

DECISION  
No. 232 of 19.04.2006

ON CREATION AND WORKING OF ALBANIAN AUTHOR'S RIGHT OFFICE

Pursuant to article 100 the Constitution and point 2 of article 117, law No. 9380 of 24.4.2005 "On Author's Right and Other Related Rights", at the proposal of the Minister Of Tourism, Culture, Youth And Sports and the Council of Ministers

DECIDED:

I. STATUS AND OBJECT OF ACTIVITY OF ALBANIAN AUTHOR'S RIGHT OFFICE

1. Albanian Author's Right Office (AARO) is a central institution, with the status of public legal pollution under the Minister of Tourism, Culture, Youth and Sports, with the seat in Tirana. It has its seal and logo, approved by the director, pursuant to decision 474 of 10.7.2003, "On Mode of Use of Emblem of the Republic of Albania".
2. AARO practices its activity pursuant to the Constitution, Albania legislation on author's right and other related rights, other legal provisions and secondary legislation in force, other international conventions and agreements, in which Republic of Albania is a party.
3. AARO object of activity is to supervise and monitor the observance of author's right and other related rights, by natural/legal persons, subjects, private or public users of literary, artistic or scientific property.

II. REGIONAL AUTHOR'S RIGHT OFFICE

4. In order to fulfill the functions, AARO creates in every circle the regional author's right offices (hereinafter RARO), which are structures of administrative dependence to AARO. RARO has its seal and logo, pursuant to definition of point 1 of this decision, adding the words "Regional Author's Right Office and the circle...".
5. RARO inspectors control the respective authorizations and permissions, issued by authors, holders of author's right or by collective management agencies to users of artistic, cultural and scientific property, and decide the penalties, pursuant to the article 130 of Law No. 9380 of 28.4.2005 "On Author's Right and Other Related Rights", inside the district administrative borders, where the author's right regional office carries out its activity.

III. AARO DUTIES AND RESPONSIBILITIES

6. It examines and registers every application for registration of author's right and related rights, for the applying author or holder of author's right on a work.
7. It deposits all applications, registrations and changes of author's right that it keeps the database, administered in the Author's Right Register, which is documental and electronic.
8. It certifies every signed and/or changed agreement or contract, between parties, subject to Law No. 9380 of 28.4.2005 "On Author's Right and Other Related Rights", when the contract object are the rights on the work and/or the transfer of property rights on the

work, in case of use, exploitation, reproduction, distribution or public presentation pursuant to article 45/1, 47 and 51/3. In order for AARO to implement this law most effectively, all contracts of exclusive transfer of whatever property rights on the work are registered and certified, providing the artistic stamp for all works copies, which are the result of reproduction from an original copy.

9. It offers specialized services, against tariffs approved by Council of Ministers for every subject concerned, it makes the appraisal and assessment in writing for every case of conflict between the parties about author's right and other related rights.
10. At the author's request, it defines the payment for the transfer of propriety rights on the work, through the author and/or the holder of author's right and the other contracting party pursuant to the contract object, when this remuneration is not provided for expressly in the contract between the parties, pursuant to articles 34/2 and 68/3 of the law in force.
11. It examines and gives a final explanation in writing for the author's request, for the claim that the work was used, exploited, changed, reproduced, distributed or presented in public, contrary to provisions of law No. 9380 of 28.4.2005 "On Author's Right and Other Related Rights".
12. It examines disputes about the author's right and other related rights pursuant to article 104 of the law.
13. It appoints author's right experts for judicial bodies, in accordance with respective areas, based on provisions of Civil Procedures Code.
14. It examines requests of the concerned to be licensed in the field of collective management of the author's right, it controls the presented documentation, it carries out the full administrative investigation and presents to Minister of Tourism, Culture, Youth and Sports the applicant's file, the report and its opinion for meeting of conditions for license granting, pursuant to article 108 of the law.
15. It arranges and certifies every contract joined between the author/s or holder/s of the author's right and collective management agency of the author's right and other related rights.
16. It fixes the AARO artistic seal and deposits an original copy of the phonographic /videogram recorder or a similar means for their reproduction, it controls the observance of the author's right by producers or distributors of authorized copies of phonograms, pursuant to article 60 of the law.
17. It cooperates with taxation, customs, judicial and other public institutions, with private organizations, which represent different users of the artistic, cultural and scientific propriety for issues of mutual interest about the manner of implementation and observance of author's right and other related rights pursuant to legal provisions in force.
18. It establishes cooperating relations with different organizations and counterpart institutions abroad.
19. It proposes improvements of legal acts and secondary legislation in the field of author's right and other related rights and presents them to Minister of Tourism, Culture, Youth and Sports.
20. It publishes the periodic bulletin with information, analyses, studies and other the author's right and informs the public by its web site about its activity and mission in author's right field.

