

## **DECISION**

**No. 1707 of December 29, 2008,**

### **ON APPROVAL OF THE REGULATION ON THE GRANT OF PATENTS AND UTILITY MODELS**

Pursuant to Article 100 of the Constitution and to Articles 11, 17, 18, 20, 24, 26, 29-31, 34, 35, 49, 50, 70, 75, 97, 99 and 202 of the Law No. 9947 of July 7, 2008, "on Industrial Property," upon the proposal of the Ministry of Economy, Trade and Energy, the Council of Ministers

#### **DECIDED:**

1. To approve the Regulation "on the Grant of Patents of Inventions and Utility Models" as per the text attached with this decision.
2. To designate the Directorate General of Patents and Trademark for the implementation of this decision.
3. Order No 4 of 8 December 1994 of the Committee of Science and Technology, "Rules on Patents, Utility Models and Industrial Designs" is repealed.

This decision shall enter into force after publication in the Official Journal.

**PRIME MINISTER**  
**Sali Berisha**

### **REGULATION ON THE GRANT OF PATENTS AND UTILITY MODELS**

#### **CHAPTER I GENERAL PROVISIONS**

##### **1. Purpose**

1.1 The purpose of this regulation is to define the rules and procedures with respect to:

- a) granting patents for inventions and utility models;
- b) renewal of patents for patents and utility models;
- c) issuance of supplementary protection certificates for medicinal products and plant protection products;
- ç) other changes to the register of patents.

## 2. Definitions

2.1 For purpose of this regulation, the following terms shall mean:

- a) "PCT" means the Patent Cooperation Treaty, approved in Washington on 19.6.1970, together with additional amendments.
- b) "European Patent Convention" (EPC) means the European Patent Convention, approved on 5 October 1973, together with the additional amendments.
- c) "Paris Convention" shall mean the convention "For the Protection of Industrial Property," approved in Paris on 20 March 1883, together with the additional amendments.
- ç) "International Exposition" means the exposition or fair in the meaning used in the Convention "On International Expositions," approved in Paris on 22 November 1928, with the additional amendments.
- d) "Application for European patent" means the application for patent filed in accordance with the European Patent Convention (EPC), as well as the international application filed in accordance with the Patent Cooperation Treaty (PCT) for which the European Patent Office (EPO) acts as a designate or selected office for applications for which Albania is designated;
- dh) "Extended European Patent" means the European patent issued by the EPO, based on the application for European patent, which has been sought to extend to Albania;
- e) "Application for national patent" means the application for patent, which shall be filed with DGPT in accordance with Law No 9947 of July 7, 2008, "on Industrial Property";
- ë) "National patent" means the patent issued on the basis of the application for national patent;
- f) "International application" shall mean the application for patent filed in conformity with PCT and its respective implementing regulations;
- g) "Law" means Law No. 9947 of July 7, 2008, "on Industrial Property".

## 3. General principles

3.1 DGPT shall examine filed applications and other acts in accordance with the provisions of Law No 9947 of 7 July 2008, "On Industrial Property" and of this regulation.

3.2 DGPT actions with respect to such applications shall be based solely on documents in writing. Applications and any other type of documentation filed with DGPT shall be in print and in the Albanian language.

3.3 DGPT shall establish and manage the electronic database, which will store all the conducted actions with respect to the patents.

## 4. Types of Applications

4.1 Applications that may be filed with DGPT with respect to patents are as follows:

- a) Application for patent through the FP 1 form (Annex 1 of the regulation);
- b) Application for patent renewal through the FP 2 form (Annex 1 of the regulation);

- c) Application for transfer of the patent ownership through the FP3 form (Annex 1 of the regulation)
- ç) Application for the change of name of the patent owner, through the FP4 form (Annex 1 of the regulation);
- d) Application for the change of address of the patent owner, through the FP5 (Annex 1 of the regulation);
- dh) Application for the registration of the license contract of the mark through the FP6 form (Annex 1 of the regulation);
- e) Application for amendments of claims through FP7 (Annex 1 of the regulation);
- ë) Application for the surrender of the patent through the FM8 form (Annex 1 of the regulation);
- f) Application for the opposition to the issuance of the patent through the FP9 form (Annex 1 of the regulation);
- g) Application for the appeal against DGPT decision on the refusal of the application for patent through the FP10 form (Annex 1 of the regulation).
- gj) Application for re-establishment of rights through the FP11 (Annex 1 of the regulation);
- h) Application for granting the supplementary protection certificate through the FP12 form (Annex 1 of the regulation);
- i) Application for the invalidation of the supplementary protection through the FP13 form (Annex 1 of the regulation);
- j) Application to change the application for patent into an application for utility model through the FP14 (Annex 1 of the regulation);
- k) Application for the separation of the initial application for invention FP15 (Annex 1 of the regulation).

## 5. Utility models

5.1 The provisions of this regulation with respect to filing of the application and examination procedures of applications for patents of inventions shall equally apply to utility models.

5.2 The application to change an application for invention patent into an application for utility model, provided for by Article 91 of the Law, shall be filed with the DGPT by the applicant through the FP14 form, prior to issuance of the patent. The application shall be signed by the applicant and shall be accompanied also with the document of payment of the respective fee. DGPT shall examine the application within three months from its filing date and shall notify the applicant in writing in respect to the taken decision. In the case where the application is refused, the notification shall also contain the grounds for refusal.

## **CHAPTER II**

### **FILING OF APPLICATION FOR INTERNATIONAL PATENT**

#### 1. Filing of application

1.1 The application for the grant of a patent shall be filed through FP1 form, which shall be signed by the applicant or his representative and is submitted to DGPT Protocol Office. The FP1 form may also be sent to DGPT by mail or via fax by the applicant or his representative. In the case of filing via fax, the applicant shall submit to DGPT within one month from the date of fax submission the original of the document, otherwise the application shall be considered unfiled.

1.2 The application file shall contain the list of the filed documents (file index), which shall be signed by the applicant or his representative.

1.3 The application for patent shall be filed for a single invention or a group of inventions, which are related in such a way as to form one sole and general invention concept patent or a group.

1.4 On the day of receipt of the application for patent, FP1, the DGPT Protocol Office shall note down on the form the filing date and hour of the application and the number of such application.

#### 2. Elements contained in an application for patent

2.1 In accordance with Article 17 of the Law, an application shall contain:

a) the FP1 form signed by the applicant or his representative, which at the moment of filing shall specifically contain data including the name and address of the applicant, inventors and of the authorized representative; title of invention and the priority declaration, if priority is claimed:

b) a description of the invention;

c) one or more claims;

ç) drawings, referred to in the description or the claims;

d) an abstract;

dh) a priority document if priority is claimed;

e) power of attorney where the application is filed by the representative of the applicant. The power of attorney shall contain the signature of the applicant certified by a notary, in the case where the applicant is a natural person and the signature and stamp of the legal representative, where the applicant is a legal person;

ë) declaration by the inventor/s which states the will for issuing the patent under the name of the applicant. The declaration of the inventor shall be a notarized act;

f) document showing the payment of the filing fee.

