

# EU4IP

Strengthening Intellectual Property  
Rights in Moldova and Ukraine



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## The provisions of the Directives 93/83/EEC and 789/2019/EU, including direct injection

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## The introduction of the country of origin principle in respect of satellite broadcasting

Article 1(2)(b) of the Directive 93/83/EEC

### Country of origin principle

the act of communication to the public by satellite occurs solely in the Member State where the programme-carrying signals are introduced into the transmission chain under the control of the broadcasting organization.

regulate the situation when the signal is introduced within the territory where copyright protection equivalent to that of the EU law is not guaranteed:

- binding the protection to the location of the uplink station or;
- the main headquarters of the broadcaster that authorized the transmission.



## How many rights of retransmission do we need in one legal system ?

Current Moldovan solution – cable retransmission and other retransmission (Article 74 and 75 of the Copyright Act)

### Retransmission from the EU law perspective

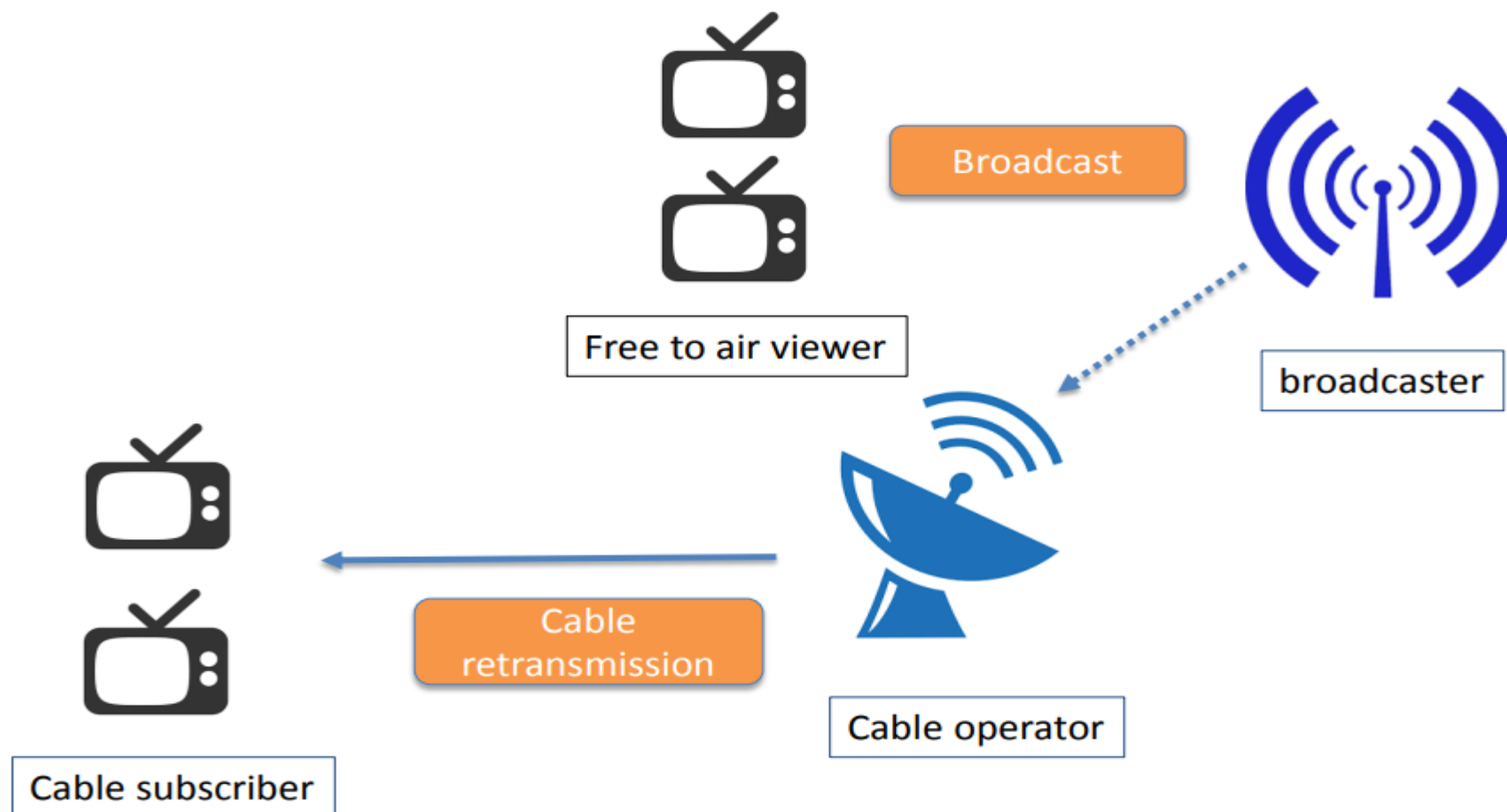
Cable retransmission	Other retransmission
compulsory collective management	compulsory collective management (except for retransmission over the so-called free internet)
no exceptions to this mechanism except for the broadcasters' own rights for retransmission	no exceptions to this mechanism except for the broadcasters' own rights for retransmission
extended effect of the granted license for the whole repertoire	extended effect of the granted license for the whole repertoire
rules regulating the designation of the CMO entitled to represent the rightsholders that did not explicitly mandated their repertoire to particular CMO	rules regulating the designation of the CMO entitled to represent the rightsholders that did not explicitly mandated their repertoire to particular CMO;
principle of equal treatment of all rightsholders	principle of equal treatment of all rightsholders
mediation procedures	mediation procedures

