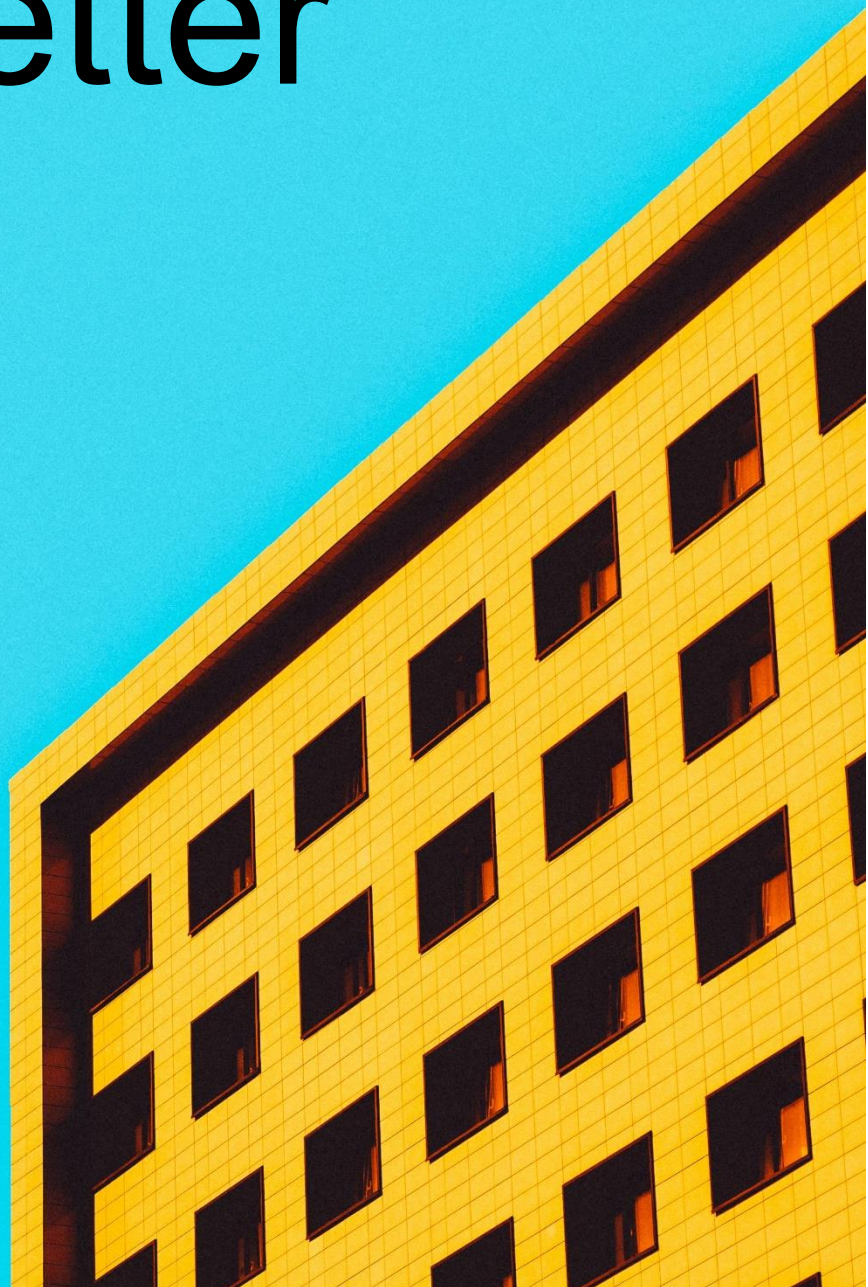


“On Industrial Property”

Newsletter



Law No. 88/2026 “On amending Law No. 9947 dated 07.07.2008 ‘On Industrial Property’”, as amended

On August 6, 2026, Law No. 88/2026 “On amending Law No. 9947 dated 07.07.2008 ‘On Industrial Property’”, as amended (**the Law**) was published in the Official Gazette.

The Law is fully harmonized with Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (the “Trade Secrets Directive”).

The Law provides for the following key changes:

Enhanced Protection and Enforcement of Trade Secrets

The amendments reinforce the domestic framework for safeguarding undisclosed know-how and confidential business information by requiring that all applicable measures and remedies be fair, proportionate, and effective, while remaining free of unnecessary cost, delay or unjustified barriers to legitimate trade, and incorporating adequate safeguards against abuse.

The Law also broadens the range of provisional and precautionary measures available to the competent courts, empowering them to prohibit the use or disclosure of protected information, halt the production or marketing of infringing goods, order the seizure of such goods, and preserve relevant evidence.

Where the infringement is found to have been committed on a commercial scale, courts may additionally order the provisional freezing of the alleged infringer’s assets, including the blocking of bank accounts and other assets, to secure the enforcement of any eventual award of damages.

As an alternative remedy, the Law allows the continued use of the undisclosed information to be authorized, subject to the lodging of a financial guarantee intended to ensure compensation to the trade secret holder, provided that the confidentiality of the information is preserved throughout the course of the proceedings.

Broader Corrective Measures and Financial Compensation

The Law expands the corrective measures available following a finding of trade secret infringement, including the destruction or delivery-up of documents or materials containing the trade secret, prohibitions on actions posing a serious risk of unlawful acquisition or disclosure, as well as the recall or removal of infringing goods from the market. Courts may also order the publication of the judicial decision and award damages, with corrective measures generally carried out at the infringer’s expense.

Notably, the Law introduces the possibility of monetary compensation as an alternative to corrective measures, to be granted at the request of the injured party and only where the statutory conditions are met, giving courts greater flexibility to impose a proportionate remedy.

Practical Implications for Businesses

The amendments provide businesses operating in Albania with a considerably strengthened and more predictable framework for protecting confidential know-how and commercially valuable information, including technical processes, formulas, manufacturing methods, commercial strategies, client and pricing data, and any other information whose value derives from its secrecy.

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