2.2 In the case where the invention has been made public, in conformity with Article 11(1/c) of the Law, the applicant shall submit to DGPT the respective certificate issued by the respective authorities of the international exposition within three months from the filing date of the application for patent.

#### 3. Specific requirements for the patent applications with respect to micro-organisms

3.1 If the invention involves the use of a biologic material or where it is deal with such a material, which is not publicly found and may not be described in the application and in order for this to become enabled by a qualified professional of the field, it shall be needed:

- a) a culture of the micro-organism shall be deposited in an institution designated for this purpose by the respective legislation into force;
- b) the applicant shall declare in his application the depositary institution and number of the culture, as well as the information available to the applicant on the characteristics of the biological matter;
- c) the applicant, in addition to the application, shall submit also the depositary certificate issued by the depositary institution.

#### 4. Other requirements in respect to the application

4.1 The applicant shall send electronically all the material related to the application for patent to the address assigned for such purpose by DGPT within two weeks from the filing of the application, otherwise DGPT shall not issue the filing certificate, but, it shall not affect the filing date.

#### 5. Changes to or withdrawal of application prior to patent issuance

5.1 Upon a request in writing, which is filed with DGPT prior to the date of patent issuance, the applicant may require that changes are performed and correction of formal errors is made to the application for patent, subject to the payment of the designated fee.

5.2 The applicant shall have the right to withdraw the application for patent at any time prior to patent issuance, by filing a request in writing with DGPT.

### **CHAPTER III CRITERIA FOR THE ELEMENTS OF APPLICATION FOR PATENT DESCRIPTION, CLAIMS, ABSTRACT AND DRAWINGS**

#### 1. Description of invention

##### 1.1 The description of the invention shall contain:

- a) title of invention, as represented in the application. The title of the invention shall be as short and descriptive as possible;
- b) file of the technique related to the invention;
- c) previous achievements, for as much information as the applicant has available, may be useful to understand and examine the invention and, possibly, reference of the documents where it is reflected;
- ç) explanation of the invention, so that it is understandable by the experts of the field and provide the effects of its advantages, if any, taking reference to previous achievements;
- d) description of the indicative elements of drawings, if any;
- dh) a description of the best way thought by the applicant to apply the invention. Such description should be made by examples and, where appropriate, referring to drawings, if any;

e) indicate clearly, where it does not result from the description or nature of the invention, the way how the invention is applicable to the industry and the way how it can be produced or applied, or, if it can be used separately, the modality of use.

1.2 Modalities and order provided for by point 1.1 shall be followed anytime, except for those cases where due to the nature of the invention, a different modality or order would result to be more understandable.

## 2. Form and content of claims on invention

2.1 The number of claims shall be reasonable, taking into account the nature of the invention and the claims shall be put in numerical order. Claims shall refer to the respective part of the description or drawings and shall contain:

a) a statement indicating those technical features of the invention which are indispensable to determine the parts of the further achievement but which, by combination, are part of the previous achievements;

b) a descriptive part which starts with the words “characterized by”, “what the invention consists of” or other words which provide the same effect and affirm concisely the technical features, which by being combined with the features referred to in letter “a” of this point are required to be protected as an invention.

2.2 Independent claim shall be a claim which contains all the features of one or several other claims, which affirm the additional claimed features, if possible, since the beginning. The dependent claim which refers to more than one claim (multi dependent claim) shall refer to such claims only as a possible option. Multi dependent claims shall not serve as grounds for any multi dependent claim.

2.3 A dependent claim shall be deemed to contain all the restrictions comprised within the claim it refers to. Where the claim is multi dependent, it shall be deemed to contain all the restrictions comprised with the specific claim with respect to which it has been taken into consideration. All dependent claims which refer to one or several previous claims shall be grouped in the most practical way possible.

## 3. Drawings or graphic image

3.1 The application for patent shall contain all those drawings or graphic images which are indispensable to understand the invention, to submit it thoroughly, to clarify ambivalent or unclear wordings provided in, as well as to imagine the described object.

3.2 The invention description and drawings shall be directly linked by means of reference signs, which may be numbers or letters. Reference signs shall be placed on both documents, the description and drawings, which shall accurately correspond with one another.

3.3 The reference sign on the claims and abstract shall be put between the brackets, in order to show that the text is possible to understand even without them and that the examples described in drawings shall not restrict the subject of the respective claim.

3.4 Drawings of the application for patent shall not be production sketches; they shall not contain all the relevant details and elements for the concrete realization of a product and they shall not indicate the exact drawing dimensions. They shall be schematic drawings which enable evidence of the distinctive features of the invention.

3.5 Drawings included in the application for patent shall be such as to enable their reproduction by means of photocopying, printing or other similar processes, so they are easily used for the publication of the patent.

3.6 Drawings and chemical formula, if there is any, shall be compiled in full compliance with the standards of the technical jargon and that of chemical symbols.

3.7 The surface used in the papers containing the drawings shall not exceed the size 26.2 cm x 17cm. These papers shall have no borders around the usable or used surface. The minimum allowed margins shall be as follows:

- a) top margin 2.5 cm;
- b) left margin 2.5 cm;
- c) right margin 1.5 cm;
- ç) bottom margin 1 cm.

3.8 Drawings shall be made as follows:

- a) the lines should be well-defined, dense and dark, and shall not be coloured;
- b) images of sections and cross-sections shall be indicated by hatched parallel lines, which should not hinder clear visibility of the signs of reference and the related lines thereof;
- c) the drawing scale and graphical clarity shall be such that a photographic reproduction with a linear reduction of two thirds would make possible that all details are easily distinguished. If, by exception, the scale of the drawing has been provided, it should be graphically reflected;
- ç) all numbers, letters and signs of reference shown in drawings shall be clear and simple. Brackets, circles or quotation marks shall not be used for numbers and letters;
- d) all the lines of drawings shall, as a rule, be drawn by means of design tools;
- dh) elements of the same image shall be proportionate to one another, unless a difference of proportion is necessary to obtain clarity of the image;
- e) the font size of numbers and letters shall be no smaller than 0.32 cm, Latin style and, where appropriate, Greek style.
- ë) the same drawing sheet may contain various images. Where the drawn images in two or more sheets of paper are intended to form a whole single image, in order that it is possible to present a the image wholly. In order that none of the five of the partial images remains undisclosed, such various images shall be positioned without any blank spaces; it is preferable that they are placed in a perpendicular position and clearly divided from one another. Where the images are not placed in a perpendicular position, they shall be presented in tether to the sheet, with the front images placed on top of the sheet. Different images shall be numbered consecutively by Arabic numbers and independently of the page numbering;
- f) reference signs which are not referred to in the description and claim shall not be included in the drawing and the vice versa. Features which are the same and are indicated by reference signs shall bear the same signs in any part of the patent application;
- g) drawings shall not contain textual matters, such as a potential description of the images, except for the cases where it is absolutely necessary to include a single word or several words, such as “water”, “steam”, “open”, “closed”, “section on AB” etc., and in the case of electric circuits and schematic blocks or diagrams of the cards of technological processes, a few key

words may be used in order to understand the images. Any such word shall be placed in such a way that, if required, they may be edited by translation without interfering with any of the lines of the drawing;

gj) drawings shall be the cards of technological processes, schematic blocks and diagrams.

