

## QUESTIONNAIRE

### A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

State registration of literary, art and scientific works is being performed by State Agency for Intellectual Property (abridged AGEPI). AGEPI was created under the Code on Science and Innovation and the Government Decision No. 1016 of 13th of September 2004, by the fusion of State Agency for the Protection of Industrial Property and State Agency on Copyright, being their rightful successor. The founder of State Agency for Intellectual Property is the Government of Republic of Moldova.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

The address of State Agency for Intellectual Property is:  
24/1, Andrei Doga Str., Chişinău, MD2024, Republic of Moldova.

Phone contact :

Reception: (+373-22) 400607, 400608

Waiting room: (+373-22) 400500

Fax: (+373-22) 440119.

Offices 516, 517, phone:( + 373-22) 400503, 400552

Hours open to public : 08:00 AM – 04:30 PM, from Monday till Friday, lunch break 12:00 – 12:30

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

Web-page and e-mail address of AGEPI: [www.agepi.md](http://www.agepi.md) , E-mail: [office@agepi.md](mailto:office@agepi.md).

4. Is the copyright registry interconnected to any other copyright data system?

The copyright registry is not interconnected to any other copyright data system.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

- Law of Republic of Moldova on Copyright and Related Rights No.293-XIII of 23rd of November 1994
- Law of Republic of Moldova on Distribution of Copies of Works and Phonograms No.1459-XV of 14th November 2002
- Law on Registry No. 71-XVI of 22nd of March 2007

- Government Decision of Republic Moldova No. 774 of 13th of August 1997 on fees for legal services in the area of intellectual property objects protection.
- Government Decision of Republic of Moldova No. 878 of 18th of July 2008 on the approval of the amendments and completions to the Annex of Government Decision No. 774 of 13th of August 1997, with further amendments.
- Government Decision of Republic of Moldova No. 901 of 28th of August 2001 on the approval of Regulation on registration of the works protected by copyright and related rights.
- Government Decision of Republic Moldova No.744 of 20th of June 2003 on the approval of the Regulation on the method of production, issuing and implementation of control marks on art works and phonograms, and the Regulation on the method of registration in the State Registry of the rightholders of the control marks.

6. What kind of copyright works can be registered/recorded? Is the registration/recording process different for each type of copyrighted work? Please describe the differences, if any.

According to Law on Copyright and Related Rights of Republic of Moldova No. 293-XIII of 23rd of November 1994, (the Law), objects under copyright are the following:

- a) literary works (books, brochures, articles, computer programs etc.);
- b) dramatic and dramatico-musical works, scenarios, scenario projects, librettos, movie synopsis;
- c) musical works with or without text;
- d) coreographic works and mime shows;
- e) audiovisual works (cine-, tele-, video-movies, movies with slides etc.);
- f) painting, sculpture, graphics works and other plastic art works;
- g) works of architecture, town planning and horticulture art;
- h) applied art works;
- i) photographic works and works derived from a procedure analogous to photography;
- j) maps, plans, sketches and plastic works on geography, topography, architecture and other sciences;
- k) derivative and integral works (translations, adaptations, processing and any other remakes of literary, art, scientific works, musical work arrangements, as well as encyclopedias, anthologies, collections, databases etc.). The derivative and composed works are protected by the copyright, regardless whether the works they have been created on, or the ones they include are copyrighted objects or not;
- l) other works.

The registration process is identical for all the objects, with the exception of the identifying materials that shall be presented and which are provided in the Regulation on the state registration of the works protected by the copyright and related rights.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recording process than for works protected by copyright?

It is similar to the process of registration of the copyrighted works.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

Yes, there is. The transfer of the patrimonial rights can be performed under the Copyright Agreement on the transfer of exclusive copyright (exclusive licence), or under the Copyright Agreement on the transfer of copyright (non-exclusive licence). The Copyright Agreement, by the parties request, can be registered at AGEPI.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

The rightholder of the exclusive copyright on a published or unpublished work can register the respective work in the official records during the period of the copyright protection.

