



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

Ministria e Industrisë, Ndërmarrësisë dhe Tregtisë
Ministarstvo Industrije, Preduzetništva i Trgovine - Ministry of Industry,
Entrepreneurship and Trade

ADMINISTRATIVE INSTRUCTION (MIET) No. 08/2023
ON THE PROCEDURE FOR REGISTRATION OF TRADEMARKS

MINISTER OF THE INDUSTRY, ENTREPRENEURSHIP AND TRADE,

Pursuant to Article 93, paragraph 1 of Law No. 08/075 on trademarks (Official Gazette of the Republic of Kosovo No. 18/13 July 2022, Article 8, paragraph 1, subparagraph 1.4, Annex 12 of Regulation (GRK) No. 02/2021 on Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, as well as Article 38, paragraph 6 of the Rules of Procedure No. 09/2011 of the Government of the Republic of Kosovo; issues the following:

**ADMINISTRATIVE INSTRUCTION (MIET) No. 08/2023
ON THE PROCEDURE FOR REGISTRATION OF TRADEMARKS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

This Administrative Instruction shall define the procedures for trademark registration with the Industrial Property Agency (hereinafter - the Agency).

**Article 2
Scope**

This Administrative Instruction shall apply to entities subject to the registration procedure for obtaining a trademark before the Industrial Property Agency.

**CHAPTER II
APPLICATION FOR TRADEMARK REGISTRATION**

**Article 3
Content of the application form**

1. Application for trademark registration shall contain:

1.1. Application for trademark registration;

1.2. Applicant's data - the owner of the application. If the applicant is a natural or legal person: Applicant's first and last name or company name, full address, e-mail address and telephone number. If the representative is a natural or legal person: the applicant's first and last name or company name, full address, e-mail address and telephone number.

- 1.3. The number of classes in the list of products and/or services for which trademark registration is requested; the goods and/or services must be mentioned in the special section in the application in accordance with the International Classification of Goods and Services (Nice Classification).
- 1.4. If the priority right is requested, the data according to Article 27 of the Law on Trademarks;
- 1.5. If the priority right is requested from the exhibition, the relevant data of the first exhibition, according to Article 29 of the Law on Trademarks;
- 1.6. Display and data on the type of brand according to Article 5, paragraph 3 of this Administrative Instruction, for which registration is required;
- 1.7. If the mark contains letters, words or numbers that are not in Latin script, or Arabic or Roman numerals, the application shall be accompanied by a description or transliteration of each of these letters, words or numbers;
- 1.8. Clear details if registration of a collective or certification mark is required;
- 1.9. The signature or stamp of the applicant or his/her representative.
- 1.10. A statement by the applicant waiving any rights claimed to any trademark element that is not distinctive, namely words deemed to be generic, descriptive or informative.
2. When two or more applicants are presented in the application, then one of them must be designated as a joint representative.

Article 4

Other additional documents for the application

1. The following additional documents shall be enclosed with the application:
 - 1.1. A list of goods or services considered as an integral part of the application and the description of the list of products and services according to the Nice Classification;
 - 1.2. Evidence of the priority right according to Article 27, paragraph 2 or if required, the priority right of exhibition according to Article 29, paragraph 2 of the Law on Trademarks;
 - 1.3. Regulation according to Article 61 of the Law on Trademarks;
 - 1.4. Proof of the respective fee payment;
 - 1.5. Power of Attorney;
 - 1.6. Description of the mark;
 - 1.7. Translation of the mark into the official languages of the Republic of Kosovo if the mark consists of or contains one or more words in another language.

Article 5

Trademark design

1. The trademark design must be presented in the application in a clear, precise, distinct, understandable and objective manner; in an appropriate form using available technology, as well as in electronic form, provided that the design can be presented in the Agency's electronic register.
2. The trademark design shall define the registration object or subject. If the design is followed by a description, such description must be consistent with the design and cannot expand the scope of required registration.
3. When the application concerns any kind of trademark according to points 3.1. to 3.10. of this paragraph, the application shall include the relevant data. The trademark design submitted in an application must be consistent with the type of trademark as indicated in the application in the requested registration, as follows:
 - 3.1. If a trademark consists only of the word or letters, numbers, other standard typographic signs or their combinations (verbal trademark), the design must be a reproduction of a trademark which has been used with standard ways of writing and sequence, without any graphic elements or special colours;
 - 3.2. If a trademark consists of non-standard characters, styling, sequence of characters/signs, graphic elements or colours (figurative trademark), including trademarks consisting only of figurative elements or a combination of verbal and figurative elements, the design must be a reproduction of a trademark which displays all its elements and, depending on the case, also the colours; the design shall be presented in the application electronically, in the place specified in the application;
 - 3.3. If a trademark has a three-dimensional form, including the packaging, wrapping, the product itself or its design (three-dimensional trademark), the representation must be a graphic reproduction of a form, including computer-generated images or photographic reproductions; graphic or photographic reproductions may contain different viewpoints; the layout can contain up to six different views; when a shape mark is represented by a drawing, the design must be clearly defined by uniform and clearly defined bold lines and not by blurred lines; the drawing may contain lines and shading to represent three-dimensional details.
 - 3.4. If a trademark is specifically used and the trademark is placed or affixed to the product (position trademark), the presentation must be a reproduction that adequately identifies the position of a trademark and its size or proportions in relation to the relevant goods; the elements that do not constitute the scope of the registration are visually marked, preferably with dashed lines or dots; the presentation may be accompanied by a description detailing how the mark is affixed to the goods;
 - 3.5. If a trademark consists exclusively of a set of elements that are regularly repeated (pattern trademark), the representation must be a reproduction showing the recurring pattern, which may be accompanied by a description showing how its elements are regularly repeated;

3.6. If the colour or colours constitute exclusively a trademark (colour trademark) then it can be displayed in several appearances;

3.6.1 If a trademark consists of a single colour without an outline, the appearance must be a reproduction of such colour, which can be specified with the generally recognisable colour code;

3.6.2. If a trademark consists only of a combination of colours without an outline, the appearance must be a reproduction showing the sequence of the combination of colours in a uniform and predetermined manner, and an indication of such colours by referring to some generally recognised colour code, which may be accompanied by a description, detailing the sequencing colour adjustment;

3.6.3 If a trademark consists of a single sound or combination of sounds (sound mark), the submission must be a sound recording that reproduces such a sound or a recording of the exact vocal timbre;

3.6.4. If a trademark consists of or includes any movement or change in the position of the trademark elements (motion mark), the presentation must be a video file or a series of consecutive static images, showing movement or change in the position; when still images are used, they may be numbered or accompanied by a description explaining the sequence;

3.6.5. If a trademark consists of or includes any combination of images and sounds (multimedia mark), the presentation is made in an audio-visual recording that contains a combination of sight and sound;

3.6.6. If a trademark consists of elements with holographic characteristics (hologram mark), the appearance must be a video file, graphic or photographic reproduction that contains perspectives necessary to sufficiently identify the holographic effect in its entirety.

4. If a trademark that is not in accordance with paragraph 3 of this Article is presented, its presentation must be in accordance with the principles mentioned in paragraph 1 of this Article; such presentation may be accompanied by a relevant description.

Article 6

Electronic presentation of mark appearance

1. Electronic presentation must comply with the guidelines for technical specifications of trademark presentation and permitted document formats, available on the Agency's website.

2. If the presentation is not provided electronically, the trademark shall be reproduced in the place provided in the application form TM – 1 (square with dimensions 8 x 8 cm).

3. The trademark presentation must not contain inscriptions, erasures, handwriting or colour coverage.

4. If the registration of any colour mark is sought, the application must contain the reproduction of the colour mark, and the colours constituting the trademark must be indicated in words in the

relevant column. In addition, any internationally recognised colour code reference can be added. If the registration of a colour mark is not required, the mark shall appear in black and white on all documents, electronic databases and the Agency's Official Bulletin.

5. During the registration in the register of trademarks administered by the Agency, the colour mark shall appear in the publication, in the decision on the trademark registration and the trademark certificate, in the best technology available to the Agency. In case of any disputes regarding the nuances and shades of colours wherewith the trademark is presented, the reproduction of the trademark shall be determined according to the original trademark in the application form.

6. Samples in which the appearance of the trademark for which registration is requested is placed shall not be considered as an appearance of the trademark. These samples shall be sent back to the applicant. If their return is not possible, they shall be destroyed at the expense of the applicant before publication of the application for trademark registration.

Article 7

List of products and services

1. Products and services should be clearly defined and classified by Nice Classification classes, and each class must be marked by a class number; the list of products and services must use definitions and expressions from the Alphabetical List of Products and Services according to the Nice Classification Class.

