TRADEMARK PROTECTION ACCORDING TO NATIONAL AND INTERNATIONAL LEGAL ACTS, WITH SPECIAL EMPHASIS ON CIVIL AND CRIMINAL LAW

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Abstract

The protection of trademarks is a fundamental component of intellectual property law, aimed at ensuring fair competition and safeguarding the economic interests of rights holders; however, challenges persist in achieving effective harmonization and enforcement, particularly in developing and transitional legal systems. This paper examines the trademark protection framework in the Republic of Kosovo in light of national legislation and relevant international and European Union (EU) legal instruments, including the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and EU trademark law standards (World Trade Organization [WTO], 1994; The European Parliament, & The Council of the European Union, 2015). The purpose of the research is to assess the degree of alignment of Kosovo's trademark legislation with international and EU norms and to evaluate its application within civil and criminal law contexts. The study employs a doctrinal and comparative legal methodology, based on the analysis of statutory provisions, international agreements, and scholarly literature. The findings reveal that while Kosovo has made notable progress toward legal harmonization, deficiencies remain in enforcement mechanisms and legal certainty. The paper concludes that further legislative refinement and stronger institutional implementation are required. This research is relevant for advancing academic discourse on trademark law and for informing policymakers and legal practitioners involved in intellectual property protection and legal harmonization processes.

Keywords: Legal, Protection, Trademarks, Harmonized, EU Trademark, International Agreements

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1. INTRODUCTION

This paper addresses substantive challenges arising from the limited availability of academic literature in the Albanian language and the insufficient treatment of trademark law by local Albanian scholars (Plakolli-Kasumi, 2008). Consequently, this research seeks to enrich the legal literature by providing a comprehensive analysis of trademark protection in the Republic of Kosovo, particularly in the context of legal harmonization with international and European Union (EU) standards. The primary objectives of

the study are to offer a theoretical and legal examination of trademark law, to realistically reflect the rights guaranteed by domestic and international legal instruments, and to propose recommendations aimed at improving the legal framework and institutional infrastructure in Kosovo.

The dilemmas raised throughout this paper have led to the formulation of specific research questions that directly influence the quality and scientific value of the study. These questions emerge from initial uncertainties related to the domestic legal basis for trademark protection, the legal frameworks of selected regional countries, the international legal instruments governing trademarks, and the incorporation of international rules and standards into national legislation (World Trade Organization [WTO], 1994). Particular attention is given to the harmonization of Kosovo's Law on Trademarks with relevant EU directives, especially Directive (EU) 2015/2436, which establishes a common framework for trademark protection across EU member states.

This research places particular emphasis on the comparative method as its primary methodological approach. Through this method, domestic legislation is analyzed in relation to regional and international legal frameworks, allowing for the identification of similarities, differences, and regulatory gaps. In addition, the normative legal research method is applied by examining the standards governing trademark protection in Kosovo and comparing them with those of other states in the region, notably Albania and North Macedonia (Law on Trademarks of the Republic of Kosovo, Law on Industrial Property of the Republic of Albania).

One of the key findings of the study is that, in the Republic of Kosovo, the misuse of trademarks is not regulated as a distinct criminal offense in the Criminal Code but is instead incorporated within another category of criminal offenses. In contrast, the Republic of Albania explicitly regulates trademark misuse as a separate criminal offense, thereby providing clearer penal protection (Criminal Code of the Republic of Albania) (Plakolli-Kasumi, 2008). Furthermore, Kosovo has established a specialized institution responsible for trademark protection in accordance with international standards, as recommended by the World Intellectual Property Organization (WIPO) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, whereas some regional countries lack fully specialized institutional mechanisms (WTO, 1994).

National legal acts regulating trademarks in Kosovo are largely derived from international legal instruments, including the TRIPS Agreement and WIPO-administered treaties, which contain universally applicable principles of international intellectual property law (WTO, 1994). Under these instruments, member states are required to incorporate international trademark standards into their domestic legal systems through laws and subordinate regulations. This obligation also entails ensuring effective enforcement by competent authorities against violations of trademark-related legislation, thereby guaranteeing legal certainty for trademark holders (The European Parliament, & The Council of the European Union, 2015).

