

Copyright and related rights

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**ASSOCIATION OF LEGAL CULTURE HENRI
CAPITANT MOLDOVA**

Policy Brief

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Olesea Plotnic, Dorin Cimil

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Introduction

Paintings, photos, drawings, literature, cinema, music, and websites, furniture design drawings, manuals, choreographies, computer programs are works that can be copyrighted. Copyright indeed protects the creators of original works. Related rights are similar to copyrights from the perspective of the prerogatives they grant. Their goal is to protect the artistic or financial contribution invested in literary and artistic creation.

Copyright (CR) and related rights (RR) implies that many uses of a work cannot be made without the authorization of its author or the holder of related rights (or their successors in the title). However, the law speaks users to request the permission of holders of reproductive rights or public communication of protected works in certain specific cases, which will be described below.

The fact of subject to the use of the work of the author or the holder of the neighboring rights has the aim of allowing him to live from the exploitation of his work if he wants to create the distribution in public by involving the creators.

Protected works by CR and RR are also economic values that a company can exploit on a market (eg records, books, databases, software, etc.).

What they share CR and RR is that they appear without the formalities. Indeed, copyright protection occurs automatically even since the creation of an original work, the protection of neighboring rights occurs automatically by executing or producing the service.

However, it may be useful to complete certain formalities that allows the author to offer proof of the creation date and that he is the author. This evidence may thus consist in the registration or submission of the work.

Copyright is the set of prerogatives enjoyed by the authors with reference to the created works; The copyright institution is the instrument of protection of creators and their works.

The literary and artistic works are protected by the "Berne Convention for the Protection of Literary and Artistic Works", dating back to 1886, being reviewed in 1971. According to the Berne Convention, it is no longer necessary to indicate that a work is protected by copyrights as long as the "intellectual property of a literary, artistic or scientific work corresponds to the author for the mere fact that he created it" and "are considered objects of intellectual property all original literary, artistic and scientific creations expressed by any environment and on any support, tangible or intangible, known now or who will be invented in the future."

In the digital world the same laws of intellectual property and copyrights are applied as for all other original creations.

In March 2002, the WIPO Treaty for Copyright (WCT) and the WIPO Treaty for Interpretation and Phonograms (WPPT) came into force.

Both "internet treaties" (as known) were conducted in 1996 by the World Intellectual Property Organization. This is updated and completed the Berne Convention and introduce the elements of the digital society. Over a period of 6 years (1996-2002), the ratification of these new treaties by 30 countries is achieved, the minimum required by the United Nations for its implementation.

Respectively, CR and RR are legal instruments and concepts that respect and protect the rights of authors related to their creations, also contributing to the economic and cultural development of society. The Law on copyright and Related Rights constitutes a decisive role in the completion of the rights and social contribution of the holders.

I. Legal Regulatory Framework of CR and RR

1. European Union legislation

- Directive 2001/29 / EC of the European Parliament and of the Council of 22.05.2001 on the harmonization of certain aspects of the CR and related rights in the information society¹ - has adapted copyright legislation and related rights to technological developments. However, the vertiginous evolution

¹ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32001L0029&from=RO>

of digital technologies changes the way of distribution and access to radio and television programs. According to Eurostat estimates, almost half of EU internet users access music, audiovisual content and online games. These developments in the digital world highlight the need to revise the provisions of this directive;

- Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the digital single market and amending Directives 96/9 / EC and 2001/29 / EC² - provides for a right of Conely author for press publishers and a fair remuneration for copyrighted content. So far, online platforms have had no legal responsibility for using and charging copyrighted content on their sites. The new requirements will not affect the commercially available loading of copyrighted works in online encyclopedia such as Wikipedia;³

- Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down the rules on the exercise of copyright and related rights applicable to certain online broadcasting bodies and certain retransmissions of television and radio programs and amending Council Directive 93/83 / EEC⁴ - introduces the country of origin principle to facilitate licensing on rights for certain programs that broadcasting providers and television provide on their online platforms (eg: simultaneous broadcasting services and in resumption). Member States must ensure the entry into force of the laws, regulations and administrative provisions necessary to comply with this Directive by 7 June 2021;

- Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permissible uses of certain works and other copyright objects and related rights for the benefit of blind persons with visually impaired or difficulties reading the printed materials and amending Directive 2001/29 / EC on the harmonization of certain aspects of copyright and related rights in the information society⁵ - facilitates access to books and other printed materials in appropriate formats and their circulation in the internal market;

- Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on the cross-border portability of online content services in the internal market⁶ - aims at consumers accessing TV content, music or other digital content when traveling to other Member States EU, other than the country in which they were purchased.

2. Legislation regarding CR and RR in the Republic of Moldova:

- Law on Copyright and Related Rights no. 139 (adopted on 02.07.2010, in force of 01.01.2011) is largely harmonized with the provisions of Community copyright regulations;

- Law on the dissemination of specimens of works and phonograms no. 1459-XV (adopted on 14.11.2002, in force of 01-05-2003);

- Decision for the approval of the Regulation on the registration of objects of copyright and related rights no. 89 of 10.02.2012.

- Draft Law amending Law no. 139/2010 on copyright and related rights, developed in order to achieve PCTs 291 of the National Action Plan for the implementation of the Republic of Moldova Association Agreement in 2017-2019, approved by Government Decision no. 1472/2016 was repeatedly transmitted to State Agency on Intellectual Property AGEPI for further examination and finalization. The proposed amendments aim for the transposition of several Community relevant regulations, including the 2014/26 / EU of the European Parliament and of the Council of 26 February 2014 on the collective management of copyright and related rights and the granting of multi-territorial licenses for rights Musical works for online use on the domestic market and are aimed at establishing clear rules on collective management of copyright and related rights, and, last but not least, the regulation of the

² <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32019L0790>

³ European Parliament. Descriptive sheets about the European Union: intellectual, industrial and commercial property. Available online: <https://www.europarl.europa.eu/factsheets/ro/sheet/36/proprietatea-intelectuala-industrial-a-si-comerciala> (access 06.08.2020)

⁴ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32019L0789&from=RO>

⁵ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32017L1564&from=RO>

⁶ <https://eur-lex.europa.eu/legal-content/RO/TXT/?qid=1557493780595&uri=CELEX:32017R1128>

transparent way of collecting, distribution and actual payment of remuneration to the holders of CR and RR.

II. Specific provisions on copyright (CR)

CR is a legal term that regulates the relations that arise in the creation and capitalization of literary, artistic, scientific (copyright) works of interpretations, phonograms, videograms, broadcasts of broadcasting organizations (related rights).

Opera is a result of original intellectual creation in the field of literature, art and science, regardless of the means of creating, the concrete and the form of expression, its value and importance.

In the doctrine, the originality of the Opera is considered as an expression of the personality and individuality of the author. The law distinguishes between the author's quality of a work, on the one hand, and the subject of the copyright of such a work, on the other. The most important topic of copyright is considered the author of the work of art, literature or science. The author's quality of a work can only have a natural person, because only it has the physical and spiritual qualities and capabilities that are necessary to achieve such a creation.

The author may be the natural person by whose creative activity the work was created. When the opera was published anonymously or under a pseudonym that does not allow the identification of the author, the publishing house, whose name is indicated on the Opera, the author's representative is considered, in that capacity to protect and exert the rights of the author.⁷

Similarly, the natural or legal person whose name or designation occurs on an audiovisual work, videogram or phonogram is considered, until the contrary, the manufacturer of the audiovisual work, the videogram or phonogram.

In order to inform the public about its rights, the copyright holder will use the copyright symbol, which will apply to each copy of the Opera and consists of three elements:

- a) Latin letter "C" included in a circle;
- b) the name or name of the holder of the exclusive copyright;
- c) Year of the first publication of the work.

However, the use of the copyright symbol does not constitute a condition in order to grant the protection provided for by this law. The state registration of copyrighted works and related rights shall be carried out by AGEPI in accordance with the Government's approved regulation.

