

LAW ON COPYRIGHT AND NEIGHBORING RIGHTS

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Part One COPYRIGHT

Chapter One GENERAL PROVISIONS

Subject Matter

Article 1. This Law shall regulate the relations connected with creation and distribution of literary, artistic and scientific works.

Arising of Copyright

Article 2. Copyright on literary, artistic and scientific works shall arise for the author upon the creation of the work.

Chapter Two SUBJECT TO COPYRIGHT

Protected Works

Article 3. (1) Subject to copyright is any literary, artistic and scientific work which is a result of creative activities and is expressed in whatever manner and whatever tangible form, such as:

1. literary works, including works of scientific and technical literature, publicism, and computer programs;
2. musical works;
3. stage works - dramatic works, dramatico-musical works, pantomimes, choreographic works etc.;
4. films and other audiovisual works;
5. works of fine arts, including works of applied art, design, and folklore artistic crafts;
6. works of architecture;
7. photographic works, and works created by a process analogous to the photographic;
8. projects, maps, schemes, plans and others related to architecture, territorial lay-out, geography, topography, museum activities, and any other field of science and technics;
9. graphic arrangement of a printed edition.

(2) Subject to copyright shall also be:

1. translations and adaptations of pre-existing works and folklore works;
2. arrangements of musical works and folklore works;

3. periodicals, encyclopaedias, collections, anthologies, bibliographies, data bases, and other works similar to the above, which include two or more works or materials.

(3) Subject to copyright shall also be a part of a work under [paragraphs 1](#) and [2](#), as well as preparatory drawings, plans and other works of the kind.

Exceptions

Article 4. The following shall not be subject to copyright:

1. normative and individual acts of state governing bodies, and the official translations thereof;
2. ideas and concepts;
3. folklore works;
4. news, facts, information and data.

Chapter Three HOLDERS OF COPYRIGHT

Authors and Other Persons Holders of Copyright

Article 5. The author is the natural person who has created the work as a result of his creative activities. Other natural or juridical persons shall be holders of copyright only in the cases explicitly envisaged by this Law.

Presumption for Authorship

Article 6. Unless otherwise provided, the author is presumed to be the person whose name or other identifying sign is indicated on the work in the usual manner.

Copyright on a Work Disclosed under a Pseudonym or Anonymously

Article 7. (1) A work may be disclosed under a pseudonym or anonymously.

(2) Until the identity of the author is revealed copyright shall be exercised by the natural or juridical person, who with the consent of the author has disclosed for the first time the work.

(3) The provision of [paragraph 2](#) shall not apply when the pseudonym leaves no doubts as to the identity of the author.

Coauthors

Article 8. (1) Copyright on a work created by two or more persons shall belong to them together regardless whether the work is indivisible as a whole, or consists of parts which have an existence on their own.

(2) All coauthors shall give their consent for any use of the work, or its adaptation. In case there is no consent between the coauthors the question shall be referred to the court.

(3) After a consent is given for use of the work in a given manner, or there is a decision of the court to that effect, no one of the coauthors shall, without a reasonable ground, object to further use in the same manner.

(4) The remunerations, due to the coauthors for use of the work, shall be divided between them in proportions mutually agreed by them. In case there is no consent between them the

coauthors shall be deemed to be entitled to equal proportions. In cases of dispute the proportions shall be determined by the court according to the contribution of each of the coauthors.

(5) When the work created by coauthors consists of parts which have an independent significance, each of the authors may authorize separate use of his part, unless otherwise agreed by the coauthors, and unless this does not prejudice use of the whole work.

Copyright on Translations and Adaptations

Article 9. Copyright on translations and adaptations belongs to the person who has made them, and this does not prejudice the rights of the author of the original work. This shall not prevent other persons from making their own independent translation or adaptation of the same work.

Copyright on Periodicals

Article 10. Copyright on periodicals shall belong to the natural or juridical person who secures the creation and the publication of the work. Copyright on the separate parts included in such a work, which represent a literary, artistic or scientific work, shall belong to their authors.

Copyright on Collections, Encyclopaedias, Dictionaries, Anthologies, Bibliographies and Data Bases

Article 11. (1) Copyright on collections, encyclopaedias, dictionaries, anthologies, bibliographies, data bases and other works of the kind shall belong to the person who has selected or arranged the works and/or materials included, unless otherwise stipulated in a contract. Copyright on the separate parts, included in such a work, which represent literary, artistic or scientific works, shall belong to their authors.

(2) For including works, or parts of them, in a work of the kind, the consent of the authors is needed, unless otherwise provided by the law.

Copyright on Works of Fine Art and Architecture

Article 12. Copyright on works of fine art and architecture shall belong to the person who has created the work, including in the cases when the ownership on the work belongs to another person.

Copyright on Portraits

Article 13. Copyright on a work of fine art or a photographic work, representing a portrait of another person, shall belong to the author of the work. The author and the person portrayed may agree upon the conditions to use the work.

Copyright on Computer Programs and Data Bases Created under an Employment Contract

Article 14. Copyright on computer programs and data bases created under an employment contract shall belong to the employer, unless otherwise agreed upon.

Chapter Four **CONTENTS OF COPYRIGHT**

Section One **MORAL RIGHTS**

Kinds of Moral Author's Rights

Article 15. (1) The author shall have the right to:

1. decide whether the work created by him shall be disclosed and to determine the time, place and manner in which this shall be done, except for the subjects under [Article 3, paragraph 1, subparagraphs 4, 6 and 8](#), in which case this right shall be stipulated in a contract;

2. demand recognition of his authorship on the work;

3. decide whether his work shall be disclosed under a pseudonym or anonymously;

4. demand that his name, pseudonym or other identifying sign be indicated in the respective manner in connection with each and any use of the work;

5. demand preserving the integrity of the work and to object to any changes in it, or any act which might prejudice his legal interests or his personal dignity;

6. change the work, provided that this does not infringe rights acquired by other persons;

7. access to the original of the work when it is in the possession of another person, and when this is necessary with regard to exercising a moral or property right, provided for by this Law;

8. stop the use of the work because of changes in his convictions, except when the works of architecture have been realized, provided that he has indemnified for losses the persons, who have legally acquired the right to use the work.