Based on the analysis of the trademark legislation of the Republic of Kosovo and selected regional countries, namely North Macedonia and Albania, the study identifies three main forms of trademark protection: administrative legal protection, civil legal protection, and criminal legal protection (Law on Trademarks of the Republic of Kosovo, Law on Industrial Property of the Republic of North Macedonia).

Trademark protection initially operates within the administrative legal framework, which provides rights holders with a lawful procedure for registration, use, and enforcement of trademarks. Failure to respect or abuse this process may give rise to civil legal disputes, enabling rights holders to seek compensation and restoration of their rights through judicial proceedings (Plakolli-Kasumi, 2008). In cases involving misuse or counterfeiting of trademarks, criminal proceedings may be initiated to establish penal liability and to ensure effective protection of industrial property rights in line with international standards (WTO, 1994).

The structure of the paper is as follows. Section 2 reviews the relevant literature. Section 3 outlines the research methodology. Section 4 presents the results and discussion. Section 5 provides the conclusions of the study.

2. LITERATURE REVIEW

Trademark protection is a fundamental component of intellectual property law, ensuring fair competition, consumer confidence, and safeguarding the economic interests of rights holders. Foundational scholarship emphasizes the distinguishing function of trademarks and their role in protecting goodwill, which continues to inform modern legal approaches to enforcement and sanctions (Schechter, 1925; Colston, 1999).

Recent studies highlight that globalization, digital markets, and cross-border trade increase the risks of trademark misuse and counterfeiting, making effective enforcement mechanisms, including criminal-law measures, essential (Dinwoodie & Janis, 2021; Bouchoux, 2023). Criminal sanctions are particularly crucial in deterring large-scale or systematic trademark infringements, complementing civil and administrative remedies.

Internationally, the TRIPS Agreement and WIPO-administered treaties provide the framework for modern trademark protection. Recent WIPO publications emphasize that member states must implement effective enforcement, including criminal penalties for willful commercial-scale counterfeiting (WIPO, 1989, n.d.). This underscores the integral role of criminal-law measures in comprehensive trademark protection systems.

Within the EU, Directive (EU) 2015/2436 harmonizes substantive trademark rules across member states, indirectly influencing national criminal enforcement policies in neighboring and candidate countries (Brancusi, 2023; Dinwoodie & Janis, 2021). Although criminal sanctions are left largely to national discretion, harmonized civil and administrative standards shape legal and institutional practices.

In the Western Balkan region, scholarship points to uneven criminal-law protection of trademarks. Studies on Albania and North Macedonia highlight

that explicit criminal provisions and specialized institutional mechanisms enhance enforcement against trademark misuse (Plakolli-Kasumi, 2008; Ejupi et al., 2020). Recent legislative reforms in Albania, including updates to the Criminal Code and Industrial Property Law, have strengthened criminal-law protection of trademarks (Parliament of the Republic of Albania, 2008).

In contrast, research identifies gaps in Kosovo's criminal-law framework, where trademark misuse is not a separate criminal offense but is included within broader provisions (Assembly of the Republic of Kosovo, 2019, 2022). Doctrinal analyses suggest this may reduce legal clarity and weaken deterrence against systematic infringement (Bouchoux, 2023; Contreras, 2022).

Despite the growth of international and regional literature, focused studies on the criminal-law protection of trademarks in Kosovo remain scarce, particularly in Albanian-language scholarship. This gap demonstrates the need for further research integrating recent international developments and comparative analysis. The present study contributes by providing a focused examination of criminal-law mechanisms for trademark protection in Kosovo and selected regional countries, highlighting legislative and institutional strengths and weaknesses and offering insights for potential legal and policy improvements.

