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On Determining Criteria and Procedures for Obtaining, Renewing,
Suspending, and Revoking Collective Administration of Copyrights License

Newsletter

Instruction “On Determining Criteria and Procedures for Obtaining, Renewing, Suspending, and Revoking Collective Administration of Copyrights License”

The Instruction of the Ministry of Culture No. 338 dated 02.06.2023 “*On Determining Criteria and Procedures for Obtaining, Renewing, Suspending, and Revoking Collective Administration of Copyrights License*” as amended, in accordance with the Law no. 35/2016 dated 31.03.2016 ‘*On Copyright and Related Rights*’,” **(the Instruction)** was published in the Official Gazette on 09.06.2023.

The Instruction offers a comprehensive overview of the criteria and procedures on licensing of collective administration agencies of copyrights, including the renewal, suspension, and revocation of the license.

Criteria for Obtaining a License as a Collective Administration Agency

In order to obtain a license as a non-profit Collective Administration Agency for the collective administration of copyrights and other related rights, in accordance with Law No. 35/2016 "On Copyright and Other Related Rights" as amended, the organization must fulfill the following criteria:

Representation Powers:

The agency must demonstrate its ability to represent rights holders and effectively manage the copyrights of the works it administers. This requires possessing Ownership of Representation Powers, which establish the legal basis for the agency to act on behalf of the rights holders and manage their copyrights. Additionally, the agency must maintain complete and accurate lists of the titles of the works it will administer on behalf of the rights holders.

Expressing Will for Mutual Representation:

The agency should provide evidence of its intention to engage in mutual representation with foreign agencies, expressed in the Albanian language.

Administrative Capacity:

The agency must demonstrate capacity to effectively manage and administer copyrights, which includes:

- Maintaining a comprehensive database of works under its administration.
- Implementing licensing and royalty distribution systems.
- Ability to enforce copyright protection measures.

Transparency and Accountability:

The agency must establish a system to ensure transparency and accountability of its operations, which involves creating procedures and policies for reporting, monitoring, and controlling revenues, royalty distribution, and copyright-related matters.

Criteria for Renewing a License as a Collective Administration Agency

To renew the license for the collective administration of copyright and other related rights, the Collective Administration Agency must satisfy the following criteria:

Compliance with Copyright Laws:

The agency must demonstrate ongoing compliance with the relevant copyright laws and regulations. This involves fulfilling reporting obligations, adhering to statutory requirements, and maintaining a lawful operation.

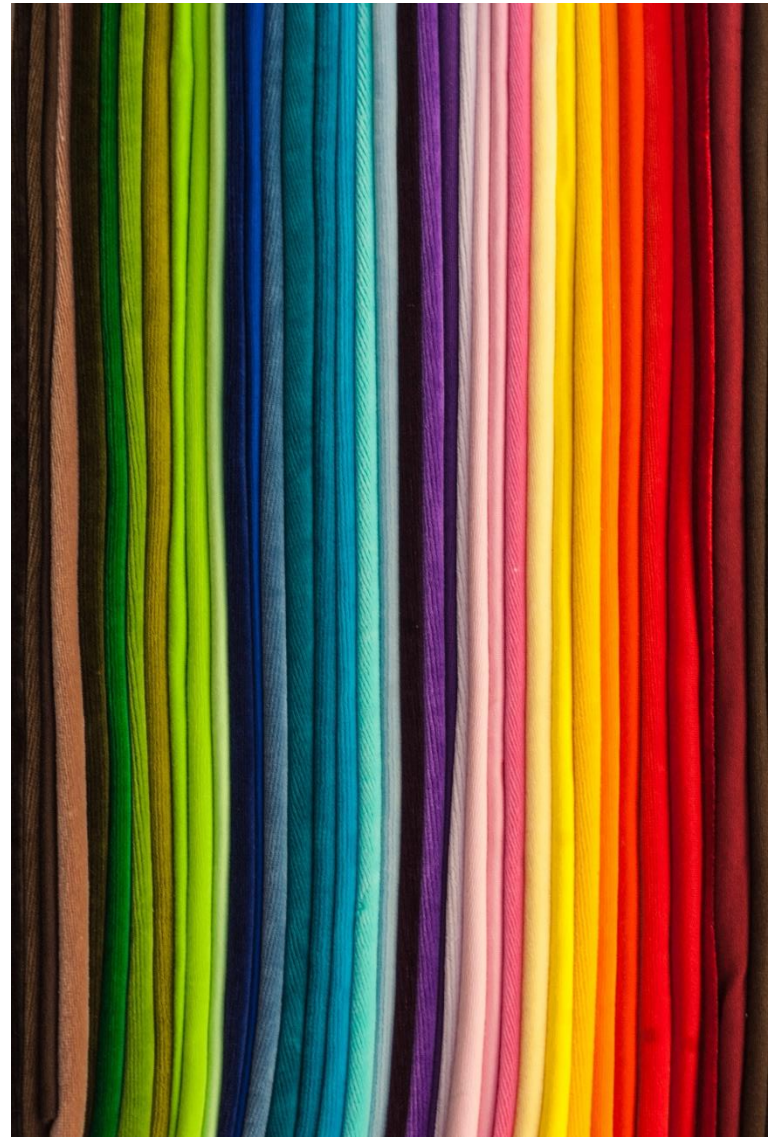
Annual Report and Balance Sheet:

The agency is required to submit the annual report and balance sheet as part of the renewal process. This ensures transparency and provides insight into the agency's financial standing and operations.

Commitment to International Cooperation and Fair Royalty Distribution:

The agency must demonstrate its commitment to international cooperation in the collective administration field. This includes fostering relationships with other collective administration agencies and ensuring fair distribution of royalties. Additionally, the agency should certify that it has fulfilled its obligations to sister agencies within the framework of mutual agreements.

By meeting these criteria, the Collective Administration Agency can successfully renew its license for the collective administration of copyright and related rights, indicating its ongoing compliance and commitment to fair and effective administration.



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Chambers Europe 2023: Ranked **Band 1** in 3 practice areas

The Legal 500 2023: Ranked **Tier 1**

ITR Tax Review 2023 – Top Ranked

Benchmark Litigation Europe 2022: Top Ranked in Dispute Resolution

WTR1000 2023: Top Ranked in Trademarks

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