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Strengthening Intellectual Property
Rights in Moldova and Ukraine



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The right of communication to the public in the EU and Moldovan law

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The right of communication to the public in the EU law

Right of communication to the public

a wide variety of non-tangible disseminations of the work, including wired and wireless transmissions.

The right only covers communication to the **public not present at the place when communication originates**, such as broadcasting, satellite broadcasting, cable and online transmissions

It does not cover local communication to the public, such as public presentation, live performance, display or recitation until the moment when such a performance or recitation is transmitted by the technical means for the use of public



The right of communication to the public in the Moldovan law

Article 3 of the Copyright Act

„any communication of a work, made directly or by any technical means, **made in a place open to the public or in any place where a number of persons are gathered beyond the normal circle of members of a family and of his/her acquaintances**, including **stage representation, recitation or any other public means of direct performance or presentation of the work, public display** of works of plastic art, applied, photographic and architectural art, **projection of cinematographic works** and other audiovisual works to the public, including works of digital art, presentation in a public place by any means, including by means of phonograms or videograms, of a broadcast work.”

1. Definition is broader than EU version
2. Not directly linked with broadcasting, retransmission or right of making available as a broader category than any of those rights
3. Unclear whether is open for other types of rights that are currently known and well-defined



1. Every provision in the law referring to the communication to the public will require pro-European interpretation
2. To what extent the CJUE jurisprudence apply ?

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