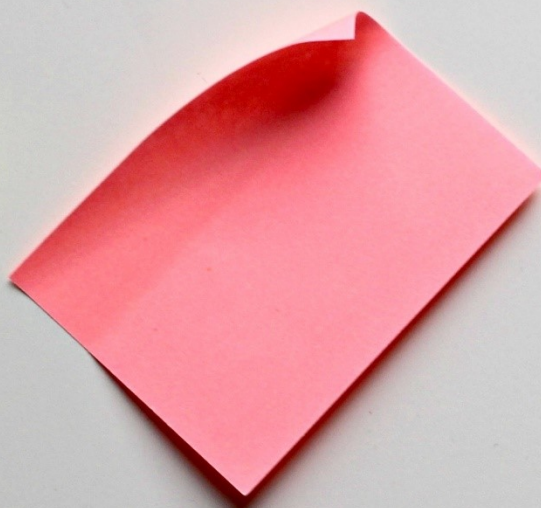


Draft Law “On Patents, Utility Models and
Supplementary Protection Certificates”

Newsletter



Draft Law “On Patents, Utility Models and Supplementary Protection Certificates”

On April 8, 2025 the Council of Ministers submitted to the Parliament the draft law “*On Patents, Utility Models and Supplementary Protection Certificates*” (the **Draft Law**).

The proposed Draft Law is fully in line with the following EU documents:

- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions.
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.
- Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems.
- Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products.
- Regulation (EU) 2019/933 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products.
- Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products.

- Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004.

The Draft Law aims to ensure a comprehensive legal protection for inventions developed by natural or legal persons, whether Albanian or foreign, and regardless of whether the invention originates within or outside the territory of the Republic of Albania.

The provisions within a specific law governing patents, utility models, and supplementary protection certificates aim to address any identified legal gaps in practice, while also facilitating complete alignment with EU legislation.

In addition to reinforcing the protection of industrial property rights and refining procedural mechanisms pertaining to application processing and inspections, the Draft Law introduces substantive amendments of particular legal significance.

One of the key changes is that the General Directorate of Industrial Property (GDIP) will now be legally required to keep official registers for patents, utility models, and supplementary protection certificates. This means better protection of the data in the registers and clearer responsibilities for GDIP staff who manages them.

Additionally, while the GDIP does not currently perform substantive examinations of invention

patents, the Draft Law addresses this gap by defining a clear procedural framework for such examinations. These procedures are modeled after internationally recognized practices and reflect the standards applied by countries and organizations such as the European Patent Office, with which Albania maintains cooperation agreements.

Moreover, the Draft Law incorporates recommendations from international institutions such as the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO) ensuring alignment with global standards in intellectual property regulation.



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