[BG] Umbrella Agreement between Broadcasters and Holders of Neighbouring Rights

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On 27 April 2011 the first umbrella agreement between the Association of Bulgarian Broadcasting Operators (ABBRO) and the collecting society of the phonogram producers, music video producers and music performers, PROPHON, was signed. It is a result of two-year negotiations during which significant numbers of the broadcasters did not pay the due remuneration for broadcasting phonograms and music videos in their programmes.

The agreement covers only the use of the PROPHON repertoire by radio broadcasters during 2009 and 2010, but it is a very symbolic act. It is expected that further negotiations are to be started in order to conclude such an agreement on the use of the PROPHON repertoire in television programmes for the same period and an agreement about the tariff of the society on grounds of the latest amendments to the Закон за авторското право и сродните му права (Bulgarian Copyright and Neighbouring Rights Act) of 25 March 2011 (see IRIS 2011-5/9).

According to the new Art. 40e of the Act the amounts of the remuneration due for the use of protected works shall be preliminarily discussed with the representative organisations of users if it is practically possible. In case the organisations do not manage to sign an agreement within three months the Minister of Culture shall appoint a special commission in which representatives of both parties and three experts nominated by both of them participate. If the parties cannot reach consent on the three experts, the Minister of Culture shall choose them from a list of mediators. The commission shall prepare a statement on the tariff filed by the collecting society within one month and based on this the Minister of Culture confirms or refuses to confirm the suggested tariff.

The earlier communication between ABBRO and PROPHON was not that friendly and the expectations towards such an agreement were not very optimistic. That is why the agreement of 27 April was interpreted by both parties and the institutions as a very important sign for starting a new period of bilateral relations. It renewed the hope that Bulgarian broadcasters would now follow the law and in addition disseminate their programmes with agreed neighbouring rights.

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