However, the use of the copyright symbol does not constitute a condition in order to grant the protection provided for by this law. The state registration of copyrighted works and related rights shall be carried out by AGEPI in accordance with the Government's approved regulation.

From the perspective, copyright protection conditions, according to Article 5 of the Law on Copyright and Related Rights no. 139/2010:

- all works expressed in a certain objective form in the literary, artistic and scientific field, irrespective of whether or not they have been brought to the public, benefit from legal protection;
- The author benefits from copyright protection over his work by himself creation. For the appearance and exercise of copyright, there is no need to register the opera, any other notifications or other formalities;
- Copyright is made of patrimonial rights and moral rights (nonpatrimonial personal);
- Copyright does not depend on ownership of the material object in which it has found its operation. The procurement of such an object does not confer on its owner any of the rights granted to the author of the present law;
- patrimonial rights may belong to the author or other natural or legal person who legally holds the rights (the rights holder);
- Protection of copyright extends to the form of expression, but does not extend to ideas, theories, scientific discoveries, processes, methods of operation or on mathematical concepts as such or on inventions contained in an opera, whatever the way of pickup, explanation or expression.

⁷ Art.8 par. (2) of the Law on Copyright and Related Rights no. 139/2010.

According to art. 6 of the Law on Copyright and Related Rights no. 139/2010, Copyright extends to:

- a) the works, regardless of their place of their first publication, whose copyright holder is a natural or legal person in the Republic of Moldova;
- b) works published for the first time in the Republic of Moldova, regardless of the domicile or the headquarters of the copyright holder over those works;
- c) other works, according to the international treaties to which the Republic of Moldova is a party.

It is also drawn attention to that the Opera is considered for the first time in the Republic of Moldova if it was published in the Republic of Moldova within 30 days from the date of its first publication abroad.

In the context of national legal regulation with regard to copyright-protected works, copyright extends to literary, artistic and scientific works expressed in the following forms:⁸

- a) written (manuscript, typed text, parity, etc.);
- b) oral (public interpretation, etc.);
- c) audio or video printing (mechanical, magnetic, digital, optical, etc.);
- d) image (drawing, sketch, painting, plan, photo frame, etc.);
- e) three-dimensional (sculpture, model, layout, construction, etc.);
- f) in other forms.

Respectively, objects of copyright may be:⁹

- a) literary works (stories, essays, novels, poems, etc.);
- b) computer programs that are protected as literary works;
- c) scientific works;
- d) dramatic and dramatic-musical works, scenarios and scenarios, the libraries, the synopsis of the film;
- e) musical works with or without text;
- f) choreographic works and pantomimes;
- g) audiovisual works;
- h) painting, sculpture, graphics and other works of plastic art;
- i) architectural, urban and horticultural works;
- j) applied works of art;
- k) photographic works and works obtained through an analog photographic process;
- l) maps, plans, sketches and three-dimensional works in geography, topography, architecture and other areas of science;
- m) databases;
- n) other works.

Without prejudice to the rights of the author of the original work, it is also protected by copyright derivatives and integrations to which one or more works are and / or any other pre-existing materials, namely:¹⁰

- a) translations, adaptations, annotations, musical arrangements and any other transformations of literary, artistic or scientific works, provided they are results of intellectual creation;
- b) the collections of literary, artistic or scientific works (encyclopedias and anthologies, compilations of other materials or data, whether or not protected, including databases), provided that, for the selection and systematization of their content, it is results of intellectual creation.

The copyright is also protected as such and a component part or another element of the work (including the title or characters of the Opera), which is an intellectual creation itself.

The works, as well as component parts or other elements of the works specified in art. 7 par. (1) - (4) of the Law on Copyright and Related Rights no. 139/2010 benefits from protection if they are original in the sense that represents through self-intellectual creations. There are no other criteria, such as quantitative, qualitative or aesthetic characteristics, to determine whether these works are subjective.

⁸ Art.7 (1) of the Law on Copyright and Related Rights no. 139/2010.

