

IPA 2009 National Programme for Albania
Project Fiche N°13
Capacity building for the GDPT -
Developing the Industrial Property Rights System in Albania

1. Basic information

- 1.1 CRIS Number: 2009/021-642
- 1.2 Title: Developing the Industrial Property Rights System in Albania
- 1.3 ELARG Statistical code: 03.07
- 1.4 Location: Tirana, Albania

Implementing arrangements:

- 1.5 Contracting Authority (EC): Delegation of the European Commission to Albania
- 1.6 Implementing Agency: Delegation of the European Commission to Albania
- 1.7 Beneficiary (including details of project manager):

Project manager

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The key target institution is the Directorate of Patent and Trademark (DPT).

Financing:

- 1.8 Overall cost (VAT excluded)¹: EUR 1.1 million
- 1.9 EC contribution: EUR 1 million i.e. 91%
- 1.10 Final date for contracting: Two years from the date of the conclusion of the financing Agreement.
- 1.11 Final date for execution of contracts: Two years from the final date for contracting.
- 1.12 Final date for disbursements: One year from the final date for the execution of the contract.

¹ The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated (see Section 7.6)

2. Overall Objective and Project Purpose

2.1 Overall Objective:

The overall objective of the project is to align the IP regulatory systems of Albania with the Internal Market *acquis communautaire*.

2.2 Project purpose:

The purpose of the project is to strengthen the administrative capacities in the sector of industrial property rights.

2.3 Link with AP/NPAA / EP/ SAA

The **European Partnership document** points out the need to continue strengthening the relevant Internal Market authorities, fully aligning domestic legislation with the *acquis* and SAA requirements, and ensuring its enforcement by all relevant authorities. It explicitly mentions the need to guarantee sufficient administrative capacity to comply with SAA requirements in the area of intellectual and industrial property. It also mentions as a short term priority the preparation of a national strategy and of an action plan for further legislative developments and strengthening of **intellectual and industrial property rights (IPR)**.

In that regard, Article 39 of the **Interim agreement** (SAA article 73) sets that Albania shall take all the necessary measures in order to guarantee, no later than four years after the date of entry into force of this Agreement, a level of protection of intellectual, industrial and commercial property rights similar to that existing in the EU, including effective means of enforcing such rights. Annex IV of the **Interim agreement** (SAA Annex V) lists the multilateral Conventions to which Member States are Parties, or which are de facto applied by Member States

The Commission's **2008 Progress Report** notes that some progress has been made in relation to industrial property rights; nevertheless it underlines that the capacity of the GDPT requires further strengthening, noting in particular that greater efforts are required regarding enforcement of rights, and to improve inter-institutional co-operation.

2.4 Link with MIPD

- The **Multi-annual Indicative Planning Document 2009-2011** expects the strengthening of administrative, judicial and enforcement capacities for the protection of intellectual, industrial and commercial property rights to fulfil the obligations of the SAA. The MIPD further mentions that enforcement agencies and the legal environment should be strengthened.

2.5 Link with National Development Plan (where applicable)

Not applicable

2.6 Link with national/sectoral investment plans (where applicable)

Not applicable

3. Description of project

The present project relates to the provision of **Technical Assistance** to support and strengthen the General Director of Directorate of Patent and Trademark in its institutional role, via a contribution agreement with the **European Patent Office (EPO)**.

A consultancy firm will be selected to provide the appropriate expertise in the area of protection of industrial property rights.

3.1 Background and justification:

Overall, preparations in the area of intellectual and industrial property are moderately advanced in Albania with regard to the commitments made under Art 73 SAA.

