

Limitations and exceptions in Digital Age Experience of Romania

Copyright in the Digital Age

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ROMANIA'S PERSPECTIVE – INTERNET ACCES

The National Plan for Next-Generation Network Infrastructure Development (2015) part of the National Strategy on the Digital Agenda for Romania 2020;

Recently built national broadband network:

- 2.3 million fiber connections (2016);
- **Speed:** 62,53 Mbps download
31.85 Mbps upload (*The Internet Society*);
- **The frequency of Internet use** and hours spent online: **less than 50 %**;
- **The price** for high-speed Internet services for domestic uses: 10 €

ROMANIA'S PERSPECTIVE – INTERNET ACCES

- **Conectivity** – 23rd place in EU ("*World Development Report 2016 - Digital Dividends*", World Bank);
- Relatively high level of fixed and mobile Internet penetration and higher adoption of smartphones;
- Urban areas tend to have greater Internet connectivity than rural areas (the urban-rural difference is greater than 30%);

Ploiești (102.35 Mbps, 3rd place after Singapore si Hong Kong), Iași (101.43 Mbps), București (95.18 Mbps), Timișoara (86.55 Mbps), Galați (83.24 Mbps), Constanța (77.73 Mbps), Cluj (75.14 Mbps), Oradea (70.95 Mbps) Brașov (66.73 Mbps)

(*Ookla Net Index*)

ROMANIA'S PERSPECTIVE – E-SKILLS COMPETENCES

The World Bank, March 2017 - *“Reaping Digital Dividends Leveraging the Internet for Development in Europe and Central Asia”*

- less than 10% of firms are using cloud computing;
- less than half of businesses have a web presence;
- Internet-intensive sectors seem to be absorbing a larger share of skilled workers (Cluj, new Silicon Valley);

R&D centers of Intel, Motorola, Boeing;

Microsoft, Oracle, Ubisoft, Electronic Arts (EA), Gameloft – branches with over 1.000 employees;

Romanian software: BitDefender IT security and antivirus protection, **AeL eLearning** (SIVECO), **Intuitext e-learning** (Softwin) integrated systems for teaching and learning

MAIN CULTURAL PRODUCTS PROVIDED ONLINE IN ROMANIA

1. MOVIES

2. MUSIC

- Non-exclusive license for streaming of musical works:

UCMR-ADA with Google Ireland Limited (2013); with iTunes (2014), with Deezer (2016) and Spotify

- April 2013 – Launch of YouTube.RO (Cat Music Office, RotonMusicTV, MediaProMusic, Inna Romania, Amma Record Official);
- New business models: Trilulilu, Zonga (the first Romanian product which offers acces to the largest musical content);

3. BOOKS

The success of online selling depends on:

- The platform's capacity to attract customers (user-friendly, links to Facebook, Twitter or other platforms, business oriented);
- Marketing strategies (ex. partnerships with bloggers, affiliated marketing ex. Elefant.ro and 2Parale);
- Discounts;
- The profile and rename of the publishing house (*CULTURADATA.RO*)

EXCEPTIONS AND LIMITATIONS

INFOSOC DIRECTIVE TRANSPOSED IN NATIONAL LEGISLATION

- ✓ works already disclosed to the public;
 - ✓ without the author's consent;
- ✓ without payment of remuneration;
 - ✓ respecting 3 step test;

EXCEPTIONS AND LIMITATIONS

The use of:

- works during religious or official celebrations organized by a public authority;
- images of the works, for the purpose of advertising the exhibitions with public access, fairs, public auctions, to the extent necessary to promote the event, excluding any other commercial use;
- brief quotations for the purpose of an analysis, commentary or criticism, or for illustration;
- isolated articles or brief excerpts, in publications, television or radio broadcasts or sound or audiovisual recordings exclusively for teaching purposes.

EXCEPTIONS AND LIMITATIONS

The reproduction of:

- ✓ works in connection with judicial or administrative proceedings;
- ✓ brief excerpts for information or research purposes (libraries, museums, archives of non-profit, cultural or scientific public institutions) or for teaching purposes (public education or social welfare institutions);
- specific acts of reproduction made by publicly accessible libraries, educational establishments, museums or by archives, with no economic or commercial advantage;

the complete reproduction of a work allowed for:

- the replacement of the sole copy in permanent collection;
- in the event of the destruction, serious deterioration or loss.

EXCEPTIONS AND LIMITATIONS

- the representation and execution of a work as part of the activities of educational establishments, exclusively for specific purposes. the representation and the public's access are free of charge;
- the reproduction (no means involving direct contact with the work), distribution or communication to the public of the images of works of architecture or sculpture, permanently located in a public place;
- the preservation, in official archives, of the **ephemeral recording** made by the radio or television broadcasting organizations, by their own means, on the grounds of their exceptional documentary character;
- to record the work for the needs of its own broadcasts, for a single authorized broadcast to the public, in the case of the assignment of the broadcasting right. A new authorization required in case of any new broadcast, against remuneration that cannot be waived. The recording must be destroyed, if no such authorization is requested within 6 months.