2. The classification of products and services shall serve exclusively for administrative purposes and products or services shall not be considered similar just because they are classified under the same Nice classification class.

Article 8

Procedure for formal examination of the application

1. An application for trademark registration shall be submitted to the Agency in 2 (two) copies.

2. The applicant may request the registration of only a single mark through an application. Registration of two or more marks cannot be requested by one application.

3. The application with relevant data shall be recorded by the Agency by indicating the date of receipt and the application number.

4. The Agency shall hand back to the applicant one of the two applications with the relevant data recorded as evidence of the submission of the application by the applicant.

5. If, during the registration procedure, the Agency assesses that the presentation of the sign has descriptive or other elements, then it may exclude from protection one or several elements of the sign presented in the application for registration or exclusivity of use.

Article 9

Early examination of the application

1. The Agency shall make a formal examination of the applications in chronological order, as they are received by the Agency.
2. The applicant may submit a request for early examination by referring to Article 30, paragraph 6 of the Law on Trademarks.
3. Applications failing to comply with paragraph 2 of this Article shall not be considered by the Agency.
4. The application from paragraph 2 of this Article must contain the rationale for considering the early examination. Reasons for early examination shall be considered justified if there are outstanding circumstances that directly impact the expeditious registration procedure. Loss or damage that the applicant may incur solely because the trademark applied for is not yet registered shall not be considered exceptional circumstances.
5. Proof of the respective fee payment should be enclosed with the application from paragraph 2 of this Article. The Agency shall not take into account applications submitted without proof of payment of the corresponding fee.
6. The Agency shall resume the examination procedures of the application under the Law on Trademarks within fifteen (15) days from the day of receipt of the application. If the application is rejected, a notification of the rejection of the application must be reasoned and must be communicated to the applicant.
7. If the Agency considers that the conditions for early examination according to paragraph 4 of this Article have been met and that the corresponding fee has been paid, it shall carry out the formal examination and the examination related to the absolute grounds for rejection from Article 6 of the Law on Trademarks, applying the procedure regulated under Articles 30 and 31 of the Law on Trademarks and under this Administrative Instruction.

Article 10

Examination procedure regarding rejection on to the trademark absolute grounds to the trademark

1. If the Agency finds that the conditions defined by Article 30 of the Law on Trademarks have been met, the Agency shall resume the procedures provided for by Article 6 and Article 31 of the Law on Trademarks and this Administrative Instruction.
2. After the Agency finds that the requirements from Article 30, paragraph 1 of the Law on Trademarks have been met, the application shall be subject to the examination procedure on the grounds defined by Article 6 of the Law on Trademarks.
3. The Agency shall examine each ground outlined in Article 6 of the Law on Trademarks, one by one, independently as presented.

4. Following the examination procedure according to paragraphs 2 and 3 of this Article, the Agency must, according to Article 31 of the Law, issue a written notice on the grounds for rejection, specifying the reasons and justifications for rejection according to Article 6 of the Law on Trademarks.
5. The Agency shall issue a written notice of the grounds for rejection referred to in paragraph 4 of this Article for some or all of the goods or services requested in the application.
6. If the Agency delivers to the applicant a written notice of the grounds for rejection mentioned in paragraph 4 of this Article, it shall invite him/her to present his/her remarks and counterarguments within 2 months from the receipt of the notice, including the presentation of additional facts and evidence that may affect the Agency's final decision regarding the absolute grounds for refusal of registration from Article 6 of the Law on Trademarks. At the request of the applicant, the deadline can be extended for another two (2) months from the expiration of the first two-month period.
7. If the proof of the respective fee payment is not enclosed with the request for the extension of the deadline in accordance with paragraph 6 of this Article, the Agency shall not take into account the requests submitted without the proof of the corresponding fee payment.
8. Upon receiving written notice of the grounds for rejection from paragraph 4 of this Article, the applicant may withdraw his/her application, limit the list of goods and services or submit remarks and arguments related to the Agency's findings, including the presentation of facts, additional arguments and evidence that may affect the Agency's final decision.
9. If the applicant withdraws the application, the application shall be considered not submitted. At the request of the applicant, the Agency shall issue a confirmation of the withdrawal of the application.
10. If the applicant fails to respond within the deadline provided for under paragraph 6 of this Article, the Agency shall issue a relevant decision.
11. After receiving a response from the applicant according to the written notification of the grounds for rejection mentioned in paragraph 4 of this Article, the Agency shall examine all the remarks and arguments presented by the applicant and shall issue the relevant decision based on Article 6 of the Law.
12. If the Agency, during the examination procedure, assesses that the application was submitted in bad faith and contains well-known or internationally reputable trademarks registered in international databases, IPA rejects the application for registration.

Article 11

Publication of the application and entry in the Trademarks Register

1. If an application has met the requirements after examination on an absolute basis, according to Article 6 of the Law on Trademarks, it shall be published in the Official Bulletin of the Agency in accordance with Article 32, paragraph 1 of the Law on Trademarks and shall be registered as an

application in the Trademarks Register, which is administered by the Agency, in accordance with Article 71, paragraph 1 of the Law on Trademarks.

2. If after examination on an absolute basis according to Article 6 of the Law on Trademarks, the application is rejected only for some goods and services for which it was submitted, the application shall be published in the Official Bulletin of the Agency in accordance with Article 32, paragraph 1 of the Law on Trademarks and shall be registered as an application in the Trademarks Register administered by the Agency, in accordance with Article 71, paragraph 1 of the Law on Trademarks, only for goods and services that have not been rejected.

3. If, after examination on the absolute basis referred to in Article 6 of the Law on Trademarks, the application is rejected for all the goods and services for which it was submitted, the decision shall be published in the Official Bulletin of the Agency.

Article 12

Content of the publication of applications

1. The publication of the application in the Official Bulletin of the Agency shall contain the following data:

1.1. Application number;

1.2. Date of filing of the application;

1.3. Name and address of the applicant or applicants;

1.4. Name and address of the representative, if any;

1.5. Trademark appearance, with the elements and descriptions mentioned in Article 4 of this Administrative Instruction;

1.6. List of goods and services sorted by Nice Classification classes;

1.7. Alleged data related to the priority right request;

1.8. Alleged data related to the priority right request from the exhibition;

1.9. when an application is submitted for a colour mark, the publication shall contain the “colour” indication/mark along with the indication of the colours constituting the mark and the indication of the recognised international colour code;

1.10. Data for a collective mark or certification mark;

1.11. Application withdrawal note if the trademark registration application has been published;

1.12. Depending on the case, any limitation of the right, made by the applicant.

2. The data referred to in paragraph 1 of this Article shall be presented through INID codes, which identify bibliographic data related to trademarks, referred to by the World Intellectual Property Organization.

3. When the application for trademark registration has already been published, the relevant data referred to in paragraph 1 of this Article shall also be published in the Official Bulletin of the Agency in the following cases:

3.1. Entering new data in the trademarks register, related to changes in the application;

3.2. Improvements and limitations of the application;

3.3. Separation of the application;

3.4. Correction of mistakes.

Article 13

Contents of the Trademark Register

1. Pursuant to Article 71, paragraph 1 of the Law on Trademarks, the Agency shall maintain the Trademarks Register, which shall also contain data on applications for trademark registration.

2. The content of the Trademarks Register related to trademark applications shall be regulated by Article 24 of this Administrative Instruction.

3. Applications for trademark registration shall be entered in the Trademarks Register in accordance with Article 25, paragraphs 2 and 3 of this Administrative Instruction

CHAPTER III

THIRD-PARTY OBSERVATIONS

Article 14

Procedure for third-party observations

1. Pursuant to Article 33 of the Law on Trademarks, the interested parties may submit written observations to the Agency, claiming that the trademark should not be registered due to the reasons stated in Article 6 of the Law on Trademarks. Third parties shall not be parties to the registration procedures before the Agency.

2. Third-party observations shall be submitted within three months from the date of publication of an application for trademark registration in the Official Gazette of the Agency.

3. Observations related to trademark registration, along with all enclosed documents, shall be submitted to the Agency in three (3) copies.

4. The Agency shall communicate a copy of the observations from paragraph 1 of this Article to the applicant for trademark registration within thirty (30) days of their receipt, and the applicant may respond within one (1) month after receiving a copy of the observations.

5. Regarding the third-party observations and the applicant's response, the Agency shall rule on the applicant's application according to the procedure in accordance with the Law on Trademarks.

