

## Author's contract in the Albanian copyright law

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### Abstract

The relation between the author and his/her artistic creation is very specific and at the same time a strong one. Such relation defies any property and affective connection that an individual may have with an object (Caron, 2011, 25). Copyright constitutes precisely the legal embodiment of the author's intimate relationship with his/her work. Copyright is a plurality of legal provisions that belongs to the author of the work, in order to protect his/her ownership and eventually the commercial exploitation of such work. In this context, the author, through legal provisions and international conventions duly ratified by Albania, enjoys a relevant legal arsenal in order to defend his/her artistic works so that such works may have a life of its own (Vivant & Bruguière 2009, 23). One of these legal measures is the contract, which in legal doctrine is well known as the author's contract. By means of such contract, the author has the right to distribute, reproduce, license or certify rights related to his/her artistic work. In this regard, the contract is an irreplaceable tool in the hands of the author to distribute the work and to give it an undeniable value, turning it into one of the most valuable intangible assets in civil circulation. The contract of the author, as the name indicates it, is a contract that obeys to the rules of civil law with respect to the quality of the parties, the characteristics of the object of the contract, its conclusion, the determination of remuneration and the term of duration. On the other hand, it is undeniable that the contract of the author contains rules which are not specifically contemplated by the Civil Code, such as rules relating to the form, interpretation and existence of some *sui generis* contracts provided in Law 9380 / 2005 "On copyright and related rights" (hereinafter referred to as "Law 9380/2005" or "Law on Copyright") as well as in the Draft Law On Authors Rights (hereinafter referred to "Draft Law"). From this point of view, this paper will analyze two key moments: the fact that the author's contract originates from the civil law principles and on the other hand the fact that such contract has its own autonomy from such principles.

**Keywords:** Author, Copyright Law, Contract, Law, Civil Code.

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