

UNESCO
WORLD ANTI PIRACY OBSERVATORY

ALGERIA

I. LEGISLATION	3
1. Copyright laws	3
2. Other laws	4
3. Latest developments and perspectives	4
4. Summary of legislation	4
5. International treaties	8
II. MEASURES AND REMEDIES	9
1. Copyright infringement	9
2. Remedies to protect copyright holders	9
3. Provisional measures	11
4. Penalties for copyright infringement	12
5. Requirements for foreign persons	12
III. ENFORCEMENT	13
1. Enforcement authorities	13
2. Enforcement at the border	14
IV. PUBLIC AWARENESS	15
1. Awareness campaigns and actions	15
2. Promotion of legal exploitation	15
3. Associations and organizations with awareness-raising purpose	15
4. Best practices	15
V. CAPACITY-BUILDING	15
1. Training	15

2.	Establishment of specialized units and intersectoral groups	15
3.	Best practices	16
VI.	OTHER	16
1.	TPM/DRM	16
2.	Licensing Schemes	17
3.	Optical Discs	17
4.	Hotlines	17
5.	Contact Details	17

I. Legislation

1. Copyright laws

Copyright is protected in Algeria through international Agreements, Law No. 03-17 of 2003 on Copyright and Neighboring Rights¹ (in French), Implementing Decree No. 05-316 bearing composition, organization and operation of the conciliation body charged to settle disputes relative to the use of works and performances managed by the National Office for Copyright and Neighboring Rights, Implementing Decree No. 05-356 bearing constitution, organization and operation of the National Office for Copyright and Neighboring Rights, Implementing Decree No. 05-357 establishing formalities of declaration and control regarding the remuneration for private copying, Implementing Decree No. 05-358 establishing the procedures for exercising the “*droit de suite*” of the author of a work of visual arts, Implementing Decree No. 05-400 relating to the communication of operating revenues for audiovisual works and to calculation of royalties, and other legislation related to enforcement of copyright or affecting copyright protection.

The copyright law No. 03-17 approving [Ordinance No.03-05 of July 19, 2003 \(19 Jomada El Oula 1424\) was issued on November 4, 2003 \(9 Ramadhan 1424\)](#) (in French), and published in the Official Gazette No. 67 dated November 5, 2003. Ordinance No.03-05 was published in the Official Gazette No. 44 of July 23, 2003 (23 Jomada El Oula 1424).

Implementing Decree No. 05-316 bearing composition, organization and operation of the conciliation body charged to settle disputes relative to the use of works and performances managed by the National Office for copyright and Neighboring Rights was issued on of September 10, 2005 (6 Chaâbane 1426 and published in the Official Gazette No. 62 of September 11, 2005 (7 Chaâbane 1426).

Implementing Decree No. 05-356 bearing constitution, organization and operation of the National Office for copyright and Neighboring Rights was issued on September 21, 2005 (17 Chaâbane 1426) and published in the Official Gazette No. 65 of September 21, 2005.

Implementing Decree No. 05-357 establishing formalities of declaration and control regarding the remuneration for private copying was issued on September 21, 2005 (17 Chaâbane 1426) and published in the Official Gazette No. 65 of September 21, 2005.

Implementing Decree No. 05-358 establishing the procedures for exercising the “*droit de suite*” of the author of a work of visual arts was issued on September 21, 2005 (17 Chaâbane 1426) and published in the Official Gazette No. 65 of September 21, 2005.

Implementing Decree No. 05-400 relating to the communication of operating revenues for audiovisual works and to calculation of royalties was issued on October 16, 2005 (13 Ramadhan 1426) and published in the Official Gazette No. 70 of October 19, 2005 (16 Ramadhan 1426).

The Copyright Law No. 03-17 of 2003 abolished all previous legislation contrary to its provisions in particular Ordinance No. 97-10 of March 6, 1997 (27 Chaoua1 1417).

