

Neighbouring Rights in Algerian Law

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Abstract:

Neighbouring rights, as recognised in most domestic legal systems - including Algerian legislation - constitute a significant component of the intellectual property regime. These rights contribute to artistic and creative production through various categories of beneficiaries such as performing artists, producers, and broadcasting organisations.

Accordingly, the legal protection of neighbouring rights under Algerian law ensures the effective safeguarding of these rights. It also defines the modalities for their use and exploitation, including performance, reproduction, and broadcasting rights, thereby playing an essential role in promoting artistic and cultural creativity.

Key words: Intellectual Property – Neighbouring Rights – Performing Artist – Sound Recording Producers – Broadcasting Organisations.

Introduction:

Interest in intellectual and cultural creativity has become one of the fundamental imperatives imposed by the modern era upon societies aspiring to achieve comprehensive development. This underscores the importance of protecting intellectual output as a means of establishing a more effective balance between protection and the dissemination of information. Copyright and neighbouring rights pertain to intangible assets, which are the products of the human mind. Accordingly, the rights associated with such creations are collectively referred to as intellectual property rights.

Copyright is a legal concept that defines the rights granted to creators over their literary works – such as novels and films – as well as artistic works, including oil paintings, sculptures, and architectural designs. These works stem from the creative ideas of an individual, the author, who holds both moral and patrimonial rights over the work they have produced. The author possesses the exclusive right to exploit the work financially in all its forms and to ensure its moral protection.

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There also exist **neighbouring rights** to copyright—rights that are adjacent to those granted to authors of protected works. These neighbouring rights grant similar forms of protection to different categories of beneficiaries, such as performing artists (e.g., actors and musicians) with regard to their performances, producers of sound recordings (e.g., tape and compact disc recordings), and broadcasting organisations in relation to their radio and television programmes⁽¹⁾.

These rights first emerged in 1948 during the revision of the **Berne Convention** for the Protection of Literary and Artistic Works⁽²⁾. However, the formal legal protection of neighbouring rights came much later than that of authors' rights. This delay was largely due to reliance on contractual agreements concluded between performing artists and theatrical producers, which were deemed sufficient at the time.

Neighbouring rights have been formally recognised by the Algerian legislator under Ordinance No. 03/05 on Copyright and Neighbouring Rights⁽³⁾, which highlights the importance of protecting the categories of individuals and entities contributing to artistic and creative production, such as performers, producers, and broadcasting agencies in Algeria. These rights constitute an essential component of the intellectual property protection system, through which the legislator seeks to safeguard both the moral and economic rights of these contributors.

The relevance of this research lies in the fact that neighbouring rights are closely linked to intellectual property rights, as both are inherently connected to intellectual and cultural creativity – an imperative in contemporary societies striving to achieve their goals in the field of comprehensive development⁽⁴⁾. The significance of the topic is further underscored by the recentness of Algerian legislation addressing neighbouring rights, namely through the enactment of Ordinance No. 03/05 of 19 July 2003.

The rationale behind selecting this topic stems from the limited number of studies devoted to neighbouring rights, particularly within the Algerian legal context.

Neighbouring rights represent a subsequent stage in the legal protection of literary and artistic works, as they are governed by distinct legal provisions. This has led us to pose the following central research question: What is the legal concept of neighbouring rights, and how are they protected at the national level? Or, more specifically: To what extent is Algerian legislation effective in protecting neighbouring rights, particularly in the face of the challenges posed by modern technologies?

To answer this research question, we have adopted a descriptive and analytical methodology, as it is best suited to the nature of this study.

Accordingly, this article has been divided into two main sections. The first section explores the concept of neighbouring rights, their relationship with copyright, and identifies the beneficiaries of such rights. The second section addresses the legal protection afforded to neighbouring rights under Algerian law.

Section One: The Concept of Neighbouring Rights

Authorship and publication are fundamental human rights, regardless of an individual's gender, race, or religion. Every person has the right to express the ideas conceived in their mind, which may take the form of tangible literary, scientific, or artistic works—what is commonly referred to as intellectual creativity.

