

Review Article

COPYRIGHT AND RELATED
RIGHTS LEGISLATION IN ALBANIA:
FROM TRADITIONAL TO DIGITAL PROTECTION

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ABSTRACT

Background: Albania's efficiency in the copyright and related rights landscape remains complex and needs improvement despite ongoing reforms to meet international standards and European Union requirements. Complete legislative harmonization is still lacking, enforcement bodies continue to operate under limited resources and technological restrictions, and public awareness of copyright standards, especially in digital areas, is insufficient. Meanwhile, digital technology has impacted the creation, dissemination, and commercialization of works, thereby expanded market opportunities but also increased the risks of unauthorized use and infringement. Within this context, this article analyses the evolution, challenges, and prospects of Albania's copyright regime in the digital era, identifies regulatory and enforcement gaps, and evaluates proposed legislative amendments aimed at strengthening copyright protection. The research intends to clarify the benefits and drawbacks of the current protection system.

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Methods: The article uses a mixed-methods approach that integrates doctrinal legal research, documentary and policy analysis, including legislation, national Intellectual Property (hereinafter referred to as IP), cultural strategies, and ministerial programs, as well as enforcement data analysis, including inspections, sanctions, and blocking requests. The aim is to explore the developments and key milestones of the copyright and related rights legal system, the coherence and capacity of the institutional framework, and the effectiveness of recent enforcement practice.

Results and Conclusions: The analysis indicates that Albania has made significant legislative progress and created supportive institutions; however, its enforcement capacity and alignment with the digital age are still lacking. Administrative inspections and sanctions are active, yet online piracy and cross-border licensing frictions persist. These findings align with the priorities included in the National Plan for European Integration 2024–2026, as well as the 2024 Progress Report. This, therefore, reinforces the need for sustained reform to improve compliance and effectiveness, including further transposition of pending EU instruments, and proposes several recommendations to address current and future needs for IP protection, expand lawful access, and support creators and users in the digital marketplace.

1 INTRODUCTION

Copyright and related rights have been historically seen as vital tools for promoting creativity, innovation, and economic growth. Copyright legal protection, a key component of intellectual property governance in Albania, can be traced back to the Civil Code of 1929, enacted during the reign of King Zog.¹ Under this Code, copyright was classified as a proprietary right (ownership and possession), and intellectual products were recognised as owned by their authors pursuant to the rules outlined in special laws.² Nonetheless, only in recent decades has the legal framework experienced substantial improvements to meet international and European Union standards. Significant steps have been taken, particularly in protecting copyright holders and in striking a balance between the public interest.³ The adoption of Law No. 35/2016, on copyright and related rights, subsequently revised in 2022⁴ (hereinafter referred to as ACL), has transposed the majority of the EU directives; yet, effective enforcement remains challenging. Online piracy remains due to the lack of fully transposed digital era instruments (such as the Digital Single Market, SatCab II, and the Collective Rights Management Directives). Furthermore, institutional authorities, such as

1 Mariana Semini, *E Drejta e Autorit në Shqipëri* (Skanderbeg Books 2009) 23.

2 Article 795 of the Civil Code of the Kingdom of Albania of 1929, see: *Kodi Civil i Vitit 1929: i kohës së Zogut* (Alb Juris 2010).

3 Paul Torremas, Mariana Tutulani and Mariana Dedi, *Pronësia Intelektuale* (Magistrate School 2005) 53-6.

4 Law No 35/2016 'On Copyright and other Related Rights' (31 March 2016) [2016] Official Gazette 64; Law No 37/2022 'On Amendments and Additions to Law No 35/2016 on Copyright and other Related Rights' (14 April 2022) [2022] Official Gazette 69.

the Copyright Directorate (hereinafter referred to as CD), the State Market Surveillance Inspectorate (hereinafter referred to as SIMS), the Audiovisual Media Authority (hereinafter referred to as AMA), the Regulatory Authority for Electronic and Postal Communications, the dedicated unit in Customs, and the State Police, are all working hard but often are underfunded and have fragmented inter-agency coordination. Moreover, the public's low awareness and understanding of copyright standards further undermine compliance.

To examine the trajectory of copyright and related rights evolution in Albania, this article initially examines the developments and key milestones of the legal system, then maps the institutional architecture, identifying the roles, responsibilities, and demands of the leading actors, as well as outlining the steps necessary for future improvement. Finally, it presents a concise set of recommendations designed to facilitate Albania's admission into the European Digital Single Market, while supporting a balanced and innovation-friendly copyright ecosystem in which creators' rights, users', and public interest all flourish.

2 RESEARCH METHODOLOGY

This article uses a mixed-methods approach that combines doctrinal legal research, policy and legislative analysis, court decisions, and enforcement data to present a detailed overview of Albania's copyright framework, institutional structures, and enforcement practices.

The qualitative component is based on the systematic review of legal and policy documents, including both primary and secondary legislation, the EU progress report, and national strategies on culture and intellectual property. Moreover, reports from the government and parliament play an important role as they shed light on institutional priorities and policy directions. At the same time, complementary academic studies and a feasibility study add further context and perspectives. The literature review examines the historical evolution of Albanian copyright law from its early origins to the most recent amendments, contextualising these changes within the broader process of EU integration. In doing so, it points out ongoing issues such as online piracy, incomplete harmonisation, and fragmented institutional capacity.

The analysis is reinforced with quantitative evidence derived from official enforcement data, such as inspections, sanctions, and compliance rates reported by SIMS, AMA, the Electronic and Postal Communications Authority, and other authorities. These statistics serve to illustrate enforcement intensity, identify trends, and evaluate practical outcomes. Institutional documentation, including yearly activity reports from competent authorities, complements these data by displaying the practical function of mandates, capacities, and coordination mechanisms. These materials offer a window into the coherence and efficacy of enforcement structures. Together, these insights provide the broader context necessary to support the study's objectives.

The study integrates legislative analysis, statistical data, institutional reporting, academic literature, and court decisions, utilising a clear source-priority protocol to relate evidence to findings, conclusions, and recommendations. This integrated approach allows the study to navigate the historical and institutional trajectory of Albanian copyright law, as well as translating the identified gaps into concrete proposals for strengthening copyright protection in Albania's digital environment and ensuring a more comprehensive alignment with EU standards.

3 DEVELOPMENTS OF THE LEGISLATIVE FRAMEWORK OF COPYRIGHT AND RELATED RIGHTS

Albania's commitment to protecting copyright and related rights is explicitly stated in the constitutional provision⁵ and reinforced by a series of ratified international treaties.⁶ The extensive protection evolved in tandem with the country's European integration process, beginning in 2006 when the Stabilization and Association Agreement (hereinafter referred to as SAA) with the European Union was signed and took effect on April 1, 2009. The obligations outlined in Articles 70 and 73, "Intellectual Property Rights", of the SAA require Albania to ensure the same level of protection for intellectual property as that of the European Union countries.⁷ This led to substantial changes to copyright and related rights law, particularly in 2016. Law No. 9380/2005, "On Copyright and Related Rights"⁸ as

5 Constitution of the Republic of Albania No 8417 of 21 October 1998 (amended 10 February 2022) art 58 <<http://qbz.gov.al/eli/ligj/1998/10/21/8417>> accessed 22 September 2025.

