

## Copyright Protection in Albania – A Brief Historical Overview

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### Abstract

*Human creativity flourishes in a suitable environment, which is provided by the existence of an efficient legal system of copyright protection. In general, copyright is protected on national basis therefore the scope of protection and the requirements that must be met to ensure the protection of works and creations, differ from one country to another. Albania has its own legislation for copyright protection, as most of European countries. This paper is a historical overview of copyright legislation development in Albania. History has undeniable impact in a country's legislation. So, Albanian copyright legislation has been changed and improved from stages to stages. Copyright has found protection in Albania's legislation, initially during the time of King Zog's<sup>1st</sup> (1925-1939) Reign. The Civil Code (1929) marks the first strands of copyright protection in Albania. This Code is referred to the best European legislations of the time. During the communist regime private intellectual creations and works could not be privately owned. The copyright belonged to the state. The government and the totalitarian Albanian state of that time decided to reproduce the work, or allow translation into foreign languages as well as the creation of derivative works. The Civil Code of the Republic of Albania (1981) came into force with new provisions that provided recognition and protection of copyright. After the collapse of the communism the recognition of private property was re-appeared. The authors and creators became owners of their works/performances. Firstly, Albanian Parliament adopted the law no. 7564, dated 19.05.1992 "On copyright". Thirteen years later, the parliament enacted the Law no. 9380, dated 28.04.2005 "On copyright and other rights related to" that incorporated the provisions of the European Union Directives on Copyright Protection. Currently, the protection of copyright is provided even through some provisions of other legal acts, such as: Constitution of the Republic of Albania (1998), law no.7961/1995 "On the Labor Code of the Republic of Albania" (amended), Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended), Law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended) etc. In addition to the national legislation, Albania has ratified a number of international acts, which intend to protect copyright etc.*

**Keywords** – copyright, legislation, protection, work, history.

### Introduction

What is the general definition of copyright?

Copyright is the legal protection given to published and unpublished works, forbidding anyone but the author from publishing or selling them. An author can transfer the copyright to another person or corporation. So, copyright is a form of protection provided by the law to the creators of "original works" including literary works, movies, musical works, sound recordings, paintings, photographs, software, live performances, and television or sound broadcasts. This protection is available to both published and unpublished works. Copyright automatically protects written and recorded works. It may help protect the work by displaying the © symbol, owner name, and the year in which it was created. Buying a copyright protected work doesn't give the right to broadcast or copy it - even for private use (e.g. making copies of CDs). Using copyright protected works usually requires contacting the owner or a collecting society who may agree a license. Copyright law only covers the particular form or manner in which ideas or information have been manifested, the "form of material expression". It does not cover the actual idea, concepts, facts, or techniques contained in the copyright work.

Copyright, in its real legal meaning, is a new concept in Albania. Historical development of the copyright has gone through several years of changes and improvements which are in coherence with the historical changes in Albania.

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<sup>1</sup> Zog<sup>1st</sup>, King of the Albanians was the leader of Albania from 1925 to 1939, first as President (1925–1928) and then as King (1928–1939).

## 1. COPYRIGHT PROTECTION IN ALBANIA THROUGH THE YEARS.

### 1.1. Copyright protection during King Zog I<sup>st</sup> Reign.

During 1920s, Albania was experiencing extended periods of political turmoil and instability. The parliament decided to take under consideration the proposal made by the deputies of Skrapar, the issue of constitutional change. Immediately after the early elections on August 25, 1928, it was proposed to change the governing structure. The Statute Commission was held, which proposed the regime change, from Republic into Monarchy. King Zog<sup>1</sup> I<sup>st</sup> was the founder of the modern Albanian State<sup>2</sup> and first King of the Albanians, creating the first stable governmental institutions and consolidation of governance after decades of political turbulence. The period of the Monarchy (1928-39) is seen as the golden era of the Albanian renaissance, and the start of National awakening for the Albanian region, including Kosova. Zog I<sup>st</sup> enacted several major reforms. His principal ally during this period was Italy, which lent his government funds in exchange for a greater role in Albania's fiscal policy. Under the constitution, Zog I<sup>st</sup> was vested with sweeping executive and legislative powers, including the right to appoint one-third of the upper house. For all intents and purposes, he held all governing power in the nation<sup>3</sup>. During the reign of King Zog I<sup>st</sup> the entire enacted albanian legislation was similar with italian and french legislation of that time.

