LAW
on copyright
and neighboring rights
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TITLE I
Copyright

PART I
General provisions

CHAPTER I
Introductory provisions

Art. 1. — (1) The copyright in a literary, artistic, or scientific work as well as in any similar work of intellectual creation shall be recognized and guaranteed under the terms of the present law. This right belongs to the author person and involves moral and patrimonial prerogatives.

(2) A work of intellectual creation shall be acknowledged and protected independently of its being made publicly known, simply by virtue of its creation.

Art. 2. — Acknowledgement of the rights provided under the present law shall not prejudice nor exclude the protection granted under other statutory provisions.

CHAPTER II
Subject matter of copyright

Art. 3. — (1) An author shall be the natural person or persons having created the work.

(2) In cases expressly provided by law, juristic persons and natural persons other than the author may benefit from the protection granted to the author.

* The Law No. 8/March 14, 1996 — Law on copyright and neighboring rights — was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 60 / March 26, 1996.
(3) The quality of subject of the copyright may be transmitted under the terms of the law.

Art. 4. — (1) Unless proven otherwise, the author shall be presumed to be the person under whose name the work was for the first time made publicly known.

(2) When the work was made publicly known in an anonymus form or under a pen name which does not permit the identification of the author, the copyright shall be exercised by the natural or juristic person which makes it publicly known only with the author’s consent, as long as the latter shall not disclose his or her identity.

Art. 5. — (1) A joint work shall be a work created by several co-authors in collaboration.

(2) The copyright in a joint work shall belong to its co-authors, among whom one may be the main author, under the terms of the present law.

(3) Failing a convention to the contrary, co-authors cannot exploit the work otherwise than by common agreement. Denial of consent on the part of anyone of the co-authors shall have to be thoroughly justified.

(4) In case that each co-author’s contribution is distinct, such contribution can be exploited separately, on conditions that it shall not prejudice the exploitation of the joint work or the rights of the other co-authors.

(5) In the case of the utilization of a work created in collaboration, the remuneration shall be due to the co-authors in the proportions they shall have agreed upon. Failing such a convention, the remuneration shall be divided in proportion to the parts of contribution of the authors or equally, if these cannot be established.

Art. 6. — (1) A collective work shall be a work in which the personal contributions of the co-authors form a whole, without it being possible, given the nature of the work, to ascribe a distinct right to anyone of the co-authors on the work created in its entirety.

(2) Unless otherwise agreed, the copyright in a collective work shall belong to the natural or juristic person on whose initiative, and under whose responsibility and name the work was created.

(4) Without being prejudicial to the rights of the original work’s authors, there shall also constitute an object of the copyright derived works which were created by starting from one or more pre-existing works, namely:

a) translations, adaptations, annotations, documentary works, musical arrangements, and any other conversions of a literary, artistic, or scientific work, representing an intellectual creative work;

b) collected literary, artistic, or scientific works, such as encyclopedias and anthologies, collections and compilations of material or data, protected or not, data bases included,
which, by the selection or arrangement of the material, constitute intellectual creations.

**Art. 9.** — There shall not benefit by the legal copyright protection the following:

a) ideas, theories, concepts, discoveries and inventions contained in a work, whatever might be the manner of its adoption, writing, explaining or expression;
b) official texts of a political, legislative, administrative or judicial nature, and their official translations;
c) official symbols of the State, public authorities, organizations, such as the coat of arms, seal, flag, emblem, escutcheon, badge, and medal;
d) means of payment;
e) news and press information;
f) simple facts and data.

**CHAPTER IV
Content of copyright**

**Art. 10.** — The author of a work shall have the following moral rights:

a) to decide if, how and when the work will be made known to the public;
b) to claim acknowledgement of the authorship of the work;
c) to decide under what name the work will be made known to the public;
d) to claim the observance of the work’s integrity and to oppose any modification as well as any impairment of the work, if it is prejudicial to his or her honour or reputation;
e) to withdraw the work, indemnifying, if such be the case, the holders of the exploitation rights, prejudiced by the exercise withdrawal right.

**Art. 11.** – (1) The moral rights cannot form the object of renunciation or alienation.

(2) After the author’s death, the exercise of the rights provided under Article 10 paragraphs b) and d) shall be transmitted through inheritance, according to the civil legislation, over an unlimited period of time. If there are no heirs, these rights shall revert to the Romanian Copyright Office.

**Art. 12.**— The author of a work shall have the exclusive patrimonial right to decide whether, how, and when his or her work shall be used or exploited, to consent to the use of the work by others inclusive.

**Art. 13.**— The use or exploitation of a work gives rise to distinct and exclusive rights of the author to authorize:

a) the full or partial reproduction of his work;
b) the circulation of the work;
c) the import with a view to trading on Romania’s territory of copies from the work, achieved with the author’s consent;
d) the representation on stage, recitation, or any other public manner of performance or of direct representation of the work;
e) the public exhibition of plastic, applied, photographic, and architectural art works;
f) the public projection of cinematographic and of other audiovisual works;
g) the broadcasting of a work by any means serving to the wireless propagation of the signals, sounds or images, via satellite inclusive;
h) the transmission of a work to the public by wire, cable, optic fibre or any other procedure;
i) the public communication through the agency of sound and audiovisual recordings;
j) the simultaneous and integral, unaltered retransmission of a work by any of the means mentioned under paragraphs g) and h) by a broadcasting body, different from the body of origin of the radio broadcast or telecast work;
k) the secondary circulation;
l) the presentation in a public place, by any means, of a radio broadcast or of a telecast work;
m) the public access to computer data bases, in case these data bases contain or constitute protected works.

**Art. 14.** – (1) By reproduction, within the meaning of the present law, shall be understood the making of one or more copies of a work, in any material form, the making of any audiovisual recording of a work inclusive, as well as its permanent or temporary storage by electronic means.

(2) By circulation, in the sense of the present law, shall be understood the dealing out to the public of the original or copies of a work by selling, rental, lending, or by any other
manner of transmission for a consideration or free of charge.

(5) There shall not be considered circulation the distribution to the public by the lending of a work free of charge, in case it is made through the agency of public libraries.

Art. 15. — (1) The use or exploitation of a work in the modes provided under Art. 13 paragraphs d) and e) as well as in any other similar manner shall constitute public communication.

(2) Any communication of a work shall be considered public if it is made in a place open to the public or in any place in which a number of people are gathering in excess of the normal circle of the members of a family or of its acquaintances, regardless of whether the members composing that public susceptible of receiving such communications may or may not do it in the same place or in different places, or at the same time or at different moments.

(3) The recirculation of the copies of a work shall not require the copyright holder’s authorization, except for their import or lending.

Art. 16. — The author of a work shall have the exclusive patrimonial right to authorize the translation, publication in collections, adaptation as well as any other transformation of his or her work by which a derivative work is obtained.

Art. 17. — (1) The author of a literary or artistic work shall benefit by the exclusive right to authorize the renting of the original and of the copies of his or her works, including the audiovisual works, the works included in a sound recording, in a computer program, or of a work which may be used by means of a computer or any other technical device, even after their circulation in keeping with the author’s consent.

(2) The right to authorize the rental of a work shall represent an author’s exclusive right to provide for use the original or copies of the work for a limited period of time in exchange for a direct or indirect economic advantage.

Art. 18. — (1) Public lending shall consist in making available for a person, free of charge, for utilization, the original or a copy of a work, for a set period of time, through the agency of an institution permitting the access of the public for this purpose. Public lending shall not need the author’s preliminary authorization.

(2) Public lending shall entitle the holder of the copyright to a fair remuneration.

(3) The provisions under paragraph (2) shall not apply to:
   a) originals or copies of written works, in public libraries;
   b) projects of architectural structures;
   c) originals or copies of art works applied to products intended for practical use;
   d) originals or copies of works, for the purpose of their public communication, or for use of which there exists a contract;
   e) reference works for immediate use or for lending between institutions;
   f) works created by the author within the framework of the individual contract of employment, if they are used by the author’s employer, as part of the usual activity.

(4) The provisions under paragraph (2) shall not apply in the case of the public lending made for educational or cultural purposes, through institutions acknowledged under the terms of the law or organized to this end by public authorities.

(5) The public lending of works set in sound or audiovisual recordings shall take place only after the passage of six months since the first broadcast of the work and not earlier.

Art. 19. — The right to public communication by means of sound or audiovisual recordings shall represent the author’s exclusive right to authorize the communication to the public of readings, musical or stage interpretations or of any other forms of setting his or her work in sound or audiovisual recordings.

Art. 20. — The right to secondary circulation shall represent the author’s exclusive right to authorize the communication of his or her work to the public subsequent to the first circulation, by any of the means provided under Article 13 paragraphs g), h), i), j), and l).

Art. 21. — (1) In case of each resale of a work of plastic art at a public auction, or through the agency of an agent, or by a merchant, the author shall be entitled to five per cent of
the selling price as well as of the right to be informed on the work’s whereabouts.

(2) The auctioneers, agents and merchants involved in the sale shall communicate to the author the information provided under paragraph (1) of the present article within two months after the selling day. They shall also be accountable for holding back of the five per cent quota from the selling price as well as for the payment of that five per cent quota to the author.

(5) The rights provided under the present article shall constitute the suite right, and shall not make the object of any renunciation or alienation.

Art. 22. – The owner or proprietor of a work is in duty bound to permit the author’s access to it and to put it at his or her disposal, if this fact is necessary for the exercise of his or her copyright, and on condition that the owner or possessor’s legitimate interest should not thereby be impaired. In this case, the owner or possessor may lay claim to a sufficient guarantee for the security of the work, the insurance of the work for an amount representing the market value of the original as well as an adequate remuneration from the author.