6 Albania is a member of several fundamental international acts related to copyright and related rights, including the Berne Convention for the Protection of Literary and Artistic Works, accessed by: Decree No 487 'On the accession of the Republic of Albania to the Berne Convention' (9 March 1993) [1993] Official Gazette 4; the Universal Copyright Convention accessed by: Law No 9129 'On the Accession of the Republic of Albania to the Universal Copyright Convention and its 2 Additional Protocols' (8 September 2003) [2003] Official Gazette 83; the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) accessed by: Law No 9950 'On the Accession of the Republic of Albania to the Amendments of the TRIPS Agreement' (10 July 2008) [2008] Official Gazette 122; Internet treaties adopted by: Law No 8838 'On the Accession of the Republic of Albania to the WIPO Copyright Treaty' (22 November 2001) [2001] Official Gazette 57, and Law No 8740 'On the Accession of the Republic of Albania to the WIPO Treaty on Performances, Executions, and Phonograms' (15 February 2001) [2001] Official Gazette 7; as well as other treaties governing related rights including Law No 8579 'On the Accession of the Republic of Albania to the International Convention for the Protection of Performers and Executives, Producers of Phonograms, and Broadcasting Organizations' (16 February 2000) [2000] Official Gazette 6, and Law No 8585 'On the Accession of the Republic of Albania to the Convention 'For the Protection of Producers of Phonograms Against Unauthorized Reproduction of their Phonograms' (15 February 2000) [2000] Official Gazette 7.

7 Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part: Protocols, Declarations (12 June 2006) [2009] OJ L 107/166.

8 Law No 9380 'On Copyright and other Related Rights' (28 April 2005) [2005] Official Gazette 42, as amended.

amended, was repealed and replaced by Law No. 35/2016, marking a significant advancement in the protection and strengthening of copyright and related rights in the country. As stated in the explanatory report of the law, the achievement of these objectives, along with the mechanisms established for their implementation, is modelled after the best laws of EU member states, such as Croatia, Romania, Slovenia, Lithuania, and Italy.⁹ Its adoption was also recognised in the National Strategy for Culture as a key achievement in cultural policy.¹⁰ Following the EU candidate status awarded in June 2014,¹¹ the law fully transposed 7 (seven) key of EU directives, covering: the term of protection of copyright and certain related rights, enforcement of intellectual property rights, copyright and related rights in the information society, the resale right for the benefit of the author of an original work of art, the legal protection of databases, the legal protection of computer programs, the rental and lending rights,¹² and partially aligned with the Satellite and Cable I Directive and the Collective Management Directive.¹³

As noted by different authors, the copyright allows authors of literary, artistic, and scientific works to derive social benefits from the result of their creative works.¹⁴ Under copyright and other related rights law, rights are categorised into two main categories: moral and

- 9 Law No 35/2016 (n 4). See also: Ministry of Culture, 'Explanatory Report on Law No 35/2016' (2016) 10 <<https://www.konsultimipublik.gov.al/>> accessed 22 September 2025.
- 10 Decision of the Council of Ministers No 903 'On the Approval of the National Strategy for Culture, 2019-2025' (24 December 2019) [2020] Official Gazette 188/12.
- 11 'Albania: EU-Albania Relations' (*European Commission*, 2024) <https://enlargement.ec.europa.eu/enlargement-policy/albania_en> accessed 22 September 2025.
- 12 Directive 96/9/EC of the European Parliament and of the Council 'On the Legal Protection of Databases' (11 March 1996) [1996] OJ L 77/20; Directive 2001/29/EC of the European Parliament and of the Council 'On the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society' (22 May 2001) [2001] OJ L 167/10; Directive 2001/84/EC of the European Parliament and of the Council 'on the resale right for the benefit of the author of an original work of art' (27 September 2001) [2001] OJ L 272/32; Directive 2004/48/EC of the European Parliament and of the Council 'On the Enforcement of Intellectual Property Rights' (29 April 2004) [2004] OJ L 157/45; Directive 2006/115/EC of the European Parliament and of the Council 'on rental right and lending right and on certain rights related to copyright in the field of intellectual property' (12 December 2006) [2006] OJ L 376/28; Directive 2006/116/EC of the European Parliament and of the Council 'On the Term of Protection of Copyright and Certain Related Rights' (12 December 2006) [2006] OJ L 372/12; Directive 2009/24/EC of the European Parliament and of the Council 'On the Legal Protection of Computer Programs' (23 April 2009) [2009] OJ L 111/16.
- 13 Council Directive 93/83/EEC 'On the Coordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Retransmission' (27 September 1993) [1993] OJ L 248/15; Directive 2014/26/EU of the European Parliament and of the Council 'On Collective Management of Copyright and Related Rights and Multi-Territorial Licensing of Rights in Musical Works for Online Use in the Internal Market' (26 February 2014) [2014] OJ L 84/72.
- 14 Reto M Hilty, 'Intellectual Property and Private Ordering' in Rochelle Dreyfuss and Justine Pila (eds), *The Oxford Handbook of Intellectual Property Law* (OUP 2018) 898; Ivelyna Podgorna and others, 'Modelling and Analysis of Socio-Economic Development of European Union Countries through the DP2 Method' (2020) 17 WSEAS Transactions on Business and Economics 454. doi:10.37394/23207.2020.17.44.

economic, which have apparent differences from one another.¹⁵ Moral rights are non-transferable and remain inalienable, guaranteeing the author's connection to their works. They encompass the author's control over disclosure of the work to the public, recognition as the author and mention of the authorship (attribution), integrity of the work, and the author's honor or reputation, and withdrawal of the permission for the use of the work, going beyond the two moral rights recognized by the Berne Convention¹⁶ by embracing elements of the French legal tradition.¹⁷ Economic rights, on the other hand, are transferable and give authors or rights holders exclusive control over reproduction, distribution, communication to the public, and adaptation covered in Chapter III, Section 2 of the ACL.¹⁸ In addition to the author's exclusive rights, Section 3 of Chapter III of the ACL also sets out additional economic rights related to specific categories of works, such as works of art, photographs, etc., or secondary rights compared to the ones listed above.¹⁹

The law also governs the rights of artists for their performances, phonogram producers for their recordings, producers of initial fixation for their films, broadcasting entities for their broadcasts, publishers for their publications, and database creators for their databases. It also safeguards the rights specified in particular provisions for computer programs and audiovisual works while ensuring "sui generis" protection of database authors' rights and enforcement issues.²⁰

In 2021, after thorough consultation with the services of the European Commission, the Ministry of Culture prepared additional revisions to Law No. 35/2016. This was part of further harmonisation of national copyright legislation with EU law, aiming to support a unified internal market for copyright-based services.²¹ Sixteen new provisions were introduced that address orphan works, which, despite being a known problem, were not explicitly covered in the original law.²² Moreover, provisions aimed at enhancing access to works for the blind, visually impaired, and those with limited access to printed materials,²³ as well as articles to improve the operational clarity and effectiveness of the Collective

