

DECISION

Nr. 251, dated 24.4.2019

ON THE APPROVAL OF REGULATION OF GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN

Pursuant to Article 100 of the Constitution and Articles 182 and 202 of Law no. 9947, dated 7.7.2008, "On industrial property", amended, on the proposal of the Minister of Finance and Economy, the Council of Ministers

DECIDED:

1. The approval of the regulation on geographical indications and appellations of origin, according to the text attached to this decision.
2. Decision no. 1705, dated 29.12.2008, of the Council of Ministers, "On approval of the regulation "On registration of geographical indications:" as amended, be repealed.
3. The General Directorate of Industrial Property is in charge of the implementation of this decision. This decision enters into force after its publication in the Official Gazette.

DEPUTY PRIME MINISTER
Erion Braçe

REGULATION

ON GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This regulation aims to define the rules and procedures related to:

- a) filing applications for registration of geographical indications and/or appellations of origin, to the General Directorate of Industrial Property and their review;
- b) filing and reviewing the oppositions in the Opposition Division of the General Directorate of Industrial Property, regarding geographical indications and appellations of origin;
- c) submission of requests for the appeal of decisions to the Invalidation & Cancellation Division as well as submission of requests for revocation concerning the repeal of PGIs or PAOs;
- ç) publication of data related to geographical indications and/or appellations of origin in the Industrial Property Bulletin by the General Directorate of Industrial Property.

Article 2

Abbreviations of terms

1. For this regulation, by the following terms we mean:

- 1.1 "AO", appellation of origin, according to point 2, article 176, of the law;
- 1.2 "GI", geographical indication, according to point 3, article 176, of the law;
- 1.3 "PAO", protected appellation of origin;
- 1.4 "PGI", protected geographical indication;
- 1.5 "Regulation", regulation on GI and AO;

- 1.6 “Law”, the law no. 9947, dated 7.7.2008, “On industrial property”, as amended;
- 1.7 “GDIP”, the General Directorate of Industrial Property;
- 1.8 “Office” means the General Directorate of Industrial Property;
- 1.9 “Competent authority”, an administrative authority (Minister, institution), which assesses the technical specifications of GI or AO;
- 1.10 "Nice Classification" means the International Classification of Goods and Services for trademark registration, approved by the Nice Agreement of 15 July 1957, with all subsequent amendments.

Article 3

General information

1. The GDIP reviews the filed applications and issues notices and other acts, under the provisions of the law and this regulation.
2. The GDIP actions related to these applications are based exclusively upon written documents. Requests and any other documentation submitted to the GDIP must be in Albanian and printed form.
3. Correspondence with the Office is done in person or by mail.
4. The GDIP creates and administers the electronic database, where all actions performed for geographical indications and appellations of origin are stored.

Article 4

Types of applications

1. The types of applications that can be filed in the GDIP concerning GI or AO are as follows:
 - 1.1 Request for registration of a geographical indication, through the PGI1 form (Annex 1 of the regulation);
 - 1.2 Request for registration of an appellation of origin, through PAO1 form (Annex 1 of the regulation);
 - 1.3 Request to file an opposition against a published geographical indication registration through the PGI form (annex 1 of the regulation);
 - 1.4 Request to file an opposition against a published appellation of origin registration, through the PAO2 form (annex 1 of the regulation);
 - 1.5 Request to file an appeal against the decision for rejection of formalities, through the PGI3 or PAO3 form (annex 1 of the regulation);
 - 1.6 Request to file a repeal against GI/AO (PGI/PAO/4) (annex 1 of the regulation);
 - 1.7 Request to file an appeal against the board of appeal decision, through the PGI/PAO/5 form (annex 1 of the regulation);
 - 1.8 Request for changes in (PGI/PAO/6) product specifications (annex 1 of the regulation).

CHAPTER II APPLICATION CONTENT

Article 5

Submission of an application

1. An application for GI registration is filed through the PGI1 form, attached to this regulation, which is signed by the applicant or his representative.

2. An application for AO registration is filed through the PAO1 form, attached to this regulation, which is signed by the applicant or his representative.

3. The application can be submitted by the applicant or his representative:

- a) by mail;
- b) by fax; or
- c) at the GDIP.