3. RESEARCH METHODOLOGY

This study employs standard scientific methods to achieve accurate and academically sound results. The primary methods used are the comparative method, desk research, and the normative legal method, with potential for empirical and survey-based approaches.

The cabinet research method facilitated the systematic collection of official, legal, and academic materials, including laws, regulations, international treaties, institutional reports, and scholarly literature. This provided a strong foundation for theoretical and comparative analysis.

The analytical research method enabled the examination of data to identify similarities and differences between Kosovo's legislation and that of regional countries, particularly regarding criminal-law aspects of trademark protection. It allowed the study to highlight gaps and areas for improvement in legal frameworks.

The comparative method was central to this research, providing a structured approach to evaluate domestic legislation against regional and international standards. This method made it possible to assess Kosovo's alignment with EU directives, TRIPS obligations, and practices in neighboring countries.

Alternative methods could also enhance research on this topic. The empirical method, through interviews or surveys with legal experts, business representatives, or government officials, could provide practical insights into enforcement and compliance. Case study analysis could examine specific instances of trademark misuse, while quantitative or statistical analysis of court decisions, administrative measures, and trademark registrations could reveal patterns and trends in enforcement.

By integrating normative, comparative, and analytical approaches, with the potential use of empirical and quantitative methods, this study offers a comprehensive understanding of trademark protection in Kosovo and the region, addressing both legal theory and practical application.

4. RESULTS AND DISCUSSION

4.1. Legal administrative protection

Administrative legal protection of trademarks is a procedure governed by national laws designed to protect trademarks, which precisely outline the procedures and principles to be followed for a trademark to be valid and functional. Any action outside these administrative rules and procedures constitutes a violation of legal administrative provisions, leading to an administrative follow-up procedure to rectify the administrative factual situation according to legal procedures and principles.

In the administrative procedure for trademark protection, a comprehensive administrative-legal process is necessary. Those who do not adhere to these administrative procedures must face two types of actions: administrative measures and administrative offenses. However, to implement these administrative actions, state and institutional mechanisms are also required to enforce legal and administrative provisions and to determine administrative responsibility. Such mechanisms or institutions in administrative procedures include various administrative inspectorates, offices responsible for trademarks, relevant ministries, customs, police, prosecution, etc., depending on the state and institutional hierarchy.

Law on Trademarks No. 08/L-075, of the Republic of Kosovo, regarding legal-administrative protection, there are no special provisions that regulate this field, but in its Article 86, Paragraph 1, it provides for the situation when in administrative procedure the owner of the trademark has the right to file a complaint, as a legal remedy for initiating administrative proceedings, in the market inspectorate against anyone who violates the trademark rights. In this law, as a punitive measure, penalties are provided for all those physical and legal persons who, without authorization, use a trademark in violation of this law, are punished from 200.00 euros to 15,000.00 euros. Such a matter of punitive provisions for all those who violate a trademark is also provided for in Law No. 06/L-015 on customs measures for the protection of intellectual property rights, specifically in Article 32, Paragraphs 1–4, where it is provided that the smallest penalty for natural persons is 250.00 euros, while for legal persons it is 500.00 euros, while the largest penalty for physical persons is 2,500.00 euros, while for legal persons it is up to 10,000.00 euros (Assembly of the Republic of Kosovo, 2018).

Law on Industrial Property, in the Republic of North Macedonia, specifically in Article 19, the issue of administrative procedure is regulated, where, in connection with this, it is precisely specified that the Entity is a central body which, through a legal act such as a decision, regulates the issue for the acquisition, realization, maintenance and protection of industrial property rights (Assembly of