6. Third-party observations shall suspend the registration procedure for published applications.

Article 15

Content of third-party observations

1. Third-party observations must contain:

1.1. The number of the trademark registration application in relation to which the observations were submitted;

1.2. The list of goods or services in relation to which the observations were submitted;

1.3. The name and address of the applicant in relation to which the observations were submitted;

1.4. Clear data related to the ground for observations, which create the legal basis for the observations;

1.5. The legal argument and reasoning according to the absolute grounds for rejecting trademark registration, defined in Article 6 of the Law on Trademarks;

1.6. Name, address and e-mail address of the party submitting the observations;

1.7. The name, address and e-mail address of the representative of the party submitting the observations, if the representative has been appointed;

1.8. Power of attorney for the representation of the party submitting the observations, if any;

1.9. Signature of the party submitting the observations or of his/her representative.

2. Third-party observations may contain further details of the facts, arguments and evidence submitted in support of the claims made in the observation, along with relevant supporting documents.

Article 16

Re-examining the absolute basis ex officio

The Agency may ex officio reopen/re-examine the examination procedure related to the absolute grounds for rejection from Article 6 of the Law on Trademarks, depending on the case, at any time before or after the registration of the trademark based on the relevant Law on General Administrative Procedure.

CHAPTER IV

OBJECTION

Article 17

Content of the objection

1.For each published application objected to pursuant to Article 34 of the Law, only one objection can be submitted by the petitioner. If several applications have been objected to through a single objection, the Agency shall ask the party to sever the objections within 2 months from the receipt of the division request. If the party fails to respond, the Agency shall reject the objection by decision.

2.The objection to trademark registration shall contain:

2.1.The number of the trademark registration application in relation to which the objection was filed;

2.2.The name and address of the applicant in relation to which the objection was filed;

2.3.The trademark appearance for which the objection was filed;

2.4.The list of goods or services for which the objection is filed; if the list of goods and services is not mentioned, it shall be considered that the objection concerns the list of goods and services according to the objected application.

2.5.A clear indication of the provision of Article 7 of the Law on Trademarks that constitutes the legal basis for the objection;

2.6.Data and description of the previous trademark or another right on which the objection is grounded, or:

2.6.1.If the objection is based on a previous trademark pursuant to Article 7, paragraph 2, points 2.1, 2.2 and 2.3 of the Law on Trademarks, the application number or registration of the previous trademark, the trademark appearance, as registered or for which the application is filed;

2.6.2.If the objection is based on a well-known brand pursuant to Article 7, paragraph 2, point 2.4. of the Law on Trademarks, stating that the trademark is well-known in the Republic of Kosovo, as well as the trademark appearance;

2.6.3.If the opposition is based on a reputable registered trademark pursuant to Article 7, paragraph 3, point 3.1 of the Law on Trademarks, the application number and registration of the previous trademark, the trademark appearance as registered and state that the former trademark has a reputation in the Republic of Kosovo;

2.6.4.If the objection is based on the fact that the trademark owner has not given the authorisation for application under Article 7, paragraph 3, point 3.2 of the Law on Trademarks, the trademark appearance and specify whether the previous trademark has been applied for or registered as well as the application or registration number;

2.6.5.If the objection is based on a previous designation of origin or any geographical indication under paragraph 3, point 3.3 of the Law on Trade Marks, the data and presentation of the former designation of origin or geographical indication and if it is protected in the Republic of Kosovo, as well as the date of submission of the application or the date of registration.

2.6.6.If the objection is based on the data or evidence of the registration of a previous business, as defined in Article 7, paragraph 4, point 4.1 of the Law on Trademarks, the date of registration in the business register.

2.6.7.If the objection is based on the correct previous data from Article 7, paragraph 4, point 4.2. of the Law on Trademarks, information on the type or nature of the right, the filing of the prior right and the date on which the prior right entered into force.

2.6.8.If the objection is based on bad faith, as provided for in Article 7, paragraph 6, the data of the previous trademark and indication if it is protected in the Republic of Kosovo or another country.

2.7.If an earlier trademark has been applied for or registered, the date of its presentation and if accepted, the date of registration and the date of priority of the earlier trademark;

2.8. If the objection is based on a previous trademark for which the previous trademark has been registered or applied for the goods and services for which there is a ground for objection;

2.9.The goods and services for which the previous trademark proves to have become well-known in the Republic of Kosovo before the date of the accepted priority of the application against which the objection was filed;

2.10.The goods and services for which the previous trademark proves to have gained a reputation in the Republic of Kosovo before the date of the accepted priority of the application against which the objection was filed;

2.11.If an earlier trademark has several owners or if an earlier right belongs to several owners, an objection may be filed by all owners or authorised persons jointly, or by any owner individually or jointly with another owner or jointly with another authorised person;

2.12.The name, address and e-mail of the party filing the objection;

2.13.The name, address and e-mail of the representative of the party filing the objection if the objection is submitted through a representative;

2.14.When an objection is filed by a licensee or a person who is authorised to exercise a prior right in accordance with the relevant legislation, the relevant data on the power of attorney or the right to submit the objection, license data, address and e-mail address;

2.15.When the name or address of the party filing the objection is not identical to the name or address of the owner of the previous trademark on which the objection is based, the party shall be obliged to prove the history of changes in the owner's name or address.

2.16.Signature of the petitioner, or representative of the objection.

2.17.Proof of the respective fee payment;

3.The objection may contain further details of the facts, arguments and evidence submitted in support of the claims made in the objections, along with relevant supporting documents.

4.The objection to a trademark along with all the enclosed documents shall be submitted to the Agency in duplicate.

5.If the objection is based on several prior trademarks or other prior rights, paragraph 2 of this Article shall apply to each of these prior trademarks or other prior rights.

6.The submitter of the opposition may at any time withdraw the opposition. The IPA issues a decision on the waiver or withdrawal of the opposition.

Article 18

Annexes of the objection

1. The following documents shall be enclosed with the objection:

1.1.a copy of the certificate or an equivalent document related to the application for the registration of an earlier trademark from a competent office or a copy of the relevant certificate or confirmation of the trademark registration or, the certificate of registration extension of an earlier trademark, if the objection is based on a previous trademark according to Article 7, paragraph 2, points 2.1, 2.2 and 2.3 of the Law on Trademarks.

1.2.evidence that the previous trademark is well-known in the Republic of Kosovo for the goods and services for which the application for trademark registration has been submitted, if the objection is based on the previous trademark well-known in the Republic of Kosovo according to Article 7, paragraph 2, point 2.4 of the Law on Trademarks;

1.3.evidence that the previous trademark has a reputation in the Republic of Kosovo and evidence or arguments that the use of the trademark in the disputed application unfairly exploits the distinctive character or reputation of the comparable trademark if the objection is based on a previous trademark from Article 7, paragraph 3, point 3.1 of the Law on Trademarks;

1.4.evidence that the petitioner filing the objection is the owner of the previous trademark and proof of his/her relationship with the representative if the objection is based on the fact that the trademark owner has not given his/her authorisation from Article 7, paragraph 3, point 3.2. of the Law on Trademarks;

1.5.a copy of the extract or equivalent document proving that the company is registered in the business register and proof that the goods or services, which are subject of activity of such company, are being used in trade, if the objection is based on a previous company from Article 7, paragraph 4, point 4.1 of the Law on Trademarks;

1.6.evidence of the right owner, the date of acquisition of the right, its existence, the scope of protection, if the objection is based on one of the previous rights from Article 7, paragraph 4, point 4.2 of the Law on Trademarks;

1.7.proof of obtaining, existence and scope of protection, if the objection is based on a designation of origin or a geographical indication from Article 7, paragraph 3, point 3.3 of the Law on Trademarks;

1.8.a summary of the factors and presentation of the evidence prima facie that the application was submitted in bad faith;

1.9.proof of fee payment for filing the objection;

1.10.power of attorney of the representative, if any, or proof that the representation is based on a general power of attorney registered in the register of general authorisations kept by the Agency.

2.If the evidence of the application or registration of previous rights from paragraph 1, points 1.1, 1.4 to 1.8 of this Article is available online by reviewing official databases, the petitioner may submit evidence by referring to such source.

3.To assess whether a trademark is well-known pursuant to Article 7, paragraph 2, point 2.4 of the Law on Trademarks and paragraph 1.2 of this Article, the Agency shall act according to the recommendations for the protection of well-known trademarks, approved by the Assembly of the Paris Convention on the Protection of Industrial Property and the WIPO General Assembly in 1999, and the WIPO Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet, adopted by the Assembly of the Paris Convention for the Protection of Industrial Property and the WIPO General Assembly in 2001.