However, for these ideas to materialise as completed works and reach the public, particularly in the case of artistic works, the efforts of multiple individuals or entities are often required. These works necessitate recording, production, and dissemination mechanisms, which are typically handled by parties known as holders of neighbouring rights⁽⁵⁾.

To accurately define the nature of neighbouring rights, it is essential to consider them from all relevant dimensions. Therefore, in order to understand the legal essence of neighbouring rights, we shall begin by defining these rights in **Subsection One**, followed by an analysis of their substantive content in **Subsection Two**.

Subsection One: Definition of Neighbouring Rights

The growing attention to intellectual and cultural creativity has become one of the key imperatives imposed by the modern era upon societies seeking to fulfil their ambitions in the field of comprehensive development. This, in turn, has contributed to the expansion of the work of creators and thinkers across various cultural domains. Scientific and technological advancements in the dissemination of intellectual works have given rise to a distinct category of rights – neighbouring rights.

In comparative legal scholarship, there is a divergence in the terminology used to designate these rights: they may be referred to as neighbouring rights, related rights, or rights akin to copyright⁽⁶⁾. Accordingly, this section will address the meaning of neighbouring rights in **Part One** and examine their relationship with copyright in **Part Two**.

Part One: The Meaning of Neighbouring Rights

The terminology used for neighbouring rights has varied considerably. Some refer to them as related rights, associated rights, or concurrent rights. Moreover, most legal systems have refrained from providing a precise and universally accepted definition of these rights; instead, definitions often focus on identifying the **beneficiaries** of such rights.

Nevertheless, it is possible to formulate a substantive definition. Some scholars employ the term neighbouring rights, a literal translation of the French expression *les droits voisins* and the English term neighbouring rights. Others define them according to their substantive scope, describing them as similar rights, on the basis of their resemblance to copyright in protecting intellectual creativity.

The word “neighbouring” linguistically derives from the Arabic root verb *jawara*, which conveys the meaning of adjacency, cohabitation, or physical proximity. From a terminological perspective, and according to various juristic definitions, the term neighbouring rights refers to rights that share certain common features. According to the jurist **Henri Desbois**, neighbouring rights are “rights that share some characteristics with copyright.”⁽⁷⁾

Claude Colombet defines them as “the rights granted to persons whose efforts facilitate the public availability of literary and artistic works, without having created the works themselves.” Meanwhile, Mahmoud Ibrahim Al-Wali describes them as “rights derived from and similar to copyright, resulting from the artistic adaptation of a work for public presentation or from sound recordings related to it.”⁽⁸⁾

Similarly, Professor Ramzi Rachad Abdel Rahman defines neighbouring rights as “the rights granted to performers, phonogram and videogram producers, and broadcasting organisations, which are bound together by a common link across these distinct categories of beneficiaries.”⁽⁹⁾

Moreover, most legal systems have explicitly defined neighbouring rights and incorporated them into their domestic legislation—including Algerian law, which is considered one of the first national legal systems to provide a formal definition of neighbouring rights. This was initially introduced under Ordinance No. 97/10 on Copyright and Neighbouring Rights, particularly in Articles 109, 113, and 117⁽¹⁰⁾. It was the first domestic law to formally recognise the three categories of neighbouring rights. The legislator later intervened again to amend Ordinance 97/10 by enhancing the legal framework for neighbouring rights through the promulgation of Ordinance No. 03/05, dated 19 July 2003, which constituted a significant modernisation of the legal system governing neighbouring rights. This reform included, notably, the recognition of moral rights for performing artists – an important step in the development of intellectual creativity⁽¹¹⁾.

Accordingly, neighbouring rights may be defined as those legal entitlements that protect the interests of individuals and institutions involved in making works available to the public. These entities contribute sufficient creative, technical, and organisational input to justify the legal recognition of a right that is analogous to copyright, thereby qualifying for legal protection in their own right⁽¹²⁾.

