

LAW ON THE COPYRIGHT AND RELATED RIGHTS

Prom. SG. 56/29 Jun 1993, amend. SG. 63/5 Aug 1994, amend. SG. 10/27 Jan 1998, amend. SG. 28/4 Apr 2000, suppl. SG. 107/28 Dec 2000, amend. SG. 77/9 Aug 2002, amend. SG. 28/1 Apr 2005, amend. SG. 43/20 May 2005, amend. SG. 74/13 Sep 2005, amend. SG. 99/9 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 29/7 Apr 2006, amend. SG. 30/11 Apr 2006, amend. SG. 73/5 Sep 2006, amend. SG. 59/20 Jul 2007, amend. SG. 12/13 Feb 2009, amend. SG. 32/28 Apr 2009, amend. SG. 25/25 Mar 2011

Part one. COPYRIGHT

Chapter one. GENERAL PROVISIONS

Subject of the Law

Art. 1. This Law shall regulate the relationships related to the creation and distribution of literary, artistic and scientific works.

Arisal of Copyright

Art. 2. The copyright in literary, artistic and scientific works shall arise for the author with the creation of the work.

Chapter two. SUBJECT MATTER OF COPYRIGHT

Protected Subject Matter

Art. 3. (1) Any literary, artistic and scientific work resulting from creative endeavour and expressed by any mode and in any tangible form shall be the subject matter of copyright, such as:

1. literary works, including works of scientific and technical literature, of publicity and computer software;
 2. musical works;
 3. performing arts works: dramatic or dramatico-musical works, entertainments in dumb show, choreographic, etc.;
 4. films and other audio-visual works;
 5. works of fine art, including works of applied art, design and national artistic crafts;
 6. (amend. – SG 25/11, in force from 25.03.2011) realised works of architecture and implemented spatial plans;
 7. photographic works and works created by a process analogous to photography;
 8. (amend. – 25/11, in force from 25.03.2011) approved architecture projects, approved spatial planning drafts, maps, schemes, plans and others related to architecture, urban planning, geography, topography, museum research and any other area of science and technology;
 9. graphic design of publications;
 10. (new - SG 29/06) cadastral maps and state topographical maps.
- (2) Subject matter of copyright shall be also:

1. translations and adaptations of existing works and works of folklore;
2. arrangements of musical works and works of folklore;
3. periodicals, encyclopaedia, collections, anthologies, bibliographies, databases and other similar subject matter including two or more works or products.

(3) Subject matter of copyright may also be parts of the works referred to in para 1 and 2, preliminary sketches, plans, etc.

Exceptions

Art. 4. Shall not be considered subject matter of copyright:

1. normative and individual acts of state government bodies and official translations thereof;
2. ideas and concepts;
3. works of folklore;
4. news, facts, information and data.

Chapter three. OWNERS OF COPYRIGHT

Authors and Other Owners of Copyright

Art. 5. Author shall be the natural person whose creative endeavours have resulted in the creation of a literary, artistic or scientific work. Other natural or legal persons may be owners of copyright only in the cases provided by this Law.

Presumption of Authorship

Art. 6. (1) (prev. text of Art. 06, amend. and suppl. - SG 99/05, in force from 10.01.2006) Until proved otherwise author of the work shall be considered to be the person whose name or other identifying mark is indicated on the original, copies or specimen of the work and/or on their packing in the usual manner.

(2) (new - SG 99/05, in force from 10.01.2006) Para 1 shall be also applied respectively to the owners of copyright in the cases referred to in Art. 10, first sentence, Art. 11, para 1, first sentence and Art. 14.

Authorship of Works Made Available to the Public under Pseudonym or Anonymously

Art. 7. (1) The work may be made available to the public under pseudonym or anonymously.

(2) Until revealing the identity of the author his copyright shall be exercised by the natural or legal person that has made the work available to the public for the first time with the author's consent.

(3) The provision of paragraph 2 shall not apply if the pseudonym leaves no doubt as to the identity of the author.

Joint Authorship

Art. 8. (1) Copyright in a work created by two or more persons shall belong to them jointly irrespective of whether the work constitutes one indivisible entity or consists of separate parts each having individual significance.

(2) The consent of all authors shall be required for every single use or adaptation of the work. In case of lack of agreement between the joint authors the issue shall be resolved by the court.

(3) If authorisation has been granted to use a work in a given manner, or a court ruling has been rendered to that effect, none of the joint authors shall be entitled without reasonable grounds to object to its further use in the said manner.

(4) The compensation due to the authors for the use of their work, shall be distributed between them in shares by mutual agreement. At lack of agreement, it shall be considered that each of the joint authors has equal share. In case of disputes, the individual shares shall be determined by the court according to the contribution of each of the authors.

(5) Provided that a work created by joint authors consists of components each having individual significance, each of the joint authors may authorize the individual use of his own component unless the joint authors have agreed otherwise and if this does not hinder the use of the work as a whole.

Copyright in Translations and Adaptations

Art. 9. Copyright in translation or adaptation shall belong to the person who has made it without prejudice to the rights of the author of the original work. This shall not deprive other persons of the right to make their own translation or adaptation of the same work.

Copyright in Periodicals and Encyclopaedias

Art. 10. (suppl. - SG 28/00, in force from 05.05.2000) Copyright in periodicals and encyclopaedias shall belong to the natural or legal person responsible for the creation and publication of the work. Copyright in the individual components included in such work, having the nature of a literary, artistic or scientific work, shall belong to their individual authors.

Copyright in Collections, Anthologies, Bibliographies and Databases

Art. 11. (amend. - SG 28/00, in force from 05.05.2000) (1) Copyright in collections, anthologies, bibliographies, databases, etc. shall belong to the person who has collected or arranged the works and/or material contained therein, unless otherwise agreed in a contract. Copyright in the individual parts included in such work, which themselves constitute literary, artistic or scientific works, shall belong to their authors.

(2) The consent of the authors shall be required for the inclusion of works or parts thereof into such works, unless provided otherwise by the law.

Copyright in Works of Fine Art and Architecture

Art. 12. (prev. text of Art. 12 – SG 25/11, in force from 25.03.2011) Copyright in works of fine art and architecture shall belong to the person who has created those works also in case the ownership of the work belongs to another person.

(2) (new – SG 25/11, in force from 25.03.2011) The copyright in the work of architecture, created by implementation of a project, shall belong to the person, who has created the project.

Copyright in Portraits

Art. 13. (amend. – 25/11, in force from 25.03.2011) Copyright in works of fine art or photography constituting a portrait of other person shall belong to the author of the work. The consent of the portrayed person shall be required for the creation of such work.

(2) The consent under Para 1 shall not be required, when:

1. the image has been created in the course of the public activities of the portrayed person or on

a public place;

2. the image of the person is merely a detail in a work depicting a meeting, procession or landscape;

3. the portrayed person has received remuneration to pose, unless otherwise stipulated by the author and the portrayed person.

(3) The use of a work under Para 1 may be subject to conditions agreed between the author and the portrayed person.

Copyright in Computer Programmes and Databases Developed in Employment

Relationship

Art. 14. Unless agreed otherwise, copyright in computer programmes and databases developed in employment relationship shall belong to the employer.

Chapter four.

CONTENTS OF COPYRIGHT

Section I.

Moral Rights

Types of Moral Copyrights

Art. 15. (1) The author shall have the right to:

1. decide whether the work created by him may be made available to the public and to determine the time, place and manner in which this may be done with the exception of the subject matter under Art. 3, para 1, items 4, 6 and 8 for which this right shall be arranged by contract;

2. claim authorship of the work;

3. decide whether his work shall be made available to the public under pseudonym or anonymously;

4. require that his name, pseudonym or other identifying mark be indicated in a suitable manner whenever his work is used;

5. require that the entirety of his work is preserved and oppose to any modifications thereof as well as to any other actions that may infringe his legitimate interests or personal dignity;

6. modify his work, provided that this does not infringe the rights acquired by other persons;

7. access the original of the work when it is in the possession of another person and whenever such access is necessary for exercising moral or economic right provided by this Law;

8. stop the use of the work due to changes in his beliefs, with exception of already implemented architectural works, providing compensation for the damages incurred by persons who have lawfully obtained the right to use the work.

(2) (suppl. – 25/11, in force from 25.03.2011) The author shall not be entitled to oppose to the wish of the owner of architectural work to destroy, reconstruct, superstruct or outbuild it, provided that this is undertaken in conformity with existing regulations. For clarification of the way of implementing the changes the owner of the work of architecture may submit a request to the organisation referred to in Art. 40, which shall be obliged to provide the consultation.

Non-Transferability of Moral Rights

Art. 16. The moral rights referred to in items 2 and 4 of para 1 of the preceding Article shall be non-transferable. Transfer of other moral rights may be carried out only explicitly and in written form.

Exercising Moral Rights after the Death of the Author

Art. 17. After the death of the author and until expiration of the term of copyright protection the moral rights, with the exception of those referred to in Art. 15, para 1, items 6 and 8, shall be exercised by the heirs of the author.

Section II. Economic Rights

Types of Economic Copyrights

Art. 18. (1) The author shall have the exclusive right to use the work created by him and to authorize its use by other persons except in the cases when this Law provides otherwise.

(2) In the sense of para 1 as use shall be considered the actions such as:

1. reproduction of the work;
 2. distribution of the original or copies of the work among unlimited number of persons;
 3. public presentation or performance of the work;
 4. broadcasting of the work;
 5. (amend. - SG 99/05, in force from 10.01.2006) transmission and retransmission of the work by cable;
 6. public exhibition of a work of fine art or a work created by photographic or analogous method;
 7. translation of the work into another language;
 8. (suppl. - SG 28/00, in force from 05.05.2000; suppl. – SG 25/11, in force from 25.03.2011) adaptation and synchronisation of the work. Adaptation shall also be the adjustment and any alteration of the work, as well as the use of the work to create a new derivative work;
 9. implementation of an architectural project through building or manufacturing of the object described in it;
 10. (new - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) communication by wireless means or cable, by making the work available to the public in such a way that members of the public may access it from a place and at a time individually chosen by them.
 11. (new – SG 77/02, in force from 01.01.2003; suppl. – SG 25/11, in force from 25.03.2011) the import and the export to third countries of copies of the work in commercial quantities, regardless whether they have been lawfully produced or in infringement of the right referred to in item 1.
- (3) Use as referred to in para 2, items 3 through 8 shall be considered to have occurred whenever the actions described above have been performed in a manner allowing unlimited number of people to perceive the work.
- (4) (revoked – SG 77/02, in force from 01.01.2003).

Exhaustion of the Right of Distribution

Art. 18a. (new – 77/02, in force from 01.01.2003) (1) (amend. - SG 99/05) (*) The first sale or other transaction on the territory of the Member States of the European Union made by the owner of the copyright or with his consent which transfers the ownership of the original or copy of the work shall lead to exhaustion of the right of their distribution on this territory without prejudice to the right to permit their further renting.

(2) (suppl. - SG 99/05, in force from 01.01.2006) The provision of para 1 shall not affect the right referred to in Art. 20 and Art. 22a, para 2.

(3) The provision of para 1 shall not refer to the cases of conceding originals or copies of the work in digital way, in respect to the materialised copies of the work made by the recipient with the consent of the owner of the copyright.

Right of Compensation for All Types of Use

Art. 19. The author shall have the right of compensation for all types of use of his work and for each successive use of the same type.

Right of Compensation at Resale of Work of Art (title amend. – SG 99/05, in force from 10.01.2006)

Art. 20. (amend. - SG 99/05, in force from 10.01.2006) (1) At resale of original work of art when one of the parties in the transaction or the intermediary is a trader of works of art, in this number art gallery and auction house, the author of the work shall have the right to receive compensations from the sale price.

(2) In the sense of this article original works of art shall be the works of graphic and plastic art such as pictures, collages, paintings, sketches, engravings, prints, lithographs, sculpture figures, tapestries, ceramics, glassware and photographs, provided they are by the author himself, in this number copies considered to be originals according to § 4 of the additional provisions.

(3) The right of para 1 shall be inalienable except at inheriting.

(4) Para 1 shall not apply to acts of resale at price lower than the lev equivalent of 300 EURO.

(5) Para 1 shall not apply to acts of resale where the seller has acquired the work directly from the author less than 3 years before the date of the resale and where the resale price does not exceed the lev equivalent of 10 000 EURO.

(6) Any waiver of the right referred to in para 1 shall be invalid.

(7) The right referred to in para 1 shall continue as long as the copyright in the work is being protected.

Payment of the Compensations at Resale of Work of Art

Art. 20a. (new – 99/05, in force from 10.01.2006) The compensations referred to in para 1 shall be determined in the following way:

1. 5 % for the portion of the sale price from the lev equivalent of 300.01 to 3000 EURO, plus
2. 4 % for the portion of the sale price from the lev equivalent of 3000.01 to 50 000 EURO, plus
3. 3 % for the portion of the sale price from the lev equivalent of 50 000.01 to 200 000 EURO, plus
4. 1 % for the portion of the sale price from the lev equivalent of 200 000.01 to 350 000 EURO, plus
5. 0,5 % for the portion of the sale price from the lev equivalent of 350 000.01 to 500 000 EURO, plus
6. 0,25 % for the portion of the sale price exceeding the lev equivalent of 500 000 EURO.

(2) Provided that before payment of the compensation the seller and/or the intermediary have paid any taxes on the occasion of the resale, the sum of the taxes shall be deducted from the sale price when applying of para 1.

(3) The compensation shall be calculated for each resold subject matter separately.

(4) The total amount of the compensation for a single object cannot exceed the lev equivalent of 12 500 EURO.

(5) The compensation shall be due jointly by the seller and the intermediary if available.

(6) The seller or the intermediary, if available, shall be obliged to notify the owner of the right referred to in Art. 20, para 1 about the resale in a period of two months after it and to pay him the due compensation within the same period through an organization for collective administration of rights or directly.

(7) The owners of the copyright and their organizations for collective administration of rights may in a period of three years after the resale require from each trader of works of art who has participated in it to furnish any information that may be necessary to secure receiving of the compensation referred to in Art. 20, para 1.

(8) Seller in the sense of this article shall be the natural or legal person on whose behalf the sale is carried out.

Authorized Transmission over an Electronic Communication Network (Title amend. – SG 25/11, in force from 25.03.2011)

Art. 21. (1) (suppl. - SG 28/00, in force from 05.05.2000; prev. text of Art. 21, amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) The permission for wireless broadcasting of a work shall include permission to transmit it over any other electronic communication network or provision of electronic access to it as set out in Art. 18, Para 2, Item 10 by the same organisation without paying additional compensation, provided that the transmission is conducted simultaneously with the broadcast, unabridged and unaltered and does not extend beyond the territory of which the right to broadcast has been granted. No additional compensation shall be due, where, within the scope of the granted authorisation referred to in the previous sentence, the initial transmission, respectively the electronic access to the work, is provided by another organisation and this constitutes the only way it reaches the end consumer.

(2) (new – SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) Out of the cases referred to in para 1 permission for retransmission of a work over all other electronic communication networks, simultaneously with the transmission or broadcasting, unabridged and unaltered, by another organisation, shall be given only by organisation for collective administration of copyright, unless the rights to retransmission of the works have been granted to the providers of media services in compliance with Art. 91, Para 5.

(3) (new – SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) Provided that author has conceded the right of retransmission by cable his work to a producer of a phonogram or film or other audio-visual work, undertaking providing public electronic communication networks and/or services, which retransmits this work, shall owe to the author compensation separately from any other. Any waiver of such compensation by the author shall be invalid. The right to collect this compensation may be conceded by the author only to organizations for collective administration of the respective category of copyrights.

(4) (new – SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) The compensation referred to in para 3 shall be collected only through organizations for collective administration of the respective categories copyrights. The amount and the method of its payment shall be determined by agreement between these organizations and the obliged undertakings, providing public electronic communication networks and/or services.

(5) (new – SG 99/05, in force from 10.01.2006; amend. – 25/11, in force from 25.03.2011) The provisions of para 2, 3 and 4 shall not impede conclusion of agreements for authorizing rebroadcasting of programmes between radio and television organizations, implementing initial broadcasting or transmission of programmes of their own, and the retransmitting undertakings. Provided that the rights of retransmission of works included in the programmes of radio or television organizations have been duly conceded to them, the permission given by the organizations shall also

include these rights.

Authorized Broadcasting in an Interrupted Chain of Communication (Title amend. – SG 25/11, in force from 25.03.2011)

Art. 22. (amend. - SG 28/00, in force from 05.05.2000) (1) (amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) The authorization for wireless broadcasting of the work shall also include the right to introduce the work into an interrupted chain of communication leading to satellite and back to the earth through programme-carrying signals under the control and the responsibility of the broadcasting organization in a way allowing its reception by the public. It shall be admissible the reception of the signal by the public to be implemented through the mediation of an organization different from the broadcasting one only if the author has conceded to this intermediary organization the right of wireless broadcasting, to transmit it over any type of electronic communication networks or perform it publicly in other way. In these cases the organization sending the signal to the satellite shall not owe compensation.

(2) When the signal under para 1 is coded the authorization shall be considered granted only on the condition that the decryption device is provided by the broadcasting organisation or with its consent.

Right of Compensation at Rental or Lending

Art. 22a. (new – 99/05, in force from 10.01.2006) (1) Where author of musical or audio–visual work has conceded his rental right of audio or video carriers containing his work to the respective phonogram or film producer, the person renting such carriers shall owe to the author fair compensation separate from any other. Any waiver of such compensation by the author shall be invalid. The right to this compensation may be conceded in advance by the author through organizations for collective administration of rights or directly.

