



REPUBLIC OF ALBANIA

THE PARLIAMENT

LAW

No. 7564, dated 19.05.1992

ON COPYRIGHT

Based on Article 16 of Law No. 7491, dated 29.04.1991 "For the Main Constitutional Provisions", upon the proposal of the Council of Ministers,

DECIDED:

CHAPTER I

THE PROTECTION OF COPYRIGHT

ARTICLE 1

This law protects the literary, artistic, public and other works (hereinafter referred to as "works"), including any original intellectual creation of this nature, regardless of their form of expression as:

- a) written works including computer programs;
- b) lectures, addresses, sermons and other orally expressed works;
- c) musical works with or without accompanying text;
- d) dramatic or dramatico-musical works;
- dh) audiovisual works;
- e) choreographic works and pantomimes;
- f) works of fine arts: drawings, paintings, sculptures, engravings and lithography;
- g) architectonic works;
- h) photographic works;
- i) works of applied art;
- j) illustrations, maps, plans, sketches and three-dimensional works related to geography, topography, architecture and science.

The protection does not depend in the manner and form of expression, quality or aim of the work.

The protection shall not extend to ideas, procedures, processes, systems, ways of action, concepts, expressed principles or discoveries, which are foreseen and explained in the work.

ARTICLE 2

DERIVED WORKS AND COLLECTIONS

The same protection as to the works is applied to:

- a) translations, adaptations, arrangements, and other alterations of works and folkloric materials;
- b) collections of works, popular sayings or data and facts as encyclopedias, anthologies and other sources of data which, by reason of the selection and arrangement of their contents constitute original creations.

Protection of the works defined in the first paragraph is applied without prejudice to the copyright of the original works, which are used then for the protection of the derived works;

ARTICLE 3

The protection provided by this law for the literary and artistic works, shall not apply to :

- a) summaries of the official gazette of legislative and administrative nature and their official translations;
- b) popular sayings;
- c) news of the day;
- d) miscellaneous facts and data.

CHAPTER II

RIGHTS WHICH ENJOY PROTECTION

ARTICLE 4

MORAL RIGHTS OF THE AUTHOR

The author of the work in addition to the economic rights defined by Article 5 of this law, even if they have been transferred by his desire (sic), has the right to:

- a) claim authorship of the work, especially the right to write his name on the copies of the work. When allowed by practice and in conformity with the tradition, his name may accompany his work mentioned in public.
- b) remain anonymous or use a pseudonym
- c) object to any distortion, mutilation or modification and to other derogatory action in relation to his work, which would be prejudicial to his honor or reputation;
- d) object the joint authorship put in an arbitrary way from other persons because of different reasons.

(Hereinafter, the rights provided for in this article will be referred to as "moral rights").

ARTICLE 5

ECONOMIC RIGHTS OF THE AUTHOR

The author shall have the exclusive right of authorizing:

- a) the reproduction of the work;
- b) the import of the work within the country with the purpose of its distribution (selling, leasing renting, loaning) for/to the public;
- c) the translation of the work;
- d) the preparation of adaptations, alterations or other alterations of the work;

- e) the public recitation of the work;
- f) the communication of the work to the public by broadcasting and rebroadcasting;
- g) the communication of the work to the public by wire or other means;

The author of an audiovisual work, or any other work like phonograms, computer programs, data base, and of any other work readable in machine, has the exclusive right to authorize giving on lease of his work..

(Hereinafter the rights mentioned in this article will be referred to as "economic rights").

CHAPTER III

LIMITATIONS OF THE ECONOMIC RIGHTS

ARTICLE 6

FREE REPRODUCTION FOR PERSONAL USE

Reproduction of a published work without the author's approval and without payment or remuneration, according to the laws, is allowed only for personal use (use for research and scientific purposes included).

The first paragraph is not applicable for:

- a) the reproduction of architectural works in terms of a building or other constructions;
- b) the reprographic reproduction of fine arts works published (sic) in limited copies, the graphic presentation of musical works, notebooks or other publications, which are meant for a single use purpose;
- c) the reproduction of computer programs, excluding what provided for in Article 13;
- d) any other reproduction which would come against the process of work employment or would damage the legitime interest of the author.

