

UNESCO
WORLD ANTI PIRACY OBSERVATORY

ROMANIA

I. LEGISLATION	3
1. Copyright laws	3
2. Other laws	3
3. Latest developments and perspectives	3
4. Summary of legislation	4
5. International treaties	8
II. MEASURES AND REMEDIES	8
1. Copyright infringement	8
2. Remedies to protect copyright holders	8
3. Provisional measures	9
4. Penalties for copyright infringement	9
5. Requirements for foreign persons	10
III. ENFORCEMENT	10
1. Enforcement authorities	10
2. Enforcement at the border	11
IV. PUBLIC AWARENESS	11
1. Awareness campaigns and actions	11
2. Promotion of legal exploitation	12
3. Associations and organizations with awareness-raising purpose	12
4. Best practices	12
V. CAPACITY-BUILDING	12
1. Training	12

2.	Establishment of specialized units and intersectoral groups	13
3.	Best practices	14
VI.	OTHER	15
1.	TPM/DRM	15
2.	Licensing Schemes	15
3.	Optical Discs	15
4.	Hotlines	15
5.	Contact Details	15

I. Legislation

1. Copyright laws

Copyright in Romania is protected through International Agreements, the [Law No. 8/1996 on Copyright and Related Rights](#) and other legislation related to the enforcement of the provisions of the Copyright law.

The main copyright legislation is the [Law No. 8/1996 on Copyright and Related Rights](#). It entered into force on the 25th of June 1996.

2. Other laws

The other laws related to Copyright are:

- The [Criminal Code of Romania](#), republished in the Official Journal of Romania no. 65 of 16 April 1997, with subsequent amendments, and
- The [Criminal Procedure Code of Romania](#), republished in the Official Journal of Romania no. 78 of 30 April 1997, with subsequent amendments.

3. Latest developments and perspectives

For being in full compliance with the *acquis communautaire*¹ in the copyright field (a precondition for the EU integration), this law has undergone the following subsequent modifications and completions:

- a) Law no.285/2004 (Of.M.no.587/30.06.2004, operational at 30.07.2004),
- b) Emergency Ordinance of the Government no. 123/2005 (Of.M.no.843/19.09.2005), and
- c) Law no. 329/2006 for the approval with modifications of E.O.G. no.123/2005 (Of.M.no.657/31.07.2006, operational at 03.08.2006).

At present, Romania holds a copyright and related rights legislation fully harmonized with that of the EU, being in compliance with the provisions of all 8 directives of the European Council and Parliament, in force up to now:

- the Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;
- the Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;
- the Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyrights applicable to satellite broadcasting and cable retransmission;
- the Council Directive 93/98/EEC of 29 October 1993 regarding the harmonization of the term of protection of copyright and certain related rights;
- the Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of the databases;

¹ The *acquis communautaire* is the body of common rights and obligations which bind all the Member States together within the European Union

- the Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects on copyright and related rights in the information society;
- the Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right of the author of an original work of art; and
- the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

4. Summary of legislation

The main legal provisions represented by Law 8/1996, with its ulterior amendments, were correlated with secondary legislative provisions, as follows:

- Governmental Decision no. 974/2001 regarding the approval of the cooperation Program between the Romanian Government and the World Intellectual Property Organization (WIPO), (Of. M. no.656/18.10.2001, operational at the date of publication),
 - Governmental Decision no.1424/2003 for the approval of the national strategy for copyright between 2003-2007, (Of.M.no.905/18.12.2003), modified and completed with the Government Decision no.1174./2005 regarding the modification and completion of the Annex to the Government Decision no. 1424/2003 concerning the implementation of the Action Plan for the national strategy in the copyright field (Of. M. 927/18.10.2005),
 - Governmental Decision no. 1095/2000 for approving the methodological norms regarding the way of depositing and destroying the illegal pirated supports, materials, phonograms, holographic marks or covers confiscated under the law (Of. M. no.608/27.11.2000),
 - Emergency Ordinance of the Government no. 190/2005 for taking some necessary measures for EU integration process (Of M.no.1179/28.12.2005),
 - Government Ordinance no. 25/2006 for the Romanian Office for Copyright administrative capacity enhancement (Of. M no.84/30.01.2006, operational at 01.03.2006), and
 - Government Decision no. 401/2006 regarding the organization, functioning, assets and the organization chart of the Romanian Office for Copyright (Of. M no.292/31.03.2006).
- *Exclusive rights of the authors and of the owners of neighbouring rights*

Exclusive Rights of the authors

a) Economic Rights

According to the Law 8/1996, the author of a work shall have the exclusive economic right to decide whether, how, and when his work is to be used or exploited, including the right to authorize the use of the work by others (Article 12).