the Republic of North Macedonia, 2009). According to this law, there are special provisions related to the supervision of the implementation of this law, which is the responsibility of the Ministry of Finance of the Republic of North Macedonia, which the minister authorizes the State Market Inspectorate that according to official duties (the Inspectorate), and at the request of the holder of the right to supervise the provisions of this law and provide legal security to the holder of the right in administrative procedure. In cases where the inspectorate finds that the administrative rules for the protection of trademarks have been violated, then this body issues a decision by which it can withdraw the products from circulation, or it can also set adequate measures to prevent further infringement of the trademark and may request that they be withdrawn from circulation when: the protected invention is used without authorization, the protected industrial design is used or imitated without authorization, the protected trademark is used or imitated without authorization, the "®" sign for trademark is used without authorization which is not registered, used or imitated without authorization well-known trademark and used or imitated without authorization protected geographical name (Assembly of the Republic of North Macedonia, 2009). This law also provides punitive provisions for all those who, in the administrative procedure, violate the rights of trademark holders and charges them with criminal responsibility. Also, with this law, the holder of the trademark right is given the right to ask the inspectorate to take action in these situations when the trademark right is violated, but the holder of the right must attach the following to the request for trademark protection documents: evidence that the adequate right of industrial property is protected, a statement that takes full responsibility for the persons involved in the procedure due to the action or the right holder' omission or when it has been proven that the subject goods do not violate the right of ownership industrial, the goods' technical description (accurate and detailed), the value of the original goods in the Republic of North Macedonia, the location of the goods, data on the importer of the goods and the country or places of production. This law, in addition to providing criminal sanctions for all those who violate a trademark, also provides for other punishments such as: punishment with a ban on carrying out the activity for one to three years, ban on exercising the profession, activity or duty in a term of one to five years or a permanent ban on carrying out the activity, punishment with a fine and confiscation of items. The law provides that the value of the fines from the misdemeanor is from 4,000.00 euros to 8,000.00 euros for legal entities, while for natural persons the value is from 700.00 euros to 1,200.00 euros.

Law on Industrial Property No. 9947 foresees the minimum and maximum value that must be applied, as well as in cases where there is a repetition of the misdemeanor by the same person, then the penalty or the amount of the Law on Industrial Property No. 9947, amended and supplemented by Law No. 96/2021, of the Republic of Albania, regarding the protection of brands in the legal-administrative aspect, this law, in Article 199, which talks about administrative offenses (amended Point 1 by Law No. 10/2013 of 2013), in Paragraphs 1–4, correctly provides that when an illegal action does not constitute a criminal offense, we are dealing with an illegal administrative action, and according to this law the party must be charged with an administrative offense by imposing a fine from the side of the inspectorate that covers the field of market surveillance. Also, this law foresees the minimum and maximum value that must be applied, as well as in cases where there is a repetition of the offenses by the same person, then the penalty or the amount of the offenses must be doubled, and the Tax Police is obliged to execute the fine. must be doubled, and the Tax Police is obliged to execute the fine.

4.1.1. Civil legal protection

The civil legal protection of trademarks means that if a legal or natural person's right to a trademark is violated or such a right is misused, then the holder of the right or its owner has the right to initiate a lawsuit in court for the protection of the right they enjoy. According to a practical concept, it appears that: "In civil proceedings, the owner of a trademark can ask the Court to issue an order, and seek compensation" (Plakolli-Kasumi, 2008, p. 135). According to this definition, there are two situations that must be taken into account: the situation in which the owner has the right to claim his right by initiating civil proceedings in court, and the other situation is that he also has the right to request compensation for the factual and legal consequence (compensation for material and non-material damages) caused to the right holder. While the orders that the right holder can request from the court should be mentioned: an order to destroy or remove the sign, an order to deliver the goods, materials, or articles that constitute infringement, and an order authorizing an enforcement authority to confiscate goods, materials, or articles.

It can also be said that the actions which are implied as measures taken in the legal-civil procedure for the protection of trademarks have the role or importance of compensating the pecuniary or non-pecuniary damage for the holder of the trademark right. According to WIPO (2016), measures civil compensate the holder of the right for the economic damage suffered as a result of the violation of the right, usually in the form of monetary damage, and create an effective security for other violations. The moment that should be paid attention to whether a certain case is an administrative offense or the beginning of a civil procedure for compensation of damage, is the moment when the party who thinks that his trademark right has been violated, wants an administrative punishment for the person who has violated the right, which is the administrative offense, or the desire for compensation, which can only be initiated with a lawsuit in the civil courts. Regarding this issue, we have a correct opinion when it is said that when compensation is sought, a civil lawsuit is the only way (Wanhuida Intellectual Property, 2023). According to this concept, it can be concluded that a claim for damages can never be made in any other procedure, but only with a lawsuit in a civil procedure before the competent courts.

