# [MD] New Copyright Act adopted

**IRIS 2022-10:1/8**

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The new Law of the Republic of Moldova “On Copyright and Neighbouring Rights” was adopted by the Parliament on 28 July 2022 and entered into force on 9 October 2022. It replaces the earlier law of the same name adopted on 2 July 2010 (N. 139), which in turn replaced the law N 293-XIII of 23 November 1994. The 2022 law aims to transpose 12 EU directives in the field of copyright into national legislation (the Preamble) and generally improve the copyright protection system in the country.

It is done through standardisation and harmonisation of legal notions in the sphere of intellectual property (Article 3), as well as, for example, regulating the right of performers to obtain an additional annual payment after 50 years of the first release of the phonogram (Article 46, paragraph 5).

The new law establishes stricter accountability standards for the collective management of copyright and related rights by setting clearer mechanisms for the collection and distribution of royalties. It does so by capping the fee of the designated collective management organisations (CMOs) to 30 per cent of the amounts distributed to the rightholders (Article 97, paragraph 6), and by introducing an obligation on CMOs to draw up and publish an annual transparency report, subject to an audit, and including information on their activities, collected royalties, financial declarations and license refusals (Article 96). The CMOs’ activity is still overseen by the State Agency on Intellectual Property (Article 51).

The new law will benefit the authors and holders of copyright and related rights. It increases the remuneration they deserve, taking into account: the freedom to negotiate and set tariffs in methodologies; the clear and fair mechanism regarding compensatory remuneration; the recognition of new entitlements (eg. additional annual remuneration); the reduction of the management fee for collective management organisations; and the new ways to access to any information related to the management of entitlements (Articles 99-102).

The law also includes new provisions regarding the use of copyright-protected subject matter by online content-sharing service providers (Articles 62-66). It expressly stipulates that the provider performs an act of communication to the public or an act of making available copyright-protected works to the public when granting public access to the protected content uploaded by its users (Article 62 paragraph 1).

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***LEGE Nr. 230 din 28-07-2022 privind dreptul de autor și drepturile conexe***

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*Law of the Republic of Moldova on Copyright and Neighbouring Rights, Nr. 230 of 28 July 2022*

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