- With regard to the protection of industrial property rights, law n° 9947 on Industrial Property, of 7 July 2008 entered in force on 1st November 2008. The regulations for the registration of the Trademarks for Goods and Services, the regulation for the grant of Patent and Utility model and the regulation for the registration of Geographical Indications were adopted by decisions of the Council of Ministers (DCM) n° 1706, 1707 and 1705 of 29 December 2008.
- Albania has been invited by the Administrative Council of the EPO to join the European Patent Organisation.
- Regulation for industrial designs and regulation for the tariffs of the services provided by GDPT are expected to be prepared and adopted in 2009.
- The custom code (law n°8449) dates back to 1999 and the regulation for its implementation (DCM n°205 of 1999) was modified on 1st May 2009 by decision DCM n°547.
- The legal framework for market surveillance is defined by law n° 9779, of 16th July 2007 and by law n°9947 of 7 July 2008, entrusting the Ministry of Economy, Trade and Energy with the competency to inspect the internal market regarding IPR. The secondary regulation has yet to be passed.
- A reform of the penal code and of the penal procedure code is anticipated in 2009 that is expected to establish the infringement of IPR as a criminal act.

The intellectual and industrial legal framework remains fragmented and related enforcement is very weak. Given this background, the authorities in charge of protection and of enforcement of IPR face major challenges in implementing their actions and consequently the efficiency of the enforcement of rights remains far from required international standards.

The GDPT is the institution in charge of the protection of industrial property. A systematic rationalisation effort has been made in recent years, particularly in regard to the automation of the registration / granting process. Without further strengthening of the technical and human capacities of the GDPT, the sustainability of these efforts may be jeopardised. Furthermore, the GDPT **requires external support in the development of information services that will contribute to raise the general awareness on industrial property in Albania.**

The need to further strengthen the capacities of the GDPT and of the enforcement institutions and to increase inter-institutional co-operation has been underlined. However, **it requires the adoption of an overall IPR work plan** that addresses both the legal and the institutional issues, in particular the definition of the responsibilities and roles of each institution.

An IPA 2007 regional project providing assistance in the domain of IPR in the Balkans ('Regional Programme on Industrial and Intellectual Property Rights in the Western Balkans and Turkey') began in November 2008 for duration of 2 years, implemented by the EPO. The regional project will provide and overall review of the IPR system in Albania, which will be used as a basis for the present project (see §3.6 below). In addition, EPO will make a financial contribution to the present project thus securing continuity of management and ownership between both projects.

The current project is conceived as a support to the ongoing reform in the sector related to **industrial** property. It addresses the needs of:

- ensuring, in its first phase, the required administrative and institutional capacities to protect **industrial** property, to reinforce the capacity of the GDPT in granting and registering IPR and to develop information services, including exchange of IPR data with the enforcement authorities;
- improving in its second phase the implementation of appropriate legislative mechanisms and the strengthening of the capacities of the enforcement authorities, as far as **industrial** property is concerned, and building upon the results of the IPA 2007 funded regional project.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

The project will contribute to the preparation of the regulatory system of industrial property in Albania for the challenges of joining the internal market. It combines activities related to the improvement of the legislative system and the administrative and operational capacity of the authorities in charge of the protection and of the enforcement of industrial property rights.

The project will have a positive impact in the inter-institutional cooperation in Albania, through the implementation of activities according to the national overall work plan for IPR.

The outcomes of the project are expected to substantially strengthen the administrative and operational capacities of the GDPT thus helping the GDPT to protect industrial property in Albania in line with EU standards. The project will also strengthen the capacity of the authorities with regard to the enforcement of industrial property rights.

The sustainability of the project results will be addressed by:

- the adoption of legislative texts by an inter-institutional body comprising representatives of the GDPT and of the following enforcement authorities: Customs, Police, Judiciary, and Market Surveillance. The inter-institutional body will work on final harmonisation with the *acquis* under the guidance of short term experts, thus creating the basis for permanent appropriate capacities in Albania.

- strengthened administrative capacity, particularly at the GDPT, with regard to the protection of industrial property rights and in the provision of technical and awareness services to the general public
- strengthened capacities with regard to the enforcement of industrial property rights at the Customs, Police, Judiciary, and Market Surveillance Directorates.

