



# INTER-REGIONAL SYMPOSIUM Enforcement of Intellectual Property Rights

*ALBANIAN CUSTOMS ADMINISTRATION*

*GENTI ÇANI*

*IPR Protection Directorate*

*Director*

*Belgrade, September 6 and 7, 2011*

# ORGANIZATION OF ACA

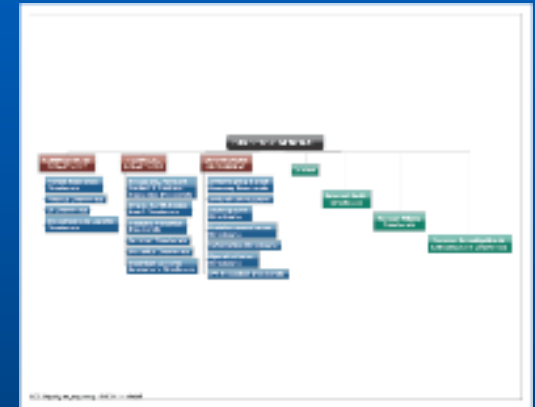
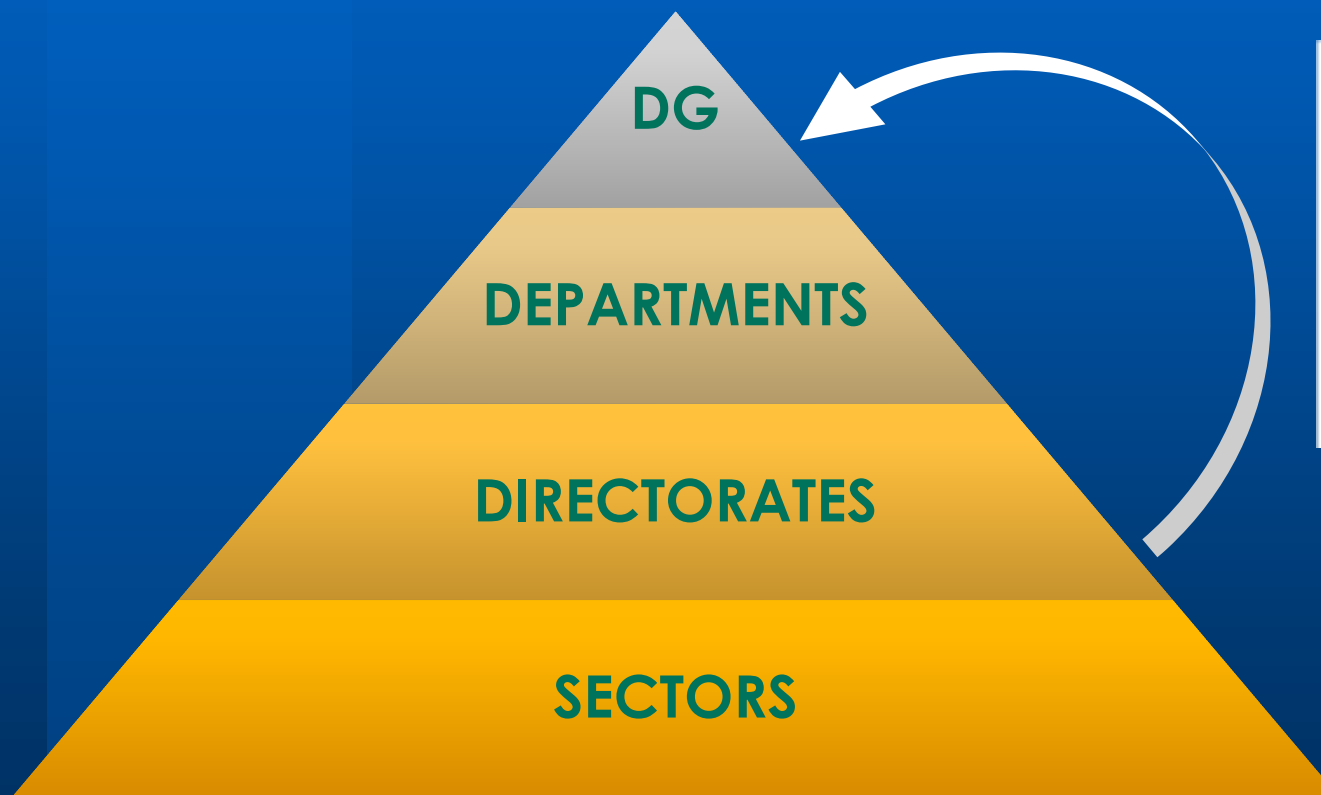
General Directorate

