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*Potential implications of Directive 2019/790 on Copyright in
the Digital Single Market in Albania*

ABSTRACT: Article 17 of Directive 2019/790 (EU) on copyright in the digital single market provides that platforms, the so-called online content-sharing service providers, perform acts of communication to the public when they give the public access to copyrighted works uploaded by their users, and this makes them directly liable. Therefore, to be exempted from liability, platforms must obtain appropriate authorizations from rightsholders for the dissemination of content uploaded by their users, or they must act preventively by making their “best efforts” to prevent the availability of infringing content and thus fulfilling a sort of duty of care, which consists of setting up automated monitoring and filtering systems to deal with unlawful online content. On a few occasions, the CJEU has admitted that monitoring and filtering measures may seriously limit users’ personal data and their freedom to receive or impart information, and imposing overly strict obligations on platforms may challenge their freedom to conduct business. This is one of the main reasons why the

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implementation process of the directive in the EU Member States was considered long and complex. Hence, the impact of Directive 2019/790 (EU) is expected to be considerable even for countries that are not (yet) EU members since they lack sufficient tradition in the field of copyright and particularly on the Internet, where infringements are even more challenging to identify and control. This article addresses the possible implications of the directive in Albania, an EU candidate country that tends to comply with the EU standards. My task is to help policymakers in non-EU countries, like Albania, by providing recommendations on the future implementation of the directive in their countries.

KEYWORDS: copyright; digitalization; intermediary liability; online content-sharing service providers; South East Europe.

SUMMARY: 1. Introduction. – 2. The indirect impact of the EU's framework in Albania: Accession of Albania to the European Union. – 3. Digitalization and copyright infringements in Albania. – 4. The legal framework on intermediaries' liability in Albania. – 5. The indirect impact of Directive (EU) 2019/790 in Albania. 6. Strategy for the possible implementation of Directive (EU) 2019/790 in Albania.

1. Introduction

In 2016, the European Commission proposed a major reform aimed at adapting copyright laws to the digital environment. This attempt resulted in the enactment of Directive 2019/790 (EU) on Copyright and Related

Rights in the Digital Single Market¹ (hereinafter “*CDSM Directive*”), the main focus of which was the adaption of certain key exceptions to copyright in the digital and cross-border environment, the improvement of licensing practices to ensure wider access to content, and the achievement of a well-functioning marketplace for copyright.

Under Article 17 of the CDSM Directive, online content-sharing service providers (“OCSSPs”) perform acts of communication to the public when they give the public access to copyrighted works uploaded by their users, and this makes them directly liable. In order to be exempted from liability, OCSSPs must obtain appropriate authorizations from rightsholders, and in case they fail on this, they must fulfill the duties of care explicitly stated in Article 17(4)². Accordingly, OCSSPs must demonstrate that they have made “best efforts” to obtain a license; to ensure the unavailability of specific content uploaded by users for which they have received relevant and necessary information from rightsholders; and to prevent their future uploads.

Article 17(4) of the CDSM Directive makes it clear that the only way for OCSSPs to address the scale of online infringements while minimizing liability risks is to adopt automatic filtering and online algorithmic enforcement systems³. In particular, Article 17(4) encourages platforms to apply ex-ante filtering measures as OCSSPs would be obliged to monitor all content uploaded by their users prior to its dissemination and to

¹ 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.

² A. METZGER, M. SENFTLEBEN, *Comment of the European Copyright Society on Selected Aspects of Implementing Article 17 of the Directive on Copyright in the Digital Single Market into National Law*, European Copyright Society (ECS), 2020, 4.

³ G. FROSIO, *Algorithmic Enforcement Online*, in P. TORREMANS (ed.), *Intellectual Property and Human Rights* (4th edition), Alphen aan den Rijn, December 13, 2019, 5. Available in SSRN: <https://ssrn.com/>

guarantee that the user would not repeat the same violation in the future, turning the “take-down” obligation into a “stay-down” obligation⁴.

On a few occasions, the CJEU had admitted that monitoring and filtering measures may seriously limit users’ right to the protection of their personal data and their freedom to receive or impart information, and imposing overly strict obligations on platforms may raise fundamental rights challenges regarding the freedom of providers to conduct business. This also led the Polish Government to file an action against the European Parliament and the Council of the European Union for the annulment of Article 17(4) of the CDSM Directive, or possibly for its entire annulment, although the Court rejected it, deeming this article as legitimate⁵.

At the time of the directive’s transposition, different solutions for the rules concerning OCSSPs emerged since, as mentioned by the doctrine, considerable discretion was left to the Member States. The first countries implementing Article 17 of the CDSM directive “built” implementation models for other EU countries. On the one hand, many Member States closely followed the wording of the directive, introducing only minor differences, an approach that Leistner describes as the so-called “traditional” implementation model⁶. On the other hand, there is the widely discussed German model, which the same author characterizes as the “innovative” or “balanced” implementation model.

Beyond the European Union, the impact of the CDSM Directive may also be significant for countries that are not (yet) Member States, particularly those in Southeast Europe, which are generally considered to have a less

⁴ A. COGO, M. RICOLFI, *Administrative Enforcement of Copyright Infringement Online in Europe*, in G. FROSIO (ed.), *Oxford Handbook of Online Intermediary Liability*, Oxford, 2020, 591.

⁵ Judgment of April 26, 2022, *Poland v Parliament and Council*, C-401/19, ECLI:EU:C:2022:297.

⁶ M. LEISTNER, *A general introduction to the implementation of Art. 17 DSM Directive in Germany*, in *AIDA* 2022, 2023, 223.

developed tradition in the field of copyright, and above all, of copyright on the internet, where the infringements of these rights are even more difficult to monitor and identify.

Albania is one of the EU candidate countries, and the EU gave its formal approval to begin accession talks in March 2020. Countries aiming to join the European Union must approximate their domestic legislation to that of the European Union and implement it effectively. The obligation of the Republic of Albania to approximate its legislation with the EU acquis derives from the Stabilisation and Association Agreement between the EU and Albania, which was signed on 12 June 2006 and entered into force on 1 April 2009. This agreement provides that Albania shall take all the necessary measures in order to guarantee a level of protection of intellectual property rights similar to that existing in the Community, including effective means of enforcing such rights⁷.

