

LAW NO. 35/2016

ON COPYRIGHT AND RELATED RIGHTS ACT¹

Based on Articles 78 and 83, paragraph 1, of the Constitution, and as proposed by the Council of Ministers, **THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:**

PART 1

INTRODUCTORY PROVISIONS

Article 1

SUBJECT MATTER OF THE ACT

1. This act regulates:

¹ 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" amended ", 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 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 harmonization of certain aspects of copyright and related rights in the information society", Celex: 32001L0029, Official Journal of the EU official, 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 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 the right of the lease and the right to credit 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 licensing multi - territorial rights in musical works for online use in domestic market", Celex: 32014L0026, Official Journal of the EU L 84 dated 20.03.2014.

- a) protection of copyright and other related rights in respect of works of literary, artistic and scientific domains;
- b) protection of related rights related to copyright, hereinafter, such as: the rights of the performers / art executors as regards their performance / execution ; producers of their phonographic records; fixations producers / (recordings) of their films; broadcasting organizations as regards of their broadcastings; rights of databases producers as regards their databases;
- c) protection of rights provided in particular provisions as regards computer programs and audiovisual works as specified in this law;
- ç) individual and collective management of copyright and related rights;
- d) protection "*sui generis*" rights regarding database creators;
- dh) protection of copyright and related rights, in case of infringement of these rights;
- e) Protection of any other rights provided by Copyright Law and other related rights to this Law.

2. The purpose of this law is to guarantee the protection of copyright and other related rights.

Article 2

Subjects and areas of application

- 1. This law shall apply to natural legal persons, domestic or foreign, that exercise creative, commercial, manufacturing or any other activity of assessment, exploitation, use or alienation of literary, artistic or scientific work in the Republic of Albania.
- 2. The provisions of this law apply to:
 - a) Works:
 - i) not been displayed to the public and created by Albanian citizens as authors;
 - ii) not been displayed to the public and their authors are natural persons living or residents of the Republic of Albania;
 - iii) that are displayed to the public in the Republic of Albania or are displayed to the public in another country and within 30 days displayed in the Republic of Albania;
 - iv) foreign authors, displayed for the first time in their country or in another country and within 30 days displayed in the Republic of Albania;
 - v. of architecture, built on the territory of the Republic of Albania;
 - b) works / performances of performers and / or executor:
 - i) that are resident of the Republic of Albania
 - ii) fixation in sound recordings, protected by the law;

iii) performed and / or executed for the first time for the public in the Republic of Albania or performed and / or executed no later than 30 days in the Republic of Albania;

c) Phonogram records / sounds:

i) realized by producers, natural persons or legal entities, that live or reside in the Republic of Albania;

ii) when the first recording bearing the form of a copy is produced for the first time in the Republic of Albania;

iii) already made available to the public of the Republic of Albania or made available earlier in another place and at the same time, within 30 days, should be available in the Republic of Albania;

ç) Audiovisual programs:

iv) broadcasted by media service providers for broadcasting, stationed in the Republic of Albania;

v) transmitted by broadcasting stations, stationed in the territory of the Republic of Albania.

Article 3

Understanding of copyright and its related rights

1. Copyright belongs, by nature, to a natural person who has created a work.

2. The rights of performers and / or executors shall belong, by its nature, to a natural person who has performed and / or executed a literary or artistic domain or the expressions of folklore.

3. The holder of other related rights may be any natural or legal person, unless otherwise provided by the law.

4. Copyright and related rights may be limited against the will of their holders only under the provisions and as regulated by law.

Article 4

Disclosure, publication, the public and public use

1. A copyright work or a subject matter of a related right shall be considered to have been “disclosed” if it has been made available to the public with the consent of the right holder.

2. To the purposes of this law, the following terms mean:

a. “Public “shall be considered more than two persons, excluding closely people tied with family members or people related by personal relations.

- b. "Public use" shall be considered any use of a work, a creation by an author, a subject matter under this Act, that is communicated to the public, or is used in an area, accessible to the public members, such providing access of the work to the public at any time or place, individually chosen by them.
- c. "Publication" is providing access to the public, with the consent of the author or of the holder of related rights, of copies of a work or subject matter of a related rights, provided that there are sufficient copies to meet the rational requests of the public, in respect with the nature of the work or the subject matter of related rights.

Article 5

The relationship between copyright and related rights

1. The protection of related rights under this Act shall leave intact and shall in no way prejudice the protection of copyright. No provision of this Act, concerning the protection of related rights shall be interpreted in a way to prejudice the protection of copyright, provided by this law. The exercise of the performers'/executers' rights of communication to the public of fixed performances provided by this law must not prejudice the exercise of copyright.
2. The provisions of this Act pertaining the definitions of particular economic rights of the author, the right to remuneration for reproduction of works for private or other personal use, and the right to remuneration for public lending, as well as the suppression of the distribution right, exceptions and limitations of copyright, the beginning of the duration of protection of copyright and the impacts of expiration of the duration of copyright, legal transactions of copyright, and the relation between copyright and ownership shall apply mutatis mutandis to related rights, unless otherwise specially provided for them, or arising from their legal nature.

Article 6

Equal treatment

1. Foreign natural persons and legal entities, whose works are protected by international agreements, where Republic of Albania is part of, shall enjoy the same protection under this law, as well as nationals or legal entities and natural persons of the Republic of Albania, unless otherwise provided by this law.
2. Phrases used in this Law, in respect of the meaning of gender, regardless of how they are/have been used, referring to the masculine or feminine gender, shall be considered equal for both sexes.

Article 7

Application in time and space

1. This law applies to all works, including those protected by international agreements to where the Republic of Albania is part of, which the time of entering into force of the relevant

agreement have not yet entered the "*public domain*" in their country of origin, when the protection is expired, and/or which had not yet entered the "*public domain*" in the Republic of Albania, due to the expiration of the protection date provided by this Law.

2. In the context of this law, the term "*public domaine*" is considered the typology or the mode of free use by the public of works of copyright and other related rights, that have an expired term of protection by this law or that have never been under the protection of the law of copyright.

PART II

COPYRIGHT

CHAPTER I

SUBJECT MATTERS OF COPYRIGHT

Article 8

Copyright work

1. The subject matter of copyright work shall be any original intellectual creation in the literary, artistic and scientific domain, having an individual character, irrespective of the manner and form of its expression, its type, value or purpose, unless otherwise provided for in this Act.

Works of Copyright subjects to protection shall be in particular:

- a. works of speech expressed through literary and journalistic texts, lectures , religious sermons (written or oral works, and computer programs);
- b. dramatic or dramatic-musical works
- c. musical works with or without words;
- ç. choreographic works and works of pantomime;
- d. audiovisual works including cinematographic works and other works of visual arts, and works created in a manner similar to cinematographic creation ; radio works;
- dh. works of fine arts in the field of painting, sculpture, and graphics, monumental decorative arts, irrespective of the material/component they are made of, and other visual art works
- e. works of architecture, including drawings, plans, sketches of small scale nature and graphic creations in architectural projects;
- ë. photographic works and works produced by a process similar to photography;
- f. works of applied art except for those of industrial design that are under the low of industrial property ;
- g. three-dimensional presentation, illustrations, charts, maps and drawings in the field of topography, geography and of science in general;
- gj. cartographic works;

- h. presentations of a scientific or technical nature whether stated orally or in writing such as presentations, monographs, deductions, dissertations, studies, university lectures, textbooks, scientific projects and documents, drawings, plans, sketches, tables, etc.
2. Any part or other element of a work, including title or character mentioned in the work, that in itself represents an intellectual creation, is also protected by copyright.
3. The title of the work, that does not meet the pre-conditions for being the subject matter of copyright, and has already been used for a certain work, shall not be used for the same kind of work, if such title is likely to create confusion as to the author of the work.
4. The subject matter of copyright may be any copyright work, except the one, that cannot be as such work due to its nature, and any work, that under the provisions of this Act cannot be the subject matter of copyright.
5. The subject matter of copyright is a work as a whole, including an unfinished work, the title of a work, and the parts thereof that meet the pre-conditions set out in paragraph (1) of this Article.

Article 9

Derived Works

1. Derived works shall be intellectual realized creations, based on one or several previous works such as translations, adaptations, musical arrangements, illustrations, documentaries, art reproductions, websites with static or interactive data, as well as changes of other original literary, scientific or artistic creations/works that can be transformed, restyled or adapted and which are protected as original independent works from the copyright of the original creation.
2. The above provision cannot be interpreted in the detriment of the author's rights of the works, that have been adjusted.
3. The authors of derivative works shall enjoy copyright of the work only with the authorization / written contract of the author or entitled right holder of the original copyright.
4. Copyright of derivative works do not infringe the copyright of the original works, translated, adapted or transformed in some other way, different from the original ones.
5. Translations of official texts in the domain of legislation, administration and judiciary, shall be protected, unless made for the purpose of officially informing the public.

Article 10

Collections

1. Collections of independent works, contributions or other materials, of scientific or artistic works, which by reason of the selection or arrangement of their content constitute intellectual creations of the authors, shall be protected as such.

This protection does not extend to the content of the collection and does not affect existing rights in its content.

2. The collection, in the meaning of this law includes works such as encyclopedias, anthologies, dictionaries, and other similar collections or compilations of materials and various databases, newspapers, magazines, reviews and other periodicals, regardless of they are or not separately protected by copyright and related rights, provided that due to the selection or processing of their content, shall be the result of intellectual creativity.

Article 11

Databases

Protected by copyright shall be any form of database, which, in terms of this law, is an independent collection of creations of data or materials in arranged systematic or methodical way, accessible by electronic / other means and represent an intellectual creation.

This database does not extend to the content of the materials that make up the database and that do not affect the existing rights on them. The Protection of databases does not apply to computer software programs used in the preparation or the use of the database, accessible by electronic means.

Article 12

Unprotected copy right creations

1. Copyright creations that shall not have the benefit of the protection under this law are :
 - a. ideas, theories, concepts, discoveries and inventions of creative work, regardless of the method of interpretation, justification or expression;
 - b. discoveries, official texts in the domain of legislation, administrative and judiciary and other official works and their collections, disclosed for the purpose of officially informing the public;
 - c. official state symbols, symbols of organizations and public authorities, such as: the arms, the seal, the flag, the emblem, the medallion, the hallmark, the medal;
 - ç. means of payment;
 - d. news of the day and other news, having the character of mere items of press information
 - dh. Simple data and evidences
2. Folklore literary and artistic creations in their original form shall not be the subject matter of copyright, but their communication to the public is subject to the payment of remuneration, as for the communication to the public of protected copyright works. The remuneration shall be used to promote and stimulate non-profit cultural and artistic works in the respective artistic and cultural

domain in accordance with the rules of distribution of remuneration of collective management agencies for copyrights and other related rights.

CHAPTER II

AUTHORSHIP

Article 13

Author

The author shall be any physical person or a group of natural persons that create the literary, artistic, scientific work, original intellectual product, materialized work, regardless of shape or form of expression.

Article 14

Copyrights of Co-authorship

1. Copyright of a work as a result of a jointly creative of two or more authors, further co-author, commonly belongs to them, regardless of whether the work constitutes an inseparable as a whole or is a union of independent parts;
2. Cooperation between co-authors and their remuneration is determined by an agreement between the parties regulated by the Civil Code.

In the absence of such an agreement, co-authors share the copyright of the common work and the appropriate remuneration according to Civil Code.

3. Despite the fact that co-authors share the copyright as a whole, each of them can use its own part of the co-work, if this is easily identifiable, except when:
 - a. in agreement between the co-authors is prohibited the independent use of the parts created by each of them;
 - b. the independent use of the creations of each of the co-authors damages the use of the joint work in its integrality.
4. an individual who provided materials, technical or organizational assistance in the process of creation, the co-authored work shall not be considered as a co-author.

Article 15

Copyright on Collections

1. Natural or legal persons, public or private, based on the initiative/direction on which a collection has been created, according to paragraph 1, Article 10 of this Law, or with the name it has been

published are considered to be the holders of the economic rights of the author and enjoy these rights as if the authors of this collection. These subjects shall have the right to establish the name or the title they desire and reclaim to be mentioned in any public use of these collections;

2. Authors of the works, contributions or other materials, included in the collection shall be considered eligible for an equal share of the remuneration obtained from its use, unless otherwise provided by a contract or by the rules prescribed by this Law.

3. Authors of the works, contributions or other materials included in the collections retain exclusive rights over their works and make use of them independently from the use of the entire collection, unless otherwise provided by a contract between the authors and the natural or legal person referred to in paragraph 1 of this Article.

Article 16

Legal Presumptions on Authorship

1. Each individual or group of persons whose name appear on the copies of the work, whichever way it is indicated at the time of disclosure, the author is presumed, In the absence of evidence until proven on the contrary.

2. When the work is published / displayed/ transmitted anonymously or under a pseudonym, in a way that makes it impossible to identify the author, in the absence of evidence to the contrary, the publisher or the performer or broadcaster of an unpublished work is considered the right holder of the copyright and as such enjoys the right to protect and exercise the act of copyright. The implementation of the above rule ceases, when the author reveals his identity and proves before a judicial body the authorship of his work.

Article 17

Automatic protection of copyright, without any formalities

The authors shall benefit copyright on their works, according to the provisions of this Law, for the mere fact of the realization of a creation. The existence and enforcement of copyright does not require any registration of the work or other formalities.

Article 18

Registration of works of copyright

1. The authors shall voluntarily register their works in a special register, of electronic or written form or both, in the manner regulated by the Albanian Copyright Office.
2. Voluntary registration of works in the register of the Albanian Copyright Office has legal power, until the contrary is proved by the court.
3. Registration procedures, organization, classification and registration fees are determined by the Council of Ministers.

Article 19

Relations between Copyright and Ownership of physical Objects

Copyright exists independently of any ownership right over the physical object, on which the intellectual creation is expressed or materialized. The relationship between the copyright and the ownership of the work is specifically regulated by Part V of this Law.

CHAPTER III

CONTENT OF COPYRIGHT

General Provisions

Article 20

Typology of rights

1. Copyright shall include and protect the author's personal non-property rights, ensuring respect for the intellectual and personal qualities of his work and the property rights of the authors in relation to their economic interests.
2. The author is entitled to remuneration for each use of his work, unless otherwise provided for by this Act or by a contract.

Section 1

Personal non-property rights

Article 21

The right of public disclosure

1. The author shall have the right to determine when and where and under what circumstances his copyright work will be disclosed for the first time.
2. Until the copyright work is disclosed, the author shall have the right to reveal to the public the content or description of his work.

Article 22

Right to recognition and citing of authorship

1. The author shall have the right to be recognized and indicated as the author of the work. This right exists independently from the ownership rights of the author, even after the transfer of its rights or obligations.

2. The persons who publicly use a copyright work, protected under this law, shall be obliged to write and indicate the name of the author in each copy and at each use, unless the author has declared in a written form that he does not want to be indicated, pursuant to the nature of the work and its use.
3. The author or his/her heir/s shall enjoy personal non-profit rights to claiming copyright co-authorship of a work and to oppose co-authorship, for any reason set by others arbitrarily.
4. The author has the right to decide in whose name his work will be disclosed to the public, as well as the right to remain anonymous or use a pseudonym chosen by him.

Article 23

The right of honor, personality and reputation

Despite the property rights of the author, even after the transfer of the rights in question, the author shall have the right to oppose to any distortion, mutilation, modification or other denigrating acts that do not respect the integrity of the work, in a manner jeopardizing his honor, personality or reputation.

Article 24

The Right of Revocation in Cases of Exploitation of Work

1. The author or their heirs, who acquire this right, according to the civil legislation and under the provisions of this Law, shall have the right to revoke the authorization of exploitation of his copyright work and its further use, disclosed to public, based on granted reasons, protection of reputation, honor or other circumstances. In this case, the author shall be obliged to compensate all damages, caused to the legitimate holder of the authorization, as a result of the exercise of the rights referred to this paragraph.
2. The right to revoke the consent/authorization for the exploitation of the work shall become effective from the day that the author/heir/s deposits the monetary warranty for the compensation of damages pursuant the provisions of this Article.
3. The user of the right of exploitation of a copyright work shall, within three months as from the receipt of the notification of revocation of authorization, referred to in paragraph 1 of this Article, communicate to the author/heir the amount of outstanding costs incurred to him in the preparation for the use of his work up to the day of receipt of such notification. If the holder of the right of exploitation of a copyright work fails to do so, the notification of revocation for the exploitation of the work shall become effective at the expiration of the time limit, referred to in this paragraph.
4. The right referred to paragraph 1 of this law shall not be enforced in case of a work created according to an employment contract or order, nor in the case of audiovisual works or computer programs and databases. In the case of these works, the author shall require not to be indicated in the copies of works or any use of it.

5. If, within ten years as from his exercise of the right of revocation of consent/authorization, the author allows/authorizes to resume the exploitation of the work or a work substantially similar to it, he shall be required to offer such right to renew the contract of use in advance to the subject to whom that had the right to use the work before the exercise of this right, according to the same criteria or substantially similar criteria's, respectively, as agreed in the original written contract.
6. In case, the author has no heirs, the exercise of personal non-property rights as referred in this section, shall be determined by the provisions of Civil Code.
7. Personal non-property rights are not subject of resignation, they are not transferable, not licensable, not alterable and not prescribed.

SECTION 2

The Exclusive Property Rights of the Author

Article 25

Exclusive Property Rights

1. The author / successor shall enjoy the exclusive property rights to benefit, authorize or prohibit the use of the works or of copies of the works, unless otherwise provided for by the law. This exclusive property right shall include in particular:
 - a. The right for the reproduction of the work;
 - b. The right for the distribution of the work;
 - c. The right of communication of the work to the public; and
 - ç. The right to create derived works.
2. Any way of exploitation of the original work or of the copies of it, without the permission of the author/successor, or of the authorized person by the author/successor, shall be considered illegal unless otherwise provided by this Law.

Article 26

The right for reproduction

The right of reproduction shall be the exclusive property right of the author to authorize or prohibit making of one or more copies of copyright works or subject to related rights, in whole or in part, directly or indirectly, temporarily or permanently, by any means and in any form, including audio or video recording, as well as for temporary or permanent storing of the work or subject to related rights, in an electronic area.

Article 27

The Right of Distribution

1. The right of distribution is the exclusive property right of the author to authorize or prohibit making lawfully available to the public, the originals or copies of works or other related rights, by sale or otherwise and to offer them to the public for such intent, as well as the import, export, and distribution of copies of the works produced with the consent of the author.
2. In terms of this Law,
 - a) "import" means placing in free circulation or entering in the local market for trading purposes, of the original works or the legitimate copies fixed in all forms.
 - b) "export" means placing in the free market or exiting from the local market, for trading purposes, of the original works or the legitimate copies, fixed in any form;
 - c) "distribution" means the sale or any other means of conveyance, for a specific service, with or without payment of the original works or their copies, as well as offering them to the public.
3. The first transfer of ownership by the author, of the original work or his Lawful copies by the author, or with the author's authorization to third parties, the author loses the exclusive right of distribution of that work in the Republic of Albania.
4. Termination of the exclusive distribution right shall not be a reason for the termination to lease, export, import, as well as the right to benefit from public given on loan of a work authorized under the provisions of this law.
5. In case of collections, the termination of the right of distribution refers only to further sale.

Article 28

Rental Rights

1. The rental right is the exclusive property right to enjoy or authorize the rental for a limited period of time or to prohibit given on loan of the work of:
 - a) the author, in respect of the original and the copies of his work;
 - b) The interpreters in relation to his the fixation of the performance
 - c) The producers of the phonogram in respect of his phonograms;
 - ç) The producer of the first fixation of a film in respect of the original and the copies of his film.

2. The author, who has given up his right of rental in favor of a producer of phonograms or of a film producer shall retain the right to receive equitable remuneration for the rental of his copyright work. The author may not renounce the right to the equitable remuneration. The remuneration for rental shall be paid by the person renting the copyright work.

3. The right of lease of a work of the author pursuant to this Law shall not apply to existing works of architecture and applied arts.

4. The rights that refer to paragraph 1 of this Article may be transferred, or can be the subject of a contract between the parties.

The rights referred to in paragraph 1 of this Article shall be transferred, conceded or be the subject of the contractual parties.

Article 29

Communication to the public of a work protected by copyright

The author shall have the exclusive right to communicate or prohibit his work to the public. This right shall include in particular:

a) The right of public performance, such as:

- i. the right of public reciting/performance of works in the domain of literature or science or by live reciting/ performing.
- ii. the right of public musical by live performances

b) The right of public stage presentation, meaning live performance of dramatic works, drama-musicals, as well as choreographic works or works of pantomime to the public;

c) The right of public transmission shall mean the right to communicate a recitation, musical performance or a stage presentation that is outside the place, where the work is performed, but communicated by loudspeaker, screen or any other technical device.

ç) The right of public communication of an unmovable or fixed work shall mean the right to communicate to the public a work, which is fixed in a phonogram or a videogram, by such phonogram or videogram.

d) The right of public presentation shall mean the right to display to the public works of visual arts, architecture, applied arts and industrial designs, a photographic or audiovisual work, and a cartographic work, or a presentation of scientific or technical nature, by technical devices

dh) The right of public broadcasting of a work which includes the communication of the work through any means of signal reproduction, sounds or images or images and/or sounds simultaneously or wireless, intended for reception by the public, so that:

i) transmission of program / work- carrying signals, offered to the public, shall be available through unencrypted devices of the signal from audiovisual media service provider or by a third party authorized by it;

ii) inserting of the program/work-carrying signals intended for the public shall be enabled through an uninterrupted chain of communication, that under the responsibility of the broadcaster to the satellite and down to the earth, known as "satellite broadcasting ";

e. The right of re-broadcasting shall mean the exclusive right to a simultaneous, unaltered and unabridged communication to the public, of a broadcast of a copyright work;

i) When made by an audiovisual media service provider (OSHMA) to another audiovisual media service provider;

ii) when transmission is by cable or microwave system, by public broadcasting, that comes from another audiovisual media service (cable retransmission);

ë. The right to communicate to the public the program (transmission), shall mean the exclusive right to communicate work (program) to the public, via a loudspeaker, screen or any other similar technical device;

f) The right of making works available to the public shall be the exclusive right to communicate to the public a work, by wire or wireless with in such a way that the members of the public may access it from a place and at a time individually chosen by them.

