

Urgent Trademark Filings in Kosovo

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Kosovo PTO requires an original PoA for every filing, as of a couple of weeks ago. One would have to dispose of an unlimited number of PoAs signed in advance in order to make effective filings without delay. Also, this practice took immediate effect and delayed all new filings, since no one was prepared for such a sudden change of practice.

Alternatively, KPTO would accept a notarized copy. Such a copy can be made in Kosovo only based on already existing NOTARIZED, ORIGINAL PoA. No prior notice was given and no support in the current laws or bylaws could be detected.

In general, to require notarized PoAs is not unreasonable. However, a fair period of transition should be allowed, at least a few months – changing the procedure radically overnight is not doing any favours to trademark owners.

This practically meant that not much was filed for a few weeks following the change. Now, most of the local IP firms are asking for notarized originals. In the meantime some rights could be lost or some priority deadlines missed.

A reasonable practice would have been to ask for a notarized PoA (where and how, what kind of notarized copies would be accepted, etc.), allow a few months to transition without negative consequences and state the formal requirements precisely, leaving no doubt as to what the local IP firms should tell their clients. Just saying that, as of tomorrow, an original PoA is required for every filing before the PTO is definitely not the way.

INTA is currently looking into this issue and liaising with the local IP firms to find the best way to approach the Kosovo PTO about this problem. In the past, a similar practice was introduced in Albania. It was short-lived and abolished after about a year. The author hopes the same fate awaits this unnecessary new rule in Kosovo.