4. When faxing, the applicant must, within one month from the date of faxing, file the original documents of the request in the GDIP, otherwise, the request is considered unsubmitted. The application is submitted in Albanian language and 2 (two) copies.

5. The application for registration of a geographical indication or appellation of origin is filed only for one indication or appellation and one type of product.

Article 6

Content of the application for GI or AO

1. The application for registration of a GI or AO shall contain:

1.1 the application form for registration of GI (PGI1) or AO (PAO1) attached to this regulation, signed by the applicant or his representative;

1.2 data and documents provided in article 182 of the law;

1.3 proofs that certify letters "a" or "b", of point 3, article 177, of the law, when an applicant is a natural person;

1.4 official document that certifies the creation of the group.

Article 7

Application form details

1. The application form shall contain:

1.1 identifying details of the applicant and/or his/her legal representative, if any;

1.2 reproduction of the geographical indication or appellation of origin that seeks protection;

1.3 identifying details of the product, which will be protected through GI or AO, classified according to the Nice classification;

1.4 data related to the geographical area;

1.5 data related to the application fee payment;

1.6 description of product characteristics;

1.7 description of product production method.

CHAPTER III

OTHER RULES FOR APPLICATION

Article 8

Specific rules for the group

The group requesting a GI/AO registration must operate under a statute and can represent different categories of operators, participating in product development.

The Group should ensure that product specifications do not have to be such as to create a product manufacturer monopoly.

Article 9

Specific rules for a name

1. A geographical indication or appellation of origin must, of course, be a geographical name. This could be the name of an administrative or historical region of an administrative unit, a place which is referred to a geographical area.

2. Since geographical indications or appellations of origin cannot be registered with a name that does not represent the geographical area, there must be a connection between the name and the geographical area. Registration of appellation of origin or geographical indications does not protect the geographical names' usage in another geographical area.

3. The name of a country can be registered as an appellation of origin or geographical indication only if the country has special characteristics, which gives to the product special qualities.

4. In addition to the geographical name, the geographical indication or appellation of origin may contain some information about the product, such as its name, type, some essential features, which give consumers additional information about the product.

5. Where an area covers a range of products, such as "milk" or "sausages", for the same geographical indication or appellation of origin, separate applications and the relevant documentation must be submitted for each product.

6. If the name required for registration as a geographical indication or appellation of origin contains additional terms such as "classic", "traditional", "authentic", etc., which cannot be protected, they will be excluded from protection.

7. Only one name that is used in the trade to describe the product will be registered as an appellation of origin or geographical indication. This name can only be registered in the languages historically used in the geographical area to describe the product in question. The group of applicants must prove (at least for agricultural or food products) the previous use of the name in question. For this purpose, the registration request must be accompanied by labels, advertisements, press articles, etc.

Article 10

Specific rules for product description and raw materials

1. Specifications for appellations of origin and geographical indications must contain a description and, if applicable, the characteristics:

1.1 physical [shape, mass, composition, moisture, density, colour, condition (fresh, frozen, canned, whole, cut, etc.)];

1.2 chemicals (composition, basic ingredients of the content and ingredients, water content, sugar, alcohol, acids, etc.);

1.3 biological (type, breed, etc.);

1.4 microbiological (the type of bacteria present, etc.);

1.5 Organoleptic properties (colour, appearance, structure, taste, the aroma of the product, etc.).

Article 11

Specific rules on the boundaries of the geographical area

1. The geographical area includes a limited area where the product is produced. For this purpose, the elements that must be emphasized to prove its connection with the origin of the product will be considered. The boundaries of the geographical area must be defined in detail.

2. The geographical area can be determined from the list of territorial-administrative boundaries, or the list of natural or geographical boundaries. Geographical boundaries can be indicated by the administrative unit or location, indicating the common position of places, geographical objects, such as mountains, rivers, constructions, etc.

Article 12

Specific rules for raw materials

1. Any restriction on the origin of raw materials, for the appellation of origin or geographical indication, must be justified in the relation between the quality or characteristics of the product and the geographical environment, or the relation between quality, reputation or other characteristics of the product and its geographical origin.

2. For a product derived from animals, protected by their appellation of origin, the specifications shall contain detailed rules on the origin and quality of the food. The food must have originated in the defined geographical area.

