

State of play on Marrakesh Treaty and Beijing Treaty in Republic of Albania

Let me kindly to introduce the current situation in the copyright and related rights in our country. Albania has concluded the national legislative framework in the copyright and related rights field in full compliance with the EU directives. Republic of Albania has done progress in the intellectual property field and this is emphasized in the last progress report of European Commission.

New administrative changes and new bodies are established based in the Law No. 35/2016 “On Copyright and Related Rights”. The new law on copyright provides the harmonization of legislation, between the Albanian legislation on copyright and related rights, with the acquis of the European Union in this field.

Also, this law aims the empowering, strengthening and diversification of coercive measures, in the phases of control and monitoring, as well as setting filters, for the most effective measure for importers, exporters, manufacturers / authors, and users of cultural, artistic and scientific works. Moreover, the new law provides a wider coverage of cases involving administrative or criminal offense, and increases the coercive sanctions.

In line with the National Plan for European Integration and the National Strategy on Enforcement of Intellectual Property Rights 2016-2020, the Ministry of Culture has prepared amendments for the Criminal Procedure Code and the Penal Code, which were sent to the Ministry of Justice for an opinion (before the adoption of the new law by the Parliament) as well as in April 2016, during the drafting of the related bylaws, while their approval is expected.

As regard to the Marrakesh Treaty adopted in Marrakesh, June 17-28, 2013, World Intellectual Property Organization in October, 9 2013 held in Tirana, the "***National Seminar on Copyright and Exceptions and Limitations for Visually Impaired Persons***", to promote the Treaty and its was the first seminar organized through members states of WIPO. The seminar was attended with a high number of participants. This event came in the framework of promoting the Marrakesh Treaty, which was signed by 51 states on June 28, 2013, after many years of talks and consultations between the contracting parties and negotiators among 186 member states of WIPO.

From the organization of this workshop in Tirana, are organized some meetings with the Blind People Association and Copyright Directorate/Ministry of Culture in order to lobby to the others line ministries for the adoption of this important treaty.

The situation of Blind People in Albania

Blind citizens in Albania need access to information like everyone else by reading the press, other information and science materials, artistic literature, poetry, stories, novels, artistic and scientific works. The full or partial limitation denies them the chance to be informed like

everyone else. There are reasons why they need to have this literature in accessible formats. What are the formats that exist today and most likely in Albania?

The most accessible format, even the most usable in a massive way, is audio recording. Of course this is not only a costly process, but also the realization in terms of time.

The Albanian Blind People Association, with the support of the Swiss Cooperation in Tirana, the British Embassy, and with its own resources, was able to create a modest recording studio in 2004 that has been serving Albanian blind people for almost 10 years, so, they have managed to meet the needs of students with audio texts. These materials can be registered and given to the blind person in audio format, audioCD or MP3. Registration of the entire literature is done by specialized staffs, which have been or are part of televisions or radio shows whose voice is understandable, pertinent and beloved to the audience. The magnitude of the literature recorded in this studio includes textbooks from elementary to high and postgraduate, artistic, scientific books, material from different fields etc.

Another format that is used and that should be developed further, is also writing Brail. For more than 10 years Association of the Blind People of Albania has created its printing presses to brail, being supported by various organizations, especially by associations of the same nature in West Europe. The Brail press is extremely costly, although it possesses the techniques and apparatus completely, Brail print has been very limited for financial reasons. Currently, only textbooks of compulsory education have been printed out, and some textbooks for students in the high schools. In addition to the other activity closed to this printing press is the preparation in relief. The preparation in relief relies on the preparation of maps, sketches, figures, portraits in relief.

The treaty is a victory for the blind people with impaired visibility and limited ability to print, promoting access to books for the benefit of millions of blind people around the world, as well as giving them the opportunity to enjoy art and Cultural life of the community.

According to the World Health Organization, there are more than 314,000,000 blind and visually impaired people in the world, 90 percent of whom live in developing countries.

In the new copyright law recently approved by the Albanian Parliament are foreseen the expectations and limitations on copyright for blind people exactly in article 77:

The use of works intended for disabled persons

1. The use of the copyright works shall be permitted for the natural and legal persons, approved by the respective state institution which represents the interests of disabled persons, when they act without economic profit purposes, without the authorization of the author of a work or the holder of the copyright for this work, and with no reward, but by showing, whenever possible, the source, including the name of the author, to use a work lawfully published or transmitting to the public, as is provided in paragraphs 2 and 3 of this Article, provided the condition that only disabled persons will have the possibility to use and access these works,

to the extent demanded by the specific disability, with the exception of the works created specifically for this purpose.

2. For the purpose of the limitation provided for in paragraph 1 of this Article, shall be permitted to be reproduced, published, adapted and communicated for the public, including even the making available to the public of a work through computer networks (internet), by means of an audio version or in electronic form, and by means of a version in the form of reading and writing on reliefs of the work (Braille).
3. The use of copyright works shall be permitted for the persons with mental disabilities and of the reading ones, in order to reproduce, publish, adapt, and to communicate to the public, including even the making available to the public of a work by computer networks (internet), works specially tailored to these people. The adjustment of the works for these people means a linguistic transformation of the works in such a way as to make them accessible for people with such disabilities.

The adoption of Marrakesh Treaty and Beijing Treaty are both foreseen to be fulfilled within the framework of the National Strategy of Intellectual Property Rights (2016-2020) which is drafted with the assistance of WIPO`s Experts.

So, Albania in the next parliamentary session in September will discuss the adoption of Marrakesh Treaty, which is very important and very urgent as regard to the Blind People Association in Albania and as well will be a priority for the Ministry of Culture in order to promote this Treaty with the other line Ministries. And within the period of National Strategy on IP Rights (2016-2020) will adopt as well the Beijing Treaty. Albania will adhere in the two treaties in the 3 coming years.