[BG] Amendments of Copyright and Related Rights Act

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On 28 February 2014, the Bulgarian parliament approved the amendments to the Copyright and Related Rights Act, which were proposed by the Council of Ministers in August 2013. The final text of the law was published on 8 March 2014 in State Gazette issue 21/2014.

The main purpose of the bill was the transposition of Directive 2011/77/EU amending Directive 2006/116/EC on the term of protection of copyright and certain related rights. During the discussions in the Parliament, many other amendments to the Act were proposed by the collective management societies and the artists which delayed the work of the involved parliamentary experts and resulted in the importation of another bill by a group of MPs. A consolidated version of the two bills was prepared in November 2013 but since there were some other priorities in the legislator's policies at the end of the year, the copyright bill was left behind.

Except the provisions of Directive 2011/77/EU for prolongation of the term of protection of some of the rights of the producers and the performers, the amendments include some new rules regarding the collective management societies.

The new law provides for each organisation that wants to be registered or re-registered as a collective management society for a category of rights, for which an earlier registered or re-registered organisation exists already, to sign an agreement for cooperation with the earlier organisation. The previous version of the law required such agreement only in case of new registration but not in the case of re-registration of such organisations that have been acting as collective management societies before March 2011 when the new registration procedure entered into force (see IRIS 2011-5/9). This gap in the law allowed the re-registration of two organisations dealing with the same category of rights which is contrary to the general purpose of the law amendments from 2011. The new rules of the law also provide for better transparency of the work of the registered or re-registered organisations - they are required to present to the Ministry of Culture detailed information about their members, the foreign collective management societies which are present in the territory of Bulgaria, the category of the rights with which they will deal and the type of rights which are assigned to them by the rightholders.

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Many other proposals for amendments of the Copyright and Related Rights Act were discussed in the Parliament but since no consensus was achieved between the stakeholders most of them were left without voting.

The creative sector is waiting for other amendments of the law in order to solve the problems with the copyrights settlements in connection with the cable transmission and re-transmission, webcasting and simulcasting and mostly the rules for collecting levies for private copies, which have never been paid effectively in Bulgaria.

Закон за изменение и допълнение на Закона за авторското право и сродните му права

http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=83222

Act for Amendments and Additions of the Copyright and Related Rights Act

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