(2) The author is not entitled to the right to object to the desire of the owner of an architectural work to destroy it, to reconstruct it, to build an additional storey, or to add to a building, when this is done in accordance with the legal provisions.

Inalienability of the Moral Rights

Article 16. The moral rights under [paragraph 1, subparagraphs 2 and 4](#) of the preceding Article are inalienable. Alienation from other moral rights shall be done only explicitly and in a written form.

Exercise of Moral Rights after the Death of the Author

Article 17. After the death of the author until expiration of the term of protection of copyright the moral rights, except the rights under [Article 15, paragraph 1, subparagraphs 6 and 8](#), shall be exercised by the successors of the author.

Section Two ***ECONOMIC RIGHTS***

Kinds of Economic Author's Rights

Article 18. (1) The author shall have the exclusive right to use the work created by him and to authorize other persons to use his work unless otherwise provided for by this Law.

(2) Use under [paragraph 1](#) shall be considered acts such as:

1. reproduction of the work;

2. distribution to unlimited number of persons of the original or of the copies of the work;

3. public presentation or performance of the work;

4. broadcast of the work in a wireless way;

5. transmission of the work by cable or by other technical means;
 6. public exhibition of the work of fine arts or the work created in a photographic or in analogous to it process;
 7. translation of the work into another language;
 8. adaptation of the work. Use of the work to create a new, derivative to it work shall also be considered an adaptation;
 9. realization of an architectural project by building or making the object, for which it is made.
- (3) The acts pointed out in [paragraph 2, subparagraphs 3 to 8](#) included shall be considered use of the work when done in such a way, as to enable unlimited number of people to perceive the work.
- (4) The first sale or another contract which transfers the ownership on the original of the work, or on a copy of it, made by the holder of copyright himself, or with his authorization, shall terminate the right to distribute them, except the right to authorize their subsequent renting. This provision shall not apply to the right under [Article 20](#).

Right to Remuneration for Any Kind of Use

Article 19. The author shall have the right to receive a remuneration for any kind of use of the work, and for any subsequent use of the same kind.

Right in Cases of Resale

Article 20. (1) In cases of a second and any subsequent sale of the original of a work of painting, sculptural or graphic work done through a commercial agent or at a public auction, the author shall have the right to receive a remuneration amounting to five per cent of the sale price, unless a higher percentage is not agreed upon between them.

(2) The commercial agent or the auctioneer shall be obliged to inform the author within a term of two months from the sale of the work, and to pay him the remuneration due directly or with an organization for collective administration of copyright.

Permitted Transmission by Cable

Article 21. The authorization for wireless broadcasting of the work shall also imply the authorization to broadcast it by cable or other technical means without payment of a separate remuneration provided that the transmission takes place simultaneously with the broadcast, without any changes, and is within the boundaries of the territory for which the right to broadcast has been granted.

Permitted Broadcasting via Telecommunication Satellite

Article 22. The authorization for wireless broadcasting of the work implies also the right to transmit the work by signal to a telecommunication satellite permitting the work to be received through an organization different from the one sending it. This shall be permitted only in case that the author has granted to the receiving organization the right to broadcast the work in a wireless way, to transmit it by cable or other technical means or to communicate it in any other way to the public. In this case the sending organization does not own remuneration.

Chapter Five FREE USE OF WORKS

Permissible Free Use

Article 23. The following shall be permitted without the authorization of the author and without payment a remuneration:

1. use of quotations from works of other persons pointing out the source and the name of the author if it has been indicated. The quotation shall be done following the usual practice, and shall be made to the extent justified for the purpose;

2. use of parts of published works, or of a limited number of small works in other works to the extent necessary for analysis, comments or other kind of scientific study. Such use is permitted only for scientific and educational purposes, indicating the source and the name of the author, provided that the normal use of the work is not affected, and that the legal interests of the authors are not prejudiced;

3. use as current information in periodicals and other mass media of speeches, reports, sermons and the like or parts thereof delivered at public meetings, as well as of pleadings in court procedures;

4. reproduction in a photographic, cinematographic, or another analogous process, as well as by way of sound recording or video recording of works, connected with a current event, so that these works could be used by the mass media to a limited extent, justified for the purposes of the information;

5. reproduction of works permanently exhibited on streets, squares and other public places excluding reproduction by way of mechanical contact, as well as their broadcasting in a wireless way or transmitting by cable or other technical means, when this is done for the purposes of information or other non-commercial purposes;

6. public performance of published works in schools or other places for education when there is no admission fee and no remunerations are paid to the participants in the preparation and realization of the public performance;

7. reproduction in a reprographic or other analogous process of parts of published works or small works, as well as reproduction of parts of films and other audiovisual works or works recorded on sound or video carriers by schools or other educational institutions and the use thereof for educational purposes;

8. reproduction of works already disclosed in Braille or another analogous process, provided this is not done with commercial purposes;

9. reproduction of limited number of works already published, except computer programs and data bases, in a reprographic, photographic or other analogous process, done by public libraries, documentation centers, scientific institutes etc., provided that this is done for scientific purposes or with the purpose of preserving the work and the copies thereof are not distributed outside the organization, which has reproduced the work;

10. use of details, fragments and separate elements of buildings and architectural projects, provided the name of the author is pointed out when it is indicated. The use shall be in compliance with the common practice, and shall be to the extent justified for the purpose.

Permitted Recording for a Single Broadcast

Article 24. Radio- and television organizations which have been authorized by the author to broadcast his work in a wireless way, shall have the right, without the authorization of the author and without payment additional remuneration to make a sound recording or video recording for the purposes of the permitted single broadcast. Subsequent broadcast of the recorded work is subject to authorization by the author and to payment a remuneration in accordance with the provisions of [Article 40](#).

Free Copying for Personal Use

Article 25. Making copies of works already published shall be permitted without the authorization of the author and without payment remuneration only for personal use. This shall not refer to computer programs and architectural works.

Remuneration for Copies for Personal Use

Article 26. (1) The authors of works recorded on sound carriers or video carriers, as well as the performers, whose performances have been recorded, and the producers of such recordings, shall be entitled to a compensatory remuneration when the recordings are reproduced for personal use.