Civil Code of the Albanian Kingdom was drafted under the influence of the French legislative model and was approved on April 1st, 1929. It was not coincidentally called Zog's Civil Code. In reality, this Code represented an innovation in Albanian state and society of that time. Undoubtedly, foreign legislations, especially French, Italian as well as German and Swiss inspired Albanian legislator of the time, to incorporate their best legal provisions such as: equality of all citizens, emancipation of land ownership and freedom to engage in economic activities.

Italian and French legislations belonged to the spiritual impact of modern civilization as well as to the impact of "Italian Renaissance" and the "French Revolution". The approval of the Civil Code (1929) was a big step for Albania, because finally Albanian legislation was disconnected from ottoman law and Albanian civil law belonged to Roman-Germanic family.

In this period of time there was not any special law that provided copyright protection. The Civil Code (1929) covered some important aspects of copyright. This Code marked the first strands<sup>4</sup> of copyright protection in Albania. The Civil Code (1929) referred to the most advanced Western legislations time, mostly to Italian legislation. Copyright protection was foreseen by Article 95 of the Civil Code. Copyright was treated as one of the objects of ownership's right. This right sanctioned as copyright of the inventors protecting their works and inventions. This provision determined which were the objects of the ownership right, referring mainly to material items. In addition to this concept, the provision provided special protection for literary mastery, artistic and industrial works and stating that intellectual products were owned by their authors. The object of these rights was summarized under the term "intangible items", while the "author" was the person who had created the work or performance.

### 1.1. Copyright protection during 1945-1991 in Albania.

Although the Civil Code (1929), which was drafted and based on the most modern legislations of the time, embodied historical positive values, the changes that occurred in Albania after World War II, accompanied with the establishment of the so-called "popular power" brought its repeal and simultaneously legislative, social and economic regression.

After the rise of the communism in 1945, the totalitarian Albanian state initiated a reform process of eliminating private ownership. This affected undoubtedly the Albanian legislation and changed entirely the idea of the copyright protection.

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<sup>1</sup> Albanian Royal Family — Official Website - <http://www.albanianroyalcourt.al/>

<sup>2</sup> Pearson, O.S. Albania and King Zog I.B. Tauris. 2005 (ISBN 1-84511-013-7).

<sup>3</sup> Charles Sudetic. "Interwar Albania, 1918–41". Albania: A country study (Raymond Zickel and Walter R. Iwaskiw, eds.). Library of Congress Federal Research Division (April 1992).

<sup>4</sup> Prof. Paul Torremans, Prof. Asoc.Dr. Mariana Tutulani, M. Dedi (2005) "Pronësia intelektuale",

The Law no. 2022, dated 02.04.1955 "Civil Code of the Republic of Albania" enacted by the Albanian Parliament of that time provided copyright<sup>1</sup> protection to the authors, but it was considered as a personal nonproprietary right. More specifically, Article 58 of the Civil Code (1955) provided protection to the moral rights of the author, but not to his exclusive/economic rights.

