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Law “On Copyright and Related Rights”

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# Newsletter



### **Law No. 08/L-205 “On Copyright and Related Rights”**

On 21.09.2023, the Assembly of Kosovo adopted the Law No. 08/L-205 “On Copyright and Related Rights” (**the Law**), which was published in the Official Gazette on 12.10.2023 and repealed the Law No. 04/L-065 “On Copyright and Related Rights”.

The revolution of technology has necessitated the adaptation of new copyright provisions to align with the changing technological landscape. The Law is now fully compliant with the following EU Directives:

- Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.
- Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization 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 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.
- Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.
- Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs.
- Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 harmonizing the term of protection of copyright and certain related rights amending Directive 2006/116/EC.
- Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.
- Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.
- Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.
- Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 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 harmonization of certain aspects of copyright and related rights in the information society.
- Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies 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.

- Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs and amending Council Directive 93/83/EEC.

The newly adopted Law aims at creating a balance between providing strong protection for copyright holders while encouraging the development of the creative industry which directly indicates in the economic development.

In the framework of offering an adequate level of protection to the right holders, the Law takes into account the effective organization of the Anti-Piracy Task Force, which functions under the authority of the Copyright and Related Rights Office. The establishment, operation and composition of Task Force against Piracy as a coordinating body, shall be determined by sub-legal acts proposed by the relevant Ministry of Culture and approved by the Government of Kosovo.

Furthermore, the Law provides the Alternative Dispute Resolution methods such as mediation and arbitration for a rapid solution of the copyright disputes, especially in cases of determining the compensation fee.

### **Mediation**

Mediation procedures can be initiated by either the right holders or collective management organizations, as well as by users or their

representatives, in cases involving disputes related to:

- conclusion of an inclusive agreement;
- conclusion of an agreement for retransmission and cable retransmission;
- implementation by their beneficiaries of certain exceptions and limitations of copyright and related rights in case of application of technological protection measures;
- licensing of rights when seeking to conclude an agreement for the purpose of making available audio-visual works on video-on-demand services;
- use of protected content by online content-sharing service providers;
- transparency obligations;
- revision of a disproportionate author's and performer's remuneration.

The involved parties will jointly choose the mediators from a list appointed by the Minister of Culture and the mediation process will be carried out with strict confidentiality.

### **Arbitration**

The parties will jointly select arbitrators from a list of arbitrators compiled by the Minister of Culture every 2 (two) years. The specifics of the arbitration proceedings, including the associated fees, will be governed by the provisions outlined in the laws pertaining to arbitration in Kosovo.

The selection process, educational requirements, and other criteria for both mediators and arbitrators will be established by a sub-legal regulation issued by the Minister of Culture.

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**WTR1000 2023:** Top Ranked in Trademarks

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