(2) The remuneration under the preceding paragraph shall be paid by the persons who produce or import blank sound or video carriers. The amount of the remuneration is five per cent of the production price of the carriers produced in the country, respectively of the customs taxable price when the carriers are imported.

(3) The remunerations shall be paid to the organization, designated by the Ministry responsible for the culture, which shall distribute them among the organizations, representing the different categories of holders of rights. Before the distribution is done, twenty per cent of the sum collected shall be deducted and transferred for cultural purposes to the Ministry responsible for the culture.

(4) The distribution of the collected sums among the different categories of right holders shall be negotiated by the organizations for collective administration of the different categories of rights. In cases of dispute the matter shall be considered in accordance with [§ 5, paragraph 2](#) of the Additional Provisions.

Chapter Six DURATION OF COPYRIGHT

General Rule

Article 27. (1) Copyright shall be protected during the life of the author and fifty years after his death.

(2) In cases of works created by two or more authors the term under [paragraph 1](#) shall begin to run after the death of the last survived coauthor.

Anonymous and Pseudonymous Works

Article 28. Copyright on a work used anonymously or under pseudonym shall last for fifty years after disclosing the work for the first time. If during this term the identity of the author is revealed the provisions under the preceding paragraph shall apply.

Films

Article 29. (1) Copyright on films or other audiovisual works shall last for fifty years after disclosing the work.

(2) In case the work has not been disclosed the term under [paragraph 1](#) begins to run from the creation of the work.

Collective Works

Article 30. Copyright on encyclopaedias, periodicals and other works under [Article 3, paragraph 2, subparagraph 3](#) shall last for fifty years from their publication.

Beginning of Terms

Article 31. The terms under the preceding Articles of the present Chapter shall begin to run from the first of January of the year following the year of the death of the author or of the creation of the work, respectively its disclosure or publication, according to [Articles 27 to 30](#).

Inheritance of Copyright

Article 32. (1) After the death of the author copyright shall pass to the heirs under a will, and to the heirs-at-law in accordance with the provisions of the Law on Inheritance.

(2) Copyright shall be inherited until the end of the term of its protection.

Exercise of the Rights when There Are no Heirs

Article 33. In case the author has no heirs or the heirs have died before the expiration of the term of protection copyright shall pass to the State which exercises it until it expires through the Ministry responsible for the culture. In case the deceased author had been a member of an organization for collective administration of rights under this Law, these rights shall further be exercised until their expiration by this organization at its account.

Use of the Work after Expiration of the Term of Protection

Article 34. After expiration of the term of protection of copyright the work may freely be used, provided that the rights under [Article 15, subparagraphs 4](#) and [5](#), which are not limited by term, shall not be infringed. The bodies under [Article 33](#) supervise the observation of the rights, and may, as an exception, permit alterations in the work.

Chapter Seven USE OF THE WORKS

Section One GENERAL PROVISIONS

Authorization by the Author to use the Work

Article 35. Any work shall be used with the authorization of the author unless otherwise provided for by this Law.

Contracts for Use

Article 36. (1) Under the contract for use of the work the author grants to an user the exclusive or non exclusive right to use the work created by him under particular conditions and against remuneration.

(2) In case an exclusive right to use the work has been granted to the user, the author may not himself use the work in the manner, for the term and on the territory, negotiated in the contract, and may not grant this right to third persons.

(3) In case a non exclusive right to use the work has been granted to the user, the author may use the work himself, or grant a non exclusive right on the same work to third persons.

(4) The grant of the exclusive right under [paragraph 2](#) shall be done explicitly and in a written form. Provided there is no such stipulation, a non exclusive right to use the work shall be deemed to be granted.

(5) In case the parties have stipulated no term in the contract the right to use the work shall be deemed to be given for three years, and for works of architecture - for five years.

(6) In case the parties have not stipulated the territory on which the user shall be entitled to use the work this territory shall be deemed to be the territory of the country whose citizen is the user, or where his seat is, in the cases when the user is a juridical person.

Effect and Term of the Contract

Article 37. (1) The contract under which the author grants the right to use all works that he would create during his lifetime shall be considered null and void.

(2) The term of a contract to use a work shall not exceed ten years. When such a contract has been signed for a longer term, it shall be considered valid for a term of ten years. This limitation shall not apply to contracts for works of architecture.

Rate of Remuneration

Article 38. (1) The remuneration of the author may be determined as a share of the revenue received from the use of the work, in the form of a lump sum, or in any other way.

(2) In case the remuneration is determined in the form of a lump sum, and it proves to be evidently disproportional to the revenue from the use of the work, the author may demand increase of the remuneration. In case the parties do not agree the dispute is referred to the court.

Break of the Contract if Its Execution Has not Begun

Article 39. (1) In case the parties to a contract under which exclusive rights are granted, have not provided the term within which the user shall begin use of the work, the author is entitled to break the contract, provided that use has not begun within two years from signing it, or from the date of delivery of the work, in case the work was delivered after signing the contract.

(2) [Paragraph 1](#) shall not apply to works of architecture.

Organizations for Collective Administration

Article 40. (1) The authors may establish organizations for collective administration of copyrights, and entrust them with the right to negotiate the use of their works in one or more manners, and to collect the remunerations.

(2) The publisher, to whom the author has granted the right to publish along with other rights, may entrust the administration of these rights to an organization under the preceding paragraph.

(3) Organizations for collective administration of copyright may be only associations of authors and other holders of such rights. These organizations shall not gain profit, and shall distribute all sums received from the users between its members after deducting the amount

necessary for their activities. Foundation and functioning of these organizations shall be according to the provisions envisaged for non-profit organizations.

(4) Any organization under [paragraph 1](#) shall within a term of two months submit to the Ministry responsible for the culture a copy of the decision of the court for its registration, and for any eventual further changes in it. The Ministry responsible for the culture shall keep a register for these organization.

(5) The organization under [paragraph 1](#) may not refuse to accept as its member a holder of rights administrated by it.

(6) The rules for the distribution of the remunerations collected by the organization under [paragraph 1](#) among the right-holders shall be proposed by a body elected to govern the organization, and shall be approved by the General Assembly of its members.