⁹ Art.7 (2) of the Law on Copyright and Related Rights no. 139/2010.

¹⁰ Art.7 (3) of the Law on Copyright and Related Rights no. 139/2010.

We would mention that certain creations and other objects remain unprotected by copyright, according to art.8 par. (1) of the Law on Copyright and Related Rights no. 139/2010, the protection of copyright, according to this law, does not extend to:

- a) normative acts, other administrative, political or judicial acts (laws, court decisions, etc.) and their official translations;
- b) state symbols and official signs of the state (flags, stages, decorations, money signs, etc.);
- c) folk expression;
- d) News of the day and various facts that represent a simple information.

Copyright is a dualistic one, for it is established from patrimonial (economic) and nonpatrimonial (personal, moral) rights.

*The author's moral rights refer to:*¹¹

- a) the right to paternity - the right to be recognized as an author of his work and the right to claim such a recognition, including by indicating his name on all copies of the published or by reference to his name, as he is accustomed to the case of any operation of the work, except when this is impossible and when the lack of obligation to indicate the author's name derives from other provisions of this law;
- b) the right to name - the author's right to decide how it will be his name to capitalize on the work (true name, pseudonym or anonymous);
- c) the right to respect for the integrity of the work - the right to protect its work against any distortion, a change or any other touches to the work, which prejudice the author's honor or reputation;
- d) the right to disclosure of the work - the right to decide whether the Opera will be made public, how and when;
- e) the right to withdraw the Opera - the author's right to withdraw his trade in the commercial circuit, damages the holder of the right to capitalize, if he is prejudiced by the exercise of the withdrawal.

We will note the attention that moral rights can not be subject to any quit or assignment and are imprescriptible, even if the author fails his patrimonial rights.

Patrimonial rights

The use or exploitation of a work gives rise to patrimonial (economic) rights, distinct and exclusive, of the author to authorize:¹²

- a) reproduction of the work;
- b) distribution of the original or the specimens of the work;
- c) renting the specimens of the work, with the exception of the works of architecture and applied works of art;
- d) importation of the specimens of the opera for distribution, including specimens made with the author's consent or other copyright holder;
- e) public demonstration of the work;
- f) public interpretation of the work;
- g) public communication of ether, including satellite (tele-broadcasting), or cable;
- h) simultaneous retransmission and no modifications, by ether or cable, of the ether or cable opera;
- i) the provision in an interactive mode of the work;
- j) translating the work;
- k) transforming, adaptation, arrangement or other modifications of the work, except where the actions of those listed in Lit. a) -k) does not fit in the form of expression of the work and for which sanctions cannot be established.

It is important to underline that the author or other holder of exclusive patrimonial rights is entitled to a fair remuneration. The amount and how to pay author remuneration for each case and how to capitalize on the work are established in the contract by the author or in the contracts which the collective management organizations of the patrimonial rights have concluded with users.

¹¹ Art.10 par. (1) of the Law on Copyright and Related Rights

¹² Art.11 of the Law on Copyright and Related Rights

The right of distribution referred to art. 11 par. (1) lit. b) of that law is exhausted with the first sales or other first transmission of ownership of the original or specimens of the work in the territory of the Republic of Moldova.

If an author transmitted or assigned a producer of phonograms or audiovisual works his right of rental of the phonogram or audiovisual work referred to art. 11, (1) lit. c) of this Article, the author retains the right to a fair remuneration for each rental. This right is inalienable and is exercised only through collective management organizations of patrimonial rights.

The right of cable retransmission provided for in art. (1) lit. h) of that law is exercised exclusively through a collective management organization of patrimonial rights. The amount of the remuneration of the author for the right of cable retransmission shall be determined by taking any type of payments that cable network operators receive from the members of the public for the appropriate services, including technical access, as well as for the maintenance and service of the equipment used to make retransmission. The amount shall be determined for the payment of both remuneration to authors or other copyright holders for their exclusive rights provided in par. (1) lit. h) of this article and the equitable remuneration due to the performers and producers of phonograms, provided in art. 37 par. (1) lit. c).