3.3 Results and measurable indicators:

The expected results and measurable indicators for the activities are:

Result 1: Strengthened capacity of the GDPT for protection industrial property in Albania

The achievement of this result will be demonstrated by the following indicators:

- Number of staff trained
- Number of internal procedures written
- Number of databases created
- Number of published databases
- IT security of the network
- Number of digitalised IP rights (patents/trade marks/design)
- Number of technical and awareness services developed
- Number of published awareness documentation

Result 2: The Industrial Property related legislative framework is harmonised with the acquis and implementing regulations are proposed for adoption

The achievement of this result will be demonstrated by the following indicators:

- Number of representatives of the enforcement authorities participating in the work of the inter-institutional legislative body
- Number of laws and regulations harmonised with the acquis
- Number of legislative texts proposed/adopted by the Parliament or Council of Ministers

Result 3: The capacities of the enforcement authorities (Customs, Police, Market Surveillance, Judiciary) are strengthened in relation to the updated Industrial Property legislative framework

The achievement of this result will be indicated by the following indicators:

- Number of custom officers trained
- Number of police officers trained
- Number of market inspectors trained
- Number of judges trained
- Evolution of number of IPR cases
- Evolution of number of seizures
- Number of investigations carried out by the market inspectorate

3.4 Activities:

It is foreseen to implement the project through one contribution agreement with European Patent Office.

The activities will be organised in one contract with three components:

- 1- Capacity building for the GDPT
- 2- Harmonisation of the Industrial Property legal framework with the acquis
- 3- Capacity building for enforcement authorities (training)

Component 1 – Capacity building for the GDPT

The GDPT comprises 17 staff members. The bulk of activities take place in the trade marks, industrial design and appellation of origin sector (5). The patent sector (3) processes the extended European applications and a small amount of national applications. All the publications and automation issues are managed by the IT sector (2). The international relations and legal issues sector has 2 staff members, and the administrative sector has 3 staff. The management team comprises a General Director and a Director.

The main issues regarding capacity building of the GDPT can be seen in the review of internal procedures, in the creation of electronic databases for the IPR register, and for the publication on the GDPT web site of registered and granted IPR. A secondary issue is the development of services by GDPT staff which complement IPR related training. Key services to be developed by GDPT relate to the search of IPR related information (patents and distinctive signs) and also as the general awareness of local business in the use of IPR. The ip4inno methodology is proposed. Training on patent examination for the patent sector staff is not considered as being a priority at this stage; the focus should be on searching of patent information and on the administration of European patents and applications.

The main activities to be implemented under this component are:

- IT assessment of the GDPT network, recommendations regarding network security, and implementation of corrective measures;
- Creation of publication databases for trade marks, industrial designs and patents;
- Creation of an electronic IP register, with the possibility of data exchange with enforcement authorities;
- Digitalisation of backlog of paper IP rights documentation (12450 national TM, 43750 Madrid TM, 2900 patent applications, 150 industrial design);
- On the job training for IT staff;
- at least one IT study visit for the IT staff in a similar IPR Office, such as Slovenia or Croatia;
- training in network, database administration and web interface for IT staff;
- at least one study visit on IPR services delivered by national IP offices (management, IPR sectors (2 staff) and IT sector (1 staff));
- Development of skills in searching public patent databases (3 staff in patent sector) and 5 staff in TM, design sector (2 on the spot training for each sector; 1 study visit at OHIM; 1 study visit to a national patent office);

- Review of the internal procedures for patent sector and for trade marks/design/appellation of origin sectors
- Training on trade mark protection (1 seminar and 1 on the job training on local cases) and on industrial design (1 seminar and 1 on the job training on local cases);
- Creation of a mid-term (5 years) overall training plan for GDPT staff;
- In view of Albania's accession to the EPO, one training seminar on the administration of European patents and European patent applications;
- Training of 4 staff of the patent and/or of the distinctive sign department as ip4inno trainers;
- Support to GDPT to organise at least 4 ip4inno awareness events;
- Creation of supporting awareness documentation (one booklet for each of patents, trade marks/design, appellation of origin)