#### 4. Content and form of the invention abstract

##### 4.1 The abstract of an invention shall be composed of:

a) title of the invention;

b) a summary of the document, which shall contain a description, claims and one or more drawings. The abstract shall indicate the technical field under which the invention falls and shall be worded in such a way as to provide a clear understanding of the technical problem, the essence of the solution of the problem by means of the invention and the main application/s of the invention;

c) where applicable, it shall include the chemical formula which best represents the invention compared to all the formulas contained in the application.

4.2 The abstract shall be as concise as the subject allows (it is preferable between 50 to 150 words) and shall be drafted in such a way as to serve as a quick and efficient mean for research. The abstract shall not include any statements on any appraisals to or values of the invention or on speculation-based applications.

4.3 Each of the main technical features which is referred to and illustrated by drawing in the abstract shall be accompanied with the more illustrative drawings to be submitted by the applicant.

## **CHAPTER IV TECHNICAL REQUIREMENTS OF PATENT APPLICATION**

### 1. Terminology and signs

#### 1.1 An application for patent shall meet the following requirements:

a) the weight and size units shall be expressed in terms of the metric system;

b) the temperature shall be expressed in Celsius degrees;

c) density shall be expressed in metric units;

ç) rules of international practices shall apply to indicate heat, energy, light, voice and magnetism, as well as the mathematical formulas and electric units. With respect to chemical formulas, symbols, atomic weight and molecular formulas, practices of common use shall be applied;

d) only technical terms such as signs and symbols shall be used according to the agreed practice.

1.2 Terminology and signs shall remain unchanged throughout the application.

### 2. Physical requirements for the patent application



2.1 The application and any related document or statement thereof shall be filed in a single copy. DGPT may request submission of an additional copy.

2.2 All the components of the application shall be submitted in such a way as to allow its direct reproduction in an unlimited number of copies by means of photography, photocopy, microfilming etc.

2.3 Each component of the application shall begin in a new page, which is a white A4 paper (29.7 x 21cm) and only one side of the paper shall be used.

2.4 The application components shall be placed in the order that follows:

- a) FP1 form;
- b) description;
- c) claims;
- ç) abstract;
- d) drawings.

2.5 Pages shall be numbered by using three separate number series. The first series shall apply exclusively to the application and shall start from the first page of the application; the second series shall start from the first page of the description and shall continue to the claims until the last page of the abstract. The third series shall be applied only on the pages of drawings and shall start from the first page of drawings.

## **CHAPTER V UNITY OF INVENTION AND DIVISIONAL APPLICATIONS**

### **1. Unity of invention**

1.1 For purposes of Article 22 of the Law, the unity of invention shall be interpreted so as to allow one of the following possibilities:

- a) in addition to an independent claim on a given product, incorporation of a dependent claim in the application, in respect to process that is specifically adjusted to the production of the given product, as well as incorporation in the same application of an independent claim with respect to the use of the given product;
- b) in addition to an independent claim in a given process, incorporation in the same application of an independent claim on devices or equipment designed for the application of the given process.

1.2 In accordance with Article 22 of the Law a single application may incorporate two or more independent claims of the same category, which could not be covered by a single general claim.

1.3 In accordance with Article 22 of the Law, a single application may incorporate a reasonable number of independent claims, which request specific forms of invention, required from an independent claim.

## 2. Divisional application

2.1 The applicant shall file a request with DGPT for the division of the initial application through the FP15, which shall contain a reference of the original application.

2.2 The divided application shall enjoy right of priority:

a) if the submitter of the earlier application claims that the divisional application should gain priority, that divisional application shall contain such a declaration. In such case, the priority documents submitted with the earlier application in accordance with Article 24 of the Law shall also apply to the divisional application;

b) where there are claims of priorities of two or more previous application to the earlier application, the divisional application shall only benefit those priority/ies applicable to it.

2.3 With respect to the filing of any divisional application, the applicant shall pay the designated fee within two months from the filing date of the divisional application.

## **CHAPTER VI GETTING KNOWLEDGE OF THE DEPOSITED BIOLOGICAL MATERIAL**

### 1. The criteria to be met by the filer of a request to be informed on the biological material

1.1 Upon request of any interested individual and following the granting of permit by the patent applicant, that individual may be informed of the deposited culture from the publication date of the patent application, provided that he declares in writing that:

a) he shall not allow any third parties to gain knowledge of the deposited culture or any derivative culture thereof, before the patent application is refused or withdrawn, or before it is considered as withdrawn, or prior to expiration of the patent issued with respect to such culture;

b) he shall use the deposited culture or any derivative culture thereof for experimental purposes only in the case where the patent application has been refused or withdrawn, or it is considered as withdrawn, or until the publication date of the patent. This provision shall not be applicable insofar as the submitter of the request for the deposited culture is using such culture on the basis of a non-voluntary license.

1.2 From the publication date of the application for patent until the publication of the patent or until the date in which the application for patent is refused, withdrawn or considered as withdrawn, the applicant may inform DGPT that the deposited culture can be made available to the submitter of the request for the deposited culture, so as to gain knowledge of it, by providing a sample to an expert appointed by the submitter of the request.

### 2. Appointment of the expert

2.1 In accordance with point 1.2 of this chapter an appointed expert shall be:

a) any individual appointed by the seeker of the culture, provided that the patent applicant approves appointment of such expert;

b) any individual recognized as an expert by DGPT.

2.2 The appointment of the expert in this cases shall be accompanied by a guarantee in writing that the appointed expert provides to the patent applicant, certifying that the former shall act in conformity

with point 1, 2 and 3 of this chapter, defining thus the seeker of the deposited culture as the third party.

### 3. Definition of “derivative culture”

3.1 In accordance with point 1.1/b of this chapter, “derivative culture” shall be any micro-organism culture which continues to bear the characteristics of the deposited culture, which are essential to the invention. The declaration referred to in point 1.1 of this chapter shall not prohibit deposition of a derivative culture, which is required for the purposes of the patent procedure.

### 4. Request for getting knowledge of a deposited culture and examination by DGPT

4.1 The request for getting knowledge of a deposited culture shall be filed with DGPT through a special form recognized by DGPT. DGPT shall certify through such form that a patent application to which the micro-organism deposition refers has been filed and that the seeker of the deposited culture or the expert appointed by him enjoys the right to obtain a sample of the micro-organism.

4.2 DGPT shall send to the depository institution and to the applicant for patent or the patent owner a copy of the request for gaining knowledge of the deposited culture, together with the certificate provided by point 4.1 of this chapter.