- 15 Ergysa Ikonimi and Jonada Zyberaj, *E Drejta e re e autorit në Shqipëri dhe të drejtat e lidhura* (Shtypshkronja PEGI 2017) 60.
- 16 WIPO, *Guide to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971)* (WIPO Publication No 615(E) 1978) 41-3.
- 17 Brad Spitz, *Guide to Copyright in France. Business, Internet, and Litigation* (Kluwer Law International 2015) 57-65.
- 18 Law No 35/2016 (n 4) ch 3, s 2, arts 25-30.
- 19 *ibid*, arts 31-39.
- 20 Fatos Dega, *Pronësia Intelektuale* (Morava 2019) 63-4.
- 21 Eleonora Rosati, 'From the Early Days of Harmonization to the DSM Directive 2019/790: Continuity and Complexity of the EU Copyright Framework' (2021) 3 *Auteurs & Media* 289. doi:10.2139/ssrn.4187759.
- 22 Ilda Muçmataj and Laura Çami Vorpsi, 'The Legal Situation for Orphan Works Under the Republic of Albania's Copyright Regime' (2024) 13(4) *Academic Journal of Interdisciplinary Studies* 393. doi:10.36941/ajis-2024-0124.
- 23 Ilda Muçmataj and Anjeza Liçenji, 'Kufizime nga regjimi i të drejtave të autorit për personat me shikim të dëmtuar: Perspektiva Ndërkombëtare' (Zhvillime dhe risi në të drejtën Private: Konferencë shkencore kombëtare, Shtëpia Botuese FLESH, Universiteti i Tiranës, Fakulteti i drejtësisë, Tiranë, 12 Qershor 2024) 278.

Management System (hereinafter referred to as CMOs), were also introduced.²⁴ The amendments took effect on 11 August 2022.²⁵

Complementary statutes, including the Civil Code and the Codes of Civil and Criminal Procedure, the Criminal, Customs, and Labour Codes, alongside other legal acts and nearly 20 sub-legal acts, further operationalise, clarify, and implement the law,²⁶ reflecting Albania's integrated and multidimensional approach to copyright and related rights. In 2023, significant sublegal acts were enacted, addressing fair compensation for the reproduction of copyrighted works for private use,²⁷ the procedure for the fair compensation of orphan works, and the establishment of a centralised copyright database.²⁸ Although the planned digital platform to consolidate voluntary copyright registrations, contracts, public domain works, registered CMOs, authorised users, and orphan works has been delayed,²⁹ its eventual launch is expected to enhance transparency and improve stakeholder accessibility, reduce bureaucratic burdens, reduce manual work, and digitise the physical archive. Additional bylaws have been enacted to further strengthen the collective management system³⁰ and the operation and compensation framework of the National Council for Copyright (NCC).³¹

- 24 Aligning the law partially with the Directive 2012/28/EU of the European Parliament and of the Council 'on Certain Permitted Uses of Orphan Works' (25 October 2012) [2012] OJ L 299/5, and Directive (EU) 2017/1564 of the European Parliament and of the Council 'on Certain Permitted Uses of Certain Works and other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled and amending Directive 2001/29/EC on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society' (13 September 2017) [2017] OJ L 242/6.
- 25 Decree No 13605 'On the promulgation of Law No 37/2022 "On Amendments and Additions to Law No 35/2016 "On Copyright and Other Related Rights"' (6 May 2022) [2022] Official Gazette 69.
- 26 For a detailed analysis of the sublegal acts' role, see: Luan Omari and Aurela Anastasi, *E Drejta Kushtetuese* (Dajti 2000 2017) 310-4.
- 27 Decision of the Council of Ministers No 465 'On the Determination of the List of Devices and Fees for Fair Compensation for the Reproduction of Works for Private and other Personal Use' (26 July 2023) [2023] Official Gazette 112.
- 28 Decision of the Council of Ministers No 651 'On Creation of the State Database "Register of the Data on Copyright and Related Rights" and Determining the Elements of the Open, Documentary and Electronic Data Register Accessible to the Public' (22 November 2023) [2023] Official Gazette 172.
- 29 The Ministry of Economy, Culture, and Innovation (MECI), in collaboration with the National Agency for Information Society, drafted the terms of reference for the procedure of "Establishment of the Digital Platform for Copyright" planned for 2023.
- 30 Order of the Minister of Culture No 125 'On the Annual Report of the Collective Management Agencies and the One-Stop Shop SUADA' (1 March 2023) [2023] Official Gazette 35; Order of the Minister of Culture No 338 'Instruction on the Determination of the Criteria and Procedures for Obtaining a License for the Collective Management of Copyright, its Renewal, as Well as the Determination of the Criteria and Procedures for the Suspension and Revocation of the License under Law No 35/2016, dated 31.3.2016, "On Copyright and other Related Rights" as amended' (2 June 2023) [2023] Official Gazette 87; Order of the Minister of Culture No 777 'On the Organization, Operation, and Activities of the One-Stop Shop for the Collection of Copyright Remunerations' (24 November 2023) [2023] Official Gazette 179.
- 31 Decision of the Council of Ministers No 737 'On the Amendment of Decision No 35, dated 18.01.2017 "On the Functioning, Organization, and Compensation of the National Council for Copyright (NCC)"' (27 November 2024) [2024] Official Gazette 202.

Albania's long-term vision is articulated through strategic roadmaps. The third National Strategy on Intellectual Property (2022–2025), supported by the World Intellectual Property Organization (WIPO), reflects active institutional involvement in implementing IP legislation and increasing awareness. It encourages creativity and innovation while balancing stakeholder interests, promotes economic, cultural, and scientific growth, and aligns with international standards.³² Then, the National Strategy for Development and European Integration (2022–2030),³³ and the Priority Policy Document (2025–2027)³⁴ together underlie legal reforms, a strong IP protection and enforcement, improved institutional coordination, greater public awareness campaigns, and targeted support for cultural and creative industries.

However, despite significant advancements, certain challenges persist. Gaps remain regarding public lending compensation, the renewal of the Intellectual Property Strategy, and the fight against online piracy in a rapidly evolving technological landscape, as well as the growing demand for the use of copyrighted works in the online environment. Addressing these issues will be necessary to realize a fully harmonized, effective, and inclusive IP system in Albania.

4 INSTITUTIONAL FRAMEWORK AND ENFORCEMENT CAPACITY

Although Law 35/2016 “On Copyright and Related Rights” as amended (hereafter referred to as ACL) does not explicitly provide for a closed list of copyright infringements, they are commonly understood. Following Prof. Semini, they are defined as unauthorized copying, falsification, piracy, or other unauthorized use of protected works, breaching rights holders’ rights wholly or partially.³⁵ To address these infringements, ACL provides a comprehensive set of measures, procedures, and legal remedies in Parts VIII and IX, covering civil, administrative, and criminal remedies. These provisions align with the TRIPs Agreement³⁶ and the Enforcement Directive standards.³⁷

Authors or rightsholders seeking civil relief typically may file civil lawsuits in the Court of First Instance of General Jurisdiction Tirana, under Articles 162 - 176 of the ACL (and the Civil Procedure Code). They may seek cessation of infringement, compensation for

32 Decision of the Council of Ministers No 350 ‘On the Approval of the National Strategy for Intellectual Property 2022–2025’ (26 May 2022) [2022] Official Gazette 85.