3. For wines, specific rules on AO or GI, for raw materials, are set out in the law.

Article 13

Rules involving specific production methods

1. The description of the methods for obtaining the product should include the process of product obtainment, the practices and techniques used as well as the quality criteria of the final product, highlighting its features.

2. For animal products, the description must include information on breeding conditions, technologies and methods (forage base, grazing, food, health status, age of slaughter, maturity, carcass classification, pH), as well as any other information according to the relevant legislation.

3. For crop products, the description must include information on the species, variety, date of sowing and date of harvest, method of harvest, maximum yield per hectare, storage, hardiness, health status, transport, and any other information according to the relevant legislation.

4. For processed products, the description must include information on the raw materials, ingredients used in the processing technology, production processes and any other information according to the relevant legislation.

Article 14

Special rules for the link between a product and geographical environment characteristics

1. The elements justifying the links referred to in subsections "i" and "ii" of letter "c" of Article 182 of the Law should explain how the characteristics defined by the geographical area affect the final product.

2. For geographical indications and appellations of origin, product specifications must contain:

1.1 detailed information on the geographical environment, including location, natural and human factor;

1.2 detailed information about the quality or characteristics of the products, which come exclusively or essentially as a result of the geographical environment.

2.3 a description of the random interaction between the details in points 2.1 and 2.2.

3. If an application for registration of the geographical indication is based solely on the product reputation, the specifications will include detailed evidence of that reputation, including literature or customer reviews.

4. Information on natural factors in the defined geographical area may contain:

4.1 environmental characteristics, which affect production techniques and practices;

- 4.2 underground type, soil type;
 - 4.3 geography (topography, slope, altitude, etc.);
 - 4.4 climate, microclimate;
 - 4.5 vegetation, landscape;
 - 4.6 environmental characteristics, adapted to the type used for processing or storage of the product.
5. Information on human factors in the defined geographical area should include:
- 5.1 selection of sites for activities carried out under environmental conditions (dry, planting crops in wind-protected areas, etc.);
 - 5.2. adjustment, according to the environmental requirements for crops or growing animals (terraces, reservoirs, rotating pastures, etc.);
 - 5.3. needs for specific construction products (dryers, mills, hay barns, etc.);
 - 5.4. development of specific knowledge of processing techniques and production methods for animal breeding or plant cultivation to adapt varieties or breeds to environmental conditions.

Article 15

Specific labelling rules

The application must contain all specific elements, which will appear on the label of a product with the appellation of origin or geographical indication, according to the legislation in force on labelling.

CHAPTER IV

PROCEDURES FOR REGISTRATION OF GEOGRAPHICAL INDICATION OR APPELLATION OF ORIGIN

Article 16

Examination of the conditions for filing an application

1. The Office should examine whether the application for GI or AO contains the following information:
 - 1.1 Name and address of the group of producers.
 - 1.2 Reproduction of GI or AO.
 - 1.3 The product for which GI or AO applies.
 - 1.4 The geographical area of the production or origin of the product.
 - 1.5 Payment receipt of the relevant fee.
2. When the application for GI or AO does not contain the details referred to in point 1 of this article, the Office shall ask the applicant to complete the irregularities or to make the relevant payment within two months from receipt of the notice.
3. If the application meets the requirements, the Office will issue the proof for filing and will recognize as the filing date of the application the date when the irregularities were completed, following point 1 of this article.
4. If the irregularities provided for in point 1 are not met within the prescribed time limit, the Office shall reject the application and notify the applicant of the decision taken.
5. The decision for rejection can be appealed within one month, from the date of receipt of the notification for rejection in the Invalidation and Cancellation Division.

Article 17

Evidence of filing

1. The evidence of filing shall contain the following data:
 - 1.1 the filing date;
 - 1.2 application number;
 - 1.3 name and address of the group of producers;
 - 1.4 other data stated in the application form.

Article 18

Publication of application

1. The Office examines the application under Article 182/a of the law, as well as according to Articles 5, 6 and 7, Chapter II of this Regulation, and publishes it in the next bulletin.
2. GDIP publishes the following elements of the application:
 - 2.1 application's request number;
 - 2.2 filing date;
 - 2.3 the name and address of the applicant as well as of the authorized representative, if any;
 - 2.4 reproduction of geographical indication or appellation of origin;
 - 2.5 the product for which protection is sought, classified according to the Nice classification;
 - 2.6 elements of GI or AO that are excluded from protection;
 - 2.7 product description;
 - 2.8 product specifications, provided in article 182 of the law;
 - 2.9 geographical area.

