




BiH's New IP Framework: What Businesses Need to Know About Patents, Trademarks and Trade Secrets

JPM

PARTNERS



BIH's New IP Framework: What Businesses Need to Know About Patents, Trademarks and Trade Secrets

Publisher: JPM | Partners
Delta House, 8a Vladimira Popovića street
www.jpm.law
Authors: Miloš Mitić, Senior Partner
Design and prepress: JPM | Partners
Copyright: © JPM | Partners 2026 All rights reserved.

Disclaimer:

The sole purpose of this publication is to provide information about specific topics. It makes no claims to completeness and does not constitute legal advice. The information it contains is no substitute for specific legal advice. If you have any queries regarding the issues raised or other legal topics, please get in touch with your usual contact at JPM & Partners.

Bosnia and Herzegovina (“BiH”) has adopted a set of intellectual property laws that significantly reshape how innovation, branding and confidential business information are protected. Together, the new Patent Law, Trademark Law and Law on the Protection of Trade Secrets as Intellectual Property (“Trade Secrets Law”) bring the domestic framework closer to EU standards, expand available remedies and give businesses clearer tools to secure and enforce their competitive advantage.

The new laws are intended to align domestic law with key EU regulatory instruments, most notably Directive 2004/48/EC on the enforcement of intellectual property rights, Directive (EU) 2015/2436 on trademark harmonization, Directive (EU) 2016/943 on the protection of trade secrets, and a range of EU patent-related rules concerning biotechnology, supplementary protection certificates and compulsory licensing.

The new Trademark Law and Patent Law were adopted in June 2026, entered into force on 20 June 2026, and are set to apply from 21 June 2027, effectively creating a one-year transition period for institutional and procedural implementation.

The Trade Secrets Law follows a slightly different timeline. It was published in June 2026 and entered into force on 20 June 2026, with immediate application of its main provisions, except for one EU-accession-linked provision which constitutes an exception to the application of this Law and will apply only from the date BiH joins the European Union.

Below is a brief overview of the most significant changes introduced by the new laws.

A more structured and business-oriented IP regime

The three laws create a more coherent IP system for companies operating in BiH. The Patent Law regulates protection for inventions and utility models; the Trademark Law governs acquisition, maintenance, transfer and enforcement of trademarks, including collective and certification marks; and the Trade Secrets Law establishes, for the first time in a dedicated format, a clear civil-law framework for protecting confidential commercial information against unlawful acquisition, use and disclosure.

All three laws also reflect alignment with key EU instruments, which is particularly relevant for companies with cross-border operations, investors assessing legal risk and right holders planning regional enforcement strategies.

Patents: stronger protection for innovation, with practical routes for different technologies

The new Patent Law confirms that patents are available for inventions that are new, involve an inventive step and are industrially applicable. It also addresses biotechnological inventions, supplementary protection for certain regulated products and the interaction with European and international filing routes, including PCT and EPC mechanisms. At the same time, the law preserves familiar exclusions: discoveries, scientific theories, mathematical methods, computer programs “as such,” purely aesthetic creations and certain medical and biological subject matter remain outside patent protection.

A particularly important feature for businesses is the dual-track protection model. In addition to patents, the law provides for utility models designed for simpler technical solutions with a lower inventive threshold and a faster, less exhaustive registration process.

This can be valuable for SMEs and manufacturers seeking quicker protection for incremental innovation. The standard patent term is 20 years from filing, while utility models last 10 years, subject in both cases to maintenance formalities and fees. The law also allows rights to be assigned, licensed, inherited, pledged and otherwise commercially exploited, reinforcing the role of IP as a transferable business asset.

Trademarks: broader brand protection and clearer enforcement pathways

The new Trademark Law significantly refines the criteria and scope of trademark protection and registration. It clarifies that any sign capable of distinguishing goods or services may qualify as a trademark, provided its representation clearly and precisely defines the protection claimed. In addition, it introduces stricter and more detailed rules for the classification of goods and services, requiring applicants to use the Nice Classification and describe their goods/services with high precision. General class headings must now be interpreted narrowly, and similarity between goods or services is no longer presumed based on class alone. The law also explicitly incorporates the principle of specialty, limiting protection strictly to the registered goods and services. Furthermore, it formally distinguishes between reputed trademarks (registered marks with strong market recognition) and well-known trademarks (unregistered but widely recognized marks), which were not clearly separated before.

