[BG] The Cable Retransmission of Films

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Ofelia Kirkorian-Tsonkova
Sofia University "St. Kliment Ohridski"

The cable retransmission of films and other audiovisual works is regulated by Article 21 of the *Закон за авторското право и сродните му права* (Copyright and related rights Act dated 1 August 1993 (CA)). According to Article 21 para. 2 CA, the authorisation for cable retransmission can be granted only by a collecting society. The cable operator that retransmits shall pay a separate compensation to all rightsholders and these payments can be collected only by a collecting society (Article 21 para. 3 CA).

Article 21 para. 5 CA provides an exception to the above rules. It says that if the copyright holders and the holders of related rights have granted the right of cable retransmission of their works to a broadcaster, the latter can grant this right to a cable operator by agreement on the cable retransmission of the TV programme. I.e., if a film is included in the TV programming of a broadcaster and the right for cable retransmission is also granted by the producer to the same broadcaster it is not necessary to make an agreement between the cable operator and FILMAUTOR, which is the collecting society for the holders of copyright and related rights in films and other audiovisual works.

At the same time the cable operator has to pay compensation to the rights holders via FILMAUTOR, which very often has not been informed that it has to collect such payments, as there is no contract between FILMAUTOR and the cable operator. According to Article 64 CA the film producer is obliged to inform the rightsholders within one month that he has granted the cable retransmission right to a broadcaster. In return, the rightsholders have to inform FILMAUTOR, and the latter must collect the fees from the cable operator. Practice shows that cable operators in Bulgaria very rarely pay compensation to the collecting society, stating that they never undertook such commitments. The rightsholders claim their compensation from FILMAUTOR as it is established in the law that they have to collect their money via the respective collecting society, but FILMAUTOR does not even know that the cable retransmission right has been granted.

FILMAUTOR is dissatisfied with this situation. During the Conference "The profession of the Producer", organised by FILMAUTOR and the National Film Centre on 7 October 2009, it argued in support of an amendment to Article 21 CA, which would leave only one opportunity for the authorisation for cable retransmission: by the respective collecting society. In this way FILMAUTOR would be better informed about the work of the cable operators and the film producers

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would not be forced by the broadcasters to grant their consent for cable retransmission of films without compensation.

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