4.The following paragraphs shall be considered as a non-exhaustive list of factors when assessing the application in bad faith pursuant to Article 7, paragraph 6 of the Law on Trademarks in cases where:

4.1.the applicant or holder has been identified as a bad-faith petitioner by the Agency;

4.2.the applicant or holder had a prior relationship with the legal owner, but not limited to, as a franchisee or dealer of the legal owner's goods/services;

4.3.The applicant or holder attempted to sell, for a price greater than the costs of the proceedings, an application or registration to the rightful owner of the mark;

4.4.The mark is identical or very similar to a mark that has a certain level of reputation in the relevant jurisdiction. It is not necessary for the rightful owner to have registered, submitted or used the mark in the jurisdiction where the application was submitted in bad faith, provided that the rightful owner can prove his/her reputation in that jurisdiction.

4.5.The legal trademark holder owns related intellectual property rights to that mark in the relevant jurisdiction, including but not limited to design, trade names, copyrights and/or personal names.

4.6.There is other evidence showing trends of similar behaviour such as, but not limited to, clustering/trafficking of domain names, copying of trade dresses, use or registration of trade names.

4.7.The application or registration shall include, without distinction, all or most of the Nice Agreement classes, which is obviously contrary to the applicant's or the holder's intention to use and/or bona fide interest in the trademark.

4.8.The applicant or holder has made multiple registrations of third-party trademarks or other types of intellectual property belonging to several third parties.

4.9.The applicant or holder does not provide evidence of any genuine business activity or genuine intention to use the mark.

5.The above factors mentioned in paragraph 4 of this Article, which are guidelines to help the IPA determine whether the trademark is presented in bad faith, shall not be prerequisites for reaching such a conclusion. Achieving such a conclusion shall, in each case, depend on the particular circumstances of such case. In some cases, all factors may be relevant. In other cases, only a few factors may be relevant. In other cases, none of the factors may be relevant, and the decision may be based on additional factors not listed in paragraph 4 of this Article. Such additional factors may be relevant, alone, or in combination with one or more of the factors listed in paragraph 4 of this Article.

Article 19

Multiple objections

1.If two or more objections have been filed against the same trademark registration application, the Agency may examine such objections in a joint or separate procedure.

2.After considering multiple objections in a procedure, the Agency may issue a single decision on all objections or separate decisions on each objection. All decisions of the Agency shall be served on all parties to the procedure.

3.When considering multiple objections in a procedure, the Agency may decide to grant the allegations from one objection but reject the allegation from another objection in the same procedure.

4.When the allegations of multiple objections are the same, the Agency shall issue a single decision.

Article 20

Non-use of the trademark in the objection procedure

1.If the applicant for registration of a mark that is the subject of the objection expressly requests from the owner of a previous mark who filed an objection to the registration, he/she must submit evidence that during the five-year period before the date of publication of the challenged application, the previous trademark subjected to objection, has been in genuine use as provided for under Article 16 of the Law on Trademarks, for the goods or services for which he/she is registered

and which are referred to as justification for his/her objection, or there are justified reasons for non-use, provided that, on this date, the previous trademark has been registered for a period of not less than five years.

2.The applicant shall submit the request from paragraph 1 of this Article, along with his/her observations on the objection from Article 35, paragraphs 3 and 4 of the Law on Trademarks.

3.After receiving the request from paragraph 1 of this Article, the Agency shall initially examine whether the previous trademark, which is the basis for the objection, has been registered for at least five years. If the trademark has not been registered for at least five years, the Agency shall by decision reject the request from paragraph 1 of this Article, without asking the petitioner to present his/her observations on the request from paragraph 1 of this Article. The Agency shall resume the examination procedure for the objection from Article 35 of the Law on Trademarks.

4.If the Agency considers that the previous trademark, which is the basis for the objection, has been registered for at least five years, it shall invite the opposing party to submit its observations on the request from paragraph 1 of this Article within a period of sixty (60) days from the receipt of the invitation.

5.If the owner of an earlier trademark fails to submit his/her observations regarding the request to prove the use of an earlier trademark or if he/she fails to prove the use or give justified reasons for not using an earlier trademark, the objection shall be rejected by the decision and the application procedure for trademark registration shall resume after the decision has become final.

6.If the owner of an earlier trademark submits his/her observations regarding the request to prove the use of an earlier trademark within the prescribed time limit, the Agency shall forward a copy of such observations to the applicant for trademark registration and shall invite him/her to submit his/her observations within a period of sixty (60) days from the day of receipt of the invitation.

7.After the deadline mentioned in paragraph 4 of this Article expires, the Agency shall decide on the justification of the objection based on the facts and evidence available from the previously submitted documents and observations.

8.If an earlier trademark was used in relation to only part of the goods or services for which it was registered, for the purposes of considering the grounds of objection, it shall be considered to have been registered in relation to only that part of the goods or services.

9.The proof of use must contain information about the place, time, extent and nature of the use of the contested mark for the goods or services in respect of which it is registered and on which the objection is based.

10.Evidence shall include the presentation of relevant documents and items such as packaging, labels, price lists, catalogues, invoices, photographs, advertisements and other appropriate items that can serve as evidence of the use of the earlier mark. Also, as evidence of use, the results of any research may be used, provided that the research refers to the five-year period prior to the date of publication of the contested trademark application.

11.The owner of the previous trademark shall submit the evidence from paragraphs 9 and 10 of this Article together with the observations from paragraph 4 of this Article.

12.Observations related to the request from paragraph 1 of this Article, along with the evidence from paragraphs 9 and 10 of this Article, shall be submitted in 2 copies.

13.The provisions mentioned in this Article shall apply accordingly to the procedure of presenting the proof of use referred to in the trademark revocation, invalidity and annulment procedures.

Article 21

Objection review procedure

1.Within three (3) months from the date of publication of the application for trademark registration, entities from Article 34, paragraph 1 of the Law on Trademarks may file an objection against the registration of the trademark application.

2.The objector shall clearly reason and specify the reasons constituting the grounds for objection, following the relative grounds from Article 7 of the Law on Trademarks, in accordance with Articles 16 to 20 of this Administrative Instruction.

3.Proof of the respective fee payment shall be enclosed with the objection. If the party did to pay the respective fee, the Agency shall ask the party to make the payment within 2 months. If the party fails to pay the fee, the Agency rejects the objection.

4.The objection filed shall be reviewed by the Agency regarding formal admissibility, checking whether the objection was submitted within the deadline from paragraph 1 of this Article and whether the corresponding fee from paragraph 3 of this Article was paid. If the Agency finds that these requirements have not been met, it shall reject the objection by decision.

5.If the Agency finds that the requirements from paragraph 4 of this Article have been met, it shall serve on the applicant a copy of the objection along with all the attachments submitted to the Agency and shall invite him/her to submit his/her observations within sixty (60) days of the receipt of the invitation. This deadline cannot be extended.

6.In his/her observations to objection, the applicant may present details of the facts, arguments and evidence in support of his/her claims against the objection, along with relevant supporting documents, as provided for in Article 35, paragraph 3 of the Law on Trademarks. Along with the objections, the applicant may submit a request for proof of use in accordance with Article 35 of the Law on Trademarks and Article 19 of this Administrative Instruction.

7.The Agency shall review the objection in the procedure regulated by Articles 35 and 37 of the Law on Trademarks, applying Article 7 of the Law on Trademarks and Articles 16 to 20 of this Administrative Instruction and taking into account the applicant's observations on the objection and the request for proof of use.

8.If the applicant fails to submit his/her observations to the objection within the specified period, the application for trademark registration shall be rejected and the Agency shall issue a decision granting the objection and rejecting the application for registration.

9.If, following the objection procedure, the applicant withdraws the published application for trademark registration, the Agency shall issue a decision granting the objection and withdraws the application.

10.If, following the objection procedure, the applicant withdraws the published application for trademark registration only for some goods and services, the Agency shall issue a decision granting the objection in relation to such goods and services and shall proceed with the examination procedure according to paragraphs 7, 11 to 13 of this Article for the remaining goods and services.

11.The Agency shall precisely state in the decision of the goods and services of the contested application, for which the objection is granted and the list of goods and services of the contested application for which the registration procedure runs. The Agency shall reject the application for the goods and services for which the objection is submitted due to the partial withdrawal of the applicant.

12.If the examination of the objection shows that the objection is unfounded, the Agency shall reject the objection. The decision to reject the opposition is sent to both the opponent and the applicant and once it is final, the trademark registration procedure continues.

13.If the objection examination indicates that the objection is based only on a part of the goods or services included in the application, the trademark registration procedure shall resume after such a decision has become final, for the part of the goods or services for which it has been proven that the requested registration can be granted or which are not the subject of the objection. The Agency shall expressly list in the objection decision the goods and services for which the trademark is rejected and the list of goods and services for which the registration procedure runs.