Article 19

Correspondences with competent authorities

Requests according to points 1 and 2, of article 182/c, as well as points 7 and 8, of article 182/ç, of the law, will be submitted in electronic form if such an address is assigned by the responsible ministry or competent authority for the assessment of technical specifications on a case by case basis.

Article 20

Examination of the substance and registration

Examination of the substance of the application is carried out following points 1 and 2, of Article 182/c of the law.

The materials submitted shall also be in soft copy.

The opinion of the Competent Authority shall be in written and soft copy and shall include arguments that GIs or AOs meet the criteria to be registered as such.

During the examination, the Competent Authority, if it deems necessary, may request from the applicant additional documents or explanations necessary for the final decision. In this case, the 2-month evaluation period provided in point 4, of article 182/c of the law, can be extended by an additional 2 months, starting from the date of the submitted request to the competent authorities.

After receiving a positive assessment from the competent authority and if there has been no opposition regarding the published GI or AO, the GDIP invites the applicant for payment of the registration fee.

Within one month, from the date of receipt of the invitation for payment of the registration fee, the applicant makes the payment provided in the decision of the Council of Ministers on tariffs for industrial property objects and submits the original payment document to the GDIP.

Within three months from the date of submission of the registration payment document, the GDIP issues the registration certificate.

When the payment is not made within the above deadline, the application is rejected to be registered. The decision for rejection can be appealed within one month from the date of receipt of the notice of rejection in the Invalidation and Cancellation Division.

Article 21

National Register for GI and AO

1. For protected appellations of origin, the national register shall contain the following information:

- 1.1 request number;
- 1.2 number and date of registration;
- 1.3 filing date;
- 1.4 a representation of the AO;
- 1.5 the product classified according to the Nice classification;
- 1.6 terms excluded from protection;
- 1.7 geographical area;
- 1.8 a description of the specific qualities of the product exclusively because of its geographical origin, emphasizing the connection of the product with that geographical origin;
- 1.9 names and addresses of authorities or bodies responsible for verifying compliance with specifications;
- 1.10 name and address of the holder/holders of the right to use the appellation of origin.

2. For protected geographical indications, the national register shall contain the following data:

- 1.1 request number;
- 1.2 number and date of registration;
- 1.3 filing date;
- 1.4 reproduction of geographical indication;
- 1.5 type of product classified under the Nice classification;
- 1.6 elements of geographical indications excluded from protection;
- 1.7 geographical area;
- 1.8 the description that characterizes the product, to which the geographical origin is attributed and emphasizes the connection between the characteristics of the product and its geographical origin;
- 1.9 names and addresses of the authorities or bodies responsible for verifying compliance; specifications and accuracy of details;
- 1.10 name and address of the holder/holders of the right to use the protected geographical indication.

Article 22

Data contained in the GI or AO registration certificate

1. The GI or AO registration certificate contains the following data:
 - 1.1 GI / AO application and registration number;
 - 1.2 date of application and registration of GI/AO;
 - 1.3 name and address of the owner of the GI/AO;
 - 1.4 name and address of the authorized representative, if any;

- 1.5 product type, classified according to Nice classification;
- 1.6 production of GI or AO;
- 1.7 elements that are excluded from protection;
- 1.8 the date of publication of the entry in the industrial property bulletin.

CHAPTER V

PROCEDURE FOR OPPOSITION OF GI/AO REGISTRATION, REVOCATION AND APPEAL OF DECISIONS

Article 23

Content of the request for opposition

1. The request for examination of the opposition contains, in addition to the provisions of point 2, article 182/ç, of the law, also:
 - 1.1 data for the claimant, according to points 1.1 and 1.2, of article 35, of this regulation;
 - 1.2 if applicable, data of the representative, under point 2, article 35, of this regulation;
 - 1.3 data related to the registration of the appellation of origin or geographical indication against which the opposition has been lodged: number, filing date, applicant and publication number where the request was published;
 - 1.4 list of documents in 2 (two) copies;
 - 1.5 signature of the applicant's representative or the applicant himself, according to point 5, article 35, of this regulation;
 - 1.6 legal basis for filing an opposition, according to article 182/d of the law;
 - 1.7 evidence, regarding the legal basis for filing a request for opposition;
 - 1.8 arguments of the request for opposition;
 - 1.9 document for payment of the fee for objection;
 - 1.10 authorization of representation, if the request is filed by the representative of the claimant.

