[BG] Amendments to the Copyright and Related Rights Act

IRIS 2011-5:1/9

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

On 25 March 2011 amendments to the *Закон за авторското право и сродните му права* (Bulgarian Copyright and Related Rights Act - ЗАПСП) entered into force. These are the result of long and heated discussions between the author of the bill, the Ministry of culture through the Council of Ministers, on the one side, the Members of Parliament on another side and representatives of users and rightholders on the third side (see IRIS 2010-10/15).

In general, the amendments concern many different topics but those presented as being the most important were a new system of remuneration for private copying and a new status for collecting societies.

After some hesitation the MPs decided that the right of natural persons to make a copy of a protected work without the explicit consent of the rightsholder but against payment of levies shall be reserved. However, the circle of persons obliged to pay such levies was significantly reduced. At first, the new Act does not provide for any obligation to pay levies on persons/organisations that produce or import recording equipment and devices. According to the new version of Art. 26 of the Act, such levies shall be paid only by persons/organisations that produce or import from third countries blank CDs, DVDs and other media predominantly used for the recording of works protected by copyright. Secondly, the amount of the due remuneration is reduced from 5 percent of the manufacturing costs to an amount between 1-1.5 percent of the delivery price according to the accounting standards. Additionally, the Law provides that the list of media that shall be paid for and the exact amount of the levy shall be determined annually after a special agreement between the organisations collecting the levies and the associations of those persons obliged to pay them.

Another very important part of the amendments are the new rules for the registration of organisations acting as collecting societies. The new procedure is much more detailed than before and provides for a quasi-monopoly in the administration of one type of copyright or related right. According to Art. 40b, paragraph 4 the Minister shall grant a registration to an applicant to become a collecting society for a certain type of right, which another organisation is already registered for, only if the applicant presents an agreement with the first registered organisation. On the basis of this agreement the later organisation has to authorise the first one to collect the remuneration in its name and in

© European Audiovisual Observatory (Council of Europe) 2026

compliance with the tariff of the first one. In fact, according to the new rules only the organisation registered first as a collecting society for the respective type of right will have the right to negotiate with the users on the amount of the remuneration. All the others shall follow its tariff and have to grant to the users the right to use their catalogue in accordance with the price fixed by the first registered organisation. Organisations that have already been registered under the old law shall submit to the Ministry of Culture a request for new registration within three months from the date of the new law entering into force. They have the right to continue their work until a final decision is taken by the Minister.

ЗАКОН за изменение и допълнение на Закона заавторското право и сродните му права (обн.,ДВ, бр. 56 от 1993 г.; изм., бр. 63 от 1994 г.,бр. 10 от 1998 г., бр. 28 и 107 от 2000 г., бр. 77от 2002 г., бр. 28, 43, 74, 99 и 105 от 2005 г.,бр. 29, 30 и 73 от 2006 г., бр. 59 от 2007 г. ибр. 12 и 32 от 2009 г.)

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

Law on the Amendments to the Copyright and Related Rights Act, State Gazette issue 25 of 25 March 2011

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026