Article 30

The right to create derivative works

The right to create derivative works shall be the exclusive right of the author, or the holder of the title to authorize any adaptation, translation, publishing of a summary, any musical arrangements, as well as any other adjustment, made to the existing work.

Section 3

Other property rights of authors

Article 31

The right to remuneration for the reproduction of copyright works for private or other personal use

1. The author, whose works, due to their nature may be reproduced without authorization, in terms of Article 72, through photocopying or by recording on sound, visual/drawings or text fixation mediums, or by any other forms, for private or other personal use, shall have the right to an appropriate remuneration upon sale of technical appliances which enable reproduction of text, sound or image, as well as materials, which maintain / fix the works through sound, image and text. List of equipment and fees are determined by the Council of Ministers.

2. Except for the right referred to in paragraph 1, of this article, the author shall benefit the right to a reasonable reward from a natural or legal person that offers photocopy services with payment.
3. Any other reproduction techniques shall be adequate to photocopying, and any other appliances providing the same effect shall be adequate to appliances for sound or visual recording.
4. The remuneration referred to in paragraph (1) of this Article shall be paid by manufacturers of appliances for sound and visual recording, manufacturers of appliances for photocopying, manufacturers of blank audio that enable the identical copy of the original, video or text fixation devices and importers of these equipment unless such imports concerns small quantities intended for private and non-commercial use, forming part of personal baggage. If the mentioned appliances and objects not produced in the Republic of Albania the remuneration shall be paid by the importer.
5. The obligation to pay the appropriate remuneration referred to in paragraph (1) shall arise:
 - a) in respect of the first sale or import in the Republic of Albania of new appliances for sound and visual recording;
 - b) in respect of the first sale or import in the Republic of Albania of new blank audio and videotapes or any text fixation medium.
 - c) in respect of the first sale or import in the Republic of Albania of new photocopying appliances
6. The remuneration referred to in paragraph (2) of this Article shall be paid in the amount depending on the information on the number of photocopies made.
7. Authors may not renounce the rights to remuneration referred to in paragraphs 1 and 2 of this Article.
8. A proper remuneration, referred to in this Article, shall be the one provided by the contract/agreement, taking into consideration the possibility of damage caused to the author, in case of the work reproduced without his/her authorization for private use or other personal use, the application of technological protection measures, and other circumstances that could be considered just in form and content as an appropriate remuneration.

Article 32

The Right of Public Lending

1. “The Public lending”, under this Act, shall mean making available for use for a limited period of time and without direct or indirect economic or commercial benefit, through the institutions that permit public access of such work and for this reasons perform this activity as a public services.

2. The authors shall have the exclusive right to authorize or prohibit the public lending of works, unless otherwise provided by this Law, that the authors enjoy only the right to direct remuneration as a fair compensation for the public use of their work.
3. The authors of audiovisual works, works embodied in phonograms and computer programs shall have the exclusive right to permit or prohibit public lending of their works. The lending of these works shall be determined 6 months after the first distribution of the work.
4. The preceding paragraphs shall not apply to the use of originals, or copies of works of the national library, of educational/academic institutions and in public free entry and free of charge libraries, of architectural structures, of applied art works of originals or copies of works for the purpose of communication to the public.
5. Authors of literary and musical works, in the form of pentagram sheet, shall have the right to equitable remuneration for giving to public their works for lending.
6. The author may not renounce the rights referred to in paragraph 2 of this Article.
7. Except of the provisions of paragraph 1 of this Article, the authors of databases shall have the exclusive right of public lending of the originals or copies of their databases.
8. The procedure for an equitable remuneration, for public lending as referred to this Article shall be determined by a decision of the Council of Ministers.

Article 33

The right of resale (droit de suite)

1. Following the first transfer of property of an original work of art, the copyright holder, the author in person or his/her legal heir following his/her death, shall have the inalienable right which cannot be waived in advance, to remuneration based on the profitable price of sales for each resale of the work.
2. The right shall apply to all acts of resale involving as sellers, buyers or intermediaries art market and in general other person dealing with trading of works, how and when this activities are carried out at premises works of art are sold , such as art galleries or public auctions ect.
3. By way of derogation, the foregoing in paragraph (1) of this Article shall not apply, where the seller is an art gallery which has acquired the right of property work directly from the author not more than three years before that resale and where the resale price does not exceed the equivalent value (Albanian currency) of 10 000 EUR
4. Pursuant to the provision of this Article, the resale right, applies ‘mutatis mutandis’ also in the case of the resale of the art original works, that entered in the "*public domain*".

Article 34

Original works of visual art and equitable reward of author

1. In the understanding of this Law, "the work of visual art" shall be any work of visual arts, such as pictures, collages, paintings, drawings, engravings, and, works of applied arts sculptures, works of applied arts such as tapestries, ceramics, glassware or photography where created by the author himself or are copies considered as original works of art.

2. Copies of works of visual art are considered as original if they are made in limited numbers by the artist himself or under his authority, as well as those normally numbered, signed or authorized by the author, in another manner.

3. A seller who resells the work referred to in foregoing paragraph, at a price exceeding the equivalent amount in Albanian currency of 500 Euro ,shall pay to the author the equivalent amount convertible in (Albanian Currency) of:

- a) 5% for the portion of the selling price to an extent from 500 Euro to 3,000 Euro;
- b) 4% for the portion of the selling price to an extent from 3000.01Euro to 50,000 Euro;
- c) 3% for the portion of the selling price to an extent from 50 000, 01 Euro to 200,000 Euro;
- ç) for the portion of the selling price to an extent from 200 000, 01 Euro to 350,000 Euro;
- d) 0.5 for the portion of the selling price to an extent from 350 000, 01 Euro to 500,000 Euro;
- dh) 0.25 for the portion of the selling price exceeding 500,000 Euro.

4. The total amount, which, on the basis of the provision referred to in paragraph (3) of this Article that belongs to the author for each resale, shall not exceed the equivalent amount in in All of 12,500.00 Euro. As a base for the calculation of such amount shall be taken the net price of selling.

5. The sale prices, referred to in paragraph 3 of this article, are net amounts, excluding VAT or other fiscal obligations. No bonus is paid when the net selling price is lower than the equivalent of 500 Euro.

6. The amount in ALL is calculated according to the official rate of exchange issued by the Central Bank of Albania, valid from the first day of the quarter year calendar, during which the sale occurred.

7. In case when more than one art dealer are involved, in the transaction of the transfer of property, they shall share individual or joint obligations for the remuneration. In this case, unless otherwise agreed by the art dealers, the seller is obliged to pay for remuneration. If none of the art dealers,

involved in the sale does not participate in the transfer as a salesman, the remuneration is paid by the buyer, unless otherwise agreed.

8. After the resale for a period of 3 years, the author or his/her representatives, shall have the right to ask the persons referred to in Article 33 paragraph 2 of this Law, to provide any information that may be necessary for the collection of the remuneration, that belongs to him/her from the reselling.

9. Definitions of provisions 1 to 8 shall apply to:

- a) The author or lawful heir, who is a citizen or resident in the Republic of Albania, or in any Member State of the European Union;
- b) Nationals of countries outside the European Union, on condition that the legislation of the country of which the author or his/her legal heir is a citizen, provides the right of remuneration also for the citizens of the Republic of Albania.

10. The provisions defined in the section of this Law, on the duration of copyright protection, shall apply "mutatis mutandis " also for the duration of protection of the resale right.

Article 35

Renouncement, Transfer and Execution of resale right

1. The author cannot renounce his resale right.
2. The resale right shall not be transferred by legal contract/agreement during the author's life. After the death of the author, the resale right passes on to his heirs and the remuneration therefrom shall be paid to them.
3. The resale right shall not be subject to execution of obligations.

Article 36

Author's right of access

1. The author shall have a right to require from the owner/ entitled holder or direct possessor of his original or a copy of his work to allow him access to the work, if such access is necessary for making copies of the work or derivative works under the provision of Article 30, of this Act, and is not contrary to any legitimate interests of the owner or possessor.
2. The author shall not require the work from the owner/possessor of the work, at any case and for whatever purpose, unless otherwise provided in paragraph 1 of this Article.
3. Provisions of paragraph (1) of this Article do not oblige the owner or direct possessor to deliver to the author the original or a copy of the work.

Article 37

The right to prohibit the public exhibition of the work

1. The author of an undisclosed work of visual art, applied art, and an undisclosed photographic work, shall have upon alienation of the original or a copy of his work, the right to prohibit to its owner to exhibit the work to the public.
2. The author shall prohibit the public exhibition referred to in paragraph (1) of this Article, in written form.
3. Any public use/exploitation of fine art works, featuring a portrait of an individual, shall be permitted only with the consent of the person/individual or his/her legitimate heirs according to the legislation in force.
4. The author shall not have the right referred to in paragraph (1) of this Article, if the work belongs to a museum, gallery or other similar public institution

Article 38

Copyright on photographic works

1. The images of persons or presentations, elements or of nature or life events, realized by photographic processes, including reproductions of works of figurative art and shots of audiovisual works shall be deemed as photography, in the meaning of this Law.
2. The photography of writing, documents, business paper works, material objects, technical drawings and similar products shall not be considered subject to this Article.
3. The transfer of the property of negative film or of any similar embodiment of a photographic work, on which copies can be produced, consequently brings over the transfer of property rights of the work, except of the resale right, unless otherwise provided by a written contract ,
4. The portrayed individual in a photographic work, commissioned by him, shall carry out any acts of property rights, even without the authorization of the author of the picture, unless the written contract provides otherwise.

Article 39

Copyright on applied art and architectural works

1. Protection from copyright provided by this Law, on works of applied art extends to the outer shape of the involved, featured objects such as: lines, contours, shapes, texture etc. The protection includes two- and three-dimensional objects.
2. Pursuant to this Law, protection of copyright on architectural works extends to similar architectural buildings constructions, as well as to their projects.

3. The right of adaptation, of an applied art work or architectural one shall not include such types of alterations that do not result in changes of the external form of the work.
4. The rental right shall not apply to the three-dimensional architectural works and to works of applied art.

CHAPTER IV

DURATION OF COPYRIGHT PROTECTION

Article 40

Duration of protection of personal moral, non - property rights

Personal non-property rights of authors shall be protected with no time limit. After the author's death, the protection of these rights shall be taken over by the legal heir/s, and in their absence, they are regulated by the Civil Code.

Article 41

Duration for Property Rights Protection

1. The property foreseen by this Law, unless otherwise provided in this Article, shall be protected lifelong the author's life and run for 70 years after his death, whatever the date when the work was lawfully disclosed to the public. After author's death, the property rights will be transferred by inheritance, according to civil Legislation.
2. The terms of protection laid down in this section shall be calculated from January 1st of the following year, of the author's death, or where appropriate, on the first legal public disclosure of the work.
3. The property rights of a work in co-authorship shall be protected until the death of the last surviving author and running for 70 years of his death.
4. The property rights of co-authorship on a work of musical text shall be protected running for 70 years of the death of the last surviving author, the author of the text, or the composer of the musical work, whether they are or not persons entitled as co-authors, and in case, when the contribution of the two/or more have been specially created for the use of the same musical work. In case, the music or texts have not been specially created for the same musical text work, then the general rules for the time limitation of copyright shall apply.
5. The property rights of an audiovisual work shall be protected running 70 years after the death of the last of the following person to survive, whether or not these persons are or not entitled as co-authors, pursuant to article 97 of this Act, specifically created for exploitation of audiovisual work.

6. Property rights of anonymous works or under a pseudonym shall be protected up to 70 years. The time limit begins from January 1st of following year, from the time the work is lawfully disclosed to the public. In case this work is not lawfully disclosed to the public within 70 years from its creation, the protection of copyright ceases to exist.

When the pseudonym, used by the author, leaves no doubts as to his identity, the definition of paragraph 1 of this Article shall apply. This definition shall be applicable also, in case the author of an anonymous work, or under a pseudonym, reveals his identity or if his identity becomes obvious during that period of time.

7. Property rights collections shall be protected up to 70 years, starting from the day of the lawful public disclosure of the work. In any case the authors of works, contributions or other materials of a collection can be identified in proportions to these works, contributions or other materials, the terms of paragraph 1 or 3 of this Article shall be respectively applied.

8. In case the work is published in volumes, parts, chapters, numbers or episodes, the time terms of protection begins from the time of legal public disclosure of the work and terms referring to paragraph 1 to 6 of this Article shall be individually applicable, for each of the items.

9. If the term of property rights protection of the work, prescribed by the country of origin, is longer than the term of protection provided by this Act, then the provisions of this Law shall apply. If the expiring term is shorter, then the terms prescribed by the country of origin shall apply.

10. The work shall be considered as a public domain and can be freely used by the public after the termination of the terms of property rights protection, being subject to the observance of the authors' moral rights, according to the provisions of this Law .

Article 42

Copyrighted works included in the public domain

1. Any other person, after the expiration of the terms of author's property rights protection, benefits equal protection as the author:
 - a. legally publishes for the first time, or legally discloses to the public, a non-published previous work;
 - b. publishes a scientific critique of a work that has become part of the "public domain"
2. The expiration terms of property rights protection referring to letter "a", paragraph 1, of this act shall run for 25 years from the time, the work have been published for the first time or lawfully disclosed to the public
3. The terms of property rights protection referred to in the letter "b", paragraph 1, of this Act, shall run for 30 years from the first legal publication.

CHAPTER V

THE RELATIONSHIP BETWEEN COPYRIGHT AND PROPERTY RIGHT

Article 43

General Provisions on Property Alienation Right of the Work

1. Copyrights are independent from ownership and other proprietary rights in an object on which the work is fixed.
2. In case the author or holder of copyright, grants the property rights of the material, on which a copyright work is embodied /fixed, he shall not be deemed to have granted his property rights on the work or the authorization issued for the exploitation of the work, unless otherwise provided in a contract / agreement or by this Act.
3. The author or the entitled right holder of copy rights, who has granted the property rights or issued an authorization for the exploitation of a work, shall not be deemed to have granted the property right of the material on which the work is embodied / fixed, unless otherwise provided in a contract / agreement or by this Act.

Article 44

Destruction of a protected copyright

1. The owner of an original work protected by this law, who knows or has reasonable grounds to know that the author or co-authors has special interest in saving such original from destruction, shall be obliged, before destructing it, to notify them about the destruction and shall offer them to buy off the original at a price equivalent to its real value. In case of the return of the original to the possession of the author is not possible, the owner should allow the author to make a copy of the work in corresponding manner. If the author does not want to buy off the original, the owner is free to destroy it, but shall, at the author's request, allow him to photograph it before destruction
2. The owner of objects containing copies of copyright work shall not have obligations referred to in paragraph (1) of this Article, unless he knows or has reasonable grounds to know that neither the original nor other copies of that work exist.
3. The owner of the object on which a copyright work has been fixed without author's authorization, may destroy the object, without obligations, referred to in paragraph 1 and 2 of this article.
4. The provisions set out in paragraphs (1) and (2) of this Article shall not apply to works of architecture. The owner of a work of architecture shall only be obliged to notify the author about the destruction, and shall allow him, at his request, to photograph the work and shall deliver to him a copy of the design of the work.
5. In respect of alterations of a work of architecture the interests of its owner must be taken into account. The author of a work of architecture shall not oppose to alterations of his work of

architecture, which are necessitated by severe reasons such as safety or technical reasons. Where the work of architecture needs reconstruction, his author shall not oppose to the use of other materials, if the materials used in the construction thereof proved to have deficiencies, or if such materials could not be obtained, or if they can be obtained only with disproportionate difficulties or expenses. In such a case the author, where the work is designated by his name, shall be entitled to demand that the owner of the building, beside the name of the author make a note concerning alterations of the work and the time they were made.

6. If the owner acts contrary to the provisions of this Article, he shall be responsible for the infringement of the author's moral rights.

CHAPTER VI

TRANSFER OF THE AUTHOR'S PROPERTY RIGHTS

SECTION 1

General Provisions

Article 45

Transfer of the author's property rights

1. The author or holder of copyright may transfer by a contract provided by this law and provisions civil legislation, only the property rights against other persons.
2. Copyright is hereditary. All rights belonging to the author shall be granted to his heirs, unless otherwise provided in this law.
3. General regulations on inheritance shall apply to all other matters related to inheritance of copyright, which are not regulated by this Act.
4. The transfer of the property rights of copyright is limited to certain rights over a territory and for a time period, clearly defined in the agreement or contract.
5. Personal non-property rights of the author shall not be transferable to other people. They exist regardless of the property rights of the author and they are retained by the author even after the transfer of property rights to other persons.

Article 46

The Manner of Granting the Economic Rights

1. The economic rights of the author or copyright holder may be granted by a signing contract in an exclusive or non-exclusive manner. Due to this transfer, the party whose rights are assigned is the new holder of the copyright, in accordance with the terms of the contract.

2. In the case of granting the right in an exclusive manner, the author/owner of the original work shall reserve the right for the exploitation of the work, for this period and for a limited as to territory, and he shall not either have the right to grant the same title to a third party. In this case, based on an exclusive contract, the holder of the exclusive right may exploit an author's work, by excluding any other person from such a use, including the author, unless otherwise provided by this Law. Within these limits, he also should have the right to authorize or prohibit third parties to exploit the work, if only these rights are agreed upon in the contract. The exclusive manner of granting the rights should be expressly provided by the contract between the parties. The contract shall be valid if concluded, in accordance to the dispositions of this Law and to the Civil Code in force.
3. In case of granting the rights in a non-exclusive manner, the author/owner of the work may exploit the work himself, and may also grant the right in a non-exclusive manner to third parties. In this case, the right holder by which the author entrusts the exercise of his right for exploitation of the work in a non-exclusive form shall be entitled to exploit the work, in the same way as the third parties, who have acquired the authorization, complying with the scope and content of the contract
4. The right holder for the exploitation of his work in a non-exclusive manner shall not transfer this right to other persons, without the consent or written authorization of the author/owner of the work.
5. The transfer of a property right by the author/owner of copyright shall not affect upon other rights, unless provided by the contract.
6. The consent/authorization referred to paragraph 4 of this Article, shall not be acquired, when the holder of the right is a legal person, within transfer of the entire business or the part thereof constituting the entirety, according to the Law .
7. When the right of exploitation of the work in a non-exclusive manner, transferred without the author's authorization the person acquiring the right of exploitation shall have joint liability with the person transferring the copyright.
8. The later grant of the exploitation right of work, even the exclusive one, shall not prejudice the earlier granted exploitation right either exclusive or non-exclusive manner, unless otherwise provided by a contract on the grant of an earlier right

Article 47

Granting of Reproduction Right

Granting of reproduction right of the work shall not signify the transfer of distribution right, unless the contract provides otherwise.

Article 48

Copyright Contract

1. By a contract or in the cases provided by Law, an author grants to another person the right to exploit his literary, scientific, artistic work or may entrust to him the exercise of copyright, by issuing an authorization for its exploitation or other legal right. On the other hand, the right holder shall exercise this right under conditions provided by a contract and pay remuneration, unless otherwise provided in the contract.
2. The copyright contract, except for the use of works in newspapers and other periodical publications shall be valid only if compiled in a written form, and provides: the description of the work, the rights and obligations of the holder that acquires these rights; the exclusive/non-exclusive rights; the extent and the manner for exploitation of the work covered by it; the terms of validity; territorial where applicable; the amount of remuneration or the basis for estimating the value for the exploitation of this work; and terms and conditions of remuneration.
3. In case the copyright contract does not specify the limit as to territory, the contract is applicable only in the territory Republic of Albania.
4. In case , the copyright contract does not provide for its term of validity, then it should be considered to have a three-years term from the date of its signature, involving the work exploitation in its original form, and five years for exploitation of a work in an adapted, altered or translated form in any other way.
5. In case the contract does not clearly and adequately specify the nature and the rate of work exploitation for which the authorization is issued, the contract shall be interpreted only including this kind of nature and rate for the exploitation of the work, in accordance with the provisions of the Civil Code concerning with provisions for the interpretation of the contract.
6. The lack of these provisions shall entitle the concerned party to ask for termination of the contract.

Article 49

Fixing of remuneration for granting the property rights

1. Remuneration for granting the property rights shall be fixed in the contract between the parties and it is calculated in proportion, to the income derived from the exploitation of the work, or by other means, taking into account:
 - a) the type and scope of the work for which the author enjoys the copyright;
 - b) its financial success;
 - c) the type and volume of work;

- c) the duration of use;
- d) the existence of agreement between the relevant associations of authors and the relevant association of users fixing the amount of remuneration, as well as other elements on the basis of which a decision on the amount of equitable remuneration can be made

2. If the amount of remuneration is not fixed in the contract, the author or the entitled copyright holder shall enjoy the right to demand from the competent authorities to fix the remuneration under the provisions of this law. In this case, the remuneration shall be fixed in same ways with previous cases, with reference to the greater value of the remuneration for the same category of works, scope and duration for exploitation of the work and any other circumstances, as appropriate, to fixing a fair remuneration

3. If the contract between the parties, provides an obviously disproportional to the agreed or fixed remuneration of the author of the work , and income of the other party, on which property rights are granted, the author shall be entitled to demand the competent authorities to revise the contract or amend it for the purpose of increasing the amount of remuneration for a fair compensation of the author.

