

Law no.8477, dated 22.04.1999

“On some shanges and supplements on the law no.7819, dated 27.04.1994, for industrial property”

(2) The Board of Appeal shall inform the applicant of the opposition and determine a period for submitting a reply.

(3) In accordance with the results of reviewing the opposition, the Board of Appeal shall adopt the decision of the full or partial satisfaction of the opposition or on its rejection.

### **Article 5**

After the article 82/1, article 82/2 is added:

(1) The opposition submitted in accordance with the provisions of Article 73(3)(4) and Article 75(a)(b)(c) of this Law shall be examined by the Board of Appeal.

(2) The opposition shall be reviewed within three months from the date of receipt of the applicant's reply.

(3) The appellant or his authorized representative shall be invited to take part in the proceeding of the Board of Appeal. Where oppositions are examined, both interested parties shall have the right to participate in the proceedings, to submit necessary materials and to provide oral explanations. The decision shall be made in the absence of the interested parties and they shall be notified of the decision within one month in writing.

(4) The decision of the Board of Appeal on the conformity of the application with the requirements of Articles 73(3)(4) of this Law shall be final. The applicant may, within six months from the date of decisions, appeal against other decision of the Board of Appeal to the Court.

### **Article 6**

After the article 82/2, article 82/3 is added:

The holder of a mark shall notify the Patent Office for the following changes :

- (1) Change in the name or address of the holder
- (2) Change in the name or address of the representative
- (3) Limitation of the list of goods or services
- (4) Change in whole or in part in the ownership of the registration.

The Directorate of Patents and Trademarks shall, upon payment of the fee and upon submission of any evidence it may require , enter the changes in the Register of Trademarks and also in the registration certificate

### **Article 7**

After the paragraph 5 of article 83, paragraph 6 is added:

The holder of a trademark which is considered to be well-known in the Republic of Albania, even it is not registered under this Law, shall have the right to prevent third parties from using in commerce without his authorization, any sign which constitutes a reproduction, an imitation or a translation of the trademark. The concept of a well-known trademark shall be established by the Patent Office.

### **Article 8**

The paragraph 1 of article 86 is changed as follows:

The registration of a trademark and service mark is suspended for two years from the filing

and the payment of an extra fee, allocate an additional six months period for the renewal of the registration

### **Article 9**

In the chapter XXIII, “Licensing contracts”, the title will be changed in “Transfer and Licensing of marks”

### **Article 10**

After the article 88, article 88/1 is added:

#### **Transfer of rights**

- (1) The rights in a mark may be transferred with or without a transfer of the business of the assignor.
- (2) The transfer of a mark may cover one, several or all the goods or services to which it is applied.
- (3) The transfer of a mark shall have no effect if the transfer has not been recorded in the Register of Trademarks

### **Article 11**

In article 89 paragraph 3 is added:

In addition to the measures specified in paragraph 2(a) of this Article, the Court may re-establish the situation that existed before the infringement and to stop infringing actions, to proceed with an effective seizure of the goods and, when necessary, to destroy illegally used marks, tools that could be used to manufacture the goods and the goods themselves in absence of possibility to remove any illegally mark from such goods.

### **Article 12**

In article 92, the paragraph 1 is changed:

The registration of a mark may be revoked if the owner of the registered mark has not used it in connection with the goods or services referred to in the registration during a period of three years, without good reason.

### **Article 13**

In article 93, paragraph 7 is added:

Persons not authorized to use an appellation of origin may not use such appellation even they add the words “type”, “style”, “fashion”, “produced as” or similar words

### **Article 14**

In article 93, paragraph 8 is added:

The protection of the appellation of origin shall be applicable against a geographical indication which, although literally true as to the territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another territory.



## **Article 20**

Patents applied for in the various countries of the Paris Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

## **Article 21**

### **Temporary protection of patentable inventions and utility models exhibited at official or officially recognized international exhibitions**

1. The applicant for registration a patentable invention who has exhibited a product or products incorporating the invention at an official or officially recognized international exhibition and who apply for the registration of that invention within one year from the day on which the product or products incorporating the invention were first exhibited in the exhibition shall on his request be deemed to have applied for registration on that day.

6. The holder of a compulsory license may relinquish his compulsory license at any time. If the holder does not begin exploitation within one year from the definitive grant of the compulsory license, the patentee may claim modification or cancellation of the compulsory license.

7. The patentee may request modification or cancellation of a compulsory license if the circumstances on which it was based cease to exist and are unlikely to occur again. Modification or cancellation shall take a form that does not prejudice the legitimate interests of the holder of the compulsory license.

### **Article 23**

This law shall enter into force on the fiteenth day following its publication in the Official Gazette of the Republic of Albania.

**CHAIRMAN**

**SKENDER GJINUSHI**