(7) The organizations under [paragraph 1](#) shall be entitled to represent their members before the court in defending the rights assigned to them for administration.

Works Created under an Employment Contract

Article 41. (1) Copyright on a work created within the frameworks of an employment contract shall belong to the author, unless otherwise provided by this Law.

(2) Unless otherwise agreed in the employment contract the employer shall have the exclusive right without the authorization of the author and without payment a remuneration to use the created work for his purposes: to publish it, to reproduce it in another manner and to distribute it. The employer may exercise this right in a manner and to an extent corresponding to his usual activities.

(3) In case the labor remuneration of the author during the period when the work under [paragraph 1](#) was created proves to be evidently disproportional to the revenue in the meaning of [Article 38, paragraph 2](#), received from the use of the work, the author may demand an additional remuneration. In case the parties do not agree the dispute shall be referred to the court.

Works Created upon Commission

Article 42. (1) Copyright on a work created upon commission shall belong to the author of the work, unless otherwise agreed in the commission contract.

(2) Unless otherwise agreed upon the commissioner shall have the right to use the work without the authorization of the author for the purposes for which it has been commissioned.

Section Two ***PUBLISHING CONTRACT***

Definition

Article 43. Under a publishing contract the author grants to the publisher the right to reproduce and distribute the work, and the publisher undertakes the obligation to carry out these activities and to pay a remuneration to the author.

Kinds

Article 44. Under a publishing contract the author may also grant the right to reproduce and distribute a work already created or a work which the author undertakes to create.

Extension the Scope of Protection

Article 45. (1) In case when under the publishing contract the author has granted the publisher the right to use the work in other manners except publishing, the publisher may authorize third parties to use the work in these other manners if this has been explicitly stipulated.

(2) The publisher shall be obliged to inform the author in a written form about the grant under [paragraph 1](#).

Form

Article 46. The publishing contract shall be made in a written form.

Facultative Rules

Article 47. Unless otherwise provided for in the publishing contract, it shall be deemed that:

1. the publisher has been granted the right for one edition solely;
2. the publisher has been granted the right to publish the work in a number of copies not less than three thousand and not more than ten thousand;
3. the author shall receive a remuneration amounting to fifteen per cent of the retail price of each copy of the work sold;
4. the number of complementary copies for the author shall not be less than five copies for each edition;
5. the publisher is authorized to publish the work in the language in which it has been delivered to him;
6. the publisher may distribute the edition only on the territory of the country whose citizen he is, or where the seat of the publisher is, when it is a juridical person.

Making Corrections

Article 48. Before proceeding to a successive edition the publisher shall be obliged to give to the author the opportunity to make corrections and amendments to the work.

Return of Originals Offered for Publication

Article 49. The publisher shall be obliged to return the originals of works of applied art, original documents, illustrations and other originals offered to him for publication, unless otherwise agreed in a written form.

Damaged Copies

Article 50. If reproduced but not put for sale copies of the work are damaged entirely or partially through no fault of the publisher the latter may within a term of one year reproduce the damaged copies without payment a remuneration to the author.

Termination

Article 51. The publication contract shall be terminated, unless otherwise agreed upon, with the expiration of the term of the contract, upon sale of the number of copies of the edition, or of the last edition, when more than one edition has been negotiated.

Pre-term Termination

Article 52. (1) The author may, unless otherwise agreed upon, terminate unilaterally in a written form the publishing contract in case the contract has been signed for more than one edition and the number of copies of the last edition is sold out and the publisher does not within a term of one year reproduce and distribute the next edition, provided that the author has within this term invited the publisher. The number of copies shall be deemed to be sold out when the number of copies not sold does not exceed five per cent of the total number of copies of the edition.

(2) In the cases of [paragraph 1](#) the remuneration received by the author shall not be subject to repay.

Publication at the Account of the Author

Article 53. (1) The author may, at his own account, commission to a publisher to reproduce and distribute a given number of copies of the work.

(2) The author may negotiate with a publisher to reproduce and distribute copies of the work, sharing the expenditures for the edition and the profit from the distribution of the edition.

Contracts for Reproduction and Distribution of Sound Recordings

Article 54. (1) The provisions of the present section shall apply accordingly to the contracts for reproduction and distribution of sound recordings insofar as the author has not assigned some of these rights to an organization for collective administration.

(2) Unless the contract provides otherwise it shall be deemed that:

1. the user shall be obliged to make the recording within one year following the date on which the author has delivered the work suitable for recording, and to reproduce and distribute it within one year following the recording;

2. the user has been granted the right to reproduce the work in a number of copies not less than three thousand;

3. the user shall grant to the author five complimentary copies of each kind of sound carriers produced.

(3) The right granted by the author to record, reproduce and distribute his work in the form of sound recordings does not include the right the recorded work to be publicly performed, broadcasted in a wireless way or transmitted by cable or by other technical means. The grant of these rights shall explicitly be negotiated by the parties.

Section Three

CONTRACT FOR PUBLIC PRESENTATION OR PUBLIC PERFORMANCE

Definition

Article 55. Under a contract for public presentation the author of a stage work grants to the user the right to present the work, and the user undertakes to present it and to pay a remuneration to the author.

Facultative Rules

Article 56. Unless otherwise provided by the contract it shall be deemed that:

1. the author may grant the right for public presentation to other users as well, provided that they are situated in a town or village different from that of the user;

2. the duration of the contract shall be three years;
3. the user shall be obliged to present the work before the public within a term of one year following delivery of the work;
4. the remuneration of the author shall be ten per cent of the gross revenue received from each presentation of the work;
5. the user shall be obliged to render twice a year an account to the author for the number of public performances and for the revenue received thereof;
6. the author may break the contract in case the user discontinues the public performance of the work for a period longer than one year.

Contracts for Use in a Wireless Way or by Cable or Other Technical Means

Article 57. The provisions of [Article 56, subparagraphs 1, 2 and 3](#) shall apply to contracts for broadcasting in a wireless way or for transmitting by cable or other technical means of a stage work, as well as of a non disclosed musical or literary work. Unless otherwise provided in the contract, the author shall be deemed to have granted to the user the right for a single broadcast or transmission of the work.