## **CHAPTER VII NEW MICRO-ORGANISM DEPOSIT**

### 1. Invalidity of a deposited micro-organism

1.1 In the case where, in accordance with Chapter II, point 3.1, a deposited microorganism ceases to be valid in the depository due to the following motives:

a) the micro-organism is not able to survive,

b) the depository institution is unable to meet the demands for samples or for any other motives and, if the micro-organism has not been transferred to another depository institution, through which it may continue to be available, no interruption of the availability of its deposition shall be considered, if a new deposit of the micro-organism that was deposited originally for the first time was stored within three months from the date in which the depositing person is notified of such interruption by the depository institution and a copy of the certificate of deposition issued by the institution shall be sent to DGPT within four months from the date where the number of the patent or patent application is placed on the new deposition.

### 2. New micro-organism deposition

2.1 In the case provided for by point 1.1/ of this chapter, the new deposition shall be stored in the same depository institution where the earlier deposition was stored, whereas in the other cases referred to in point 1.1/b of this chapter, it may be stored in another depository institution.

2.2 Where the institution which stores the original deposition ceases to being the depository institution, either entirely or at least for that type of micro-organism to which the micro-organism deposition in question belongs to, or where that institution suspends temporarily or permanently performance of its duties with respect to deposited micro-organisms, and the notification referred to in point 1 of this chapter is not received by the depository institution within six months since the date of such occurrence, the three-month period provided by point 1 of this chapter shall begin on the day where DGPT is officially notified of that occurrence.

2.3 Any new deposition shall be accompanied by a declaration signed by the depositing person, affirming that the re-deposited micro-organism is the same as the one originally deposited for the first time.

## **CHAPTER VIII RIGHT TO PRIORITY**

### 1. Filing of the priority document

1.1 In the case of claimed priority, the applicant shall file the priority document with DGPT within three months from the filing date of the patent application, in accordance with Article 24(2) of the Law. If the applicant fails to submit the document within such term or the filed document fails to meet the requirements of this chapter, DGPT shall not recognize the priority right.

1.2 The priority document may be an earlier filing certificate of one or more regional, national or international documents filed by the applicant or his legal representative, in conformity with Article 24 of the Law or the certificate issued by the responsible authorities of the exposition where the invention was exhibited for the first time, in accordance with Article 24(7) of the Law.

1.3 The priority document shall contain:

- a) date of earlier application;
- b) number of earlier application;
- c) symbol of the international patent classification contained within the earlier application;
- ç) name of the state the earlier application was filed with;
- d) the office with which the earlier application was filed, in the case where the application has been filed with a regional or international office.

1.4 If, at the time of filing the application for patent, the applicant claims priority but the number of the earlier application is unknown, the applicant shall declare within three months from the filing date of the patent application the number of the earlier application and shall submit the priority document.

1.5 The applicant may change the content of the priority declaration at any time prior to the patent issuance.

1.6 The priority document filed with DGPT in accordance with the requirements of this chapter shall be translated in to the Albanian language and shall be notarized.

## **CHAPTER IX EXAMINATION OF PATENT APPLICATION AND PATENT ISSUANCE**

### 1. Order and terms of examination of the application

1.1 Filed applications shall be examined according to their ordinal number. Within three months from the application filing date, DGPT shall examine the application as to whether it meets the requirements of Article (1) and (2) of the Law. The document provided for by Article 18 (1/a) shall be FP1.

## 2. Examination of application and recognition of the filing date

2.1 In the case where the application meets the requirements of Article 18 (1) and (2), DGPT shall issue the filing certificate to the applicant, recognising as the filing date of receipt of the application from DGPT as the filing date. In the case where the applicant has submitted the notarized translation in the Albanian language of the document provided by Article 18 (1/c) of the Law within two months from the filing date, DGPT shall consider the date of receipt of the application as the filing date.

2.2 If the application fails to meet all the requirements provided by 18 (1) and (2) of the Law, DGPT shall notify the applicant to make the completions within three months from the notification date. Where the applicant makes the required completions within the defined term, DGPT shall issue the filing recognizing the date of completions as the filing date of application. If the applicant fails to make the completions within the established term, DGPT shall refuse to file the application and shall notify the applicant accordingly.

## 3. Further examination of the application for patent

3.1. Within three months from the date of issuance of the filing certificate DGPT shall examine the application as to whether it meets the requirements of Article 17, 19, 20 (3) and 24 of the Law and the requirements of Chapter II of this regulation.

3.2 If the application fails to meet the requirements of Article 17, 19, 20 (3) and 24 of the Law and the requirements of Chapter II of this regulation, DGPT shall notify the applicant to make the completions within three months from the notification date. If the applicant fails to make the completions within the established term, DGPT shall refuse to file the application and shall notify the applicant accordingly. If the applicant makes the completions of the application within the established term, DGPT shall proceed with the examination of the application, in accordance with point 3.3 and 3.4.

3.3. DGPT shall publish any filed application in the Industrial Property Gazette, immediately after the expiration of an 18-month period from the filing date or, where priority is claimed, from the priority date. If the applicant requires in writing the early publication of the application prior to the expiration of the 18-month period and pays the respective fee, DGPT shall immediately publish the application.

3.4 Within 22 months from the filing certificate issuance date, DGPT shall examine the application as to whether it is in compliance with Articles 20 (1), (2), 21 and 22 of the Law and the requirements of Chapter III, IV and V of this regulation. If the application fails to meet Articles 20 (1), (2), 21 and 22 of the Law and the requirements of Chapter III, IV and V of this regulation, DGPT shall notify the applicant to make the relevant completions within the term established in the notification.

3.5 Where deemed appropriate, DGPT shall have the right to ask for additional documents from the applicant for the examination of the application, by sending a notification in writing and establishing the term of their submission.

## 4. Decision with respect to the application for patent

4.1 Upon finalization of the examination made in accordance with point 3.4 and 3.5 of this Chapter, DGPT shall take a decision on whether to issue or refuse the patent and shall inform the applicant immediately on the taken decision.

4.2 Where DGPT decides to issue the patent, the examiner shall notify the applicant for the payment of the tariff of patent issuance within three months from the receipt of notification. DGPT shall issue the patent within three months from the date in which he submitted to DGPT the document showing the payment of the designated fee.

4.3 Where DGPT decides to refuse issuance of the patent, it shall notify the applicant in writing on such refusal, explaining the grounds for refusal.

4.4 DGPT shall publish any issued patent in the Industrial Property Gazette.

## 5. Extension of term for completion of the application

5.1 In accordance with Article 34 of the Law, the applicant may require extension of the term provided by point 2.2 and 3.2 of this chapter with one additional month, by sending a request in writing based on reasonable grounds and against payment of the respective. In any case, the request for term extension shall be filed with DGPT prior to the expiration of the three month term for completions, provided by point 2.2 and 3.2 of this chapter. The applicant may not request extension of the term for filing priority documents provided for by Article 24 of the Law and of the request for the re-establishment of rights.

