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INSTITUCIONET E PËRKOSSHME TË VETËQEVERISJES  
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA  
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT

QEVERIA E KOSOVËS / MINISTRIA E TREGTISË DHE INDUSTRIË  
VLADA KOSOVA / MINISTARSTVO TRGOVINE I INDUSTRIJE  
GOVERNMENT OF KOSOVO / MINISTRY OF TRADE AND INDUSTRY

Based on the UNMIK Regulation No. 2001/19, “*For the Executive Branch of the Provisional Institutions of Self-Government in Kosovo*” article 1 paragraph 1.3 section (d), and the Law No.02/L-54 “*On Trademarks*”, article 91, Minister of Trade and Industry, issues this:

## **ADMINISTRATIVE DIRECTION No. 2007/13**

### **FOR PROCEDURES OF TRADEMARKS REGISTRATION**

#### **I. GENERAL PROVISIONS**

##### **The scope**

##### **Article 1**

This Administrative Direction, further on as the Direction, regulates the procedures for protection of the Industrial Design at the Office for Industrial Property, further on as the Office, including application, registration, opposition, publication, changes on the register of industrial design, extension, cessation of validity, and other issues related to the registration of industrial design at the Office..

#### **II. APPLICATION FOR TRADEMARKS REGISTRATION**

##### **Content of the application**

##### **Article 2**

2.1 The application for trademarks registration should contain as following:

- a) request for trademark registration;
- b) name and surname of the application submitter, in compliance with article 25 of this direction;

- c) name and surname of the representative, in compliance with article 25 of this direction;
- d) note of the class of product or service for which is requested the registration, in compliance with article 7 paragraph 7.1 of this direction;
- e) information on required right of advantage, in compliance with article 36 and 37 of the Law, if the right of advantage was requested;
- f) form of the mark which is preferred to be registered, in compliance with articles 3, 4, 5, 6 of this direction;
- g) note that it is requested verbal registration in the sense of article 3 of this direction, when it is requested the registration of verbal mark;
- h) note that it is requested registration of three-dimensional mark, when it is requested registration of three-dimensional mark;
- i) note that it is requested registration of color mark, noting of the colors, when it is requested registration of colored mark;
- j) transliteration of mark, when the mark contains written elements not in Latin letters or numbers which are not Arab or Roman;
- k) note that it is requested registration of individual, collective or certified mark;
- l) signature and stamp of the application submitter or signature and stamp of its representative;

2.2 Information from the paragraph 2.1 of this article is noted in the form which is a content part of this direction.

2.3 Together with the form from paragraph 2.2 of this article to the application should be attached also:

- a) list of products of services for which is requested registration, in compliance with article 7 of this direction;
- b) when the sign is figurative in accordance with article 4 of this direction or three-dimensional, additional exemplar of the shape of sign, which should be identical with the sign from the form;
- c) contract for collective mark in compliance with article A-5 of the Law, when it is requested the registration of collective mark;
- d) evidence of tax payment and compensation of administrative procedures.

2.4 In the application for registration of trademarks should be noted the description and its translation on official language in Kosovo.

### **Verbal Signs**

3.1 When with application is requested registration of the sign which contains only two letters, numbers or their combination and which is not in any graphical shape or in colors, the sign is considered verbal.

3.2 Verbal sign is displayed in application in that way that the sign is printed with a printer in the certain place in the application form.

3.3. Verbal sign is published in the Office Bulletin in the standard signs made by the Office.

## **Figurative Signs**

### **Article 4**

4.1 When by application is requested registration which is not verbal from the article 3 paragraph 3.1 of this direction or when the requested registration of the sign which is not three-dimensional, the sign is considered a figurative sign.

4.2. Figurative sign is displayed in the application in that way that the sign is printed with a printer in the certain place in the application form.

4.3 When it is requested registration of the color sign, the application should have also the form of the sign with color.

4.4 For the sign with color during the procedure of registration in the marks registration which is managed by the Office, the best technique of reproduction is used by the Office. In case of contest in regard to the nuances of the colors in which the signs was reproduced, dominates the appearance of sign from the application form.

4.5 In regard to the position of the sign in space, regular position is considered that position in which the sign was displayed in the application form.

## **Three-dimensional signs**

### **Article 5**

5.1 Three-dimensional sign is displayed in the application in the certain place in the application form.

5.2 When by application is requested registration of three-dimensional sign, to the application should be attached the picture or drawing of the shape of sign; to the application can be attached up to six presentation of the shape of sign from different perspectives.

