01.12.2017 События

How harmonized is the legislation of the Republic of Moldova with the provisions of 2014/26/EU Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market? How can collective management activity be improved? When will we have a unique collector? The answers to these questions will be found in the next few months by experts in the project “Support to Enforcement of Intellectual Property Rights”, Irina Lucan-Arjoca, Deputy Director General of ORDA Romania and jurist Ion Tiganas. In order to find out more, the experts, coordinated by Yuriy Kapitsa, met in the period 27-29 November with representatives of the Collective Management Organizations (CMOs) in Moldova and the AGEPI specialists.

“After the new copyright law is adopted, all collective management organizations in Moldova will have to change their internal documents to be in line with European standards. So, we had these meetings to see what the real situation is, and after the information gathered, the experts will evaluate the way in which collective management organizations work,” said project expert Yuriy Kapitsa.

According to the European Directive, “Collective management organizations play, and should continue to play, an important role as promoters of the diversity of cultural expression, both by enabling the smallest and less popular repertoires to access the market and by providing social, cultural and educational services for the benefit of their right holders and the public.”

“European rules have made right holders and collective management organizations more responsible, and these parties are today much more aware of their rights and obligations. In Romania, for example, there is a tariff that everyone pays and that’s all. We have no minimum or maximum tariffs that users should pay to collective management organizations. In Moldova, however, we have not found in the existing laws a calculation methodology or the information the user has to present on a monthly basis. Unfortunately, I find that a number of provisions of the 2014 Directive are not transposed into the legislation of the Republic of Moldova,” said the expert Irina Lucan-Arjoca.

Recently, AGEPI proposed for public consultation the draft Law on Amending and Completing Certain Legislative Acts, elaborated in the need of harmonizing the provisions of Law No. 139 of 02.07.2010 on Copyright and Related Rights with the rules of the relevant acquis communautaire, as well as in order to ensure an adequate level of protection of the interests of the copyright holders and to consolidate the activity of the collective management organizations.

Among the basic and conceptual amendments found in the project is the exposure to a new version of Chapter VII “Collective Management of Patrimonial Copyrights and Related Rights” in order to transpose some provisions of the 2014/26/EU Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.

For a better knowledge of European legislation, a workshop was organized on 29 November, where Irina Lucan-Arjoca made a presentation of 2014/26/EU Directive, mentioning the principles of this Directive, the requirements needed to ensure the smooth functioning of the management of copyright and related rights by the collective management organizations, the promotions of this document, Romania’s experience in its application, and the need to take some steps to improve the management activity in our country.

“Collective management organizations need to develop some internal tariff setting rules and policies and not just. These documents can become a good basis for negotiation and will provide transparency to the users and also to the partners with whom they collaborate,” recommends the project expert Ion Tiganas.

The team of experts will provide support to collective management organizations in implementing the 2014/26/EU Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, and particularly in the development of internal regulations.

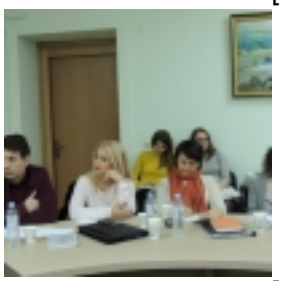
Collective management organizations are non-commercial organizations set up by free association and directly by the holders of copyright and/or related rights. They issue licenses to users for use of works or objects of related rights; negotiate with users the amount of the remuneration for their use and accumulate, allocate and pay the remuneration to the right holders. Two collective management organizations currently operate in the Republic of Moldova: the National Association “Copyright” (ANCO) and the Republican Copyright Office (ORDA).

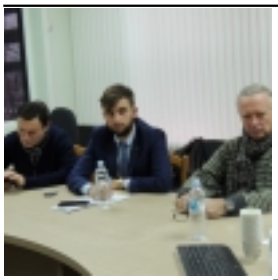
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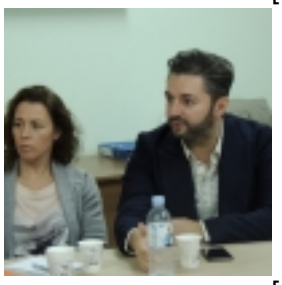

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