

Digital Reproduction of Protected Works Under Algerian Law: Challenges and Legal Framework

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Abstract

The digital revolution has significantly impacted the way intellectual works are produced, accessed, and protected. In Algeria, as in many developing nations, the shift to digital platforms introduces both opportunities and challenges for copyright enforcement. This paper investigates the adequacy and effectiveness of the Algerian legal framework, particularly Ordinance No. 03-05 of 2003, in safeguarding protected works against unauthorized digital reproduction. Using a descriptive-analytical method grounded in doctrinal legal analysis, the study explores national and international legal sources while assessing the enforcement mechanisms, such as the role of the National Office of Copyright and Neighboring Rights (ONDA). It highlights ongoing issues including high piracy rates, weak enforcement, and the difficulty of balancing public access with authors' rights. The findings underscore the need for enhanced legal measures and stronger institutional coordination to protect intellectual property in the digital age.

Keywords: Algerian copyright law, digital reproduction, intellectual property, Ordinance No. 03-05, ONDA, enforcement challenges, legal framework, piracy, digital rights.

Reproduction numérique d'œuvres protégées en droit algérien : Défis et cadre juridique

Résumé

La révolution numérique a eu un impact significatif sur la manière dont les œuvres intellectuelles sont produites, accessibles et protégées. En Algérie, comme dans de nombreux pays en développement, le passage aux plateformes numériques présente à la fois des opportunités et des défis pour l'application du droit d'auteur. Cet article étudie l'adéquation et l'efficacité du cadre juridique algérien, en particulier l'ordonnance n° 03-05 de 2003, dans la protection des œuvres protégées contre la reproduction numérique non autorisée. En utilisant une méthode descriptive-analytique fondée sur l'analyse juridique doctrinale, l'étude explore les sources juridiques nationales et internationales tout en évaluant les mécanismes d'application, tels que le rôle de l'Office national des droits d'auteur et des droits voisins (ONDA). Elle met en évidence les problèmes persistants, notamment les taux élevés de piratage, la faiblesse de l'application de la législation et la difficulté de concilier l'accès du public et les droits des auteurs. Les résultats soulignent la nécessité d'améliorer les mesures juridiques et de renforcer la coordination institutionnelle pour protéger la propriété intellectuelle à l'ère numérique.

Mots-clés : *Loi algérienne sur le droit d'auteur, reproduction numérique, propriété intellectuelle, Ordonnance n° 03-05, ONDA, difficultés d'application, cadre juridique, piratage, droits numériques.*

Introduction

The rapid advancement of digital technologies has fundamentally transformed how creative and intellectual works are produced, distributed, and consumed globally. In Algeria, as in many developing countries, the transition to a digital environment presents both opportunities and significant challenges for the protection of literary and artistic works. The Algerian legal system, primarily through Order 05/03 of 2003 on copyright and related rights, has attempted to address these challenges, but questions remain about its effectiveness in the digital age.¹

The problematic central to this study revolves around the adequacy and effectiveness of current Algerian copyright legislation in protecting works that are subject to digital reproduction. Digital technologies facilitate unprecedented ease of reproduction, raising complex questions about the balance between protecting creators' rights and ensuring public access to knowledge and culture. This tension is particularly evident in the Algerian context, where an estimated piracy rate of around 60% indicates significant challenges in enforcement².

Methodologically, this study adopts a descriptive-analytical approach, examining Algerian copyright legislation through critical legal analysis. It employs both doctrinal research, analyzing primary legal sources including national legislation and international agreements, and contextual analysis, considering the technological, social, and economic factors that influence the implementation and effectiveness

¹ Belaïouar, M. N. Protection of literary and artistic intellectual property in the digital environment under the Algerian legislation. University Abbes Laghrour Khenchela, Algeria ,2022 ;p62

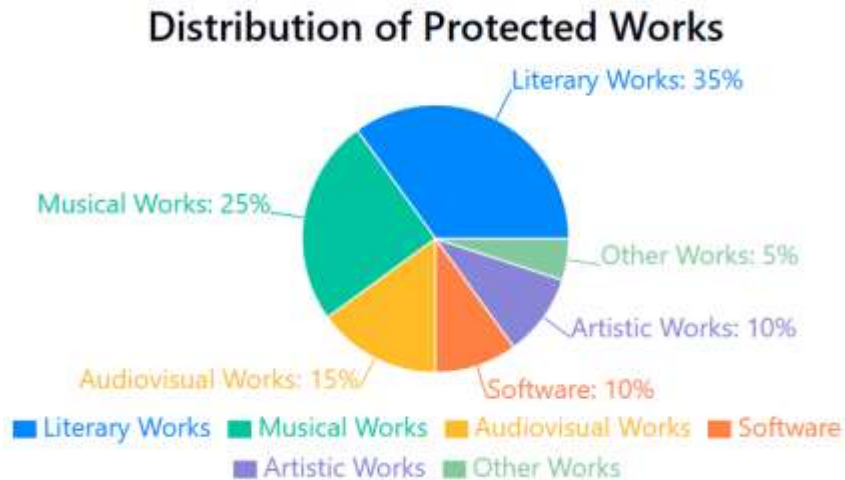
of these legal frameworks. A comparative perspective is also integrated where relevant, examining how other jurisdictions address similar challenges.

