



REPUBLIC OF ALBANIA
Council of Ministers

DECISION

No.1707, dated 29.12.2008

**FOR SOME CHANGES AND ADDITIONS TO DECISION NO.1707, DATED
29.12.2008, OF COUNCIL OF MINISTERS, "ON APPROVAL OF
REGULATION "ON ISSUANCE OF PATENTS FOR INVENTIONS AND
UTILITY MODELS", AMENDED**

Amended by DCM:

No. 38, dated 21.1.2015

Pursuant to Article 100 of the Constitution and Articles 11, 17, 18, 20, 26, 29-31, 34, 35, 49, 50, 70, 75, 87, letters "a" -gj ", 97, 99 and 202 of law no. 9947 dated 07.07.2008 "On Industrial Property", on the proposal of the Minister of Economy, Trade and Energy, the Council of Ministers

DECIDED:

1. Approval of regulation "On issuance of Patents for Inventions and Utility Models" according to the text attached to this decision.

2. The General Directorate of Patents and Trademarks is in charge of the implementation of this decision.

3. Order no. 4, dated 08.12.1994 of the Science and Technology Committee

"Rules on Patents, Utility Models and Industrial Designs" is repealed.

This decision shall enter into effect upon its publication in the Official Gazette.

PRIME MINISTER
Sali Berisha

REGULATION
"ON ISSUANCE PATENTS FOR INVENTIONS AND UTILITY MODELS"

CHAPTER I
GENERAL PROVISIONS

(In letter "ç", point 2.1, the words "... international exhibition ..." are replaced by "... official or officially recognized international exhibition..."

In letter "ç", point 2.1, the words "... international exhibition ..." are replaced with "... official or officially recognized international exhibition..."

b) In letter "e", point 2.1, and elsewhere in the text, after the words "... law no. 9947, dated 7.7.2008, " On industrial property ", is added" ..., amended by law no. 55/2014,..."

c) After the letter "g", point 2.1, the letter "gj" is added, with the following content:

"gj) A "valid European patent "is the European patent granted by the EPO based on the European patent application, filed after May 1, 2010, for which validity has been requested in Albania." through DCM no.38, date 21.1.2015)

1. Purpose

1.1 This regulation aims to define the rules and procedures regarding:

- a) issuance of patents for inventions and utility models;
- b) renewal of patents for inventions and utility models;
- c) issuance of supplementary protection certificates for pharmaceutical products and plant protection products;
- ç) other changes in the patent register.

In the letter "a", of point 2.1, of Chapter II, "Filing a national patent application", the expression "... FPI form..." is replaced with the words "... the request for the grant of a patent ... "through DCM no.38, dated 21.1.2015.)

2. Definitions

2.1. Pursuant to this regulation, the following terms have this meaning:

- a) "PCT" is the Patent Cooperation Treaty, adopted in Washington on 19.6.1970, with all subsequent changes.
- b) The European Patent Convention (EPC) is the European patent convention adopted on 5 October 1973 despite subsequent amendments.
- c) The "Paris Convention" is the "Convention for the Protection of Industrial Property", adopted in Paris on 20 March 1883, with all subsequent amendments.

ç) The official or officially recognized international exhibition is the exhibition or fair in the sense used in the convention "On international exhibitions", adopted in Paris on November 22nd, 1928, with all subsequent amendments.

d) "European patent application", is the application for a patent filed under the European Patent Convention (EPC), as well as the international application filed under the Patent Cooperation Treaty (PCT), for which the European Patent Office (EPO) acts as a designated or elected Office, applications in which Albania is designated;

dh) "extended European patent" is the European patent granted by ZEP based on the European patent application, for which extension in Albania has been requested;

e) "National patent application" is a patent application filed at the GDPT under law no. 9947 dated 07.07.2008 "On Industrial Property" amended by law no. 55/2014;

ë) "National patent" is a patent granted based on a national patent application.

f) "International application" is a patent application filed under the PCT including the regulations issued upon it.

g) "Law" is Law no. 9947 dated 07.07.2008 "On Industrial Property" amended by law no. 55/2014.

gj) "Valid European patent" is the European patent granted by EPO based on the European patent application filed after May 1, 2010, for which validity has been requested in Albania.

3. General principles

3.1 GDPT reviews the submitted applications and issues notices and other acts under the provisions of Law no. 9947 dated 07.07.2008 "On Industrial Property" amended by law no. 55/2014 and this regulation.

3.2 GDPT actions related to these applications are based exclusively on written documents. **Requests and any other type of documents filed to GDPT must be in Albanian language and hard copy.**

3.3 GDPT creates and administers the electronic database where all actions performed relating patents are stored.

3.4 GDPT shall register in the patent register the authorized representative who has been appointed as a representative by the applicant or the patent owner by means of a general authorization letter, which gives the representative the right to represent the applicant or the patent owner in all proceedings, provided by Law no. 9947 dated 07.07.2008 “On Industrial Property” amended by law no. 55/2014, and by this regulation, which includes the procedures for issuing a patent and subsequent changes in the patent register.

3.5 Applications submitted to the GDPT by an authorized representative registered as a representative in the patent register for a particular patent is not necessary to have a letter of authorization for representation. When the applicant or the owner of a patent has revoked the letter of authorization for representation registered with the GDPT, he must file at the GDPT the authorization for the new representative, who is registered in the patent register according to the provisions of point 3.4 of this Chapter.

4. Types of applications

4.1 The types of applications that can be filed at GDPT regarding patents are:

- a) Request for a patent through FP1 form (Annex 1 of the regulation)
- b) Request for patent renewal through FP2 form (Annex 1 of the regulation).
- c) Request for transfer of ownership over the patent through FP3 form (Annex 1 of the regulation)
- ç) Request for change in the name of the patent owner through FP4 form (Annex 1 of the regulation).
- d) Request for change in address of the patent owner through FP5 form (Annex 1 of the regulation)
- dh) Application for registration of the license contract on the patent through FP6 form (Annex 1 of the regulation)
- e) Request for amendments to claims through FP7 form (Annex 1 of the regulation)
- ë) Withdrawal of patent application through FP8 form (Annex 1 of the regulation).
- f) Application for opposition to a patent grant through FP9 form. (Annex 1 of the regulation).
- g) Request to appeal the patent rejection decision through FP10 form (Annex 1 of the regulation).
- gj) Request for timely restoration of rights through FP11 form (Annex 1 of the regulation).
- h) Request for issuance of supplementary protection certificate through FP12 form (Annex 1 of the regulation).
- i) Request for declaration of invalidity of the supplementary protection certificate through FP13 form (Annex 1 of the regulation).
- j) Request for turning a patent for invention application into utility model application through FP14 (Annex 1 of the regulation).

k) Request for the allocation of the initial application for an invention patent FP15 (Annex 1 of the regulation).

5. Utility models

5.1 The provisions of this regulation relating to the filing of applications and the examination procedures of patents for inventions' requests apply equally to utility models applications.

5.2 The request for turning a patent application into a utility model application, provided by Article 91 of the Law, must be filed with the GDPT by the applicant via FP14 form before the patent is issued. The request must be signed by the applicant and accompanied by the respective fee payment document. GDPT reviews the request within 3 months from its filing date and notifies the applicant in writing of the decision taken. In case the request is rejected, the notification must also provide the reasons for the rejection.

CHAPTER II

FILING A NATIONAL PATENT APPLICATION

1. Filing an application

1.1 A patent application is filed through the FP1 form, which is signed by the applicant or his representative and filed at the record office of GDPT. FP1 form can also be sent to GDPT by mail or fax from the claimant or his/her representative. When sending by fax, the applicant must within one month from the date of the fax, submit to the GDPT the request in its original form, otherwise, the request is considered unfiled.

1.2 The application file is accompanied by the list of submitted documents (file index) which is signed by the applicant or his representative.

1.3 The patent application is filed for a single invention or for a group of inventions, linked in such a way that together they form a single and general inventive concept.

1.4 The GDPT record office, on the day it receives the FP1 form for a patent application, writes on the form the filing date and time of the application as well as the application number.