¹ Source : World Intellectual Property Organization

2. Other laws

The other laws pertaining to anti-piracy measures and copyright enforcement are:

- Law No. 07-05 of May 13, 2007 (Rabie Ethani 25, 1428) amending and supplementing Ordinance No. 75-58 of September 26, 1975 on Civil Code.
- Law No. 08-09 of February 25, 2008 (Safar 18, 1429) on Code of Civil and Administrative Procedure
- The Law No. 06-22 of December 20, 2006 (Dhou El Kaada 29, 1427) amending and supplementing Ordinance No. 66-155 of 8 June 1966 on Code of Penal Procedure.
- The Law No. 06-23 of December 20, 2006 (Dhou El Kaada 29, 1427) amending and supplementing Ordinance No. 66-156 of 8 June 1966 on Penal Code.
- The Law No. 98-10 of August 22, 1998 (Rabie Ethani 29, 1419), amending and supplementing Law No. 79-07 of July 21, 1979 bearing on Customs Code published in the Official Gazette No. 61 of August 23, 1998.
- The Law No. 07-12 of December 30, 2007 (Dhou El Hidja 21, 1428) on Law on Finance of 2008, published in the Official Gazette No. 82 dated 31 December 2007.

3. Latest developments and perspectives

No amendments are foreseen for the time being.

4. Summary of legislation

- *Exclusive rights of the authors and of the owners of neighbouring rights*

Copyright applies to any created original literary or artistic work from its creation, irrespective of its type, form, mode of expression, merit or purpose of the work, whether or not fixed on a medium for its communication to the public. This includes literary written works such as literary essays, scientific and technical researches, novels, poems, computer programs and works expressed orally such as lectures, sermons and other works of similar nature; works created for the theater, dramatic and “dramatico-musical” works, choreographic works and pantomimes; musical works with or without words; cinematographic and other audiovisual works with or without sound; works of fine arts and applied arts such as painting, drawing, sculpture, engraving, lithography and tapestry; drawings, sketches, plans, models of works of architecture and technical books; graphics, maps and drawings relating to topography, geography or science; photographic works and works expressed by a process analogous to photography; creations of clothing, fashion and ornaments and titles of the works provided they are original. Copyright also applies to derivative works provided they do not prejudice to the rights in the original work, in particular; translations, adaptations, arrangements of music, editorial reviews and other original transformations of literary or artistic works; collections and anthologies of works, collections of works of cultural and traditional heritage and databases, whether in machine readable or other form, provided that the selection and arrangement of their contents constitute intellectual creations (Articles 3 to 6 of the Law on Copyright and Neighboring Rights).

Ideas, concepts, principles, systems, processes, procedures and operational modes associated with the creation of works of the mind, are not protected as such, except in the way they are incorporated, structured or arranged in a protected work and in the formal independent expression of their description, explanation or illustration (Article 7 of the Law on Copyright and Neighboring Rights).

The protection is also extended to the author's collections of his published speeches or articles (Article 48 of the Law on Copyright and Neighboring Rights).

Exclusive Rights of the authors

a) Economic Rights

The author has the right to exploit his work in any form whatsoever and to derive pecuniary income from it. In particular, he has the exclusive right to authorize or prohibit the reproduction of the work by any means whatsoever, putting into circulation to the public through the rental of the original or copies of audiovisual works as well as the commercial rental of computer programs; communication of the work to the public by show or public performance; communication of the work to the public by audio or audiovisual broadcasting; communication of the broadcast work to the public by wire, optical fiber, cable or other transmitter means bearing signs of sounds or of images and sounds; communication of the work broadcast by wireless retransmission by a body other than the initial one; transmission of the broadcast work by a loudspeaker, a radio or television placed in an open place; communication of the work to the public by any system of data processing; and translation, adaptation, arrangement and other alterations of his work giving rise to derivative works (Article 27 of the Law on Copyright and Neighboring Rights).

b) Moral Rights

In addition to the aforementioned economic rights, the author enjoys imprescriptible and perpetual moral rights which include the right to disclose his work under his name or under a pseudonym (this right may be entrusted by the author to a third party); the right to demand that his patronymic name or his pseudonym as well as his title are mentioned, in their used form, on the suitable medium of the work and to demand that his patronymic name or his pseudonym are mentioned on all forms of ephemeral communication of the work to the public provided the uses and ethics allow it; the right of repentance by stopping the production of his work and the right to withdraw his work from circulation provided third parties are compensated for the damages resulting thereof; the right to demand the respect of the integrity of his work and to object to any modification, distortion or deformation of his work which would be prejudicial to his honor or reputation or its legitimate interests (Articles 22 to 26 of the Law on Copyright and Neighboring Rights).