Art. 23. – (1) The owner of the original of a work shall not have the right to destroy it before offering it to the author at the cost price of the material.

(2) If the returning of the original should not be possible, the owner shall allow the author to make a copy from the work in an adequate manner.

(3) In the case of an architectural structure, the author shall only have the right to make photographs of the work and to request the sending back of reproductions from the projects.

CHAPTER V
Duration of copyright protection

Art. 24. – (1) The copyright in a literary, an artistic, or a scientific work arises from the moment of the work’s creation, regardless the concrete form or manner of expression.

(2) If the work is created, in a period of time, in parts, serials, volumes, or in any other form of continuation, the protection term shall be calculated, according to paragraph (1), for each one of these components.

Art. 25. – (1) The patrimonial rights, provided under articles 13, 16, 17, 18, and 21 shall last throughout the author’s life, and after his or her death they shall be transmitted by inheritance, according to the civil legislation, over a period of seventy years, whatever might be the date at which the work was legally made known to the public. If there are no heirs, the exercise of these rights shall devolve upon collective administration body mandated by the author during his lifetime or, failing a mandate, to the collective administration body with the greatest number of members from the respective domain of creation.

(2) The person who, after expiry of the copyright protection, makes legally known to the public for the first time a work unpublished before, shall benefit by a protection equivalent to that of the author's patrimonial rights.

The duration of the protection of these rights shall be of twenty-five years, beginning after the moment when it was legally made known to the public for the first time.

Art. 26. – (1) The term of patrimonial rights in works made known to the public under a pen-name or without indication of their author shall be of seventy years after the date when they were made publicly known.

(2) When the author's identity shall be made known to the public before the expiry of the term provided under paragraph (1), the provisions under Article 25 paragraph (1) shall apply.

Art. 27. – (1) The term of patrimonial rights in works made in collaboration shall be of seventy years after the death of the last co-author.

(2) In case that the contributions of the co-authors are distinct, the term of the patrimonial rights for each one of them shall be of seventy years after the death of each co-author.

Art. 28. – The term of the patrimonial rights on collective works shall be of seventy years after the date when the works were made publicly known. In case this is not made for a period of seventy years after the creation of the works,
the term of patrimonial rights shall expire seventy years after the creation of the works.

Art. 29. – The term of patrimonial rights in applied art works shall be of 25 years after their creation.

Art. 30. – The patrimonial rights on computer programs shall extend over the whole duration of their author's life, and after his or her death shall be transmitted by inheritance according to the civil legislation over a period of fifty years.

Art. 31. – Nonessential modifications, additions, cuttings or adaptations made with a view to selection or arrangement as well as the correction of a work or collection's content, which are necessary for the continuation of the collection’s activity in the way intended by the work's author shall not extend the protection term of the said work or collection.

Art. 32. – The terms established in the present chapter shall be calculated beginning on January 1 of the year after the author's death or the date when the work was made publicly known, as the case may be.

CHAPTER VI
Limitations of the exercise of copyright

Art. 33. – (1) The following uses of a work previously made known to the public shall be permitted without the author's consent and without payment of a remuneration, on condition that these be in agreement with good usage, without running counter to the normal exploitation of the work, and without any prejudice to the author or to the holders of the exploitation rights:

a) the reproduction of a work within the framework of judicial or administrative proceedings, to the extent to which it is justified by their purpose;

b) the use of brief quotations from a work for the purpose of an examination, commentary, criticism, or exemplification, to the extent to which their use justifies the extent of the quotation;

c) the use of isolated articles or brief excerpts from works in publications, television and radio broadcasts, or in sound or audiovisual recordings exclusively intended for teaching purposes as well as the reproduction, for teaching purposes within the framework of public educational or social protection institutions, of isolated articles or of brief extracts from works, to the extent to which it is justified by the purpose pursued;

d) the reproduction of brief excerpts from works for information or research within the framework of libraries, museums, film archives, sound archives, archives of cultural or scientific non-profit public institutions; the integral reproduction of a work's copy is allowed for its replacement, in case of destruction, of severe deterioration, or loss of a single copy from the respective archive or library's permanent collection;

e) the reproduction, circulation, or communication to the public for the purpose of information on current topics, of short excerpts from press articles, and television or radio broadcast current reports;

f) the reproduction, circulation, or communication to the public of short fragments of lectures, allocutions, pleadings, and suchlike works orally expressed in public, on condition that these uses shall have as single purpose information on current events of the day;

g) the reproduction, circulation, or communication to the public of works as part of information on topical events, but only to the extent justified by the purpose of information;

h) the reproduction, with exclusion of any means coming in contact directly with the work, the circulation or communication to the public of the image of an architectural, plastic art, photographic, or applied art work permanently located in public places, except for cases in which the image of the work is the principal subject of such a reproduction, circulation, or communication, and if it is used for commercial purposes;

i) the representation and execution of a work as part of the activities of educational institutions, exclusively to specific purposes and on condition that both the representation or execution and the public's access be free of charge.

(2) In the cases provided under paragraphs b), c), e), f), and h) it shall be mandatory to mention the source and name of the author, if this appears on the work used, and in the case of plastic art or architectural works the place where the original is to be found, too.
Art. 34. — (1) It shall not be a violation of the copyright, in the sense of the present law, the reproduction of a work without the author's consent for personal use or that of a normal family circle on condition that the work should have previously been made known to the public, and the reproduction should not infringe the normal exploitation of the work or be prejudicial to the author or to the owner of the exploitation rights.

(2) For the physical supports on which sound or audiovisual recordings may be carried out, and for the devices permitting their reproduction, in the situation provided under paragraph (1), a remuneration established according to the provisions under the present law shall be paid.

Art. 35. — The modification of a work without the author's consent and without payment of a remuneration shall be permitted in the following cases:

a) if the modification is made privately, being neither intended nor made available to the public;

b) if the result of the modification is a parody or a caricature, on condition that the result should not create confusion with regard to the original work and its author;

c) if the modification is called for by the purpose of the use permitted by the author.

Art. 36. — (1) Works shown in exhibitions accessible to the public, in auctions, fairs, or collections may be reproduced in catalogues published and distributed for this purpose by the organizers of such activities.

(2) In the cases mentioned under paragraph (1) it is mandatory to indicate the source as well as the authorship of the work, provided they are mentioned on the work used.

Art. 37. — For the purpose of testing the functioning of the products at the manufacturing or selling moment, the trading companies engaged in the production or sale of sound or audiovisual recordings, equipment for their reproduction or public communication as well as the receiving equipment of radio and television broadcasts may reproduce and introduce extracts from works, on condition that these operations be reduced to the dimensions required for testing.

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Art. 38. — (1) The licence for broadcasting a work by wireless means shall also include the authorization for the transmission of that work by wire, by cable, or by any other similar procedures, without payment of a separate remuneration, on condition that the broadcasting shall be made unaltered, simultaneously and integrally by the original broadcasting body and that it should not exceed the geographic zone for which the broadcasting right was granted.

(2) The provisions under paragraph (1) of the present article shall not apply in the case of digital broadcast of a work by any means whatsoever.

(3) Transfer of the right to communication to the public of a work by radio or television shall be entitled the right to the broadcasting body of recording the work for its own wireless transmissions for the purpose of making solely once the authorized transmission to the public. In case of a new broadcast of the work thus recorded, a new authorization shall be required. If no such authorization be requested within six months after the first broadcast, the recording shall have to be destroyed.

CHAPTER VII
Transfer of the patrimonial copyrights

Section 1
Common provisions

Art. 39. — (1) The author or the holder of the copyright may transfer by contract to other people only his patrimonial rights.

(2) Transfer of the author's patrimonial rights may be limited to certain rights, for a certain territory, and for a certain period of time.

(3) The author's patrimonial rights or those of the holder of the copyright may be transmitted by exclusive or non-exclusive transfer.

(4) In case of an exclusive transfer, not even the holder of the copyright himself shall be able to use the work anymore in the manners, in the territory and for the term agreed with the transferee nor shall he or she be any longer able to transmit the respective right to another person. The
exclusive right of the transfer must be provided expressly in the contract.

(5) In case of a non-exclusive transfer, the holder of the copyright may use the work himself, and may transmit the non-exclusive right to other people, too.

(6) The non-exclusive transferee may not transfer his right to another person unless he has the granter's express consent.

(7) The transfer of one of the patrimonial rights of the copyright's titular shall not have any effect on his other rights unless differently agreed.

(8) The consent mentioned under paragraph (6) shall not be required in case the transferee as a juristic person shall be changed by one of the modalities provided under the law.

Art. 40. — In case of the transfer of the reproduction right of a work it shall be presumed that the right to the circulation of the copies of such a work was also assigned, except the import right, if not otherwise provided by contract.

Art. 41. — (1) The transfer contract of the patrimonial rights shall stipulate the patrimonial rights transmitted, the modalities of exploitation, the term and extension of the transfer as well as the remuneration of the copyright's holder. Absence of any of these provisions shall entitle the interested party to request the cancellation of the contract.

(2) The transfer of the patrimonial rights with regard to the totality of the author's future works, named or unnamed, shall be struck by absolute nullity.

Art. 42. — The existence and content of the transfer contract of the patrimonial rights may be proved only by its written form, except contracts having as object works used in press.

Art. 43. — (1) The remuneration due on the grounds of a transfer contract of patrimonial right shall be established by agreement between the parties. The amount of the remuneration shall be calculated either in proportion to the sums collected from the exploitation of the work, or as a set sum, or in any other way.