2. Elements that the patent application must contain

2.1 Under Article 17 of the Law, a patent application must contain:

a) The patent request signed by the applicant or his representative which at the time of filing must contain in particular the data on the name and address of the applicant, the inventors and authorized representatives; the title of the invention and the priority statement if claimed for priority;

b) a description of the invention;

c) one or more claims;

ç) patterns, referred to in the description or the claims;

d) an abstract (summary of the invention);

dh) priority document if claimed for priority;

e) authorization of representation letter when the application is filed by the applicant's representative. The authorization of representation must contain a notarized signature of the applicant when an applicant is a natural person and when the applicant is a legal entity, the signature of the legal representative and his seal.

ë) an inventor or inventors' declaration in which the will for the issuance of the patent is expressed in the name of the applicant. The inventor's declaration must be made by notarial deed.

f) proof of payment of the filing fee.

2.2 In case the invention is made public under Article 11, point 1 letter "c" of the Law, the applicant must file at the GDPT the relevant certificate issued by the competent international exhibition authorities, within **3 months** from the date of filing the patent application.

3. Specific application for patent applications relating to microorganisms

3.1 If the invention involves the use of biological material or when it is related to such a material, which is not available to the public and which cannot be described in the application, to be made available to a qualified person in the field:

- a) a culture of the microorganism must be deposited in a depositary institution designated for this purpose by the relevant legislation in force;
- b) the applicant must state in the request the depositary institution and the deposit number of the culture deposited as well as information on the characteristics of the biological material, as far as it is available to the applicant
- c) the applicant must deposit, together with the application, the proof of deposit received from the depositary institution.

4. Other requirements related to the application

4.1 The applicant must send **electronically** all the patent application material to the address made available for this purpose by the GDPT within 2 weeks from the date of submission of the application, otherwise, GDPT does not issue proof of filing, but without compromising the depositing date.

5. Making changes or withdrawing the application before issuing the patent

5.1 The applicant, through a written request, which must be filed at the GDPT before the date of issuance of the patent, may request changes and correction of formal errors in a patent application, against payment of the relevant fee.

5.2 The applicant has the right to withdraw the patent application at any time before the issuance of the patent, by means of a written request addressed to the GDPT.

CHAPTER III CRITERIA FOR THE PATENT APPLICATION ELEMENTS DESCRIPTION, CLAIMS, ABSTRACT AND DRAWINGS

1. Description of the invention

1.1 The description of the invention must contain:

- a) the title of the invention as outlined in the application. The title of the invention should be as short and as representative as possible;
- b) the field of technology to which the invention relates;

c) parts of previous achievements which, to the extent known to the claimant, may be useful in understanding and considering the invention and possibly citing documents reflecting it;

ç) explaining the invention so that it is comprehensible to specialists in the field and presenting the effects of its advantages, if any, concerning previous achievements;

d) description of indicative elements of drawings if any;

dh) a description of the best way considered by the claimant to implement the invention. This should be done through examples as well as, where appropriate, referring to drawings if any;

e) indicate in a definite way, when it does not result from the description or nature of the invention, how the invention is applicable in the industry and how it may be produced or used or, if it may itself be used, how it can be used.

1.2 The manner and order specified in point 1.1 are always followed, unless, due to the nature of the invention, a different way or order would be more understandable.

2. Form and content of claims for the invention

2.1 The number of claims must be reasonable given the nature of the invention and the claims must be listed in numbers. Claims must refer to the relevant part of the description or drawings and must contain:

a) a statement mentioning those technical features of the invention which are necessary to determine the parts of the later achievement but which, by combining, are part of the earlier achievement;

b) a characteristic part that begins with the words "characterized by", "characterized in", "in what the invention consists of" or in other words that give the same effect and concisely state the technical features, which in combination with the features defined in the letter "a" of this point, are desired to be protected as inventions.

2.2 A dependent claim is one that contains all the features of one or some other claims that assert additional features claimed if this is possible from the outset. A dependent claim which is referred to more than one claim (a multi dependent claim) will refer to such claims only as a viable alternative. Multidependent claims do not serve as a basis for any other multi dependent claim.

2.3 A dependent claim is considered to contain all the limitations covered by the claim to which it refers. When the claim is multi dependent, it is deemed to contain all the limitations contained in the particular claim in respect of which it has been considered. All dependent claims referring to one or some prior claims are grouped in the most practical way possible.

3. Drawings or graphic presentation

3.1 The patent application must contain all those drawings or graphic presentations which are necessary to understand the invention, to submit it in full, to clarify ambiguous or unclear formulations given by description, as well as to imagine the object described.

3.2 There is a direct connection between the description of the invention and the drawings, which is realized through reference signs, which can be numbers or letters.

Reference signs are placed on both documents, in the description and the drawings and must correspond accurately.

3.3 In the claims and summary (abstract) of the invention, reference signs are placed in parentheses to indicate that the text is comprehensible even without them and that the examples described in the drawings do not limit the scope of the respective claim. In the description, reference signs are not placed in parentheses.

3.4 Patent application drawings are not production drawings; they do not contain all the details and particulars necessary for the concrete realization of a product or process and are not built in exact drawing dimensions, but are schematic drawings, which enable the highlighting of the distinctive features of the invention.

3.5 Patent application drawings shall be such as to enable their direct reproduction by utilizing photocopying, printing or similar processes, for ease of use of the patent publication.

3.6 Drawings and chemical formulas, if any, are compiled in full compliance with the standards of technical language and chemical symbols.

3.7 The surface of the usable space on the sheets containing the drawings should not exceed the size 26.2 cm x 17cm. These sheets must not contain frames around the usable or used surface. The minimum allowed side dimensions must be as follows:

- a) upper part 2.5 cm;
- b) left side 2.5 cm;

- c) right side 1.5 cm;
- ç) the lower part 1 cm.

3.8 Drawings should be performed as follows:

- a) with solid, black lines, thick enough and dark without coloring;

- b) views of sections and cuts shall be presented by utilizing parallel section lines, which shall not interfere with the clear reading of the reference signs and the lines relating thereto;

- c) the scale of the drawings and the distinctiveness of their graphic execution should be such that a photographic reproduction with a linear reduction to the extent of two-thirds made it possible for all the details to be distinguished without difficulty. If, as an exceptional case, the scale is given in a drawing, it should be presented graphically;

- ç) all numbers, letters and reference signs that appear in the drawings must be simple and clear. Brackets, circles or quotation signs are not used to associate numbers and letters;

- d) all lines in the drawings, as a rule, are drawn with the help of design instruments;

- dh) the elements of the same figure must be in proportion to each other, except when a change in proportion is necessary for the clarity of the figure;

e) the height of numbers and letters should not be less than 0.32 cm. The Latin alphabet is used to indicate letters and drawings, and when is common, the Greek alphabet.

ë) the same drawing sheet may contain several figures. When figures drawn on two or more sheets are predetermined to form a whole figure, so that the whole figure can be presented together, without stopping from revealing any of the five partial figures, the various figures must be arranged without empty spaces; preferably placed in a perpendicular position, clearly separated from each other. When the figures are not placed in a perpendicular position, they appear positioned transversely to the sheet, with the front of the figures to the left of the sheet. The various figures are numbered consecutively with Arabic numerals, independent of the numbering of the sheets.

f) reference signs not mentioned in the description and claims should not appear in the drawings and vice-versa. The same features, which are indicated by reference signs, must be marked, everywhere in the patent application, with the same signs;

g) drawings should not contain textual issues, such as any possible description of the figures, unless it is absolutely necessary to place a single word or several words, such as “water”, “steam”, “open”, “closed”, “section on AB” etc., and in the case of electrical circuits and schematic blocks or diagrams of technological process cards, a few short key words necessary for understanding the figures can be used. Each such word must be placed in such a way that, if required, they can be moved by utilizing their translations without interfering with any of the lines of the drawings;

gj) drawings of technological process cards, block diagrams and diagrams are taken into consideration.

4. Content and form of the invention summary

4.1 The summary of the invention (abstract) should consist of:

a) the title of the invention;

b) a summary of the preface as contained in the description, claims and any drawings. The summary indicates the technical field to which the invention belongs and should be formulated in such a way as to give a clear understanding of the technical problem, the invention’s problem-solving essence and the main usage or uses of the invention;

c) when the invention is applicable, the chemical formula is presented, which best characterizes the invention among all the formulas contained in the application.