4. The author shall not renounce his right beforehand, referred to paragraph (3) of this Article.

Article 50

The contract for published works in periodicals

- 2. Unless otherwise provided in the contract, the author / owner of the rights of a published work in a periodical shall be entitled to use it, in any form, provided that the use does not infringe the right of distribution of the published work in periodicals.
- 3. Unless otherwise provided in the contract concluded between the parties, the author / owner of the rights may freely possess the work, if it is not published within one month from the date of its receipt by the daily press, and within six months in the case of other publications.

Article 51

Validity limits of contractual provisions

1. A copyright contract may be subject to a work which is not yet created, provided that it defines the type of the work and the manner of use of the future work.

2. A contractual provisions, concerning the grant of the right to use an unlimited number or undefined goals for a work to be created by the author in the future is null and void.

3. A contractual provision concerning the grant of the right to use, in any manner of use of the unknown work , during the conclusion of contract is null and void.

It is not considered as an unknown manner the use of the work at the time of the conclusion of the contract:

- a. a manner of use, known before, used to increase efficiency and quality;
- b. a new manner of use, that replaces a manner of use of a known work at the time of the conclusion of contract, considering the nature and level of use

Article 52

The contract concerning the future created works

1. The subject, to who the right is granted or authorized, is obliged to notify in writing, the right holder or authorized person for the receipt of the creation, which is subject to the contract, for the transfer/ authorization of the right on a future work, within the time limit stipulated in the contract. In the absence of this prevision, the time limit is considered to be two months from the conclusion of the contract. In case the subject to who the right is granted or the authorized person may not notify within this period, the creation is considered accepted.
2. The subject, to who the right is granted or authorized, may return the work to the author/ right holder or authorized person, concerning the corrections should be made, based on reasonable grounds submitted in writing and within a deadline. In case the author or authorized person refuses to make corrections without any reasonable ground or does not make the correction within the time stipulated in the contract, the person to who the right is granted or authorized may unilaterally terminate the contract without the payment of compensation.
3. If the author authorizes the exploitation of his work, he is forced to make changes, that do not affect its substance, but necessary for its use, expressly provided by the contract. If he refuses or fails to fulfill this obligation, the person to who the right is granted or the authorized person, shall make changes without his consent.

Article 53

Termination of the contract

1. The author may unilaterally terminate the contract of the copyright for the transfer of property rights, when:
 - a) the beneficiary / entitled right holder does not exploit the object of the contract within the time limit and the requirements agreed upon in the written contract;
 - b) the beneficiary / entitled right holder exploits the work in a way that is clearly contrary to the authorization and in noncompliance by the conditions stipulated by a written contract, infringing the legitimate interests of the author.
2. In the case of paragraph 1, of this Act, the beneficiary / entitled right holder is liable for the damages caused, in compliance with the legislation in force.
3. The author shall not have the right to request unilateral termination of the contract, if the beneficiary or entitled right holder for the exploitation of the work proves that the circumstances which caused the non-exercise of the right on the work are due to the author's

own acts, due to a third party, or a force majeure. In cases, the cause is due to the author's fault, he is liable for the damage caused , against the beneficiary or the entitle holder.

4. The author may not waive, in advance, from his right to terminate the contract as referred to in paragraph 1. This waiver shall be excluded, by a contract for only two years after the conclusion of the contract or the delivery of the work, if this occurs in a later date from the signing of contract. Instead of the termination of the contract, the author may terminate the exclusivity of the rights exploitation, by reducing the fee to be paid for its use. In the case of published works in daily press, the aforementioned time period shall be 3 (three) months, whereas for the other periodicals 1 (one) year.
5. The author may not renounce his copyright.

Article 54

Execution

1. Copyright shall not be subject to the execution of obligations. Only economic benefits acquired in the use of copyright may be subject to execution of liabilities, in accordance to the provisions of the Civil Code of the Republic of Albania, unless otherwise provided by this Law.
2. If the author has infringed a contractual obligation by non-finishing of work or non-publishing of manuscript, by not completing the work, or failing to publish the manuscript, he shall not be forced to fulfil it, but shall be liable for damage resulting from it.

SECTION 2

Specific Copyright Contracts

Article 55

The publishing contract

1. By a publishing contract the author undertakes to grant to the publisher the right of reproduction of his particular work by printing or other similar process, and the right of distribution of the copies of the work (the right of publication), while the publisher undertakes to publish the work as agreed, and to pay to the author the agreed remuneration, unless otherwise provided by a contract, as well as to take care about a successful distribution of the copies of the work, and to provide the author with the information on the distribution of his copyright work. A publishing contract shall contain a provision on the duration of the right of publication.
2. It shall be presumed that the publisher has the exclusive right to publish the work referred to in paragraph (1) of this Article ,unless otherwise provided by a publishing contract.
3. The presumption referred to in paragraph (2) of this Article shall not apply to the right shall not apply to the right of publication of articles in newspapers or periodical publications.

4. The publishing contract, the scope of which is the publication of articles, illustrations or other copyright contributions in the print or in daily and periodical publications, does not need to be made in a written form (small publishing contract).

5. The publisher is entitled to sign a publishing contract with a third party, for the same work, only upon the expressed authorization of the author.

Article 56

The right of translation, adaptation and other rights

By the contract referred to in Article 55 of this Act, the author may also grant to the publisher the right of translating his work in a certain languages, and the right to publish such translated work, as well as other economic rights. The author of the work may also grant to the publisher the right to adopt the work. The contract with the publisher, on the right to authorize other persons for the adaptation of the work or for its use in any other manner, should be subject to an expressed contractual provision.

Article 57

Verification of the accuracy of information

1. The author shall have the right at any time, of insight and control of the publisher's business records and documentation, to verify the accuracy of information provided to him by the publisher

2. The author shall require from a third person who has reproduced the work for the publisher information concerning the number of copies made of his work, and such person shall be obliged to provide complete and true information to that effect,, in terms of paragraph 5 of Article 60 of this Law.

Article 58

Conclusion of a contract through a representative

The author may conclude a publishing contract of publication through a representative, only for such works as are expressly indicated in the by the agreement between them.

Article 59

Fixing the Amount of Remuneration

1. If the remuneration is fixed as a percentage of the retail price of the copies sold, the publishing contract must specify a minimum number of such copies of the first edition, and a minimum remuneration which the publisher has to pay to the author regardless of the number of copies sold.

2. If the remuneration is set as a lump sum, the publishing contract must specify the total number of copies agreed upon to be printed. If this number is not agreed upon, and unless otherwise deriving from fair business practices or circumstances of the case, the publisher may publish not more than 500 copies of the work.

Article 60

Other conditions of the publishing contract

1. A publishing contract may also contain :
 - a) a time limit within which the author is required to deliver his correct manuscript or other original of the work. Unless otherwise provided by a contract, this time limit shall be one year from the date of the conclusion of the contract;
 - b) a time limit within which the publisher is required to publish and distribute the copies of the work. Unless otherwise provided by a contract, this time limit shall be one year from the date of delivery of the correct manuscript or other original of the work;
 - c) the number of the editions which the publisher is authorized to publish. Unless otherwise provided by a contract, the publisher shall have the right to publish only one edition;
 - ç) a time limit within which the publisher, following the depletion of the first edition, is required to publish a new edition of the next issue copies, if stipulated by a contract. Unless otherwise provided by a contract, this time limit shall be one year from the date of delivery of such written request by the author.
 - d) a provision concerning the ownership over a manuscript or other original materials. The manuscript or other original shall remain the ownership of the author, unless he undertakes to give it to the ownership of the publisher by virtue of a contract;
 - dh) appearance and design of the copies of the work
 - e) the exclusive or non-exclusive form of property rights and the territory that the publishing contract shall be applied.
 - ë) circulation control procedures to work.
2. The lack of any requirement set out in paragraph 1 of this Article, gives the interested party the right to withdraw from the contract and demand compensation for damages suffered.
3. The publishing contract is filed and starts the effect after being registered and certificated in Copyright Office and the rights granted to the publisher shall be concluded after the deadline, which has been agreed upon by the signed contract between the parties.
4. It is considered full distribution of published copies, when the number of unsold copies is up to 5 percent of all circulated copies and, in any case, not more than 100 copies.

Article 61

Modifications of the Work by the Author

Unless otherwise provided by a publishing contract, the publisher shall be required to allow the author to make modifications to his work, when new editions are prepared, provided that these improvements do not significantly increase the cost of publication and not alter the character of the work.

Article 62

The destruction of the manuscript and prepared editions

1. If a manuscript or other original of the work is destroyed after its delivery to the publisher, by force majeure, the author shall be entitled to the remuneration that would belong to him if the work had been published.
2. If a prepared edition of the work is completely destroyed by force majeure before it was put into circulation, the publisher shall be entitled to prepare a new edition, and the author shall have the right to remuneration only for one of the destroyed editions. The contract is considered resolved and the parties have no mutual obligations, when so requested by a party, against which force majeure acted. In this case the damaged party submits the contract to the Directorate of Copyright, which, in its turn notifies the other party within 15 days from the date of delivery of the contract.
3. If after the publication and distribution of the work, the number of prepared editions of the work is partially destroyed by force majeure, the contract is valid for the remaining copies or valid in its whole, if the publisher reproduces only that number of copies that was destroyed, within the time period provided in the contract.

Article 63

Transfer of the publication right after the first publication of the work

1. A publisher, who has acquired the right to publish the work, shall enjoy the right of priority in granting the right of publication of the work in an electronic or any other form, for a remuneration equal to that of the competitor who has offered the highest remuneration for author or holder of the rights of the offender.
2. A publisher who intends to use the right referred to in paragraph (1) of this Article, shall submit his offer in writing to the author, or the owner of copyright of the work, within 30 days as from the date of receipt of the author's written invitation, by which the latter submits his will to publish the work in an electronic form or in any other form.

3. The publisher's priority right referred to in paragraph (1) of this Article, shall be exercised for a period of three years as from the date of the conclusion of a publishing contract.

Article 64

Unliterary termination of publishing contract

1. The author may demand termination of a publishing contract if the publisher does not publish the work within the stipulated time in the contract or does not proceed to publish a new edition within the stipulated time or term determined by law.

2. If the contract is rescinded due to a publisher's fault, the author shall have the right to keep the remuneration received, the right to compensation for damages, or to demand payment of the stipulated remuneration in the contract.

3. A publisher may demand termination of the publishing contract and claim damages, if the author does not deliver to the publisher a manuscript or other original of the work within the time limit stipulated by a contract or by the law.

Article 65

Destruction of copies of the work

1. A publisher who intends to sell the unsold copies of the work for recycling, or otherwise destroy them, or withdraw them from circulation, shall first offer the buy off thereof to the author, at the price he would have obtained if copies were sold for recycling. Otherwise, he shall incur responsibility for the infringement of the moral right of the author.

2. If the author does not accept the publisher's offer referred to in paragraph (1) of this Article, or accepts to purchase only a certain part of unsold copies, the publisher may sell the remaining copies for recycling, within 30 days as from the date of receipt of the offer.

Article 66

The contract for theatre and/or musical performances

1. By a contract on the theatre and/or musical performance, the author or the entitled right holder grants to a natural or legal person the right to perform or execute to the public a literary, dramatic, musical, choreographic or a pantomime work, by paying a stipulated remuneration, under conditions provided by a contract signed between parties.

2. The contract on the theatre and/or musical performance, referred to in paragraph 1 of this Article shall be valid and it is effective after its registration and certification at the Albanian Office of Copyright and terminates upon expiration of the contractual term.

3. The contract on the theatre and/or musical performance shall be in writing, for a certain time and number of performances in public.

4. The contract should stipulate the time period on which the performance is staged, the number of performances, the exclusive or non-exclusive form of the rights transfer, supervision of revenues and the manner of the remuneration of the author or entitled right holder.

5. A natural person or legal person who is the organizer of theatre and/or musical performance has no rights to grant the acquired rights to a third party, without the written consent of the author or entitled holder of the copyright.

6. The natural or legal person who is the organizer of the performance, should allow the access to the author for the performed work, he should provide with appropriate technical conditions in respect of the moral rights of the author, he should provide to the author or his representative a list of performed work, he should undertake to pay to the author the stipulated amount of remuneration, in respect to the time period agreed upon, by the contract and should notify the author of the benefits derived from the performance of his work, unless otherwise provided by the contract.

7. Referring to this article, the contract is unilaterally terminated, if the contacting party should not show or display the work in public during the period agreed upon, and should not make use of the work in the manner and under conditions provided by the contract signed with the author of the work and the latter shall enjoy to receive remuneration, to request any compensation for the caused damage, or if the case so requires, he should require a payment for the entire amount provided by the contract.

Article 67

The contract of the commission

1. The author shall enjoy the economic rights, in a contract of commission, unless otherwise provided by the contract. The author undertakes to create a certain work and deliver a copy of such work to the person commissioning the work, while the latter undertakes to pay to the author a stipulated remuneration, as agreed by the contract,
2. The contract on the creation of a copyright work made on commission shall also specify characteristics, elements and time limits for delivering the commissioned work and the time limits for acceptance of this work.
3. The person commissioning the work, shall enjoy the right to cancel the contract, if the work does not meet the conditions of the contract. In case, the contract is terminated pursuant to this paragraph, any amount collected by the author shall be reimbursed. If the preparatory work is done purposely to create a work under the commissioned contract, the author is entitled to repayment of any expenses incurred.

Article 68

The lease contract

1. In a lease contract of a copyright work, the author shall undertake to allow the use of any copy of his work at least in a certain period of time, whether original or reproduction of it, in case

of software phonographic and audiovisual works. On the other hand, the leaseholder shall undertake to pay compensation to the author, so long as he uses a copy of his work.

2. The contract for the lease of a work shall be regulated under provisions of this Law, for the lease right of and provisions of the Civil Law on lease contracts.
3. The author retains copyright of the rented work, excluding the right of distribution, unless otherwise provided by the contract between the parties.

Article 69

The works created on the basis of a contract of employment

1. When the works are created by an employee, within the terms of the contract of employment and during the execution of the tasks and instructions given by his employer, it should be considered that the economic rights and other rights on this work have been exclusively transferred to the employer, for a period of 3 (three) years, from the date the work was submitted to the employer, except when otherwise provided by the contract.
2. Pursuant to paragraph 1 of this Article, the use of the work by the employer within the scope of its activity, area which is provided by the terms of the contract of employment, does not require the authorization of the employee author. In other cases, the use of the work outside the scope of the activity, a written consent of the employee author it is required, who holds the right to a fair compensation.
3. The employer may not authorize, for profit purposes, the transfer of the economic rights over the work to third parties, if this transfer of rights is not expressly stipulated in the contract with the employee author.
4. In the case when the employer, according to the employment contract with the employee author, transfers the copyright or authorizes third parties to use/exploit the work for profit purposes, the employee author is entitled to receive a reward of a fair proportion to the acquired profit by the authorization/the transfer of the rights to the third parties.
5. Upon the expiration of the period referred to in paragraph 1, of this article, the property rights of the work are given back to the employee, however, the employer may claim a new contract for the transfer of exclusive property rights of the work of the employee author, versus of a fair remuneration.
6. Notwithstanding the provisions of this Article, the employee author of a work created pursuant to an individual contract of employment shall retain the exclusive right to use the work as part of his whole creation.

CHAPTER VII

RESTRICTIONS ON THE EXERCISE OF COPYRIGHT

Article 70

General provision

Limiting of the copyright is permissible for using a work without the author's authorization or without the author's authorization and without remuneration payment, only in the cases that are expressly defined in this law, provided that the extent of the exploitation of works of the copyright be limited for the intended purpose and not to be in conflict with a normal exploitation of the work, and not to harm the legitimate interests of the author or the holder of copyright.

Article 71

Temporary reproduction permit

1. Temporary actions of reproduction are excluded from the exclusive right of reproduction, referred to in Article 26, of this law, and are allowed provided that they meet all the following criteria:
 - a) to be temporary or casual;
 - b) to be an integral and essential part of a technological process;
 - c) to have as the sole purpose the transmission through a network between third parties via an intermediary, or the lawful use of a work; and
 - ç) To have no any independent purpose of economic gain.
2. The provisions of this Article shall not apply as in the case of Article 86 of this law, for the use of the databases.

Article 72

The reproduction of the works for private and personal use

1. Pursuant to Article 31 of this law, a natural person may reproduce a work of copyright, without the authorization of the author of a work or of the holder of copyright for this work and without remuneration, if applied for no more than one copy, or in the form of any similar means to photographic techniques, or by any other device that has similar effects to the latter, and by all other means of private and other personal use, insofar as the copy is not accessible and is not intended for the public, and does not have direct or indirect commercial purposes.
2. Unless otherwise provided by this law or by a contract, paragraph 1 of this Article shall not apply to:
 - a) the reproduction of an entire book, unless its sold copies are exhausted for at least two years;

- b) the graphic editions of the musical works (scores);
- c) electronic databases;
- ç) cartographic works;
- d) the buildings of the architectural structures;
- dh) Computer programs.

Article 73

Reprographic reproduction

1. Reprographic reproduction, which means the identical reproduction of a work in the same format, enlarged or reduced, by way of photocopying or by the help of other similar technologies, shall be allowed in the case :
 - a) of a legally published work, if the reproduction in one copy is made by a library or archive service and if the aim is to replace the copies that are lost, are destroyed or have become unusable, or reproducing of the copies to make them available for the libraries or similar archive services, with the aim to replace the creations that have been lost in their collections, that have been destroyed or have become unusable, when it is impossible to obtain copies of creation through normal commercial channels;
 - b) of articles and other collected creations, or short fragments of literary creations, and isolated parts of books in a limited scale, which are lawfully published, provided that such reproduction in copy is made by the library or the archive not for a direct or an indirect economic benefit, but to meet the needs of individuals/persons, who will use the obtained copy for private study or research without any profit purposes.
2. The computer programs are an exception to this provision.

Article 74

Temporary registrations

There are permitted temporary registrations of works done by media service providers through their own equipment and for their own broadcasting, by undertaking the obligation that such records be deleted or destroyed within 3 (three) months at maximum, or be deposited in the state archives if deemed of special documentary importance and are treated according to the legal provisions in force for the archives.

Article 75

Restrictions on the benefit of special institutions

Public archives, national libraries, educational and scientific institutions, preschool educational institutions and social institutions (charity ones), that have no direct or indirect economic benefits, may reproduce the work from their copy for internal use, by any means, in no more than one copy.

Article 76

Collections for teaching or research and scientific purpose

1. There are permitted to be reproduced on paper or in any other similar form, and to be transmitted to the public specific parts of legally published works, or short integral parts of works from the field of science, literature and music, as well as individual works of visual arts, architecture, applied arts, which are subject to Article 8 of this law, photographic or cartographic works, and presentations of scientific and technical nature, in the form of a collection which contains works, contributions or other materials of different authors, that due to the content and disposition, are exclusively related to teaching or scientific research, as long as it is possible to show the source, by also including the author's name, unless the author expressly forbids it. The reproduction and communication to the public of the special parts of the copyright works shall not be considered as violations, pursuant to Article 23 of this law, unless the distribution of specific parts would harm the honor or reputation of the author.
2. The authors of the works, contributions or other materials included in the collections, as referred to paragraph 1 of this Article, shall have the right to fair remuneration for the reproduction and the communication of their works to the public.

Article 77

The use of works intended for disabled persons

1. The use of the copyright works shall be permitted for the natural and legal persons, approved by the respective state institution which represents the interests of disabled persons, when they act without economic profit purposes, without the authorization of the author of a work or the holder of the copyright for this work, and with no reward, but by showing, whenever possible, the source, including the name of the author, to use a work lawfully published or transmitting to the public, as is provided in paragraphs 2 and 3 of this Article, provided the condition that only disabled persons will have the possibility to use and access these works, to the extent demanded by the specific disability, with the exception of the works created specifically for this purpose.
2. For the purpose of the limitation provided for in paragraph 1 of this Article, shall be permitted to be reproduced, published, adapted and communicated for the public, including even the making available to the public of a work through computer networks (internet), by means of an audio version or in electronic form, and by means of a version in the form of reading and writing on reliefs of the work (Braille).

3. The use of copyright works shall be permitted for the persons with mental disabilities and of the reading ones, in order to reproduce, publish, adapt, and to communicate to the public, including even the making available to the public of a work by computer networks (internet), works specially tailored to these people. The adjustment of the works for these people means a linguistic transformation of the works in such a way as to make them accessible for people with such disabilities.

Article 78

The use of the works for legal, administrative and other official proceedings

The copyright works shall be permitted to be reproduced and communicated to the public, in concrete cases, without the authorization of the author or holder of the copyright and without remuneration, for performing tasks related to public security, for the using and performing of court, administrative, parliamentary proceedings and arbitration procedures, except in the case of collections.

Article 79

The use of the works for educational purposes

1. A work can be presented or displayed to the public, without the authorization of the author or the holder of the copyright and without remuneration, in the direct form of teaching or school activities, to the extent justified for educational purposes such as:
 - a. the work is not used for economic or commercial benefits by an educational institution, organizers and third parties;
 - b. performers do not receive remuneration for their shown; and
 - c. tickets are free of charge.
2. In the cases provided for in the paragraph 1 of this Article, it is compulsory to cite the source and authorship of the work, where this is possible.

Article 80

The use of works for the purpose of the public information

1. To the extent necessary for public information about current events via the press, radio or television, without the authorization of the author or of the holder of the copyright and without remuneration, the following items are allowed to be reproduced, distributed and forwarded to the public:
 - a. works that are part of current events to be seen and heard, provided that the works are used to the extent justified by the purpose and manner of reporting of current events;
 - b. newspaper articles and photos on actual political, economic or religious topics, via other ways of communication to the public, including the making available to the public via computer networks, provided that the author has not expressly prohibited such a

- use, and that such works are used to the extent justified by the purpose and way of reporting;
- c. public, political and religious speeches published in the daily or different periodicals, or transmitted for the public by radio or television, including the speeches during the court proceedings to the extent justified for the purpose to be achieved, delivered by state or religious institutions, or state and religious ceremonies, as well as fragments of public presentations.
2. For all the provisions provided by paragraph 1 of this Article, it is compulsory to cite the source and authorship of the work, in cases where this is possible.