5.3 From the presentation of the three-dimensional sign should be clearly seen this form of sign.

5.4 When the three-dimensional sign is presented on drawing, the reproduction should be done with black and clear lines without rashes. The drawing may contain also relieve presentations and shade drawing in order to display three-dimensional characteristics as clear as possible.

## **Other conditions related to the shape of sign**

### **Article 6**

6.1 The shape of sign should be of that quality, shape and color so that the elements of the sign can be distinguished clearly. In the presented sign should not be attached, deleted or colored anything.

6.2 The shape of sign should be modeled in that way so that it can be placed in the certain place in the application form and that the difference between two most distant points of the sign, vertically, horizontally and diameter is not smaller than 1.5 cm.

## **List of the products and services**

### **Article 7**

7.1 Products and services should be clearly be determined and ordered as per the class of International Classification of products and services determined based on the agreement of Nice for international classification of products and services for registration of marks, hereinafter referred as agreement of Nice, each product or service should be written with the number of the class based on the agreement of Nice.

7.2 Classification of products and services serves exclusively for administrative purposes and cannot be considered that some products or services are same only that that they have been ordered in the same class based on the agreement of Nice.

## **Information from the application for mark registration which is published on Official Office Bulletin**

8.1 In the Official Office Bulletin is published the information for the registration of mark as follows:

- a) number of application;
- b) date of submission of application;
- c) name and address for application submitter;
- d) name and address of representative, if application submitter has one;
- e) list of products and services for which is requested the registration;
- f) information for the accepted right of advantage, date of exposure, or date of first application and state where it was presented;
- g) form of the sign which is registered;

- h) information by which is requested the registration of the sign with color or noting of the color which is requested to be distinctive element of the sign, if it is requested to register the sign with color;
- i) information by which is requested the registration of the figurative sign, if it is requested to register the figurative sign;
- j) information by which is requested the registration of the three-dimensional sign, if it is requested to register the three-dimensional sign;
- k) information by which is requested the registration of the individual, collective and certified marks, if it is requested to register the three individual, collective and certified marks;

8.2 Information from paragraph 1. of this article are written with INID-codes for identification of bibliographical information of marks which were determined by the World Organization of Industrial Property) WIPO, herein referred as INID-codes.

8.3 When application for registration of marks is published, some certain information in the paragraph 1 of this article are published in the Official Office Bulletin even in the cases of:

- a) registration of marks changes in application;
- b) changes in application in the sense of article 40 of the Law;
- c) separation of application.

### **III. OPPOSITION**

#### **Content of opposition**

Opposition in the registration of the mark should contain:

- a) number of application for registration of mark for which the opposition is made;
- b) name and address of the application submitter for which the opposition is made;
- c) name and surname of opposition submitter, in compliance with article 25 for this direction;
- d) name and address of the representative, in compliance with article 25 of this direction, when the submitter has it;
- e) list of products and services for which the opposition is made;
- f) legal basis of opposition ;
- g) evidences for the legal basis of opposition ;
- h) justifications for opposition submission;
- i) when the opposition was made on the basis of article 39 of the Law, whereas the name and address of the opposition submitter are not identical with the name and address for the previous bearer of mark, the evidence for legal relation between opposition submitter and bearer registered in the register;
- j) when the opposition submitter is license assignee, evidences by which is proved the right to submit opposition in compliance with article 39 of the Law;

- k) signature and stamp of the opposition submitter or signature and stamp of his representative;
- l) evidences for the payment of tax and due expenses compensation.

### **Other conditions for submission of opposition**

#### **Article 10**

10.1 For each opposition of registration of mark for which is submitted opposition, special opposition should be presented.

10.2 When the opposition is based on the article 39 of the Law, the opposition submitter should prove that the mark has won prestige in Kosovo before the date of application submission for registration of the mark for which the opposition is submitted, or if the right of advantage was requested, from the date of advantage right requested in application;

10.3 When the opposition is based on the article 39 on the Law, the opposition submitter should:

- a) prove that the enterprise is registered in the business register before the date of application submission for registration of the mark for which is made the opposition, or if the right of advantage was requested, before the date of advantage right requested in application;
- b) that with the request of application submitter for registration of mark, opposition submitter should prove that during the 5 years period, which precedes the date of application publication, produces products or services for which the opposition is being made.

