

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE 2004 SPECIAL 301 REPORT

SPECIAL MENTION

REPUBLIC OF MOLDOVA

The Republic of Moldova is a member of the World Trade Organization and the WIPO digital treaties. While it has made a number of important legal reforms in the past several years, it is not yet providing the type of effective enforcement necessary to stem the copyright piracy there, or to be in compliance with the enforcement obligations of the WTO TRIPS Agreement. Moldova is the only country in the C.I.S. whose customs code (Article 308) provides explicit *ex officio* authority. But there are many deficiencies. In particular, the Republic of Moldova needs to amend its criminal code to apply to copyright and neighboring rights violations—necessary to protect authors and producers of sound recordings. Second, it must improve the levels of enforcement with criminal convictions and improved border enforcement. Third, the Copyright Law provides only a right of remuneration for producers of sound recordings for the public performance, communication of a phonogram over the air, or by cable. The law should be further amended to provide producers with a broader public performance (or making available) right, at a minimum, for digital transmissions. Finally, as it pertains to WTO compliant enforcement, although there are signs of stepped-up police activity in the past few years, there have not been prosecutions and convictions under the criminal law as required for Moldova to meet its international obligations.

According to the recording industry (the International Federation of the Phonographic Industry, IFPI), the level of music piracy in Moldova is estimated at about 69%, with trade losses estimated at \$4 million. It is also estimated by the recording industry that in total, 4 million cassettes and 1.3 million CDs were sold in Moldova in 2003 and that, of these, 2.8 million cassettes and 0.9 million CDs were pirated copies. The industry also reported 203 raids and the seizure of US\$64,350 worth of pirate material (4700 CDs, 560 DVDs, 347 CD-ROMs, 6800 cassettes, and 6 recording devices) in 2003 by local enforcement agencies.