2. The indirect impact of the EU's framework in Albania: Accession of Albania to the European Union

In the last two decades, EU membership has been a key objective of the Republic of Albania. Preparations began in the late 1990s within the

⁷ Article 73 of the *Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part*. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:357b07c8-33a7-451a-9f79-a911c53a7534.0001.01/DOC_2&format=PDF; Articles 77 and 78 of *Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community and Kosovo*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22016A0316%2801%29>

Stabilisation and Association Process⁸, following its accession to the Council of Europe in 1995. Under Article 49 of the Treaty on European Union, any European state respecting and promoting EU values may apply for membership⁹. Accession is subject to the Copenhagen criteria (1993)¹⁰, requiring compliance with political¹¹, economic, and *acquis communautaire* standards¹². Candidate countries are therefore expected to align their legislation with EU law and ensure its effective implementation. Albania submitted its official EU membership application in April 2009, but unfortunately, and predictably, the European Commission concluded in its opinion of November 2010 that Albania had not fulfilled all the criteria for membership¹³. Since then, the harmonization of existing and future legislation with the EU *acquis* has become a precondition for

⁸ See *Stabilisation and Association Process*. Available at: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/glossary/stabilisation-and-association-process_en

⁹ *Conditions for membership* on European Neighbourhood Policy and Enlargement Negotiations (DG NEAR). Available at: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/conditions-membership_en

¹⁰ On the Copenhagen criteria see *European Council in Copenhagen, Conclusions of The Presidency, 21-22 June 1993*. Available at: https://ec.europa.eu/commission/presscorner/detail/en/DOC_93_3

¹¹ G. SKARA, *Europeanisation of Private Enforcement of Competition Law. The Case of Albania*, Berlin, 2022, 219.

¹² Countries seeking to join the EU must fulfill: the *political criterion*: having stable institutions guaranteeing democracy, the rule of law, human rights, and respect for minorities; the *economic criteria*: having a functional market economy and the capacity to cope with European market competition; the *legal and administrative criteria*: acceptance of obligations arising from the *acquis communautaire*, the adaptation of administrative structures and the capacity to harmonize and adapt laws and obligations arising from EU membership.

¹³ See *Opinion on Albania's application for membership of the EU*, Directorate-General for Neighbourhood and Enlargement Negotiations, November 9, 2010. Available at: https://neighbourhood-enlargement.ec.europa.eu/opinion-albanias-application-membership-eu_en

accession, and Albania has progressively pursued the alignment of its legal system with EU law¹⁴.

In October 2012, the European Commission recommended granting Albania the status of candidate country, subject to the completion of key measures related to judicial and public administration reform and the revision of parliamentary regulations. And finally, in June 2014, Albania was granted the status of a candidate country¹⁵, and the EU gave its formal approval to begin accession talks in March 2020. The EU held its first intergovernmental conference with Albania in July 2022. Following this, accession negotiations progressed with the gradual opening of EU acquis policy areas between 2024 and 2025, including Chapter 7 on intellectual property rights, where further alignment with EU standards and stronger enforcement remain key priorities, as monitored by the European Commission¹⁶.

The obligation of the Republic of Albania to approximate its legislation with the EU acquis derives from the Stabilisation and Association Agreement between Albania and the European Union, which established the formal legal framework governing their relationship¹⁷. The

¹⁴ In order to demonstrate the seriousness of the preparations for integration and to accelerate the process, the government created the Ministry of Integration. On September 13, 2017, this ministry was abolished and integrated into the Ministry for Europe and Foreign Affairs. See Y. ÇABIRI, *Shqipëria mund të bëhet*, Tirana 2018, 278; G. Skara, *Europeanisation of Private Enforcement of Competition Law. The Case of Albania*, cit., 217.

¹⁵ Fondacioni Friedrich Ebert-Zyra për Shqipërinë (Qesaraku M.) dhe Fondacioni Shoqëria e Hapur për Shqipërinë (Seferaj K.), *Anëtarësimi i Shqipërisë në Bashkimin Evropian: Manual për Qytetarë*, Tirana, 2016, 7.

¹⁶ *Albania*, on the official website of the Council of the EU and the European Council. Available at: <https://www.consilium.europa.eu/en/policies/enlargement/albania/#:~:text=Albania%20applied%20for%20EU%20membership,EU%20membership%20application>.

¹⁷ These agreements provide that Albania shall take all the necessary measures to guarantee the defense of human rights and also improve Albanian legislation. The general framework of the Stabilisation and Association Agreement consists of four pillars:

Stabilisation and Association Agreement in Article 73 provides that Albania shall take all the necessary measures in order to guarantee a level of protection of intellectual property rights similar to that existing in the Community, including effective means of enforcing such rights.

Albania dedicates a special place to the protection of intellectual property in general, but also to copyright in particular, which is related to the hierarchy of the sources of law¹⁸. The protection of copyright and related rights is governed by the Constitution¹⁹, international treaties, and Law No. 35/2016 on copyright and related rights. As the supreme source of law, the Constitution establishes fundamental human rights and freedoms and explicitly provides, in Article 58(2), that copyright is protected by law. In the hierarchy of legal sources, international treaties and agreements occupy a highly important position. As a member of the Council of Europe, the Republic of Albania has adopted the European Convention on Human Rights (“ECHR”), effectively providing it with quasi-constitutional status. Paragraph 1 of Article 17 of the Charter recognizes the general right to property in terms similar to those used in Article 1 of Protocol 1 of the ECHR. Paragraph 2 merely states that “*intellectual property shall be protected*”²⁰. Implying that copyright itself, as a category of

political dialogue and regional cooperation, trade provisions relating to the progressive liberalization of exchanges until the establishment of a free trade area between the parties, community freedoms, and finally cooperation in priority areas, particularly in the field of justice and internal affairs. See the Department of Public Administration in Albania, *Stabilisation and Association Agreement with Albania*. Available at: <https://www.dap.gov.al/publikime/dokumenta-strategjik/61-marveshja-e-stabilizimit-asociimit>

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¹⁹ Adopted on September 12, 1998, as subsequently amended. Available at: <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>,

²⁰ T. RENDAS, *Fundamental Rights in EU Copyright Law: An Overview*, in E. ROSATI (ed.), *The Routledge Handbook of EU Copyright Law*, London, 2021, 22.

intellectual property rights, is also protected by the fundamental right to property provided in Article 17(2) of the Charter²¹.

Albania signed the Berne Convention for the Protection of Literary and Artistic Works on 6 March 1994, the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) on 8 September 2000, and the WIPO²² Copyright Treaty (“WCT”) on 6 August 2005²³. Albania also participates in other important international frameworks, including the Paris Convention for the Protection of Industrial Property, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the WIPO Performances and Phonograms Treaty, the Patent Cooperation Treaty, and the Madrid System for the International Registration of Trademarks. Albania has supported developments in design protection, such as the Riyadh Design Law Treaty, adopted on 22 November 2024, aimed at simplifying and harmonising design registration procedures at the international level²⁴, and has also become the first country to accede on 13 March 2026 to the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge²⁵.

²¹ C. GEIGER, G. FROSIO, E. IZYUMENKO, *Intermediary Liability and Fundamental Rights*, in *GOxford Handbook of Online Intermediary Liability*, cit., 150; and see T. Rendas, *Fundamental Rights in EU Copyright Law: An Overview*, cit., 21.

²² World Intellectual Property Organization.