According to art. 13 of the law, the co-paternity is copyright on a work created by the common effort of two or more persons, regardless of whether this work constitutes a whole indivisible or consists of the parties. Each of the co-authors maintains the copyright on the part created by him and has the right to have it as he thinks fit, provided that this part has a stand-alone character. It is considered that a component part of the work is self-employed if it can be exploited independently of other parts of this opera.

In the case of copyright on service works, according to art. 14 of the law, the moral rights of a work created as a result of the fulfillment of a mission entrusted by the employer or as a result of the fulfillment of the service duties (service work) belong to the author of this Operation, And the author of that work is not entitled to prohibit his employer to publish it or do it otherwise accessible to the public.

In the absence of legal provisions or contractual clauses contrary, in so far as the recovery of the work is conditional on the mission entrusted to the author to create this work, the patrimonial right to the work of the employer. The amount of author remuneration for each mode of capitalization of the service works is established in the contract between the author and the employer.

It is important in this context, when capitalizing on the service work, to indicate the author's name, if this is true. The employer also has the right to ask for the indication of his name to any capitalization of the service work.

III. Related rights (RR)

The creation of a work of art, literature or science implies a work to be remunerated, and this can be done, largely, only with the contribution of other subjects that will bring to the knowledge of the audience created through different communication methods such as dance , public interpretation or recitation of works, direct and more. In this context, it is well known that the effective use of copyright-protected objects can not be imagined without the contribution of interpreters, phonogram producers or diffusion organizations.

Related Rights, according to Chiroșca I., Chiroșca D.¹³, may be defined as a category of rights, which are aimed at ensuring the protection of creations produced by certain categories of persons contributing to the execution by certain means and forms of the creations protected by the right by the author. In the doctrine¹⁴, the notion of related rights is understood as meaning guaranteed rights in an increasing number of countries, for the protection of the interests of the performers, phonogram producers and broadcasting and television organizations in relation to Activities related to public use of authors' works, of all categories of presentations of artists or public communication of events, information and any sounds and images.

¹³ Chiroșca I, Chiroșca D., Dreptul Proprietății intelectuale, Partea I, CEP, Chișinău, 2020, p.203

¹⁴ Introduction to Intellectual Property, Ed. Rosetti, 2001, p.150.

According to Article 32 of the Law on Copyright and related rights, subjects of related rights are interpreters, phonogram producers, videograms producers and diffusion organizations by ether or cable. Related rights are exercised without prejudice of copyright.

Respectively, for the appearance and exercise of related rights, there is no need to comply with any formality. In the absence of a contrary, the natural or legal person whose name or name usually occurs on a printing of interpretation, on a phonogram, videogram or on a printing of an issue, is considered to be performed, producer of phonogram or videogram, respectively, organization of diffusion by ether or cable.

In order to inform the public about their rights, interpreters and phonogram or video manufacturers, ether or cable diffusion organizations may indicate, on each copy or packaging of phonogram, videogram, issue, the symbol of the protection of related rights, which consists of three elements:¹⁵

- a) Latin letter "P" included in a circle;
- b) the name or name of the holder of exclusive related rights;
- c) Year of the first publication of interpretation, phonogram, videogram, broadcast.

We should note that the rights of the interpreter are protected in accordance with the Law on Copyright and Related Rights if:

- a) the interpreter is a citizen of the Republic of Moldova;
- b) the interpretation took place on the territory of the Republic of Moldova;
- c) Interpretation was printed on a phonogram or videograph in accordance with the provisions of paragraph (5);
- d) Interpretation is not printed on a phonogram or videogram, but is included in a broadcasting organization by ether or cable in accordance with the provisions of paragraph (6).

Also, the rights of the phonogram or videogram manufacturer shall be protected in accordance with the copyright law and related rights if:

- a) the phonogram or videogram producer is a citizen of the Republic of Moldova or a legal person with a permanent establishment in the Republic of Moldova;
- b) phonogram or videogram was published for the first time in the Republic of Moldova or was published in the territory of the country within 30 days from the date of its premium publication in another country.