14.If the objection examination outcomes indicate that the objection is justified for all the goods or services for which the application for trademark registration has been submitted, the objection shall be granted and the application for registration shall be rejected.

15.Decisions from paragraphs 11 to 13 of this Article shall be reasoned in relation to each basis for objection from Article 7 of the Law on Trademarks. The Agency shall serve this decision to both the objecting party and the applicant.

16.If, on the date of publication of the application in the Official Bulletin, the previous trademark on which the objection is based is in the revocation or annulment procedure, the Agency shall suspend the objection procedure until the final decision is taken under the revocation or annulment procedure.

17.The Agency shall not consider ex officio any basis from Article 7 of the Law Trademark, without objection, even if it is clear that the application should not be registered due to any of the reasons from Article 7 of the Law on Trademarks. The burden of proof for the existence of relative

grounds from Article 7 of the Law on Trademarks shall be exclusively on the objecting party and the Agency shall not collect any evidence or testimony on its own initiative.

18. The Agency may suspend the registration procedure or the review of the opposition if it finds that a preliminary related matter is being reviewed in the judicial institutions or any other body, the result of which may affect the final decision by IPA.

19. If no party has submitted a Complaint to the Commission within 30 days against the Agency's decision, then the Agency continues the procedure pursuant to the legal provisions.

20. If a party files a lawsuit against the decision of the Complaints Commission in the competent court, it must inform IPA within 30 days. If IPA is not notified for the lawsuit filed within the deadline, then IPA considers that the Commission's decision has been the final decision.

21. The lawsuit filed suspends the execution of the IPA decision until the final decision is taken by the competent court.

Article 22

Mediation procedure

1. At the joint request of the parties, the Agency shall suspend the objection procedures for at least two (2) months in order to give way to an amicable solution between the objecting party and the applicant. The Agency shall issue a notice on the suspension of the proceedings, specifying the suspension period and notifying the parties.

2. At the joint request of the parties, the Agency may extend the suspension period. In such case, the Agency shall issue a new notice on the suspension of the procedures, specifying the new suspension period and notifying the parties.

3. After the expiration of the term in accordance with paragraphs 1 and 2 of this Article, if the parties fail to notify the Agency of any eventual agreement, the Agency shall resume the objection procedure.

4. Should an agreement be reached, the parties shall notify the Agency through a signed document by both parties, indicating that they have reached an agreement.

5. If IPA deems it necessary, it can organize the holding of discussion sessions on the objection procedures.

6. This Article shall also apply to procedures for the revocation, invalidity and annulment of trademarks.

7. If the IPA considers it necessary, it can invite the parties to the procedures in consultative meetings for clarifications and additional documents.

CHAPTER V
RESTRICTION OF THE LIST OF GOODS AND SERVICES AND DIVISION OF
APPLICATION OR REGISTRATION

Article 23
Restriction of the list of goods and services

1.A request to restrict the list of goods or services in the application for trademark registration according to Article 38, paragraph 1 of the Law on Trademarks, shall contain:

- 1.1.application number for trademark registration;
- 1.2.applicant's name and address;
- 1.3.name and address of the representative, if any;
- 1.4.restricted list of goods and services;
- 1.5.the signature of the applicant or his/her representative;
- 1.6.proof of the respective fee payment;

2.Paragraph 1 of this Article shall apply mutatis mutandis to the restriction of goods or services in the registration.

3.After receiving a request for restriction of the list of goods and services in the application or the trademark registration, the Agency shall issue a decision indicating exactly which goods and services remain on the list. In the reasoning of this decision, the Agency shall point out for which goods and services the request for restriction has been submitted by the applicant or the trademark owner and which goods and services shall remain in the Register of Trademarks.

4.The Agency shall serve the decision according to paragraph 3 of this Article on the applicant or the trademark owner, it shall publish the restricted list in the Official Bulletin of the Agency and shall delete from the Register of Trademarks the goods and services for which the request for the restriction was submitted and for which a relevant decision was issued.

Article 24
Division of the application or registration

1.A request for division of the application or trademark registration according to Article 44 of the Law on Trademarks, shall contain:

- 1.1.the number of the initial application or initial trademark registration;
- 1.2.the name and address of the trademark applicant or owner;
- 1.3.name and address of the representative, if any;

1.4.the list of goods or services from the application or registration for which the division is requested, and if applications or registrations that are the subject of division are requested, the list of goods and services for each application or registration separately.

1.5.the list of goods or services remaining in the initial application or registration;

1.6.signature of the applicant or trademark owner or representative, if any;

1.7.proof of the respective fee payment;

2.A separate application shall be filed for each separate application or separate registration of a trademark.

3.The Agency shall generate a new file for each separate application or registration containing a complete copy of the original application or initial registration, including the request for separation and related correspondence. A new file number shall be assigned to each separate registration.

4.The goods or services in the separate application or registration shall not coincide with the goods or services remaining in the original application or registration or those included in other separate applications or registrations.

5.When the Agency finds that the requirements in paragraph 1 of this Article have not been met, or that the list of goods and services that will form the separate application or registration partially or completely matches the goods and services that will remain in the initial application or registration, it shall ask the applicant to remedy the deficiencies within sixty (60) days from the receipt of such request.

6.If the deficiencies found by the Agency are not remedied in accordance with the invitation or are not remedied within the specified time limit, the Agency shall reject the request for the division of the application or registration.

7.All requests and procedures related to the initial application or registration made before the date on which the Agency received the request for the division of the application or registration shall be considered to have been initiated also with respect to the separate application or registration.

8.The designated representative to the initial application or initial registration shall also be considered to be the representative for separate applications or separate registrations.

CHAPTER VI

TRADEMARK REGISTER, TRADEMARK PUBLICATION, TRADEMARK CERTIFICATE

Article 25

Content of the Trademark Register

1. Trademark Register shall contain:

1.1. Trademark application and registration number;

1.2. Date of submission of the application;

1.3. Date of publication of the application in Official Bulletin of the Agency;

1.4. Name and address of the trademark owner;

1.5. Name and address of the representative, if any;

1.6. Trademark appearance

1.7. List of goods and services for which the mark has been applied or registered;

1.8. Date and number of initial application and State of its submission if priority right is required;

1.9. The date of priority of exposure, if priority right is given;

1.10. Clear indication that is a “verbal trademark”, “figurative trademark”, “three-dimensional trademark”, “trademark consisting of a colour or combination of colours”, or “other types of the trademark”,

1.11. When applying for coloured registration, the indication “coloured” and data on the colours that make up the mark,
and possibly a reference to an internationally recognised colour code,

1.12. A clear indication of whether the application is filed for a collective or certification trademark;

1.13. Date of trademark registration and registration number;

1.14. Date of publication of the trademark registration in the official bulletin of the Agency;

1.15. The expiration date of the trademark registration;

2. The Trademark Register shall also contain

the following data, and must be accompanied by the date of registration, such as:

2.1. Indications of changes associated with the trademark, changes of name and address of the applicant, owner or his representative, change of the representative, full or partial transfer of rights,

granting or transferring of license and its cancellation, creation or transfer the right of pledge and its cancellation, enforcement tax and its cancellation, bankruptcy or similar procedures and its cancellation;

2.2. Indications associated with corrections in the application or registration;

2.3. Corrections of the contract which stipulates the use of collective or certification mark;

2.4. The waiver of the trademark and if the waiver is related to some of the goods for which the trademark is registered, the remaining list of goods and services;

2.5. Division of registration and the list of goods and services of the original registration, as corrected;

2.6. Renewal of registration of the trademark and any limitation;

2.7. Date of submission of the request for revocation or request for the declaration of invalidity;

2.8. Date and content of the final decision on revocation or invalidation of the trademark; the date the protocol number; and

3. In addition to the physical form, the Trademark Register can also be kept in the form of an electronic database.

Article 26

Publication of registration

1. The Agency's Official Bulletin shall contain the following data:

1.1. Trademark registration number;

1.2. Date of trademark registration;

1.3. Date of submission of the application;

1.4. Name and address of the trademark owner;

1.5. Name and address of the representative, if any

1.6. Trademark design;

1.7. List of goods and services in respect of which the mark is registered;

1.8. Date and number of the first application and State of its filing, if priority right is given;

1.9. The date of priority of exposure, if priority right is given;

- 1.10. Clear indication that is a “verbal trademark”, “figurative trademark”, “three-dimensional trademark”, “trademark consisting of a colour or combination of colours”, or “other type of mark”,
 - 1.11. When applying for coloured the indication “coloured” and data on the colours that make up the mark, and possibly a reference to an internationally recognised colour code,
 - 1.12. Indication whether it is a collective or certification mark,
 - 1.13. The expiration date of the trademark registration;
 - 1.14.Changes in the Trademarks Register for trademark-related changes;
 - 1.15.Trademark registration corrections and restrictions;
 - 1.16.Division of registration;
 - 1.17. Extension of trademark registration;
 - 1.18. Correction of technical errors.
- 2.The data referred to in paragraph 1 of this Article shall be presented by INID codes.

