

DECISION
No. 317, dated 31.5.2018

**ON APPROVAL OF REGULATION "ON AUTHORIZED REPRESENTATIVES OF
THE GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY"**

Pursuant to Article 100 of the Constitution and Articles 195, 198 and 202 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 authorized representatives of the General Directorate of Industrial Property", according to the text attached to this decision.
2. 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.

PRIME MINISTER
Edi Rama

REGULATION
**ON AUTHORIZED REPRESENTATIVES OF THE GENERAL DIRECTORATE OF
INDUSTRIAL PROPERTY**

Article 1

Purpose

This regulation aims to determine the rules and procedures regarding representation in the General Directorate of Industrial Property (hereinafter the "GDIP") by authorized representatives registered in the GDIP.

Article 2

Representation

1. Natural and legal persons, who do not have their place of residence or headquarters in the territory of the Republic of Albania, must appoint their representative for industrial property issues, such as: trademarks, geographical indications, industrial designs and patents, who will represent them during the proceedings in the GDIP.

2. Persons who have a permanent residence in the Republic of Albania or who carry out activities within its territory, may be represented in the GDIP themselves or through other representatives who are not registered in this directorate, but manage or are employed by this person and are equipped with an authorization of representation.

3. Representation in GDIP is done by natural and legal persons that are registered in the register of authorized representatives, which is kept by GDIP.

Article 3

**Authorized representatives
of industrial property**

1. Authorized representatives of industrial property are:
 - a) Representatives of patents for inventions and utility models;
 - b) Representatives of trademarks, geographical indications and industrial designs.

2. An authorized representative of industrial property is any former employee of GDIP, graduate, who has not less than 3 years of work experience in industrial property issues of GDIP.

Article 4

Licensing as an authorized representative

1. The candidate, who seeks to be licensed as an authorized representative for trademarks, geographical indications and industrial designs, must submit the necessary documents to the GDIP evaluation committee, as follows:

- a) A request for certification as an authorized representative;
- b) Curriculum vitae;
- c) Notarized diploma;
- ç) Certificate of qualifications/trainings;
- d) Payment of the relevant fee to participate in the test.

2. The candidate, who is pursuing to be licensed as an authorized representative for patents for inventions and utility models, must submit the necessary documents to the evaluation committee of GDIP, as follows:

- a) A request for certification as an authorized representative;
- b) A Curriculum vitae;
- c) Notarized diploma;
- ç) Certificate of qualifications/trainings;
- d) Payment of the relevant fee to participate in the test.

3. The document of the NBC registration extract will be retrieved by the GDIP evaluation committee, itself.

Article 5

Evaluation committee

1. The evaluation committee functions as a structure set up within the GDIP, for the licensing of authorized representatives of industrial property, in accordance with the provisions of article 193 / ç, of law no. 9947, "On industrial property", as amended.

2. The committee reviews the requests once in 3 months and decides on the date when the testing takes place. The date of the test is set not far than 1 (one) month from the review of requests.

3. The Director General of the GDIP orders the creation of a licensing committee for authorized representatives of industrial property, consisting of three employees of the GDIP as members of the committee, one of whom is appointed chairman of the committee.

4. The chairman appoints one of the members of the committee to keep the documents of the candidates, as well as to perform the intermediate actions until the end of the licensing procedure.

5. The committee reviews the requests for representatives once in 3 months and decides on the date of the test.

6. The evaluation test for authorized representatives is done in writing.

7. The evaluation test theses are prepared by the evaluation committee.

8. The candidate who has completed the necessary documentation to participate in the test is notified by the committee by e-mail/telephone about the place, date and time when the test will take place.

9. If the candidate does not complete the necessary documentation to participate in the test, he/she is notified to complete the documentation within 5 days from receipt of the notice; otherwise, his request to participate in the test shall be rejected.