The legal-civil protection of trademarks according to the national legislations of the countries of the region, such as in: the Republic of Kosovo, the Republic of North Macedonia, as well as in the Republic of Albania is approximate, and there are very small differences in the procedural aspect as well as there is a harmonization of legislation with the legal acts of the EU.

Law on Trademarks No. 08/L-075, of the Republic of Kosovo, the protection of trademarks in the legal-civil aspect is regulated by a special provision, specifically in Chapter XII (Civil Legal Protection), where in Article 74, the decisively, the persons who have the right to request the protection of rights in civil proceedings, whose subjects are: the owner of the trademark, the person authorized for the protection of the trademark, as well as by a licensee. Further in Article 75, it is specified that the holder of the trademark right or the owner of the trademark is allowed to file a lawsuit against anyone who illegally violates a trademark right that has been acquired under Article 9, 10, or 12 of this law. This law also authorizes the holder of the right to the trademark to seek compensation for damages through a civil lawsuit for any violation that has been done to him, which is accompanied by material or non-material damage. Regarding the fact that the trademark right has been violated in the juridical-civil sense, the court can take decisions with which it can take two types of measures: temporary measures and preventive measures.

Law on Industrial Property No. 21, in the Republic of North Macedonia, specifically in the 10th part (judicial protection — violation of rights), which in Article 291, regulates the issue of realizing the protection of the right where it is specifically granted the right of anyone whose right is violated in the field of trademarks, through the submission of a lawsuit before the court, which is competent for the resolution of disputes regarding industrial property rights. Also, through this law in the Republic of North Macedonia, the situations where there are cases of trademark infringement, or what is considered a trademark infringement, are presented: any unauthorized use, disposal, definition, imitation, association, disturbance of rights, and similar that is contrary to the provisions of this law. Also, with this law, the elements that must be contained in a lawsuit when it is filed to protect a right in civil proceedings are also expressly provided by this law, its elements according to this law, specifically according to Article 294 are: "Verification that the violation exists of the right, prohibition of the actions mentioned in the lawsuit that violate the right, compensation for the damage caused by the violation of the right intentionally or by negligence, seizure and destruction of the goods that were created or put into circulation with the violation of the right and the means used for their production, the respondent must provide information on the identity of the third parties involved in the production and distribution of the goods or services with which the rights are violated, as well as on their distribution channels, submission of documentation and data from the person who violated the right, civil penalty, announcement of judgment at the expense of the defendant and other requests" (Assembly of the Republic of North Macedonia, 2009).

Also, this law precisely foresees and regulates the deadline or time period when the right to legal-civil protection of the trademark can be requested, which in principle is the deadline of three years, but not more than five years. This law also regulates the situations when temporary measures can be taken because the plaintiff has provided proof and evidence that his claim is well-founded and fundamental, and such situations are: prohibiting all actions for violation and their continuation, confiscating, withdrawing from circulation, preserving the specimens, tools, equipment, and documents related to them, and adopting other similar measures.

Law on Industrial Property No. 9947, amended and supplemented by Law No. 96/2021, of the Republic of Albania, in Article 184 (The Right to Respond to Violations of Rights), competence is given to all the bearers of all the persons who mark the companies that are sued in the cases. When a trademark right is violated and such a right is recognized: the owner of a registered trademark, authorized users of the collective trademark, authorized licensees of an exclusive trademark license, and owners of a well-known trademark in the Republic of Albania, in the sense of Article 6 bis of the Paris Convention.

