



On Copyright and Related Rights

Newsletter

Draft Law “On amending Law No. 35 dated 31.03.2016 ‘On Copyright and Related Rights’”

On March 17, 2025, the Ministry of Economy, Culture and Innovation submitted for public consultation the draft law “*On amending Law No. 35 dated 31.03.2016 ‘On Copyright and Related Rights’*” (the **Draft Law**), marking a significant step in aligning Albania’s copyright legislation with the EU acquis.

The proposed amendments aim to modernize Albania’s copyright framework by introducing legal mechanisms to combat unauthorized online use of copyrighted materials and to enhance the legal certainty for digital content usage.

The current Albanian legal framework lacks effective tools and procedures to address the growing challenges posed by copyright infringement in the digital environment, particularly the unauthorized use of copyrighted works online, thereby necessitating legislative amendments. Also, an important objective of the proposed Draft Law is to support the cross-border availability of complementary online services for television and radio programs, both within Albania and across EU borders.

One of the most notable innovations is the introduction of a new retransmission method referred to as the “*direct process*.” This mechanism allows media service providers to transmit programs directly to cable retransmission operators, thereby streamlining the broadcasting chain and reducing intermediary steps.

Furthermore, the Draft Law proposes to broaden the definition of the “*country of origin*”. Under the revised provisions, actions such as making copyrighted content available online, public

communication, and reproduction shall be deemed to occur only in the country where the media service provider is established. This change will require providers to obtain appropriate copyright licenses for digital content, irrespective of whether the content originates within or outside Albania.

For the first time, the Draft Law introduces new enforcement measures for online infringements. In this regard, a “*notice and action*” procedure is proposed, whereby rights holders, third parties, or relevant organizations may request the intervention of competent authorities in cases of alleged copyright violations.

The initiation of the procedure is reserved to the rights holder, who must demonstrate that an unauthorized publication of their work has occurred. The application of this procedure varies based on the server location of the digital service in question.

- If the infringing service or server is located within Albania:

The Copyright Directorate may obtain the service provider’s contact details and order the removal of the unauthorized content.

- If the service or server is located outside Albania:

Although the Directorate lacks direct jurisdiction, it may request the Electronic and Postal Communications Authority to instruct domestic internet service providers to block access to the offending domain.

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