10. What is the legal effect of registration?

According to Art. 4 (2) of the Law, the author has the exclusive copyright on his/her work, as the result of its creation. For the development and exercise of copyright, registration is not required, nor any other special procedures and formalities. Therefore, the registration is not mandatory, but it serves as a presumption of paternity in case of dispute between the parties.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

- (a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

Registration is not required for the development and exercise of copyright, nor any other special procedures and formalities. Consequently,

- a) registration is not mandatory for the recognition of creation;
- b) registration is voluntary for the transfer of rights;
- c) registration is voluntary for initiation of judicial proceedings;
- d) registration is voluntary for other changes in title/ownership (such as leasing).

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

The courts in Republic of Moldova recognize copyright registrations affected by public authorities in other countries. Validation of the foreign registration is not required.

## 13. What are the requirements for registration?

- (a) What are the mandatory elements of the request for registration/recordation?
- (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
- (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?
- (d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?
- (e) What is the average time taken to complete the registration/recordation process?

The applicant for registration (the rightholder) shall submit the following: ID card (passport), the work itself or the identifying materials, and the request endorsed by the Agency. The actual work or the identifying materials shall be submitted to registration in two copies.

a) The request for the work registration in the Registry shall include:

- the title, language, domain, type of the work;
- the surname, name, father's name of author, date of birth, ID number and personal code (passport number and personal code), address, tel/fax, E-mail; surname, name, father's name of the co-authors;
- surname, name, father's name of the author of the work, translated or processed, and the legal basis;
- surname, name, father's name of the rightholder of the patrimonial rights (name – for juridical persons), address, tel/fax, E-mail;
- the identifying material submitted for registration;
- other relevant information.

b) The request needs to be submitted in a standard form. It can be submitted by post with the actual work attached, but it cannot be submitted by e-mail. The registration of the work is performed in the presence of the rightholder. In case he/she cannot personally submit the work, his/her representative has the right to register the work exclusively by a notarial certificate. If the work is submitted for registration by a successor of rights, there will be indicated also the date of the author's death in the box "date of birth". Concomitantly, the copy of the certificate of inheritance issued by notary will be attached to the request.

c) Along with the request, the actual work or the identifying materials shall be submitted. Under the existing Regulation on Registration of the works protected by copyright and related rights, the phonograms, performances, audio-visual works and the transmissions of the broadcasting organizations need to be submitted in the format of optical disks, the other works shall be submitted on paper.

d) According to Government Decision of Republic of Moldova No. 878 of 18th of July 2008 on the approval of the amendments and completions on the Annex to the Government Decision No. 774 of 13th of August 1997 on the fees for the legal services in the area of protection of Intellectual Property objects.

VII	Examination and registration	Euro
55	Examination and registration of a literary, scientific, musical work: for 1 printed page for 1 handwritten page	0,1 0,2
56	Examination and registration of a plastic art work: for 1 photography or slide	0,2
57	Examination and registration of a movie, radio or television broadcasting or other audio-visual works	10
58	Examination and registration of a phonogram	5
59	Examination and registration of a software, database (IT documentation for 1 page)	1
61	Issue of the certificate of registration	6
62	Issue of the duplicate of the certificate of registration	4

- e) The average timeframe for the process of registration and issue of the certificate on the works protected by copyright and related rights is of 15 working days.
14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recording process for domestic as opposed to foreign works or objects of related rights?
- Foreigners have the right to register/record their creations in Republic of Moldova. Those who do not have legal residence in Republic of Moldova have the right to submit for registration by mediation of a representative authorized by a notary. This procedure is identical to the domestic one.
15. Are the files stored in digital form?
- The files are not stored in digital form.
16. What criteria are followed for classification of the registrations/recording (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?
- The criterion of chronology is being followed. Over the span of the work's granted protection, it is possible to correct the information related to author/ rightholder, or the title of the work /objects of related rights.
17. Does the system have a search facility?
- The system does not have a search facility (AGEPI is in the process of developing of a database).
18. Is it accessible by the public? Is the search facility available online?

It is not accessible by the public. The Regulation stipulates that AGEPI is allowed to publish information concerning the works protected by the copyright and related rights registered in the State Registry.

