[BG] Changes in the Area of Copyright in Relation to the EU Membership of Bulgaria

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In the end of 2005, the Copyright and Neighbouring Rights Act has been amended in order to bring it in line with the respective EC legislation. The amendments will enter into force on the day of the accession of the Republic of Bulgaria to the EU (1 January 2007). The amendments cover the following main areas:

1. Exhaustion of the right of distribution of the audio-visual work:

The first sale or other transfer of ownership in respect of the original or copies of the audiovisual work made by the copyright holder in the territory of a Member State of the EU, shall lead to an exhaustion of the right of distribution of the audiovisual work, except for the right to sub-lease the right of distribution (Art. 18a, para. 1 of the Copyright and Neighbouring Rights Act).

2. Applicability of the Act:

a) The Act applies to works created by citizens of a Member State of the EU or persons who have their permanent address in the EU irrespective of the country where the works have been published for the first time (Art. 99, para. 1 of the Copyright and Neighbouring Rights Act).

b) The Act applies to the broadcasting of audiovisual works via satellite where the signal to the satellite is transmitted:

1. from the territory of the Republic of Bulgaria;

2. from the territory of a state, which is not a member of the EU, where the level of protection of the right is lower in comparison with the level of the Act if:

- the satellite uplink starts from a station located in the territory of the Republic of Bulgaria, or

- the satellite uplink starts from a station located in the territory of a Member State of the EU, but the broadcasting has been ordered by an organisation having its seat in the territory of the Republic of Bulgaria (Art. 99b of the Copyright and Neighbouring Rights Act).

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c) The Act applies to works of foreign performing artists who are citizens of a Member State of the EU or having their permanent residence in such country irrespective of the place of the performance (Art. 100, para 3 of the Copyright and Neighbouring Rights Act).

d) The Act applies to records, films and other audiovisual works, radio and television programmes of: (i) individuals who are citizens of the Republic of Bulgaria or having their permanent residence in Bulgaria; (ii) individuals who are citizens of a Member State of the EU or having their permanent address in such a country; (iii) legal entities having their registered seat in the Republic of Bulgaria or in a Member State of the EU irrespective of the place where the works are performed. The Act also applies to records performed for the first time by foreign persons in the Republic of Bulgaria or another Member State of the EU (Art. 101 of the Copyright and Neighbouring Rights Act).

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Copyright and Neighbouring Rights Act

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