(2) When the remuneration has not been established by contract, the author may request the competent jurisdictional bodies, according to the law, to establish the remuneration. This shall be done taking into account the amount of money usually paid for the same class of work, the destination and term of exploitation as well as other circumstances specific to the case.

(3) In case of an obvious disproportion between the remuneration of the author of the work and the profits of the person, juristic or natural, having obtained the transfer of the patrimonial rights, the author may request the competent jurisdictional bodies to revise the contract or to increase the remuneration adequately.

(4) The author may not beforehand renounce the exercise of the right provided under paragraph (3).

Art. 44. — (1) Failing a contract clause to the contrary, for works created within the framework of individual employment contract, the patrimonial rights shall belong to the author of the work created. If such a clause exists, this shall have to include the term for which the patrimonial copyrights shall have been transferred. In absence of a precise statement of the term, this shall be of three years after the date when the work is handed in.

(2) On expiry of the term mentioned under paragraph (1) the patrimonial rights shall revert to the author.

(3) The author of a work created within the framework of an individual employment contract shall preserve to himself the exclusive right of use of the work as part of the whole of his or her creation.

Art. 45. — (1) Failing a convention to the contrary, the holder of a copyright in a work appearing in a periodical publication shall preserve the right to use it in any form whatsoever on condition of causing no prejudice to the publication in which the work was issued.

(2) Failing a convention to the contrary, the holder of a copyright may dispose freely of the work, if it should not have been published within a month after its acceptance, in the case of a daily paper, or within six months, in the case of other publications.

Art. 46. — (1) The order contract of a future work must include both the term of handing in of the work by the author as well as the term of acceptance of the work by the users.
(2) The person ordering the work shall have the right to terminate the contract, if the work should not meet the conditions established. In case of cancellation of the contract, the sums collected by the author shall not be refundable. If, in view of the creation of a work having been the object of an order contract and preparatory works shall have been carried out, the author shall be entitled to the return of the expenses incurred.

**Art. 47.** — (1) The author may request the cancellation of a cession contract of the patrimonial right in case that the transferee fails to exploit it or exploits it to an insufficient extent, and if, thereby the author's justified interests are considerably affected.

(2) The author may not solicit the cancellation of the contract, if the motives of non-exploitation or of insufficient exploitation shall be due to his own fault, to a third party's deed, to a fortuitous case or to a force majeure case.

(3) The cancellation of a transfer contract mentioned under paragraph (1) may not be requested before the expiry of two years after the transfer of the patrimonial right on a work. In the case of works ceded for daily publications, this term shall be of three months, and in the case of periodical publications, of one year.

(4) The owner of the original of a work of plastic or photographic art shall have the right to exhibit it publicly, even though it might not have been made known to the public, except the case in which the author shall have expressly excluded this right from the alienation act of the original.

(5) The author may not renounce beforehand the exercise of his or her right to solicit the cancellation of the transfer contract mentioned under paragraph (1).

(6) Gaining the ownership on the material support of the work shall not thereby impart a right of exploitation on the work itself.

**Section 2**

**Publishing contract**

**Art. 48.** — (1) The publishing contract is an instrument by which the holder of the copyright makes over to the publisher, in exchange for a remuneration, the right to reproduce and circulate the work.

(2) The convention by which the titular of a work's copyright empowers a publisher at his or her expense to reproduce and possibly to circulate the work shall not constitute a publishing contract.

(3) In the situation provided under paragraph (2) the provisions of common law with reference to the enterprise contract shall apply.

**Art. 49.** — The holder of the copyright can make over to the publisher the right of authorizing the translation and adaptation of the work, too.

**Art. 50.** — The transfer to the publisher of the right to authorize other people to adapt the work or to use it in any other way shall have to make the object of a distinct contract.

**Art. 51.** — (1) The publishing contract must include clauses with regard to:

- a) the term of the transfer;
- b) the exclusive or non-exclusive nature and the territorial extension of the transfer;
- c) the minimum and maximum number of copies;
- d) the author's remuneration, established under the terms of the present law;
- e) the number of copies reserved to the author free of charge;
- f) the term for the publication and circulation of the copies of each edition or of each printing, as the case may be;
- g) the term of handing over of the work's original by the author;
- h) the control procedure of the number of copies produced by the publisher.

(2) Absence of any of the clauses stipulated under paragraphs a), b), and d) shall entitle the interested party to request the cancellation of the contract.

**Art. 52.** — (1) The publisher who shall have acquired the copyright of a work in form of a volume shall have, against other similar offerers at equal price, the prior publishing right of the work in electronic form. The publisher must
make a written option within not more than thirty days after the author's written option was received.

(2) The right mentioned under paragraph (1) shall be valid for a period of three years after the date of the work’s publication.

Art. 53. — The publisher shall be under an obligation to allow the author to make improvements or other modifications of the work in case of a new edition, on condition that these improvements or modifications should not essentially increase the publisher's costs, or change the character of the work, if it is not otherwise stipulated in the contract.

Art. 54. — The publisher shall have the right to make over the publishing contract only with the author's consent.

Art. 55. — The publisher shall be under an obligation to return to the author the original of the work, the originals of art works, illustrations, and any other documents received for publication, if not otherwise agreed.

Art. 56. — (1) Failing a convention to the contrary, the publishing contract shall cease after expiry of the term established, or after exhaustion of the last edition agreed.

(2) An edition or printing shall be considered exhausted if the number of unsold copies is smaller than five per cent of the total number of copies, and at any rate if it is smaller than one hundred copies.

(3) Should the publisher not have published the work within the term agreed, the author may request, according to common law, the cancellation of the contract and damages for non-execution. In this case, the author shall keep to himself the remuneration received, or may ask for the payment of the integral remuneration provided in the contract, as the case may be.

(4) If the term for the publication of the work is not stipulated in the contract, the publisher shall be under an obligation to publish it within a term of not more than one year after the date of its acceptance.

(5) In case that the publisher should intend to destroy the copies left over in stock after a period of two years from the publishing date, and if no other period should be stipulated in the contract, the publisher shall be under an obligation to offer them first to the author at the price obtainable by selling them for destruction.

Art. 57. — (1) In case of the work's destruction owing to force majeure, the author shall be entitled to a remuneration, which shall be paid out to him or her only if the work had been published.

(2) If a prepared edition should be totally destroyed owing to force majeure prior to its circulation, the editor shall be entitled to prepare a new edition, and the author shall have the remuneration right only to one of these editions.

(3) If a prepared edition should be partially destroyed, owing to force majeure before being circulated, the publisher shall be entitled to reproduce without payment of a remuneration to the author only as many copies as were destroyed.

Section 3

Theatrical or musical performance contract

Art. 58. — By the theatrical or musical performance execution contract the holder of the copyright shall make over to a natural or juristic person the right to perform or execute in public a present or future literary, dramatic, musical, dramatico-musical, coreographic work or a pantomime in exchange for a remuneration, and the transferee shall be under an obligation to execute or to perform it under the conditions agreed.

Art. 59. — (1) The theatrical or musical performance contract shall be concluded in writing for a determined period of time and for a set number of communications to the public.

(2) The contract shall stipulate the term in which the first performance or only communication of the work shall take place, as the case may be, the exclusive or non-exclusive character of the transfer, the area or territory covered, and the authors' remuneration.

(3) The interruption of the performances for two consecutive years, if no other term should have been provided in the contract, shall entitle the author to request cancellation of the contract and damages for non-execution, according to common law.
(4) The beneficiary of a theatrical or musical performance contract may not make it over to a third party, performance organizer, without the author, respectively his or her representative’s consent, except the case of the concomitant, total or partial, transfer of this activity.

Art. 60. — (1) The transferee shall be under an obligation to permit the author to control the performance or execution of the work and to sustain adequately the achievement of the technical conditions for the interpretation of the work. Likewise, the transferee must send to the author the programme, posters, and other printed materials, reviews published on the performance, if not otherwise provided in the contract.

(2) The transferee shall be under an obligation to ensure the public execution or performance of the work under adequate technical conditions as well as the observance of the author’s rights.

Art. 61. — (1) The transferee shall be under an obligation periodically to communicate to the holder of the copyright the number of performances or musical executions, as well as the situation of the takings. To this end, the theatrical or musical performance contract must also stipulate the periods of communication but not less than once a year.

(2) The transferee must pay the author, at the terms stipulated in the contract, the sums of money to the amount agreed upon.

Art. 62. — If the transferee fails to perform or execute the work within the set term, the author may solicit, according to common law, cancellation of the contract and damages for non-performance. In this situation, the author shall keep to himself the remuneration received or may solicit payment of the full remuneration provided in the contract.

Section 4

Rental contract

Art. 63. — (1) By the rental contract of a work, the author conveys the use for a fixed period of time of at least one copy of his or her work, in the original or a copy, especially computer programs or works set in sound or audiovisual recordings. The transferee of the rental right contracts an engagement to pay a remuneration to the author for the period of use of that copy of the work.

(2) The author shall keep the copyright on the work rented, except the right of circulation, if not otherwise agreed.

(3) The rental contract of a work shall be subject to the provisions of the common law with regard to the location contract.

PART II

Special provisions

CHAPTER VIII

Cinematographic works and other audiovisual works

Art. 64. — The audiovisual work shall be a cinematographic work, or a work expressed by a procedure similar to cinematography, which makes use of moving pictures or a combination of sound with pictures.

Art. 65. — (1) The director or the producer of an audiovisual work shall be the natural person assuming the guidance of the creation and performing of the audiovisual work in his quality as main author.

(2) The producer of an audiovisual work shall be the natural or juristic person assuming the responsibility of the production of the work and in this quality organizes the achievement of the work and provides the necessary technical and financial means.