The absence of "the real" copyright under the communist state resulted in some unusual cases. For example some well-known Albanian writers had a lot of difficulties regarding to their exclusive rights, because ceding of rights to their works was handled by the state with no provisions for the payment of royalties to the author. Payment to authors was usually done on a lump sum basis and the figure generally was very low. As far as school text books were concerned, the authors were paid by the Government, based on a varying and decreasing percentage: 5% for the first edition, 4% for the second one and so on. This system prevented the development of genuine professional personalities, especially in the field of translation. It should be noted that about 50% of the annual publications consisted in translations of foreign authors' books. In 1981 the above mentioned law was abolished and the Albanian parliament enacted the Civil Code of the Republic of Albania (1981) that had more legal provisions about copyright protection. Articles 315-335<sup>2</sup> of the Civil Code of the Republic of Albania (1981) provided the recognition and the protection of copyright in Albania. Among the most important personal nonproprietary right were copyright and the right of invention and rationalization. Article 316 of the Code stipulated that the author was the person who has created a work/performance. According to this Article, subject of copyright were even minors under 14 years old. While all individuals over 14 as well as adults could freely exercise it. According to the Civil Code (1981), copyright was granted to the author from the moment that the work or performance was expressed orally or had taken the form of handwriting, sketching or graphing an image, picture or in any other concrete form. In contrast to all other works, for photographic performances, copyright was granted only in cases when in the work or performance was shown author's name, year and place of its publication. Analyzing the content of this legal arrangement turns out that copyright was granted to intellectual creativity that was materialized in a concrete form that could be perceived by others, without need for its publication and distribution. The Civil Code (1981) had provisions not only for original, but also for derivative works, such as adaptations, translations, screenings, as well as any transformation of literary and musical works. The Code provided protections even to co-authors<sup>3</sup> when a work was the result of intellectual creativity of two or more persons. Article 318 of the Civil Code provided copyright protection even to institutions dealing with mechanical sound recording like public television or radio. The Civil Code (1981) extended copyright protection also to creative subjects who had not Albanian citizenship. But this was limited and was applied only in cases when Republic of Albania had signed an Agreement for mutual protection with the authors' country.

## 2. COPYRIGHT LEGISLATION FROM 2005 TILL NOWADAYS.

With the establishment of democracy in Albania and re-recognition of private property, authors and creators became owners of their works. Albanian Parliament enacted the first law on copyright protection, respectively Law no. 7564, dated 19.05.1992 "On copyright". This law had undergone some changes, suiting the needs for copyright protection, in a reality that was still in transition, especially considering new technologies that have begun to penetrate into Albania, in early 90-s.

Law no. 7564, dated 19.05.1992 "On copyright" provided a modern concept of the institute of authorship and adapted it to the European concept of copyright. Referred on the above mentioned law, the scope of the copyright included a wider range of previously unknown works, such as computer programs.

In terms of this law, copyright protects the literary, artistic, public and other works, including any original intellectual creation of this nature, regardless of their form of expression as: written works including computer programs, lectures, addresses, sermons and other orally expressed works; musical works with or without accompanying text, dramatic or dramatic musical works, audiovisual works, choreographic works and pantomimes, works of fine arts: drawings, paintings, sculptures, engravings and lithography, architectonic works, photographic works, works of applied art, illustrations, maps, plans,

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<sup>1</sup> See Article 58 of The Law no. 2022, dated 02.04.1955 "Civil Code of the Republic of Albania";

<sup>2</sup> See Chapter VII of the Civil Code (1981).

<sup>3</sup> See Article 317 of the Civil Code of the Republic of Albania.

sketches and three dimensional works related to geography, topography, architecture and science. Protection of the works is applied without prejudice to the copyright of the original works, which are used then for the protection of the derived works. So, the same protection as to the works is applied to: translations, adaptations, arrangements, and other alterations of works and folkloric materials; 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.

The protection does not depend in the manner and form of expression, quality or aim of the work and it shall not extend to ideas, procedures, processes, systems, and ways of action, concepts, expressed principles or discoveries, which are foreseen and explained in the work.

The law protected the exclusive<sup>1</sup> rights, as well as moral rights of the author. Exclusive rights included the reproduction of the work, the import of the work within the country with the purpose of its distribution (selling, leasing renting, loaning) for/to the public, the translation of the work, the preparation of adaptations, alterations or other alterations of the work, the public recitation of the work, the communication of the work to the public by broadcasting and rebroadcasting and 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. The author of the work in addition to the economic rights has even moral rights<sup>2</sup> to 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, to remain anonymous or use a pseudonym, to 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, to object the joint authorship put in an arbitrary way from other persons because of different reasons.