33 Decision of the Council of Ministers No 88 ‘On the Approval of the National Strategy for Development and European Integration 2022–2030’ (22 February 2023) [2023] Official Gazette 31/138.

34 Decision of the Council of Ministers No 161 ‘On the Approval of Priority Policy Document 2025–2027’ as amended (20 March 2024) [2024] Official Gazette 53.

35 Semini (n 1) 17–28, 278.

36 For the role of TRIPs Agreement, see: Argita Malltezi, Jonida Rystemaj and Lealba Pelniku, *Aspekte të së Drejtës së Biznesit në Shqipëri* (Mediaprint 2013) 154–6.

37 Directive 2004/48/EC (n 12).

damages, compensation and remuneration for unauthorized use, publication of the court decisions, destruction, alteration, or surrender of illegally reproduced copies. Civil actions may also protect moral rights and access to relevant information; interim and provisional measures further deter ongoing violations and preserve evidence. Where the copyright and related rights violation rises to a criminal offense, Articles 148 and 149 of the Criminal Code, found in Section II (Frauds), Chapter III (Offenses against property and the economic sphere) of the Special Part, impose penal liability.³⁸ These criminal sanctions protect both the economic and moral rights of authors by subjecting infringers to fines or imprisonment.³⁹ While administrative inspection and sanctions are outlined in Part IX of the ACL.⁴⁰ Customs measures are also provided to prevent the import or export of infringing goods.⁴¹

Central to the instructional architecture of implementing copyright and related rights legislation is the Copyright Directorate (CD) within the Ministry of Tourism, Culture and Sport (hereinafter referred to as MTCS).⁴² Mandated by Article 157 of the ACL and supplemented by other provisions, the CD proposes, drafts, and develops copyright strategies and policies related to copyright and related rights in Albania, proposes legislation, oversees the collective management system, including proposing the licensing of CMOs, and monitors their activities. When a CMO breaches the law requirements, the CD recommends the minister responsible for copyright to suspend or revoke its license.⁴³ The Directorate is organized into two main sectors: Registration -

38 Criminal Code of the Republic of Albania No 7895 (27 January 1995), as amended [2021] Official Gazette 5.

39 For a more detailed analysis, see: Ismet Elezi, *E Drejta Penale Pjesa e Posaçme* (Botimet Kumi 2021) 237-8; Marjana Semini-Tutulani, *Hetimi dhe Ndjekja e Veprave Penale që lidhen me Pronësinë Intelektuale në Shqipëri: Manual për Trajnimin e prokurorëve, gjyqtarëve dhe autoriteteve të tjera ligj zbatuese* (WIPO 2020) 34-5, 63-81.

40 For a comprehensive analysis, see: Enea Sheqi, *E Drejta e autorit: Teori, raste dhe komente* (Tirane 2021) 301-7.

41 Customs Code of the Republic of Albania No 102/2014 (31 July 2014) [2014] Official Gazette 134, arts 2, 10, 27, 28, 67, 125, 239; Law No 35/2016 (n 4) art 175; Decision of the Council of Ministers No 651 'On the Implementing Provisions of Law No 102/2014, the Customs Code of the Republic of Albania' (10 November 2017) [2017] Official Gazette 199, art 5.

42 Ministry of Economy, Culture, and Innovation (MECI) has recently been restructured to (MTCS). Decision of the Council of Ministers No 512 'On the Determination of the Scope of State Responsibility of the Ministry of Tourism, Culture, and Sport' (25 September 2025) [2025] Official Gazette 172. Decision of the Council of Ministers No 30 'On the Determination of the Scope of State Responsibility of the Ministry of Economy, Culture, and Innovation' (17 January 2024) [2024] Official Gazette 14.

43 Licenses for collective management agencies (CMOs) are issued by the minister responsible for copyright, upon proposal of the Copyright Directorate (CD). These licenses have a three-year validity period and are renewable. The licensing and renewal process for collective management organizations (CMOs) was completed in 2024, resulting in four active CMOs respectively: Order No 1046 'On the Licence Renewal for the Agency for the Collective Administration of Performers' Rights (AKDIE)'; Order No 1047 'On the Licence Renewal for the Agency for the Collective Management of Authors'

Certification and Appeals, and Monitoring and Coordination, and is currently staffed by eight employees.⁴⁴ Another significant improvement, as noted in the Albanian Progress Report, is the integration of CD services into the government's e-Albania portal, which has facilitated access for authors and rights holders.⁴⁵ Together with the General Directorate of Industrial Property (GDIP),⁴⁶ the CD also prepares, promotes, and organizes awareness campaigns, such as seminars, conferences, and training sessions, addressing copyright and related rights and IP issues in general. These measures are essential in practice, in addition to fulfilling a legal obligation. Through systematic training and awareness-raising initiatives, they provide stakeholders with the necessary information to understand, interpret, and effectively apply legal and sublegal acts. This not only ensures compliance but also promotes the consistent and uniform application of regulatory frameworks, strengthening the protection of intellectual property rights. Moreover, CD collaborates closely with enforcement bodies, including the State Market Surveillance Inspectorate (SIMS), the General Directorates of State Police, Customs, and Taxation Offices. As mentioned in the National Plan for European Integration, this inter-institutional cooperation has improved public awareness, balanced stakeholder interests, and helped reduce informal practices.⁴⁷ Nevertheless, the CD continues to lack sufficient human, financial, and technological resources to face the challenges that technology has imposed effectively, and it possesses no direct authority to enforce online infringement.

New institutional support structures have been established, including the National Copyright Council (hereinafter referred to as NCC), a specialized collegial body under

Rights (ALBAUTOR); Order No 1048 'On the Licence Renewal for Faber Collective Phonogram'; Order No 1049 'On the Licensing of the Audiovisual, Artistic and Documentary Film Agency (FAAD)' (2 December 2024) [2024] Official Gazette 205. A key advancement in Albanian copyright law was the establishment of the One-Stop Shop (S.U.A.D.A.) as a non-profit legal entity. Initially created by Minister of Culture Order No 663/2017, later repealed and reorganized under Order of the Minister of Culture No 777 (n 30), which defines its organization, functions, and activities as the single office responsible for collecting copyright remunerations. This centralized management office unites all licensed Collective Management Organizations (CMOs) under one umbrella, facilitating authorization procedures and reducing transaction costs for users. It operates with a unified remuneration tariff covering all categories of rights. Its primary role is to collect and distribute copyright revenues to rights holders. Since its establishment, individual CMOs have no longer been permitted to collect revenues independently.