4.2 The summary should be as concise as the preface allows (preferably from 50 to 150 words) and should be compiled in such a way as to serve efficiently as a fast tool for research purposes. The summary should not contain assertions on the merits or values of the invention or its speculative applications.

4.3 Each of the main technical features mentioned in the summary and illustrated in the drawing, must be accompanied by any of the most illustrative drawings, to be provided by the claimant.

CHAPTER IV TECHNICAL REQUIREMENTS THAT THE PATENT APPLICATION MUST FULFILL

1. Terminology and signs

1.1 A patent application must meet the following requirements:

- a) units of weight and mass must be expressed in terms of the metric system;
- b) the temperature should be expressed in degrees Celsius;
- c) density should be expressed in metric units;

- ç) to indicate heat, energy, light, sound and magnetization as well as mathematical formulas and electrical units, rules of international practice shall apply. Common uses apply to chemical formulas, symbols, atomic weights, and molecular formulas;

- d) only such technical terms, signs and symbols should be used as accepted.

1.2 Terminology and signs must remain unchanged throughout the application.

2. Physical requirements of the patent application

2.1 The request and any document or statement accompanying it must be submitted in one copy. GDPT may request the filing of an additional copy.

2.2 All elements of the application are presented to allow direct reproduction by utilizing photography, reproduction, photocopying, microfilming etc., in an unlimited number of copies.

2.3 Each element of the application must start on a new, white sheet of A4 format (29,7 x 21cm) and only one side of the sheet must be used. All sheets are assigned a chronological page number at the top.

2.4 The application elements must be placed in the following order:

- a) FP1 forms;
- b) description;
- c) claims;
- ç) summary (abstract);
- d) drawings.

2.5 The sequence of the page number is done using three separate series of numbers. The first series applies only to the request and begins with the first page of the request, the second series starts with the first page of the description and continues with the claims up to the last page of the summary. The third series applies only to the drawing sheets and starts with the first page of drawings.

CHAPTER V

UNITY OF INVENTION AND SEPARATE REQUIREMENTS

1. Unity of invention

1.1 Unity of invention pursuant to Article 22 of the Law shall be interpreted in such a way as to allow one of the following possibilities:

- a) in addition to an independent claim for a given product, the inclusion in the same claim of an independent claim for a process specially adapted for the production of the given product as well as the inclusion in the same claim of an independent claim for a use of the given product;

b) in addition to an independent claim for a given process, the inclusion in the same request of an independent claim for designed apparatus or means to implement the given process.

1.2 Under Article 22 of the Law, it is allowed to include in the same request two or more independent claims of the same category which cannot be covered by a single general claim.

1.3 Under Article 22 of the Law, it is permissible to include in the same claim a reasonable number of dependent claims requiring specific forms of the invention, required in an independent claim.

2. Separate requirements

2.1 The request for separation of the initial application, provided by Article 23 of the Law, is submitted to GDPT by the applicant, through FP15 form and must contain a reference number to the initial request.

2.2 The divided application is entitled to priority:

a) if the initial applicant pretends that the divided application gains the priority recognized for the initial application, the divided application must contain such a statement. In such a case, the priority documents filed in accordance with Article 24 of the Law on Initial Application shall be deemed valid even for the separate application;

b) when the priorities of two or more earlier applications are claimed for the initial application, the divided application benefits only from the priority or priorities applicable to it.

2.3 For the submission of each separate application, the claimant pays the fee set within a period of two months from the date of filing of the separate application.

CHAPTER VI

RECOGNIZING DEPOSITED BIOLOGICAL MATERIAL

1. Conditions that the applicant must meet for recognition of biological material

1.1 At the request of any interested person and upon receiving the authorization of the patent applicant, the deposited culture will be accessible to be recognized by him/her starting from the date of publication of the patent application, provided that he/she declares in writing that:

a) he/she will not allow any third party to become acquainted with the deposited culture or any other culture derived from it, before the patent application has been rejected or withdrawn, or is deemed to have been withdrawn, or, before the expiration of the patent given with regard to this culture;

b) will use for experimental purposes the deposited culture or any other culture derived from it, only for as long as the patent application has been rejected or withdrawn, or is deemed to have been withdrawn, or, until the date of publication of the patent. This provision is not applicable for as long as the applicant of the deposited culture is using this culture on the basis of a non-voluntary license.

1.2 From the date of publication of the patent application until the date of patent publication or until when the patent application was rejected, withdrawn or deemed withdrawn, the applicant may inform the GDPT that the deposited culture may be available to the deposited culture researcher to get acquainted with it, by giving a sample to an expert appointed by the culture researcher.

2. Appointment of the expert

2.1 Pursuant to point 1.2 of this chapter, an expert may be appointed as follows:

a) any person designated by the culture applicant provided that the approval of the patent applicant has been obtained for the appointment of the expert;

b) any person recognized as an expert by GDPT.

2.2 The appointment of the expert made in this case is accompanied by a written guarantee that the expert gives to the patent applicant, for his fulfilment of all the provisions of point 1, 2 and 3 of this chapter, considering the applicant himself of the deposited culture as a third party.

3. Definition "derived culture"

3.1 Pursuant to letter "b" of point 1.1 of this chapter, "a derived culture" is considered to be any culture of the micro-organism, which still displays those characteristics of the deposited culture, which are essential for the performance of the invention. The declaration referred to in paragraph 1.1 of this Chapter does not preclude the deposit of a derived culture necessary for the purpose of the patent procedure.

4. Request for recognition of a deposited culture and its review by GDPT

4.1 The request for recognition of a deposited culture is submitted to GDPT by means of a special form recognized by GDPT. GDPT certifies, through this form, that a patent application, which refers to the deposit of the microorganism has been filed, and that

the applicant of the deposited culture or the expert appointed by him enjoys the right to take a sample of the microorganism.

4.2 GDPT sends a copy of the request for recognition of deposited culture, together with the certification provided in point 4.1 of this chapter, to the depositary institution, as well as to the patent applicant or owner.

CHAPTER VII NEW DEPOSIT OF A MICROORGANISM

1. Invalidity of a deposited microorganism

1.1 If a microorganism deposited, in accordance with the provision of point 3.1 of chapter II of this regulation ceases to be valid, being available to the institution where it is deposited because:

- a) the microorganism is not capable of surviving,
- b) the depositary institution is unable to meet the needs for supply with samples, or for any other reason, and if the microorganism has not been transferred to another depositary institution, through which it will continue to be available,

an interruption of the validity of its availability shall not be deemed to have occurred if a new deposit of the micro-organism originally deposited for the first time is made within three months from the date on which the depositary is notified of the termination by the depositary institution, and a copy of the taken deposit issued by the institution shall be sent to the GDPT within 4 months from the date on which in the new deposit is placed the patent application or patent application number.

2. New deposit of microorganism

2.1 When provided in letter "a" of point 1.1 of this chapter, the new deposit is produced in the depositary institution in which the original deposit was placed, while in

when provided in letter "b" of point 1.1 of this chapter, it can be produced in another depositary institution.

2.2. When the institution in which the original deposit is placed ceases to be a depositary institution, either in whole or at least for that type of microorganism to which the deposit of the micro-organism in question belongs, or when that institution temporarily or permanently ceases to perform its functions in relation to with the deposited microorganisms, and the notification referred to in point 1 of this chapter by the depositary institution is not received within 6 months from the date of occurrence of such a fact, the three-month period provided in point 1 of this chapter will begin on the date when such a fact is officially announced by GDPT.

2.3 Each new deposit is accompanied by a statement signed by the depositor, stating that the re-deposited microorganism is the same as that deposited for the first time in the original.

CHAPTER VIII THE RIGHT TO PRIORITY

(Point 2.2, of chapter VIII, "The right to priority", is amended, with DCM no. 38, dated 21.1.2015)

1. Submission of the priority document

1.1 In case it is claimed for priority, the applicant must, **within 3 months** from the date of submission of the patent application, submit to the GDPT the priority document pursuant to Article 24 point 2 of the Law. If the applicant does not file the priority document within this deadline, or the submitted document does not meet the requirements of this Chapter, GDPT will not recognize the right to priority.