Article 27

Application for the issuance of a trademark certificate

- 1.The application for the issuance of a trademark certificate shall contain:
 - 1.1.Registration number;
 - 1.2.Name and address of the trademark owner;
 - 1.3.Name and address of the representative, if any
 - 1.4.Respective fee payment.
- 2.For two or more registrations of the same owner, only one application for the issuance of a trademark certificate can be submitted.
- 3.The trademark owner may request re-issuance of the certificate upon payment of the respective fee.

Article 28

Contents of the trademark certificate

1. Trademark certificate shall contain the following data:

- 1.1. Trademark registration number;
- 1.2. Date of trademark registration;
- 1.3. Date of submission of the application;
- 1.4. Name and address of the trademark owner;
- 1.5. Name and address of the representative, if any;
- 1.6. Trademark design;
- 1.7. List of goods and services in respect of which the mark is registered;
- 1.8. Date and number of the first application and State of its filing, if priority right is given;
- 1.9. The date of priority of exposure;
- 1.10. Clear indication that is a “Verbal trademark”, “figurative trademark”, “three-dimensional trademark”, “trademark consisting of a colour or combination of colours”, or “other type of trademark”,
- 1.11. When applying for coloured registration the indication “coloured” and data on the colours that make up the mark, and possibly a reference to an internationally recognised colour code,
- 1.12. Clear indication that is a collective or certification mark;
- 1.13. Date of publication of the trademark registration in the Official Bulletin of the Agency;
- 1.14. The expiration date of the trademark owner;
- 1.15. Date of publication of the trademark registration in the Official Bulletin of the Agency.

CHAPTER VII CHANGES IN REGISTER

Article 29

Registration of changes in the Trademarks Register

1. A trademark applicant or owner may submit an application for registration of changes in the Trademarks Register in accordance with Article 42 of the Law on Trademarks.
2. The application for registration of changes in the Register shall contain:

- 2.1.Application or registration number;
- 2.2.The name, address, and e-mail of the trademark applicant or owner;
- 2.3.Name, address and e-mail of the representative, if appointed;
- 2.4.Evidence of change under the Law on Trademarks;
- 2.5.Clear indications on the type of change and description of how the change will be made;
- 2.6.The signature of the applicant or his/her representative.
- 3.Proof of respective fee payment.
- 4.When the Agency finds that the conditions for change referred to in paragraphs 1 and 2 of this Article and other requirements governing the change have not been met, the Agency shall invite the applicant to remedy the deficiencies within sixty (60) days of receipt of the invitation.
- 5.Upon the request of the applicant, the time limit set forth in paragraph 3 of this Article may be extended for a maximum of thirty (30) days.
- 6.If the deficiencies found by the Agency are not remedied in accordance with paragraphs 4 and 5 of this Article, the Agency shall reject the request for registration of changes.
- 7.If the deficiencies are remedied or there were no deficiencies and the request for change in the register is reasonable, the Agency shall issue a decision to register the changes in the Trademarks Register. The Agency shall publish the changes in the Official Bulletin.
- 8.The request changes shall be made separately for each application or registration and a separate fee shall be paid for each request.
- 9.This Article shall also apply to the submission of a request for correction of trademark applications.

Article 30

Transfer of the right

- 1.The request for transfer of the right contains:
 - 1.1.Application or registration number;
 - 1.2.Evidence of change for transfer under Articles 17 to 23 of the Law on Trademarks;
 - 1.3.The name, address and e-mail address of the new owner of the application or registered trademark;
 - 1.4.The name, address and e-mail address of the representative, if the new owner has appointed a representative;

- 1.5. When the transfer concerns only some of the goods and services, a clear and precise list of goods and services for which the transfer of the right is requested;
- 1.6. Signature of the applicant or trademark owner or representative, if any;
- 1.7. Proof of the respective fee payment;
2. When the Agency finds that conditions for registration of transfer, as defined in paragraph 1 of Article 17 of the Law on Trademarks, and other requirements governing the transfer are not fulfilled, the Agency shall invite the representative of the applicant to remedy the deficiencies within sixty (60) days of receipt of such request.
3. Upon the request of the applicant or the owner, the time limit may be extended for a maximum of thirty (30) days.
4. If the deficiencies are not remedied in accordance with the Agency's invitation or if they are not remedied within the defined time limit, the Agency shall by decision reject the request for transfer registration.
5. If the deficiencies are remedied or there were no deficiencies and the request for transfer registration in the register is reasonable, the Agency shall issue a decision to register the transfer in the Trademarks Register. The Agency shall publish the transfer in the Official Bulletin.
6. For each transfer of the right that refers to two or more registrations of the same owner, a separate request shall be submitted. The prescribed fee shall be paid for each transfer registration separately.

Article 31

Registration of pledge rights

1. The application for registration of pledge rights shall contain:
 - 1.1. Application or registration number;
 - 1.2. The name, address and e-mail of the beneficial of the real rights;
 - 1.3. Name, address and e-mail of the representative of the beneficiary, if appointed;
 - 1.4. Signature of the applicant or trademark owner or signature of the representative, if appointed.
2. The application for registration of pledge rights shall be accompanied by:
 - 2.1. Evidence for the establishment of the pledge rights based on the provisions of the law governing the real rights;
 - 2.2. Proof of the respective fee payment.
3. When the Agency finds that conditions for registration of pledge rights, as

defined in paragraphs 1 and 2 of Article 18 of the Law on Trademarks, and other requirements governing the pledge rights on the trademark are not fulfilled, the Agency shall invite the representative of the applicant or the trademark owner to remedy the deficiencies within sixty (60) days of receipt of such request.

4. Upon the request of the applicant, the time limit may be extended for thirty (30) days from the date of expiration of that time limit.

5. If the deficiencies outlined in paragraphs 1 and 2 of this Article are not fulfilled in accordance with the invitation of the Agency or if they are not

fulfilled within the prescribed time limit, the Agency shall reject the application for registration of the pledge.

6. If the deficiencies are not remedied or there were no deficiencies and the request for registration of the pledge rights is justified, the Agency shall issue a decision for the registration of the pledge rights in the Trademarks Register. The Agency shall publish the pledge rights in the Official Bulletin.

7. Separate requests shall be submitted for registration of the right of the same pledge related to two or more registrations of the same owner. The respective fee shall be paid for each pledge to be registered.

Article 32

Registration of execution or bankruptcy

1. Based on the provisions of Articles 19 and 20 of the Law on Trademarks, and upon the request of the competent authority, the Agency shall record the enforcement measure against the trademark application or registration or when the trademark applicant or the trademark owner is involved in the bankruptcy procedures or similar procedures.

2. The request from paragraph 1 of this Article shall contain the application or registration number of the trademark concerned and the details of the enforcement or bankruptcy procedures or similar procedures relevant to the application or registration of the trademark concerned.

3. If the conditions from paragraph 2 of this Article are met, the Agency shall issue a decision on registration of the enforcement or bankruptcy procedures or similar procedures in the Trademarks Register. The Agency shall publish such procedures in the Official Bulletin

Article 33

Registration of licenses

1. The application for license registration shall contain:

1.1. Registration number;

1.2. Name and address of licensed natural and legal person;

1.3. Name and address of the representative of the licensed natural and legal person;

1.4. Data on goods and services for which the license was given when the license is given only for some of the goods and services;

1.5. Data for the part of the territory of the

Republic of Kosovo for which the license is issued, in cases where the license is issued only for a part of the territory of the Republic of Kosovo;

1.6. Data for the time period for which the license was issued, in cases where the license was issued for a limited period of time;

1.7. Data under exclusive license;

1.8. The signature of the person submitting the request, or the signature of his representative.

1.9 Evidence of the license in accordance with the Article 17, paragraph 3 of the Law on Trademarks;

1.10 proof of respective fee payment.

2. When the Agency finds that the conditions for registration of a license defined in Article 17 of the Law on Trademarks, paragraph 1 of this Article, as well as other requirements that define the license are not fulfilled, it shall invite the applicant to remedy the deficiencies within sixty (60) days of receipt of such invitation.

3. Upon the request of the applicant, the time limit may be extended for thirty (30) days

4. If the deficiencies set forth in paragraph 3 are not remedies in accordance with the request of the Agency or if they are not remedied within the prescribed time limit, the Agency shall reject the request for registration of a license.