44 Until the end of 2024, the CD Organizational Structure staffed only three employees, see: 'Struktura e Ministrisë së Ekonomisë, Kulturës dhe Inovacionit' (*Ministrisë së Ekonomisë, Kulturës dhe Inovacionit*, September 2024) <<https://meki.gov.al/organigrama/>> accessed 22 September 2025.

45 European Commission, *Albania 2024 Report* (SWD(2024) 690 final, 30 October 2024) 64 <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024SC0690>> accessed 22 September 2025.

46 General Directorate of Industrial Property (GDIP) and Copyright Directorate (CD) under MECI, serve as Albania's central authorities for IP.

47 Decision of the Council of Ministers No 122 'On the approval of the National Plan for European Integration 2023–2025' (1 March 2023) [2023] Official Gazette 36, ch 7, 302.

MTCS.⁴⁸ Among other functions, NCC sets remuneration tariffs for users of artistic works in the Albanian market when CMOs and users fail to reach an agreement within 30 days, as provided in Article 144 of the ACL. As noted in the Progress Report, the drafting process for the new tariff methodology has been completed and is currently under review through consultations with relevant stakeholders.⁴⁹ Following the request from CMOs and the renewal of NCC membership,⁵⁰ the new methodology determining remuneration tariffs under the collective management system is expected to be approved soon. Additionally, an Arbitration Board composed of civil law experts (each with at least 10 years of experience) also operates within the CD. The Copyright Directorate serves as its technical secretariat alongside its secretariat role for the NCC.⁵¹

Another novelty introduced by the ACL in 2016 was the establishment of the State Inspectorate of Market Supervision (hereinafter referred to as SIMS) as a supervisory inspectorate.⁵² Among other responsibilities, SIMS monitors and enforces market-level compliance with copyright law.⁵³ According to international and national statistics, in 2023, SIMS's copyright division conducted 354 inspections, resulting in 52 administrative sanctions. Meanwhile, 178 inspections were conducted by the Industrial Property Division, resulting in 9 administrative sanctions.⁵⁴ During 2024, SIMS's Intellectual Property Directorate conducted 750 inspections (685 planned and 65 complaint-based), resulting in 52 administrative measures, 3 warnings, and 49 fines. Specifically, in the area of copyright, 343 out of 633 planned inspections were executed (340 planned and 3 complaint-based), with 40 administrative measures imposed (3 warnings and 37 fines). Most inspections

48 Competences and functions of the National Copyright Council (NCC) are outlined mainly in: Law No 35/2016 (n 4) arts 136, 142–147, 151, 156, 160, and 161. Also see: Decision of the Council of Ministers No 35 'On the Functioning, Organization and Remuneration of the National Copyright Council (NCC)' (1 January 2017) [2017] Official Gazette 9. The NCC operates under its internal regulations, as approved by NCC Decision No. 2, dated 20 April 2017, concerning the approval of the Regulation on the Organization and Functioning of the National Copyright Council (NCC).

49 European Commission (n 45) 64.

50 Orders of the Minister of Economy, Culture, and Innovation No. 350, 351, 352, 253, and 354 dated 20.03.2025 "On the Appointment of a Member of the National Copyright Council".

51 Law No 35/2016 (n 4) art 157.

52 Decision of the Council of Ministers No 36 'On the Establishment, Organisation, and Functioning of the State Inspectorate for Market Surveillance' (20 January 2016) [2016] Official Gazette 10. The activity of SIMS is also based on Law No 99 'On Inspection in the Republic of Albania' (12 September 2024) [2024] Official Gazette 192, as well as on specific laws.

53 For more details on the object of control, the inspection procedure for monitoring copyright and related rights, verification, and providing evidence, decision-making, and information, see: Inspektorati Shtetëror i Mbikëqyrjes së Tregut, *Manual i Inspektimit të Pronësisë Intelektuale "Për Inspektoratin Shtetëror të Mbikëqyrjes së Tregut"* (ISHMT 2023) 47-55 <https://ishmt.gov.al/wp-content/uploads/2024/01/MANUAL_ISHMT.pdf> accessed 22 September 2025.

54 European Commission (n 45) 65. See also: State Market Surveillance Inspectorate, *Work Analysis 2023* (ISHMT 2024) 14-5 <https://ishmt.gov.al/wp-content/uploads/2024/08/Analiza-Vjetore_2023.pdf> accessed 22 September 2025.

focused on unauthorized users of computer software, resulting in 39 fines being issued. In publishing houses, bookstores, and photocopy shops, 38 inspections were carried out, leading to one administrative fine.⁵⁵ These figures show the scale, targeting, and location of the risks. During this year, SIMS ran a proactive, largely planned enforcement. Copyright checks achieved about half of their planned coverage yet produced a higher sanction rate, signaling effective risk targeting. Non-compliance is concentrated in unauthorized computer software, driving most fines and pointing to software use as the priority for both enforcement and prevention.

SIMS decisions may be appealed under the relevant inspections and administrative legislation. At the end of administrative appeal proceedings, final appeals must be submitted to the administrative court.⁵⁶ Official statistics, including those of the Court of First Instance of General Jurisdiction Tirana and the Administrative Court of First Instance, are often limited, as they do not provide detailed data concerning cases of copyright and related rights infringements.⁵⁷ Nevertheless, judicial practice indicates cases in which judicial control has been implemented regarding the activities of administrative bodies. In this regard, the case *Radio +2 sh.a. v. SIMS* may be cited. In this case, SIMS fined the broadcasting company for the unauthorized public communication of works. Radio appealed the SIMS decision in court. The Court held that authorization for the public communication of works must be secured by the user before the use of the work, emphasizing the user's obligation to get the appropriate authorizations in line with the terms of ACL.⁵⁸

SIMS also maintains collaboration with customs and tax authorities, the State Police, economic crime units, and other relevant enforcement bodies to protect copyright and related rights. However, according to the internal analysis, several challenges remain, including insufficient logistical resources, the need for institutional restructuring and staff increases, ongoing training requirements, awareness-raising campaigns, and the necessity of legal and procedural improvements in market surveillance and IP enforcement.⁵⁹

The ACL does not contain authorizing provisions concerning the responsibilities of audiovisual media service providers (Albanian acronym OSHMA) in ensuring compliance

55 State Market Surveillance Inspectorate, *Work Analysis 2024* (ISHMT 2025) 16 <<https://ishmt.gov.al/wp-content/uploads/2025/04/Analiza-Vjetore-2024.pdf>> accessed 22 September 2025.

56 As specified by Law No 49/2012 'On the Organization and Functioning of Administrative Courts and Administrative Disputes' (3 May 2012) [2012] Official Gazette 53, as amended.

57 Court of First Instance of General Jurisdiction Tirana, *Annual Report 2024* (4 March 2025) <<https://gjykata.gov.al/rrethi-tiran%C3%AB/gjykata-e-shkall%C3%ABs-s%C3%AB-par%C3%AB-e-juridiksionit-t%C3%AB-pergjitsh%C3%ABm-tiran%C3%AB/publikime/>> accessed 22 September 2025; Administrative Court of First Instance Tirana, *Annual Report 2021* (26 April 2022) <<https://gjykata.gov.al/gjykata-administrative-e-shkall%C3%ABs-s%C3%AB-par%C3%AB-tiran%C3%AB/gjykata-administrative-e-shkall%C3%ABs-s%C3%AB-par%C3%AB-tiran%C3%AB/rregullore-t%C3%AB-gjykat%C3%ABs/>> accessed 22 September 2025.

