



REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS

**NATIONAL STRATEGY
OF INTELLECTUAL PROPERTY
201**



Supported by:
Ministry of Economic Development, Tourism, Trade and Entrepreneurship
General Directorate of Patents and Trademarks





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2016 – 2020

Tirana, 2016



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- PROPOSED BY:** Ministry of Economic Development, Tourism, Trade and Entrepreneurship;
General Directorate of Patents and Trademarks
- PREPARED BY:** A working group created by order of the Prime Minister no. 112 dated 26.08.2015 “On the creation of an Inter-institutional Working Group to coordinate, draft and follow implementation of the strategic document for Intellectual Property 2016-2020”, under the direction of the deputy minister of the MEDTTE, Mr. **Ervin METE**;
- ASSISTED BY:** Experts of the World Intellectual Property Organisation
- IN CONSULTATION WITH:** The Delegation of the European Commission in Albania;
- FORMAT ADAPTED:** The document has been adapted to the official format of Strategies by the General Directorate of Patents and Trademarks

Tirana, 2016

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32	Mirela Malka	Authorised representative
33	Ela Shomo	Authorised representative
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NATIONAL STRATEGY OF INTELLECTUAL PROPERTY (2016-2020)

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ACRONYMS

ACA	Agency of Collective Administration
ARTI	Agency of Research, Technology and Innovation
NASRI ¹	National Agency of Scientific Research and Innovation
EU	European Union
GDPT	General Directorate of Patents and Trademarks
GDC	General Directorate of Customs
GDIP ²	General Directorate of Industrial Property
SPD	State Police Directorate
CD ³	Copyright Directorate
ECJ	European Court of Justice
EPD	European Partnership Document
OJ	Official Journal
IDE	Institute for the Development of Education
EC	European Commission
EPC	European Patent Convention
AMA	Audiovisual Media Authority
LAN	Local network
MAS	Ministry of Education and Sport
CTM	Community Trademark
SAA	Stabilisation and Association Agreement
MEI	Ministry of European Integration
SME	Small and medium enterprises
EPOrg	European Patent Organisation
PATLIB	Information Centre about Patents
IP	Intellectual property
NPEI	National Plan for European Integration
RA	Republic of Albania
ICT	Information and communications technology
TRIPS	Trade Relations for Intellectual Property Rights
WIPO	World Intellectual Property Organisation
SAIP	System for Administration of Industrial Property
SM	School of Magistrates
EUIPO	Intellectual Property Office of the European Union
EPO	European Patent Office
ACO	Albanian Copyright Office

¹NASRI is the new designation of ARTI after 30 June 2016.

²GDIP is the name of the GDPMAfter the entry into force of an amendment to law no. 9947 dated 07.07.2008 'On industrial property', amended.

³ CD is the new designation of the ACO (Albanian Copyright Office).

INTRODUCTION

Intellectual Property (IP) today is one of the important issues of developments of law, human rights, commerce, the public administration and criminality. Protection of the rights of Intellectual Property is no longer an issue pertaining to a single country, but is a constituent, indivisible part of regional and international developments.

Membership in the European Union has been a priority of the Government of the Republic of Albania for two decades. The country submitted its application for members in 2009 and was given the status of candidate country in 2014. Albania is one step closer to the European Union, another important milestone in the road to the EU. The granting of the status of candidate country is a logical consequence of Albania's attempts at reform. At the same time, it should be seen as an encouragement to continue with the existing reforms and the undertaking of new reforms, necessary to prepare Albania for later starting membership negotiations⁴. The opening of negotiations in the framework of receiving the Status of candidate country for entry into the EU sets out a series of obligations and commitments before the country. The Government has approved Council of Minister's Decision (CMD) no. 330 dated 28 May 2014 "On the approval of instructions for the five priorities recommended by the European Commission, 2013" for meeting the five priorities, specifically:

- reform of the public administration;
- independence, efficiency and accountability of the judicial institutions;
- the fight against corruption;
- the fight against organised crime;
- protection of human rights.

In these instructions, IP rights are included in the priority of protecting human rights.

Having the status of candidate country for membership in the EU, the main objective of Albania in 2014 is for the moment to start accession negotiations with the EU in order to achieve membership. The Stabilisation/Association Agreement (SAA) signed with the EU in 2006 defines the strategic direction for the country and the objectives of its short-term and medium-term policies.

On 1 September 2010, CMD no. 760, the National Strategy for Implementation of Intellectual Property Rights 2010-2015, was approved. After the end of the NSIP (2010-2015), several activities included in its objectives remain unrealised. In addition, the environment where Intellectual Property rights are implemented should have been further developed,; this led the GDPT, through the MEDTTE, to initiate the preparation of a new Strategy for Intellectual Property 2016-2020.

This Strategy is an inter-sector document, which makes concrete one of the attempts of the Government of the Republic of Albania to establish an all-inclusive dialogue among various actors, in order to create appropriate conditions for respecting and protecting Intellectual Property. The implementation of the Strategy 2016-2020 will constitute a fundamental element in further social and economic progress, in an increase of honest competition, in the creation of trust in the market and in European integration. The document has been drawn up on the basis of the duties foreseen and unrealised in the prior Strategy 2010-2015, the implementation of duties set by the EU Progress Reports, the fulfilment of provided in Article 73 of the SAA and its chapter 7 "Intellectual Property", as well as on the basis of a detailed analysis of the needs and problems identified in practice by the institutions involved in the system during this period.

⁴Remarks of Stefan Fule "Status of EU candidate country for Albania (24/06/2014)"

Specifically, it aims at growth in the Albanian economy toward an innovative economy based on knowledge. A constituent part of this strategy is to assure the rights of Intellectual Property, the good functioning of the judicial system, as well as the modernisation of the institutions involved in the system. The Strategy suggests that the IP system should encourage technology transfer through the market of transferring technology, especially with the sale and purchase of technology protected by patents. It also gives priority to the fields of public awareness about the importance of IP.

Several of the objectives foreseen in this strategy are part of the National Strategy for Development and Integration (NSDI)2015-2020. Since Intellectual Property is a very broad field and includes institutions belong to different sectors, it cannot be part of the NSDI (2015-2020), and therefore it was decided to draft a separate Strategy pertaining to this field.

The mission of the strategy is to stimulate economic growth and cultural and scientific development in the Republic of Albania by strengthening the influence of the IP system in the country's economic development. This strategy does not focus on implementing IP rights as a purpose in itself. Its focus is improving the functioning of the system of Intellectual Property for the purpose of encouraging and supporting innovation through encouraging scientific work, in particular by Albanian companies, local universities and individuals, in order to assist the Albanian economy and the citizens in the road toward economic development and the highest standards. Specifically, it will be able to serve as a policy means for encouraging investments in research and development, as well as guaranteeing success in the market.

This Strategy aims at increasing awareness and strengthening the system of registering, administering and protecting the rights that derive from Intellectual Property, as well as the rights that have a powerful influence on the development and good functioning of the economy. It also aims to establish a number of objectives in connection with research and development (R & D) and strengthening scientific research in the country's private and public sector. The distribution of government subsidies for R & D or the creation of public funds for scientific research institutes are policies aiming at giving a direct contribution to innovation by providing stimuli for investments in scientific work.

This document has been drawn up with the contribution of the experts of the inter-institutional working group (WG) set up by Prime Minister's Order no. 112 dated 26.08.2015 "112 dated 26.08.2015 "On the creation of an Inter-institutional Working Group to coordinate, draft and follow implementation of the strategic document for Intellectual Property 2016-2020" with the assistance of experts of the World Intellectual Property Organisation (WIPO) and the European Commission in Albania.

During its drafting and at its conclusion, the document has undergone consultation with interest groups, and more than 10 institutions have their contribution to its preparation.

The report prepared by the experts of the WIPO delegation relied on the analysis of the GDPT data base, interviews organised with the institutions involved in the system as well as interest groups. More than 30 institutions and interest groups, represented by 43 representatives, took part in the meetings.

ROLES AND RESPONSIBILITIES OF THE INSTITUTIONS

1.1 INDUSTRIAL PROPERTY-GDPT

*The legal framework of the Republic of Albania provides protection of industrial property that is broadly approximated to the *acquis communautaire*, fulfilling one of the commitments of article 73 of the Stabilisation/Associational Agreement and Chapter 7 of the National Plan for European Integration “The right of intellectual property”.*

Law no. 9947 dated 07.07.2008 “On industrial property”, amended by law no. 10/2013 dated 14.02.2013 and law no. 55/ 2014 dated 29.05.2014, brought improvements concerning approximation with the EU directives, created the State Inspectorate of Market Supervision, making the regulations necessary for implementation of agreements in the patent field, as well as making precise and correcting problems and mistakes identified during implementation of the law in practice.

The respective subordinate legal acts on patents and utility models were then amended, and amendments were made to the tariffs for registering patents, trademarks and service marks, geographic indicators and industrial designs. During 2015, six subordinate legal acts were approved in implementation of law no. 9947 dated 07.07.2008 “On industrial property”, amended by law no. 55/2014 dated 29.05.2014, “On some amendments and additions to law no. 9947 dated 07.07.2008 “On industrial property”, amended. The amendments of the subordinate legal acts improved the services and registration procedures and defined facilities for applications for national patents.

Law no. 66 dated 26.06. 2014 “On some additions and amendments to law no. 8488 dated 13.5.1999 “On the protection of the topography of semi-conductor products” approximated that completely to the legislation of the EU.

Law no. 9947 “On industrial property”, amended, although it was considered approximated to the *acquis communautaire*, did not fulfil several of the recommendations of the report of the evaluation mission for the field of IP rights of the European Commission in November 2013⁶, which spoke about a series of important issues raised by the holders of the rights, such as the drafting of criteria for well-known marks, criteria for IP experts in the courts, the improvement of the quality of examination, *on-line* applications as well as strengthening the administrative capacities of the directorate.

For that reason, the GDPT undertook the initiative to draft a new law for amendments to the current law on industrial property with the purpose of fulfilling the duties assigned in the European Commission reports, meeting the commitments and intentions of the Albanian Government, which have to do with shortening the time periods and increasing the quality of the service, regulations involving the problems met with from implementation of the current law in practice and making it precise, as well as adaptation to the experience and practices of the homologous international offices. Concretely, the objectives aimed at being reached through this draft law are:

- Facilitation of the examination procedures, as well as creation of a legal environment for improving electronic services and communication. The creation of the possibility of *on-line* application, in the service of facilitating the procedures.
- The creation of the legal basis for securing IP objects, as well as their use as collateral, for the purpose that IP objects will take on in the market the value belong to them.

⁶<http://www.integrimi.gov.al/al/dokumenta/dokumente-strategjike/rekomandimet-e-nenkomiteteve-2014&page=1>

- The regulation of certain procedures and competences of the GDPT, based on the national and international practice of implementation of laws in the IP field.
- Legal definition of the criteria for well-known marks.
- The creation of a legal basis for licensing IP experts by the GDPT for the needs of judicial proceedings and investigation.
- The creation of a legal basis for establishing a chamber of examination of requests for invalidity and repeal, as a new structure within the GDPT.
- The definition of the competences of the Office *ex officio* for de-registration or removal from the register of IP objects registered in the GDPT.
- The recomposition of the Board of Appeal and the amendment of its competences.
- The review of criteria for licensing authorised representatives.
- A change of the designation and administrative structure of the GDPT from a public budgetary institution into an Autonomous Agency on the basis of articles 10 and 20 of law no. 90/2012 “On the organisation and functioning of the state administration”, for the purpose of strengthening administrative and financial capacities, as a major element of realising its mission.

Albania is a member of many international agreements in the field of Industrial Property. In 2013, it ratified the London Agreement for the Application of Article 65 of the European Patent Convention. Ratifying it simplified the procedures for protecting European patents in Albania.

However, despite being a member of many international agreements in the field of Industrial Property, Albania still has not ratified the Vienna Agreement for the international classification of figurative elements of trademarks or the Locarno Agreement for the international classification of industrial designs, or the Lisbon Agreement and the Geneva Act in connection with geographic indicators and designations of origin (The Geneva Act for the Lisbon Agreement enters into force on 20 May 2016), for the international protection of geographic indicators and designations of origin.

In conformity with the TRIPS obligations, the provisions of the Criminal Code have been improved for violations of industrial property rights, with the 2012 legal amendments to the Criminal Code (law no. 144/02.05.2012). As a consequence of those amendments, two special articles have entered into force (149/a and 149/b) that open the way to the State Police (Directorate of Economic Crime) to perform procedural actions on their own initiative in attacking criminal activities in violation of industrial property rights.

The GDPT represents Albania in the European Patent Organisation (EPO) and the World Intellectual Property Organisation (WIPO) and has started the procedures for becoming a member of the Intellectual Property Office of the European Union (EUIPO).

In 2015, the GDPT signed two cooperation agreements with international institutions and two annex agreements with local institutions, specifically:

- Cooperation agreement with the EUIPO, signed on 27 July 2015. EUIPO is the only agency of the European Union responsible for the registration of trademarks and industrial designs valid in the 28 countries of the European Union. This agreement comes after Albania met the conditions for membership in the EU, receiving candidate status in June 2014, and expresses yet again the readiness of the two institutions to strengthen the cooperation between them, which can lead to the creation of a strategic partnership in the European market concerning the protection of trademarks and service marks and industrial designs. Cooperation with this office, in harmonising the procedure of registration with those of the EU, will make it possible to strengthen the capacities of the office, achieving the same standard as homologous offices in member states of the EU, for the purpose of improving the system of registration and protection of marks and industrial designs in the Republic of Albania.

- Cooperation agreement with the EPO. The GDPT signed an agreement on 12 August 2015 for a bilateral cooperation plan with the EPO. The medium-term plan includes the period 2015-2018, and is in the framework of cooperation with the EPO, of which Albania has been a member since May 2010. The activity foreseen in that plan will have an effect on strengthening the administrative capacities of the office and increasing the level of awareness about patents for inventions in Albania, as well as affecting the strengthening of the system of protection of European Patents in the territory of the Republic of Albania.
- The GDPT has also signed a technical memorandum of agreement with WIPO and the EUIPO for the implementation of joint plans for the purpose of strengthening the system, increasing the level of awareness and modernising the office.
- For the purpose of strengthening cooperation with homologue offices in the region and more broadly, the GDPT has signed cooperation agreements with the offices of Kosovo, Turkey, Serbia and the Former Yugoslav Republic of Macedonia.
- In June and July 2015, an annex agreement was signed with the National Registration Centre (NRC) and the General Directorate of Customs (GDC) for drawing up a joint calendar for trainings, including the regional branches of the NRC and the customs points. The GDPT took a series of measures on its own initiative to organise many meetings with businesses and took part in trade fairs in the entire country. Pursuant to the cooperation agreement with the NRC, during 2015 the GDPT continued training the staff of the NRC in the districts for the purpose that they would inform businesses about the registration of their industrial property, as well as starting training customs staff at the border points. Information sessions were also organised with the Polytechnic University of Tirana and the University of Tirana and the Universities “Fan Noli” in Korça. On 22 April 2015, a national conference was organised in Tirana in which representatives from institutions of the country, the EU Delegation in Albania, the Embassy of the USA, local businesses, universities and others took part.

In the serve of encouraging the registration of local inventions, it was ordered in CMD no. 883 dated 13.05.2009"on the approval of tariffs for the registration of industrial property objects" amended in February of this year, that for disabled persons, pensioners and students, the tariffs of application and registration for a patent would be 100 lek. As a consequence, during the following 10 months, for the first time during the functioning of this office, two patents were applied for by students and one patent by a pensioner.

In the Paris Convention for the Protection of Industrial Property, article 1(3) says:

“Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agriculture and extractive industries and to all manufactured or natural products, ...”.

The objects of Industrial Property that are registered with the GDPT are as follows:

a) Patents and utility models

There are three ways to register patents in Albania:

- Patent applications submitted directly to the GDPT as a national application;
- Patent applications through the patent cooperation agreement with the PCT;
- Patents issued by the EPO and which require protection in Albania.

Almost all patents that are valid in Albania are patents granted in the EPO and are in force in Albania on the basis of the agreement with the EPO or on the basis of the EPC. Local companies, universities and inventors are not active in the use of patents for three reasons:

- a) local companies and universities do not have applicants or patents for inventions registered in the GDPT,
- b) there is a low risk of the imitation of inventions,
- c) there is a low level of knowledge about the system⁷.

About 97.5% of all patents registered in the GDPT are patents issued by the EPO and have been extended or been made valid in Albania. This means that almost all patents in force in Albania were granted by the EPO and are part of a great family of patents that have also been protected in other member countries of the EPC.

From 1997 to 2015, only 68 applications were directly submitted to the GDPT for patents by Albanian applicants, constituting 1.16% of the applications in total. This shows an extraordinarily low use of national patents, and also justifies the fact of the absence of examination, in substance, of patents by the GDPT, because the largest part of them come already examined by the EPO.

In the list of the first 20 holders of patent rights in Albania during the period 1997-2015 are foreign pharmaceutical and chemical companies from many nations. Those companies have almost 40% of the total patents registered in the Republic of Albania. The level at which the patented inventions are used in Albania is not clear.

Applications from universities and research institutions constitute less than 2% of the applicants for patents in the GDPT. The low number of applications for patents from universities has remained constant over time. Universities and research institutions that apply for the recognition of patents in Albania are primarily located in EU countries and in the USA, and those applications are concentrated in the pharmaceutical and chemical fields. No application for a patent has been submitted by an Albanian university or research institution. Like universities, individual Albanian inventors do not play any role in the system of Albanian patents.

The majority of foreign companies that have protected their patents in Albania have not registered their trademarks in the GDPT. Considering this fact, we can say that the patented inventions are not used in Albania.

The majority of the patents are kept in force for the entire legal term provided by law (20years). This is because the majority of the protected pharmaceutical patents are the property of large multinational companies, and an increase of the tariffs for renewing the patents is virtually insignificant for those companies.

Concerning applications for utility models, there were only three such applications in the GDPT up to the end of 2015⁸.

Local companies, universities and individual investors are almost not present in the system of patent protection. The reasons for this situation are the following:

- the Albanian companies and universities do not generate patentable inventions;
- Albanian patents have a low level of use by companies, universities and inventors because of the perceived low risk of imitation, as well as the absence of an active market for the technologies where patented inventions might be sold or licensed;
- the low level of awareness in companies and universities of the system for protecting an invention with a patent.

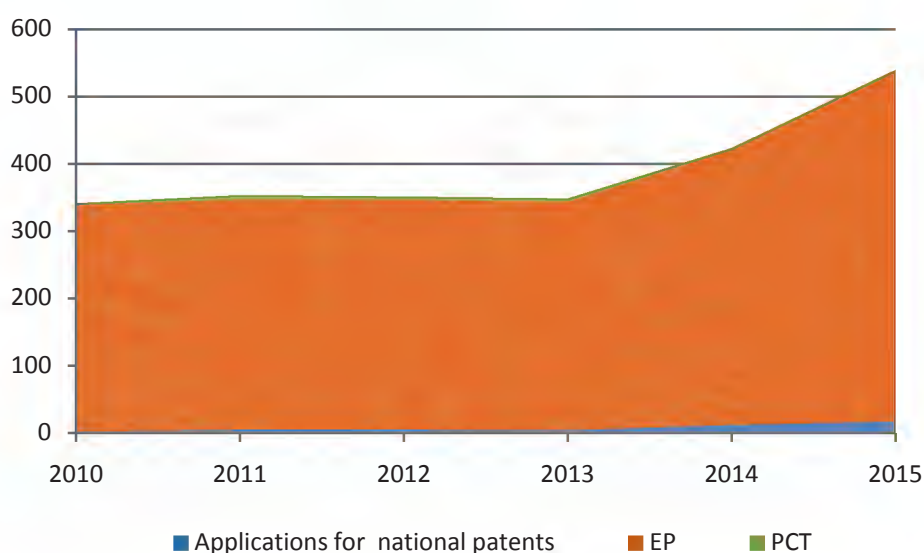
In 2015, there were 539 patent applications deposited with the GDPT compared to 423 applications in 2014, that is, we have an increase of 22.8 % of the number of patent applications.

⁷Report of the WIPO experts.

⁸GDPM data base.

Of those, two applications come from the Patent Cooperation Treaty (PCT) in the field of patents, 17 patent applications were national applications with Albanian citizens as the applicants and 520 applications were patents issued by the European Patent Office that require protection in Albania. The following table and graph show the number of patent applications in the last five years.

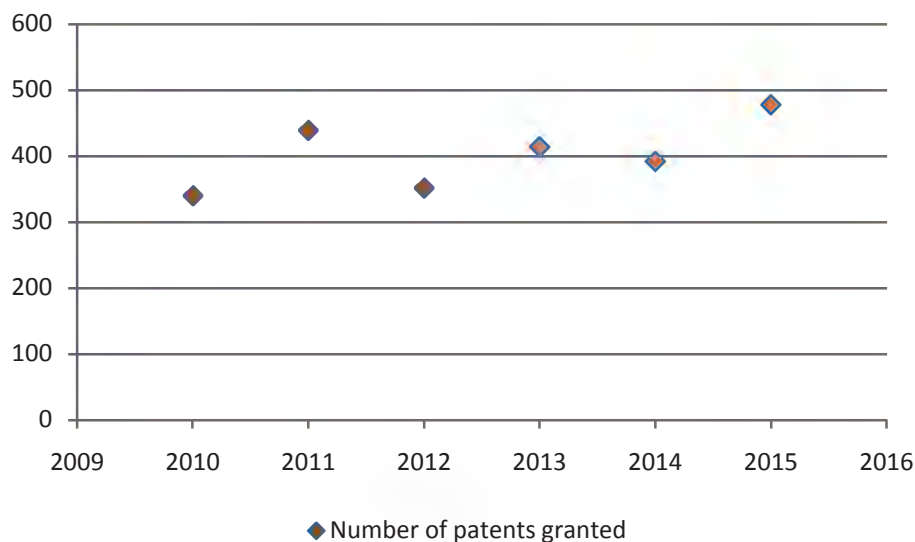
	Applications for national patents	EP	PCT	Total
2010	2	338	1	341
2011	5	342	6	353
2012	5	342	4	351
2013	4	340	4	348
2014	12	409	2	423
2015	17	520	2	539
Total	45	2291	19	2355



Patents registered by the GDPT in the period 2010-2015

Year	Number of patents granted
2010	340
2011	439
2012	352
2013	414
2014	392
2015	478
Total	2415

It is worth mentioning that during this year, the number of applications for national patents rose significantly, from 12 to 17, or 41.7% more. Of those, two applications were from students and one from a pensioner.



b) *Trade and service marks*

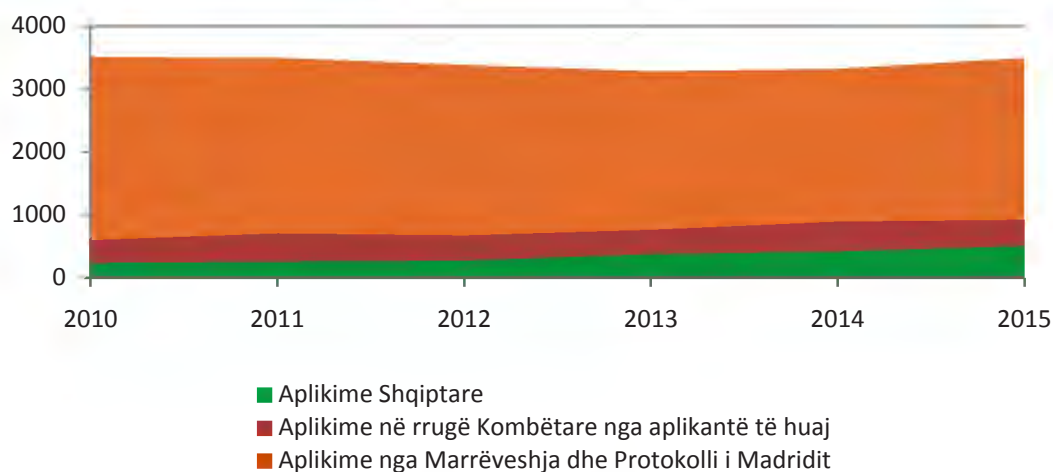
There are two ways to register trademarks in Albania:

- Trademark applications submitted directly to the GDPT as a national application;
- International applications for trademarks through the Madrid system.

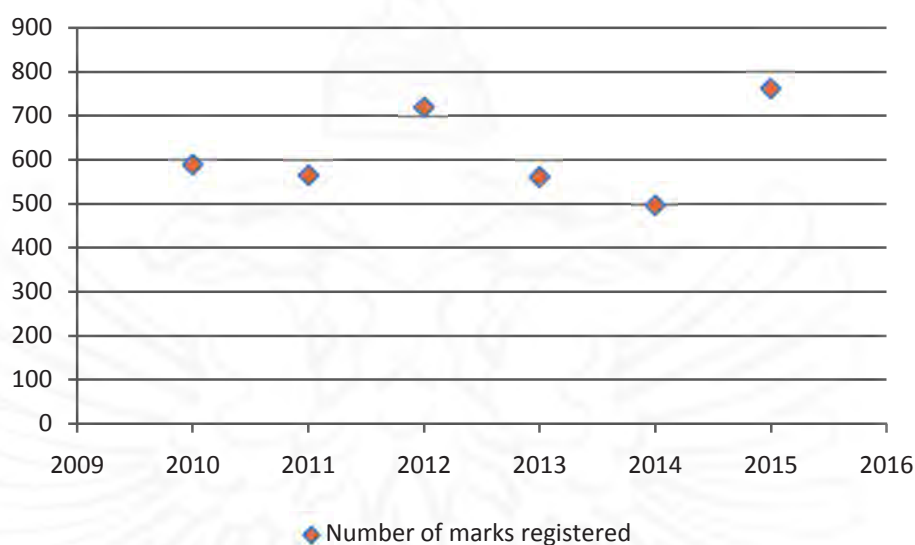
In 2015, there were 937 applications for trademarks. The percentage from Albanian applicants directly to the GDPT rose significantly.

The below table and graph show the number of requests from Albanian applicants, the number of requests from foreign applicants and the number of requests for registration coming from the Madrid Agreement and Protocol in the last five years.

	Albanian Applications	National applications from foreign applicants	Applications from the Madrid Agreement and Protocol	Total
2010	238	372	2897	3507
2011	257	463	2776	3496
2012	276	410	2697	3383
2013	377	398	2507	3282
2014	420	485	2414	3319
2015	509	428	2555	3492
Total	2077	2556	15846	20479



Year	Number of marks registered
2010	590
2011	567
2012	721
2013	563
2014	498
2015	763
Total	3702

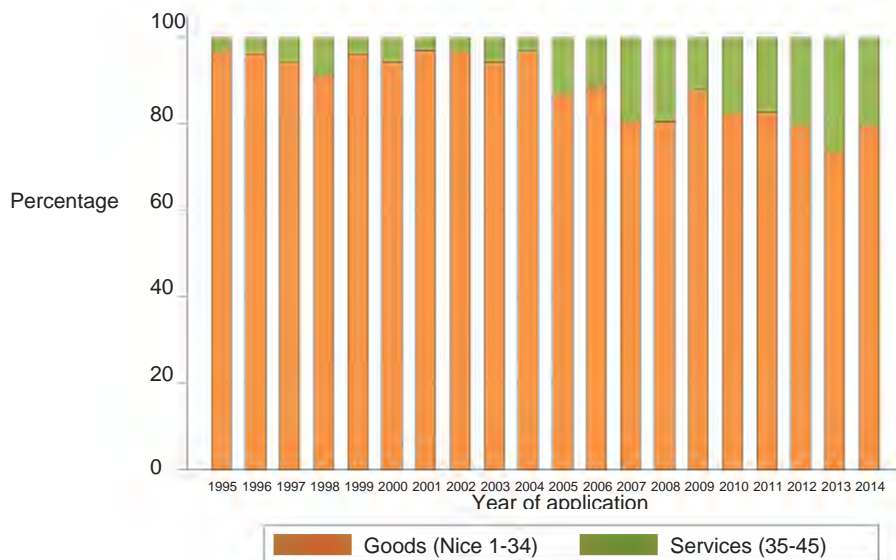


Although a large part of the applications for marks come from the EU and the USA, there is also a significant number of applications for marks from the other countries of the region, above all, the Former Yugoslav Republic of Macedonia and Serbia. However, in the list of the top 20 holders of trademarks in Albania for the period 1995-2015, there is only one Macedonian companies. The majority of the other companies in this list are multinational companies well-known in America and European. Only one company in the list of the 20 holders of the most patents is also in the middle of the list of the 20 holders of the most trademarks.

Applications for trademarks are less concentrated than patent applications. Thus, the companies in the list of the top 20 holders of trademark rights have only 17% of the total applications for marks compared to the 40% possessed by the companies in the top 20 list of patent holders.

There is a visible absence of applications for trademarks from universities in the Republic of Albania. The Tirana Business University and Ismail Qemal University in Vlora are exceptions. This shows the absence of a strategy within the Albanian universities.

Trademarks are widely used in all economic activities. The greatest part of the marks are for pharmaceutical/cosmetic products, agricultural products and food/drink. Only 20% of the trademarks cover services, which stands in contrast with the fact that the largest part of GDP is generated by services and not from goods. The following graph also demonstrates this comparison.



Very few companies that are the owners of patents in Albania are holders of rights for registered marks. That fact casts doubt on the number of patents for inventions (principally pharmaceutical one) that are in fact in commerce in Albania⁹.

There is a tendency by companies to register as a trademark only their commercial name and not the names of particular products sold in the market¹⁰.

c) Industrial designs

There are two ways to register industrial designs in Albania:

- Industrial design applications submitted directly to the GDPT as a national application;
- International applications for industrial designs through the Hague Agreement.

In 2014, 14 applications were deposited by five applicants, whereas in 2015, there were only five applications for designs, of which three were from Albanian applicants¹¹. During those years, 28 companies and two individuals applied, with a total of 71 deposits. There is a low level of knowledge in connection with the importance of registration and protection of designs¹².

Before 2010, all applications for designs were made by non-residents. Since 2010, the largest part of the applications for designs have been made by Albanian subjects. The top companies owning designs provide a very diverse range of products in the market. However, no universities or research institutes have applied for the registration of industrial designs in the GDPT.

Often, companies that have registered trademarks also have applied for industrial designs, creating a possible overlapping of the rights in their simultaneous use.

In the past, all deposits' were submitted by foreign subjects. However, since 2010 the majority of applications come from Albanian applicants¹³.

⁹Report of the WIPO experts.

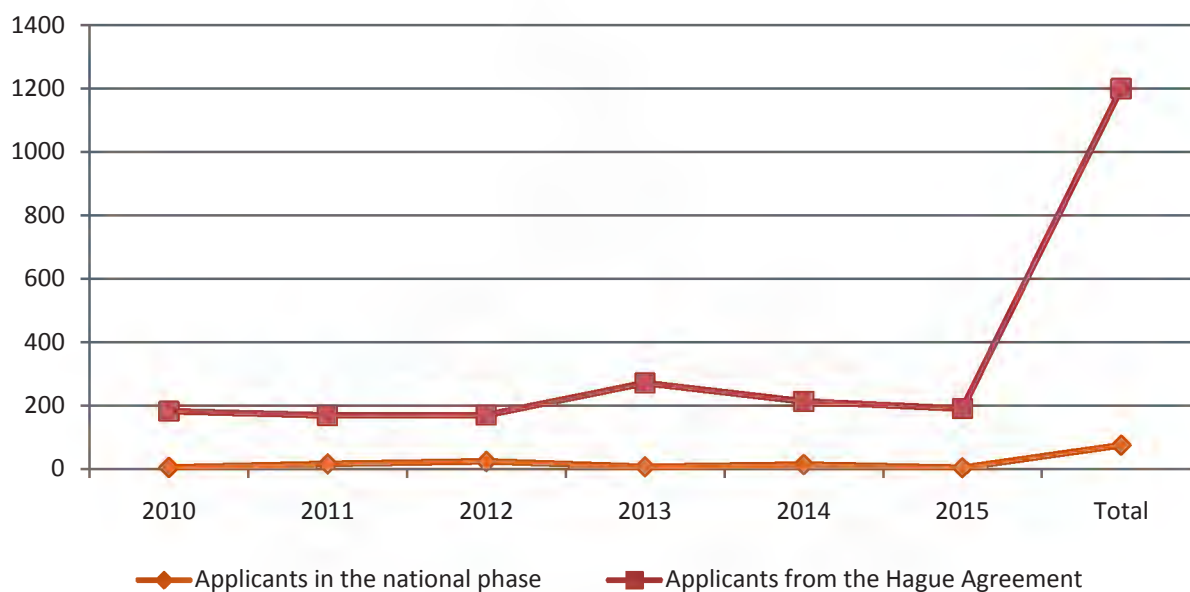
¹⁰ Report of the WIPO experts.

¹¹GDPM data base.

¹²Report of the WIPO experts.

¹³Report of the WIPO experts.

	Applicants in the national phase	Applicants from the Hague Agreement
2010	6	183
2011	17	170
2012	25	171
2013	8	272
2014	15	214
2015	5	191
Total	76	1201



ç) *Geographic indicators, certifying marks and collective marks.*

There is a way to register geographic indicators in Albania:

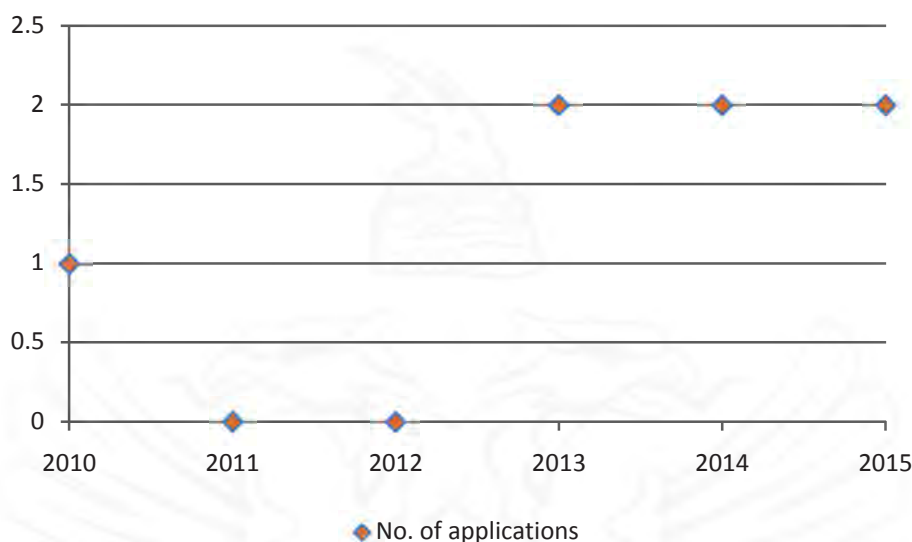
- Applications for geographic indicators submitted directly to the GDPT as a national application.

The protection of geographic indicators starts with their registration at the GDPT, with effects from the date the application is deposited. The right to use a geographic indicator may be renewed without limitation every five years at the request of the holder of the right. An application is made for only one geographic indicator and for one kind of product.

During all the years, 11 requests for registration of a geographic indicator have been submitted, of which two were applied for in 2015. Only five geographic indicators have been registered, four of which have Albanian applicants¹⁴. There is a low level of knowledge in connection with the importance of registering and protecting Geographic Indicators.

¹⁴GDPM data base.

	No. of applications
2010	1
2011	0
2012	0
2013	2
2014	2
2015	2
Total	7



We note that the number of geographic indicators is negligible, and it is urgent to identify and register them.

d) Topography of semi-conductor products

The GDPT gives rights to and protects Topography. The GDPT gives decisions according to the administrative procedure for granting the right and protection of Topography. Topography is protected if it is original. There has not yet been any application in the GDPT for the registration of the topography of semi-conductor products.

The greatest number of applications for the registration of IP objects in the GDPT is taken up by applications for protection of European patents and applications for the registration of trademarks. The number of applications for national patents, utility models, geographic indicators and industrial designs is low in comparison with the other objects of industrial property, and there have been no applications for the topography of semi-conductor products.

Currently, the GDPT is a public budgetary institution, with very limited financial, logistic and administrative means. This form of organisation makes the GDPT inflexible in realising its mission, as well as in meeting demands of the market to achieve international standards in the services offered. The GDPT generates income from the registration of IP objects. That income is put into the state budget 100%, and only a small part of it is used for maintaining the country's IP system. The rest of the value from the GDPT is used in other fields, leaving the needs in this field unmet. This problem was also caught and commented on in the reports and evaluations of the European Commission for Albania, as well as by the WIPO experts, who said in their report that

“One of the current institutional limitations is the absence of institutional autonomy by the GDPT. Including the Albanian Copyright Office in the GDPT structure might be beneficial”¹⁵.

Our legislation recognises several forms of organisation for institutions. In this context, institutions that meet the three legal criteria provided in point 2 of article 10 of law no. 90/2012 “On the organisation and functioning of the state administration” may be organised as autonomous agencies. The GDPT fulfils the criteria for turning into an autonomous agency according to this law.

The reasoning for changing the administrative structure of the GDPT comes from the fact that the fulfilment of the duties of the GDPT and the tasks of its experts do not require continuous and direct political supervision. Changing the status of the GDPT would create favourable conditions for strengthening the experts of the GDPT and its infrastructure, giving the GDPT the modern technical means that are necessary for it to perform its mission.

A change of the form of organisation of the GDPT would specifically affect

- flexibility in taking decisions in fulfilment of its duties;
- logistical and administrative means in conformity with the requirements of the time;
- an investment of the income that is created by IP in those fields.

Because technology progresses and international bodies are dynamic in adapting to those technologies in their systems, it is required for the GDPT to have the same rhythm in order to fulfil the obligations that derive from international agreements. This of course requires investments in infrastructure and the training of specialists in the GDPT and the other involved institutions. The experts of the IP field are fundamental actors for the maintenance and strengthening of the IP system. The GDPT has to be more flexible to increase the number of services provided as well as improving their quality.

As a result of the increase in the number of applications, during 2015 the income received by the principal activity of the GDPT amount to 81,108,236 lek, marking an increase of about 13,753,576 lek in comparison with the year 2014 and 17,463,945 lek in comparison with 2013.

Income from the system of trademarks for the international registration of the marks administered by the GDPT for 2015 was 529,538 Swiss francs (the applications are made at WIPO with headquarters in Geneva, Switzerland, and are administered by the GDPT). The income that is generated by the GDPT exceeds its expenses by three to four times.

Increasing the quality of the examination, as well as the level of public awareness in connection with their rights and obligations coming from the registration of IP objects, the GDPT will have a significant effect on improving the competitive climate as well as serving as an incentive for the creation of an innovative climate in the country. At the same time, it will play an important role in the fight against unfair competition and wrong and deformed practices in the market relate to IP.

Since 2006, the GDPT has used the industrial property data base system IPAS (Industrial Property Administration System), installed by WIPO. The use of IPAS has speeded up the processing of applications and has improved the accuracy of data in connection with the subjects of industrial property. It also enables electronic circulation of data for publishing the Bulletin in electronic form on the Internet page of the GDPT. The possibility of *on-line* applications for improving electronic communication services is a challenge of the work of the GDPT. Providing the possibility to apply on-line would increase the speed and quality of the services offered by the GDPT, as well as reducing application costs.

¹⁵Report of the WIPO experts, page 2.

To increase the speed and quality of its services, the GDPT has undertaken the following measures:

- It has begun examination of the international marks that come from the Madrid system. Currently, because of the absence of staff, most of those applications have been automatically registered without being examined, and in many cases, this has created problems and confusion in the market. In 2015, the GDPT began to examine those marks and took on the commitment to fully examine them by 2016.
- The drafting of guidelines for the Examination of trademarks and service marks (currently, there are no such guidelines, but preparing them and putting them into practice would standardise the process of the examination of marks).
- Reducing the time periods for examination, through quicker publication of the bulletin of marks (currently, six bulletins are published; it is foreseen that there will be at least 12, shortening by one to two months the time length of examination) and faster examination of applications after they are deposited (currently they are examined in the third month after application; it is foreseen for their immediate examination).
- The scanning of the archive of patents has been completed and the scanning of the archive of trademarks, industrial designs and geographic indicators has started.
- Making the SAIP system of bibliographic data of trademarks precise has started, and it has been foreseen to finish by the end of 2016.
- An increase of the number of publications of the Bulletin of trademarks.

The purpose of these measures is the creation of an environment stimulating and facilitating the registration and implementation of IP rights in Albania, reducing to the maximum the procedures and raising the quality of the services provided by the GDPT.

The numerous measures and activities organised by the GDPT to encourage and raise awareness about the importance of registering IP objects have been made concrete in an increase of the Albanian applications by 19% in comparison with 2014, marking a record in the number of applications over the years. The GDPT has a cooperation agreement with the Polytechnic University of Tirana, where it has also opened an information centre and where the GDPT frequently organises informative and training activities for the purpose of informing and encouraging students in research work.

To increase the registration of local inventions, it was decided that the tariffs for application by disabled persons, pensioners and students would be 100 lek for patents. As a consequence, during the next ten months, for the first time during the functioning of this office, two patents were applied for by students and one patent by a pensioner. The GDPT will continue informational work at universities and in the pre-university educational system, as well as awareness campaigns with businesses.

Challenges remaining for the future

- *Approval of amendments to the law on industrial property, with the purpose of meeting the tasks assigned in implementation of the recommendations of the progress report of the European Commission of November 2013¹⁶ (drawing up criteria for well-known marks and criteria for IP experts in the courts, reducing the time periods and increasing the quality of the service, as well as fixing the problems met with by implementation in practice of the current law and adaption with the experience and practices of homologue international offices);*
- *Creation of an IP Academy within its structure, which will do continuous training of all the actors in the system, as well as drafting informational texts in this field;*
- *Strengthening administrative capacities;*

¹⁶<http://www.integrimi.gov.al/al/dokumenta/dokumente-strategjike/rekomandimet-e-nenkomiteteve-2014&page=1>

- *Raising public awareness about registering and respecting the rights of IP objects; training the parties involved in the process; and so on.*

1.2 COPYRIGHT AND RELATED RIGHTS

MINISTRY OF CULTURE /CD

The new law on copyright and related rights was approved by the Albanian Parliament on 31 March 2016, after almost two years of work by the group created by the Ministry of Culture and consulted with various groups of interest and the respective state institutions that are part of the implementation of the legislation on copyright in the Republic of Albania.

First, this new law brings harmonisation, at the highest possible level in Albanian jurisdiction, of the legislation on copyrights and related rights, with the *directives* of the European Union in the field, for the purpose of guaranteeing and protecting respect for copyright at the same level, from the legal viewpoint, as that of the countries of the European Union, an obligation that derives directly from article 73 of the Stabilisation/Association Agreement.

The law also aims at a strengthening, intensification and diversification of the monitoring, controlling and coercive measures, as well as putting filters in place, this is very importance, for the most effective measures for importers, exporters, producers, and users of exploiters of cultural, artistic and scientific works. The new law in a highly restructured way increases and strengthens the system guaranteeing the procedure, reinforcing the European standard for the vulnerable category, because we continue to consider the creator as such, and as such, according to the law, an author who complains of a violation does not have the burden of proof.

The new law also assures a broader coverage of the cases that constitute administrative or criminal infractions, as well as increasing coercive sanctions. Besides this new copyright law, all suggestions, amendments and proposals of the Ministry of Culture have also been made in the Code of Criminal Procedure and the Criminal Code that are directly linked to the figures of offences in this field.

The object of this law is:

- a) protecting copyright and other related rights for works of a literary, artistic and scientific nature;
- b) protecting the rights related to copyright, herein called “related rights”, such as the rights of interpreters/executors in connection with their interpretations/executions; the producers of phonographic registrations of them; the productions of the first showings (recordings) of films of them; broadcast organisations for transmitting them; publishers in connection with their publications; producers of data bases in connection with them;
- c) protection of the rights provided in special provisions for computer programs and audiovisual works defined in the law;
- ç) individual and collective administration of copyright and related rights;
- d) protection *sui generis* of the right of creators of data bases;
- dh) collective protection of copyright and related rights in cases of the violation of those rights;
- e) protection of every other right provided for works of copyright and related rights in this law.

The purpose of this law is to guarantee protection of copyright and rights related to it. The law protects, supports and guarantees a vulnerable category, which is that of creators, authors who, to tell the truth, have never benefited from the protection they deserve and the recognition with full rights of their right in the field of intellectual, artistic and scientific property. We make clear, in an obviously defined manner for all actors who, in fact, unlike what might be thought as a general

perception, have all the entitlements of copyright, which arise from the moment of creation or publication of the creation.

This means that the law does not give this right, it recognises it, protects and guarantees it, and this is the philosophy of this law, which enables us to define the purpose of the law, which is to guarantee a better level of protection for authors, artists and holders of copyright in general.

This law also guarantees an appropriate environment for respecting those rights, assuring in a full manner the balance between the private rights of their holders and the public interest for being informed, as well as the creation of an appropriate climate for business.

Literary, artistic, public works and other works for the protection of the author are given automatically. However, the possibility exists to register material copied in the Albanian Copyright Office. An exclusive requirement also exists for the registration for re-designation of the economic rights protected by copyright. The economic rights to works protected by copyright are protected during the life of the author plus 70 years¹⁷.

The protection of copyright and related rights in Albania is exercised in conformity with the following national and international instruments:

- 1) the Constitution (article 58);
- 2) international conventions/agreements/treaties to which the Republic of Albania adheres;
- 3) law No. 35/2016“Oncopyright and related rights”.

Legal and subordinate legal acts to be approved within six months from the entry of this law into force are as follows:

- 4) the procedures of registration, the organisation, classification and the tariffs of registration are defined by decision of the Council of Ministers;
- 5) the list of equipment, as well as the respective tariffs, are defined by decision of the Council of Ministers;
- 6) the procedures and manner of fair compensation for public lending, in the meaning of this law, are defined by decision of the Council of Ministers;
- 7) the manner of functioning, compensation and organisation are approved by decision of the Council of Ministers;
- 8) the tariffs for services performed by the CD and the ministry responsible for copyright are approved by decision of the Council of Ministers;
- 9) the manner of preparation and approval of the codes of standards and conformity, as well as their publication, is determined by decision of the Council of Ministers;
- 10) the organisation and function of the State Inspectorate of Market Supervision (SIMS) are defined by decision of the Council of Ministers, in conformity with the law on inspection.

The new law is considered to solve these priorities:

- In the first instance, it applies new schemes of compensation for copyright, extending it over situations, broadening the field of action and thus giving more possibilities to users, agencies and authors to find direct answers also for new situations, created with the new technologies, in all the fields where creative works are conveyed.
- This law also takes the technological developments and multiple varieties of forms of exploitation of literary, artistic or scientific works into the digital era and guarantees regulatory mechanisms so as not to permit infringement of the holders of the rights.

¹⁷ WIPO report, page 7- 8.

- It guarantees and offers the legal certainty that every artist, author or other holder of related right, for rights that will be used in the territory of the Republic, will be compensated for his work. It applies the voluntary system of registration of copyright, guaranteeing, in this form, the general principle of the Bern Convention, which is protection without formalities, which was not clear in the existing law, giving that total power only to the agencies.
- It is evident that implementation of copyright is improved in each of the articles and chapters, whose technicalities we can further discuss w.
- In addition, the status and duty of the Copyright Directorate is specified, which is a very great liberation for the employees themselves, who now know that their legal reference is when they enter into communication with the three actors mentioned a little above.
- The definition of the duties and the legal and administrative procedure for the state institutions is another innovation, a clearer definition of this law. There have been a series of legal and administrative instances included in the institutional chain of implementation of the copyright legislation. It has to be said that this aspect has been very weak, empty and evasive, leaving large spaces for interpretation, misinterpretation and even abuse, making the work on the ground of the Albanian Copyright Office or the Ministry of Culture more difficult over the years; with this new law, that problem is solved.
- The new law also clarifies the field of action in this sense and clear roles for the main public instances of that which we call in the law **the Copyright Directorate (CD)**, which is a transformation of what was the Albanian Copyright Office, which will have clearly defined tasks.

The CD will be a directorate dedicated to policies and with a broad range of competences to increase professionalism and more effective cooperation in giving a specialised opinion and much more efficient in its cooperation with the inspectorate and the public in cases of infringement of rights. There are new competences to supervise the agencies and cooperate with other actors and the tax organs. The hierarchical competence within the Ministry of Culture is clearly oriented toward public awareness of the property rights of creator and educational campaigns and public education activities. The new curriculum will be implemented in 13 middle schools applying the new law, giving knowledge to the new generation about the new potentials of a digital economy. The CD will have a new conceptualisation, more efficient and giving more results, for the implementation of this law.

On the other hand, this law brings a new instance, created for the first time, the **National Copyright Council (NCC)**, a new, specialised organ than decides on service tariffs. The NCC will be a decision-making organ that certifies the methodology of the tariffs, which will be checked for each user and published in the channels of public communication. The tariffs will be transparent, competitive for the subjects and not arbitrary, which will directly affect the formalising of the market.

The NCC guarantees free competition, against the abuse that has gone on for some years. The tariffs will be graduated, with a clear procedure defined in the law, all-inclusive and also giving contours to the subjects using associations of representatives of the users, according to the scale and level of use and the purpose of use of the intellectual products. The new law ends the process of the parties contesting tariffs and assists artists to gain more. This will also be realised with the added cooperation of other state organs that have a coercive role against informality.

It is exactly the duty of the Council to unblock the situation and enable communication among the three actors in the field, namely: the creator, as author, who has the right; the Agency of Collective Administration, which is the intermediate link created to protect and represent the

rights of the creator, and the user, who, in fact, is the one who receives a benefit while also having the obligation to make compensation for this right.

The NCC and the CD (National Copyright Council and Copyright Directorate), strengthen the role of intervention in the service of protecting copyright, but also protecting users as well. It is very important that an already aggravated climate be avoided, which sometimes existed among the three actors, who should be together; and this law creates that legal terrain, but it also creates the mechanisms for the public instances, in order to have a relationship of communication among the three actors and not a conflictual one.

In addition to the attempts that the authorities Albania have themselves made to work to improve the situation concerning copyright, in recent years there has been social support from the EU and WIPO with concrete projects, which has consisted of study visits to the respective homologue offices of developed EU countries, but also workshops and seminars about copyright, in this way also training other state authorities that have obligations in fulfilling the mission of the National Strategy.

This support has put Albania on the road to the standards that other countries, EU members, have, because the aim is to assure legal approximation with the EU standards and best practices through the appropriate transposition of the EU directives and to improve the laws, as beneficial and appropriate in specific fields in conformity with the best European practices.

In the framework of inter-institutional cooperation and implementation of the National Strategy for Development and Integration in the IP field, the ACO will continue its functional duties recognised by law until the creation of the other structures defined in the new law on copyright. For the above, the ACO has had cooperation as follows:

A **joint memorandum** has been signed among the Competition Authority, the Albanian Copyright Office and the General Directorate of Taxation.

On 19 November 2015a cooperation agreement was signed between the Albanian Copyright Office and the Romanian Copyright Office in order to strengthen cooperation in the future in the respective field of copyright and the organisation of joint activities.

On 16 November 2016a cooperation agreement was signed between the ACO, the GDPT and the Serbian Intellectual Property Office.

The ACO has signed a memorandum of cooperation with Luarasi University (3 June 2015), with the Rectorate of the University of Tirana (15 June 2015), and “Marin Barleti” University (16 July 2015).

The ACO has continued its role in promoting awareness and informing various categories of subjects/users of artistic and other products and also with all state institutions that are part of the implementation of the legislation in force. Special attention will be devoted to monitoring the IP market as well as making subjects aware of the obligations deriving from the law in force.

One of the basic functions of the ACO has been inspecting the market in cases of violations and notifying all the agencies of collective administration in the RA. With the approval of the new law on copyright, part of the inspecting body will join the SIMS (the State Institution for Market Supervision), and this function of the ACO will not be performed by the existing staff.

In connection with the services of the ACO consciousness-raising, that institution has tried, to the maximum extent, to make the public and the community in its entirety aware of, and to inform them about, the concepts of copyright and related rights. not only in the framework of the

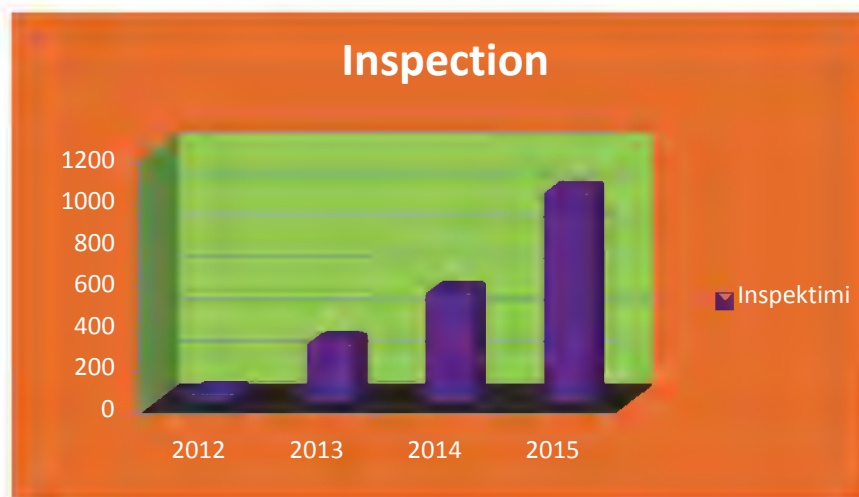
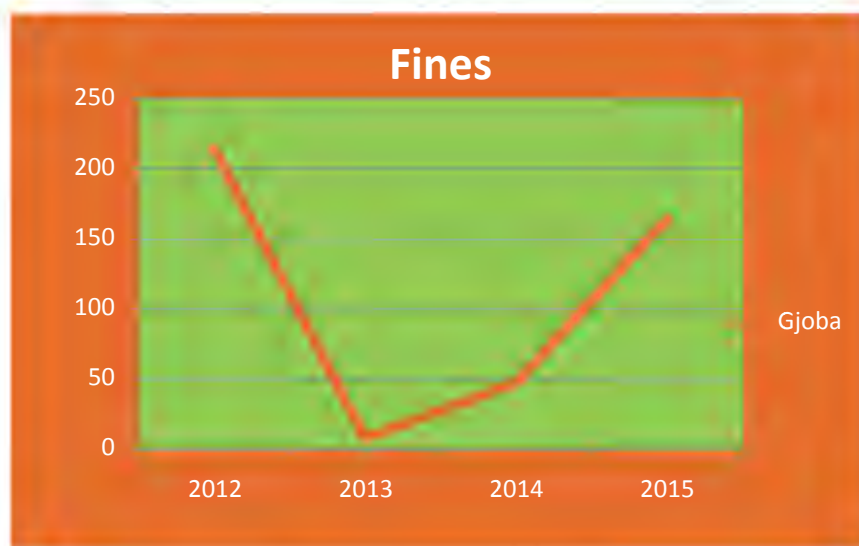
Strategy, but also as one of the main duties of the ACO. There have been chronological reports about the campaigns and joint roundtables held concerning the field. This function will continue to be performed by the CD.

A very important aspect, which the ACO also considers as a consciousness-raising and informative process, is monitoring and inspecting the market of artistic property, a part of which has been done by the inspectors of the ACO.

For 2015, in all, 218 administrative measures were taken in various categories of subjects who are users of artistic property.

Subject	Administrative Measures
Regular or cable television	84
Photocopiers	11
Call Centres	7
Video stores	1
Radio	18
Bars, Cafes, Restaurants, Hotels	93
Newspapers	3
Subject "SIG SHIP"	1

A comparison over the years in connection with inspections made and administrative measures imposed is illustrated graphically below:



Currently, Intellectual Property criminal offences(IP crimes) are reflected in articles 147, 148, 149, 149/a and 149/b of the Criminal Code. According to the Criminal Code in force, all IP offences have been provided as crimes and criminal infractions. They have light measures of punishment, starting from a fine or imprisonment of up to one year and then imprisonment of up to two and four years.

According to the Code of Criminal Procedure (article 59), a person injured by the criminal offences provided by articles 148 and 149 of the Criminal Code has the right to make a request in court and take part in the trial as a party to prove the accusation and seek compensation of the damage.

The new law also assures a broader coverage of the cases that are administrative or criminal infractions, as well as raising the coercive sanctions. The Ministry of Culture has also made all its suggestions, amendments and proposals in the Criminal Code related directly to the figures of this field, in implementation of the National Strategy of Intellectual Property 2010-2015, the new Strategy for implementation of IP rights (2016-2020), the National Plan for European Integration as well as Chapter 7, “The Rights of Intellectual Property”

The Albanian Government has a series of other legal obligations to meet so as to join the EU, set out in the European Partnership Document and the Stabilisation/Association Agreement. Those obligations have led and continue to lead to a considerable number of amendments to the laws that administer IP in Albania.

It remains a priority objective to *raise awareness about copyright and related rights* among users of the works protected by copyright, or related rights; holders of the rights; their representatives and the community in general.

The awareness of Albanian society continues in the attention and priority of the Ministry of Culture and the CD, for the purpose of informing and educating the generations that are growing up. For many people, the link that exists between Intellectual Property and creativity is not at all clear. The word “creativity” in itself means a world of artists, musical creators or any other genre, as well as poets and artists. The protection of intellectual property is a well-organised system that great benefit to every country, as well as bringing benefits and profits to economic, social, cultural and other developments.

Respect for the product of another’s mind, the correct use of it, not pirated but on the basis of laws that operate in a given country is a clear indicator of the level of civilisation of a society.

The mission of every government of every country in the world is for culture and intellectual productivity to be developed, disseminated, promoted and stimulated, through the drawing up and implementation of effective policies in the service of respect for the protection of intellectual products.

In 2000, the WIPO member states designated 26 April—the day when the WIPO Convention entered into force, in 1970 – as World Intellectual Property Day, for the purpose of increasing general understanding of intellectual property.

Since then, World IP Day has provided a unique opportunity every year to join with others around the globe to think about how IP contributes to the flourishing of music and the arts and leads to technological innovations that give form to our world. Everywhere we look, we see images of Intellectual Property inaction. Everything in our daily life is linked, in a primary or secondary way, with IP rights. The self-knowledge of society and the state institutions about the complexity of the importance carried by copyright and related rights to cultural, social, economic

and political developments of a country or society can be said to be going in the right direction in Albania.

As a vital part of our inheritance and culture, Albanian Intellectual Property is and will be in the focus of the Albanian Government and the respective ministries, in order to fulfil their mission and objective, that of putting culture to the service of well-being, development and the European integration of Albania and the Albanians.

Many countries of the European Union have a platform explaining the vital importance of copyright in a country's economy. Governments of many developed countries assure that packets of informational materials are distributed in schools to be used for teaching pupils and the youth about copyright and the goods and benefits that come from this right. Lobbying has to go on strongly for copyright to be put into the curriculum as a separate subject, from the first classes of schooling. This remains a challenge for the responsible institutions. The education of the generations for a healthy cultivation of this culture will bring only positive results in the years to come for Albanian society.

For the very specifics of this field, it of course bears its difficulties both in being understood and perceived by the largest part of public opinion, but the ACO has had as priorities to raise awareness and the cultivation of culture in the generations that are growing up with concepts of culture and related rights. A generation that is well-educated with Intellectual Property issues is a good possibility for reducing the levels of piracy and infringements in a given country, Those are world practices in developed countries, which have shown themselves to be quite productive.

For two consecutive years, 2014-2015, the ACO has organised national competitions in the field of copyright with the pre-university and university system of education. Those national competitions, in which the 12 Regional Educational Directorates were included as well as public and private universities at the national level, were organised in the framework of World Intellectual Property Day around the theme of "Let Us Protect and Respect Copyright in the Republic of Albania". The expectations from those competitions have been high, and the number of participants has been considerable. Activities of these dimensions have left their impact on society, including a great number of pupils and students, but also the academic staffs.

In the framework of World Intellectual Property Day– 26 April 2016 – the Ministry of Culture and the ACO, in close cooperation with the GDPT and the Ministry of Economic Development, Tourism, Trade and the Economic (MEDTTE), organised a national conference around the slogan "**Reform in the Intellectual Property system– A challenge and commitment for European integration and the economic development of the country**". Representatives of high state institutions in the IP system were part of this conference as well as representatives of the diplomatic corps in Tirana, free enterprise, authors, creators, interest groups and higher educational institutions.

Also in the framework of this day, the Ministry of Culture and the ACO organised a stand in one of Tirana's main roads with various promotional materials, brochures and leaflets explaining copyright in a simple way. Representatives of the GDPT also took part in this event.

A television spot was produced, in support of the ACAs, by distinguished national authors in various fields, for the purpose of sensitising society. Press releases and various interviews were reflected in newspaper editorials. Posters with the activity's slogan were placed in the main roads of Tirana. All these activities were reflected in social media and the Internet pages of the Ministry of Culture and the ACO, as well as being published in the weekly magazine of the Ministry of Culture.

The ACO has made the education of the generations, and society as a whole, a part of its work plan, as a good way to sensitise the young. The ACO has given open lectures for two years in the auditoriums of various universities, where the reception was maximal both by the students and the academic staff. These working practices will continue during the time span of this Strategy, that is, 2016-2020, including young people in matters of education through culture and art. We all know and agree that respect for the rights of the author protects culture, inheritance, identity and integrity of a nation.

Such activities will be undertaken by the Ministry of Culture and the CD according to a defined schedule, for the purpose of presenting the new copyright law to various subjects of users, interest groups and other state institutions. Lectures in auditoriums will be part of the daily work plan of the CD, and the competitions in schools will become a tradition, as a way to education all of Albanian society.

The continuation of disseminating information constantly with the intent of increasing awareness and above all, will and responsibility by all to apply the law with precision will be yet another guarantee that Albania will overcome the problem of the protection copyright and related rights, reaching a level of protection the same as that of the EU.

In addition to that, the development of information technology (IT) and the Internet has changed the way of teaching, as more and more materials become available in the digital environment, at low cost or entirely without cost, and new methods of teaching, such as *on-line* teaching and learning at a distance, become possible and easy to access.

Both developed countries as well as developing ones appreciate the continuing importance of having a high level of availability and accessibility of knowledge for educational purposes, since this has vital important for the social and economic development and support of a country.

1.3 SYSTEM OF COLLECTIVE ADMINISTRATION

Agencies of collective administration of copyrights and related rights are non-governmental organisations (NGO), created on the basis of the law for NGOs, but which take on the functions of an agency of collective administration only after the Ministry of Culture has expressed itself with an order for its licensing on the basis of articles 108 and 109 of law no. 9380 dated 28.04.2005 “On copyright and related rights”.

The World Intellectual Property Organisation (WIPO) defines collective administration as “the exercise of copyright and other related rights by organisations that act in the name and interest of the holders of the right”. **That is, the agencies are the representatives of the holders of the entitlement to administer the rights of the title holders against users.** Therefore, the rights of an agency are those that derive from the entitlement of representation that the holders give it, based on international conventions and treaties as well as the national legislation in the field.

Four agencies of collective administrative of copyright and related rights operate in the Republic of Albania, one for each branch of art, as follows:

1. Albautor – Agency of collective administration of copyrights;
2. APAW – agency for the protection of audiovisual works;
3. APRIE – agency for the protection of the rights of interpreters and executors;
4. APP – agency for the protection of producers.

Strengthening the system of collective administration is another point where the CD will make maximum efforts to improve the system, by means of increasing the credibility and transparency of ACAs against the using subjects as well as fair compensation to the holders of the rights.

Copyright can be administered individually for every work of an author or, according to the provisions of law no. 35/2016, can be administered collectively, through agencies of collective administration, for a number of works of several authors at the same time.

For the account of holders of the rights and on the basis of the competences given, and as provided in law no.35/2016, ACAs have these functions:

- a) to give users, pursuant to their requests, non-exclusive contracts for the use of the works or objects of related rights, in exchange for compensation, by a contract in writing, within the entitlements defined in the agency's licence;
- b) to collect compensation for the use of the works or objects of related rights;
- c) *to distributed, on the basis of the rules of distribution, compensation collected from the users in a fair manner and in proportion to the current use and value of the works and objects of related rights. he principles of distribution of compensation are determined in the agency's charter and every possibility of arbitrariness is to be excluded;*
- ç) to represent the holders of the rights that they administer in judicial or administrative proceedings and to take every other legal action necessary for the protection and implementation of the rights administered by them;
- d) to perform every other action, in conformity with their legal entitlements and of their decision-making organs, for competences received from the holders of the rights;
- dh) *to draw up a negotiable methodology for defining the level of tariffs that the users are to pay, in compliance with the provisions of this law;*
- e) to analyse, in the name of the author or holder of the copyright and other related rights, or on the basis of a reciprocity agreement with similar foreign agencies, general agreements with organisers of performances, offerors of media audiovisual service, operators of the numerical network who have as their object to authorise a performance and distribution for the works they administer;
- ë) to represent the interest of members for the exploitation of rights outside of the territory of the Republic of Albania, signing reciprocity agreements with similar foreign agencies;
- f) to inform, on request, holders of copyright and other related rights about the manner of exploitation of their rights, about the annual financial report and that of the audit of the financial income, within the time provided in the charter;
- g) to assure the transparency of the activity of the agencies of collective administration in connection with the public authorities of audit, according to law;
- gj) for income collected from users and paid as compensation to holders of rights, those agencies are obligated to withhold tax at the source and pay it to the account of the tax administration, in conformity with the income tax legislation in force;
- h) for purposes of accurately determining tax obligations, they are obliged to make available to the tax administration, according to the approved forms, information about income collected from users of copyrighted works and related rights, as well as to distributed that compensation to the rights holders. Agencies of collective administration administer copyrights only on the basis of a contract entered into with the author. In particular, the contract will include the author's authorisation for the administration of his rights, the type of works and rights to be administered and the duration of the contract, which should not exceed three years, renewable.

An agency of collective administration is licensed when it meets several characteristics, such as:

- a) it is registered as a non-for-profit organisation, in compliance with the legal provisions in force;
- b) it has approved its charter, which meets the conditions provided in the law, and which should include specifically:
 - i) the name of the agency of collective administration, its objectives and purposes, the rights administered, the categories of holders of rights that the agency represents, the criteria for obtaining and losing membership, the rights and obligations of the members, the rules for election of the leading organs and their functioning, its initial capital and the

- planned economic sources, rules defined for the holding of a meeting and the distribution of income, the manner of supervision of the economic-financial administration of the agencies, the creation of a special committee, in the meaning of article 153, point 6 of the law, the manner of use of the capital or other assets in case of liquidation of the company, rules about the modalities of drafting the methodology that is to be negotiated with users and the rules of representation in negotiations, as well as every other provision that is mandatory according to the legislation in force;
- ii) the charter provisions of agencies of collective administration should take into account the principle of transparency, the principle of conflict of interests in their leading organs, as well as the principle of non-discrimination among members and non-members as well as among users of copyright and related rights;
 - iii) the general assembly of the members of the agency should meet at least once a year, decide on amendments to the charter of the agency as to its name or the discharge of the executive organs, review their overall performance and approve their compensation, as well as other monetary and non-monetary benefits, the granting of pensions or titles, other rights and compensation or rights to transitional payments; it decides at least on the general policy for the distribution of compensation to holders of the rights administered, as well as the approval of every sale, purchase or mortgage of immovable properties;
- c) it has central headquarters in the Republic of Albania; 58
 - ç) it has appropriate space and logistics for collecting, distributing and payment of compensation, technical service, professional expertise with at least one employee who is a jurist and one who is a finance specialist;
 - d) the collective administration of rights is its only activity, except for the case when its other activities are in the field of art and culture;
 - e) it demonstrates mechanisms that guarantee equal treatment both for holders of rights, as well as users, when the objective conditions of treatment are the same.

A licence for agencies of collective administration is valid for three years and can be renewed.

The CD has asked for international assistance in order to make it possible to train the staffs of the ACAs in Albania in order to increase their expertise to meet the challenges presented by the system.

The overlapping of rights and their implementation has principally been put into the hands of the agencies of collective administration. Interest groups have reported that there are problems with an overlapping of the rights because of overlapping competence of the ACAs and unclear tariff rules (this issue will be solved through the new law, which provides fixed tariffs for a three-year period).

On the other hand, the ACAs expressed concern about the ability to implement copyright, particularly in an *on-line* environment, concerning the absence of techniques for giving notice of blocking. During their interviews with the WIPO experts, interest groups emphasised problems with the ACAs. The problems appear mainly in past years in connection with the collection and distribution of income collected by the ACAs from users.

The interviews held with groups of interest during the meeting with the experts of WIPO who assisted Albania in the preparation of the Strategy brought out that the main problem with the copyright system in Albania is related to the implementation and overlapping of copyrights.

So far as the on-line environment is concerned, as an example of a semi-regulatory procedure NTD (Notice and take down), it is worth mentioning the signing of a Memorandum of Understanding for the protection of copyright in the digital environment.

Such an agreement could be signed by public and private subjects, supervisory public agencies or those for consumer protection, especially the regulatory authority for electronic communications (Albanian acronym (AKEP), representatives of the rights holders, advertising agencies and associations of advertisers, associations for consumer protection and the subject responsible for the management, registration and maintenance of Top Level Domain (TLD) fields.

The memorandum defines a procedure for blocking pages that might violate copyright law.

Thus, the best inter-institutional coordination is a good working method for the most effective implementation of the law on copyright. The Ministry of Culture and the Copyright Directorate cannot work alone in the fight against piracy and informality in the country. The existence of other institutions should be more concrete and cooperative, for a division of the responsibilities of each and accountability for every institution that does not meet its obligations deriving from this Strategy.

Concerning the part of collective administration, it should be transformed in such a way that private bodies will meet their obligations and their structure should be such that all interested groups are clearly represented; at the same time, measures should be taken so that the collective administrators will be efficient under the new conditions created; and the system of implementation of those rights should be more complex and efficient so as to guarantee their functioning.

The Ministry of Culture has created a council under the new copyright law, a specialised technical body to set use tariffs in collective administration; this is in conformity with the models of EU countries with characteristics relevant to our country. The rules of functioning the agencies that receive and exploit the licence given by the Ministry of Culture are strengthened, rules that protect the rights of artist members of those agencies, with transparency of their activity, also inserting clearly a more active role of the tax and financial organs, with a provision for the costs of operating them in a calendar year. It bears mentioning in this aspect that a ceiling of expenses is foreseen up to 30% of the compensation distributed.

For purposes of determining the tax obligations accurately, ACAs have the obligation to make available to the tax administration, according to approved forms, information about income collected from users of copyrighted works and related rights, as well as the distribution of that compensation to the holders of the rights. An obligation clearly defined in the new law on copyright law and related rights. Those expenses and the distribution of money will have to end with this law, putting the legitimate beneficiary in the centre – the author of the work.

Collective agencies will have to operate with more responsibility, accountability and efficiency, so as to assure their functional survival. Now we will not amnesty any operator who acts to the detriment of the interests of holders of copyrights and related rights in the intellectual market. With this law, collective administration has the opportunity to develop and for new agencies to be created as a result of the creation of new schemes for benefiting.

There is a perception among domestic actors that copyright principally generates income for the holders of foreign rights and does not create any important positive incentive for local creativity. Among the various problems with the system of copyrights in Albania, there is difficulty in clarifying the rights. There is considerable uncertainty about the protection of copyrights and the implementation of those rights in the digital field, which up to now is virtually unregulated¹⁸.

Concerning the level of effectiveness, new mechanisms have been provided by law for the collection of income and from the use and exploitation of works, which guarantees a regulatory

¹⁸WIPO report, page 2.

system that brings effectiveness and does not cause confusion in the market, which has often happened. In addition, the application of compensation for importing special equipment for reproduction or maintaining of artistic or literary works will be another aid for the holders of rights at the source of the technology used for reproduction.

Concretely, there are a number of mechanisms: on the one hand, this law creates several guaranteeing mechanisms to increase opportunities for users and to be clear as to who is to be paid, and when, in the framework of implementation of this law. On the other hand, it clarifies the rights of their holders and the possibility for representation through collective administration agencies or even other representatives of any type. This is a very important innovation, as the sole will of the creator and not as an imposition by the state.

Taking into account that during recent years, the process of distribution of compensation has been almost non-existent, clear means are provided by this law. If we look at the data and numbers of declarations made by the agencies themselves at the end of the year, it is an impressive fact that the four agencies that operate in the terrain declare income, declare their expenses for administrative costs, which go up to 50% of what they have collected, even 60% or 70%; there are even whole years when no distributions are declared, which is a very large abnormality.

This explains the uncounted complaints that come from authors who do not receive compensation from the collected money. In this context, the new law imposes a limit to the amount that the agency uses to cover its expenses, but does not control it. With this law, the part for the agency is calculated on the amount distributed and not the amount collected. This is one of the most revolutionary parts, provided in article 151, point 9 of the new law, in which it is made clear that unlike the situation up to now, where the posts of administration of the agencies have taken from the moneys collected, it will have to come from the moneys distributed, that is, the money that goes for compensation to the artists, which means that is a mechanism that encourages the agencies to collect as much as possible, in order to distribute as much as possible, in order to cover their administrative costs.

In addition, this law guarantees transparency in the methodology of calculating the amount of compensation to the author. The intermediary, with clear rules and with effective decision-making, positions the state authorities in clear roles of assisting and guaranteeing the implementation of the law. That is, the law goes even farther, where the author, as a vulnerable category, does not have sufficient knowledge to ask or to protect himself. Thus, it is the law that protects him. The forms of contracts of publication are also more clear with this law, and a clear relationship is created between the author and employer for works created during the labour relationship.

In connection with the implementation of the provisions of this law, we think that the provisions and innovations that it brings need a transitional period, until the agencies administering the rights, but also the other actors, will begin to apply the new law successfully, since it brings great changes.

On the other hand this law also provides facilitations for subjects who are users, who now will pay a single tariff, because the possibility has been opened for the creation of a *one stop shop*, negotiated by the parties ahead of time, and if they do not agree, negotiated before the National Copyright Council (NCC), and the parties will also have their right in application of the law on mediation.

Agencies of collective administration are a very important partner, and this law creates space for forming other agencies in fields of copyright where they do not exist, such as publications. We do not have a specialised agency for this field of copyright, but the law opens perspectives and gives

the possibility with its mechanisms of regulation of the function and good governance of those agencies.

An effective Intellectual Property system should be accompanied by the appropriate means and by an efficient judicial system, in the framework of which violations can be criminally prosecuted and tried. This can be achieved through the approval of high standards for the implementation of copyrights and related rights at the international level, together with creating functional ACAs for collecting and distributing compensation and honoraria to rights holders.

In 1996, two other treaties were approved in the framework of WIPO, with the purpose of renewing and supplement the Bern Convention and the Rome Convention and responding appropriately to questions raised by the development of technologies and new forms of disseminating works via the Internet. The WIPO Copyright Treaty (WCT) as well as the WIPO Performance and Phonogram Treaty (WPPT) – usually referred to as the Internet Treaties, which entered into force in 2002 – do not provide a genuine extension of the field of protection, but mainly clarify the application of the existing norms and their adaptation to the new digital environment.

So far as concerns the exercise and implementation of copyright and related rights in the *on-line* environment, the treaties have put new obligations into the field of technological measures and management of information rights (TPMS/DRMS). In particular, the parties to the conventions will assure appropriate legal protection and effective juridical means against the avoidance of the technological measures that have been used by authors, interpreters and producers of a phonogram in connection with the exercise of the rights.

Most national laws on Intellectual Property in the EU provide criminal sanctions for violations of IP rights, in addition to civil legal remedies. Although the EU (and its member states) have been obligated since 1 January 1995, they have not harmonised criminal law and procedure within the EU, and thus relationships in the commercial frame of IP rights and standards for criminal enforcement remain unresolved.

Exemption, regime, responsibility of ISPs in the framework of the E-Commerce Directive

The E-Commerce Directive (or ECD)¹⁹ provides a technologically neutral framework for providing trans-border *on-line* services in the EU through a regime of special responsibility for particular types of *on-line* intermediates, which have the purpose of achieving a balance among different interests at issue. That is, it defines exemptions from the obligation of Internet service providers (ISP) when they disseminate or transmit unlawful content that has been given to them by a third party. Under specified conditions, ISPs may benefit from those exemptions, when they are giving one of the so-called intermediated services defined in article 12 to 14 of the Directive.

Furthermore, the E-Commerce Directive encourages the drafting of codes of conduct at the EU level and voluntary agreements in industry, as well as so-called “NTD” blocking procedures, so that ISPs can act quickly to take down or de-activate" access to unlawful content. This definition (also called “notice and take down” – NTD) usually includes a procedure by which an intermediary takes down or hinders access to information or an activity after notification of the violation. Blocking might be the only solution when take-down is not possible because the unlawful activity or has been kept in a different place.

This is so, for example, in the case of implementation of the Directive, which provides that member states will assure that rights holders are in a condition to implement a judicial decision against ISPs that are being used by a third party. The fundamental rights are important when it is a question of applying the NTD procedure.

¹⁹<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32000L0031&from=EN>

In this aspect, it is worth mentioning that in the EU, such a solution provided by law, leading to the blocking of access to the Internet for repeat violators, has been expressly refused by the Commission in the debate on the “Telecom Package” of 2009 – the regulatory framework of the EU for electronic communications. In addition to a number of voluntary codes, NTD and the blocking of the legal procedure have been developed in several member states, but those procedures are still quite fragmented in the EU, which can create legal uncertainty for intermediaries. Furthermore, as specified in public consultation held by the Commission in 2010 on implementation of the E-Commerce Directive and the future of e-commerce, many issues remain unsettled in the application of that procedure.

In practice, there are a number of different procedures, and this is not easy to ISPs or for those injured by unlawful content, as to how it should be defined, how it should be applied and in what way. The existence and use of NTD does not prevent the use of legal remedies for enforcement by the public organs. The European reality is very dispersed and includes administrative procedures with state organs, as in Spain, or independent authorities, as in France, or regulators, as in Italy, and in some cases, special investigative units, as in the United Kingdom, as well as judicial procedures that are provided in every such country.

Thus, the best inter-institutional coordination possible is a good manner of working for the most effective implementation of the law on copyright. The Ministry of Culture and the Copyright Directorate cannot work alone in the fight against piracy and informality in the country. The role of other institutions has to be more concrete and cooperative, for a division of the responsibilities of each and accountability for every institution that does not meet its obligations deriving from this Strategy.

National examples that might be taken into account in the final version of this Strategy

Because of the variety of legal traditions that support different systems of national implementation regarding *on-line* copyright violations, any attempt to assure a uniform system would be pointless. The European Commission already, in 2012, commented on the existence of different legal systems: “*The implementation of the Directive is mainly focussed on judicial systems, which certainly remain the principal pillar for implementation of copyright at the domestic level and has preserved a minimum level of guarantees and remedies in Europe as a whole*”.

Judicial protection in fact is assured in all Member States and does not present particular issues for discussion, except for those very complex cases in connection with the applicable law and the competent jurisdiction in the context of unlawful Internet use. In addition to the courts, several countries have started to explore other ways to assure protection for the author, *including the administrative organs*.

The cost and length of time of judicial proceedings are among the important reasons why the most immediate needs for protection of copyright in the *on-line* environment have been translated into the creation of new methods of intervention. The sections below focus on systems that have appeared and are especially new in the aspect of including administrative organs in the fight against *on-line* violations. They constitute the main features of the systems approved in France, Italy, Spain and the United Kingdom.

The combinations of means are quite varied: independent regulators (Italy and the United Kingdom), the involvement of the judiciary in specified circumstances (France, Spain and the United Kingdom), actions against end users (France and Great Britain), actions against the Internet pages (Spain and Italy), notifications and procedures of e-blocking (Spain and Italy), and the list could continue. All these models have been the subject of heated debates with civil

society and have involved constitutional courts in the case of France, Italy and Spain and the High Court of Justice in the United Kingdom.

France

After a long and heated debate, the first law “to encourage the distribution and protection of creative works on the Internet”, known as the Hadopi 1, was approved in June 2009, limited to the part of the text that had not been declared unconstitutional. The purpose was to establish measures against the unlawful downloading of copyrighted works and at the same time to encourage exploitation in compliance with the law.

The law also created *a special administrative authority* for the distribution and protection of creative works on the Internet, Hadopi assigned to monitor the *on-line* activity of individual subscribers. In case of violations, *the Authority may send warnings, by means of a graduated approach, so as to convince individual violators to refrain from unlawful activities*. After a new decision of the Constitutional Council about the criminal protection of protected literary and artistic works, “Hadopi 2” was approved in October 2009, leaving it to be understood that after two warnings about unlawful downloads, removing the Internet connection could be ordered *by court decision*. The system became operative in October 2010, and since then, it has reported on a considerable number of warnings. Regardless of the high numbers, discussions continue in France about the possibility of other changes to the law. It is worth mentioning that in itself Hadopi sees the defects of its activity.

There is no single solution for unlawful uses and direct download, but a group of several coherent measures that supplement one another are both effective and in conformity with the fundamental human freedoms. Those measures take account of the limitations of the existing legal means and the public policies that promote the participation of intermediaries in preventing and stopping *on-line* violations. Therefore, possibilities should be considered that include more responsibility for the content and references on Internet pages and also the cooperation of all intermediaries in the use and download of works on the Internet. On this reasoning, *self-regulation under the supervision of public authorities is being encouraged, instead of developing new restrictive mechanisms*.

In a concrete response to the needs that come from these two reports and as a follow-up from a special request of the Government, four specific means have been suggested:

- agreements with *on-line* advertisers and agreements with intermediaries,
- informing the public about Internet pages that are responsible for massive violations;
- continuous monitoring of judicial decisions in connection with massive violations.

In March 2015 the Government announced a new action plan. The plan was to address measures lowering the financing of specialised sites that infringe copyrights in the works distributed on the Internet, in order to monitor the effectiveness of all the sanctions, including placing blocking on technical intermediaries.

Italy

The Italian model has in part been inspired by the French solution. *The fight against Internet piracy also includes an administrative organ, specifically, the communications authority AGCOM (the authority for guaranteeing communications), but with a different procedural approach*.

In 1997, AGCOM was created as a regulator *for the entire communications sector* and in 2000 it obtained competences in connection with copyright. When the E-Commerce Directive was transposed in Italy in 2003, it was declared by decree that the court or administrative organ that has monitoring competence can also ask, by an expedited procedure, that Internet service

providers interrupt or prevent a violation, immediately removing or de-activating unlawful information.

In 2010, when the Directive was implemented, AGCOM was given special regulatory competences in this field. In order to exercise its competence as a regulator, and taking into account the debate that followed the French law on implementation of copyright, AGCOM decided to initiate broad public consultation, which in the end lasted for more than three years. Taking into account the comments made by interested parties during the consultations, and by the European Commission in the draft for rules on the basis of the “Transparency” Directive, the final text was approved in December 2013.

So as to encourage the development and protection of digital works, the rules specify a special committee consisting of representatives from industry, consumers and public organs competent for copyright issues, to encourage the adoption of self-regulatory codes for NTD procedures (notice and take down) and starting the “initial procedure”.

The rules also define a complaint procedure, required by AGCOM to assure implementation of copyrights, making a distinction between an ordinary procedure and an expedited procedure, which last 25 and 12 days respectively. From the showing of a violation on Internet pages by a service provider in Italy, AGCOM may order the Italian hosting provider to remove the unlawful content from their servers. In the case of servers outside of Italy, AGCOM may order the provider of Italian channels to block the Internet page, in the case of massive violations. In a case when this request is not respected, AGCOM may impose monetary sanctions up to 250,000 EUR. All decisions taken by AGCOM are published in a full manner on a designated website and can be contested before the court.

As in France, Italy has had a heated debate about the constitutional legitimacy of the application of its administrative procedure. After a challenge by various consumer associations against the rule, on 25 June 2014, the Administrative Court of Rome suspended the procedure and sent the procedure to the Constitutional Court. On 20 October 2015, the Court found it unacceptable under the Constitution, because of the lack of clarity.

Spain

The so-called “Ley Sinde” (Sinde Law) was approved in March 2011 to assure Spain of an effective means against *on-line* copyright violations, creating a special Intellectual Property Commission (Comisión de Propiedad Intelectual) under the General Directorate of Intellectual Property in the Ministry of Culture and Sport. The Commission acts in two parts, the former responsible for mediation and arbitration activities, the latter authorised to compel ISPs to block access to Internet pages for cases when they do not have the necessary rights.

The rules for functioning of the Commission have been approved and assure procedures similar to those of the Italian system. If the Commission finds the demands submitted by rights holders to be proven to the maximum extent with facts and evidence, the infringers are to remove the unlawful content within 48 hours, first sending their justifications. ***The final decision of the Commission has to be ratified by a court decision if the decision orders blocking of an Internet site.***

As in France and Italy, the debate about a possible clash with the rights protected by the Constitution led to a judicial decision in May 2013. Except for a special provision in connection with the presumption of a violation if the content is removed spontaneously, which was declared unconstitutional, the rules were considered to be in compliance with the Spanish Constitution. After the judgment of the Court, and taking account of the still high level of Internet violations in Spain, the competences of the Intellectual Property Commission were developed further in

November 2014, by the so-called “Ley Lassalle” (Lassalle Law), which permitted fines of up to 600,000 EUR. In March 2015, Parliament approved a law that the Government has submitted in October 2013 to reform the Criminal Code in connection with *on-line* copyright violations. Parallel with the reform of the law on intellectual property, the new provisions of the amended Criminal Code introduced the notion of “direct or indirect beneficiary” for *on-line* copyright violations.

England

The Digital Economy Act of 2010 (DEA) changed the act of 2003 and ***imposed specific tasks on the British regulator in the communications sector, OFCOM, in the field of protecting copyright.*** OFCOM has approved a code for the purpose of regulating the initial obligations of ISPs to send notices and secure owners about violations of their rights on the Internet. The Draft Code underwent public consultation for the first time in 2010 and then, in 2012, in a somewhat revised version, but there still is no final decision on this. ***The DEA was contested by two ISPs in the High Court of Justice, claiming violations of privacy and the EU telecommunications directive.***

In its decision of April 2011, the Court rejected the request for the entire object submitted for trial, except for aspects having to do with the division of expenses for activities to be performed by ISPs. After this decision, OFCOM started an additional public consultation about a separate code for the division of expenses of implementation of copyright, but still has not taken a final decision for this case, because the procedures are effective where the rights holder may notify the ISP in connection with the addresses used for a violation of the copyright, sending a report to it proving those violations.

ISPs will notify their users about the receipt of such a report as many as three times: the first letter will be followed by a second letter if the violation is repeated within six months, and with a third letter if a new violation occurs in the following months. ***While mechanisms of a graduated reaction and of the ordinary procedure are awaited, the judicial procedures are functional for application.***

Challenges for the future

- *The dizzying development of new information technologies in the digital age in which we are living has brought not only extraordinary improvements in the life and economies of various countries, qualitatively improving beyond bounds the offering of possibilities, but on the other hand, it has created very great difficulties for what we are interested in today, which is “The appropriate balance and mechanism for respecting and protecting copyright and related rights”. This is today’s challenge.*
- *The implementation of copyright and related rights in the Republic of Albania;*
- *Further training of the institutions that deal with copyright in the Republic of Albania;*
- *Educating the new generations that are growing up, through culture, by means of promotional and awareness activities in the field of copyright;*
- *Encouraging creativity remains a challenge for Albanian society, as an element for preserving and protecting the cultural inheritance;*
- *Drafting teaching curricula for integration into school texts for pre-university education and higher education;*
- *Effective inter-institutional coordination remains a challenge for the appropriate implementation of Intellectual Property rights in the Republic of Albania.*

1.4 SUPPORTING INSTITUTIONS OF IP

1.4.1 STATE POLICE DIRECTORATE (SPD)

The specific structure of the State Police for following criminal offences in the field of Intellectual Property is the Directorate for the Investigation of Economic and Financial Crime, a constituent part of the General Directorate for the Investigation of Organised Crime.

During the period 2010-2015, representatives of the State Police (Directorate for the Investigation of Economic and Financial Crime) have taken part actively in conferences and various training activities organised by OHIM, TAIEX, INTERPOL, EUROPOL, SELEC (the South-east European Law Enforcement Centre), IPLEC (Intellectual Property Law Enforcement Coordinator of the U. S. Department of Justice), the Pharmaceutical Security Institute and others. In addition, during the past three years, short trainings (three days) have been organised in the Academy of Security of specialists for the investigation of economic and financial crime of the local police structures, with subjects from the violation of Intellectual Property rights, trainings organised by the State Police in cooperation with the GDPT, the ACO, the GDC and the General Directorate for the Prevention of Money-Laundering.

As a result of the above training activities, about 50 specialists have been fully trained in the field of Intellectual Property.

After the amendments to the Criminal Code in 2012, a considerable number of subjects have addressed the structures for the investigation of economic and financial crime in the State Police, denouncing various subjects criminally for violations of industrial property rights for goods or articles that they produce or trade in, mainly industrial products, energy drinks, food products, tobacco and cigarettes, alcoholic beverages, spare parts for automobiles, medical equipment, television broadcast services and others.

As a result of those denunciations, the continuous training of police officers for the investigation of economic and financial crime and other actions performed on initiative by the State Police, it has been possible during the years 2012-2015 to increase the number of investigations of cases of violations of IP rights (article 149/a of the Criminal Code) followed by the SPD

For 2011, only one case of a violation of intellectual property rights followed by the State Police was referred to the prosecution office (article 149 or 149/a of the Criminal Code). In 2012, five cases were referred; in 2013, 25 were referred; in 2014, 91 cases; and in 2015, 68 cases.

In addition, during joint operations of the State Police, a considerable quantity of counterfeit goods was sequestered as well as vehicles and the machinery for producing them, a considerable amount of television transmission equipment (servers, decoders, parabolic antennas, satellite and terrestrial broadcasting equipment, television cards) and so on.

The Directorate for the Investigation of Economic and Financial Crime in the State Police Directorate will continue to be an important link in law enforcement, for the protection of Intellectual Property rights. The improvement to date of the respective legal framework and the Criminal Code have enabled an increase of preventing and attacking this criminal phenomenon, as well as raising the level of national and international institutional cooperation.

During 2013, 2014 and 2015, the State Police, in cooperation with the General Directorate of Customs, the General Directorate of Taxation, the Albanian Copyright Office, the National Authority of Food, INTERPOL, EUROPOL and SELEC (the Southeast European Law Enforcement Centre) have successfully completed several important police operations “for

attacking criminal activity of violation of industrial/intellectual property rights and the production and trafficking of counterfeit/illegal/below standard goods”.

Operation “PIRATERIA TELEVIZIVE” (“TELEVISION PIRACY”), conducted by the police structures for the investigation of economic and financial crime, and supported by the regional tax directorates throughout the country, during the period December 2013 – May 2014, as a result of which 65 cable television transmission subjects were checked and referred for criminal prosecution for violating industrial property rights and wrongful reproduction of the work of another, provided by articles 149 and 149/a of the Criminal Code for 49 subjects, and 50 persons were proceeded against criminally in a free condition accompanied also by a considerable number of sequestrations such as decoders, transmission cards, parabolic antennas, central transmission equipment, amplifiers and others.

Operation “MERKURI i BARDHE I” (“WHITE MERCURY I”) organised in the period September-October 2013 by INTERPOL/Program for trafficking unlawful and counterfeit goods, with the cooperation of seven countries of the Balkans (Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro and Serbia). 120 police took part in it, and it also had support from the General Directorate of Customs. All over the territory of the country 500 searches were carried out in workshops, bars, warehouses and other commercial premises, as well as of vehicles (small and large trucks and trailers) at control points set up in the main road axes.

As a result the procedural and police actions, 25 cases of the criminal offences of violation of industrial property rights; unlawful reproduction of another’s work; unlawful production of industrial and food articles and goods; keeping or depositing counterfeit goods and falsification of seals, stamps and forms, provided by articles 149/a; 148; 149; 288/a, 179 and 190 of the Criminal Code, were found and referred to the prosecution and 25 perpetrators were proceeded against, of whom two were arrested in flagrancy and 23 proceeded against criminally while free.

Operation “MERKURI i BARDHE II” (“WHITE MERCURY II”), organised in the period September- October 2014, by INTERPOL/Program for trafficking unlawful and counterfeit goods, with the cooperation of eight countries of the Balkans (Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Serbia and Slovenia). Unlike the first operation, in addition to the General Directorate of Customs, this operation also had the support of the General Directorate of Taxation and the Albanian Copyright Office. All over the territory of the country 411 searches were carried out in workshops, bars, warehouses and other commercial premises, as well as of vehicles (small and large trucks and trailers) at control points set up in the main road axes.

As a result of the procedural and police actions, these results were achieved:

- In all, 35 subjects were proceeded against criminally for the criminal offence of violation of industrial property rights (article 149/a of the Criminal Code);
- In all, 25 subjects were proceeded against criminally for other criminal offences such as contraband, unlawful production, falsification of stamps, seals or forms, hiding income and other offences (articles 174, 178, 190, 288/a as well as 180 of the Criminal Code);
- 54 persons were proceeded against criminally in a free state;
- Ten persons were arrested in flagrancy;
- The Albanian Copyright Office and the regional tax directorates imposed in total new fines of 2,100,000 lek;
- Various counterfeit goods were sequestered such as candy, perfume, shoes, sport shoes, handbags, CDs, DVDs, computers and lap-top computers, various plastic and cardboard packaging materials, tobacco and cigarettes, car parts, lamps, shampoo, detergent, medical drugs, cellular telephones and other things, which violated the industrial property rights of well-known marks such as Adidas, Puma, Prada, Mango, Lacoste, Dolce & Gabbana,

Armani, Louis Vuitton, Chanel, SKF, Marlboro, Samsung, Swiss, Rolex and others, with an approximate value of 1.6 million EUR.

Operation “MERKURI i BARDHE III” (“WHITE MERCURY III”), organised in the period September- October 2015, by INTERPOL/Program for trafficking unlawful and counterfeit goods, with the cooperation of nine countries of the Balkans (Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Serbia, Slovenia and Greece). Unlike the first and second operations, in addition to the General Directorate of Customs, the General Directorate of Taxation and the Albanian Copyright Office, this operation also had the sport of the Competition Authority and the National Authority of Food. All over the territory of the country 456 searches were carried out in workshops, bars, warehouses and other commercial premises, as well as of vehicles (small and large trucks and trailers) at control points set up in the main road axes. As a result of the procedural and police actions, the following results were achieved:

- In all, 35 subjects were criminally prosecuted for the offence of violating industrial property rights (article 149/a of the Criminal Code);
- In all, 25 subjects were criminally prosecuted for other criminal offences such as contraband, unlawful production, falsification of stamps, seals or forms, hiding income and so forth (articles 174, 178, 190, 288/a and 180 of the Criminal Code);
- 57 persons were proceeded against criminally in a free state;
- Five persons were arrested in flagrancy;
- Various counterfeit goods were sequestered, such as candy, perfume, shoes, sport shoes, various plastic and cardboard packaging materials, tobacco and cigarettes, coffee, bar equipment, packaging machinery, cellular telephones, energy drinks and others, which violated the industrial property rights of well-known trademarks such as Adidas, Nike, Puma, Prada, Lacoste, Dolce & Gabbana, Hugo Boss, Armani, Louis Vuitton, Chanel, Gucci, Polo, Illy Kage, Marlboro, Samsung, Nokia, I-Phone, Blackberry, Tarabosh, Sheldon, Grande, B-52, Swiss, Rolex and others.

Operation “OPSON V”, organised in the period November 2015 – February 2016 by INTERPOL and EUROPOL, with the participation of 57 countries from the entire world, of which 27 are European countries, to go after criminal activity in the production, trafficking, import/export of counterfeit or below-standard food products and drinks. In addition to international cooperation, this operation also had a successful national cooperation with the customs authorities and those of the NAF (the National Authority of Food), and as a result of the procedural and police actions, the following results were achieved:

- In total, about 200 commercial subjects were checked, natural persons, workshops and transport vehicles;
- Eight subjects in all were criminally proceeded against for the offence of violating industrial property rights (article 149/a of the Criminal Code);
- In all, 32 subjects were criminally proceeded against for other criminal offense, such as counterfeiting, unlawful production, falsification of stamps, seals or forms, and others (articles 172, 174, 179, 180, 190 and 288/a of the Criminal Code);
- 19 persons were proceeded against criminally in a free condition;
- Six persons were arrested in flagrancy;
- One person was declared wanted;
- Various counterfeit or below-standard food goods and drinks were sequestered, in the quantities of 48,828 litres of wine; 3,870 litres of grape raki; 120 litres of “Peja” beer; 934 litres of strong alcoholic drinks such as whiskey, cognac, Fernet, vodka, ouzo, gin and others; 203 litres of the energy drinks B-52 and B 2; 1990 litres of grape juice (must); 2,640 kg of coffee beans; 83 kg of honey; 18,000 eggs; voluminous accessories for cantinas, and so forth.

In addition, the State Police have undertaken various initiatives for legal amendments to the Criminal Code and the Code of Criminal Procedure, concretely:

- It was proposed to draft a supplement to the Criminal Code about the production and trading of counterfeit drugs and medical equipment or that which is dangerous to life and health. This initiative was accomplished by law no. 135/2015, and a separate article was added to the Criminal Code, specifically, article 284/d, on the production and trading of drugs and medical equipment that are counterfeit or dangerous to life and health.
- Amendments were proposed to articles 59 and 284 of the Code of Criminal Procedure, concretely, that article 148 (publication of the work of another in one's own name) and article 149 (wrongful reproduction of the work of another) be taken out of article 59 and that they be provided in article 284 (appeal), so that Intellectual Property offences (articles 148 and 149 of the Criminal Code) will be prosecuted on appeal, with the proceeding organ (the prosecution) will have the obligation to investigate and prove the crimes, not the injured party as it is now.
- The legal initiative has been undertaken to sign and ratify in the Assembly of Albania the Council of Europe Convention "On the counterfeiting of medical products and similar crimes involving threats to public health" ("MEDICRIME CONVENTION", dated 28.10.2011), a convention that has been approved in principle by CMD no. 520 dated 16.06.2015, as well as having been signed on 17.12.2015 in Strasbourg by our ambassador to the Council of Europe.

Challenges for the future

- *Further modernising and improving the legislation with the aim of its full harmonisation with the European acquis.*
- *Raising the professional level of the specialists for the investigation of economic and financial crime;*
- *Increasing the amount and quality of investigations for violations of Intellectual Property rights.*
- *Rising to a higher level of national and international cooperation.*
- *Drafting a curriculum for investigating criminal offences of the violation of IP rights.*

1.4.2 GENERAL DIRECTORATE OF CUSTOMS (GDC)

In the framework of its fiscal, economic and protective mission, the administration of Albanian Customs has the duty of protecting Intellectual Property right the purpose of:

- Protection of the business environment for holders and/or users of an Intellectual Property right from unfair competition;
- Protection of the consumer and public health from counterfeit/pirated goods for the consequences that they cause and the possible limitation of the losses of income in the state budget resulting from goods that violate an Intellectual Property right.

In order to enable protection of Intellectual Property rights, as well as to reach the same level of protection for the issue of Intellectual Property as in the European Union, in May 2010, the customs system created a Directorate for the Protection of Intellectual Property (DPIP).

The legal basis on which the customs system operates is:

- *TRIPS Agreement, articles 51-60*
- *Stabilisation/Association Agreement, articles 42 and 73*
- *Customs Code, article 82/4*
- *Implementing provisions of the Customs Code (CMD 1090 dated 28.12.2015)*

The process of protection of Intellectual Property rights has been almost completely approximated with the Regulation (EU) No. 608/2013;articles 118 - 120 of CMD no. 205, 13.04.1999, “On the implementing provisions of the Customs Code”, amended by CMD no. 1090 dated 28.12.2015 specify in a detailed manner the customs procedures that should be followed by the customs authorities blocking goods suspected of violating Intellectual Property rights, when they act on their own initiative (*ex officio*) and/or based on a customs application, up to the process of destroying them while respecting environmental norms.

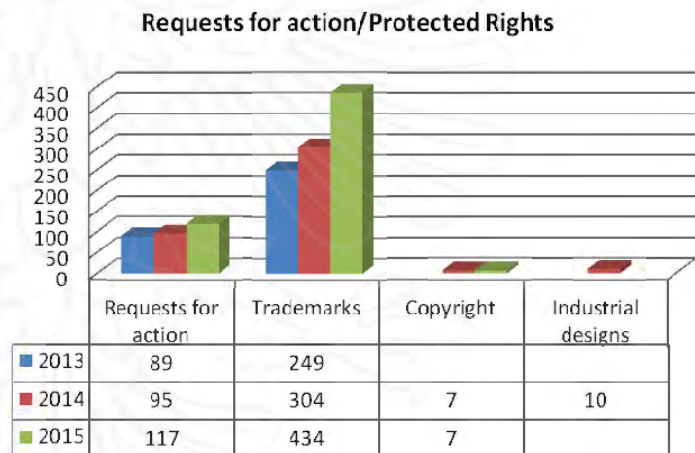
The Directorate for the Protection of Intellectual Property (DPIP) is a constituent structure of the Department of Operations and Investigations within the General Directorate of Customs. Its staff consists of a director and four specialists.

The work object of the DPIP is to implement the legislation for the protection of Intellectual Property according to the laws and subordinated legal acts in force for Albanians customs territory; to coordinate work between the DPIP and other directorates, third party institutions and/or interest groups on issues of Intellectual Property; to administer with professionalism the requests of interested parties submitted to the DPIP, paying attention to respect for the procedural time periods and the handling of matters professionally. In addition, its object is to exercise in an appropriate and effective manner the competences given by law and to prepare materials according to the legal and subordinate legal acts in force and to update their knowledge about Intellectual Property issues, taking part in training activities and/or activities that deal with IP issues.

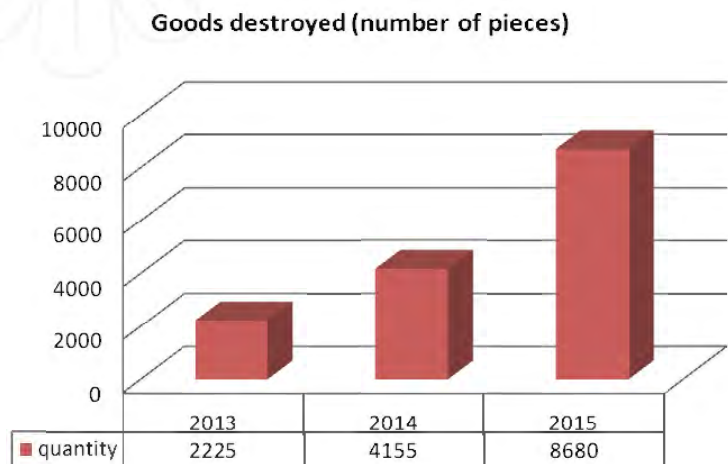
Other laws to which we refer and/or which deal with the customs system are:

- *Law on copyright and related rights;*
- *Law on industrial property.*

An application for action is the only instrument that puts the customs institution into motion



Goods destroyed based on an action request:



From the moment the DPIIP started functioning, the number of applications for protection of IP rights has constantly increased, referring to the statistics, from 0 in the year 2010, to 89 requests for 2013, 95 for 2014 and 117 in 2015. Similarly, the number of instances of destruction of goods identified as infringing IP rights has also been rising.

Expressed as a %:

From 2013 to 2014 there was an increase of 86 % of destruction of infringing goods;
From 2014 to 2015 there was an increase of 108 % of destruction of infringing goods;
From 2013 to 2015 there was an increase of 290 % of destruction of infringing goods;

As the graph illustrates, the work results of the customs system in the field of protecting Intellectual Property have been concrete and measurable, and what is most important is that the curve of destruction is going up year after year. These results have also brought an increase of the number of applications from rights holders who seek protection from the customs system. We should accept and be conscientious of the fact that in the law enforcement institutions, the GDC is in the first place in preventing the phenomenon of infringing goods.

Not limiting its work only to the role of law enforcement that it has in the customs system, and considering business awareness very important (the holders of the rights) and awareness of the public as consumer, the Directorate for the Protection of Intellectual Property has for two consecutive years participated in the trade fair organised by “Klik Ekspo Group International”, showing goods that violate Intellectual Property rights and have been sequestered by the customs authorities.

In addition, in the framework of the Twinning Project IPA -2011, activities have been held with children of the Red School and Workshops in the premises of the EU Centre with high school students to sensitise them with issues of Intellectual Property, as well as Workshops on the theme “Progress and Challenges in the Field of Intellectual Property”, with the participation of chambers of commerce, law firms and businesses.

Strengthening administrative capacities of the GDC and customs branches

The human factor always remains the most important one, enabling the good functioning of the system. For the above reasons, in order to increase the administrative capacities of the Albanian customs administration in connection with IP issues, the Directorate for the Protection of Intellectual Property has held a cycle of trainings in the work place, assisting in joint control in the main customs branches, in order to acquaint customs officials with the new trends and cases in connection with the counterfeiting of goods and to find cases of goods infringing Intellectual Property rights.

In addition, the DPIIP has organised seminars together with rights holders (Adidas, Bjorn Borg TM, LVMH brands, Puma TM, Pentland, Louis Vuitton, Kyocera TM, Apple TM, Samsung TM, StihlM), where customs officers and anti-contraband groups were trained as well as representatives of the principal directorates of the Investigation Directorate on the manner of identifying counterfeit products.

In the framework of inter-institutional cooperation and implementation of the National Strategy for the Implementation of IP Rights, the DP has had the following cooperation :

- Joint training with the State Police Directorate in the Centre of Police Formation, on the theme “Means, methods and procedures for the investigation of criminal corruption offences and duty crimes”. The methodology of investigating financial economic crim.

- Participation has been assured in all the trainings organised by the Albanian Copyright Office (ACO) provided by the European Commission by means of the TAIEX programme.

In July 2015, a calendar of trainings for all the customs branches was signed with the GDPT in the framework of the Cooperation Agreement between the two institutions.

In the framework of international cooperation, the DPIIP has taken part in the following activities and operations:

- DG TAXUD (workshops in the framework of the Customs Programme 2013);
- Trojan Horse V, organised by SELEC;
- “White Mercury I-V” – “Mërkuri i Bardhë I-V” organised by INTERPOL in cooperation with the State Police;
- Venice Cooperation Initiatives(workshops and study visits)
- SELEC (former SECI) (meetings in connection with organising operations);
- Regional Seminar with counter drugs in Southeast Europe in cooperation with UNODC (United Nations Office on Drugs and Crimes);
- ACG (meeting of the International Committee), Sixth Global Congress Combating Counterfeiting and Piracy

Challenges for the future

- *Building a genuine administrative infrastructure within the national institutions involved in assuring protection of Intellectual Property through:*
 - *Strengthening the administrative capacities of the GDC and the customs branches;*
 - *Updating the legal basis with subordinate legal acts such as manuals and guidelines for customs officials. Approval of the manuals and guidelines.*
 - *Creation of users on the basis of data according to the specifics of every institution in order to obtain information that will serve to improve the quality of the work.*
- *Installing the full version of the INES+ software, which will serve as a data base and for processing requests for customs action in electronic format.*
- *Increasing cooperation at the national and international level with other actors involved in protecting Intellectual Property rights.*
- *Trainings the staff of the GDC and increasing cooperation at the national and international level with other actors involved in the protection of Intellectual Property rights.*
- *Undertaking public awareness campaigns about the importance of IP rights.*

1.4.3 STATE INSPECTORATE OF MARKET SUPERVISION(SIMS)

The State Inspectorate of Market Supervision is a public central budgetary institution created by CMD no. 36 dated 20.01.2016 “On the creation, organisation and functioning of the State Inspectorate of Market Supervision”. It has as the object of its activity to inspect and monitor the domestic market and find cases of violations of Intellectual Property rights(counterfeit and pirated goods), assuring consumer protection, the protection of public health, the preservation of honest competition in the market and protection of rights holders.

The legal basis for the creation of the Inspectorate, drawn up with the support of the German Technical Project implemented in Albania by GIZ, “Support for implementation of Albanian legislation approximated with EU legislation, including

- Market supervision;

- Role and obligations of the state;
- Principles of functioning of the market supervision system;
- Roles of the administrative for assuring products and coordinating activities of market supervision in MEDTTE, customs, the ACO, the GDPT and others.

SIMS has the mission of guaranteeing the security of products for consumers put into the market and in service/use, through supervisory activities according to the legislation in force. SIMS is also responsible for monitoring respect for Intellectual Property rights and other rights according to the field of institutional activity and the object of inspection according to that decision.

The market inspectorate is expected to improve the implementation of IP rights in Albania. Additional and continuous trainings will be able to assist in supplying the inspectorate with the necessary expertise. Meanwhile, a full package of necessary technical instruments has been prepared to make this inspectorate functional, including

- a) standard procedures of activity of market supervision (already prepared);
- b) forms for inspection, in the form of checklists for particular products;
- c) the methodology for risk assessment;
- ç) the mission, work description and specific requirements for the staff of the inspectorate;
- d) an assessment of the costs necessary to create it.

In the IP field, SIMS will implement:

- Law 35/2016, “On copyright and other related rights”;
- Lawno.9947 dated 07.07.2008 “On industrial property”, amended.

as well as inspection for respect of the mandatory legal requirements in the field of consumer protection, the protection of industrial property and the protection of copyright and related rights. Market supervision for copyright has the purpose of preventing and prohibiting a violation of the rights, raising awareness about not violating the rights and also punishing natural and legal private or public persons who violate those rights.

The other duties of the Inspectorate are:

- Assuring the capacities to collect and preserve data and to perform risk assessment analyses in order to identify products and services;
- Coordinating programs and practices of implementation in the entire Albanian territory, in order to assure greater operational efficiency and consistency;
- Handling complaints and problems that are identified, in order to assure that products, services and practices are in conformity with the legislation;
- The existence of a system that can resolve problems at the source and in a coordinated manner, adopting an approach that is led by the public authorities;
- Providing the appropriate trainings for market supervision employees. They should have knowledge of the economic context in which they operate, use the best practices and follow training courses that assure continuous professional development.

Challenges for the future

- *Drawing up by-laws for the functioning of the Inspectorate;*
- *Preventing and stopping violations of IP rights as well as supervising the market in connection with the commercial origin of products and services;*
- *Trainings for staff qualification;*
- *Cooperation with institutions involved in the protection of IP rights.*

1.4.4 SCHOOL OF MAGISTRATES

The School of Magistrates is the institution that assures the professional qualification of Albanian judges and prosecutors through programs of professional formation, which include:

- The programme of Initial Formation for candidates for judge and prosecutor;
- The programme of Continuous Formation for judges and prosecutors on duty.

The programme of Initial Formation includes the subject of “intellectual property”, which contains 32 teaching hours of which 16 are about copyright and 16 hours about industrial property. The subject is held for candidates for judge and prosecutor who are following the studies of initial training.

The programme of Initial Formation has a thematic, comprehensive content, dictated by an evaluation of the needs of judges and prosecutors in office, considering the problems of practices, the processes of reform in justice and approximation with the *acquis communautaire* as well as international standards, legal changes, legal and social problems and so forth. The programme of Initial Formation is drawn up according to the procedure specified by law, an important role is played by the pedagogical staff, the Department of Continuous Training, the Pedagogical Council and Steering Council of the Magistrates’ School.

The frequency with which a training activity takes place depends on the number of applicants for that subject. This means that there are more frequent courses for themes of broader interest and other courses held on a more limited basis. The level of the courses is also built up. By this we want to say that there are basic level courses, such as those related to new fields, or more advanced ones related to deepening knowledge.

In connection with industrial property, considering the requests from judges and prosecutors, the School has organised on the average one to two trainings per academic year. Thus, for example, for the period 2011-2015, nine training activities were organised in that thematic area. Those trainings in several cases were the consequence of cooperation with foreign experts, as in the case of the training held in cooperation with the EUIPO. So far as concerns participation, the School of Magistrates has taken care to making a special reference for those themes, encouraging applications from judges and prosecutors.

For the academic year 2015-2016, it has been planned to hold only one training on this subject. It should be underlined that the thematic programme and the calendar of activities is flexible and dynamic, which makes it possible for their number to be increased with the approval of the Steering Council, if there is sufficient interest.

In the programme of Continuous Training for judges and prosecutors in office, as in the programme of Initial Formation for judge and prosecutor candidates, the School of Magistrates *plans to include the areas below for the period 2016-2020:*

- Industrial Property, the legal framework, the institutions involved and their activities, the practice of the court in connection with conflict that come from a violation of the right of trademarks, patents and industrial designs, including the jurisdiction of the ECJ.
- The customs legislation in relation to piracy of goods and products.
- Administrative procedures for the protection and administration of the rights of authors (copyright) and the rights that derive from industrial property; court procedures.
- Legislation of the EU in connection with industrial property, decisions of OHIM (Office of Harmonisation in the Internal Market), European Court of Justice (ECJ) and the General Court of the EU in this field.

Challenges for the future

- *Enriching the library with Albanian and foreign materials for the new courses to be developed;*
- *Developing and intensifying our links with the libraries of European schools of magistrates and other legal institutions. Securing access to on-lien data bases and*

libraries that will enable deepening knowledge and realising research in the field of Intellectual Property will be a priority'

- *The School of Magistrates, in cooperation with the GDPT, will secure the translation into Albanian of the most important decisions of the European Court of Justice;*
- *Increasing the number of trainings of judges (one-two trainings per year) who will be involved specifically with IP cases;*
- *Cooperation of the School of Magistrates with the GDPT and the CD (ACO), for information related to IP issues.*

1.4.5 AUDIOVISUAL MEDIA AUTHORITY

Law no. 97/2013 “On audiovisual media in the Republic of Albania”, entirely harmonised with the *acquis communautaire* and with European standards, defines the Audiovisual Media Authority (AMA) as the regulatory authority in the field of audio and audiovisual broadcast services and other supporting services in the Republic of Albania, an institution that has the functional duty of monitoring and protecting one of the branches of Intellectual Property, concretely, in the field of broadcast rights and copyrights.

In article 32, point 6 and article 33, point 1/ë, law no. 97/2013 “On audiovisual media in the Republic of Albania” expressly defines respect for the right of transmission, as well as the right of the author (copyright) and other related rights, by the providers of media service. The role of AMA in protecting those rights is accomplished through the checking role assisted to it by the law, as well as through cooperation with other institutions.

In the case of a failure to respect the conditions and time periods for which a licensee or authorised party has signed an agreement with the holder of rights in works broadcast by it, AMA may impose administrative sanctions, starting from a fine, reduction of the license period and/or authorisation period, up to the removal of the licence or authorisation, in case of a repeat violation.

Law no. 97/2013 also provides that failure to respect the requirements related to the obligation of every provider of an audio or audiovisual service (PAMS) to respect copyright according to the legislation in force on copyright and related rights constitutes a reason to fine the infringing subject. Among other things, the organic law gives AMA the right to take away a licence/authorisation if a PAMS is punished more than three times within one calendar year for one of the administrative infractions provided by law.

The Audiovisual Media Authority (AMA) has been invested with encouraging a spirit of partnership and cooperation with audio/audiovisual broadcasters, seeking continuously for correctness in relations with third parties. In this sense, AMA has not had the priority of imposing sanctions in a repressive manner, but of assuring continuous communication with the PAMS concerning protection of and respect for the right to broadcast and the right of the author (copyright).

Precisely for the purpose of increasing the level of awareness and the scale of informing the public in connection with the importance of the broadcast rights/copyrights as a part of Intellectual Property, AMA has committed itself to holding meetings with subjects who operate in the field of audio and audiovisual broadcasts. AMA also has played an active role as an arbitrator who has resolved various conflicts and disputes among providers of media service.