Component 2 - Harmonisation of the Industrial Property legal framework with the acquis

This component will build upon the following three outputs of the IPA 2007 regional project for Albania (see §3.6):

- a) legal comments on the relevant laws and regulations and on their conformity with the acquis; However, it must be emphasised that the subsequent legal drafting will not be done under the IPA 2007 regional project;
- b) recommendations for corrective measures, covering both the legal and the institutional aspects of IPR, with the overall aim to increase the efficiency of enforcement, including a proposal for an implementation work plan;
- c) draft secondary law for market inspectorate

The corresponding deliverables are expected to be available during Q1 2010.

The main activities to be implemented under this component are:

- Establishment of an inter-institutional body in charge of the revision of the IPR legal framework, comprising representatives of the GDPO, customs, market inspectorate, police and judiciary;
- Based on the legal comments established by the IPA 2007 regional project, drafting by short term experts of legislative amendments to fully comply with acquis, under the control of the inter-institutional body at least for the following laws:
 - The Law No. 9947, dated 7th July 2008 “For Industrial Property “ with respect of assessment and the proper recommendations about the articles of enforcement institutions referring Directive 2004/48/EC "On the protection of the rights of Industrial Property",
 - Law N. 7895, dated 27th January 1995 “Penal Code of the Republic of Albania” with respect of reflecting the article 61 of TRIPS Agreement and also for the following regulations:

- DCM No. 205, dated 13th April 1999 “ For the implementation of the Custom Code” and DCM No. 547, dated 1st May 2008” For the amendments and change in the Decision No.205, dated 13th April 1999 of Council of Ministers “For the implementation of Custom Code” with respect to Council Regulation 1383/2003 of 22nd July 2003 and Directive 2004/48/EC "On the protection of the rights of Industrial Property" and TRIPS Agreement
- DCM for inspection of IP rights in internal market has to be drafted.
- Submission to the Government / Parliament.

Component 3 - Capacity building of enforcement authorities (training)

This component will build in particular on the second result of the IPA 2007 regional project for Albania, see §3.6:

b) recommendations for corrective measures, covering both the legal and the institutional aspects of IPRs, with the overall aim to increase the efficiency of enforcement, including a proposal for an implementation work plan;

these recommendations might encompass items that are a priori out of the scope of the project, such as the development of IPR applications that are specific to each enforcement institutions and also on the results obtained under component 2 of the current project:

- proposal of new legislation to the Government / Parliament.

Component 3 of the current project will therefore specifically implement the recommendations relating to the training of enforcement officers in the field of industrial property. It is expected that such training will cover both the basic aspects relating in particular to the legislative framework, and practical "on the job" training; case studies, training on the field (or alternatively, study visits). The legislative framework to be considered will comprise:

- laws and regulations that are in force at the time of the action;
- revised texts as a result of component 2 that remain subject to the approval process.

Under this component, the activities comprise:

- Training on the basic aspects of industrial property and IPR enforcement for:
 - 10 judges of the Court of Tirana (exclusive competence on industrial property) (1 seminar)
 - 15 judges of the School of Magistrates (1 seminar)
 - 15 Customs officers (1 seminar)
 - 15 police officers dealing with economic crime (1 seminar)
 - 10 Market Surveillance officers (1 seminar)
- Practical training:
 - On the job case study/training with 10 IPR judges of the Court of Tirana (1)
 - On the job case study/training for Customs officers (1)
 - On the job case study/training on the field for police officers (1)
 - On the job case study/training on the field for Market Surveillance officers (1)

3.5 Conditionality and sequencing

The IPA 2009 National Project “for Developing the Industrial Property System in Albania” will be a complimentary project of the Regional IPA 2007. For this reason the preparation of IP Strategy in the framework of the Regional IPA 2007 will be a precondition for the IPA 2009 National Project because the activities of the development action of the General Directory of Patents and Trademarks will be based on this strategic document. The IP Strategy it is supposed to be finalised in first quarter of the year 2010 and it will produce a picture of all IP Institutions in Albania and their development action plans including development plan of the General Directory of Patents and Trademarks.