## 6. Data contained in the patent

6.1 The patent issued by DGPT shall contain the following data:

- a) number of patent;
- b) number of national application for patent;
- c) filing date;
- ç) name and address of patent owner;
- d) application priority date;
- dh) effective date of patent issuance;
- e) title of invention;
- ë) claims;
- f) publication date and number for the patent application;
- g) name and date of the inventor/s.

## 7. Recognition of the validity of patent

7.1 In accordance with Article 28(4) of the Law, the patent owner shall submit within 10 years from the filing date of the application for patent the document which proves the validity of the invention, in conformity with Article 5, 6, 7, 9 and 10 of the Law. The above document shall be issued by an international authority recognized by the international agreements in the field of patents for the substantiate examination of patents. Such document shall be submitted translated in the Albanian language and shall be notarized.

7.2 DGPT shall examine the document filed by the patent owner as to whether it is in conformity with the requirements of Article 28(4) and point 7.1 of this chapter. In the case where the document meets the above requirements, the examination on the merits of the patent that results from such document is positive, DGPT shall recognize validity of the invention, shall notify the applicant and makes the respective note in the register of patents.

7.3 In the case where the examination on the merits of the invention resulting from the above document is negative, DGPT shall not take the document in consideration and shall notify the patent

owner accordingly. If the result of the examination on the merits is positive only for a part of the claims, the patent shall be valid only for those claims and DGPT shall issue the relevant notification and make a note in the register of patents.

7.4 DGPT shall publish the decision taken with respect to the patent in the Industrial Property Gazette.

## **CHAPTER X PUBLICATION OF APPLICATION FOR PATENTS AND PATENTS**

### **1. Publication of application for patent**

1.1 Based on Article 26 of the Law, GDPT shall publish every application filed with it as soon as possible, after the end of a time period of 18 months from the date of filing or, when there is a claim for priority, from the priority date. Nevertheless when the applicant requests in writing before the end of the 18 month time period that the application be published prematurely and against payment of the respective fee, the GDPT shall publish it in the nearest publication.

#### **1.2 The publication of the application for patent shall contain:**

- a) filing date and number of application;
- b) name and address of applicant;
- c) name and address of the inventor, except for the cases where he has required that his name is not mentioned;
- ç) in case priority is claimed and admitted, priority data;
- d) title of invention;
- dh) symbol of patent international classification;
- e) claims of the application for patent;
- ë) description;
- f) drawings;
- g) abstract.

### **2. Publication of patent issuance**

#### **2.1 Publication of patent issuance shall contain:**

- a) number of patent;
- b) name and address of the patent owner;
- c) name and address of the inventor, except for the cases where he has required that his name is not mentioned in the patent;
- ç) filing date and number of application;
- d) in case priority is claimed and admitted, priority data;

- dh) effective date of patent issuance;
- e) title of invention;
- ë) most illustrating drawings, if any;
- f) symbol of international classification of patents.

### 3. Applications that shall not be published

3.1 DGPT shall not publish applications, in the case where they are withdrawn or refused prior to the expiration of the 18-month term, which begins from the filing date or, where there is a priority claim, from the priority date.

## **CHAPTER XI OPPOSITION TO PATENT ISSUANCE**

### 1. Filing of opposition application

1.1 Opposition against the issuance of the patent may be filed with DGPT by the individuals referred to in Article 13 of the Law within nine months from the publication date of patent issuance, by submitting the following documents:

- a) the FP9 form for the opposition to the patent;
- b) document showing the payment of the opposition fee.

### 1.2 The opponent shall file the following documents:

- a) power of attorney in the case where the opposition is filed by the representative of the opponent;
- b) documents proving that the opponent enjoys the rights provided by Article 13 of the Law.

### 2. Examination of opposition by the Board of Appeals

2.1 DGPT Board of Appeals shall examine the opposition against the issuance of a patent within three months from the filing date.

2.2 In the case where the opposition fails to meet the requirements provided by point 1.1 of this chapter, the Board of Appeals shall consider the opposition as unfiled and shall notify the opponent accordingly in writing.

2.3 In the case where the opposition fails to meet the requirements of point 1.2 of this chapter, the Board of Appeals shall ask the opponent by a notification in writing to complete such shortcomings within 30 days from the notification date, otherwise the opposition shall be considered as unfiled.

2.4 Where the opposition meets all the requirements of point 1 of this chapter, the Board of Appeals shall admit the opposition for examination and shall send a notification in writing to the patent applicant against whom such opposition is filed and shall send him a copy of the of the opposition and the other relevant documents. The patent owner shall have the right to submit his claims in writing with respect to the opposition and any other document supporting his claim within three months from the notification date.



2.5 In the course of examination, the Board of Appeals shall ask the parties in writing to submit other additional materials and documents within one month from the notification date.

2.6 The Board of Appeals shall take a decision with respect to the opposition and shall notify the parties in writing with that regard. The decision of the Board of Appeals may be appealed to court within 30 days from the notification receipt.

### 3. Processing of the application after the decision on the opposition

3.1 Where the Board of Appeals decides to overturn the opposition and the decision is not appealed to court, a copy of the Board decision shall be included in the application file of the application for patent and DGPT shall reflect the decision in the register of patents.

3.2. In the case where the Board of Appeals upholds the opposition and such decision is not appealed to court, a copy of the Board decision shall be included in the patent application file and DGPT shall issue the decision for the revocation of the patent and shall register the decision in the register of patents and makes the publication in the Industrial Property Gazette.

3.3 In that case where the decision of the Board of Appeals with respect to the opposition against the issuance of a patent is appealed to court, a copy of the final court decision shall be included in the patent application file and DGPT shall reflect the court decision in the register of patents, and, if the patent has been repealed, it shall publish this decision in the Industrial Property Gazette.

## **CHAPTER XII RE-ESTABLISHMENT OF RIGHTS**

### 1. Filing of the application

1.1 In accordance with the provisions of Article 35 of the Law, the applicant for a patent or the patent owner may require re-establishment of the right within a month from the receipt date of the notification on the refusal of the application for patent or of any other application, by submitting an application in writing, which includes:

- a) FP11 form;
- b) document showing the payment of the respective fee;
- c) power of attorney if the application is submitted by the representative of the applicant or of the patent owner.

1.2 The owner of a patent that has become invalid, due to failure of payment of the renewal fee within the term established by the law, may require the reestablishment of the right on the patent at any time by submitting the documents referred to in point 1.1 of this chapter.

### 2. Examination of application by DGPT

2.1 DGPT shall examine the request for the re-establishment of the right within as to whether it is in compliance with Article 35(1) and point 1.1 and 1.2 of this Law three months from its filing. In the case where DGPT admits the application for the re-establishment of the right, it shall notify the patent applicant or owner in writing on the re-establishment of the right and on the term within which he should make the completions and DGPT shall publish it. The refusal issued by DGPT shall be repealed and the examiner shall continue with the procedure in accordance with the law.

2.2. If the application for the re-establishment of the right is not compliant with the requirements of Article 35(1) of the Law and point 1.1 and 1.2 of this chapter, DGPT shall refuse the application for the re-establishment of the rights and shall notify in writing the applicant or owner of the patent.

