



4.25. RO – Romania¹⁴⁰

4.25.1. Key findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ¹⁴¹
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of the independent producer of audiovisual works is related to its financial independence from broadcasters.
- The producer has financial independence when (s)he does not hold more than 25% of the capital of the broadcasting company financing an audiovisual work and no broadcaster participates in the financing of a specific work in a proportion that exceeds 25% of the production cost.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters. These matters are usually governed by contracts and negotiations between independent producers and broadcasters.

¹⁴⁰ The summary on Romania incorporates feedback received from Ruxandra Minea-Cristea, working at the European Relations Unit, at the National Audiovisual Council (CNA), during the checking round with the national regulatory authorities.

¹⁴¹ Article 71 (1) of the Romanian Law on Copyright and Neighbouring Rights 1996, as amended up to 2020, states that:

In the contract between the authors of an audiovisual work and the producer thereof, unless otherwise agreed, it shall be presumed that the former, with the exception of the authors of specially composed music, assign to the latter their exclusive rights with respect to the exploitation of the work as a whole, as provided in Articles 13(a), (b), (c), (f), (g), (h), (i), (j), (k) and (l), 16, 17, and 18, and also the right to authorise dubbing and subtitling, in exchange for fair remuneration.

See the text available at <https://www.wipo.int/wipolex/en/text/545969>.



4.25.2. National definition of independent producer/independent production

Legislation	Summary of the measures
Article 24(3) of Law No. 504/2002 of 11 July 2002 (the Audiovisual Act), amended in July 2022 (<i>Lege nr. 504 din 11 iulie 2002 (Legea audiovizualului) Consolidată la 3 iulie 2022</i>) ¹⁴²	A producer of audiovisual works (natural or legal person) shall be deemed independent when the following criteria are met: a) (s)he is the owner of the production company, b) (s)he does not hold more than 25% of the capital of the broadcasting company financing an audiovisual work, and c) no broadcaster is participating in the financing of this specific work in a proportion that exceeds 25% of the production cost.

4.25.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

¹⁴² <https://legislatie.just.ro/Public/DetaliiDocument/37503>