²³ The Copyright Index, *Get Copyright Registration in Albania*. Available at: <https://copyrightindex.com/get-copyright-registration-Albania/>

²⁴ WIPO, *Albania is First to Join WIPO’s Riyadh Design Law Treaty*, PR/2026/948, Geneva, 2026. Available at: https://www.wipo.int/pressroom/en/articles/2026/article_0004.html

²⁵ WIPO GRATK Treaty Notification No. 3. WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge: Accession by the Republic of Albania. Available at: https://www.wipo.int/wipolex/en/treaties/notifications/details/treaty_gratk_3

The European Commission has continuously monitored Albania's progress through its annual reports over the years²⁶. In its latest European Commission Report on Albania 2025, it is stated that it is stated that Albania is moderately prepared in the field of intellectual property rights, having made some progress through the adoption of new laws on trademarks and patents and the preparation of a draft law on copyright; however, further efforts are required to align with the EU acquis, improve the functioning of collective management organisations, and strengthen enforcement mechanisms²⁷.

3. Digitalization and copyright infringements in Albania

The first international connection to the Internet in Albania was made in 1993. This was a joint project between the Department of Computer Science at the University of Tirana and the EARN center in Pisa, Italy. Internet connection in this project was made possible through phone lines, but it only worked for a few months. The first private company to offer paid Internet service was Intellectual Communications Centre ("ICC"), and its service was launched in 1998. Shortly after, three other Internet service providers entered the market²⁸. Businesses and

²⁶ In the *Stabilisation and Association Agreement*, Article 52(3) it is stated that "account shall be taken of the progress achieved by the Parties in the approximation of their laws".

²⁷ European Commission, *Albania 2025 Report* SWD(2025) 750 final, 4 November 2025 (accompanying the 2025 *Communication on EU enlargement policy*), 12. Available at: <https://eur-lex.europa.eu/legal-content/LT/ALL/?uri=CELEX:52025SC0750>

²⁸ Namely, ADA-Net, AbissNet, and ABCom. In 2000, Albania had an average of 1 computer per 1,800 inhabitants, while in the first year, the average of the 15 EU Member States was 286 computers per 1,000 inhabitants. From the official report of the representative of the Telecommunications Regulatory Authority of Albania (ERT) to the International Telecommunication Union (ITU), International Conference held in

institutions began to have slightly greater access to the Internet only after 2000, when, in addition to private ISPs, the Internet was also offered by the sole state-owned telecommunication operator, AlbTelekom. However, an important turning point for Internet dissemination in the country was in 2007 with the privatization of AlbTelekom, which led to multiple investments²⁹.

Later, the spread of mobile phones has been a great help in increasing the rate of access to the Internet in the country. After 2010, mobile phone companies began offering broadband Internet connections through mobile phones, immediately affecting Albanians' access to the Internet³⁰. The shift to broadband Internet and Web 2.0 has marked an important development of social media and user-generated content in Albania. A survey conducted by the Albanian National Institute of Statistics ("INSTAT") on information and communication technologies usage in households and by individuals in 2025 shows that 87.2 percent of the population aged 16–74 uses the Internet³¹. The most popular platforms for sharing user-generated content or professional media are video and photo-sharing platforms. Of these, the most popular in Albania are YouTube, Facebook, Instagram, and TikTok.

As in many jurisdictions worldwide – and arguably to an even greater extent in non-EU countries – copyrighted works have not evolved in parallel with the rapid technological development and the expansion of online content markets. This has created significant gaps in both

Moscow on September 16-19, 2003; in Albanian Media Institute, *Mediat sociale dhe përdorimi i tyre nga mediat shqiptare*, Friedrich Ebert, 2015, 5-7.

²⁹ Albanian Media Institute, *Mediat sociale dhe përdorimi i tyre nga mediat shqiptare*, cit., 7.

³⁰ *Ibid.*, 10-11.

³¹ E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, Balkan Investigative Reporting Network in Albania, 2020, 24-25; Survey of INSTAT. Available at: https://www.instat.gov.al/media/4jkhqz0c/ict-2025_english.pdf

regulation and enforcement, resulting in widespread illegal sharing of protected content online.

Copyright infringements in Albania arise from a combination of legal, institutional, and socio-economic factors, with practical challenges being among the most significant. Limited institutional capacity and weak enforcement mechanisms, together with the lack of specialized training for judges and dedicated judicial structures for intellectual property cases, further intensify the situation, facilitating the persistence of online piracy³². The overall copyright management system also faces challenges related to operational capacity, transparency, and credibility, which undermine its effectiveness in supporting rightsholders and ensuring the proper functioning of the system.

Another important issue is the absence of comprehensive alternative licensing models that allow the use of content with proper authorization, as well as crisis-response mechanisms, which further complicate the effective addressing of these infringements. The growing role of digital intermediaries, such as online platforms and internet service providers, also raises complex issues regarding liability and the effectiveness of notice-and-takedown procedures, particularly in jurisdictions with underdeveloped regulatory frameworks.

Finally, the situation is aggravated by low levels of public awareness regarding copyright protection and the limited integration of intellectual property within the education system.

³² Although these problems were addressed 25 years ago for the countries of Central and Eastern Europe, I see it appropriate to address them even today for Albania, as unfortunately, they still seem very relevant. See S. VON LEWINSKI, *Copyright in Central and Eastern Europe: An Intellectual Property Metamorphosis*, in 8 *Fordham Intell. Prop. Media & Ent. L.J.* 39, 1997, 57-60.

4. The legal framework on intermediaries' liability in Albania

According to Article 8 of Law No. 35/2016 on copyright and related rights, copyright protection is extended to written literary and opinion pieces, as well as photographs and audiovisual works³³, regardless of the way they are communicated to the public. In line with Article 3 of the InfoSoc Directive, according to Article 29(f) of the Albanian law, the author has the exclusive right to authorize or prohibit the public communication of his work, a right that includes, among others, the exclusive right to transmit a work to the public, by wire or wireless, in such a way that it is accessible to members of the public at a time and place chosen by them. However, the law does not define any specific license for the communication to the public of online content³⁴.

In addition, Law No. 35/2016 on copyright and related rights shows a degree of alignment with the European framework in relation to exceptions and limitations. Article 84 provides that the copyright law allows the transformation of the work into a parody or caricature to the extent necessary for the specific purpose, indicating the author and the work that has been transformed. Limitations and exceptions at the national level, especially on education and research, are also central³⁵. Thus, the law also permits the use of copyrighted works when the transformation/modification is a brief revision of the work for didactic purposes, but always by citing the author³⁶.

³³ E NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 55.

³⁴ *Ibid.*

³⁵ M.G. VALENTE, *Digital technologies and copyright: international trends and implications for developing countries*, in *Digital Pathways at Oxford Paper Series*; no. 1, 2020, 19-20.