According to this law, 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. So, it is permitted to use a published work, according to the law, for illustrations in publications, broadcasts or sound or visual recordings for teaching as well as to 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 institutions must not bear any direct or indirect profit purpose and the use of the work must be always honest.

According to the Article 17 of the Law no. 7564, dated 19.05.1992 "On copyright" 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. 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. 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. The moral and economic rights of works of applied art are protected for 25 years from the day of its production.

In April 2005, the Parliament approved the *Law no. 9380*, dated 28.04.2005 "*On Copyright and other related rights to it*" which abolished all previous parliament and government acts dating since 1992. The new Law incorporated the provisions<sup>3</sup> of the European Union Directives on Copyright Protection and offered better specifications on authors' rights for collective

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<sup>1</sup> See Article 5 of Law no. 7564, dated 19.05.1992 "On copyright".

<sup>2</sup> See Article 4 of Law no. 7564, dated 19.05.1992 "On copyright".

<sup>3</sup>Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;

Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;

Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights;

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society;

Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art;

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on measures and procedures to ensure the enforcement of intellectual property rights;

works and required all parties to certify their contracts with the Albanian Copyright Office (ACO), which has gained authority for conflict resolution.

The Law<sup>1</sup> no. 9380, dated 28.04.2005 "On Copyright and other related rights to it" governs the rights and obligations of participants in the creative, productive and commercial activities and any other evaluation, utilization, exercise, literature, art or science activity. This law is applicable to local and foreign natural persons and legal entities performing commercial, creative, productive or estimating works, exercise or a variation of artistic or scientific functions on Albanian territory. Subject to this law are original works and derivative works and collections. The law includes the specific cases when its provisions are applicable to works, entertainment or performances of artists' players, sounds registration, radio or television programs.

According to the law, these areas<sup>2</sup> are covered by Copyright: Written works including computer programs; lectures, addresses, sermons and other orally expressed works; musical works with or without accompanying text; dramatic or dramatic-musical works; audiovisual works; choreographic works and pantomimes; works of fine arts: drawings, paintings, sculptures, engravings and lithography; architectonic works; photographic works; works of applied art; illustrations, maps, plans, sketches and three-dimensional works related to geography, topography, architecture and science. Use<sup>3</sup> of Copyright that does not require fees and payment, include some, but not all of applications in the following areas: Free Reproduction for Personal Use; Free Reproduction in the Form of Citation; Free Usage for Teaching; Free Reproduction from Libraries and Archives; Free Reproduction for Legal and Administrative Purposes; Free Use for the Purpose of Giving Information; Free Use of Pictures of Publicly Exposed Works; Free Reproduction and Adaptation for Computer Programs; Free Use of Computer Programs; Free Temporary Recording by Broadcasting Organizations; The Free Public Performance.

The author is the owner of the moral and economic/exclusive rights<sup>4</sup> to his work. The moral rights are not subject to waiver. Further, these rights cannot be assigned and prescribed. According to the Albanian Civil Code, the moral rights may be assigned through inheritance after the author has passed away. Economic rights can be assigned according to the provisions of this law and other legislative acts in force. In such a case, the related copyright rights do not affect the author's rights. The economic rights may be assigned exclusively or non-exclusively. The law provides that every agreement for the exclusive assignment of economic rights must be registered and certified by the Albanian Copyright Office (ACO).

Copyright on literary or artistic works is prolonged throughout the authors' lifetime and 70 years after they have passed away, regardless of the date when the work was legally published. In case of co-authors<sup>5</sup>, the copyright duration as described above starts from the date of the last co-author's death. Copyright for anonymous works or names of artworks extend for 70 years starting from the date of legal publication. When a work is published in parts, episodes or volumes, the copyright extends from the day of legal publication and to this term added is the calculated time for each part of work published separately. The copyright cannot be protected when the works are not published within 70 years from their creation date or when their duration is not calculated from an author's or authors' death(s). The copyright authors exercise individually or collectively the rights under this law may be protected by the title-holders themselves, their representatives or by a Collective Administration Agency selected by their free will.