ARTICLE 7

FREE REPRODUCTION IN THE FORM OF CITATION

It is permitted, without the author's approval and without payment or remuneration, the citing, according to the law, of a published work in another work under the condition that in the citation must be included the source and author's name, if it is in the original work. The citing has to be honest, correct and it must not exceed the context of its original use.

ARTICLE 8

FREE USAGE FOR TEACHING

It is permitted the free usage of a work for teaching, without the author's approval and without payment or remuneration, upon the condition that in the citation must be included the source and author's name, if it is in the original work. It is permitted to:

- a) use a published work, according to the law, for illustrations in publications, broadcasts or sound or visual recordings for teaching;
- b) reproduce, by means of reprography, special articles published according to the law in a newspaper or magazine; to reproduce written pieces taken out of a published work according to the law, or a short full work published according to the law, for the purpose of teaching or for the period of the exams in educational institutions. The activity of these

institution must not bear any direct or indirect profit purpose and the use of the work must be always honest.

ARTICLE 9

FREE REPRODUCTION FROM LIBRARIES AND ARCHIVES

The reproduction from a library or archive, which activity does not bear any direct or indirect profit purposes, is permitted without the author's approval and without payment or remuneration. The copy under discussion belongs then to the fund of the library's archives with the purpose of:

- a) storing and if necessary (in case of loss or overuse) replacing the work itself;
- b) replacing of a copy (lost, damaged or overused) for the permanent fund of another library or archive.

These procedures can take place if it is not possible to buy an original copy for a long period of time and under reasonable conditions.

ARTICLE 10

FREE REPRODUCTION FOR LEGAL AND ADMINISTRATIVE PURPOSES

The reproduction of a work is permitted, without the author's approval and without payment or remuneration, for the purpose of using it in a court case or in other administrative processes within a reasonable required extend.

ARTICLE 11

FREE USE FOR THE PURPOSE OF GIVING INFORMATION

It is permitted without the author's approval and without payment or remuneration but the obligatory citing (mentioning) the source and the author's name if it is in the original work:

- a) the reproduction and distribution by the press, the broadcasting or the communication to the public by wire of any article published in newspapers or magazines treating an economic, political or religious issue or of any other broadcast work, if the right of reproduction, broadcast or any other similar communication to the public is not expressly limited;
- b) the reproduction and offering to the public, in case of news on current events, of a work seen or heard during that event, by means of photography, cinematography, broadcasting or communication to the public by wire, without exceeding the informatory purpose;
- c) the reproduction by the press, broadcast or by other mass media means of political speeches, lectures, reports, sermons and of other works similar to them, held on public places, as well as the speeches held during legal proceedings, when all these have an informatory purpose (hence not exceeding this informatory purpose). The authors of these works have the right to publish works summaries.

ARTICLE 12

FREE USE OF PICTURES OF PUBLICLY EXPOSED WORKS

It is allowed without the author's approval and without payment or remuneration the reproduction, broadcasting or the communication to the public by wire of a picture of an architectonic work, of a fine arts work, photographic work or applied arts work placed in a public area, excluding the cases when the picture is the main theme of the reproduction, broadcasting or communication and when it is used for commercial purposes.

ARTICLE 13

FREE REPRODUCTION AND ADAPTATION FOR COMPUTER PROGRAMS

The legal owner of a computer program is permitted, without the author's approval and without payment or remuneration, to make a copy or adaptation of such a program, if this copy or adaptation is:

- a) indispensable for the usage of the computer program and for the purpose the program is legally obtained;
- b) used for archives and if necessary (in case of lost, damage or overuse) to replace the legally obtained copy.

The copy or the adaptation provided for in the first paragraph is destroyed in cases when the ownership of the copies of the computer programs is no more legal.

ARTICLE 14

FREE USE OF COMPUTER PROGRAMMES

The author's approval is not obligatory if the reproduction of the code and the adaptation ("translation") are necessary to get the required data for the interaction of a computer program which is created independently of the other programs. The reproduction can be made upon the following conditions:

- a) when this action is done by means of a license, by another person who has the right to use the copy of the program or by any authorized person;
- b) when the necessary data for interaction are not previously given to the persons mentioned in paragraph "a";
- c) when these actions are limited in those parts of the original program which are indispensable for the creation of the interaction capacity.

