

# ALBANIAN | IP MATTERS

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## Albania Adopts New Trademark Law

On 3 July 2025, the Albanian Parliament adopted Law No. 52/2025 “On Trademarks,” which entered into force on 16 August 2025.

The new law separates trademark regulation from the broader industrial property framework and introduces significant enhancements to Albania’s trademark regime. It strengthens enforcement against counterfeiting, provides clearer mechanisms to prevent bad-faith filings, and enhances control over parallel imports. For trademark owners, the law offers more effective protection tools. For Albania, it reflects a step toward EU integration and alignment with the increasingly harmonized landscape of intellectual property law worldwide.

### Parallel Imports

The new law removes the term “*counterfeit goods*” and grants trademark holders the right to prevent the importation of any goods bearing their registered marks without authorization at the customs borders [Article 10(4) of the law]. It reinforces the national exhaustion regime, meaning a trademark owner’s rights are exhausted only after the goods are first sold in Albania with their consent— although this principle was previously recognized, albeit in a disputed manner.

This gives brand owners stronger control over the distribution of their products in Albania. However, it remains to be seen how customs will implement the exhaustion rules. The national exhaustion regime existed under the previous law, though it was not clearly defined. Until now, customs have refused to block goods from parallel imports, as the customs regulations did not explicitly prohibit such goods from entering Albania. Nevertheless, with the new law clearly establishing the national exhaustion regime and providing that its provisions prevail over customs regulations (approved by by-law), I hope it makes the national exhaustion regime practically enforceable.

### Bad-Faith Applications

Whereas challenging a trademark application or registration on bad-faith grounds was possible under the previous law, it did not explicitly prohibit applications filed in bad faith by agents or representatives without the consent of the trademark owner. Practice has shown that it is not uncommon for agents or representatives to submit applications in their own name without the owner’s authorization. Under the new law, such applications are explicitly unlawful and can be

opposed and refused, and it grants genuine trademark holders the right to request the transfer of such applications directly to them (Article 23 of the law). This provision safeguards genuine brand owners from opportunistic or abusive registrations.

### **Right to Prevent Preparatory Acts:**

Trade mark owners now have more powerful ways to enforce their rights. Under the provision of article 11 of the new law they enjoy the right to prevent preparatory action in relation to the use of packaging, labels, security or authenticity elements, or any other means, may be used in connection with goods or services protected by the trademark where such use would constitute an infringement of the trademark owner's rights.

### **Literal Interpretation of Class Headings**

The new law also reinforces the literal approach when interpreting the scope of protection for class headings or general terms used in lists of goods and services in trademark applications and registrations. Specifically, Article 35 of the new law provides that general terms, including class headings of the Nice Classification, are to be interpreted as covering only the goods and services indicated by the literal meaning of those terms.

The same article also introduces guidelines for comparing goods and services, specifying that when comparing them, those covered by the same class should not automatically be deemed similar, and those belonging to different classes should not automatically be considered dissimilar.

It should be noted that these concepts were first introduced in 2018, when Albania adopted a by-law on trademarks reflecting the 2017 amendments to the previous Industrial Property Law. However, having these concepts now codified in the law provides greater legal certainty in their application.

### **Non-Use Now Part of Opposition Proceedings**

Previously, the issue of non-use of the opposing mark was not examined within opposition proceedings, even when raised by the applicant. If the applicant wished to challenge the opposing mark on non-use grounds, a separate cancellation action had to be filed before the Cancellation Division of the AL IPO. Moreover, opposition proceedings were not always suspended pending the outcome of the cancellation action.

The new law now entitles applicants to raise objections regarding the use of the opposing mark(s), shifting the burden of proof to the opponent (Articles 47 and 48 of the law). The procedure requires the opponent to respond within one month and submit evidence of use of the mark in Albania. If the opponent fails to reply within the deadline, the opposition will be refused without being examined on the merits.

The same rules apply in cancellation actions handled either before the AL IPO (Cancellation Division) or before the courts.

### **Board of Appeal of the AL IPO:**

However, the new law seems to leave the situation with the Board of Appeal unresolved, at least for the time being. Under the previous law, the Board of Appeal of the AL IPO — which examines appeals against the decisions of the lower instances of the AL IPO — was composed of five members: two officials from the AL IPO and three external members (Article 193/b of the previous law). The criteria for external members required at least 10 years of experience in IP, but also that they had ceased practicing in the field.

This configuration created a problematic situation, as no one applied to serve as an external member of the Board of Appeal. As a result, the structure has been non-functional for more than three years, creating uncertainty as to whether parties should bring their cases directly before the courts or still submit their appeals to the Board of Appeal of the AL IPO.

Contrary to expectations, the new law does not include any provisions regarding the composition of the Board of Appeal. It merely states, *“The Board of Appeal is a body established to review administrative appeals, in accordance with the provisions set forth in this law”* (Article 4(2) of the new law). Its composition is expected to be regulated by a by-law, which is anticipated to be approved by June 2026. Until then, the current problematic situation will persist.

### **Transitional Provisions**

For proceedings initiated or pending before the entry into force of this law, the previous law (No. 9947/2008) shall apply. In addition, while the new law became effective on August 16, secondary legislation to implement its provisions is expected to be adopted by the Council of Ministers within nine months. Until then, existing administrative rules, including those related to fees and authorized IP attorneys, remain in effect.