



Industrial Property Enforcement in Albania after the 2025 Reform: EU Approximation and Legal Certainty

Xhesika Toto (Bazaj)

Doctoral Candidate, Faculty of Law, University of Tirana, Albania

Scientific Supervisor: Assoc. Prof. Dr. Ervis Çela

ABSTRACT: Albania's 2025 reform separated trade mark law from the new regime for patents, utility models, and supplementary protection certificates and reorganised the enforcement provisions at a decisive stage of the country's accession negotiations. The central question is whether the new legislation supplies a civil-enforcement framework comparable to Directive 2004/48/EC and what the published decisions permit us to conclude about legal certainty. The research uses doctrinal analysis and functional comparison of EU and Albanian legislation, official accession documents, CJEU authority, and identified Albanian and Strasbourg judgments. The comparison finds substantial textual correspondence in the rules on evidence, information, provisional relief, corrective measures, and damages. That correspondence does not yet establish equivalent operation. The Albanian decisions located for this research chiefly concern registration disputes, constitutional review, or criminal classification, and they do not demonstrate a settled post-reform practice across the new civil remedies. Legal certainty is therefore assessed through limited and observable indicators: identification of the competent procedure, clarity of the evidentiary threshold, availability of review and safeguards, quality of judicial reasoning, and accessibility of case law. The reform provides much of the required legal architecture, but its practical value will depend on consistent application, a transparent transition from the former legislation, and publication practices that allow holdings to be traced across procedural levels.

KEYWORDS: industrial property; enforcement; Albania; European Union; trade marks; patents; legal certainty

Received 11 Sep., 2026; Revised 19 Sep., 2026; Accepted 21 Sep., 2026 © The author(s) 2026.

Published with open access at www.questjournals.org

I. INTRODUCTION

Registration and enforcement answer different legal questions. Registration establishes the existence and scope of an industrial property right, whereas enforcement determines how evidence may be obtained, how an imminent or continuing infringement may be restrained, and what consequences follow after infringement has been established [5], [6], [8]. Customs intervention performs a further and narrower function: it allows action against goods suspected of infringing an intellectual property right while leaving the substantive finding of infringement to the law and procedure applicable to the merits [9]. Treating these functions as interchangeable would obscure the authority competent to act, the standard of proof, and the safeguards available to the parties [8], [9].

For Albania, the distinction has acquired particular importance during the current phase of European Union accession. Article 73 of the Stabilisation and Association Agreement links the approximation of intellectual, industrial, and commercial property protection to the availability of effective means of enforcement [1]. The European Union opened negotiations on Cluster 2, the Internal Market cluster, on 14 April 2025, and that cluster includes Chapter 7 on intellectual property law [2], [3]. Later in 2025, the European Commission recorded the adoption of new Albanian trade mark and patent legislation but identified implementation and stronger enforcement capacity as continuing requirements [4]. Albania adopted Law No. 52/2025 on trade marks and Law No. 53/2025 on patents, utility models, and supplementary protection certificates on 3 July 2025; WIPO Lex records publication of both statutes on 1 August 2025 [5], [6].

The reform also requires a more exact description of the field under review. The new statutes govern trade marks and the patent-related rights named in their titles, while Law No. 9947/2008 remains relevant, in its current form, to industrial designs, geographical indications, and undisclosed information [5], [6], [7]. This

article therefore does not use decisions on copyright or online services as if they were Albanian trade mark or patent authorities. CJEU judgments concerning intermediaries are discussed only where they interpret the safeguards attached to EU enforcement measures, and the distinct legal basis of customs and criminal action is kept visible throughout the comparison [8], [9], [10].

The problem addressed here is narrower than whether Albania has ‘harmonised’ its industrial property law in the abstract. The relevant inquiry is whether the 2025 legislation provides a civil-enforcement structure comparable to the EU framework and whether the accessible domestic decisions disclose a sufficiently clear method of application. My argument is that the two new statutes substantially reproduce the principal remedial categories of Directive 2004/48/EC, but the evidence presently available supports a conclusion about normative approximation, not about equivalent effectiveness. The difference matters because legal certainty is produced by legislation, procedure, reasoned adjudication, and access to decisions acting together; none of those elements can stand in for all the others.

II. RESEARCH QUESTION AND METHOD

The research question is formulated in two connected parts: first, to what extent do Laws Nos. 52/2025 and 53/2025 correspond functionally to the civil-enforcement requirements of Directive 2004/48/EC; and second, what can the identified Albanian judgments establish about legal certainty in the application of industrial property law? Separating the question in this way prevents the existence of a statutory remedy from being presented as proof that the remedy is used consistently or produces a particular practical result.

