[BG] Proofs for Granted Copyrights and Related Rights

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On 24 August 2010 the six months term expired, before which, according to Article 125 of the Закон за радиото и телевизията (Radio and Television Act - ZPT), all enterprises that transmit radio or TV programmes in their electronic webs have to submit to the Council for Electronic Media a list of all radio and TV programmes that have been transmitted and the documents proving the granting of all copyrights and related rights on each programme and on all elements of the programme.

This obligation is in force since 2001 but in 2009 for the first time the Bulgarian legislator established some sanctions for those who do not fulfil it according to Article 126a, paragraph 5 ZPT. The sanctions are financial and vary from EUR 1,500 to 3,500 for not submitting any information within the set term or for presenting incorrect or insufficient information. In case of illegal transmission of radio or TV programmes without the consent of the holders of copyrights or related rights on the programme, on the cinematographic or audiovisual works or on the music, which are used in the programme, the sanctions are between EUR 3,500 and 15,000.

In February 2010 when the previous 6 months term finished, the examination of the submitted documents in the Council for Electronic Media showed that less than half of all 526 enterprises, that have declared to the Committee for the Regulation of Communications that they would transmit programmes in their webs, have presented any information under Article 125v ZPT. The Council punished few of those that did not submit any information. The enterprises appealed and now most of the cases are pending before the court. On most of the cases the Council decided that those are of minor importance and only reminded the enterprises of their obligations to settle copyrights and related rights with the rightholders and to submit the required documents under Article 125 ZPT. The councillors hoped that this policy is strong enough to make the enterprises follow the law.

The documents submitted up to 24 August 2010 are still not checked. However, some of the Bulgarian collective management societies state that they have already received many requests from enterprises that transmit radio or TV programmes for signing contracts to grant copyrights and related rights.

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