1.2 Priority document may be proof of the previous filing of one or more national, regional or international applications filed by the applicant or his legal successor in accordance with point 1 of Article 24 of the Law or the certificate issued by the responsible exhibition authorities where the invention was introduced for the first time in accordance with point 7 of article 24 of the Law.

1.3 The priority document must contain:
a) the filing date of the earliest application;

- b) earliest application number;
- c) the symbol of the international patent classification of the earliest application;
- ç) the name of the state in which the earliest application was filed;
- d) the office where the earliest application was filed, when the application was filed with a regional or international office.

1.4 When at the time of filing the patent application, the applicant declares the priority but the earliest application number is unknown, within three months from the date of filing the patent application, the applicant must declare the earliest and most recent application number and file the priority document.

1.5 Repealed

1.6 The priority document submitted to GDPT in accordance with the requirements of this Chapter, must **be translated into Albanian and notarized**

2. Declaration of priority

(2.1) The declaration of priority referred to in Article 24, paragraph 1, is presented with filing the patent application and must contain the filing date and number of the previous application as well as the state party to the Paris Convention or member of the World Trade Organization where the previous application was placed. In case the priority is required based on the appearance in an international exhibition, the statement must contain the appearance date in the exhibition and the name of the exhibition.

(2.2) The applicant may change or increase the priority within sixteen months from the date of the earliest priority claimed, or, if the change or addition would cause a change in the date of the earliest priority claimed, within sixteen months from the correction date of the first priority, whichever sixteen-month period expires beforehand, provided that such correction is submitted before the end of four months starting from the date of filing of the granted patent application. The request for addition or change of Priority shall be accompanied by the respective fee payment otherwise, the request is rejected.

(2.3) The Priority declaration cannot be placed or corrected upon submission of the request for early publication.

CHAPTER IX

EXAMINATION OF PATENT APPLICATION AND GRANTING OF PATENT

(Amended point 1.1 with DCM no. 38, dated 21.1.2015)

1. Sequence listings and deadlines for the examination of the application

1.1 Filed applications are examined according to their sequence number. GDPT examines within 3 months from the date of filing of the application, whether it meets the requirements of point 1 and 2 of Article 18 of the Law.

2. Examination of the application and recognition of the filing date

2.1 If the application meets the requirements of point 1 and 2 of Article 18 of the Law, GDPT issues to the applicant the proof of filing recognizing as the filing date of the application, the date when the application was submitted to GDPT. When the applicant has filed the notarized translation into Albanian of the document provided in letter "c" of point 1 of Article 18 of the Law within 2 months from the filing date, GDPT recognizes as the filing date, the date of submission of the application.

2.2. In case the application does not meet the requirements of point 1 and 2 of Article 18 of the Law, GDPT notifies the applicant to complete the deficiencies within three months from the date of notification. When the applicant completes the deficiencies within this deadline, GDPT issues a proof of filing recognizing as the filing date of the application, the date when the deficiencies were completed. If the applicant does not complete the deficiencies within the deadline, GDPT refuses to file the application and notifies the applicant of the rejection.

(In point 3.1, the words "... within 3 months from the date of issuance of the certificate ..." are replaced with "... after setting the date, with DCM no. 38, dated 21.1.2015)

3. Formal examination of the patent application

3.1. After setting the filing date, GDPT examines whether the application meets the requirements of Articles 17, 19, 20 (3), 24 of the Law and the requirements of Chapter II of this regulation.

(In the first sentence, of point 3.2, after the number "20" are added the numbers "21, 22" and after the number "II" are added the numbers "III, IV and V". with DCM no. 38, dated 21.1.2015)

3.2 If the application does not meet the requirements of Article 17, 19, 20 (3), 21, 22 and 24 of the Law, as well as the requirements of Chapter II, III, IV, V of this regulation, GDPT, notifies the applicant to complete his application within three months from the date of notification. If the applicant does not complete the missing information within the established deadline, GDPT rejects the patent application and notifies the applicant of the rejection. If the applicant completes the shortcomings of the application within the set deadline, GDPT continues the examination of the application in accordance with the provisions of point 3.3 and 3.4 of this chapter.

3.3. GDPT publishes in the Industrial Property Bulletin any application filed, immediately after the end of the 18 months starting from the filing date or, when priority is required, starting from the priority date. If the applicant requests in writing, before the end of the 18 months, that the application be published beforehand, and pays the relevant fee, GDPT has it published instantly.

(Point 3.4 is repealed, through DCM no. 38, dated 21.1.2015)

3.5 GDPT has the right to request the applicant to submit additional documents necessary for the examination of the application, through a written notice and to set the deadline for their submission when it deems necessary.

4. Deciding on the Patent application

(In point 4.1, the expression "3.4 and 3.5" is replaced with "3". through DCM no. 38, dated 21.1.2015)

4.1 At the end of the examination performed in accordance with the point 3 of this chapter, GDPT decides on whether or not to issue a patent and immediately notifies the applicant of the decision taken.

4.2 When GDPT decides to issue a patent, the examiner notifies the applicant to pay the fee for issuance of the patent, within 3 months from the date of receipt of the notice. GDPT issues the patent, within 3 months from the date that the applicant has filed in GDPT the payment document of the relevant fee.

4.3 When GDPT decides not to issue the patent, it notifies the applicant in writing of the refusal to issue the Patent, explaining the reasons for the refusal.

4.4 GDPT publishes in the Industrial Property Bulletin every patent issued

5. Request for further consideration of the patent application.

(In point 5, the words "... postponement of the deadline for completing the application defects ..."

are replaced with "... requests for further review of the patent application ..." through DCM no. 38, dated 21.1.2015)

(In point 5.1, the word "... relevant" and the extension of the deadline ... "is replaced with the words" ... for further consideration ... ". through DCM no. 38, dated 21.1.2015)

5.1 In accordance with the provisions of Article 34 of the Law, the applicant may request that the time limit provided for in points 2.2 and 3.2 of this chapter be extended to one more month, by submitting a written request based on reasonable grounds and against payment of the fee for further consideration. In any case, the request for extension of the deadline must be submitted to GDPT before the 3-month deadline for completing the deficiencies, provided in points 2.2 and 3.2 of this chapter. The

applicant may not request a deadline extension for filing the priority documents provided by Article 24 of the Law and a request for restoration of rights of the deadline.

6. Patent data

6.1 The patent issued by GDPT contains the following data:

- a) patent number;
- b) national patent application number;
- c) filing date;
- ç) name and address of the patent owner;
- d) the priority date of the request;
- dh) the effective date of issuance of the patent;

- e) the title of the invention;
- ë) claims;
- f) date and number of publication of the patent application;
- g) the name and address of the inventor or inventors.

(It is added point 6.2, with DCM no. 38, dated 21.1.2015)

6.2 In the case when the issued patent is the result of a request for conversion under Article 87 / the issued patent shall also contain the following data.

- a) Date of request for conversion
- b) Number and place of initial application
- c) Date of initial application.

7. Recognition of the patent validity

(Point 7.1 is amended, through DCM no. 38, dated 21.1.2015)

7.1 Pursuant to point 4 of Article 28 of the Law, the patent owner must file within 10 years from the filing date of the patent application, the document through which he proves the patentability of the invention in accordance with Articles 5, 6, 7, 9 and 10 of the Law. The above document may be the result of a substantive examination carried out on the same patent from the EPO, from a national office, which enjoys the status of International Authority for Preliminary Examination, according to Article 32, of the Patent Cooperation Treaty or from the national office, which has a cooperation agreement with the GDPT, and a patent granted for the same invention by one of these offices. It must be filed translated into Albanian and notarized.

(point 7.2 is added, through DCM no. 38, dated 21.1.2015)

7.2 GDPT examines the document filed by the patent owner if it is in accordance with the provisions of point 4 of article 28 of the Law and point 7.1 of this chapter. If the document meets the above requirements and the result of the examination on the substance of the invention resulting from this document is positive, GDPT recognizes the validity of the invention, notifies the applicant and makes the relevant entry in the patent register. If the patent recognition procedure in one of the relevant offices has not been completed yet, the applicant notifies the GDPT, before the end of the 10 years starting from the filing date of the patent application, and requests an extension of the deadline for filing written evidence, based on Article 34 against the payment of the relevant fee.