Contracts for Public Performance

Article 58. The authorization for public performance in life or recorded, for broadcasting in a wireless way, or transmitting by cable or other technical means of musical or literary works, which have already been disclosed, shall be given in a written form by the author or by an authorized by him organization for collective administration of copyright which shall negotiate, collect and pay the remunerations.

Section Four

CONTRACT FOR PUBLICATION IN A PERIODICAL

Right to Use a Commissioned Work

Article 59. (1) The author of a commissioned work shall not without the permission of the publisher offer the same work or parts of it for publication in other periodicals or as a separate edition, or for broadcasting it in a wireless way prior to its publication by the publisher.

(2) Unless otherwise agreed upon, the limitations under the preceding paragraph shall not apply after expiration of fifteen days - for newspapers, and three months - for magazines, running from the date of delivery of the manuscript, and provided that the publisher has not published it nor informed the author within these terms that he will publish it, pointing out the issue where in which it shall be published.

Right for Secondary Use

Article 60. The author shall be entitled to use his already published in a periodical work after the date of publication, unless otherwise stipulated in a written form.

Returning Materials Offered for Publication

Article 61. The publishers of periodicals shall be obliged to return originals of works of fine arts, original documents and illustrations, offered for publication, unless otherwise stipulated in a written form.

Section Five

PRODUCTION AND USE OF FILMS AND OTHER AUDIOVISUAL WORKS

Holders of Rights

Article 62. (1) Copyright on a film or other audiovisual work shall belong to the director, the script-writer, and the director of photography.

(2) The authors of the music, of the dialogue, of the pre-existing literary work, from which the audiovisual work has been created, of the stage scenery, of the costumes, as well as of other works, included in the audiovisual work shall enjoy copyright on the works created by them.

(3) Producer within the meaning of this section shall be the natural or juridical person, who organizes the production of the work and secures the financing.

Contracts for Production and Use

Article 63. (1) The authors under [Article 62](#) shall sign contracts with the producer in a written form, under which, unless otherwise negotiated or provided by this Law, they grant to him for the territory of the country and for abroad the exclusive right to make copies of the work, to project it before the public, to broadcast it in a wireless way or to transmit it by cable or other technical means, to reproduce it on video carriers and to distribute them, as well as the right to permit the translation, the dubbing, and the subtitling of the text.

(2) The producer shall be obliged to pay remuneration to the authors under the preceding Article for the rights granted. In this case the provisions of [Article 41, paragraph 2](#), and [Article 42, paragraph 2](#) shall not apply.

(3) In case anyone of the authors under [Article 62](#) refuses to complete his part in the creation of a film or other audiovisual work or cannot complete it for reasons beyond him, he may not prevent the use of the work already created by him for the purposes of completing the work. He shall enjoy copyright on the work already created by him with all legal consequences thereof.

(4) The audiovisual work shall be considered completed when the director and the producer agree to its final version.

(5) Any changes in the final version by adding, removing or changing some of its elements shall be subject to the authorization of the persons under [paragraph 4](#).

(6) The authors under [Article 62](#) shall have the option to buy first the initial materials of the work in case the producer is declared in bankruptcy. The liquidator shall be obliged to inform them to that effect in a written form.

(7) In case the producer decides to destroy the initial materials of the final version of the work, he shall prior to that offer them free of charge to the authors under [Article 62, paragraph 1](#).

Secondary Use

Article 64. The producer may grant to a third party upon taking over the obligations under [Article 65](#) the right to broadcast the work in a wireless way or to transmit it by cable or other technical means, to reproduce it on video carriers, which to distribute or project before the public, in which case he shall be obliged to notify within a term of one month the authors under [Article 62, paragraph 1](#), unless otherwise provided by this Law.

Remunerations

Article 65. (1) The director, the script-writer, the director of photography, and the composer shall be entitled to a separate remuneration for any kind of use of the film or the audiovisual work, and the other authors pointed out in [Article 62](#) in case such a remuneration has been agreed upon.

(2) The remunerations for the different kinds of use of the work shall be paid by the respective users and the authors upon their desire may receive them through the producer or through an organization for collective administration of copyrights. In the latter case producer shall be obliged to negotiate it in the contracts which he signs for use of the work.

(3) In case a work which has already been announced is projected before the public against an admission fee, the remuneration shall be proportional to the revenue of the producer.

(4) Along with the remuneration under [paragraph 3](#) the authors under [paragraph 1](#) shall be entitled to a percentage of the revenue of the producer.

Reporting the Account to the Authors

Article 66. The producer shall be obliged on request of the persons under [Article 62](#) as least once a year to render an account to them for the revenues from each kind of use of the work.

Use of Parts of a Film

Article 67. The producer shall be entitled to use parts of the work or separate sequences to the extent justified for the purposes of advertising the film without the consent of the authors and without payment of a remuneration. He may use such parts or sequences for other purposes only with the consent of the authors under [Article 62, paragraph 1](#), and against payment a remuneration. Other persons may use parts or sequences thereof only with the consent of the authors under [Article 62, paragraph 1](#) and against payment a remuneration.

Section Six

USE OF WORKS OF FINE ARTS, ARCHITECTURE AND PHOTOGRAPHY

Presumption for Granting the Right to Exhibit before the Public

Article 68. With the transfer of the ownership on a work of fine arts and works created in a photographic or analogous to it process, and on architectural projects, the right to exhibit the work before the public shall also be granted, unless otherwise stipulated in a written form.

Subsequent Use of an Architectural Project

Article 69. Each subsequent use of an architectural project for a building or another object already constructed shall be subject to the authorization of the author made in a written form.

Section Seven

USE OF COMPUTER PROGRAMS

Facultative Rules

Article 70. Unless otherwise agreed upon, it shall be deemed that the person who has legally acquired the right to use a computer program, may load the program, display it on a screen, run it, transmit it, store it in the memory of a computer, translate it, adapt it and make other alterations in it, provided that this is necessary for achieving the purpose for which the right to use the program has been acquired, including to eliminate errors.

