[RO] Copyright Protection Improved

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In order to combat piracy of recorded music and films as well as software, and to improve the protection of copyright in general, Act no. 8/1996 on copyright and related rights in Romania has been tightened up by the addition of new regulations. Act no. 285 of 23 June 2004 makes provision for the relevant amendments and additions (Legea nr.285 din 23 iunie 2004 pentru modificarea şi completarea Legii nr. 8/1996 privind dreptul de autor şi drepturile conexe).

In particular, the level of fines has risen, with the public sale of pirated computer software punishable with fines of between ROL 100 and 500 million (EUR 1 = ROL 38,000) under the amended Act. The fine for people who use phonograms which do not provide the rightful copyright holders with play lists or do not give the supervisory authorities the necessary proof of the material used has been increased to ROL 500 million.

The range of fines for people who fail to pay the required copyright fees on time has been increased from ROL 25-250 million to ROL 40-400 million. If the responsible authorities find that the Act has been breached, half of the minimum fine must be paid within 48 hours of the relevant report being drawn up or the fine being published. Pirated goods will also be confiscated.

Act no. 285/2004 also contains new definitions of the terms "broadcasting" (" radiodifuzare") and "retransmission" (" retransmitere"). For example, Article 15, paragraph 1 includes the following definition: "Under the terms of the present Act, 'broadcasting' refers to: a) The transmission of an artistic work, comprising symbols, sounds or images, by a radio or television company using a wireless transmission system, or its digital retransmission (including via satellite), aimed at the general public; b) the cable transmission of an artistic work or its digital retransmission via long-distance lines, cable or optical fibres or similar means, aimed at the general public."

Paragraph 2 of the same Article states that: "Under the terms of the present Act, 'retransmission' refers to the taking over of original broadcasts transmitted via satellite, whether using wireless technology or not, for viewing by the public at large, via cable or by another means of transmission mentioned in Art. 15, paragraph 1 b)".

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Legea nr. 285 din 23 iunie 2004 privind completarea şi modificarea Legii nr. 8/1996 privind drepturile de autor şi drepturile conexe, Monitorul oficial nr. 587 din 30 iunie 2004

http://www.legi-internet.ro/completdrautor.html

Act no. 285 of 23 June 2004, Official Journal n. 587 of 30 June 2004

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