Collective Administration Agencies (CAAs) are legal entities, established as not-for-profit organizations and licensed by the Ministry of Culture, Youth and Sports, of the Republic of Albania upon the proposal of the Albanian Copyright Office. These entities operate within the right given by the authors or title-holders in accordance with this law and other legislative acts in force. The object of their activity is the collection of income from the utilization of the works and their distribution to the title-holders of copyright and related rights who have assigned the administration of these rights to an agency. These agencies report to the Albanian Copyright Office in relation to the applicable tariffs within the first quarter of the following year. The Albanian Copyright Office is a central institution, a public legal entity depending on the Ministry of Culture, Youth and Sports established in compliance with the law within Albanian territory.

An author who believes his copyright<sup>5</sup> is being breached may challenge in court and claim his property rights are being hindered, or that someone else is using them unjustly. The court will decide based on norms defined in the Albanian

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<sup>1</sup>E. Llambi, Protection of intellectual property rights in Albania (2010) Trademark in Albania.

<sup>2</sup>Chapter I of Law No. 9380, Date 28.04.2005 "On Copyright and other rights related to it".

<sup>3</sup>Chapter III of Law No. 9380, Date 28.04.2005 "On Copyright and other rights related to it".

<sup>4</sup>Chapter IV of Law No. 9380, dated 28.04.2005 "On Copyright and other rights related to it".

<sup>5</sup>Chapter IX of Law No. 9380, dated 28.04.2005 "On Copyright and other rights related to it".

Copyright law, regarding moral and economic rights of the work. After this challenge by the owners against the accused copyright violator, the case will follow according to the rules found in the Albanian Criminal Code. The case stops upon conclusion or request of the author/owner.

The Law no. 9380, dated 28.04.2005 "On Copyright and other related rights to it" is supported by two other supplemental acts, which are the Decision of Council of Ministers (DCM) No. 232 dated 19.04 2006, "On creation and functioning of Albanian Copyright Office" and the Decision of Council of Ministers (DCM) No. 461, dated 16.04.2008, "For some amendments on the Decision no. 343 dated 06.06.2007 "Tariffs for the Services offered by Albanian Copyright Office".

### 3. OTHER LAWS THAT PROTECT COPYRIGHT AND INDUSTRIAL PROPERTY IN ALBANIA.

Except the above mentioned law, the Albanian legislator has drafted specific provisions for copyright protection, even at some other laws.

- 3.1. **The law no.7961/1995 "On the Albanian Labor Code of the Republic of Albania" (amended).** In Chapter XII "The rights of the inventor and author employee", Articles 135<sup>1</sup> & 136<sup>2</sup> treat such issues regarding inventions, designs, industrial models as well as literary and artistic works that are created by the employee during his activity in the service of the employer, in accordance with the obligations of the contract.
  
- 3.2. **The law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended).** Some of the provisions<sup>3</sup> of the law include even copyright protection regarding to the compensatory damages of busyness torts (material or not). In practise everybody may encounter cases when the violation of moral or exclusive rights of an author, entails the civil liability for indemnity, for example: As a result of the illegal use of an work or performance without the author's permission, the offender has profited comercial benefits.

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<sup>1</sup> Article 135, of the law no. 7961 no.7961/1995 "On the Albanian Labor Code of the Republic of Albania" (amended) has foreseen: "(1) The inventions, be them patented or not, which the employee has made or been involved in during the exercise of his/her activity to the benefit of the employer and in compliance with his/her contractual obligations, belong to the employer. (2) By means of a written agreement, the employer may exercise the copyright related to the inventions that the employee has made during the exercise of his/her activity to the benefit of the employer; however, this is excluded from the fulfillment of his/her contractual obligations. (3) The employee, who has made an invention, as defined by the above-mentioned paragraph, informs the employer about this in writing; the latter, within 6 months, will notify the employee in writing whether he/she wants to gain the invention copyright or leave it to him/her. (4) If the invention is not left to the employee the employer will pay him/her a fair reward, taking full consideration of all circumstances, of the economic value of the invention, of the collaboration of the employer and his/her assistants, of the use of his/her equipment, of the expenses related to the employee and of his/her job in the enterprise".

