

DECISION
No. 752, dated 19.12.2018

**ON APPROVAL OF THE REGULATION ON ORGANIZATION, FUNCTIONING
AND DETERMINATION OF THE REMUNERATION OF THE BOARD OF
APPEAL MEMBERS OF THE GENERAL DIRECTORATE OF INDUSTRIAL
PROPERTY**

Pursuant to Article 100 of the Constitution and points 5 and 7, Article 193/b, of Law no. 9947, dated 7.7.2008, “On industrial property”, as amended, on the proposal of the Minister of Finance and Economy, the Council of Ministers

DECIDED:

1. The approval of the regulation on organization, functioning and determination of remuneration of the members of the board of appeal of the General Directorate of Industrial Property, according to the text attached to this decision.
2. The financial effects that arise from the implementation of this decision, start after its publication in the “Official Gazette”.
3. The General Directorate of Industrial Property is in charge of the implementation of this decision.

This decision enters into force after its publication in the Official Gazette.

DEPUTY PRIME MINISTER
Senida Mesi

REGULATION
**ON ORGANIZATION, FUNCTIONING AND DETERMINATION OF THE
REMUNERATION OF THE BOARD OF APPEAL MEMBERS OF THE GENERAL
DIRECTORATE OF INDUSTRIAL PROPERTY**

Article 1

Purpose

1. The purpose of this regulation is to determine the rules and procedures regarding the organization, functioning and determination of the remuneration amount of the members of the board of appeal of the General Directorate of Industrial Property.
2. The Board of Appeal (hereinafter BA) is a body established under Article 193/b of Law no. 9947, dated 7.7.2008, “On industrial property”, as amended, (hereinafter the law) and examines the issues of resolving disputes related to property and rights over IP objects.

Article 2

**Composition, appointment and release from duty of
BA members**

1. The Board of Appeal is composed of five members, three of whom are employees of the GDIP and two are external members of the IP field, who meet the requirements for IP experts.
2. The Chairman of BA is the General Director of GDIP.
4. The candidates for BA members, selected among the ranks of GDIP employees, as well as 2 external members selected by the General Director from the presented candidacies, are proposed for approval to the Supervisory Board, at the beginning of each calendar year, by the General Director

of GDIP, for appointment as members of BA. The General Director also acquaints the supervisory board with all the candidacies that meet the conditions of point 1, article 193/b, of law no. 9947, dated 7.7.2008, "On industrial property", as amended, as well as with the reasons for selection. In November of each year two vacancies will be announced for the next calendar year, for BA external members. Vacancies will be announced on the official website of GDIP.

5. The official request to run as an external member of the BA must be signed by the candidate himself and must be accompanied by the following documents:

a) Data on personal identity, correspondence address, e-mail and any other correct contact point provided by law;

b) Curriculum vitae;

c) Diploma of the second cycle of studies "Scientific Master";

ç) Any other document that proves the contribution and knowledge in the field of IP.

The documents of letters "c" and "ç" of this point, which will not be original or notarized, will be considered not filed. GDIP will not send notice for completion of documentation.

The official request to run as a member of the BA, unaccompanied by the documents specified in letters "a", "b", "c", and "ç" of this point, will be considered unsubmitted and, as such, will not be taken into consideration.

6. The release from duty of BA members is done by the supervisory board for the following reasons:

a) Each member of the BA shall be considered released at the end of the calendar year, with the right of reappointment;

b) Upon his/her request for resignation;

c) When he/she is prohibited from exercising this activity by a final court decision;

ç) When it violates more than once, unjustifiably, the obligations arising under this regulation;

d) By decision of the supervisory board, for violation of the rules of ethics.

7. The member of BA, who resigns, according to letter "c", of article 193/c, of the law, is obliged to submit a written request for resignation and the reasons for resignation, at least one month before the date of release from duty, unless he proves or it is certified that this has not been possible.

8. The meeting to consider the issue of release from duty of the BA member is convened by the Director General of GDIP.

The meeting to review the release from duty of the BA member does not take place without inviting him to attend and submit his explanations, unless this is not possible.

The decision taken at this meeting is final and implemented immediately.

9. The Chairman of the BA and the supervisory board take measures for the substitution of the released member from duty as soon as possible, by announcing the vacancy on the website of the GDIP and proceeding as in points 4 and 5 of this article. The deadlines for processing in this case are determined by the chairman of BA. In any case, these deadlines cannot be shorter than 7 (seven) days.

Article 3

Technical Secretary

1. BA meetings are assisted by the technical secretary. The Director General appoints a GDIP employee to the technical secretary role at the beginning of each calendar year.

2. The technical secretary of BA is an employee of GDIP who exercises the following duties:

a) Receives with the signature of the General Director, the file of the request submitted for review to BA;

b) It is the authorized person who initially ascertains these deficiencies and sends notifications for the completion of the deficiencies and/or inaccuracies of the request;

c) Notifies the parties to submit to BA the arguments, objections and any other necessary documents defined in the law and in the decision of the Council of Ministers, for the approval of the patent regulation, the industrial design regulation, the trademark regulation, the geographical indication regulation, fee regulation;

ç) Keeps the minutes of the meeting with all the elements that the minutes must contain, as well as other tasks assigned by BA.

3. Within 10 (ten) days from the completion of all documents required by law, the technical secretary sends a copy of the complete file to each member of the BA for recognition.

4. The Technical Secretary, after receiving from the General Director the order on the date of the BA meeting, informs the members on the date of the meeting together with its agenda by e-mail and/or telephone.

Article 4

BA meeting and decision making

1. The BA meeting is opened by the chairman.

2. Before taking into consideration any new issue, the Technical Secretary shall orally present to the BA a summary of the parties' claims, facts and evidence submitted concerning the matters and shall keep the minutes of the meeting and members' discussions.

3. The BA, under the lead of the chairman, puts forward for discussion all the issues placed on the agenda.

4. At the end of the entire review procedure and exchange of opinions by the BA members, the chairman invites the members to cast their vote. The youngest member votes first and the chairman of the session is the last to vote. None of the members can abstain from decision making. Voting is open in all cases. The opinion of the member remained in minority, submitted in writing, is attached to the decision.

5. In case several solutions are proposed on an issue and the first vote is equal, the vote of the chairman is decisive in accordance with Article 15 of Law no. 8480, dated 27.5.1999, "On the functioning of collegial bodies of state administration and public entities".

6. The General Director appoints a member of the BA who, within 3 (three) days from the decision, prepares the reasoned decision, a copy of which is submitted to the technical secretary to attach to the case file.

7. The decision must be signed by all BA members who participated in the awarding. The member, whose opinion has remained in minority, writes the word "against" and signs the decision.

8. The decision is submitted to the GDIP record office, to notify the parties.

Article 5

Remuneration of BA members

1. The chairman, members and technical secretary of the BA will receive a reward for each BA meeting.

2. The remuneration of the BA chairman and members is equal to the amount of 15 000 (fifteen thousand) ALL, for each meeting of the BA, but in any case, the number of rewards should not be more than 6 payments per year, regardless of the number of BA meetings.

3. The remuneration of the technical secretary is equal to the amount of 5 000 (five thousand) ALL, for each meeting of BA, but in any case, the number of remunerations should not be more than 6 payments per year, regardless of the number of meetings of BA.

4. The expenses derived due to the implementation of this regulation are predicted to be covered by the budget of GDIP, as an autonomous agency.