation shall comply with the requirements of paragraphs 1 h 2.

Article 51

Amendments in the regulation concerning the use of collective trademarks

1. The owner of a collective trademark must deposit with the bureau any change to the trademark's usage regulation.
2. Amendments shall not be reflected in the register if they do not comply the requirements in article 49 of this regulation or contain any of the grounds for refusal provided for in article 50 of this regulation.
3. For the purpose of applying this regulation, amendments to the usage regulation shall begin with the effects from the date of their registration in the register.
4. The form of application for amendment in the register of the collective use regulation and the procedures for reviewing these requests by the bureau shall be in accordance with articles 33 and 35 of this regulation.

CHAPTER XII CERTIFIED TRADEMARKS

Article 52

Regulation of use of the certified trademarks

1. The applicant of a certified trademark must deposit a regulation providing for the use of the trademark within three months from the date of deposit.
2. The regulation should specify the authorized persons to use the trademark, the features to be certified by the trademark, how these features shall be tested by the certification authority and overseeing the use of the trademark.
3. The regulation should provide for the terms of use of the trademark, including sanctions.

Article 53

Refusal of the application

1. Except bases for refusal of a trademark application under articles 141 and 142 of the law, the application for the registration of a certified trademark shall be refused where the conditions located in article 166 of the law and article 52 of this regulation are not completed or when the related regulation with the use of a trademark is in objection of moral principles or public order.
2. An application for a certified trademark also shall be refused if the public can be disturbed about the trademark's character or importance, especially if it can be interpreted as something other than a certified trademark.
3. The application shall not be rejected if the applicant changes the trademark's use regulation by completing the requirements of paragraphs 1 and 2.

Article 54

Use of the certified trademark

The use of a certified trademark by any person who is entitled to use it in accordance with the regulation referred to in article 52 of this regulation shall comply with the requirements of the law and this regulation, provided that the other requirements provided by law are fulfilled and this regulation regarding the use of trademarks.

Article 55

Amendments to the use of certified trademarks regulation

1. The owner of the certified trademark must deposit with the bureau any amendment in the use of the trademark.
2. Amendments shall not be reflected in the register unless they complete the requirements of article 52 of this regulation or contain any of the bases for refusal referred in article 53 of this regulation.
3. For the purpose of this regulation, amendments to the use regulation shall begin with the effects from the date of registration of these amendments in the register.
4. A certified trademark may be transferred only to persons who completes the criteria of article 166 of the law.

Article 56 **Bases for abolishment**

Except reasons for repeals provided for in article 173 of the law, the rights of the owner of the certified trade mark shall be abolished through a request to the Bureau when any of the following conditions are completed:

1. The owner no longer completes the requirements of article 166 of the law;
2. the owner fails to take reasonable measures to prevent the use of the certified trademark in a method in objection to the terms and conditions prescribed in the regulation of use, its amendments which are reflected in the register;
3. the method of using the certified trademark from the owner has led to misleading the public;
4. amendments to the regulation of use that are registered in the register in objection of article 55 of this regulation unless the owner of the trademark further amending the usage regulation completes the requirements of the above-mentioned article.

Article 57 **Bases for depreciation**

Except bases for the depreciation of the trademark provided for in article 174 of the law, a registered certified trademark shall be depreciated by a request addressed to the Bureau, unless the owner of the certified trademark changes the use of the order to comply with the requirements of Article 53 of this regulation.

CHAPTER XIII

CRITERIA RELATED TO WELL-KNOWN TRADEMARKS

Article 58

Criteria to Well-Known Trademarks

1. The competent authority in the determination of well-known trademarks will refer to the joint recommendation on the provisions for the protection of well-known trademarks adopted by the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization.
2. To determine whether a trademark is well-known, the competent authority shall take into account the information submitted in relation to the criteria and circumstances under which it may result in a brand being or not well known, including but not limited to the following criteria:
 - 2.1. The degree of recognition or the recognition of the trademark in the relevant public sector;
 - 2.2. Duration, scope and geographical area for the use of the trademark;
 - 2.3. the duration, scope and geographic area of the trademark's promotion, including advertising or publicity and presentation, in fairs or exhibitions, of the goods and/or services for which the trademarks are applied;
 - 2.4. the duration and geographical area of each registration, and/or any application for the registration of the trademark, to the extent that they reflect the use or recognition of the trademark;
 - 2.5. the information relating to the successful implementation of trademark rights, and, in particular, the degree to which the trademark is recognized as being well-known by the competent authorities;
 - 2.6. Value relating the trademark.
3. The above criteria serve as a guide to assist the competent authority to determine whether a trademark is well-known, but are not preconditions for

achieving this designation. However, determining whether a trademark is well-known or not will depend on the specific circumstances of each case. In some cases, you may need all of the above criteria taken together to make such a determination, in some other cases only a few of these criteria may suffice. In other specific cases, other additional criteria that are not listed above may be considered.