³⁶ Article 84 (c), Law No. 35/2016, *On Copyright and Related Rights*.

The question of blocking, filtering, and removing illegal content online in Albania is not regulated by a specific law; rather, it is covered by several separate laws. According to Law No. 35/2016 on copyright and related rights, infringements of copyright that do not constitute a criminal offence are treated as administrative infringements and are punishable by fines. The law provides for liability for acts infringing intellectual property rights, regardless of the means or medium used. However, it does not contain specific provisions regulating aspects of infringements occurring in the context of online content or the Internet³⁷. Although the Criminal Code of the Republic of Albania contains several provisions criminalising online activity, it does not include rules governing the blocking or filtering of illegal content. In practice, however, its provisions allow judicial and law enforcement authorities to seek the removal of unlawful online content through established legal procedures³⁸.

Under Law No. 54/2024 “On Electronic Communications in the Republic of Albania”, (hereinafter, “*Electronic Communications Law*”) the Electronic and Postal Communications Authority (hereinafter “EPCA”)³⁹,

³⁷ Swiss Institute of Comparative Law, *Comparative study on blocking, filtering and take-down of the illegal internet content*, Lausanne, 2015, 3-7; E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 54.

³⁸ Same provisions of the Criminal Code that punish online criminal activities: Article 74 (a), Computer dissemination of materials in support of genocide or crimes against humanity; Article 84(a), Threats with racist and xenophobic motives through the computer system; Article 119 (a), Distribution of racist or xenophobic material through the computer system; Article 119 (b), Insults with racism or xenophobia motives through the computer system; Article 143(b), Computer Fraud; Article 186 (a), Computer falsification; Article 192 (b), Unauthorized computer access; Article 293 (a), Illegal interception of computer data; Article 293(b), Interference to computer data; Article 293 (c), Interference in computer systems; Article 293 (c) Misuse of equipment; etc. See Swiss Institute of Comparative Law, *Comparative study on blocking, filtering and take-down of the illegal internet content*, 2015, 6-7; E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 72-73.

³⁹ EPCA (“AKEP” in Albanian) is organized and functions by reference to the organizational structure approved by the Assembly of the Republic of Albania with

is the authority responsible for supervising and controlling electronic communications services, including Internet Service Providers (ISPs). Therefore, when a subject seeks to offer network and electronic communication services in the Republic of Albania, in accordance with the requirements of this law, the subject is required to apply and obtain a “general authorization” from EPCA⁴⁰.

EPCA cannot control the content of electronic communications, including the content of websites or other online platforms⁴¹. But EPCA is authorized to send a request to one or more ISPs based on the decisions of the competent authorities and to monitor the ISPs’ actions to block or remove illegal content⁴². Specifically with reference to *Electronic Communications Law* and Annex E (9) of Regulation No. 47 of 26.10.2017 “*On the implementation of the General Authorization Regime*”, EPCA transmits to the ISPs requests from law enforcement institutions (which have the legal authority to control content) to block access to pages/domains that contain illegal or harmful content, as determined by these institutions⁴³.

decision No. 56/2018, *On the approval of the structure, organization, and categorization of the work positions of the Electronic and Postal Communications Authority (EPCA)*. See *Raporti i Veprimtarisë së Autoritetit të Komunikimeve Elektronike dhe Postare për vitin 2021*, EPCA, 2021, 107. For more on EPCA, see: www.akep.al/

⁴⁰ Swiss Institute of Comparative Law, *Comparative study on blocking, filtering and take-down of the illegal internet content*, cit., 5-6.

⁴¹ *Raporti i Veprimtarisë së Autoritetit të Komunikimeve Elektronike dhe Postare për vitin 2022*, EPCA, 2023, 129.

⁴² Since 2022, through the creation of the online database of the National Authority for Electronic Certification and Cyber Security, ISPs will be automatically informed of all decisions to remove illegal content issued by the competent authorities. EPCA will continue to monitor the fulfilment of these decisions. However, there is no official or published list of what is considered illegal and/or harmful content, nor is there a list of the authorities authorized to request ISPs to remove illegal content. See E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 73.

⁴³ During 2024, AKEP undertook a campaign to combat online piracy and to block websites providing illegal content, with the aim of protecting copyright and improving cybersecurity in the country. The results of the inspection included 13 administrative

The rules related to the removal of illegal content are contained in particular in Law No. 10128 of May 11, 2009, “*On Electronic Commerce*”⁴⁴ (hereinafter, “*Electronic Commerce Law*”), which implements the E-Commerce Directive. Under this law, the legal definition of “*information society services*” includes services provided at a distance by electronic means, at the request of the recipient, against compensation⁴⁵. Chapter V of this law establishes the rules on the responsibility of ISPs. Under Articles 15 to 17 of the Electronic Commerce Law, ISPs are exempt from liability for

measures (fines) imposed on entities violating the applicable copyright legislation by offering unlawful content, the immediate blocking of illegal websites transmitting protected materials such as films, series, music, and sports broadcasts, increased public awareness through informing citizens and companies about the legal consequences of consuming or distributing content without proper transmission rights, and the updating and publication of a list of domains to be blocked by operators, in *Raporti i Veprimtarisë së Autoritetit të Komunikimeve Elektronike dhe Postare për vitin 2024*, EPCA, 2025, 69; Monitor Journal, *AKEP: Në vitin 2022 administruam 24 kërkesa për bllokim aksesi të 131 faqeve*, 2023. Available at: <https://www.monitor.al/akep-ne-vitin-2022-administruam-24-kerkesa-per-blokim-aksesi-te-131-faqeve-2/>

⁴⁴ Amended by Law No. 135/2013 *On Some Additions and Amendments to Law No. 10128 of 11.5.2009 on Electronic Commerce*.

⁴⁵ E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 39.

the activities of mere conduit⁴⁶, caching⁴⁷, and hosting⁴⁸. Article 18 of this law, like Section 512(d) of the DMCA, provides an exemption from liability even for information research tools. Specifically, service providers, who establish, through electronic means, access to information for third parties, are not responsible for this information, if: “a) *they do not have knowledge or cannot have knowledge of the recipient’s illegal activity or the data that the information contains; b) when upon having knowledge of the illegal activity or data, remove or disable access to this data*”. However, the law does not specify how service providers must fulfill their obligations, and in this regard, no

⁴⁶ Mere conduit consists of the transmission of content initiated by a certain person, with whom the service provider may have a contractual relationship but is not aware of the content of the information transmitted, which is addressed to another person. If the criteria defined in Article 15 of the E-Commerce Act are met, which are (i) he does not initiate the transmission, (ii) he does not select or modify the content of the information, and (iii) he does not select the recipient of the transmission, the service provider does not assume any liability for the transmitted information. See O. SPIRO, *Elementë të së drejtës së autorit në mjedisin digital*, Doctoral Dissertation of the University of Tirana, Faculty of Law, 2016, 202.