EXCEPTIONS AND LIMITATIONS

the reproduction, distribution, broadcasting or communication to the public (no commercial or economic advantage) of:

- works, for the purpose of illustration for teaching or scientific research, or for the benefit of people with disabilities;
- brief excerpts for informatory purposes on current events;
- temporary acts of reproduction that are transient or incidental forming an integral and essential part of a technical process, with the sole purpose of enable transfer, in a network between third parties (have no separate economic value on their own).

EXCEPTIONS AND LIMITATIONS

The alteration of a work, without the author's consent and without payment of remuneration:

- made privately and is neither intended for nor made available to the public;
- the result is a parody or caricature; does not cause confusion with the original work and the author thereof;
- made necessary by the purpose of the use permitted by the author;
- a short review of the works by didactic purpose, mentioning the author.

PRIVATE COPY

Compulsory managed by:

- one sole collector for the works reproduced after sound and audiovisual recording;
- one sole collector for the works reproduced from paper.

Quota from the:

- value in custom, for importers;
- invoiced value without VAT, for manufacturers;

National Registry of Private Copy - compulsory registration for importers and manufacturers (Romanian Copyright Office)

PRIVATE COPY – PERCENT EVOLUTION

Until 2004	2004-2005	2005-2006	2006 - present
<p>5% any kind of media and devices</p>	<ul style="list-style-type: none">• A4 paper sheets for photocopier: from 0,5% to 1%• other physical media: from 3% to 7%• devices: from 0,5% to 1,5%.	<p>No limitation</p>	<ul style="list-style-type: none">• A4 paper sheets for photocopier: : 0,1%• other media: 3%• devices: 0,5%

DISTRIBUTION OF PRIVATE COPY – DIGITAL PROCEEDING

equal shares for the 2 categories:

- media and devices for **sound recorded copies**
 - 40% , in negotiable shares, to the authors and publishers;
 - 30% to the performers;
 - 30% to the producer of sound recordings.
- media and devices for **audiovisual recorded copies**
 - equal shares between authors, performers and producers;

NO REMUNERATION FOR DIGITAL COPIES OF WORKS REPRODUCED FROM PAPER

REMUNERATION FOR PRIVATE COPY

	2012	2013	2014	2015	2016
sound or audiovisual recordings	2.063.015 €	2.533.115 €	3.369.533 €	3.711.089 €	4.481.279 €
works reproduced from paper	103.582 €	205.122 €	138.399 €	253.281 €	249.326 €

ORPHAN WORKS EXCEPTION

The rights of reproduction and making available to the public of orphan works contained in the collections of:

- ❖ publicly accessible libraries;
 - ❖ educational establishments and museums;
 - ❖ archives, film or audio heritage institutions;
 - ❖ public-service broadcasting organisations
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- aims related to their public-interest missions (preservation, restoration);
 - may generate revenues for the exclusive purpose of covering their costs of digitising and making them available to the public;
 - indicate the name of identified authors and other rightholders

MASS DIGITIZATION PROJECTS

“Romania transposed the Directive in 2015 and a list was established regarding diligent searches. The list was published in the National Journal in April 2016. No system is in place for out-of-commerce works”. (The EUIPO Report, December 2016)

- No works have been registered yet;
- Lack of resources required for digitisation;

Title	Period	Status	Corpus documentar	Institution
Dacoromanica	2007-2013	interrupted	10.000 books 2.500 periodics	Romanian Academy Library partnership with MetropolitanLibrary
Scanning the Romanian periodics	2008-2012	FINALISED	300 periodics	Romanian Academy Library Holocaust Museum(Washington D.C.)
Byzantion	2012-2015	in course 2015	100 manuscripts	Romanian Academy Library in partnership with Computing Research Institute S.A.
Europeana Libraries, Grant A.N. 270933	2011-2012	FINALISED	4.450 pieces (design, photos)	Coordinator The Netherlands 14 countries, 25 partners Romanian Academy Library
Athenaplus Grant no: 325098	2013-2015	in course 2015	9.000 pieces (manuscripts ,numismatics)	Coordinator Italy 21 countries, 40 partners Romanian Academy Library
Restitutio	2005	NOT ONLINE ACCESIBLE		Central University Library Carol I
The institutional deposit of Central University Library Carol I			95 doctoral thesis Bucharest University	Central University Library Carol I
LoCloud Project				The county library Cluj
Europeana Project				National Broadcasting Organisation

THANK YOU !