Part Two: The Relationship Between Neighbouring Rights and Copyright

The relationship between neighbouring rights and copyright arises from the contribution of neighbouring rights holders in the dissemination and communication of works to the public, without being the original creators of those works. A neighbouring right is therefore a derivative and adjacent right, contingent upon the prior existence of a protected original work. It cannot be exercised independently of the underlying copyright work to which it is connected⁽¹³⁾.

The relationship between neighbouring rights and copyright continues to provoke both academic interest and legal debate among researchers and specialists in the field. This is largely due to the perceived lack of sufficient legal protection afforded to holders of neighbouring rights, stemming from concerns expressed by authors who fear that these rights may supersede or diminish the primacy of their own rights – particularly given the important role neighbouring rights play in bringing works to life, such as through the reinterpretation or performance of written characters.

Upon closer examination, it becomes clear that the legal nature of neighbouring rights is not identical to that of copyright. Copyright is fundamentally concerned with the creative and original act of authorship, whereas neighbouring rights are primarily concerned with the communication and dissemination of the work to the public. Therefore, it would be inaccurate to claim that neighbouring rights are derived from or identical to copyright. In fact, the law alone serves as the source that defines the scope and structure of neighbouring rights⁽¹⁴⁾.

Article 107 of Ordinance No. 03/05 provides that: "Any artist who performs or interprets a work of intellectual creation or a work from traditional cultural heritage... shall benefit from rights related to their performances, known as 'neighbouring rights', which are adjacent to copyright."

Here, the legislator clearly affirms that these rights are adjacent to copyright, but not identical to it, thereby reinforcing the independent legal status of neighbouring rights.

Despite the difference in the legal nature of each set of rights, holders of neighbouring rights may, in certain circumstances, invoke provisions applicable to authors. They also fall under the scope of collective rights management carried out by the National Office for Copyright and Neighbouring Rights (Office National des Droits d'Auteur et des Droits Voisins – ONDA)⁽¹⁵⁾.

Subsection Two: The Substantive Content of Neighbouring Rights

The substantive content of neighbouring rights encompasses several key dimensions aimed at safeguarding the rights of those who contribute to the production of artistic and creative works. Clearly identifying these categories of beneficiaries is of paramount importance in determining who is entitled to the protection granted under the legal regime of neighbouring rights.

For this reason, both national and international legislators have given careful attention to defining the scope of these rights and the persons entitled to them, without leaving the matter to judicial discretion or scholarly interpretation⁽¹⁶⁾.

In general, holders of neighbouring rights are grouped into three categories, a classification that is found across most legislative systems, including the Egyptian Intellectual Property Law of 2002, the French Law of 1992, the Belgian Law of 1994, and the Sudanese Law of 1996.

The Algerian legislator has also identified three main categories of neighbouring rights holders. These are addressed respectively as follows: performing artists in **Part One**, producers of audio and audiovisual recordings in **Part Two**, and any broadcasting organisation, whether in the field of audio or audiovisual transmission, in **Part Three**⁽¹⁷⁾.

Part One: Performing Artists

Performing arts are a powerful medium for engaging with the public and conveying artistic messages in innovative and impactful ways. The performing artist is an integral part of the cultural and artistic ecosystem, enjoying rights and legal protection under national laws and international conventions that safeguard the rights of artists and promote their role in society.

The term performing artists refers to individuals who act, sing, recite, chant, play music, or dance in the context of performing literary or artistic works. Most national legislations agree that a performing artist is a person who delivers original and expressive performances to an audience, using their body and voice as instruments to communicate thoughts and emotions. These performances may encompass a wide range of artistic disciplines, including dance, singing, acting, musical performance, and other forms of stage art⁽¹⁸⁾.