(2) At lending of works or copies of carriers containing them the authors shall have the right of compensation due by the person lending them.

(3) The provisions of para 1 and 2 shall not refer to the works of architecture, the applied arts and the national artistic crafts.

(4) Para 2 shall not be applied at lending by state and municipal cultural organizations implementing activity as libraries, school, university and culture centre libraries.

(5) The compensation referred to in para 2 shall be collected only through organizations for collective administration of the respective categories of copyrights. The amount and the method of their payment shall be determined by agreement between these organizations and the obliged persons.

**Chapter five.
FREE USE OF WORKS**

Permissibility of the Free Use (title amend. – SG 77/02, in force from 01.01.2003)

Art. 23. (amend. - SG 77/02, in force from 01.01.2003) The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.

Free Use Without Payment of Compensation (title amend. – SG 77/02, in force from 01.01.2003)

Art. 24. (amend. - SG 77/02, in force from 01.01.2003) (1) Without consent of the owner of the

copyright and without payment of compensation shall be permissible:

1. (suppl. - SG 99/05, in force from 10.01.2006) temporary reproduction of works, having transient or incidental character, not having independent economic significance, constituting integral and essential part of the technological process and with the sole purpose to enable:

- a) a transmission in a network between third parties by an intermediary, or
- b) other permitted use of a work;

2. use of quotations from works of other persons already made available to the public at criticism or overview, pointing out the source and the name of the author, unless impossible; the quotation must comply with the usual practice and to be in amount, justified by the purpose;

3. use of parts of published works or of not big number of works in other works in amount, necessary for analysis, commentary or other kind of scientific research; such use shall be permissible only for scientific and educational purposes, indicating the source and the name of the author, unless impossible;

4. use as current information in periodicals and the other mass media of speeches, reports, preaches, etc. and parts thereof, presented at public meetings, as well as pleading, pronounced at court procedures, indicating the source and the name of the author, unless impossible;

5. (amend. - SG 99/05, in force from 10.01.2006) reproduction by the mass media of articles on current economic, political and religious topics already made available to the public unless such use has been explicitly forbidden, indicating the source and the name of the author, unless impossible;

6. reproduction in photographic, cinematographic or analogous way, as well as by sound recording or video recording of works related to current event, in order these works to be used by the mass media in limited extent justified by the informatory purpose, indicating the source and the name of the author, unless impossible;

7. use of works, permanently exhibited at streets, squares and other public places without mechanical contact copying, as well as wireless broadcasting or transmitting by cable or other technical device, if done with informatory or other non-commercial purpose;

8. public presentation and public performance of published works in educational or other learning establishments, provided that no pecuniary revenues are received and no compensation is paid to the participants in the preparation and realization of the presentation or the performance;

9. (amend. - SG 99/05, in force from 10.01.2006) reproduction of already published works by publicly accessible libraries, educational or other learning establishments, museums and archive institutions, with educational purposes or with the purpose of preservation of the works, unless serving for commercial purposes;

10. reproduction of works with Braille script or other analogous method already made available to the public, unless done for profit purposes;

11. granting access to individuals to works, located in collections of the organisations referred to in item 9, under the condition, that it is done with scientific purposes and has no commercial character;

12. temporary recording of work by radio- and television organisations, to which the author has granted the right to use the work, carried out by their own technical devices and for the needs of their own programmes within the margins of the granted authorization; records of important documentary value can be preserved in official archive;

13. use of works for the purposes of the national security, in the court- or administrative procedures or in the parliamentary practice;

14. use of works during religious ceremonies or at official ceremonies, organised by the public authorities;

15. (amend. – 25/11, in force from 25.03.2011) use of a building, which is work of architecture, or of a plan of such building for the purpose of its reconstruction, carried out following coordination with the organisation referred to in Art. 40.

(2) The provisions of para 1 shall not refer to the computer software. The provisions of Art. 70 and 71 shall be applied thereto.

Free Use with Payment of Compensation (title amend. – SG 77/02, in force from 01.01.2003)

Art. 25. (amend. - SG 77/02, in force from 01.01.2003) (1) (amend. - SG 99/05, in force from 10.01.2006) Without consent of the owner of the copyright but upon payment of fair compensation shall be admissible:

1. reproduction with non-commercial purposes of printed works, except note materials, on paper or other similar carrier by reprography or other technique, ensuring similar result;
2. reproduction of works, regardless of the carrier, by a natural person for personal use unless done with commercial purposes.

(2) The provision of para 1, item 2 shall not refer to computer software and architectural works. For the computer software shall be applied the provisions of Art. 70 and 71.

Binding of the Free Use with the Preservation of the Technological Measures for Protection

Art. 25a. (new – SG 77/02, in force from 01.01.2003) (1) (prev. text of Art. 25a – SG 99/05, in force from 10.01.2006) The use of works under Art. 24, para 1 and Art. 25, para 1 cannot be carried out in a way, which is accompanied with removal, damaging, destroying or disruption of technological measures for protection without the consent of the owner of the copyright.

(2) (new – 99/05, in force from 10.01.2006) Users who want to benefit from the provisions referred to in Art. 24, para 1, items 3, 9, 10, 12 and 13 and Art. 25, para 1, item 1 but are impeded by technological measures for protection may request from the owner of the right to grant them the respective access in extent justified by the purpose. This provision shall not apply to the cases when works or other subject matter under protection have been made available to unlimited number of persons on agreed contractual terms in a way allowing access from a place and at a time individually chosen by each of them.

Compensation for Free Use (title amend. SG 77/02, in force from 01.01.2003)

Art. 26. (amend. - SG 25/11, in force from 25.03.2011) (1) Authors of works, performers, producers of phonograms and producers of initial recordings of movies or other audio-visual works shall be entitled to a compensatory remuneration, where the recordings are reproduced for personal use as set out in Art. 25, Para 1, Item 2. A right to compensatory remuneration shall also have the authors and publishers of any kind of print works, when such works are reproduced in reprographic manner for personal use under the conditions of Art. 25, Para 1, Item 1.

(2) Any waiver of the right to compensatory remuneration by the rightholders referred to in Para 1 shall be invalid.

(3) The remuneration referred to in Para 1 shall be due by the persons who:

1. manufacture blank information carriers;
2. import from third countries blank information carriers.

(4) The remuneration referred to in Para 1 shall be due by the persons referred to in Para 3 for sales of information carriers on the territory of the Republic of Bulgaria, primarily intended for reproduction of works for personal use by natural persons under Art. 25, Para 1, Item 2.

(5) The types of information carriers, which primary use is reproduction in the sense of Art. 25, Para 1, for which remuneration under Para 1 is due, and the amount of the remuneration shall be

determined annually by the organisations referred to in Para 8, agreed upon with representative organisations of the persons under Para 3 and 4, as well as with other interested persons. In negotiating the types of carriers and the amount of remunerations shall be taken into account the recording capacity of the carriers and the extent of their use for reproduction in the sense of Art. 25, Para 1. The amount of remuneration shall not be lower than 1.0 percent or exceed 1.5 percent of the supply value according to the accounting standard for processing the stock reserves of the respective blank information carriers. For the persons referred to in Para 3 may be negotiated discounts, which amounts and conditions of use shall be determined in the negotiation procedure set for determining the amount of the basic remuneration.

(6) Where the negotiations referred to in Para 5 result in agreement between the parties, the provisions referred to in Art. 40f, Para 6, 7 and 8 shall apply respectively.

(7) Where no agreement between the parties have been achieved, the provisions of Art. 40f, Para 9 – 14 shall apply respectively.

(8) The remunerations referred to in para 1, first sentence, and para 1, second sentence, shall be paid to organisations which shall be different for the two separate categories of rights, established as set out in Chapter Seven, Section Ia, by associations, representing the different categories of rightholders regarding their right to compensatory remuneration and having a mechanism for individual allocation of those remunerations among their members. These organisations shall allocate the remunerations among their members. Before allocation 30 percent of the collected amounts shall be deducted and deposited to the account of the National Fund "Culture". The persons referred to in Para 3 shall be deemed to have fully performed their obligations under this article with the payment of the remunerations referred to in Para 1 to an organisation under the first sentence.

(9) The allocation of the collected amounts among the individual categories of rightholders shall be carried out in the following way:

1. regarding remunerations under para 1, first sentence:

- a) a half - for the authors;
- b) a quarter - for the performers;
- c) a quarter - for the producers;

2. regarding remunerations under para 1, second sentence:

- a) 50 percent - for the authors;
- b) 50 percent - for the publishers.

(10) Compensatory remunerations for blank information carriers shall not be due, or, if collected, restored, when:

1. delivered from the territory of another Member State of the European Union;
2. delivered from the territory of a third country and already levied, without possibility for restoration, with a compensatory remuneration for reproduction, equivalent to the remuneration referred to in Art. 25, Para 1 according to the legislation of the said Member State of the European Union or the third country;
3. they are subject to transaction for export to third countries or delivery to another Member State of the European Union;
4. purchased in the country by a person that has legally obtained the right to make such recordings and has arranged the authors' rights and related rights questions related to the recording;
5. purchased by a provider of audio-visual media services/radio services, legally carrying out his activity;
6. purchased in the country by manufacturers of movies or other audio-visual works;
7. purchased by medical establishments, specialised rehabilitation hospitals, social establishments and penitentiary establishments;
8. purchased by legal persons, sole entrepreneurs or natural persons - freelancers, whose activity does not presuppose their use for reproduction in the sense of Art. 25, Para 1.

(11) When compensatory remunerations have been collected and are subject to restoration, the facts and circumstances justifying the right to restoration shall be proved by the persons claiming it. The requests, accompanied by the evidence, shall be submitted to the respective organisations referred to in Para 8 within the time limits referred to in Para 12. The organisations referred to in Para 8 shall pronounce on the requests within one month from their submission. The amounts subject to restoration shall be paid by the organisations referred to in Para 8 within one month from the date of the protocol for granting the requests with the evidence.

(12) The persons, which under Para 4 are due compensatory remunerations, shall be obliged within one month from the end of every calendar six months to provide to the organisation under Para 8 a summary of the types and total supply value according to the accounting standard for processing the stock reserves of sold carriers of each type, for which compensation is due. No further detailed information may be requested than the information required for the purpose of allocating the remunerations referred to in Para 1 by the organisations referred to in Para 8. The received information shall not be made public or used for any other purpose except for collecting and allocating the remunerations. The remunerations shall be paid to the organisations collecting them within one month from the end of the accounting period.

Chapter six. DURATION OF COPYRIGHT

General Rule

Art. 27. (1) (amend. - SG 28/00, in force from 05.05.2000) Copyright shall be protected for the life of the author and seventy years after his death.

(2) In the case of works created by two or more authors the term specified in para 1 shall run from the death of the last surviving author.

Anonymous and Pseudonymous Works

Art. 28. (amend. and suppl. - SG 28/00, in force from 05.05.2000) Copyright in anonymous or pseudonymous work shall expire seventy years after the work has been first made available to the public. Provided that during the said term the author's identity is disclosed or if the pseudonym leaves no doubt as to his identity, the provisions of the preceding Article shall apply.

Computer Programmes and Databases

Art. 28a. (new - SG 28/00, in force from 05.05.2000; amend. and suppl. - SG 25.03.2011) Copyright in a computer programme or database arising for the employer according to Art. 14 shall expire 70 years after making the work available to the public.

Films

Art. 29. (amend. - SG 28/00, in force from 05.05.2000) Copyright in a film or other audio-visual work shall expire 70 years after the death of the last surviving among the director, the scriptwriter, the operator, the author of the dialogue and the author of the music if it has been created especially for the film.

Collection Works

Art. 30. (1) (prev text of Art. 30, amend. - SG 28/00, in force from 05.05.2000; amend. and suppl. - SG 25/11, in force from 25.03.2011) Copyright in encyclopaedias, periodicals and other works referred to in Art. 3, para 2, item 3 shall expire seventy years after making them available to the public. If during this term the author is disclosed, the provisions referred to in Art. 27 shall apply.

(2) (new - SG 28/00, in force from 05.05.2000) In the case of works published in volumes, parts, issues or episodes the term under para 1 shall be calculated for each of them individually.

Beginning of the Terms

Art. 31. The terms referred to in the preceding Articles of this Chapter shall begin on the first of January of the year following the year of the death of the author or in which the work was created, respectively made available to the public or published, according to Art. 27 to 30.

Copyright Inheriting

Art. 32. (1) Upon the death of the author the copyright shall pass to his heirs by will or by law according to the Law for the Inheritance.

(2) Copyright shall be inherited until expiration of the term of protection.

Exercising the Rights in Absence of Heirs

Art. 33. (amend. - SG 28/00, in force from 05.05.2000; suppl. - SG 77/02, in force from 01.01.2003; amend. - SG 28/05; amend. - SG 99/05, in force from 10.01.2006) In case the author does not have heirs, or any such heirs die prior to the expiration of the term of protection, the copyright shall pass to the state which shall exercise it until expiration of the term through the Ministry of Culture. In case the dead author or his heir was member of organisation for collective administration of rights under this Law, that organisation shall at its own expense exercise these rights until their expiration.

Use of Works after Expiration of the Term of Protection

Art. 34. After expiration of the term of copyright protection the works may be used freely inasmuch as this does not infringe rights under Art. 15, items 4 and 5, which shall be of unlimited duration. The bodies under Art. 33 shall monitor the observance of these rights and may, as an exception, permit changes in the work.

Protection of Unpublished Works

Art. 34a. (new- SG 28/00, in force from 05.05.2000) Everyone who makes available to the public a work after expiration of the term of protection of the copyright, if not published by then, shall have the rights under Art. 18. This right shall expire after 25 years, beginning from the first of January of the year following the year of making the work available to the public.

Protection of Works of Unknown Authors

Art. 34b. (new - SG 25/11, in force from 25.03.2011) For works, which term of protection is not calculated from the death of the author or the authors and which have not been made available to the public within 70 years from their creation, the legal protection under this Law shall be terminated.

**Chapter seven.
USE OF WORKS**

**Section I.
General Provisions**

Consent of the Author for Use of the Work

Art. 35. (amend. - SG 25/11, in force from 25.03.2011) The work shall be used only following the preliminary consent of the author unless otherwise provided for by this Law.

Contracts on Use

Art. 36. (1) By concluding a contract on the use of his work the author shall grant to the user the exclusive or non-exclusive right to use the work created by him under specific terms and against compensation.

(2) Whenever an author grants to a user exclusive right to use a work, the author himself may not use it in the manner for the term and on the territory agreed upon in the contract, nor shall he grant such right to third parties.

(3) Whenever an author grants a user non-exclusive right to use a work, the author may continue using it himself, as well as grant non-exclusive right to use the same work to third parties.

(4) The granting of exclusive right under para 2 shall be explicit and in writing. Whenever no such provision exists, it shall be considered that non-exclusive right has been granted.

(5) If no term has been specified in the contract, it shall be assumed that the right to use the work has been granted for a period of three years, or five years for architectural works.

(6) If the contract does not specify a territory on which the user may use the work, the country of citizenship of the user or the country of his seat, if a legal person, shall be considered as such territory.

Effect and Duration of the Contract

Art. 37. (1) A contract under which the author has granted use of all works which he may create for the rest of his life shall be considered invalid.

(2) A contract on the use of a work may not be concluded for a term exceeding ten years. Whenever the contract has been concluded for a longer term, it shall have effect for ten years only. This limitation shall not apply to contracts related to architectural works.

Amount of the Compensation

Art. 38. (1) (amend. - SG 25/11, in force from 25.03.2011) The compensation of the author for each type of use of his work may be defined as a portion of the revenues received from the use of his work, as single amount or in other form.

(2) Whenever the compensation defined as single amount proves obviously incommensurate with the revenues received from the use of the work, the author may claim increase of the compensation. If no agreement can be reached between the parties, the issue shall be resolved through the courts ex aequo et bono.

Avoiding a Contract when the Performance has not Commenced

Art. 39. (1) If a contract granting exclusive rights does not specify a deadline by which the user should commence the use of the work, the author may avoid the contract if the use has not started within two years from the conclusion, or from the date of ceding the work if done after conclusion of the contract.

(2) Para 1 shall not apply to architectural works.

Section I.

"a" Collective Administration of Rights (New - SG 25/11, in force from 25.03.2011)

Collective Administration Organisations

Art. 40. (1) (suppl. - SG 25/11, in force from 25.03.2011) Authors may at their own will establish organisations for collective administration of copyrights and grant to them the right to negotiate the use of their works in one or more ways and to collect compensations arising from such contracts or from provisions of the law.

(2) A publisher who has been granted by the author rights besides the right to publish may transfer the administration of these rights to an organisation under the preceding Paragraph.

(3) (amend. and suppl. - SG 25/11, in force from 25.03.2011) Organisations carrying out collective administration of copyrights may only be associations of authors and other owners of such rights. These organisations shall not operate for profit and shall distribute all assets received from users among the rightholders after making the deductions necessary for their own operation. The establishment and functioning of such organisations shall be carried out according to the order established for non-profit associations.

(4) (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 28/05; amend. - SG 99/05, in force from 10.01.2006; amend. - SG 25/11, in force from 25.03.2011) All organisations under para 1 may receive and allocate also among non-member rightholders amounts received for them within the categories of rights, the types of use and the types of works administered by it, if not in conflict with an agreement with another organisation under Art. 40b, Para 4, if available, and as long as any of the rightholders have not opted out entirely or in respect of a particular work.

(5) Organisation under para 1 shall not refuse membership to any person who is owner of such rights as that organisation manages.