Art. 66. — Authors of the audiovisual work in the conditions provided under Article 5 of the present law shall be the director or producer, the author of the adaptation, the author of the screenplay, the author of the dialogue, the author of the musical score specially created for the audiovisual work, and the author of the graphics for the animated works or animated sequences, when these represent an important part of the work. In the contract between the producer and the director, the parts may agree to be included as authors of the audiovisual work other creators, too, having substantially contributed to its creation.

Art. 67. — (1) In case that one of the authors provided under the previous article shall refuse to finish off his or her contribution to the audiovisual work, or shall be in a
situation of impossibility to do so, this author may not oppose its use in view of finalizing the audiovisual work. This author shall have the right to be remunerated for his contribution so far.

(2) The audiovisual work shall be considered finished, when the final version shall have been established by common agreement between the main author and the producer.

(3) The destruction of the original support of the final version of the audiovisual work in form of the standard copy shall be prohibited.

(4) The authors of the audiovisual work, others than the main author, may not oppose its being made known to the public as well as the exploitation in any way of its final version.

Art. 68. – (1) The right to an audiovisual adaptation shall be an exclusive right of the holder of the copyright in a preexisting work to transform or to include it in an audiovisual work.

(2) The transfer of the right provided under paragraph (1) may be made only on the basis of a written contract between the holder of the copyright and the producer of the audiovisual work, distinct from the publishing contract of the work.

(3) By conclusion of the adaptation contract, the holder of a copyright in a pre-existing work transfers to a producer the exclusive right of transformation and of inclusion of the respective work in an audiovisual work.

(4) The transfer granted by the holder of the copyright in the pre-existing work should stipulate expressly the conditions of the production, circulation, and projection of the audiovisual work.

Art. 69. – The moral rights on a finished work shall be acknowledged only to authors established as stipulated under Article 66 of the present law.

Art. 70. – (1) By contracts concluded between the authors of an audiovisual work and the producer, failing an agreement to the contrary, it shall be presumed that these, except the authors of the musical score specially created, cede to the producer the exclusive rights with regard to the exploitation of the work as a whole, provided under Article 13 paragraphs a), b), c), f), g), h), i), j), k), and l), article 16, article 17, and Article 18 as well as the right to authorize the dubbing and sub-titling, in exchange for a fair remuneration.

(2) Failing a convention to the contrary, the authors of an audiovisual work as well as other authors of some contributions to it shall preserve all rights on the separate exploitation of their own contributions to it, under the terms of the present law.

Art. 71. – (1) Failing a convention to the contrary, the remuneration for each mode of exploitation of the audiovisual work shall be proportional to the gross earnings resulted from the exploitation.

(2) The producer shall be under an obligation periodically to hand over to the authors an account of the takings after each mode of exploitation. The authors shall receive their due remunerations either through the producer, or directly from the users, or through the bodies of collective administration of the copyrights, on the basis of the general contracts concluded by these with the users.

(3) Should the producer fail to finalize the audiovisual work within a period of five years after the conclusion of the contract or should the producer fail to circulate the audiovisual work within a year after it was finalized, the co-authors may request the cancellation of the contract, if not otherwise agreed.

CHAPTER IX

Computer programs

Art. 72. – (1) Under the present law, the protection of computer programs shall include any expression of a program, application programs and operation systems expressed in any kind of language, either in source-code, or object-code, the preparatory concepitive material as well as the handbooks.

(2) The operating methods, procedures, and ideas, the mathematical concepts, and the principles underlying any element in a computer program, those underlying its interfaces inclusive, shall not be protected.

Art. 73. – The author of a computer program shall correspondingly benefit by the rights provided under the
present law, in Part I of the present Title, particularly by the exclusive right to realize and to authorize:

a) the temporary or permanent reproduction of a program, integrally or partially, by any means, and under any form, the case in which the reproduction should be determined by the charging, displaying, transmission, or stocking the program on the computer;

b) the translation, adaptation, arranging and any other transformations operated on a computer program as well as the reproduction of the result of these operations without being detrimental to the rights of the person who transforms the computer program;

c) the circulation of the original or of copies of a computer program in any form, by rental inclusive.

Art. 74. — Failing a convention to the contrary, the patrimonial copyrights on computer programs created by one or several employees engaged in the exercise of service powers and duties, or carrying out the instructions of the person employing them shall belong to the latter.

Art. 75. — (1) Failing a convention to the contrary, by a contract for the use of a computer program, it shall be presumed that:

a) the user is granted the non-exclusive right of using the computer program;

b) the user may not transmit to another person the right to use the computer program.

(2) The transfer of the right of use a computer program shall not imply the transfer of the copyright on it, too.

Art. 76. — Failing a convention to the contrary, there shall not be submitted to an authorization of the copyright's holder the deeds provided under Article 73 paragraphs a) and b), if these are necessary to permit the acquirer to use the computer program in a way corresponding to its destination, for the correction of errors inclusive.

Art. 77. — (1) The authorized user of a computer program may, without the author's authorization, make an archive copy or a safety copy, to the extent in which this is necessary for ensuring the use of the program.

(2) The authorized user of a computer program copy may, without the authorization of the computer right's holder, observe, study, or test the operation of this program, for the purpose of determining the principles and ideas underlying any of its elements on the occasion of carrying out any operation of loading into the memory, displaying, conversion, transmission or stocking of the program, operations which the authorized user is entitled to carry out.

(3) The provisions under Article 10 paragraph e) of the present law shall not apply to computer programs.

Art. 78. — The authorization of the copyright's holder shall not be mandatory when the reproduction of the code or translation of the form of this code should be indispensable for obtaining information required for the interoperability of a computer program with other computer programs, if the following conditions should have been fulfilled:

a) the translation and reproduction acts are carried out by a person holding the right of use of a copy of the program, or by a person carrying out these actions in the name of the previous one, being duly authorized to this end;

b) the necessary information for interoperability shall not be easily and rapidly accessible to persons provided under paragraph a) of the present article;

c) the acts provided under paragraph a) of the present article are limited to parts of the program required for the interoperability.

Art. 79. — Information obtained by application of Article 78:

a) may not be used for other purposes than the realization of the interoperability of the independently created computer program;

b) may not be communicated to other people, except the case when the communication should prove necessary for the interoperability of the independently created computer program;

c) may not be used for the finalizing, production, or trading of a computer program whose expression is basically similar or by any other act that might damage the author's rights.

Art. 80. — The provisions under articles 78 and 79 shall not apply if a prejudice is caused to the holder of the copyright or to the normal exploitation of the computer program.
Art. 81. — The provisions under Chapter VI of the present Title shall not apply to computer programs.

CHAPTER X

Works of plastic art, architecture, and photography

Art. 82. — The natural or juristic person organizing art exhibitions shall be accountable for the integrity of the works exhibited by taking the necessary measures for the removal of any risk.

Art. 83. — (1) The reproduction contract of an art work should contain indications permitting the identification of the work, such as a summary description, a sketch, a drawing, a photograph as well as references to the author's signature.

(2) Reproductions shall not be put up for sale without the copyright holder's approval of the copy that was submitted to his or her examination.

(3) The author's name or pseudonym or any other sign permitting the identification of the work should appear on all of its copies.

(4) The original models and other elements having served to the maker of the reproductions should be returned to their holder with any title, if not otherwise agreed.

(5) Instruments specially created for the reproduction of the work must be destroyed or rendered useless, if the holder of the copyright on the work should not acquire them, and if not otherwise agreed.

Art. 84. — (1) Architectural and urbanistic studies and projects exhibited close to the site of the architectural work as well as the construction achieved from them must bear written in a visible place the name of the author, if not otherwise agreed by contract.

(2) The construction of an architectural work totally or partially realized after another project shall be made only with the agreement of the copyright's holder on that project.

Art. 85. — (1) The photograms of cinematographic films shall be considered photographic works.

(2) There shall not benefit by the legal protection of the copyright: photographs of letters, documents and acts of any kind, technical drawing, and other similar materials.

(1) The right of the author of a photographic work to exploit his or her own work should not be prejudicial to the rights of the author of the art work reproduced in the photographic work.

(2) The patrimonial rights on a photographic work created in the execution of an individual labour contract or on order shall be presumed to belong for a period of three years to the employer or the person having ordered it, if not otherwise provided under the contract.

(3) Alienation of the negative of a photographic work shall have as an effect the transmission of the patrimonial rights of the holder of the copyright in it, if not otherwise provided under the contract.

Art. 87. — (1) A person's photograph, when made on order, may be published or reproduced by the person photographed or that person's successors without the author's consent, if not otherwise agreed.

(2) If the name of the author appears on the original photograph, it must be mentioned on the reproductions, too.

CHAPTER XI

Protection of the portrait, of the mail addressee and of the confidentiality of the information source

Art. 88. — (1) The circulation of a work containing a portrait shall require the authorization of the person represented in that portrait. Its author, owner, or proprietor shall not have the right to reproduce it or to communicate it publicly without the represented person's consent, or the consent of that person's successors, for a period of twenty years after the respective person's death.

(2) Failing an agreement to the contrary, the authorization shall not be required if the person represented in the portrait should be a professional model or have received a remuneration for the sitting.

(3) The authorization shall not be necessary for the circulation of a work containing the portrait:

a) of a person generally known, if the portrait was taken on the occasion of that person's public activities;
b) of a person whose representation constitutes only a
detail of a work representing an assembly, a landscape, or a
public function.

**Art. 89.** – The circulation of a correspondence addressed
to a person shall require the authorization of the addressee,
and after the addressee’s death, for a period of twenty years,
of the addressee’s successors, if the addressee should not
have expressed a different wish.

