[RO] A copyright law goes through

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Nicolas Pélissier
Centre National de la Recherche Scientifique, France (CNRS)

Tuesday 26 March 1996 saw the promulgation of the law on copyright and neighbouring rights. The law first of all sets out the subject, the object, the content, the duration of the copyright, the limits and the conditions for the transfer of the rights and then goes on to lay down the fields of application : computer programmes, literary works, artistic and patrimonial works and audio-visual programmes. Special provisions were made for the last-mentioned, in chapter 5 of the law, on "television and broadcasting corporations".

It is also interesting to note that the law makes ample provision for "satellite communication" and "cable retransmission", with this kind of broadcasting coming under the same conditions for rights payments as terrestrial broadcasts. These are important developments for a country which has one of the highest number of households in Europe with satellite dishes and cable (40%, according to the official figures published in June 1996). Responsibility for the management of the rights comes under the Rumanian Copyright Office (RCO). This organisation "operates like a specialist body, under the Government, and is the sole authority in Rumania for demonstrating, monitoring and checking the application of the law with regard to copyright and neighbouring rights, while its operating and investment costs are wholly financed from the State budget." (article 137). The Office enjoys wide powers to punish offenders, varying from a simple warning through to a 2-year prison sentence. This long-awaited law will certainly receive a warm welcome from the international audio-visual organisations that Rumania has joined since 1990. It will, however, bring less joy for the seventy or so private local channels broadcasting unrestrictedly in Rumania and benefiting from legal loopholes to broadcast the foreign-made programmes that often make up most of their programme grill.

However, verification that the law is being applied comes down to what material means the Rumanian State will grant to the Office. Given the current poor state of the country's finances, the sun does not yet look like setting on pirate broadcasting. And as the Office comes directly under the executive power, there is a potential risk that certain broadcasting stations may come under closer supervision than others.

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Lege privînd dreptul de autor si drepturile conexe, Monitorul Oficial al României, 26.03.1996, p.2-21

Law on copyright and neighbouring rights, Monitorul Oficial al României, 26 March 1996, p.2-21.

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