### **Separation of application or registration**

#### **Article 11**

11.1 Request for separation of application or registration should contain:

- a) number of registration or of the first registration;
- b) name and address of the application submitter or bearer of the mark;
- c) form of the mark;
- d) list of products and services for which is wanted to sum up in separate application or registration;
- e) signature and stamp of request submitter or signature and stamp of his representative;
- f) evidences for the payment of tax and compensation of expenses;

11.2 For each separate application or registration of the marks should be submitted separate request.

11.3 List of products or services of separate applications or registrations, generally overviewed, should be identical with the list of products and services of the first application and registration in the moment when the request for separation was received.

11.4 Full list of subject from the first application or from the registration of mark becomes part of the list of subject of separate application or registration, whereas the request for separation becomes part of the list of the first application and registration.

11.5 To the separate registration and application is written new number.

11.6 The procedures started which deal with the first application and registration of the mark have to do also with separate applications and registrations if the products and services for which these procedures have started are not included.

11.7 Assigned representative for the first application and registration of mark is considered representative also for separate registration and application.

#### **IV. REGISTRATION, PUBLICATION, DOCUMENT OF TRADEMARK**

##### **Content of trademark register**

##### **Article 12**

12.1 In the register of mark is written this information:

- a) number of application and registration of mark, date of application submission, information for the application submitter and bearer of the mark, who is noted on the application;
- b) information for the authorized representative, which were mentioned in application, in compliance with article 2 paragraph 2.1 of this direction, if the representative is assigned;
- c) list of products and services, information for the right of advantage, date of advantage right;
- d) form of mark, information that the sign is figurative, if the sign is such, information that the sign is three-dimensional; if the sign is such, information that the sign is with colors and note of the color which is distinctive element of the mark, if the mark is in color;
- e) information that the mark is individual, collective or certified, transliteration of sign, if it is noted in application, description of sign, if it is noted in application;
- f) translation of the sign in official language, if it is noted in application, classification of figurative elements of the sign in compliance with International Classification based in the Vienna Agreement for determination of International Classification of figurative elements of the sign;

- g) rules from the contract by which are regulated the use of joint mark, if the mark is joint, date of publication of application in the Official Office Bulletin, information for the manner of completion of administrative procedures;
- h) date of registration of mark, date from which commences the validity of mark, date of publication of registration of the mark in the Office Bulletin, information for changes in application or in mark registration, in compliance with articles 40 and 43 of the Law;
- i) information of change of mark or application, transfer of rights, license, deposit, execution, change of name and address of application submitter, bearer of the mark or its representative, change of representative, limitation of the list of products and services, separation of applications or registration, information on bankruptcy, changes and complements on contract which regulates the use of collective mark and other information related to the legal status of the mark;
- j) information for the submitted opposition, info for the request submitted for revocation of the mark, info for the request submitted for termination of mark, info for administrative contests in regard to the registration of the mark;
- k) information for abandonment from the mark, info for termination of mark validity and the basis for this termination.

### **Information for registration of marks which are published in the Office Bulletin**

#### **Article 13**

13.1 In the register of marks this information is written:

- a) number of mark registration;
- b) date of mark registration;
- c) date of application submission;
- d) name and address of the bearer of mark;
- e) name and address for mark representative;
- f) list of products and services;
- g) information for the accepted advantage right, date of advantage right or date and number of first application and state where the application was submitted;
- h) appearance of the mark;
- i) information that the mark is in color and note of the color which is distinctive element of the mark, when the mark is in color;
- j) information that the sign is figurative, when the sign is such;
- k) information that the sign is three-dimensional, when the sign is three-dimensional;
- l) information that the sign is individual, collective or certified;
- m) date until when the mark is valid.

13.2 Information from the paragraph 1 of this article are written with INID-codes.

13.3 Information from the paragraph 13.1 of this article are published in the Office Bulletin even in the cases of:

- a) registration in the register of marks, changes in mark;
- b) changes in the registration of mark, in compliance with the article 40 and 43 of the Law;
- c) separation of registration;
- d) extension of registration of mark;
- e) termination of mark validity.

## **Information contained by the document for marks**

### **Article 14**

Information contained by the document for marks are:

- a) number of mark registration;
- b) date of mark registration;
- c) date of application submission;
- d) name and address of the bearer of mark;
- e) name and address for mark representative, when the bearer of the marks has a representative;
- f) list of products and services;
- g) information for the accepted advantage right;
- h) appearance of the mark;
- i) information that the mark is in color and note of the color which is distinctive element of the mark, when the mark is in color;
- j) information that the sign is figurative, when the sign is such;
- k) information that the sign is three-dimensional, when the sign is three-dimensional;
- l) information that the sign is individual, collective or certified;
- m) date of publication of registration of the mark in the Official Bulletin;
- n) date until when the mark is valid.