58 Decision No 2785 (Administrative Court of First Instance Tirana, 16 July 2018).

59 State Market Surveillance Inspectorate (n 55) 28-31.

with copyright legislation. Instead, this responsibility is established under the organic law of the Audiovisual Media Authority (AMA), which highlights a gap in the overarching copyright framework. In this context, the functions of the AMA (the regulatory body overseeing audio and audiovisual broadcasting services, along with related support services),⁶⁰ including its supervisory and regulatory competences, are primarily outlined in Article 19 of Law No. 97/2013 "On Audiovisual Media in the Republic of Albania" as amended.⁶¹ Among others, AMA ensures that Audiovisual Media Service Operators comply with copyright and related rights legislation, particularly transmission rights.⁶² As pointed out in the IP National Strategy, AMA's role in monitoring and supervising audiovisual media has been reinforced, producing positive results through awareness campaigns, preventive measures, and sanctions applied to operators.⁶³ Legal requirements have been better enforced through cooperation with law enforcement agencies. Collaboration with copyright protection bodies has also been strengthened.⁶⁴ In this respect, AMA collaborates closely with the CD and other authorities responsible for copyright and related rights protection⁶⁵, as well as with other institutions such as the Regulatory Authority for Electronic and Postal Communications, the State Police, the Economic Crime Unit, and other law enforcement agencies, aimed at preventing and reducing violations. The Directorate of Inspections and Supervision in AMA conducted a total of 315 inspections in January and December 2024. During this period, 11 decisions imposing fines were issued, and official records were kept for seven companies that received formal warnings. Moreover, a total of 346 links and 35 official requests have been submitted to the Regulatory Authority for Electronic and Postal Communications for the closure of illegal audiovisual activities, including URLs related to films, sports activities, and piracy.⁶⁶ These figures reflect active monitoring on the ground and increased, coordinated action against online infringement, providing proof to support making the fight against piracy a key operational priority for 2025.

Regarding the field of electronic communications and the postal services sector, the Regulatory Authority for Electronic and Postal Communications plays a vital role in monitoring, overseeing, and controlling the activities of electronic communication network operators and electronic communication service providers. The main competences of this body are outlined in Article 12 of the recently approved Law, "On Electronic Communications in the Republic of Albania".⁶⁷ The Regulatory Authority for Electronic and

60 For further analysis on the role and functions of AMA, see: Brikena Kasmi, *E Drejta e Medias: Pjesa e Përgjithshme* (Drita Print 2017) 245-50.

61 Law No 97/2013 'On Audiovisual Media in the Republic of Albania' (4 March 2013) [2013] Official Gazette 37, as amended.

62 *ibid*, arts 32 and 33 (1) (ë).

63 *ibid*, arts 132, 133.

64 Decision of the Council of Ministers No 350 (n 32) 50.

65 Law No 97/2013 (n 61) art 50 (4).

66 'Media Teknologjia dhe Sfidat Rregullimit te Tregut Audioviziv' (2025) 8 Revista Audiovizive 33.

67 Law No 54/2024 'On Electronic Communications in the Republic of Albania' (30 May 2024) [2024] Official Gazette 102.

Postal Communications, upon request from law enforcement authorities, notifies electronic communications providers to take the necessary actions to restrict access and block or close websites hosting illegal content.⁶⁸ But it lacks competence to assess the content of electronic communications, including internet sites and other online platforms.⁶⁹ The Regulatory Authority for Electronic and Postal Communications may require internet service providers and those offering interpersonal communications services based on numbers, to make freely available to the public information of public interest. This information must be shared in a standardized format defined by the relevant public authorities. It should include, among others, raising awareness about the illegal use of the internet and communication services, particularly the sharing of harmful content that infringes the rights and freedoms of others, such as personal data and copyright.⁷⁰ The Regulatory Authority for Electronic and Postal Communications also collaborates with other state institutions and structures.⁷¹ Under the previous legal framework⁷² and a Memorandum of Cooperation between the Regulatory Authority for Electronic and Postal Communications and AMA,⁷³ a joint Task Force was established in 2022 to combat illegality and prevent piracy and anti-competitive practices in electronic communications networks, and develop activities only by licensed or authorized subjects or entrepreneurs under the supervision of licensed or authorized regulatory authorities.⁷⁴ These combined efforts against online piracy have also been acknowledged in the respective memoranda of the Parliament.⁷⁵

68 Electronic and Postal Communications Authority, *Report on the Activity of the Electronic and Postal Communications Authority for 2023* (AKEP 2024) 106 <https://akep.al/wp-content/uploads/2024/07/ENGLISH_AKEP-RAPORTI-VJETOR-23PRILL-2024-FINAL.pdf> accessed 22 September 2025. See also: Law No 54/2024 (n 67) art 30 (2) (ç), and relevant articles in sublegal acts.

69 Law No 54/2024 (n 67) art 3(2).

70 *ibid*, art 142 (8)(9).

71 *ibid*, art 45 (4).

72 Law No 9918 'On Electronic Communications in the Republic of Albania' (19 May 2008) [2008] Official Gazette 84, art 12.

73 On November 3, 2021, both parties signed the Memorandum of Cooperation, which aims to ensure and support operational, technical, and legal assistance in areas of mutual interest, see: Electronic and Postal Communications Authority, *Activity Report of the Electronic and Postal Communications Authority for 2021* (AKEP 2022) 121 <https://akep.al/wp-content/uploads/2022/09/Akep-Raport-vjetor-2022_20-shtator.pdf> accessed 22 September 2025.

74 Electronic and Postal Communications Authority, *Activity Report of the Electronic and Postal Communications Authority for 2022* (AKEP 2023) 122 <<https://akep.al/ep-content/uploads/2023/07/AKEP-RAPORTVJETOR-20223.pdf>> accessed 22 September 2025. In case of non-compliance with the obligation to respect restrictions regarding unlawful or harmful content, the inspection group may impose administrative measures (fines).

75 Resolution of the Parliament 'On the Evaluation of the Activity of the Authority of Electronic and Postal Communications for the year 2023' (27 June 2024) <<https://www.aksesdrejtesi.al/dokumenta/1727772730rezoluta%20e%20AKEP%202024.pdf>> accessed 22 September 2025. See also: Resolution of the Parliament 'On the Evaluation of the Activity of the Audiovisual Media Authority for the year 2023' (26 July 2024) <<https://ama.gov.al/wp-content/uploads/rezolute-2024...pdf>> accessed 22 September 2025.