(6) Rules on the distribution of the compensations collected by the organisations under para 1 among the eligible members shall be proposed by the elected management body of the organisation and adopted by the general meeting of its members.

(7) (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) The organisations referred to in para 1 shall have the right to represent their members, the allied organisations abroad with whom they have concluded contracts for mutual representation and their members before all jurisdiction and administrative bodies in protecting their rights entrusted for administration to them. For the protection of these rights the organisations referred to in para 1 may, on their own behalf, undertake any juridical activities, including laying claims under Art. 94, 94a and 95 and to request imposing of measures under Art. 95c, 95d, 96a, 96b and 96d.

(8) (new - SG 28/00, in force from 05.05.2000) In the cases where this law stipulates granting consent of the authors to be done only through organisation for collective administration of rights, the organisation administering the respective rights shall also act on behalf of authors who are not its members, being obliged to settle its relations with them in the same way as with its members.

(9) (new - SG 25/11, in force from 25.03.2011) The organisations under Para 1 may not exercise on a regular basis activities involving use of works in the sense of this law.

(10) (new - SG 25/11, in force from 25.03.2011) In the cases of Art. 40b, Para 4, Item 1 concerning administration of right for public performance, broadcasting, transmission and

retransmission over electronic communication networks and provision of electronic access to works in the sense of Art. 18, Para 2, Items 3, 4 and 5, the conclusion of a contract with the organisation administering the rights and the payment of the remuneration stipulated in the contract shall exempt the use from liability in respect of both the members of the organisation and all other rightholders of the same category, except those who have explicitly and in writing opted out entirely or for a particular type of use. Such opting out shall have effect from the beginning of the calendar year, following the year of its expression.

Registration and control

Art. 40a. (new - SG 25/11, in force from 25.03.2011) (1) The Minister of Culture shall exercise control of the activities of the organisations for collective administration of author's rights.

(2) The Minister of Culture shall exercise his competences referred to in Para 1 by:

1. carrying out registration of the organisations for collective administration of author's rights, making changes and deleting registrations, and issuing registration certificates;
2. creating and maintaining a public register of the organisations for collective administration of author's rights;
3. exercising control of the activity of the organisations for collective administration;
4. approving the amounts of remunerations collected by the organisations for collective administration of author's rights;
5. carrying out other activities specified in this Law.

(3) The Minister of Culture may assign his competences under this Section to a deputy minister authorised by him.

Becoming an organisation for collective administration of author's rights

Art. 40b. (new - SG 25/11, in force from 25.03.2011) (1) The activity of collective administration of author's rights shall be exercised following a registration of the organisation's activity as set out in Art. 40, Para 1 of this Law.

(2) The registration referred to in Para 1 shall be carried out upon filing an application by the organisation referred to in Para 1 - a non-profit legal person registered under the Bulgarian legislation, or a foreign such organisation registered under its national legislation in a Member State of the European Union or in another contracting country to the Agreement on the European Economic Area, established for the purposes referred to in Art. 40, Para 1. The application shall be filed in writing with the Minister of Culture in a form approved by him by indicating the categories of rights, the types of use and the types of works within the scope of the collective administration. The application and the documents enclosed thereto shall be filed in Bulgarian and the application shall contain:

1. a copy of the decision of the court for initial judicial registration, and in respect of foreign persons - a corresponding document;
2. a certificate of current status issued at least one month before the date of filing the application, and in respect of foreign persons - a corresponding document;
3. a certified copy of an identity card or a unified identity code pursuant to BULSTAT, and in respect of foreign persons - a corresponding document;
4. a certified copy of a list of the members of the organisation, and in respect of foreign persons - a corresponding document;
5. a declaration of the availability of the circumstances referred to in Para 3;
6. a certified copy of the statute of the organisation, and in respect of foreign persons - a corresponding document;
7. a certified copy of the internal rules for allocation referred to in Art. 40, Para 6;

8. certified copies of the contracts for mutual representation with related foreign organisations, if available;

9. a list of the related foreign organisations, with which there are contracts for mutual representation, specifying the term, the territory, the categories of rights, the types of use and the types of works;

10. a certified copy of an agreement as referred to in Para 4, where necessary;

11. a document for paid fees for processing the application.

(3) The registration shall be carried out, if the organisation meets the following requirements:

1. it has been authorised by its members in written contracts to grant on their behalf the right to use their works in a certain manner and to collect the due remuneration for that as stipulated in the said contracts or as set out in the law;

2. it has an administrative office and employees necessary for the administration of the rights;

3. it has computer equipment, licensed software and databases of the rightholders and of the works facilitating the allocation and payment of the remunerations;

4. it has adopted a statute specifying:

a) collective administration of rights under this Law;

b) that all persons holding rights to be administered by it may become its members;

c) that the administration of rights is not for profit and if there are proceeds from accompanying activities they can be used only for covering the expenses of the organisation;

d) that the allocation of proceeds after deduction of any expenses made in relation to the collective administration activity and/or for social or culture funds shall be carried out among the rightholders according to the internal rules for allocation, whether they are its members or not.

(4) The Minister of Culture shall register the activity of an organisation under Art. 40, Para 1 for the administration of rights that have been registered to another organisation, which has collected, allocated and paid remunerations within the preceding 5 years, only upon submission by the organisation that has filed the application for registration of a written agreement with the holder of the first registration for the said rights, respectively works of a subsequent organisation, where the application concerns:

1. public performance, broadcasting, transmission and retransmission of works over an electronic communication network and provision of electronic access to them in the sense of Art. 18, Para 2, Items 3, 4, 5 and 10;

2. rental or lending of copies of carriers containing works in the sense of Art. 22a, Para 1 and 2;

3. resale of original works of art in the sense of Art. 20.

(5) The agreement referred to in Para 4 shall authorise only one of the organisations to collect remunerations from users in compliance with the remuneration amounts proposed by it and approved by the Minister of Culture, it being obliged to pay to the rest of the organisations depending on the representation powers held by each of them.

(6) Where the application does not meet the requirements of Para 2 - 4, the organisation shall be notified thereof and provided one month for rectification of the deficiencies being instructed that in case of failure to do so the proceedings shall be terminated.

(7) The application referred to in Para 2 and the documents enclosed thereto shall be considered within three months from their submission, and in the cases referred to in Para 6 - from rectification of the deficiencies.

(8) Within the time limit referred to in Para 7 the Minister of Culture shall carry out a registration and issue a certificate, or refuse the registration and the grant of certificate in a written order in the cases of Para 11.

(9) The certificates referred to in Para 8 shall be term less and shall contain:

1. a number and date of issue;

2. a name and seat of the organisation, address, judicial registration information and a

BULSTAT unified identity code;

3. the categories of rights, the types of use and types of works to be administered.

(10) In cases of changes to the circumstances that have been entered in the issued certificate, or in the circumstances referred to in Para 2 and 3, the organisation shall be obliged within one month from the changes the Minister of Culture and/or to request amendment of the issued certificate. With the request for amendment shall be enclosed asserted copies of the corresponding documents and a document for payment of fees.

(11) The Minister of Culture shall refuse the registration, provided that:

1. the application and the documents enclosed with it do not comply with the requirements referred to in Para 2 - 4;

2. the application has been filed before expiration of 12 months from issue of an order for refusal of the registration of the same organisation;

3. in other cases specified in the law.

(12) The refusal referred to in Para 11 and the refusal of the Minister of Culture to make changes to a registration under Para 1 may be appealed as set out in the Administrative Procedure Code.

Cancellation of the Registration

Art. 40c. (new - SG 25/11, in force from 25.03.2011) (1) In a written order the Minister of Culture shall cancel the registration:

1. in cases of cancellation of the judicial registration of the organisation referred to in Art. 40;

2. where the organisation has failed to grant rights of use of works of its members within two years from the date of registration under Art. 40b;

3. if the organisation refuses to sign a contract with a user within the limits of the approved amounts collected by it;

4. where the organisation fails to allocate the collected remunerations as set out in this Law;

5. where the organisation allocates and pays to non-member rightholders remunerations with deductions exceeding the necessary additional administrative costs for the allocation and payment of the due remunerations;

6. in other cases of systematic violations under this Section;

7. at the written request of the organisation;

8. pursuant to a judicial decision;

9. in cases of other violation of this Law.

(2) Where the registration has been cancelled under Para 1 the issued certificate shall be withdrawn.

(3) The order for cancellation of the registration may be appealed under the procedure set out in the Administrative Procedure Code. The appeal of the order shall not suspend its enforcement.

(4) In the cases of Para 1 the organisation shall be obliged within a term of 9 months from the cancellation to allocate and pay to the authors the collected remunerations, which shall be announced by a publication in a central daily newspaper and on its internet site. The organisation shall publish on its internet site also a complete list of the authors, for whom it has collected remunerations subject to payment. The amounts that have not been paid within 12 months from the cancellation shall be deposited to National Fund "Culture".

Register of the Organisations for Collective Administration of Author's Rights

Art. 40d. (new - SG 25/11, in force from 25.03.2011) (1) The Ministry of Culture shall maintain a public register of the organisations for collective administration of author's rights. The register shall be published on the site of the Ministry in the internet and any person may request

information for registered circumstances.

(2) In the register shall be entered:

1. number and date of the certificate;
2. name, seat of the organisation, address, information about the judicial registration and a BULSTAT unified identity code, address of an administrative office, address of management and address of registration, list of members of the elective management bodies, including the members and the persons representing it;
3. telephone number, electronic mail address and contact person;
4. categories of rights, types of use and types of works to be administered;
5. grounds and date of changes made to the issued certificate;
6. cancellation of the registration;
7. changes to the circumstances referred to in Items 2 - 4.

(3) In case of changes to registered circumstances the organisation shall be obliged to notify the Minister of Culture within 14 days from the change.

(4) The organisation for collective administration of author's rights shall publish and maintain on its internet site:

1. a list of its members;
2. a list of the related foreign organisations with signed contracts for mutual representation;
3. a list of the authors who have explicitly opted out from representation by the organisation or to receive remunerations from it, as well as the types of works and uses not covered by the opt-out;
4. a list of the authors, for whom remunerations have been allocated but not asked for.

Control of the Activity of the Organisations for Collective Administration of Author's

Rights

Art. 40e. (new - SG 25/11, in force from 25.03.2011) (1) By 31 July of each subsequent year each organization for collective administration registered under this Law shall submit to the Minister of Culture a certified copy of its annual financial account and activity report for the preceding calendar year containing:

1. a review of the development and the results of the activity of the organization for collective administration;
2. a list of the newly admitted and non-admitted members;
3. a list of the related foreign organisations with signed and terminated contracts for mutual representation;
4. a list of the users with valid contracts indicating the types of rights concerned;
5. information of the total amount received by the organization for collective administration for author's remunerations according to the types of use, the amounts of allocated remunerations according to the types of use and the relevant periods, the amounts of the remunerations;
6. the amounts deduced by the organization for its activity;
7. the amounts deduced by the organization for social and cultural funds;
8. the costs for donations, sponsorship, etc. for third parties.

(2) The Minister of Culture may request from each organization for collective administration of author's rights registered under this Law in compliance with Art. 40b information about its activity of administration of rights. In such cases the Minister of Culture shall specify a time limit for submission of the information.

(3) Where there is information for violations under this Section, the Minister of Culture shall request the opinion of the organization for collective administration of author's rights and, where necessary, and make a recommendation, which shall be taken into consideration by the organization within the time limit specified by the Minister. The organization for collective administration of author's

rights shall be obliged to notify the minister of the performance of the recommendations.

(4) Where violations under this Section by an organization for collective administration of author's rights registered under this Law have been established, the Minister of Culture shall issue obligatory prescriptions for their correction in a reasoned order and shall specify a time limit for that. The organization for collective administration shall notify the Minister of Culture for the compliance with the prescriptions.

(5) Where the obligatory prescriptions referred to in Para 4 have not been complied with, the registration referred to in Art. 40b may be cancelled as set out in Art. 40c.

(6) The order referred to in Para 4 containing obligatory prescriptions for correction of violations shall be subject to appeal as set out in the Administrative Procedure Code.

Amounts of Remunerations Collected by Organisations for Collective Administration of Author's Rights

Art. 40f. (new – 25/11, in force from 25.03.2011) (1) The organisations for collective administration of author's rights registered as set out in Art. 40b shall collect remunerations for the grant of the rights administered by them in amounts determined as set out in this Law.

(2) The provision of Para 1 regarding remunerations shall not apply to the administration of rights in dramatic works in the sense of Art. 3, Para 1, Item 3.

(3) The remuneration amounts referred to in Para 1, their amendment and supplementation shall be proposed by the organisations referred to in Para 1 and shall be approved in an order of the Minister of Culture in compliance with the requirements of this Law.

(4) The proposals of the organisations for collective administration of author's rights on the amounts of the remunerations collected by them shall meet the following requirements:

1. to take into account the types of use of the works and their significance for the formation of the revenue from the respective use;

2. to treat equally the users of the same category unless necessity for exceptions can be proved.

(5) The proposals referred to in Para 3 for the remuneration amounts and their amendment or supplementation shall be made following a preliminary discussion with the interested representative organisations of users, where practically possible. A representative organisation of users means any organisation representing a more significant part of the users of the respective category of rights and for the respective type.

(6) The approval of the remuneration amounts referred to in Para 1 and their amendment and/or supplementation shall be made upon a written application of the applying organisation filed with the Minister of Culture in a form approved by him. It shall be accompanied by:

1. a proposal for the remuneration amounts under Para 1 or their amendment and/or supplementation;

2. a decision of the competent body of the organisation for adopting the proposal referred to in Item 1;

3. a reasoned methodology for determining the amounts of the proposed remunerations;

4. proof for preliminary discussions held as set out in Para 5 or for the impossibility to conduct them;

5. economical reasoning for the extended proposals;

6. other documents determined as set out in this Section;

7. a document for paid fees.

(7) Where the application is not accompanied by the documents referred to in Para 6, the organisation for collective administration of rights shall be notified thereof and shall be provided a 14-day time limit for correction of the deficiencies and informed that the proceedings will be terminated in case of failure to do so.

(8) Where the discussion referred to in Para 5 ends with a written agreement between the parties, a certified copy thereof shall be enclosed with the application for approval of the proposed remuneration amounts or for their amendment and/or supplementation together with the documents referred to in Para 6. In such cases the Minister of Culture shall approve in an order the remuneration amounts or their amendment and/or supplementation based on the proposals of the organisations referred to in Para 1.

(9) Where, after three months from the beginning of the negotiations, the discussion referred to in Para 5 ends without agreement between the parties, the Minister of Culture shall appoint in an order an expert commission of five members for each particular case, including a member from each of the negotiating parties under Para 5 and three experts proposed together or approved by both of the organisations. Where it is impossible to appoint the required number of experts in the commission, it shall be completed ex officio by the Minister of Culture from the list of mediators referred to in Art. 40g, Para 2, second sentence. In relation to its activity, the commission may request information, documents and assistance from state authorities and other persons.

(10) The commission referred to in Para 9 shall sit en blanc and shall adopt decisions with majority of 2/3 of its members. The commission shall decide on the application and the documents enclosed with it within one month from their submission and shall draw up a reasoned report signed by all members of the commission. Based on it, within one month from appointment of the commission referred to in Para 9, the Minister of Culture shall approve in an order the proposed remuneration amounts or their amendment and/or supplementation or refuse to approve them.

(11) Where the discussion referred to in Para 5 is practically impossible, the Minister of Culture shall carry out public consultations by publishing the extended proposals for remuneration amounts or their amendment and/or supplementation on the internet site of the Ministry of Culture. In cases of public discussions all interested parties may submit reasoned proposals in writing within 14 days from the publication. After the expiration of the time limit for their submission the Minister of Culture shall send them to the organisation referred to in Para 1, which has filed the discussed proposals.

(12) Within 14 days from receiving the written proposals extended at the public discussions, the organisation, which has filed the discussed proposals referred to in Para 11, shall submit a reasoned opinion in writing on them, which shall be published on the internet site of the organisation. Within one month from receiving the opinion, the Minister of Culture in a reasoned order shall approve the proposed remuneration amounts and/or their amendment or supplementation or refuse their approval.

(13) The orders of the Minister of Culture referred to in Para 8 – and in Para 12 and the reasons accompanying them shall be published on the internet site of the Ministry of Culture. The approved remuneration amounts or their amendment or supplementation shall be published on the internet site of the respective organisation.

(14) Before approval of the remuneration amounts or their amendment or supplementation the negotiation and payment of the remunerations shall be carried out on the basis of the effective remuneration amounts. Where no such are available, the remunerations shall be paid upon agreement between the parties and shall be deposited to a trust (escrow) account opened by both of the parties. The parties shall dispose of the collected amounts in compliance with the approved remuneration amounts.

Mediation

Art. 40g. (new - SG 25/11, in force from 25.03.2011) (1) In cases of disputes between organisations for collective administration of author's rights and users and/or an organisation of users related to signing and performance of a contract between them under this Law, each of the parties may propose that the dispute is solved through mediation.

(2) Mediator may be any person meeting the general requirements of the Law on the Mediation, entered into the Common Register of the Mediators at the Minister of Justice and having specialised

knowledge in the field of author's rights and related rights. Mediator for disputes under Para 1 may be only a person, who has been entered into a special list of the mediators at the Minister of Culture coordinated with the registered organisations referred to in Art. 40b and the representative organisations of the users.

(3) The mediator shall step into his duties with the written consent of the parties. The consent shall resolve the question with the remuneration of the mediator and the conditions of payment by the parties.