## Additional issues around retransmission

1. **exercise of the cable retransmission right** – when is the starting point ?/  
time limitation for claims
2. proper introduction of **the equal treatment rule**
3. definition of the **managed environment** in case of retransmission
4. designation of the **CMO** in respect of the non-represented rightholders
5. scope of **mediation** procedure

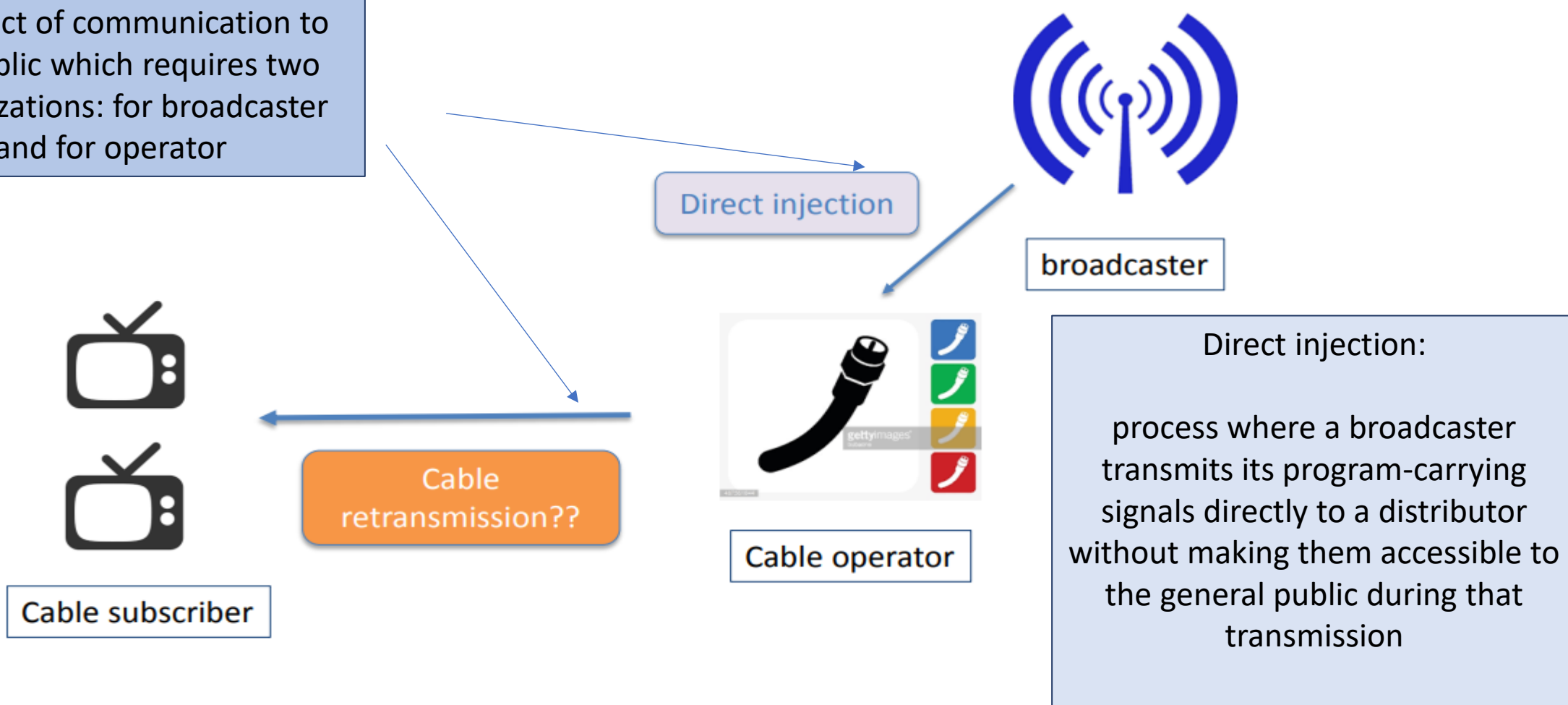


## Traditional scheme of broadcasters' activity



## The broadcasters' activity under direct injection scheme

Single act of communication to the public which requires two authorizations: for broadcaster and for operator



## Issues to be determined by the Member State

1. **nature of the direct injection** - options available in the Member States
2. **liability** regime
3. **administration** of the right – place for the collective management
4. **technical direct injection vs direct injection**





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