Customs enforcement of intellectual-property rights falls to the Customs Administration Directorate, which coordinates activities among other directorates of the General Directorate of Customs, third-party institutions, and stakeholders to intercept infringing imports and exports.⁷⁶ Finally, in the criminal context, the 2024 Annual Report on the State of Criminality shows that only three proceedings were registered for violations of Article 148 of the Criminal Code (publication of another's work under one's own name), and six proceedings were initiated for breaches of Article 149 (infringement of copyright). However, none of these proceedings resulted in convictions.⁷⁷

While the State Police, a unique and centralized institution operating at both central and local levels, has its duties defined in Article 17 of the organic law and other relevant acts.⁷⁸ In the field of intellectual property, its primary tasks are carried out through the Sector for Economic and Financial Crime, which is charged with preventing, detecting, documenting, and combating unlawful activities, particularly criminal offenses. The Albanian National Intellectual Property Strategy 2022-2025 aims to enhance the annual criminal prosecution activity for intellectual property-related crimes by 5%. Nevertheless, despite its crucial role in law enforcement for the protection of intellectual property, including copyright, and coordinated operations with other national enforcement authorities and international partners such as INTERPOL, EUROPOL, and SELEC,⁷⁹ no substantial actions have been reported in relation to digital environments violations.

5 FUTURE CHALLENGES OF COPYRIGHT IN THE ONLINE ENVIRONMENT, EXTENDING THE PROTECTION OF COPYRIGHT AND RELATED RIGHTS

The digital revolution has fundamentally transformed the landscape of intellectual property rights, including copyright and related rights. Digitalization and the extensive online dissemination of creative works have revitalized classical issues related to these rights.⁸⁰ While the shift to digital formats and the rapid online circulation of creative works have created unprecedented opportunities for innovative business models and the broader dissemination of creative works, they have also increased the risk of unauthorized use. As Professor Lombardy observes, digitalization brings both transformative opportunities and

76 See: Customs Code of the Republic of Albania No 102/2014 (n 41) arts 2, 10, 27, 28, 67, 125, 239. For the protection of intellectual property at customs, see also: Council of Ministers Decision No 651 (n 41) art 5.

77 General Prosecutor's Office, *Annual Report on the State of Criminality 2024* (2 June 2025) 225, tab 12 <<https://konsultimipublik.al/konsultime/19>> accessed 22 September 2025.

78 Law No 108/2014 'On the State Police' (31 July 2014) [2014] Official Gazette, as amended. See also: Decision of the Council of Ministers No 750, 'on the approval of the Regulation of the State Police' (16 September 2015) [2015] Official Gazette 167, as amended.

79 Decision of the Council of Ministers No 350 (n 32) 44, 61.

80 Olton Spiro, *E Drejta e Internetit: Aspekte të Shkëmbimeve Elektronike* (Guttenberg 2013) 151.

significant challenges.⁸¹ These are also present in Albanian reality. As presented above, considerable progress has been made in aligning its copyright regime with the EU acquis;⁸² however, the country still lacks the comprehensive digital-rights framework that EU Member States already have, which includes the Digital Single Market Directive, the Digital Services Act, the Digital Market Act, and the AI Act. Moreover, according to the National Plan for European Integration 2024–2026,⁸³ as well as the 2024 Progress Report, the country has not fully transposed several key EU directives, leaving gaps in both legal protection and institutional capacity to guarantee fundamental rights online.⁸⁴ In response, many activities were taken. A comprehensive feasibility study, completed in October 2023, evaluated Albania's legislative and administrative readiness, mapped existing alignment with EU standards, highlighted best practices, and identified areas for improvement. Based on these findings, a new draft of the copyright law was prepared by MECI and is currently available for public consultation.⁸⁵ The study's findings were shared with stakeholders in October 2023,⁸⁶ and since then, a series of informational workshops and training sessions have clarified each party's obligations under the proposed revisions.

The draft amends Law No. 35/2016, as amended, by introducing almost 51 articles that modernize and expand the current regime.⁸⁷ Key objectives include expanding the scope of protection, fully transposing previously partially aligned directives, and harmonizing national rules with EU standards to address modern challenges effectively, particularly online piracy. These requirements were also highlighted in the analytical Program Plan of the Ministry of Economy, Culture, and Innovation for the third quarter of 2025.⁸⁸

The primary change includes the incorporation of Title III of the CMR Directive,⁸⁹ which contains rules for improving the functioning of CMOs and implementing multi-territorial

81 Ettore M Lombardi, *Digitization, Copyright and the Law: Copyleft and the Future of Intellectual Property* (Routledge 2025) 59.

82 Decision of the Council of Ministers No 122 (n 47) ch 7, 297.

83 Decision of the Council of Ministers No 16 'On the Approval of the National Plan for European Integration 2024–2026' (11 January 2024) [2024] Official Gazette 11.

84 European Commission (n 45) 65.

85 The Draft law and related documents see: Ministry of Economy, Culture and Innovation, 'On Some Additions and Amendments to Law No 35/2016 "On Copyright and other Related Rights", as amended' (17 March 2025) <<https://konsultimipublik.gov.al/Konsultime/Detaje/828>> accessed 22 September 2025.

86 The CD, in collaboration with international expertise, is leading these reform efforts, supported by the Albanian-Swiss Intellectual Property Project (ALSIP).

87 Council of Ministers of the Republic of Albania, *Report on Negotiations and European Integration (reporting period: January - March 2024)* (April 2024) 42-3 <<https://kryeministria.al/wp-content/uploads/2024/11/Raport-3MI-2024.pdf>> accessed 22 September 2025.

88 Decision of the Council of Ministers No 818 'On the approval of the general analytical program of draft projects that will be submitted for review to the Council of Ministers during the year 2025' (26 December 2024) [2024] Official Gazette 225.

89 Directive 2014/26/EU (n 13).

licensing for online music rights through collective management organizations. This would enhance the cross-border accessibility of music, simplify cross-border licensing procedures, improve revenue distribution for rights holders, and increase transparency and efficiency in online music management, benefiting creators, rights holders, service providers, and consumers alike. By minimizing fragmentation in rights clearance, the new law should support the growth of lawful online music services outside Albania's boundaries and strengthen copyright enforcement. The draft further extends the mandatory collective-management system, currently limited to cable retransmissions, to cover new forms of retransmission, thereby facilitating broader cross-border access to television and radio programs. It also introduces the concept of "direct injection" and extends the "country of origin" principle to ancillary online services, which will simplify rights clearance procedures and reduce legal uncertainties for broadcasters and retransmission operators. These measures align copyright legislation with the standards set forth in the Satellite and Cable II Directive.⁹⁰ They are expected to increase legal access to audiovisual content across borders, improve licensing efficiency, and support the availability of Albanian and foreign programming in a converging digital media environment.

Furthermore, the amendments clarify and broaden copyright exceptions for education, research, and cultural preservation, while also facilitating the digitization and cross-border use of out-of-commerce works by cultural institutions. New provisions also guarantee fair remuneration and greater contractual transparency for authors and performers, strengthen user rights on content-sharing platforms, and impose clearer responsibilities for online service providers, including liability rules and redress mechanisms. To close regulatory gaps for global platforms not based in Albania, the law also integrates key articles from the EU Digital Services Act, empowering national authorities to enforce copyright rules, requiring local legal representatives, and demanding information from digital intermediaries operating within Albanian territory.