Activities under component 1 can be implemented immediately after the start of the project.

Activities under component 2 will require that the IPA 2007 regional project delivers the results mentioned under §3.6.

Activities under component 3 require that the status report and recommendations under component 2 are established.

3.6 Linked activities

The GDPT was one of beneficiary Offices of “CARDS 2002 Regional Industrial and Intellectual Property Rights”, implemented by the EPO in cooperation with the Office for Harmonisation in the Internal Market, between July 2003 and November 2006. This project consisted of a series of general awareness seminars, to which civil servants from all IPR authorities (protection and enforcement) could participate and benefit from a general basic knowledge on IPR.

Through the GDPT, Albania is a beneficiary of the IPA 2007 regional project on intellectual and industrial property rights, implemented by the EPO. The project started in November 2008 for two years duration. The requests for technical assistance formulated by the beneficiaries under the current project will be prioritised in order to best support their European commitments. Also, the greatest synergy with national IPA projects will be sought.

As far as Albania is concerned, two sectors will be treated with priority within the framework of the IPA 2007 regional project:

1. An overall assessment by short term experts of the IPR system in Albania:
 - a. legal recommendations on existing laws and regulations and on their conformity with the *acquis*. In accordance with those recommendations, the present project will contribute to the update of the legislation under component 2.
 - b. analyses of the respective competences of each institution involved in enforcement of IPR (Customs, Police, Judiciary and Market Surveillance), resulting in:
 - c. recommendations for corrective measures and appropriate operational actions, covering the legal, institutional and operational aspects of IPR enforcement, with the overall aim of increasing the efficiency of enforcement, including a proposal for an implementation work plan.

2. With regard to the Trade inspectorate, drafting of the secondary law.

It is expected that these results will be delivered by the end of Q1 2010.

3.7 Lessons learned

Resources:

The institutions involved in the project should commit to providing sufficient staff for the project's activities, without hampering them in exercising their mandate.

Inter-institutional coordination:

Inter-institutional coordination will require strong leadership, especially under component 2. To this end, the GDPT will require full support from the government.

Project management:

Management by an EPO Project Director should provide continuity of management and ownership especially in relation to complementarity with the IPA 2007 regional project referred to above.

4. Indicative Budget (amounts in EUR)

| | | | SOURCES OF FUNDING | | | | | | | | | |
|----------------------|--------|---------|---------------------|----------------------------|------|---------------------------|-------|-----------------|-------------------------|--------------|----------------------|-------|
| | | | TOTAL EXP.RE | IPA COMMUNITY CONTRIBUTION | | NATIONAL CONTRIBUTION | | | | | PRIVATE CONTRIBUTION | |
| ACTIVITIES | IB (1) | INV (1) | EUR (a)=(b)+(c)+(d) | EUR (b) | %(2) | Total EUR (c)=(x)+(y)+(z) | % (2) | Central EUR (x) | Regional/ Local EUR (y) | IFIs EUR (z) | EUR (d) | % (2) |
| Activity 1 | | | EUR 1,100 000 | | | | | | | | | |
| contract 1.1 | X | – | | EUR 1 ,000, 000 | 91 | 0 | 0 | 0 | 0 | 0 | 0 | – |
| contract 1.1 | X | | | | | 100,000 | 9 | 0 | 0 | 100,000* | 0 | |
| TOTAL IB | | | EUR 1,100,000 | EUR 1, 000, 000 | | 100,000 | | | | 100,000 | | |
| TOTAL INV | | | 0 | 0 | | 0 | | | | | | |
| TOTAL PROJECT | | | EUR 1 100 000 | EUR 1, 000, 000 | 91 | 100,000 | 9 | | | | | |