3 Regional Directorates

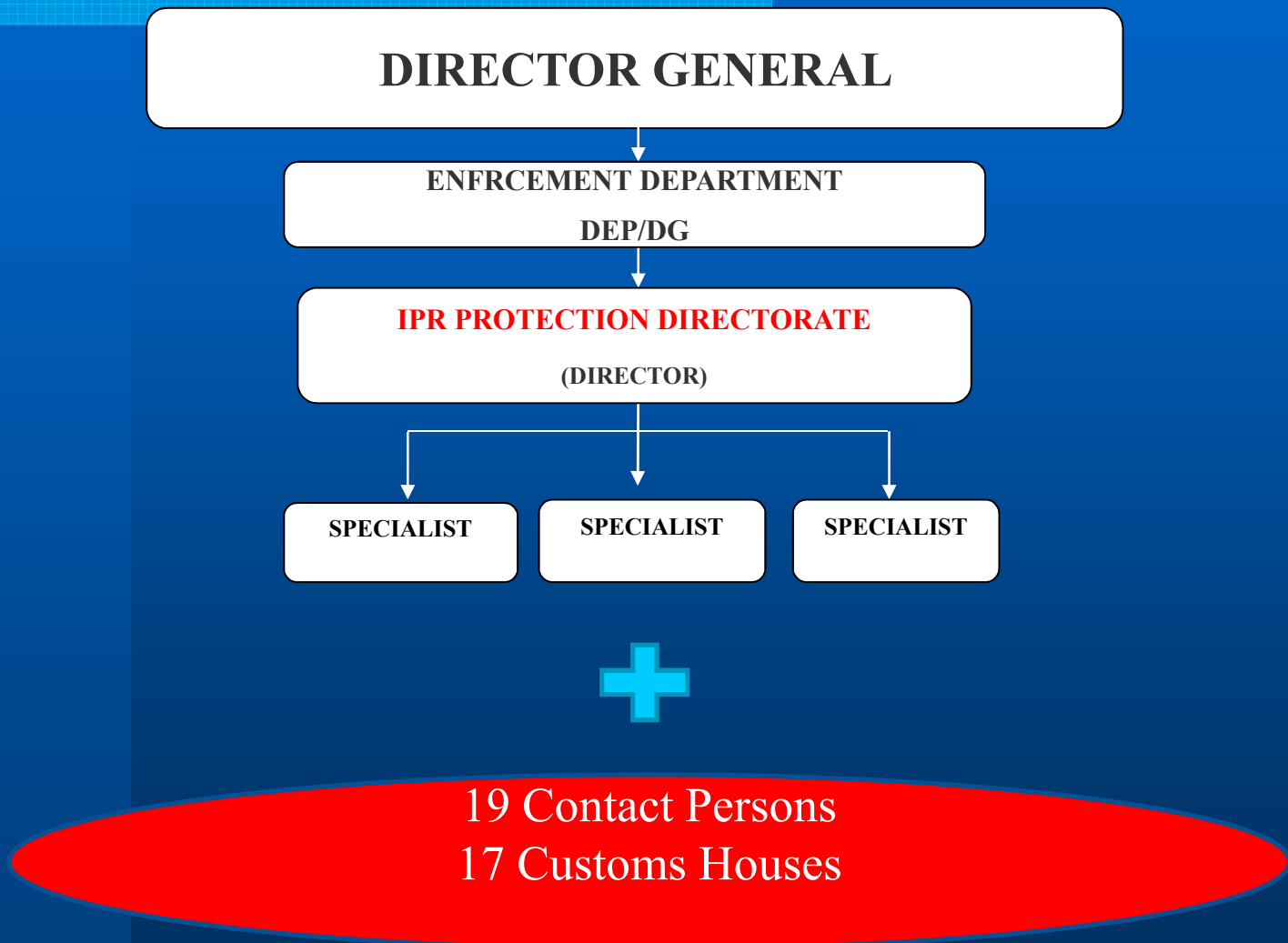
17 Customs Houses



# ORGANIZATIONAL STRUCTURE OF GDC



# INSTITUTIONAL HIERARCHY OF IPR PROTECTION DIRECTORATE



# ACTUAL LEGAL FRAMEWORK

- Albanian Constitution (art. 58)
- SAA (art .73)
- International Agreements in the field of IPR ratified by Albania
  - TRIPS Agreement (Section IV, art. 51 - 60)
- Customs Code (art. 82/4)
- Implementing Provisions of Customs Code – DCM No. 205 (art. 118 – 120), modified by DCM No. 547, of 01.05.2008 (approximation with the Council Regulation (EC) No. 1383/2003 and Commission Regulation (EC) No. 1891/2004)
- “National Strategy of Intellectual and Industrial Property 2010 – 2015”, - DCM No. 760, of 01.09.2010

# ACTUAL LEGAL FRAMEWORK

- Law No. 9947 of 07.07.2008 “On Industrial Property”
- Law No. 9380, of 28.04.2005 “On Copyright and Related Rights”
- ... Etc.

## Possible amendments

- Criminal Code
- Law No. 9380, of 28.04.2005 “On Copyright and Related Rights”

# LEGISLATION

- **Customs Administration for the protection of IPR can act:**

- **By its own initiative (ex officio)**



**and**

- **By request (Application for Action) of the right holders. No fees are required**



**(approximation with the Council Regulation (EC) No. 1383/2003 and Commission Regulation (EC) No. 1891/2004)**

# LEGISLATION - Procedure

**Object of protection:** Trademarks, Copyright, Related Rights, Design Right, Patents, Supplementary Protection Certificate, Plant Variety Rights, Geographical Indications

## Simplified procedure

Only customs involved

- Provisional detention (10 + 10 days)
- Agreement on infringement (or silence)
- Seizure
- Destruction

## Regular procedure

Customs and Judicial involved

- Provisional detention (10 + 10 days)
- Objection by importer
- Court procedure (no specific court on IPR cases)
- Court decision (final)



# STATISTICS (Application for Action)

Year	No. AA	No. Trademarks
2009	0	0
2010	5	25
2011	11	43

# LEGISLATION - Is it sufficient?

- **What is needed?**
  - **Legislation – Correct application of the legislation**
  - **Databases on IPR (IT solution)**
  - **Strategic partnership with other stakeholders (industry included)**
  - **Close international cooperation**
  - **Increase of public awareness**