According to international conventions, performing artists are those individuals who deliver live and original performances of a text, script, song, or any other form of art. They are entitled to participate in cultural life and public affairs. Article 3 of the Rome Convention (1961) defines performing artists as “actors, singers, musicians, dancers, and other persons who perform, sing, deliver, declaim, play in, or otherwise perform literary or artistic works.”⁽¹⁹⁾

Similarly, Article 2 of the WIPO Performances and Phonograms Treaty (WPPT) defines performing artists as “actors, singers, musicians, dancers, and

other persons who perform literary or artistic works or expressions of folklore, by acting, singing, reciting, chanting, or by any other means.”⁽²⁰⁾

As for Algerian legislation, Article 108 of Ordinance No. 03/05 defines a performing artist as “any actor, singer, musician, or dancer, or any other person who performs artistic works or plays music, recites, chants, or otherwise performs roles derived from literary or intellectual works or from traditional cultural heritage.”

This definition is broader than those provided by international instruments. The Algerian legislator exercised its sovereign discretion to expand the scope of protection, extending it beyond performers of artistic works to include individuals who represent or interpret traditional cultural expressions – thus offering a more inclusive and culturally responsive framework for the protection of neighbouring rights⁽²¹⁾.

Performing artists, as well as their heirs, enjoy an inalienable and perpetual moral right, which cannot be waived or subjected to limitation over time. This right entitles them to have their live or recorded performance attributed to them as it was originally created, and to object to any distortion, mutilation, or modification of their performance⁽²²⁾. In addition to these moral rights, performing artists are also granted exclusive economic rights, including the right to communicate their performances to the public, as well as to authorise the making available, rental, or lending of the original recording or copies of their performance. They also have the right to prevent any exploitation of their performances in any form, without their prior authorisation – whether such use involves rental or lending of the original or copies, and whether the intended purpose is directly or indirectly commercial.

Part Two: Producers of Audio and Audiovisual Recordings

Audio recordings refer to any purely sound-based fixation of sounds resulting from a performance, representation, or any other form of audible expression. Phonographic recordings (such as vinyl records) are considered devices used to fix phonograms – that is, recordings of content on a tangible medium through sounds originating from the performance of dramatic or musical works, or from any other type of sound.

A producer of audio or audiovisual recordings is understood to be any natural or legal person who first records a performance or sound, or who initiates and assumes responsibility for the initial fixation of a sequence of sounds⁽²³⁾.

Under Algerian legislation, a producer of sound recordings is defined as any natural or legal person who, under their responsibility, undertakes the initial fixation of sounds arising from the performance of a literary or artistic work or from traditional heritage. Article 115 of Ordinance No. 03/05 states:

“An audiovisual recording producer is a natural or legal person who, under their responsibility, undertakes the initial fixation of a composite image, accompanied or not by sound, which when viewed does not give the impression of life or movement.”⁽²⁴⁾.

It is a precondition that the fixation be made for the first time. The person undertaking the initial recording invests time and financial resources, which grants them exclusive rights – unlike mere copiers, who expend neither effort nor capital in the process⁽²⁵⁾.

Producers of sound recordings are therefore entitled to neighbouring rights, including the right to prevent any individual from using their recordings without authorisation. In addition, they enjoy economic rights, notably the exclusive right to prohibit any form of exploitation of their recordings without their prior written consent⁽²⁶⁾.

Part Three: Broadcasting Organisations (Audio and Audiovisual)

Article 3 of the Rome Convention defines broadcasting as “the transmission by wireless means for public reception of sounds or of images and sounds.” Similarly, Article 138, paragraph 14 of the Egyptian Intellectual Property Law defines broadcasting as “the audio or audiovisual transmission of a work, performance, or sound recording to the public by wireless means,” and considers satellite broadcasting as falling under the same definition⁽²⁷⁾.

Article 117 of Ordinance No. 03/05 defines broadcasting organisations as “the entity that transmits, by wireless means, signals carrying sounds or images, or distributes them by wire, optical fibre, or any other cable, with the purpose of enabling the public to receive fixed programs.”

From this article, it becomes clear that broadcasting refers to the activities of entities that transmit a work, performance, or sound recording of a work or performance to the public by wireless means or any other form of transmission that enables communication to the public. Examples include television channels or radio stations.

Broadcasting organisations do not benefit from moral rights, as they are legal entities, whereas moral rights are inherently attached to natural persons⁽²⁸⁾. Nonetheless, broadcasting organisations do enjoy a range of economic rights, which are evident in their role in making works accessible to the public⁽²⁹⁾. These include the right to license, reproduce, and broadcast works or performances in public venues. They are also required to mention the name of the author and the title of the work when broadcasting it⁽³⁰⁾.

Section Two: Legal Protection of Neighbouring Rights

The technological progress and development that characterise the modern world have contributed to the expansion of international relations and cultural exchanges, leading to the global dissemination of all forms of intellectual output. Ideas originating in one part of the world now circulate globally through written and audio-visual media, thereby broadening access to intellectual and creative works.

However, the exercise of these rights has inevitably given rise to disputes, which fall under the jurisdiction of national courts. In this regard, the Algerian legislator has specified the competent judicial authority for intellectual property disputes in Article 32 of Ordinance No. 03/05, and has referred to the mechanisms established to protect these rights. These mechanisms include a set of legal provisions and procedures aimed at preventing infringements of copyright and neighbouring rights, as well as the sanctions applicable to those who commit such infringements, as provided under the specific protective legislation⁽³¹⁾.

On this basis, the present section will address civil protection in **Subsection One** and criminal protection in **Subsection Two**.

Subsection One: Civil Protection

Under Ordinance No. 03/05, the Algerian legislator allows, in cases where an imminent infringement of neighbouring rights or the rights holder is feared, for a request to be submitted to the competent court to adopt preventive measures aimed at preventing the occurrence of such infringement. The purpose of these measures is to avert the commission of unlawful acts and, in some cases, to preserve evidence⁽³²⁾. These measures primarily aim to halt any unauthorised reproduction of protected performances.

Any form of unauthorised exploitation gives rise to the right to request its cessation through the adoption of appropriate precautionary measures, which must be brought before the competent judicial authority. However, such measures do not compensate for the damage suffered by the holders of neighbouring rights. As a result, they are entitled to seek civil protection by bringing a claim before civil courts⁽³³⁾.

Accordingly, this subsection will examine the civil liability action in Part One, followed by a discussion of its legal effects in Part Two.

Part One: Civil Liability Action

Civil protection provides the right holder with the opportunity to seek compensation for damage resulting from the infringement of their rights—whether such infringement arises from tortious liability or a breach of contractual obligations. Most legislative frameworks relating to copyright and neighbouring

rights grant authors and performers the right to claim civil remedies for the damages sustained as a result of infringements upon their intellectual creations⁽³⁴⁾.

Civil protection typically follows the adoption of precautionary or interim measures. Once such measures are in place, the right holder may initiate a civil liability action to claim compensation for the harm suffered due to the wrongful act committed by a third party.

The Algerian legislator, under Ordinance No. 03/05, specifically addresses civil protection in Article 143, found in Chapter One of Title VI, under the heading "Civil Action." This article provides that legal action to obtain compensation for damages arising from the unauthorised exploitation of an author's work or of a performer's performance shall fall within the jurisdiction of the civil courts⁽³⁵⁾.

According to Article 40, paragraph 4 of the Code of Civil and Administrative Procedure, territorial jurisdiction in matters related to intellectual property lies with the court located in the jurisdiction of the Court of corresponding to the domicile of the defendant. The rules of liability provided in the Civil Code shall apply. Where a contract exists between the parties and one party fails to fulfil or delays in fulfilling one of their contractual obligations, contractual liability arises, and the debtor is required to pay compensation⁽³⁶⁾.

In the absence of a contractual relationship, the rules of tort liability shall apply. This requires the presence of three elements: a fault, defined as a breach of a legal obligation; a causal link between the fault and the damage; and the damage itself. The compensation shall be calculated on the basis of the harm suffered, taking into account the loss of gain and the incurred damage, particularly with regard to the performances made available to the public⁽³⁷⁾.

The principal aim of awarding damages, as intended by the legislator, is to remedy the harm suffered by the copyright or neighbouring rights holder. The civil sanction thus aims at reparation. Where restitutio in integrum (restoration of the prior situation) is possible, specific (in-kind) compensation may be granted. If restitution is not feasible, then the injured party shall be entitled to monetary compensation⁽³⁸⁾.

Subsection Two: Effects of Civil Liability Claims

Whether tortious or contractual, the liability established through the action brought by the rights holder whose rights have been infringed results in the definitive cessation of the unlawful act. Furthermore, the injured party is entitled to compensation for the harm suffered, in accordance with the fundamental legal principle that every injury must be remedied.

1. Compensation through Specific Performance

This is considered the primary remedy, and the debtor may not offer a substitute if specific performance is possible. This principle is enshrined in Article

164 of the Algerian Civil Code, which provides that the preferred form of compensation is to restore the situation to what it was prior to the commission of the fault that caused the damage. This form of compensation is most favourable to the rights holder, as it ensures full reparation of the harm suffered.

2. Compensation by Equivalent (Monetary Damages)

This refers to monetary compensation. According to Article 124 of the Civil Code, “any act committed by a person that causes harm to another shall give rise to liability for compensation.” If it is impossible to restore the original state of affairs, the court may award financial compensation. In addition, the injured party is entitled to moral or non-material damages resulting from the infringement of copyright or neighbouring rights.

The criteria for calculating compensation vary depending on the type of liability. In contractual liability, compensation covers direct damage only, that is, the actual loss suffered and the lost profits. In contrast, tortious liability allows compensation for both foreseeable and unforeseeable damage⁽³⁹⁾.

Subsection Two: Criminal Protection

The significance of issues related to intellectual property, and in particular copyright and neighbouring rights, lies in the profound impact they have on society and the potential for such rights to be infringed. This has led the legislator to adopt not only a single form of protection, but rather a set of legal measures to safeguard these rights. To ensure the effectiveness of this protection, the Algerian legislator did not limit it to procedural (interim) measures or civil remedies, but also established a system of criminal protection, which includes both fines and imprisonment as penalties⁽⁴⁰⁾.

Accordingly, we shall first examine the conditions for the application of criminal protection (**Part One**), followed by a detailed review of the sanctions imposed (**Part Two**).

Part One: Conditions for Criminal Protection

In addition to civil remedies, authors also benefit from criminal protection, thereby ensuring that their rights are fully and effectively safeguarded. For copyright and neighbouring rights to fall within the scope of criminal protection, several key conditions must be met:

- The work in question must be eligible for protection, in accordance with the applicable criteria governing protected works.
- The protection period must still be in force and not expired.
- The infringer must have acted in bad faith, with knowledge and intent.
- The act must constitute a punishable offence under the law.

The Algerian legislator addressed these issues in Article 151 et seq. of Ordinance No. 03/05, which enumerate the acts that constitute infringements of

copyright and neighbouring rights⁽⁴¹⁾. According to the law, any person who engages in the following actions shall be deemed to have committed the offence of counterfeiting:

- Reproducing a work or a performance in any form, resulting in counterfeit copies.
- Importing or exporting counterfeit copies of a work or a performance.
- Selling counterfeit copies of a work or a performance.
- Renting or distributing counterfeit copies of a work or a performance.⁽⁴²⁾

The Algerian legislator set out the criminalised acts and offences in the law governing the protection of intellectual property, rather than including them in the Penal Code. These offences are classified jointly under both copyright and neighbouring rights, in terms of both the acts themselves and the sanctions imposed on the offenders. This reflects the broad legal conception of criminal acts, wherein the offence of counterfeiting is the primary offence outlined by the legislator. It constitutes the material element (*actus reus*) of infringements committed against copyright and neighbouring rights.

Part Two: Criminal Sanctions

The Algerian legislator has treated copyright and neighbouring rights equally in terms of the criminalisation of infringing acts and in defining them as violations of works or performances. Accordingly, the law provides for imprisonment, a fine, or both as applicable to both categories.