The use of the following data is prohibited because of the provisions of the first paragraph:

- a) for a purpose different from that of interacting capacity of the computer program created in an independent way;
- b) for giving them over to third parties, except for the cases when this is indispensable for the interacting capacity of the computer created in an independent way;
- c) for the development, production and handing over of a similar computer program concerning the way of expression or for any other purpose which violates the copyright.

The provisions of this article must not be interpreted in such a way that causes its applications to come contrary to the normal use of the computer program, or infringes the legitimate rights of the author.

ARTICLE 15

FREE TEMPORARY RECORDING BY BROADCASTING ORGANIZATIONS

A broadcasting organization can record for temporary use, by its own means, a work on which it enjoys this right without the author's approval and without special remuneration. This agency is obliged to destroy this recording within six months from the day of recording it, except when there is an agreement with the author for longer terms. However, a recording of this kind may be stored in official archives even without an agreement, if it has special historical or documenting values.

ARTICLE 16

THE FREE PUBLIC PERFORMANCE

It is permitted without the author's approval and without payment or remuneration the public performance of a work during the activity of a school institution, prepared by the staff, if the audience is simply the staff and the students of that institution, the parents or tutors of the students, as well as other people who have a direct relation to the institution.

CHAPTER IV

TERM OF PROTECTION

ARTICLE 17¹

TERM OF PROTECTION

Unless otherwise provided in this chapter, the moral rights of a work are protected forever and the economic rights of a work are protected during the whole author's life and 70 years after his/her death.¹

ARTICLE 18²

TERM OF PROTECTION OF ANONYMOUS OR PSEUDONYMOUS WORKS

The moral and economic rights of an anonymous or pseudonymous work are protected for 70 years from the first day of the first legal publication of the work. If the identity of the author is disclosed before the expiration of the term, the provisions of Article 17 and 18 are applied, according to the case.

ARTICLE 19³

TERM OF PROTECTION OF PHOTOGRAPHIC AND AUDIOVISUAL WORKS OF JOINT AUTHORSHIP

The moral and economic rights of a photographic or audiovisual work of joint authorship are protected for 70 years from the day this work is legally offered to the public or in a contrary case, for 70 years from the day of the production of the work, i.e. 70 years after its creation.

ARTICLE 20

TERM OF PROTECTION OF WORKS OF APPLIED ART

¹ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fletorja Zyrtare 1995, Vol.11, page 454.

² As changed by Law No. 7923 "For Some Changes to Law No. 7564, dated 19. 05. 1992 "On Copyright" (Approved on 19. 04. 1995), Fletorja Zyrtare 1995, Vol. 11, P. 454.

³ As changed by Law No. 7923 "For Some Changes to Law No. 7564, dated 19. 05. 1992 "On Copyright" (Approved on 19. 04. 1995, Fletorja Zyrtare 1995, Vol. 11, P. 454.

The moral and economic rights of works of applied art are protected for 25 years from the day of its production.

ARTICLE 21

CALCULATION OF THE TERMS

The term provided by this Chapter lasts to the end of a calendar year.

CHAPTER V

THE OWNERSHIP OF THE COPYRIGHT

ARTICLE 22

THE OWNERSHIP OF THE COPYRIGHT

The author of a work is the first owner of the moral and economic rights on his work.

ARTICLE 23

THE OWNERSHIP OF THE COPYRIGHT ON WORKS OF JOINT AUTHORSHIP

The co-authors of a work of joint authorship are the first co-owners of the moral and economic rights of this work.. But, if this work can be divided into parts (i.e. if its parts can be reproduced, stored or used separately), the co-authors have the independent rights for these parts of the work, maintaining the co-ownership of the rights for the common work.

ARTICLE 24

THE OWNERSHIP OF THE COPYRIGHT ON COLLECTIVE WORKS

The owner of the moral and economic rights of a collective work will be the physical person or the legal entity on whose initiative and direction the work was created and whose name appears as the author of the work.

ARTICLE 25

THE OWNERSHIP OF THE COPYRIGHT ON THE WORKS CREATED ON AN EMPLOYMENT CONTRACTUAL BASIS.

If the work is created by an author for a physical person or a legal entity (hereinafter referred to as "employer") on an employment contractual basis and during employment period, the first owner of the moral and economic rights will be the author, unless the contract provides otherwise. The economic rights of such a work will be considered transferred to the employer at the required extent for the proper activities that the employer accomplishes at the time the work is created.