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

* Contribution by EPO

5. Indicative Implementation Schedule (periods broken down per quarter)

| Contracts | Start of Tendering | Signature of contract | Project Completion |
|------------|---|-----------------------|--------------------|
| Contract 1 | NA (Contribution agreement with the EPO) | Q4 2010 | Q4 2012 |

6. Cross cutting issues (where applicable)

6.1 Equal Opportunity
NA

6.2 Environment
NA

6.3 Minorities
NA

ANNEX 1: Logical framework matrix in standard format

| | | | |
|--|--|--|--|
| LOGFRAME PLANNING MATRIX FOR Project Fiche | | Programme name and number | |
| | | Contracting period expires two years from the date of the conclusion | Disbursement period expires one year from the final date for the execution of the contract. |
| | | Total budget : 1 100 000 EUR | IPA budget: 1 000 000 EUR |
| Overall objective | Objectively verifiable indicators | Sources of Verification | |
| The overall objective of the project is to align the IP regulatory systems of Albania with the Internal Market <i>acquis communautaire</i> . | <ul style="list-style-type: none"> • Economic growth; • Increasing benefits for the consumers in the country; • Increase in the trade between Albania and the EU; | Regular progress and statistical reports | |
| Project purpose | Objectively verifiable indicators | Sources of Verification | Assumptions |
| The purpose of the project is to strengthen the administrative capacities in the sector of industrial property rights. | <ul style="list-style-type: none"> • Improved business environment; • Increased investment in innovations; | Annual reports of the GDPT and of the other targeted institutions Other regular progress reports EC national progress report | Further political support and commitment at central governmental and parliamentary level for the reforms and adoption of the <i>acquis</i> Development of the other sectors entrusted with enforcement of |

| | | | IPRs |
|--|---|---|---|
| Results | Objectively verifiable indicators | Sources of Verification | Assumptions |
| Result 1: Strengthened capacity of the GDPT for protection industrial property in Albania | <ul style="list-style-type: none"> • Number of staff trained • Number of internal procedures written • Number of databases created • Number of published databases • IT security of the network • Number of digitalised IP rights (patents / trade marks / design) • Number of services developed • Number of published awareness documentation | Project reports Reports of the targeted institutions EC annual progress reports | Continued commitment to the to the harmonisation with the acquis on behalf of all stakeholders involved |
| Result 2: The Industrial Property related legislative framework is harmonised with the acquis and implementing regulations are proposed for adoption | <ul style="list-style-type: none"> • Number of representatives of the enforcement authorities participating in the work of the inter-institutional legislative body • Number of laws and regulations harmonised with the acquis • Number of legislative texts proposed / adopted by the Parliament or Council of Ministers | | |
| Result 3: The capacity of the enforcement authorities (custom, police, market inspectorate, judiciaries) are strengthened as regards the updated Industrial Property legislative framework | <ul style="list-style-type: none"> • Number of custom officers trained • Number of police officers trained • Number of market inspectors | | |

| | | | |
|--|---|--|---|
| | <p>trained</p> <ul style="list-style-type: none"> • Number of judges trained • Evolution of number of IPR cases • Evolution of number of seizures • Number of investigations carried out by the market inspectorate | | |
| Activities | Means | Costs | Assumptions |
| <p>Component 1</p> <ul style="list-style-type: none"> • IT assessment of the GDPT network, recommendations regarding network security, implementation of corrective measures; • Creation of publication databases for trade marks, industrial designs and for patents; • Creation of an electronic IP register, with possibility of data exchange with enforcement authorities; • Digitalisation of backlog of paper IP rights documentation ; • training on the spot of the IT staff; • at least one IT study visit for the IT staff in a similar IP Office, such as Slovenia or Croatia; • training in network, database administration and web interface for IT staff; • at least one study visit on IP services delivered by national IP offices (management, IP sectors (2 staff) and IT sector (1 staff)); • Development of skills in searching public patent databases (3 staff in patent sector) and 5 staff in TM, design sector (2 on the spot | <p>1 direct contribution agreement with EPO (IPA funding: 1 000 000 EUR)</p> | <p>1.100.000 EUR</p> <p>IPA 2009 funding: 1.000.000 EUR EPO co-funding: 100.000 EUR</p> <p>Human resources Financial resources to cover events, training materials, possibly hardware under EPO co-funding</p> | <ul style="list-style-type: none"> • Motivation of the civil servants in the targeted institutions to participate in the project activities; • Minimum turnover of staff; • Efficient co-ordination among the direct project beneficiaries and pro-active support on their behalf for the project activities; • Sufficient absorption capacity at the GDPT and other stakeholders for the planned activities; |