All forms of infringement – including counterfeiting and piracy, regardless of the means used or the intended purpose – are covered by this protection. Imprisonment and fines are considered principal penalties, in addition to the confiscation of proceeds derived from counterfeiting or unlawful exploitation of a protected work or performance. Moreover, any equipment used in the commission of the offence is subject to destruction.

The legislator also extended criminal protection to moral rights, as reflected in Article 151 of Ordinance No. 03/05, which stipulates that any person who unlawfully discloses a work or undermines the integrity of a work or the performance of a performing artist or musician shall be deemed to have committed the offence of unauthorised disclosure – a violation of the author's moral rights.

Penalties for such offences are standardised across all violations of copyright and neighbouring rights and include imprisonment from six months to three years and a fine ranging from 500,000 to 1,000,000 Algerian Dinars. In the event of repeat offences, the penalties are doubled⁽⁴³⁾.

In addition, the law provides for confiscation⁽⁴⁴⁾ as a supplementary penalty, alongside the destruction of counterfeit copies and equipment used in the offence. The court may also order the temporary closure – for a period ranging from six

months – or permanent closure of any premises, institution, television station, or radio station involved in the infringement of copyright or neighbouring rights.

Conclusion:

Following an in-depth examination of the legal provisions established by the Algerian legislator under Ordinance No. 03/05 for the protection of neighbouring rights, it becomes evident that neighbouring rights are considered complementary to copyright. This is demonstrated by the fact that both are regulated within a single legislative instrument, without recourse to general legal provisions. Such an approach reflects a modernised framework for neighbouring rights, consistently evolving in line with technological developments and expanding accordingly.

The legal protection afforded to neighbouring rights under Algerian law represents a significant step toward the advancement of artistic and cultural creativity. It establishes a legal framework that ensures the rights of performers, producers, and broadcasting organisations, and seeks to achieve a balanced approach that serves the interests of all stakeholders. This, in turn, contributes to the encouragement of innovation and the enhancement of artistic production.

The importance of neighbouring rights lies in their ability to provide effective protection for creative contributors, thereby enhancing the quality of artistic works and encouraging greater investment in the cultural sector. Algerian legislation reflects the State's commitment to rights protection in alignment with international standards, aiming to strike a fair balance between the rights of authors, performers, and producers, and to foster a vibrant cultural and artistic environment.

Additionally, the Algerian legislator has established a distinct legal regime for neighbouring rights by recognising procedural safeguards, and by clearly defining the three categories of rights holders across multiple articles⁽⁴⁵⁾. Furthermore, the law equally protects moral and economic rights, while also establishing parity between copyright and neighbouring rights⁽⁴⁶⁾.

Finally, the development and strengthening of legal protection mechanisms for neighbouring rights require ongoing efforts by both legislators and civil society, in order to raise awareness among rights holders and to ensure the effective enforcement of the relevant legal provisions.

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- (35) Tarek AKKAD, *op. cit.*, p. 13.
- (36) See Article 40 of Law No. 08-09 on Civil and Administrative Procedure, dated 25 February 2008, published in the *Official Journal* No. 21 on 23 April 2008; see also Articles 176, 182, and 124 of the Algerian Civil Code (Ordinance No. 75/58).
- (37) See Article 144 of Ordinance No. 03/05 on Copyright and Neighbouring Rights, *op. cit.*
- (38) Nadia ZOUANI, *op. cit.*, p. 161.
- (39) See Article 144 of Ordinance No. 03/05, *op. cit.*
- (40) Ahmed BOURAOUI, *op. cit.*, p. 290.
- (41) Ahmed BOURAOUI, *ibid.*, p. 230.
- (42) Any person who publishes or performs a work in violation of the copyright shall be deemed a counterfeiter.
- (43) See Articles 153 and 59 of Ordinance No. 03/05 previously cited.
- (44) Confiscation refers to the forfeiture of property obtained as a result of a misdemeanour or felony, with the purpose of preventing the circulation of illicit goods.
- (45) Ahmed BOURAOUI, *op. cit.*, p. 30.
- (46) Hakim KAHAILIA, *op. cit.*, p. 136.

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