Imperative Rules

Article 71. The person who has legally acquired the right to use a computer program shall be entitled without the authorization of the author and without payment an additional remuneration:

1. to make a back-up copy of the program, provided that this is necessary for the respective kind of use for which the program has been acquired;

2. to observe, study and test the manner of functioning of the program to determine the ideas and principles on which any of its elements is based, if this is done in the process of loading the program, its displaying on a screen, running it, transmitting it or storing it in the computer memory, provided that this person is entitled to perform these actions in accordance with [Article 70](#);

3. to translate the code of the program from one form into another provided that this is unconditionally necessary for obtaining information to achieve compatibility of the created computer program with other programs, and provided that the information necessary for this purpose has not been readily available and translation is made only with respect to these parts of the computer program, which are necessary to achieve the compatibility. The information obtained may not be used for the creation and the distribution of a computer program which is substantially similar, or for any other actions which may infringe copyrights on the program.

Part Two

NEIGHBORING RIGHTS

Chapter Eight

GENERAL PROVISIONS

Holders and Subjects of Neighboring Rights

Article 72. Rights neighboring to copyright shall belong to the performers on their performances, to the producers of sound recordings on their recordings, to the radio and television organizations on their programs.

Exercise of Neighboring Rights through Organizations for Collective Administration

Article 73. The economic rights of the performers, of the producers of sound recordings, and of the radio and television organizations may be exercised by authorized by them organizations for collective administration of rights in accordance with the provisions of [Article 40](#).

Chapter Nine

RIGHTS OF PERFORMERS

Holders of Right

Article 74. Performer is the person who presents, sings, plays, dances, recites, interprets, conducts, comments or performs in any other way a work, or a circus or a variety-show, or a puppet show.

Moral Rights

Article 75. (1) The performer shall be entitled to the following moral rights:

1. the right to demand that his name, pseudonym or artistic name be indicated or announced in the usual way in connection with each life performance and each use of the recorded performance;

2. the right to demand preserving the integrity and unchangeability of the recording of his performance in cases of reproduction or use in any other manner.

(2) The right under [subparagraph 1](#) of the preceding paragraph shall be inalienable. Alienation of the right under [subparagraph 2](#) may be done only explicitly and in a written form.

Economic Rights

Article 76. (1) The performer shall have the exclusive right to authorize against payment of remuneration:

1. the broadcasting of his performance in a wireless way, its transmitting by cable or other technical means, as well as the sound recording or video recording of the performance, reproduction of the recordings on sound carriers or video carriers and their distribution;

2. the public performance, the broadcasting in a wireless way and the transmission by cable or other technical means of these recordings.

(2) The rights under the preceding paragraph may be transferred by the performer with a contract in a written form. The remuneration may be agreed on as a share of the revenue, as a lump sum, or in any other way.

(3) Unless otherwise agreed in the contract between the performer and the producer of sound recordings, the performer shall have the right to authorize third parties to record and to distribute his performances. Any stipulation which restricts the right of the performer to grant such authorizations shall have an effect for a period not exceeding five years.

(4) Unless otherwise agreed in the contract between the performer and the producer of sound recordings, it shall be deemed that the producer is granted the exclusive right for the territory of the country and for abroad to reproduce on sound carriers the recorded performances, to distribute them and to permit their broadcasting in a wireless way, transmitting them by cable or by other technical means or performing them before the public with sound-screening apparatus or in any other way.

Secondary Use

Article 77. The amount of the remuneration of the performers and of the producers of sound recordings for the broadcasting in a wireless way, transmitting by cable or by other technical means or for the performing before the public with sound screening apparatus or in any other way of their performances or sound recordings which have already been distributed, shall be determined in accordance with [§ 5](#) of the Additional Provisions, and half of the sum shall be paid to the performers, and the other half - to the producers of sound recordings.

Participation in Film Production

Article 78. (1) Unless otherwise agreed in the contract, it shall be deemed that the performer who takes part in the making of a film or another audiovisual work has granted to the producer also the right to publicly project the recorded performance, to broadcast it in a wireless way, to transmit it by cable or by other technical means, as well as to reproduce it on video carriers and their distribution.

(2) A role played by a performer in a film or other audiovisual work shall be dubbed in the original language by another person solely upon the authorization of the performer.

Permission by Collective Performers

Article 79. The participants in collective performances, as choir, orchestra, ensemble, or other artistic group, shall authorize in a written form a person to grant the permissions under the present Chapter for the use of their works. The soloist and the conductor, and the director of a stage work give their authorization separately.

Indicating the Names in Cases of Collective Performances

Article 80. In cases of collective performances the name of the ensemble or the group as a whole and the names of the soloists, conductor and the producer of the stage work shall be indicated or announced in the usual way, unless otherwise stipulated with these persons.

Performance under an Employment Contract

Article 81. Authorization for use under [Article 76, paragraph 1](#) of a performance, made within the framework of an employment contract shall be granted by the employer, unless otherwise stipulated with the performer.

Duration

Article 82. The rights of the performers shall last for fifty years. The term begins to run from the first of January of the year following the year of publication of the recording of the performance, or when the recording has not been published or the performance has not been recorded - from the beginning of the year following the year when the first performance is made.

Protection of the Names of Performers' Groups

Article 83. (1) The name of a performers' group shall be registered by a body and in a way determined by the Council of Ministers.

(2) The name registered under [paragraph 1](#) shall not be used by another group.

(3) If the same or similar name was used prior to the registration by another group it could demand cancellation of the registration.

(4) Disputes for similarity, or concerning the fact which of the groups started first to use the name shall be referred to the court.

(5) The right to a name under [paragraph 1](#) shall be protected for a term of ten years after the performers' group ceases its activities. The term begins to run from the first of January of the year following the year of the termination.

Applying by Analogy

Article 84. The provisions under [Article 18, paragraph 4](#), [Articles 21](#), [22](#), [23](#), [subparagraphs 4](#), [6](#), [7](#) and [8](#), [Articles 24o 26](#), [Articles 32 to 34](#) and [Article 37](#) shall apply respectively to the rights of the performers.

Chapter Ten

RIGHTS OF THE PRODUCERS OF SOUND RECORDINGS

Holders of the Right

Article 85. Producer of a sound recording shall be the natural or juridical person who organizes the production of the first recording and secures its financing.