Article 24

Opposition Review

1. The Opposition Division reviews the opposition within two months from the its submission date.
2. If the request for an opposition is not submitted within the deadline provided in point 1, article 182/ç of the law, the Opposition Division rejects the request for opposition and notifies the claimant of the decision for rejection.
3. In case the opposition does not meet the conditions of Article 23 of this regulation, the Opposition Division requests the claimant, through written notification, to complete the ascertained shortcomings within two months, from the date of receipt of the notification. If the deficiencies are not remedied within the time limit, the opposition will be deemed not to have been filed.
4. When the claimant completes the deficiencies, the Opposition Division sends a copy of the opposition to the challenged GI/AO applicant and notifies him in writing to submit arguments and any other document, in support of his arguments, within two months from the date of receipt of the notice.
5. During the review, the Opposition Division has the right to request to the parties, through a written notice, the submission of additional materials and other documents, within two months from the date of receipt of the notice.

6. The Opposition Division decides about the opposition, within two months from the date of the file completeness, according to points 4 and 5, of this article, and notifies in writing the parties on the decision taken.

7. When an opposition is submitted for the specifications of the agricultural or food product, the Opposition Division sends the application file, together with the complete opposition file, to the Minister responsible for agriculture, for approval within one month, after completeness of all the documents. The same procedure is followed for non-agricultural or non-food products, as provided in law no. 9947, dated 7.7.2008, "On industrial property", as amended.

8. The decision of the Opposition Division may be appealed to the Board of Appeal, against the payment of the relevant fee, within one month from the date of the decision.

9. When the Opposition Division decides to dismiss the opposition and the rejection decision is not appealed to the board of appeal, this decision becomes final, a copy of it is filed in the application file for registration of the GI/AO and the examiner continues the procedure for its registration.

10. When the Opposition Division decides to accept the opposition and the respective decision is not appealed to the board of appeal, the decision becomes final, a copy of which is filed in the application file for registration of GI/AO and when the examiner refuses to register the GI/AO, he/she notifies the applicant of the refusal of registration. This decision is published in the official bulletin.

11. When the decision of the Opposition Division, regarding the opposition for a GI/AO registration, is appealed to the board of appeal, the decision of the latter is filed in the application file for the GI/AO registration and is published in the official bulletin.

12. When the decision of the board of appeal is appealed in court, the decision of the latter is filed in the application file for registration of GI/AO and is published in the official bulletin.

Article 25

Content of the request for revocation of a geographical indication/appellation of origin

1. The request for repeal of a geographical indication/appellation of origin, based on Article 183 of the law, is submitted as a separate request in two identical copies.

2. The request for the repeal of a geographical indication/appellation of origin contains:

1.1 The "PGI/PAO/4" Request form, attached to this regulation, in which the following details will be specified:

a) the registration number of the geographical indication/appellation of origin to which the request has been filed;

b) number and address of the owner of the geographical indication/appellation of origin;

c) name and address of the person filing the request;

ç) name and address of the authorized representative if one has been appointed.

1.2 Legal basis supporting the request for abrogation or devaluation of GI or AO.

1.3 Evidence, regarding the legal basis on which the request for abrogation or devaluation of GI or AO is based.

1.4 Arguments supporting the request for abrogation.

1.5 Mandate payment of the respective fee.

1.6 Authorization for representation, if the applicant has appointed a representative.

Article 26

Review of the requests for revocation of a GI/AO

1. The Invalidation and Cancellation Division reviews the request for revocation of a GI/AO within two months from the date of its submission. When reviewing the request for revocation of a registered LGE/EO, the Invalidation and Cancellation Division invites the parties, as

necessary, to file their claims, within 2 (two) months from the date of receipt of the notice, concerning communications submitted by other parties or made by the Invalidation and Cancellation Division itself.

2. If the Invalidation and Cancellation Division deems it reasonable, it may invite the parties to find an amicable settlement, through an agreement, which, if reached, must be in writing and signed by both parties.