**Art. 90.** – The person represented in a portrait and the
person to whom the correspondence is addressed may
exercise the right provided under Article 10 paragraph d)
under the present law with regard to the circulation of the
work containing the portrait or correspondence, as the case
may be.

**Art. 91.** – (1) At the author’s request, the publisher or
producer shall be under an obligation to observe the
confidentiality of the information sources used in the works
and to refrain from publishing documents referring to it.

(2) The divulgation of the confidentiality shall be
permitted by the consent of the person who has entrust it,
or on the basis of a final and irrevocable judgment.

**TITLE II**

**Neighboring rights**

**CHAPTER I**

**Common provisions**

**Art. 92.** – (1) The neighboring rights shall not impair the
copyrights. No provision of the present title shall be
interpreted in the sense of a limitation of the exercise of the
copyright.

(2) Patrimonial rights acknowledged in the present
chapter may be transmitted, as a whole or in part, according
to common law. These rights may form the object of an
exclusive or non-exclusive transfer.

**Art. 93.** – In the sense of the present law, fixing shall be
considered to be the embodiment of codes, sounds, images,
or of sounds and images, or of their numerical
representations, on any kind of material carrier, even
electronic, permitting their perception, reproduction, or
communication in any way whatsoever.

**Art. 94.** – There shall be acknowledged and protected as
holders of neighboring rights the interpreting or executing
artists, for their own interpretations or executions, the
producers of sound recordings, for their own recordings,
and the television and radio broadcasting bodies, for their
own broadcasts.

**CHAPTER II**

**The rights of interpreting and performing artistes**

**Art. 95.** – In the sense of the present law, by *interpreting
or performing artistes* shall be understood: actors, singers,
musicians, dancers, and other people presenting, singing,
dancing, reciting, uttering with rhetorical effect, acting,
interpreting, directing, conducting, or executing in any other
way a literary or artistic work, a performance of any kind,
folklore performances inclusive, variety, circus, or puppets.

**Art. 96.** – The interpreting or executing artiste shall have
the following moral rights:

a) the right to claim the acknowledgment of the paternity
of his or her own interpretation, respectively execution;

b) the right to claim that his or her name or pseudonym
should be shown or communicated at each performance
and at each of its recordings;

c) the right to claim the observance of the quality of his
or her renderings and to oppose any distortion, falsification,
or other substantial modification of his or her interpretation
or execution or any infringement of his or her rights that
might gravely impair his or her honour or reputation;

d) the right to object to any utilization of his or her
performance if by this utilization serious injuries should
be caused to his or her personality.

**Art. 97.** – (1) The rights provided under Article 96 may
not form the object of some renunciation or alienation.

(2) After the interpreting or executing artiste’s death, the
exercise of the rights provided under Article 96 shall be
transmitted by inheritance, according to the civil legislation,
for an unlimited period of time.
Art. 98. – The interpreting or performing artiste shall have the exclusive patrimonial right to authorize:
    a) the fixing of his or her rendering;
    b) the reproduction of the fixed rendering;
    c) the circulation of the fixed rendering by selling, renting, lending, or by any other mode of transmission for a consideration or for free;
    d) the presentation in a public place or the public communication of the rendering fixed or not fixed on a material carrier;
    e) the adaptation of the fixed rendering;
    f) the emission or transmission by television or radio broadcasting of his or her rendering, fixed or not fixed on a material carrier, the retransmission by wireless means, by wire, by cable, by satellite, or by any other similar procedure.

Art. 99. – (1) Interpreting or executing artistes participating actively in the same rendering, such as members of a musical group, of a choir, of an orchestra, of a corps de ballet, or of a theatrical company shall have to designate a representative from among themselves for granting the authorization provided under Article 98. 

(2) The representative shall be designated in writing, with the agreement of a majority of the group’s members.

(3) The director, the conductor, and the soloists shall be excepted from the provisions of the previous paragraphs.

Art. 100. – In case of a rendering effected by the interpreting or executing artiste within the framework of an individual contract of employment the patrimonial right provided under Article 98 may be transmitted to the employer on condition that the transmission of the right be expressly stipulated in the individual contract of employment.

Art. 101. – (1) Failing a convention to the contrary, the interpreting or executing artiste having participated in the realization of an audiovisual work or of a sound recording shall be presumed to cede to their producer the exclusive exploitation right of his or her rendering by fixing, reproduction, public communication and circulation. For the public communication, the interpreting or executing artiste’s due shall be of fifty per cent of the producer’s takings.

(2) The provisions under articles 43, 44, and 68 paragraph (1) shall apply to interpreting or executing artistes, too.

Art. 102. – The length of time of the patrimonial rights of interpreting or executing artistes shall be of fifty years, beginning after the date of the 1st of January of the year following upon that in which the first fixing took place, or, failing which, the first communication to the public.

CHAPTER III

The rights of the producers of sound recordings

Art. 103. – (1) A sound recording or phonogram, in the sense of the present law, shall be considered to be any exclusively sonorous fixing of the sounds coming from the interpretation or execution of a work or of other sounds or of the numerical representations of these sounds, whatever might be the method and the material carrier used for this fixing. An audiovisual fixing or the sound part of it or its numerical representation shall not be considered a sound recording.

(2) The producer of sound recordings shall be the natural or juristic person assuming the responsibility of organizing and financing the realization of the first fixing of the sounds, whether this constitutes a work in the sense of the present law or not.

Art. 104. – In the case of the reproduction and circulation of sound recordings, the producer shall be entitled to inscribe on their material carrier, the covers, boxes, and other material packing supports, in addition to the mentions with regard to the author and interpreting or performing artiste, the titles of the works and the manufacturing date, the name and logotype of the producer.

Art. 105. – (1) The producer of sound recordings shall have the exclusive patrimonial right to authorize:
    a) the reproduction of his or her own sound recordings;
    b) the circulation of his or her own sound recordings by selling, renting, lending or in any other way of transmission for a consideration or for free;
    c) the emission or transmission by television or radio broadcasting of his or her own sound recordings, the retransmission by wireless means, by wire, by cable, by
satellite, or by any other similar procedure or means of communication to the public;

   d) the introduction in a public place of his or her own sound recordings;

   e) the adaptation of his or her own sound recordings;

   f) the import into Romania’s territory of legally realized copies of his or her own sound recordings.

(2) Likewise, the producer of sound recordings shall have the exclusive patrimonial right of preventing the import of copies from his or her own sound recordings realized without his or her authorization.

(5) The rights provided under paragraphs (1) and (2) shall be transmitted by exclusive or non-exclusive transfer, under the terms provided for the copyright under articles 42 and 43.

(4) The provisions under paragraph (1) sub-paragraph f) shall not apply when the import is made by a natural person without commercial purposes.

Art. 106. — (1) The duration of the patrimonial rights of the producers of sound recordings shall be of fifty years, beginning after the date of the 1st of January the following years of that in which the first fixing shall have taken place.

(2) In case that the sound recording shall be made known to the public during this period, the duration of the patrimonial rights shall expire after the passage of fifty years after the date when it was publicly made known.

CHAPTER IV
Provisions common to authors, interpreting or performing artistes, and to producers of sound and of audiovisual recordings

Art. 107. — (1) The authors of sound or audiovisual works recorded on any kind of material carriers shall have the right, together with the publishers and producers of the respective works and with the interpreting and performing artistes whose performances and executions are fixed on these material carriers to a compensatory remuneration for the private copy carried out under the terms set out under Article 34 paragraph (2) under the present law.

(2) The remuneration provided under paragraph (1) shall be paid by the manufacturers or importers of material carriers usable to the reproduction of the works, and by the manufacturers or importers of devices permitting their reproduction. The remuneration shall be paid at the moment when these material carriers and devices shall be placed into circulation in the national territory and shall represent five per cent of the selling price of the material carriers and devices made in the home Country, respectively five per cent of the price inscribed in the documents of the Customs bodies for imported material carriers and devices.

(3) The remuneration provided under paragraph (1) shall be distributed through the agency of the collective administration bodies between the authors, interpreting or executing artistes, publishers, and producers, as follows:

   a) in the case of sound works recorded on material carriers, forty per cent of the remuneration shall be due, in negotiable parts, to the authors and publishers of the recorded works, and the remaining sixty per cent shall be due, in equal parts, to the interpreting or executing artistes, on the one hand, and the producers of sound recordings, on the other hand;

   b) in the case of audiovisual works recorded on material carriers, the remuneration shall be divided in equal parts between the authors, interpreting or performing artistes, and producers.

(4) The collecting of the sums due on the grounds of paragraph (1) shall be made by a single collective administration body for a field designated by the Romanian Copyright Office. The distribution procedure of these sums of money among the beneficiaries shall be established by a protocol negotiated among them.

(5) The collective administration bodies collecting the sums due on the grounds of paragraph (1) shall have the right to request from the manufacturers and importers information regarding the situation of the sales and, respectively, imports of material carriers and devices and to check their exactness.

(6) The right provided under paragraph (1) cannot form the object of a renunciation on behalf of the authors and of the interpreting or executing artistes.
Art. 108. – The remuneration provided under Article 107 shall not be paid in case the non-recorded video or audio material carriers manufactured in the Country or imported are traded wholesale by the producers of audiovisual and sound recordings, or by television and radio broadcasting bodies for their own broadcasts.

Art. 109. – (1) The authors and publishers of works fixed on a graphic or analogous material carriers shall be entitled to a compensatory remuneration for the private copy effected under the terms of Article 34 of the present law.