As for the three-year term for filing a lawsuit from the moment you find out about the violation of the trademark right, it is identical to that in Kosovo and North Macedonia, and this law also provides for preventive measures as in the two aforementioned countries.

4.1.2. Criminal legal defense

Criminal legal protection is the last stage of the legal protection for a legally protected trademark, and this right charges the trademark infringer with criminal liability, where all those who violate trademark rights by misusing or abusing such a right will be punished with criminal penalties. At the beginning of the application of criminal liability related to trademarks, there was hesitation, because at the beginning, there was criminal liability only for the protection of company names, but not for trademarks. Then the legal criminal liability of trademarks began to be applied by the French Criminal Acts of 1810 (Article 142) and 1824 (Article 433) where all those who used the name of another in international trade were sanctioned, as well as the German state which also with the Penal Code of 1871 sanctioned all those who used in an unauthorized way the personal and commercial names of goods in the marking or marketing of goods or packages. After this period of time, other countries have begun to provide legal provisions through their legislation that would sanction all those who misuse a trademark or use such a trademark without the authorization of the trademark holder. Although a controversial topic remains the question of what is considered an illegal action with criminal liability, because there are many cases in different countries of the world where we have trademark forgeries and the perpetrators of these acts are not charged with criminal liability but only punished with monetary means. This represents a kind of motivation for others to commit such illegal acts, because the non-penal sanction for such an action is considered a relief for all those

who commit such illegal acts, and this has been emphasized by themself. The WIPO states that: "Counterfeiters pay such fines out of their own pockets, and imprisonment is rarely ordered" (Kunze, 1993, p. 98).

Law on Trademarks No. 08/L-075, of the Republic of Kosovo, in Article 92 that regulates the punitive provisions, in Paragraph 6, states that in those cases where there is a violation of the provisions of this law by which it was committed criminal offense, then the courts of Kosovo are obliged to punish the responsible entity with the criminal liability provisions of the Criminal Code of the Republic of Kosovo and this law on trademarks. According to this provision, it should be understood that criminal liability for trademarks is not regulated by a special provision of this law, but must be sanctioned according to the provisions of the Criminal Code of Kosovo. Criminal Code of the Republic of Kosovo No. 06/L-074, provides a special provision on the misuse of trademarks, according to Article 292 (Deception of consumers), where in the first paragraph it is decisively emphasized that: "Anyone who, during the exercise of economic activity and with the purpose of deceiving buyers or consumers, uses or possesses with the intention of using as his name or mark or a special mark of his goods, the name or mark of another, the mark of goods or services of another, or the mark of to the other, which is related to the geographical origin or any other special sign of the goods or their components, shall be punished with imprisonment of up to (3) three years" (Assembly of the Republic of Kosovo, 2019).

Law on Industrial Property No. 21, in the Republic of North Macedonia, regarding the criminal liability of those who misuse trademarks, is issued only in the matter of civil punishment and sanctions in the sense of civil rights; however, it does not determine criminal liability for trademark infringers, nor does it incorporate the criminal code in sanctioning trademark infringers.

Law on Industrial Property No. 9947, amended and supplemented by Law No. 96/2021, of the Republic of Albania, there are also no special provisions that define the criminal liability of trademark rights infringers, but in relation to this issue they can be interpreted in the format of Article 199 which regulates administrative misdemeanors, the definition is given that an administrative misdemeanor is any non-legal violation that does not constitute a criminal offense. According to this, the provision can be interpreted on its own, that when the conditions and elements of the criminal offense are met, then the criminal responsibility should be taken into account, all violators of trademark rights; it is only an administrative offense. Regarding criminal liability in this area, the Republic of Albania, with Penal Code of the Republic of Albania No. 7895, the Criminal Code of the Republic of Albania, amended and supplemented by Law No. 24, specifically in Article 149/a in the provision of violation of industrial property rights, regulates the issue in this way: "Production, distribution, keeping for trading purposes, sale, offer for sale, supply, distribution, export or importing for these purposes: a) the product or process protected by a patent, without the consent of the patent owner; b) the product that is protected by an industrial design, without the consent of the owner of the industrial design; c) goods or services that are protected by a trademark, without the consent of the owner of the trademark; ç) the product derived from a geographical indication, without the consent of the owner of the geographical indication; committed intentionally, constitute a criminal misdemeanor and are punishable by a fine or imprisonment of up to one year. And this act, when committed in collaboration or more than once, constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to two years". The international legal acts that regulate the field of trademarks in the international arena do not at all regulate the issue of criminal liability for those who violate such a right, and these situations are regulated only within the national laws of the respective states.