The law also introduces several new rights, protections, and grounds for refusal. It expands both absolute and relative grounds for rejecting trademark applications, including protection of culturally significant symbols and safeguards against unauthorized filings by agents or representatives. A new category, certification trademarks, is comprehensively regulated, allowing entities to certify product characteristics while prohibiting them from using such marks commercially themselves. Additionally, the law establishes procedures to protect trade secrets during IP Office proceedings, including restricted access to confidential evidence. Finally, it introduces a new right enabling trademark holders to prohibit preparatory acts (such as producing or trading packaging and labels bearing infringing signs), thereby strengthening enforcement before actual market infringement occurs.

Trade secrets: formal protection for confidential know-how and internal information

With the new Trade Secrets Law, for the first time, the country has a single legal framework for protecting confidential business information. Until now, this area was only partly regulated, scattered across various instruments, with no unified system that clearly set out the scope of protection or the remedies available to rights holders. That patchwork left businesses exposed to legal uncertainty, especially where confidential information was used or disclosed without authorization. The new law changes that: it defines what is a trade secret, how it is protected, and what follows if someone acquires, uses, or discloses it unlawfully.

A trade secret is information that, because it is not generally known or readily accessible to those who normally deal with it, carries commercial value, and which its lawful holder protects through reasonable steps to keep it confidential. In this respect, a well-drafted non-disclosure agreement is one of the clearest ways for a company to show it has taken those reasonable steps.

Where a trade secret is unlawfully acquired or disclosed, the right holder has a range of measures available. They may seek a finding of infringement, an order to stop the conduct, a prohibition on any further use or disclosure, removal of the consequences of the infringement, compensation for damages, and other measures provided by law.

Acquisition of a trade secret, on the other hand, is lawful where it comes about through independent discovery or creation, through reverse engineering of a product that has been lawfully made available (or is held by someone not contractually barred from doing so), through the exercise of employees' or their representatives' rights to information and consultation, or through any other conduct that, in the circumstances, is consistent with honest commercial practices.

The law also sets out situations where its measures simply do not apply. These include the exercise of freedom of expression and the public's right to information, whistleblowers acting to disclose unlawful conduct, justified disclosure to employee representatives, the protection of rights granted under other regulations, and the provision of legal assistance by attorneys and legal representatives.

Conclusion

The overall message of the new legislation is clear: intellectual property in BiH is no longer just about registering rights, but about actively managing them in day to day business. Companies that systematically identify their patents, trademarks and trade secrets, keep proper documentation, use them in their operations, and enforce them when needed will be better positioned to attract investors, prevent competitors from copying their products or brand, resolve disputes more efficiently and expand into new markets. For domestic companies, the reforms create stronger legal tools to defend innovation and reputation. For foreign investors and international rights holders, they provide a more recognizable and harmonized legal environment.

These reforms should also be viewed through BiH's wider international integration strategy: BiH has been a WIPO member since 1992 and is party to key WIPO-administered treaties, including the Paris Convention, the Patent Cooperation Treaty (PCT) and the Madrid Protocol, which underpin international systems for patent filing, priority claims and trademark protection. The new Patent and Trademark Laws are structured to operate more effectively within that treaty framework, while the Trade Secrets Law introduces a modern regime for protecting confidential business information in a way that is more closely aligned with European and international standards.

In that context, the practical purpose and effect of these laws is not only to strengthen domestic protection of inventions, brands and trade secrets, but also to make BiH's legal environment more predictable, internationally interoperable and credible for foreign investors, treaty users and businesses operating across borders.

Author



Milos Mitic

Senior Partner

E: milos.mitic@jpm.law

JPM | PARTNERS

8a Vladimira Popovića,

Delta House

11070 Belgrade, Serbia

T: +381/11/207-6850

E: office@jpm.law

www.jpm.law