The first stage follows doctrinal legal method. It identifies the applicable provisions, reads them within the structure and purpose of the relevant instrument, and distinguishes the rule governing the right from the rule governing its enforcement [8], [12]. Primary sources receive priority: the two 2025 statutes, the legislation that remains applicable to other industrial-property objects, Directive 2004/48/EC, Regulation (EU) No 608/2013, the Charter, the TRIPS Agreement, and the cited judgments [5]–[11]. Official accession documents are used to establish the institutional context and the specific implementation tasks identified for Albania [1]–[4].

The second stage is a functional comparison organised around the legal problem addressed by each measure: access to evidence, preservation of evidence, information about origin and distribution, provisional protection, cessation or removal of infringement, compensation, and intervention at the border. Legal borrowing is common, but the meaning and operation of a borrowed rule may change within another procedural and institutional setting [13], [14]. For that reason, comparable wording is treated as evidence of normative approximation and is then tested against the allocation of competence, applicable safeguards, and published reasoning in the receiving system [14], [15]. This approach accepts comparison as useful without assuming that a textual match resolves the comparative inquiry.

Legal certainty is used here in an operational, rather than rhetorical, sense. The assessment asks whether a rights holder or an opposing party can identify the competent legal route, the conditions for obtaining a measure, the available review and compensation safeguards, and the authoritative reasoning applied to materially similar facts. It also asks whether decisions can be found and connected to their appellate history. This definition does not claim to exhaust the doctrine of legal certainty; it supplies a transparent set of criteria for evaluating the sources actually available in the Albanian setting.

The distinction between approximation and application is also informed by scholarship on compliance in the Western Balkans. Noutcheva’s analysis shows why formal acceptance of external norms does not always amount to full domestic implementation [16]. The point is not to assign Albania to a predetermined category from that literature. It is to avoid an inference that the Commission itself does not make: its 2025 report recognises legislative progress while still calling for implementation, monitoring, resources, awareness, institutional capacity, and training [4].

III. LIMITATIONS OF THE RESEARCH

The evidentiary base consists of materials publicly accessible up to 15 September 2026. It does not include interviews with judges, customs officers, inspectors, rights holders, or legal practitioners, and it does not use unpublished case files. Consequently, the article cannot measure filing rates, the proportion of applications granted, the time required for execution, settlement patterns, or the commercial effect of remedies in disputes that never produced a published decision.

The available judgments impose a second limitation. The cases analysed below are identifiable through official court material or WIPO Lex, but they are not a statistical sample of all Albanian industrial property litigation [25], [27], [28]. Several concern registration or administrative review rather than infringement remedies; the B-52 materials also span civil, administrative, constitutional, and Strasbourg proceedings that answer different legal questions [25], [26]. No claim of uniform national jurisprudence is therefore drawn from them. Their value lies in showing how particular courts classified proceedings and reasoned about the issues actually before them.

A third limitation concerns time. Laws Nos. 52/2025 and 53/2025 are recent, while the domestic decisions located for this research arose under the former or transitional framework [5], [6], [25], [27], [28]. Those decisions may illuminate recurring procedural problems, but they cannot demonstrate how the new enforcement chapters will be interpreted across future civil cases. The article accordingly evaluates the design of the 2025 remedies and the reasoning culture visible in existing decisions as related, but distinct, bodies of evidence.

The article also contains no empirical investment model. Javorcik's study concerns the relationship between intellectual property protection and the composition of foreign direct investment in transition economies [30]. It does not measure the effect of Albania's 2025 statutes and cannot support a quantified claim about investment generated by those reforms. Any economic implication is therefore confined to the more modest proposition that predictable enforcement forms part of the legal environment in which firms value and defend intangible assets.

IV. EU STANDARDS OF ENFORCEMENT

Directive 2004/48/EC is the central EU instrument for civil enforcement of intellectual property rights [8]. Its scope is procedural: Article 2(3)(a) states that the Directive does not affect the substantive EU rules governing intellectual property [8]. Article 3 supplies the standard that controls the remedial catalogue. Procedures must be fair and equitable, must not be unnecessarily complicated or costly, and must not entail unreasonable time limits or unwarranted delay; measures must also be effective, proportionate, and dissuasive, applied so as to avoid barriers to legitimate trade and to provide safeguards against abuse [8].

The evidentiary provisions address the information imbalance that commonly precedes a final determination. Article 6 permits a court, on presentation of reasonably available evidence sufficient to support the claim, to order the opposing party to produce evidence within its control, subject to the protection of confidential information [8]. Article 7 allows prompt and effective provisional measures to preserve relevant evidence, including measures adopted without the other party being heard where delay is likely to cause irreparable harm or where there is a demonstrable risk of evidence being destroyed [8]. Article 8 separately regulates justified and proportionate orders for information concerning the origin and distribution networks of infringing goods or services [8].

Article 9 governs provisional and precautionary measures. It authorises interlocutory injunctions against an alleged infringer and, where appropriate, against an intermediary whose services are used by a third party to infringe an intellectual property right [8]. The provision also regulates ex parte relief, prompt notice, review, security, the period for initiating proceedings on the merits, revocation, and compensation when a provisional measure is revoked or infringement is not subsequently established [8]. These safeguards are part of the measure itself; speed without review, security, or a route to compensation would not reproduce the balance struck by the Directive.

