Information on Copyright and Related Rights

- What is copyright and related rights [1]
  Works created by copyright

  Copyright shall extend to literary, artistic and scientific works, irrespective of the purpose of creation, mode of expression or value thereof, expressed in the following forms:

  - written (manuscript, typed text, musical score, etc.);
  - oral (public performance, etc.);
  - audio or video recording (mechanic, magnetic, digital, optical, etc.);
  - image (drawing, sketch, painting, plan, photograph, etc.);
  - three-dimensional (sculpture, model, mock-up, structure, etc.);
  - other forms.

  Copyright objects

  - literary works (stories, essays, novels, poems, etc.);
  - computer programs which shall be protected in the same manner as literary works;
  - scientific works;
  - dramatic and dramatico-musical, scenarios and storyboards, librettos, and film synopses;
  - musical works with or without words;
  - choreographic works and mimed works;
  - audiovisual works;
  - works of painting and sculpture, graphic works and works of fine art;
  - works of architecture, urban planning and park and garden design;
  - works of applied art;
  - photographic works and works obtained by any process analogous to photography;
  - maps, plans, sketches and three-dimensional works relating to geography, topography, architecture and other scientific fields;
  - databases;
  - other works.

  Without causing any prejudice to the right holder of the original work, the copyright protection shall extend to the *derived and composite works*, resulting from a series of works and/or other prior materials.

  Derived works include translations, adaptations, annotations, musical arrangements, and any other transformations of literary, artistic or scientific works provided that they represent results of intellectual creation.

  Composite works: collections of literary, artistic or scientific works such as encyclopaedias and anthologies, compilations of other materials or data, whether protected or not, including databases, which, on account of the selection and systematization of their content, represent results of intellectual creation.

  Creations and other objects not protected by copyright

  - official documents of legislative, administrative or political nature(laws, court decisions), and official translations thereof;
  - state emblems and official signs (flags, armorial bearings, decorations, monetary signs, etc.);
  - folklore expressions;
  - daily news and facts of simple informational nature.

  Close [2]

- Who may obtain the certificate of registration? [1]

Copyright Holders

Copyright holders are the *authors* and *holders of rights.*

Author means the physical person whose creative effort has brought about the creation of a work.

Holder of rights means the physical or legal person (author or another physical person empowered by the author) who legally enjoys economic rights.

Holders of related rights

The holders of related rights shall be the **performers, producers of phonograms, producers of videograms and broadcasting and cable distribution organisations.** Related rights shall be exercised without prejudice to copyright.

Acquisition and exercise of related rights shall not be subject to compliance with any formality. In the absence of proof to the contrary, the natural person or the legal entity whose name appears in the usual manner on a fixation of a performance, a phonogram, a videogram or on the fixation of a broadcast program shall be deemed to be the performer, producer of phonogram , videogram, and respectively, of broadcasting or cable distribution organisation.

Authorship presumption and the protection symbol of copyright and related rights

In the absence of proof to the contrary, the natural person whose name appears on a work for the first time shall be deemed to be the author thereof. The person having had a financial or organisational contribution to the creation of the work shall not be deemed to be the author thereof.

The author shall be entitled to register his work at the State Agency on Intellectual Property. Authorship shall belong to the person whose name appears on a work in the absence of proof to the contrary.

A holder of rights may have his rights acknowledged by means of the copyright symbol, which should be placed on each copy of the work and should consist of the following three elements:

- a circled capital letter C: ©;
- the name or designation of the holder of the exclusive rights;
- the year of the first publication of the work.

For purposes of public disclosure of their rights, the performers and producers of phonograms/videograms may place a notice on each copy or sleeve of a phonogram/videogram , the symbol of protection of related rights which consists of three elements:

- a circled capital letter P: (P);
- the name (designation) of the holder of exclusive related rights;
- the year of the first publication of the interpretation, phonogram, videogram, or broadcast. Close [2]

- What to know before applying for registration [2]
  When filing the application the following shall be enclosed:

  - the object (work) itself or the identifying material submitted for registration in two identical copies, with the authors` signature on each page. The identifying materials shall be original and not descriptions of works;
  - power of attorney issued under the law if the application is filed by a representative or a third person empowered by the author (s);

- proof of payment of the fee in the amount set, or the document confirming the facility, as appropriate;
- copy of ID card of authors;
- copyright contract, in case of transfer of economic rights, drafted in accordance with Articles 30 and 31 of Law no.139 of April 2, 2010 on copyright and related rights;
- other documents, such as: the copy of the registration certificate of the company (if the holder is a legal entity), the certificate of inheritance, the death certificate of the author (if the object is registered by the successor (ii) in title), documents confirming fee facilities for pensioners, students and the disabled.
- the application and the documents enclosed shall be filed in the state language, except the object itself or the identifying material to be registered.
- the copyright contract or other documents attached to the application, except the object itself or the identifying material to be registered, may be filed in another language, subject to the submission, within 15 working days, of the certified translation thereof.
- the power of attorney, issued by the author or the holder of rights, shall be issued for the management of actions related to one or more applications and shall be filed in respect of each application.

An author enjoys copyright protection of his work as soon as it is created.

Copyright does not depend on ownership of the material object in which the work is expressed. The registration of a work or any other act of notification or other formalities is not required for the creation and exercise of copyright.

However, the holder of exclusive rights in a work, whether published or not, may record it in the State Register of works protected by copyright and related rights during the term of protection.

The person having recorded a work shall be issued an official certificate that may not imply presumption of authorship. In the event of a dispute, it may constitute a presumption of authorship for the court in the absence of proof to the contrary.

Close [2]

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