Exclusive right of the owners of neighboring rights

Neighboring rights are protected under Articles 107 to 122 of the Law on Copyright and Neighboring Rights. These rights are the rights of performing artists in their performances; producers of phonograms (sound recordings) or videograms in their recordings; radio and television broadcasting organizations in their radio and television programs.

The performer has the exclusive economic right to authorize, under conditions fixed by written contract, the fixation of his unfixed performance; the reproduction of his fixed performance; and the audio and audiovisual broadcast as well as the communication to the public of his live performance. The performer enjoy also perpetual and imprescriptible moral rights which consist of the right to demand that his patronymic name or his pseudonym as well as his title are mentioned unless the mode of use of his performance does not allow it and the right to demand the respect of the integrity of his work and to object to any modification, distortion or deformation of his work which would be prejudicial to his honor or reputation.

Producers of phonograms have the exclusive economic right to authorize, under conditions fixed by written contract, the direct or indirect reproduction of their phonograms and the making

available to the public by sale or rental of copies of their phonograms provided authors' rights of works included in their phonograms are respected.

Producers of videograms have the exclusive economic right to authorize, under conditions fixed by written contract, the reproduction of their sound videograms and their communication to the public by any means, provided authors' rights of works included in their videograms are respected.

Radio and television broadcasting organizations have the exclusive economic right to authorize, under conditions fixed by written contract, the rebroadcasting of their programs, the fixation of their programs, the reproduction of fixations of their programs and the communication to the public of their television programs provided authors' rights of works included in their programs are respected.

- *Exceptions and limitations to copyright*

Excluded from copyright protection are mere ideas, concepts, principles, systems, processes, procedures and operational modes associated with the creation of works of the mind; works of the State (i.e. works produced and published by the various State bodies, local authorities and administrative public bodies) lawfully made accessible to the public; laws and regulations, decisions and administrative acts of State bodies and local authorities, court decisions and official translations of such texts and news on current events that are mere media news (Articles 7, 9, 11 and 47 of the Law on Copyright and Neighboring Rights).

Limitations to exclusive rights are provided in Articles 41 to 53 of the Law on Copyright and Neighboring Rights) provided that there is no conflict with the normal exploitation of the work or there is no unreasonable prejudice to the legitimate interests of the author.

These limitations include:

- making, translating, altering or modifying a single copy of a work for personal and familial use with exceptions;
- pastiches, parodies, caricatures that do not infringe or discredit the original work
- quotations and borrowings from a work in another work provided they comply with fair use of information and sought demonstration;
- using the work as an illustration in another work for educational or vocational training purposes performing the work in family circles and in educational and training institutions for their strictly pedagogical needs;
- making a copy of or using the work, in limited cases, through libraries and archiving centers reproducing or communicating to the public by all media bodies, news articles published in newspapers or broadcast;
- reproducing or communicating to the public by the media speeches and lectures made available to the public;
- reproducing, disclosing or using a work necessary for the administration of evidence in administrative or judicial proceedings;
- communicating to the public works of fine arts, applied art, architecture or photographic works provided these works are permanently in public places except for art galleries, museums and natural cultural natural classified sites;
- making an ephemeral reproduction of a work by broadcasting organizations provided the copy is destroyed six months after making it unless the author allows a longer period (Failing such an agreement, a single copy of the recording for archiving purposes);
- making a single copy or an adaptation of a lawfully obtained copy of a computer program for replacing a lost or destroyed original copy or if necessary for the use of

the computer program for the purpose of its acquisition provided the original or adapted copy is destroyed upon expiration of the property title. In many cases, the use should be to the extent justified by the purpose and provided that the source and the name of the author are indicated.

Private reproduction for personal use of a work on magnetic blank medium gives the right to remuneration to the author, the performer or producer of phonograms or videograms of the reproduced work. The manufacturer and importer of tapes or other blank media and recording devices are required to pay, on the quantities of materials and equipment they make available to the public, a fee for private copying in return for the ability they provide to users of their media apparatus, to reproduce at home in the form of phonograms and videograms, for personal use of works lawfully made available to the public (Articles 124 to 129 of the Law on Copyright and Neighboring Rights and Implementing Decree No. 05-357/2005 establishing formalities of declaration and control regarding the remuneration for private copying).