7.3 In case the result of the invention substance examination that results from the above document is negative, GDPT does not consider the document and notifies the patent owner. If the result of the examination in substance is positive only for part of the claims, the patent is valid only for these claims and GDPT issues the relevant notice and makes the entry in the patent register.

7.4 GDPT publishes in the Industrial Property Bulletin the notice of the decision taken in relation to the patent.

CHAPTER X PUBLICATION OF PATENT APPLICATIONS AND PATENTS

1. Publication of patent application

1.1 Pursuant to Article 26 of the Law, GDPT publishes any application filed immediately after the expiry of the 18 months starting from the filing date or, when priority is required, from the date of priority. If the applicant requests in writing, before the expiry of the 18 months, that the application is published beforehand, and pays the relevant fee, GDPT has it published instantly.

(Points 1.2 and 1.3 are added, through DCM no. 38, dated 21.1.2015)

1.2 The publication of the patent application contains:

- a) filing date and application number;
- b) the name and address of the applicant;
- c) the name and address of the inventor unless he has requested not to be mentioned;
- ç) if priority has been requested and it has been accepted, the priority date;
- d) the title of the invention;

dh) the symbol of the international patent classification;

e) patent application claims.

ë) description

f) drawings

g) abstract

1.3 In the case when the issued patent is the outcome of a request for conversion under Article 87 / ë, the publication of its application shall also contain the following data.

a) Date of request for conversion

b) Number and place of initial application

c) Date of initial application.

2. *Publication for granting a patent*

2.1 The publication for granting a patent contains:

a) patent number;

b) name and address of the patent owner;

c) the name and address of the inventor unless he has requested not to be mentioned in the patent;

ç) filing date and request number;

d) if priority was requested and it was accepted, the priority date;

dh) the effective date of issuance of the patent;

e) the title of the invention;

ë) drawings with illustrations if any;

f) the symbol of the international classification of patents. (*point 2.2 is added, through DCM no. 38, dated 21.1.2015*)

2.2 In the case when the issued patent is the result of a request for conversion under Article 87 / ë, its publication shall also contain the following data.

a) Date of the request for conversion

b) Number and place of initial application

c) Date of initial application.

3. Unpublished applications

3.1 GDPT does not publish applications if they are withdrawn or refused, before the expiry of the 18-month period, which starts from the filing date or, when there is a priority request, from the priority date.

4. Publication of invalid patents

GDPT publishes data on patents rendered invalid due to non-payment of the renewal fee, when the invalidity of the patent is decided by a court decision and in any other case of invalidity provided by law and this regulation.

CHAPTER XI OPPOSITION TO GRANTING OF PATENT

1. Filing a request for opposition

1.1 An opposition to the granting of a patent may be submitted to the GDPT within nine months from the date of publication of the granting of a patent, by the persons provided by Article 13 of the Law, by submitting the following documents:

- a) FP9 form for post-grant patent opposition;
- b) document of payment of the fee for the opposition.

1.2 The claimant must also submit the following documents:

- a) authorization of representation in case the opposition is submitted by the representative of the claimant;
- b) documents proving that the claimant enjoys one of the rights provided by Article 13 of the Law.

2. Review of the opposition by the Board of Appeal

2.1 The GDPT Board of Appeals reviews the post-granted patent opposition, within 3 months from its filing date.

2.2 When the opposition does not meet the requirements provided for in point 1.1 of this Chapter, the Board of Appeal shall consider the opposition unfiled and shall notify the objector in writing.

2.3 When the opposition does not meet the requirements of point 1.2 of this Chapter, the board of appeal shall ask the defendant through a written notice to complete the deficiencies within 30 days from the date of notification, otherwise the opposition shall be deemed not to have been filed.

2.4 When the opposition meets all the requirements of point 1 of this chapter, the board of appeal accepts the opposition for consideration, notifies in writing the owner of the patent against which the opposition has been filed and sends him a copy of the opposition and other documents attached to it. The patent owner has the right, within 3

months from the date of notification, to file in writing his claims relating to the opposition and any other document in support of his/her claims.

2.5 During the review, the appellate board has the right to request the parties, through a written notice, to submit additional materials and other documents within one month from the date of notification.

2.6 The Board of Appeal decides on the request for the opposition and notifies the parties in writing. The decision of the board of appeal may be appealed in court within 30 days from the date of receipt of the notice.

3. Handling the patent application after issuing a decision on the opposition

3.1 When the board of appeal decides to dismiss the opposition and the decision is not appealed in court, a copy of the board decision is filed in the patent application file and GDPT reflects the decision in the patent register.

3.2 When the board of appeal decides to accept the opposition and the decision is not appealed in court, a copy of the board decision is filed in the patent application file and GDPT issues the decision to revoke the granted patent and reflects it in the patent register and has it published in the Industrial Property Bulletin.

3.3 In case the decision of the Board of Appeal regarding the opposition to the patent is appealed in court, a copy of the final verdict is filed in the patent application file and GDPT reflects the verdict in the patent register, and makes the publication in the Bulletin of Industrial Property, if a patent revocation was decided.

CHAPTER XII

RESTORATION OF RIGHTS

1. Submission of the request

1.1 In accordance with Article 35 of the Law, the applicant or the owner of a patent may request restoration of the right within two months from the expiry date of the restoration time limit, but no later than 1 (one) year from the expiry date of the unfulfilled time limit, through a written request which shall contain:

- a) FP11 form;
- b) the document of the respective fee payment;
- c) the authorization for representation if the application is submitted by the applicant's or the patent owner's representative.

1.2 The patent's owner whose patent has become invalid due to failure to pay the renewal fee within the period provided by law, may request the restoration of the patent right, by filing to the GDPT the documents mentioned in point 1.1 of this Chapter,

- a) within 2 months from the date of expiry of the cause or
- b) within 6 months from the date of expiry of the additional period for the renewal fee payment provided by Article 41 point 3 of the Law.

Whichever of the above periods expires earlier.

1.3 When a copy of the earlier application requested under point 2 of Article 24 of the Law has not been filed in the GDPT within the specified time limit, the applicant has the right to request restoration of the priority right if:

a) the declaration of priority is filed to GDPT in accordance with the requirements of point 2.1 of Chapter VIII of this regulation;

c) the request for restoration together with the copy of the earlier application is filed in the GDPT within 1 (one) month from the date of expiry of the time limit provided by point 2 of Article 24 of the Law.

(Point 1.4 is added, by DCM no. 38, dated 21.1.2015)

1.4 When the application claiming priority has not been filed within 12 months from the date of the previous application, the applicant may file a request for restoration of the right of priority within two months from the expiry of the above deadline accompanied by the following documents:

- a) Causes that led to non-compliance of the priority period, despite taking the necessary measures.
- b) fee for on-time restoration
- c) authorization for representation

2. Review of the request by GDPT

2.1 GDPT reviews the request for restoration of the right within one month from the date of its receipt if it is following the provisions of point 1 of Article 35 of the law and point 1.1, 1.2 and 1.3 and 1.4 of this chapter. When GDPT accepts the request for restoration of the right, it notifies in writing the applicant or the owner of the patent for the restoration of the right and the time limit within which he must complete the defects of reinstatement and has it published. The refusal issued by GDPT is revoked and the examiner continues the procedure following the Law.

2.2. When the request for restoration of the right is not under the provisions of point 1 of article 35 of the Law and point 1.1, 1.2 and 1.3 of this chapter, GDPT rejects the request for restoration of the right and notifies in writing the applicant or the patent owner.

2.3. Following Article 35 of the Law, the restoration of rights can be requested only once for each application.

2.4 The decision of rejection to the request for restoration of rights issued by GDPT may be appealed to the Board of Appeal of GDPT within 2 months from the date of receipt of notice.

CHAPTER XIII CHANGING APPLICANT'S NAME AND/OR ADDRESS OR PATENT'S OWNER

1. Submission of the request

1.1 The patent owner or applicant may request a change in name and/or his/her address in the patent register. The request for the change in name is submitted to GDPT through FP4 form and the request for an address change is submitted through FP5 form. The following documents must be submitted together with the request:

- a) the document of the respective fee payment;
- b) authorization for representation when the request is submitted by the representative of the patent owner
- c) when a change in the patent's owner name is requested, the document certifying this change.

