[RO] Modifications to the Copyright Act

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On 3 November 2015, the Romanian President promulgated Act no. 261/2015 on the modification and completion of Act no. 8/1996 updating the copyright and related rights (Legea 8/1996 actualizată privind dreptul de autor şi drepturile conexe - see IRIS 2002-3/20, IRIS 2005-3/34, IRIS 2006-8/27, IRIS 2012-4/38, IRIS 2015-5/30, IRIS 2015-7/27 and IRIS 2015-8/28).

The draft Law modified Article 131(2) b) and Article 154(3) of Act no. 8/1996 and introduced a new letter i) to Article 1311 (1). The modifications were adopted on 23 March 2015, by the Romanian Senate (upper Chamber of the Parliament) and on 7 October 2015, by the Chamber of Deputies (lower Chamber of the Parliament).

The Act modifies Article 131 on the methodologies for negotiations between collective copyright administration organizations and broadcasters. According to the modified version of Article 131(2) b), the negotiation committee includes ”one representative of the main associative structures mandated by national users, provided that they have declared the Romanian Office for Copyright on oath, a representative of the top three major users and a representative of two associative structures representative of local users or, failing that, two representatives of local users on the basis of turnover and market share in this area, and - on the other hand - a representative of the public radio as well as a representative of the public television”.

Concerning Article 1311 (1), on the main criteria for the negotiations methodologies, a new section i) states that “in the case of broadcasters, remunerations are established through predictable and proportionate negotiations with potential recipients of the programmes, so that users can visualize their payment obligations at the beginning of each fiscal year”.

In addition, Article 154(3) is modified by the Article “(3) Within 6 months of the entry into force of this law, the part of the methodologies provided by Article 131 and Article 1311 on the minimum amount for local broadcasters will be renegotiated on the basis of the modifications to the present law, to comply with the proportionality regarding potential recipients of the programmes”.

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Lege nr. 261 din 3 noiembrie 2015 pentru modificarea şi completarea Legii nr. 8/1996 privind dreptul de autor şi drepturile conexe - forma pentru promulgare

http://www.cdep.ro/pls/proiecte/docs/2015/pr315_15.pdf

Act no. 261 of 3 November 2015 on the modification and completion of Act no. 8/1996 on copyright and related rights - form sent for promulgation

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