Article 81

Partial reproduction of the work

1. There is permitted to be done cuts, citations of the fragments or of the parts of a work of copyright, without the authorization of the author or of the holder of the copyright and without remuneration, which is lawfully published or made available to the public, to reproduce, publish, communicate to the public, for purposes of scientific research, teaching, critical studies, illustration, argumentation, reference or review, provided that such a use is compatible with the fair practice and to the extent required for the concrete goal to be achieved.
2. In all the provisions of the paragraph 1 of this Article, it is compulsory to cite the source, authorship of the work, as well as the publisher and translator, in case of a translation, when this is possible.

Article 82

The reproduction of works permanently located in public places

1. There is permitted the reproduction of works, without the authorization of the author or the holder of the copyright and without remuneration, which are permanently located in the street, public squares, parks or other spaces accessible to the public, as well as the distribution to the public of these reproductions.
2. The works referring to the paragraph 1 of this Article may not be reproduced in a three-dimensional form.
3. Regarding the reproduction of the architectural structures, paragraph 1 of this Article, shall apply only about the exterior view of the architectural structure.
4. In the cases provided for in the paragraph 1 of this Article, the source and authorship of these copies, shall be shown, when this is possible.

Article 83

Posters and Catalogs

1. There is permitted for the organizers of public exhibits, fairs or auctions, without the authorization of the author or the holder of the copyright and without remuneration, for purposes of promotions and to the extent necessary for such purposes, to display and reproduce posters and catalogs for exhibitions and auctions for works of visual arts, architecture, applied arts, according to Article 8 of this law, and photographic works, which are displayed in a public exhibition or auction, or that are intended for such a display, providing that this was not achieved for a direct or an indirect economic benefit.
2. In the cases of the definitions provided in paragraph 1 of this Article, the source and authorship shall be cited, except in cases when this is impossible.

Article 84

Transformations of works, burlesques and cartoons

The transformation and the manipulation of the works is permitted without the authorization of the author or of the holder of the copyright without remuneration if:

- a. it is a private transformation or another internal transformation or manipulation, which is not designed or intended to make it available to the public;
- b. the work is transformed/manipulated into a burlesque or cartoon, to the extent necessary for the intended purpose, by showing the author and the work that has been transformed;
- c. the transformation / manipulation is made for using purposes permitted by the author;
- ç. the transformation/manipulation is a brief review of the works for didactic purposes, by citing the author.

Article 85

The use of works for the purpose of the equipment introducing and testing

1. In order to test the functioning of their products at the time of the production or sale, trading companies and shops, engaged in the manufacturing or in the sale of phonograms, audiovisual recordings, or of the equipment for their reproduction or transmission to the public, as well as the equipment for receiving radio and television broadcasting, may reproduce and present extracts from the works, provided that such actions are performed only to the extent required for the testing of these equipment.
2. Reproductions and presentations for the tests, performed as provided by the definitions of the paragraph 1 of this Article, shall be deleted without delay.

Article 86

Using the database

1. A legal user of a database or a copy of a database is permitted to operate with all using types, if this is necessary for accessing the content of databases and its normal use.
2. If a user is authorized only to a part of the database, he/she is permitted to reproduce and alter only that part.
3. Any contractual provision contrary to the provisions of this article is void.

Article 87

Obligations of the rights holder

1. Where the use of a work of copyright without the author's authorization is granted pursuant to Articles 72-78 of this law, and when the use of the work or access to the work is restricted by the application of the technological measures, referred to in Article 154 of this law, the authors or other persons who have applied such measures, who are authorized or that have the capacity to remove them, are obliged, by providing special measures or by enacting contracts, for enabling for the users or their associations the access to such works and their use in accordance with the restrictions referred to in Articles 72 to 78 of this law. This clause does not apply to the computer programs.
2. If authors or other individuals, who, respectively, have applied technological safeguards to prevent access to the work of copyright or its use, or who are authorized and have the capability to remove them, fail to fulfill the conditions of the paragraph 1 of this Article, a person who claims to be authorized by provisions of Articles 72 - 78 of this law, to use a work without either the author's authorization, or without the authorization of the author without compensation, may take any legal action against the author or other persons, respectively, who has applied technological measures, or who is authorized and has the capability to remove them, by claiming a violation of the accessibility of the work of the copyright and its use in accordance with the restriction mentioned in any of the Articles 72-78 of this law. The plaintiff must prove, through his/her legal action, that he/she is consistent with the conditions laid down by Article 70 of this Law.
3. Notwithstanding the provisions of paragraph 2 of this Article, the person who claims to be authorized under to the provisions of Articles 72 - 78 of this Law, to use a work of copyright without either the author's authorization, or without the authorization of the author without compensation payment, or the author or another person, respectively, who has applied technological safeguards to prevent access to the work of copyright or its use, or who is authorized or has the capability to remove them, may require a negotiation procedure pursuant to this law, in relation to the access to the work of copyright or its use, in compliance with the restriction mentioned in any of the Articles 72-78 of this law. Mediation shall be implemented in accordance with the provisions of Article 160 of this law.
4. The technological measures voluntarily applied by the holders of the rights pursuant to this law, including those applied in the implementation of the voluntary agreements and

technological measures, applied in the implementation of the measures, referred to in paragraphs 1 and 2 of this Article, shall enjoy the legal protection pursuant to Article 154 of this law.

5. The provisions of paragraphs 1 and 2 of this Article shall not apply to the works made available to the public in contractual conditions, for which it has been agreed upon, in such a way that the members of the public can use them from a place and at a specified time determined by them individually.
6. The holder of the rights or the other person, respectively, who has applied technological measures or who is authorized or has the capability to remove them, in order to ensure effective implementation of paragraph 1 of this Article, must show in a clear and distinct way the application of technological measures for each copy of the work of copyright that is manufactured or imported for commercial purposes, including information on the technological measure and its effects, as well as his/her name and the contact address.

CHAPTER VIII

SPECIAL PROVISIONS FOR THE COMPUTER PROGRAMS AND AUDIOVISUAL WORKS

SECTION 1

SPECIAL PROVISIONS FOR THE COMPUTER PROGRAMS

Article 88

Object of protection

1. Pursuant to this law, a computer program will be protected as a work of speech if it is an individual and original intellectual creation of the author him/herself. The term "computer program" constitutes the creation of any form of a computer program, application programs and operating systems expressed in any kind of language, including preparatory design materials and manuals. The ideas and principles, which underlie any element of a computer program, including those that underlie its interface basis, shall not be protected by the copyright.
2. Without violating the provisions of this law, if a computer program is part of a diploma or use model, that program enjoys protection by the legal provisions for the protection of industrial property.

Article 89

A computer program created within the employment terms

If a computer program is created by an employee in the execution of his/her duties or by following the instructions given by his/her employer, the employer is exclusively entitled to exercise all economic rights for the created program, unless otherwise provided by the contract.

Article 90

The copyright of the computer program

1. The author of a computer program, pursuant to the provisions of Chapter III, Session 2 of this law, shall enjoy the exclusive right to forbid or authorize:
 - a. The permanent or temporary reproduction of a software by any means and form, in whole or in part; this includes the loading, displaying, operating, transmitting or the storing of a software which requires its reproduction;
 - b. The translation, adaptation, arrangement and any other alteration of a software, and the reproduction of the results thereof, without infringing in the rights of the person who alters the program;
 - c. Any form of distribution to the public of the originals or copies of a software, including leasing of the originals or its copies.
2. The provisions of Articles 24, 31 and 72 of this law shall not apply to the computer programs. Computer programs will not be subject to public lending, unless it is stipulated in the contract.
3. The provisions of Article 27 of this law, on the termination of the distribution right, will apply with the needed alterations for the computer programs.

Article 91

Exemptions

1. In the absence of specific contractual provisions for the actions referred to in sections (a) and (b) of the paragraph 1 of Article 90 of this law, including the errors corrections, there will not be required the authorization of the right holder, when the use of the computer program is needed for the legitimate buyer, in accordance with the purpose.
2. The making of a backup copy by the person who owns the right to use the computer program shall not be prevented by contract, insofar as it is necessary for such a use.
3. The person who has the right to use a copy of a computer program, is entitled to observe, study or test the functioning of the program, to determine the ideas and principles which underlie the bases of any element of the program, without the authorization of the author, if he/she does so while performing any of the acts of loading, displaying, operating, transmitting or storing of the program.
4. Any contractual provision, contrary to paragraphs 2 and 3 of this Article, shall be void.

Article 92

Breakdown of the code

1. If the reproduction of the code and the translation of its form, pursuant to the provisions of the paragraphs 1 and 2 of Article 90, are required to obtain the information necessary to achieve

the intercommunion of a program, independently created of other programs, the authorization of the holder of the right will not be necessary, provided that:

- a. these actions must be carried out with authorization for use, or by another person who has the right to use a copy of the program, or by a person authorized to perform this action on his/her behalf;
 - b. the information necessary to achieve the intercommunion has not previously been available to the persons referred to in paragraph “a” of this Article;
 - c. these actions are limited only to those parts of the original program which are necessary to achieve the intercommunion.
2. The information obtained pursuant to the provisions of the paragraph 1 of this Article, may not:
- a. be used for other purposes except to achieve the intercommunion of the computer program independently created;
 - b. be transferred to other persons, except when it is necessary to achieve the intercommunion of the independently created program;
 - c. be used for the producing, developing, or marketing of another program, substantially similar in its essence, or for any other action that infringes the copyright.
3. The provisions of this section must not be interpreted in such a way that their application to prejudice the legitimate interests of the holders of the rights over the work, or to impede the normal use of the computer program.
4. Any contractual provision, contrary to the provisions of this Article, is null.

Article 93

Special measures of protection

A violation of rights on a computer program constitutes, in particular:

- a) Any act of distribution of a computer program copy, having knowledge of or having reason to believe that it is an illegal copy;
- b) The possession of a copy of a computer program for commercial purposes, having knowledge of or having reason to believe that it is an illegal copy;
- c) Any act of distribution or possession for commercial purposes of any mean, the sole purpose of which is to remove or bypass without authorization the technical devices, which serve as protection of a computer program.

Article 94

The implementation of other legal provisions

The provisions of this Law concerning the protection of computer programs and of the other copyrights, and related rights, do not violate other legal provisions, such as those rights governing the protection of inventions of patents, trademarks, the protection of the designs and topographies of semiconductor products, utility models, conditional access, the access to services of cable broadcasting, the protection of national treasures, legal deposits requirements, the laws on restrictive practices and unfair competition, security, confidentiality, data protection of privacy and access to public documents.

SECTION 2

SPECIAL PROVISIONS FOR AUDIOVISUAL OR CINEMATOGRAPHIC WORKS

Article 95

Audiovisual works

Pursuant to this law, the audiovisual works are the cinematographic films, TV movies, animated movies, commercials or other films, shorts musical videos, documentaries, as well as other audiovisual works expressed by sequences of crosslinked moving images, with or without sound, regardless of the type of the device on which they are fixed.

Article 96

The right of audiovisual adaptation

1. The right of the audiovisual adaptation is the exclusive right of the author of an existing work of copyright to transform into an audiovisual work.
2. The transfer of the right provided for in the paragraph 1 of this law, shall be authorized only on the basis of a written contract, distinct from the editing contract of a work, between the copyright owner and the producer of the audiovisual work.
3. The producer of an audiovisual work is the natural or legal person, who takes the responsibility for producing the work, and provides the necessary technical and financial resources for its materialization, pursuant to the terms of the contract.
4. Unless otherwise provided for in the contract, in the contract of the audiovisual adaptation, agreed between the author of a previously existing work and the film manufacturer/producer, it will be provided that the right of transforming and including of the original/existing work into an audiovisual work, the economic rights on this audiovisual work, on its translations, audiovisual transforming and on the photographs made about of the producing of the audiovisual work, will be exclusively transferred and without limitations to the latter (the film manufacturer/producer).
5. Regardless the provisions of the paragraph 3 of this Article, the author of the adapted work will hold:

- a. the exclusive right of the new audiovisual adaptations of the adapted work, a right which he may exercise after passing of twenty years, following the conclusion of the contract, referred to in paragraph 1 of this Article;
 - b. the exclusive right to further alternations of the audiovisual work in any other artistic form;
 - c. the right for a fair remuneration from the film producer for each rental of a videogram which contains the audiovisual work.
6. The author of an adapted work cannot waive the right referred to in paragraph 5 of this Article.

Article 97

The audiovisual works co-authorship

1. The following persons will be recognized as co-authors of an audiovisual work:
 - a. the principal director who will be considered as the author of the work or as one of the authors;
 - b. the author of the screenplay (screenwriter);
 - c. the author of the dialogues;
 - ç. the composer of the musical work (with or without text), specifically created for the audiovisual work;
 - d. the author of the work adaption;
 - dh. the director of photography.
2. If a drawing or an animating constitutes a key element of the audiovisual work, the principal creator of the drawing or animation will be considered as co-author of this work.

Article 98

Authors of the contribution to audiovisual works

A creator of the animation (animator) or a drawing and a music composer of the film, who are not considered the co-authors of an audiovisual work pursuant to Article 97 of this law, a scenographer, a costume designer, a make-up designer and an editor, shall have the copyrights on their individual contributions to the work (authors of the contributions).

Article 99

1. The contract of an audiovisual production

1. A contract of an audiovisual production regulates the relationship between the film producer, the co-authors of an audiovisual work and of the authors of the contributions, as well as the relations between the authors of an audiovisual work.

2. Unless otherwise provided by the contract, it will be considered that the authors and co-authors, by the film production contract, as having transferred to the film manufacturer (producer), exclusively and without limitations, all their economic rights on the audiovisual work, on translations, audiovisual transformings and on the photographs made about of with this act.
3. Unless otherwise provided in the contract of the audiovisual production between the film producer and the authors of the contributions, the film manufacturer (producer) shall be deemed to gain all the economic rights of the such authors, to use their contributions to the extent necessary to fulfill the purpose of the contract.
4. Notwithstanding the provisions laid down in the preceding paragraphs of this Article:
 - a. the co-authors retain the exclusive right for the further transformation of the audiovisual work in another artistic form;
 - b. the authors of contributions retain the right to use individually/separately their contributions to the audiovisual work, provided that such use does not infringe the rights of the film producers;
 - c. the co-authors retain the right for a fair compensation from the film manufacturer (producer) for each rental of videograms of the audiovisual work.
5. The co-authors and authors of contributions to an audiovisual work cannot waive the rights provided for in paragraph 4 of this Article.

Article 100

Revenues deriving from the utilization of the audiovisual works

1. The co-authors of audiovisual work are entitled to a remuneration for any way of use of the audiovisual work of copyright, which is calculated proportionally to its total incomes, except when otherwise agreed.
2. The film producer should at least once a year to send to the co-authors of the audiovisual work a report on the generated revenues/income, in particular on any authorized form of the work utilization. The authors receive the remuneration from the producer, or from the users or by the collective management agency, based on the agreements made between them.

Article 101

Completion of the audiovisual work

1. The audiovisual work shall be considered as completed when, upon an agreement between the principal director and the film producer, the first standardized copy of the work, which is object to the contract, is realized.
2. The original copy, where the final version of the work is materialized, referred to in the paragraph 1 of this Article, it must not be destroyed.

3. Any alteration of the copy of the audiovisual work, referred to in paragraph 1 of this Article, shall be permitted only after a preliminary agreement concluded between the film manufacturer (producer) and the principal director.
4. When any of the co-authors refuses to complete his/her contribution to the audiovisual work, or when he/she is unable to do so due to a force majeure, he/she will not oppose the use of his/her contribution done until then for the purposes of the completion of this work. The author in question shall have the respective rights of the copyright, due to the contribution he/she has already given.

Article 102

The termination of contract

1. If the producer does not complete the audiovisual work within five years from the date of signing the contract for the production of the film, or if he/she does not distribute the completed audiovisual work within a year from the time of its completion, the co-authors are entitled to require the cancellation of the contract, unless otherwise provided in the contract.
2. In the case referred to in the paragraph 1 of this Article, the co-authors and the authors of the contributions retain the right of compensation for the caused damage, respectively on each element of the audiovisual work.
- 3.

PART III

RELATED RIGHTS

Chapter I

GENERAL PROVISIONS

Article 103

Independence of the protection of copyrights and related rights

1. The protection provided by this Law on the related rights shall not in any way violate the protection of copyrights of the author on their works. Therefore, no provision of this section shall be interpreted in such a way as to restrict the exercise of copyright.
2. The property rights, provided for in this section, may be transferred to the others, partially or as a whole, according to the provisions of this law for the transfer of property rights of the author, which apply with 'mutatis mutandis' also for these rights.
3. The protection of copyrights and of the different categories of related rights are independent of each other, in the sense that, when the same natural or legal individual is the holder of more than one category of rights, unless otherwise provided by this law, he/she enjoys and may exercise those rights independent from each other.

4. Any agreement for the transfer of property rights in an exclusive form is filed, registered and certified by the Copyright Directorate.

Article 104

Informal protection of related rights and the presumption of protection

1. For the acquisition and exercise of related rights there is no formality required. Unless otherwise proved, the individual, natural or legal person, whose name appears on the fixing of an performance/execution, phonogram, in the first fixing/registration of a film, fixing/recording of a broadcast or in a database, is respectively considered as the performers/executors, the producer of the phonogram, the producer of the first fixation/registration of the film, the broadcaster or the author of the database.
2. In order to their rights citing and distributing of the authorized copies of phonographic records or of any other similar devices used for the reproduction of sounds or voices, where an authorized work is recorded, the producers of the phonograms and performers and/or the executor must obligatory put a note on each copy of the phonogram or in each phonogram envelope which contain the following elements:
 - a) Capital / large circled P letter (P);
 - b) the name of the holder of the exclusive related rights;
 - c) the year of the phonogram first publication;
 - ç) the authorization from the holder of copyrights and related rights;
 - d) the title of the work;
 - dh) the artistic stamp of the Copyright Directorate, unconsumed;
 - e) the name of the interpreting and/or performing artist, as well as the artistic name, in the cases when orchestral or choral groups are identified.
3. For the exercise of the distribution right pursuant to this section, it is obligatory that a copy of the phonographic device or of other similar one with it, for the reproduction of the sounds or voices, to be deposited in the Copyright Directorate.

Article 105

The Protection Terms of the Related Rights

1. The provisions for the terms of the author's moral rights, shall apply with necessary alterations, to the personal non-property rights of the performers/executors.
2. The term for the protection of the performers/executors property rights shall be 50 years, following the date of the interpretations. However:

- a. if the fixing of an interpretation and/or performance, except when the fixing is on the phonogram, published or transmitted or legally broadcasted, or is transmitted to the public or is made interactively available to the public within this period, the protection term shall be 50 years from the date that marks the first time of this publishing, broadcasting, transmitting, or making it interactively available to the public, whichever of these ones was made the first;
 - b. if the fixing of an performance and/or execution in a phonogram, is legally published, broadcasted, transmitted, or is interactively made available to the public within this period, the protection term shall be 70 years from the date of the first legal publishing, broadcasting, transmitting, or making it interactively available to the public, whichever is the earlier date;
3. The protection term for the rights of the phonograms producers ends 50 years after the fixation of the phonogram. If, within this period, the phonogram is legally published, the rights in question end after 50 years from the date of the first legal publishing. If within this period there is done no any legal publishing and if the phonogram is legally transmitted to the public within this period, the rights in question end 50 years after the date of the first legal transmission to the public.
4. The protection term for the rights of producers of the first fixations of films and phonograms ends 50 years after the first fixation. If during this period, the film is legally published, broadcasted, transmitted to the public, or it is legally made available to the public in an interactive way, the rights end from the date that marks the first time of this publishing, broadcasting, transmitting to the public, or interactively making available to the public, whichever of these ones was made the first.
5. The protection term of the rights of the media service providers end 50 years after the first transmission of broadcasting, if this transmission is performed by wire or wireless, including the cable or satellite transmission.
6. The protection term of the publishers rights end 50 years after the date of the first legal publication of the work.
7. The protection term provided in paragraphs 2 to 5, is calculated as from January 1 of the consecutive year of the year when has occurred the event, which is taken as a basis for the calculation.
8. Paragraph 8 of Article 41 of this law applies with necessary alterations, for the protection terms of the related rights.

Article 106

Restrictions on related rights

Except when otherwise provided by this law, the provisions of Chapter VII of this Law, on the restrictions relating to copyright apply *mutatis mutandis* to the related rights.

CHAPTER II

RIGHTS OF PERFORMERS / EXECUTORS

Article 107

Interpreting/Performing Artist

According to this law, "the performers/executors" are the actors, singers, musicians, dancers, directors of orchestras or of choirs and other persons who present, act, sing, recite, play, interpret, run an orchestra or otherwise perform literary or artistic works, a show of any kind including forms of expression of folklore, varieties, circus performances or puppet shows.

Article 108

Non-Property Rights of the Performers/Executors

1. Performers/executors have the following personal non-property rights:
 - a. the right to claim the recognition of the authorship of his/her interpretation;
 - b. the right to require his/her name or pseudonym to be mentioned in public performances or in the transmitting or fixing a work in a phonographic recording, film, in another audiovisual works device or in any other product similar to them;
 - c. the right to require the observance of the quality of his/her interpretation/presentation and to oppose any misrepresentation, falsification or other substantial modification of his/her performance, or any infringement of his rights, which could harm his honor or reputation.
2. The rights provided in paragraph 1 of this Article, shall not be an object of waiving of the interpreters and/or performers. After the death of the performers/executors, the rights provided in this Article are inherited, in accordance with Civil Code of the Republic of Albania for an unlimited period of time.

