

[AL] Tirana District Court Rules in Favour of Digital Multiplex on Charges of Piracy

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On 13 January 2012, The District Court of Tirana recently ordered some Internet Service Providers (ISP) to interrupt the signal and connection to some servers that pirate TV programmes.

The case was brought to court by the District Attorney's office, upon the request of Digitalb, the first digital terrestrial and satellite multiplex operating in the country since 2004 (see IRIS 2005-8/10). Digitalb offers several paid programme bouquets on terrestrial and satellite platforms. The company claimed that a number of servers and companies were illegally and unrightfully distributing Digitalb content, damaging the company economically. Digitalb's claim was submitted on February 2011.

The District Court of Tirana ruled in favour of Digitalb, demanding from several ISPs to immediately discontinue communication to the servers that were proven to transmit illegal content produced by Digitalb or content to which it held broadcasting rights. The decision was based on Art. 143/a of the Penal Code on electronic fraud.

According to Digitalb and the District Attorney's investigations, the piracy took place in the form of card sharing between several servers of one regular Digitalb subscription card. The card encryption codes were derived from using a dreambox device, which then sent the signal to an unlimited number of decoders, just by using a smart card. The District Attorney identified the addresses of the servers that exerted this illegal activity, as well as different persons that had engaged in this activity. However, the investigation revealed that most servers are located abroad, with the aim of avoiding any legal liability.

Piracy of TV programmes and movies is a widespread problem in the country, mainly in the form of local TV stations broadcasting programmes they do not hold the rights to. However, currently the problem has also spread to the web and the courts have recognised it as a damage for the multiplexes and similar companies.

On the other hand, Digitalb, although operating for more than seven years, is not legalised as a terrestrial platform, since the Law on Digital Broadcasting, approved in 2007 (see IRIS 2007-8/6), was never implemented, while the new Law on Audiovisual Services is still being discussed in the Parliament. This situation,

which is unclear for all players in the market, has led to greater opportunities to pirate programmes and content without any rights.

Decision of the Tirana District court No.262 of 13 January 2012

