

## THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

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| <b>Country</b>  | <b>Albania</b>   |
| <b>Definition of Trademark</b>  |  |
| 1. According to the applicable legislation or to the practices of the Office, marks are defined as    |  |
| a) Visually perceptible signs   | No   |
| b) Signs capable of being represented graphically   | No   |
| c) Any sign capable of distinguishing the goods and services of one undertaking from those of another | Yes  |
| 2. Signs excluded from registration   |  |
| Are any signs excluded from registration as a mark?   | Yes  |
| Please, specify:  | <p>A sign is not registered as or a trademark if it is registered, it may be cancelled when: a) it does not have a distinguishing nature; b) it consists exclusively of elements or indicators that may serve in the market to show the kind, quality, amount, purpose, value, geographical origin or time of production of the goods or the performance of the services, or other characteristics of the goods or services; c) it consists exclusively of elements or indicators that have become customary in daily language or have turned into fixed practices in commerce; ç) it consists of forms or lines imposed by the very nature of the goods or services and/or forms or lines essential to achieve a technical result; d) it consists of forms that give a fundamental value to the goods; dh) it consists of elements that violate public interests or are in conflict with public morals and order; e) it consists of elements that tend to disorient the public about the nature, quality, geographical or commercial origin of goods and/or services that they have the purpose of distinguishing; ë) it consists of geographical indications, for wines or alcoholic beverages, that do not originate from the place indicated by the geographical indication in question, even if the true origin of the products has been indicated or the geographical indications have been translated and are accompanied by such expressions as: "kind," "type," "style," "imitation" or other similar ones]; g) it consists of:</p> <ul style="list-style-type: none"> <li>- the names of countries (complete or abbreviated);</li> <li>- state emblems, medals, honors of distinction;</li> <li>- official seals and signs approved by the country;</li> <li>- the emblems of recognized international organizations or abbreviations of them;</li> <li>- religious symbols;</li> <li>- national flags;</li> <li>gj) it consists of elements which contradict Article 6 bis of the Paris Convention, except when the competent authorities have authorised their use. h) it does not constitute a mark, pursuant to Article 140 of this law; i) it includes or it is constituted by a designation of origin or a geographical indication effective in the territory of the Republic of Albania, if the application for mark registration has been submitted after the date of submission of the application for the registration of the designation of origin or geographical indication and for the purpose of their protection, provided by the legislation under which they have been registered and which are related to the same kind of products 2. A sign cannot</li> </ul> |

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|  | be excluded from registration as a trademark, in accordance with letter “a”, “b” and “c”, of point 1, of this article, if the trademark, subject of review, has gained distinctive character in the process of use before the date of the application. A trademark cannot be invalidate for the same reasons, if, before the date of the revocation request, because of its use, has gained distinctive character. |
| Acceptable Types of Marks and Means of Representation  |  |
| Types of marks   |  |
| 3. Is the applicant required to specify in the application the type of mark for which registration is requested?                                     | Yes  |
| 4. Is a description of the mark [one option only]  | a) Mandatory?  |
| 5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application? | No   |
| One option only:   |  |
| Please, specify:   |  |
| 6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:                |  |
| a) Word marks  | Yes  |
| i. Does the Office require the use of a standard character for the representation of word marks?   | No   |
| ii. Where applicable, does the Office require that words be translated into the language used by the Office  | Yes  |
| iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office               | Yes  |
| Please specify the font to be used to represent a standard character mark:   |  |
| b) Figurative marks (device marks)   | Yes  |
| Please, specify how they must be represented:  | In the form of application with measurements 8*8   |
| c) Hologram marks  | No   |
| Please, specify how they must be represented:  |  |
| d) Three-dimensional marks (shape marks)   | Yes  |
| Please, specify how they must be represented   | Graphic reproduction of the form.If the mark is three dimensional it has to show the three dimensional characteristics.  |
| i. Product packaging   | Yes  |
| Please, specify how it must be represented:  | Graphic reproduction of the form including computer images or photographic reproduction.   |
| ii. Product shape  | Yes  |
| Please, specify how it must be represented:  | Graphic reproduction of the form including computer images or photographic reproduction.   |
| e) Color marks   | Yes  |
| Please, specify how they must be represented   | Colours must be listed including the code from the international colours system.The reproduction must also include the colours.  |
| i. A single color  | Yes  |
| Please, specify how it must be represented:  | Colours must be listed including the code from the international colours system.The reproduction must also include the colours.  |
| ii. A combination of colors  | Yes  |
| Please, specify how it must be represented:  | Colours must be listed including the code from the international colours system.The reproduction must also include the colour  |
| f) Sound marks   | No   |
| Please, specify how they must be represented   |  |
| i. A musical sound   |  |
| Please, specify how it must be represented:  |  |
| ii. Any sound  |  |
| Please, specify how it must be represented:  |  |