<sup>2</sup> Article 136, of the law no. 7961 no.7961/1995 "On the Albanian Labor Code of the Republic of Albania" (amended) has foreseen: "(1) When the employee creates a work during the exercise of his/her activity to the benefit of the employer and in compliance with his/her contractual obligations, be it protected or not, the employer may use it to the extent that the goal of the contract allows for. (2) The same rules are applied even to the industrial drawings and models as well as to the computer programs that the employee creates during the exercise of his/her activity to the benefit of the employer and in compliance with his/her contractual obligations".

<sup>3</sup> See Articles 608-627 of the law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended).

Articles 635<sup>1</sup>, 636<sup>2</sup> and 637<sup>3</sup> of the Law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended) have some important provisions regarding to the nonproprietary damage against good name, personality and the work or performance of an author as well as fraudulent publications, committed by subjects in the publications sector.

### 3.3. The Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended).

Articles 148<sup>4</sup> and 149<sup>5</sup> of the Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended) have foreseen two criminal delinquencies regarding to publication of another person's work with own name and unlawful reproduction of someone's work. Provisions of criminal penalties as a result of violations of copyright, increase significantly and substantially the protection's level and constitutional guarantees' enforcement in favor of the author of works or performances.

It should be emphasized that it is a case where the Criminal Code provides specific protection for the right of ownership of a particular type, dividing the authorship of traditional property rights protected in the provisions of an economic nature, which are related to damage or destruction intentionally or negligently of the citizens' property.

Article 148 "Publication of another person's work with own name" foresees that publication or the partial or total use with his own name, of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to two year of imprisonment. This provision protects and guarantees the moral rights of the author of a work or a performance.

Article 149 "Unlawful reproduction of someone's work" foresees that total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine or by imprisonment up to two

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<sup>1</sup> Article 635 of the law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended) has foreseen: "*The person who publishes or makes public a notice concerning the products or services, he himself offers within a professional activity, or of an enterprise, or of a person for whom he works, commits an illegal action if the notice is fraudulent in one of the following respects:*

- a) *Nature, content, quantity, quality, possible characteristics or use.*
- b) *origin, way or date of production;*
- c) *the quantity of its stock production;*
- c) *price or its method of calculation;*
- d) *the reason or the purpose of special offer;*
- dh) *attributed qualities, other evaluations or certifications done by third persons, declarations they have delivered, used scientific or professional terminology, statistical and technical data;*
- e) *conditions of product's delivery, performance of services or payment;*
- f) *extent, content and time limit of guarantee;*
- g) *identity, quality, competencies or obligations of the person who produces or has produced the products, who offers them or of the person who provides the service, who directs, supervise or helps in these activities.*
- gj) *compares with other products and services".*

<sup>2</sup>Article 636 of the law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended) has foreseen: "*The person who has acted illegally according the above mentioned provision, is liable for the damage caused, except when he proves that he is not guilty for the damage".*

<sup>3</sup> Article 637 of the law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended) has foreseen: "*When the fraudulent publication, foreseen by article 635 of this Code, has caused or may cause damage to another person, the court, at that person's request, orders its immediate cessation and the obligates the person who is liable to publicly correct the publication in a way that the court finds appropriate".*

<sup>4</sup> Article 148 of the Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended) has foreseen: "*Publication or the partial or total use with his own name, of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to two year of imprisonment".*

<sup>5</sup> Article 149 of the Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended) has foreseen: "*Total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine or by imprisonment up to two years".*

years. In contrast to Article 148, this provision refers to the exclusive rights of the author of a work or performance. It deals with work's reproduction or use without author's permission.