The owner of the copyright enjoys the exclusive right to do or to authorize the following acts concerning their works of original authorship (Article 13):

- reproduction of the work;

- distribution of the work;
- importation for trading on the domestic market, of copies of the work made with the author's consent;
- rental of the work;
- lending of the work;
- communication to the public, directly or indirectly, of the work, by any means, including by making the work available to the public, in such a way that members of the public may access them from a place and at a time individually chosen by them;
- broadcasting of the work;
- cable retransmission of the work; and
- making of derivative works.

b) Moral rights

The moral rights of the author are established under article 10 of the Copyright Act. Moral rights include the right:

- to decide whether, how and when the work will be disclosed to the public;
- to demand recognition of his authorship of the work;
- to decide under what name the work will be disclosed to the public;
- to demand respect for the integrity of the work and to oppose any modification or any distortion of the work if it is prejudicial to his honor or reputation; and
- to withdraw the work, subject to indemnification of any owners of exploitation rights who might be prejudiced by the exercise of the said withdrawal right.

Exclusive right of the owners of neighboring rights

Neighboring rights refer to the rights of performers, producers of sound recordings and broadcast organizations.

The **performers' rights** include the following (article 98 of the Copyright Act):

- the fixation of his performance;
- the reproduction of the interpretation of the fixed performance;
- the distribution, rental and lending of the fixed performance;
- the importation for trading on domestic market of the fixed performance; and
- the broadcasting of a performance.

The **producers' rights of sound recordings** include the following (article 105);

- the reproduction by any means and in any form of his own sound recordings;
- the distribution, rental and lending of his own sound recordings;
- the import for trading on the domestic market, of legally made copies of the work of his own sound recordings; and
- the cable retransmission of his own sound recordings.

The **producer's rights of audiovisual recordings** include the following (article 106):

- the reproduction by any means and in any form, of his own audiovisual recordings;
- the distribution, rental and lending of his own audiovisual recordings;
- the import for trading on the domestic market, of his own audiovisual recordings;
- the broadcasting of his own audiovisual recordings;

- the making available to the public of his own audiovisual recordings in such a way; and
- the cable retransmission of his own audiovisual recordings.

The **radio and television broadcasting organizations** shall have the exclusive economic right to authorize or to prohibit (article 113):

- the fixing of their own broadcasts and services of radio or television programs;
- the reproduction or distribution of their own broadcasts and services of radio or television programs fixed on any kind of physical medium;
- the importation for trading on domestic market of their own broadcasts and services of radio or television programs fixed on any kind of physical medium;
- the rental or lending of their own broadcasts and services of radio or television programs, fixed on any kind of physical medium;
- the making available to the public of their own broadcasts and services of radio or television programs, fixed on any kind of physical medium;
- the retransmission or reemission of their own broadcasts and services of radio or television programs by wireless means, by wire, by cable, by satellite or by any other similar proceeding, as well as by any other mode of communication to the public, including retransmission through Internet; and
- the communication to the public of their own broadcasts and services of radio or television programs in places accessible to the public, against payment of an admission charge.

The **maker of a database** shall have the exclusive economic right to authorize and prohibit the extraction and/or re-utilization of the entire or of a substantial part of the database, evaluated qualitatively or quantitatively (Article 122 of the Copyright Act).

- *Exceptions and limitations to copyright*

In general, the law allows for use of a work without the permission of the owner under the following limitations and exceptions (article 33, 34, 35 and 35 of the Copyright Act):

- Reproduction for purposes of judicial or administrative proceedings;
- Reproduction, distribution, broadcasting or communication to the public;
- Private use;
- Educational use;
- To replace or conserve library or archival copies of works;
- Use of works during religious celebrations or official celebration organized by a public authority;
- Quotations for criticism or review provided it is justified;
- Parody or caricature;
- Reproduction, distribution or communication to the public of the image of an architectural work, work of plastic art, photographic work or work of applied art permanently located in a public place for non commercial purpose;
- Use for the purpose of advertising, of the images of the works presented within exhibitions with public access or sale, of fairs, public auctions of works of art, to the extent necessary to promote the event, excluding any other commercial use;
- For the purpose of testing the operation provided that such acts are performed only to the extent required for testing; and
- For the collective management societies to monitor, by any means, the activity of the users.

- *Protection of foreign works*

Article 147 provides that foreign citizens or juridical persons, owners of copyright or neighboring rights shall enjoy the protection provided by international conventions, treaties and agreements to which Romania is party, failing which they shall enjoy treatment equal to that accorded to Romanian citizens, on condition that the latter, in turn, are granted similar (national) treatment in the concerned countries.

- *Period of copyright protection*

The economic rights provided for authors shall last for the author's lifetime, and after his death shall be transferred by inheritance for a period of 70 years (Article 25(1)).

The moral rights may not be renounced or disposed of. After the author's death, the exercise of the rights shall be transferred by inheritance for an unlimited period. If there are no heirs, the exercise of the said rights shall revert to the Romanian Copyright Office (Article 11(1)).

The duration of the neighboring rights shall be of 50 years:

- from the date of performance - for performers (Article 102(1));
- from the date of first fixation - for producers of sound recordings (Article 106(1));
- from the date of first fixation - for producers of audiovisual recordings (Article 106(1)); and
- from the first January of the year following that in which the first broadcast of the television or radio broadcasting organization's service of programs took place -for broadcasters (Article 114).

The duration of protection for the maker of databases shall run from the date of completion of the making of the database. The term of protection is 15 years from the first of January of the year following the date of completion of the database (Article 122⁴).

- *Registration*

In Romania, the registration of a work is not mandatory in order to claim protection. According to the legislation in force, the competent authority responsible for copyright registration is the Romanian Copyright Office (ORDA), who organizes and manages, against payment, the registration with the National Registries and with the other specific national records provided by law (Law 8/1996, Art. 138 para. 1 letter d).

According to Law 8/1996, with its subsequent amendments and completions, ORDA administers the National Registry of Works and the National Registry of Private Copy.

According to Law 364/2006 on the approval of Governmental Ordinance no. 25/2006 on strengthening ORDA's administrative capacity, ORDA administers the following registers:

- a) the National Register of Phonograms,
- b) the National Register of Computer Programs,
- c) the National Register of Videograms, and
- d) the National Register of Multipliers of Optical Discs, Audio and Video Tapes.

A brief description of the procedure for registering a “work” is provided under article 148 of the Copyright Act.

5. International treaties

Romania is a member of the following treaties and conventions on copyright and related rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#)
- [WIPO Copyright Treaty](#) (WCT)
- [WIPO Performances and Phonograms Treaty](#) (WPPT)
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#)

II. Measures and remedies

1. Copyright infringement

Copyright infringements are provided in Law no.8/1996 with its subsequent amendments and completions. Accordingly, a person may constitute an offence when:

- For infringement of author’s resale right;
- For distribution or fixation without authorization;
- For non remuneration; and
- For non observance of the formalities.

Specific provisions are provided for Internet Copyright Infringement (Internet Piracy) according to Law 8/1996 with its subsequent amendments and completions (Article 139 of the Law 8/1996).

2. Remedies to protect copyright holders

Civil Remedies

Article 139 of the Law 8/1996 provides that the owners of the rights may:

- claim damages for the redressing of the prejudice caused (Article 139 (1));
- demand immediate measures to be taken for preventing the imminent occurrence of damage through the violation of a right, for ensuring the remedy of the damage or for maintaining evidences (article 139 (3));
- ask for the seizure of objects and documents that may constitute evidences of the infringing of copyright or neighboring rights (article 139 (10));
- apply for the ordering of the remittance of the proceeds from unlawful deed (article 139 (14); and
- apply for the destruction or removal of the illegally made copies or equipment and means intended for the perpetration of the unlawful deed (article 139 (14)).

In establishing the damages, the court takes into consideration criteria such as the negative economic consequences or whether they represent the triple of the amounts that would have been lawfully owed for the type of utilization that made the object of the illicit deed (article 139(2)).

Criminal Remedies

The Court may make the following sentences:

- imprisonment;
- criminal fine; and
- seizure or destruction of the goods or remedies for injured party.

Pirated goods are pieces of evidence which prove a criminal offence. The pieces of evidence are governed by article 94 – 95 of Criminal Procedure Code of Romania.

During the criminal proceedings (but not in the preliminary procedure), the prosecutor may order security measures for the pirated goods in order to assure a remedy for the injured party.

If the criminal proceeding is completed, the prosecutor will refer the case to the court. The court may impose an imprisonment or a criminal fine. Besides, the court may order also to seize and destroy the goods and award remedies for the injured party.

In the Romanian judicial system, the penal regulations are applied also for legal persons if the criminal offence was done on behalf or for the benefit of that legal person. The criminal liability of the legal person does not exclude the criminal liability of the natural person who committed the same criminal offence.

3. Provisional measures

The Law no.8/1996 provides provisional measures (article 139). The Court may order the seizure, confiscation, forfeiture and/ or the destruction of all infringing copies and all equipments or devices used in the manufacture of the infringing copies. The prosecutor also may order these measures if the offender was not referred to the court.

Article 139 (3) provides that should suspicions exist in connection with the infringement of some rights acknowledged and protected by the law, the entitled persons may apply to law court or other competent bodies for:

- a) Ordering immediately the measures to be taken for preventing the imminent occurrence of damage through the violation of a right;
- b) Ordering immediately the taking measures for ensuring the remedy of the damage; and
- c) Ordering the taking or handing over the competent authorities of the goods in connection with which suspicions exist on the violation of a right.

Article 139 (4) provides that measures can also be ordered by interlocutory order. In this case, the law courts can request for the plaintiff to deposit a sufficient security to ensure the compensation of any prejudice that might be suffered by the defendant.

Article 139 (6) provides that owners of rights or their representatives may request to the law court, even before introducing the action on the merits of the case, to take some measures for ensuring of the evidence, where a risk for the infringement of the rights provided by the law and a risk for destruction of the elements of evidence exist.

4. Penalties for copyright infringement

- Civil penalties

The civil penalties include:

- Damages to compensate the injury he/ she suffered including appropriate attorney's fees and profits of which the copyright holder has been deprived;
- A fine from 3,000 to 30,000 LEI, depending on the gravity of the deed; and
- The publication of the judgment in newspapers or professional magazines.

- **Criminal Sanctions**

The criminal sanctions include:

- A fine or imprisonment (article 139, 140, 141, 143). Depending on the gravity of the deed, imprisonment is from one month to fifteen years, while fine for such cases is from 10,000 to 50,000 LEI.

The penalties to legal persons (Chapter IV. 1 of Criminal Code of Romania) may apply also for cases of copyright infringement. The main penalty is a fine.

According to the gravity of a criminal offence, the court may decide to apply one or more complementary penalties, if necessary, such as:

- The dissolution of the legal person;
- The suspension of one or all the activities of the legal person;
- Closing of some working point of the legal person;
- Participation to public procurement forbidden ;and
- Displaying or public communication of the judgment through mass-media, according to the final decision of the court.

The lawyer fee is included in judicial expenses and has to be paid by the offender if sentenced (Chapter IV of Criminal Code of Romania). Also the court may oblige the offender to pay moral and material remedies to the injured party.

The decisions of criminal proceedings:

- a) Referring the case to court;
- b) No legal action but applying an administrative punishment (fine); and
- c) End criminal proceedings (no legal action) to cover the prejudice of injured party (just for certain criminal offences).

In all cases where the goods are found infringing, the intellectual property right (pirated goods), the goods are seized and destroyed.

5. Requirements for foreign persons

The official and the only language accepted in the Romanian legal system is Romanian. As a consequence, all documents and legal papers should be submitted to the court in Romanian or should be accompanied by certified translations (article 7 of the Criminal Procedure Code of Romania).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

According to the Law no.8/1996, with subsequent amendments and completions, the competent authorities responsible for enforcing the copyright law are: The Romanian Copyright Office, the General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Border Police, General Inspectorate of Gendarmerie, Public Ministry, General Inspectorate for Communications and Information Technology, Ministry of Justice and courts.

According to the Law no.344/2005 and Council Regulation (EC) no.1383/2003, customs authority is empowered to take certain border measures in case of a copyright infringement.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

Ex-officio actions are allowed by article 221 of the Criminal Procedure Code of Romania. There are also other authorities entitled to establish an infringement: the General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Border Police, the General Inspectorate of Gendarmerie and the General Inspectorate for Communications and Information Technology (art. 145 of Law no.8/1996 with subsequent amendments and completions).

Customs authority is also empowered to act ex-officio (see Chapter IV – Enforcement at the border).

c) Courts dealing with copyright cases

The specialized courts are as follows:

- Bucharest Tribunal (Civil and Criminal Section);
- Court of Appeal Alba - Iulia (2 specialized panels);
- Court of Appeal Bucharest (Section no. IX); and
- High Court of Cassation and Justice (Section civil and intellectual propriety).

The first instance for criminal offences on copyright is the tribunal (article 145 alin 3 of Law no.8/1996 with subsequent amendments and completions).

2. Enforcement at the border

The relevant provisions concerning border measures are provided in the following regulations:

- Council Regulation (EU) no.1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights ;
- Commission Regulation (EC) no.1891/2004 laying down provisions for the implementation of Council Regulation (EC) no.1383/2003;
- [Law no.344/2005](#) on specific measures for the enforcement of intellectual property rights in customs clearance operations (in course of legislative amending); and
- Government Decision no.88/2006 laying down provisions for the implementation of Law no.344/2005 (as was amended by G.D.no.946/2007).

IV. Public Awareness

1. Awareness campaigns and actions

Public awareness campaigns focused on intellectual property issues and the fight against piracy and counterfeit are organized every year, either by public authorities or civil society bodies, or in partnership between public, private and non-governmental sector. . Generally, such campaigns have as spearheads TV spots broadcasted on major Romanian TV channels, sustained by various related actions, along with articles published in important newspapers, radio interviews and spots, posters, flyer distribution, promotion on internet sites of the initiators, other interlinked activities like seminars, public destruction of counterfeit and pirate goods, publication of books on the topic and so forth.

A national awareness campaign, called STOP PIRATERIA, addressing the challenges associated with preventing and combating Counterfeit and Piracy, has been launched in November 2008, with a conference organized by public institutions involved in IPR protection and enforcement in Romania. This campaign is a sub-component of the Twinning Project PHARE 2005 "Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights", started at the beginning of 2007, having as Partners the Prosecutors Office, Customs Authority, Border Police, National Police, Patent Office and Copyright Office, from Romania, and the Danish Patent Office.

The campaign has been launched under the slogan "Piracy Will Catch Up With You". The message has been sent via a TV campaign, broadcasting indoors on digital screens and cinemas - favorite locations for the target public of the campaign -, via a national campaign of "direct mail", along with a dedicated website www.stoppirateria.ro.

Also, a Lexicon "STOP Pirateria" has been produced, comprising definitions and terms, the legislative set, recommendations and case studies from the IPR protection and enforcement area. The Lexicon is intended to be an information kit, mostly for press, but also for public at large."

2. Promotion of legal exploitation

With reference to initiatives related to the promotion of legal exploitation of protected material, almost all the actions and activities just mentioned at public awareness campaigns take seriously into consideration the issue, encouraging the legal exploitation of works.

3. Associations and organizations with awareness-raising purpose

The details concerning other associations, like collective management societies, are available on the web page of The Romanian Copyright Office.

The main associations and organizations with awareness-raising purpose are:

- ORDA (Romanian Copyright Office)
<http://www.orda.ro>;
- UCMR - ADA (Romanian music collecting society)
<http://www.ucmr-ada.ro>; and
- ANISP (ISP association)
<http://www.anisp.ro>.

4. Best practices

V. Capacity-building

1. Training

ORDA provides specialized copyright enforcement and anti-piracy training based on the request of other public institutions according to established Bilateral Protocols. Yearly they are carried out by ORDA major activities in this field, from including Chambers of Commerce and Industry (Bucharest, Brasov and Timisoara), Bucharest Communitarian Police, the National Gendarmerie (Bucharest, Constanta, Craiova, Brasov, Mures, Cluj) General Directorate of Police in Bucharest and the General Inspectorate of the Romanian Police.

Within Twinning Project PHARE 2005 "Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights" have been organized in 2008, 9 common trainings for police, border police, prosecutors and customs, 4 trainings for police managers and 3 train-for-trainers seminars in the field of IPR.

Customs authority was the beneficiary of 25 seminars and 180 customs officers have been trained with this occasion. Other events related to IPR in 2008 and 2009, including among others, were:

- Meeting of the Working Group on "Customs Co-operation and Fight Against Counterfeiting and Piracy in the Euro-Mediterranean Partnership"- Bucharest (14-17 April 2008);
- A seminar „Copyright and computer programmes” Business Software Alliance organized a seminar for 34 police officers and prosecutors; and
- A seminar „Countering IT counterfeiting and piracy” was organized in 27.11.2008 by the Embassy of France in Bucharest, mainly for customs officers and representatives of the police, prosecutors and private sector.

As a result of the Twinning Project PHARE 2005 "Strengthening the Romanian institutional capacity of protecting the intellectual and industrial property rights" a joint database was created, bringing together databases of the State Office for Inventions and Trademarks, the National Customs Authority and allowing input of data by the police/border police officers and prosecutors concerning criminal cases (pending or finalized).

2. Establishment of specialized units and intersectoral groups

Within the **National Customs Authority**, specialized units were set up. They are structured as follows:

- Central level: Service for Intellectual Property Rights Protection within the Directorate for Excise Surveillance and Customs Operations;
- Regional level: 8 Regional Directorates Excise Goods and Customs Operations with a Department for Intellectual Property Rights Protection in each of them;
- County level: 42 County Directorates for Excise Goods and Customs Operations with a small Unit for Intellectual Property Rights Protection in each of them each; and
- Local level: a number of customs officers appointed for IPR matters, in accordance with the type and number of customs operations in each customs office.

The General Inspectorate of the Romanian Police assigned 163 officers in the field of IPR and was promoted the principle of mixed teams (police and border police officers, customs officers, prosecutors, financial guard officers) to conduct exhaustive investigations in this field.

Within Romanian Public Ministry there are 112 specialized prosecutors appointed by General Prosecutor Order to supervise criminal investigation in criminal cases and to coordinate the activity in the field.

The Romanian Border Police is part of the Ministry of Administration and Interior and is the specialized state institution which carries out the surveillance and control of the crossing of the state border including the prevention and fight against illegal migration and against acts specific to cross border criminality carried out in its area of competence, including the field of IPR. The Border Police have the same tasks as the General Inspectorate of the Romanian Police, but only in their territorial area of competence: Their jurisdiction is limited to 30 km's into the country (Romanian territory).

The primary role of Romanian Border Police in IP enforcement is to prevent counterfeit goods from entering Romanian territory. Tactical investigations will normally be carried out such as “controlled deliveries” in close co-ordination with Police and Customs.

58 Border Police officers are assigned to enforce IP crime; 2 BP officers from each of the 6 Directorates of BP across the Romanian territory, 2 BP officers from each of the 21 BP county inspectorates and 4 BP officers from the General Inspectorate of the Border Police

On June 26, 2006, Romania established a Multilateral Protocol for setting up the Working Group on intellectual property issues, aiming to fight against piracy and counterfeit, as well as to help enforce intellectual property rights in Romania. The Protocol was ratified by 34 members representing, on the one hand, all the authorities with competences in the intellectual property field (the General Inspectorate of the Romanian Police, the General Inspectorate of the Border Police, the Customs National Authorities, the Prosecutor Office activating inside the High Court of Cassation and Justice, the Ministry of Justice, the Financial Guard, the National Authority for Consumer Protection, the Ministry of Economy and Finance, ORDA and OSIM), and on the other hand, representatives of right holders (collective management societies) and of anti-piracy organizations active in the musical, audiovisual and software domains (the Union of Phonograms Producers from Romania – IFPI Romania, Business Software Alliance, Electronic Arts, Vivendi Universal Games). The Working Group is formed by three sub-groups, each one having specific attributions: Anti-piracy, Anti-counterfeiting and Collective Management Societies of Copyright and Related Rights. The working meetings take place at least one time per month or any time that is required.

To improve the co-operation between the enforcement authorities in the field of **trans-border crime**, an inter-ministerial task force called TRIDENT was created. It is organized in 3 regional operational units: Henri Coanda Airport in Bucharest, Constanta port and Giurgiu Border Office (road traffic at the border with Bulgaria). These units bring together representatives of Ministry of Public Finances (through National Customs Authority) and Ministry of Administration and Interior (through the General Inspectorate of the Romanian Police, the General Inspectorate of Romanian Border Police and General Directorate for Intelligence and Internal Protection).

3. Best practices

The most important cases are regularly published on the web page of customs authority (www.customs.ro) on a monthly basis. The monthly bulletins on IPR issues contain information concerning the main legal provisions in the field of IPR, significant seizures of customs in the previous month and relevant events at both national and international level.

Romanian customs is involved permanently in joint actions with the other customs authorities, members of WCO-World Customs Organizations (operation like LION in 2006), European Union (operations DIABOLO on counterfeit cigarettes and MEDIFAKE on counterfeit medicines) or together with members of Southeast European Co-operative Initiative –Regional Center for Combating Trans- Border Crime in Bucharest and WCO (operations HURRICANE in 2007 and HURRICANE II in 2008 on illegal traffic with counterfeit certain type of goods).

The National Strategy in the field of Intellectual Property and the Action Plan for implementing the strategy in the period 2003-2007 was an important guideline for all the authorities involved in the enforcement of intellectual property rights and a real support for EU accession of Romania. A

new national strategy on IPR is awaiting approval in the Working Group on intellectual property issues and will be submitted to the Government shortly.

The Working Group on intellectual property issues is the most successful framework for a co-ordinated activity regarding IPR at the national level. The activity of all authorities involved in IPR enforcement is co-ordinated by the Prosecutor Office active inside the High Court of Cassation and Justice and there is a permanent dialogue also with the associations and private sector members of this group. The details may be found on the web page of the Group: www.grudpi.ro.

VI. Other

1. TPM/DRM

Article 138 of the Law no.8/1996 provides for Technological Protection Measures.

For the purposes of this law, technical measures means the use of any technology, of a device or component that, in the normal course of its normal operation, is destined to prevent or restrict the acts, which are not authorized by the owner of the rights acknowledged by the present law (article 138 §2).

Technological measures shall be deemed effective where the use of a protected work or other subject-matter of protection is controlled by the owner of rights through application of an access control or protection process, such as encryption, coding, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective (article 138 §3).

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details

The Romanian Copyright Office (ORDA)

Address: 91-93 Calea Victoriei, Floor 2, 010067, Bucharest 1, Romania

Tel./Fax: 317 50 70; 317 50 80; 317 50 90

E-mail: orda@orda.ro

Website: <http://www.orda.ro>

National Customs Authority

Service for the Protection of Intellectual Property Rights

Address: 13 Matei Millo Street, District 1, 010144, Bucharest, Romania

Tel/Fax: +40 21 319 31 81

Website: www.customs.ro

General Inspectorate of the Romanian Police

Address: 6 Mihai Voda Street, District 5, Bucharest, Romania

Tel.: +4021 205 28 28 ext. 26035; +4021 311 19 63

Fax: +4021 316 16 80

E-mail: economic@politiaromana.ro

Web: www.politiaromana.ro

General Inspectorate of the Border Police

Address: 5 Răzoare Street, District 5, 050506 Bucharest, Romania

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