(2) The remuneration provided under paragraph (1) shall be paid by the manufacturers or importers of devices permitting the reproduction of works fixed on a graphic or analogous material carriers. The remuneration shall be paid at the moment when these devices shall be put into circulation in the national territory, and shall represent five per cent of the selling price of the devices manufactured in the country, respectively five per cent of the value inscribed in customs documents for imported devices.

(3) The remuneration provided under paragraph (1) shall be distributed through the agency of the collective administration bodies equally between the author and the publisher.

(4) The collecting of sums due on the grounds of paragraph (1) shall be made by a single collective administration body for each domain, designated by the Romanian Copyright Office. The distribution procedure of these sums of money among the beneficiaries shall be established by a protocol negotiated among them.

Art. 110. – The provisions under articles 107 and 109 shall not apply to the import of devices and material carriers for reproduction, effected by a person, without commercial purpose.

Art. 111. – The circulation of the copies of an artistic performance or of a sound recording, subsequent to their first circulation, shall no longer require the neighboring rights titular’s authorization, except for renting and for import.

Art. 112. – The provisions under articles 53, 54, and 58 shall apply, similarly, to executing and interpreting artistes and to producers of sound recordings.

CHAPTER V
Television and radio broadcasting bodies

Section 1
The rights of television and radio broadcasting bodies

Art. 113. – (1) Television and radio broadcasting bodies shall have the exclusive patrimonial right to authorize, under the authorized person’s obligation to mention the name of the bodies, the following:

a) the fixing of their own radio or television programs;

b) the reproduction of their own radio or television programs fixed on any kind of material carrier;

c) the circulation of their own radio or television programs fixed on any kind of material carrier by selling, renting, lending, or by any other mode of transmission for a consideration or free of charge;

d) the retransmission of their own radio or television programs by wireless means, by wire, by cable, by satellite, or by any other similar procedure as well as in any other mode of communication to the public;

e) the communication of their own radio or television programs in a place accessible to the public against payment of an entrance-fee;

f) the adaptation of their own radio or television programs fixed on any type of material carrier;

g) the import into Romania’s territory of legally realized copies from their own radio or television programs fixed on any kind of material carrier.

(2) Likewise, radio and television bodies shall have the exclusive patrimonial right to prevent the import of copies realized without their authorization, from their own radio or television programs fixed on any kind of material carrier.

(3) The rights provided under paragraphs (1) and (2) shall be transmitted by exclusive or non-exclusive transfer under the terms provided for the copyright under articles 41 and 43.

(4) The provisions of paragraphs (1) sub-paragraph f) shall not apply when the import is made by a natural person without commercial purposes.
Art. 114. — The duration of the rights provided under the present chapter shall be of fifty years beginning on the 1st of January of the year following upon that in which the first broadcast or transmission of the television or radio broadcasting body’s program had taken place.

Art. 115. — The circulation of a radio or television program fixed on any kind of material carrier subsequent to the first circulations shall not require the neighboring rights holder’s authorization, except for renting.

Art. 116. — The provisions under articles 33, 34, and 38 shall apply similarly to television and radio broadcasting bodies as well.

Section 2
Public communication by satellite

Art. 117. — (1) Television and radio broadcasting bodies having as an object of activity the public communication of programs by satellite shall have to develop their activity under observance of the copyright and of the neighboring rights protected by the present law.

(2) In the sense of the present law, through public communication via satellite shall be understood the introduction, under the control and responsibility of a television and radio broadcasting body situated in Romania’s territory, of program bearing signals intended to be received by the public in an uninterrupted communication link leading to the satellite and returning to Earth.

Art. 118. — (1) In case that the signals bearing programs are circulated in an encoded form, their introduction into the communication link shall be considered public communication, if the decoding device of the broadcast is put at the public’s disposal by the respective body or with its consent.

(2) The responsibility of the public communication, in case the bearing signals are transmitted by a body situated outside Romania’s territory, shall be ensured as follows:

a) if the signals are transmitted to the satellite through the agency of an ascensional linking station situated in Romania’s territory, the responsibility devolves upon the person exploiting the station;

b) if no call is made on an ascensional linking station, but the communication to the public has been authorized by a body whose seat is in Romania, the responsibility devolves upon the body having authorized it.

Art. 119. — (1) The holders of the copyright or of the neighboring rights may transfer their rights on public communication via satellite only through a contract concluded individually or through the agency of a collective administration body.

(2) The framework-contract concluded between a collective administration body and a television or radio broadcasting body for the transmission of a class of works belonging to a certain field shall produce its effects also against the holders of rights who are not represented by the collective administration bodies, if this communication to the public via satellite shall take place simultaneously with the terrestrial circulation effected by the same circulating body. The holder of rights not represented shall have the possibility at any moment to remove the generation of the framework-contract’s effects by an individual contract.

(3) The provisions under paragraph (2) shall not apply to audiovisual works.

Section 3
Retransmission by cable

Art. 120. — In the sense of the present law, by public communication realized via retransmission by cable shall be understood the integral, unchanged, and simultaneous retransmission by cable or by a short wave circulation system for the reception by the public of an initial transmission of television or radio broadcasts circulated to the public by wire or wireless.

Art. 121. — (1) The holders of the copyright or of the neighboring rights may exercise their rights to authorize or prohibit the retransmission by cable on the ground of contracts concluded through the agency of a collective administration body.

(2) If some holders of rights shall not have entrusted the management of their rights to a collective administration body, the body managing the rights from the same class shall be considered de jure the manager of their rights, too.
If in this field there be several collective administration bodies, the holder of rights may exercise an option among them. The claiming of rights by these holders may be made within a term of three years after the date of the retransmission by cable.

(3) The exercise of the retransmission right by cable by a television and radio broadcasting body for its own programs shall be made by contracts concluded with cable distributors.

(4) The retransmission by cable, without the rights titulârs' consent and without payment of a remuneration shall be permitted only in the case of the public television and radio broadcasting bodies' own programs with national coverage as well as of those of the television and radio broadcasting bodies whose programs are retransmitted by cable compulsorily, according to the regulations in force.

Art. 122. — If the conclusion of a contract for the retransmission by cable should fail to be agreed upon by the parties, they shall be free to appeal to arbitrators appointed according to the provisions of the Code of civil procedure.

TITLE III
Management and protection of the copyright and of the neighboring rights

CHAPTER I
Management of the patrimonial copyrights and of the neighboring rights

Section 1
General provisions

Art. 123. — (1) The holders of the copyright and of the neighboring rights may exercise their rights acknowledged by the present law personally or at their request by collective administration bodies.

(2) The copyright and the neighboring rights, which, by their nature, correspond to a mode of exploitation of the works or performances, making the individual authorization impossible, shall especially be susceptible to collective

administration. To this class belong especially the rights provided under article 13 paragraphs g), h), j), and l) and articles 17, 18, 102, 107, and 109, under the present law.

Section 2
Collective copyright and neighboring rights administration bodies

Art. 124. — Within the meaning of the present law, collective copyright and neighboring rights administration bodies, called collective administration bodies in the contents of the law, shall be juristic persons constituted by free association, having as main object of activity the collection and distribution of the rights whose administration has been entrusted to them by the holders.

Art. 125. — (1) The collective administration bodies provided under the present chapter shall be subject to the regulations with regard to non-profit associations and may acquire legal personality under the terms of the law, with the advisory opinion of the Romanian Copyright Office.

(2) These bodies shall be created directly by the holders of the copyrights or of the neighboring rights: authors, interpreting or executing artistes, producers, television and radio broadcasting bodies as well as other holders of copyrights or of neighboring rights, natural or juristic persons. These bodies shall act within the limits of the mandate entrusted, and on the basis of the statute adopted by the procedure provided under the law.

(3) Collective administration bodies may be created separately for the administration of distinct classes of rights, corresponding to different domains of creation as well as for the administration of rights belonging to distinct classes of holders.

Art. 126. — (1) The advisory opinion provided under Article 125 paragraph (1) shall be vouchsafed to the collective administration bodies having their seat in Romania, which:

a) have to be constituted or function according to legal regulations at the date of coming into force of the present law;

b) prove the existence of a repertory of works of their members, and of the human and material means required for its exploitation;
c) have adopted a statute fulfilling the conditions provided under the present law;
d) have the legal and economic capacity to manage the rights all over the Country's territory;
e) are accessible, according to the express provisions of their own statute, to any holder of the copyright or of neighboring rights from the domain for which they are set up.

(2) The decision of the Romanian Copyright Office on the granting of the favourable advisory opinion to a collective administration body for exercising its rights shall be published in the Monitorul Oficial (Official Gazette of Romania) at the expenses of the collective administration body.

Art. 127. – The collective management body's statute shall have to include provisions with regard to:
a) the name, domain, and object of the activity, indicating the rights it shall administer on the basis of the repertory of works constituted to this end;
b) the conditions in which the administration of the rights shall be achieved for their holders, on the basis of the equality of treatment principle;
c) the rights and obligations of their members in relations with the collective administration body;
d) the management and representation bodies, their powers and duties, and functioning;
e) the provided economic resources and initial patrimony;
f) the rules applicable to the distribution of the collected rights;
g) the modalities of establishing the commission owed by the holders of rights to the collective administration body, in view of covering the necessary functioning expenses;
h) the modalities of verifying the economic and financial administration by members;
i) any other compulsory provisions according to the legislation in force.

Art. 128. – In case that in a domain of creation there is more than one collective administration body, the competent body, under the terms of the present law, shall be the one to which the holder of the rights associated himself. In case that the holder of the rights should not be associated to any collective administration body, the competence shall be incumbent on the body in the domain, appointed by the holder of the rights. The claiming of rights by these holders may be made within a term of three years after the exploitation of the rights.