2. Review of the request by GDPT

2.1 GDPT examines the request for change in name and/or address of the patent owner on whether it is following the provisions of point 1.1 of this Chapter and in case there are defects, notifies the applicant to make the necessary completions within 3 months from the date of notification, otherwise, the request is rejected.

2.2 When the request for change in name and/r address of the patent owner is in accordance with the provisions of point 1.1 of this Chapter, GDPT registers the change in the patent register, notifies the applicant and publishes the change in the Industrial Property Bulletin.

CHAPTER XIV TRANSFER OF PATENT OWNERSHIP

1. Submission of the request

1.1 The request for transfer of ownership over patent, provided by Article 44 of the Law, is submitted to the GDPT through form FP3 by the patent owner or its new owner. Along with the application, the applicant must submit the following documents:

- a) the document of the respective fee payment;
- b) authorization for representation when the request is submitted by the representative of the patent owner;
- c) deed of transfer of ownership, which must be a notarial deed.

2. Review of the request by GDPT

2.1 GDPT examines the request for transfer of ownership if it is in accordance with the provisions of point 1.1 of this Chapter and in case there are defects, notifies the applicant to make the necessary completions within 3 months from the date of notification, otherwise, the request is rejected.

2.2 When the request for transfer of ownership is in accordance with the provisions of point 1.1 of this Chapter, GDPT registers the transfer of ownership in the patent register, notifies the applicant and publishes the change in the Industrial Property Bulletin.

CHAPTER XV REGISTRATION OF LICENSE CONTRACT

1. Submission of the request

1.1 The request for registration of the license contract for a patent, provided by Article 46 of the Law, is submitted to the GDPT through form FP6 by the patent owner. Along with the application, the applicant must submit the following documents:

- a) the document of the respective fee payment;

b) authorization for representation when the request is submitted by the representative of the patent owner;

c) the license contract which must take the form of a notarial deed. If the license contract concluded between the parties is not in Albanian, the contract must be filed in the GDPT translated into Albanian language and notarized.

2. Review of the request by GDPT

2.1 GDPT examines the request for registration of the license contract if it is in accordance with the provisions of point 1 of this Chapter and in case there are defects, notifies the applicant to make the necessary completions within 3 months from the date of notification, otherwise, the request is rejected.

2.2 When the request for registration of the license contract is in accordance with the provisions of point 1.1 of this Chapter, GDPT registers the license contract in the patent register, notifies the applicant and publishes the licensing in the Industrial Property Bulletin.

CHAPTER XVI PATENT RENEWAL

1. Submission of request

1.1 The request for patent renewal, provided by Article 41 of the Law, is submitted to GDPT through FP2 form. Along with the form, the patent owner must also submit the following documents:

- a) the respective fee payment;
- b) authorization for patent renewal representation, when the claimant is not registered in the patent register as the authorized representative of the patent owner for the patent being sought for renewal.

2. The conditions that a request should meet for patent renewal

(In the last sentence, of point 2.1, the sentence is added, by DCM no. 38, dated 21.12015)

2.1 The patent renewal shall start from the first year after the patent was granted, for national patents, while for extended European patents starting from the following year when the granted patent was published. The patent renewal request consisting of the FP2 form and the relevant fee payment document must be filed in the GDPT before the last day of the month containing the filing date, inclusive. Whether the request for patent renewal together with the payment document of the respective fee is not filed within the aforementioned deadline, it can be filed within 6 months after the last day of the month of the filing date, against payment of an additional fee, or within 2 months starting from the 6 months until the last day of the month of the filing date, against additional payments.

2.2 The request for patent renewal and payment of the renewal fee cannot be filed earlier than 12 months preceding the deadline for the payment renewal.

2.3 In cases when a patent has become invalid due to non-payment within the timelimit of the renewal fee, and a restoration of the right has been decided, the payment of the

renewal fees for the unpaid years shall be made no later than three months from the date of receipt of notice of restoration of the right.

3. Review of the request by GDPT

(In point 3.1, the expression "6-month" is replaced with "8-month", through DCM no. 38, dated 21.1.2015)

3.1 GDPT reviews the request for patent renewal and when there are deficiencies related to the **payment of the renewal fee**, notifies the applicant to make the necessary additions within 8 months after the last date of the month of the filing date, against payment of an additional fee, otherwise, GDPT rejects the application for patent renewal.

3.2 If the shortcomings of the renewal application are such that they do not allow to understand which patent is required to be renewed, GDPT notifies the applicant to make the necessary additions within 3 months from the date of notification otherwise, it rejects the application.

(Point 3.3 is amended by DCM no. 38, dated 21.1.2015)

3.3 When the patent renewal application meets the requirements of point 2 of this chapter, the GDPT shall renew the patent and make a note of its renewal in the patent register and shall issue a notification of patent renewal to the applicant.

(Point 3.4 is amended by DCM no. 38, dated 21.1.2015)

3.4 When several requests for renewal are filed for a patent, the renewal of the patent is made on the basis of the request that was filed first and GDPT refuses subsequent applications.

(In point 3.5, after the words "... provided in article 41, points 2 and 3, of the law, ..." are added "... as well as the deadline provided in point 2.1, of this chapter, with DCM no. 38, dated 21.1.2015)

3.5 If the renewal fee is not paid within the time limit provided in Article 41 point 2 and 3 of the Law as well as the time limit provided in point 2.1 of this chapter, the patent is considered to have expired on the day the renewal fee was to be paid and GDPT

notifies the owner or authorized representative registered in the patent register of the patent expiry.

4. Renewal of licensed patents

4.1 If the owner of a patent does not pay the renewal fee and the license in favor of a third party is registered in the patent register according to Article 41 of the Law, GDPT notifies the licensee, not later than 8 weeks before the end of the renewal payment period, that the payment has not been made, and that he must pay the fee within six months from the date of receipt of the notice, in order to maintain the validity of the registered license.

CHAPTER XVII WAIVER OF PATENT RIGHT AND CHANGES TO A PATENT

1. Submitting a request for registration of patent waiver

1.1 The request for registration of patent waiver, provided by Article 71 of the Law, is submitted to GDPT through form FP8. Along with the request, the applicant must submit the following documents:

(Repealed, letter "a" through DCM no. 38, dated 21.1.2015)

- b) authorization for representation when the request is submitted by the representative of the patent owner;
- c) when a license contract is registered in the patent register for this patent, the statement issued by the licensee, where he claims that he is aware of the waiver request in accordance with the provision of point 3 of Article 71 of the Law;
- ç) when a court procedure has been initiated for the patent rights, the statement issued by the plaintiff, where he declares that he agrees for the waiver registration.

2. Review of the request by GDPT

2.1 GDPT examines the request for a waiver if it is in accordance with the provisions of point 1 of this Chapter and in case there are deficiencies, notifies the applicant to make the necessary additions within 3 months from the date of notification, otherwise, the request is rejected.

2.2 When the request for registration of a waiver of the patent is in accordance with the provisions of point 1 of this Chapter, GDPT registers the waiver in the patent register, notifies the applicant and publishes the waiver in the Industrial Property Bulletin.

2.3

2.4 repealed

3. Filing a request for registration in the patent register of changes in patent claims

(In point 3.1 additions and changes were made, through DCM no. 38, dated 21.1.2015)

3.1 The owner of a patent may request registration in the patent register of changes in the patent claims when these changes are the result of a procedure provided by Article 82 point 3 and 87 / d point 3 of the Law within the time limit provided in these articles. The request for change of claims consists of:

- a) form FP7 signed by the patent owner or his representative;
- b) authorization for representation if the request is submitted by the representative of the patent owner;
- c) document of publication fee payment.

ç) amended claims translated into Albanian and notarized in written and electronic form.

d) the decision for the renewal of the patent with changed claims

4. Review of the request by GDPT

4.1 GDPT examines the request for registration in the patent register of changes in patent claims if it is in accordance with the provisions of point 3 of this Chapter and in case of defects, notifies the applicant to make the necessary additions within 3 months from the date of notification, otherwise, the request is rejected.

4.2 When the request for registration in the patent register of changes in patent claims is in accordance with the provisions of point 3 of this Chapter, GDPT registers the changes in the patent claims of the patent register, notifies the applicant and publishes the changes in the Industrial Property Bulletin.