(4) The mediator shall assist the negotiations and may extend proposals to the parties. He may not resolve the dispute.

(5) When for resolving a dispute related to collective administration the mediator has extended a written proposal to the parties and within one month from its receipt none of them has submitted a written objection, the proposal shall be deemed accepted.

(6) The agreement reached in the course of mediation, also in the event of Para 5, shall be binding to the dispute parties and shall be obligatory on the agreed items.

(7) The opening of mediation proceedings may not limit the right of any of the parties to refer the dispute to the court. The opened mediation proceedings shall stay any pending judicial proceedings until its termination.

(8) The opening of mediation proceedings shall not annul the obligation of the user to pay the earlier agreed remuneration for granted rights to use a work by the organization for collective administration of author's rights. The parties may agree that during the proceedings the user shall make a conditional deposit in a bank the due remuneration in the approved amounts until termination of the procedure. When an agreement is reached, the deposited amount shall be adjusted to the amount of the agreed remuneration and paid to the organisation, while the remainder, if available, shall be returned to the user. Where the proceedings have been terminated without achieving a final agreement, the amount shall be used for compensating the due remunerations.

(9) The Law on the Mediation shall apply to all other questions not dealt with in Para 1 – 8.

Fees

Art. 40h. (new – SG 25/11, in force from 25.03.2011) For processing registration applications, for modifying registrations or issued certificates, for cancelling registrations of organisations for collective administration of author's rights in the cases of Art. 40c, Para 1, Item 7 and for processing application for approval of remuneration amounts under Art. 40f and/or changing and supplementing them shall be collected fees determined in a tariff of the fees to be collected in the system of the Ministry of Culture, approved by the Council of Ministers.

Section I.

Special Cases (New – SG 25/11, in force from 25.03.2011)

Work Created Under Employment of Civil Service Relationship (Title amend. – SG 25/11, in force from 25.03.2011)

Art. 41. (1) (suppl. – SG 25/11, in force from 25.03.2011) Copyright in a work created under employment or civil service relationship shall belong to the author unless otherwise provided by this Law.

(2) (amend. - SG 28/00, in force from 05.05.2000; amend. – 25/11, in force from 25.03.2011) The employer or the appointing authority shall have the exclusive right without authorization by the author and without paying compensation, unless otherwise provided by the employment contract or the act of appointment, to use such a work for his own purposes. The employer

or the appointing authority may exercise this right in a manner and to a degree corresponding to his usual activity.

(3) (amend. – 25/11, in force from 25.03.2011) Whenever the remuneration of the author at the time of creation of the work under para 1 proves incommensurate with the revenues in the sense of Art. 38, para 2 collected from the use of the work, the author may demand additional compensation. If no agreement was reached between the parties, the issue shall be resolved through the court *ex aequo et bono*.

Work Created under Mandate

Art. 42. (1) Copyright in a work created under mandate shall belong to the author of the work unless otherwise provided by the assignment contract.

(2) Unless agreed otherwise, the mandator shall have the right to use the work without authorization by the author for the purpose it was commissioned.

Section II. Publishing Contract

Definition

Art. 43. By the publishing contract the author grants the publisher the right to reproduce and distribute the work, and the publisher is obliged to perform these actions and to pay the author compensation.

Types

Art. 44. By publishing contract granted may be the right to reproduce and distribute a work which has been already created, or a work which the author has promised to create.

Expanding the Field of Application

Art. 45. (1) Where by a publishing contract an author has granted a publisher the right to use the work for other purposes besides publishing, the publisher may grant the use of the work for these other purposes to third parties if this is explicitly agreed upon.

(2) In case of granting under para 1, the publisher shall inform the author in writing.

Form

Art. 46. The publishing contract shall be concluded in written form.

Special Non-Mandatory Rules

Art. 47. Unless otherwise provided by the publishing contract, it shall be assumed that:

1. the publisher has been granted rights for one printing only;
2. (amend. - SG 28/00, in force from 05.05.2000 the publisher has been granted the right to publish the work in printing of no more than ten thousand copies;
3. compensation to the amount of fifteen per cent of the retail price of each sold copy of the work shall be due to the author;
4. the number of copies which the publisher may provide to the author free of charge may not

be less than five for each printing;

5. the publisher shall publish the work in the language in which it has been ceded to him;

6. the publisher may distribute the printing only on the territory of the country of his citizenship or where his seat is located if a legal person.

Making Amendments

Art. 48. Prior to undertaking a subsequent printing the publisher shall be obliged to give the author a chance to make amendments and supplementations to the work.

Returning Originals Offered for Publishing

Art. 49. The publisher shall be obliged to return the originals of works of fine art, original documents, illustrations and other originals offered for publication unless agreed otherwise in writing.

Destroyed Copies

Art. 50. In case that reproduced but not yet offered for sale copies of the work are fully or partially destroyed not through the fault of the publisher, the latter may restore the destroyed copies within one year without providing compensation to the author.

Termination

Art. 51. Unless agreed otherwise, the publishing contract shall be terminated with expiration of its term or when the run is sold out, or when the last run is sold out if more than one printing have been agreed upon.

Termination Prior to Expiration of the Term

Art. 52. (1) Unless agreed otherwise, the author may terminate the publishing contract unilaterally by written notification whenever that contract was concluded for more than one printing and the run of the last printing was sold out and no subsequent reproduction and distribution of the work was undertaken by the publisher within one year, provided that the author had requested the publisher to do so within the same term.

A print run shall be assumed sold-out whenever the number of unsold copies amount to no more than five per cent of the run of the printing.

(2) In the cases referred to in para 1 the author shall not refund the compensation already received.

Publishing at the Expense of the Author

Art. 53. (1) The author may at his own expense assign to publisher the reproduction and distribution of a given number of copies of his work.

(2) The author may agree with a publisher to reproduce and distribute copies of the work by participating in the expenses of the publishing and in the revenues of the distribution.

Contracts on Reproduction and Distribution of Phonograms

Art. 54. (1) (amend. - SG 28/00, in force from 05.05.2006) If the contract for reproduction and

distribution of the work in the form of phonograms does not stipulate otherwise and the author has not granted the management of these rights to organisation for collective administration it shall be considered that:

1. the user shall be obliged to carry out the recording within six months from the day on which the author has submitted the work in a form allowing the recording, and the reproduction and the distribution - within six months from the recording;

2. the user has been granted the right to reproduce the work in a run of no more than 5000 copies;

3. compensation shall be owed to the author amounting to the respective part of 10 percent of the wholesale price of each sold copy of the sound carrier, proportionally of the duration of his work to the duration of the whole sound carrier;

4. the user shall provide to the author free of charge 5 copies of each produced variant of the sound carriers.

(2) (revoked - SG 28/00, in force from 05.05.2000)

(3) (amend. - SG 99/05, in force from 10.01.2006) The right granted by the author for the recording, reproduction and distribution of his work in the form of phonograms shall not include the right to use the recorded work for public performance, wireless broadcasting, or transmission or retransmission by cable. The inclusion of such rights shall be agreed upon explicitly.

Section III.

Contract on Public Presentation or Performance

Definition

Art. 55. With a contract on public presentation the author of a performing arts work shall grant a user the right to present the work, and the user shall be obliged to present the work and pay compensation to the author.

Non-Mandatory Rules

Art. 56. Unless otherwise provided by contract, it shall be assumed that:

1. the author may grant the right of public presentation to other users outside the population centre where the user has his seat;

2. the term of the contract shall be three years;

3. the user shall present the work to the public within a term of one year from receiving it;

4. (amend. - SG 28/00, in force from 05.05.2000) the compensation to the author shall be determined in amount of fifteen per cent of the gross revenues of each presentation of the work;

5. the user shall report to the author twice per year on the number of public performances and the amount of revenue received;

6. the author may terminate the contract whenever the user has halted the public presentation of the work for a period longer than one year.

Contracts on the Use through Wireless, Cable or Other Technical Means

Art. 57. (amend. - SG 99/05, in force from 10.01.2006) The provisions of items 1, 2, and 3 of Art. 56 shall also apply to contracts on broadcasting by wireless or transmission and retransmission by cable of performing arts works, as well as of musical or literary works that have not been made available to the public. Unless agreed otherwise in the contract it shall be assumed that the author has granted the user the right of a single broadcast or transmission of the work.

Contracts on Public Performance

Art. 58. (1) (prev. text of Art. 58, suppl. - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006; suppl. – SG 25/11, in force from 25.03.2011) Consent on the public performance, live or recorded, on broadcasting by wireless or transmission and retransmission by cable of musical and literary works which have already been made available to the public, shall be provided in writing by the author or by a duly authorised organisation for collective administration of copyrights which shall negotiate, collect and pay the compensations due. When the consent is given by an organisation for collective administration the user shall be obliged to submit a precise account on the used works and their authors.

(2) (new - SG 28/00, in force from 05.05.2000; revoked – SG 77/02, in force from 01.01.2003; new – SG 25/11, in force from 25.03.2011) The contracts for granting right for public performance of works during concerts shall be signed with the persons organising the concerts, who provide the place for the event, technical and other resources, the participation of the performers and the announcement of the concerts, irrespective for whose expense.

(3) (new – SG 25/11, in force from 25.03.2011) Organiser in the sense of Para 2 shall be deemed also any other person presenting himself as such in advertisement materials, publications in the press, posters, billboards, brochures, etc.

(4) (new – 25/11, in force from 25.03.2011) The concert organiser shall be obliged to place his name, logo or other identity sign on advertisement materials, publications in the press, posters, billboards, brochures, concert tickets, etc.

Section IV.

Contract on Publishing in a Periodical

Right to Use an Ordered Work

Art. 59. (1) The author of a work under mandate may not, without the consent of the publisher, offer that work or parts thereof to other periodicals for publishing as a separate publication as well as for wireless broadcasting prior to its publishing by the publisher.

(2) Unless agreed otherwise, the restrictions under the preceding Paragraph shall not apply where fifteen days, for newspapers, and three months, for magazines, have elapsed since the submission of the manuscript and the publisher has not published it or has not informed the author within those terms that the work will be published indicating the number of the issue in which it will be published.

Right of Second Use

Art. 60. The author may use his work, already published in a periodical, after the date of publication unless agreed otherwise in writing.

Returning of Materials Offered for Publication

Art. 61. The publishers of periodicals shall return the originals of works of fine art, original documents and illustrations offered for publication, unless agreed otherwise in writing.

Section V.

Creating and Using Films and Other Audio-Visual Works

Owners of Rights

Art. 62. (1) (suppl. - SG 77/02, in force from 01.01.2003) Copyright in films and other audio-visual work shall belong to the director, the scriptwriter and the operator. In respect of cartoons the production designer shall also have copyright.

(2) The authors of the music, the dialogue, the already existing literary work upon which the audio-visual work was made, the scenery, the costumes, as well as of all other works included in it shall retain copyrights in their own works.

(3) Producer in the sense of this section shall be the natural or legal person who organises the creation of the work and provides its financing.

Contracts on Creation and Use

Art. 63. (1) (amend. and suppl. - SG 99/05, in force from 10.01.2006) The authors under Art. 62 shall conclude written contracts with the producer that, unless agreed otherwise or otherwise provided by this Law, shall be deemed to grant the producer within the country and abroad the exclusive right of reproduction of the work, communication to the public, wireless broadcasting or transmission and retransmission by cable, reproduction on video carriers and their distribution, making it or part of it available to unlimited number of persons by wireless means or by cable in a way allowing access from a place and at a time individually chosen by each of them, as well as the right to authorise the translation, dubbing and subtitling of the text.

(2) The producer shall pay the authors under the preceding Article compensation for the rights granted. In this case the provisions of Art. 41, para 2 and Art. 42, para 2 shall not apply.

(3) Provided that any of the authors under Art. 62 refuses to complete his part in the creation of the film or other audio-visual work, or cannot complete it through no fault of himself, he shall not prevent the use of the work completed by him for the completion of the project. That shall not deprive him of the copyright in the portion of the work completed by him with all ensuing consequences.

(4) An audio-visual work shall be considered completed whenever a final version was established by agreement between the director and producer.

(5) Any changes in the final version through addition, elimination or change of some of the elements require the consent of the persons under para 4.

(6) (amend. - SG 63/94) Upon declaring bankruptcy of a producer any author under Art. 62 shall be entitled to purchase the source materials of the work at the highest offered price provided that within three days from closing of the biddings he requests that in writing.

(7) (amend. - SG 77/02, in force from 01.01.2003) In case the producer cannot finish the work or after finishing it he wants to dispose of the source working materials containing initial record or respectively the source materials of the final version of the work, he shall be obliged to concede them to the authors under Art. 62, para 1 for free.

(8) (new - SG 28/00, in force from 05.05.2000) Within five years from the date of making the work available to the public the producer or the persons who have become owners of the source materials of the final version of the work shall deposit these materials into the National Film Archive. This shall concern only films whose producer is a Bulgarian natural or legal person.

Secondary Use

Art. 64. (amend. - SG 99/05, in force from 10.01.2006; amend. – 25/11, in force from 25.03.2011) The producer may grant to third parties, at assuming the obligations under Art. 65, the right to broadcast the work by wireless means or to transmit and retransmit it over electronic communications network and provision of electronic access, to reproduce it on any type of carriers, such as video carriers for distribution or presentation for public display, where he shall be obliged to notify the authors under

Art. 62, para 1 in writing within one month, unless otherwise provided by this Law.

Compensations

Art. 65. (1) (amend. - SG 28/00, in force from 05.05.2000; suppl. - SG 77/02, in force from 01.01.2003; suppl. - SG 99/05, in force from 10.01.2006) The director, the scriptwriter, the operator and the composer, and in respect of cartoons – also the production designer, shall be entitled to fair compensation, separate from the one referred to in Art. 63, para 2, also for each type of use of the film or audio-visual work, while the rest of the authors referred to in Art. 62 – only in case such compensation has been agreed upon. The compensations from the different types of use of the work granted by the authors to the producer referred to in Art. 63, para 1, as well as the way in which the author wants to receive them in compliance with para 2 shall be determined separately for each type of use.

(2) (amend. – SG 25/11, in force from 25.03.2011) Compensations for the different types of use of the work shall be due by the respective users. The compensations, upon request by the authors, may be received through the producer or through organisation for collective administration of copyrights. In the latter case, the producer shall include such a provision in the contracts for use of the work concluded by him.

(3) In case already announced work is communicated to the public for an admission fee, the compensation shall be proportional to the revenue of the producer.

(4) (suppl. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) Regardless of the compensation referred to in para 2, the authors under para 1 shall be entitled to a percentage of every revenue of the producer, realised from the use of the work.

(5) (new – SG 25/11, in force from 25.03.2011) Irrespective of the contract between the authors and the producer, where the work is presented on public places, in which the access is provided against payment of an entrance fee or a total amount, the authors shall be entitled to a percent of the income from every occasion of such presentation. Any waiver of such right to remuneration by the authors shall have no effect.

(6) (new – SG 99/05, in force from 10.01.2006; prev. text of Para 05 – SG 25/11, in force from 25.03.2011) Where the use is in the form of rental or lending of copies of the work the provisions of Art. 22a shall be applied.

(7) (new – SG 99/05, in force from 10.01.2006; prev. text of Para 06 – 25/11, in force from 25.03.2011) Where the use is in the form of retransmission of the work by cable the provisions of Art. 21, para 3, 4 and 5 shall be applied.

Accounting to the Authors

Art. 66. At the request of the persons referred to in Art. 62, the producer shall provide to them at least once a year a statement on the revenues from each type of use of the work.

Use of Parts of a Film

Art. 67. The producer may use parts of the work or individual frames in amount justified by the film advertising without the consent of the authors and without payment of compensation. He may use such parts or frames for other purposes only with the consent of the authors under Art. 62, para 1 and shall pay them compensation. Other persons may use parts or frames only with the consent of the authors under Art. 62, para 1 and shall pay them compensation.

Section VI. Use of Works of Fine Art, Architecture and Photography

Assumption of Granted Right of Public Exhibition

Art. 68. (1) (prev. text of Art. 68, amend. - SG 28/00, in force from 05.05.2000) The transfer of ownership of works of fine art and works created by photographic or analogous method shall also transfer, unless agreed otherwise in writing, the transfer of the right of public exhibition of the works.

(2) (new - SG 28/00, in force from 05.05.2000) The transfer of the right of using architectural design, unless otherwise agreed, shall also transfer the right of public exhibition of the design.

Subsequent Use of Architectural Project

Art. 69. The written consent of the author shall be required for every subsequent use of the architectural project of an already completed building or other created object.

Section VII. Use of Computer Programmes

Non-Mandatory Rules

Art. 70. Unless agreed otherwise, it shall be deemed that the person who has lawfully acquired the right to use a computer programme may use that programme, display it on a screen, execute it, transmit it, store it in the memory of computer, translate it, adapt it and introduce other changes in it as much as these actions are necessary for attaining the objective for which the right to use that programme was acquired, including for elimination of errors.

Mandatory Rules

Art. 71. The person who has lawfully acquired the right to use a computer programme may without the consent of the author and without payment of separate compensation:

1. make a back-up copy of the programme insofar as it is necessary for the respective use for which the program had been acquired;

2. observe, study and test the functioning of the programme in order to determine the ideas and principles which underlie any of its elements as much as this is done in the process of loading the programme, displaying it on a screen, running, transmitting or storing it in the computer memory on the condition that he is entitled to carry out these actions pursuant to Art. 70;

3. (suppl. - SG 28/00, in force from 05.05.2000) translate the programming code from one form into another only if that is absolutely necessary for obtaining information to achieve interoperability of an existing program with other programs and on the condition that the necessary information on how to do that is not readily provided and that these acts are undertaken only in respect of such parts of the programme that are necessary to achieve interoperability. The obtained information shall not be used for the creation and distribution of a computer programme insignificantly different from the programme the code of which is being translated, nor for any other action that may infringe the copyrights in the programme.

Administration and Control of Software Assets by the Bodies of the State Authority and the Local Government

Art. 71a. (new – SG 77/02, in force from 01.01.2003; revoked – 99/05, in force from

10.01.2006)

Part two.
RELATED RIGHTS AND OTHER SPECIAL RIGHTS (title suppl. - SG 77/02, in force from 01.01.2003)

Chapter eight.
GENERAL PROVISIONS

Owners and Subject Matter of Related Rights (amend. - SG 28/00, in force from 05.05.2000)

Art. 72. Rights, related to the copyright, shall have:

1. the performers in their performances;
2. the producers of phonograms in their phonograms;
3. the producers of the initial record of a film or other audio-visual work in the original and the copies obtained as a result of this record;
4. the radio and television organisations in their programmes.

Collision with Copyrights

Art. 72a. (new - SG 28/00, in force from 05.05.2000) The related rights shall not be exercised in a way which may lead to infringement or restriction of copyrights.

Assumption of Ownership of Related Rights

Art. 72b. (new – SG 99/05, in force from 10.01.2006) Unless proven otherwise owner of right under Art. 72 shall be considered the person whose name, firm or other identifying mark are indicated or mentioned in the usual way on the respective record, copies and/or their packing, or in the course of broadcasting the programme.

Exercising Related Rights through Organisations for Collective Administration

Art. 73. (suppl. - SG 28/00, in force from 05.05.2000; amend. and suppl. – SG 25/11, in force from 25.03.2011) The economic rights of the performers, producers of phonograms, producers of films or other audio-visual works and radio and television organisations may be exercised by organisations for collective administration of rights authorized by them in compliance with the provisions of Art. 40 – and § 5 of the Transitional and Concluding Provisions.

Chapter nine.
RIGHTS OF THE PERFORMER

Owner of the Right

Art. 74. (amend. and suppl. - SG 28/00, in force from 05.05.2000) Performer shall be a person who presents, sings, plays, dances, declaims, acts, directs, conducts, comments, dubs roles or performs in other manner a work, circus or variety performance, puppet show or a folklore work.

Moral Rights

Art. 75. (1) The performer shall have the following moral rights:

1. the right to require that his name, pseudonym or artistic name is indicated or announced in the usual manner at each live performance and at each use of the recorded performance in any manner;
2. the right to require that the recorded performance is preserved entire and unmodified at its reproduction or use in any other manner.

(2) The right under item 1 of the preceding Paragraph shall be inalienable. Transfer of the right referred to in item 2 may be only explicit and in written form.

Economic Rights

Art. 76. (1) The performer shall have the exclusive right to permit for compensation:

1. (amend. - SG 99/05, in force from 10.01.2006) wireless broadcasting of his performance, transmission and retransmission by cable, as well as sound or video recording of the performance, reproduction of the recordings on audio or video carriers and their distribution;

2. (amend. - SG 99/05, in force from 10.01.2006) public performance, wireless broadcasting, transmission and retransmission by cable of these recordings.

3. (new - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) providing access to his recorded performance or part of it by wireless means or by cable to unlimited number of people in such a way that it may be accessed from a place and at a time individually chosen by each of them.

4. (new – SG 77/02, in force from 01.01.2003; suppl. – 25/11, in force from 25.03.2011) import and export to third countries of copies of the recording of the performance in commercial quantity, regardless whether the copies are lawfully produced or in infringement of the rights referred to in item 1.

(2) Performing artists shall grant the rights under the preceding Paragraph by a written contract. The compensation may be negotiated as portion of the revenues, single payment or in other form.

(3) Unless agreed otherwise in the contract between the performer and the producer of phonograms, the performer shall be entitled to authorize other persons to record and distribute his performances as well. Any agreement limiting the right of the performer to grant such authorization shall not be valid for more than five years.

(4) (revoked - SG 28/00, in force from 05.05.2000)

Secondary Use

Art. 77. (amend. - SG 99/05, in force from 10.01.2006) The amount of the compensations of the performers and producers of phonograms for wireless broadcasting, transmission and retransmission by cable or for public performance through audio equipment or in other manner of their performances or phonograms which have been already made available to the public, shall be determined according to the order of § 5 of the Additional Provisions, where half of the amount shall be paid to the performers, and the other half to the producers of phonograms.

Participation in Filming

Art. 78. (1) (suppl. - SG 28/00, in force from 05.05.2000; amend. SG 99/05, in force from 10.01.2006) Unless agreed otherwise in the performance contract, it shall be deemed that the performer who has participated in the making of a film or other audio-visual work has thereby granted to the producer of the work also the right of public communication of the recorded performance, its wireless broadcasting, transmission and retransmission by cable, as well as its reproduction on video carriers and their distribution.

(2) A role performed by a performer in a film or another audio-visual work may be dubbed in the same language by another person only with the consent of the performer who has performed the role.

(3) (New - SG 28/00, in force from 05.05.2000) The contracts under para 1 with performers playing main roles shall also stipulate extra compensation in percentage of each gross revenue of the producer from using the work. Their compensation shall be paid, according to the contract, by the producer or by the respective users. Where their compensation shall be paid by the respective user, the producer shall be obliged to provide for this in the contracts for using the work concluded by him. If the compensation was not negotiated it shall be determined according to agreement between the associations of the actors on one side and the producers or their associations on the other.

(4) (New - SG 28/00, in force from 05.05.2000) Performers playing main roles in the sense of para 3 shall be the persons announced in the captions of the film in a way, unambiguously indicating that they are considered as such, until proven otherwise. Where such indications are missing, taken into consideration shall be eventual explicit agreements on this issue in the contract between the producer and the performer, and if it does not contain such agreements or the contract is not presented, taken into consideration shall be the explicit opinion of the scriptwriter, presented in writing regardless at what time.

(5) (new – SG 77/02, in force from 01.01.2003) In case the television organisation is also a producer of a film or an audio-visual work, the persons referred to in para 3 shall have right of additional compensation for each use of the work by this organisation, where the amount of this compensation shall be determined according to para 3, sentences two and four.

(6) (new – SG 77/02, in force from 01.01.2003) Persons performing a role in audio-visual work intended for advertising, shall have the right for the period, during which the work is communicated to the public, of additional compensation as percentage of the profit of the advertiser from the advertising activity, product or service in the country. This compensation shall be agreed in the contract between the producer and the advertiser. If the producer and the advertiser are not in direct contractual relation, the producer shall be obliged to provide the payment of this compensation in his contract with the person, who has assigned the creation of the work.

(7) (new – SG 99/05, in force from 10.01.2006) Where the use under para 3 is in the form of rental or lending of copies, the provisions of Art. 22a shall be applied.

Authorization by Collective Performers

Art. 79. The participants in collective performances, such as choir, orchestra, ensemble and other artistic group, shall authorize in writing one person to grant the authorizations under this Chapter regarding the use of their performances. The soloists and the conductor, as well as the director of a performing art work shall provide authorization separately.

Indicating Names in Collective Performances

Art. 80. In respect of collective performances the name of the ensemble or the group as a whole and the names of the soloists, the conductor and the director of the performing art work, unless agreed otherwise with these persons, shall be indicated or announced in the usual manner.

Performance under Employment Relationship

Art. 81. The authorization for use as referred to in Art. 76, para 1 of a performance performed under employment relationship shall be granted by the employer unless agreed otherwise with the performer.

Duration

Art. 82. (amend. – 25/11, in force from 25.03.2011) The rights of the performers shall expire after fifty years. This term shall run from 1 January of the year following the year of performance, or in case the recording of the performance was lawfully published or made available to the public during this period, the term shall commence on 1 January of the year following the year of the event, and if both of them have occurred – from the one that is earlier.

Protection of the Names of Artistic Groups

Art. 83. (1) (amend. and suppl. - SG 28/00, in force from 05.05.2000; amend. - SG 28/05; amend. - SG 99/05, in force from 10.01.2006) The name of artistic group shall be registered by the Ministry of Culture according to order established by the Council of Ministers. For submission of application for registration, for making reference in the register and for issuance of documents for facts entered into the register fees shall be collected in amounts determined by a tariff approved by the Council of Ministers.

(2) (new - SG 28/00, in force from 05.05.2000) The names of the artistic groups shall be registered obligatorily in Cyrillic. Upon request of the applicant added to the registration may be the same name in other alphabet.

(3) (prev. text of para 02 - SG 28/00, in force from 05.05.2000) The name registered under para 1 shall not be used by other groups.

(4) (prev. text of para 03 - SG 28/00, in force from 05.05.2000) Provided that another group has used the same or a similar name prior to the registration, it may request deletion of the registration.

(5) (prev. text of para 04 - SG 28/00, in force from 05.05.2000) Disputes over similarities of names, or over which group was the first to use a name, shall be settled by the court.

(6) (prev. text of para 05 - SG 28/00, in force from 05.05.2000) The right of name under para 1 shall be protected for a period of ten years after the artistic group has discontinued its activity. This term shall run from the first of January of the year following the year of discontinuance.

Application by Analogy

Art. 84. (amend. and suppl. - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) The provisions of Art. 18, para 3, Art. 18a, 19, 21, 22, 22a, 23, Art. 24, para 1, items 1, 6, 8, 12 and 14, Art. 25, para 1, item 2, Art. 25a, 26, 32, 33, 34, 36, 37 and Art. 58, para 1 shall be applied respectively also to the rights of the performers, and of Art. 66 – to the rights of the persons under Art. 78, para 3.

Chapter ten.

RIGHTS OF THE PRODUCERS OF PHONOGRAMS

Owner of the Right

Art. 85. Producer of a phonogram shall be the natural or legal person who organises the first recording and provides its financing.

Economic Rights

Art. 86. (1) The producer shall have the exclusive right to authorize for compensation:

1. reproduction and distribution of the phonogram;

2. (suppl. - SG 77/02, in force from 01.01.2003; suppl. – SG 25/11, in force from 25.03.2011) import and export to third countries of copies of the phonogram in commercial quantity, regardless whether they have been manufactured legally or in infringement of the rights under item 1;

3. (amend. - SG 99/05, in force from 10.01.2006) public performance and wireless broadcasting and transmission and retransmission of the phonogram by cable;

4. (new - SG 28/00, in force from 05.05.2000) providing access to the phonogram or part of it by wireless means or by cable to unlimited number of people in such a way that it may be accessed from a place and at a time individually chosen by each of them;

5. (new - SG 25/11, in force from 25.03.2011) the adaptation and synchronisation of the recording.

(2) The producer may grant under contract some of his rights under para 1 to other persons, including authors and performers of the recorded works.

Moral Rights

Art. 87. (1) The producer shall have the right to require his name to be indicated in the usual manner on the sound carriers, including their cover and boxes, at the reproduction and distribution of the phonograms made by him.

(2) (revoked – SG 99/05, in force from 10.01.2006)

Secondary Use

Art. 88. (amend. - SG 99/05, in force from 10.01.2006) The compensations of the producers of phonograms due for wireless broadcasting, transmission and retransmission by cable, or for public performance by sound equipment or other means of their phonograms that have been already made available to the public, shall be determined and paid in the way and order provided by Art. 77.

Duration

Art. 89. (amend. - SG 77/02, in force from 01.01.2003; amend. – 25/11, in force from 25.03.2011) The rights of producers under this Chapter shall expire after fifty years. This term shall run from the first of January of the year following the year in which the phonogram was made. If the phonogram was lawfully published during this period, the term shall run from the first of January of the year, following the year of this publishing. If the phonogram was not lawfully published, but was made available to the public in another way during this period, the term shall start on the first of January of the year, following the year of making it available to the public.

Application by Analogy

Art. 90. (amend. - SG 28/00, in force from 10.01.2006; amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) The provisions of Art. 8, Art. 18, para 3, 18a, 19, 21, 22, 22a, 23, Art. 24, para 1, items 1, 3, 6, 8, 11, 12, 13 and 14, Art. 25, para 1, item 2, Art. 25a, 26, 32, 33, 34 and 36 shall also apply respectively also to the producers of phonograms.

Chapter ten.

"A" RIGHTS OF THE FILM PRODUCERS (new - SG 28/00, in force from 05.05.2000)

Contents of the Right

Art. 90a. (1) The producer of the initial recording of the film or another audio-visual work shall have in respect of the original of the film and the copies of it, obtained as a result of this recording, an exclusive right to authorize for payment:

1. their multiplication;
2. their public showing;
3. (amend. - SG 25/11, in force from 25.03.2011) their public performance and wireless broadcasting;
4. (amend. - SG 99/05, in force from 10.01.2006) their transmission and retransmission by cable;
5. their reproduction;
6. their distribution;
7. their translation, dubbing and subtitling;
8. (amend. - SG 99/05, in force from 10.01.2006) providing access to the film or part of it by wireless means or by cable to unlimited number of people in such a way that it may be accessed from a place and at a time individually chosen by each of them;
9. (new – SG 77/02, in force from 01.01.2003; suppl. – SG 25/11, in force from 25.03.2011) the import and the export to third countries of copies of the film in commercial quantity, regardless of whether they have been manufactured lawfully or in infringement of the right referred to in item 1 or item 5;
10. (new - SG 25/11, in force from 25.03.2011) the adaptation and synchronisation of the recording.

(2) The producer shall have the right to require his name or firm to be indicated in the usual manner at using the film.

Duration

Art. 90b. (new – SG 28/00, in force from 05.05.2000) The rights of the producer under this Chapter shall expire after fifty years. The term shall run from 1 January of the year following the year of creation of the work, but where the recording was lawfully published or made available to the public during this period, the term shall commence from 1 January of the year following the event, and where both events have occurred – of the one that is earlier.

Application by Analogy

Art. 90c. (new – SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) The provisions of Art. 8, Art. 18, para 3, Art. 18a, 19, 21, 22, 22a, 23, Art. 24, para 1, items 1, 2, 3, 6, 8, 11, 12, 13 and 14, Art. 25, para 1, item 2, Art. 25a, 26, 32, 33, 34 and 36 shall apply respectively also to the film producers.

Chapter eleven.

RIGHTS OF RADIO AND TELEVISION ORGANISATIONS

Contents of the Rights

Art. 91. (1) (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003) The radio and television organisation which has carried out the initial broadcasting or transmission of its own programme shall have exclusive right to authorize for payment:

1. (amend. - SG 99/05, in force from 10.01.2006 ; amend. – 25/11, in force from 25.03.2011) wireless rebroadcasting or retransmission over electronic communication networks of the

programme;

2. the recording, the reproduction and the distribution of the recordings of the programme;

3. (amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) providing access to the programme or part of it by wireless means or over another electronic communication network to unlimited number of people in such a way that it may be accessed from a place and at a time individually chosen by each of them;

4. (new - SG 25/11, in force from 25.03.2011) public performance of the programme.

(2) The provision of the preceding Paragraph shall also apply where a programme sent by a radio or television organisation through signal to a communications satellite, is rebroadcasted, retransmitted, recorded, reproduced or distributed by other persons.

(3) (new - SG 28/00, in force from 05.05.2000) Where the radio and television organisation under para 1 or a person authorised by it restricts the circle of persons receiving its programme by encrypting the signal containing it, the authorization shall be considered granted only on the condition that the decrypting device is provided by the broadcasting organisation or with its consent.

(4) (new - SG 28/00, in force from 05.05.2000) For each use of the programme in the sense of para 1 the using organisation shall be obliged to indicate in a suitable way the name of the organisation which has carried out the first broadcasting or transmission of the programme.

(5) (new – SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006 ; amend. – SG 25/11, in force from 25.03.2011) Where a radio or television organisation authorizes the simultaneous, entire and unmodified broadcasting of its programme through an electronic communication network of another organization, the authorization granted by the radio or television organization shall explicitly include also the rights of broadcasting and transmission of the works included in the programme if these rights have been duly granted to it.

Duration

Art. 92. The rights of radio and television organisations under this Chapter shall expire after fifty years. This term shall run from the first of January of the year following the year in which the programme was broadcasted or transmitted for the first time.

Application by Analogy

Art. 93. (amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) The provisions of Art. 8, Art. 18, para 3, Art. 18a, 19, Art. 21, para 1, 22, 23, Art. 24, para 1, items 1, 2, 3, 8, 12, 13 and 14, Art. 25a and 36 shall respectively apply also to the radio and television organisations.

Certifying the Right to Manufacturing and Distribution

Art. 93a. (new – SG 10/98; revoked – SG 28/00, in force from 05.05.2000)

Chapter eleven.

"a" RIGHTS OF THE MAKERS OF DATABASES (new – SG 77/02, in force from 01.01.2003)

Owner of the Right

Art. 93b. (new – 77/02, in force from 01.01.2003) (1) Owner of the right shall be the maker of the database.

(2) Maker of database shall be the natural or legal person, who has taken the initiative and the

risk to invest in collecting, verifying or using the contents of a database, if this investment is significant in qualitative or quantitative respect.

Contents of the Right

Art. 93c. (new – SG 77/02, in force from 01.01.2003) (1) The maker of database shall have the right to prohibit:

1. the extraction through permanent or temporary transfer of the contents of the database or its significant in quantitative or qualitative respect part to another carrier by any means or in any form;

2. re-utilization of the contents of the database or a substantial in qualitative or quantitative respect part of it by making it available to the public by any means or in any form, including by distribution of copies, renting or by providing in digital way.

(2) Lending shall not be considered extraction or re-utilization in the sense of para 1.

(3) The right of para 1 may be transferred or granted to other persons.

(4) The maker of database shall have the right to prohibit the activities referred to in para 1 also regarding insubstantial part of its contents, when these activities are carried out repeatedly and systematically in a way conflicting with its normal exploitation or may prejudice the legitimate interests of the maker.

Exhaustion of the Right

Art. 93d. (new – SG 77/02, in force from 01.01.2003) (1) (amend. and suppl. - SG 99/05) (*) The first sale on the territory of the Member States of the European Union of a material copy of a database by the owner of the right referred to in Art. 93c or with his consent shall exhaust his right to control the further selling of its copy on this territory.

(2) Where a database is transferred in digital form, including in communication network, the right referred to in Art. 93c shall not exhaust regarding the materialised copies of the database made by the recipient with the consent of the owner of this right.

Collision with Other Rights

Art. 93e. (new – SG 77/02, in force from 01.01.2003) (1) The right referred to in Art. 93c shall arise regardless of whether the database or the parts of its contents are protected by copyright or related rights.

(2) The right referred to in Art. 93c may not be exercised in a way, which could lead to infringement or restriction of copyright or related rights in the contents of the database.

Rights and Obligations of the Lawful Users

Art. 93f. (new – SG 77/02, in force from 01.01.2003) (1) (new – SG 99/05, in force from 10.01.2006) The person who has lawfully acquired the right to use a database or copy of it may freely carry out in respect of it the activities referred to in Art. 18, para 2, items 1, 2, 3, 4, 5, 7 and 8 as well as activities related to the results eventually obtained from the translation, adaptation, processing and whatever other modifications which he has made to it when this is necessary to access the contents of the database and for its normal use. Where this person has right to use only part of the database, this provision shall be applied only with regard to this part.

(2) (prev. text of para 01 – 99/05, in force from 10.01.2006) Where a database has been many available to the public in whatever manner, its maker may not prevent the extraction or re-utilization of insubstantial part of its contents for any purposes by a person, who has acquired in a

lawful way access to it. Where the lawful user has right to extract or re-utilize only part of the database, this provision shall apply only to that part.

(3) (prev. text of para 02 – SG 99/05, in force from 10.01.2006) The lawful user of a database which has been made available to the public in whatever manner may not carry out activities which conflict with its normal exploitation or prejudice the legitimate interests of its maker.

(4) (prev. text of para 03 – SG 99/05, in force from 10.01.2006) The lawful user of data base which has been made available to the public in whatever manner may not infringe the rights of the owner of the copyright or related right in the works or subject matter contained in it.

(5) (new – SG 99/05, in force from 10.01.2006) Any agreement contradicting to the provisions of para 1, 2, 3 and 4 shall be invalid.

Exceptions

Art. 93g. (new – SG 77/02, in force from 01.01.2003) The lawful user of a database which has been made available to the public in whatever manner may, without the consent of its maker, extract or re-utilize in the sense of Art. 93c a substantial part of its contents in the following cases:

1. extraction for personal use of contents of a database of non-electronic form;
2. extraction without commercial purpose for illustration for teaching and scientific research to extent justified by the purpose as long as the source is indicated;
3. extraction or re-utilization for the purposes of the national security or in the administrative or court procedures.

Duration

Art. 93h. (new – 77/02, in force from 01.01.2003) (1) The rights referred to in Art. 93c shall expire after fifteen years. The term shall run from the first of January of the year following the year of completion of the making of the database.

(2) In case the database has been made available to the public in whatever manner before the expiration of the term referred to in para 1, the term shall run from the first of January of the year, following the year of making it available to the public.

(3) Each new substantial investment in the database leading to significant change in the contents of the database shall qualify the part resulting from this investment for its new independent term of protection.

Part three.

ENFORCEMENT OF COPYRIGHT AND RELATED RIGHTS

Chapter twelve.

CIVIL LAW ENFORCEMENT

Claim for Indemnification

Art. 94. (amend. - SG 99/05, in force from 10.01.2006) (1) Whoever infringes copyright, related right or other right under this law, shall owe indemnification to the owner of the right or the person who has been granted exclusive right of use.

(2) Indemnification shall be due for all damages which are direct and immediate consequence of the infringement.

(3) At determining the amount of the indemnification the court shall take into consideration also all circumstances related to the infringement, the lost profits and moral damages as well as the

revenues realized by the infringer due to the infringement.

(4) The court shall determine fair indemnification having preventive and warning influence to the infringer and the other members of the society.

Special Cases of Claim for Indemnification

Art. 94a. (new – SG 99/05, in force from 10.01.2006) (1) Where the claim has been determined by ground but there is no sufficient data about its amount the claimant may require for indemnification:

1. from five hundred to hundred thousand BGN, where the exact amount shall be determined by assessment of the court under the conditions of Art. 94, para 3 and 4, or

2. the equivalent of the subject matter of the infringement at retail price of lawfully reproduced copies.

(2) At determining the indemnification referred to in para 1, the revenues received as a result of the infringement shall also be taken into consideration.

Other Claims

Art. 95. (1) (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003; prev. text of Art. 95 – SG 99/05, in force from 10.01.2006) Where a work, subject matter under Art. 72 or databases under Chapter eleven "a" are used in infringement of the provisions of this Law, the owner of the copyright or the person to whom the he has granted exclusive right to use, may bring an action before the court for:

1. (new – SG 99/05, in force from 10.01.2006) finding the fact of the infringement;

2. (amend. - SG 77/02, prev. text of item 01 – SG 99/05, in force from 10.01.2006) discontinuance of the illegitimate use or prohibition of implementation of the activity, which will constitute illegitimate use;

3. (suppl. - SG 77/02, in force from 01.01.2003; prev. text of item 02 – SG 99/05, in force from 10.01.2006) seizing and destroying illegitimately produced copies of the work, the subject matter under Art. 72 or the databases under Chapter Eleven "a", including negatives, master copies, printing forms and others used for the purposes of reproduction of copies;

4. (suppl. - SG 28/00, in force from 05.05.2000; prev. text of item 03 – SG 99/05, in force from 10.01.2006) seizing and pulling out of operation the copying, reproducing and decryption equipment used exclusively for committing violations;

5. (amend. - SG 28/00, in force from 05.05.2000; prev. text of item 04, amend. - SG 99/05, in force from 10.01.2006) conceding the objects under item 3.

6. (new – 99/05, in force from 10.01.2006) announcing to the account of the infringer of the operative part of the court decision in two daily newspapers and in television organization with national coverage at time determined by the court.

(2) (new – SG 99/05, in force from 10.01.2006) Seizure in the sense of para 1, items 3 and 4 may be requested both of objects being at a certain place and of subjects being in the commercial network as a whole.

Special Claimants

Art. 95a. (new – SG 99/05, in force from 10.01.2006) (1) Besides the owners of the respective right and the persons granted exclusive right of use, right of claim under Art. 94, 94a and 95 shall also have:

1. the organizations for collective administration of rights according to Art. 40, para 7, and

2. the professional protection organizations of the owners of rights.

(2) (amend. – SG 59/07, in force from 01.03.2008) The organizations referred to in para 1 may lay claims and request measures only in respect of rights which have been assigned to them for administration, respectively – for protection. In these cases the provision of Art. 26, para 4 of the Civil Procedure Code shall not be applied.

Liability

Art. 95b. (new – SG 99/05, in force from 10.01.2006) The legal persons and the sole entrepreneurs shall bear civil responsibility for the infringement of rights under this law guiltily perpetrated by the persons representing them, respectively by their employees or persons hired by them. In this case the guilt shall be assumed until proven otherwise.

Providing Evidence in Claim and Securing Procedures

Art. 95c. (new – SG 99/05, in force from 10.01.2006) (1) Where the claimant has presented evidence supporting his claims and has also pointed out other evidence of significance for the solution of the case which is under the control of the defendant the court can oblige the defendant to present this evidence.

(2) Under the conditions of para 1, upon request of the claimant the court can oblige the defendant to provide opportunity for acquainting with bank, financial and commercial documents which are under his control.

(3) The claimant shall be obliged not to announce the information contained in the documents of para 2.

(4) The presentation of evidence for single or one time unlawful use of protected subject matter under this law shall be accepted to be sufficient ground for applying the provisions of para 1 and 2.

(5) The existence of the circumstances connected with claimed infringement may also be established by the presentation of evidence for single or one time unlawful use of subject matter protected under this law.

Requesting Information about the Origin and the Distribution Networks upon Infringement

Art. 95d. (new – SG 99/05, in force from 10.01.2006) (1) The court may upon request by the claimant to oblige the defendant or third person to present information about circumstances which are of importance for resolving the case.

(2) Third person in the sense of para 1 shall be each person who:

1. keeps goods – subject of infringement, or
2. provides services leading to infringement, or
3. uses services representing infringement, or
4. has been pointed out by person under items 1 – as participant in the manufacturing, production or distribution of these goods or services.

(3) The information referred to in para 2 may include:

1. the names and the addresses of the producers, manufacturers, distributors, suppliers and other persons who have been previously holders of the goods or the services as well as the supposed wholesale and retail distributors;
2. information about the produced, manufactured, supplied, received or ordered quantities as well as the resources received for the goods or services in question.

(4) Para 1 shall not be applied when its implementation may lead to infringement of a provision of another law.

(5) The provisions of para 1 – 3 shall be applied only for acts carried out for direct or indirect economic or commercial benefit.

Competent Courts

Art. 96. Disputes under this Law shall be settled by the district courts.

Security or Provisional Measures (Title suppl. – SG 25/11, in force from 25.03.2011)

Art. 96a. (new - SG 28/00, in force from 05.05.2000 r.) (amend. SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006; suppl. – SG 25/11, in force from 25.03.2011) In case of infringement of a copyright, related right or right under Art. 93c, or where enough data is available to consider that such infringement will be committed or some evidence will be lost, destroyed or concealed, the court upon request by the owner of the respective right or the person who has been granted exclusive right of use may, without informing the person with regard to whom security or provisional measure is requested, admit also some of the following measures:

1. (amend. - SG 77/02, in force from 01.01.2003) prohibition of carrying out the activity which is claimed to constitute or will constitute illegal use of a work, subject matter under Art. 72 or database under Chapter eleven "a";

2. (amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) seizure of the copies of the work, the subject matter under Art. 72 or the databases under Chapter eleven "a" which are claimed to be illegally reproduced, the negatives, the matrices, the cliches and the like, intended for reproduction of the copies, as well as other evidence of importance for proving the infringement;

3. seizure or sealing of the equipment which is claimed to have been used or will be used for infringement;

4. sealing of the premises in which infringement is claimed to have been committed or will be committed.

(2) (amend. - SG 99/05, in force from 10.01.2006; amend. – SG 59/07, in force from 01.03.2008; suppl. – 25/11, in force from 25.03.2011) The admission, imposing and revocation of the security or provisional measures shall be carried out according to the order referred to in Art. 389 -403 of the Civil Procedure Code, with exception of Art. 398, first sentence and as much as this law does not stipulate otherwise.

(3) (suppl. - SG 25/11, in force from 25.03.2011) The security or provisional measure prohibition of carrying out the activity shall be imposed by its announcement by the court.

(4) (amend. - SG 43/05, in force from 01.09.2005; amend. - SG 99/05, in force from 10.01.2006; suppl. – SG 25/11, in force from 25.03.2011) The security or provisional measures under para 1, item 2, 3 and 4 shall be imposed by state or private bailiff who shall carry out the act simultaneously with the handing over of the announcement for admitting the security to the defendant in three days term after receiving the application of the claimant to the bailiff. The security measures admitted for prevention of forthcoming infringement shall be imposed in term complied with its purpose. The seized property shall be submitted by an inventory for keeping to the claimant who can use it solely as evidence.

(5) (suppl. - SG 25/11, in force from 25.03.2011) The claimant or his representative shall have the right to attend and assist the imposition of the security or provisional measures.

(6) (revoked - SG 43/05, in force from 01.09.2005)

(7) (suppl. - SG 25/11, in force from 25.03.2011) If it is found that an imposed security or provisional measure has been requested without justification the defending party may require from the person who has requested it to pay the damages caused as a result of the security.

(8) (new – SG 99/05, in force from 10.01.2006; suppl. – SG 25/11, in force from 25.03.2011) The security or provisional measure referred to in para 1, item 1 may be imposed also to third persons for whom sufficient data is available that they facilitate the implementation of the activity for which is claimed to represent or will represent unlawful use.

(9) (new – SG 99/05, in force from 10.01.2006) The owner of the respective right or the person to whom he has granted exclusive right of use shall be obliged not to announce information that has become known to him at or on occasion of the measures referred to in para 1.

Chapter twelve.

"A" BORDER MEASURES (new - SG 28/00, in force from 05.05.2000)

Grounds and Field of Application

Art. 96b. (new - SG 28/00, in force from 05.05.2000) (1) (amend. - SG 77/02, in force from 01.01.2003) The owner of copyright, related right or right under Art. 93c, as well as the person who has been granted exclusive right of use may request from the customs bodies to suspend goods carried through the state border of the Republic of Bulgaria for which there are grounds to consider that they infringe a right protected by this Law. For covering the expenses for the suspension a fee shall be due the amount of which shall be determined by a tariff approved by the Council of Ministers.

(2) Where the applicant has his residence or seat outside the country, he has to indicate legal address on the territory of the Republic of Bulgaria.

(3) The provisions of this Chapter shall also apply to the temporary import and export.

(4) (amend. - SG 99/05, in force from 10.01.2006) Goods of non-commercial character carried as part of the luggage of passengers under the condition that they are in quantity set for duty free import or export shall not be suspended.

Procedure of Suspension

Art. 96c. (new – SG 28/00, in force from 05.05.2000) (1) The suspension shall be carried out upon written application by a person under Art. 96b, para 1, accompanied by evidence regarding the rights of the applicant and the grounds to consider them being infringed.

(2) (amend. - SG 99/05, in force from 10.01.2006) Where it is found that the circumstances under Art. 96b, para 1 are present, the customs bodies shall suspend the goods.

(3) The customs bodies shall inform immediately the claimant, the sender and the recipient of the goods about the suspension. The same persons shall have the right to inspect the suspended goods and to receive information about them.

(4) (amend. - SG 99/05, in force from 10.01.2006) If, within 10 working days from being notified according to para 3 about the suspension, the applicant does not provide evidence that a procedure has been initiated before the respective court for decision on the merits of the case or that a security has been admitted, the customs bodies shall release the suspended goods on condition that all requirements for regular import or export have been observed. The term may be extended by ten days upon reasoned request by the applicant.

(5) (amend. - SG 99/05, in force from 10.01.2006) The competent bodies before which the legal procedure under para 4 has been initiated shall rule upon appeal of the interested party whether the measures of suspension must be confirmed, amended or revoked.

(6) (new – SG 99/05, in force from 10.01.2006; amend. - SG 30/06, in force from 12.07.2006) The refusal of the customs bodies to satisfy the application for suspension of the goods shall be subject to appeal by the order of the Administrative Procedure Code.

(7) (prev. text of para 06 – 99/05, in force from 10.01.2006) Where the request for

suspension has not been followed by a procedure under para 4 or it was found to be ungrounded the affected party shall have the right of indemnification.

Actions on the Initiative of the Customs Bodies

Art. 96d. (new – SG 28/00, in force from 05.05.2000) (1) The customs bodies may at their initiative or upon request of another state body suspend goods for which they have grounds to consider them infringing a right protected by this Law.

(2) In these cases the customs bodies shall inform immediately the persons under Art. 96b, para 1, the sender and the recipient of the goods and shall provide them possibility to inspect the suspended goods. The customs bodies may request from the owner of copyright or related rights any information for carrying out expertise.

(3) (amend. - SG 30/06, in force from 12.07.2006) The decision under para 1 may be appealed by the order of the Administrative Procedure Code.

(4) If, within 10 working days from suspension of the goods, procedure for decision on the merits of the case before the respective court does not follow or there is not a court ruling for admitting of security, the customs bodies shall release the suspended goods on condition that all the requirements for regular import or export have been observed.

(5) The customs bodies shall not be liable for the actions on suspension of the goods taken by them in good faith.

Additional Stipulation

Art. 96e. (new – SG 28/00, in force from 05.05.2000) An ordinance shall be issued by the Council of Ministers for the implementation of this Chapter.

Chapter twelve.

“b” Administrative Injunction Measures

Administrative Injunction Measures

Art. 96f. (new - SG 25/11, in force from 25.03.2011) (1) For prevention or interception of infringements under this Law, as well as for prevention or remedy of damages resulting thereof, the Minister of Culture or a deputy minister determined by him shall be entitled to:

1. order in writing the infringer to desist from the infringement of this Law;
2. order in writing the infringer to undertake specific measures for remedying the infringement within a suitable time limit;
3. request from the infringer to declare he will desist from the infringement of this Law, if necessary, request that he makes the declaration available to the public;
4. order termination of every infringement of this Law, if necessary, to make the order for termination of the infringement available to the public.

(2) The administrative injunctions referred to in Para 1 shall be imposed in a written order of the Minister of Culture or a deputy minister authorised by him. The order shall specify the type of the administrative injunction measure, as well as a suitable time limit to present evidence for its performance.

(3) The order referred to in Para 2 shall be delivered by registered mail with acknowledgement of receipt or through the municipal administration at the permanent address of the person, and to sole entrepreneurs and legal persons – the seat and address of management, according to the judicial, respectively trade registration.