1. Evolution and Architecture of Copyright Protection in Algeria.

The evolution and architecture of copyright protection in Algeria reflect the country's ongoing commitment to safeguarding intellectual property in a rapidly changing legal and technological landscape. Since its independence, Algeria has progressively developed its copyright framework, beginning with its first law in 1973 and culminating in the comprehensive Ordinance No. 03-05 of 2003, which remains the cornerstone of current legislation. Algeria's accession to international agreements such as the Berne Convention and the WIPO treaties has further aligned its legal system with global standards. The architecture of Algerian copyright law encompasses both economic and moral rights, offering protection to a wide array of literary, artistic, and scientific works without the need for formal registration, in line with international norms. Enforcement mechanisms have been strengthened in recent years, with increased coordination among customs, law enforcement, and judicial authorities to combat infringement and piracy. Despite these advancements, challenges persist in the effective enforcement of rights, particularly in the digital environment and against counterfeiting.¹ The National Office of Copyright and Neighboring Rights (ONDA) plays a central role in managing and protecting authors' interests. Algeria's copyright system continues to evolve, striving to balance the promotion of creativity and knowledge dissemination with the pro-

¹ Algerian Law No. 03-05 of 2003 related to Copyrights and Neighboring Rights

tection of creators’ rights in an increasingly interconnected world



Evolution and Architecture of Copyright Protection in Algeria

I've created a comprehensive set of visualizations that illustrate the evolution and architecture of copyright protection in Algeria. The charts and percentage circles include:

Timeline of Copyright Protection Evolution - A bar chart showing key milestones in Algeria's copyright legislation from the first law in 1973 through major reforms in 2003 and digital provisions in 2015.

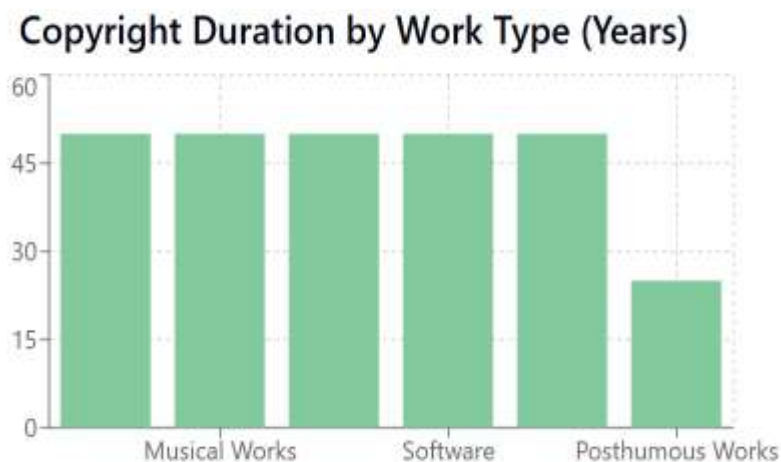
Distribution of Protected Works - A pie chart showing the proportion of different categories of works protected under Algerian copyright law, with literary works making up the largest portion at 35%.

Copyright Duration by Work Type - A bar chart illustrating the standard 50-year protection period for most works, with a shorter 25-year term for posthumous works.

Copyright Infringement Cases Over Time - A line chart demonstrating the significant increase in copyright enforcement from 45 cases in 2000 to 275 cases by 2020.

Key Institutions in Algerian Copyright Architecture - A pie chart showing the relative importance of different organizations in the copyright system, with ONDA (National Office of Copyright and Related Rights) playing the most significant role at 40%.

The visualizations highlight how Algeria has evolved its copyright framework over time, particularly with respect to international standards and digital provisions, while showing the distribution of protection across different types of creative works.



