02/27/2024 Information

According to *Law No. 230/2022 on Copyright and Related Rights*, collective management involves the management of copyright and related rights only through the collective management organization designated as a collector. To make the remuneration collection process more efficient, with the approval of the State Agency on Intellectual Property (AGEPI), collective management organizations can create joint collection structures.

According to AGEPI Decision No. 8/1322 of 23.08.2023 (published in the Official Gazette of the Republic of Moldova No. 328 – 331 of 25.08.2023), , the JSC "Common Structure for Collection, Licensing and Authorization of Rights" (JSC CS CLAR) was approved as a common collection structure, at the same time also being appointed collector for some rights subject to mandatory collective management and extended collective management.

In accordance with the provisions of Law No. 230/2022, the user is obliged to obtain the license for the use of works and/or other protected objects from the common collection structure JSC CS CLAR, before using them. Thus, it should be noted that the prerogative of issuing licenses to users for the use of protected works and other subject-matters belongs either to the collective management organization or to the common collection structure.

The rates applied, the period of payment, including the model of the licensing contract for the use of sunject-matters of copyright and related rights are contained in the negotiated Methodologies that were published in the Official Gazette of the Republic of Moldova:

- *For trade units - No. 1-4 of 05.01.2024 (pages 79-87),*
- *For service providing and leisure units - No. 45 of 30.01.2024 (pages 28-37),*
- *For accommodation and catering units - no. 76-78 of 22.02.2024 (pages 110-122).*

In this context, when concluding licensing contracts, users of protected works and other subject-matter should pay maximum attention to the clauses of the licensing contract (in particular, its object), which correspond to the model established in the duly negotiated and published Methodologies.

Additionally, it should be noted that the infringement of the rights of authors and rightholders, recognized and protected by Law No. 230/2022, incurs civil, contraventional or criminal liability, as appropriate.

The AGEPI decisions and the negotiated Methodologies can also be consulted on the AGEPI website www.agepi.gov.md [1] at the links: https://agepi.gov.md/ro/content/decizii-in-temeiul-legii [2] -nr-230-2022 and https://agepi.gov.md/ro/content/metodologiitarife [3].

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