#### **4. INTERNATIONAL CONVENTIONS AND AGREEMENTS ON COPYRIGHT PROTECTION.**

It is quite understandable that national copyright laws in various countries differ in many aspects from each other. A global unification of the main principles on copyright protection is created by means of a series of treaties and international agreements which have as their main aim copyright protection in international levels. In addition to the national legislation, as many other European countries, Albania has signed and ratified a number of International Conventions and Treaties on Copyright and Related Rights, which provide protection to copyright.

Some of these international instruments are listed below:

- **Berne Convention on the Protection of Literary and Artistic Works (1886).**

Berne Convention (1886) is recognized as the first and one of the most important international treaties on copyright protection. It was signed in 1886 and it has been amended several times since then. The last amendment was done in 1979. Berne Convention (1886) represents the first international Convention which treats the issue of copyright. Republic of Albania is part of Berne Convention, was ratified by the Decree no. 487, dated 09.03.1993, of the President of the Republic of Albania.

- **Universal Copyright Convention (1952).**

Republic of Albania has ratified the Universal Copyright Convention, by the law no. 9129, dated 28.09.2003;

- **Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).**

Republic of Albania has ratified the Rome Convention, by the Law no. 8740, dated 15.02.2001;

- **WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights (1994).**

Republic of Albania has ratified TRIPS Agreement, by the Law no. 8838, dated 22.11.2001;

- **WIPO Copyright Treaty (WCT) (1996).**

Republic of Albania is part of WCT, since 2005.

- **WIPO Performances and Phonograms Treaty (WPPT) (1996).**

Republic of Albania has ratified WPPT, by the law no. 8740, dated 15.02.2001.

- **Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms (1971).**

Republic of Albania is part of the Convention, since 2001.

## CONCLUSIONS

The legal concept of copyright is new in Albania. Copyright was legally applicable since 1929 and was developed for approximately less than a century. This concept is in coherence with the historical developments and processes, in which Albania has gone through. Nowadays, the legislation for the protection of copyright is considered as approximated with European Union's legislation. It has incorporated the EU Directives on the protection of copyright. However, it should be noted that there is always need for improvement, both in terms of updating of this legislation as well as its implementation in practice.

## BIBLIOGRAPHY

- [1] Albanian Royal Family — Official Website - <http://www.albanianroyalcourt.al/>
- [2] Berne Convention on the Protection of Literary and Artistic Works (1886).
- [3] Charles Sudetic. "Interwar Albania, 1918–41". Albania: A country study (Raymond Zickel and Walter R. Iwaskiw, eds.). Library of Congress Federal Research Division (April 1992).
- [4] Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms
- [5] Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;
- [6] Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;
- [7] Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights;
- [8] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society;
- [9] Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art;
- [10] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on measures and procedures to ensure the enforcement of intellectual property rights;
- [11] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;
- [12] E. Llambi, Protection of intellectual property rights in Albania (2010) Trademark in Albania
- [13] Pearson, O.S. Albania and King Zog I.B. Tauris. 2005 (ISBN 1-84511-013-7).
- [14] Prof. Paul Torremans, Prof. Assoc.Dr. Mariana Tutulani, M. Dedi (2005) "Pronësia intelektuale",
- [15] Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
- [16] The Law no. 2022, dated 02.04.1955 "Civil Code of the Republic of Albania";
- [17] The Law no. 7564, dated 19.05.1992 "On copyright".
- [18] The law no. 7859 /1994 "On the Civil Code of the Republic of Albania" (amended).
- [19] The Law no. 7895 /1995 "Criminal Code of the Republic of Albania" (amended).

- [20] The Law No. 9380, Date 28.04.2005 "On Copyright and other rights related to it".
- [21] The law no.7961/1995 "On the Albanian Labor Code of the Republic of Albania" (amended).
- [22] Universal Copyright Convention
- [23] WIPO Copyright Treaty (WCT);
- [24] WIPO Performances and Phonograms Treaty (WPPT);
- [25] WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights