

The answers to this questionnaire have been provided on behalf of:

Country: **Republic of Moldova**

by

Name and contact information (including telephone and e-mail):

Olga Belei (Mrs.)

Director of the Copyright and Related Rights Department

Tel.: + 373 22400503

Fax: + 373 22440119

e-mail: Olga.Belei@agepi.md

and

Lilia Vermeiuc (Mrs.)

Head of Registration and Expertise Section, Copyright and Related Rights Department,

Tel.: + 373 22400552

Fax: + 373 22440119

e-mail: Lilia.Turcan@agepi.md

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

X Specific

Open

Mixed

Others, please describe: _____

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

X Yes

No

Partially, please describe: _____

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

X Yes

No

If yes, please describe: _____

Art. 22. Free Use of Works

(1) The following shall be authorized without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and the source of the borrowing:

(a) quotation in the original language or in translation, in articles or studies, press reviews or radio and television programs of a critical, polemic, teaching, scientific or informational nature, of extracts from lawfully published works;

(b) reproduction for informational purposes in the press, on radio or television, in the original language or in translation, of extracts of published works (on condition that they form part of a report), of addresses given in public, of reports, and of published articles concerning matters of economic, political, social or religious current affairs; broadcasting and cable distribution organizations may only make ephemeral recordings of such works (for a period of time not exceeding six months);

(c) reproduction in Braille for the use of the blind of published works, except for works especially created for such means of reproduction;

(d) public performance, during official or religious ceremonies or during funeral services of lawfully published works of music;

(e) reproduction of works for the purposes of legal or administrative proceedings, to the extent justified by such purposes;

(f) reproduction or communication to the public of works of architecture, photographic works and works of fine art permanently located in a public place, except where presentation of the work constitutes the main purpose of the reproduction or if it is used for commercial purposes.

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes
 No

If yes, please describe: _____

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

Yes
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

Yes
 No

Please describe: _____

Art. 20 *Reproduction of Works for Personal Use*

(1) The reproduction of a single copy of a lawfully published work shall be permitted without the consent of the author or other holder of copyright and without payment of remuneration if made by a natural person for his own exclusive personal use.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

Yes
 No

If yes, please describe: _____

Art. 20 *Reproduction of Works for Personal Use*

(3) The holder of copyright in a work that has been reproduced in accordance with paragraph (1) of this Article shall be entitled to compensatory remuneration. Such remuneration in the amount of 3% of the retail sale price shall be paid by enterprises (including manufacturers or importers) of recording appliances (sound recording equipment, video recorders, etc.) and mediums (texts and cassettes for sound or video recording, optical discs, compact discs, etc.) used for reproduction.

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

Yes
 No

If yes, please describe: _____

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

Yes
 No

If yes, please describe: _____

10. Does your national statute protect technological measures?

Yes
 No

11. Does your national statute protect rights management information?

Yes

X No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

Yes
X No

If yes, please describe: _____

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: _____

Art. 22 Free Use of Works

(1) (e) reproduction of works for the purposes of legal or administrative proceedings, to the extent justified by such purposes shall be authorized without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and the source of the borrowing:

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

Yes
X No

If yes, please describe: _____

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____

Article 37/1 Circumvention of technical means of protection of copyright and neighboring rights or modification of information on administration of copyright and neighboring rights

(1) The following actions, whether or not infringing, in any way, the copyright or the neighboring rights as a result of their performance, shall be deemed infringements of the legislation of the Republic of Moldova on copyright and neighboring rights:

a) circumvention of technical means of copyright and neighboring rights protection;

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

Yes

No

Please describe: _____

Art. 23 Reproduction of Computer Programs; Decompilation of Computer Programs

(1) Any person lawfully in possession of a copy of a computer program may, without the consent of the author and without payment of royalty,

(a) make alterations to the computer program or the database where they are necessary for use of the equipment of the user, or correct any obvious errors, except as otherwise provided by contract;

(b) make a backup copy of the computer program provided that the copy is intended either to replace a lawfully held copy if such copy has been lost, deteriorated or rendered unusable;

(c) examine, study and experiment the way in which the computer program functions with the view to determining the ideas and principles which are at the basis of each element of the program, if this is carried out during any permissible action of launching for execution, showing on computer screen, execution, forward or saving of the program.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

Yes

No

Please describe: _____

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

Yes

No

Please describe: _____

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

Yes

No

If yes, please describe: _____

Article 37/1 *Circumvention of technical means of protection of copyright and neighbouring rights or modification of information on administration of copyright and neighbouring rights*

(1) The following actions, whether or not infringing, in any way, the copyright or the neighbouring rights as a result of their performance, shall be deemed infringements of the legislation of the Republic of Moldova on copyright and neighbouring rights:

b) manufacture, import, distribution (sale, renting, etc.), advertising of any equipment or components thereof, holding for commercial purposes and for service provision of any equipment or components thereof:

- which are advertised or proposed for sale for the purpose of circumvention of technical means of protection of copyright and neighbouring rights.
- the final objective of exploitation and/or the result of exploitation thereof is the circumvention of technical means of protection of copyright and neighbouring rights;
- which initially are intended, adjusted or executed for the purpose of giving the possibility or facilitating the circumvention of technical means of protection of copyright and neighbouring rights;

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: _____

Actions of circumvention of technical means of protection of copyright and neighbouring rights or modification of information on administration of copyright and neighbouring rights shall be sanctioned under the provisions of the Contravention Code and Penal Code of the Republic of Moldova.

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

Yes

No

The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

22. Does your national statute provide specific limitations and exceptions for educational purposes?

Yes

No

Please list them: _____

Art. 21 Reprographic Reproduction by Libraries; Archive Services and Teaching Establishments

(1) It shall be permissible without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mention of the name of the author whose work is used and of the source of the borrowing, to make reprographic reproduction in one copy, without gainful intent and to the extent justified by the aim pursued,

(a) of a lawfully published work if the reproduction, in one copy, is made by a library or an archive service and if its purpose is to replace copies that have been lost, destroyed or have become unusable or to make a copy available to other libraries or similar archive services in order to replace in their own collections works that have been lost, destroyed or have become unusable, where it is impossible to obtain copies of the work through usual channels;

(b) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction, in one copy, is made by a library or archive services to meet the needs of natural persons who use the copy so obtained for the purpose of study or research or for their own personal use;

(c) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction is made by a teaching establishment and the copy so obtained is intended for use in the classroom.

[Footnote continued from previous page]

For Asian and the Pacific countries, document SCCR/19/7. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
- Distance education
- Both

Please list them: _____

On performances²

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes
- No

If yes, please describe: _____

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes
- No

If yes, please describe: _____

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes
- No

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

If yes, please describe: _____

Art. 21 *Reprographic Reproduction by Libraries; Archive Services and Teaching Establishments*

(1) It shall be permissible without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mention of the name of the author whose work is used and of the source of the borrowing, to make reprographic reproduction in one copy, without gainful intent and to the extent justified by the aim pursued,

(c) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction is made by a teaching establishment and the copy so obtained is intended for use in the classroom.

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: _____

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: _____

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: _____

Art. 21. *Reprographic Reproduction by Libraries; Archive Services and Teaching Establishments*

(1) It shall be permissible without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mention of the name of the author whose work is used and of the source of the borrowing, to make reprographic reproduction in one copy, without gainful intent and to the extent justified by the aim

pursued,

(b) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction, in one copy, is made by a library or archive services to meet the needs of natural persons who use the copy so obtained for the purpose of study or research or for their own personal use;

(c) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction is made by a teaching establishment and the copy so obtained is intended for use in the classroom.

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

Reprography

Digital copying

Others. Please describe: _____

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

Yes

No

If yes, please describe: _____

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: _____

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: _____

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

- Yes
 No

If yes, please describe: _____

Article 37/1. *Circumvention of technical means of protection of copyright and neighbouring rights or modification of information on administration of copyright and neighbouring rights*

(1) The following actions, whether or not infringing, in any way, the copyright or the neighbouring rights as a result of their performance, shall be deemed infringements of the legislation of the Republic of Moldova on copyright and neighbouring rights:

c) any of the actions specified below, if the person carrying out such actions knew or should have known that their performance stimulates, allows, contributes or hides the infringement of copyright or neighbouring rights:

- deletion or modification without the authorisation of the right holder of the information on administration of copyright and neighbouring rights;

- distribution, import for distribution purposes, public communication, communication for general information in interactive regime of works and other objects protected by the present law, from which information on administration of copyright and neighbouring rights has been deleted without the right holder's authorisation.

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: _____

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: _____

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes

X No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

Yes
X No

If yes, please describe: _____

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

Yes
X No

If yes, please describe: _____

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

Yes
X No

If yes, please describe: _____

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

Teachers
 Students
 Educational institutions
 Others. Please describe: _____

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit
 Not-for-profit
 Public
 Private

Others. Please describe: _____

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

Yes
 No

If yes, please describe: _____

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

Yes
 No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: _____

The Bill on Copyright and Related Rights shall include provisions related to the use of the works, as well as of the extracts from the works for research or study purposes within the open distance education, including their use on-line.