Article 109

Exclusive Property Rights of the Performers/Executors

1. The performers /executors have the exclusive right to authorize or prohibit:
 - a. The registration of their performances and/or executions;
 - b. The reproduction of the phonogram or videogram with the content of their performances and/or executions;
 - c. The distribution of the phonogram or videogram with the content of their performances and/or executions;

- ç. The rental of a phonogram or videogram with the content of their performances and/or executions;
 - d. The lending of phonogram or videogram with the content of their performances and/or executions;
 - dh. The import of the phonogram or videogram with the content of their performances and/or executions, for commercial purposes in the domestic market;
 - e. The broadcasting of the interpretations/performances and their transmitting to the public, pursuant to the provisions of Article 29, letter 'c', 'ç', 'd', 'dh', 'ë' of this law, except when the interpretation/performances has been previously fixed or broadcasted. If the registration/fixation has been fixed on a phonogram or a videogram, the performer/executor has the right to a common and fair remuneration, for the other broadcastings and transmitting to the public of his/her performance/or execution. The common and fair remuneration, referred to in this section of this Article, consists of the remuneration received by the user of phonograms that belongs to the performers/executors and to the phonograms producer.
 - ë. Cable retransmitting of their performances and/or executions;
 - f. The availability in interactive way of the fixations of their performances and/or executions
2. Fixation (or registration), under this law, it means the embodiment of sounds, images, or both of them, or their presentations, where a creation can be obtained by them, which is perceived, reproduced or transmitted through a device.
 3. In the case of a collective performance/execution of the same performance, the authorization for the actions referred to in paragraph 1 of this Article, may be given by the representative of the performer/executor that take part in this show. The representative of the performers/executors acquire the right of representation through the written consent, respectively, of the majority of the members of the band, choir, dancing or theater troupe, via the members of an orchestra or other similar ensembles. The provisions of this paragraph are not applied for the soloists, conductors and directors of the theatrical shows.
 4. The provisions on the distribution right and rental right of the authors are applied, *mutatis mutandis*, also for the rights of the performers/executors. Regarding the exercise of the cable re-transmission right of the performers/executors, it is applied Article 27.
 5. Pursuant to Article 31/1 of this law, the performers/executors have the right to a fair remuneration for the reproduction of the works of copyright, for private or other personal use.
 6. Except when otherwise defined in the production contract (audiovisual production), the performers/executors that participate in the production of an audiovisual work or in the recording of various phonograms, are presumed to transfer, exclusively and without limitations to the film producer, all economic rights of their performance.

7. For any economic right that is transferred, according to paragraph 6 of this Article, the performers/executors are entitled for benefiting a fair remuneration from the film manufacturer (producer).
8. The performers/executors cannot waive the right provided in paragraph 6 of this Article.

Article 110

The use of performing for the audiovisual work completion

In cases when any performer/executor refuses to complete his/her contribution on an audiovisual work or in impossibility to do so, due to *force majeure*, he/she may not object the use of his/her contribution, which he/she has already made, for the purpose of the completion of this audiovisual work. The performers/executors in question shall have the respective rights for the contribution he/she has made.

Article 111

The interpretation and/or the execution pursuant to the terms of an employment contract

In the case of a performance and/or execution performed by the performer/executor under the conditions of an individual contract of employment, the economic rights provided in Article 109/1 of this law, may be transferred to the employer, provided that any transfer to be explicitly mentioned in the individual contract of employment. The provisions of this law on the works created under employment relationship, are applied, *mutatis mutandis*, also for the rights of the interpreters and/or performers.

CHAPTER III

RIGHTS OF THE PHONOGRAM PRODUCERS

Article 112

Meaning of the phonogram and its producer

Pursuant to this Law, the following terms have this meaning:

- a) A “phonogram” is the fixation of the sounds of an performing/executing, of other sounds, or of the presentations of the sounds in another form, except that one of the fixation incorporated in an audiovisual work;
- b) “The phonogram producer” is the natural or a legal person who takes the initiative and has the responsibility for the first fixation of the sounds of a performance, of other sounds, or of the representations of the sounds in another form.

Article 113

The exclusive rights of the phonograms producer

1. The provisions of Article 27 apply also (*mutatis mutandis*) for this right of the phonograms producers. For the exercise of the re-transmission via cable right of the phonograms producers, it is applied the letter “e” of Article 29.
2. Producers of phonograms shall have the exclusive right to authorize and prohibit the following actions:
 - a) The reproduction of their phonograms;
 - b) The distribution of their phonograms;
 - c) The rental and public lending of their phonograms;
 - ç) The cable re-transmission of their phonograms;
 - d) Making available to the public in an interactive way of their phonograms.
3. The phonograms producers have the right to a fair remuneration for the reproduction of the works of copyright for private or other personal use, according to Article 31/1 of this law.

Article 114

The right to common remuneration for broadcasting and communication to the public of the phonograms

1. In the case of the broadcasting, or for any other communication to the public of the phonograms, made public for commercial purposes, in accordance with the provision laid down in Article 109, paragraph 1/e of this law, the user have to pay a shared and fair remuneration to the phonograms producers, for any communication to the public of the phonograms.
2. The phonogram producer shall pay half of the remuneration mentioned in the preceding paragraph, to the performers and/or executors because of the use of their performances and/or executions that are fixed in phonograms, unless a different distribution is determined by contract between the producers of phonograms and the performers and/or executors.
3. For the purposes of this Article, the phonograms made available to the public by wire or wireless, in such a way that the public can access it from a place and at a time individually chosen by them, these phonograms will be considered made public for commercial purposes.

Article 115

Special provisions on the rights of the performers and/or executors and phonogram producers, whose term of protection has expired

1. When 70 years after the first fixation of the phonogram, whether made legally public or not, and 70 years after it has been transmitted, communicated to the public or has been interactively and legally available to the public, the phonogram producer does not offer for sale a sufficient number of copies of the phonogram, or that does not make it available to the public in an interactive way, the performer and/or executor has the right to terminate the contract, by which he/she has transferred the rights on the fixation of the performance and /or execution to the phonogram producer.
2. Before the termination of the contract referred to in paragraph 1 of this Article, the performer and/or executor will notify the phonogram producer that he/she (the latter) will provide a sufficient number of phonogram copies for sale, for reasonable needs of the public, and make it available to the public within a period of one year from the date of receipt of the written notification of the performer and /or executor.
3. The performer and /or executor cannot waive the right to terminate the contract referring to paragraph 1 of this Article.
4. If a phonogram incorporates the fixation of the interpretation of many performers and/or executors, they could terminate the contract on granting of the right to use their performance and/or execution, fixed in a phonogram, in accordance with Article 109/3 of this law.
5. If a performer and /or executor has terminated the contract of granting the right to use the performance and/or execution, fixed in a phonogram, in accordance with paragraph 1 of this Article, the rights of the phonogram producer on this phonogram, will end after 70 years from the date of the first legal publication of the phonogram or from the date of the lawful communication to the public.
6. If, on the basis of a contract between the performer and/or executor of a phonogram and the phonogram producer, the performer and/or executor of the phonogram is entitled to claim a sporadic remuneration, then the performer and/or executor is entitled to an additional remuneration from the phonogram producer for every year, up to 50 years from the date of the first legal publication or from the date of the lawful communication to the public, if the producer has not published the phonogram according to the contract.
7. The performer and/or executor cannot waive the right to receive the annual supplementary remuneration.
8. The amount set by the phonogram producer for the payment of the annual supplementary remuneration provided for in section 6 is calculated 20% of the previous year incomes, that have been gained from the producer as a result of the reproduction, distribution and the making available to the public of the phonogram in question 70 years from the date of making it lawfully public, or in the absence of this publication, 70 years from the first legal broadcasting, the legal communicating to the public or the making available to the public in an interactive legal way.

9. The phonogram producers give a guarantee to the performer and/or executor, for their interpretations and/or their executions respectively, for the right to benefit an annual supplementary remuneration with all the necessary information needed for benefiting of the fair remuneration, according to paragraph 6 of this Article.
10. The right to profit the annual supplementary remuneration provided in Article 6, is administered by the Collection Administration Agency.
11. In the case when the performer and/or executor is entitled to a periodic remuneration, the advanced payment is not applied and the deductions specified by the contract are not held, starting from the 70th year of the legal publishing, or in the absence of this publication, from the 70th year of the first legally broadcasting, or legally making it public, or making available to the public in an interactive legal way.

CHAPTER IV

THE RIGHTS OF PRODUCERS OF THE FIRST FIXATION OF FILMS

Article 116

The rights of the films first fixations producers

1. The producer of the films first fixations the natural or legal person or entity who in its own name and on its own, or on someone else's account, organizes and manages the production of an audiovisual work, and is responsible for its completion.
2. The producer of the films first fixations has the exclusive right to authorize or prohibit the following actions in relation to the original or of the copies of their films:
 - a. the reproduction of their films;
 - b. the distribution of their films;
 - c. the rental and the public lending of the copies of their films;
 - ç. making available to the public in an interactive way of their films;
 - d. the public presentation of their films;
3. Article 27 applies, mutatis mutandis, to the producers rights to distribute the first fixations of the films.
4. Pursuant to this chapter:
 - a. A "film or videogram" shall be:
 - i) The first fixation of what is qualified as audiovisual work;
 - ii) Any sequence of images in motion, accompanied by a sound or not, that in the absence of the originality, is not qualified as an audiovisual work;

- b. "The first fixation of a film" is the ultimate form of the film that can be served for using by the public.
5. The film producers have the right to a fair remuneration for the reproduction of copyright works for private or other personal use, pursuant to Article 31/1 of this law.
6. The related rights of the producer of the film first fixation and the copyright, the holder of which is the producer of the film first fixation, are implemented in parallel and independently from one another, as when the film first fixation is qualified as an audiovisual work, as well as for the copyright holder of the audiovisual work.

CHAPTER V

RIGHTS OF THE AUDIOVISUAL MEDIA SERVICE PROVIDERS (AMSP)

Article 117

The rights of the media service providers

1. Media service providers have the exclusive right to authorize or prohibit the following acts that deal with:
 - a) fixing of their broadcasts, whether these broadcasts are transmitted by wire or wireless, including cable or satellite broadcasting;
 - b) the reproduction of their broadcasts fixations;
 - c) the distribution of their broadcasts fixations;
 - ç) the re-transmission of their broadcasts by wire or wireless;
 - d) the communication to the public of their broadcasts in countries where a fee is required;
 - dh) making available to the public in an interactive way, of their of their broadcast fixations.
2. Article 27 applies, *mutatis mutandis*, to the distribution right of the broadcasting fixation of the audiovisual media service providers.
3. A digital network operator, which merely retransmits by cable system the broadcast of the audiovisual media service providers, will not be considered audiovisual media service provider, under the provisions of this chapter.
4. The rights referred to in paragraph 1 of this Article cannot be transferred, in an exclusive or non-exclusive form, without respecting the rights of the creative authors, performers and/or executors, and the film producers.

CHAPTER VI

THE RIGHTS OF THE PUBLISHERS

Article 118

The right to remuneration

Publishers have their right to reasonable remuneration for any reproduction of their written publications for private personal use or other personal use, equivalent with the author's right for remuneration, as provided in Article 31, paragraph 2 of this law.

PART IV

THE PROTECTION *SUI GENERIS* OF THE DATABASE PRODUCERS RIGHTS

Article 119

The object of protection

1. A database shall mean a collection of independent works, data or other materials of any form, that have been arranged in a systematic or methodical way and that are individually accessible by electronic means or through other ones, where the safety, verification or the presentation of their contents, requires a substantial qualitative and/or quantitative investment.
2. A producer of database is a natural or legal person or entity who takes the initiative and the risk of investments referred to in paragraph 1 of this Article.
3. The protection of the database or of its contents, is applied irrespective of their protection by the copyright or other rights. The inclusion of a material in a database and its use shall be made without violating the existing rights in relation to that material.

Article 120

Scope of protection

1. The protection of the database pursuant this section is applied:
 - a. to the whole of the database content,
 - b. for any substantial qualitative or quantitative part of its content,
 - c. for the qualitative and/or quantitative insubstantial parts of a database, when these parts are repeatedly and systematically used, something that would be in conflict with a normal exploitation of that database or when the legitimate rights of the database producer of are violated in an unreasonable way.
2. The protection, pursuant to this Article, is not applied for the computer programs, used in the building or operation of the electronic databases.

Article 121

The copyright of the database

1. The producer of a database has the exclusive right to authorize or prohibit the extraction and/or reuse of the entire database or a substantial part of it, evaluated qualitatively or quantitatively.
2. For the purpose of this Article, the following terms have these meanings:
 - a. "Extraction" is the temporary or the permanent transfer to another medium of all the database content or of a part of it, by any means or in any form.
 - b. "Reuse" is any form of making available to the public of all the database content or of a substantial part of it, via the reproduction and distribution of copies, via the renting of the right for making available to the public of the database content, and through any other form of communicating to the public of the database. The first sale of the database copy, within the territory of the Republic of Albania, by the right holder or by his consent, terminates the control right of the resale of that copy.
3. Public lending is not an act of extraction or re-use.

Article 122

Repeated and systematic actions that are related to insubstantial parts of the databases

The repeated and systematic extraction and/or reuse of insubstantial parts of the database content, are considered as actions that conflict with a normal exploitation of the database or that unreasonably infringe the legitimate interests of the database producer, and as such are not allowed.

Article 123

The rights and obligations of the legitimate users of databases

1. The producer of the database which is made in any way available to the public, cannot forbid the legitimate user of the database to extract and/or reuse insubstantial parts of the database content, evaluated qualitatively and/or quantitatively, for any purpose. If the legitimate user is authorized to issue and/or the reuse only certain parts of the database, this section is applied only to those parts.
2. The legitimate user of the database that is made available to the public in any way, cannot perform actions that are contrary to the normal use of the database, or prejudice unreasonably the legitimate interests of the database producer.
3. The legitimate user of the database, that is made in any way available to the public, cannot violate the holder of the copyright or related rights in relation with the protected works or objects, included in the database.
4. Any contractual provision that is inconsistent with this Article is void.

Article 124

Exceptions to the rights of the databases producers

The legitimate users of databases which are made in any way available to the public, may extract or reuse essential parts of the content of this database, without the authorization of its producer :

- a. in the case of the extracting of the content of the non-electronic database, for personal purposes, in accordance with the provisions of Article 72, of this law;
- b. in the case of the extraction for the purposes of illustration for teaching or scientific researches, provided that the source should be cited, and it should be at the extent that justifies the non-commercial purpose to be achieved, in accordance with the provisions of Article 71 of this law;
- c. in the case of the extraction and/or the reuse for the purposes of the public security or of an administrative or judicial proceeding;

Article 125

The term of protection for the rights of databases producers

1. The rights of a database producer are protected from the date of the completion of the database until the end of the 15th year, which is calculated from January 1st of the year following the completion date.
2. In the case of a database, which is made in any way available to the public before the end of the period provided in paragraph 1, the term of protection of the right of database producer expires after 15 years, which is calculated from January 1st of the year following the date when the database was first made available to the public.
3. Any substantial change, qualitatively or quantitatively evaluated, of the database content, including any significant changes arising from the collection of additions, deletions or from the consecutive changes, that would bring as a result, a database that is considered as a substantially new investment, qualitatively and quantitatively evaluated, qualifies the database resulting from this investment for its own term of protection.

Article 126

Beneficiaries of the protection of the databases producers rights

1. The right provided in Article 121 of this law, is applied to databases, the producers or holders of the rights of which are citizens of the Republic of Albania or resident in the Republic of Albania.
2. The right provided for in Article 121 of this law, is also applied to commercial entities, established in accordance with the legislation for the establishment and organization of the commercial companies in the Republic of Albania, and have their headquarters or basic place of the business activity, within the territory of the Republic of Albania. However, when this

commercial entity or company has only the office registered in the Republic of Albania, it should conduct its ongoing activity in this territory

3. Agreements that extend the right, provided in section 121 of this law, to the databases that have been created in the third countries and which are not object of the provisions of paragraphs 1 and 2 of this Article, are protected pursuant an international treaty, where the Republic of Albania is party.
4. The term of any protection that includes databases created in third countries, does not exceed the term provided in Article 115 of this law.

PART V

THE ADMINISTRATION OF COPYRIGHT AND RELATED RIGHTS

General provisions

Article 127

The management of the copyright and related rights

1. The copyrights may be administered separately in an individual way for each work of copyright, or by the provisions of this law, they can be administered together in a collective way, by collective management agencies, for a number of works of several authors simultaneously.
2. The provisions of this section for copyright are applied *mutatis mutandis* to related rights.

Article 128

Activities of the copyright and related rights management

1. The management of copyright and related rights includes the following tasks:
 - a. Granting of the authorization for use of the object of copyright and related rights, object of protection, when this authorization is provided by law;
 - b. The collection of remuneration for use of the object of protection;
 - c. The distribution of the collected remuneration of the right holder;
 - ç. The Control of the use of the object of protection;
 - d. The initiation and advancement of the procedures of protection in cases of violation of the administered rights.
2. Administration of rights may include all or some of the activities described in paragraph 1 of this Article.

Article 129

The individual administration of the rights

1. The administration of the rights related with the use of a specific material, object of protection, is carried out by the right holder him/herself, or through his/her representative according to the contract between the right holder and the user.
2. The duties of an authorized representative may be performed by an attorney as well as by the collective management agencies.

Article 130

Collective management of the rights

1. The collective administration of copyright may include:
 - a. the right of public performances, the right of communication to the public, the right of communication to the public of a fixed work, the right of broadcasting, the right of re-transmission, the right of communication to the public of the broadcast and the right to make available to the public, non-scenic works, musical and literary ones;
 - b. the reproduction right (audio recording) of musical works;
 - c. the distribution right, including the right for renting and the right to remuneration, pursuant to the provisions of this law;
 - ç. the remuneration right for public lending;
 - d. the reselling right of the original works of art that are going to be resold;
 - dh. the remuneration right for the reproduction of the work for private or personal use purposes;
 - e. the remuneration right referred to in Article 76 of this law;
 - ë. the remuneration right for communicating to the public of the folk literature and artistic works;
 - f. the re-transmission right of the audiovisual works.
2. The collective administration of the performers and/or interpreters rights may include:
 - a. the right of communication to the public of a fixed performance and the broadcastings of videograms and fonograms;
 - b. the right of public presentation of a fixed performance;
 - c. the right of broadcasting and re-transmitting of a fixed performance;
 - ç. the right of making a fixed performance available to the public;

- d. the right of renting the fixed performance and the right to remuneration as referred to section 2 of Article 28 of this law;
 - dh. the remuneration right for public lending of the fixed performance;
 - e. the remuneration right for reproducing the fixed performance for private and personal use.
 - ë. the right to annual supplementary remuneration referred to in Article 115 of this law.
3. The collective administration of the rights of the phonograms producers may include:
- a. the right of making the phonogram available to the public;
 - b. the right to remuneration for the broadcasting and communicating the phonograms to the public;
 - c. the right of renting the phonogram;
 - ç. the right of lending the phonogram to the public;
 - d. the right to remuneration for reproducing the phonogram for private purposes or personal use.
4. The collective management of the rights of the films producers may include:
- a. The right to remuneration for public lending of videograms;
 - b. The right to remuneration for reproducing a videogram for private purposes or personal use.
5. The collective management of the publishers rights may include the right to remuneration for the reproduction of their publications, written for private purposes or personal use.

Article 131

Mandatory collective management

1. In accordance with the relevant provisions of this law, the following rights should be mandatory exercised only via collective management, such as;
- a. the right of broadcasting and re-transmission for authors and performers, referred to the provision 1 (a) and 2 (c) of Article 130 of this law;
 - b. the re-transmitting right referred to provision 1 (f) of Article 130 of this law;
 - c. the right to remuneration for the transmission for the phonograms producers, referred to the provision 3(b) of Article 130 of this law;

- ç. the renting right for the authors and for the works/musical recordings, for the performers and the phonograms producers, referred to the provisions 1(c), 2(d), 3(c) of Article 130 of this law;
 - d. the right to remuneration for the public lending for the authors, the performers and the phonograms producers, referred to the provisions 1(ç), 2(dh), 3(ç), 4(a) of Article 130 of this law;
 - dh. the right to remuneration for the reproduction of private copies and of other personal use for the authors, performers, phonograms producers, films producers and publishers referred to the provisions 1(dh), 2(e), 3(d), 4(b), and 5 of Article 130 of this law;
 - e. the right to remuneration as provided by section 2(ë) of Article 130 of this law;
 - ë. the resale right of the original of the works of art as provided in section 1(d) of Article 130 of this law.
2. The provisions referred to in paragraph 1 of this Article shall not be applied to cable re-transmission, when it has to do with the audiovisual media service providers related to their broadcastings, regardless of whether the rights concerned are their own or they have been transferred to them from the other holders of the copyrights and related rights.

Article 132

The contract with the author

1. The collective management agency will administer the rights of the authors only on the basis of a contract concluded with the author. The contract will include, in particular the author's authorization for the administration of his rights, the type of the works and the rights to be administered and the duration of the contract, which should not exceed three years, and renewable. The Copyright Directorate will monitor and control this activity, as the guarantor of this law implementation.
2. A collective management agency must inform in advance the holders of the rights defined in this law, on their rights which they administer pursuant to Article 137 (a). The Agency should also inform the holders of these rights whom have already authorized that one regarding the management of their rights, that they enjoy pursuant this law, within 2 years from the entry into force of this law.
3. The collective management agencies, based on the contract they have with the author, upon request, may authorize the use of the works to the users.
4. During the time period when the administration of rights is transferred to a collective management agency, whether by the law or by a contract, the author may not administer individually these rights.