ARTICLE 26⁴

⁴ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

OWNERSHIP OF THE COPYRIGHT FOR AUDIOVISUAL WORKS

The producer of the audiovisual work will be the natural or juridical person that undertake the initiative to create the work.

The contract between the producer and the compositor and the others authors of an audiovisual work provides for the transfer to the producer of the right to use of the audiovisual work, without prejudice to the moral and economic rights of the author.

The audiovisual work is considered finished when the final version is decided upon agreement between the author or co-authors and the producer.

The remuneration of the authors for the use of the work is made according to the circumstances and manners of usage.

ARTICLE 27

OBTAINING THE AUTHORSHIP

In order that the author of a work is recognized to be as such, and consequently to have the right to make a legal complaint in case of procedure violation, in lack of contrary facts, it will be enough that his name appears in the work in the usual way.

In case of an anonymous or pseudonymous work, the editor, whose name appears in the work has the responsibility to represent the author, and when there are no contrary facts, he has the right to protect the author and ask the enforcement of the author's right. This paragraph is not valid when the author discloses his identity and proves the claim on the work's authorship.

ARTICLE 28

PRESUMING OF THE PRODUCER'S RIGHT

The natural or juridical person, whose name appears on an audiovisual work as the producer of this work, will be considered the producer of such a work if there are no facts to contradict this.

CHAPTER VI

TRANSFERRING OF THE RIGHTS AND THE LICENSES

ARTICLE 29

TRANSFERRING OF THE RIGHTS

Transferring the economic rights can be done by assignment between the living people, by provisions of legal heritage or by will.

Moral rights can not be transferred between living people, but can be transferred by provisions of legal heritage or by will.

ARTICLE 30

LICENSES

The author of a work may issue a license to third persons to perform activities which are included in his economic rights. These licenses may be exclusive or non-exclusive.

The non-exclusive license enables the licensee the right to perform activities related to the author and to other licensees according to the rules.

Exclusive license enables the licensee the right to perform activities which exclude others, even of the author itself, according to the rules.

No license can be considered as a non-exclusive one apart from cases when it is expressly defined in the contract between the licensee and the author.

ARTICLE 31

FORM OF CONTRACTS FOR TRANSFERS AND LICENSES

Contracts for transferring the economic rights as well as the exclusive licenses, for performing activities included in the economic rights, are made in a written form.

ARTICLE 32

PURPOSE OF TRANSFERS AND LICENSES

The transfer of the economic rights and licenses, for performing activities included in the economic rights, can be limited to the performance of some specific activities as well as to the time period, purpose, territorial extension, width and the ways and means of usage.

The fact that the name of the territory in which the economic rights are transferred or the license is given to act according to the economic rights, is not mentioned is considered as a limitation of the transfer or the license within the territory in which the transfer is made.

The fact that the extension, ways and means of usage for which the transfer of the economic rights is made or the license to act according to the economic rights is granted, is not mentioned, is considered a limitation of the transfer or the license to the extension, ways and means of usage, that are necessary for the provided purpose at the time when the right of transfer or the license is granted.

ARTICLE 33

THE ALIENATION OF THE ORIGINAL WORK OR ITS COPIES. TRANSFERS AND LICENSES CONCERNING THE COPYRIGHT OF THESE WORKS

When the author alienates the original or a copy of his work, it is considered that the economic rights and the grant of a license for performing activities included in the economic rights are transferred too, unless it is provided otherwise by the contract.

Despite the first paragraph, the legitimate buyer of an original work or its copy, has the right to expose the original work or its copy directly to the public, unless the contract provides otherwise.

The privilege defined in the second paragraph does not include the persons who possess the original works or their copies because of a rent, lease or other ways, without being the owners of the original work or of its copy.

