[BG] Developments concerning the Retransmission of TV Programmes

IRIS 2011-8:1/15

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

On 24 August 2011 the relevant period under Art. 125v of the Radio and Television Act expired. This period concerns the submitting of evidence for the settlement of copyrights and neighbouring rights in transmitted TV programmes and the protected works included in these to the Council for Electronic Media (CEM) by the cable and satellite operators.

This requirement of the law has existed since 2009, but its strict fulfillment has been postponed by the CEM several times with different reasoning. In February 2011 the CEM was informed by the Bulgarian Association of Cable Communication Operators (BACCO) about starting negotiations with the two biggest organisations for the collective management of copyrights and neighbouring rights in music works MUSICAUTOR and PROPHON, and the authority decided that the operators will not be punished for not submitting proofs for agreements with the collecting societies (see IRIS 2011-4/13).

Six months later the situation is not much different. Despite the agreement on signing two umbrella agreements between BACCO and the two societies at the beginning of August, this will not happen because none of them has completed the procedure for re-registration under the Transitional Provisions of the Copyright and Neighbouring Rights Act of 25 March 2011 (see IRIS 2011-5/9). For this reason BACCO states that there is not sufficient guarantee for the case that - after signing the agreements - the societies get refusals for re-registration by the Ministry of Culture or are re-registered as a second society for the relevant category of rights, which is not entitled by the law to sign contracts with the users, but only with the first registered society for the same category of rights.

The main reason for the delay in the re-registration of the societies was the late preparation of the Tariff of the Ministry of Culture determining the amount of fees that the societies shall pay for the re-registration. It was published in the State gazette issue 58 of 29 July 2011 and entered into force immediately. Although MUSICAUTOR and PROPHON have paid the fees due the Ministry of Culture is still examining their applications and there is no final decision on them. The same is true for the application of the local society for film rights FILMAUTOR.

© European Audiovisual Observatory (Council of Europe) 2026

Probably the CEM will be asked again by BACCO for a non-enforcement of the provision of Art. 125v of the Radio and Television Act concerning the copyrights and neighbouring rights in the protected works included in the programmes.

The next control period will expire on 24 February 2012.

Закон за радиото и телевизията

Radio and Television Act from 1998, State gazette 138/24 November 1998, last amended by State gazette 28/05 April 2011

Закон за авторското право и сродните му права

Copyright and the Neighbouring Rights Act from 1993, State gazette 56/29 June 1993, last amended by State gazette 25/25 March 2011

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026