⁴⁷ Article 16 of the E-Commerce Act provides that during the transmission of information over the communication network, the service provider is not liable for temporary, intermediate, and automatic storage. This is performed only to make the transmission of information to other recipients of the service more efficient, on the basis of their request, if the provider: (i) does not modify the information, (ii) updates the information, (iii) does not interfere with receiving the personal data, (iv) intervenes promptly to disable access after becoming aware that the information contained in the original source of transmission has been removed from the network, access to it has been disabled or the competent authorities have ordered its removal or disabling”, in O. SPIRO, *Elementë të së drejtës së autorit në mjedisin digital*, cit., 203.

⁴⁸ “When an ISP consists of the storage of information provided by the recipient of the service, the ISP shall not be liable for the information stored at the request of the recipient of the service if the service provider: (a) does not or cannot have knowledge of the recipient’s unlawful activity or the content of the information, and, with respect to claims for damages, does not have knowledge of the facts or circumstances from which the unlawful activity or information arises; (b) upon receipt of such information, act immediately to remove or disable access to the information”. The aforementioned provision does not apply when the recipient of the service acts on behalf of or under the control of the ISP.

secondary explanatory legal act has been approved since the law came into force⁴⁹.

Under Article 19, the court or competent authorities may require ISPs to prevent or stop infringements committed in the performance of the above-mentioned activities. Article 20(1) provides that ISPs have no general obligation for surveillance of the information they transmit or store, or to search for facts or situations indicating illegal activity. While Article 20(2) provides that ISPs shall immediately inform the competent authorities if they have reasonable suspicion that service users: “*a) engage in unlawful activities; b) have provided unlawful information.*” ISPs shall transmit to the competent authorities, at their request and in accordance with the regulations in force, all information enabling the identification of users of the service.

In Albania, there is a growing concern regarding the regulation of online content, particularly content provided by over-the-top service providers; thus, discussions on possible new amendments to the Electronic Commerce Law are still ongoing, and this concerns mostly the hosting exemption⁵⁰. The online publication or republication of copyrighted materials online, such as video clips of songs, videos of TV programs, movies, etc., without authorization, is considered very problematic.

The Albanian Copyright Office has conducted numerous inspections and imposed sanctions on various entities for copyright infringements; however, significant work remains in this area. Moreover, an indicator that the system is not functioning optimally is the fact that a considerable

⁴⁹ Swiss Institute of Comparative Law, *Comparative study on blocking, filtering and take-down of the illegal internet content*, cit., 11.

⁵⁰ There has been a debate in Albania as to who informs the host of the illegal activities (interested entity, some public authority, or court) and if not the court, whether the host has an obligation to remove this information. See O. SPIRO, *Elementë të së drejtës së autorit në mjedisin digital*, cit., 206-207.

number of Albanian national top-level domains are hosted on servers and by web hosting companies abroad, in search of higher service quality, greater security, and more affordable pricing. As a result, these entities are subject to a different regulatory framework⁵¹.

Freedom of expression is a fundamental right that can be used to challenge injustices, such as corruption and abuse of power⁵². In Albania, specialized structures have been established and are operational to safeguard freedom of expression and online media. These include, among others, the EPCA and the Audiovisual Media Authority (“AMA”). The activity of audiovisual media is regulated by Law No. 97/2013, dated March 4, 2013, “*On Audiovisual Media in the Republic of Albania*” (hereinafter, the “*Audiovisual Media Law*”). AMA is responsible for licensing audiovisual media operators and for combating piracy of copyrighted audiovisual content⁵³.

AMA and EPCA signed a Memorandum of Cooperation on November 3, 2021, to ensure operational, technical, and legal support in areas of mutual interest for both parties⁵⁴. The memorandum also provides for the

⁵¹ E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 34-35.

⁵² Freedom of expression in the Constitution is regulated in detail by some provisions. Article 10 deals with freedom of expression in public life; Article 20 with freedom of expression for minorities; Article 22 with freedom of expression and freedom of press, radio and television, etc. See K. KRISAFI, K. RIZO, *The media and the human rights in Albania – the realities and the challenges*, in *Journal of Modern Science*, 42 (3), 2019, S. 16.

⁵³ In the course of 2021, numerous inspections were carried out on ISPs not authorized by AMA for providing audiovisual services. AMA, through its specialists, as well as in cooperation with private operators (Digitalb and Tring), had identified a number of pirate sites (links) broadcasting audiovisual content without AMA authorization, such as full-length films or sports events. These sites were sent to the competent body, EPCA, for action to terminate access to the country’s territory. See *Raport Vjetor 2021*, AMA, 2021, 39.

⁵⁴ *Raporti i Veprimtarisë së Autoritetit të Komunikimeve Elektronike dhe Postare për vitin 2021*, cit., 87.

establishment of joint working groups and a coordinated approach to combating piracy. Nevertheless, it must be emphasized that, despite the good intentions of the two institutions, the phenomenon of piracy requires the investment and cooperation of numerous other law enforcement entities, such as the state's police, economic crime, cybercrime, etc.⁵⁵.

Over the years, Albanian institutions have progressively strengthened enforcement measures against online piracy. Requests submitted by the AMA, the Gambling Supervision Authority ("GSA"), and the Information and Data Protection Commissioner ("IDP") initially led to the blocking of 125 domains/websites with illegal content⁵⁶. This was followed by a significant increase in enforcement activity, with 346 domains/websites identified for blocking in more recent actions. In addition, authorities have intensified their efforts by referring 334 online pages for closure and removing 579 pirated links from video-sharing platforms⁵⁷.

In the name of fighting abuses, the Albanian government took the initiative to introduce some restrictions on the Audiovisual Media Law and on the Electronic Communications Law. The proposed amendments aimed to empower the AMA's Complaints Commission to review the content of online publications and its function as a quasi-court. The proposed laws received intense opposition from the journalistic community and human rights organizations in Albania and abroad. They

⁵⁵ *Raport Vjetor 2021*, AMA, 2021, 39.

⁵⁶ According to Article 15 of Law No. 9918/2008 on electronic communications, EPCA forwarded the letters from these institutions to the ISPs. Specifically, the entities and number of domains for which access was requested were: 45 domains from AMA; 76 domains from GSA; and 4 domains from IDA. See *Raporti i Veprimtarisë së Autoritetit të Komunikimeve Elektronike dhe Postare për vitin 2021*, cit., 137.

⁵⁷ *Raport Vjetor 2024*, AMA, 2024, 6; AMA Press Release (25 March 2026), *The fight against piracy in 2025: 14 illegal servers were shut down and 579 pirated links were removed from video sharing platforms*.

were also criticized by the European Commission and the Council of Europe for their potential impact on media freedom. The Venice Commission stated, in an opinion requested by the Parliamentary Assembly of the Council of Europe, that if the proposed legislation were passed without revisions, it would have a chilling impact on media freedom. In January 2020, however, parliament only passed the amendments on the Electronic Communications Law and postponed the vote on the amendments to the Audiovisual Media Law⁵⁸. As a result, the current legal framework in force on electronic communications is law No. 54/2024.

