

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

- e) the public recitation of the work;
- f) the communication of the work to the public by broadcasting and rebroadcasting;

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

ARTICLE 9

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 works of applied art are protected for 25 years from the day of its production.

ARTICLE 21

CALCULATION OF THE TERMS

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

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

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.

- b) broadcasting the fixation of a program or its reproduction or such a

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

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;

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 Republ