So far as concerns subjects who are not licensed or authorised, during 2015 AMA continuously undertook a considerable number of actions to stop the situation of informality in which some subjects conducted audiovisual activity. On the other hand, AMA has followed with priority all

complaints of piracy lodged with the authority, making inspections in the terrain and doing case by case monitoring. At the end of the administrative procedure, AMA has, as the case may be, reprimanded the subjects fined them.

Consequently, during 2015, a growing awareness was seen among audiovisual subjects in relation to the obligations that they have in respecting the rights of broadcasting and copyrights, an awareness that is reflected in the documentation deposited by PAMS for transferring program transmission rights as well as the respective documentation for meeting obligations to collective copyright administration licensing agencies.

Challenges for the future

- *Strengthening cooperation at the national and regional level in the service of improving work toward protection of IP rights in the field of audio and audiovisual transmissions;*
- *Raising the awareness of PAMS (audio visual service providers) in Albania about IP rights in the field of audio and audiovisual transmissions..*

1.4.6 MINISTRY OF EDUCATION AND SPORT

INSTITUTE OF DEVELOPMENT OF EDUCATION (IDE)

The Ministry of Education and Sport has an important role in the drafting and approval of national curricula for pre-university education and training and qualification of teachers in the field of IP rights. the institution responsible for preparing the curricula is the Institute of Development of Education (IDE).

The Institute of Development of Education (IDE) is institution, created as a public institution under the Ministry of Education and Science. However, the IDE is the descendant of the Institute of Pedagogical Studies, founded in 1970, which continued its existence through new names that it assumed during the last 20 years, such as Institute of Curricula and Standards (ICS - 2003), the Institute of Curricula and training (ICT – 2007) and the Institute of Development of Education (IDE - 2010)

The mission and object of the IDE are defined in the founding act as follows:

1. The IDE offers the Ministry of Education and Science and the educational institutions in the country expertise at a high professional level, supported on scientific-research work results and educational practice.
2. For the object of its activity, the IDE has the drafting of curricula for the pre-university educational system, the development of pre-university policies of education, the preparation of various documents in connection with national policies in the field of education and the performance of research study work in the didactic field and the use of modern technologies in teaching and learning.

Challenges for the future

To accomplish its mission, policies and objectives, the IDE cooperates and coordinates its activity in the framework of this mission with other state and non-state institutions. Currently, the IDE is performing a thorough and total reform of Pre-University Education in several fundamental aspects:

1. *Reform of the pre-university education curriculum;*
2. *Reform of the system of training and qualification of teachers;*
3. *Reforming the relation of the school with the community and its role in this community, with the objective of turning it into a community centre.*

This reform is part of the National Strategy for Pre-university Education for the period 2014-2020 and as such is blended into the overall vision of the government for the period in question and the other strategies in the priority fields of its activity.

1.4.7 MINISTRY OF JUSTICE

The role of this Ministry in this Strategy is to draft and follow procedures for amendments to the Criminal Code and the Code of Criminal Procedure initiated by the institutions involved in the IP field, as well as to train judges and prosecutors in general and in the IP field in particular.

Challenges for the future

- *Approval of amendments to the Criminal Code and the Code of Criminal Procedure;*
- *Training judges in cooperation with the School of Magistrates.*

1.4.8 POLYTECHNIC UNIVERSITY

The technology transfer centres at and of development serve as a beneficial link of demand with supply in cases of technical inventions. Their role is to inform the economy about the possibilities of cooperation, on the basis of internal information in connection with R & D, the capacities and scientific work results of their institutions, the technology transfer centres at the universities or scientific and search bodies serve as beneficial matching of supply with demand, in cases of patentable inventions.

Their role is to inform the economy about the possibilities of cooperation, on the basis of domestic information in connection with R & D, their capacities and scientific work results, to take part in the selection of business partners and to find financing sources, to contribute actively to the creation and lawfulness of this cooperation and to supervise its accomplishment.

The Government should support the activities of universities and scientific and research bodies in creating technology transfer centres and starting work. The rights and obligations of the universities and scientific and development organisations should be clearly defined. This is one of the important pre-conditions for advancing the use of inventions in the economy.

Challenges for the future

- *Creating technology transfer centres at the universities;*
- *Drawing up a model framework for scientific and development activity, in which the rights and obligations of all the actors in cooperation (universities with scientific and development bodies and with individuals) are clearly defined.*

1.4.9 OFFICE OF THE PROSECUTION

The prosecution exercises criminal prosecution as well as representing the accusation at trial in the name of the state. The prosecution exercises its functions through the prosecutors. In the exercise of their competences, prosecutors are subject to the Constitution and the laws. Prosecutors exercise their competences while respecting the principles of a fair and equal proceeding with due process of law and the protection of the lawful human rights, interests and freedoms.

The prosecution office is organised and functions under the direction of the General Prosecutor, as a centralised structure, which includes of General Prosecutor, the Council of the Prosecutor's Office and the prosecutors' offices throughout the judicial system. The prosecution also organises, cooperating with state institutions and other public and private subjects from the ranks of civil society, activities for the education of society, with the aim of familiarising them with the law and preventing criminality.

The latest amendments, as well as the amendments still to be made to the Criminal Code and the Code of Criminal Procedure foreseen in this Strategy, will assist the prosecutors in preventing violations in the IP field. From those amendments, criminal prosecution will become more effective, because the proceeding will become *ex officio* (on the prosecutor's initiative) for those offences, as well as assuring stronger protection for Intellectual Property. The judicial police organs are in the service of the prosecutor for exercising criminal prosecution more effectively.

Challenges for the future

- *Training prosecutors in cooperation with the SPD, GDPT, ACO, SM;*
- *Cooperation with the GDPT for information in cases of violation of the rights of owners of IP objects.*

1.4.10 GENERAL DIRECTORATE OF TAXATION (GDT)

The General Directorate of Taxation may be considered as part of the process of development of Intellectual Property rights. During the tax collection process, the Directorate (its employees) may receive information for money laundering, fraud and/or counterfeit goods. Therefore, tax employees should cooperate closely with customs and the police, which is their main duty in the Strategy for implementation of the rights of Intellectual Property.

1.4.11 COMPETITION AUTHORITY (CA)

Competition Policy

The objective of competition policy is to promote efficiency and maximise the well-being of consumers. Competition policy consists in essence of two elements: (i). the implementation of a series of policies encouraging free and effective competition in the market, which has to do with liberalising the market, opening it to foreign investments and economic liberalisation and so forth; and (ii). respect for the legal provisions in the field of competition, especially in preventing anti-competitive practices, controlling concentrations and so forth.

Intellectual property is closely connected with and is also implemented respecting norms in the field of competition. The approach of competition policy suggests that the creation and preservation of conditions for competition and competing in the market in the field of IP rights is not only an obligation as a consequence of the legal framework of competition or the institutions implementing this law, but also of the legal framework in the field of Intellectual Property. The determination of an appropriate balance between competition and PI rights is an objective to be achieved through drafting the respective legal regimes and policies in both fields.

Competition law and that of intellectual property interact with one another. We mention the current use of a particular patent and the cases when this would bring concerns in connection with the use of the patent holder himself, or concerns related to licensing agreements. The problem areas for competition would not be the dominant position based on control of the patents or other Intellectual Property, because there is nothing special about such situations of Intellectual

Property domination. In this case, we should concentrate on the licensing. Licensing issues can be closely linked to the implementation of the competition law for prohibited agreements or an exemption from prohibited agreements and should be handled also by applying the subordinate legal acts related to technology transfer.

Another case of joint action between the competition law and that of IP rights has to do with the behaviour of applicants for patents and the patent holder within the IP regulatory process itself. Whilst a violation of the legal provisions in this field would normally be punished by the IP law itself, such a violation might also have an anti-competitive dimension related to respecting the rules of the competition law, with abusing a dominant position and hindering market competition.

Still another case of joint action between the competition law and that of IP rights has to do with the rules related to control of concentrations, because those transactions may lead to a high concentration of IP rights. In that case, the giving of authorisations with conditions and obligations by the Competition Authority, in order to gain the benefits from such a concentration, and the cooperation between the two agencies would be necessary.

The public institutions should take an active role in promoting effective competition in fields where IP rights and the legal framework in force are important determinants for competitive conduct. Cooperation among different institutions can be fundamental in creating and preserving a competitive environment.

Challenges for the future

- *Cooperation of IP institutions with the Competition Authority. Organisation of bilateral meetings or even joint trainings related to the joint action of competition law with Intellectual Property;*
- *Raising the awareness of business and the public about the respective fields and bringing all possible anti-competitive behaviour in the field of Intellectual Property to the attention of the Competition Authority.*

1.4.12 CHAMBERS OF COMMERCE / UNION OF CHAMBERS OF COMMERCE / AMERICAN CHAMBER OF COMMERCE

Chambers of Commerce play an important role in IP support. The Tirana Chamber of Commerce and Industry offers trainings and advice for its members on the use of IP rights, the importance of registering them, especially trademarks and industrial designs. The American Chamber of Commerce represents the largest foreign companies, and the focus of its work is more in the promotion of the implementation of IP in Albania. For this purpose, the American Chamber of Commerce has a committee that assists in promoting the interests of its members.

1.4.13 AGENCY OF RESEARCH, TECHNOLOGY AND INNOVATION (ARTI)

The Agency of Research, Technology and Innovation (ARTI), created by Council of Ministers' Decision no. 903 dated 26.08.2009 "On the creation of the Agency of Research, Technology and Innovation", with the entry into force of law no.80/2015 dated 22.7.2015 "On higher education in the Republic of Albania", will be restructured into the National Agency of Scientific Research and Innovation (NASRI) under the Ministry of Education and Sport. This agency is a public legal institution responsible for financing scientific research in seven priority fields:

1. "Social Sciences and Albanological Studies "
2. "Systems and Information Technologies (ICT)"
3. "Agriculture (Veterinary Science, Zootechnics), Food and Bio-technologies"

4. "Water and Energy "
5. "Biodiversity and the Environment "
6. "Health"
7. "Materials".

In this framework, the Agency of Research, Technology and Innovation is considered an important part of the process of implementing the rights of e intellectual property. Through cooperation with the

GDPT, the promotion and growth of awareness with Small and Medium Enterprises and public/private universities will be aimed at regarding Intellectual Property Law, generating patentable inventions. In cooperation with the GDPT, ARTI will provide technical assistance for all scientific research groups that apply to ARTI for the financing of scientific research in connection with patenting and putting into the market the research results.

1.4.14 LAWYERS AND AUTHORISED REPRESENTATIVES

Another important component of the private sector, supporting the infrastructure of Intellectual Property in Albania are lawyers and authorised representatives. They serve as an important link between companies, universities, and individuals and the GDPT, in particular because applications for the registration of IP rights by foreign subjects has to be submitted by a representative licensed by the GDPT.

CHAPTER II

VISION, POLICIES AND STRATEGIC PURPOSES

2.1 The Vision of the Albanian Government

The vision of the Albanian Government in connection with the system of protecting Intellectual Property rights in this Strategy is a *stronger system of Intellectual Property in the Republic of Albania, which assures effective protection of IP objects, encourages creativity and innovation in the service of stimulating economic growth and cultural and scientific development in the Republic of Albania.*

Its focus is improving the function of the Intellectual Property system, for the purpose of encouraging and supporting innovation through encouraging research work, in particular from Albanian companies, local universities and individuals, in order to assist the Albanian economy and the citizens in the road to economic development and toward higher standards. In a specific manner, it will be able to serve as a policy means to encourage investments in research and development, as well as guaranteeing success in the market.

This Strategy aims at increasing awareness as well as strengthening the system of registration, administration and protection of the rights that come from Intellectual Property, as rights that have a powerful influence on the development and good-functioning of the economy. It also aims at establishing a number of objectives in connection with R & D (research and development) and strengthening scientific research in the public and private sector in the country. The distribution of government subsidies for R & D or the creation of public funds for scientific research institutes are policies that intend to give a direct contribution to innovations, offering stimuli for investments in scientific work.

In accordance with the requirements and obligations that come from the integration processes of Albania, the system of Intellectual Property in Albania should guarantee effectively a level of protection of Intellectual Property rights the same as that which exists in the European Union.

2.2 Policies

The Strategy calls for links between national policies in different fields, in order to have effective coordination for the implementation of Intellectual Property. Strengthening the IP system plays a very important role in honest market competition, consumer protection, the creation of credibility in the market for investments in research and development and consequently serves the cultural, social and economic development of a country.

This Strategy will have an effect on a series of sector policies, such as policies of development of industry, policies of improving competitiveness in the market, for improving the business climate and consumer protection policies.

2.3 Strategic purposes

The purpose of the Albanian Government in the field of Intellectual Property is to stimulate economic, scientific and cultural development in the country, to assure an appropriate functioning of the domestic market by putting the proper balance between the rights of owners of Intellectual Property objects and the interests of users, as well as to strengthen the system of IP registration and protection.

In the same line, the purpose of the Strategy is to strengthen the system of protection of Intellectual Property in the Republic of Albania and to make it comparable with the countries of the European Union, as a mechanism to stimulate Albanian economic, social and cultural development.

This purpose is achieved through:

- Providing a credible and efficient system for protecting Intellectual Property rights;
- Encouraging, developing and exploiting Intellectual Property economically.

The strategic priorities come as a result of the obligations that derive from: (1) the European Partnership Document (EPD); (2) The Stabilisation/Association Agreement (SAA); (3) The EC Progress Reports for Albania; (4) the TRIPS agreement and the EU *acquis*.

The strategic purposes of this document are related to **the following four objectives:**

- I. Improving the legal framework;
- II. Developing and strengthening the institutions involved in the implementation of Intellectual Property rights;
- III. Strengthening cooperation and coordination among the institutions, both at the national level as well as the regional level and more broadly, in the service of improving the work to defend Intellectual Property rights;
- IV. Raising the level of awareness in the country in connection with Intellectual Property.

CHAPTER III

POLICY OBJECTIVES AND MAJOR PRODUCTS

I. Improving the legal framework.

1. Improving the legal framework of Industrial Property and copyright.

- i. Approval of amendments and additions to law no.9947 dated 07.07.2008 “On industrial property”, amended;
 - Regulation of certain procedures and competences of the GDPT, based on national and international practice in the implementation of the IP field;
 - Determination of the competences *ex-officio* of the Office for the registration or de-registration, or the expunging from the register, of IP objects registered with the GDPT;
 - Changing the organisation and administrative structure of the GDPT from a public budgetary institution into an autonomous agency on the basis of articles 10 and 20 of law no. 90/2012 “On the organisation and functioning of the state administration”, for the purpose of strengthening its administrative and financial capacities, as a main element of realising its mission;
 - Amending the competence of the administrative court related to claims brought against a decision of the Board of Appeal. Since the latter, is a more specialised body in the field of industrial property, the administrative court examined the legality of a decision of the Board of Appeal of the GDPT, and if it finds a legal or procedural violation it returns the case to the Board of Appeal for re-examination, with the respective orientations, which are binding on the latter when it re-examined the same case;
 - Improving the procedure of registering IP objects;
 - Creation of the legal basis for re-composing the Board of Appeal and changing its competence;
 - Creation of the legal basis for insuring IP objects and also using them as collateral, so that IP objects will assume the value belong to them in the market;
 - Facilitating the examination procedure, as well as creating a legal environment for improving the electronic and communication services;
 - Creation of the possibility of *on-line* application to facilitate the procedure;
 - Review of the criteria for licensing authorised representatives;
 - Defining legally the criteria for well-known marks and preparing the respective regulations;
 - Creation of the legal basis for licensing IP experts by the GDPT for the needs of judicial procedures and investigations;
 - Creation of the legal basis for creating a chamber for invalidity and repeal, as a new structure within the GDPT.
- ii. Drafting by-laws in implementation of the above amendments to law no.9947 dated 07.07.2008 “On industrial property”, amended;
- iii. Approval of amendments to law no.7905 dated 21.03.1995 “Code of Criminal Procedure of the Republic of Albania”, amended.
- iv. Drawing up regulations for the functioning of the State Inspectorate of Market Supervision (SIMS).

2. Ratifying other agreements in the field of Industrial Property and copyright.

- i. Signing the Lisbon Agreement and the General Act for the Lisbon Agreement in connection with geographic indicators and designations of origin, in order to define the procedures for the international protection of geographic indicators and designations of origin.
- ii. Signing the Locarno Agreement for the international classification of industrial designs.
- iii. Signing the Vienna Agreement for the classification of figurative elements of trademarks.
- iv. Ratification of the agreements for the Vienna and Locarno classifications will improve the quality of the services of the GDPT.
- v. Adherence by law to the Marrakesh Treaty for visually impaired persons.
- vi. Adherence by law to the Beijing Treaty on audiovisual works.

3. Drafting and approval of provisions to the Criminal Code and the Code of Criminal Procedure for the purpose of increasing sentences for cases that are violations of IP rights and a threat to public health.

- i. Amendments to the Code of Criminal Procedure, removing from article 59 (accusing injured party) articles 148 (publication of the work of another under one's own name) and 149 (wrongful reproduction of the work of another) of the Criminal Code and transferring them to article 284 of the Code of Criminal Procedure (appeal), so that Intellectual Property offences (articles 148 and 149 of the Criminal Code) can be prosecuted on appeal, so that the obligation to investigate and prove the accusation will not be that of the injured party, as it currently is, but of the proceeding organ (the prosecution office).

4. Updating the legal basis with subordinate legal acts such as instructions and manuals for customs officials

- i. Drafting and approval of the manuals and instructions.

5. Creating and functioning of an anti-plagiarism system

- i. Drafting and approval of a decision to create an anti-plagiarism system for doctorates, in cooperation with the Ministry of Education and Sport and ARTI

II. Developing and strengthening the institutions involved in the implementation of Intellectual Property rights.

6. Strengthening the administrative capacities.

- i. Increasing the staff of the GDPT by 30 employees;
- ii. Creation of a supervisory council of the GDPT;
- iii. Re-composition of the Board of Appeal of the GDPT, as well as reviewing its competences;
- iv. Creation of a chamber for repeal and invalidity as a part of the GDPT;
- v. Continuous training of the staff of the CD and the GDPT by foreign expertise about the latest developments in the field of copyright, courses and trainings supported by the EU, WIPO, EPO, EUIPO for the purpose of increasing the level of professionalism of the employees involved in the IP system;
- vi. Taking part in international conferences, workshops and trainings;

- vii. Organising trainings of several days in the Security Academy with specialists of the investigation of economic and financial crimes in cooperation with the GDPT, the GDC, the CD, the prosecution office and the NAF;
- viii. Improving the organisational and functional structure of the institutions involved in the system, facilitating the ways and procedures of examination, recruitment and staff training;
- ix. Creation of an IP Academy within the structure of the GDPT, which will perform continuous training of all the actors in the system, as well as drafting informational texts in this field.

7. Building a genuine administrative infrastructure within the institutions involved in protecting Intellectual Property.

- i. Strengthening the administrative capacities of the customs branches through continuous trainings to update them with the latest legislative developments and to have them master the existing customs procedures better that are related to the implementation of Intellectual Property rights;
- ii. Creation of a data base of users in the GDC according to the specifics of each institution in order to obtain information that will serve to improve the quality of work.

8. Raising the level of the quality of services of the GDPT.

- i. Shortening the time periods of examination;
- ii. Increasing the number of publications of IP bulletins;
- iii. Drafting guidelines for the examination of trademarks and patents.

9. Increasing the number of investigations by the State Police for violations of IP rights

- i. Increasing by 5% per year the bringing to light of criminal offences violating IP rights.

10. Improving the system of managing and processing information about IP rights in the GDC

- i. Installing the full version of INES + software, which will serve as a data base and assist in processing requests for customs action in electronic format.

11. Electronic communication among the institutions involved in the system

- i. Modernisation of the ICT systems for the purpose of improving communication among the institutions involved in the system of registering and implementing IP rights;
- ii. Real time updating of data;
- iii. Training the staff of the institutions in the use of these systems.

This communication will be realised through the platform of coordination of NAIS (the National Agency for the Information Society) (according to the terms defined in the National Framework of Coordination for the Republic of Albania).

12. Supervising and monitoring ACAs by the responsible institutions.

- i. Encouraging the creation of agencies of the collective administration of copyrights and related rights which are not covered, for example, photography and others;
- ii. Creation of a single “*one stop shop*” window for payments for copyright and related rights;
- iii. Periodically monitoring the activity of the agencies of the collective administration of copyrights and related rights.

13. Developing and continually improving the library of the School of Magistrates.

- i. Enriching the library with materials in Albanian and foreign languages in order to meet the new courses that will be developed;
- ii. Translation into Albanian of the most important cases of the European Court of Justice in the IP field;
- iii. Development and intensification of our ties with the libraries of other European schools of magistrates and other legal institutions. A priority will be securing access to *on-line* data bases and libraries, which will make possible a deepening of knowledge and the realisation of research in the field of Intellectual Property.

14. Improving the ICT infrastructure and modernising the services of the GDPT and improving the procedures for registering IP objects(2018-2020).

- i. Developing capacities and equipment so as to implement a modern ICT system, as a key factor in realising the objectives of its Strategy. Assuring a full compatibility of the national ICT system with that of WIPO, EPO and the EUIPO;
- ii. *On-line* application for all services provided by the GDPT and integration of the SAIP system into the cooperative network of state data bases; 100% implementation for every document deposited in the GDPT in the EDMS system, turning the procedures and office into e-filing;
- iii. Improving the official page of the GDPT and the *on-line* registers;
- iv. Completing the making of data about international trademarks in the SAIP system accurate;
- v. Scanning the archives of trademarks, industrial designs and geographic indicators and making the data of the registers accurate.

15. Improving the system of *on-line* registration of copyright and having it function well (2018-2020).

- i. Registration of works of copyright will be done *on-line*, authorising the process of registration of the works in this way.
- ii. The application of this *on-line* system will bring a faster procedure of registration as well as the *on-line* verification of every registered work.

16. Creating centres for technology transfer

- i. Creation of a technology transfer centre at the Polytechnic University of Tirana.
- ii. Drafting a concrete legal model for scientific and development activity clearly specifying the rights and obligations of all the cooperating actors (universities with scientific and development bodies with individuals).

III. Strengthening cooperation and coordination between the institutions, both at the national level as well as the regional level and more broadly, in the service of improving the work of protecting Intellectual Property rights

17. Strengthening cooperation and coordination between the institutions at the national, regional and international level.

- i. Transparent and efficient cooperation among the competent institutions and bodies involved in the system, cooperation increased on the basis of approved agreements.
- ii. Continuous trainings of the institutions involved in the field of Intellectual Property as well as the justice system, and also an increase of cooperation with the School of Magistrates.
- iii. The organisation of joint national operations with the GDC, the GDT, the NAF, the state inspectorate for market supervision (SIMT).
- iv. The organisation of joint operations with the law enforcement structures at the national level (the State Police, the Albanian Copyright Office/Copyright Directorate, and/or internal market control structures).
- v. The organisation and management of operations for the protection of Intellectual Property rights, including the member countries of the Southeast European Law Enforcement Centre (SELEC).
- vi. The organisation and management of operations by INTERPOL, the World Customs Organisation and/or homologue customs services.
- vii. The strengthening of cooperation with homologue regional offices in the field of copyright as well as the organisation of joint activities for the purpose of promoting copyright.
- viii. The cooperation of IP institutions with the Agency for Consumer Protection and the Competition Authority. The organisation of bilateral meetings or joint trainings related to coordination of competition law with Intellectual Property.
- ix. Cooperation with the GDPT for information in cases of the violation of the rights of the owners of IP objects.
- x. Implementation of the competition law in practice in order to avoid possible abuses during the exercise of the rights of Intellectual Property.