Article 59 **Relevant public sector**

1. Relevant public sector shall include but shall not be limited to, the following:
 - 1.1. Relevant and/or potential customers who actually buy or use or will buy or will use goods or services in the future;
 - 1.2. People involved in distribution channels of goods and/or services for which trademarks are protected;
 - 1.3. Business circles or networks that are related to the goods and/ or services for which the trademark is protected.
2. When a trademark is determined as well-known by at least one relevant public sector, the trademark can be considered to be a well-known trademark.
3. When a trademark is determined as well-known by at least one relevant public sector, the trademark can be considered to be a well-known trademark.
4. A well-known trademark shall be considered as such even if it is not determined as well-known or known in any relevant public sector.

Article 60 **Factors excluded from determining well-known trademarks**

1. The competent authority shall not require as a condition to determine whether a trademark is well-known, the following:
 - 1.1. that the trademark has been used, or that the trademark has been registered or that an application for registration of the trademark has been deposited in the country;

- 1.2. the trademark is well-known or that the trademark has been registered or that the application for registration of the trademark has been deposited in another jurisdiction other than that of the country;
 - 1.3. the trademark is well-known by the general public in the country.
2. For the purposes of implementing paragraph 3 of Article 59 of this Regulation, the competent authority may require that the trademark be well-known in one or more jurisdictions other than that of the country.

CHAPTER XIV

AVAILABLE INFORMATION FOR THE PUBLIC AND OTHER AUTHORITIES

Article 61

File Inspection

1. The file that belongs to an unpublished trademark registration application can not be inspected without the consent of the applicant.
2. Any person who can certify that the applicant of a trademark has stated that after the registration of the trademark he shall claim the rights deriving from its registration against the person himself, may request the file inspection prior to the publication of the application and without the applicant's knowledge
3. Following the publication of the application for trademark registration, the file relevant to this application and the resulting trademark may be inspected upon the filing of a written request and payment of the defined fee.
4. When the files are inspected under paragraph 2 or 3 of this article, documents relating to the exclusion or the request for the exclusion of a member of the Chamber of Objections or the Abolishment/ Depreciation Chamber or the Board of Appeal, because of the existence of the conflict of interest, drafts decisions and opinions as well as all internal documents used for the preparation of decisions and opinions, as well as the parts of the file for which the interested party shows a special interest in maintaining confidentiality before the request for inspection of the file has been submitted, shall be prohibited for inspection unless the inspection of such documents of the file is

justified by a legitimate and essential interest of the party requesting the inspection.

5. Inspecting application files for trademark registration and/or registered trademarks shall be performed on original documents, copies thereof or other technical means of storage.
6. File inspection should take place in the Bureau's area. Based on a written request, the file inspection may be accompanied by the issuance of copies of the file documents. Issuance of these copies is conditional upon payment of a duplicate fee. The Bureau must also issue, on the basis of a written request and after payment of the duplicate fee, certified or not certified copies of the application for the trademark.
7. When the files are inspected under paragraph 6 of this article, the file inspection shall be deemed to be unpublished until payment of the relevant fee is made.
8. Documents held by the Bureau in connection with international registrations may be inspected, in basis of a written request, starting from the date of the publication of the international application, in accordance with paragraphs 1, 3 and 4 of this article.
9. In accordance with the limitations set out in paragraph 4 of this article, and also on the basis of a written request, the Bureau may communicate information from any file belonging to an application for trademark registration or a registered trademark, after payment of the investigation fee.

CHAPTER XV GENERAL REQUESTS

Article 62 Name and address

1. In the communications deposited before the Bureau, the name and address of the applicant, shall be shown in the following method:

- 1.1. If the opposing applicant or the person submitting the request is a natural person: name, surname, address, city, state.
- 1.2. If the opposing applicant or i submitting the application is a legal person: company name, address, city, state.
2. In the communications deposited with the Bureau the name and address of the authorized representative must be shown in the following method: name, surname, address, city, state and/or the code of the representative.
3. When an application has been deposited by several applicants, correspondence regarding the application will be sent to the addresses of each applicant, unless they have appointed an authorized representative.
4. The applicant may declare other contact modes such as phone number, fax, e-mail address, etc.
5. The provisions of this article, and also of articles 63 and 64 of this regulation shall also apply to correspondence with the Objection Review Chamber, Abolishment/ Depreciation Chamber and the Appeal Board.
6. In all trademark forms the following text will be provided:

"I, the undersigned _____, acknowledge that the GDIP may contact me through the following communication tools on issues related to the procedures provided in law no.9947, dated 7.7.2008,"On Industrial Property", as amended, and by-laws for its implementation through:

Electronic mail (*e-mail*), in the following address:_____;

Communication (SMS, phone call) in the following phone number:

_____;

fax, in the following number: _____;

GDIP announces that recording the above contact data is voluntary.