19. Is access granted to the work registered or its copies?

The access to the work registered or its copies is not granted. The administration of the Registry (AGEPI) assures the security for the secret of the works protected by the copyright and related rights. The administration of the Registry is responsible for the damage or loss of the works, or identifying materials, as well as for the disclosure of the secret contained in these materials, according to the legislation. (P. 27 of the Regulation on state registration of the works protected by copyright and related rights).

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

The general public does not have access to the works submitted to registration, nor to other filed materials.

21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

Our country does not have legislation dealing specifically with “orphan works”. The Project of the new Law on Copyright and Related Rights, harmonized with the European legislation, includes provisions on the author’s compensation in case the right owner was not identified. The Collective Management Organization has the right to re-distribute the amounts of compensation collected from the users which, during a 3-year timeframe from the date of their charge to its account have not been claimed, by their addition to the amounts that will be further distributed to the rightholders, or in another agreed method that does not contravene the legislation. The Project of Law has reached approval by the Government Decision No. 1362 of 4th of December 2008, and will further be sanctioned by the Parliament.

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?

There are not industry practices in our country aimed at identifying and/or locating the copyright owner of “orphan works”.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?

The registering/recording body does not play a relevant role in legislation or practice dealing with “orphan works”. The identification of the authors / right owners of the orphan works is performed by the Collective Management Organizations within the system of distribution of author’s remuneration.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

A system that identifies and lists the recorded/registered works or objects of related rights does not exist.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

They do not exist.

26. Please provide statistics on following registrations/recording:

- Number per statistical period (last five years)
- Number per nationality (last five years)
- Number of inquiries/requests for information filed per statistical period (last five years).
- Number of recording/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

a. Dynamics of the registrations over the time span from 2004 to 2009

<b>OBJECTS</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>TOTAL</b>
<i>literary works</i>	45	50	78	64	77	82	396
<i>plastic art works</i>	7	13	44	61	63	38	226
<i>scientific works</i>	51	54	52	70	78	33	338
<i>musical works</i>	12	6	13	14	5	21	71
<i>databases</i>	7	3	3	7	4	2	26
<i>computer programs</i>	1	6	28	57	18	23	133
<i>phonograms</i>	11	27	51	45	54	50	238
<i>audiovisual works</i>	2	1	4	11	7	103	128
<i>integral works</i>	2	8	2	16	20	53	101
<i>derivative works</i>	-	-	1	2	2	0	5
<i>works of decorative and applied art</i>	-	8	7	8	2	2	27
<b>TOTAL</b>	<b>138</b>	<b>176</b>	<b>283</b>	<b>355</b>	<b>330</b>	<b>407</b>	<b>1689</b>

b. Number of registrations per nationality

<b>No./Country</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
<b>MD</b>	166	258	340	325	385	82	1556
<b>IR</b>	10	27	15	5	22	2	81

- c. The requests for information are transmitted to the Collective Management Organizations to be taken under consideration for the distribution of the author's remuneration.
- d. The administration of State Registry of the works protected by copyright and related rights began its activity on 23rd of December 1991, and we do not dispose of data concerning the works of the public domain.

## B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

Yes, Republic of Moldova has a legal deposit system.

28. Please list relevant national legislation regulating the legal deposit.

The Law on Publishing Activity (Art.18), Functional Regulation of the Legal Deposit in Republic of Moldova.

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

The legal deposit is mandatory in Moldova.

Art. 73. Infringement of the method of item submission to the legal deposit, intentional destruction or damage of the legal deposit.

- (1) Infringement of submission of the legal deposit items for national bibliographic control and statistics to the National Library and to other libraries is penalized with a fine of 10 to 20 conventional units for the natural person, and of 25 to 50 for the responsible person, or with community service work, in both cases, of 20 to 60 hrs.
- (2) The intentional destruction or damage of the library fund is penalized with a fine of 15 to 25 conventional units for the natural person.

[Art. 73, Contravention Code of Republic of Moldova No. 218-XVI of 24.10.2008 ]

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

National Chamber of Book is responsible of the legal deposit archive, intangible fund.

