11/01/2007 Events

The counterfeit and piracy are the phenomena that cause more and more the different field of the economy. According to some studies, the portion of the commerce with the counterfeit products achieved 10 % of the total products and services, the annual damages constituting 200-300 milliards Euro per year. Orientation of the counterfeit and piracy directly depends on the evolution of the technology in the market and consumers preferences. In order to disseminate the information and prevent such phenomena the Initiative Center on the Consumer Rights (CIDC) in cooperation with AGEPI organized on **October 29, 2007 the round table "Phenomena of counterfeit and piracy – the social contribution by the national program Anti-counterfeit and Anti-piracy"**. Among the participants there were representatives of the Association of Copyright and Related Rights (AsDAC), Public Association "Enigma", „Business Software Alliance" (BSA), Chamber of Commerce and Industry of the RM, RomSym Data company, Custom Service of RM, Union of Producers of Phonogram of Moldova et all.

"In the frame of AGEPI there took place studies in the given field, demonstrating that the counterfeit and piracy are very quique expanded having a negative impact on the intellectual property objects – estimated Dorian Chirosca, director general of AGEPI, in his opening speech. In order to resist to these phenomena there are necessary the efficient instruments, capable to diminish the piracy rate, that is today very high – about 90%. There are already implemented a set of amendments in the legislation permitting to use some civil, administrative and penal measures in order to protect the intellectual property rights. Moreover, the cooperation with the legal bodies on prevention and control of rights copyright and related rights violation should increase the efficiency of the undertaken actions".

Stabilizing and reinforcement of the legislation in the field of intellectual property rights protection needs the opportune social intervention by utilization of different projects of public assistance and information. Sergiu Scerbaniuc, president of the Center of the Initiative on the Consumer's rights, communicate that on **October 15, 2007 started the national campaign Anti-Cuonterfeit si Anti-Piracy „ATENTION to the CONTRAFEITS - 2007", that will finalize on November 30, 2007**. The campaign has the following objectives:

- general information on the rights of the owners on the intellectual property objects having a raised risk of counterfeit and piracy;
- modeling an adequate comportment of the consumers in order to reduce the counterfeit and piracy rate;
- informing the public on the harm of the counterfeit and piracy in relation to the social and economic life;
- Involving the citizens to the detection of the actions connected with infringement of the intellectual property rights;
- Initiating the cooperation between the governmental and the non-governmental bodies in order to prevent and to remove the counterfeit and piracy actions.

With this scope there was created a **hot line "Attention to the counterfeit – 2007" 0-800-01234**, being also foreseen an elaboration of the opinion survey on the corresponding subject.

Oleg Efrim, the representative of the Business Software Alliance, informed the participants of the round table that BSA represents the software and internet products world industry and one of the main aims of the company is the fight against the unfair competition in relation to the soft goods. BSA realizes a series of actions provided to render assistance in the piracy fighting by organization of different campaigns for information and familiarization of the population on the risk that is connected with the non-licensed utilization of the soft. BSA signed already with AGEPI and MAI an Agreement on reducing piracy in the field of informational technology providing the common detection, prevention and counteraction of crimes in the field of computer programs copyright.

The report represented by Ion Tiganas, deputy director of the Department copyright and related rights, AGEPI, accentuated that as subjects damaged by piracy are both authors, producers, distributors, consumers and the state in general. The consequences of the piracy are estimated at the 800 mil. USA dollars – in the editorial industry; 5 mld. dollars – in the phonographic industry; 6 mld. dollars - in the cinematographic industry, 12 mld. dollars – in soft industry. On basis of its mandate, AGEPI carries out a regular control of the commercial and/or rented shops commercializing the audio-video products in order to verify the copyright and related rights observance at the markets of the Republic of Moldova performing administrative reports in the case where any infringements were detected. Improvement of legislation of the Republic of Moldova corresponding to nowadays necessities; stimulation of the respect to the authors work and understanding of the importance of creation, estimation and protection of the authors rights by the whole society; cooperation of all the intern forces interested in stopping the copyright infringement – these are some measures that shall be implemented in order to eliminate the piracy phenomenon.

Dorian Doronceanu, director of the Union of the Producers of Phonograms of Moldova, told about the negative impact of the download in the field of copyright and related rights.The sectors commercializing and renting the audio-video production suffer great economical losses because the companies offer to the Internet users possibility the free per-to-per loading. While in some occidental countries there are foreseen penalties for such infringements of copyrights and related rights, in the RM the mechanisms of elimination thereof are not enough sufficient.

The protection of the rights and the reasonable remuneration of the author may be realized only in the conditions of registration the rights on the creations, if contrary – there are absent the required protection levers. This is why it is very important to inform the large public on the legislation in the field, accentuated Angela Stroici, representative of the Association on the Copyright and Related Rights, being an organization of the collective administration of the Republic of Moldova, empowered to issue licenses on utilization of the works or the objects of related rights and to gather remunerations for using thereof. The organization represents interests of about 2 thousand rights holders.

“In the conditions of the market in the field of the informational technologies the revelation of the public opinion on the legal distribution of the soft by acquiring the licenses is more and more important. Propagation of the legal use of the computer programs by concluding the contracts between the rights holders and users is a single way of the piracy fight. Moreover, the licensed use of the soft diminishes the risk of computer viruses distribution and excludes the defections of the programs” – accentuated Mihai Rusu, director general of the „RomSym Data” company.

Providing the observance of the intellectual property rights on the frotier of the Republic of Moldova constitutes one of the activities of the Custom Service of the RM. The representative of the Direction of the custom fraudes Liliana Castravet messaged to the round table participants that the Custom Code provides for a possibility of the intellectual property holder to require assistance in the custom organizations, filing a request provided paying the prescribed fee. At receiving the holder’s request, the Custom Service accounts to undertake a set of measures on detection and arrest of the counterfeit or pirated goods, or goods damaging by some other mode the holder’s intellectual property rights. If necessary the service issues a decision on suspension of the custom inspection of the suspected goods. Today the Custom Service possesses about 100 registered IPO to which it is granted protection on the frontier.

In summary it was concluded that the counterfeit and piracy cause considerable damages to the intellectual property holders and infringe the principles of the fair competition. They stimulate the illicit commerce, that is why it is necessary to make efforts in order to stop distribution of the counterfeit and piracy and to consolidate the systems of protection and observance of the intellectual property rights. It is especially important forming a consuming culture in basis of knowledge of the rights and modes of rights restoration in case of disregard thereof.

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