5. Separate applications shall be submitted for the registration of the same license for two or more registrations of the same owner. The respective fee shall be paid separately for each license to be registered.

6. Provisions of this Article shall also apply to the registration of a license which is issued by a licensee whose license is registered in the Trademark Register (sub-license).

Article 34

Deleting data from the register

1. Registration of license, pledge rights, execution or bankruptcy or other similar procedures involving the trademark shall be cancelled at the request of the interested persons or according to the ex-officio procedure of the Agency
2. Request for cancellation from paragraph 1 of this Article shall contain:
 - 2.1. Registration number;
 - 2.2. Data of the right based on which registration is cancelled.
 - 2.3. Evidence showing that the registered right no longer exists or a statement by the licensee or owner of another right
on his/her consent with the cancellation of registration;
 - 2.4. proof of respective fee payment, when cancellation of license or pledge registration is requested.
3. Paragraphs 1 and 2 of this Article shall apply after the approval of the relevant changes, for the request for a change of registration of license, pledge, execution or
bankruptcy or similar procedures wherein the trademark is involved.

Article 35

Renewal of trademark registration

1. Application for renewal of trademark registration shall contain:
 - 1.1. Application or registration number;
 - 1.2. Name and address of the trademark owner;
 - 1.3. Name and address of the representative, power of attorney if the owner has a representative;
 - 1.4. When the application is submitted by a person authorised by the owner of the trademark, name and address of that person and evidence that shows that he/she is authorised by the trademark owner to submit the request;
 - 1.5. Indication whether the renewal is requested for all classes or only one or some classes of the registered mark;
 - 1.6. The signature of the person submitting the application, or the signature of his representative.
2. Application shall be accompanied by proof of payment of respective fees or fees in the event of renewal within the additional six-month period.

3. When the application for renewal has been filed and the relevant fee has been paid within the time periods specified in paragraph 2 of Article 46 of Law on Trademarks, but the Agency finds that other applicable conditions or renewal of registration have not been fulfilled as defined in Article 46 of the applicant to fulfil deficiencies within sixty (60) days from the date of receipt of the invitation.

4. If the deficiencies found by the Agency are not remedies in accordance with the invitation of the Agency, the Agency shall issue a decision rejecting the renewal of the mark.

5. If there are no deficiencies in the application for renewal or if they are remedied, the Agency shall issue a decision on renewal and shall record in the register that the trademark is registered for a new period of 10 years, counting from the day of expiration of the previous ten-year period of trademark registration.

6. The Agency shall publish the renewal of the trademark in the Official Bulletin.

Article 36

Termination of the trademark validity

1.The validity of the trademark shall terminate:

1.1.Upon the expiration of the ten-year term of registration, if not renewed;

1.2.If the trademark is waived;

1.3.If the trademark is revoked;

1.4.If the trademark has been declared invalid.

2.The Agency shall record in the Trademarks Register the termination of the trademark registration and the reason for the termination thereof.

3.The Agency shall publish in the Official Bulletin the termination of the registration and the reason for the termination thereof.

Article 37

Waiver application

1.The waiver application shall contain:

1.1.Request for full or partial waiver of a trademark from the Trademarks Register;

1.2.Registration number;

1.3.Name, address and e-mail of the trademark owner;

1.4.Name, address and e-mail of the representative, if appointed;

- 1.5. When the waiver is declared only for some of the goods and services for which the trademark is registered, the list of goods and services for which the trademark remains registered;
2. If a third-party right in relation to the trademark is registered in the register, the application shall be accompanied by a statement of consent of the owner of the right waived, signed by him/her or his/her representative, or other appropriate evidence indicating the right owner's consents to the waiver.
3. If the waiver relates to a licensed trademark, the statement shall be accompanied by evidence showing that the trademark owner has notified the licensee of his/her intention to waive the trademark in accordance with Article 47, paragraph 3 of the Law on Trademarks.
4. If the conditions according to paragraphs 2 and 3 of this Article are not met, the Agency shall invite the trademark owner to remedy the deficiencies within sixty (60) days from the receipt of the invitation.
5. If the deficiencies are not remedied in accordance with paragraph 4 of this Article, the Agency shall reject the trademark waiver statement.
6. If the deficiencies are remedied or there were no deficiencies and the application for waiver registration is reasonable, the Agency shall issue a decision to register the waiver in the Trademarks Register. The Agency shall publish the waiver in the Official Bulletin.
7. The application for waiver of trademark registration, along with all the enclosed documents, shall be submitted to the Agency in two (2) copies.
8. A waiver application for two or more trademark registrations shall be submitted separately for each trademark registration.

Article 38

Application for revocation of registration

1. The application for revocation of a trademark registration shall contain:
 - 1.1. Trademark registration number;
 - 1.2. Name and address of the trademark owner;
 - 1.3. Details of the goods or services in relation to which the revocation is requested;
 - 1.4. The name, address and e-mail of the person submitting the revocation, in accordance with Article 49, paragraph 1 of the Law on Trademarks;
 - 1.5. Name, address and e-mail of the representative, if appointed;
 - 1.6. The reasons on which the application for revocation is grounded, based on Article 48 of the Law on Trademarks;

1.7.Details of the facts, arguments and evidence submitted to support the grounds on which the revocation is based, accompanied by relevant supporting documents.

1.8.The signature of the person submitting the application for revocation or of his/her representative, if appointed;

1.9.Respective fee payment.

2.The application for revocation of trademark registration, along with all the enclosed documents, shall be submitted to the Agency in two (2) copies.

3.If the same person requests revocation for two or more trademarks of the same owner, a separate application for revocation of each trademark must be submitted.

Article 39

Examination of the application for revocation

1.An application for revocation submitted shall be examined by the Agency if the conditions outlined in paragraph 2 of Article 37 of this Instruction are met. If the Agency finds that these requirements have not been met, it shall reject the application for revocation by decision.

2.If an application for revocation is based on the non-use of the registered trademark according to Article 48, paragraph 1, points 1.1 and 1.2 of the Law on Trademarks, the Agency shall also examine whether the application for revocation was submitted before the expiration of the five (5) year period from the registration of the trademark for which revocation is sought. If the Agency finds that these requirements have not been met, it shall reject the application for revocation by decision.

3.If the Agency finds that the requirements under paragraphs 1 or 2 of this Article have been met, it shall serve on the trademark owner a copy of the application for revocation along with all the documents submitted to the Agency and it shall invite him/her to submit his/her observations on the revocation within two (2) months from the receipt of the invitation.

4.At the request of the trademark owner, which is filed within the period defined in paragraph 3 of this Article, the period may be extended for two (2) months from the date of expiry of such period.

5.If the trademark owner fails to submit his/her observations on the application for revocation within the specified period, the registration of the trademark shall be revoked and the Agency shall issue a decision granting the application for revocation and removing the trademark from the Trademarks Register. The decision shall be published in the Official Bulletin of the Agency.

6.In his/her observations on revocation, the trademark owner may present details of facts, arguments and evidence in support of his/her claims against the application for revocation, along with relevant supporting documents, based on Article 50, paragraphs 3 and 4 of the Law on Trademarks.

7.If the examination of the application for revocation results in the application for revocation being unreasonable, the Agency shall reject the application by a decision. The decision to reject the revocation shall be served both on the applicant and the trademark owner.

8.If the examination of the application for revocation finds that the application for revocation is reasonable for all goods or services included in the registration, the application for revocation shall be granted and the registration shall be revoked.

9.If the examination of the application for revocation finds that the application for revocation is reasonable only in relation to a part of the goods or services included in the registration, the trademark registration shall be revoked only for such goods and services.

Article 40

Application for declaration of trademark invalidity

1.For each trademark registration, a separate application shall be submitted for declaration of trademark invalidity. A joint application for invalidity of several registered trademarks shall not be allowed. Such applications shall, by the Agency's decision, be considered as not submitted.

2.An application for a declaration of a trademark invalid shall contain:

1.1.The trademark registration number for which the declaration of invalidity is requested;

1.2.Name and address of the owner;

1.3.Details of the goods or services in relation to which a trademark invalidity is requested; If the goods and services from the list of goods and services are not specified, it shall be considered that the invalidity application concerns all the goods or services of the trademark for which the invalidity application has been submitted;

1.4.The name, address and e-mail address of the applicant for a declaration of invalidity, in accordance with Article 53 of the Law on Trademarks;

1.5Name and address of the representative, if any;

1.6.The legal basis for submitting an application for a declaration of the trademark invalid;

1.7.Indications of the causes, facts and arguments on which this application is based;

1.8.The signature of the person submitting the application or of his/her representative if appointed;

1.9.Proof of the respective fee payment.