2.3. In accordance with Article 35 of the Law, the re-establishment of the rights may only be required once for each application.

### **CHAPTER XIII CHANGE OF NAME AND/OR ADDRESS OF THE PATENT APPLICANT OR OWNER**

#### **1. Filing of the application**

1.1 The owner of a mark may require to change his name and/or address in the register of patents. The application for the change of name shall be filed with DGPT through the FP4 form and the application for the change of address shall be filed through the FP5 form. In addition to the application, the following documents shall be submitted:

- a) the document showing the payment of the designated fee;
- b) power of attorney, if the application is filed by the representative of the patent owner;
- c) in the case where change of the patent owner name is required, the document proving such change.

#### **2. Examination of the application by DGPT**

2.1 DGPT shall examine the application for the change of name and/or address of the patent owner, if it is in conformity with the provisions of point 1.1 of this chapter and, if such application is incomplete, DGPT shall notify the applicant to make the appropriate completions within three months from the date of notification, otherwise the application shall be refused.

2.2 Where the application for the change of name and/or address is in accordance with the provisions of point 1.1 of this chapter, DGPT shall register the change in the register of patents and shall notify the applicant accordingly, as well as in the Industrial Property Gazette.

### **CHAPTER XIV TRANSFERRING OWNERSHIP OF A PATENT**

#### **1. Filing of application**

1.1 The application for transferring ownership of a patent, provided by Article 44 of the Law, shall be filed with DGPT through the FP3 form by the existing or new patent owner. In addition to the application, the applicant shall also submit the following documents:

- a) the document showing the payment of the designated fee;
- b) the power of attorney, if the application is filed by the representative of the patent owner;
- c) ownership transfer act, which shall be notarized.

#### **2. Examination of the application by DGPT**

2.1 DGPT shall examine the application for transferring ownership as to whether it is in conformity with the requirements of point 1.1 of this chapter and, if such application is incomplete, DGPT shall

notify the applicant to make the appropriate completions within three months from the notification date, otherwise the application shall be refused.

2.2 If the application meets the requirements of point 1.1 of this Chapter, DGPT shall register the ownership transfer in the register of patents and shall notify the applicant, as well as make the publication in the Industrial Property Gazette.

## **CHAPTER XV REGISTRATION OF LICENSE AGREEMENT**

### **1. Filing of the application**

1.1 The application for the registration of the license agreement on the patent, provided by Article 46 of the Law, shall be filed with DGPT by the patent owner through the FP6 form. In addition to the application, the applicant shall also file the following documents:

- a) the document showing the payment of the designate fee;
- b) power of attorney, if the application is filed by the representative of the patent owner;
- c) the license agreement, which shall be a notarized act. If the license agreement made between the parties is not in the Albanian language, it shall be translated in Albanian and notarized to be filed with DGPT.

### **2. Examination of application by DGPT**

2.1 DGPT shall examine the application for the registration of the license agreement as to whether it is compliant with point 1 of this chapter and if it is incomplete shall notify the applicant to make the appropriate completions within three months from the notification date, otherwise the application shall be refused.

2.2 Where the application for the registration of the license agreement is in accordance with the requirements of point 1.1 of this chapter, DGPT shall register the license agreement in the patent register and shall notify the applicant as well as publish the license in the Industrial Property Gazette.

## **CHAPTER XVI PATENT RENEWAL**

### **1. Filing of the application**

1.1 The application for the renewal of a patent, provided by Article 41 of the Law shall be filed with DGPT by the patent owner through the FP2 form. In addition to the application shall be also published the following documents:

- a) document showing the payment of the renewal fee;
- b) power of attorney if the application is filed by the representative of the patent owner.

### **2. Criteria for the application to patent renewal**

2.1 Renewal of the patent shall be made from the first year following the issuance of the patent, with regard to national patents and from the following year of the publication of patent issuance for patents with European extension. The application renewal of the patent shall be composed of the FP2 form and the document showing the payment of the respective fee and it shall be submitted to DGPT on the

last day of the month of the filing date, including it. If the applicant fails to submit the application for renewal of the patent and the document showing the payment of the respective fee within the established term, he may submit it within six months following the last day of the month of the filing date against payment of an additional fee.

### 3. Examination of application by DGPT

3.1 DGPT shall examine the application for the renewal of a mark as to whether it is in accordance with the requirements of point 1 and 2 of this chapter and if such application is incomplete, DGPT shall notify the applicant to make the proper completions within three months from the notification date, otherwise the application shall be refused. If the incompleteness is related to the payment of renewal fee and the applicant fails to make the completion within the established term, DGPT shall refuse the application for patent renewal. If shortcomings are related to the power of attorney and the applicant fails to submit it within the established term, DGPT shall not issue the patent renewal notification until the next payment period of renewal but makes a note on its renewal in the register of patents. If there is no application from other authorized representatives during this period, the applicant is issued the notification renewal.

3.2 Where the application for mark renewal is compliant with the requirements of point 1.1 and 2.1 of this chapter and where completions are made within the term referred to in point 3.1 of this chapter, DGPT shall register the patent renewal in the register of patents and shall issue the respective notification to the applicant.

3.3 If the renewal fee has not been paid within the term provided by Article 41(2) and (3) of the Law, the patent shall be considered expired on the due payment date of the patent renewal fee and DGPT shall notify the applicant or his representative of the patent expiration.

### 4. Renewal of licensed patents

4.1 If the owner of a patent fails to pay the renewal fee, according to Article 41 of the Law and the license in favour of a third party has been registered with the register of patents, DGPT shall notify the licensee that the payment has not been made and that he shall have to pay the fee within six months from the notification date, so as to preserve validity of the registered license.

## **CHAPTER XVII SURRENDER OF PATENT AND CHANGES TO A PATENT**

### 1. Filing of application

1.1 Application for the registration of the surrender from a patent, provided by Article 71 of the Law, shall be filed with DGPT through FP8 form. In addition to the application the applicant shall submit the following documents:

- a) document showing the payment of the designated fee;
- b) power of attorney where the application is filed by the representative of the patent owner;
- c) if a license agreement is registered in the register of patents, the declaration of the licensee that he is aware of the application for surrender, in accordance with Article 71(3) of the Law;
- ç) where judicial proceedings are in place against a patent, the declaration of the plaintiff stating that he agrees with the registration of surrender.

### 2. Examination of application by DGPT

2.1 DGPT shall examine the application for surrender as to whether it is in accordance with the requirements of point 1 of this chapter and if such application is incomplete, DGPT shall notify the applicant to make the proper completions within three months from the notification date, otherwise the application shall be refused.

2.2 Where the application for surrender of a patent is compliant with the requirements of point 1 of this chapter, DGPT shall register the surrender in the register of patents and shall notify the applicant as well as make the publication in the Industrial Property Gazette.

2.3 The owner of a patent may ask by a request in writing filed with DGPT and against the respective fee that changes are made to a patent to correct unintentional formal errors or inaccuracies, in the case where such errors were made by the applicant in his application for patent and where they do not affect the essence of the patent. DGPT shall publish the changes made to a patent in the Industrial Property Gazette.