After a finding of infringement, Articles 10 to 15 distinguish corrective measures, injunctions, alternative measures, damages, legal costs, and publication of judicial decisions [8]. The separation is legally significant. Removal or destruction of goods addresses the continued presence of infringing products; an injunction addresses continuation or repetition of unlawful conduct; damages compensate loss under the conditions of Article 13; and publication has an informational and deterrent function [8]. A court must therefore identify the purpose and legal basis of each remedy instead of treating the enforcement catalogue as a single undifferentiated sanction.

Enforcement under the Directive operates within the Charter of Fundamental Rights. Intellectual property is protected by Article 17(2), but measures may also engage privacy, personal data, freedom of expression, freedom to conduct a business, and the right to an effective remedy under Articles 7, 8, 11, 16, and 47; limitations remain subject to Article 52(1) [11]. In *Promusicae*, the Court of Justice required national authorities applying EU rules to secure a fair balance between the fundamental rights at stake [18]. This requirement explains why effectiveness and proportionality must be reasoned together rather than presented as competing alternatives.

The intermediary cases illustrate that balance but must be used within their proper limits. In *L'Oréal v eBay*, the Court held that injunctions against an online marketplace may be directed both at ending infringements and at preventing further infringements of the same kind, while remaining effective, proportionate, dissuasive, and free from a requirement of general monitoring [19]. *Scarlet Extended*, a copyright case, rejected a system requiring general and indiscriminate filtering of communications [20]. *UPC Telekabel Wien*, also arising from copyright, accepted that a blocking injunction may be compatible with EU law only where the affected rights are fairly balanced and lawful access is preserved [21]. These judgments clarify limits on enforcement powers; they do not convert copyright disputes into Albanian trade mark or patent precedents.

Customs action belongs to a separate procedural layer. Regulation (EU) No 608/2013 establishes the conditions under which customs authorities may suspend release or detain goods suspected of infringing

intellectual property rights [9]. Article 1(6) makes clear that the Regulation does not establish criteria for determining whether an intellectual property right has been infringed [9]. Notice, inspection, release, destruction under the simplified procedure, liability, and costs must therefore be analysed without describing detention at the border as a final judgment on the merits [9].

Criminal enforcement is distinct again. Article 61 of the TRIPS Agreement requires criminal procedures and penalties at least in cases of wilful trade mark counterfeiting or copyright piracy on a commercial scale [10]. Directive 2004/48/EC does not harmonise criminal penalties, and Regulation (EU) No 608/2013 does not decide criminal liability [8], [9]. The separation is essential for the later discussion of the H10 decision, because the evidentiary and mental elements of an offence under Albanian criminal law cannot be inferred from the mere availability of civil or customs measures.

The Commission's 2026 follow-up study evaluates the practical application of Directive 2004/48/EC across the European Union and confirms that the operation of enforcement rules raises questions extending beyond formal transposition [17]. Its relevance to Albania is comparative: it identifies implementation concerns within the EU framework, but it is not evidence about outcomes in Albanian courts. That distinction mirrors the central discipline of this article—using each source only for the proposition it is capable of establishing.

V. THE ALBANIAN FRAMEWORK AFTER THE 2025 REFORM

Law No. 52/2025 regulates trade marks, while Law No. 53/2025 regulates patents, utility models, and supplementary protection certificates [5], [6]. WIPO Lex records that each statute was adopted on 3 July 2025 and published on 1 August 2025 [5], [6]. The current WIPO Lex record for Law No. 9947/2008 describes that law as amended up to Law No. 53/2025 and identifies industrial designs, geographical indications, and undisclosed information among its remaining subject matter [7]. It is therefore inaccurate to describe the two new statutes as having replaced the entire field of industrial property.

The enforcement chapters of the new statutes follow parallel numbering. Articles 129 to 136 of Law No. 52/2025 deal with trade mark enforcement, and Articles 150 to 157 of Law No. 53/2025 perform the corresponding role for patents, utility models, and supplementary protection certificates [5], [6]. The parallel structure is visible in the sequence of evidence, preservation, information, provisional measures, measures following infringement, damages, customs action, and domestic-market intervention [5], [6]. That design permits a direct functional comparison with Articles 6 to 13 of Directive 2004/48/EC, but correspondence must be tested provision by provision rather than asserted for each statute as a whole [8].

Articles 129 and 150 concern production of evidence, while Articles 130 and 151 concern preservation of evidence [5], [6]. Both pairs place evidentiary relief within judicial control and protect confidential information [5], [6]. The distinction between production and preservation should be maintained in judicial reasoning: the former secures access to material in another party's control, while the latter prevents relevant material from disappearing or changing before the merits are decided. Their comparable EU functions are found in Articles 6 and 7 of Directive 2004/48/EC [8].