Compulsory licenses are allowed in limited cases in Algeria for scholastic and university education needs. The National Office for Copyright and Neighboring Rights may grant a non-exclusive and non-assignable license to translate a foreign work into national language or to reproduce and publish a work that meets specific conditions; provided that fair compensation is paid to the author of the original work. Compulsory licenses are granted exclusively in the Algerian territory (Articles 33 to 40 of the Law on Copyright and Neighboring Rights).

The reproduction of a musical work with or without words, whose recording has already been authorized by the copyright holder, may be granted by the National Office for Copyright and Neighboring Rights, against fair compensation if the author or copyright holder is not represented by this office. The communication to the public by cable distribution of broadcast work is legal, with the permission of the National Office for Copyright and Neighboring Rights, against the payment of an equitable remuneration to the author if it is conducted simultaneously with the broadcasting and without modification of the broadcast program (Articles 30 and 31 of the Law on Copyright and Neighboring Rights).

Limitations to copyright apply also *mutatis mutandis* on the rights of performers, producers of phonograms or videograms, and broadcasting organizations (Articles 120 and 121 of the Law on Copyright and Neighboring Rights).

- *Protection of foreign works*

In addition to the protection of the rights of national authors or right holders members of the National Office for Copyright and Neighboring Rights, the National Office for Copyright and Neighboring Rights should protect the rights of foreign authors or right holders residing or not in Algeria, provided they are represented in Algeria through reciprocal representation agreements with similar foreign agencies, when a work or a performance of their repertoire is the subject of a public exploitation in Algeria (Article 135 of the Law on Copyright and Neighboring Rights).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years from the beginning of the calendar year following the author's death; 50 years from the end of the calendar year following the date of the death of the last surviving author in the event of co-

authored works; 50 years from the end of the calendar year following the first authorized publication for collective, audiovisual and posthumous works - or 50 years from the end of the calendar year in which the work was made accessible to the public, should the work not have been published during 50 years from its making - or 50 years from the end of the calendar year following the making of the work should the work not have been made accessible to the public during 50 years from its making; 50 years from the end of the calendar year following the first authorized publication for anonymous or pseudonymous works - or 50 years from the end of the calendar year in which the work was made accessible to the public, should the work not have been published during 50 years from its making - or 50 years from the end of the calendar year following the making of the work should the work not have been made accessible to the public during 50 years from its making – or 50 years from the end of the calendar year following the author's death when the pseudonym adopted by the author leaves no doubt as to his identity; 50 years from the end of the calendar year following the making of the work for photographic works and works of applied arts. Moral rights are protected in perpetuity (Articles 21 and 54 to 60 of the Law on Copyright and Neighboring Rights).

Rights of performing artists last for 50 years from the end of the calendar year following the fixation of the performance - or 50 years from the end of the calendar year in which the performance took place should the performance have not been fixed; rights of producers of phonograms or videograms last for 50 years from the end of the year of publication of the phonogram or videogram - or 50 years from the end of the calendar year following the first fixation of the phonogram or videogram should the phonogram or videogram not have been published during 50 years from its fixation; rights of broadcasting organizations last for 50 years from the end of the calendar year of the first broadcast of their program (Articles 122 and 123 of the Law on the Protection of Copyright and Neighboring Rights).

The Law provides for a retroactive protection for all works, performances, phonograms, videograms and broadcasts created or fixed before its entry into force provided that the protection period had not fallen into the public at the time of the entry into force of the Law on Copyright and Neighboring Rights (Article 161 of the Law on Copyright and Neighboring Rights).

- ***Registration***

Copyright protection does not depend on formalities. Failure to deposit the work or any act of disposal relating to it does not prejudice the author's rights provided for under the Copyright Law and related legislation.

The National Office of Copyright and Neighboring Rights is responsible for the legal protection of Copyright and Neighboring Rights. Copyright or neighboring rights holders who wish to make a deposit must submit their request to the National Office of Copyright and Neighboring Rights. The rules and procedures relating to registration of such rights are provided under Implementing Decree No. 05-356 bearing constitution, organization and operation of the National Office for Copyright and Neighboring Rights (Article 131 of the Law on Copyright and Neighboring Rights and Implementing Decree No. 05-356 bearing constitution, organization and operation of the National Office for Copyright and Neighboring Rights).