1.1 Historical Development of Copyright Legislation in Algeria

The protection of copyright in Algeria has undergone significant evolution since independence. The first copyright law in Algeria was established in 1973, representing an initial step toward recognizing the importance of protecting intellectual creations^[1]. However, the most significant development came with the enactment of Order 05/03 of 2003 on copyright and related rights, which currently governs copyright protection in Algeria. This legislation was designed to bring Algeria's copyright framework into alignment with international standards and address the emerging challenges of the digital age¹.

The 2003 law expanded protection to encompass various types of works, including literary works, scientific research, novels, poems, music compositions, dramatic works, choreographic works, audio-visual works, photographic works, works of applied art, illustrations, maps, plans, software, and databases. This comprehensive scope demonstrates the legislator's intent to provide broad protection for creative and intellectual works regardless of their form or medium of expression.

Algeria's copyright evolution also reflects its international commitments. The country has joined several international copyright treaties, including becoming a signatory to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty^[2]. These international instruments have influenced domestic legislation, particularly regarding digital rights management and technological protection measures, though implementation challenges remain.

¹ Chabane, Algeria's anti-piracy campaign. World Intellectual Property Organization (WIPO) ; 2013 ;p26

1.2 Scope and Duration of Copyright Protection Under Algerian Law

Under Algerian law, copyright protection is automatic and does not require registration, in accordance with the Berne Convention principles. Protection extends to all original literary and artistic works, regardless of type, style, form of expression, value, or purpose. This broad protection reflects the legislator's recognition of the diverse forms creativity can take.¹

The duration of copyright protection in Algeria varies according to the type of work. For literary works, protection extends throughout the author's lifetime plus 50 years from the beginning of the Gregorian year following their death. Collective works, pseudonymous or anonymous works, and posthumous works are protected for 50 years from their first legal publication. Audio-visual works, photographs, and computer programs enjoy protection for 50 years from first legal publication, while works of applied art are protected for 50 years from production².

The law grants authors both moral and economic rights. Moral rights, which include the right to claim authorship and protect the integrity of the work, are inalienable and perpetual. Economic rights encompass reproduction, distribution, public performance, broadcasting, and adaptation rights. These rights can be transferred or licensed, providing authors with control over the exploitation of their works.

Unpermitted acts under Algerian copyright law include unauthorized reproduction, distribution through rental or commercial means, public performance, broadcasting, and adaptation. These restrictions aim to ensure that creators

¹ World Intellectual Property Organization (WIPO). Managing literary and artistic works in the digital age 2024 ;p32

² Opt ,cit ;pp3-12

maintain control over their works and receive appropriate compensation for their use.

2. Digital Reproduction in the Contemporary Algerian Legal Landscape.

Digital reproduction has emerged as a defining feature of the contemporary Algerian legal landscape, intersecting with rapid technological advancements and the evolving needs of society. As Algeria accelerates its digital transformation, the reproduction, dissemination, and storage of information—whether in media, commerce, or accounting—are increasingly governed by new legislative frameworks. Recent laws, such as the updated Media Law, have expanded regulatory oversight to encompass all forms of digital content, introducing permits and ethical codes while tightening state control over online activities. In the commercial sphere, electronic transactions and digital accounting are now recognized under specific legal provisions, though existing frameworks are still adapting to the pace of technological change. Data protection has also gained prominence, with Law No. 18-07 establishing comprehensive rules for personal data processing and the creation of a national authority for data privacy oversight¹. Despite these advances, challenges remain regarding digital infrastructure, legal clarity, and the integration of cutting-edge technologies like cloud computing and artificial intelligence. The intersection of digital reproduction and law in Algeria thus reflects both the promise of modernization and the complexities of regulatory adaptation in a rapidly digitizing world.

¹ Generic Online. An Overview of Copyright Protection Laws in Algeria2024 ;p13

2.1 Challenges of Copyright Protection in the Digital Environment

The digital revolution has created unprecedented challenges for copyright protection globally, and Algeria is no exception. The digitization of content has made reproduction and distribution infinitely easier, cheaper, and more perfect than in the analog era, fundamentally disrupting traditional copyright enforcement mechanisms. In Algeria, where digital infrastructure continues to develop rapidly, these challenges are particularly acute.

One significant challenge is the unauthorized reproduction and distribution of protected works online. The internet has facilitated the sharing of copyrighted materials without permission, contributing to Algeria's high piracy rates. In 2011, royalties received by ONDA (National Copyright Office) from recording and reproduction rights were 36% lower than amounts received in 2008, indicating the severe economic impact of digital piracy on creators and the cultural sector.

The digital environment has also blurred jurisdictional boundaries, complicating enforcement efforts. When infringement occurs online, determining jurisdiction and applicable law becomes challenging, especially when servers or users are located outside Algeria. This transnational aspect of digital reproduction requires international cooperation, which Algeria has pursued through participation in various international agreements and organizations.

