



29 January 2021

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

ALBANIA: LAW NO. 35/2016 ON COPYRIGHT AND RELATED RIGHTS ACT

Notifying Member	ALBANIA
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Details of the notified legal text

Title	LAW NO. 35/2016 ON COPYRIGHT AND RELATED RIGHTS ACT
Subject matter	Copyright and related rights
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2021/IP/ALB/21_0681_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/ALB/C/1/Add.1 ; IP/N/1/ALB/C/1

Brief description of the notified legal text

Law no. 35/2016 "On copyright and other related rights" is drafted in compliance with the obligations arising from a number of documents such as the Stabilization and Association Agreement (SAA), Article 73, and other strategic partnership documents between the Albanian Government and the European Union.

The Law provides, *inter alia*:

- (i) an expansion of the scope of copyrighted works and authorship;
- (ii) an improved balance between the interests of copyright owners in receiving fair reward for their efforts and the interests of copyright users in receiving reasonable access to copyrighted materials;
- (iii) a "one-stop-shop" system that permits commercial users to pay a single licence fee to different collecting societies;
- (iv) governance mechanisms on the relations between collecting societies and users, in line with Directive 2014/26/EU on collective management of copyright and related rights;
- (v) an imposition of fines between ALL 200,000 (= ~ US\$1,630) and ALL 500,000 (= ~ US\$4,100) for collecting societies which do not obtain authorization from the Ministry of Culture; and

- (vi) remedial measures available to right holders, including the ability to apply for preliminary injunction to prevent or restrain infringement of a copyright.

This law is fully aligned with:

- Directive 2006/116/EC of the European Parliament and the Council, dated December 12, 2006 "On the term of protection of copyright and certain related rights", Celex: 32006L0116; Official Journal of the EU, L 372, dated 27.12.2006
- Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 "On the enforcement of intellectual property rights", Celex: 32004L0048; Official Journal of the EU, L 157, dated 30.4.2004
- Directive 2001/29/EC of the European Parliament and Council, dated May 22, 2001 "On the harmonisation of certain aspects of copyright and related rights in the information society", Celex: 32001L0029; Official Journal of the EU, L 167, dated 22.06.2001
- Directive 2001/84/EC of the European Parliament and the Council, dated September 27, 2001 "On the resale right for the benefit of the author of an original work of art", Celex: 32001L0084; EU Official Journal, L 272, dated 13.10.2001
- Directive 96/9/EC of the European Parliament and Council, dated March 11, 1996 "On the legal protection of databases", Celex: 31996L0009; Official Journal of the EU, L 77, dated 27.03.1996
- Directive 2009/24/EC of the European Parliament and the Council of 23 April 2009 "On the legal protection of computer programs", Celex: 32009L0024; Official Journal of the EU, L 111, dated 05.05.2009
- Directive 2006/115/EC of the European Parliament and the Council, dated December 12, 2006, "on rental right and lending right and on certain rights related to copyright in the field of intellectual property", Celex: 32006L0115; Official Journal of the EU, L 376, dated 27.12.2006

This law is partially aligned with:

- Council Directive 93/83/EEC of 27 September 1993, "On the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission", Celex: 31993L0083; Official Journal of the EU, L 248, dated 10.6.1993
- Directive 2014/26/EU of the European Parliament and the Council, dated February 26, 2014, "On the collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market", Celex: 32014L0026, Official Journal of the EU, L 84, dated 20.03.2014

Law no. 35/2016 "On copyright and other related rights", has harmonized the international conventions and treaties in which the Republic of Albania is a party, listed as follows:

- Berne Convention for the Protection of Literary and Artistic Works
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention)
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms
- WIPO Performances and Phonograms Treaty (WPPT)
- Convention Establishing the World Intellectual Property Organization (WIPO)

<ul style="list-style-type: none"> - Universal Copyright Convention - WIPO Copyright Treaty (WCT) 	
Language(s) of notified legal text	English
Entry into force	20 October 2016
Other date	

Notification details

Submission date of notification	26 January 2021
Other information	
Agency or authority responsible	Copyright Office, Ministry of Culture of Albania Email address: borana.ajazi@kultura.gov.al Web: www.kultura.gov.al

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.