Economic Rights

Article 86. (1) The producer shall have the exclusive right to authorize against payment:

1. the reproduction and the distribution of the recording;
2. the import and the export of copies of the recording, irrespective of the fact whether they have been produced legally or in violation of the rights under [subparagraph 1](#);
3. the public performance, broadcasting in a wireless way or its transmitting by cable or by other technical means.

(2) The producer may grant under a contract some of his rights under [paragraph 1](#) to other persons, including authors and performers of the recorded works.

Moral Rights

Article 87. (1) The producer shall have the right to require that in cases of reproduction and distribution of the recordings produced by him his name be indicated in the usual manner on the sound carriers, including on their sleeves and containers.

(2) Unless otherwise proved the producer shall be deemed to be the person whose name, denomination or other identifying sign are indicated on the recording in the usual for it manner.

Secondary Use

Article 88. The remuneration for the producers of sound recordings for broadcasting in a wireless way, transmitting by cable or other technical means or for public presentation with apparatus for synchronization or in other way of their sound recordings, which have already been distributed, shall be determined in accordance with the provisions of [Article 77](#).

Duration

Article 89. The rights of the producers under the present Chapter shall last for fifty years. The term begins to run from the first of January of the year following the year of the publication of the recording, and if the recording has not been published - from the beginning of the year following the year of its production.

Application by Analogy

Article 90. The provisions under [Article 18, paragraph 4](#), [Articles 21](#), [22](#), [23](#), [subparagraphs 4](#) and [7](#), [Articles 25](#) and [26](#) shall apply respectively to the producers of sound recordings.

Chapter Eleven

RIGHTS OF RADIO AND TELEVISION ORGANIZATIONS

Contents of the Right

Article 91. (1) Radio and television programs may be rebroadcasted in a wireless way or retransmitted by cable or other technical means, recorded, reproduced and distributed by other persons solely with the authorization of the radio- and television organization, which has first broadcasted or transmitted the program, whereby its name shall be indicated.

(2) The provisions of the preceding paragraph shall apply also in cases where a program sent from a radio or television organization by a signal to a telecommunication satellite, is rebroadcasted or retransmitted, recorded, reproduced and distributed by another person.

Duration

Article 92. The rights of radio and television organizations under the present Chapter shall last for fifty years. The term begins to run from the first of January of the year following the year of the first broadcast or transmission of the program.

Application by Analogy

Article 93. The provisions of [Article 23, subparagraphs 4 and 7](#) and [Article 25](#) shall apply respectively to radio and television organizations.

Part Three

PROTECTION OF COPYRIGHT AND NEIGHBORING RIGHTS

Chapter Twelve CIVIL REMEDIES

Claim for Damages

Article 94. The infringer of a copyright or a neighboring right shall indemnify the holder of the right or the person to whom an exclusive right has been granted for damages caused to that person.

Other Claims

Article 95. In case a work, a performance, a sound recording, a video recording, a radio- and television program are used in violation of the provisions of this Law, the holder of the right or the person to whom the exclusive right to use the work has been granted may claim in court:

1. cessation of the illegal use;
2. seizure and destruction of the illegally reproduced copies of the work, as well as of all the negatives, matrix, cliches, and others of the kind intended to reproduce the copies;
3. seizure from use of all recording and reproducing equipments, used exclusively for violations;
4. to be handed over the objects under [subparagraph 2](#) at a cost price whereas this sum shall be deducted from the indemnity for the damages caused.

Court Jurisdiction

Article 96. The disputes under this Law shall be referred to the district courts.

Chapter Thirteen ADMINISTRATIVE-PENAL PROVISIONS

Penalties

Article 97. (1) Any person who in violation of the provisions of this Law:

1. reproduces or distributes with a commercial purpose video carriers embodying recorded films or other audiovisual works;

2. reproduces or distributes with a commercial purpose sound carriers embodying recorded works;
3. organizes, in whatever manner, public projection of films or other audiovisual works;
4. offers with a commercial purpose to other persons sound recording or video recording services for producing of single copies of works or other subjects protected by this Law;
5. organizes public performance and presentation of works in life as well as by mechanical means;
6. broadcasts in a wireless way or transmits by cable or other technical means works or radio- or television program;
7. publishes or distributes with a commercial purpose published works;
8. distributes or possesses a computer program being aware or having a ground to presume that this is illegal,

shall be punished by a fine ranging between twenty thousand and two hundred thousand leva, unless he is liable to a more severe punishment.

(2) In cases of a second or any subsequent violation under [paragraph 1](#) within one year term from the date of the first punishment the fine shall range between one hundred thousand to five hundred thousand leva.

(3) In cases of systematic violations the place where the violations take place, like shop, studio, places of entertainment, cinema hall, theater, the seat of a merchant and others of the kind, shall be closed for a term from three to six months.

(4) The organization for collective administration of rights under this Law, which acts in violation of [Article 40, paragraph 4](#), shall be imposed a fine ranging between twenty thousand to two hundred thousand leva.

Drawing up Statements and Issue of Penal Enactments

Article 98. (1) The acts ascertaining the violations under [Article 97](#) shall be drawn up by bodies authorized for that by the Minister responsible for the culture.

(2) The penal enactments shall be issued by the Minister responsible for the culture or by official persons designated by him.

(3) Ascertaining the violations, issuing, appealing and executing of the penal enactments shall be done according to the Law on Administrative Violations and Punishments.

(4) The sums collected from the fines according to [Article 97](#) shall be spent only for the development of the culture and for the protection of copyrights. The conditions and the way for their distribution shall be determined by the Council of Ministers.

Part Four **APPLICABLE LAW**

Applicable Law to Works

Article 99. (1) This Law shall apply to:

1. works, whose authors are citizens of the Republic of Bulgaria or persons with a permanent residence in it, regardless of where the works have been published for the first time;

2. works, whose authors are citizens of a country with which the Republic of Bulgaria is bound by an international treaty in the field of copyrights, or persons with a permanent residence in such a country, regardless of where the works have been published for the first time;

3. works which have been published for the first time or realized as architectural projects on the territory of the Republic of Bulgaria, or on the territory of a country, with which the Republic of Bulgaria has signed an international contract in the field of copyright, regardless of the citizenship of their authors;

4. works published for the first time on the territory of a country with which the Republic of Bulgaria is not bound by an international treaty in the field of copyright, but simultaneously with the publication or within thirty days from it they have been published on the territory of the Republic of Bulgaria or on the territory of another country with which the Republic of Bulgaria has such a treaty.