Art. 129. – (1) The mandate of collective management of the patrimonial copyrights and neighboring rights shall be given either directly by the holders of the copyrights or of the neighboring rights by written contracts, or by adequate contracts concluded with foreign bodies administering similar rights.

(2) The provisions under Title I (Chapter VII, Section 1) shall not apply to the mandate contracts provided under paragraph (1).

(3) Any holder of a copyright or of neighboring rights may entrust by contract the exercise of his or her rights to a collective administration body, the latter having to accept the exercise of these rights on a collective basis, if the administration of the class of rights in question comes within the compass of its statutory activity.

(4) Collective administration bodies may not be habilitated to ensure the exploitation of works and of neighboring rights for which they received a collective administration mandate.

Section 3

Functioning of collective administration bodies

Art. 130. – (1) Collective administration bodies shall have the following obligations:
a) to grant to the users, by contract, in exchange of a remuneration, the non-exclusive authorizations to use the works or performances, respectively executions of the titulars of the rights, in from of a non-exclusive transfer.
b) to elaborate tables for their domain of activity, including the patrimonial rights due as well as the methodologies that have to be negotiated with the users in view of the payment of these rights, in the case of those works whose mode of exploitation makes impossible an individual authorization by the holders of the rights.
c) to conclude, in the name of the holder of rights or on the basis of the mandate granted by similar bodies from abroad, general contracts with the organizers of
performances, television and radio broadcasting and cable retransmission bodies, having as an object the authorization of the representation and circulation of present or future works or performances inscribed in their repertory.

d) to represent the interests of their members in regard to the exploitation of their works outside Romania's territory by the conclusion of bilateral contracts with similar bodies from abroad as well as by affiliation to non-governmental international bodies in the domain;

e) to collect the sums of money due by the users and to distribute them among the holders of rights according to the provisions under the statute;

f) on request, to inform the holders of the copyrights or of the neighboring rights on the mode of use of their rights and to apprise them of the yearly financial statement, and of the financial accounting verification statement;

g) to give specialist assistance to the holders of rights, and to represent them within the framework of legal procedures regarding the object of their activity;

h) to fulfill any other activity conformably to the mandate received from the holders of the copyrights or of the neighboring rights, within the limits of their object of activity;

i) to request the users to communicate information and hand over documents indispensable for determining the quantum of the remuneration and of the taxes they collect.

(2) The elaboration of the tables and methodologies provided under paragraph (1) sub-paragraph b) shall be made on the basis of their negotiation with the representatives of the users employer's associations.

Art. 151. – (1) The tables and methodologies provided under article 130 paragraph (1) sub-paragraph b) shall be negotiated within the framework of a commission consisting of:

a) one representative each of the principal collective administration bodies functioning in a domain;

b) one representative each of the principal employers associations of users in a domain.

(2) Collective administration bodies as well as the employers associations of the users, represented in the commission, for each domain, shall be appointed by the Romanian Copyright Office.

(3) The negotiated tables and methodologies shall be presented for advice to the Romanian Copyright Office, which shall forward them for approval to the Government within thirty days.

(4) In the situation in which, following upon the negotiations, the commission failed to establish the tables and methodologies within ninety days after the day of its constitution, the tables and methodologies shall be presented for mediation to the Romanian Copyright Office. In view of the mediation, the Romanian Copyright Office shall convocate the negotiating parties, examine their points of view, and decide on the final form of the tables and methodologies, which it shall forward to the Government for approval, within thirty days after the day of reception.

(5) The tables and methodologies approved by Government decision shall be compulsory for the users not having participated in the negotiations, too.

(6) The Romanian Copyright Office may be apprised with a new advice application of the tables and methodologies in view of their modification by any of the parties having negotiated them, but not earlier than three years after their approval with a view of the established percentage remuneration.

(7) The remuneration established in a fixed amount of money may be modified periodically by the collective administration bodies simultaneously with the indexing of incomes established at national level. The new remuneration shall become effective beginning with the month following upon its communication to the users.

Art. 152. – The collective administration of copyrights and of neighboring rights can be made only for works and performances having previously been made known to the public.

Art. 153. – (1) The collective administration bodies, within the negotiations carried on according to Article 130 paragraph (1) sub-paragraph b) in the name of the members whose rights they administer may not pretend more than ten per cent in all from the users for the copyrights, and, respectively three per cent for the neighboring rights, from
the gross takings, failing which, from the expenses occasioned by the utilization.

(2) The collection of the sums owed by the users shall be made by a single collective administration body, for a domain, appointed by the Romanian Copyright Office, on the criterion of representativity. The distribution of these sums of money between the beneficiary collective administration bodies shall be made on the basis of a protocol negotiated among them.

Art. 134. — (1) The exercise of the collective administration entrusted by the mandate contract may not in any way restrain the patrimonial rights of the holders.

(2) The collective administration shall be exercised according to the following rules:

a) decisions regarding the methods and rules of collection of the remuneration and of other sums of money from the users and those of their distribution among the holders of rights as well as those regarding other more important aspects of the collective administration shall have to be taken by members according to the statute;

b) the holders whose rights are managed by a collective administration body must periodically receive exact, complete and detailed information on all activities of the collective administration body;

c) failing an express authorization from the holders whose rights are administered, no remuneration perceived by a collective administration body may be used for other purposes, such as cultural, or social ones, or to finance promotion activities other than those for covering the real costs of the administration of the rights in question and to distribute to them the sums of money left over after deduction of these costs;

d) the sums of money collected by a collective administration body, after deduction of the real costs of the collective administration, shall be taxed according to the legal provisions in the matter. After other deductions authorized by the holders of rights, in agreement with the provisions under paragraph c), the respective sums of money shall be distributed among the holders in proportion to the real use of their works.

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Art. 135. — (1) The collective administration bodies shall be under an obligation to provide the Romanian Copyright Office with information linked to the exercise of their own duties and powers and to put at its disposal in the first quarter of each year the yearly report approved by the statutory general assembly, and the report of the auditing commission on the verification of the economic and financial administration.

(2) In case that the collective administration body no longer fulfils the conditions provided under Article 124, or manifestly and repeatedly infringes the obligations provided under Article 150 and under paragraph (1) of the present article, the Romanian Copyright Office may grant to the collective administration body a term for abiding the law. As a result of the non-observance of these obligations, the Romanian Copyright Office may request a court to suppress the respective collective administration body.

Art. 136. — The existence of collective administration bodies shall not prevent the holders of the copyrights and of the neighboring rights from having recourse to specialized agents, natural or juristic persons, to represent them at individual negotiations regarding the rights acknowledged under the present law.

CHAPTER II
The Romanian Copyright Office

Art. 137. — (1) At the date of the coming into force of the present law, the Romanian Agency for the Copyright Protection, a specialized body subordinated to the Ministry of Culture, shall change its name to The Romanian Copyright Office, functioning as a specialized body subordinated to the Government, with single authority in Romania's territory with regard to the situation, observation, and control of the application of the legislation in the domain of the copyright and of neighboring rights, the functioning and investment expenses being wholly financed from the State budget. The Ministry of Finance shall make the adequate modifications in the State budget.

(2) The Government shall appoint the director-general of the Romanian Copyright Office as well as a number of twenty arbitrators from among the candidates with a legal
education designated by the collective administration bodies, associations of creators, interpreting or performing artistes, and of producers and bodies grouping entities whose professional activity is linked to the use of works as well as television and radio broadcasting bodies.

(5) The arbitrators shall not be employees of the Romanian Copyright Office; they shall be entitled to a remuneration for their participation in the mediation of the tables and methodologies for the collection of the rights administered by the collective administration bodies as provided under Article 130 paragraph (1) sub-paragraph b) of the present law.

(4) Regulations approved by the Government shall establish norms regarding the structure of the personnel, the organization and functioning of the Romanian Copyright Office as well as the functioning of the arbitrators body.

Art. 138. — The duties and powers of the Romanian Copyright Office shall be:

a) to organize and administer the record of works and of authors received from the collective administration bodies for author's rights and neighboring rights;

b) to grant advisory opinions on the constitution as juristic persons under the terms of the law, of collective administration bodies and to follow up the application of the legislation by the bodies whose constitution it had advised;

c) to advise, under the terms of the law, the elaboration and negotiation of the tables and methodologies established by the collective administration bodies with the employers associations of the users;

d) to exercise, at the request and expense of the holders of protected rights, functions of observation and control on the activities that might give rise to infringements of the legislation on the author's rights and neighboring rights;

e) to intervene, by way of mediation, in the negotiations between the collective administration bodies and the users, as specified under Article 131 paragraph (4);

f) to conclude finding statements on the infringements of the law, under the terms provided by the Code of criminal procedure, and to inform the competent bodies in the case of offences for which the criminal procedure is initiated ex officio;

g) to elaborate programs of instruction, practical and theoretical formation in the domain of the copyright and of neighboring rights;

h) to keep up relations with similar specialized bodies and with international organization in the domain, in which the Romanian Government is part.

CHAPTER III
Procedures and sanctions

Art. 139. — (1) Violation of acknowledged and guaranteed rights under the present law shall involve civil, contraventional, or criminal responsibility, as the case may be, according to the law. The procedural provisions shall be those provided under the present law, completed with those of the common law.

(2) Holders of violated rights may solicitation the courts or other competent bodies, as the case may be, the acknowledgement of their rights, the finding of their violation, and lay claim to redress of the prejudice in agreement with legal rules.

(3) In case of violation of rights acknowledged and protected under the present law, their holders may solicit the court or any other competent bodies according to the law, to dispose instantly the taking of measures for preventing the production of imminent damages or for ensuring their redress, as the case may be.

