



4.4. BG – Bulgaria⁴⁶

4.4.1. Key findings

Notions	Existence of definitions/rules
Independent production	Yes ⁴⁷
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ⁴⁸
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of the independent producer of audiovisual works is related to its operational and financial independence from film and audiovisual media service providers.
- In general, an independent producer shall not participate in a broadcaster's capital or allow a broadcaster to hold shares in the production company.
- Additionally, in specific fields (film industry, national television) the owners of a production company, the board members and its employees shall not be related to a broadcaster.

⁴⁶ The summary on Bulgaria incorporates the feedback received from Maria Beltcheva, chief expert on international affairs at the Council for Electronic Media (CEM) during the checking round with the national regulatory authorities.

⁴⁷ With reference only to "independent productions" commissioned by Bulgarian National Television (BNT) or Bulgarian National Radio (BNR) for the creation of programmes transmitted specifically by the national providers, see the relevant regulations available at <https://p.bnt.bg/p/r/pravila-za-vklyuchvane-v-programite-na-bnt-na-predavaniya-sa-zdadeni-ot-nezavisimi-ba-lgarski-produtsenti-i-za-uchastieto-j-v-savmestni-produktsii-520.pdf> and <https://bnr.bg/aboutbnr/page/uchastie-na-bnr-v-savmestni-produkcii-ot-nezavisimi-producenti>.

⁴⁸ Article 63(1) of the Law on Copyright and Neighbouring Rights (SG No. 56/1993 as amended up to 13 December 2019) states that:

The authors under Article 62 shall conclude written contracts with the producer that, unless agreed otherwise or otherwise provided by this Act, shall be deemed to grant the producer within the country and abroad the exclusive right of reproduction of the work, communication to the public, wireless broadcasting or transmission and retransmission by cable, reproduction on video carriers and their distribution, making it or part of it available to an unlimited number of persons by wireless means or by cable in a way allowing access from a place and at a time individually chosen by each of them, as well as the right to authorise the translation, dubbing and subtitling of the text.

See the text available at <https://www.wipo.int/wipolex/en/text/586785>.



- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters. The producer may transfer by contract to the broadcaster the exploitation rights which are necessary for the intended use of the work.
- In the case of television or radio programmes commissioned from independent producers by the public service media (BNR and BNT), all broadcasting rights can be acquired by the broadcaster at a price agreed with the producer.

4.4.2. National definition of independent producer/independent production

Legislation	Summary of the measures
<p>Point 24 of the “Additional Provisions” of the Radio and Television Act (RTA), SG No. 138, 24 November 1998, amended in 2022 (<i>ЗАКОН ЗА РАДИОТО И ТЕЛЕВИЗИЯТА</i>)⁴⁹</p> <p>Point 39 of the “Additional Provisions” of the Film Industry Act (FIA), SG No. 105 of 2 December 2003, as amended in 2021 (<i>ЗАКОН ЗА ФИЛМОВАТА ИНДУСТРИЯ</i>)⁵⁰</p> <p>Regulations (general conditions) for the inclusion in BNT programming of programmes created by independent Bulgarian producers and for their participation in joint productions (<i>П Р А В И Л А (Общи условия) за включване в програмите на БНТ на предавания, създадени от независими български продуценти и за участието ѝ в съвместни продукции</i>)⁵¹</p> <p>Regulations for external and joint productions in BNR (<i>Правилник за външните и съвместните продукции в БНР</i>)⁵²</p>	<p>An independent producer of audiovisual works is considered the natural or legal person whose activity meets the following criteria:</p> <p>a) (s)he is registered for the production of audiovisual works under the Bulgarian Commerce Act or under the legislation of a member state;</p> <p>b) (s)he has ownership independence with regard to broadcasters in the sense that the independent producer does not own a broadcasting company or hold any shares in the assets thereof and the broadcasters do not participate in the capital of the production company or hold any shares in the assets thereof.</p> <p>Additional conditions are required in different industries or commercial fields. For instance, in the film industry the owner of a film production company or the board members may not be related to providers of any kind (for linear and non-linear services). Independent film producers have to be registered at the Registry of the National Film Centre Agency held at the Ministry of Culture.</p> <p>Moreover, according to Article 3(1) of the Regulations applied to BNT, a person related to BNT either through an employment relationship or through a family relationship (a spouse or relative in a direct line to the</p>

⁴⁹ <https://lex.bg/laws/ldoc/2134447616>

⁵⁰ <https://lex.bg/laws/ldoc/2135474936>

⁵¹ <https://p.bnt.bg/p/r/pravila-za-vklyuchvane-v-programite-na-bnt-na-predavaniya-sa-zdadeni-ot-nezavisimi-ba-lgarski-productenti-i-za-uchastieto-j-v-sa-vmestni-produktsii-520.pdf>

⁵² <https://bnr.bg/aboutbnr/page/uchastie-na-bnr-v-savmestni-produkcii-ot-nezavisimi-productenti>



	members of the Board of Directors) cannot be deemed to be an independent producer of television programmes.
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4.4.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A