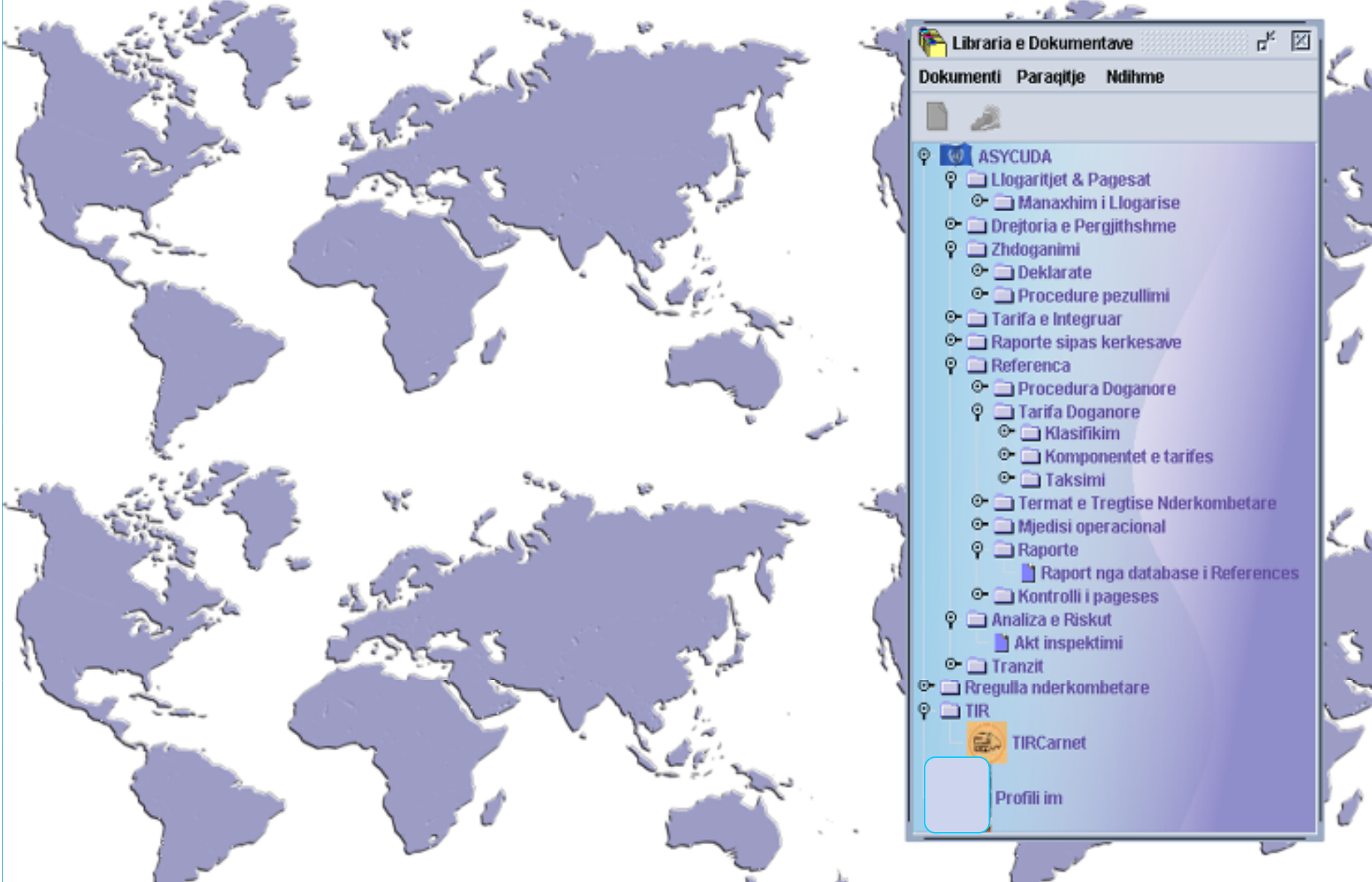


Innovation





# No module for IPR procedures



**Libraria e Dokumentave**

Dokumenti Paraqitje Ndhme

- ASYCUDA
  - Llogaritjet & Pagesat
    - Manaxhim i Llogarise
  - Drejtoria e Pergjithshme
  - Zhdoganimi
    - Deklarate
    - Procedure pezullimi
  - Tarifa e Integruar
  - Raporte sipas kerkesave
  - Referenca
    - Procedura Doganore
      - Tarifa Doganore
        - Klasifikim
        - Komponentet e tarifes
        - Taksimi
    - Termat e Tregtise Nderkombetare
    - Mjedisi operacional
    - Raporte
      - Raport nga database i References
    - Kontrolli i pageses
  - Analiza e Riskut
    - Akt inspektimi
  - Tranzit
  - Rregulla nderkombetare
  - TIR
    - TIRCarnet
  - Profilin im

# STRATEGIC PARTNERSHIP



## COOPERATION?

- Trainings
- MoU's
- Manual for lodging of application for customs action
- Guidelines acceptance and processing of applications



**PATENT &  
TRADEMARK  
OFFICE**



**POLICE**



**CUSTOMS**



**COPYRIGHT  
OFFICE**



**COURT**



**PUBLIC, ETC.**



# Seasures

- Seizure of 1193 Master boxes of fake (smuggled) cigarettes .
- Loses in the state budget - approximately 48 million lek (350 000 euro)









A woman with dark hair, wearing a bright red coat and black boots, is seen from behind, writing on a green chalkboard. She is holding a piece of white chalk in her right hand. The chalkboard has some faint, illegible writing on it. The background is a plain, light-colored wall.

*THANK YOU FOR YOUR ATTENTION!*

**Genti Çani**

**General Directorate of Customs**

**IPR Protection Directorate (Director)**

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