10/07/2010 Events

On 27 September 2010 was promulgated, by Decree No. 562-V of the Interim President of the Republic of Moldova, the Law No. 139 of July 2, 2010 on Copyright and Related Rights.

Law No. 139/2010 governs the relations that arise as a result of the creation and use of literary, artistic and scientific works (copyright) and of performances, phonograms, videograms and broadcasts of the broadcasting organizations (related rights), and other rights that are recognized in connection with intellectual activity in literature, art, science and technology.

The new Law registers the moral and economic rights possessed by the authors or rightholders, the exceptions and limitations of economic rights to ensure access to culture, education and teaching, and facilitating access to works protected by copyright and related rights for people with disabilities.

Law No. 139/2010 includes new provisions covering:

- - the rights of producers of databases and videograms;
- - the collective administration system, whose main objective is the collection and distribution of remuneration for the use of creations of its members, through the intermediation of relations between authors and users;
- - the procedure for approval of the organizations that will administer the economic rights of authors and rightholders;
- - the activity of the Mediation and Arbitration Commission under the State Agency on Intellectual Property, which will examine and settle disputes in the field of copyright, related rights and other rights protected by Law.

In the Law No. 139/2010 remained provisions regarding the system of registration of copyright and related rights objects, even if registration is not a prerequisite for the protection, exercise and enforcement of copyright and related rights.

Law No. 139/2010 on Copyright and Related Rights will come into force at the expiration of three months from the date of its publication in the Official Gazette (no. 191-193 of 10.01.2010), i.e. on January 1, 2011.

On the date of entry into force of Law No. 139/2010 will be repealed the Law of the Republic of Moldova No. 293-XIII of 23 November 1994 on Copyright and Related Rights.

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Law on Copyright and Related Rights was developed in order to create an effective mechanism of functioning of the protection system of copyright and related rights, and of harmonization of the national legislation with the international conventions and European directives in the given field. In the process of drafting the Law, AGEPI benefited by the consultancy of the European experts in the program "Assistance in the Implementation of PCA, WTO Commitments and EU-RM Action Plan within the European Neighborhood Policy".

The Draft Law on Copyright and Related Rights, as well as the table of compliance with the European directives was placed for public consultation on the AGEPI website.

With the adoption of Law No. 139/2010 on Copyright and Related Rights was completed the process of harmonization of the intellectual property legislation of the Republic of Moldova with the international and community standards, being realized the commitment made by the Republic of Moldova in accordance with Article 49 of the Partnership and Cooperation Agreement, the legal framework covering the entire spectrum of intellectual property rights.

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