



REPUBLIC OF ALBANIA
MINISTRY OF FINANCE AND ECONOMY
GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY

Bulevardi "Zhan D'Ark", Prona nr.33,

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Prot. /

70/3

Tirana, 22/05/2019

FINAL DISPOSITION ON STATUS OF A MARK
CONFIRMATION OF TOTAL PROVISIONAL REFUSAL

I. Office sending the statement:

GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY OF THE REPUBLIC OF
ALBANIA

Bulevardi "Zhan D'Ark", Prona nr. 33, Shtëpia e Ushtarakëve, Tirana, Albania

Web Site: www.dppm.gov.al E-mail: mailinf@alpto.gov.al

II. Number of the international registration:

1 406 563

III. Name of the holder

LANDTOURER AUTOMOBILE CO., LTD, No. 1 Yuanquan Road, Shangrao Economic &
Technological Development Zone Jiangxi Province, CN

The office has completed all its procedures and this is the decision by the Office:

☒ *Protection of the mark is refused for all the goods and/or services, based on an opposition.*

IV. The Albanian office sent to the applicant on **29/10/2018** a provisional refusal based on an opposition.
Time limit for submitting the arguments appointing an Albanian authorized representative from the party was 2 months counting from the date of getting the notification. As the office did not receive any reply to the provisional refusal based on an opposition, the trademark is totally refused to register.

i) Time limit for submitting an appeal to the decision of total refusal:

According to Article 152 and 153 of the Law Nr. 9947 dated 07.07.2008 "On Industrial Property", as amended and Article 30 of Trademark Regulation of the domestic law, an appeal of the refusal may be filed within a 1 month period from the date of receiving notification of the total refusal of an application after paying the respective tariff.

ii) Authority to which such a request for submitting appeal on the total refusal shall be made:



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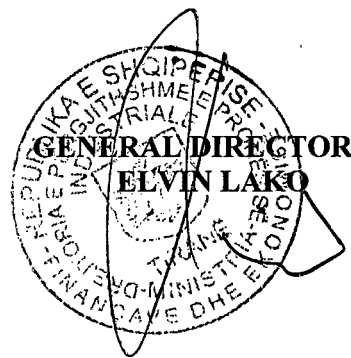
GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY OF THE REPUBLIC OF ALBANIA –
BOARD OF APPEAL

iii) Indications concerning the appointment of a representative:

The holder of an international trademark registration may file an appeal on the present total refusal based on an opposition for refusal only by the intermediary of a representative established in the Republic of Albania referring on Art. 195 item 1 of the domestic law.

V. Date of notification to the International Bureau

20/05/2019



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Article 152
Opposition to a Published Mark
(Amended the article, Law No.17/2017, date 16.02.2017)

1. An opposition to a published trademark is deposited in the GDIP within a three-month period from the date of publication, against payment of the respective tariff, by:

- a) the applicant of a prior trademark deposited in the GDIP or the owner of a prior trademark;
- b) the owner of a commercial name, in conformity with the definition of letter “a” of point 3, of article 143, of this law;
- c) a natural person, on the basis of the definition in letter “b” of point 3, of article 143, of this law;
- ç) the owner of a prior right of industrial property, on the basis of the definition of letter “c” of point 3, of article 143, of this law;
- d) any person who has copyright, according to the definition of letter “ç”, of point 3, of article 143, of this law.
- dh) an authorised user of certifying trademarks;
- e) by any of the subjects mentioned above in this point who proves that the application was made in bad faith.
- ë) an authorised user or a licensee of the trademark licensed by the owner of the trademark.

2. The period for submission of an opposition may not last beyond the period provided in point 1 of this article.

3. Data about the manner of depositing an opposition and the necessary procedure are provided in the decision of the Council of Ministers on trademarks.

Article 153
Examination of an Opposition
(Amended point 3, Law No. 55/2014 dated 29.05.2014, Article 52
Repealed the words in paragraph 4, of Law No. 55/2014 dated 29.05.2014, Article 52
(Amended the article, Law No.17/2017, date 16.02.2017
Added the article 153/a, Law No.17/2017, date 16.02.2017)

1. The Chamber for examination of oppositions examines whether the opposition has been deposited in conformity with the requirements of point 1, of article 152, of this law.

2. If the requirements provided in point 1, of article 152, have not been completed, the Chamber for examination of oppositions refuses the request for an opposition and notifies the opposer.

3. If a request for an opposition meets the criteria provided in point 1 of this article, the Chamber for examination of oppositions gives notification in writing to the applicant of the trademark against which the opposition has been deposited and sends him a copy of the



opposition, to submit arguments within two months from the date of receipt of the notification.

4. The time period provided in point 3 of this article cannot be extended.

1. If the applicant does not submit his arguments against the opposition within the time period provided, the Chamber for examination of oppositions accepts the opposition.
2. When the Chamber for examination of oppositions considers it necessary, it invites the parties to a hearing session in order to be heard during the examination of the opposition.



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