5.. Filing and reviewing a request for patent change

5.1 The owner of a patent may request through a written request filed in the GDPT and against payment of the relevant fee, the making of changes to a patent to correct errors or unintentional formal inaccuracies, when these errors were made by the applicant in the patent application and that have nothing to do with the essence of the patent. GDPT issues notice of acceptance of changes and publish changes made to a patent in the Industrial Property Bulletin

(CHAPTER XVIII is added, through DCM NO. 38, dated 21.1.2015)

CHAPTER XVIII APPEALS TO THE BOARD OF APPEAL

1. Submission of the request

1.1 Not later than three months from the date of receipt of the notice of rejection, the applicant has the right to appeal the decision of the GDPT, following Article 28 point 3 of the Law, by filing in the GDPT:

- a) the appeal through FP10 form signed by the applicant or his representative;
- b) the payment of the fee for appealing;
- c) the authorization of representation when the appeal is filed by the applicant's representative.

2. Review of the request by the board of appeal

2.1 The Board of Appeal examines in advance whether the appeal meets the requirements of point 1.1 of this chapter and if these requirements are not met, the Board of Appeals notifies the appellant in writing that his request is considered unsubmitted.

2.2 During the review, the board of appeal has the right to request the appellant of the decision to submit additional materials and other documents within one month from the date of notification.

2.3 When the request for appeal meets the requirements of point 1 of this chapter, the board of appeal reviews the request for appeal within three months from the date of its submission and notifies the appellant of the decision taken. The appellant has the right to appeal in court the decision of the board of appeal, within 30 days from receiving notice of the decision of the board, following Article 28 point 3 of the Law.

3. Treatment of the patent after deciding on the appeal

3.1 When the board of appeal decides to accept the appeal and the decision is not appealed in court, a copy of the board decision is filed in the patent application file and the examiner continues the procedure for issuing the patent following the provisions of the Law and this regulation.

3.2 When the board of appeal decides to dismiss the appeal and the decision is not appealed in court, a copy of the board decision is filed in the patent application file and the refusal becomes final.

3.3 In case the decision of the board of appeal is appealed in court, a copy of the final court decision is filed in the patent application file and the GDPT refuses the application or issues the patent in accordance with the court decision.

CHAPTER XIX

INVENTIONS RELATED TO PROTECTION AND SECURITY

1. Classification of patent application as a state secret

1.1 Following the provision of Article 31 point 2 of the Law, when GDPT classifies an application for patent as a "state secret", it notifies in writing the applicant. The applicant, not later than three months from the date of receipt of notice, must submit to the GDPT a written statement expressing his/her will with regard to the assessment made.

1.2 In case the applicant, under point 1.1 of this chapter, agrees with the assessment of GDPT, the application is sent to the Ministry of Defense for examination.

2. Opposing the classification of the patent as a state secret

2.1 If the applicant, under point 1.1 of this chapter, declares that he does not accept the GDPT assessment that the invention constitutes a "state secret", he must within one month from the date of submission of the statement cited in point 1.1 of this chapter, submit to GDPT the evidence on which he bases his claims. If after reviewing the evidence submitted by the applicant, GDPT decides that the invention does not constitute a "state secret", it initiates the procedure of examination and issuance of the patent, following the provisions of the Law and this regulation.

2.2 In case the applicant, under point 1.1 of this chapter, declares that he does not accept the GDPT assessment, but is not able to bring evidence to overturn this assessment or when the evidence provided by him is insufficient to Proving his claims, GDPT sends the application to the Ministry of Defense for examination.

3. Treatment of the patent after its devaluation as a state secret

3.1 If an invention that is "state secret" is no longer considered as such, the Ministry of Defense sends the entire patent file to the GDPT, which registers it in the patent register, issues the patent and publishes it in accordance with point 4. of Article 26 of the Law.

CHAPTER XX

INTERNATIONAL APPLICATIONS FILED IN GDPT

1. General principles

1.1 Under Article 77 of the Law, GDPT acts as a reception office according to the TBP, if the applicant is a permanent resident or a citizen of the Republic of Albania. In this case, the international application is filed in Albanian or English at the GDPT and is accompanied by the relevant fee payment. The fee must be paid within one month from the date of submission of the application.

1.2 GDPT examines the international application following the provisions of the Patent Cooperation Treaty and the regulations issued in its implementation.

CHAPTER XXI

GRANTING SUPPLEMENTARY PROTECTION CERTIFICATES FOR MEDICINES AND PLANT PROTECTION PRODUCTS

1. Applying for a certificate

1.1 Under Article 103 of the Law, application for a supplementary protection certificate may be submitted to the GDPT by the owner of the basic patent or his legal successor, or their representative, within six months of the date in which it received authorization to place the product on the market as medicine or plant protection product.

1.2 Under Article 103 of the Law, if authorization to place the product on the market was granted before the basic patent was granted, the application for a supplementary protection certificate must be submitted to the GDPT within six months of the date on which the patent was granted.

2. Key elements of an application for a certificate

2.1 Under Article 104 of the Law, the application for a supplementary protection certificate must contain:

a) FP12 form must contain: the applicant's name and address; the representative's name and address if the applicant has appointed a representative, the basic patent number and title of the invention as well as the number and date of the first authorization to place the product in the market;

b) the document of certificate application fee payment;

c) a copy of the authorization for placing the product in the market, in which the product is identified, as well as in particular the number and date of the authorization as well as the summary of the characteristics of the product;

ç) in the case when the authorization mentioned in letter "c" of this point is not the first authorization for placing the product in the market, the product's data for which such authorization has been issued, the legal basis, where the procedure is based for the issuance of the authorization, together with a copy of the notification of the official publication of the authorization or, where this is not possible, any other document proving that the authorization has been issued, its issuance date, and the product for which it was issued.

3. Examination of the application for a certificate

3.1 In case the application for a certificate and the product to which it relates do not meet the conditions provided in Chapter XVI of the Law and point 1.1, 1.2 and 2.1 of this chapter, GDPT notifies the applicant in writing to complete the deficiencies, within 6 months from the date of receipt of the notice.

3.2 When the applicant does not complete the defects of the application within the deadline set, GDPT rejects the application, notifies the applicant and publishes the rejection notice in the Industrial Property Bulletin. The publication of the rejection notice must contain the data provided in point 4.1 of this chapter.

3.3 Pursuant to Article 106 of the Law, if the application for a certificate and the product to which it relates, meet the conditions set out in Chapter XVI of the Law and point 1.1, 1.2 and 2.1 of this Chapter, GDPT issues a filing acceptance notification of the application for a certificate and has it published.

4. Publication of certificate application

4.1 Under Article 107 of the Law, the publication of application for a certificate must contain at least the following information:

- a) applicant's name and address;
- b) basic patent number;
- c) the title of the invention;

- ç) the number and date of the authorization for placing the product in the market and the identified product in this authorization

5. Publication of issued certificate

5.1 If, after 3 months from the publication of the application for the supplementary protection certificate, no opposition to the published application has been filed with the GDPT, the GDPT issues the certificate and publishes in the Industrial Property Bulletin, the following data:

- a) name and address of the certificate holder;
- b) basic patent number;
- c) the title of the invention;
- ç) number and date of authorization for placing the product in the market and the product identified in this authorization;
- d) the duration of the certificate.

6. Filing an application for declaring the certificate of supplementary protection invalid

7. 6.1 Pursuant to Article 110 point 2 of the Law, any person may submit to the GDPT, a request for the declaration of invalidity of the certificate of supplementary protection, through the FP13 form. The request must contain the following data:

- a) the name and address of the claimant;
- b) the name and address of the representative if the claimant has appointed a representative to follow the procedures at the GDPT;
- c) name and address of the certificate holder;
- ç) basic patent number;
- d) the title of the invention;
- dh) the legal reasons for which the invalidity of the certificate is required.

6.2 The request mentioned in point 6.1 of this chapter, must be accompanied by:

- a) the document of the respective fee payment;
- b) authorization for representation if the claimant has appointed a representative;
- c) the evidence on which the claimant bases his claim.