Articles 131 and 152 regulate the right of information [5], [6]. They require a reasoned and proportionate request and address information concerning the origin and distribution network of the goods or services at issue [5], [6]. This structure corresponds to Article 8 of Directive 2004/48/EC [8]. The point is not simply that an information order exists. A reasoned decision should identify why the requested information is connected to the alleged infringement, why its scope is proportionate, and how confidential or personal information is protected [5], [6], [8], [11].

Articles 132 and 153 govern provisional measures and require the court to decide the request within five days of filing [5], [6]. They extend provisional protection to intermediaries whose services are used by a third party to infringe the protected right and permit relief without first hearing the opposing party when the statutory conditions are satisfied [5], [6]. The same provisions require notice and allow review, and they regulate security, initiation of the merits, revocation, and compensation for damage caused by an unjustified measure [5], [6]. The five-day period is a concrete legislative response to urgency, but compliance with a short period cannot substitute for findings on evidence, necessity, scope, and proportionality.

Articles 133 and 154 address measures following infringement, and Articles 134 and 155 regulate damages [5], [6]. The corrective provisions include a proportionality assessment, which links the choice of measure to the circumstances of the case rather than making removal or destruction automatic [5], [6]. The damages provisions should likewise be distinguished from punitive or preventive measures: their legal task is to compensate within the statutory criteria after the relevant basis of liability has been established [5], [6]. These functions correspond broadly to the architecture of Articles 10 to 13 of Directive 2004/48/EC [8].

The final provisions of each enforcement sequence reveal the limits of the two statutes. Articles 135 and 156 refer customs action to the legislation governing customs, while Articles 136 and 157 refer domestic-market intervention to the legislation governing inspection [5], [6]. The Albanian Customs Code supplies the national legal setting for customs action involving intellectual property rights [23]. These references do not

collapse customs detention, market inspection, and civil adjudication into one process. They preserve distinct competences whose decisions, evidentiary thresholds, and review routes must be identified separately.

The same need for classification arises between registration and infringement. Decisions concerning acquisition, maintenance, transfer, revocation, or invalidity of a registered right may be administrative in origin and subject to administrative judicial review under Law No. 49/2012 and the applicable special statute [5], [6], [22]. Civil enforcement, by contrast, determines claims and remedies between parties under the provisions governing infringement [5], [6]. A dispute may involve the same commercial sign or patent portfolio and still contain separate causes of action that cannot be joined analytically merely because the economic subject is related.

Transition is consequently part of enforcement, not a drafting detail. Article 138 of Law No. 52/2025 addresses proceedings and applications begun before the new trade mark law, while Article 162 of Law No. 53/2025 contains the transitional regime for the patent-related statute and the continued operation of earlier implementing acts to the extent permitted by the new law [5], [6]. For an interim application, the first legal question may therefore be which statutory regime governs the pending proceeding. A decision that applies the correct substantive test under the wrong transitional rule would still weaken predictability.

VI. ALBANIAN CASE LAW AND PROCEDURAL CLASSIFICATION

The published decisions located for this research do not yet provide a line of post-2025 civil judgments interpreting the new enforcement chapters. They do, however, expose recurring problems of classification, priority, reasoning, and proof [25], [27], [28]. Their contribution must be stated at the correct level: a first-instance administrative judgment is evidence of the approach taken in that judgment, a Supreme Court criminal decision supplies a criminal-law holding, and a constitutional or Strasbourg decision reviews the rights and procedural questions within its own jurisdiction [25]–[28].

Constitutional Court Decision No. 68 records several proceedings concerning the B-52 sign [25]. In the first civil line, Tirana District Court Decision No. 12870 of 26 December 2012 ordered revocation of protection for international registration No. 970878; Tirana Court of Appeal Decision No. 1692 of 5 September 2013 upheld that result, and Supreme Court Civil Decision No. 00-2016-755 (66) of 9 March 2016 left the appellate judgment in force [25]. A separate civil line concerned international registration No. 1082916 and culminated in Supreme Court Civil Decision No. 00-2017-2074 (112) of 5 October 2017 [25]. These were distinct proceedings, even though both concerned the B-52 sign and overlapping commercial interests.

Decision No. 68 also records an administrative line concerning the registration and later revocation of a transfer relating to another international registration [25]. Supreme Court Administrative Decision No. 00-2022-464 (111) of 21 March 2022 was set aside by Constitutional Court Decision No. 37 of 7 July 2023 and remitted; after reconsideration, Supreme Court Administrative Decision No. 00-2024-5424 (489) of 19 November 2024 changed the lower decisions and dismissed the action [25]. The procedural history shows why an administrative dispute about the validity of official action must not be reported as though it were the same case as the earlier civil claims.