18. Signing memoranda of cooperation and creating an inter-institutional group for monitoring and respecting copyright

- i. Creation of a mechanism to assure transparent and efficient cooperation with the CD (Memoranda of cooperation).
- ii. Signing Memoranda of Understanding with homologue regional offices of copyright.
- iii. Creation of an inter-institutional group for monitoring respect for copyright by the PAMS operators.
- iv. Creation of joint plans of work with the State Police, meetings also with AMA for monitoring respect for copyright.

19. Improving and strengthening cooperation with ACAs (2018-2020)

- i. Continuous trainings of the staff of ACAs about issues of collective management;
- ii. Provision of foreign expertise by EU experts for the ACAs;
- iii. Continuous monitoring by the ACO (CD) of ACAs in the exercise of the competences recognised by law.
- iv. Cooperation of the CD with the AMA.

20. Strengthening and continuous training of the judicial system 2018-2020

- i. Adding to the number of trainings of judges (one-two trainings per year) who will be engaged in the administrative courts, and in particular, those who will deal specifically with cases of IP rights.
- ii. Cooperation of the School of Magistrates with the GDPT and the Ministry of Culture/CD.
- iii. Improvement of curricula, teaching plans and programme, the programme of Initial Formation of the School of Magistrates, reflecting changes in the legislation and national and international practice in the field of IP.

21. Preventing and stopping violations of Intellectual Property rights.

- i. Risk assessment for products or services (performance of the respective analyses). Taking administrative measures against violators of the law.

22. Meetings for monitoring the IP Strategy (2016-2020)

- i. Periodic meetings (twice a year) among the institutions defined in this Strategy, in which each will report on the realisation of its tasks and take responsibility in case of non-fulfilment of the activities that have been defined in this document.

IV. Increasing public awareness in Albania in connection with the rights of Intellectual Property

23. Implementing a project for the purpose of creating a stimulating environment to increase applications for industrial designs and patents for inventions.

- i. Identification of businesses with possible innovative potential, as well as organisation of seminars and training activities in connection with them.
- ii. Creation of other information centres in the technical universities in Vlora, Shkodër and Korça;
- iii. Preparation and organisation of specific trainings for the staff of the information centres about the use of the system.

24. Implementing a project for the purpose of making a territorial analysis to show Albanian products with geographic characteristics according to areas (potential for being registered as geographic indicators or designations of origin); promoting and encouraging the importance of protection of Albanian geographic indicators.

- i. Analysis and harmonisation of the legal basis that assures protection of geographic indicators in Albania.
- ii. Study in various areas and especially in rural areas of Albania in order to bring to light potential products to be protected as geographic indicators.
- iii. Drafting of an analysis and determination of criteria and characteristics of potential products in each area.
- iv. Organisation of promotional and training activities for the protection and registration of geographic indicators organised by district: Gjirokastër, Tepelena, Elbasan, Vlora, Malësia e Madhe and so forth. The activities for each of those districts have been foreseen as an example of activities for the district of Gjirokastër and Përmet. The analysis will be a basis for showing the importance of awareness activities in other districts of Albania.

25. Creating a stimulating environment to increase the number of applications for the registration of products and services as trademarks by 2%.

- i. Identification of businesses with possible potential for the registration of the services that they offer as trademarks.
- ii. Organisation of seminars and training activities in connection with them.
- iii. Assistance with drafting documentation necessary for the registration of trademarks.

26. Increasing awareness and educating the public in Albania about Intellectual Property rights.

- i. Encouraging creativity in the coming generations through various promotional activities in the form of competitions for new talents in various branches: art, literature, painting, interpretation, in the framework of the World Day of Intellectual Property every year on 26 April (2018-2020).
- ii. Organisation of roundtables with the public as well as information meetings with various categories of users of rights related to IP issues;
- iii. Increasing the level of informing public, the community and society in the field of Intellectual Property through organising seminars, conferences and promotional activities.
- iv. Raising the awareness of business and the public in connection with the respective fields, as well as addressing the Competition Authority about all possible anti-competitive behaviour in the field of Intellectual Property rights.

The focus of the GDPT in the plan of promotional activities for the year 2016-2017 will be:

- ✓ Local universities, to encourage research and for registering inventions at the GDPT, in cooperation with NASRI.
- ✓ Local producers, to show and register characteristic Albanian products as geographical indicators.
- ✓ Businesses in general, to show and register industrial designs.
- ✓ The education of the generations through promotional activities and those raising consciousness in the field of Industrial Property.

27. Drawing up curricula, teaching materials and modules for pupils, students, teachers and the academic staff.

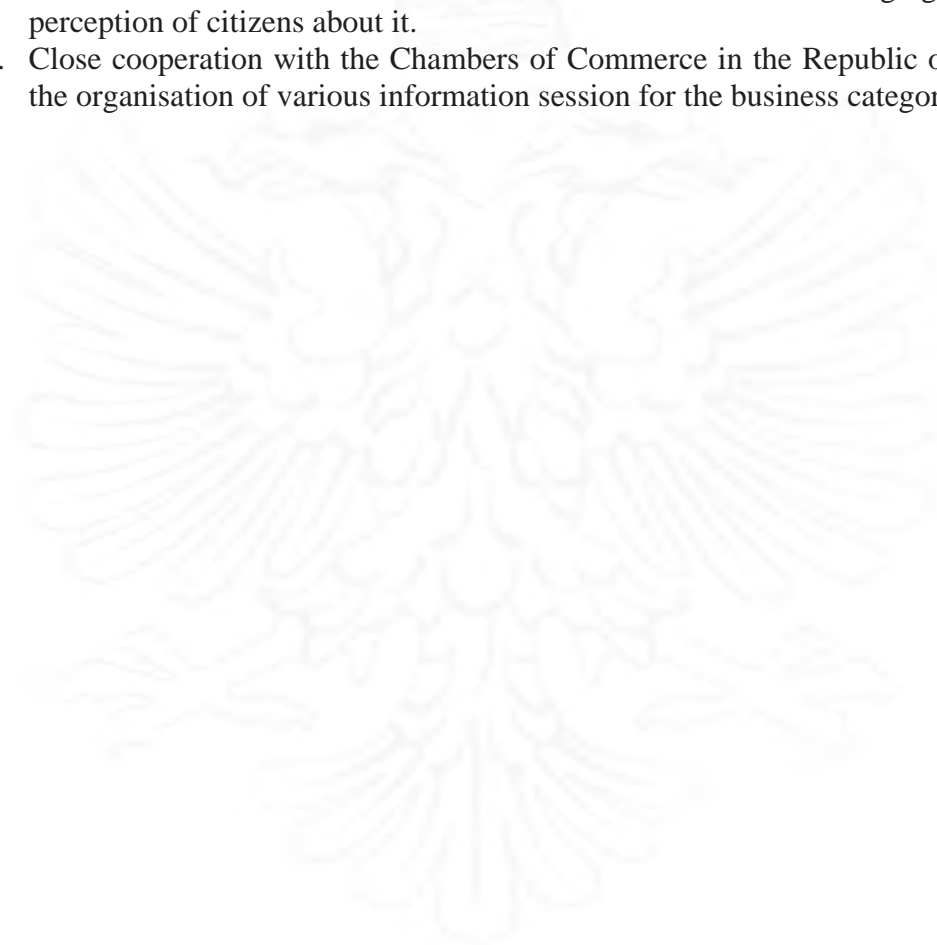
- i. Drafting teaching materials about Intellectual Property for the 6-9 cycle of basic education and in secondary (middle) education.
- ii. Drafting modules for civics teachers for the 6-9 year cycle of education and of basic education. The “Intellectual Property” module will be integrated into the curricula of middle schools (gymnasia) when new programmes of education are drawn up for middle schools.
- iii. Drafting curricular materials about the investigation of economic and financial crime for students at the Faculty for Investigating Crime (six teaching hours on *investigating criminal offences of violation of IP rights*).
- iv. Training civics teachers in secondary (middle) education and training civics teachers for the 6-9 year classes on Intellectual Property.
- v. Reforming the curriculum of pre-university education in curricula with basis of competences.

28. Organising competitions, artistic activities and so forth, to encourage creativity in the young generations in the CD.

- i. Drawing up a platform for long-term action through various activities in the form of competitions among young talents in various fields such as art, literature, painting, interpretation and so forth.
- ii. Holding competitions with artistic creations and simple inventions.

29. Informing business and making it aware of the value of IP (2018-2020).

- i. Improving the dialogue with businesses about the importance, value and way to protect their Intellectual Property.
- ii. Drawing up and implementing projects with businesses to raise their consciousness about financing research and development departments for research and development, as well as in registering IP objects.
- iii. Awareness campaign, for the purpose of increasing and strengthening the trust of business and the citizens in the customs administration and changing the image or perception of citizens about it.
- iv. Close cooperation with the Chambers of Commerce in the Republic of Albania for the organisation of various information session for the business category.



CHAPTER IV

FINANCIAL RESOURCES

An estimate of the costs necessary for implementing the Intellectual Property Strategy for the period 2016-2020 has been done on the basis of the objectives foreseen in the action plan. In this calculation, account has been taken of the budgetary programmes for 2016-2018 and 2017-2019 and in line with that trend, an approximation for the year 2020. The calculation of the cost for the greatest part of the objectives has been done by taking account of the number of employees who will deal with the activity, their wages (per hour), and time for realisation of it (including hours, days, months and so forth).

The calculation of the financial costs of the objectives of the strategy as well as the coverage with financial resources for realising those objectives for the time period of the strategy has been calculated based on the medium-term budgetary programmes (MBP). For the period covered by the strategy, but which goes beyond the medium-term budgetary planning, the costing of the objectives has been calculated foreseeing the trend of the state budget, defining the main activities but leaving space for the possibility of support by donors or foreign financing. The latter are presented in the budget line “financial gap” (shortfall).

Based on a financial analysis of the income of the GDPT, it has been calculated that the financial shortfall determined in the strategy will be covered by the budget of the GDIP, with the change of its administrative structure from a public budgetary institution into an Autonomous Agency on the basis of articles 10 and 20 of law no. 90/2012 “On the organisation and functioning of the state administration”.

This strategic document is accompanied by an action plan, where all the objectives are costed out according to the products, foreseeing the part covered by the state budget and the part that requires foreign financing.

The costs for covering the objectives, according to the products referred to in the Strategy, are presented below in tabular form.

Table 1: Cost of implementation of the Strategy by objectives 2016-2020 and the total cost of the Strategy

Objectives covered by the Strategy	Cost Total in 000/lek	Budget	Financial gap ²⁰	Comments about objectives with a financial gap
TOTAL	470,725	260,964	209,761	
Improving the legal framework.	4,694	3,000	1,694	Approval of legal and subordinate legal acts, signing international agreements, drafting and approval of amendments to the Criminal Code and the Code of Criminal Procedure, implemented of the drafts prepared.
Developing and strengthening the institutions involved in implementation of intellectual property rights.	94,145	47,533	46,612	Trainings of staff, taking part in conferences and workshops, increasing the quality level of administrative services, strengthening administrative capacities.
Strengthening cooperation and coordination among the institutions, both at the national level as well as the regional level and more broadly in the service of improving the work of protection of intellectual property rights.	152,581	59,963	92,618	Transparent and efficient cooperation among the institutions and bodies involved, organisation of operations, signing memoranda of cooperation.
Raising the awareness of the public in Albania in connection with the rights of intellectual property.	219,305	150,000	160,000	Informing pupils, students, and the public. Seminars, conferences, promotional activities for this purpose. Drafting modules for school pupils, students, teacher training, improving the dialogue with business.

²⁰ In the inability of financing from the budget or donors, the financial gap has been calculated to be covered from the budget of the GDIP, with the change of the administrative structure of the GDPM from a public budgetary institution to an Autonomous Agency.

CHAPTER V

ACCOUNTABILITY, MONITORING AND EVALUATIVE ANALYSIS.

Monitoring the Strategy. The respective structures.

By Order no. 112 dated 26.08.2015 “On the creation of an Inter-institutional Working Group to coordinate, draft and follow implementation of the strategic document for Intellectual Property 2016-2020”, the working group was created for preparing it. This group is to follow implementation, on a continuing basis, of the Strategic document for Intellectual Property 2016-2020, to coordinate the work related to issues of implementation of this strategic document and also to monitor the performance of its implementation.

The head of this group will be the deputy minister of Economic Development, Tourism, Trade and Entrepreneurship (MEDTTE), The technical secretariat of the Working Group will be the General Directorate of Patents and Trademarks (GDPT) at MEDTTE, which will coordinate closely with the other institutions, especially me ACO (CD), GDC, SPD and others.

The technical secretariat will:

- a. monitor implementation of the measures foreseen in the Strategy’s action plan;
- b. collect information every six months from the state institutions that are directly responsible for the respective measures assigned to them in the Strategy’s action plan;
- c. prepare two reports per year, respectively at the end of six months and one year, for the progress of implementation of the measures of the Strategy for the implementation of Intellectual Property rights.

The six-month and yearly reports will be submitted to the Inter-Institutional Working Group by the Deputy Ministry of Economic Development, Tourism, Trade and Entrepreneurship (MEDTTE). The Group will discuss the ability to implement the measures and the problem areas related to them, as well as taking decisions on institutional questions.

The responsible institutions will report to MEDTTE about the level of implementation of the measures in the strategy and the actions taken for implementation of Intellectual Property rights, the problem areas of their implementation, as well as recommendations for improving the situation. In addition, the respective data will be sent about an analysis of the inspections performed for the implementation of Intellectual Property rights, the number of trainings, the number of legal and subordinate legal acts amended in the respective time period; the number of awareness campaigns about Intellectual Property rights; the number of judicial cases related to Intellectual Property rights, the number of subjects fined for issues of Intellectual Property law; the number of persons trained (judges and prosecutors) on Intellectual Property rights and so forth.

The technical secretariat will prepare the methodology for reporting, according to a standardised format.

Indicators foreseen in the IP Strategy (2016-2020)

The objectives foreseen in the National IP Strategy 2016-2020 are specific, measurable and concrete objectives. The indicators of the strategy selected for monitoring, which are part of the Strategic Document, in general cover the evaluation of all the main objectives of the Strategy.

The indicators foreseen in the National IP Strategy 2016-2020 are presented below in tabular form:

Table of indicators and impact on monitoring of the National IP Strategy

I. Improvement of the legal framework						
No.	Description of indicators	Responsible institution	Base year²¹	Manner of calculation	Aim for 2018²²	Aim for 2020²³
1	Approval of additions and amendments to law no. 9947/2008	GDPT (GDIP)	2016	Number of law amended	An approved law	An approved law
2	Drafting by-laws in implementation of law no. 9947/2008	GDPT (GDIP)	2016	Number of CMDs approved	Nine CMDs approved	Nine CMDs approved
3	Approval of amendments to law no. 7905 dated 21.03.1995 “Criminal Procedure Code of RA”, amended, and other changes proposed to the Criminal Code	MINISTRY OF CULTURE, SPD, MINISTRY OF JUSTICE	2016	Number of law amended	Approved law	An approved law
4	Number of international agreements signed in the field of Industrial Property	GDPT (GDIP)	2016	Number of law amended	Four laws approved for the ratification of agreements	Four laws approved for the ratification of agreements
5	Adherence to two treaties (Ministry of Culture /CD)	MINISTRY OF CULTURE, CD	2016	Number of law amended	Two laws approved for the ratification of agreements	Two laws approved for the ratification of agreements
6	Drafting of risk assessment documents	SIMS	2016	Number of document drafted	Two risk assessment documents drawn up	Two risk assessment documents drawn up

²¹These data are not available, but might be collected by all the institutions starting from 2016.

²²The aim for 2018 shows a numerical or % realisation compared to the base year.

²³The aim for 2020 shows a numerical or % realisation compared to the base year.

7	Drawing up an inspection plan	SIMS	2016	Number of document drawn up	Two documents of the inspection plan approved	Two documents of the inspection plan approved
8	Approval of a draft decision for creating an anti-plagiarism system	MAS	2016	Number of CMD drawn up	One CMD approved	One CMD approved
II. Developing and strengthening of institutions involved in implementation of IP rights						
9	Increasing the staff of the GDPT.	GDPT (GDIP)	2016	Number of employees	Six more employees	Six more employees
10	Drafting guidelines for the examination of patents and trademarks	GDPT (GDIP)	2015	Number of guidelines drafted	One guideline for the examination of trademarks and one guideline for the examination of patents drafted	One guideline for the examination of trademarks and one guideline for the examination of patents drafted
11	Number of "on line" services improved	GDPT (GDIP)	2016	Number of electronic services improved	One electronic service improved	One electronic service improved
12	Number of trainings of the staff of GDPT, CD, SPD, GDC within the country	GDPT (GDIP), CD, SPD, GDC	2016	Number of trainings realised	24 trainings	17 trainings
13	Number of meetings between institutions	GDPT (GDIP), CD, SPD, GDC	2016	Number of meetings	22 meetings	22 meetings
14	Increase in quality of administrative services	GDPT (GDIP)	2016	Improvement expressed in % more than the base year	50%	100%
15	Number of trainings of staff of the GDPT, CD, SPD, GDC outside the country	CD, SPD, GDC	2016	Number of trainings of staff	59 trainings more than the base year	101 trainings more than the base year

16	Number of manuals and guidelines drawn up for customs officials	GDC	2016	Number of guidelines drawn up	One guideline	One guideline
17	Number of publications of trademark and patent bulletins	GDPT	2016	Number of additional publications	12 IP bulletins more per year than in the base year	24 IP bulletins more per year than in the base year
18	Increase of the number of investigations	SPD	2016	Number of investigations expressed in %	10% more investigations	10% more investigations
19	Creation of agencies for collective administration	MINISTRY OF CULTURE, CD	2016	Number of additional agencies for collective administration	Two more agencies of collective administration than in the base year	Four more agencies of collective administration than in the base year
20	Creation of a “one stop shopping” single window	MINISTRY OF CULTURE, CD	2016	Number of single windows	One single window for copyright payments	One single window for copyright payments
21	Number of services on the Internet page	GDPT (GDIP)	2016	Number new services on the Internet page	Five more services on the Internet page than in the base year	Nine more services on the Internet page than in the base year
III. Strengthening cooperation and coordination among the institutions, both at the national level as well as regionally or more broadly, in the service of improving work in protection of intellectual property rights						
22	Number of meetings for monitoring the IP Strategy 2016-2020	MEDTTE , GDPT (GDIP), SIMS, MINISTRY OF CULTURE, CD, SPD, MINISTRY OF JUSTICE, GDC	2016	Number of meetings of the working group	Six meetings more organised than in 2016	Ten meetings more organised than in 2016
23	Number of trainings organised between the institutions	MEDTTE , GDPT (GDIP), SIMS,	2016	Number of trainings	18 trainings organised	30 trainings organised

		MINISTRY OF CULTURE CD, SPD, MINISTRY OF JUSTICE, GDC				
24	Number of activities organised by the GDPT and the CD with universities and scientific and developmental bodies	GDPT (GDIP), MINISTRY OF CULTURE, CD	2016	Number of activities	20 activities organised	38 activities organised
25	Number of joint operations such as with the GDC, GDT, Market Inspectorate	GDC, GDT, SIMS	2016	Number of operations	3 joint operations	5 joint operations
26	Number of cooperative activities between the CD with homologue offices of the region in the field of copyright	MINISTRY OF CULTURE, CD	2016	Number of activities	13 regional activities organised	23 regional activities organised
27	Creation of an inter-institutional working group for monitoring respect for copyright by PAMS	MINISTRY OF CULTURE, CD	2016	Number of working group	One working group created	One working group created
28	Number of trainings of ACA staffs on issues of collective management	MINISTRY OF CULTURE, CD	2016	Number of training activities	3 training activities organised	5 training activities organised
29	Number of trainings of judges by the SM	SM	2016	Number of training activities	5 training activities organised	9 training activities organised
30	Number of texts and books dealing with IP issues	MAS, IDE, GDPT (GDIP), CD	2016	Number of texts	2 texts that deal with IP issues	2 texts that deal with IP issues

IV. Raising the awareness of the public in Albania in connection with IP rights						
31	% trainings of teachers of the 9-year elementary and middle cycles	MAS, GDPT (GDIP), CD	2016	% of teachers trained who give IP subjects	50% teachers trained on IP	100% teachers trained on IP
32	Number of activities for the identification of businesses with possible innovative potential for patents and designs	GDPT(GDIP)	2016	Number of meetings with businesses	25	45 meetings more with businesses
33	Number of information centres to be created at the technical universities in Vlora, Shkodër, Korça	GDPT(GDIP), Universities	2016	Number of centres	2 centres created	3 centres created
34	Number of specific trainings for the staff of the information centres on use of the system	GDPT(GDIP), Universities	2016	Number of trainings	12 training activities	30 training activities
35	Number of activities to identify potential products and areas	GDPT(GDIP)	2016	Number of activities	9 activities in different areas of Albania	17 activities in different areas of Albania
36	Number of activities to identify potential businesses for service marks	GDPT(GDIP)	2016	Number of activities	10 activities in different areas of Albania	20 activities in different areas of Albania
37	Number of specific trainings for those businesses	GDPT(GDIP)	2016	Number of trainings	20 training activities with businesses identified	40 training activities with businesses identified
38	Number of promotional activities in the form of competitions about IP knowledge	GDPT(GDIP), CD	2016	Number of activities	3 competitions organised	5 competitions organised

39	Number of public roundtables and informational meetings with various categories of users of rights in connection with issues of copyright in the RA	GDPT(GDIP), CD, NASRI	2016	Number of activities	20 roundtables organised	36 roundtables organised
40	Number of conferences about IP	GDPT(GDIP), CD	2016	Number of conferences	3 conferences organised	5 conferences organised
41	Number of curricula approved	MAS,IDE	2016	Number of curricula	2 curricula approved	2 curricula approved
42	Number of cooperation with Chambers of Commerce and the Union of Chambers	GDPT(GDIP), CD, Chambers of Commerce	2016	Number of joint meetings	24 joint meetings organised	40 joint meetings organised

ANNEX I

Action Plan of the National Strategy of Intellectual Property

ACTION PLAN TO IMPLEMENT THE NATIONAL STRATEGY OF INTELLECTUAL PROPERTY (2016-2020)						
TOTAL COST (000/LEK): 470,725						
Strategic purposes						
I. Improving the legal framework						
TOTAL COST OF OBJECTIVE I (000/LEK): 4,694						
No.	Objectives	Products	Responsible institution	Implementation time period	Cost (in thousands of lek)	Source of coverage
1	Improvement of the legal framework for industrial property and copyright	i. Approval of amendments and additions to law no. 9947 dated 07.07.2008 "On industrial property", amended	GDPT (GDIP)	2017	1,500	Budget of the GDPT (GDIP)
		ii. Drawing up by-laws in implementation of law no. 9947.	GDPT (GDIP)	2018	1,000	Budget of the GDPT (GDIP)
		iii. Approval of amendments to law no. 7905 dated 21.3.1995 "Code of Criminal Procedure of the RA", amended, and other amendments proposed in the Criminal Code.	MINISTRY OF CULTURE, SPD, MINISTRY OF JUSTICE	2016	750	State budget
		iv. Drawing up by-laws for the functioning of the market inspectorate (SIMS)	MEDTTE SIMS	2016	120	State budget

2	Ratification of other agreements in the field of Intellectual Property.	i. Signing the Lisbon Agreement and the Geneva Act	GDPT (GDIP)	2018	140	Budget of the GDPT (GDIP)
		ii. Signing the Locarno Agreement	GDPT (GDIP)	2018	80	Budget of the GDPT (GDIP)
		iii. Signing the Vienna agreement on the international classification of figurative elements of trademarks	GDPT (GDIP)	2018	80	Budget of the GDPT (GDIP)
		iv. Adherence by law to the Marrakesh Treaty for visually disabled persons	MINISTRY OF CULTURE, CD	2017	90	State budget
		v. Adherence by law to the Beijing Treaty on audiovisual works	MINISTRY OF CULTURE, CD	2018	90	State budget
3	Drafting and approval of provisions in the Code of Criminal Procedure	Amendments to the Code of Criminal Procedure	SPD, MINISTRY OF JUSTICE	2016	684	State budget
4	Updating the legal basis with subordinate legal acts such as guidelines and instructions and manuals for customs officials. Approval of manuals and instructions.	i. Drafting and approval of manuals and instructions	GDC	3rd-4th quarters 2016	160	State budget

5	Creation and functioning of an anti-plagiarism system	i. Drafting and approval of a draft decision for creating an anti-plagiarism system for doctorates in cooperation with the Ministry of Education and Sport and ARTI	MAS, NASRI	2017	0	State budget
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II. Developing and strengthening of institutions involved in implementation of IP rights.

