

DECISION
No. 501, dated 29.8.2018

**ON APPROVAL OF THE REGULATION ON EXPERTS OF INDUSTRIAL
PROPERTY OBJECTS**

According to Article 100 of the Constitution and Articles 198/b, 198/c, 198/ç and 202, of Law no. 9947, dated 7.7.2008, "On industrial property", as amended, on the proposal of the Minister of Finance and Economy, the Council of Ministers

DECIDED:

1. Approval of the regulation for the experts of industrial property objects, according to the text attached to this decision and which forms an integral part thereof.
2. 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.

PRIME MINISTER
Edi Rama

REGULATION
ON EXPERTS OF INDUSTRIAL PROPERTY OBJECTS

Article 1

Purpose

This regulation aims to define the rules and registration procedures for experts of industrial property objects (hereinafter, IP), who are licensed by the General Directorate of Industrial Property.

Article 2

**Experts of industrial
property objects**

1. IP experts are:
 - a) Experts for patents for inventions and utility models;
 - b) Experts for industrial designs, trademarks and geographical indications.
2. The candidate seeking to be licensed as an expert for patents for inventions and utility models must submit the necessary documentation to the evaluation committee of GDIP, as follows:
 - a) Request for licensing as an IP expert for patents for inventions and utility models;
 - b) Curriculum vitae;
 - c) Payment of the relevant fee to participate in the test;
 - ç) Diploma of the second cycle of studies "Scientific Master" in the field where expertise is required;
 - d) Any other document certifying participation in activities on the topics of industrial property, as well as specialized knowledge in the field of IP.
3. The candidate seeking to be licensed as an expert in industrial designs, trademarks and geographical indications must submit the necessary documentation to the GDIP evaluation committee, as follows:
 - a) Request for licensing as an expert for industrial designs, trademarks and geographical indications;

- b) Curriculum vitae;
 - c) Notarized diploma of the second cycle of studies “Scientific Master”;
 - ç) Payment of the relevant fee to participate in the test.
4. The document of the NRC registration extract will be retrieved by the evaluation committee of the GDIP.
5. Former GDIP employees, who have not less than 4 years of work experience in industrial property matters, who file a request to be licensed as an IP expert, are not subject to evaluative testing.
6. Former members of the GDIP board of appeal, who have not less than 2 years of work experience in this board, who apply for becoming a licensed IP expert, are not subject to evaluative testing.
7. The expert has the task of conducting expertise in the field of IP at any body, where this may be required:
- a) to give professional explanations on the IP objects before the body that has requested him as an expert;
 - b) to give a specialized opinion before the body that seeks expertise in resolving disputes with the IP object.
8. The expert must perform the tasks taken:
- a) by adhering to legal provisions and respecting the code of professional ethics;
 - b) by ensuring the confidentiality of data entrusted to him as an expert;
 - c) by respecting the procedural rules, including those of court proceedings.
9. The expert has the right to withdraw from the expertise at any time if he/she presents in writing the legal reasons for the resignation or the justified physical incapacity.

Article 3

Evaluation committee

1. The evaluation committee functions as a structure set up within the GDIP, for the licensing of IP experts, following the provisions of article 193/ç, of law no. 9947, dated 7.7.2008, “On industrial property”.
2. The committee reviews the requests once in 3 months and decides on the date when the testing shall take place. The date of the test is set not far than 1 (one) month from the review of requests.
3. The General Director of the GDIP orders the establishment of a committee for the evaluation of IP experts, composed of three employees of the GDIP, as members of the committee, one of whom is appointed chairman.
4. The chairman appoints one of the members of the committee to keep the documents of the candidates, as well as to perform the written actions until the end of the licensing procedure.
5. The committee reviews the requests for representatives once in 3 months and decides on the date of the test.
6. Evaluation tests for IP experts are done in writing.
7. Theses of evaluation tests are prepared by the evaluation committee.
8. The candidate, who has completed the necessary documentation to participate in the test, is notified by the committee by e-mail/telephone for the place, date and time when the test will take place.
9. If the candidate does not complete the necessary documentation to participate in the test, he/she is notified to complete the documentation within 5 days from receipt of notification, otherwise, his/her request to participate in the test is rejected.

10. The evaluation committee, within 30 days from the date of the qualifying test, notifies the candidates who have undergone the test on whether they have been qualified or not.

11. Eligible candidates are invited to make the license payment within 30 (thirty) days from the date of notification.

12. Eligible candidates, who make the payment within the timeline provided in paragraph 11 of this article, are provided by the GDIP with the license of the authorized representative of the IP within 15 days from the payment date.

13. If the candidate does not pay the fee in due time, the evaluation committee withdraws the request for expert and notifies the candidate.

14. Only those persons who are provided with a license from the GDIP are entitled to the right to practice the profession of an IP expert, which shall contain:

- a) Name of the expert;
- b) Number of the expert in the register of IP experts;
- c) The type of industrial property object for which he/she is licensed;
- ç) Date of registration in the register.

15. The license shall be signed by the General Director of GDIP.

16. To be granted a license, the expert shall pay the fee provided in decision no. 883, dated 13.5.2009, of the Council of Ministers, "On approval of fees for the registration of IP objects".

Article 4

Register of IP experts

1. The right to exercise the activity of an IP expert is acquired by registering him/her in the register and issuing a certificate from the GDIP.

2. The register of IP experts consists of:

- a) Experts of patents for invention and utility models;
- b) Experts of industrial designs, trademarks and geographical indications;
- c) Number of IP expert in the register;
- ç) Date of registration in the register;
- d) Date of registration of changes in the register;
- dh) Date of deregistration from the register;
- e) The extract obtained from the register of IP experts issued by the GDIP evaluation committee signed by the General Director.

3. IP experts, to be registered in the register, must have passed the expert testing and made the payment to obtain the license.

4. Registration in the register of IP experts is done every year before the expiry of the one-year renewal period, according to point 7, article 198/c, of law no. 9947, dated 7.7.2008, "On industrial property", upon the renewal fee provided in decision no. 883, dated 13.5.2009, of the Council of Ministers, "On the approval of fees for the registration of IP objects". If the representative does not make the renewal payment within the deadline, he loses the right to be included in the register of authorized representatives. This right is regained after the renewal payment has been made by the representative. Upon payment by the representative, the register is updated and the expert is re-included in the register of authorized representatives.

5. If the IP expert does not carry out the commercial activity for 5 years, the license is not renewed and the expert must undergo testing once again to obtain a license.

6. The license of the IP expert is renewed every year, without testing, upon payment of the respective fee.

Article 5

Enter changes in the register

When the expert requests a change in address or other details, he must submit a request for the reflection of these changes in the register and pay the fee provided in decision no. 883, dated 13.5.2009, of the Council of Ministers, “On the approval of fees for the registration of IP objects”.

Article 6

Publications

1. The Office shall publish the register of experts and all changes made to the register, to the GDIP *website* and its official bulletin.

2. GDIP publishes the list of IP experts in soft copy on its official website, only after it has verified that the candidate for expert has been registered and is entitled to exercise commercial activity.

3. The publication on the official website of the GDIP will be made upon payment of the relevant fee provided in decision no. 883, dated 13.5.2009, of the Council of Ministers, “On the approval of fees for the registration of IP objects”.