5. International treaties

Algeria is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- [Universal Copyright Convention](#)
- Arab Agreement for the Protection of Authors' Rights

Algeria signed the following Convention but did not ratify it yet:

- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

Algeria signed in 2002 a Free Trade Agreement (FTA) with the European Union (EU Association Agreement) which entered into force on September 1, 2005. The EU Association Agreement stipulates that Algeria should provide suitable and effective protection of intellectual, industrial and commercial property rights, in line with the highest international standard, including effective means of enforcing such rights (Article 44 of the EU Association Agreement). The EU Association Agreement (Annex 6) also requires Algeria to accede to, and ensure an adequate and effective implementation of the obligations arising from, the WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) before the end of the fourth year from the entry into force of the Agreement.

II. Measures and remedies

1. Copyright infringement

Articles 151, 152, 154 and 155 of the Law on Copyright and Neighboring Rights list a number of acts which constitute acts of piracy. These acts are as follows:

- Unlawfully disclosing a work or affecting the integrity of a work or performance.
- Reproducing pirated copies of a work or performance by any means whatsoever.
- Importing or exporting pirated copies of a work or performance.
- Selling pirated copies of a work or performance.
- Renting or putting into circulation pirated copies of a work or performance.
- Communicating the work or the performance to the public in a way that violates the rights protected by the Law on Copyright and Neighboring Rights, by public performance, radio or television broadcasting, cable distribution or any other transmitter of signals carrying sounds or images or sounds, or by any system of data processing.
- Contributing through an action of a person or means in its possession in the infringement of a copyright or neighboring right.
- Willfully refusing the payment of the remuneration due to copyright holders or holders of neighboring rights as prescribed by the Law on Copyright and Neighboring Rights.

2. Remedies to protect copyright holders

The Law on Copyright and Neighboring Rights, the Civil Code, the Code of Civil and Administrative Procedures and the Code of Penal Procedures provide a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to prevent an imminent or continuation of infringement of copyright and neighboring rights. In this case, the president of the competent court may order, at the request of the right holder or his representative, the suspension of the manufacturing of pirated copies of works or protected performances or the introduction into the commercial channels of media manufactured in violation of copyright or neighboring rights; the seizure, even outside the legal hours, of pirated media as well as the income resulting from the illicit exploitation of works and performances; and the seizure of any material used primarily for the manufacturing of pirated media (Articles 144 to 149 of the Law on Copyright and Neighboring Rights).
- Legal action may be instituted at the request of the right holder including fair and equitable civil judicial procedures (Articles 143, 144 and 160 of the Law on Copyright and Neighboring Rights, Articles 3 and 169 of the Code of Civil and Administrative Procedures, Article 72 of the Code of Penal Procedures and Article 2 of the Code of Penal Procedures).
- Seizure, even outside the legal hours, of pirated media as well as the income resulting from the illicit exploitation of works and performances; and the seizure of any material used primarily for the manufacturing of pirated media may be ordered by the president of the competent court at the request of the right holder or his representative. In addition, the judicial police officers and sworn-in officers of the National Office for Copyright and Neighboring Rights may seize, as a provisional measure, copies and samples of media of pirated works and performances, provided that they are placed in the custody of National Office for Copyright and Neighboring Rights (Articles 144, 146 to 149 of the Law on Copyright and Neighboring Rights and Article 650 of the Code of Civil and Administrative Procedures).
- Confiscation of the original and copies of pirated goods and any equipment specially installed for conducting the illegal activity as well as the profits attributable to the infringement which equals the amount of the revenues or share revenues from the illicit exploitation of the work or the protected performance (Article 157 of the Law on Copyright and Neighboring Rights).
- Destruction of the original and copies of pirated goods and any equipment specially installed or used for conducting the illegal activity (Article 157 of the Law on Copyright and Neighboring Rights).
- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity; court costs or fees and reasonable attorney's fees to be paid by the losing party (Articles 144, 150 and 159 of the Law on Copyright and Neighboring Rights, Articles 124, 126, 131, 132, 182 and 182bis of the Civil Code and Articles 419 to 422 of the Code of Civil and Administrative Procedures).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of six months and a maximum term of three years and/ or by a fine varying from 500,000 to 1,000,000 Dinars whether the publication takes place in Algeria or abroad. In case of recidivism, the sanctions shall be doubled and the premises where the crime was committed may be temporarily closed down for a period not exceeding six

months or permanently closed if necessary. Sanctions are also imposed against co-conspirators (Articles 153 and 156 of the Law on Copyright and Neighboring Rights).