Article 133

The Agencies of the collective management of rights

1. The collective management of rights may be performed by the collective management agency of the rights, (hereinafter CMA), as a legal entity created by the holders of the copyrights and related rights, which have as object of their activity the collection of the revenues for using the works, and their distribution to the holders of the copyright and related rights which has received the licensing from the ministry responsible for copyright, upon the proposal of the Copyright Directorate (hereafter CD).
2. The licensing referred to in paragraph 1 of this Article, shall be granted to the subjects which have the following characteristics:
 - a) it is registered as a nonprofit organization in accordance with the legal provisions in force;
 - b) it has approved its status, that meets the conditions laid down in the law and should specifically include:
 - i) the designation of collective management agency; its objectives and goals; the administered rights; the categories of the rights holders that the agency represents; the criterias for the gain or losing the membership; the rights and obligations of the members, the rules of election and functioning of the governing bodies, its initial capital and planned economic resources, the rules defined for realizing the collection and distribution of the incomes; the modality of the supervision of the agency's economic-financial management, setting the special commission up within the meaning of Article 153 (6) of this law, the modality of using the capital and other assets, in the case of the company's liquidation, the rules for the modalities for drafting of methodologies that should be negotiated with users, and the rules of representation in negotiations, and as well as any other provision which is mandatory according to the legislation in force;
 - ii) The statutory provisions of the collective management agencies should be drafted based on the principles of transparency, the principle of conflict of interest in their governing bodies, and the principle of non-discrimination between members, members and non-members, as well as between users of copyrights and other related rights;
 - iii) General Assembly of the agency's members should be met at least once a year; decides for changes the agency's statute for the nomination or discharge of executive bodies, reviews their general performance and approves their reward, as well as other benefits, such as monetary and non-monetary benefits and, granting of pensions or dignities, other rights and rewards, or the rights to transitional payments; decides at least for the general policy for the remuneration distribution to the rights holders and for the expenses on the rights management, as well as the approval of any purchase, sale or mortgage of immovable property;
 - c) it has its headquarters in the Republic of Albania;

- ç) it has the adequate space and logistics and sufficient mechanisms for the collection, distribution and the payment of remuneration, the technical service and professional expertise with at least one employee as jurist and another one as accountant;
 - d) the collective administration of the rights is its sole activity, except when its other activities extend in the field of art and culture;
 - dh) it introduces the mechanisms that guarantee equal treatment for the rights holders and for the users, too, when there are the same objective conditions of treatment.
3. CMA administers the rights on the name and on the account of the holders of these rights.
 4. Any proposal for amending the status is subject to the approval of the responsible Minister on copyright, on the proposal of the Copyright Directorate (CD). CD reviews the application within 10 days from the submitting date of the application for changing the agency' status. The approval or rejection of the proposal must be argued and expressed in terms of the compliance of status changes with the exercise of the licensing mandate, object of the activity, and then it is submitted to the district court in order to change recording. Any change of the status contrary to the provisions of this paragraph constitutes a condition for lifting the license of the collective management agency .

Article 134

Validity of the license

1. The license of the collective management agencies for the exercise of the activity is valid for 3 years, and it is renewable.
2. The procedures for obtaining the license or its renewal is subject to the same criteria prescribed in this law or other by-laws enacted pursuant to this law and is carried out through a public process that ensures the principles of transparency and competitiveness.

Article 135

Representation for the rights management

1. The collective management of the rights referred to in Articles 130 and 131 of this law, in relation to the same category of the rights holders can be given by the ministry responsible for copyright to only one (CMA) subject, which:
 - a. has received the consent for conducting the management of rights by the majority of the rights holders of this category, who have granted their representation powers for the management of these rights;
 - b. has the largest number of contracts signed with foreign mutual agencies in accordance with professional criteria's mentioned in the law.
2. It is presumed that the agency referred to in paragraph 1 of this Article, has the power of representing all the rights holders, national and foreign ones, for their respective rights. The rights holders will have the right to terminate the authorization for managing their rights over

the work, granted by them to a CMA, or to revoke any of their rights not to be administered by the CMA, in accordance with Article 132 of this law, for the place of their choice, by doing the due notifying in written, and in advance of not more than six (6) months. The CMA may decide that such a termination or revoking to take effect only at the end of the financial year.

3. The agency, after the user's request, informs the latter for those rights holders of who have revoked the management right, pursuant to the procedures of paragraph 2 of this Article.
4. Any author/holder of the copyright or related rights can entrust a collective management agency with the mandate of managing his rights, which cannot refuse and is forced to accept the managing of these rights based on the collective management, within the limits of the object of its activity.

Article 136

The management of rights through agencies

1. The Agency for the Collective Management of rights can manage one, two or more types of rights that are usually associated with a particular category of holders of copyright or related rights.
2. The Agency may transfer one or more functions relating to the administration of rights, to another agency of collective management, pursuant this Law, through a written agreement approved in advance by the responsible Ministry for copyright.
3. The agency, to which the above mentioned functions are transferred, performs this function on behalf of the agency that transferred the functions or on its own and on behalf of the agency that has these rights, in the manner specified in the agreement between them.

Article 137

Functions, Rights and Obligations of the Collective Management Agencies

The CMA, on behalf of the holders of the rights and powers granted as well as by the provisions of this Law shall have the following functions:

- a. To grant users, based on their requests, in the form of a non-exclusive contract for the use of the works or of the objects of related rights, in exchange of a payment, by a written contract, within the powers set forth on the agencies license;
- b. To collect the remuneration for the use of the works or of the objects of related rights.
- c. To distribute, on the basis of the distribution rules, the remuneration collected by the users in a fair and proportionate way with the actual value and use of the works and of the objects of related rights. The principles for the distribution of remuneration shall be determined in the statute of the agency and any possibility of arbitrarily shall be excluded;
- ç. To represent the holders of the rights, whose rights they administer, in judicial or administrative proceedings and perform any other necessary legal action to protect and enforce the rights administered by them;

- d. To perform any other act in accordance with their legal rights and of their decision-making bodies on the competencies received from the holders of the rights;
- dh. To develop negotiable methodologies for the determination of the level of tax that the users have to pay in accordance with the provisions of this Law.
- e. to perform, on behalf of the author or the holder of the copyright and other related rights or in the basis of a contract of reciprocity with corresponding foreign agencies, the general agreements with the organizers of the performance, with the radio or television associations, with cable operators, which have as object of activity the authorization of performance and the distribution of the works it administers;
- ë. To represent the interests of their members for the use of the rights, outside the territory of the Republic of Albania, by signing a contract of reciprocity with corresponding foreign agencies;
- f. To inform, upon request, the holders of copyrights and other related rights on the manner of use of their rights, for the annual financial report and annual financial income report, within the time provided in the statute.
- g. To ensure the transparency of the CMA's activity in relation to the public control authorities, according to the Law.
- gj. On the revenues collected from users and from the remuneration paid to the holders of the rights, these agencies are obliged to keep and pay tax on the account of the tax administration office the initial tax in accordance with the legislation on income tax;
- h. For the purpose of determining the correct tax liabilities, they have the obligation to make available to the tax administration, according to the approved forms, the information on the collected revenue from the users of the works of copyright / related rights, as well as the distribution of these awards to the holders of the rights.

Article 138

The Exclusive Agency That Performs the Function of the Collection of Awards

(Exclusive Office)

1. By means of a written agreement, the CMA-s agree and decide on which of them is going to have the function to collect the fees for all the categories of the holders of the rights.
2. If they do not reach the above mentioned agreement, within 30 days from the entry into force of the tariff remuneration, the National Council of Copyright (hereinafter NCC) will choose the licensed agency by a decision, based on the following criteria:
 - a. to have the administrative capacity to cover the territory;
 - b. to strictly apply the provisions for the procedure of the collection of remunerations pursuant this Law;

- c. to have a time span on the activity of the subject over the years;
 - ç. to have contracts of reciprocal representation with counterpart agencies and have international recognition;
 - d. to possess the appropriate infrastructure that guarantees transparency in the collection and the distribution of income to its members;
 - dh. to have the most appropriate platform and cost effective resources for the management of rights.
3. The agreement referred in paragraph 1 of this Article, or the decision of the NCC provided in paragraph 2 of this Article, shall contain the manner and the proportion for the sharing of the fee and of the collected reward to the other CMA-s, as it follows:
- a. 40% will go to the agency that represents the copyright;
 - b. 30% will go to the agency that represents rights of performers;
 - c. 30% will go to the agency that represents the rights of producers, including those of the publishers and of the producers of phonograms.

Article 139

The Special Case of Distribution

1. On the remuneration collected pursuant to Article 31, paragraph 5, letters “a” and “b” of this Law, for private or other personal use, the authors will receive 40%, the performers and/or the interpreters 30%, and the producers of phonograms or the film producers will receive 30%.
2. From the rewards collected pursuant to Article 31, paragraph 5, letter “c”, and paragraph 6, the authors and publishers will receive 50% each.

Article 140

The granting of authorization for use

1. A natural or legal person, before starting to use a copyright protected object, must submit to the relevant CMA a request for authorization of such use. The application must contain information about the type and circumstances of use, such as the manner, place and time of the use and other necessary information for the determination of the amount of compensation.
2. CMA gives the user the authorization, within its competence, to use the object under protection. The authorization shall include the right indicator for which it applies, the conditions as for the manner of use, the place and time and the amount of remuneration for the use, where its use is subject to remuneration.
3. The user shall submit without delay to the CMA the information regarding any change of circumstances for its use and completion, in order to change the conditions under which it was authorized or withdrawn it.

Article 141

The Obligation to Provide Information

In case of insufficient information for the unauthorized use of the material, the object under protection, CMA will address, via a request, to the competent institutions of state administration or other legal persons, who are required to deliver the relevant information from their data. Failure to comply with this obligation results in legal responsibility.

Article 142

The Procedures for the Approval of the Fees of Remuneration

1. The procedure for the approval of the fees of remuneration for the use of copyright, shall stipulate the value/tariff and methodology of their issuance, to be paid by each user to the CMA, for the use of work of the author that they administer.
2. The fee shall be established by means of a comprehensive agreement (*hereinafter the Agreement*) signed between the CMA and the representatives of the users association, or if this is not possible, by a decision of the NCC. Until the entry into force of new tariffs, previously approved fees will be applicable. When there are no previously approved tariffs, for as long as the new tariffs are not approved, the users pay the CMA a provisional/temporary fee equal to 60% of the value of the draft tariffs submitted. The CMA publishes the temporary fee on the official website of the Albanian Ministry of Culture and on other official publication acts.
3. When on the basis of a final decision of the court, the value of the tariff is determined lower than 60% of the draft tariff; the CMA shall give back the difference, to those users who have paid the fee, in accordance with paragraph 2 of this Article.
4. In determining the tariff methodology, the following criteria will be considered:
 - a. The revenues that will be acquired as a result of the use of a work or object of related rights;
 - b. The number of people to whom the works or objects of related rights become available;
 - c. When the revenues do not reflect the nature of the use of the works or objects of related rights, the fees shall be calculated based on the costs that arise for their use or on the influence they have in the normal use by the holders of the rights;
 - ç. The importance of the use of works and objects of related rights for the relevant activities of users;
 - d. The ratio of use between works or protected objects of related rights and unprotected objects of related rights;
 - dh. The equivalency of the proposed tariff fees with the counterpart collective management agencies of other countries, particularly to those countries which have similar socio-economic development standards with the Republic of Albania.

5. The tariffs applicable to the cable re-transmission reflect also the number of household users who are connected to cable systems and to the nature of retransmitted programs.
6. The calculation of fees will take into account the source of income in the form of subsidy, subscriptions and sponsorship, which will be escalating, from the lowest cost, in the case of income that derives from subsidies that cover operating costs, to the higher cost in the case of income that derives from subscription services, to the highest costs, in the case of income received by advertisers and commercial sponsors.

Article 143

The Comprehensive Agreement

1. The CMA must conclude a written agreement with the representatives of the association of the users of the works of the author, on their repertoire works. Representative associations are those associations of users which represent the majority of the users in a specific field of activity in relation to their number, or declared representative associations with any other Law with legal power in the Republic of Albania.
2. An agreement can also be signed between the CMA and an individual, an individual user of works of authors on the repertoire of its works, when, because of the nature of its activity, the user is the only one carrying out this activity. Provisions applicable to representative associations of users shall also apply, *mutatis mutandis*, to an individual user pursuant this paragraph.
3. Such an agreement shall regulate:
 - a. The tariff and the methodology for determining the tariff;
 - b. The conditions and manner of use of copyrighted works;
 - c. The terms of use for the categories that benefit from an increase, reduction or exemption from payment of remuneration;
 - ç. The date of the payment of compensation to the copyright holder and other information necessary for determining the amount of the compensation;
 - d. The manner of the payment of remuneration and other elements related to temporary fees pursuant Article 142 of this Law, for the use of works of authors until the termination of an agreement, if the tariffs, for certain categories of the use of the works of authors, are assigned for the first time by this agreement.
4. This Agreement shall enter into force 15 days after its publication in the Official Gazette and shall apply to all the users of the same category of works of authors from the repertoire of the CMA, regardless of whether they have participated in negotiations or on the conclusion of this agreement. The users of the works of the authors are obliged to conclude a contract, from the repertoire of CMA, in accordance with this agreement.
5. No court complaints shall be allowed against this agreement before the all administrative procedures has been ruled.

6. The provisions of this Article shall apply, *mutatis mutandis*, for the amendment or the termination of the agreement.
7. The CMA should publish an initial invitation, not later than 3 months before the end of the calendar year, to negotiate the terms for the termination of the agreement on the official website of the Albanian Ministry of Culture and on other official publication task.

Article 144

Procedure in front of the NCC

1. A CMA or a user representative association, 30 days after the publication of temporary fees, referred to in Article 142 of this Law, or when they have not concluded an agreement between them within one month from the start of negotiations, shall require from the NCC to fix/set an appropriate fee or to decide on any other issue regarding a comprehensive agreement. The duration of the NCC' procedure is 45 days from the date of filing.
2. Whoever proves a legal interest, he/she may require to the NCC to state whether an agreement is in accordance with the provisions of this Law and if the fee set by the agreement is appropriate, unless NCC has already decided on the matter.
3. The procedure in front of the NCC is initiated by a written request which must include at least: the data of the applicant, explain the issue, report on the progress of negotiations carried out the agreement so far, including other data, about the proposal of a fee to be decided by NCC or a proposal for a solution for any other matter.
4. NCC sends the request referred to in paragraph 3 of this Article, to the other party, or in the case of paragraph 2 of this Article, to the CMA and to the association of representation of the users who have signed the disputed agreement, and invites them to report their opinion about their application.
5. Each party shall state the facts and present evidence on which it bases its proposals, or with which it rejects the allegations and the evidence of the other party.
6. NCC at any time may request the parties to submit additional material and any information they consider that can facilitate the process, especially in order to prepare reports and represent the opinions of the experts, as well as any other information. Given all the circumstances, NCC will determine the final decision and whether any of the parties has not implemented the provisions of paragraph 5, or the provisions of this paragraph.
7. Negotiation of fees between agencies and associations, representatives of users of works/interested parties is mandatory to be exhausted before pursuing the process in court.

Article 145

The decision of the NCC

1. The decision of the NCC will order a suitable fee or decides on other issues, through which NCC may adopt, amend or revoke, in whole or in part the disputed agreement.

2. NCC considers necessary given the circumstances of the case, during the procedure and the proposal of the party NCC may approve a decision setting the fee for the duration of the procedure before NCC. The decision shall be issued on the basis of the existing information when making the decisions, and will be in force until a decision is given referred to in paragraph 1. The decision according to this point is not subject to file a complaint.
3. NCC decides on the change or cancellation of the disputed agreement.
4. The final decision will be published on the official website of the Albanian Ministry of Culture and other official publication acts.

Article 146

Costs of proceedings in front of NCC

1. The costs of the NCC procedures are determined by an order of the Minister responsible for the copyright.
2. Each Party shall bear its own costs arising from the NCC proceedings.
3. The two parties will cover in equal parts the costs set forth in paragraph 1 of this Article as well as any administrative costs.
4. The party who initiates the procedure will prepay the amount necessary to cover the operating costs of the NCC proceedings; otherwise the NCC will reject the proposal to start the procedure.
5. The provisions of paragraph 4 shall apply, *mutatis mutandis*, to all those individuals who seek to propose any action in the NCC proceedings.
6. By a special decision the NCC sets the expenses even if a party must pay the other party the right to prepaid expenses.

Article 147

The complaint against NCC's decision

1. The parties have the right to complaint the NCC decision in an administrative court of the competent jurisdiction within the deadlines set by the Code of Administrative Procedures. The complaint period starts from the date of the announcement of the decision on the official website of the Ministry of Culture. The complaint against this decision does not suspend the application of tariffs which is the subject of the dispute.
2. In the event that the right of complaint provided for in paragraph 1 of this Article is not exercised within the deadline mentioned above, the fees shall be considered approved pursuant to the decision of the NCC. By order of the responsible minister, based on the decision of NCC, the tariffs and the relevant methodology should be sent for publication in the Public Procurement Bulletin. The approved tariffs remain in force for two years.

3. The judicial proceedings pursuant this Article shall be governed, mutatis mutandis, to the provisions of ordinary legislation, except as otherwise provided by this Law.

Article 148

The obligation to sign a contract

The user of works from the repertoire of the CMA may, at any time, ask for the completion of a contract in a non-exclusive form of rights for the use of the works of the author, in accordance with the approved tariff. The CMA may refuse such a request if this user has not paid previous compensations from the use of works. This contract shall be deposited and recorded at the Albanian Office for Copyright.

Article 149

Principles for establishing the amount of remuneration from fees

1. If the use of the object of protection is essential for the activity of a user and when its activity depends on its use, as in the case of broadcasts, concerts, dances or other uses of the object for a payment, the amount of remuneration shall be fixed and in principle as a percentage of the profit revenues from such a use.
2. If use of object of protection results without an income or profit, the amount of payments may be fixed as a percentage of the costs of use, such as bonuses or salaries of performers or expenses incurred for the use of premises or other expenses.
3. In addition to fixed remuneration as a percentage, the minimum amount of remuneration shall be specified.
4. If a user does not submit to the ACM the necessary information to determine the percentage of remuneration, the ACM can decide the amount of bonuses based on the collected information in accordance with Article 141 of this Law.
5. If use of the object of protection is not essential for a user, but is useful or relaxing (accommodation facilities, exhibition sites, vehicles and restaurants), the amount of remuneration is determined as the total amount for the permanent and the casual uses made.
6. In the case of a decision on the total amount and on the remuneration referred to paragraph 3 of this Article, the circumstances of the object of protection that would be taken in consideration shall be type of use, place and geographical location, category and the size of the objects, the duration and the number of uses and the price difference with respect to the business of a user.

Article 150

The distribution of the fees of remuneration

1. The user shall submit to the CMA, full information about the time and place of the use of an object of protection so that it can allocate the collected remuneration. This information shall be given:

- a. In advance;
 - b. Up to 15 days after use;
 - c. Pursuant the contract.
2. If the distribution is not possible, based on the information for its use, or if this distribution results to be obviously uneconomic, it can be performed by the application of the statistical methods corresponding to the greatest extent of the actual use.
 3. The distribution of remuneration collected for the holders of the rights is conducted in accordance with information on the use of the object of protection.

Article 151

a. Rules regarding the distribution of remunerations

1. The CMA shall provide rules regarding the methodology of the distribution of the collected remunerations, as approved by its decision making panel.
2. These rules must consider:
 - a. The scope of the protection and the holders of the rights to which these rules apply;
 - b. The definition of the criteria's and of the procedure of the remunerations in order to stimulate the holders of the rights, whose works represent a special value to the national culture and creativity, previously approved by the NCC;
 - c. The determine the amount to be paid, after the deduction of the costs for the administration of the rights, the separation of the funds provided by Law, by the statute of the CMA or by international contracts for a joint representation of the CMA-s;
 - ç. The conditions for the calculation and the payment of the distributed remunerations.
3. The collected remunerations are used in accordance with the rules referred to in paragraph 2 of this Article, and on the provisions of this Law.
4. The contracts for the distribution, which have been concluded between the holders of the rights for the same object of protections, are considered as violations of the rules of distribution.
5. The total expenses of the CMA cannot exceed more than 30% of the accumulated remunerations. The total amount of expenses of an association, or of other form of a legal NGO, shall include the financial costs for the improvement of the system of the administration and protection of copyright and related rights. Besides such costs, local agencies may decide to spend a maximum of 3% of the total amount of the collected remuneration, on measures against piracy and counterfeiting, as well as other measures aimed at raising awareness on the value of copyright and related rights.
6. The calculation and distribution of remunerations will be made at least once a year.

7. The financial balance sheet, related to distribution, shall be determined by a competent panel of the agency, and must be audited and evaluated by an expert auditor.
8. Within 15 days of receipt of the audit report, the CMA will deliver to DC its statement account regarding the distribution referred to in paragraph 7 of this Article.
9. The reward tariffs collected from users, which at the end of the financial year are not distributed by the CMA, shall be deposited in a special fund in the account of the Ministry responsible for copyright, which shall be available for the holders of the right and related rights for a period of 3 years. If during this period the CMA identifies the holder of the right and ensures the delivery (of the reward) the CMA shall also benefit the administration fees. If in a 3-year period the holder is not identified, the special fund will pass to the Ministry responsible for copyright which will use this found in fulfilling its objectives for the increase of creativity and cultural diversity.
10. A copy of the approved and audited balance sheet, in accordance with paragraphs 7 and 8 of this Article, shall be deposited in the tax administration office according to the legislation on income tax.

Article 152

Supervision of the object of protection

1. A CMA can supervise the use of the object of protection for which the agency is licensed.
2. Users of the object of protection should make available to the CMA a request, the documentation and the relevant information for the administration of rights, so that the CMA may be able to perform the supervision on the function of enforcing the Law.
3. Upon request from the CMA, the state administration committees responsible for the inspection and the custom services, as well as the competent police administration and the police departments must provide assistance to the CMA of, in the exercise of supervision referred to in section 1 of this article.
4. The organizers of public performances and other users of works that are protected by this Law should ensure the right to communication to the public, in cases when an authorization is required pursuant this Law, before such utilization. At the request of the author, or of a CMA, the competent inspection authorities or police will stop a performance in which the object of protection is being used, if the organizer of this performance does not have the relevant authorization.