5. The indirect impact of Directive (EU) 2019/790 in Albania

The implications of the Digital Single Market–related issues become even more significant when considering countries outside the European Union, such as Albania. EU harmonization directives have, in particular, limited the possibility of extending protection to third countries beyond what is permitted under international frameworks such as the Berne Convention and the Rome Convention⁵⁹. For instance, the E-Commerce Directive applies only to intermediaries established within EU Member States⁶⁰, thereby excluding service providers based in third countries and limiting

⁵⁸ Under the pretext of fighting fake news and disinformation, AMA was empowered to receive complaints about news websites, order retractions, and impose sanctions of up to 8,000 euros. See E. NAZIFI, M.J. OGHIA, *Internet Governance in Albania and its Role in Media Freedom*, cit., 13-14.

⁵⁹ L.C. UBERTAZZI, *I diritti d'autore e connessi*, in *Quaderni di AIDA*, No. 5, 2003, 327.

⁶⁰ Article 3(1) and Recital (58) of the E-Commerce Directive.

its extraterritorial reach⁶¹. Although Recital 58 emphasizes the need for consistency with international rules, it does not establish any presumption of extraterritorial application⁶². Similarly, the InfoSoc Directive does not fully resolve the issue of applicable law in cross-border transmissions⁶³.

As a result, countries like Albania are not directly bound by these rules but are nonetheless indirectly affected. This occurs through the need to align national legislation with the EU *acquis* as part of the accession process, as well as through market pressures, since digital platforms operating across borders must comply with EU standards in order to access the internal market.

On 25 January 2019, 49 delegations from developing and developed countries, as well as the European Union, signed a Joint Statement on Electronic Commerce in support of negotiating digital trade issues. Importantly, the Republic of Albania also participated in this Joint Statement⁶⁴.

⁶¹ M.L. MONTAGNANI, *Internet, contenuti illeciti e responsabilità degli intermediari*, Milan, 2018, 83.

⁶² J. RIORDAN, *The Liability of Internet Intermediaries*, Oxford, 2016, 380.

⁶³ This issue was examined during the consultations following the Green Paper on Copyright and Related Rights in the Information Society. Many comments opposed the implementation of the solution adopted in the Satellite Directive, which would make the law of the country of origin applicable to a transmission. They primarily argued that it is more difficult to determine the origin of transmission in the digital environment and described the risks of a decrease in protection for rightsholders for transmissions originating from outside the European Union. In its Follow-Up to the Green Paper, the Commission determined that the issue required additional analysis. See P. KAMINA, *Exclusive rights in Film Copyright in the European Union*, Cambridge, 2002, 232-233.

⁶⁴ “The following communication, dated January 25, 2019, is being circulated at the request of the delegations of Albania; Argentina; Australia; Bahrain, Kingdom of; Brazil; Brunei Darussalam; Canada; Chile; China; Colombia; Costa Rica; El Salvador; European Union; Georgia; Honduras; Hong Kong, China; Iceland; Israel; Japan; Kazakhstan; Korea, Republic of; Kuwait, the State of; Lao PDR; Liechtenstein; Malaysia; Mexico; Moldova, Republic of; Mongolia; Montenegro; Myanmar; New Zealand; Nicaragua; Nigeria; Norway; Panama; Paraguay; Peru; Qatar; Russian Federation; Singapore; Switzerland; Chinese Taipei; Thailand; the former Yugoslav Republic of Macedonia;

At the EU level, the Digital Services Act⁶⁵ is now fully applicable and represents a significant development in the regulation of intermediary services. The DSA aims to facilitate a safer and more transparent digital environment, while also supporting cross-border digital trade both within and beyond the Union. One of its most notable features is its extraterritorial scope, which marks a clear departure from the more territorially limited approach of the E-Commerce Directive. The DSA applies to “*intermediary services offered to recipients of the service that have their place of establishment or are located in the Union, irrespective of where the providers of those intermediary services have their place of establishment*”⁶⁶. Moreover, this scope is also found in also Recital 44, which specifies that “*providers of intermediary services that are established in a third country and that offer services in the Union should designate a sufficiently mandated legal representative in the Union...*”⁶⁷.

The European Commission in 2018 emphasized through the “*Recommendation on measures to effectively tackle illegal content online*” the importance of addressing the risks associated with illegal content as a consequence of the activities of all online service providers, regardless of whether they are based in the EU or in a third country, as long as the latter

Turkey; Ukraine; United Arab Emirates; United States; and Uruguay. In M.G. VALENTE, *Digital technologies and copyright: international trends and implications for developing countries*, cit., 7.

⁶⁵ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (DSA).

⁶⁶ Article 2(1) DSA, I. BURL, J. VAN HOBOKEN, *The Digital Services Act (DSA) proposal: a critical overview*, Digital Services Act (DSA) Observatory, Institute for Information Law (IViR) – University of Amsterdam, 2021, 13.

⁶⁷ And also, Article 13(1) of the DSA provides that “*providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person to act as their legal representative in one of the Member States where the provider offers its services*”.

provides services in the EU⁶⁸. Among other things, the Commission wanted to ensure that digital content is accessible and made available beyond borders. As Commissioner Vestager acknowledged, it seemed necessary to harmonize national copyright regimes to extend the “country of origin” principle to online transmissions. Only in this way would it be possible the legal transmission of content across borders⁶⁹. In this context, it is not surprising that shortly after the publication of the proposed CDSM directive, the Commission launched a consultation regarding the revision of the principles that apply to, among other things, the online transmission of copyright-protected content⁷⁰.

On April 17, 2019, the Directive on Copyright in the Digital Single Market was adopted. Its specific legislation has since been implemented across the European Union and continues, in 2026, to affect in various ways everyone: OCSSPs, content creators, artists, labels, publishers, CMOs, law enforcement institutions, and internet users⁷¹. Inevitably, the effects of the rules introduced by the directive are now more clearly visible in practice and may be felt more strongly in developing countries, as they remain primarily digital technology consumers rather than producers.

The directive requires OCSSPs to use their technological capacity to moderate potentially unlawful content available online, and recently this

⁶⁸ European Commission, *Recommendation on measures to effectively tackle illegal content online*, (2018) 1177 final. See M.P. BOGDANI, F. FALOPPA, XH KARAJ, *Beyond Definitions a Call for Action Against Hate Speech. A comprehensive study – November 2021*, Tirana, 2021, 71.