7. Review of the request by GDPT

7.1 The Board of Appeals examines the request for a declaration of invalidity of the certificate of supplementary protection if it is in accordance with the provisions of point 6.1 and 6.2 of this chapter, within 6 months from its submission. If the request does not comply with the provisions of point 6.1 and 6.2 of this chapter, GDPT notifies the applicant to complete the deficiencies within 3 months from the date of notification.

7.2 If the claimant fails to address the deficiencies within the prescribed time limit, the Board of appeal rejects the claim and notifies the claimant in writing. If the request has no deficiencies or the deficiencies are fulfilled within the deadline provided in point 7.1 of this chapter, the board of appeal thoroughly examines the request.

7.3 The Board of Appeals shall notify the holder of the supplementary certificate of the application for a declaration of invalidity of the certificate within one month from the date of filing of the application and shall request him to submit his explanations of the application. The Board of Appeal during the review of the request may request the parties to submit explanations and additional documents necessary for the review, specifying the deadline within which they must be submitted.

7.4 At the end of the review, the board of appeal decides on the request and notifies the parties in writing of the decision taken. The decision of the board of appeal may be appealed in court within 30 days from the date of receipt of the notice.

8. Treatment of the patent after the decision on the request for invalidity of the supplementary protection certificate

8.1 If at the end of the review, the GDPT or the court in the case of an appeal, decides that the certificate of supplementary protection is invalid, the GDPT publishes in the Industrial Property Bulletin the declaration of its invalidity and reflects the changes in the patent register.

9. Duration of the certificate

9.1 Under Article 108 of the Law, the certificate of supplementary protection enters into force at the end of the timeline provided in the law on the basic patent, for a period equal to the period that has passed starting from the date on which the application was filed on the date of first authorization for placing the product in the market, reducing it to a period of five years. Notwithstanding this, the duration of the certificate may not

exceed five years from the date on which it enters into force. Any period of termination shorter than 12 months will be treated as a whole year.

10. Certificate renewal

10.1. The fee for renewal of the supplementary protection certificate will be paid for each year of its lifespan. The procedures to be followed for the renewal of the certificate are the same as those for the renewal of the basic patent.

11. Expiry of the certificate duration

11.1 The supplementary protection certificate expires:

- a) at the end of the period provided in point 9.1 of this chapter;
- b) if the certificate holder waives;

c) if the set annual fee is not paid on time;

ç) if and when the product covered by the certificate can no longer be placed on the market, after waiving his rights from the appropriate authorization for placing the product on the market. GDPT may decide to end the certificate on its own initiative or at the request of a third party.

11.2 If the certificate expires, GDPT issues a written notice and has it published.

CHAPTER XXII INSPECTION OF FILE AND OTHER DOCUMENTS ISSUED BY GDPT RELATED TO PATENTS

1. Investigations and extracts from the patent register

1.1 Pursuant to Article 192 point 2 and Article 194 of the Law, GDPT issues extracts from the patent register as well as answers to requests for an investigation.

1.2 The request for a register extract of a patent is submitted to the GDPT in writing, accompanied by the relevant fee payment document, otherwise, the request is considered unsubmitted. The register extract issued by GDPT contains all patent data and the history of changes it has undergone.

1.3 The request for an investigation in relation to a patent is submitted to the GDPT in writing, accompanied by the document of the relevant fee payment, otherwise, the request is considered unsubmitted. GDPT notifies the claimant in writing of the outcome of the investigation in the patent register.

2. Requirements for a Duplicate

2.1 The owner of a patent has the right to request a duplicate of the patent, its renewal notification or other notices issued by the GDPT to register changes in the patent register, through a written request which must be accompanied by the document of the relevant fee payment and by the authorization for representation when the request is

submitted by the representative of the patent owner, otherwise, the request is considered unsubmitted.

3. Request for priority document of the patent

3.1 The applicant who has filed a patent application in the GDPT, has the right to request a priority document for the patent, within 12 months from the date of filing the patent application, against payment of the relevant fee. The priority document issued by GDPT contains the following data:

- a) date and filing number;
- b) applicant's name and address;
- c) inventor's name and address;

- ç) the symbol of the international patent classification;
- d) the title of the invention;

dh) description of the invention;

e) claims;

ë) drawings;

f) abstract.

4. Request for inspection of a patent file

4.1 Any person may inspect the file of a patent in accordance with the provisions of Article 30 of the Law against the submission of a written request and payment of the relevant fee. Files related to a patent application that have not been published may not be inspected without the consent of the applicant.

4.2. Some documents are not considered part of the open file for inspection. Such documents shall contain, in particular, draft decisions and opinions or other documents used for the preparation of decisions, the designation of the inventor, if he has requested not to be mentioned as an inventor in accordance with Article 16 point 2 of the Law, and any document excluded from the GDPT file on the grounds that the inspection of that document does not provide to the public the type of information it requests and for which it is titled.

5. Correction of errors in documents issued by GDPT

5.1 In case of issuance by GDPT of acts containing errors or inaccuracies not due to the applicant's or patent owner's fault, their correction is made by GDPT based on a written request submitted by the applicant or the patent owner. GDPT reissues the corrected act, after the applicant or the patent owner has submitted to GDPT the original act for which the correction is requested, makes the reflection of the correction in the patent register and publishes it in the Industrial Property Bulletin. When the re-issuance of the deed is impossible, GDPT corrects the error in the patent register and notifies in writing the applicant or the patent owner for the correction made.

CHAPTER XXIII

EUROPEAN PATENT APPLICATIONS

1. Submitting the request for the validity of the European patent

1.1 The request for the validity of the European patent provided by Article 87/d is submitted to the GDPT through FP1 form within 3 months from the date of publication of the decision to grant the patent by EPO. The mentioned deadline can be extended by one month if the applicant pays the additional fee for further consideration. Along with the request, the applicant must submit the following documents:

- 1) English translation of the specifications of the European patent granted if it has not been issued in English,

- 2) Albanian translation of European patent claims; When the claim contains reference signs used in drawings, these drawings are attached to the translation
- 3) publication fee payment document
- 4) Authorization for representation

2. Review of the request by GDPT.

2.1 GDPT examines the request for the validity of the European patent and if the application meets the requirements of point 1.1 of this chapter GDPT, issues the notification for recognition of the validity of the European Patent.

2.2 If the application does not meet only point 4 of the requirements provided in point 1.1 of this chapter, GDPT issues the notification for completion of irregularities within 2 months from the date of issuance of the notification otherwise rejects the request. Under Article 34 of Law 9947 dated 07/07/2008 "On Industrial Property" this deadline can be extended at the request of the applicant by 3 months against the payment of the fee for further consideration.

2.3 If the claims provided for in points 1, 2 and 3, in point 1.1 of this chapter have not been filed in due time or the prescribed fee has not been paid in due time, GDPT refuses to recognize the validity of the European Patent and notifies the applicant in writing.

3. Applying for changes in European patent claims

3.1 The request for changes in the European patent claims provided by point 3 of article 87 / d, is submitted to GDPT through FP7 form within 3 months from the date of publication of the decision for keeping in effect the changes made or the restriction, by EPO. The mentioned deadline can be extended by one month if the applicant pays the additional fee for further consideration. Along with the request for the difference in claims, the applicant must also submit the following documents:

- 1) the decision to change the claims
- 2) Albanian translation of European patent claims. When the claim contains reference, signs used in the drawings, these drawings are attached to the translation.
- 3) Receipt of publication fee payment
- 4) Authorization of representation

4. Review of the request for changes in European patent claims by GDPT

4.1 GDPT examines the request for changes in European patent claims, and if the application meets the requirements of point 3.1 of this chapter GDPT, issues notification for recognition of the change in European patent claims

4.2 If the application does not meet only point 4 of the requirements provided in point 3.1 of this chapter, GDPT issues notification for completion of irregularities within the timeline of 2 months from the date of issuance of the notification otherwise it rejects the request. Under Article 34 of Law 9947 dated 07/07/2008 "On Industrial Property" this deadline can be extended at the request of the applicant by up to 3 months against the payment of the fee for further consideration.

4.3 If the requirements provided in points 1, 2 and 3, in point 3.1 of this chapter have not been filed in due time or the prescribed fee has not been paid in due time, GDPT rejects the request for changes in European patent claims and also at the same time invalidates the European Patent and notifies the applicant in writing.