2.4 The owner of a patent may require the registration of changes to the claims on a patent in the register of patents, in that case where such changes are result of a procedure provide for by Article 82(3) of the Law, within the established terns. The application to make changes to the claims shall contain:

- a) the FP7 signed by the patent owner or his representative;
- b) power of attorney if the application is filed by the representative of the patent owner;
- c) document showing the payment of the publication fee, provided by Article 82(3) of the Law;
- ç) claims which are changed translated into the Albanian language and notarized electronically and in hard copy.
- d) decision on patent renewal including the changed claims which is issued by EPO.

## **CHAPTER XVIII APPEALS WITH THE BOARD OF APPEALS**

### **1. Filing of the application**

1.1 The applicant shall have the right to file an appeal against the DGPT decision within three months upon receipt of the notification for the refusal of application, submitting the following documents to DGPT:

- a) FP10 form of appeal signed by the applicant or his representative;
- b) document showing the payment of the fee for appeal;
- c) power of attorney if the appeal is filed by the representative of the applicant.

### **2. Examination of the appeal by the Board of Appeals**

2.1 The Board of Appeals shall first examine the application as to whether it meets the requirements of point 1.1 of this chapter and if such requirements are met, the Board of Appeals shall notify the submitter of the appeal in writing that his application is considered unfiled.

2.2 In the course of examination, the Board of Appeal shall have the right to ask the applicant who is appealing the decision to provide additional materials and documents within one month from the date of notification.

2.3 Where the request for appeal meets the requirements of point 1 of this chapter, the Board of Appeals shall examine the appeal within three months from the filing date and shall inform the submitter of the appeal in writing with respect to the taken decision. The submitter of the appeal is entitled to appeal to court the decision taken by the Board of Appeals within 30 days from the receipt of the notification on the Board decision, in accordance with the requirements Article 28(3) of the Law.

### 3. Processing of patent following the decision taken with respect to the appeal

3.1 Where the Board of Appeals decides to uphold the appeal and the decision is not taken to court, a copy of the decision shall be included in the a copy of the Board decision shall be included in the patent application file and the examiner shall continue with the procedure of registration of the mark in accordance with the requirements of the Law and of this regulation.

3.2 Where the Board of Appeals decides to overturn the appeal and the decision is not challenged in court, a copy of the Board decision shall be included in the file of application for patent and the refusal shall be final.

3.3 In that case where the decision of the Board of Appeals is appealed to court, a copy of the final court decision shall be included in the application file for patent and DGPT shall either refuse or issue the patent, in accordance with the court decision.

## **CHAPTER XIX INVENTIONS RELEVANT TO DEFENCE AND SECURITY**

### 1. Classification of the patent application as a state secret

1.1 In accordance with Article 3(2) of the Law, when DGPT classifies the application for patent as “state secret”, it shall notify the applicant in writing accordingly. Within three months from the notification date, the applicant shall file with DGPT a declaration in writing in which he shall express his opinion on the classification.

1.2 In the case where is conformity with paragraph 1.1 of this chapter is agree with evaluation of GDPT, the application will be sent for the examination to the Ministry of Defence.

### 2. The opposition for the classification of the patent as a state secret.

2.1 Where in accordance with point 1.1 of this chapter the applicant declares that he shall not accept the classification of the patent as “state secret” by DGPT, he shall file evidence sustaining his claims within one month from the submission of the declaration referred to in point 1.1 of this chapter. If DGPT, following examination of the evidence submitted by the applicant, decides that the invention does not constitute a “state secret”, it shall begin the procedure of examination and issuance of the patent, in accordance with the provisions of the Law and this regulation.

2.2 In that case where the applicant declares that he does not accept the evaluation of DGPT, according to point 1.1 of this chapter, but he is not able to provide evidence to reject such evaluation or in the case where evidence provided by him is insufficient to sustain his claims, the DGPT shall send the application for examination by the Ministry of Defence.

### 3. Processing of the patent following rejection of its evaluation as a state secret

3.1 If the invention which is a “state secret” shall no longer deemed to be as such, the Ministry of Defence shall send the complete patent file to DGPT, which shall register it in the register of patent and shall issue the patent publishing it in accordance with Article 26(4) of the Law.

## **CHAPTER XX INTERNATIONAL APPLICATIONS FILED WITH DGPT**

### 1. General principles

1.1 Pursuant to Article 77 of the Law, DGPT shall act as the receiving office, according to PCT, if the applicant is a permanent resident or citizen of the Republic of Albania. If this is the case, the international application shall be filed either in the Albanian or English language against payment of the respective fee. The fee shall be paid within one month from the filing date of the application.

1.2 DGPT shall examine the international application in compliance with the requirements of the cooperation treaty in the field of patents and its implementing regulations.

## **CHAPTER XXI ISSUANCE OF SUPPLEMENTARY PROTECTION CERTIFICATES FOR MEDICAL PRODUCTS AND PLANT PROTECTION PRODUCTS**

### 1. Filing of application for certificate

1.1 Pursuant to Article 103 of the Law, the application for supplementary protection certificate shall be filed with DGPT by the owner of the main patent or his legal representative within six months from the issuance of the authorization to put the product in the market as a medical product or plant protection product.

1.2 Pursuant to Article 103 of the Law, if the authorization to launch the product in the market was issued prior to the granting of the main patent, the application for supplementary protection certificate shall be filed with DGPT within six months from the date in which the patent has been issued.

### 2. Essential elements of the application for certificate

2.1 Pursuant to Article 104 of the Law, the application for a supplementary protection certificate shall contain:

a) the FP12 form, which includes the name and address of the applicant, name and address of the representative, if the applicant has appointed one and the number of the main patent and title of invention, as well as the date of the first authorization to put the product in the market;

b) the document showing the payment of the application for certificate;

c) a copy of the authorization to launch the product in the market, which shall identify the product and shall include the name and date of authorization, as well as a summary of the characteristics of the product;

ç) in the case where the authorization referred to in letter “c” of this point is not the first authorization for the product for which such authorization has been issued, it shall provide the legal grounds for the issuance of the authorization, together with a copy of the notification of the official publication of the authorization or, where this is not feasible, any other documents proving the issuance of the authorization, date of issuance and the product to which it applies.

### 3 . Examination of the application for certificate

3.1 In the case where the application for certificate and the product related to it fails to meet the requirements of Chapter XVI of the Law and point 1.1, 1.2 and 2.1 of this chapter, DGPT shall notify the applicant to make completions within six months from the receipt of notification.

3.2 Where the applicant fails to make the completions within the established term, DGPT shall refuse the application and it shall notify the applicant, as well as publishes the notification on refusal in the Industrial Property Gazette. Publication of the notification on refusal shall contain the data provided for by point 4.1 of this chapter.