Mechanisms for protecting copyright for online publications are also covered. These measures align copyright legislation with the standards outlined in the Digital Single Market Directive.⁹¹ Recognizing the need for robust enforcement of copyright and related rights legislation, the draft proposes transforming the Copyright Directorate into a General Directorate under the MTCS. This upgrade is expected to enhance administrative capacity, strengthen enforcement powers, particularly for digital complaints, and introduce more precise online dispute resolution mechanisms.

90 Directive (EU) 2019/789 of the European Parliament and of the Council 'Laying Down Rules on the Exercise of Copyright and Related Rights Applicable to Certain Online Transmissions of Broadcasting Organisations and Retransmissions of Television and Radio Programmes, and Amending Council Directive 93/83/EEC' (17 April 2019) [2019] OJ L 130/82.

91 Directive (EU) 2019/790 of the European Parliament and of the Council 'On Copyright and Related Rights in the Digital Single Market and Amending Directives 96/9/EC and 2001/29/EC' (17 April 2019) [2019] OJ L 130/92.

Accessibility for visually impaired persons is also readdressed. Under the new provisions, authorized entities and eligible beneficiaries in Albania may obtain and use copies of works or objects of related rights in a suitable format from authorized entities situated in an EU member state or a third country covered by relevant international agreements. These amendments bring copyright law into complete alignment with the Marrakesh Directive.⁹²

Finally, the draft law fully transposes the Orphan Works Directive,⁹³ filling the gap left by the 2022 amendments by including the category of phonograms and phonogram right holders, broadening the scope of the law.

Taken together, all these amendments aim to modernize Albania's copyright and related rights framework, foster cultural and educational access, and strengthen the rights of creators, rights holders, and users throughout the digital era.

6 CONCLUSIONS AND RECOMMENDATIONS

The recent reforms to Albania's copyright and related rights framework demonstrate a strong dedication and a clear commitment to establishing a modern, efficient, and EU-aligned intellectual property ecosystem that properly supports creativity and innovation. By integrating a combined approach of civil, administrative, and criminal measures, along with reinforced institutional roles and interim enforcement mechanisms, the country is laying the groundwork for a more secure environment for creators, artists, rights holders, and users.

These measures seek to address persistent challenges, such as piracy, counterfeiting, and enforcement gaps. However, despite this well-structured and organized institutional framework, Albania must continue to enhance its enforcement capacity, incorporate advanced technologies, and refine its legal instruments to handle online infringements effectively.

Enhanced coordination is also required both among domestic bodies (such as the CD, AMA, SIMS, the Regulatory Authority for Electronic and Postal Communications, and other enforcement authorities) and with international partners, to ensure adequate protection of rights. In particular, institutional coordination and cooperation agreements should be improved to prevent overlapping competencies in monitoring and enforcing rights.

Furthermore, establishing dedicated contact points at both central and local levels for information sharing and joint activities would help further strengthen implementation. Equally important is the cultivation of a culture of respect for intellectual property, which can be achieved by raising awareness initiatives among economic operators, users, and the broader public.

92 Directive (EU) 2017/1564 (n 24).

93 Directive 2012/28/EU (n 24).

A more accurate assessment of the degree of approximation of Albanian legislation with EU law in this field highlights the need for further alignment and reform. The full implementation of the relevant EU directives, which are currently only partially followed, such as the Collective Rights Management Directive, the Orphan Works Directive, and the Marrakesh Directive, together with the approximation to the Satellite and Cable II Directive and the Digital Single Market Directive, would be a significant step in harmonizing Albania's legal framework with European digital standards. Such changes would not only align national legislation with EU best practices but would also strengthen digital enforcement tools, increase legitimate access to creative content, and foster greater innovation within the cultural and creative sectors of the country.

Finally, the success of these legislative amendments will depend on the timely approval of the proposed measures, effective stakeholder engagement during public consultations, and the allocation of adequate resources for capacity development within the new General Copyright Directorate. Continuous monitoring and periodic evaluation will be essential to ensure that Albania's intellectual property regime keeps up with technological advancements and evolving EU standards in the digital marketplace.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Оглядова стаття

ЗАКОН АЛБАНІЇ «ПРО АВТОРСЬКЕ ПРАВО ТА СУМІЖНІ ПРАВА»: ВІД ТРАДИЦІЙНОГО ДО ЦИФРОВОГО ЗАХИСТУ

Ільда Мучматай та Анжеза Ліченжи*

АНОТАЦІЯ

Вступ. Питання ефективності Албанії в сфері авторського права та суміжних прав залишається складним та потребує покращення, незважаючи на наявні реформи, що забезпечують відповідність міжнародним стандартам та вимогам Європейського Союзу. Повної гармонізації законодавства досі бракує, правоохоронні органи продовжують працювати в умовах технологічних обмежень та відсутності необхідних ресурсів, а обізнаність громадськості щодо стандартів авторського права, особливо в цифровій сфері, є недостатньою. Тим часом цифрові технології вплинули на створення, поширення та комерціалізацію творів, що сприяло розширенню ринкових можливостей, але також збільшило ризики несанкціонованого використання та порушення прав. З огляду на це, у статті було проаналізовано еволюцію, проблеми та перспективи порядку правового регулювання авторського права Албанії в цифрову епоху, визначено прогалини в регулюванні та правозастосуванні, а також здійснено оцінку запропонованих законодавчих змін, спрямованих на посилення захисту авторських прав. Дослідження має на меті з'ясувати переваги та недоліки чинної системи захисту.

Методи. У статті використовується змішаний методологічний підхід, який поєднує доктринальні юридичні дослідження, документальний та політичний аналіз, зокрема аналіз законодавства, національної інтелектуальної власності (далі – ІВ), культурних стратегій та міністерської програми, а також аналіз даних щодо правозастосування, особливо, що стосується інспекцій, санкцій та запитів на блокування. Метою є дослідження розвитку та ключових етапів правової системи авторського права та суміжних прав, узгодженості та спроможності інституційної бази, а також ефективності нещодавньої практики правозастосування.

Результати та висновки. Аналіз показує, що Албанія досягла значного законодавчого прогресу та створила допоміжні інституції; проте її спроможність до

правозастосування та відповідність вимогам цифрової епохи все ще залишаються недостатніми. Адміністративні інспекції та санкції є дієвими, проте проблеми з онлайн-піратством та транскордонним ліцензуванням зберігаються. Ці висновки відповідають пріоритетам, що зазначені в Національному плані європейської інтеграції на 2024–2026 роки, а також у Звіті про прогрес за 2024 рік. Таким чином, це підсилює необхідність постійних реформ для того, щоб поліпити дотримання та ефективність законів, зокрема подальше впровадження інструментів ЄС, що очікують на розгляд. Також у статті було запропоновано кілька рекомендацій щодо вирішення наявних та майбутніх потреб у захисті ІВ, розширення законного доступу до об'єктів ІВ та підтримки творців та користувачів на цифровому ринку.

Ключові слова: захист авторських прав, законодавство ЄС, онлайн-піратство, технологічний прогрес, правовласники, користувачі.