



29 January 2021

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

Original: English

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

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

<b>Notifying Member</b>	ALBANIA
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**Details of the notified legal text**

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

**Brief description of the notified legal text**

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

The Law provides, *inter alia*:

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

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

This law is fully aligned with:

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

This law is partially aligned with:

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

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

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

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

**Notification details**

<b>Submission date of notification</b>	26 January 2021
<b>Other information</b>	
<b>Agency or authority responsible</b>	Copyright Office, Ministry of Culture of Albania Email address: <a href="mailto:borana.ajazi@kultura.gov.al">borana.ajazi@kultura.gov.al</a> Web: <a href="http://www.kultura.gov.al">www.kultura.gov.al</a>

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