12/27/2022 Comisia de avizare a OGC

According to the provisions of Art. 7 (2) s) of Law No. 114/2014 on the State Agency on Intellectual Property and Art. 4 (1) f) of Law No. 230/2022 on Copyright and Related Rights (hereinafter - Law No. 230/2022), AGEPI approves the establishment of collective management organizations and common collection structures.

Art. 84 (1) of Law No. 230/2022 establishes that “in order to organize and function as a collective management organization, AGEPI, by decision of the Director General, shall endorse the association having legal personality, being registered in accordance with the provisions of the legislation, having its headquarters in the Republic of Moldova and cumulatively meeting the following conditions:

1. members of the association are exclusively the subjects of copyright or related rights;
2. founders of the association do not have the capacity of founders of another collective management organization functioning for the same field/same rights;
3. the association’s field of activity is the collective management of copyright or related rights;
4. the statute of the association corresponds to the requirements of this Law;
5. the association has a current account in a banking institution;
6. **the association has the economic capacity for collective management and has the human and material resources necessary to manage the entrusted repertoire;**
7. the association allows, according to the procedures expressly provided for in its statute, the access of holders who are interested in entrusting them with the full or partial management of rights, categories of rights, types of protected works or other subject-matter;
8. the association submits to AGEPI the repertoire of works, performances, phonograms or videograms belonging to its members. The repertoire shall be submitted in the format established by order of the Director General of AGEPI and shall contain at least the name of the author, the name of the righ holder, the title of the work, the identification elements of the performers, phonograms and videograms.”

Resulting from the conditions of Art. 84 (1) f) of Law No. 230/2022, **as a recommendation**, the list of documents and information that must be presented by each applicant for the approval as a collective management organization that demonstrates that it has the economic capacity for collective management and has the human and material resources necessary to manage the entrusted repertoire is proposed:

1. Management plan;
2. Supporting documents on the funding sources of the association;
3. Information on the initial patrimony of the association;
4. Supporting documents regarding the headquarters/working space (supporting documents: sale-purchase contract, lease contract, commodate contract, etc.);
5. Information on computer equipment;
6. Supporting documents on employed personnel.

The list of above-mentioned documents and information is indicative and not exhaustive. Under the terms of Art. 84 (2) of Law No. 230/2022, the organization shall submit to AGEPI **relevant documents and information** to confirm that it has the economic capacity for collective management and has the human and material resources necessary to manage the entrusted repertoire.

At the same time, in the process of examining the application for approval in order to organize and function as a collective management organization, AGEPI may also request other information necessary for its examination.

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