[BG] Bulgarian Copyright and its Specifics

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The current Copyright and Related Rights Act (Закон за авторското право и сродните му права - ЗАПСП) in Bulgaria came in force in 1993. Up to now it has been amended more than ten times with the purpose to harmonise it with the recent European and international acts in the field of copyright protection. It has been many times evaluated by international experts who state that, although there are some problems with the implementation of the law in Bulgaria, the ЗАПСП is a modern European act.

However, the Bulgarian Copyright Act has some specifics which distinguish it from the most European copyright acts. One of them is related to the term of the protection of the rights on cinematographic or audiovisual works.

According to Art. 29 ЗАПСП the exclusive copyright on cinematographic or audiovisual works continues 70 years after the death of the last survivor among the principal director, the script-writer, the operator, the author of the dialogue and the composer of the music, if it has been composed especially to be used in the work. This 70-years-term starts on 1 January after the death of the last one from the above mentioned persons.

Art. 29 ЗАПСП is not fully compliant to Art. 2 of Directive 93/98/EEC, which states that the term of the protection of cinematographic or audiovisual works shall expire 70 years after the death of the last of the following persons, whether or not these persons are designated as co-authors: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created to be used in the cinematographic or audiovisual work.

The operator is not among the persons mentioned in Art. 2 of the Directive. While the provision of the Directive leaves free the national legislator to decide who shall be the co-authors of the cinematographic or audiovisual work, it is not the same in connection with the rules about the term of protection. The introduction of the operator in the group of persons whose death defines the beginning of the 70-years-term of the copyright protection on the work changes the general rule. In some cases it lets the term of the protection of such works to last longer in Bulgaria than in the other member states of EU.

This effect contradicts the main idea of the European legislator who states in the second recital of the Directive 93/98/EEC that the differences between the

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national laws governing the terms of the protection of copyright and related rights are liable to impede the free movement of goods and the freedom to provide services, and to distort competition in the common market. Despite of this and the many amendments of the Bulgarian ЗАПСП from 1993 up to now Art. 29 has been never offered for change.

ЗАКОН ЗА АВТОРСКОТО ПРАВО И СРОДНИТЕ МУ ПРАВАВ сила от 01.08.1993 г.Отразена деноминацията от 05.07.1999 г.Обн. ДВ. бр.56 от 29 Юни 1993г., изм. ДВ. бр.63 от 5 Август 1994г., изм. ДВ. бр.10 от 27 Януари 1998г., изм. ДВ. бр.28 от 4 Април 2000г., доп. ДВ. бр.107 от 28 Декември 2000г., изм. ДВ. бр.77 от 9 Август 2002г., изм. ДВ. бр.28 от 1 Април 2005г., изм. ДВ. бр.43 от 20 Май 2005г., изм. ДВ. бр.74 от 13 Септември 2005г., изм. ДВ. бр.99 от 9 Декември 2005г., изм. ДВ. бр.105 от 29 Декември 2005г., изм. ДВ. бр.29 от 7 Април 2006г., изм. ДВ. бр.30 от 11 Април 2006г., изм. ДВ. бр.73 от 5 Септември 2006г., изм. ДВ. бр.59 от 20 Юли 2007г., изм. ДВ. бр.12 от 13 Февруари 2009г., изм. ДВ. бр.32 от 28 Април 2009г.

http://lex.bg/laws/ldoc/2133094401

Copyright and Related Rights Act (version of 28 April 2009)

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