3.3 Pursuant to Article 106 of the Law, if the application for certificate and the product related to it meets all the requirements of Chapter XVI of the Law and point 1.1, 1.2 and 2.1 of this chapter, DGPT shall issue a filing notification for the application for certificate and shall publish such notification.

#### 4. Publication of application for certificate

4.1 Pursuant to Article 107 of the Law, the publication of the application for certificate shall contain at least the following data:

- a) Name and address of applicant;
- b) Number of main patent;
- c) Title of invention;
- ç) Number and date of authorization to launch the product in the market and identification of such product in this authorization;

#### 5. Publication of certificate issuance

5.1 If no application against the published application is filed with DGPT within three months from the publication of the application for certificate, DGPT shall issue the certificate and publish it in the Industrial Property Gazette:

- a) name and address of the certificate holder;
- b) number of main patent;
- c) title of invention;
- ç) number and date of authorization to launch the product in the market and identification of such product in this authorization;
- d) duration of the certificate.

#### 6. Filing of the application for invalidation of the supplementary protection certificate

6.1 Pursuant to Article 110(2) of the Law, any individual shall have the right to file an application for the invalidation of the supplementary protection certificate with DGPT through the FP13 form. The application shall contain the following data:

- a) name and address of the applicant;
- b) name and address of the representative of the applicant if he has appointed one to follow the procedures at DGPT;



- c) name and address of the certificate holder;
- ç) number of the main patent;
- d) title of invention;
- dh) legal grounds for requiring invalidation of the certificate.

6.2 The application referred to in point 6.1 of this chapter shall have the following additional documents:

- a) document showing the payment of the respective fee;
- b) power of attorney, if the applicant has appointed one;
- c) evidence which sustain the claims of the submitter of the request.

## 7. Examination of application by DGPT

7.1 The Board of Appeals shall examine the declaration for invalidation of the supplementary protection certificate as to whether it complies with the requirements of point 6.1 and 6.2 of this chapter within six months from its filing. If the application is not compliant with the requirements of point 6.1 and 6.2 of this chapter, DGPT shall notify the submitter of the request to make the respective completions within three months from the notification date.

7.2 If the submitter of the request fails to make the completions within the established term, the Board of Appeals shall refuse the request and shall inform the submitter in writing accordingly. If the request has not shortcomings or if completions are made within the term provided by point 7.1 of this chapter, the Board of Appeals shall examine the request on the merits.

7.3 The Board of Appeals shall notify the holder of the supplementary certificate on the request for invalidation of the certificate within one month from the filing of such request and shall ask him to provide his arguments with respect to such request. In the course of examination, the Board of Appeals may ask the parties to submit additional arguments and documents for examination and shall establish the term for their submission.

7.4 Upon conclusion of the examination, the Board of Appeal shall take a decision with respect to the request and shall notify the parties in writing on the taken decision. The decision of the Board of Appeals may be challenged in court within 30 days from the receipt of the notification.

## 8. Patent processing following the decision on the request for invalidation of the supplementary protection certificate

8.1 If DGPT or the court shall decide in the end of the examination that the supplementary protection certificate is not valid, DGPT shall publish the notification of invalidation in the Industrial Property Gazette and shall reflect such decision in the register of patents.

## 9. Duration of the certificate

9.1 Pursuant to Article 108 of the Law, the supplementary protection certificate shall enter into force upon expiration of the duration of the main term provided by the law, which shall be a period that is equal to the period elapsed from the filing date of the application to the date of the first authorization for the launch of the product in the marked, reduced by five years. Regardless of that, the duration of the certificate may not be longer than five years from the date of its entry into force. Any period of duration which is shorter than 12 months shall be considered as one year.

## 10. Renewal of certificate

10.1 The renewal fee of the supplementary protection certificate shall be paid each year of its duration. The procedures for the renewal of the certificate shall be the same as those for the renewal of the patent.

## 11. Expiration of certificate

11.1 The term of the supplementary protection certificate shall expire as follows:

- a) at the end of the term provided for by point 9.1 of this chapter;
- b) in the case where the certificate holder surrenders such certificate;
- c) the annual fee is not paid in time;
- ç) if and where the product subject to the certificate may not be launched in the market, due to surrender of the relevant authorization for putting such product in the market. DGPT may decide upon its initiative with respect to the expiration of the certificate term or upon the request of a third party.

11.2 If the certificate expires, DGPT shall issue a notification in writing shall publish it.

## **CHAPTER XXII INSPECTION OF FILE AND OTHER DOCUMENTS ON PATENTS ISSUED BY DGPT**

### 1. Investigations and extracts from the register of patents

1.1 Pursuant to Article 192(2) and Article 194 of the Law, DGPT shall issue extracts from the register of patents and responses to applications for investigation.

1.2 The application for the issuance of a register extract of a patent shall be filed with DGPT in writing and shall include also the document showing the payment of the designated fee, otherwise the application shall be considered as unfiled. The extract of the register that issued by DGPT contains all the data on the patent and the history of changes it has been subject to.

1.3 The application for investigation of a patent shall be filed with DGPT in writing and shall include the document showing the payment of the designated fee, otherwise the application shall be considered as unfiled. DGPT shall notify in writing the applicant with respect to the outcome of the investigation registered with the register of patents.

### 2. Application for duplicate

2.1 The owner of a patent shall have the right to ask for a duplicate of the patent, of the patent renewal notification or of other notifications issued by DGPT with respect to the registration of changes in the register of patents, by filing a request in writing, which shall include the document showing the payment of the designated fee and the power of attorney, where the application is filed by the representative of the patent owner; otherwise the application shall be considered as unfiled.

### 3. Application for priority document for the patent

3.1 The applicant who has filed an application for patent with DGPT shall be entitled to require a priority document for the patent within 12 months from the filing date of the application for patent,

subject to the payment of the designated fee. The priority document issued by DGPT shall contain the following data:

- a) filing date and number;
- b) name and address of the applicant;
- c) name and address of the inventor;
- ç) symbol of the international classification of patents;
- d) title of invention;
- dh) description of the invention;
- e) claims;
- ë) drawings;
- f) abstract.

#### 4. Application for the inspection of the patent file

4.1 Any individual may inspect the file of a patent in accordance with Article 30 of the Law upon submission of a request in writing and against payment of the designated fee. Unpublished files of an application for patent cannot be inspected without consent from the applicant.

4.2. Some documents are not considered as part of the file open to inspection. Such documents contain mainly draft decisions and opinions or other documents used to draft decisions, the declaration of the inventor by which he requires that his name is not mentioned in accordance with Article 16(2) of the Law and any other document excluded from the file by DGPT on the grounds that such document does not provide the public the information it needs and is entitled to.

#### 5. Correction of errors in the documents issued by DGPT

5.1 In the case where documents issued by DGPT contain errors which are not as a result of the applicant or patent owner, DGPT shall make the relevant correction upon a request in writing filed by the applicant or the patent owner. DGPT shall re-issue the corrected act after the submission of the original copy of the document that needs to be corrected by the applicant or patent owner. DGPT shall reflect the correction in the register of patents and shall publish it in the Industrial Property Gazette.

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