- Publication of court judgments, in full or in excerpt, in designated newspapers may be ordered by the competent court at the request of the civil party, and the display of such judgments in places designated by the court in particular, at the door of the place of residence of the convicted person and any facility or venue owned by the convicted person and at his expense. Such expenses shall not exceed the amount of the fine imposed (Article 158 of the Law on Copyright and Neighboring Rights).

3. Provisional measures

Provisional measures may be taken to prevent an imminent or continuation of infringement of copyright and neighboring right (Articles 144 to 149 of the Law on Copyright and Neighboring Rights).

A legal action should be referred immediately to the President of the competent court on the basis of the minutes of seized pirated copies, duly signed and dated. The court must rule on the seizure, within a period not exceeding three days from the referral.

In this case, the president of the competent court may order, at the request of the right holder or his representative, the following provisional measures:

- The suspension of the manufacturing of pirated copies of works or protected performances or the introduction into the commercial channels of media manufactured in violation of copyright or neighboring rights;
- Seizure, even outside the legal hours, of pirated media as well as the income resulting from the illicit exploitation of works and performances;
- Seizure of any material used primarily for the manufacturing of pirated media.

The President of the competent court may order the applicant to pay an adequate financial guarantee.

The party claiming to be harmed by the provisional measures may, within 30 days from the issuance of the court order to carry out those measures; request the President of the court, ruling in summary procedure, the release, reduction or quartering of the seizure or the withdrawal of the other provisional measures. The court may also order the requesting party to provide a reasonable security or equivalent assurance set at a level sufficient to protect the right holder in case its action is founded.

The person benefiting from the provisional measures shall file a legal action with the competent court within 30 days from the date of issuance of the court order to carry out the provisional measures; otherwise the president of the competent court ruling in summary procedure, upon a request made by the party claiming to be harmed by the provisional measures, may order the release of the seizure or the withdrawal of the other provisional measures.

In addition to the judicial police officers, sworn-in officers of the National Office for Copyright and Neighboring Rights are entitled to seize, as a provisional measure,

copies and samples of media of pirated works and performances, provided that they are placed in the custody of National Office for Copyright and Neighboring Rights.

4. Penalties for copyright infringement

The Law on Copyright and Neighboring Rights, the Civil Code, the Code of Civil and Administrative Procedures and the Code of Penal Procedures provide for penalties in case of copyright or neighboring rights infringement. These penalties include the following:

- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity; court costs or fees and reasonable attorney's fees to be paid by the losing party (Articles 144, 150 and 159 of the Law on Copyright and Neighboring Rights, Articles 124, 126, 131, 132, 182 and 182bis of the Civil Code and Articles 419 to 422 of the Code of Civil and Administrative Procedures).
- Seizure, even outside the legal hours, of pirated media as well as the income resulting from the illicit exploitation of works and performances; and the seizure of any material used primarily for the manufacturing of pirated media may be ordered by the president of the competent court at the request of the right holder or his representative. In addition, the judicial police officers and sworn-in officers of the National Office for Copyright and Neighboring Rights may seize, as a provisional measure, copies and samples of media of pirated works and performances, provided that they are placed in the custody of National Office for Copyright and Neighboring Rights (Articles 144, 146 to 149 of the Law on Copyright and Neighboring Rights and Article 650 of the Code of Civil and Administrative Procedures).
- Confiscation of the original and copies of pirated goods and any equipment specially installed for conducting the illegal activity as well as the profits attributable to the infringement which equals the amount of the revenues or share revenues from the illicit exploitation of the work or the protected performance (Article 157 of the Law on Copyright and Neighboring Rights).
- Destruction of the original and copies of pirated goods and any equipment specially installed or used for conducting the illegal activity (Article 157 of the Law on Copyright and Neighboring Rights).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of six months and a maximum term of three years and/ or by a fine varying from 500,000 to 1,000,000 Dinars whether the publication takes place in Algeria or abroad. In case of recidivism, the sanctions shall be doubled and the premises where the crime was committed may be temporarily closed down for a period not exceeding six months or permanently closed if necessary. Sanctions are also imposed against co-conspirators (Articles 153 and 156 of the Law on Copyright and Neighboring Rights).
- Publication of court judgments, in full or in excerpt, in designated newspapers may be ordered by the competent court at the request of the civil party, and the display of such judgments in places designated by the court in particular, at the door of the place of residence of the convicted person and any facility or venue owned by the convicted person and at his expense. Such expenses shall not exceed the amount of the fine imposed (Article 158 of the Law on Copyright and Neighboring Rights).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Algerian courts. Any foreigner, even non- resident of Algeria, may be cited to appear before Algerian courts to execute the obligations that he contracted in Algeria with an Algerian. He may be cited to appear before Algerian courts to execute obligations that he contracted abroad vis-à-vis Algerians (Articles 3, 41 and 42 of the Code of Civil and Administrative Procedures).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The judiciary, public prosecutors, customs officials, and sworn-in officers of the National Office for Copyright and Neighboring Rights are the competent authorities responsible for enforcing the Law on Copyright and Neighboring Rights and combating piracy in Algeria (Article 145 of the Law on Copyright and Neighboring Rights, Articles 14 to 18bis and 29 to 32 of the Code of Penal Procedures, Articles 42 to 44 of the Law on Finance of 2008 and Articles 22 to 22ter of the Code of Customs).

