[BG] Draft amendments to the criminal code concerning intellectual property crimes

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On 2 March 2023, the *Проект на Закон за изменение и допълнение на Наказателния кодекс* (draft Act for amendment and supplement to the Criminal Code) was published on the *Портала за обществени консултации* (Public Consultations Portal). The deadline for public discussion (submission of statements by interested parties) was 3 April 2023.

The newly proposed provisions would allow for the prosecution of individuals who create conditions for online piracy. This includes individuals who develop and maintain torrent tracker sites, web platforms, chat groups in applications for online exchange of pirated content, and other similar activities.

The proposed amendments aim to address the difficulties in investigating and detecting criminal infringements against multiple protected objects of copyright or related rights. Currently, each object or tangible medium must be individualised, which complicates investigations and hinders their progress. The new amendments aim to help simplify the process and make it easier to prosecute individuals who engage in online piracy.

It is important to note that the proposed amendments do not target individual users of pirated works. Instead, they focus on those who create the conditions for piracy to occur. The mere fact of developing or maintaining an information system or offering an information society service with criminal intent shall constitute a criminal offence and shall entail criminal liability.

In addition to the proposed amendments to the Criminal Code, changes to the Criminal Procedure Code and the Special Intelligence Means Act are also being proposed. These changes would allow the use of special intelligence means in cases of intellectual property offences under Article 172a and Article 172b of the Criminal Code. The competence of the investigators of the National Investigation Service would also be extended.

The proposed amendments are a response to criticisms directed towards Bulgaria under Section 301 of the US Trade Act. This section focuses on the protection of intellectual property, particularly in the area of online piracy.

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Проект на Закон за изменение и допълнение на Наказателния кодекс

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Draft Act for amendment and supplement to the Criminal Code

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