

## Country Report MOLDOVA

Annual report to the IFLA CLM committee

This report is a short and descriptive account of the activities undertaken in cooperation with the Committee on Legal Matters and Copyright issues from the Library Association from Moldova and eIFL IP, Moldova.

### Copyright

#### ***Revision of copyright law***

The first *Law on Copyright and Related Rights* in Moldova was adopted on March 2<sup>nd</sup> in 1995, since then it was amended in 1998, 2000 and 2002. A new Draft Law on Copyright and Related Rights was compiled by The State Agency on Intellectual Property (AGEPI) in 2007. The major purpose of initiating a new law was to harmonize the national law with the European legislation. Currently the draft law is still before the *Parliament*, at the *Commission for Culture, Science, Education, Youth, Sports and Media*.

#### ***New legislation***

Most relevant provisions for libraries within the new draft *Law on Copyright and Related Rights* in Moldova are included in the following sections: Section 12 *Right to Remuneration for Lending*, Section 27 *Reprographic Reproduction by Libraries, Archives and other Institutions* and Section 28 *Other Exceptions and Limitations*.

#### *Orphan works*

N/A

#### *Public lending rights*

According to the Section 12 on *Right to Remuneration for Lending* within the new draft law stipulates that “libraries or other similar institutions that are not for direct or indirect economic or commercial advantage shall be exempted from the obligation of the payment of the remuneration”.

#### *Legal deposit*

Legal framework that reflects the *legal deposit* in Moldova includes the following acts: Law on Libraries (1994), Law on Publishing Activity (2000) and Code on Contraventions (2009).

The Law on Libraries, by Article 22 stipulates the following: *definition* of legal deposit that considers it as “determined number of copies of publications printed in the Republic of Moldova that the publishers are required to be delivered to the National Library and other library centers for bibliographic control and national statistics, for conservation and to ensure safety collections of national heritage”; *principle of free-based delivery of works*, that implies that “publishing organizations are required to provide free of charge to national centers copies of legal deposit” *types of works that are not considered as works of legal deposit*.

The Law on Publishing Activity includes within the Article 18 that “copies of legal deposit are sent free of charge by the publishers soon after emergence through the National Book Chamber”. Also the following institutions are entitled to receive the copies of legal deposit: *The Ministry of Culture and Tourism* - 1 copy of all issues published; National

Library - 2 copies of all editions published; *The National Book Chamber* - 1 copy of all issues published; *The National Children Library "I.Creanga"* - 1 copy of literature for children and adolescents; *The Library of the Academy of Sciences* - 1 copy of all issues related to science, humanities, economics and natural sciences; *The Republican Library of Technical and Scientific Information* - 1 copy of the issues related to the field of technical sciences and technology; *The Medical Library from the State Medical University "N.Testimiteanu"*- 1 copy of the works from medicine and health fields; *The Special Republican Centralized Library for Visually Impaired People* - 1 copy editions published in Braille.

The above laws are complemented by a Government Decree issued on July 27 in 2004 that includes the Regulation on Legal Deposit that operates in Moldova. The Legal deposit contains the following categories of publications: books, serial publications, periodicals, official acts issued by the central government and local parties, NGOs, musical scores, paintings, portraits, engravings, illustrations, maps, PhD works, multimedia editions, works printed in Braille, sound and video records, software data files, published on magnetic, optical or any other medium designed to be processed on computer (CD, CD-rom, DVD), standards, patents.

The Code on Contraventions by Article 75 provides clauses to cover fines if publishers refuse to send published copies to institutions entitled as legal deposit institutions.

#### *Levies*

In 2001 on July 7<sup>th</sup> a *Government Decision on Minimum Rates of Remuneration of Author* come into force that expressly stipulates in regard to libraries that "*libraries, archives and educational institutions can multiply in small volumes or extracts of works on commercial purposes only under contract signed with right holders of the works and pay remuneration to the author or have a license obtained in advance from the collective organizations*".

#### *Creative Commons*

Moldova has no *Creative Commons* licenses.

#### **Legal matters**

##### ***Revision of law***

##### ***New legislation***

#### *Trade agreements*

N/A

#### *Privacy*

Only the *Librarians Code of Ethics* (Art. 15) includes a reference on protecting library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted.

#### *Anti terrorist law*

The law on *Law on combating the terrorism* was adopted in 2001 on October 21st, but doesn't refer to library users and doesn't affect library activities.

#### *DRM*

The act of circumvention is prohibited in the current law (2.03.1995) that stipulates in the Art. 37/1 (1)(a) that manufacturing, importing, distributing (selling, renting, etc.), advertising any equipment or components thereof, holding for commercial purposes, and providing equipment or components for circumvention devices is prohibited.

The new draft law that refers to DRM applies only where an effective technological measure has been applied to protect a copyright work or a matter subject to related rights, and while such protection subsists. And it is designed in the normal course of its operation to prevent unauthorized use of copyright work in a way which would amount to an infringement of copyright.

#### **Law cases**

N/A

#### **Lobby activities**

The Library Association from Moldova in partnership with the eIFL Direct Moldova are implementing the *Advocacy for Fair Copyright Laws: the Role of Libraries* Project from 2009 through 2010. The goal of the project is to organize an advocacy campaign to positively influence the new draft copyright law, so that it reflects the public interest and the real needs of Moldovan libraries and people who use libraries. Also the project is focused to empower the library community to advocate for a fair and balanced copyright law and enable the participation of the Moldovan library community in international library discussions on copyright issues.

On November 14th 2008 a joint conference "Copyright: Enabling Access or Creating Roadblocks for Libraries?" was organized by eIFL.net, IFLA, EBLIDA and eIFL Direct Moldova. Consortia were participants from different government and administrative bodies, as well as libraries attended the event.

#### **Educational activities**

A course entitled Legal Framework for Libraries delivered at Library and Information School from Moldova State University includes copyright/privacy/censorship topics.

#### **Strategic plans for future**

By implementing the project *Advocacy for Fair Copyright Laws: the Role of Libraries* the Library Association and eIFL Direct Moldova Consortia will coordinate to evaluate the new draft Moldovan copyright law and make recommendations for its improvement.

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