| | | | |
|--|--|--|---|
| <p>training for each sector; 1 study visit at OHIM; 1 study visit at national patent office);</p> <ul style="list-style-type: none"> • Review of the internal procedures for patent sector and for trade marks / design / appellation of origin sectors • Training on trade mark protection (1 seminar and 1 on the spot training with local cases) and on industrial design (1 seminar and 1 on the spot training with local cases); • Creation of a mid-term (5 years) overall training plan for GDPT staff; • In view of the accession to the EPO, on training seminar on the administration of European patents and European patent applications; • Training of 4 staff of the patent and/or of the distinctive sign department as ip4inno trainers; • Support to GDPT to organise at least 4 ip4inno awareness events; • Creation of supporting awareness documentation (one booklet for each of patents, trade marks/design, appellation of origin) | | | |
| <p>Component 2:</p> <ul style="list-style-type: none"> • Establishment of an inter-institutional body in charge of the revision of the IP legal framework, comprising representatives of the GDPO, customs, market inspectorate, police and judiciary; • Drafting by short term experts of legislative | | | <p>IPA regional 2007 delivers:</p> <ul style="list-style-type: none"> . overall assessment of the IP system in Albania and of an accompanying work plan . specific assessment of the Trade inspectorate |

| | | | |
|--|--|--|---|
| <p>amendments to fully comply with acquis, under the control of the inter-institutional body;</p> <ul style="list-style-type: none"> • Submission to the Government / Parliament. | | | <p>with regard to the IP legislation, including the draft of the secondary law.</p> |
| <p>Component 3:</p> <ul style="list-style-type: none"> • Training to the basic aspects of industrial property and industrial property rights enforcement for: <ul style="list-style-type: none"> o 10 judges of the court of Tirana (exclusive competence on industrial property) (1 seminar) o 15 judges of the school of magistrate (1 seminar) o officers for 15 custom posts (1 seminar) o 15 officers of the police of economic crime (1 seminar) o 10 officers of the market inspectorate (1 seminar) • Practical training: <ul style="list-style-type: none"> o case study / training on the field with 10 IPR judges of the court of Tirana (1) o case study / training on the field for custom officers (1) o case study / training on the field for police officers (1) o case study / training on the field for market inspectors (1) | | | |

ANNEX II: amounts (in EUR) Contracted and disbursed by quarter for the project

| Contracted | Q4 2010 | Q1 2011 | Q2 2011 | Q3 2011 | Q4 2011 | Q1 2012 | Q2 2012 | Q3 2012 | Q4 2012 |
|-------------------|------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| Contract 1 | 1 000 000 | | | | | | | | |
| Total | 1 000 000 | | | | | | | | |
| Disbursed | Q4 2010 | Q1 2011 | Q2 2011 | Q3 2011 | Q4 2012 | Q1 2012 | Q2 2012 | Q3 2012 | Q4 2012 |
| Contract 1 | 200 000 | | 250 000 | | 250 000 | | 200 000 | | 100 000 |
| Cumulated | 200 000 | | 450 000 | | 700 000 | | 900 000 | | 1 000 000 |