National Library has 1 copy of legal deposit.

National Chamber of Book keeps the statistic account of the national published production.

31. Is there any connection or interaction among legal deposit and copyright protection? There is not any connection among legal deposit and copyright protection.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.



Our national legislation does not have any provision regarding the matter specified above.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

The legal deposit represents the intangible fund of the national and cultural heritage, and it contains the following categories of documents:

- a) books, brochures, bundles;
  - b) serial publications, periodicals (newspapers, magazines, almanacs, calendars, bulletins, agenda etc.);
  - c) extracts from serial publications;
  - d) musical scores;
  - e) serial reproductions of albums, graphic, plastic, decorative and photographic art works, picture cards and postcards;
  - f) atlases, flat, relief and globular maps, printed plans;
  - g) materials of propagandistic communication, with political, administrative, cultural, scientific, educational, religious, sports character: programs, announcements, posters, proclamations, plates;
  - h) PhD theses and their summaries, university lectures;
  - i) electronic documents, formatted on the support of : disk, cassette, video-cassette, CD, DVD, and respectively on: filmstrips, slide, microfilm, microfiche;
  - j) publications with official character, issued by the central and local public authorities, and collections of norms;
  - k) standards, technical and operational norms
  - l) documents on numismatics and philately;
  - m) any other documents printed or multiplied by graphic or physical-chemical procedures as: lithography, photography, phonograph and video graph etc.
34. Does legal deposit apply upon production/printing of content or after its distribution?  
Does legal deposit apply to material printed in your country but distributed abroad?

The legal deposit applies only to the domestic documents.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

The documents with a reduced informational value as: agenda, visit cards, announcements, envelopes; standard administrative and accounting forms as: records, account lists, payrolls, bonus tickets, headers; works of commercial print - serial products destined to free and commercial emission, regardless of the material support and the technical procedure used for their development, printing or emission, valuable documents – bank documents, transport and show tickets, civil and ID documents, documents of ownership, feature films, long and short documentaries, commercial advertisement, state intelligence materials or professional secrets.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

The legal provisions do not distinguish between the on-line and off-line material.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

The depositor has to deposit 7 copies to the National Chamber of Book, which forms the fundament of the national bibliography and official statistics of publications.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

National Chamber of Book of Republic of Moldova retains 1 copy for its own legal deposit necessary for statistics and development of national current bibliography of Moldova and distributes the other ones to the beneficiaries of:

- a) The Ministry of Culture
- b) National Library of Moldova
- c) National Library for Children "Ion Creanga"
- d) The Library of Academy of Sciences
- e) The Republican Library of Techno-Scientific Information
- f) The Library of State University of Medicine and Pharmacy "Nicolae Testimiteanu"
- g) The Republican Centralized Special Library of Society of the Visual-Impaired.

39. What are the time requirements for legal deposit?

The items are forwarded from the first tranche of draft on the first day after emergence.

40. Is there a payment or compensation involved in legal deposit? If so, please indicate its amount.

There is not any payment involved in legal deposit.

41. What is/are the entity/entities responsible for acting as legal depository?  
At national level, the National Chamber of Book acts as legal depository.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

The access to the information on legal deposit is unlimited. Publications entitled "legal deposit" in the libraries beneficiary of legal deposit are not to be lent at home, they are accessible only for on site consultation.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

Yes, the search facilities are accessible on-line.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

Each institution assigns its own number to the legal deposit. The legal deposit's inventory number of the National Chamber of Book is included in the document and in "The National Bibliography of Moldova".

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

Legal deposit (books, brochures, musical works)	2005	2006	2007	2008	2009
Total	2386	2850	2760	2711	2246

In Republic of Moldova, The National Chamber of Book is responsible for legal deposit. For any questions concerning legal deposit, please feel free to contact them at the address below:

180, Ștefan cel Mare și Sfânt Blvd., MD-2004, Chisinau, Moldova  
Tel.: +373 22 295746, +373 22 295916; Fax: +373 22 295860.