CHAPTER VII

PROTECTION OF PERFORMANCES, PHONOGRAMS AND PROGRAMMES

ARTICLE 34

ACTS REQUIRING THE AUTHORIZATION OF THE PERFORMERS

No one can undertake the following acts without the authorization of the performers:

1. The broadcasting of their programmes, except for the cases when the programme consists of:
 - a) a fixation of the performance, excluding the registration done according to the provisions of Article 39;
 - b) a rebroadcasting authorized by the organization which has broadcasted the programme for the first time;
2. The communication to the public of their performance, except for the cases when this performance consists of:
 - a) the fixation of the programme;
 - b) the broadcasting of the performance.
3. The fixation of the unfixed performance
4. The reproduction of fixation of their performance in the following cases:
 - a) when the performance is fixed once without the authorization of the performers;
 - b) when the reproduction is done for purposes other than those authorized by the performers;
 - c) when the performance is first fixed in compliance with the provisions of Article 35, but the reproduction is done for purposes other than those defined in that article.

In case of absence of a contractual agreement that provides otherwise or of the employment condition, out of the which the contrary is deducted;

- a) the authorization to broadcast does not mean authorization to grant license to other organization to broadcast the performance;
- b) the authorization for broadcasting does not mean authorization to fix the performance;
- c) the authorization for the fixation of the performance and the reproduction of the fixation does not mean the authorization to broadcast the performance;
- d) The authorization for broadcasting and fixing the performance does not mean authorization for reproduction and fixation.

The provisions of the first and second paragraph, letters 'c' and 'd' are not applicable from the moment that the performers give the authorization to include their performance in a visual and audiovisual fixation.

None of the paragraphs of this article takes off the right of the performers to sign contracts in more favorable conditions for their performances.

The term of protection provided for in the article lasts for 50 years, starting from the end of the year in which the performance took place

ARTICLE 35

ACTS REQUIRING THE AUTHORIZATION OF THE PRODUCERS OF PHONOGRAMS;

Without the authorization of the producers of phonograms no one can;

- a) reproduce directly or indirectly the phonogram;
- b) import any copy of the phonogram;
- c) lease or loan copy of the phonogram

The term of protection provided for in the first paragraph lasts for 50 years, starting from the end of the year, in which of the phonogram was produced for the first time.

ARTICLE 36

REMUNERATION FOR THE PRODUCTION OF PHONOGRAMS

If a phonogram published for commercial purposes, or its reproduction, is directly used for the broadcasting or the communication to the public, the user pays to the producer a remuneration, upon agreement, for the performers and the producers of the phonogram.

If there is no agreement between the performers and the producer, then the half of the remuneration the producer has been given, shall go to the performers by the producer.

The obligation for a remuneration, as provided in this article, ends up in 50 years, starting from the end of the year in which the phonogram was for the first time produced.

ARTICLE 37

ACTS REQUIRING THE AUTHORIZATION OF THE BROADCASTING ORGANIZATIONS

No one can undertake the following acts without the authorization of the broadcasting organizations:

- 1) The rebroadcasting of their programmes
- 2) The fixation of their programmes
- 3) Reproduction of the fixation of their programmes:
 - a. When the fixation on which bases a reproduction is done, is realized without the authorization of these organizations, or
 - b. When the broadcasting is firstly fixed in accordance with the provisions of Article 39, but the reproduction is done for other purposes from those mentioned in that article.

As provided in this Article, protection ends up in 50 years, starting from the end of the year, in which the broadcasting took place.

ARTICLE 38

LIMITATIONS ON THE PROTECTION

Articles 35, 36 and 37 of this law are not applied when acts provided by these articles are undertaken;

- does
- a) for private use, teaching or scientific research, on these condition that the use not conflict with the normal use (of a performance, phonogram or broadcasting) and always without prejudice at a large scale to the legitimate interests of the holders of the rights provided in this chapter;
 - b) for issuing current topics, provided that only short pieces of a performance, phonogram or broadcast are used;
 - c) for citations, in short pieces from a performance, phonogram or broadcast, provided that these citations concur with the usual practice of the
- informatory
- d) for other purposes which are included in the limitations for the economic rights of the literary and artistic works, as provided in Chapter III.

Requirements for an authorization mentioned in the Articles 35,36 and 37 to fix performances and broadcastings, to reproduce published phonograms for commercial purposes, are not taken into consideration when the reproduction is done by a broadcasting organization with its own means and for its own programmes only in case of:

- a) broadcasting the fixation of a performance or of its reproduction, as defined by this paragraph, the broadcasting organization has the right to broadcast exactly this performance;

- b) broadcasting the fixation of a program or its reproduction or such a fixation of a program made according to the conditions of this program, the broadcasting organization has the right to broadcast exactly this program;
- c) a fixation, made according to this paragraph, or its reproduction, the fixation of any reproduction is destroyed within sixty days, except for a single copy which can be preserved only for archive purposes.