The rights of the diffusion organization by ether or cable are protected in accordance with the provisions of this law if the organization has its permanent establishment in the Republic of Moldova and disseminates programs from a transmitter located in the territory of the Republic of Moldova.

The related rights of performers, producers of phonograms or videograms and diffusion organizations through ether or foreign cable are protected in accordance with the provisions of the international treaties to which the Republic of Moldova is a party.

In the following, the rights of each related rights protected, namely:

1. Rights of interpreters¹⁶

The interpreter benefits from the following moral rights in respect of its interpretation:

- (a) the right to paternity - the right to consider interpreter and asking for such recognition, including by communicating or indicating its name for each valorisation of its interpretation, if other provisions or exceptions are established by this law;
- b) the right to name - the right of the interpreter to decide how its name is to capitalize on the interpretation (true name, pseudonym or anonymous);
- c) the right to respect for the integrity of interpretation - the right to protect its interpretation against any distortions, aimonosii or against any other touches that may prejudice the honor or reputation of the performer.

The interpreter has the exclusive right to allow or prohibit the following actions:

- a) printing its unprinted interpretation;
- b) reproducing the print of its interpretation;

¹⁵ Art.32 par. (3) of the Law on Copyright and Related Rights

¹⁶ Art.33 of the Law on Copyright and Related Rights

- c) distributing the print of its interpretation;
- d) renting the print of its interpretation;
- e) public communication through ether or cable of its interpretation, unless the interpretation is itself a television or broadcasting interpretation or is executed from a print;
- f) providing an interactive regime of its printed interpretation.

The interpreter, in the case of collective interpretation, the driver or other person empowered by this collective may allow the user in par. (2) by contract concluded in the form written with it.

The conclusion of the contract for the creation of an audiovisual work between the interpreter and the manufacturer of the audiovisual work, if the contract does not provide otherwise, it draws the transmission by the interpreter of its rights in par. (2).

If an interpreter has transmitted or assigned to a producer of phonograms, videograms or audiovisual works its right of rent, provided in par. (2) lit. d), the interpreter retains the right to a fair remuneration, which the parties will agree on a mutual agreement, for the rental of the phonogram, video or audiovisual work containing its interpretation. This right is inalienable and exercises exclusively through a collective management organization of patrimonial rights.

2. Rights of phonogram producers¹⁷

The phonogram producer has the exclusive right to allow or prohibit the following actions in respect of its phonogram:

- a) reproduction of phonogram;
- b) distribution of sheets of phonogram;
- c) rental of phonogram exemplary;
- d) import, for distribution purposes, of the phonogram specimens, including the specimens carried out with the consent of the phonogram manufacturer;
- e) making available to the public in the interactive regime of phonogram;
- f) Adaptation or other transformation of phonogram.

The exclusive rights of the phonogram producer provided in par. (1) of this Article may be forwarded to other persons by contract of assignment or license, under Art. 30 and 31.

The right of distribution provided for in paragraph (1) lit. b) is exhausted with the first sales or other first transmission of the ownership of the phonogram on the territory of the Republic of Moldova.

3. Rights of videographers¹⁸

The videographer producer has the exclusive right to allow or prohibit the following actions in respect of its videogram:

- a) reproduction of videogram;
- b) distribution of the original or varieties of videograms;
- c) Rental of videogram specimens;
- d) import, for distribution purposes, of videogram specimens, including specimens executed with the consent of the videogram manufacturer;
- e) making available to the public in the interactive regime of the videogram.

The exclusive rights of the videographer manufacturer provided in par. (1) of this Article may be forwarded to other persons by contract of assignment or license, under Art. 30 and 31.

The right of distribution provided for in paragraph (1) lit. b) is exhausted with the first sales or other first transmission of the right of ownership of the videogram on the territory of the Republic of Moldova.