4.2. International legal protection

4.2.1. Basic international legal acts on trademarks

The legal protection of trademarks is based on international legal acts, with which legal acts are undertaken, actions that present legal certainty at the international level and that offer legal protection to all those countries that are members or signatories of conventions, agreements, resolutions, pacts, etc., relevant. International legal acts that have an impact on the regulation of the field of trademarks and which we have dealt with so far are: the Paris Convention for the Protection of Industrial Property of 1883, the Madrid Agreement Concerning the International Registration of Marks of 1891, the Protocol relating to the Madrid Agreement of 1989, the Convention establishing the WIPO, the Nice Convention on the International Classification of Goods and Services for the Purposes of Trademark Registration, the Vienna Agreement on the International Classification of Figurative Elements of trademarks, TRIPS Agreement, Directive (EU) 2015/2436 of the European Parliament and of the Council, on the approximation of the laws of the Member States regarding trademarks, Council Regulation (EC) No. 40/94 on the Community Trademark, etc. But what should be given importance to the protection of trademark rights are the legal acts: Protection according to the Nice Agreement, Protection according to the Madrid Agreement on international registration, and protection according to the Vienna Agreement.

4.2.2. Protection under other international sources

The protection of trademarks in the international arena in the legal aspect, in addition to the legal acts detailed above, we also have other acts that deal with the regulation of trademarks in the regional and international aspects. First, in the regional aspect, the Central European Free Trade (CEFTA) Agreement should be mentioned, which agreement had its last consolidated version in 2006, and with these changes it started to be implemented in 2007. This agreement has legal power for the Balkan countries, such as the Republic of Albania, the Republic of North Macedonia, the Republic of Kosovo, Bosnia and Herzegovina, the Republic of Montenegro, the Republic of Serbia, and the Republic of Moldova.

As for the issue of trademarks, this agreement regulates this area in Chapter VI (New Commercial Issues), Part D (Protection of Intellectual Property), Article 37, which regulates the issue of protecting copyright and industrial property rights.

In the framework of industrial property rights, the right of trademarks is also included, offering you legal certainty in the implementation of the principles and rules that emerge from the Paris Convention and the Agreement on aspects of TRIPS (TRIPS Agreement). The characteristic of this free trade agreement is that it obliges the parties to provide protection and security in the implementation of intellectual property rights, especially those rights which are included in international legal acts, and especially in the TRIPS Agreement. The agreement foresees this legal security in Article 38, Paragraph 1, where it is specifically stated that: "The parties will provide and ensure adequate and effective protection for intellectual property rights in accordance with international standards, especially with TRIPS, including effective means for enforcing the implementation of these rights provided for in international conventions and treaties" (CEFTA, n.d.).

In the international aspect, industrial property, or rather trademarks, has a series of legal acts that are regulated, and they are:

- Madrid Agreement Concerning the International Registration of Marks of 1891[1];
- Paris Convention for the Protection of Industrial Property of 1883[2];
- Hague Agreement for the International Deposit of Designs of 1925, revised at the Hague in 1960, and amended at Stockholm in 1967, with amendments to 1979[3];
- Universal Copyright Convention (UCC) Geneva Text of September 6, 1952[4];
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 1957[5], etc.