ARTICLE 39

SIGNS FOR THE PROTECTION OF THE PHONOGRAMS

As a condition for the protection of the phonograms provided for by Articles 35, 36 of this law, all the copies of the published phonograms and their packages must bear the sign "P" (which must be circled), accompanied by the date and the year of the first publication, with the purpose of making known that it is a protected production. If the copies or their packages does not identify the producer or the buyer of the patent, by giving the name, the production mark or other notes, then the name of the holder of the rights of the productions must be included in the notes. When the copies or their packages do not identify the main performers, the notes then must include the name of the person who has the right of the authorship of these performers, as provided by this law.

ARTICLE 40

FIELD OF APPLICATION

The protection of the performers as provided by Articles 35 and 36 of this law is applicable when:

- a) the performer has the Albanian citizenship;
- b) the performance took place in the territory of Albania;
- c) the performance is fixed in a phonogram, which is included in the protection's rights, as provided by the third paragraph;
- d) the performance which is not registered in the phonogram, is included in a testament which enjoys the right of protection as provided by the third paragraph.

The protections of phonograms provided by Article 36 and 37 is applicable when:

- a) the headquarters of the organization is in Albania;
- b) the program is broadcasted by a station situated in Albania.

This law is applied also for performances, phonograms and programs which must be protected in accordance with the conventions on which Albania adheres.

CHAPTER VIII

THE COLLECTIVE ADMINISTRATION OF COPYRIGHT AND NEIGHBORING RIGHTS.

ARTICLE 41⁵

THE AGENCIES FOR THE PROTECTION OF COPYRIGHT

⁵ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

The authors may protect their rights themselves. When they can not exercise these rights themselves, they have the right to found agencies for the protection of their rights in a collective way. The agencies of authors are private companies of partners which do not have commercial aims and operation of which is guided by a statute and the general regulations. The agencies are created according to the branches of art.

ARTICLE 42⁶

ACTS WHICH REGULATE THE OPERATION OF THE AGENCY.

The agencies operate in accordance with this law, other legal and sub-legal acts as well as with their own statutes and regulations approved by the Minister of Culture, Youth and Sports.

ARTICLE 43⁷

ADMISSIONS IN THE AGENCY

The agencies accept for co-operation between all the branches of art all the authors, their heirs, producers of records, cassettes or films and those who bear the authorship. The prerogative attributes of the agencies are determined by open voting in the General Assembly, which functions as defined by its own statute and general regulations, prepared by the agencies and approved by the Minister of Culture, Youth and Sports.

ARTICLE 44⁸

SETTING TARIFFS

1. The tariffs for the users of the artistic property on the part of budgetary or non-budgetary institutions are regulated by Law No. 7581, dated 7.7.1992 "On Prices and Tariffs" or by contracts between the users and the collective agencies founded according to the branches of art.

Users of the intellectual property in the field of art and culture, budgetary or non-budgetary, within 15 December of each previous year are require to enter into contract with agencies of authors, to determine obligations of parties and tariffs that should be paid such agencies of authors for next year.

The use of literary works without contract and without the authorization of the agencies of authors is a infringement of copyright and entails penal responsibility.

2. Tariffs for distribution are set after discussions between authors and commissions and after approval by the administrative board of the agencies of authors.

ARTICLE 45⁹

CRITERIA FOR MANAGING REVENUES.

⁶ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.11992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

⁷ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.11992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

⁸ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.11992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

⁹ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.11992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

Agencies are required to manage strictly equally all rights provided to them. They respect the principle that any member should take his portion which belongs to him from the use of his work.

Such remuneration is distributed each year, each six or three months for each author or co-author.

The Minister of Culture, Youth and Sports supervises the agencies. The authorized representatives of the Minister attend the meetings of the agencies and intervene only in case of infringement of the normative acts that regulate their activity.

