



“New Intellectual Property Framework in Albania”

Newsletter

New Intellectual Property Framework in Albania

New Law on Trademarks

On August 1, 2025, Law No. 52/2025 “*On Trademarks*”, was published in the Official Gazette (the “**New Law**”). This law fully aligns Albanian trademark legislation with:

- Regulation (EU) 2017/1001 of the European Parliament and of the Council “*On the European Union Trademarks*”;
- Directive (EU) 2015/2436 of the European Parliament and of the Council “*On the approximation of the laws of the Member States relating to Trademarks*”;
- Directive 2004/48/EC of the European Parliament and of the Council “*On the enforcement of intellectual property rights*”.

The New Law introduces significant clarifications and interpretative guidance on key legal provisions, strengthening legal certainty and implementation. It enhances protection of earlier trademark rights by detailing absolute and relative grounds for refusal, addressing bad faith registrations by agents or representatives, and regulating use, transfer, and licensing.

It also provides detailed rules on the right of priority, including priority based on the first display of goods or services at an international exhibition and on prior registrations in other countries, in accordance with international conventions to which Albania is a party.

Specifically, the New Law sets out in detail the procedures for the registration and protection of international trademarks filed through the World

Intellectual Property Organization (WIPO) with effect in the territory of the Republic of Albania.

The New Law entered into force on August 16, 2025.

New Law on Patents, Utility Models, and Supplementary Protection Certificates

On August 1, 2025, Law No. 53/2025 “*On Patents, Utility Models, and Supplementary Protection Certificates*” was published in the Official Gazette (the “**New Law**”). This legislation represents a major step forward in strengthening the protection of industrial property rights in Albania, specifically with respect to patents, utility models, and supplementary protection certificates, through the full approximation of national provisions with key EU legislative instruments, including:

- Directive 98/44/EC of the European Parliament and of the Council of July 6 1998 “*On the legal protection of biotechnological inventions*”;
- Directive 2004/48/EC of the European Parliament and of the Council of April 29, 2004 “*On the enforcement of intellectual property rights*”;
- Regulation (EC) No. 816/2006 of the European Parliament and of the Council of May 17, 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 May 6, 2009 concerning the supplementary protection certificate for medicinal products;
- Regulation (EC) No. 1610/96 of the European Parliament and of the Council of July 23, 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 December 12, 2006 on medicinal products for pediatric use.

The New Law introduces detailed provisions on compulsory, voluntary, and secret licenses, thereby addressing key legal gaps in the previous framework.

It also provides a comprehensive regulation of the legal framework governing patents for biotechnological inventions, offering clearer definitions of plant and animal varieties, as well as explicitly identifying categories of inventions excluded from patentability.

While the General Directorate of Industrial Property (GDIP) does not currently conduct substantive examinations of patent applications, the New Law establishes a legal basis and procedural framework for such examinations, marking a significant departure from the previous regime.

Among other novelties, the New Law introduces, for the first time, a written opinion and

examination report mechanism, aligned with EU legal standards and best practices.

The New Law entered into force on August 16, 2025.



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