#### IV. ALBANIAN COPYRIGHT OFFICE STRUCTURE AND ORGANIZATION CHART

22. AARO structure and organization chart is approved by a Prime Minister order, at the proposal of Minister of Tourism, Culture, Youth and Sports.
23. AARO head is the director of this office. He/she manages AARO activity pursuant to this Decision and requirements of law No. 8380 of 28/ 4/ 2005, "On Author's Right And Other Related Rights", and represents the institution in relations with the thirds.
24. Nomination and dismissal of AARO director is made pursuant to conditions, criteria and procedures provided for in Decision No. 173 of 7.3.2003 of Council of Ministers "On Appointment and Dismissal of Managers of Institutions under Council of Ministers, Prime Minister or Minister".
25. The candidate who competes or is appointed in the duty of AARO director should not have vested interest in the sense of law 9367 of 7.4.2005 "On Prevention of Vested Interest in Exerting Public Functions".
26. The legal, working relations, rights and obligations, procedures for recruitment AARO employees are based on Law 8549 11.11.1989, "Status of Civil Servants" and other secondary legislation in force.

#### V. FINANCIAL ORGANIZATION

27. AARO is a budgetary institution. The office budget is approved by minister of tourism, culture, youth and sports immediately after Parliament approval of annual budget law.
28. AARO collects income from the specialized services, offered to various subjects, pursuant to tariffs approved for these services by Decision of Council of Ministers, and uses some of that income pursuant to laws and secondary legislation in force.
29. AARO may receive donations and funding from organizations inside and outside the country which do not contain the obligation to return them. They enter the office budget and are used pursuant to the given destination.

#### VI. REGISTRATION, APPLICATION AND RELEVANT PROCEDURES

30. The author's rights register is electronic and documental, created to preserve the data of all applications, registrations, deposits, certificates certifications and every other action undertaken by AARO.
31. The register and information are preserved and administered by AARO pursuant to Law "On Archives" and they are made available to the parties concerned pursuant to Law "Right of Public Information in State Administration".
32. The register of author's right is organized in administrative classes and it is indexed pursuant to the purpose and application to AARO.
33. AARO responsible structure makes available to applicants/subjects concerned, free of charge, the application default forms, approved pursuant to the application purpose, in accordance with the administrative class.
34. In every case, the application default form contains the relevant tariff for the service required by the office.