(4) The order for imposing an administrative injunction shall be subject to appeal as set out in the Administrative Procedure Code.

Chapter thirteen.

PENAL ADMINISTRATIVE PROVISIONS

Penalties

Art. 97. (1) (amend. - SG 10/98) Whoever commits the following in offence of this Law:

1. (amend. - SG 28/00, in force from 05.05.2000; amend. and suppl. - SG 99/05, in force from 10.01.2006) reproduces and distributes video carriers holding reproduced films or other audio-visual works, performances, records of films or other audio-visual works;
2. (amend. - SG 28/00, in force from 05.05.2000; amend. and suppl. - SG 99/05, in force from 10.01.2006) reproduces and distributes audio carriers holding reproduced works, performances or phonograms;
3. organises in any manner whatsoever communication to the public of films or other audio-visual works;
4. (amend. - SG 28/00, in force from 05.05.2000) offers sound or video recording services to third parties with the purpose to prepare single copies of works or other objects, protected by this Law;
5. (amend. - SG 25/11, in force from 25.03.2011) organises live or recorded public performance of works, of recorded performances, of phonograms, of recordings of films or other audio-visual works or parts thereof, as well as of a radio or television programme or part thereof;
 - 5a. (new - SG 25/11, in force from 25.03.2011) organise public presentation of a work;
6. (amend. - SG 99/05, in force from 10.01.2006) wireless broadcasting, transmission or retransmission by cable of works, performances, phonograms, records of films or other audio-visual works or radio or television programmes;
7. (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) publishes, reproduces or distributes already published works;
8. (amend. - SG 28/00, in force from 05.05.2000) owns a computer programme knowing or having grounds to suppose that this is illegal;
9. (new - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) reproduces, preserves in the memory of computer, distributes or uses in another way computer programmes;
10. (new - SG 28/00, in force from 05.05.2000) reproduces or distributes works of the applied art, design and the national artistic crafts, photographic works and works created by a process analogous to photography;
11. (new - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003) illegally uses a work under Art. 3, para 1, items 6 and 8;
12. (new - SG 99/05, in force from 10.01.2006) saves in digital form on electronic carrier films or other audio-visual works, musical compositions, performances, phonograms, records of films or other audio-visual works;
13. (new - SG 99/05, in force from 10.01.2006) provides access to the work, the object under Art. 72 or part of it by wireless means or by cable to unlimited number of people in such a way that it may be accessed from a place and at a time individually chosen by each of them;
14. (new - SG 28/00, in force from 05.05.2000; prev. text of item 12 - 99/05, in force from 10.01.2006; revoked - SG 25/11, in force from 25.03.2011)
15. (new - SG 77/02, in force from 01.01.2003; prev. text of item 13, amend. - SG 99/05, in force from 10.01.2006; revoked - SG 25/11, in force from 25.03.2011)
16. (new - SG 77/02, in force from 01.01.2003; prev. text of item 14 - SG 99/05, in force from

10.01.2006; revoked – SG 25/11, in force from 25.03.2011)

(amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) shall be punished with fine or proprietary sanction in amount from two thousand to twenty thousand BGN, if he/she is not subject to graver penalty and the subject matter of the violation, regardless of the ownership, shall be seized in favour of the state and shall be submitted for destruction by the bodies of the Ministry of Interior.

(2) (amend. - SG 10/98; suppl. - SG 28/00, in force from 05.05.2000; suppl. - SG 77/02, in force from 01.01.2003; amend. – SG 25/11, in force from 25.03.2011) Repeated and subsequent offence under para 1 committed within one year from the imposition of the previous penalty, shall be punished by a fine or proprietary sanction from three thousand to thirty thousand BGN and the subject matter of the violation regardless of the ownership shall be seized in favour of the state and shall be submitted for destruction by the bodies of the Ministry of Interior.

(3) In event of systematic offences the facility where these offences have been committed, such as a store, studio, establishment, cinema, theatre, company's head office, etc. shall be closed for a period from three to six months.

(4) (amend. - 10/98; amend. - SG 99/05, in force from 10.01.2006; amend. – SG 25/11, in force from 25.03.2011) Organisation for collective administration of rights that exercises collective administration of author's or related rights without registration under this Law or that fails to perform its obligation or a requirement under Art. 40d, Para 3, Art. 40e, Para 1 and Art. 40f shall be imposed a property sanction of five hundred BGN.

(5) (new - SG 28/00, in force from 05.05.2000) The sanctions under para 1 or 2 shall be imposed to a person who produces, distributes, advertises or imports, as well as possesses with a commercial purpose a decoding device able to provide access to encrypted signal to persons outside the audience determined by the broadcasting organisation.

(6) (new - SG 28/00, in force from 05.05.2000; amend. and suppl. - SG 77/02, in force from 01.01.2003; suppl. - SG 99/05, in force from 10.01.2006) The sanctions under para 1 or 2 shall be imposed to a person who intentionally removes, damages, destroys or disrupts or in other way evades, without having right to do that, technological means for protection used by owners of rights protected by this law, provided that he knows or there are grounds to suppose that these means have such functions.

(7) (new – SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) The sanctions under para 1 or 2 shall also be imposed to a person, who produces, imports, distributes, sells, rents, offers for sale, advertises with purpose of sale or rent or possess with commercial purpose devices, products or components of products, or provides services, which:

1. are offered or advertised as means for evading of technological measures for protection, or
2. have only limited commercial purpose or application different from this to be evaded technological measures for protection, or
3. are basically intended, produced, adapted or used to make possible or to facilitate the evasion of technological measures for protection.

(8) (new - SG 28/00, in force from 05.05.2000; prev. text of para 07 – 77/02, in force from 01.01.2003) The sanctions under para 1 or 2 shall also be imposed to a person who, without having the right to do that and knowing or having grounds to know that this act will cause, allow, facilitate or conceal infringement of a right protected by this Law:

1. removes or changes information in electronic form about the regime of the rights on a subject matter of copyright or related right;

2. (amend. - SG 99/05, in force from 10.01.2006) distributes, including by importation for distribution, publicly performs, broadcasts by wireless means, transmits or retransmits by cable a subject matter of copyright or related right, as well as offers access to unlimited number of persons to such subject matter in a way allowing this access from a place and in time individually chosen by each of them, knowing that the information in electronic form about the regime of the rights on this subject

matter has been removed or changed without the right to do that.

(9) (new - SG 28/00, in force from 05.05.2000; prev. text of para 08 – SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) Information about the regime of the rights in the context of para 8 is any information allowing the identification of the subject matter of copyright or related right, the owner of the right, as well as information about the conditions of use of the subject matter, as well as any number and code representing such information on condition that any of these elements of the information is present on the copies of the subject matter or appears in connection with its communication to the public.

(10) (new – SG 25/11, in force from 25.03.2011) The sanction referred to in Para 1 or 2 shall be imposed also to any person, who fails to perform an imposed administrative injunction measure under Art. 96f.

(11) (new – SG 25/11, in force from 25.03.2011) The sanction referred to in Para 1 or 2 shall be imposed also to any person, who impedes the performance of an imposed administrative injunction measure under Art. 96f.

(12) (new – SG 25/11, in force from 25.03.2011) The sanction referred to in Para 1 or 2 shall be imposed also to any person, who fails to perform their duties under Art. 20a, Para 6, Art. 26, Art. 58, Para 4, Art. 95c, Para 3 or Art. 96a, Para 9.

(13) (new – SG 25/11, in force from 25.03.2011) The sanction referred to in Para 1 or 2 shall be imposed also to any person, who violates a prohibition under Art. 93c.

Detection of the Offences and Competences of the Officials (title amend. - SG 99/05, in force from 10.01.2006)

Art. 98. (amend. - SG 99/05, in force from 10.01.2006) (1) The offences under Art. 97 shall be detected by an act which shall be prepared by officials determined by an order of the Minister responsible for the culture after inspection in cooperation with the bodies of the Ministry of Interior.

(2) The officials referred to in para 1 shall have right to:

1. request access to the sites subject to control and to inspect them;
2. request the necessary documents related to the inspections held;
3. impose measures for ensuring evidence by seizure of durable material carriers containing subject matter protected by the law connected with the detection of the violation;
4. (new – 25/11, in force from 25.03.2011) issue obligatory orders for remedying deficiencies and violations of the law;
5. (new – SG 25/11, in force from 25.03.2011) issue conclusions on the objections related to the established violations;

6. (new – SG 25/11, in force from 25.03.2011) notify the competent specialised control authority, where they suspect infringement of another normative act.

(3) The officials referred to in para 1 shall be obliged to:

1. reflect precisely the facts detected at the inspection in the act for offence;
2. preserve the official and the commercial secret that has become known to them in connection with the inspections;
3. not publicly announce data from the inspections;
4. use the information from the inspections only for the purposes of the procedure regarding the offence.

Record on Seizure

Art. 98a. (new – SG 99/05, in force from 10.01.2006) (1) Durable material carriers containing subject matter protected by the law connected with the offence shall be seized by the officials referred to

in Art. 98, para 1 with a record.

(2) In the record under para 1 shall be pointed out: the date and the place of the actions; time when the actions have started and finished; persons who have participated; detected facts and circumstances; any requests made, notes and objections if available; collected evidence – number, types of carriers, as well as other data.

(3) The record shall be signed by the person carrying out the actions, by the inspected person and at least one witness.

(4) In case the inspected person refuses to sign the record or is absent, it shall be signed by at least one more witness.

Obligation for Cooperation

Art. 98b. (new – SG 99/05, in force from 10.01.2006) The persons at whom the inspection referred to in Art. 98, para 1 is carried out shall be obliged to:

1. ensure unimpeded access to the checked subjects;
2. render cooperation to the officials on the occasion of the inspection being implemented;
3. provide documents and evidence requested by the official.

Imposing and Executing the Administrative Penalties

Art. 98c. (new – SG 99/05, in force from 10.01.2006) (1) The Punitive Decrees shall be issued by the Minister responsible for the culture or by official authorized by him.

(2) The penalties fine or proprietary sanction shall be performed voluntary within a term of 7 days after the Punitive Decree or the decision of the court with which they have been imposed enters into force. Fifty percent of the amounts shall be submitted to the account of National Fund "Culture" and the rest – to the budget of the Ministry of Culture.

(3) (amend. - SG 105/05, in force from 01.01.2006; amend. – SG 12/09, in force from 01.05.2009) After the expiration of the term referred to in para 2 a copy of the Punitive Decree shall be sent to the National Revenue Agency for enforcement of the imposed fine or proprietary sanction according to the order of the Tax Insurance Procedure Code.

(4) (amend. – SG 25/11, in force from 25.03.2011) After the Punitive Decree enters into force the durable carriers seized in favour of the state shall be delivered for destruction to the bodies of the Ministry of Interior.

Application of the Law for the Administrative Offences and Sanctions

Art. 98d. (new – 99/05, in force from 10.01.2006) Unless otherwise provided by this Chapter, the detection of the offences, issuing, appealing and enforcement of the Punitive Decrees shall be carried out according to the order of the Law of the Administrative Offences and Sanctions.

Part four. APPLICABLE LAW

Law Applicable to Works

Art. 99. (1) This Law shall apply to:

1. (amend. - SG 77/02, in force from 01.01.2003) works which authors are citizens of the Republic of Bulgaria or whose permanent address is in it regardless of where the works have been published for the first time;

2. (new – SG 99/05) (*) works which authors are citizens of a Member State of the European Union or persons who have permanent address in such State regardless of where the works have been published for the first time;

3. (amend. - SG 77/02, in force from 01.01.2003; prev. text of item 02 – SG 99/05) (*) works whose authors are citizens of a State with which the Republic of Bulgaria is bound by a copyright treaty, or persons with permanent address in such a State regardless of where the works have been published for the first time;

4. (prev. text of item 03 – SG 99/05) (*) works published for the first time or incorporated as architectural projects on the territory of the Republic of Bulgaria or on the territory of a State which has a copyright treaty with the Republic of Bulgaria, regardless of the nationality of the authors;

5. (prev. text of item 04 – SG 99/05) (*) works which have been published for the first time on the territory of a State with which the Republic of Bulgaria is not bound by a copyright treaty but simultaneously or within thirty days have been published on the territory of the Republic of Bulgaria or on the territory of a State with which the Republic of Bulgaria has such treaty.

(2) Where this Law is applied to works created by citizens of other states or to works which have been published abroad first the owner of the copyright shall be determined according to the respective foreign law.

(3) (new - SG 28/00, in force from 05.05.2000; amend. – SG 25/11, in force from 25.03.2011) In respect of works, created by citizens of third countries published for the first time in third countries, the term of validity shall be determined by the respective foreign law if it stipulates terms of protection shorter than this law.

Law Applicable to the Right of Compensation under Art. 20

Art. 99a. (new – SG 99/05, in force from 10.01.2006) (1) The provisions of Art. 20 shall be applied at resale of works of authors citizens of the Republic of Bulgaria or persons who have permanent address in it, in case the place of the resale is on its territory.

(2) (*) Art. 20 shall be also applied to all authors and their heirs who are citizens or have permanent address in a Member State of the European Union.

(3) In respect of authors who are citizens of other State and have no permanent address in the Republic of Bulgaria the provisions of Art. 20 shall be applied only under the condition that the respective foreign country admits analogous right to the Bulgarian citizens.

Law Applicable to Broadcasting by Satellite

Art. 99b. (new – SG 99/05) (*) (1) This law shall be applied to the broadcasting of a work by satellite in case the signal is transmitted to the satellite:

1. from the territory of the Republic of Bulgaria ;

2. from the territory of a State not member of the European Union which does not provide level of protection of this right corresponding to this law under the condition that:

a) the ascending connection to the satellite starts from a station located on the territory of the Republic of Bulgaria, or

b) the ascending connection to the satellite does not start from a station located on the territory of a Member State of the European Union but the broadcasting has been carried out by order of an organization having its seat on the territory of the Republic of Bulgaria.

(2) The responsibility of the broadcasting shall be born: in the cases of para 1, item 1 – by the broadcasting organization; in the cases of para 1, item 2 letter "a" – the operator of the station; in the cases of para 1, item 2 letter "b" by the organization under which ordered the broadcasting has been carried out.

(3) The provisions of para 1 and 2 shall be applied respectively also to the rights referred to in Art. 72.

Law Applicable to Performances

Art. 100. (1) (amend. - SG 77/02, in force from 01.01.2003) This Law shall apply to the performances of performers who are citizens of the Republic of Bulgaria or who have permanent address in it regardless of where the performances have been carried out.

(2) This Law shall apply to the performances of foreign performers on the territory of the Republic of Bulgaria.

(3) (new – SG 99/05) (*) This law shall also apply to the performances of foreign performers, citizens of a Member State of the European Union or having permanent address in such state regardless of where the performances have been carried out.

Law Applicable to Records, Programmes and Films

Art. 101. (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003; suppl. - SG 99/05) (*) This Law shall apply to the subject matter under Art. 72, item 2, 3 and 4 made by natural persons who are citizens of the Republic of Bulgaria or who have permanent address in it, by citizens of Member States of the European Union or having permanent address in some of them, or by legal persons which seat is on the territory of the Country or on the territory of such State, regardless of where the recordings have been made, as well as to recordings made or simultaneously published for the first time by foreign persons on the territory of the Republic of Bulgaria or a Member State of the European Union.

Law Applicable to Makers of Databases

Art. 101a. (new – SG 77/02, in force from 01.01.2003) (1) (suppl. - SG 99/05) (*) This law shall apply to the makers of databases, if they are citizens of the Republic of Bulgaria or have permanent address in it or are citizens of a Member State of the European Union or have permanent address in such state.

(2) (suppl. - SG 99/05) (*) The provision of para 1 shall also apply to the legal persons, established in compliance with the legislation of the Republic of Bulgaria having their seat, central administration or primary activity on its territory, as well as to the legal persons established in compliance with the legislation of some Member State of the European Union having seat, central administration or primary activity on its territory. If the legal person has seat only in the Republic of Bulgaria or in a Member State of the European Union, it shall be required its activity to have real relation to the economy of the State.

Application of International Treaties

Art. 102. (1) (amend. and suppl. - SG 28/00, in force from 05.05.2000; prev. text of Art. 102 – SG 77/02, in force from 01.01.2003; amend. and suppl. – 25/11, in force from 25.03.2011) The rights of foreign performers, producers of phonograms, radio and television organisations and film producers other than those referred to in Art. 100, para 2 and 3 and Art. 101, shall be protected in compliance with the treaties in the field of the rights related to copyright to which the Republic of Bulgaria is a party. The duration of protection in such cases shall not last beyond the duration of protection provided in the country of nationality of the right holder, and shall not exceed the time limits referred to in Art. 82, 89, 90b and 92.

(2) (new – SG 77/02, in force from 01.01.2003; suppl. - SG 99/05) (*) The foreign makers of databases, except those referred to in Art. 101a, shall be protected in compliance with the international treaties to which the Republic of Bulgaria is a party.

Additional provisions

§ 1. (1) The owner of copyright as well as a person who has been granted the exclusive right to use a work protected by this Law may place the Latin letter "C" surrounded by a circle in front of their names or firms and the year of making the work available to the public at a suitable place on the copies of the work.

(2) The producer of a phonogram as well as a person who has been granted the exclusive right to reproduce a phonogram protected by this Law, may place the Latin letter "P" surrounded by a circle in front of their names or firms and the year of the first publication at a suitable place on the copies of the phonogram and their packing.