## **Evidence for issue of documents**

### **Article 15**

15.1 Issued document is evidenced in the register for evidence.

15.2 The document contains data that the issued document is identical with the source one, place and date of issue, number by which the document was issued, stamp and signature for the authorized Office officer.

## **V. CERTIFICATE**

### **Content of the certificate for Trademarks**

#### **Article 16**

Certificate for trademark contains:

- a) number of trademark;
- b) name of trademark;
- c) information for the bearer of trademark, name, surname and dwelling place for physical persons, or enterprise and headquarters for legal persons;
- d) information for trademark, name and surname;
- e) accepted date of the advantage right;
- f) date of registration of trademark in the register for trademark;
- g) date of publication of trademark;
- h) date of issue of certificate.

## **VI. REGISTRATION OF CHANGES IN REGISTER**

### **Content of the request for registration of changes**

#### **Article 17**

17.1 Request for registration of changes should contain:

- a) number of application for registration of mark or number of the registered mark;
- b) name and address of the application submitter or mark bearer;
- c) name and address of request submitter, in compliance with article 25 of this direction;
- d) name and address of the representative, in compliance with article 25 of this direction, when the representative has one;
- e) clear note in regard to what change is in question;
- f) signature and stamp of the request submitter, or signature and stamp of his representative.

17.2 Information from the paragraph 17.1 of this article are noted in the form which is a content part of this direction.

17.3 To the form noted in the paragraph 17.2 of this article should be attached:

- a) evidence for legal basis for registration of changes, except in cases when is submitted request for change of name or address of the application submitter for registration of mark, bearer of mark or representative;
- b) evidence for payment of tax and due compensation of expenses.

## **Other conditions for submission of request for registration of changes**

### **Article 18**

18.1 When it is requested registration of changes for more applications, where the submitter is the same person, or it is requested registration of changes for more registration of the mark bearer of which is the same person, it can be submitted only one request where should be noted all numbers of applications or registrations with which the change has to do.

18.2 When it is requested partial registration of the transfer of rights, the Office compiles new application or new registration of mark which includes products or services related to the completed transfer. When is made the transfer or registration which includes certain products or services with any general expression, this general expression will be used in all new lists of products and services where it is transferred.

18.3 Full copy of the list of first application or mark registration becomes part of the list of new application subject or registration form the paragraph 18.2 of this article, where as the copy of the request for registration of right transfer is made part of the list of first application subject or registration.

18.4 To the new application or registration from the paragraph 18.2 of this article is assigned new number.

18.5 Commenced procedures in regard to the source application of registration, will affect also in the new application or registration from the paragraph 18.2 of this article if it includes products and services for which the procedure has commenced.

## **Procedure in regard to the request for registration of changes**

### **Article 19**

19.1 When the request for registration of changes was not submitted in compliance with the Law and direction, the Office invites the request submitter that in a timeline for 60 days from the date of receiving the invitation to complete the request or to submit respective evidences.

19.2 When the request submitter acts in compliance with the invitation from the paragraph 19.1 of this article, the Office makes the decision for registration of changes.

19.3. By the request of request submitter, the timeline from the paragraph 19.1 of this article can be extended for another 60 days.

19.4 When the request submitter in the determined timeline does not act in compliance with the invitation from the paragraph 19.1 of this article, the request is refused with a decision.

## **VII. EXTENSION AND TERMINATION OF TRADEMARKS VALIDITY**

### **Content of the request for extension of trademarks validity**

#### **Article 20**

20.1 Request for extension of registered mark validity should contain:

- a) number of the registered mark;
- b) name and address of the mark bearer;
- c) name and address of request submitter, in compliance with article 25 of this direction;
- d) name and address of the representative, in compliance with article 25 of this direction, when the representative has a representative;
- e) note whether it is requested extension for all products and services or only some products and services for which the mark was registered;
- f) signature and stamp of the request submitter, or signature and stamp of his representative.

20.2 Information from the paragraph 20.1 of this article are noted in the form which is a content part of this direction.

20.3 To the form should be attached also:

- a) list of products and services for which the mark is registered, clearly noting for which products or services is requested the validity extension, in cases when it is requested extension only for some products or services;
- b) evidence for payment of tax and due compensation of expenses.

### **Request and procedures for extension of registered mark validity**

#### **Article 21**

Article 19 of this direction, is applied also in the procedures related with the request for registered mark validity.