(2) In case this Law is applied to works created by citizens of foreign countries or to works which have been published for the first time abroad, the holders of copyright shall be determined in accordance with the respective foreign law.

Applicable Law to Performances

Article 100. (1) This Law shall apply to the performances of performers who are citizens of the Republic of Bulgaria or have their permanent residence in it, regardless of where the performances have taken place.

(2) This Law shall also apply to the performances of foreign performers, which have taken place on the territory of the Republic of Bulgaria.

Applicable Law to Recordings and Programs

Article 101. This Law shall apply to the sound recordings and to the radio- and television programs, realized by natural persons citizens of the Republic of Bulgaria or domiciled in it, or by juridical persons, having permanent residence on the territory of the country, regardless of where they have been realized, as well as to the sound recordings realized or simultaneously published for the first time by foreign persons on the territory of the Republic of Bulgaria.

Application of International Treaties

Article 102. The rights of foreign performers, producers of sound recordings and radio- and television organizations beyond these pointed out in [Article 100, paragraph 2](#) and [Article 101](#) shall be protected in accordance with the international treaties in the field of neighboring rights, to which the Republic of Bulgaria is a party.

ADDITIONAL PROVISIONS

§ 1. (1) The holder of the copyright, and the person to whom an exclusive right to use a work protected under this Law has been granted, may put on an appropriate place of the copies of the work before their name or denomination the Latin letter “C” in a circle, and the year of the disclosure.

(2) The producer of a sound recording, and the person who has acquired the exclusive right to reproduce a sound recording protected under this Law may put on an appropriate place of the copies and on their package before their name or denomination the Latin letter “P” in a circle and the year of first publication.

§ 2. For the purposes of this Law:

1. “disclosure of a work“ shall be making the work with the permission of its author for the first time accessible to an unlimited number of persons, regardless of the form and the manner in which this has been done;

2. “publication of a work“ shall be making a work accessible to an unlimited number of persons by reproducing and distributing copies of it including in the form of sound recordings and video recordings in a reasonable quantity depending on the nature of the work;

3. “reproduction of a work“ shall be the fixation of the work or a part of it on a material support, regardless in what form, in more than one copies;

4. “distribution of a work“ shall be sale, exchange, donation, rental or lease, import and export, as well as offer for sale or rental of the original and copies of the work. Rental or lease of an architectural work, work of applied art and folklore artistic crafts shall not mean distribution in the sense of this Law;

5. “broadcast of a work in a wireless way“ shall be broadcasting it on the radio or on the television, as well as transmitting it by signal to a telecommunication satellite;

6. “users of a work“ shall be the natural or juridical persons like publishing houses, theaters, concert organizers, radio- and television organizations, restaurants and places of entertainment, producers of sound recordings, producers of video recordings, etc. who make the work accessible to the readers, spectators and listeners directly or through other persons - distributors;

7. “(the act of) sound recording“ shall be the fixation of a sequence of sounds on an enduring material carrier in a way permitting their perception, reproduction, recording, broadcasting in a wireless way or transmitting by cable or other technical means;

8. “sound recording“ shall be the result of the fixation of sounds;

9. “works of architecture“ shall be the buildings and other facilities and elements thereof, durable objects resulting from the synthesis of architecture with other arts, as well as lay outs of interior places with a durable character which comply with the general requirements of [Article 3, paragraph 1](#).

§ 3. The definitions of [points 1](#), [2](#), [3](#), [4](#) and [5](#) of the preceding paragraph shall refer respectively to the performances, sound recordings and radio- and television programs.

§ 4. (1) Each copy of a work of fine arts bearing the signature of the author put by the author himself shall be considered an original work. The number of the originals is determined by the author and shall be stated in a suitable manner upon the first disclosure of the work, and is not subject to further changes. Each copy shall have a serial number.

(2) The provisions under the preceding paragraph shall not apply to works of applied art, designs and folklore artistic crafts.

§ 5. (1) The amount of the remuneration due to the holders of copyright and neighboring rights for use of their works, performances, sound recordings and radio- and television programs shall be determined under a contract between the right holders and the users.

(2) When the use is negotiated through an organization for collective administration of rights, the amount of the remuneration shall be negotiated between it and the users or their associations.

TRANSITIONAL AND FINAL PROVISIONS

§ 6. (1) This Law shall apply to works, performances, sound recordings, video recordings, radio- and television programs, created or realized before its entry into force, provided the terms of protection have not expired.

(2) The copyrights acquired prior to entry into force of this Law shall not be prejudiced.

§ 7. The authors of a literary text which had been used without their permission under **Article 7, point “b”** of the Copyright Law of 1951 for the accompanying of a musical work may not object to further use of the musical work with this text, provided that it has already been disclosed.

§ 8. (1) The activity of the Copyright Agency shall be terminated.

(2) All assets of the Copyright Agency shall be transferred to the Ministry responsible for the culture.

(3) The Council of Ministers shall determine the conditions and the manner for the distribution of the assets of the Copyright Agency between the organizations under [Article 40](#) of this Law.

§ 9. This Law repeals:

1. The Copyright Law (published in *Isvestia* No. 92/1951, amended No. 10/1952, No. 55/1956, State Gazette No. 35/1972, No. 30/1990).

2. **Articles 270 to 278** from the Law on Contracts and Obligations (published in State Gazette No. 275/1950, amended *Isvestia* No. 2/1951, No. 69/1951, No. 92/1952, State Gazette No. 85/1963, No. 27/1973, No. 16/1977, No. 28/1988, No. 30/1990, No. 12/1993).

§ 10. The Law comes into force on August 1, 1993.

§ 11. The execution of this Law is entrusted to the Council of Ministers.

The Law was passed by the 36th Parliament on June 16, 1993 and the state seal was attached to it.

Chairman of Parliament: Alexander Yordanov