§ 1a. (new - SG 28/00, in force from 05.05.2000) (1) Prohibited shall be the acquisition, seizure and keeping with commercial purpose, durable material carriers containing subject matter protected by the Law, which have been reproduced in violation of the Law.

(2) The durable material carriers under para 1 shall be seized in favour of the State by an act of the administrative punitive body or the court and shall be provided for destruction to the bodies of the Ministry of Interior.

(3) (new – 99/05, in force from 10.01.2006; amend. - SG 25/11, in force from 25.03.2011) Destruction of the subject matter of the violation referred to in Art. 97, para 1, items 8 and 9 shall be also its deletion from the electronic carrier on which it has been reproduced.

§ 2. In the sense of this Law:

1. "making a work available to the public" means the bringing of the publication with the consent of its author to the attention of unlimited number of persons for the first time regardless of the form or manner in which this may be done;

2. (amend. - SG 25/11, in force from 25.03.2011) "publishing a work" means bringing of a work to the attention of unlimited number of persons by reproduction and distribution of its copies, including in the form of phonograms or recordings of films or other audio-visual works, in sufficient quantities depending on the nature of the work;

3. (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 77/02, in force from 01.01.2003) "reproduction of a work" means the direct or indirect multiplication in one or more copies of the work or part of it by any means and in any form, permanent or temporary, including its saving in digital form on electronic carrier;

4. (amend. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006) "distribution of a work" means the sale, exchange, donation, rental, as well as storage in commercial quantities and also the proposal for sale or rental of originals and copies of the work;

5. (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006) "wireless broadcasting of a work" is its broadcasting by radio or television via a ground way, as well as introducing, under the control and responsibility of the broadcasting organization, the programme-carrying signals intended for reception either directly and individually by the public or through the mediation of an organisation different from the broadcasting one, into an uninterrupted

chain of communication leading to the satellite and down towards the earth;

6. (amend. - SG 28/00, in force from 05.05.2000; suppl. - SG 77/02, in force from 01.01.2003; amend. - SG 99/05, in force from 10.01.2006; amend. - SG 25/11, in force from 25.03.2011) "users of a work" means the natural and legal persons such as publishers, theatres, organisers of concerts, radio or television organisations, undertakings, carrying out public electronic communication services over electronic communication networks for transmission of Bulgarian or foreign radio and television programmes, public catering and entertainment establishments, film producers, Internet content providers, manufacturers of video recordings and others that bring the work to the attention of readers, viewers and listeners directly or through distributors;

7. (amend. - SG 25/11, in force from 25.03.2011) "audio recording" means fixing on a durable material carrier of a sequence of sounds in a manner to make them available for listening, reproduction, wireless broadcasting, by cable or other technical means;

8. "phonogram" shall be the product of audio recording;

9. (amend. - SG 25/11, in force from 25.03.2011) "architectural works" means projects of buildings and facilities, spatial plans and schemes, approved under the effective legislation, buildings and other facilities and their elements, durable objects of the synthesis of architecture with the rest of the arts, as well as durable interior decorations registered by the organisation referred to in Art. 40.

9a. (new - SG 25/11, in force from 25.03.2011) "adaptation of an architectural project" means its adjustment or use for creation of a new project and introduction of any type of changes;

9b. (new - SG 25/11, in force from 25.03.2011) "adaptation of an architectural work" means its outbuilding, superstruction, reconstruction or change of purpose;

10. (new - SG 10/98; amend. - SG 28/00, in force from 05.05.2000) "decrypting device" means every device, set, mechanism or decrypting card, constructed or specially adjusted to allow individual or in combination between them, access to encrypted signal in its form before the encryption.

11. (new - SG 28/00, in force from 05.05.2000) "encrypted signal" is every radio and television signal, transmitted, broadcasted, retransmitted and rebroadcasted through any technical devices whatsoever, which characteristics have been deliberately changed with the purpose of restricting the access to it only for a certain auditorium;

12. (new – SG 28/00, in force from 05.05.2000; revoked – SG 99/05, in force from 10.01.2006)

13. (new – SG 77/02, in force from 01.01.2003) "database" means a collection of independent works, data or other materials, arranged systematically or methodically and individually accessible in electronic or other way; the computer programme, used for the creation or the functioning of databases, the recordings of separate audio–visual, literary or musical work, as well as the collection of phonograms with musical performances on a compact disc shall not be database in the sense of this law;

14. (new – SG 77/02, in force from 01.01.2003) "technological measures of protection" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the owner of any any right protected by law where the use of a subject-matter is controlled by the owner of the right through encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism.

15. (new – SG 99/05, in force from 10.01.2006) "rental of subject matter of protection" means making available for use, for a limited period of time and for direct or indirect economic or commercial advantage.

16. (new – SG 99/05, in force from 10.01.2006) "lending of subject matter of protection" means making available for use, for a limited period of time and not for direct or indirect economic or commercial advantage, when it is made through establishments which are accessible to the public; Shall not be considered as lending in the sense of this law:

a) making available of works or other subject matter of rights under this law, if they do not leave the premises of the lending establishment or between separate publicly accessible establishments;

b) (amend. - SG 25/11, in force from 25.03.2011) making available of phonograms or film copies for the purposes of their lawful use;

c) making available of fine art and photograph works for public exhibition;

17. (new – SG 99/05, in force from 10.01.2006) "professional protection associations of the owners of rights" are non-governmental organizations which members include entirely or mostly owners of copyright or related rights and which, according to their statutes, are authorized by their members to protect their rights against infringement, as well as the legal persons, representing international organization of such nature in the country;

18. (new - SG 25/11, in force from 25.03.2011) "adaptation of work" means its modification for the purpose of creation of a new derivative work, including its adaptation to another genre or introduction of any changes to it;

19. (new - SG 25/11, in force from 25.03.2011) "third countries" means countries, which are not Member States of the European Union, or not contracting parties to the Agreement on the European Economic Area;

20. (new - SG 25/11, in force from 25.03.2011) "information carriers" means independent carriers primarily intended to store subject-matter of author's right or related rights and consequently enabling, with the aid of appropriate technical means, such subject-matter to be aurally or visually perceived.

§ 3. (amend. - SG 28/00, in force from 05.05.2000; amend. - SG 99/05, in force from 10.01.2006; amend. - SG 25/11, in force from 25.03.2011) The definitions in § 2 shall also apply to the subject matter under Art. 72 and Chapter eleven "a".

§ 4. (1) Each copy of a work of fine art signed personally by its author shall be considered an original. The number of originals shall be determined by the author and shall be announced in a suitable manner when the work is made available to the public for the first time, and shall not be subject to subsequent change. Each copy shall carry consecutive number.

(2) (revoked – SG 99/05, in force from 10.01.2006)

§ 5. (1) (suppl. - SG 25/11, in force fro 25.03.2011) The amount of compensation due to the owners of copyright and related rights for the use of works, performances, phonograms, film or other audio-visual recordings and radio and television programmes shall be negotiated in a contract between the owners of the rights and the users.

(2) (suppl. - SG 25/11, in force fro 25.03.2011) Whenever use is negotiated through an organisation of collective administration of rights, the amount of compensation shall be determined in a contract between that organisation and the users or their associations as set out in Art. 40f.

§ 5a. (new – 77/02, in force from 01.01.2003; revoked – SG 74/05, in force from 14.10.2005)

§ 5b. (new – SG 99/05) (*) The provisions of this Law referring to the Member States of the European Union shall be applied also to the other states from the European Economic Area.

§ 5c. (new – 99/05, in force from 10.01.2006) (1) (suppl. - SG 73/06, in force from 06.10.2006) The Ministry of Culture together with the Ministry of Interior, the Ministry of Justice, the Customs Agency, the Patent Department and other departments determined by the Council of Ministers shall establish and maintain National System for Exchange of Information in the Field of Copyright and Related Rights and the Industrial Property which shall ensure the implementation of interaction and exchange of data related to the protection of rights in works, subject matter under Art. 72 and subject matter of industrial property.

(2) The administration, control and use of the system referred to in para 1 shall be implemented by order determined by the Council of Ministers.

(3) The resources for introduction, exploitation and development of the system shall be provided by the budgets of the departments referred to in para 1.

Transitional and concluding provisions

§ 6. (1) (amend. - SG 28/00, in force from 05.05.2006) This Law shall also apply to works, performances, phonograms, radio and television programmes made or performed prior to the entry into force of this Law unless the respective protection periods have expired.

(2) Copyrights acquired prior to the entry into force of this Law shall remain in force.

§ 7. The authors of literary texts which have been used without their consent in musical works pursuant to Art. 7 "b" of the Copyright Law of 1951, may not prohibit the further use of the musical work together with the text if it has already been made available to the public together with it.

§ 8. (1) The activity of the Copyright Agency shall be terminated.

(2) (amend. - SG 28/00, in force from 05.05.2000) The property of the Copyright Agency shall be transferred to the Ministry of Culture.

(3) The Council of Ministers shall determine the terms and procedures for distribution of the property of the Agency among the organisations under Art. 40 of this Law.

§ 9. This Law shall hereby revoke:

1. The Copyright Law (prom. - Izvestia 92/51; corr. - Izvestia 10/52; amend. and suppl. - Izvestia 55/56; amend. - SG 35/72 and 30/90).

2. Art. 270 through 278 of the Law of Obligations and Contracts (prom. - SG 275/50; corr. - SG 02/51; amend. - SG 69/51, 92/52; SG 85/63, 27/73, 16/77, 28/88, 30/90 and 12/93).

§ 10. This Law shall enter into force from August 1, 1993.

§ 11. The implementation of this Law shall be assigned to the Council of Ministers.

Transitional and concluding provisions

TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE

COPYRIGHT AND RELATED RIGHTS (SG 28/00)

(PROM. - SG 28/00, IN FORCE FROM 05.05.2000; AMEND. - SG107/00; SUPPL. - SG 99/05, IN FORCE FROM 10.01.2006)

§ 51. (1) This law shall also apply to the works and subject matter under Art. 72, created or realized before its enactment if the terms of protection stipulated by it have not expired.

(2) The owners of rights may not lay claims on occasion of uses carried out at a time when the term of protection of these rights had expired in the context of the law active at that time.

(3) (new - SG 107/00) Owners of copyright in films and other audio-visual works created before the enactment of the LAW ON THE COPYRIGHT AND RELATED RIGHTS shall be the persons under Art. 62, para 2.

(4) (new - SG 107/00) The persons, owners of copyright in films, pursuant to Art. 16, para 1 of the revoked Copyright Law of 1951, shall exercise only the rights under Chapter Ten "a".

(5) (new - SG 107/00; suppl. - SG 99/05, in force from 10.01.2006) The producer's rights referred to in Chapter Ten "a" of the persons under para 4 in the films produced by State Enterprise (Chief Directorate, State Association, Creative Economic Association) "Bulgarian Cinematography", " Film Studios "Boyana", Studio for Cartoons "Sofia" and Studio for Scientific Popular Films "Vreme" shall be transferred to the National Film Centre.

(6) (new - SG 107/00) The persons, owners of rights of producers in films according to para 4 and 5, may use these films without a contract with the respective owners of copyright by July 1, 2001, owing them compensation for every use, in amount determined and payable by agreement, through the respective organisation for collective administration of copyrights.

§ 52. Revoked shall be § 4 of the Concluding Provisions of the Law for Amendment and Supplementation of the LAW ON THE COPYRIGHT AND RELATED RIGHTS (SG, No 10 of 1998).

§ 53. Everywhere in the Law the words "the Ministry responsible for the culture" shall be replaced by "the Ministry of Culture".

§ 54. (1) This Law shall enter into force one month after its promulgation in the State Gazette, with exception of § 8 which shall enter into force from 01.01. 2001.

(2) The Council of Ministers shall adopt the Ordinance referred to in §8 within six months from the enactment of the Law and shall apply from 1 January 2001.

Transitional and concluding provisions TO THE LAW ON THE PRIVATE BAILIFFS (SG 77/02)

(PROM. - SG 43/05)

§ 23. This Law shall enter into force from 1 September 2005.

Transitional and concluding provisions TO THE LAW OF THE ADMINISTRATIVE REGULATION OF THE PRODUCTION AND TRADE WITH OPTIC DISCS, MATRIXES AND OTHER CARRIERS CONTAINING

SUBJECTS OF COPPYRIGHT AND THE RELATED TO IT RIGHTS

(PROM. - SG 74/05)

§ 8. This law shall enter into force one month from its promulgation in the State Gazette, except Section III of Chapter Two and Section II of Chapter Three, which shall enter into force from the 1st of January 2006.

**Transitional and concluding provisions
TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE
COPYRIGHT AND RELATED RIGHTS**

(PROM. - SG 99/05, IN FORCE FROM 10.01.2006)

§ 56. Everywhere in the Law the words "Ministry of Culture and Tourism" shall be replaced by "Ministry of Culture".

§ 57. (1) The provisions of § 1 about Art. 6 and of § 21 about Art. 72b shall be applied also to the works and subject matter referred to in Art. 72, created or realized before this Law enters into force.

(2) The provisions of § 4 about Art. 20 and of § 5 about Art. 20a shall be applied for sales taken place after entering into force of this Law.

§ 58. (1) Sale or other transaction implemented on the territory of a Member State of the European Union outside the Republic of Bulgaria before § 3, item 1 enters into force shall terminate the right of distribution referred to in Art. 18a, para 1.

(2) Claims based on the provisions of § 37, about Art. 94a, and of § 38, about Art. 95, may be submitted if the verbal contests at the first instance have not finished before this law enters into force.

(3) The provisions about the evidence and the conditions for their admission under Art. 95c and 95d shall be applied also to facts which have taken place before entering into force of this law.

§ 59. The administrative and the administrative punitive proceedings initiated before entering into force of this Law shall be finished according to the previous order.

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§ 62. This Law shall enter into force on month after its promulgation in the State Gazette except:

- 1. § 12 which shall enter into force 6 months the promulgation of the Law in the State Gazette;
- 2. § 3, item 1, § 34, § 46, § 47 – regarding Art. 99a, para 2, § 48 – and § 54, item 4 which shall enter into force from the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

**Transitional and concluding provisions
TO THE TAX-INSURANCE PROCEDURE CODE**

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. This Code shall enter into force from the 1 January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter into force from the day of promulgation of the code in the State Gazette.

**Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. This Code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

**Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE
MARKS AND THE GEOGRAPHIC NAMES**

(PROM. - SG 73/06, IN FORCE FROM 06.10.2006)

§ 28. This Law shall enter into force one month after its promulgation in the State Gazette except § 7, § 12, § 21 and § 26 which shall enter into force from the date of the accession of the Republic of Bulgaria to the European Union, and § 17 which shall enter into force from 13 July 2006.

**Transitional and concluding provisions
TO THE CIVIL PROCEDURE CODE**

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven “Special rules related to proceedings on civil cases subject to application of Community legislation”

2. paragraph 2, par. 4;

3. paragraph 3 related to revoking of Chapter Thirty Two “a” “Special rules for recognition and admission of fulfillment of decisions of foreign courts and of other foreign bodies” with Art. 307a –

307e and Part Seven “Proceedings for returning a child or exercising the right of personal relations” with Art. 502 – 507;

4. paragraph 4, par. 2;

5. paragraph 24;

6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTING OF THE TAX-INSURANCE
PROCEDURE CODE

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. - SG 32/09)

§ 68. (suppl. - SG 32/09) This Law shall enter into force from 1 May 2009 except § 65, 66 and 67, which shall enter into force from the date of promulgation of the Law in the State Gazette and § 2 - 10, § 12, Items 1 and 2 - regarding Para 10 and 11, Item 8, Letter "a", Items 9 and 12 and § 53 - 64, which shall enter into force from 1 January 2010.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE
AUTHOR'S RIGHTS AND RELATED RIGHTS

(PROM. - SG 25/11, IN FORCE FROM 25.03.2011)

§ 42. (1) Organisations for collective administration of author's rights or rights related thereto, which before entry into force of this Law have been registered with the Ministry of Culture as set out in Art. 40 and within the period following 1 January 2005 have collected, allocated and paid remunerations to right holders, shall submit an application for new registration as set out in Art. 40b, Para 2 within three months from entry into force of this Law. With the application shall be enclosed the documents referred to in Art. 40b, Para 2, Items 2 - 11 and in Art. 40e, Para 1, Items 1, 3, 4 and 5.

(2) The organisations referred to in Para 1 shall continue their activity until the issue of a certificate for registration or refusal of registration. Organisations registered as set out in Art. 40 for collection of compensatory remunerations as set out in Art. 26, shall submit an application for registration together with the documents referred to in Para 1, second sentence, within the time limit referred to in Para 1 without discontinuing their activity.

(3) Organisations for collective administration of author's rights or rights related thereto, which before entry into force of this Law have been registered with the Ministry of Culture as set out in Art. 40 and do not meet the requirements of Para 1, first sentence, shall discontinue their activity of collective administration of author's and related rights from the date of entry into force of this Law. In such cases Art. 40c, Para 4 shall apply respectively.

§ 43. Organisations for collective administration of rights registered as set out in § 42 shall submit for approval by the Minister of Culture a proposal for the amounts of the remunerations collected by them under Art. 40f within two months from receiving the certificate for registration.

§ 44. Within one month from entry into force of this Law the Minister of Culture shall establish

the register referred to in Art. 40d.

§ 45. The remunerations agreed upon between the organisations for collective administration of rights and users before approval of the amounts of the remunerations as set out in Art. 40f may not be disputed only on the grounds of not being based on remuneration amounts approved under the procedure set in this Law.

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§ 48. This Law shall enter into force from the day of its promulgation in the State Gazette.