The Strasbourg judgment in *Meli and Swinkels Family Brewers N.V. v. Albania* concerned the dismissal of constitutional complaints when the required majority was not reached [26]. The European Court of Human Rights found no violation concerning access to the Constitutional Court, but found a violation of Article 6(1) because the applicants had not received a reasoned decision setting out even a summary of the majority and minority positions [26]. The Strasbourg Court's review did not decide ownership of, or infringement of, the B-52 mark; its holding concerned the right to a reasoned decision [26].

Following the Strasbourg judgment, Constitutional Court Decision No. 68 accepted the request to reopen the constitutional proceedings, set aside Decision No. 15 of 11 March 2021 only in the part concerning the complaint about reasoning, and dismissed the individual constitutional complaint because the majority of five judges was not formed [25]. The judgment reproduces opposed judicial assessments of whether the ordinary courts had answered the decisive allegations of bad faith and priority [25]. For this article, that division is more instructive than a claim that one constitutional position settled the underlying trade mark dispute: the operative outcome resulted from the statutory majority rule, while the reasons reveal disagreement about the sufficiency of judicial analysis.

Judgment No. 80-2021-2650 of the Administrative Court of First Instance of Tirana concerned refusal of a trade mark application and judicial review of DPPI appellate action [27]. The court compared the signs visually and phonetically, considered that a conceptual comparison lacked weight because the dominant verbal elements conveyed no meaning, examined the identity of the goods and services, and assessed likelihood of confusion from the perspective of the relevant consumer [27]. It dismissed the action [27]. The decision is useful for showing a structured first-instance comparison of marks, but it is a registration judgment under the former law, not authority on the grant of evidence-preservation or provisional measures under Law No. 52/2025.

Supreme Court Criminal Decision No. 00-2025-325 (46) of 25 February 2025 concerned Article 149/a of the Criminal Code and the H10 mark [28]. The Criminal Chamber held that the offence is committed through unauthorised conduct in the forms identified by the provision and required a full investigation into whether the company and its administrator were authorised through a distribution contract and whether the conduct was directed at appropriation of the mark [28]. It also required analysis of the rights and obligations arising from the contract with the entity that had first registered the mark, by reference to the relevant Nice classification [28]. The Supreme Court quashed the appellate decision and remitted the matter for that investigation [28].

The H10 holding is important because it resists a shortcut from the existence of registered rights to criminal guilt. Registration, contractual authorisation, the objective elements of the offence, and the required culpable purpose remain separate issues that must be investigated and reasoned [24], [28]. The case does not answer how a civil court should calculate damages or preserve evidence under the 2025 statutes. Its contribution to the present comparison is narrower: it demonstrates the consequences of failing to classify the legal relationship and the evidentiary question before attaching the consequences of a particular enforcement route.

VII. COMPARATIVE ASSESSMENT OF LEGAL CERTAINTY

The provision-by-provision comparison is summarised in Table 1. It records a close structural correspondence between the civil measures in Directive 2004/48/EC and the enforcement sequences in the two Albanian statutes [5], [6], [8]. The table also identifies two limits that a simple claim of harmonisation would miss: customs and domestic-market action depend on separate legislation, and transitional provisions have no direct counterpart in the Directive because they answer a specifically domestic temporal problem [5], [6], [9], [23].

Table 1. Functional comparison of the principal enforcement provisions

Enforcement function	Directive 2004/48/EC	Law No. 52/2025	Law No. 53/2025	Assessment
Production of evidence	Art. 6	Art. 129	Art. 150	Comparable remedial function [5], [6], [8]
Preservation of evidence	Art. 7	Art. 130	Art. 151	Comparable remedial function [5], [6], [8]
Right of information	Art. 8	Art. 131	Art. 152	Reasoned and proportionate request [5], [6], [8]
Provisional measures	Art. 9	Art. 132	Art. 153	Five-day decision period and statutory safeguards [5], [6], [8]
Post-infringement measures	Arts. 10–12	Art. 133	Art. 154	Corrective function subject to proportionality [5], [6], [8]
Damages	Art. 13	Art. 134	Art. 155	Compensatory remedy [5], [6], [8]
Customs action	Separate EU customs regime	Art. 135	Art. 156	Referral to customs law; no final merits finding by detention alone [5], [6], [9], [23]
Domestic-market action	Outside the Directive's civil-remedy catalogue	Art. 136	Art. 157	Referral to inspection legislation [5], [6]
Transition	No direct equivalent	Art. 138	Art. 162	Domestic temporal rule governing the move to the new statutes [5], [6]

Note: The table identifies comparable legal functions; it does not assert equivalent application or outcomes.

The strongest conclusion supported by the comparison is legislative. Albania has enacted provisions covering the principal functions of production and preservation of evidence, information, provisional protection, post-infringement measures, and damages for trade marks and patent-related rights [5], [6]. The arrangement follows the order and subject matter of Articles 6 to 13 of Directive 2004/48/EC [8]. This is substantial normative approximation. It is not yet evidence about the frequency with which applications are granted, the content of judicial findings, the execution of orders, or the consistency of appellate control.