3. Any decision of the Invalidation and Cancellation Division for the abrogation of a registered GI/AO, after it becomes final, is published in the official bulletin and is registered in the register of

indications/appellations.

Article 27

Appeal of decisions

1. Any decision for refusal taken during the examination process can be appealed to the Invalidation and Cancellation Division within 1 (one) month from the date of the decision unless otherwise provided by law or this regulation.

2. Decisions that can be appealed to the board of appeal are:

2.1 decisions taken by the Opposition Division;

2.2 decisions taken by the Invalidation and Cancellation Division.

3. The appeal of a decision results in the suspension of further follow-up of the relevant procedure.

4. The decisions provided above enter into force after they become final.

5. Any other decision, which is not included in the decisions provided in points 1 and 2, of this article, and does not terminate the continuation of the procedures, can be appealed only with the final decision.

Article 28

Appeal procedure

1. The appeal procedure against a decision of the Office starts upon submission of the request for appeal to the relevant structure.

2. The request for appeal, according to point 1, article 27, of this regulation, contains:

2.1 the application form for “PGI3 or PAO3”, appeal attached to this regulation;

2.2 the legal basis on which the appeal was based;

2.3 the arguments and/or evidence on which the appeal is based;

2.4 receipt of the respective fee payment;

2.5 authorization of representation, if the appeal has been filed by a representative.

3. The request for appeal, referred to point 2, of article 27, of this regulation, must contain:

3.1 the application for appeal through “PGI or FAO / 5 form”, attached to this regulation;

3.2 the legal basis on which the appeal was based;

3.3 arguments and/or evidence on which the appeal is based;

3.4 payment of the relevant fee;

3.5 authorization of representation, if the appeal has been filed by a representative.

4. The request for appeal is filed as a separate request, in two identical copies.

5. Any relevant structure, such as the Opposition Division, the Invalidation and Cancellation Division and the Board of Appeal, when considering a claim, in accordance with the respective competencies provided by law and this regulation, must state everything that is requested and for the purpose, it is requested.

6. The claim of an opposing party, which is not related to the object of the claim, is not considered by the board of appeal.

Article 29

Review of claims by the board of appeal

1. The Secretary of the Board of Appeal, within one month from the date of submission of the request for appeal, verifies on whether the request fulfills point 3, article 27, of this regulation.

2. When a request for appeal is filed following point 3 of Article 27 of this regulation, the secretary of the board of appeal shall send to the party against whom the appeal has been lodged a copy of the request for appeal and shall notify the party to file within two months from the date of receipt of the notice, arguments and any other documents relating to the appeal.

3. In case a request for appeal is not submitted under the conditions provided in point 3, article 27, of this regulation, the secretary of the board of appeal notifies in writing the board of appeal, which rejects the request for appeal and notifies the appellant of the decision taken.

4. The secretary of the board of appeal, within 1 (one) month, from the expiry of the term provided in point 2 of this article, submits to the board for review the request for appeal.

5. The Board of Appeal reviews a request within 3 (three) months from the date of its submission to the board.

6. When reviewing an appeal, the Board of Appeal, when it deems appropriate, shall have the right to request to the parties, through written notice, to submit additional evidence and other documents within a reasonable period from the date of the notice, but, in any case, not later than one month from the date of receipt of the notice by the party.

7. If the board of appeal deems reasonable, may invite the parties to hearings and ask them to find an amicable solution, which, if reached, should be materialized in a written agreement, signed by both parties before the notary or before the board of appeal.

8. The secretary of the board notifies interested parties immediately after the decision of the board of appeal is taken, but in any case, not later than 1 (one) month from the making of the decision.

Article 30

The effect of the decisions

1. The decision of the board of appeal becomes final from the consecutive day following the expiry date for appeal in court when none of the parties has appealed against the decision of the board.

2. When a decision of the board of appeal or court becomes final, the Office shall execute the decision immediately as soon as it is filed in the office by the Office itself, the court or interested party, with no need to follow-up other procedures

3. In case of an appeal of the decision of the board of appeal in court, the appellant should notify the GDIP within 1 (one) month from the date of filing the appeal in court, to avoid the execution of the decision of the board of appeal.