Article 153

The Obligation of the Agencies To Publish The Information

1. CMAs have the obligation to publish, on their web site electronically, the updated information as follows:
 - a. The statute;

- b. The list of the members of the central and of the local administration, the internal composition of the committees and the list of the local administrators;
 - c. The annual balance sheet statement of the amounts that haven't been distributed, the amounts that have been collected by the categories of users or taxpayers, the initial withheld amounts, the cost of the administration and amount distributed by the categories of the owners/authors;
 - ç. An annual report;
 - d. The information on the general assembly, such as, the date and place of the call, the agenda, the draft decisions and the adopted resolutions;
 - dh. Other necessary data that serve for the information of the members
2. Each member has the right to request in person or by an authorized representative, detailed information and documents on the amounts distributed in the last 12 months, their source, and the methods of calculation of the rights, and verification with the provisions of the regulation of distribution.
 3. 30 days before the general meeting, each member has the right to consult the headquarters of collective management agencies on the:
 - a. Annual report;
 - b. Balance sheet;
 - c. Ratio of governing bodies and of the audit committee;
 - ç. Text and preamble of the decisions that are subject to the approval of the General Assembly;
 - d. Individual salaries of employees;
 - dh. Situation on the amounts on bank accounts, investments and interests received at the end of the last financial year;
 - e. Situation with regard to the categories of the users, the number of the taxpayers in each category and the global amount collected from each category as well as any other information related to the user.
 4. At least one fifth of the members that have full rights of an agency, may require that one or more than one independent expert, to inspect the operation of the company, unless such inspection has already been carried out pursuant to this provision, for the current year;
 5. Access to information provided in paragraph 3 of this Article, is made based on confidentiality, on bases of a request in writing, and with restrictions of access to personal data of the employees of the agency.

6. The members that have been considered that their right to receive the requested information is not carried out, within three days they may require a special permanent commission, in relation to the request for information, appointed by the general meeting, which shall consist of five members who are not employed and are not part of the management panel. The Commission is obliged to respond within 7 days on the reliability of these presences, to the complaint who filed the complaint and to the agencies managers. The Commission shall draw up an annual report on its activities which will be submitted to the general meeting of the agency and at DC.

PART VI

TECHNOLOGICAL MEASURES AND THE RIGHT OF ADMINISTRATION OF INFORMATION

Article 154

Technological measures of protection

1. The author of a work, the performer and/or interpreter, phonogram or film producers (audio-visual registrations), broadcasting organizations of radio/televisions or database producers, can create technological measures of protection on the rights recognized by this Law. It is prohibited, whether as a result of the violation of copyright and related rights or other rights protected by this Law by them or not, the following actions:
 - a. The avoidance of any effective technological measure, by the person performing the avoiding action, deliberately or having reasonable grounds to have knowledge that he/she is pursuing this objective;
 - b. The production, import, distribution, sale, rental, advertisement for the sale or lease, or possession for commercial purposes of the devices, the products, components or the provision of services, which:
 - i) are promoted, advertised or marketed for derogation purposes;
 - ii) only a limited commercial purpose or use in order to avoid;
 - iii) are primarily designed, produced, adapted or used for the purpose of enabling or facilitating the avoidance of technological measures.
2. Pursuant to this Law, "technological measures" shall mean any technology, device or component that is designed to prevent or limit the actions of the normal course of their operation, connected with the creation or objects of related rights, which are not authorized by the holders of the rights. Technological measures are considered "effective" when the use of a protected work or object of related rights is controlled by the holder of rights through the implementation of a process of entry or a protection program, such an encryption, decodification or other transformations of the creation or of the creation of related rights or a control mechanism of the copy, which in the normal course of its operation, achieves the objective to protect.
3. The provisions of this Article shall not apply to computer programs.

Article 155

The information on the management of rights

1. Pursuant to this Law, "the information on the management of rights" shall be any information provided by the author or other holder of rights, which identifies the work or an object of related rights, the author or other holders of the right or the information on the conditions of the use of the work or of the protected object, as well as the numbers or the codes that represent such information.
2. An unauthorized person is prohibited to knowingly take the following actions by:
 - a. The removal or the disposal of electronic information of the administration of rights;
 - b. The distribution, import for distribution, the broadcasting, transmission or the making available to the public the works or objects of related rights or other rights provided by this Law from which the electronic information of the administration of rights has been removed or altered, if this person is aware or has reasonable grounds to be aware that by doing this, he causes, enables, facilitates or conceals an infringement of copyright, related rights or other rights stipulated by this Law.

PART VII

THE NATIONAL COUNCIL OF COPYRIGHT, THE ALBANIAN DIRECTORY ON COPYRIGHT, THE BOARD OF ARBITRATION AND MEDIATION AND ARBITRATION PROCEDURES

Article 156

The National Council of Copyright

1. The National Council of Copyright (NCC) operates in the ministry responsible for copyright which consists of the chairman and four members, they are appointed by the minister responsible for copyright for a period of four years, the proposals for the election of the members of the NCC can be made by the CMA and the associations of the representatives of the users and any other interested party. DC will serve as the technical secretariat for the NCC.
2. NCC shall take its decisions by a majority vote of all of its members.
3. The functioning, remuneration and the organization shall be adopted by the Council of Minister.
4. The competences of the NCC are:
 - a) To adopt the methodology and the amount of remunerations tariffs.
 - b) To decide, in relation to any claims that the parties have, to terminate the agreement and shall verify whether the agreement is in accordance with the provisions of this Law.

c) To establish the criteria's for the selection of the composition that has a national value pursuant to the provisions of this Law.

ç) To provide the arbitration proceedings.

5. When the parties, of the referred matters to in the preceding paragraph, have entered into a contract of arbitration or have adopted an arbitration provision in the contract, this contract or provision shall be null.

Article 157

The Copyright Directory

1. The DC structure shall be established in the Ministry responsible for copyrights and shall operate in accordance with this law.
2. The DC shall have the following duties and responsibilities:
 - a. Propose, design and implement the appropriate strategies and policies for the protection, exercise and enforcement of copyright, related rights and other rights that are protected by this Law, in accordance with international obligations, the national legislation and the related national interests of the Republic of Albania;
 - b. Collect the necessary information, conducts research, consults and cooperates with the state authorities, public and private institutions, with the representatives of the interested holders and users of rights in order to fulfill its duties;
 - c. Submit to the Minister responsible for copyright and/or other state institutions proposals, in the case that some measures that are necessary for the implementation of the national strategy of copyright enforcement, mentioned in the letter "a" of this Article , are outside of its competencies;
 - ç. Propose legal acts concerning the protection, exercise and enforcement of copyright, related rights and other rights protected by this Law;
 - d. Represent the Republic of Albania in international and regional bodies dealing with copyright, related rights and other rights protected by this Law, on authorization of the minister responsible for copyright;
 - dh. To establish and maintains mutual cooperation with offices, government agencies and research institutions and organizations of other countries dealing with copyright, related rights and other rights protected by this Law, in accordance with the intergovernmental policy of the Republic of Albania;
 - e. Cooperate with the competent administrative or judicial authorities and any other competent state authority in order to enforce these rights and supervise the implementation of this Law.
 - ë. Perform the review of documentation procedures for the licensing of organizations, such as the CMA, and submits to the Minister responsible for copyright whenever possible

- two proposals for licensing for approval by the Minister and the Minister approves one of the proposals;
- f. Oversee the activities of the CMA and acts in accordance with the provisions of this Law;
 - g. To create, manages and updates the register of the data open to the public, as a documentary and electronic, for:
 - i. The voluntary registration of the creations protected by copyright;
 - ii. The works that fall into the "public domain", updated from the various institutions archives and apply the provisions of mandatory deposit copies of legitimate creations, published /produced or imported into the territory of the Republic of Albania;
 - iii. The Licensed CMA of the collective management and their operation;
 - iv. The users and their equipment with the required authorization, contracts, authorizations issued by the CMA, licensed pursuant to this Law.
 - gj. Prepares, promotes, distributes materials of information, organizes institutions awareness campaigns, interest groups and public through electronic and written media, as well as various national and international activities, such as seminars, conferences, training etc., about the importance and political legal aspects of practical protection, the exercise and the enforcement of copyright, related rights and rights protected by this Law.
 - h. Performs professional and administrative activities, technical and scientific assistance in relation to the original character of the product of copyright and related rights to the request of criminal investigation juries on the expense of the defendants, until otherwise proven by a court of Law;
 - i. Performs, administrative investigations in favor of stakeholders on paid request
 - j. Perform any other tasks specified by this Law
3. DC shall function as the technical secretariat of the NCC and of the Arbitration Board, pursuant to the provisions of this Law. An arbitration committee composed of 20 members shall operate in the DC. The members of this committee shall be appointed every 3 years by order of the Minister responsible for copyright. Their selection is made out of a list of experts with not less than 10 years of experience in the field of the civil law that shall be proposed by the CMA by the structures of the representatives of the users and stakeholders, the proposals shall be deposited in the DC, according terms prescribed by the Law. The arbitrators shall not have the employee status of the DC, they shall have the right to a fee for their participation in the arbitration, for the methodologies of income of the rights administered by the CMA, pursuant to the terms prescribed by the Law.

4. The reward tariffs made by the DC and the responsible ministry of copyright are approved by the Council of Ministers. The equivalent value of the services provided in paragraph 1, letter 'h' of this article, will be included in legal costs.

Article 158

The activities of the DC

1. The DC proposes to the Minister responsible for copyright the licensing of an ACM in accordance with the procedures and the criteria for licensing, provided by this Law.
2. The Minister responsible for copyright, by order or directive, shall determine the criterias and the auxiliary procedures for the clarification of the criteria set forth in Article 133 of this Law, and shall determine the conditions and the procedures to the acquisition of the license or its renewal, pursuant to Article 134 of this Law.
3. The DC shall maintain the records of all CMAs.
4. The order of the Minister for the grant or renewal of licenses to an CMA, along with the designation of the rights and of the categories of the holders of the rights that the CMA covers, enters into force after its publication in the "Official Gazette" and published in the National Licensing Center, in accordance with the legal provisions in force.
5. The subject that applies for a license to the Ministry responsible for copyright shall make available all the relevant information and all documents that are needed for the conclusion of the licensing procedure.
6. The DC conducts inspections in all the CMA's offices.

Article 159

Supervision of the activities of the CMA

1. The DC supervises the activity of the CMA.
2. For the purposes of this supervision, the CMA submits to DC the following documentation:
 - a. The statute and its instructions, as well as their respective amendments, in accordance with the provisions of this Law and with other legal provisions in force for the registration and operation of non-profit organizations;
 - b. Bilateral and multilateral contracts associated with foreign CMA offices;
 - c. Information for persons whom they have the authority to represent;
 - ç. The decisions of their highest supervising and decision-making panels;
 - d. The report and their annual balance sheet in accordance with tax legislation in force;

- dh. The audit report on their activities, that has been carries out by an internal audit and/or by an external licensed audit, pursuant the rules in force;
 - e. Any other document required to verify the compliance of the activities of the agencies by this Law, or other legal provisions and regulations in force and their statutes;
 - ë. A detailed report on the collection of fees from the users and the distribution of these fees to the holders of the right;
 - f. The comprehensive agreement with associations of the users.
3. The DC carries on the control of the activity pursuant the provisions of this Law, on the basis of prior notification letter to the CMA, specifying the objectives of the control. The DC shall supervise once a year the activities of the CMA, by notifying the later 10 days before the supervision. The DC can also conduct special controls in between two consecutive controls, by giving a notice 3 days in advance before the control, in case it receives information from members of the CMA, from other holders of rights from the user or from any relevant source upon which arise reasonable suspicions on whether the agency's activities are in compliance with this Law, and other legal provisions in force and their statutes. The Albanian Directorate of Copyright (DC) prepares a report on the results of each control that may include the measures provided for in paragraph 5.
 4. The General Assembly, as the highest governing comity of the CMA, has the obligation to report on its program to the next meeting, to discuss it and inform the DC with the outcome of the discussion and measures taken.
 5. In cases when the DC determines that the activity of the CMA is not in accordance with the provisions of this Law, and other legal provisions in force or with its own charter, the DC orders the CMA to regulate the defects, in accordance with these provisions, within 30 days of the notification receipt. If the CMA does not fulfill this obligation, the DC shall, depending on the circumstances, propose to the minister responsible for the copyright to initiate the procedures for the suspension of the license for 6 months until its removal. The above acts take effect immediately and are published in the "Official Gazette". The order of the Minister that has been taken by an administrative procedure is receive after the parties have been heard.
 6. The right to appeal the suspension or the revocation of the license is exercised in front of a competent court.

Article 160

Mediation

1. The CMA and the representatives associations of the users may propose, based on the rules of mediation, the mediation of a dispute concerning the conclusion of a comprehensive agreement of cable re-transmission of broadcasts. The mediation fees between the CMA and the representative associations of the users, the concerned agencies/entities, are mandatory to be exhausted prior to a court process. For the procedure of mediation, the rules of mediation shall apply.

2. Furthermore, mediation could be proposed also in relation the offering of the access on the work of the copyright and its use in accordance with any restrictions mentioned in Articles 72 to 78, referring also to Article 87 of this Law, between a person who claims to be authorized in accordance with the provisions of this Law to use a copyrighted work without the author's authorization, or without the author's authorization for payment of remuneration, and the author, or another person, who namely applies technological protective measures to prevent access or use of copyright works, or who is authorized and has the ability to remove them. The rules of mediation, between a CMA and an association of the user's representatives shall apply mutatis mutandis to the mediation procedure.
3. If the parties fail to agree on the content of the agreement for cable re-transmission of a broadcast transmission of this organization, each of the parties mentioned shall have the right to call for mediation, a mediator in relation to the termination of this Agreement. The mediator must be independent, impartial while performing his duties.
4. The mediator may submit a proposal to the parties to resolve the dispute. The proposals may be submitted in person or by mail. If none of the parties expresses its opposition by mail within 3 months of receipt of the proposal, it shall be considered that both parties accept the proposal and are asked to include it in the contract for cable re-transmission.
5. The Parties enter negotiations and conclude them in good faith with each other, and they will be responsible for any abuse of negotiations or negotiating positions, or their rights in accordance with the general legislation.
6. The parties shall jointly choose the mediator from the list of mediators approved by the Ministry of Justice.
7. The DC will provide administrative support for the mediation.
8. The Parties shall pay the intermediary for his work.
9. If the parties do not agree with the proposed solution of the mediator and do not reach an agreement on the admission fees, the procedures in the NCC regarding the methodology and the setting of the tariffs, will apply mutatis mutandis, to the completion of a comprehensive agreement for cable re-transmission of broadcasts pursuant this Article.

Article 161

Arbitration in the cases of exceptions and limitations to the application of technological protection measures in the use of creations and of objects of related rights

1. In cases of exceptions and limitations to the application of technological measures, as defined in chapter VI of this Law, the interested parties may seek a resolution of the dispute via an arbitration procedure by a written request to the DC in accordance with the procedures adopted by the NCC.
2. The arbitral proceeding is conducted by the Board of Arbitration and is organized in the DC, which serves as the technical secretariat of the Board. The Director of the Albanian DC proposes the members of the board.

This Board will consist of not less than three members, approved by an order of the Minister responsible for copyright.

3. The criteria's for the selection of arbitrators and the remuneration of the members of the Board of Arbitration shall be determined by an order of the Minister responsible for copyright. Panel members are elected in such a way that their independence and impartiality are beyond reasonable doubt. The arbitrators are selected in such a way as not to have a conflict of interest and sign to this effect an appropriate declaration, in accordance with the legal provisions on the prevention of the conflict of interest.
4. Upon the receipt of the request for arbitration, the DC's director within 2 days from the date he received the request, proposes to the minister responsible for copyright, the names of the arbitrators, in accordance with the object of dispute of the parties.
5. The DC officially announces the names of arbitrators to the parties, proposed by the Minister responsible for copyright. If one of the parties has doubts about the independence and impartiality on a member of the panel, he/she may require the selection of another arbitrator within 5 calendar days from the receipt of this notice. If within this period of time there are no objections by the parties, it is considered that the parties have accepted the proposal. In this case, the DC shall notify the Minister in charge for copyright for the approval of the Board of Arbitration with the proposed names, via an order, within 15 days.
6. The order for the establishment of the Board, the date of the start of arbitration, and other relevant documents are sent to the parties, within 5 days by the DC.
7. On receipt of the request for arbitration, its review until the issuance of the decision, the duration of this procedure shall not be more than 3 months. The Board decides the acceptance or refusal of the request on legal reasons, and the decision, where it is specified which party will be charged the cost of arbitration, shall be announced in the presence of the parties. This decision may be appealed within 30 days in the Tirana Court of Appeals in accordance with the Civil Procedure Code. If not appealed within this period, the decision of the Board of Arbitration is final and executed pursuant to the provisions of the Civil Procedure Code.
8. The decision of the Board of Arbitration may be appealed by the parties to the Court of Appeals of Tirana. An appeal against the decision of the Board of Arbitration, does not suspend the implementation of fees which are the subject of mediation.

PART VIII

IMPLEMENTATION OF RIGHTS

Article 162

The applicable rules

1. Infringement of the guaranteed and recognized rights by law constitutes a civil, misdemeanor or a criminal liability, as in the case, provided by the Law.

2. Procedures and civil liability shall be governed by the provisions of this section and in compliance with the legislation in force.

Article 163

The individuals that have the right to require the implementation of measures, procedures and appropriate remedies

1. Holders of legal rights, that are recognized and guaranteed pursuant this Law, shall have the right to ask the court the respect of their rights, by the account of each offender and intermediary, whose services are used by a third party for the violation of the rights they enjoy, as well as compensation for damages caused by this violation.
2. The rights referred to in paragraph 1 of this Article shall also apply to:
 - a. Individuals who are authorized by the holders of the right for the use of the rights protected by this Law, in accordance to the authority given to them for this purpose;
 - b. Professional organizations and representative associations, which are authorized to represent the holders of the rights.
3. The holder of the right may require the same protection, where there is an obvious risk that a violation of the rights pursuant to this Law may occur.
4. If there is more holders of the same rights pursuant this Law, each of them has the right to protection of his right versus the other holders.
5. The CMA is entitled, in all circumstances, to exercise the right of representation to sue in court or in any other proceeding on its behalf and to exercise in full legitimacy all the rights that have been passed or in reason to which the CMA owns the license.
6. Lawsuits with object the violation of copyright or related rights may be brought to court within three years from the date when the complainant became aware of a violation of the Law and the identity of the offender/s.

Article 164

Claims for termination of misdemeanors

A holder of rights, under this law, whose rights have been infringed, shall require termination and cessation of these infringements or those that may occur in the future, according to the procedures, stipulated by this law and the legislation in force.

Article 165

Claims for compensation of damages

In case, it is proved that an infringement of any right, under this law, has caused damages, the right holder claims for compensation of damages, provided by the legislation in force, in respect of compensation of damages.

Article 166

Claims for compensation and remuneration for unauthorized use

1. If in any case, the unauthorized use of a work of copyright or subjects to related rights infringes the right of the entitled holder, under this Law, he/she or an collective management agency, which administers the respective rights, may claim the reward equal to the remuneration for the use, considering the tariffs stipulated in this Law.
2. The right, which is collectively administered shall be deemed misdemeanor, provided to paragraph 1 of this Article, when the act or subject to related rights is used without a contract or authorization of an collective management agency, or in the cases where a contract or authorization is null and void.
3. In case, where an illegal use of any right, under this Law, results in benefits, the right holder shall enjoy the right to claim the benefit acquired by a natural or legal entity, who has infringed this right on a work of author's copyright.

Article 167

Publication of the judicial decision

1. The court may decide, upon a justified plaintiff request of the party, and the expenses of the offender the appropriate measures for the dissemination of the information that relates with the publication of this decision, wholly or partly, via its communication networks.
2. In the same circumstances, the Court may decide appropriate measures for the dissemination of the information in accordance with the nature of the issue, including the publication in the widest possible way.

Article 168

Demand for destruction, modification or submission of copies reproduced in violation of the Law

1. The holder of the infringed exclusive right, on the basis of this Law, has the right to require the destruction or alteration of all the copies illegally made or those copies that are on the market or that are intended to go into the market.

2. Instead of the measure referred to in paragraph 1 of this Article, the person whose rights pursuant this Law is violated, has the right to claim that the offender who is in possession of the copies referred to in paragraph 1 of this Article, or is their owner, has to deliver such copies against a compensation that does not exceed their production costs.
3. The provisions of paragraphs 1 and 2 of this Article shall apply to architectural works only when there is a special justified reason for its destruction or surrender.
4. If the measures referred to in paragraphs 1, 2 and 3 of this Article, are in any case disproportionate to the nature and severity of the offense, and the offense can otherwise be repaired, the court, within the scope of the request may order other necessary measures for such a case. In such a case, the holder is entitled to a minimum compensation, no less than what he/she would get for the authorized use of the relevant right
5. The measures referred to in paragraphs 1 and 2 of this Article shall not apply to the separate parts of the legitimate copies produced and placed on the market.
6. The provisions of this Article shall apply mutatis mutandis to the materials and /or equipment, which is used or intended for the production of copies, that violate the basic rights pursuant this Law, or which are exclusively or mainly intended for this purpose.
7. The provisions of this Article shall not apply if the destruction of the materials and/or equipment mentioned in paragraph 6 of this Article will cause a greater damage that the damage caused by the violation of the rights pursuant to this Law, unless this relates to the materials and/or equipment, exclusively or mainly intended for violations of the rights pursuant this Law.
8. Claims pursuant this Article shall be exercised within 3 years from the date on which the holder has become aware of the illegal production of the materials and/or equipment or otherwise if they either are or are intended to go into the market.