ARTICLE 46¹⁰

FUNCTIONS OF AGENCIES OF AUTHORS

The agencies of authors have the following functions:

- a) negotiate on the conditions and remuneration to be paid and issue authorizations for actions included in the exclusive economic rights administered by the agencies;
- b) collect remuneration for the authorizations mentioned in item (a);
- c) distribute collected remuneration to the authors;
- d) carry out other activities, for which they are authorized by the authors as provided for by Article 48 on the exercising of the exclusive economic right that they administer.

ARTICLE 47¹¹

GUARANTEES FOR RUNNING THE AGENCIES OF AUTHORS

The administration of the rights as provided by in the Article 46 must not restrict the exclusive economic rights administered by the agencies of authors. In order to guarantee and prevent such restrictions, all decisions for methods and rules of collecting and distributing remuneration, as well as for other important aspects of administrative actions of agencies are taken by authors who are protected by agencies.

The authors whose rights are administered by the agencies, are provided with regular, full, and detailed information on the activity of their agency, for exercising their rights.

Without the authorization of the authors, whose rights are administered directly or through their representatives, no remuneration collected by the agency of authors can be used for other purposes, except purposes relating to covering actual overhead cost of rights in question and distributing the remaining portion of remuneration after the cost mentioned above is deducted.

The amount of the remuneration collected by the agency of authors, after deduction of the actual overhead cost, profit tax according to the appropriate law and other possible deductions that the authors themselves authorize, is distributed to the authors in a just ratio with the actual use of their works.

ARTICLE 48

THE COMMON ADMINISTRATION OF THE RIGHTS FOR PERFORMANCES, PHONOGRAMS AND PROGRAMS.

¹⁰ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

¹¹ As changed by law No. 7923 "For Some Changes to Law No. 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fetorja Zyrtare 1995, Vol.11, page 454.

The rights of performance, phonograms and programs mentioned in the Chapter VII (Articles 42 and 47) will be applied mutatis mutandis.

ARTICLE 49

POSITION OF FOREIGN AUTHORS

The works of the foreign authors are protected by the dispositions of this law and the international conventions to which the Republic of Albania adheres.

CHAPTER IX

MEASURES AND SANCTIONS IN CASE OF VIOLATION OF THE RIGHTS DEFINED BY THIS LAW

ARTICLE 50

The authors or the persons who are enjoying their rights on a work according to this law are entitled to challenge at the court if they are hindered in exercising these rights or they record that someone else is using them unjustly.

The court considers the case on the basis of norms defined in this law and decides on the moral and economic rights of the work.

After the challenge made by the agency of authors or by any of their associations against the person who has made use of the moral and economic rights of the work created in the sense of this law, the penal case starts according to the provisions defined in the Penal Code.

The penal case stops upon the request of the author of the work.

CHAPTER X

GENERAL PROVISIONS

ARTICLE 51¹²

FIELD OF APPLICATION

The provisions of this act refer to:

- a) works of the authors who have Albanian citizenship or live permanently in Albania;
- b) works which are published for the first time in Albania, in spite of the citizenship or the inhabiting place of the authors;
- c) Intellectual property of art works, created before this law was approved, are used according to the dispositions determined by this law provided that the economic rights are fulfilled after the proposed changes have come into power.

This act is applicable to :

- a) unpublished works or published for the first time in a foreign country from authors with foreign citizenship and with permanent residence in a foreign country , in the cases when the

¹² As changes by Law No. 7923 "For Some Changes to Law No, 7564, dated 19.05.1992 "On Copyright" (Approved on 19.04.1995), Fletorja Zyrtare 1995, Vol.11, P.454

country where the author lives, or when the works are published, the country where they are published for the first time, offers the same protective measures for the authors with Albanian citizenship or living in Albania for their unpublished works or published for the first time in Albania;

- b) works which will be protected in Albania in accordance with international conventions to which Albania adheres.

ARTICLE 52

SUB - LEGAL ACTS FOR THE IMPLEMENTATION OF THE LAW

The Council of Ministers, the Ministry of Culture, Youth and Sports, the Committee of Science and Technique and the Ministry of Education are in charged to issue the instructions and the respective regulations to the implementation of this law.

ARTICLE 53

Article 315 up to 328 of the Civil Code of the Republic of Albania are repealed.

ARTICLE 54

This law becomes effective immediately.

Law No. 7564, dated 19.05.1992

Proclaimed by decree No.192, dated 23.05.1992 of the President of the Republic of Albania, Sali Berisha.
