



## CERHA HEMPEL CEE NEWSLETTER *Bulgaria*

### Amendments to the Bulgarian Copyright and Neighbouring Rights Act

With amendments to the Copyright and Neighbouring Rights Act ("CNRA"), adopted in December 2023, Bulgaria has transposed Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market. The main purpose of the amendments is to adapt copyright rules with regard to the digital environment. Below we provide a brief overview of certain important changes.

#### Copyright license agreements may now be concluded for an indefinite term

Previously under the CNRA, the licensing of rights was limited to a maximum of ten years. This limitation was seen as hindering the free transfer of IP rights and affecting investments in software development. Following the introduction of new guarantees for appropriate and proportionate remuneration for authors, this ten-year time limit has now been removed. This is expected to create better economic conditions for investments, especially in areas such as software development.

#### New liability regime for online content sharing

Up until the adoption of the new rules, users were liable for the content they uploaded online, whereas service providers were generally released from liability as long as they did not know that the stored content infringed copyright. Under

the new Article 22b of the CNRA, providers of online content-sharing services (such as social media platforms and audio, video and other content sharing platforms) are now directly liable when protected works are illegally uploaded by users of their services. Service providers are required to obtain authorisation from rights holders before making protected works available through their platforms. Exemption of liability may apply when certain conditions are met.

The new rules apply to service providers whose main aim is storing and providing public access to large amounts of uploaded content, which is organised and promoted for profit-making purposes. Certain services are excluded from the scope of the new rules, such as online marketplaces, not-for-profit encyclopaedias, cloud services for private use and others.

To guarantee freedom of expression, service providers are obliged to provide their users with an effective mechanism for complaints and dispute resolution when works uploaded by them are made unavailable or removed due to IP issues. Service providers are also required to allow users to upload content for the purpose of the free use of artworks as defined in the CNRA, which do not infringe IP rights.

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