Article 169

The protection of Non-property rights

The provisions of Article 170 and 171 of this law, which are subject to the exercise of personal non-property rights and of their protection, apply mutatis mutandis pursuant to the provisions of this section, as far as the nature of these rights applies.

Article 170

Protection of authorship

The requirements, protecting personal non-property rights that relate to the authorship of a work, aim the neutralization or destruction of a copy, or the production of this work, only if the damage cannot be repaired by an amendment, a note on the work, or by advertising the authorship.

Article 171

Violation of the work

The requirements and actions in defense of the personal non-property rights, related to violation of the integrity of a work, aim the neutralization or destruction of a copy or the production of the deformed fractured or changed work, unless is materially impossible to copy or reproduce it back in its original form at the expense of the party who opposes the neutralization or destruction.

Article 172

Compensation for the damage

1. For the offenses pursuant to this Law, the provisions of this law will be applicable in accordance to the legislation in force which manage damage provision.
2. The offender shall pay the holder of the right damages in the amount to be determined by the general rules for compensation/damages, or the amount that is agreed between the parties, or by compensation for legitimate use of that offense.
3. If a right is violated intentionally or recklessly pursuant this Law, the right holder can demand the agreed payment between them and appropriate reward for this use, from the person who has violated his right, an amount not less than twice the reward, regardless of whether he/she has suffered damage due to the violation.
4. When deciding on the request for the determination of a damages and the determination of their amount, the court shall consider all the circumstances of the case, and in particular, the scale of the damage of the offender, the agreed amount of the remuneration or a reward from the legitimate use.

Article 173

Preliminary measures during the violation of rights

1. The court may order an temporary measure to ensure the claim for the termination or prevention of violation, if by the request of the holder of the right under this Law, his/her rights have been violated or are about to be violated or there is reason to believe that the rights of the plaintiff are violated, or the situation may be exacerbated in cases when there is possible reason to believe that:
 - a) The risk that the protection of the claim will be impossible or very difficult, exists;
 - b) The adoption of an temporary measure is necessary to avoid damage that would be hardly repairable later;
 - c) A preventive measure may prove unfounded during the process, so that there would be no negative consequences (destructive) to the alleged infringer, who cannot adapt to this measure that is being requested by the holder.

2. Under the provisions of paragraph 1 of this Article, and in accordance with the rules of civil procedure the Court can:
 - a. order the opposing party to cease or respectively withdrawn from the acts and actions that violate the right acquired under this law; This measure may be granted under the same conditions against an intermediary, if it is proved during the trial that his/her services are used by a third party for the infringement of copyright and/or other related rights;
 - b. the seizure or removal from the market of illegal goods that infringe the acquired right under this law, or submission of samples or the holders physical works, instruments or equipment suspected of being used in violation of the copyright and/or other related rights, in order to prevent their entry or movement in the market;
3. At the request of the holder of the right pursuant to this Law, when there is reason to suspect that the plaintiff's rights are violated on a commercial scale, with the aim of commercial or economic benefit, and in cases where such violation is a potential danger that may cause him/her irreparable damages, the court, other than the temporary measures referred to in paragraph 1 of this Article, may order the confiscation of movable and immovable property of the opposing party not directly related to the violation, including the blocking of bank accounts and other assets.
4. For the purposes of ordering and implementation of the temporary measures pursuant to paragraph 2 of this Article, the court may require the opposing party or to the other persons, to make available their bank statements, financial, and other information of their economic activity, or to access documents and any other relevant information. The court will ensure the protection of confidentiality of this information, and prevent any possible misuse of it.
5. At the request of the holder of the right, which requires a temporary measure, referred to in paragraphs 1 and 2 of this article, without previously informing the opposing party, the court may order such a measure without informing the opposing party, whether the temporary measures will not be effective or if an irreparable damage risks to occur. In this case, the holder must show additional reasons. The provisional measure referred to in paragraph 3 of this Article, may be ordered without informing the opposing party, if the temporary measure would not be effective or if, considering the serious circumstances of the breach, this measure would be necessary. If an ordered temporary measure is taken without first informing the opposing party, the court shall communicate this decision to the opposing party for temporary measures immediately after its implementation.

Article 174

Preliminary measures for the safety and the preservation of evidence

1. At the request of the holder of the right pursuant this Law, when there is reason to suspect that the plaintiff's rights are violated or the that can be violated, when there is a risk for the destruction of the elements of evidence, or when the situation of the offense may worsen, the court may order a provisional measure that can involve the storage of factual evidence available to the defendant or to third parties.

2. The court may order temporary measures pursuant paragraph 1 of this Article, in particular:
 - a. The inspection of places, business records, inventory, databases, computer memory units or other;
 - b. The preparation of a detailed description of goods/tools/materials when there is reason to suspect that they violate a right pursuant to this Law;
 - c. To take samples of the object of violation;
 - ç. The confiscation of goods when there is reason to suspect that they infringe a right pursuant to this Law;
 - d. Seizure of the materials and tools used in the production and the distribution of goods when there is reason to suspect that they infringe a right pursuant to this Law, as well as related documentation. The court shall deliberate on the received evidence; it shall determine the place of storage and the panel (entity) in charged with the preservation of the evidence;
 - dh. To appoint experts as well as to question witnesses.
3. At the request of the holder of the right who requires the temporary measures referred to in this article without previously informing the opposing party, the court may order such a measure without informing the opposing party earlier, if the plaintiff has reason to believe that the evidence of the plaintiff are threatened to be destroyed or that an irreparable damage may occur or their actual situation is easily changeable. If a temporary measure is ordered without informing the opposing party, the court shall communicate this decision to the opposing party immediately after its implementation. An appeal against the court decision to ensure evidence does not preclude the continuation of the trial.
4. The measures provided in the preceding paragraphs of this article are taken in accordance with the provisions of the Civil Procedure Code.
5. The measures for the preservation of the evidence are taken after the complainant, who has requested them, proves that he/she has sufficient financial capacity (guarantees, cash etc.) to provide compensation for any violation that may incur to the defendant from these measures.
6. The measures for the preservation of the evidence are revoked by the court at the request of the defendant, without prejudice to the compensation that can be claimed, with the fulfillment of 15 days from the date of the execution of these measures, when the plaintiff fails to submit within the period prescribed by the Civil Procedure Code, when the the judgment is dismissed, the claim is rejected or when the plaintiff declares that he/she does not guarantee enough money for the lawsuit.
7. Where measures to preserve evidence are revoked at the request of the defendant, the court deliberates by a final decision on the return of confiscated objects, the prohibition for the use of the received information and on the compensation regarding the damage caused by these measures.

8. In the procedure for the preservation of the evidence in accordance with this section, the court shall ensure the protection of confidentiality of this information and shall prevent any potential abuse of confidentiality.

Article 175

Customs measures

On a request of the holder of a copyright or a subject to related rights or of a collective rights management association, in respect of suspected rights infringement, like that of import, export, or crossing of the border line of the Republic of Albania, shall be apply custom legislation on the protection of intellectual property rights

Article 176

Right to Information

1. In judicial proceedings relating to the infringement of copyright and related rights, based on the request of the plaintiff, the Court may order the collection of information on the origin and the distribution networks of the goods or services that infringe the rights guaranteed by this Law, committed by the offender and/or any other person who:
 - a. Is in possession of goods in violation of a commercial basis;
 - b. Uses goods that are in violation of a commercial basis;
 - c. Provides goods of the commercial nature, which are used in activities that are considered as violations;
 - ç. Who is mentioned by the person that is provided by the letters "a", "b" or "c" as the person involved in the production, fabrication or distribution of goods or the provision of services.
2. The information referred to in paragraph 1 of this Article, shall include where appropriate:
 - a. The names and addresses of the producers, manufacturers, distributors, suppliers and of the previous holders of goods or services, as well as wholesale and retail targeted dealerships;
 - b. Information on the quantities produced, manufactured, delivered, received or ordered, as well as determines the price of goods or services in question.
3. Paragraphs 1 and 2 shall not apply when:
 - a. Different provisions entitle the right holder to obtain more complete information;
 - b. The use of information transmitted in accordance with this Article is regulated by various provisions in civil or criminal proceedings;

- c. The court, on the basis of information available, has reason to believe that the right to information is misused:
 - ç. The sharing of the requested information would force the person referred to in paragraph 1 to admit the participation of his/her or relatives or of his participation to accept in the violation of copyright or a related right;
 - d. Disclosure of information is not permitted, in accordance with the rules on the protection of confidentiality of the information of the sources or the processing of personal data.
4. The provisions of this Article shall apply without prejudice to the preceding provisions of this Law, which regulates the acceptance of evidence.

Article 177

Codes of standards and conformity of products related to the implementation of copyright and related rights

1. The competent state bodies or the entities authorized by the former, based on the legal provisions in force on the standards and conformity, develop and adopt technical codes in order to ensure the oversight of the rights provided by this Law, especially to those rights regarding such codes that allow the identification of producers and of the importers of the products related to the implementation and enforcement of copyright and related rights, that are fixed in an optical drive.
2. The methods for the drafting and adoption of codes of standards and conformity as well as their publication are determined by the decision of the Council of Ministers.

Article 178

Supervision and inspection related with the implementation of copyright and related rights

1. The control, for implementation of this Law, in the domestic market, is made in accordance with the Law for inspection by the inspectorate covering the area of the supervision of the market, from the Ministry responsible for trade.
2. The organization and functioning of the inspectorate is determined by the decision of the Council of Ministers in accordance with the Law of inspection.
3. Inspectors decide to penalize the offenders with a fine and additional penalties when they identify violations during the inspection carried under their jurisdiction, when an administrative offense was committed.
4. In any case, the scope of control consists on the physical product and/or in the control of the permit issued by the holders of the rights or by the licensed collective management agencies, pursuant the provisions of this Law.
5. The Inspectorate referred to in paragraph 2 of this Article, shall cooperate with customs and tax authorities, State Police and with the economic crime structures, as well as with any other

institution responsible for the implementation, and supervision of the observance of copyright and related rights or their legal holders.

PART IX

ADMINISTRATIVE OFFENSES

Article 179

Offences and administrative measures

1. It constitutes an administrative offense and its punishable by a fine based on the provisions of this Article, for the violation of copyright and related rights carried out by a person, when not a criminal offense, as well as the activity of any person if:
 - a. Without the authorization of the author, the individual discloses for the first time to the public, or uses the work without mentioning authorship, or without authorization distorts, modifies a work or uses it in a way that violates the honor and reputation of the author (relevant Articles of moral rights);
 - b. Without the authorization of the author or the holder of copyright, or of an CMA, there are reproductions of a work of the author (Article 26);
 - c. Without the authorization of the author or the holder of copyright, or of an CMA distributes, rents or takes other actions for the purposes of sharing of the work of the author (Article 27, 28);
 - ç. Without the authorization of the author or the holder of copyright, or of an ACM (the individual) communicates to the public a copyrighted work in any manner (Article 29);
 - d. Without the authorization of the author or the holder of copyright, or of an ACM transforms a copyrighted work (Article 30);
 - dh. Without the authorization of the author or the holder of copyright, or of an ACM (the individual) does not pay remuneration for the reproduction of a work of copyright for private use or other personal use, according to the Law (Article 31);
 - e. Without the authorization of the author or the holder of copyright, or of an ACM (the individual) does not pay remuneration for public lending, according to the Law (Article 32);
 - ë. Without the authorization of the author or the holder of copyright, or of an ACM (the individual) does not pay compensation for the rights of resale, according to the Law (Article 33);
 - f. Distributes or possesses a copy of a computer program for commercial purposes, knowingly or having the opportunity to verify that it is an illegal sample, or any other tool that avoids technological measures for the protection of a computer program (the relevant section of this Law);

- g. (The individual) does not list the name, pseudonym or any other indication of an interpreter and/or performer, unless the latter has stated in writing that he/she does not want to be mentioned, or when he/she uses his work in public, or without the authorization of a interpreter and/or performer distorts or modifies the appearance, or uses the work in a way that violates or may violate the honor and reputation of performers and/or interpreter (Article 108);
 - gj. Without the authorization of the interpreters and/or performers or of the ACM, (the individual) infringes the exclusive rights to their property (Article 109);
 - h. Without the authorization of the producers of phonograms or of the ACM, (the individual) infringes the exclusive rights to their property (Article 113);
 - i. Without the authorization of the producers of first fixations/registrations of movies or of an authorized distributor where the producer has transferred his rights, (the individual) violates their rights in conflict with the Law (Article 116);
 - j. Without the authorization of an organization/media service providers who illegally violates their exclusive rights (Article 117);
 - k. Without the authorization of a publisher and without paying compensation for the reproduction for the private use of photocopies or of other personal use (Article 118);
 - l. Without the authorization of a creator of a database, (the individual) issues or makes available to the public, conveys to the public or illegally uses its data (Article 121);
 - ll. (The individual) avoids technological measures for the protection of copyright and related rights in (Article 154);
 - m. (The individual) removes or alters the electronic information management of copyright and related rights in (Article 155).
2. The person in charge of the legal person (administrator) will be punished for the offenses provided for in paragraph 1 of this Article, a fine on the amount of 100,000 to 500,000 ALL.
 3. The person shall be punished for the offenses provided for in paragraph 1 of this Article by a fine on the amount of 100,000 to 500,000 ALL.
 4. The natural person, employee of any class or any other self-employ, respectively, shall be punished for offenses, provided for in paragraph 1 of this Article, a fine in the amount of 50,000 to 200,000 ALL, when the offense is committed while performing his/her activities while knowing or having the opportunity to know, to verify if he/she was carrying out an illegal activity.
 5. Facilities and tools intended to be used to carry out the offenses pursuant to paragraph 1 of this Article, shall be confiscated and destroyed by the relevant structures according to the Law, in accordance with the legislation in force on administrative violations.
 6. A legal entity or natural person who commits an offense pursuant to paragraph 1 of this Article, in the exercise of their commercial activity, the measures to halt their trading activities can be

taken, for violation of copyright or of related rights, for a period of one year, taking into account the seriousness of the offenses and the repetition of such violations by them.

7. Inspectors have the right to request the assistance of the State Police if they stopped in the exercise of their legal powers, in accordance with the provisions of Law on inspection.
8. The fine, pursuant to paragraph 1 of this Article, may not be given if three years have passed from the date of the offense.
9. It is punished with a fine of 10 000 to 100 000 ALL every user subject, which is in violation of the provisions of this Law, for carrying out the payment of compensation against the author/ACM or their representatives.
10. In case of recurrence, the maximum punitive measures provided for in paragraph 1 of this Article shall be doubled.
11. Revenues that derive from the fines will go to the state budget.

Article 180

Failure to enforce the limitation of copyright and related rights

1. Any legal entity shall be punished for a misdemeanor by a fine amounting from 20,000 up to 200,000 ALL, when:
 - a. fails to provide the persons who are authorized, pursuant to the provisions of Articles 72 to 78 of this Act, to use a copyright work or the subject matter of related rights, who have proved that the conditions laid down in Article 70 of this Law have been full filled, with the means enabling them to use a copyright work or *a subject matter of related rights*, in accordance with the limitations of Articles 72 to 78 of this Law, as referred to in Article 87, paragraph 1, under this Law.
 - b. fails to indicate the application of technological measures on a copy of author's work and/or the subject matter of related rights produced or imported for commercial purposes, as referred to in Article 87 paragraph 1 under this Law.
2. The person charged of a legal entity (administrator) shall be punished for a misdemeanor by a fine amounting from 10,000 up to 100,000 ALL, as referred to in paragraph 1, of this Article.
3. The natural person shall be punished for the misdemeanor, as referred to in paragraph 1 of this Article, by a fine amounting from 10,000 up to 100,000 ALL.
4. The natural person, employee of any category, or any other self-employed person, respectively, shall be punished for a misdemeanor, as referred to in paragraph 1 of this Article, by a fine amounting from 50,000 up to 200,000 ALL, where the misdemeanor has been committed during the performance of her/his activities.

Article 181

Failure to provide information for collective management agencies

1. Any legal person, who does not submit /provide to the CMA, under this Act, the complete information regarding the use of the rights which are collectively managed by such association within 15 days from the date of such use, unless otherwise provided by a legal transaction, shall be punished for a misdemeanor by a fine amounting from 50,000 up to 200,000 All.
2. A responsible person in a legal person shall be punished for the misdemeanors as referred to in paragraph (1) of this Article by a fine amounting from 20,000 up to 100,000 ALL.
3. A natural person shall be punished for the misdemeanor referred to in paragraph 1 of this Article, by a fine amounting from 20,000 up to 100,000 ALL.
4. The natural person, employee of any category, or any other self-employed person, respectively shall be punished for a misdemeanor, as referred to in paragraph 1 of this Article, by a fine amounting from 50,000 up to 200,000 ALL, where the misdemeanor has been committed during the performance of her/his activities.

Article 182

Unauthorized Collective Management

1. Any legal person, which, without the authorization or contrary to the minister competent authority for the licensing of copyright, performs the collective rights, shall be punished for a misdemeanor by a fine amounting from 200,000 up to 500,000 ALL.
2. The person, charged of a legal person (administrator) shall be punished for a misdemeanor as referred to in paragraph 1 of this Article, by a fine amounting from 100,000 up to 500,000 ALL.

Article 183

Misdemeanors and administrative measures against CMA

1. Actions or inactions of collective management agencies of copyright constitutes administrative infringement when:
 - a. until March 31st of each preceding year (the CMA-s) do not submit the annual statement of account and do not declare revenues resulting from the discount of commission for representing authors and / or other artists.
 - b. in the annual statement of account submitted in the preceding year, the revenues declared are inaccurately;

- c. (The CMA) does not claim fees, as defined in this Law, and in such case, they are punished by a fine, respectively, for the letters (a), (g) and (c) of this paragraph with 5 000 ALL per each day of delay, while for the letter (b) of this paragraph, with 5 percent of the amount not declared per each day of delay.
2. The action or inaction of any person who hinders the representative of the Albanian Directorate of Copyright to exercise his competencies, defined on the provisions of this Law and on sub-legal Acts, in execution of this Law, constitutes an administrative infringement which shall be punished by a fine of 100 000 up to 250 000 ALL.

Article 184

Appeal and execution of administrative measures

The appeal against the decisions of the inspection bodies as defined in this Law, shall be pursuant to the law on inspection, whereas the procedures of ascertains, reviews, decision making, appeal and execution of fines shall be pursuant to the legislation on administrative infringement. At the end of administrative appeal procedures, the appeal shall be claimed to the administrative court within the time and manner, laydown in the provisions of Law no. 49/2012 "On the organization and functioning of administrative courts and administrative disputes".

Article 185

Public awareness of copyright

Albanian Public Radio and Television broadcasts monthly educational programs for public awareness of copyright, in compliance with the law on audiovisual media in Albania. These educational programs have a timing of 90 minutes and are transmitted from 8⁰⁰ till 22⁰⁰. One of these programs, of 30 minutes duration is obligatory broadcasted from 14⁰⁰ till 21⁰⁰. Due to this Article, the ministry competent on copyrights drafts a monthly calendar of programs and activities, for displaying them to the public, by intent to increase public awareness on copyright.

Article 186

Protecting the copyright and related rights of foreign authors

1. The works of the authors/ right holders, foreign individuals shall be protected under the provisions of this Law, and international agreements, in which the Republic of Albania adheres.
2. The subject rights related to copyright, in case the entitled holders are not Albanian citizens, benefit the same protection under the provisions of this Law, and according to International agreements, in which the Republic of Albania adheres, only if exercised within its territory.

PART X

TRANSITIONAL PROVISIONS

Article 187

Procedures in Process

1. Concerning the procedures of registration of copyright, that have not been completed up to the date of entry into force of this Law, the provisions of the Law in force shall be applied at the time of application.
2. Concerning the procedures of infringement of copyright, that have not been completed up to the date of entry into force of this Law, the provisions of the Law in force shall be applied at the time of the beginning of the proceedings.
3. Until the establishment of the inspectorate responsible for copyright and subject to related rights, inspectors of the Albanian Office conduct the inspection for Copyright, pursuant to the provisions of this Law and the Law of inspection.
4. The licensed collective management agencies of copyright and subject to related rights shall conduct a review of statutory acts and fulfilment of the criteria's within 6 months of the entry into force of this Law, in compliance with the provisions of this Law and the implementing of sublegal Acts. Agencies shall submit in the DC a copy of these acts.
5. Paragraph 8 of Article 32 of this Law shall be in force on the date of accession of Albania to the European Union.
6. The Albanian Office of Copyright shall continue its operation until the relevant established structures shall start their full functioning, under this law, but in any case not later than 6 months from the entry into force of this law.

Article 188

Sublegal provisions

1. The Council of Ministers, within 1 month following the entry into force of this Act, shall be charged to enact implementing sublegal acts referred to article 18, paragraph 1, article 32, paragraph 8, article 156, paragraph 3, article 157, paragraph 4, article 177, paragraph 2, article 178, paragraph 2, under this Law.
2. The Minister, competent for Copyright, within 1 month from the date of entry into force of this Act, shall be charged to enact the implementing regulations and orders referred to article 146, paragraph 1, article 147, paragraph 2, article 156, paragraph 1, article 157, paragraph 3, article 158, paragraph 2 and article 158 under this Law.
3. The Minister, competent for Copyright, within 1 month following the entry into force of this Act, shall be charged to enact the implementing commentary and manual

Article 189

Cease of validity

Law No. 9380, dated 28.4.2005 "On copyright and other related rights, "amended and the sublegal Acts in law enforcement shall be ceased of validity up to the date of entry into force of this Law.

Article 190

Entry into force

This Act shall enter into force 6 months following its publication in the "Official Gazette"