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes
 No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

Yes
 No

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

X Yes

No

Please describe: _____

Art. 21. Reprographic Reproduction by Libraries; Archive Services and Teaching Establishments

(1) It shall be permissible without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mention of the name of the author whose work is used and of the source of the borrowing, to make reprographic reproduction in one copy, without gainful intent and to the extent justified by the aim pursued,

(a) of a lawfully published work if the reproduction, in one copy, is made by a library or an archive service and if its purpose is to replace copies that have been lost, destroyed or have become unusable or to make a copy available to other libraries or similar archive services in order to replace in their own collections works that have been lost, destroyed or have become unusable, where it is impossible to obtain copies of the work through usual channels;

(b) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction, in one copy, is made by a library or archive services to meet the needs of natural persons who use the copy so obtained for the purpose of study or research or for their own personal use;

(c) of isolated articles and other succinct works or of short extracts of written works (save for computer programs) that have been lawfully published if such reproduction is made by a teaching establishment and the copy so obtained is intended for use in the classroom.

54. What types of works may be reproduced for these purposes?

Please describe: _____

Reprographic reproduction of the lawfully published works shall be permitted to the extent justified by the aim pursued.

55. Does your national statute establish qualitative or quantitative limits for these purposes?

X Yes

No

Please describe: _____

Reprographic reproduction of isolated articles and other short works or of short extracts of lawfully published works (excepting computer programs) is permitted.

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

Reprographic reproduction of lawfully published works by the libraries or archive services shall be permitted, in one copy, if its purpose is to replace copies that have been lost, destroyed or have become unusable, or to make a copy available to other libraries or similar archive services in order to replace in their own collections works that have been lost, destroyed or have become unusable, where it is impossible to obtain copies of the work through usual channels.

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

Yes

No

Please describe: _____

Reproduction of the lawfully published works by the libraries, archive services, teaching institutions is permitted at the users' request, with the payment of a compensatory remuneration. Such remuneration in the amount of 3% of the retail sale price shall be paid by enterprises (including manufacturers or importers) of recording appliances (sound recording equipment, video recorders, etc.) and mediums (texts and cassettes for sound or video recording, optical discs, compact discs, etc.) used for reproduction.

58. What types of works may be reproduced for these purposes?

Please describe: _____

All the lawfully published works can be reproduced.

59. Does your national statute include specific provisions regarding orphan works?

Yes

No

If yes, please describe: _____

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

Yes

No

If yes, please describe: _____

According the draft Law on Copyright and Related Rights (that passed the first reading in the Parliament) not only reprographic reproduction shall be permit, but also digital reproduction. It has also been excluded the provision allowing only one copy to be reproduced by the libraries, archives and similar institutions. Thus, the reproduction for the purpose of digital broadcasting of the retrospective documents will be possible that will allow their integration in the foreign digital collections. There has also been introduced a provision required by the necessity of the electronic recording, in case the libraries and archives have to replace a document that has been lost or destroyed, and the exceptions have to allow the reproduction for systematic recording.

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: _____

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

Yes

No

Please describe: _____

Reprographic reproduction by libraries or archive services is permitted in one copy.

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

In all cases of reproduction realized by the libraries, archives and education institutions it is important to state the non-commercial nature and purpose of this activity.

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe: _____

Non-profitable reprographic reproduction shall be permissible without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and of the source of the borrowing, to make reprographic reproduction in one copy, in certain cases and to the extent justified by the aim pursued, of a lawfully published work, in one copy, made by a library or an archive service and if its purpose is to replace copies that have been lost, destroyed or have become unusable or to make a copy available to other libraries or similar archive services in order to replace in their own collections works that have been lost, destroyed or have become unusable, where it is impossible to obtain copies of the work through usual channels;

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes
 No

Please describe: _____

Such limitations and exceptions are provided for in the Bill on the Copyright and Related Rights.

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

Yes

No

Please describe: _____

Art. 22. Free Use of Works

- (1) (c) reproduction in Braille for the use of the blind of published works, except for works especially created for such means of reproduction, shall be authorized without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and the source of the borrowing.

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

Yes

No

Please describe: _____

Reproduction in Braille is permitted.