### **Content of the request for revocation of mark**

#### **Article 22**

22.1 For each mark for which it is submitted request for revocation, should be submitted a separate request.

22.2. Request for revocation should contain:

- a) number of the registered mark for which the request is submitted;
- b) name and address of the mark bearer;
- c) name and address of request submitter, in compliance with article 25 of this direction;
- d) name and address of the representative, in compliance with article 25 of this direction, when the representative has a representative;
- e) list of products and services for which the request is submitted;
- f) reasons why the revocation request is submitted;
- g) signature and stamp of the request submitter, or signature and stamp of his representative;
- h) evidence for payment of tax and due compensation of expenses.

### **Content of the request for cancellation of trademarks**

#### **Article 23**

Request for declaration of mark cancellation should contain:

- a) number of the registered mark for which the request is submitted;
- b) name and address of the mark bearer for which the request is submitted;
- c) name and address of request submitter, in compliance with article 25 of this direction;
- d) name and address of the representative, in compliance with article 25 of this direction, when the representative has a representative;
- e) list of products and services for which the request is submitted;
- f) legal basis for declaration of mark cancellation;
- g) evidences for legal basis for declaration of mark cancellation;
- h) reasons why the request is submitted;
- i) when the request submitter is winner of license, the evidence that he has won the right to submit request in compliance with the article 30 and 31 of the Law;
- j) evidence that the previous mark fulfills the conditions of use from the article 12 of the Law, when the request is submitted according to the article 9 and 10 of the Law;
- k) signature and stamp of the request submitter, or signature and stamp of his representative;
- l) evidence for payment of tax and due compensation of expenses.

### **Other conditions for submission of the request for cancellation of trademarks**

#### **Article 24**

24.1 For each mark for which the request is submitted for declaration of mark cancellation, separate request should be submitted.

24.2 When the request for declaration of mark cancellation is made in compliance with the article 9 and 10 of the Law, the request submitter should:

- a) prove that the enterprise is registered before the date of submission of application for registration of mark and when was requested the advantage right, before the date of advantage right noted in the request;
- b) evidence that produces products or offers services for which the request is submitted.

## **VIII. GENERAL RULES**

### **Name and address**

#### **Article 25**

25.1 Name and address of the application, opposition and any other request submitter are noted in the letters written at the Office in this way:

- a) when the submitter is a physical person, name and surname of the submitter, street, house number, postal code, place and state of living;
- b) when the submitter is a legal person: enterprise, street, postal code, place and state of headquarters.

25.2 Name and address of the representative, noted in the letter written at the Office in this way:

- a) when the representative is a physical person, name and surname of the submitter, street, house number, postal code, place and state of living;
- b) when the representative is a legal person: enterprise, street, postal code, place and state of headquarters.

25.3 When several submitters of application, opposition or requests for submission of letters it is taken into consideration only the address of the submitter which is noted the first, except if the submitter does not determine any other address for correspondence.

25.4 When several addresses of submitters of application, opposition or requests or more addresses of representatives, for submission of letters it is taken into consideration only the address of the submitter which is noted the first, except if the submitter does not determine any other address for correspondence.

25.5 In the attachment may be noted also other ways of contact with the application, opposition submitter, or with the representative, phone no., fax no., email address.

### **Other conditions for attachments**

#### **Article 26**

26.1 The Office accepts attachments signed with hand and facsimile of signature.

26.2 When to the attachment are attached several evidences, it is good to make the list of these evidences.

## **Delivery of attachments**

### **Article 27**

27.1 Attachments are delivered to the Office directly or through post or fax.

27.2 When the office doubts on the authenticity of photocopied attachments or sent via fax, it can invite the submitter that in a timeline of 30 days to submit proves for the provided attachments.

27.3 Person acts in compliance with article 27.2 of this article, then as a date of reception of attachments is considered the date when in the Office was delivered the photocopy, respectively the date of fax received by the Office.

27.4 Person does not act in compliance with article 27.2 of this article in the determined timeline, it is considered that the office did not receive the attachment.

## **IX. FINAL AND TRANSITIONAL PROVISIONS**

### **Termination of the validity of acts**

#### **Article 28**

By the effective date of this Administrative Direction, all bylaws that regulated this field are abrogated.

### **Enforcement**

#### **Article 29**

This Administrative Direction enters into force on the date of signing by the Minister of Trade and Industry.

Prishtinë, \_\_\_\_\_

Minister of Trade and Industry  
Bujar Dugolli

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