3.The application for trademark invalidity may contain other details of facts, arguments and evidence presented along with relevant supporting documents.

4.The application for a declaration of trademark invalidity, along with all the enclosed documents, shall be submitted to the Agency in two (2) copies.

5.Article 18 of this Administrative Instruction shall apply mutatis mutandis for invalidity applications submitted according to Article 53, paragraph 1 sub-paragraphs 1.2 to 1.6. of the Law on Trademarks

Article 41 **Examination of applications for invalidity**

1.The Agency shall examine the applications for the declaration of trademark invalidity and shall ascertain whether the application has been submitted in accordance with Article 52 of the Law on Trademarks and whether the conditions have been met according to paragraph 2 of Article 40 of this Administrative Instruction. If the Agency finds that these requirements have not been met, it shall reject the application for invalidity by decision.

2.If the Agency finds that the requirements under paragraph 1 of this Article have been met, it shall serve a copy of the application for invalidity along with all the documents submitted to the Agency to the trademark owner and shall invite him/her to submit his/her observations on the cancellation request within two (2) months from the acceptance of the invitation.

3.At the request of the trademark owner, which is filed within the period defined in paragraph 2 of this Article, the period may be extended for two (2) months from the date of expiry of such period.

4.If the trademark owner fails to submit his/her observations on the application for invalidity within the specified period, the registration of the trademark shall be invalid and the Agency shall issue a decision granting the invalidity application and removing the trademark from the Trademarks Register. The decision shall be published in the Official Bulletin of the Agency.

5.In his/her observations on invalidity, the trademark owner may present details of facts, arguments and evidence in support of his/her claims against the application for invalidity, along with the relevant documents. The trademark owner must present proof of the use of the trademark in accordance with Article 55 of the Law on Trademarks and Article 20 of this Administrative Instruction.

6.If the examination of the application for invalidity results in the application for invalidity being unreasonable, the Agency shall reject the application by a decision.

7.If the examination of the application for invalidity finds that the application for invalidity is reasonable for all goods or services included in the registration, the application for invalidity shall be granted and the registration shall be invalid.

8.If the examination of the application for invalidity finds that the application is reasonable only in relation to a part of the goods or services, the trademark registration shall become invalid only for those goods or services for which it is proven that the application for invalidity is reasonable. In the invalidity decision, the Agency shall expressly list the goods and services for which the

trademark shall become invalid and the list of goods and services for which the registration shall remain valid

9.The decisions according to paragraphs 5, 6 and 7 of this Article shall be justified according to Article 53 of the Law on Trademarks. The Agency shall serve the decision to both the applicant and the trademark owner.

CHAPTER VIII

INTERNAL REGULATION OF THE OWNERS REGULATING THE USE OF COLLECTIVE AND CERTIFICATION TRADEMARKS

Article 42

Content of the internal regulations of the owners regulating the use of collective trademarks

1. The contents of the internal Regulation of the owners regulating the use of collective marks according to article 61 paragraph 2 of the Law on Trademarks contain:

- 1.1.name of the applicant;
- 1.2.the purpose of the association or the purpose for which a legal person was established;
- 1.3.authorities authorised to represent an association or a legal entity;
- 1.4.in the case of an association, the terms of membership in the association;
- 1.5.collective mark design;
- 1.6.persons authorised to use a collective mark;
- 1.7.as appropriate, the conditions governing the use of a collective mark, including sanctions;
- 1.8.goods or services covered by a collective trademark, where applicable, all limitations set forth thereof.

Article 43

Content of the internal regulations of the owners regulating the use of certification trademarks

1. The contents of the internal Regulation of the owners regulating the use of certification marks according to article 61 paragraph 3 of the Law on Trademarks contain:

- 1.1.name of the applicant;

- 1.2.certification trademark design;
- 1.3.goods or services for certification trademark;
- 1.4.the features of goods or services certified by a certifying trademark, such as material, method of production of goods, method of providing services, quality or correctness;
- 1.5.the conditions governing the use of a certification trademark, including sanctions;
- 1.6.the persons authorised to use a certification mark, the ways in which the certification body should test those characteristics and supervise the use of a certification mark.

CHAPTER IX COMMON PROVISIONS

Article 44 Name and address

- 1.Trademark registration applications, as well as all other applications submitted to the Agency under the Law on Trademarks, shall include the name and address of the applicant and his/her representative, if appointed, as follows:
 - 1.1.If the applicant or representative is a natural person: name and surname of the applicant or representative, address, website, e-mail and contact number;
 - 1.2.If the applicant or representative is a legal entity: the full official name of the applicant or representative, address, website, e-mail and contact number.
- 2.The address shall be indicated in such a way as to meet the usual requirements for express postal delivery to the address indicated.
- 3.The applicant and representative shall be responsible for keeping the Agency informed of any changes in their address. The last postal address of the applicant or his/her representative shall be considered their address. If the applicant and the representative fail to inform the Agency of any changes in their address or have submitted the wrong address, the Agency shall consider that the documents have been delivered to the party.
- 4.In cases where several addresses of the applicant or his/her representative are noted, only the first mentioned address shall be taken into account, except when the applicant or representative marks one of the addresses as the address for correspondence.

Article 45

Joint representatives

- 1.If there is more than one applicant for trademark registration or there is a joint trademark owner, or more than a party to jointly file an objection or application for revocation of declaration of invalidity, then such applicants, owners or parties shall authorize their joint representative.
- 2.If the joint representative is not appointed, the applicant, owner or first appointed party shall be considered as a joint representative. If one of these applicants, owners or parties has assigned an authorised representative, then such an authorised representative shall be considered as a joint representative.
- 3.If more than one applicant, owner or party have assigned an authorised representative, the authorised representative firstly appointed by the applicant, owner or party shall be considered as an authorised representative.

Article 46

Communication and submission of documents to the Agency

- 1.Documents and other communications must be submitted to the Agency in hard copies, or if requested by the Agency, electronically.
- 2.The application for trademark registration and all other applications, requests, documents or communications shall be submitted to the Agency, as defined in this Administrative Instruction.
- 3.The application for trademark registration or any other application, request, document or communication to the Agency, shall be submitted in the official languages of the Republic of Kosovo. Publications in the Official Bulletin of the Agency shall be made in the official languages of the Republic of Kosovo.

Article 47

Application forms

- 1.The Agency shall prepare the following application forms:
 - 1.1.Application form for trademark registration;
 - 1.2.Application form for renewal of trademark registration;
 - 1.3.Application form for registration of a change in the trademarks Register.
- 2.The applications referred to in paragraph 1 of this Article shall also be used for the purpose of submitting the application for the registration of the transfer of the trademark, license, pledge rights, execution, bankruptcy, issuance of the certificate, search in the Agency's database, issuance of the extract, waiver of the trademark, application for revocation of the trademark, declaration of

invalidity, submission of the request for the right of priority, termination of validity, restriction of the list of goods and/or services, division, reinstatement to previous position or similar proceedings in which the trademark is involved.

3.The application forms referred to in paragraph 1 of this Article shall be made available on the Agency's website.

Article 48

Correction of inaccuracies and errors

1.When the publication of the application, registration of the trademark or registration publication contains a mistake or error attributable to the Agency, the Agency shall correct the error on its own initiative or at the request of the applicant.

2.Corrections made under paragraph 1 of this Article shall be published in the Official Bulletin.

Article 49

Application for appeal procedures

1.This Administrative Instruction shall apply mutatis mutandis to all issues related to the appeal procedures against the Agency's decisions in accordance with Article 68 of the Law on Trademarks,

2. After issuing the decision of the Commission for reviewing complaints submitted against the decisions of the IPA, IPA within 60 days of accepting the decision of the Commission must re-examine the application and take the relevant decision.

Article 50

Application of the general law on administrative procedure

All issues that are not regulated by the Law on Trademarks and this Administrative Instruction and which refer to procedural issues related to trademarks shall be regulated by the Law on General Administrative Procedure.

Article 51

Extracts from the Register

At the request of the party, the Agency shall issue extracts from the Register after the respective fee is paid.

CHAPTER X
FINAL PROVISIONS

Article 52
Repealing provision

Following the entry into force of this Administrative Instruction, Administrative Instruction No. 13/2012 on Trademark Registration shall be repealed.

Article 53
Entry into force

This administrative instruction enters into force seven (7) days after publication in the Official Gazette of the Republic of Kosovo

Rozeta HAJDARI

Minister of the Ministry of Industry, Entrepreneurship and Trade

Datë: 03.08.2023