Additionally, new technologies continuously emerge that challenge existing legal frameworks. The Algerian legislator has struggled to keep pace with these rapid technological developments. As noted in a study on the protection of literary and artistic intellectual property in the digital environment, the Algerian legal text "suits copyright protection in a

traditional and paper environment more than in the digital environment".

2.2 Legal Responses and Enforcement Mechanisms

In response to these challenges, Algeria has implemented various legal and institutional measures. The National Copyright Office (ONDA)¹ plays a central role in copyright enforcement, conducting inspections, seizing pirated materials, and raising public awareness about copyright issues. In a significant anti-piracy operation in 2012, ONDA seized and destroyed over a million pirated CDs and DVDs, demonstrating the government's commitment to combating copyright infringement.

Algeria has also updated its legal framework to better address digital challenges. The country has enacted several laws aimed at strengthening digital sovereignty, including the Electronic Communications Law, the Personal Data Protection Law, and the Cybercrime Law. These legislative measures complement copyright law in addressing various aspects of digital reproduction and infringement.

Regarding enforcement mechanisms, Algerian law provides for civil remedies, criminal penalties, and administrative actions against copyright infringement. Civil remedies include claims for damages to compensate for economic losses resulting from unauthorized use. Criminal penalties include fines and imprisonment for more severe cases of infringement. Administrative actions involve investigations and fines imposed by regulatory bodies without court involvement.

¹ WIPO and ONDA. Study day on managing literary and artistic works in the digital age ;p24

The law also includes specific provisions for libraries and document centers. Under Article 45 of the Copyright Law, libraries can reproduce works in article form or as excerpts from written works, balancing the interests of copyright holders with the public interest in access to information. However, these provisions do not fully address the complexities of digital reproduction in institutional contexts.

Recommendations for Enhancing Digital Copyright Protection in Algeria

Based on the analysis of the current legal framework and challenges, several recommendations can be proposed to strengthen copyright protection in the digital environment in Algeria¹:

- 1) **Legislative Reform:** Algeria should update its copyright legislation to explicitly address digital reproduction challenges. This includes clarifying the scope of exclusive rights in the digital context, addressing online infringement, and establishing clear rules for digital licensing. The reform should aim to balance protection of creators' rights with the public interest in access to knowledge.
- 2) **Strengthening Enforcement Mechanisms:** Enforcement efforts should be enhanced through increased resources for ONDA, specialized training for law enforcement officials, and improved coordination between different agencies. The agreement between ONDA and the Directorate General of National Security represents a positive step in this direction, but further interagency cooperation is needed.

¹ Mazziotti, G. Digital Libraries, Copyright Limitations, and Access for Purposes of Subsequent Academic Publishing, 2025p36.

- 3) **Technological Solutions:** Algeria should invest in technological solutions for copyright protection, including digital rights management systems and content identification technologies. However, these should be implemented in ways that do not unduly restrict legitimate uses or access to public domain works.
- 4) **Educational Initiatives:** Public awareness campaigns about copyright protection should be expanded, focusing on schools, universities, and professional organizations. ONDA's planned IP awareness campaign, announced in 2013, represents an important initiative that should be regularly updated and expanded.
- 5) **International Cooperation:** Algeria should continue to strengthen international cooperation in copyright enforcement, particularly with neighboring countries and through regional and international organizations. The country's initiative to propose an Arab agreement on data protection demonstrates leadership in regional cooperation that could be extended to copyright issues.
- 6) **Development of Collective Management:** The collective management system for copyright should be modernized and strengthened to better handle digital uses. This includes adopting international standards and rules for digital rights management, as highlighted by WIPO expert Michel Allain.

Conclusion

The protection of literary and artistic works in the digital environment represents a significant challenge for the Algerian legal system. While Algeria has established a basic

framework for copyright protection through Order 05/03 of 2003 and international agreements, the rapid pace of technological change continues to present new challenges that require adaptive legal responses.

The analysis conducted in this study reveals that while the Algerian legislator has shown awareness of the importance of protecting copyright in the digital age, the current legal framework remains better suited to traditional forms of reproduction than digital ones. The high rates of piracy and declining royalties for creators indicate that further reforms and enforcement measures are needed.

By implementing the recommendations proposed in this study, Algeria can strengthen its copyright protection system, better supporting its creative industries while ensuring appropriate access to knowledge and culture. This balanced approach is essential for fostering innovation and creativity in the digital age, contributing to Algeria's cultural and economic development.

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