



Country Report MOLDOVA

Annual report to the IFLA CLM committee
Gothenburg Sweden 2010

The report is a result of the activities undertaken in cooperation with the Committee on Legal Matters and Copyright issues from the Library Association from Moldova and eIFL IP, Moldova.

Copyright

Revision of copyright law

The *Law on Copyright and Related Rights* in Moldova that was adopted on March 2nd in 1995, with amendments that followed in 1998, 2000 and 2002 is still in force. A new Draft Law on Copyright and Related Rights that was compiled by The State Agency on Intellectual Property (AGEPI) in 2007 was approved by the Parliament in July 2010, but wasn't yet published in the Official Gazette.

New legislation

Major provisions for libraries within the new draft *Law on Copyright and Related Rights* in Moldova were included in the following sections:

Section 12 *Right to Remuneration for Lending*;

Section 27 *Reprographic Reproduction by Libraries, Archives and other Institutions*; Section 28 Other Exceptions and Limitations.

Orphan works

N/A

Public lending rights

According to the Section 12 on *Right to Remuneration for Lending* within the new law stipulates that "libraries or other similar institutions that are not for direct or indirect economic or commercial advantage shall be exempted from the obligation of the payment of the remuneration".

Legal deposit

Legal framework that reflects the *legal deposit* in Moldova includes the following acts: Law on Libraries (1994), Law on Publishing Activity (2000) and Code on Contraventions (2009).

During 2009 and 2010 all tree laws haven't being amended. Thus the following is covered:

The *Law on Libraries*, by Article 22 stipulates the following: *definition* of legal deposit that considers it as "determined number of copies of publications printed in the Republic of Moldova that the publishers are required to be delivered to the National Library and other library centers for bibliographic control and national statistics, for conservation and to ensure safety collections of national heritage"; *principle of free-based delivery of works*, that implies that "publishing organizations are required to provide free of charge to national centers copies of legal deposit" *types of works that are not considered as works of legal deposit*.

The *Law on Publishing Activity* includes within the Article 18 that "copies of legal deposit are sent free of charge by the publishers soon after emergence through the National Book Chamber". Also the following institutions are entitled to receive the copies of legal deposit: *The Ministry of Culture and Tourism* - 1 copy of all issues published; National Library - 2 copies of all editions published;

The National Book Chamber - 1 copy of all issues published; *The National Children Library "I.Creanga"* - 1 copy of literature for children and adolescents; *The Library of the Academy of Sciences* - 1 copy of all issues related to science, humanities, economics and natural sciences; *The Republican Library of Technical and Scientific Information* - 1 copy of the issues related to the field of technical sciences and technology; *The Medical Library from the State Medical University "N.Testimiteanu"*- 1 copy of the works from medicine and health fields; *The Special Republican Centralized Library for Visually Impaired People* - 1 copy editions published in Braille. The above laws are complemented by a Government Decree issued on July 27 in 2004 that includes the Regulation on Legal Deposit that operates in Moldova. The Legal deposit contains the following categories of publications: books, serial publications, periodicals, official acts issued by the central government and local parties, NGOs, musical scores, paintings, portraits, engravings, illustrations, maps, PhD works, multimedia editions, works printed in Brail, sound and video records, software data files, published on magnetic, optical or any other medium designed to be processed on computer (CD, DVD), standards, patents.

The *Code on Contraventions* by Article 75 provides clauses to cover fines if publishers refuse to send published copies to institutions entitled as legal deposit institutions.

Levies

Moldova does not have a levy system. In 2001 on July 7th a *Government Decision on Minimum Rates of Remuneration of Author* come into force that expressly stipulates in regard to libraries that "*libraries, archives and educational institutions can multiply in small volumes or extracts of works on commercial purposes only under contract signed with right holders of the works and pay remuneration to the author or have a license obtained in advance from the collective organizations*".

Creative Commons

Moldova has no *Creative Commons* licenses.

Legal matters

Revision of law

New legislation

Trade agreements

N/A

Privacy

Only the *Librarians Code of Ethics* (Art. 15) includes a reference on protecting library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted.

Anti terrorist law

The law on *Law on combating the terrorism* was adopted in 2001 on October 21st, but doesn't refer to library users and doesn't affect library activities.

DRM

The act of circumvention is prohibited in the current law (2.03.1995) that stipulates in the Art. 37/1 (1)(a) that manufacturing, importing, distributing (selling, renting, etc.), advertising any equipment or components thereof, holding for commercial purposes, and providing equipment or components for circumvention devices is prohibited.

The new draft law the refers to DRM applies only where an effective technological measures have been applied to protect a copyright work or a matter subject to related rights, and while such

protection subsist. And it is designed in the normal course of its operation to prevent unauthorized use of copyright work in a way which would amount to an infringement of copyright

Law cases

N/A

Lobby activities

The Library Association from Moldova in partnership with the eIFL Direct Moldova and eIFL.net are implementing the *Advocacy for Fair Copyright Laws: the Role of Libraries* Project from 2009 through 2010. The goal of the project was to organize an advocacy campaign to positively influence the new draft copyright law. The following activities were implemented:

- translation of the book eIFL Handbook on Copyright and Related Issues into Romanian
- organized an international seminar Copyright and access to information in libraries (3-4 of December, 2009) that served as an stimulus for improving the Copyright Draft Law.

Educational activities

A course entitled Legal Framework for Libraries delivered at Library and Information School from Moldova State University includes copyright/privacy/censorship topics.

Strategic plans for future

- to monitor the Draft Law on Publishing Activity
- to monitor the Draft Law on Libraries.

Both laws have be amended in 2010-2011.

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