

01/29/2021 Events

The State Agency on Intellectual Property (AGEPI), in its capacity of central administrative authority subordinated to the Government, responsible for promoting and carrying out activities in the field of legal protection of copyright and related rights, acting under the provisions of Article 4(1)h) and Article 48 of Law No. 139/2010 on Copyright and Related Rights, Article 7(2)s) of Law No. 114/2014 on the State Agency on Intellectual Property, taking into account the multiple addresses from users of works and objects of copyright and related rights regarding the organizations for collective management of copyright and/or related rights accredited by AGEPI, comes with the following clarifications.

Currently, the following collective management organizations accredited by AGEPI carry out their activity on the territory of the Republic of Moldova, which manage both copyright and related rights:

1. Public Association National Association "COPYRIGHT" (NA "COPYRIGHT"), accredited by **AGEPI Decision No. 3/1566 of 20.09.2013**, published in the Official Gazette of the Republic of Moldova No. 216-220 of 04.10.2013, to manage all the rights entrusted to it in the management, through the contracts concluded with the rightholders, and those that fall under the incidence of compulsory license, independently or jointly, on the basis of agreement, as well as to manage only the rights of the rightholders they represent on the basis of the contracts concluded with them and those which fall under the incidence of compulsory license, independently or jointly, on the basis of an agreement.
2. Public Association "National Association of Phonogram Producers and Performers of the Republic of Moldova" (ANPFI), accredited as an organization for collective management of related rights by **AGEPI Decision No. 27/1747 of 09.08.2019**, published in the Official Gazette of the Republic of Moldova No. 261-268 from 23.08.2019.

According to **AGEPI Decisions No. 29/2106 of 23.10.2019** and **No. 30/2107 of 23.10.2019**, published in the Official Gazette of the Republic of Moldova No. 326-327 of 02.11.2019, NA "COPYRIGHT" was designated to manage the rights that fall under the incidence of the extended and compulsory license, in accordance with the provisions of Article 48(11) and (13) of Law No. 139/2010 on Copyright and Related Rights, for the period **01.01.2020 - 31.12.2021**.

Details regarding the activity of the Public Association "National Association for the Protection of Intellectual Creation" (ANPCI)

ANPCI does not have the status of organization for collective management of economic copyright and/or related rights since 06.12.2019, the date of entry into force of **AGEPI Decision No. 32/2347 of 29.11.2019**, published in the Official Gazette No. 360-366 of 06.12.2019 by which it was:

- revoked the AGEPI Decision No.1/57 of 12.01.2012 on the accreditation of ANPCI, published in the Official Gazette of the Republic of Moldova No. 16-18 of 20.01.2012, and point 5.1 of the AGEPI Decision No. 3/1566 of 20.09.2013 on the accreditation of organizations for collective management of economic copyright and/or related rights, published in the Official Gazette of the Republic of Moldova No. 216-220 of 04.10.2013 regarding ANPCI;

- withdrawn the accreditation No. 1-3/1566 of 18.10.2013 issued on the basis of AGEPI Decision No. 1/57 of 12.01.2012 and point 5.1 of the AGEPI Decision No. 3/1566 of 20.09.2013 and ANPCI obliged to return the accreditation No. 1-3/1566 of 18.10.2013 within 3 working days from the moment of entry into force of the decision.

In order to avoid misinterpretations regarding the accreditation of ANPCI pursuant to the Decision accrediting the Public Association "National Association for the Protection of Intellectual Creation" as a collective management organization of October 21, 2011, we specify that in accordance with the Decision of the Civil, Commercial and Enlarged Administrative Litigation College of the Supreme

Court of Justice of 29.12.2020 (case No. 3ra-361/20), the Decision of the Chisinau Court of Appeal of 30.12.2019 was partially annulled *on the part of obliging AGEPI to publish in the Official Gazette the decision of 21 October 2011 accrediting ANPCI as a collective management organization*. The decision of the Supreme Court of Justice of 29.12.2020 was executed by AGEPI on 27.01.2021 by issuing the AGEPI decision No. 39/172 of 27.01.2021, to be published in the Official Gazette of the Republic of Moldova.

Thus, **ANPCI is not entitled to carry out its activity as a collective management organization**, including to issue licenses to users and to accumulate author's remuneration, not fulfilling the provisions of Article 48(5)b) of Law No. 139/2010 on Copyright and Related Rights, according to which a collective management organization carries out its activity if it is accredited by AGEPI. All AGEPI decisions mentioned in this press release are published on the AGEPI website <http://www.agepi.gov.md> [1], in the directory *Transparency/CMO Accreditation Commission* <http://www.agepi.gov.md/ro/content/approval-commission-ogc-decisions> [2].

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