The first legal-certainty issue is procedural route. Albanian law assigns registration and review of administrative action, civil infringement, customs detention, market inspection, and criminal liability to different legal frameworks [5], [6], [22]–[24]. The B-52 history confirms that related rights and commercial facts may generate separate civil, administrative, constitutional, and Strasbourg proceedings [25], [26]. A searchable decision should therefore disclose the court, chamber, procedural type, contested act, applicable statute, and result. Without those elements, the reader may mistake a decision about title or procedural fairness for a holding on infringement or remedies.

The second issue is the quality of the legal test stated in reasons. The first-instance trade mark judgment identifies visual, phonetic, and conceptual comparison, the relevant goods, and likelihood of confusion, while the H10 decision identifies contractual authorisation and purpose as questions that must be investigated before criminal classification [27], [28]. Neither decision interprets the new civil-enforcement chapters. Their more general lesson is methodological: legal certainty improves when the judgment states which facts answer which element of the governing rule. A recital of the statute, without a reasoned connection to the evidence, cannot supply that clarity.

The third issue is the relationship between urgency and safeguards. The five-day periods in Articles 132 and 153 may support prompt provisional protection, which is consistent with the concern about delay in Article 3 of the Directive [5], [6], [8]. Yet a short decision period makes disciplined reasoning more, not less, important. The decision should show the basis of the claim, the urgency or risk, the scope of the order, the position of an intermediary where relevant, the security required, and the route and time for review [5], [6], [8]. This is where the statutory alignment must become an identifiable judicial method.

Intermediary relief presents a specific test of that method. Laws Nos. 52/2025 and 53/2025 permit provisional measures against intermediaries whose services are used by a third party to infringe the protected right [5], [6]. EU authority requires an effective remedy while rejecting indiscriminate monitoring and preserving a fair balance among affected rights [11], [18]–[21]. Albania is not an EU Member State and its courts do not participate in the Article 267 TFEU preliminary-ruling procedure [2], [29]. CJEU judgments can consequently guide *acquis*-oriented interpretation, but any Albanian order must identify its binding basis in domestic law and explain how the domestic statutory conditions are met.

The fourth issue is accessibility of authority. The 2025 Commission report identifies broader concerns about consistency of case law, timely publication of decisions, and reliability of judicial statistics in Albania [4]. For industrial property litigation, those concerns affect the ability to distinguish isolated holdings from a stable practice. Publication is not an administrative extra: it enables parties to locate comparable decisions, tests whether statutory safeguards are being applied, and permits researchers to identify changes after the reform. Stable identifiers and links between first instance, appeal, Supreme Court, constitutional, and Strasbourg stages would materially improve that function.

Legal certainty may influence commercial decisions, but the causal claim should remain proportionate to the evidence. Javorcik identifies a relationship between intellectual property protection and the composition of foreign direct investment in transition economies [30]. That study neither isolates Albania's 2025 reform nor measures its effects [30]. The present analysis therefore does not claim that the new statutes will produce a specified investment outcome. It concludes only that clear procedures, reasoned remedies, and accessible decisions reduce one category of legal uncertainty faced by firms that create, license, import, or distribute protected goods.

VIII. PRIORITIES FOR IMPLEMENTATION

The immediate priority is a coherent transition to the new legislation. Courts and administrative bodies should identify expressly whether the pending matter is governed by the former framework or by Law No. 52/2025 or Law No. 53/2025, with reasons tied to the applicable transitional provision [5], [6]. This should occur before the merits are addressed. A transparent choice-of-law step will prevent materially similar applications from being decided under different regimes without explanation.

A second priority is reasoned practice on provisional relief. Decisions under Articles 132 and 153 should record the evidence supporting the right and alleged infringement, the urgency of intervention, the proportionality of scope, any order directed to an intermediary, the security imposed, and the available review [5], [6], [8]. The five-day statutory period should be monitored, but speed should be reported together with review and outcome. A bare count of requests decided within five days would not show whether the safeguards were applied.

A third priority is institutional classification and coordination. Civil courts, administrative courts, customs authorities, market inspectorates, prosecutors, and the DPPI perform different tasks [5], [6], [22]–[24]. Coordination should allow information to move lawfully between institutions without confusing the legal effect of their acts. A customs detention should not be recorded as a final infringement judgment, and an administrative registration decision should not be counted as a civil remedy. Statistics should preserve those categories and indicate the stage and final status of the proceeding.

A fourth priority is publication with sufficient legal metadata. Each published decision should carry a stable identifier, date, court and chamber, procedural category, relevant right, principal statutory provisions, operative result, and links to later review. This proposal responds directly to the Commission's concerns about timely publication, consistency, and judicial statistics [4]. It would also make it possible to evaluate, after a sufficient period, whether the textual correspondence shown in Table 1 has produced consistent domestic reasoning.