35. The applicant (author(s), their legal representatives, heirs, holders of their rights or collective management agencies) fill in the relevant form and present it to AARO, accompanied by the necessary documentation in accordance with the requirements of Law 9380 of 28.4.2005, "On Author's Right and Other Related Rights" and AARO internal regulation and every other information, judged valid by AARO, for the work and rights on it.
36. Administrative classification and indexing of author's rights register are made as follows:
  - a) Registration of author's rights and related rights;
  - b) Registration of contracts and agreements, whose object is the author's right and related rights;
  - c) Registration of licensed collective management agencies of author's right and related rights and information that these agencies are obliged to present to AARO.
  - ç) Certification of every registered right and/or every transfer of rights, pursuant to requirements of Law No. 9380 of 28.4.2005 "Author's Right and Related Rights".
  - d) Filing, pursuant to article 60/2 of law No. 9380 of 28.4.2005 author's right and related rights"
37. The responsible structures of AARO make the data indexing for every aspect, change, refusal or cancellation made by the subjects and entered in AARO register.
38. Data indexing in register of author's right increases, but it does not substitute the previous registration data content.
39. The documents presented by the applicants for the registration of the author's rights and related rights should be original or notarized copies of the original, of three recent months.
40. Declarations that are filed by the authors, their legal representatives or the holders of rights should be original and signed by these subjects themselves.
41. Every contract or agreement between the parties whose object is the author's right and related rights, which in order to be valid should be registered in AARO pursuant to Law No. 9380 of 28.4.2005 "Author's Right and Related Rights" should be all original and signed by the parties.
42. The responsible structure, which examines the application, documentation and data, required by this chapter, has the right to refuse the registration of author's right and related rights and notify the applicant for this refusal in writing.
43. AARO refuses the registration and certification of each contract, which is made contrary to articles 40 and 60 of the Law, and legal provisions in force, which provide for compulsory filing of the original copy of the artistic, cultural, scientific work.
44. Complaint for the refusal of this registration is made pursuant to Administrative Procedural Code provisions.

## VII. CERTIFICATION AND STAMPS

45. The certificate issued for registration of author's right and placing of adequate stamps testify the author's right registration, which enjoys protection pursuant to Law 9380 of 28.4.2005 "Author's Right and Related Rights".

46. AARO responsible structure makes the certification and the office director signs for the registered holders of author's right that will testify to the thirds their registered rights.
47. The certificate contains the data made in the application form, the registration number and date.
48. Author's right date of registration is the date when the application and tariff have been filed for registration in AARO.
49. Certification of agreements or contracts signed between the authorities, their legal representatives or holders of author's rights and other related rights and the other contracting party, in order to benefit (exploit, distribute, transmit, make public) these rights, is made after this agreement/contract is drafted and signed pursuant to the Law and after it is registered in the register of author's right and after relevant tariff payment.
50. This issued certificate or its certified copy is acceptable by all courts in the Republic of Albania as an evidence of author's right, without excluding other evidence and, that are certified and may be accepted to demonstrate the author's right in a civil process.
51. The artistic stamp given by AARO is a necessary act. Every production of private copy should have the identification of the producer with its protective what sign "P", declared to AARO. For each production/reproduction, the private copy publisher/producer should be provided with an authorization by holders of author's right or collective management agencies, and every production or private copy coming from outside Republic of Albania borders, should have the AARO stamp. The stamp should have all security elements and may be produced inside or outside the Republic of Albania, with adequate guarantees.

#### VIII. IMPOSING PENALTIES AND EXAMINATION OF COMPLAINTS

52. Pursuant to competencies given by Law 9380 of 28.4.2005 "Author's Right and Related Rights", inspectors of author's right, impose penalties on the subjects, who carry out administrative contraventions with their actions or inactions and prepare periodically the report for AARO director.
53. The administratively punished subjects have the right to complain, addressing to AARO about the penalty imposing by inspectors, respecting deadlines and procedures of Law 9380 of 28.4.2005 "Author's Right and Related Rights" and Administrative Procedural Code provisions.
54. The responsible structures for examination of complaints for penalties are appointed by AARO director and the procedure for admission, decision taking for leaving the penalty in force, for punishing measures are provided for in AARO internal regulation.
55. The final decision made by AARO, after administrative complaint examination and all procedures, data or deposits administered for the object of these procedures, are registered and administered in accordance with the administrative classes in the author's right register.
56. AARO mates are the two below the data that it possesses and administers the for public inspection by the parties concerned, subjects of the law as long as the interests of these subjects relates to the registrations of authors is right and other related rights,

and makes available to the judicial bodies, Ed. Rest of the letter, every data required for those cases the object of which is the infringement of these rights.

#### IX. FINAL PROVISIONS

57. The financial effects for the establishment and working of Albanian Author's Right office, for 2006, shall be borne by Ministry of Tourism, Culture, Youth and Sports budget, approved for this year.
58. Minister of Tourism, Culture, Youth and Sports is commissioned to implement this decision.

This decision enters into force after publication in the Official Gazette.

PRIME MINISTER  
Sali Berisha