b) Enforcement bodies entitled to act ex-officio in copyright infringement cases

In addition to the judicial police officers, sworn-in officers of the National Office for Copyright and Neighboring Rights are entitled to seize, as a provisional measure, copies and samples of media of pirated works and performances, provided that they are placed in the custody of National Office for Copyright and Neighboring Rights (Article 146 of the Law on Copyright and Neighboring Rights).

Customs agents are entitled to act ex-officio in copyright and neighboring rights infringing cases at the borders.

c) Courts dealing with copyright cases

The Algerian judicial structure includes the Daira tribunals, the Wilaya Courts and the Supreme Court.

Daira tribunals are courts of first instance for civil and certain criminal matters. They are qualified to hear all litigations, in particular, civil, commercial, maritime, social, real estate and family matters for which they have territorial jurisdiction. The tribunals are composed of sections. They also include specialized poles. The specialized poles serving at some courts are qualified to hear, exclusively, litigations relating to international trade, bankruptcy and bankruptcy proceedings, banks, intellectual property, maritime disputes and air transport and insurance matters. The seats of these specialized poles and the jurisdictions of which they depend are determined by regulation (Articles 32 and 33 of the Code of Civil and Administrative Procedures).

The Wilaya Courts or Courts of Appeals are courts of jurisdiction for all the calls formed against the judgments given in all matters by the courts in the first resort. The Supreme Court has the highest jurisdiction. The appeals in cassation can be introduced to the Supreme Court only for limited subjects (Articles 34 to 36 of the Code of Civil and Administrative Procedures).

As regards territorial jurisdiction for litigations relating to intellectual property, including copyright and neighboring rights cases, these are brought, exclusively before the court sitting in the chief place of the court in whose jurisdiction is the defendant's effective or chosen domicile. If the defendant has no known domicile, the competent court is the court of his last domicile (Articles 37 and 40 of the Code of Civil and Administrative Procedures).

2. Enforcement at the border

The persons empowered to establish and record customs violations are Customs agents, judicial police, tax agents, agents of the national coast guard service, and agents in charge of economic investigations, competition, prices, quality and the prevention of fraud. The establishment of a customs violation entitles these agents to seize merchandise liable to be confiscated as a guarantee against penalties legally incurred, as well as any document accompanying the merchandise (Article 241 of the Code of Customs).

The Law on Finance of 2008 has supplemented the Customs Code of new provisions to strengthen the effectiveness of border control exercised by the customs authorities, by increasing their punishment power against counterfeit and piracy (Articles 42 to 44 of the Law on Finance of 2008 and Articles 22 to 22quater of the Code of Customs).

The new provisions of the Customs Law prohibit the import and export of goods infringing any intellectual property right, including goods that constitute, or that incorporate, copies made without the consent of the holder of a copyright or related rights or any person duly authorized by the owner in the country of production in case the making of these copies infringes the copyright or neighboring rights of the owner.