Training and guidance should concentrate on the points at which the legal routes meet: preservation of confidential evidence, proportionality of information orders, ex parte safeguards, intermediary measures, the distinction between customs suspicion and infringement, and the role of contractual authorisation in criminal analysis [5], [6], [8], [9], [28]. The Commission's recommendation for monitoring, budgets, awareness, institutional capacity, and training provides an official basis for this priority [4]. The content of training should nevertheless be drawn from the Albanian procedural setting and the reasons given in domestic decisions, not from a mechanical reproduction of EU case summaries.

IX. CONCLUSION

The analysis leads me to three conclusions. First, Laws Nos. 52/2025 and 53/2025 establish a coherent civil-enforcement sequence for trade marks and patent-related rights that corresponds closely to the functions regulated by Articles 6 to 13 of Directive 2004/48/EC [5], [6], [8]. Evidence, preservation, information, provisional relief, measures following infringement, and damages now appear in parallel statutory structures [5], [6]. On the research question's first limb, the answer is therefore one of substantial normative approximation.

Second, the same conclusion cannot yet be made about practical equivalence. The decisions analysed in this article establish particular propositions about registration, procedural classification, the right to a reasoned decision, and the investigation required before criminal liability is resolved [25]–[28]. They do not establish a settled post-2025 jurisprudence on evidence orders, provisional measures, corrective relief, or damages. On the second limb of the research question, the proper finding is therefore limited: the sources reveal important habits and difficulties of reasoning, but the operational record of the new remedies remains to be built.

Third, legal certainty in this field should not be measured by the number of provisions reproduced from the *acquis*. In my assessment, its decisive indicators are whether the competent route can be identified, whether the court connects evidence to the legal test, whether urgency is balanced by review and compensation safeguards, and whether the result can be located and followed through later proceedings. The B-52 and H10 materials show, in different jurisdictions, why that discipline matters [25], [26], [28]. The 2025 statutes create the opportunity for a clearer practice; they do not predetermine it.

Albania's next phase of approximation will therefore be judged less by further repetition of the Directive's vocabulary than by the quality of implementation already requested in the accession process [3], [4]. A reliable transition, reasoned interim orders, accurate procedural statistics, and accessible appellate histories would allow the reform to be evaluated on evidence rather than assumption. That is also the boundary of the present conclusion: the legislation is demonstrably closer to the EU civil-enforcement framework, while equivalent effectiveness remains a proposition for future judicial and empirical verification.

REFERENCES

- [1]. European Union and Republic of Albania, Stabilisation and Association Agreement, OJ L 107, 28 Apr. 2009, arts. 70 and 73. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22009A0428\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22009A0428(02))
- [2]. Council of the European Union, "Accession Conference with Albania: EU Opens Negotiations on the Internal Market Cluster," 14 Apr. 2025. <https://www.consilium.europa.eu/en/press/press-releases/2025/04/14/accession-conference-with-albania-eu-opens-negotiations-on-the-internal-market-cluster/>
- [3]. Council of the European Union, *European Union Common Position, Cluster 2: Internal Market*, AD 4/25, CONF-ALB 4/25, 11 Apr. 2025. <https://data.consilium.europa.eu/doc/document/AD-4-2025-INIT/en/pdf>
- [4]. European Commission, *Albania 2025 Report*, SWD(2025) 750 final, Brussels, 4 Nov. 2025. https://enlargement.ec.europa.eu/document/download/fe9138b7-90fe-4277-a12c-3a03f6d1957f_en?filename=albania-report-2025.pdf
- [5]. Republic of Albania, Law No. 52/2025 of 3 July 2025, "On Trademarks," WIPO Lex No. AL131, published 1 Aug. 2025, especially arts. 129–138. <https://www.wipo.int/wipolex/en/legislation/details/23528>
- [6]. Republic of Albania, Law No. 53/2025 of 3 July 2025, "On Patents, Utility Models and Supplementary Protection Certificates," WIPO Lex No. AL132, published 1 Aug. 2025, especially arts. 150–162. <https://www.wipo.int/wipolex/en/legislation/details/23529>
- [7]. Republic of Albania, Law No. 9947 of 7 July 2008, "On Industrial Property," as amended up to Law No. 53/2025 of 3 July 2025, WIPO Lex No. AL133. <https://www.wipo.int/wipolex/en/legislation/details/23745>
- [8]. European Parliament and Council of the European Union, Directive 2004/48/EC of 29 Apr. 2004 on the enforcement of intellectual property rights, OJ L 157, 30 Apr. 2004, pp. 45–86. <https://eur-lex.europa.eu/eli/dir/2004/48/oj>
- [9]. European Parliament and Council of the European Union, Regulation (EU) No. 608/2013 of 12 June 2013 concerning customs enforcement of intellectual property rights, OJ L 181, 29 June 2013, pp. 15–34. <https://eur-lex.europa.eu/eli/reg/2013/608/oj>
- [10]. World Trade Organization, Agreement on Trade-Related Aspects of Intellectual Property Rights, Annex 1C to the Marrakesh Agreement Establishing the World Trade Organization, 1994, art. 61. https://www.wto.org/english/docs_e/legal_e/27-trips.pdf
- [11]. European Union, Charter of Fundamental Rights of the European Union, OJ C 202, 7 June 2016, pp. 389–405, arts. 7, 8, 11, 16, 17(2), 47 and 52(1). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016P/TXT>
- [12]. P. I. Bhat, *Idea and Methods of Legal Research*. Oxford: Oxford University Press, 2020. <https://doi.org/10.1093/oso/9780199493098.001.0001>
- [13]. A. Watson, *Legal Transplants: An Approach to Comparative Law*, 2nd ed. Athens, GA: University of Georgia Press, 1993.
- [14]. P. Legrand, "The Impossibility of 'Legal Transplants'," *Maastricht Journal of European and Comparative Law*, vol. 4, no. 2, pp. 111–124, 1997. <https://doi.org/10.1177/1023263X9700400202>
- [15]. U. Kischel, *Comparative Law*, trans. A. Hammel. Oxford: Oxford University Press, 2019. <https://doi.org/10.1093/oso/9780198791355.001.0001>