TOTALCOST OF OBJECTIVE II (000/LEK): 94,145

No.	Objectives	Products	Responsible institution	Implementation time period	Cost (in thousands of lek)	Source of coverage
	Strengthening administrative capacities of the institutions involved in the IP field	i. Adding more than 30 employees to the staff of the GDPT	GDPT (GDIP)	2017-2018	5,000	Budget of the GDPT (GDIP)
		ii. Creation of the Supervisory Council	GDPT (GDIP)	2017	1,000	Budget of the GDPT (GDIP)
		iii. Re-composition of the Board of Appeal, as well as giving it important legal competences	GDPT (GDIP)	2017	500	Budget of the GDPT (GDIP)
		iv. Creating a chamber for repeal and invalidity as a part of the GDPT.	GDPT (GDIP)	2017	500	Budget of the GDPT (GDIP)

6		v. Continuous training of the staff of the GDPT and CD by foreign experts about the latest developments in the IP field, courses and trainings made possible by international organisations with the aim of improving staff professionalism.	CD, GDPT (GDIP)	2016-2020	3,900	State budget/ Budget of the GDPT (GDIP)/EC, WIPO EPO,EUIPO
		vi. Taking part in international conferences, trainings and workshops	CD, GDPT (GDIP), GDC, SPD	2016-2020	15,280	State budget/ Budget of the GDPT (GDIP)/ Donors
		vii. Organisation of trainings lasting several days in the Security Academy in cooperation with the GDPT, GDC, CD, prosecution service and NAF, for specialists of investigating financial and educational crimes	CD, GDPT (GDIP), GDC, SPD, NAF	2016-2020	402	State budget/ Budget of the GDPT (GDIP)
		viii. Improving the organisational and functional structure of the institutions in the system	CD, GDPT (GDIP)	2016-2020	1,400	State budget/ Budget of the GDPT (GDIP)

		ix. Creation of an IP Academy within the structure of the GDPT, which will do continuous training of the actors in the system as well as drafting informative texts in this field	GDPT (GDIP), MAS	2020	1,146	State budget/ Budget of the GDPT (GDIP)
7	Building a genuine administrative infrastructure within the national institutions involved in assuring and protecting intellectual property.	i. Strengthening the administrative capacities of the GDC and customs branches through continuous trainings to update them with new legislative developments and to learn the existing customs procedures better that are related to the application of IP rights	GDC	3rd-4th quarters 2016	100	State budget
		ii. Creation of a data base of users according to the specifics of each institution in order to obtain information that will serve to improve work quality	GDC	3rd-4th quarters 2016	160	State budget
8	Raising the level of quality of the services	i. Reduction of examination time periods	GDPT	2016	100	State budget
		ii. Increase of the number of publications of the IP bulletin	GDPT	2016	100	State budget

		iii. Drafting guidelines for the examination of patents and marks	GDPT	2016-2018	2,000	State budget, Budget of the GDPT (GDIP)/ Donors
9	Raising the number of investigations violations of Intellectual Property rights for the State Police	i. Increase by 5% per year the uncovering of criminal offences violating IP rights	SPD	2016-2017	303	State budget
10	Improving the system of managing and processing information about intellectual property rights in the GDC	i. Installing the full version of INES software INES which will serve as a data base and to process customs action requests electronically.	GDC	3rd-4th quarters 2016	720	State budget
11	Electronic communication between the institutions involved in the system	i. Modernisation of ICT systems with the purpose of improving communication between the institutions involved in the system of registering and implementing IP rights	GDPT,GDC,CD,SPD, PROSECUTION OFFICE, JUDICIARY	2019-2020	10,000	State budget/ Budget of the GDPT (GDIP)/ Donors
		ii. Real time updating of data	CD,GDC,CD,SPD, PROSECUTION OFFICE, JUDICIARY	2019-2020	3,000	State budget/ Budget of the GDPT (GDIP)/ Donors

		iii. Training the staff of institutions in the use of the systems	GDPT,GDC,C D,SPD, PROSECUTI ON OFFICE, JUDICIARY	2019-2020	2,000	State budget/ Budget of the GDPT (GDIP)/ Donors
12	Supervision and monitoring of the Agencies of Collective Administration by the responsible institutions	i. Encouraging the creation of ACAs (Agencies of Collective Administration) for copyright and related rights and for branches of art that have not been covered, such as photography and others	CD, ACA	2016-2020	450	State budget
		ii. Creation of a single “one stop shopping” window for payments for payment and related rights	CD	2016-2020	50	State budget
		iii. Monitoring periodically the activity of the Agencies of Collective Administration (ACAs) for copyrights and related rights	CD	2016-2020	50	State budget
13	Developing and continuously improving the library of the Magistrates’ School	i. Enriching the library with Albanian and foreign materials in order to meet the new courses that will be developed	SM	2016-2020	28	State budget
		ii. Translation of the most important cases of the European Court of Justice into Albanian	SM	2016-2020	600	WIPO
		iii. Developing and deepening our ties with the libraries of the European magistrates’ schools and other legal institutions. Assuring access to	SM	2016-2020	210	State budget

		libraries and on-line data bases will be a priority, enabling a deepening of knowledge and the realisation of research in the IP field				
14	Improving the ICT infrastructure, modernising services of the GDPT and improving the procedures of registering IP objects	i. Developing capacities and equipment so as to implement a modern ICT system. Assuring full conformity of the national ITC system with that of WIPO, EPO and the EU IP office.	GDPT (GDIP)	2016-2020	32,000	State budget / Budget of the GDPT (GDIP)/ Donors
		ii. On-line application for all services offered by the GDPT and the integration of the IAPS system in the network of interconnected state data bases, the 100% implementation for every document deposited in the GDPT in the EDMS system, returning the procedures to the office of the file	GDPT (GDIP)	2017-2020	4,200	State budget / Budget of the GDPT (GDIP)/ Donors
		iii. Improving the Inter page of the GDPT and the on-line registers	GDPT (GDIP)	2016-2020	7,546	State budget/ Budget of the GDPT (GDIP)/ Donors
		iv. Completing making the SAIP and the data of international marks accurate	GDPT	2016	100	State budget
		iv. Scanning the archive of trademarks, industrial designs and geographic indicators, making the data of the registers accurate	GDPT	2016-2017	500	State budget / Budget of the GDPT (GDIP)/ Donors

15	Improvement and functioning of the system of registering copyright <i>on-line</i> (2018-2020)	i. Registration of works of copyright will be performed on-line, thus automating the process of registering the works	CD	2017	400	State budget
		ii. Application of this on-line system brings faster registration procedures as well as on-line verification of every work registered.	CD	2017	400	State budget
16	Creating centres for transferring technology	i. Creating technology transfer centres at universities and scientific and development organisations and beginning their work	MAS, UNIVERSITIES	2018-2020	0	State budget/ Donors
		ii. Drawing up a model legal contract for scientific and development activity in which the rights and obligations of all actors are clearly set out (universities with scientific and development organisations with individuals).	MAS, UNIVERSITIES, NASRI.			

III. Strengthening cooperation and coordination among the institutions, both at the national level as well as regionally or more broadly, in the service of improving work in protecting intellectual property rights.

TOTAL COST OF OBJECTIVE III (000/LEK): 152,581

No.	Objectives	Products	Responsible institution	Implementation time period	Cost (in thousands of lek)	Source of coverage
17	Strengthening cooperation and coordination among institutions at the national, regional and international level	i. Transparent and efficient cooperation between the competent bodies and institutions involved in the system, based on approved agreements and other documents	GDPT (GDIP), CD, SPD, GDC, SIMS, MS, NASRI	2016-2020	11,460	State budget / Budge of the GDPT (GDIP)/ Donors
		ii. Continuous trainings of the staff of the institutions involved in the IP field as well as the justice system; increased cooperation with the School of Magistrates	GDPT (GDIP), CD, SPD, GDC, SIMS, MS, PROSECUTION OFFICE,	2016-2020	85,383	State budget/ Budget of the GDPT (GDIP)/ Donors
		iii.. Organisation of joint national operations with the SPD, GDC, GDT, NAF, market inspectorate	GDC, GDT, NAF	2016-2020	4,125	State budget

		iv. Organisation of joint operations with the law enforcement structures at the national level (State Police, Albanian Copyright Office and/or structures checking internal trade).	SPD, GDC	2016-2020	3,725	State budget
		v. Organisation and management of operations for the protection of intellectual property rights, including the member countries of the Southeast European Law Enforcement Centre (SELEC)	SPD, GDC	2016-2020	3,725	State budget
		vi. Organisation and management of operations by INTERPOL, The World Customs Organisation and/or homologous customs services	SPD, GDC	2016-2020	3,725	State budget
		vii. Strengthening cooperation with the homologous regional copyright offices as well as organising joint activities for the purpose of promoting copyright	CD, AMA	2016-2020	2,000	State budget / Donors

		viii. Cooperation of IP institutions with consumer protection agencies and the Competition Authority. Organisation of bilateral meetings and joint trainings related to coordination of competition law with intellectual property.	GDPT (GDIP), APC, CA	2016-2020	190	State budget/ Budget of the GDPT (GDIP)
		ix.Cooperation of the GDPT with the prosecution service for information in cases of violation of the rights of owners of IP objects	GDPT (GDIP), PROSECUTOR'S OFFICE	2016-2020	184	State budget/ Budget of the GDPT (GDIP)
18	Signing memoranda of cooperation and creating an inter-institutional working group for monitoring respect for copyright	i. Creation of a mechanism to assure transparent and efficient cooperation between the CD, GDPT, SIMS (Memoranda of cooperation).	CD, GDPT (GDIP), SIMS	2016-2020	8,824	State budget/Budget of the GDPT (GDIP)
		ii. Signing memorandum of understanding with homologous regional offices of copyright	CD	2016-2020	196	State budget
		iii.Creation of an inter-institutional group for monitoring respect for copyright by PAMS.	AMA, CD	2017	1,600	State budget

		iv. Creation of joint work plans with the State Police, tax and AMA for monitoring and respecting copyright	CD, AMA, SPD, GDT	2016-2020	200	State budget
19	Improving and strengthening cooperation with ACAs (2018-2020)	i. Continuous trainings of ACA staff on issues of collective management	CD, ACA	2017	1,680	WIPO/EC
		ii. Providing foreign expertise for the ACAs by EU experts	CD, ACA	2016-2020	1,680	WIPO/EC
		iii. Continuous monitoring by ACO (CD) of ACAs in exercise of the competences recognised by law	CD	2016-2020	50	State budget
		iv. Cooperation of CD with AMA	AMA, CD	2017	420	State budget
20	Strengthening and continuous training of the judicial system 2018-2020	i. Increase of the number of trainings of judges (1-2 trainings per year) in the administrative court and particularly those who will deal with issues of IP rights	SM, CD, GDPT (GDIP)	2016-2020	968	State budget/ Budget of the GDPT (GDIP)/ WIPO/EC/EPO/EUIPO
		ii. Cooperation with the School of Magistrates by the GDPT and the ACO for information in relation to IP issues	SM, GDPT (GDIP), CD	2016-2020	850	State budget / Budget of the GDPT (GDIP)/ Donors

		iii. Improvement of curricula, teaching plans and programs in the program of Initial Formation of the School of Magistrates, reflecting changes in the legislation and the national and international practices in the IP field	SM	2018-2020	240	State budget
21	Prevention and prohibition of violations of intellectual property rights.	i. Risk assessment for products and services (performance of the respective analyses). Taking of administrative measures against violations of law	SIMS	2016-2020	19,656	State budget
22	Meetings for monitoring the IP Strategy (2016-2020)	i. Periodic meetings (twice a year) among the institutions defined in this Strategy in which each will report on the realisation of its tasks and have responsibility in cases of non-fulfilment of the activities that have been defined in this document	CD, GDPT (CD), GDC, SPD, NAF, SCHOOL OF MAGIS-TRATES	2016-2020	1,700	State budget/ Budget of the GDPT (GDIP)

IV. Increasing public awareness in Albania in connection with intellectual property rights

TOTAL COST OF OBJECTIVE IV (000/LEK): 219,305

No.	Objectives	Products	Institution Responsible	Term of implementation	Cost (in thousands of lek)	Source of coverage
23	Implementation of a project for the purpose of creation a stimulating environment to increase applications for industrial designs and patents for inventions	i. Identification of business with possible potential for innovation as well as the organisation of seminars and training activities in connection with them ii. Creation of other information centres in the technical universities in Vlora, Shkodër, Korça iii. Preparation and organisation of specific trainings for the staff of the information centres about the use of the system	GDPT (GDIP)	2016-2020	40,000	State budget/ Budget of the GDPT (GDIP)/ Donors
24	Implementation of a project with the purpose of performing a territorial analysis of for showing Albanian products with geographic characteristics according to areas (potential for being registered as a	i. Analysis and harmonisation of the legal basis assuring checking of the Market and the protection of geographic indicators in Albania ii. Study in different regions and especially in the rural areas of Albania to show potential products for geographic indicator (GI) protection	MINISTRY OF AGRICULTURE/ GDPT (GDIP)	2016- 2020	50,000	State budget/ Budget of the GDPT (GDIP)
	GDPT (GDIP)					

	geographic indicator or designation of origin)	iii. Preparation of an analysis and determination of criteria and characteristics of potential products in each region for GI protection	GDPT (GDIP)			
		iv. Organisation of promotional and training activities for protection and registration of geographic indicators organised by districts: Gjirokastër, Tepelena, Elbasan, Vlora, Malësia e Madhe and others	GDPT (GDIP)			
25	Implementation of a project with the purpose of creating a stimulating environment for increasing by 2% the number of applications for the registration of products and services as trademarks	i. Identification of businesses with possible potential for registration of services that they offer as commercial marks	GDPT (GDIP)	2016-2020	30,000	State budget/ Budget of the GDPT (GDIP)/ Donors
		ii. Organisation of seminars and training activities in connection with them				
		iii. Assistance in drafting documentation necessary for the registration of commercial marks				

26	Raising consciousness and educating the public in Albania in connection with intellectual property rights	i. Increasing creativity in the generations that are coming through various promotional activities in the form of competitions for new talent in various branches of art, literature, painting, and [artistic] interpretation in the framework of World Intellectual Property Day, every 26 April (2018-2020).	CD, GDPT (GDIP)	2018-2020	6,530	State budget/ Budget of the GDPT (GDIP)/ Donors
		i. Organisation of roundtables with the public as well as informational meetings with various categories of users of rights related to IP issues	GDPT (GDIP), CD, GDC	2016-2020	3,800	State budget/ Budget of the GDPT (GDIP)/ Donors
		iii. Increasing the level of public, societal and community information in the field of IP by organising seminars, conferences and promotional activities. Increasing the awareness of business and the public in connection with the respective fields and also addressing with the Competition Authority all possible anti-competitive behaviour in the field of IP rights	GDPT (GDIP), CD, GDC, CA, NASRI	2016-2020	12,970	State budget/ Budget of the GDPT (GDIP)/ Donors
27	Drafting curricula, teaching materials and modules for pupils and teachers	ii. Drafting teaching materials on intellectual property in the 6-9 year cycle of basic education and middle schools	IDE, MINISTRY OF EDUCATION	2016-17	5,200	State budget

		ii. Drafting modules for teachers of the subject of civics for the 6-9 year cycle and middle school education	IDE, MINISTRY OF EDUCATION	2016-17	300	State budget
		iii. Drafting curricula of the subject: Investigation of Economic and Financial Crime for students of the Crime Investigation Faculty (six teaching hours on the investigation of criminal offences of violation of IP rights)	SPD	2017	205	State budget
		iv. Training teachers of the subject of civics in middle school education and training teachers of the subject of civics for the 6-9 year classes about intellectual property.	IDE, GDPT (GDIP), CD	2016-17	7,800	State budget/ Budget of the GDPT (GDIP)/ Donors
		v. Reforming the pre-university curriculum with basis competences	MAS, IDE, GDPT (GDIP)	2018	50,000	State budget/ Budget of the GDPT (GDIP)/ Donors
28	Organisation of competitions, artistic activities and so forth for encouraging the creativity of the young generations	i. Drafting a platform for long-term action through various activities in the form of competitions among young talent in various branches of art, literature, painting, interpretation and so forth	CD	2016-2020	100	State budget /Donors

29	Informing business and making it aware of the values of IP (2018-2020)	i. Improving the dialogue with businesses about the importance, value and ways of protecting their intellectual property (trainings, meetings)	GDPT (GDIP), CD, GDC	2016-2020	5,600	State budget / Budget of the GDPT (GDIP)/ Donors
		ii. Drafting and implementing projects with businesses for making them aware about financing departments of research and development and registering IP objects	GDPT (GDIP)	2018-2020	4,000	Budget of the GDPT (GDIP)/ Donors
		iii. Awareness campaign for the purpose of increasing and strengthening the trust of business and the citizens in the administration and changing the image or perception of citizens about it	GDPT (GDIP), CD, SPD, GDC.	2016-2020	2,000	State budget / Budge of the GDPT (GDIP)/ Donors
		iv. Close cooperation with the Chambers of Commerce in the Republic of Albania for organising various information sessions about categories of business	GDPT (GDIP), CD	2016-2020	800	State budget/ Budget of the GDPT (GDIP)/ Donors

ANNEX II

Table 1: Table of indicators for monitoring the National IP Strategy

I. Improving the legal framework							
No.	Description of indicators	%/number	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020
1	Approval of additions and amendments to draft law 9947 dated 07/07/2008 “On Industrial Property”.	no.	0	1	0	0	0
2	Preparation of secondary legislation in implementation of law no. 9947	no.	0	4	5	0	0
3	Approval of amendments to law no. 7905 dated 21.3.1995 “The Code of Criminal Procedure of the Republic of Albania”, amended, and other proposed amendments	no.	1	0	0	0	0
4	Number of international agreements signed in the IP field	no.	0	0	3	0	0
5	Adherence to two treaties (Ministry of Culture/CD).	no.	0	1	1	0	0
6	Signing the Agreement for the Vienna Classification	no.	0	0	1	0	0
7	Signing and ratification of the Council of Europe Convention “On the counterfeiting of medical products and similar crimes involving threats to public health”	no.	1	0	0	0	0
8	Number of documents drawn up for risk assessment	no.	0	1	1	1	1

9	Drawing up an inspection plan	no.	0	1	1	1	1
10	Approval of the draft decision on creating an anti-plagiarism system	no.	0	1	0	0	0
II. Developing and strengthening the institutions involved in implementation of IP rights							
11	Adding to the staff of the GDPT.	no.	0	6	0	0	0
12	Drawing up guidelines for the examination of trademarks	no	1	0	0	0	0
13	Number of improved “on line” services	no.	0	1	0	0	0
14	Number of trainings of the staff of GDPT, CD, SPD, GDC outside of the country	no.	8	8	8	9	8
15	Number of meetings between institutions	no.	44	44	44	44	44
16	Increasing the quality of services	%	30%	50%	50%	50%	50%
17	Number of trainings of the staff of GDPT, CD, SPD, GDC outside of the country	no.	17	21	21	21	21
18	Number of manuals and guidelines drawn up for customs officers	no.	1	0	0	0	0
19	Number of publications of trademark and patent bulletins	no.	24	24	24	24	24
20	Increase of number of state police investigations	%	5%	5%	0	0	0
21	Creation of agencies for collective administration	no.	0	1	1	1	1
22	Creation of a single “one stop shopping” window	no.	1	1	1	1	1

23	Drawing up guidelines for the examination of patents	no.	0	0	1	0	0
24	Number of services on the Internet page	no.	2	2	1	2	2
III. Strengthening cooperation and coordination among the institutions, both at the national level and the regional level or more broadly, in the service of work to protect intellectual property rights							
25	Number of cooperation agreements signed.	no.	1	5	4	4	4
26	Number of meetings for monitoring the Strategy 2016-2020.	no.	2	2	2	2	2
27	Number of trainings organised between the institutions.	no.	6	6	6	6	6
28	Number of activities organised by the GDPT and the CD with universities and scientific and development bodies.	no.	6	6	8	8	10
29	Number of joint operations with bodies such as the GDC, GDT, trade inspectorate	no	1	1	1	1	1
30	Number of cooperative activities between the CD with homologous regional offices in the field of copyright	no.	3	5	5	5	5
31	Creation of an inter-institutional group for monitoring respect of copyright by PAMS (providers of audio-visual services)	no.	1	1	1	1	1
32	Number of trainings of staff of the collective copyright agencies on issues of collective management	no,	1	1	1	1	1
33	Number of trainings of judges by the SM	no.	1	2	2	2	2
34	Number of texts and books dealing with IP issues	no.	0	2	0	0	0

IV. Increasing public awareness in Albania related to IP rights

35	% of trainings of teachers in the nine year elementary and middle cycles	%	0	20%	30%	30%	20%
36	Number of activities for identifying businesses with possible innovative potential for patents and designs	no.	5	10	10	10	10
37	Number of information centres that will be created in the technical universities in Vlora, Shkodër, Korça	no.	0	1	1	1	0
38	Number of specific trainings for the staff of information centres on the use of the system	no.	2	4	6	8	10
39	Number of activities for identifying potential products and areas	no.	1	4	4	4	4
40	Number of activities for identifying businesses with possible potential for service marks	no.	0	5	5	5	5
41	Number of specific trainings of those businesses	no.	0	10	10	10	10
42	Number of promotional activities in the form of competitions on PI knowledge	no.	1	1	1	1	1
43	Number of roundtables with the public and informal meetings with various categories of users of rights related to issues of copyright in the Republic of Albania	no.	6	6	8	8	8

44	Number of conferences about intellectual property	no.	1	1	1	1	1
45	Number of approved curricula	mo.	2	0	0	0	0
46	Number of instances of cooperation with the Chambers of Commerce and Union of the Chambers	no.	8	8	8	8	8