Annex III - Description of Institutional Framework

The main project counterpart is the Ministry of Integration, in charge of the overall process for European Integration. The main beneficiary of the action will be the General Directorate for Patents and Trademarks. In May 2006 the GDPT came under the authority of the Ministry of Economy, Commerce and Energy. Structure and organisation chart of the GDPT is defined by Prime Minister Decree no.126, of 3 August 2007. The activity is defined and regulated by means of the Industrial Property Law, the rules for objects of Industrial Property, the rules of its functioning, and decisions of the Council of Ministers. The following institutions will be partly involved in the action:

- General Directorate of Customs
- General Directorate of Police
- Ministry of Justice
- Market Inspectorate

Annex IV - Reference to laws, regulations and strategic documents:

- The Law No. 9947, dated 7th July 2008 “For Industrial Property “ entered in force on November 1st 2008
- Decision of Council of Ministers DCM No. 1706, dated 29th December 2008 “ Regulation for the registration of the Trademarks for Goods and Services”
- Decision of Council of Ministers DCM No.1707, dated 29th December 2008 “ Regulation for the grant of Patent and Utility model”
- Decision of Council of Ministers DCM No.1705, dated 29th December 2008 “Regulation for the registration of Geographical Indications”
- The Law No. 8449, dated 27th January 1999 “Custom Code”
- DCM No. 205, dated 13TH April 1999 “ For the implementation of the Custom Code”
- DCM No. 547, dated 1st May 2008” For the amendments and change in the Decision No.205, dated 13th April 1999 of Council of Ministers “For the implementation of Custom Code”
- Penal Code and Penal Procedure Code
- Law No. 9779, dated 16th July 2007 “For the General Security, the Essential Requirements and the Evaluation of the Conformity of the Non-Food Articles“

Annex V- Details per EU funded contract (*) where applicable:

The project will be implemented through 1 contract:

- Contract 1: direct grant to the European Patent Office (EPO), in view of both its technical competence and the specific characteristics of the project, in accordance with Article 168(1)(f) of the Implementing Rules to the Financial Regulation.

Therefore, no call for proposals is to be organised to award the grant as EPO is considered to have a high degree of specialisation in the field of industrial property rights..

The contract will be managed by a project manager, whose tasks include:

- Overall project supervision and coordination to ensure high quality outputs and results;
- Mobilising short- and medium term experts and approval of their performance;
- Executing administrative tasks
- Communication with the beneficiaries and the Contracting authority;
- Participation in the regular Steering Committee meetings.

The project manager will be an EPO staff member with an academic degree in engineering and a sound experience in both patent examination and tools and methods at the EPO. The project manager will have to meet the following criteria:

- Excellent understanding of the specific sub-sector (at least 3 years of experience in IPR)
- Excellent knowledge on technical and administrative capacity building in a small size IP office (previous 3-year management experience in an IP office);
- Previous management experience (at least 3 years) and proven record in project management, mobilisation of expertise, reporting (manager of at least one project);
- Good leadership skills;
- Excellent command of English.

The human resources to be ensured for the implementation of the contract include at least the following senior experts: an IPR expert, a capacity building expert in the field of patent offices. Junior experts will be appointed upon the discretion of the contractor. The input from the Project manager and the senior experts will be provided in the beneficiary country and in the place of residence ensuring however expertise on site. Junior experts are expected to work in the beneficiary country whenever necessary.

One Steering committee (SC) will be established to review the project progress. It will comprise representatives of the contracting authority, of the contractor and of beneficiary. The SC may invite other organisations to attend meetings where this will bring added value to discussion, direction and outcomes of the project. Its main functions are to:

- assess project progress and guide it strategically;
- jointly discuss any critical points or bottlenecks for further project implementation;
- propose and discuss remedy actions to be taken in order to tackle problems;
- issue recommendations affecting timing, cost or project contents;
- assess the performance of the contractor and to comment and/or discuss the contractor's reports.

The SC will meet at least every six months; the first meeting will be held upon the submission of the Inception Report by the contractor.