⁶⁹ P. IBÁÑEZ COLOMO, *Copyright Licensing and the EU Digital Single Market Strategy*, in R.D. BLAIR and D. SOKOL (eds.), *Handbook of Antitrust, Intellectual Property and High Technology*, Cambridge, 2017, 355.

⁷⁰ *Ibid.*, 340.

⁷¹ R. TUREK, *Understanding the implications of Article 17 Copyright Reform: A conversation, Keeping tempo with Music Biz* - <https://musicbiz.org/news/keeping-tempo-with-music-biz-understanding-the-implications-of-article-17-copyright-reform-a-conversation-with-rasty-turek-ceo-of-pex/>.

obligation has materialized through increasingly sophisticated automated filtering and licensing systems. However, the intended digital markets of major platforms inevitably extend beyond the EU, including developing and extra-EU countries. Consequently, the effects of these rules are also felt in those jurisdictions, even without direct legislative alignment. YouTube remains the primary platform for Albanian users to access music and audiovisual content. While this environment continues to present certain opportunities for rightsholders, particularly in terms of monetization and visibility, it also creates significant obstacles. The management of unauthorized content on YouTube has proven particularly challenging, especially in relation to effective monitoring and enforcement against repeated infringements.

Webform, Copyright Match Tool, and Content ID are the three primary tools that YouTube's Copyright Management Suite employs to prevent the re-uploading of matching content. Each of these particular tools is accessed by different subjects, with the intent of matching rightsholders to the tool that best meets their needs⁷². However, this right of access is limited depending on YouTube's decisions⁷³. Just as rightsholders are different, so can be the technological tools that YouTube offers them to filter and monitor infringements. In order to get the Content ID (the most favorable tool), rightsholders would have to "deserve" it by obtaining it

⁷² *YouTube's Copyright Transparency Report*, January 1 - June 30, 2021, 1-4. Available at: <https://transparencyreport.google.com/report-downloads>; *YouTube's Copyright Transparency Report*, July 1 - December 31, 2021, 4. Available at: <https://transparencyreport.google.com/report-downloads>

⁷³ In this regard, the European Commission in its communication on Article 17 recognizes that OCSSPs could be based on the scale of the content available on their services, and choose to provide different tools to different rightsholders, as long as the solutions meet their obligation of best efforts for the purpose of Article 17(4)(b). See the European Commission, Guidance on Article 17 of CDSM Directive, 14.

directly from YouTube, or indirectly through a contract with a CMO that owns a Content ID.

However, due to the minimal commercial returns, YouTube is unlikely to consider applications from small and medium-sized rightsholders to participate in these programs. This seems problematic because most of the rightsholders in developing countries manage their own individual businesses, where they work as authors, performers, and producers of their own music, so they have even fewer means to monitor and remove illegal content, compared to larger rightsholders. The lack of a balance between the interests of rightsholders and OCSSPs is evident in countries where copyright is not adequately protected. The obligations imposed on OCSSPs by Article 17 of the CDSM Directive are welcomed and offer hope for rightsholders; however, it remains uncertain whether these obligations will improve the prospects for fair revenue-sharing agreements with OCSSPs or provide rightsholders with adequate means to control online infringements. To address these issues, it is indispensable to implement enhanced measures that require OCSSPs to engage in negotiations with small rightsholders, including those from developing countries⁷⁴.

The vast majority of public discourse occurs on a very small number of platforms, which hold excessive power over information flows and content moderation rules⁷⁵. Their role is essential in informing the public

⁷⁴ Reflecting on the Lithuanian analysis (remembering that Lithuania is a developed country and an EU member state), I found some important points related to the reality of countries like Albania. See. R. MATULIONYTE, *A Central and Eastern European Perspective on EU Copyright Reform: The Case of Lithuania*, in M.T. SUNDARA RAJAN (ed.), *The Cambridge Handbook of Intellectual Property in Central and Eastern Europe*, Cambridge, 2019, 275-276-278.

⁷⁵ M.P. BOGDANI, F. FALOPPA, XH KARAJ, *Beyond Definitions a Call for Action Against Hate Speech. A comprehensive study – November 2021*, cit., 19.

about the importance of copyright protection, especially in developing countries, where copyright infringement is considered one of the most serious problems due to the lack of the necessary legal framework and the effectiveness of law enforcement institutions.

In this context, and in order to strengthen enforcement and user protection, in 2024, the AMA and TikTok established a cooperation framework aimed at enabling users to report videos containing harmful and dangerous content, particularly content affecting children and adolescents. Each submitted request is reviewed by a dedicated committee for potential violations, leading to the removal of dozens of problematic videos and hundreds of pirated materials. Since the beginning of this initiative, AMA has received 743 complaints, of which 291 were found to constitute legal violations, resulting in the removal of 286 videos and audio files, while 1,513 videos were reported for piracy, with 1,505 subsequently removed from the platform and 193 user profiles closed. Overall, these developments highlight both the scale of copyright infringement and the circulation of harmful content online, as well as the increasing reliance on coordinated, report-based enforcement mechanisms involving users, national authorities, and the platform itself, with AMA playing a central role in this process⁷⁶.

In parallel, AMA interacts with search engines such as Google, within broader mechanisms for addressing illegal online content in Albania. This cooperation is primarily based on notice-and-takedown procedures and copyright enforcement requests, aimed at reducing the distribution of pirated content and protecting rightsholders.

⁷⁶ Audiovisual Media Authority of Albania (AMA), *Press Releases, AMA-TikTok Transparency: Over 1500 videos blocked for piracy*, 2024.

6. Strategy for the possible implementation of Directive (EU) 2019/790 in Albania

Efforts to regulate the issue of copyright infringement in the digital environment should be further intensified in Albania. Technology constantly evolves, and new ways to infringe copyright keep emerging; so the government needs to act quickly to address these problems⁷⁷. Albania follows a predominantly horizontal approach to intermediary liability, based on notice-and-takedown procedures and limited responsibility for online service providers across all types of illegal content, rather than a sector-specific copyright regime. In contrast, the CDSM Directive introduces a more vertical and platform-specific model of responsibility, particularly through Article 17, which reshapes the liability of online content-sharing service providers in relation to copyright infringement. Within this framework, the CDSM Directive represents a more advanced and interventionist regulatory model compared to Albania's current system. While Albania is required to approximate its legal framework with that of the EU, following the SAA, no steps have been taken regarding the CDSM Directive. Consequently, further legal analysis, stakeholder consultation, and institutional preparation would be necessary for any potential future implementation.

Understanding how this country can use and adapt intellectual property, particularly copyright, to its development needs is essential⁷⁸. In order to

⁷⁷ Ministry of Culture, Youth & Sports of the Republic of Kosovo, *Koncept dokumenti për fushën e të drejtës së autorit*, 2020, 61.