10. The licensing committee, within 30 days from the date of the qualifying test, notifies the candidates who have undergone the testing on whether they have been qualified or not.

11. Qualified candidates are invited to make the license payment within 30 days from the date of receipt of the notice, according to point 8 of this article.

12. Eligible candidates, who make the payment within the deadline provided in paragraph 8 of this article, are provided by the GDIP with the license of the authorized representative of the industrial property within 15 days from the date of payment.

Article 6

Acquisition of the right to exercise the activity of an authorized representative

1. The right to exercise the activity of authorized representative is acquired by his registering in the register and issuing of the certificate as an authorized representative by GDIP.

2. Only persons who are provided with a certificate from GDIP are entitled to the right of representation in GDIP.

3. The certificate contains:

a) Name of representative;

b) Type of industrial property object for which he/she is certified;

c) Date of registration in the register.

4. The certificate is signed by the General Director of GDIP.

5. The respective fee provided in decision no. 883, dated 13.5.2009, of the Council of Ministers, "On the approval of fees for the registration of industrial property objects" shall be paid for the certificate.

6. The registration in the register is subject to renewal on an annual basis, according to point 7, article 197, of law no. 9947, "On industrial property", as amended.

7. If the authorized representative does not make the renewal payment within the deadline, he/she loses the right to be included in the register of authorized representatives. This right is regained after making the renewal payment according to decision no. 883, dated 13.5.2009, of the Council of Ministers, "On the approval of fees for the registration of industrial property objects", by the authorized representative. It is updated and re-included in the register of authorized representatives upon payment by the representative.

Article 7

Duties of authorized representatives

1. The authorized representative has the following duties:

1.1 Advise stakeholders at the initial stage, before submitting the request;

1.2 Compile and submit the request;

1.3 Participate in the defense of the case for which he is authorized, during the procedures of registration of objects;

1.4 Compile and submit counter-additions or requests for cancellation of the decision with which he/she is not satisfied;

1.5 Respect the procedural rules, including those of court proceedings.

2. The authorized representative must perform the duties taken and defend in good faith the interests of the party representing him:

2.1 adhering to legal provisions and respecting the code of professional ethics;

2.2 ensuring the confidentiality of the data entrusted to him/her as a representative.

3. The representative, at any time, has the right to resign from representation and of what he/she informs the client and the GDIP.

Article 8
Authorization

1. The authorized representative represents the party in the GDIP, as defined in the authorization.
2. The authorization may include one or more claims, records, procedures or, if so, all claims, existing and future records.
3. Documents in the GDIP are submitted by an authorized representative.
4. When the authorization has deficiencies, GDIP invites the submitter of the authorization, within 30 days from the day of receipt of the invitation, to avoid the ascertained deficiencies. If the authorizer does not avoid the deficiencies within the set deadline, the request is rejected.
5. The representative will be considered authorized until when the party discharges authorization.

Article 9
Register of authorized representatives

1. The register of authorized representatives contains:
 - 1.1 Representatives of patents for inventions and utility models;
 - 1.2 Representatives of trademarks, industrial designs and geographical indications;
 - 1.3 Number of authorized representatives;
 - 1.4 For natural persons, name and surname, place of residence, profession and address;
 - 1.5 Date of registration in the register;
 - 1.6 Date of registration of changes in the register;
 - 1.7 Date of deregistration from the register.

Article 10
Changes in the registry

If the address or name of the representative is changed, or other changes are made, the representative must submit a request for changes in the register and make the payment, according to the fees set in the regulation on the approval of fees of industrial property objects.

Article 11
Publications

GDIP shall publish on its official website the list of authorized representatives who have been certified, as well as publish all changes made to the register.

Article 12
Fees

The procedure for the registration of authorized representatives in the register, as well as the maintenance of the register, will be subject to payment, according to the fees set out in decision no. 883, dated 13.5.2009, of the Council of Ministers, “On the approval of fees for the registration of industrial property objects.”