

Draft Law “On Designs”

Newsletter



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On July 1, 2026, the Council of Ministers submitted to the Parliament the draft law “On Designs” (the **Draft Law**). The Draft law is fully harmonized with the following EU directives:

- Directive (EU) 2024/2823 of the European Parliament and of the Council of 23 October 2024 on the legal protection of designs.
- Regulation (EU) 2026/715 of the European Parliament and of the Council of 11 March 2026 on European Union designs.
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

Industrial designs are currently regulated under Law No. 9947 dated 7.7.2008 "On Industrial Property," which also governs geographical indications, and the functioning of the General Directorate of Industrial Property. Full alignment with the EU Design Legislative Reform Package requires clearer legal concepts and stronger enforcement mechanisms to resolve practical difficulties such as overlapping rights and ambiguous registration criteria. For this reason, Albanian legislators have concluded that industrial designs warrant a standalone law, mirroring the EU reform package and offering businesses and creators a modern, predictable system of protection.

Key Substantive Improvements

The Draft Law brings substantial clarity to the fundamental concepts underlying design protection. It refines the definitions of "design," "product," and "complex product," and aligns the

conditions for protection, namely novelty and individual character, together with the criteria used to assess them and the rules on disclosure and the applicable grace period.

It further develops the framework governing absolute and relative grounds for refusal, along with the corresponding procedures, and introduces specific provisions addressing designs that infringe rights conferred by earlier registered designs, thereby reinforcing the protection available to prior right holders.

Notably, the Draft Law incorporates the limitations on design protection relating to technical function and interoperability, commonly known as the "must-fit" and "must-match" exceptions, as well as exclusions grounded in public policy and accepted principles of morality. The scope of protection itself is harmonized with the EU approach, applying the standard of the overall impression produced on the informed user, while duly considering the degree of freedom enjoyed by the designer in developing the design.

Transparency and Legal Certainty through the Public Register

Beyond substantive protection, the Draft Law establishes clear mechanisms for registering, publishing, amending, and deleting register entries, as well as recording rights and encumbrances over industrial designs. This ensures transparency and legal certainty, in line with EU requirements, while creating a reliable public register that facilitates verification of rights and strengthens protection for third parties.

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