[BG] Draft Amendments to the Copyright Act in Bulgaria

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On 26 May 2010 the Council of Ministers generally approved the amendments to the *Закон за авторското право и сродните му права* (Copyright and Related Rights Act - ЗАПСП) proposed by the Ministry of Culture. The draft includes some basic changes concerning the status of collecting societies.

This is the second attempt by the Government to improve the regulation on the activities of the collective management societies in Bulgaria. The previous attempt was made one year ago but could not finish with completed a draft because the different parties that participated in the consultations did not come to an agreement.

The recent draft was prepared with the participation of the representatives of the existing collective management societies in Bulgaria and the *Асоциация на българските радио и телевизионни оператори* (Association of Bulgarian Broadcasters - ABBR/ОАБРО). Its main purpose is to settle conflicts between collecting societies and broadcasters, which are the general category users of protected works but very often refuse to pay the remuneration due. Their representative organisation ABBRO states that the broadcasters would like to know how their money is spent by the societies and mostly what are the arguments of the societies regarding the recent amount of their fees. During the last months this dispute was very tense especially between ABBRO and PROPHON (ПРОФОН), which is the general collecting society for the neighbouring rights of phonogram producers and performing artists.

In order to make the collecting societies more transparent, the new draft provides a new procedure for the registration of such organisations and an administrative supervision on their activity by the Ministry of Culture. The hot point for the societies in this draft is the rule for preliminary confirmation of their tariffs by the Minister of Culture after consultation with the representative organisation of the relevant users who have obligations under the tariff. In case the consultation does not come to an agreement the tariff shall be confirmed after the decision of a committee that includes representatives of the Ministries of Finance, of Economy, Energy and Tourism and of Culture. Any amendment to the tariff shall be confirmed in the same way.

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Another very important amendment provided by the recent draft concerns the rules for collecting the compensation for reproductions of protected works for personal use. The obligation of producers and importers of blank discs and recording machines exists according to the Copyright Act of 1993, but according to the societies and the Ministry of Culture up to now no monies have been paid. The new rules have to make more transparent the tariffs for this type of compensation and the new initiative is that they shall be confirmed by the Ministry of Culture in the same way as the tariffs for other kinds of use of protected works. Several sanctions are provided for persons with obligations under the tariff who fail to pay the due amounts or do not provide the required information necessary for the correct determination of the due amount.

After approval by the Government the amendments to the Copyright Act should be filed with the Parliament within the next few days. Since the collecting societies disagree with most of the new rules the discussion on the subject in the Parliament will probably be tense.

Проекти на нормативни документи

http://mc.government.bg/page.php?p=141&s=397&sp=0&t=0&z=0

Amendments and relevant documents

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