⁷⁸ R. OLWAN, B. FITZGERALD, *IP and Development: A Road Map for Developing Countries in the Twenty-First Century*, in B. FITZGERALD, J. GILCHRIST (eds.), *Copyright Perspectives. Past, Present and Prospect*, Berlin, 2015, 85.

facilitate a favourable outcome regarding the potential implementation of the CDSM Directive, these countries should prioritise early, practical engagement with key aspects of copyright protection, thereby contributing to the mitigation of online infringement challenges. Against this background, several recommendations are proposed below.

Firstly, it is essential to undertake a comprehensive reassessment of the existing copyright framework in order to evaluate its adequacy in addressing the challenges of the digital environment, as well as its degree of alignment with the European legal framework⁷⁹. Progress in this area necessitates the harmonisation of domestic legislation with the EU acquis, which constitutes a fundamental condition for Albania's accession to the European Union. Given the dynamic and rapidly evolving nature of online content markets, a flexible and adaptive regulatory framework is required to accommodate innovation and socially valuable uses⁸⁰. In this context, any legislative amendments should be subject to careful evaluation within the broader framework of the country's national strategy.

Secondly, it is essential to strengthen the capacity of Albanian policymakers and those involved in the drafting and enforcement of legislation through targeted measures, including specialised training programmes, technical assistance, and institutional cooperation with European bodies and relevant experts. Policymakers should not assume that importing legislation from developed countries will inevitably result in the

⁷⁹ *Ibid.*, 91.

⁸⁰ M. VAN EECHoud, P.B. HUGENHOLTZ, S. VAN GOMPEL, L. GUIBAULT, N. HELBERGER, *Harmonizing European Copyright Law: The Challenges of Better Lawmaking*, in *Amsterdam Law School Legal Studies, Institute for Information Law Research Paper No. 2012-07*, Alphen aan den Rijn, 2009, 104.

advancement of the digital sector. The drafting of laws should correspond to the economic and cultural needs of these countries⁸¹.

Thirdly, it is essential to further strengthen coordinated enforcement mechanisms against online copyright infringement in Albania by improving operational cooperation between relevant public authorities, digital platforms, and law enforcement bodies. In particular, this should include faster and more structured procedures for reporting, reviewing, and removing illegal content, as well as more systematic collaboration with online intermediaries such as search engines and social media platforms. Strengthening these mechanisms would enhance the effectiveness of copyright enforcement in practice and improve the responsiveness of the Albanian system to online infringements.

Fourthly, it is essential to improve cooperation between stakeholders. An effective and functional copyright system for the realization and enforcement of these rights is achieved through enhanced coordination between policy-making and law enforcement bodies, as well as between rightholders and the organisations representing them. A functional copyright system can only be ensured through effective interinstitutional cooperation in terms of information sharing and joint activities, as well as sustained collaboration with rightholders in addressing the challenges they face in enforcing their rights⁸².

Fifthly, it is essential to strengthen the functioning of collective management organisations (CMOs). The internationalisation of musical repertoires and the distribution of works through video-sharing platforms such as YouTube, as well as social media platforms such as Facebook, have made it increasingly difficult and costly for rightholders, particularly

⁸¹ *Ibid.*, 90.

⁸² Ministry of Culture, Youth & Sports of the Republic of Kosovo, *Koncept dokumenti për fushën e të drejtës së autorit*, cit., 31.

in developing contexts, to manage their rights individually⁸³. In this context, the consolidation of the collective management system requires sustained efforts to enhance the credibility, transparency, and accountability of CMOs towards rightholders, while ensuring fair remuneration practices. In the music sector in particular, collective rights management serves as an important mechanism for strengthening the bargaining position of creators and small and medium-sized cultural enterprises in their relations with distribution companies, especially those operating in the digital market. It also facilitates the monitoring of uses and the distribution of royalties, by centralising these functions and operating within a more transparent framework supported by digital technologies⁸⁴.

Sixthly, it is necessary to carefully consider alternative intellectual property management strategies, including open-source software, public domain, open content licensing, and Creative Commons (CC) licences. Therefore, Albania should develop and implement national strategies aimed at promoting the adoption of these models within educational, cultural, and innovation sectors.

Seventhly, it is relevant to consider the development of crisis management plans in the field of intellectual property, particularly copyright. The COVID-19 pandemic showed that external shocks can significantly affect cultural production and the functioning of creative markets. In addition, migration may also have an indirect impact on the intellectual property

⁸³ O. SPIRO, *Elementë të së drejtës së autorit në mjedisin digital*, cit., 244.

⁸⁴ PRIN: Copy-IT, *Il diritto d'autore italiano dopo le più recenti riforme legislative comunitarie: valutazioni d'impatto, migliori pratiche e proposte di riforma per costruire un sistema più efficiente e giusto*". Report WP3, *Best Practices for Small Creators in the Creative Industries*, 2026. Available at: <https://copy-it.it/>

environment⁸⁵. In the case of Albania, a considerable number of citizens live and work in EU Member States, which may influence domestic creative capacity and the cultural sector. In this context, socio-economic conditions and migration patterns may have implications for intellectual property policy development and enforcement⁸⁶.

Eighthly, an essential aspect is to raise awareness among the public on the protection of copyright, as respect for it increases in proportion to the level of public awareness and education on the issue. Thus, it is important to include intellectual property in educational curricula at pre-university levels, as well as to organise broad awareness campaigns targeting the business community and society at large⁸⁷. In this regard, greater collaboration with academic institutions, relevant stakeholders, and the public at large would contribute to enhancing public understanding and supporting a more balanced copyright framework⁸⁸.

In conclusion, the implementation of the CDSM Directive still requires considerable effort, as the process remains challenging for countries with limited and outdated legal frameworks governing online content distribution and the enforcement of online infringements. However, Albania is expected to further engage in fulfilling these recommendations in order to continue its ongoing process of aligning national legislation with the EU acquis. Combating online infringements is a complex task, also for the European Union, which has long pursued coordinated

⁸⁵ From the presentation *IP and Academic Spin-Offs and IP and Crisis Management*, by visiting researcher K. Danko and Professor A. Cogo in the Ph.D. program *Law, the Individual, and the Market* at the University of Turin, 2022.

⁸⁶ Y. ÇABIRI, *Shqipëria mund të bëhet*, cit., 278.

⁸⁷ S. MEKA, *Nga Zyra Shqiptare për të Drejtat e Autorit*, Profiled journal for the intellectual property, *Autori*, Copyright and Related Rights Office, IV Edition, Kosovo, 2018, 31.

⁸⁸ M.G. VALENTE, *Digital technologies and copyright: international trends and implications for developing countries*, cit., 19-20.

regulatory responses in this area. In countries such as Albania, however, constraints related to technological capacity and the high costs of adapting to new legal frameworks should not be overlooked. Therefore, it is important to acknowledge the country's efforts and commitment in addressing online piracy, while also emphasising the need for continued support and cooperation with the EU.