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| g) Motion marks  | No  |
| Please, specify how they must be represented:  |   |
| h) Multimedia marks (motion and sound)   | No  |
| Please, specify how they must be represented:  |   |
| i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)                       | Yes   |
| Please, indicate what other types of marks are accepted:   | The application must have the graphical representation of the mark. |
| Please, specify how each of the other types of marks indicated above must be represented:  | The application must have the graphical representation of the mark. |
| Format and Means to File an Application with the Office  |   |
| 7. Which of the following are acceptable formats to file an application with the Office?   |   |
| a) A paper form  | Yes   |
| b) The image of a paper form (e.g., PDF, JPG)  | Yes   |
| c) Structured data (e.g., e-filing, XML files)   | No  |
| 8. How does the applicant submit the application?  |   |
| a) On a physical support (e.g., paper, CD-ROM or USB device)   | Yes   |
| b) By fax  | No  |
| c) Electronically, other than fax (e.g., by e-mail, by e-filing)   | No  |
| 9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?                    | No  |
| Format(s) in which the Office accepts the electronic representation of the mark  |   |
| 10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?                                | No  |
| Please select below the format accepted by the Office  |   |
| a) GIF   |   |
| b) JPEG  |   |
| c) PNG   |   |
| d) TIFF  |   |
| e) Other(s)  |   |
| Please, specify in which other format(s):  |   |
| When the representation consists of more than one digital still image:   |   |
| a) all images must be included in one file   |   |
| b) each image may be in a separate file  |   |
| 11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)? | No  |
| Please, select below the format accepted by the Office   |   |
| a) MID   |   |
| b) MP3   |   |
| c) WAV   |   |
| d) Other(s)  |   |
| Please, specify in which other format(s):  |   |
| 12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?                         | No  |
| Please, select below the format(s) accepted by the Office  |   |
| a) AVI   |   |
| b) GIF   |   |
| c) MOV   |   |
| d) MP4   |   |
| e) MPEG  |   |
| f) WMV   |   |
| g) Other(s)  |   |
| Please, specify in which other format(s):  |   |

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| 13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?                                       | No |
| Please, select below the format(s) used by the Office  |    |
| a) AVI   |    |
| b) MP4   |    |
| c) MPEG  |    |
| d) WMV   |    |
| e) Other(s)  |    |
| Please, specify in which other format(s):  |    |
| Formats and standards used by the Office to store, manage and publish electronic representation of marks   |    |
| SCRx3421   |    |
| 14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database? | No |
| 15. Is the electronic representation of the mark available to the public?  |    |
| How can the public access the electronic representation of the mark?   |    |
| a) At the Office only (e.g., a dedicated computer terminal)  |    |
| b) Online (e.g., online database)  |    |
| 16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:                             |    |
| a) one or more digital still images  |    |
| b) a digital recording of sound only   |    |
| c) a digital recording of moving images without sound  |    |
| d) a digital recording of moving images and sound  |    |