GDIP shall retain this information (hereinafter referred to as "personal data") that the applicant and/ or the authorized person (hereinafter referred to as "the subject") have entered in this application form.

Personal data will be processed and used by GDIP, in the capacity of the Controller, or by third parties designated by GDIP, as the processor, exclusively to communicate with the subject, regarding the procedures related to this application.

Personal data will not be passed to a third party without prior consent of the subject and will not be subject to international transfer. In addition, GDIP may occasionally use personal data to contact the subject and to send information that may be of interest to him/ her such as: notifications, events and/ or legal developments in the scope of the GDIP activity.

GDIP will stop sending this information if the subject expressly notifies GDIP in writing that he/ she does not wish to be further contacted to receive such information.

The subject has the right to request the information, correction or updating/ cancellation of personal data that GDIP has stored in the database, and to request to exercise any other right recognized by law no. 9887, dated 10.3.2008, "On Personal Data Protection", as amended.

Date: _____._____._____

_____ (name, surname, signature)

Through this special signature, the Signatory gives consent to GDIP to maintain, process and use personal data of the subject, in accordance with the above conditions. Through this special signature, the Signatory also declares under his/ her responsibility that the contact details as above are his or her personal data or of a third person who has authorized the Signatory to perform such actions.”

7. In all trademark forms that will be deposited in the office shall be placed the office address and logos.

Article 63

Other requests for correspondence

1. The bureau will only accept handwritten signatures on documents deposited with the Bureau.
2. If a communication with the Bureau contains several documents that relate to some applications, then in each document should be written the application number with which the document is attached.

Article 64

Deposit of documents

1. Correspondence with the Bureau shall be done manually or by mail.
2. The request or any other type of document deposited in GDIP shall be in written and translated into Albanian.

Article 65

Authorization of representation

1. Authorization of representation; must contain:
 - 1.1. the applicant's signature as certified by the notary, when the applicant is a foreign natural person;
 - 1.2. signature and seal of the applicant, or signature certified by a notary when the applicant is an Albanian or foreign legal person.
2. If the representation authorization is not in accordance with the provided rules in this regulation, the Bureau shall notify the person who filed the application to complete the irregularities within 3 months from the day of receipt of the notice.
3. If the person who has filed the authorization of representation does not complete the irregularities within the deadline specified in the notice of the Bureau under point 2 of this article, the Bureau shall refuse the application.
4. The GDIP registers in the trademark register, an authorized representative in relation to a trademark when the representatives are given with an authorization the right to follow the procedures and perform the actions provided for in the law and regulation regarding the trademark.
5. For actions and on following procedures related to a trademark, the registered representative, according to the previous paragraph, does not need to file the original authorization, but a photocopy of it.
6. When the applicant or the owner of a trademark revokes or changes the authorization of representation, he must file to the GDIP the request for revocation or modification of the authorization as well as for the appointment of the new representative. The application is registered in the trademark register, according to the provisions of point 4 of this article.

Article 66
Examination of facts

1. When pursuing procedures related to absolute causes, the Bureau examines the facts at its own initiative.
2. When pursuing procedures related to relative causes, the Bureau reviews a request for trademark objection, being limited only at examining the facts, evidence and arguments submitted by the parties in relation with this request, according to article 43 of this regulation.
3. When pursuing procedures of abolishment/ depreciation, pursuant to article 174 of the law, the Bureau should limit the examination to the bases and arguments put forward by the parties, pursuant to article 43 of this regulation.
4. The Bureau shall not take into account the facts or evidence that have not been deposited in due time, and those which are not related to the case.

Article 67
Hearings

When considered necessary, the Bureau or the Appeal Board shall hold hearings, and invite parties to attend hearings.

Article 68
Evidence taking

Obtaining and production of evidence from the Bureau and Appeal Board consists of:

1. Listening to the parties;
2. Requesting the parties for extra information;
3. Depositing documents and evidence;
4. Listening to other people, when deemed necessary by the Bureau, Appeal Board or by request of the parties.

Article 69
Notification and delivery of documents

1. The date of notification of a document shall be deemed to be the date of receipt of the notification by the applicant or his representative. The notice deadlines will be calculated starting from the day following the receipt of the notice.
2. Any notification sent to the representative will have the same effect as being sent to the person represented.
3. Any communication addressed to the Bureau by a representative shall be deemed to have been sent by the person represented.
4. If an authorized representative is assigned, the Bureau will submit all the notices to the latter.

Article 70
Entry into force

This Regulation enters into force upon its publication in the “Official Gazette”.