(4) Likewise, the holders of violated rights may solicit the court to dispose the application of any of the following measures:

a) the remittance of the takings realized by the illicit act, or, if the prejudice may not be redressed in this way, the remittance of the goods resulted from the illicit deed, in order to cover the prejudice incurred, with a view to their turning to good account, up to the integral coverage of the prejudice caused;

b) the destruction of the equipment and means in the property of the offender, whose unique or principal purpose was to produce the illicit act;

c) the removal from the commercial circuit by confiscation and destruction of the unlawfully effected copies;
d) the publication in the mass media of the court’s decision at the expense of the offender.

(5) The provisions of paragraph (4) sub-paragraph c) shall not apply to architectural constructions, if the destruction of the building is not called for by the circumstances of the respective case.

Art. 140. — There shall be an offence to be punished with imprisonment from one month to two years, or a fine from Lei two hundred thousand to Lei three million, unless it shall constitute a more severe offence, the deed of a person who, without having the authorization or consent, as the case may be, of the holder of the rights acknowledged by the present law:

a) makes a work publicly known;
b) represents scenically, recites, executes or presents a work directly, in any other public modality;
c) permits the public access to computer data bases, containing or constituting protected works;
d) translates, publishes in collected works, adapts or transforms a work to obtain a derivated work;
e) fixes on a support the performance of an interpreting or executing artiste;
f) broadcasts or transmits by television or radio broadcasting a performance, fixed of not fixed on a material carrier, or retransmits it by wireless means, by wire, by cable, by satellite, or by any other similar procedure, or by any other means of communication to the public;
g) presents in a public place the sound recordings of a producer;
h) broadcasts or transmits by television or radio broadcasting the sound recordings of a producer, or retransmits them by wireless means, by wire, by cable, by satellite, or by any other similar procedure, or by any other means of communication to the public;
i) fixes television or radio broadcasting programs or retransmits them by wireless means, by wire, by cable, by satellite, or by any other similar procedure, or by any other means of communication to the public;
j) communicates, in a place accessible to the public with payment of an entrance fee, television or radio broadcasting programs.

Art. 141. — There shall constitute an offence and be punished with imprisonment from three months to five years, or with fine from Lei 500,000 to Lei 10 million the deed of a person assuming without right the quality of author of a work, or the deed of a person making publicly known a work under another name than the one decided upon by the author, unless the deed constitutes a more severe offence.

Art. 142. — There shall constitute an offence and be punished with imprisonment from three months to three years, or with a fine from Lei 700,000 to Lei 7 million, unless the deed constitutes a more severe offence, the deed of a person who, without having the consent of the holder of the rights acknowledged by the present law shall:
a) reproduce a work in toto or in part;
b) circulate a work;
c) import for trading purposes in Romania's territory copies from a work;
d) exhibit publicly a work of plastic art, of applied art, of photographic or architectural art;
e) project publicly a cinematographic work or another audiovisual work;
f) broadcast a work by any means serving the wireless propagation of signals, sounds, or images, via satellite inclusive;
g) transmit a work to the public by wire, by cable, by optic fibre, or by any other similar procedure;
h) retransmit a work by any means serving the wireless propagation of signals, sounds, or images, via satellite inclusive, or retransmit a work by wire, by cable, by optic fibre, or by any other similar procedure;
i) broadcast or transmit in a place accessible to the public a work transmitted by television or radio broadcasting;
j) reproduce the performance of an interpreting or performing artiste;
k) circulate the performance of an interpreting or performing artiste;
l) reproduce the sound recordings of a producer;
m) circulate the sound recordings of a producer, by renting inclusive;
n) import for trading purposes into Romania the sound recordings of a producer;
o) reproduce radio or television programs fixed on any kind of material carrier;
p) circulate, by renting inclusive, radio or television programs fixed on any kind of material carrier;
r) import for trading purpose into Romania radio or television programs fixed on any kind of material carrier.

Art. 143. – It shall be an offence to be punished with imprisonment from three months to two years, or a fine from Lei 500,000 to Lei five million, unless it shall constitute a more severe offence, the deed of a person who shall:
a) put at the public's disposal by selling or in any other way of transmission for a consideration or for free technical means designed for the unauthorized erasing or neutralizing of the technical devices protecting a computer program;
b) refuse to declare to the competent bodies the origin of a work's copies, or the origin of the material carriers on which a performance, or a television or radio program is recorded, which are protected on the grounds of the present law, and shall be in that person's possession in view of being circulated.

Art. 144. – The criminal action shall be set in motion in the case of the offences provided under articles 140, 141, and 142 paragraphs a), c), j), l), n), and o), at the preliminary complaint of the damaged person in the sense of the present law.

Art. 145. – The acts concluded by the Romanian Copyright Office in the exercise of its control powers, according to Article 138 paragraphs d) and f), shall follow the conditions provided under Article 214 of the Code of criminal procedure.

TITLE IV

Application of the law.

Transitory and final provisions

Art. 146. – The provisions of the present law shall apply in any of the following situations:
A. to works:

a) which were not yet made known to the public, and whose authors are Romanian citizens;
b) which were not yet made known to the public and whose authors are natural or juristic persons whose domicile or seat is in Romania;
c) which were made known to the public for the first time in Romania, or which were made known to the public for the first time in another country and simultaneously, but not later than thirty days, in Romania;
d) of architecture built in Romania's territory;
B. to performances of interpreting or performing artistes:

a) which are taking place in Romania's territory;
b) which are fixed in sound recordings protected under the present law;
c) which were not fixed in sound recordings, but are transmitted by television or radio broadcasting protected under the present law;
C. to sound recordings:

a) whose producers are natural or juristic persons having their domicile or seat in Romania;
b) whose first fixing on a material carrier had taken place for the first time in Romania;
c) made publicly known for the first time in Romania, or made known to the public for the first time in another country and simultaneously, but not later than thirty days, in Romania;
D. to radio and television programs:

a) broadcast by television and radio broadcasting bodies having their seat in Romania;
b) transmitted by transmitting bodies having their seat in Romania.

Art. 147. – Foreigners, holders of the copyright or of the neighboring rights shall benefit by the protection provided by international conventions, treaties, and agreements to which Romania is party, failing which, they shall benefit by a treatment equal to that of Romanian citizens, on condition that they, in their turn, should benefit by the national treatment in the respective countries.

Art. 148. – (1) The existence and content of a work may be proved by any means of evidence, by its inclusion in the repertory of a collective administration body inclusive.
(2) The authors and other holders of rights or holders of authors' exclusive rights, to which reference is made in the present law, shall have the right to inscribe on the originals or authorized copies of the works the reservation mention of their exploitation, consisting in the symbol C surrounded by a circle, accompanied by their name, the place and year when first published.

(3) Producers of sound recordings, interpreting or performing artistes, and other holders of exclusive rights of the producers or of the interpreting or performing artistes to whom reference is made in the present law shall have the right to inscribe on the originals or authorized copies of the sound or audiovisual recordings or on the cover in which they are contained a mention of protection of their rights, consisting of the symbol P surrounded by a circle, accompanied by their name, place and date when first published.

(4) Until otherwise proved, it shall be presumed that the exclusive rights signalled by the symbols C and P exist and belong to the people having used them.

(5) The provisions of paragraphs (2), (3), and (4) shall not condition the existence of the rights acknowledged and guaranteed under the present law.

(6) The authors of works and the holders of rights, simultaneously with the inclusion of the work in the repertory of the collective administration body may register their literary or artistic name, too, exclusively with a view to its being made publicly known.

Art. 149. — (1) Legal deeds concluded under the rule of the previous legislation shall produce all their effects according to it, except clauses providing the transfer of the exploitation rights of all future works the author may still create.

(2) Works created prior to the coming into force of the present law shall benefit by its protection, too, computer programs, sound recordings, cinematographic or audiovisual works as well as programs of television and radio broadcasting bodies inclusive, under the terms provided in paragraph (1).

(3) The duration of exploitation rights on works created by authors deceased before the coming into force of the present law and for which the protection terms have expired shall be extended up to the protection term provided in the present law. The extension shall produce effects only after the coming into force of the present law.

Art. 150. — (1) The equipment, sketches, dummies or models, manuscripts or any other goods that serve directly for the achievement of a work giving rise to a copyright may not form the object of levying distraint by forced prosecution.

(2) The sums of money due to authors as a result of the use of their works shall benefit by the same protection as the wages, and may be prosecuted only under the same terms. These sums of money shall be subject of taxation according to the fiscal legislation in the matter.

(3) Civil applications and actions arisen from relations regulated under the present law as well as the ways of appeal related to them, introduced by holders of copyright or neighboring rights or by natural or juristic persons representing them shall be exempt from stamp tax.

Art. 151. — Litigations with regard to the copyright and neighboring rights shall come under the competence of the courts according the present law and to common law.

Art. 152. — Collective administration bodies functioning at the date of coming into force of the present law shall compulsorily submit to the provisions under Article 125 within six months after the coming into force of the present law.

Art. 153. — The provisions of the present law shall be completed by the provisions of the common law.

Art. 154. — (1) The present law shall come into force within ninety days after the date of its publication in the „Monitorul Oficial” (Official Gazette of Romania).

(2) On the same date there shall be abolished the Statutory Decree No 321 of June 21, 1956 on the copyright, with its subsequent modifications as well as any other provisions to the contrary.

(3) Up to the approval of the tables and methodologies negotiated in keeping with the provisions under Article 131 of the present law, there shall be applied the tariffs established by the statutory instruments in force.
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