CHAPTER VI LOGOS FOR PGI AND PAO

Article 31

Logos and their use

1. The logos of a protected geographical indication and appellation of origin are set out in Annex 2, attached to this Regulation.
2. Logos must be on the label of protected agricultural or food products such as PGI or PAO, accompanied by the registered name, while the manufacturers themselves can agree on the positioning of the logo on their package.
3. Logos can be used in Albania as well as in the markets of other countries.
4. Their use is optional for wines or alcoholic beverages or PGI/PAO coming from other countries.
5. Logos may only be used on the product for which the PGI or PAO is registered. Logos may not be used on a product that contains a PGI or PAO or is a mixture of different PGIs/PAOs.
6. Logos should be used in color. Their black and white use is allowed only when they are the only colors used in packaging.
7. The writing used in the logo shall be *Times New Roman*, in capital letters.
8. The GDIP shall provide the digital printing version of the logo to manufacturers of PGIs or PAOs.

CHAPTER VII

INFORMATION AVAILABLE TO THE PUBLIC AND OTHER AUTHORITIES

Article 32

Registry extract and investigation

1. Under Article 194 of the law, the GDIP issues to the interested persons an extract from the GI/AO register, as well as answers to requests for an investigation.
2. The request for a registry extract for a registered GI/AO is submitted to the GDIP in writing, accompanied by the document of payment of the relevant fee, otherwise, the request is considered unsubmitted. The extract of the register, issued by the GDIP, contains all the data on GI/AO.
3. The request for an investigation concerning a GI/AO is submitted to the GDIP in writing, accompanied by the relevant paid fee, otherwise, the request is considered unsubmitted. The GDIP notifies the claimant in writing of the outcome of the investigation.

Article 33

Duplicates

1. The owner of a registered GI/AO has the right to request a duplicate of the registration certificate or other notices issued by the GDIP for the registration of changes in the GI/AO register.
2. The request is submitted in writing and must be accompanied by the relevant fee payment document and the authorization of representation when the request is submitted by the representative of the GI/AO's owner, otherwise, it shall be considered unsubmitted.

Article 34

File inspection

1. The file, which belongs to an application for registration of an indication or appellation not yet published, cannot be inspected without the consent of the group of applicants.

2. Following the publication of the GI/AO, documents related to this application may be inspected upon request.

3. When the files are inspected according to point 2 of this article, the documents related to the dismissal/request for the dismissal of a member of the Opposition Division or the Invalidation and Cancellation Division or the Board of Appeal due to conflict of interest, draft decisions and opinions, all internal documents used for their preparation and parts of the file, for which the interested party shows a special interest in maintaining confidentiality, before the request for inspection of the file is filed, are prohibited for inspection, except when the inspection of these dossier documents is justified by the legitimate, essential interest of the party requesting the inspection.

4. The inspection of the application file for registration or the registration of a GI/AO shall be carried out with original documents, their copies or other technical means or equipment of storage.

5. The inspection of files is carried out within the office premises. Upon a written request, the file inspection is accompanied by the issuance of copies of the file documents. The issuance of these copies is conditioned by the payment of the duplicate fee. Upon a written request and payment of the relevant fee, the Office also issues certified or uncertified copies of an application for registration of GI/AO.

6. When the files are inspected according to point 5 of this article, the request for inspection of the file will be considered as not filed until when the payment of the respective fee will be made.

7. Files held by the Office for international registration may be inspected based on a written request, starting from the date of publication of the international application, under points 1, 2 and 3 of this Article.

8. Following the restrictions set out in point 3 of this Article, as well as based on a written request, the Office may provide information from any file relating to an application for registration of a GI/AO or a registered GI/AO, after making the investigation fee payment.

CHAPTER VIII GENERAL REQUIREMENTS

Article 35

Name and address

1. For correspondences filed in the Office, the name and address of the applicant must be presented, as follows:

1.1 If the applicant is a group, in the sense of point 1, article 177, of the law: name of the association, address, city, state;

1.2. If the applicant is a natural or legal person: name, surname, name of the company, in the case of a legal person, address, city, state.

2. For correspondences filed in the office, the name and address of the authorized representative shall be presented as follows: name, surname, address, city, state and/or code of the representative.

3. The applicant can declare other ways of contact, such as phone number, *e-mail* address, *fax* etc.

4. The provisions of this Article, as well as Articles 36 and 37 of this Regulation, shall also apply to correspondences communicated to the Opposition Division, the Invalidation and Cancellation Division and the Board of Appeal.