- [16]. G. Noutcheva, "Fake, Partial and Imposed Compliance: The Limits of the EU's Normative Power in the Western Balkans," *Journal of European Public Policy*, vol. 16, no. 7, pp. 1065–1084, 2009. <https://doi.org/10.1080/13501760903226872>
- [17]. European Commission, *Follow-up Study on the Application of the Directive on the Enforcement of Intellectual Property Rights*. Luxembourg: Publications Office of the European Union, 2026. <https://doi.org/10.2873/9680583>
- [18]. Court of Justice of the European Union, Case C-275/06, *Productores de Música de España (Promusicae) v Telefónica de España SAU*, ECLI:EU:C:2008:54, judgment of 29 Jan. 2008.
- [19]. Court of Justice of the European Union, Case C-324/09, *L'Oréal SA and Others v eBay International AG and Others*, ECLI:EU:C:2011:474, judgment of 12 July 2011.
- [20]. Court of Justice of the European Union, Case C-70/10, *Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM)*, ECLI:EU:C:2011:771, judgment of 24 Nov. 2011.
- [21]. Court of Justice of the European Union, Case C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH*, ECLI:EU:C:2014:192, judgment of 27 Mar. 2014.
- [22]. Republic of Albania, Law No. 49/2012 of 3 May 2012, "On Administrative Courts and Adjudication of Administrative Disputes," as amended. <https://gjykata.gov.al/media/3060/ligj-nr-49-dat%C3%AB-352012-p%C3%ABr-gjykatat-administrative-dhe-gjykimin-e-mosmarr%C3%ABveshjeve-administrative.pdf>
- [23]. Republic of Albania, Law No. 102/2014 of 31 July 2014, "Customs Code of the Republic of Albania," as amended, WIPO Lex No. AL097. <https://www.wipo.int/wipolex/en/legislation/details/20978>
- [24]. Republic of Albania, Criminal Code, Law No. 7895 of 27 Jan. 1995, as amended, art. 149/a, WIPO Lex No. AL094. <https://www.wipo.int/wipolex/en/legislation/details/20975>
- [25]. Constitutional Court of the Republic of Albania, Decision No. 68 (V-68/25), 5 Nov. 2025, published 12 Dec. 2025. <https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2025/12/vend.6825.pdf>
- [26]. European Court of Human Rights, *Meli and Swinkels Family Brewers N.V. v. Albania*, Applications Nos. 41373/21 and 48801/21, judgment of 16 July 2024. <https://www.echr.coe.int/w/judgment-concerning-albania-5>
- [27]. Administrative Court of First Instance of Tirana, Judgment No. 80-2021-2650, 28 Sept. 2021, WIPO Lex No. AL084-j. <https://www.wipo.int/wipolex/en/judgments/details/1581>
- [28]. Supreme Court of the Republic of Albania, Criminal Chamber, Decision No. 00-2025-325 (46), 25 Feb. 2025, Electronic Information Bulletin No. 4/2025. <https://www.gjykataelarte.gov.al/sq/lajme/buletini/buletini-informativ-elektronik-nr.4-2025/>
- [29]. European Union, Consolidated Version of the Treaty on the Functioning of the European Union, OJ C 202, 7 June 2016, pp. 47–200, art. 267. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016E/TXT>
- [30]. B. S. Javorcik, "The Composition of Foreign Direct Investment and Protection of Intellectual Property Rights: Evidence from Transition Economies," *European Economic Review*, vol. 48, no. 1, pp. 39–62, 2004. [https://doi.org/10.1016/S0014-2921\(02\)00257-X](https://doi.org/10.1016/S0014-2921(02)00257-X)