5. CONCLUSION

This paper has great importance for young researchers because it encourages theoretical and academic debate among scholars and has a positive impact on the proper treatment of this topic. In the Republic of Kosovo, this field of study has not yet gained the institutional and scientific attention it deserves. Therefore, through this paper and its results, I believe and hope that it will influence the younger generations by providing a realistic reflection of the national legal and international juridical aspects of trademark law, as well as contribute to the improvement of this field through scientific recommendations.

Despite providing a detailed analysis of the examined issue, this study has several limitations that should be acknowledged. First, the research is primarily based on doctrinal and comparative analysis of existing legislation, without incorporating empirical data or statistical analysis, which may limit the practical depth of the findings. Second, the comparative approach focuses on a limited number of selected countries from the region and the EU; therefore, the results cannot be generalized to all jurisdictions. In addition, frequent legislative amendments and ongoing developments in judicial practice may affect the timeliness of some findings. These limitations indicate the need for further research, particularly studies that incorporate empirical methods and broader comparative frameworks.

According to the above scientific elaboration, it appears that, regarding trademarks and their legal rights, there is a need to regulate the situation and change the legal status of rights, through the following recommendations.

Initially, new generations, especially young researchers, should be motivated to develop literature in the theoretical aspect and provide concepts and knowledge for the development of trademark rights, according to contemporary and realistic concepts of the current time.

The organizational structures of the bodies or institutions that have the authority to undertake actions in the management of trademark affairs should be reformed, in order to properly function the relevant institutions and to develop institutional life related to trademarks.

The responsible staff of the institutions that deal with trademark management should be professionalized, equipped with theoretical and legal knowledge of the specifics of trademarks in the national and international aspects, and should exchange local, regional, and international experiences in carrying out administrative procedures for trademark registration.

The countries of the region should have agreements and cooperation, on a daily basis, in order to supervise the trademark market in the legal and judicial aspects, as well as to unify the procedures for the application, registration, and management of trademarks in the electronic online system.

To unify the standard forms for trademark applications in the countries of the region (Kosovo, North Macedonia, and Albania), in order to benefit our businesses in terms of unique criteria and conditions that must be met to register a trademark, and the entire process in our countries should be unified and electronically online, as in the EU — European Union Intellectual Property Office (EUIPO).

The institutional aspect in the countries of the region (Kosovo, North Macedonia and Albania), should be unified among themselves and we should have institutions that manage the process of trademark application and registration at the level of the directorates, as required by the Paris Convention in Article 12, Paragraph 1, which requires that each country of the Union is obliged to establish a separate Directorate for Industrial Property (DGIP) and a Public Information Center. Currently, this international standard is applied only by the Republic of Albania, which has the General DGIP, while in the Republic of Kosovo, the central institution is the Industrial Property Agency, and in the Republic of North Macedonia, the central institution is the Industrial Property Office. From these data, it can be seen that there is no application of the Paris Convention at this point, and this remains a challenge in the future for the Republic of Kosovo and the Republic of North Macedonia to take legal action to change the names of the central institutions from the current ones, to names according to the Paris Convention to be called the DGIP.

[1] https://www.wipo.int/wipolex/en/text/283530
[2] https://www.wipo.int/en/web/treaties/ip/paris/index
[3] https://www.wipo.int/en/web/treaties/registration/hague/index
[4] https://ipmall.info/sites/default/files/hosted_resources/lipa/copyrights/The%20Universal%20Copyright%20Convention%20_Geneva%20Text--September.pdf
[5] https://www.wipo.int/edocs/pubdocs/en/wipo_pub_292.pdf

In terms of law, the countries of the region also have differences and no harmonization regarding the legislation regulating the field of trademarks, because in the Republic of Kosovo, we have a special law on trademarks, such as the Law on Trademarks No. 08/L-075 of the Republic of Kosovo, while in the Republic of North Macedonia trademarks are treated within the framework of the Law on Industrial Property, such as the Law on Industrial Property No. 21, in the Republic of North Macedonia, and also in the Republic of Albania trademarks are treated within the framework of the Law on Industrial Property, such as the Law on Industrial Property No. 9947, amended and supplemented by Law No. 96/2021.

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