5. In all GI/AO forms the section with the following text will be provided:

“I, the signatory (a) acknowledge that the GDIP can contact me through the following means of communication, for issues related to the procedures provided in law no. 9947, dated

7.7.2008, "On industrial property", as amended, and bylaws in its implementation through:

electronic mail (*e-mail*), to the following address: _____;

communication (SMS, call) to the following number: _____;

fax, in the following number: _____;

GDIP notifies that entry of the above contact details is voluntary.

GDIP will keep these data (hereinafter "Personal Data"), which the applicant and/or the authorized person (hereinafter "Entity") has entered in this application form.

Personal data will be processed and used by the GDIP in the capacity of the controller or by third parties, appointed by the GDIP, in the capacity of the processor, exclusively to communicate with the entity, regarding the procedures related to this application.

Personal data will not be transferred to a third party without the prior consent of the entity and will not be subject to international transfer. The GDIP may also, from time to time, use personal data to contact the entity and send information that may be of interest to him/her, such as notices, events and/or legal developments in the field of activity of the GDIP.

The GDIP will stop sending this information if the entity expressly notifies the GDIP in writing that h /she does not wish to be contacted further to obtain such information.

The entity has the right to request information, correction or update/cancellation of personal data that GDIP has stored in the database, as well as to request to exercise any other right, recognized by law no. 9887, date 10.3.2008, "On the protection of personal data", as amended.

Data: _____ / _____ / _____

_____ (name, surname, signature)

Through this special signature, the signatory gives consent for GDIP to store, process and use the personal data of the entity, in accordance with the above conditions. Through this special signature, the signatory also declares under his / her responsibility that the contact details as above are his / her data, or of a third person, who has authorized the signatory to perform these actions".

6. In all GI/AO forms, which will be filed in the office, the address of the office and its logo shall be placed.

Article 36

Other requirements for the correspondence

1. The office will only accept handwritten signatures on documents filed with the office.
2. If a correspondence with the Office contains several documents, which relate to several applications, then each document must indicate the application number to which the document relates.

Article 37

Authorization of representation

1. The authorization of representation must contain:
 - 1.1 signature of the representative of the group of applicants/applicant, certified by a notary, when the group of applicants/applicant is an Albanian or foreign natural person;
 - 1.2 signature and seal or signature certified by a notary public when the group of applicants/applicant is an Albanian or foreign legal entity.

2. If the authorization of representation does not comply with the rules outlined in this regulation¹⁶, the Office shall notify the representative who filed the application¹⁶ to complete the irregularities within 3 (three) months from the date of receipt of the notice.

3. If the person who has filed the authorization of representation does not complete the deficiencies within the deadline specified in the notification of the office, according to point 2 of this article, the Office rejects the application.

4. The GDIP registers in the TG/AO register an authorized representative, who is appointed as a representative by the group of applicants or owners, through a general authorization, which gives the representative the right to represent them in the follow-up of procedures and perform the actions provided in the law and regulations, concerning the indication/appellation registration.

5. When the group of applicants or owners of a GI/AO revokes the representation authorization, they must file with the GDIP the request for revocation or change of authorization as well as for the appointment of a new representative. The request is registered in the register of GI/EO, according to the provisions of point 4 of this article.

Article 38

Hearings

When deemed necessary, the Office or the Board of Appeal shall hold hearings and invite the parties to attend the hearings¹⁶.

Article 39

The taking of evidence

1. The taking and obtainment of evidence from the Office and the Board of Appeal predict:

- 1.1 hearings of parties;
- 1.2 research for information;
- 1.3 filing of documents and evidence;
- 1.4 hearings of other persons, when deemed necessary by the office, the board of appeal or at the request of the parties.

Article 40

Notification and submission of documents

1. The date of notification of a document will be considered the date of receipt¹⁶ of the notification by the group of applicants or their representative. Notification deadlines shall be calculated starting from the consequent day of receipt of the notice.

2. Any notification sent to the representative shall have the same effect as it was sent to the person represented.

3. Any communication addressed to the Office by a representative shall be deemed to have been sent by the represented person.

4. If an authorized representative has been appointed, the Office shall send all notifications to the latter.

ANNEX 2

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