Suspected pirated goods declared for export or consumption, or found during customs inspection will automatically be suspended from release and seized to be placed in a holding area.

In this case, without prejudice to other rights of action open to the right holder and subject to the right of the defendant to seek review by a judicial authority, customs authorities may take all necessary measures to order the destruction or disposal of infringing goods outside the channels of commerce in such a manner as to avoid any harm caused to the right holder, and without compensation of any sort and at no cost to the public treasury. The Customs may also take against such goods, any other measures having the effect of depriving the infringing persons of the economic benefits of the operation in question provided customs authorities do not allow the re-exportation of the infringing goods in an unaltered state or subject them to a different customs procedure, other than in exceptional circumstances. Pirated goods of low value are destroyed.

Imports for personal use of a non-commercial quantity and new items and things acquired for personal use will not be detained by Customs (Article 46 of the Law on Finance of 2008).

IV. Public Awareness

1. **Awareness campaigns and actions**
Information not available
2. **Promotion of legal exploitation**
Information not available
3. **Associations and organizations with awareness-raising purpose**
Information not available
4. **Best practices**
Information not available

V. Capacity-building

1. **Training**
Information not available
2. **Establishment of specialized units and intersectoral groups**

Private bodies have been created to promote intellectual property in Algeria and to fight against piracy, in particular the following:

- **The National Office for Copyright and Neighboring Rights**

The National Office for Copyright and Neighboring Rights (Office National des Droits d'Auteur et des Droits Voisins) is a multi-disciplinary collective management body. It is a public body placed under the wardship of the Ministry in charge of Communication and Culture. It has the monopoly on representation, collection and distribution of royalties. It manages the interests of various foreign collective management bodies on the Algerian territory. It is also responsible for the protection of works of traditional cultural heritage and national works in the public domain; the protection of cultural heritage; the social protection of authors, their rights and neighboring rights' holders members of ONDA; and cultural promotion. <http://www.onda.dz/>

- **ICC-Algeria Commission on Intellectual Property**

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual *Roadmap on Current and Emerging IP Issues for Business and other publications*. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task

forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where ICC has observer status. <http://www.iccwbo.org/policy/ip/id2465/index.html>

- **Saba & Co. Intellectual Property**

Saba is the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- **Arab Society for Intellectual Property**

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies. <http://www.aspip.org/Default.aspx?&lang=en>

3. Best practices

Information not available

VI. Other

1. TPM/DRM

The Copyright Law does not provide any protection for Technological Protection Measures (TPM). However, the Penal Code prohibits and punishes acts relating to violation of automated data processing systems, in particular the following:

- Acceding to or keeping on, fraudulently, in whole or part of an automated data processing system, or trying to do so.

- Adding, removing or altering fraudulently data an automated data processing system.
- Knowingly and fraudulently designing, researching, collecting, providing, distributing or commercializing data stored, processed or transmitted by a computer system, and which offenses under section 7bis of the Penal Code may be committed.
- Knowingly and fraudulently holding, disclosing, publishing or using data obtained by an offense under section 7bis of the Penal Code.

Sanctions for committing any of the aforementioned acts vary between two months and three years of imprisonment and/ or a fine between 50,000 and 5,000,000 Dinars. The penalties are doubled if the crime affects the national defense agencies or public institutions. Legal persons are punishable by a fine equivalent to five times the maximum fine for a natural person. Sanctions include the confiscation of equipment, programs and means used in the commission of the violation as well as the closure of the premises where the crime was committed if the owner was aware about the violation (Articles 394bis to 394noniès of the Penal Code).

2. Licensing Schemes

Information not available

3. Optical Discs

Information not available

4. Hotlines

Information not available

5. Contact Details

Ministry of Communication and Culture

Palais de la Culture
Plateau des Annassers,
BP 100 – Alger,
Algeria
Tel.: (213.21) 29.12.28
Fax: (213.21) 29.20.89
Website: <http://www.mcc.gov.dz/>

Collective Management of Rights

National Office for Copyright and Neighboring Rights (ONDA)

49, rue Hamla Abderrezak, Bologhine – Alger, Algeria
Tel.: (213.21) 95.09.06
Fax: (213.21) 95.08.08
Website: <http://www.onda.dz/>

Arab IP Center of the League of Arab States:

Website: <http://www.arabipcenter.org>