70. What other conditions must be met in order for such uses to be authorized?

Please describe: _____

The works should be lawfully published, except for the works especially created for such means of reproduction.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

Yes

No

Please describe: _____

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
 No

Please describe: _____

73. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe: _____

74. What other conditions must be met in order for such uses to be authorized?

Please describe: _____

Special conditions for the reproduction and distribution of works for persons with disabilities are not stipulated in the present Law.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes
 No

Please describe: _____

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes
 No

Please describe: _____

77. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe: _____

78. What other conditions must be met in order for such uses to be authorized?

Please describe: _____

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes
 No

Please describe: _____

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes
 No

If yes, please describe: _____

The Bill on Copyright and Related Rights provides with a revised version of the system of limitations and exceptions with respect to physically-disabled persons, in direct connection to that disability and the non-commercial nature, to the extent determined by that disability, in particular for visually-impaired persons.

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

Please describe: _____

There is a necessity of implementing overall special governmental programs, with a view to persons with disabilities, including taking actions of information and promotion which would allow their access to information.

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
 Cultural Activities
 Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
 No

If yes, please describe: _____

Art. 22. Free Use of Works

(1) (d) public performance, during official or religious ceremonies or during funeral services of lawfully published works of music shall be authorized without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and the source of the borrowing.

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
 No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe:

The musical works should be lawfully published.

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes

to the condition of the nature of the cultural activities?

- Yes
 No

If yes, please describe: _____

Art. 22. Free Use of Works

(1) (d) public performance, during official ceremonies of lawfully published works of music shall be authorized without the consent of the author or other holder of copyright and without payment of remuneration, but subject to mentioning the name of the author whose work is used and the source of the borrowing.

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes
 No

If yes, please describe: The musical works should be lawfully published.

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes
 No

If yes, please describe: _____

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
- No

If yes, please describe:

The works should be lawfully published.

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes
- No

If yes, please describe: _____

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes
- No

If yes, please describe: _____

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes
- No

If yes, please describe: _____

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
- Caching infringing material
- Storing infringing material at the direction of a user

- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: _____

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: _____

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- X right of quotation
- X news reporting
- ephemeral copies
- X incidental uses
- X government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: _____

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- X No

If yes, please describe: _____

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- X No

Please describe: _____

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.

As an effect of the Partnership and Cooperation Agreement (PCA), concluded with UE Member States, the Republic of Moldova has taken the responsibility to harmonize its legal framework with the European legislation. Therefore, the elaboration of a Bill on Copyright and Related Rights represents a prerequisite for the development of the relations between the Republic of Moldova and European Union, and for the harmonization of the national framework of norms with the provisions of the Directives of the European Council regarding the implementation of the respective norms, and in order to avoid the elaboration of a series of amendments to the existing Law No. 293-XIII of 23.11.1994 on protection of Copyright and Related Rights, with subsequent amendments and completions in the Law No. 1268-XV of 25.07.2002.

In the Bill on protection of Copyright and Related Rights the system of limitations and exceptions was revised. Thus, the reproduction shall be permitted not only in reprographic format, but also in a digital format. Furthermore, the restriction stating that only one copy is permitted for the purpose of digital broadcasting of the retrospective documents was excluded, thus being possible the inclusion thereof in the digital foreign collections, as an effect of the national cultural policy. At the same time, the particular provision offers the possibility of preservation of the European scientific and cultural heritage by granting on-line access to the printed documents, therefore enlarging the possibility to use them, in the Information Age.

There has also been introduced a provision dictated by the necessity of the electronic recording, in case the libraries and archive services have to replace a document that has been lost or destroyed, and the exceptions must allow the reproduction with respect to a systematic recording. Production of a copy or of a replacement of a document aims at preserving the stock, including the recovery of the works that have been lost.

Likewise, on the basis of certain studies carried out by WIPO, which included the analysis of the problem on the limitations and exceptions of the copyright and related rights for the visually-impaired persons, and its legislative framework for more groups of states, including the Republic of Moldova, exceptions have been provided for some categories of visually-impaired persons.

In the Bill there were included further provisions on:

- use of works through exemplifications (illustrations) in publications, broadcasts or audio-records, video- records in the educational process, and subject to mentioning the name of the author whose work is used and of the source of the borrowing;

- use of works and other protected objects for the general information about the current events, to the extent it is justified by information-rendering purposes and subject to mentioning the name of the author whose work is used and of the source of the borrowing;

- recording the programs broadcast by non-for-profit social institutions as hospitals, provided that the right holders are remunerated accordingly;

- use of works through communication, or making them accessible to the large public in an interactive regime, for individual research or study purposes, through some special terminals within libraries, archive services and other institutions, and of other protected works in their collections which do not constitute the object of acquisition or license requirements.

[End of questionnaire]