4. Rights of diffusion organizations by ether or cable¹⁹

The ether or cable diffusion organization has the exclusive right to allow or prohibit the following actions in respect of its broadcasts:

¹⁷ Art.34 of the Law on Copyright and Related Rights

¹⁸ Art.35 of the Law on Copyright and Related Rights

¹⁹ Art.36 of the Law on Copyright and Related Rights

- a) Printing the broadcast;
- b) the reproduction of a printing of the broadcast;
- c) distribution of impression of the issue;
- d) public communication through ether or cable of the broadcast;
- e) Retransmit the issue;
- f) public communication of the issue in places accessible to the public for entry;
- g) making available to the public in the interactive regime.

Exclusive rights of the diffusion organization by ether or by cable provided in par. (1) of this Article may be forwarded to other persons by contract of assignment or license, under Art. 30 and 31.

The right of distribution provided for in paragraph (1) lit. c) it is exhausted with the first sale or another first transmission of the ownership of the issue in the territory of the Republic of Moldova.

According to art. 39 of the Law on Copyright and Related Rights, on the deadlines for the protection of related rights, the rights of the interpreter in paternity, name and respect for the integrity of interpretation shall be protected for an unlimited period. The rights of the interpreter provided for in art. 33 par. (2) and art. 37 is protected for 50 years from the date of interpretation. But:

a) if, during this period, the printing of interpretation, other than phonogram, was legally published or publicly published, the rights of the interpreter shall be protected for at least 50 years from the date of the oldest of these actions;

b) If, during this period, the printing of interpretation on a phonogram has been legally published or publicly communicated, the rights of the interpreter shall be protected for at least 70 years from the date of the oldest of these actions.

The rights of the phonogram producer provided in art. 34 and art. 37 is protected for 50 years from the date of print the phonogram. But:

a) if, during this period, the phonogram was legally published or publicly communicated, the rights mentioned shall be protected at least 70 years after the date of the first legal publication;

b) if, during this period, the phonogram was not legally published, but was publicly communicated, the rights mentioned shall be protected for 70 years from the date of the first legal public communication.

If, after 50 years after the publication or legal public communication of the phonogram, its producer does not offer copies of this phonogram in sufficient quantity or does not make them available to the public, the interpreter may terminate the contract by which it has transmitted the rights its phonogram manufacturer on printing his interpretation.

If, 50 years after the legal publication of phonogram or, in the absence of such a publication, 50 years after the legal communication of phonogram to the public, the producer of the phonogram does not provide copies of the phonogram for sale in a quantity sufficient or does not put phonogram available to the public, by cable or cable, so that members of the public have individual access to it when they want and where they want, the interpreter may terminate the contract by which it has transmitted the rights to fix the interpretation its. The right to terminate the contract may be exercised provided that the manufacturer, within one year of the interpreter notification of his intention to terminate the contract, do not carry out the two recovery activities mentioned above. This right of termination cannot be renounced by the performer.

If the interpreters are printed on the phonogram, they may terminate their contracts in accordance with the legislation in force. If these contracts are terminated under this paragraph, the rights of the phonogram producer on phonogram shall cease.

Recommendations:

1. The continuous and constant development of national legislation in the field of CR and RR with the taking over of international practices in the field of protection and respect for intellectual property rights, which is the basic pillar in the development of the national IP system.

2. Dee in international collaboration in the field of CR and RR, regional and bilateral in the IP with WIPO, OEB, EUIPO, third-country offices, associations of IP rights holders abroad, international organizations in the field of collective management of patrimonial rights author and related.

3. Strengthening the institutional capacities of competent bodies with positions and responsibilities for IP protection and ensuring respect for intellectual property rights in the field of CR and RR.

4. Implementation of the Information Platform in the field of Intellectual Property Rights - e-IPR, a common interdepartmental information system that will ensure the exchange of interinstitutional data and will contribute to informing the Company on respect for IPrights.

5. Monitoring and overseeing the activity of collective management organizations of CR and RR in order to ensure international standards for transparency, responsibility and good governance.