

Bulgaria Intellectual Property Rights Agreement

No. 130

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Bulgaria and has the honor to confirm the receipt of the Government of Bulgaria's note concerning protection of intellectual property.

The Ministry of Foreign Affairs of the Republic of Bulgaria presents its compliments to the Embassy of the United States of America in Sofia and has the honor to refer to the recent consultations between Republic of Bulgaria and the Government of the United States of America regarding the protection and enforcement of intellectual property rights in the Republic of Bulgaria. These consultations, both in Sofia and Washington, were useful in clarifying current Bulgarian law and practice and underscoring the strong commitment of the Bulgarian Government to providing adequate and effective intellectual property protection.

Recognizing that such protection promotes creative and innovative activity and enhances trade and technological development, Republic of Bulgaria wishes to confirm the following:

1. The Republic of Bulgaria will, on a priority basis, accede to the Geneva Convention for the Protection of Producers of Phonograms against unauthorized duplication of their phonograms (1971).
2. The Republic of Bulgaria does and will continue to provide full protection for United States and other eligible foreign sound recordings published within the last fifty years.
3. In order to ensure that no importation, exportation, manufacture or distribution of a copyrighted work or sound recording in CD, LD or CD-ROM format or an audiovisual work in video format (the "verified works") takes place without the consent of the right holder, the Republic of Bulgaria will establish within three months from the date of this understanding a verification procedure that includes the following elements:
 - A. Persons or legal entities wishing to import, export, manufacture, or distribute verified works shall be required to submit documentation stating their right to do so to the Ministry of culture at least ten working days prior to such planned distribution. The documentation shall at least identify the applicant, the right holder, the work, the rights granted by the right holder, and the quantity at issue.
 - B. The Ministry of Culture will, within one working day, forward this documentation to right holder organizations that have expressed an interest in reviewing the documentation. A one-time request to review a type of documentation (e.g., documentation related to sound recordings) will be sufficient to receive all documentation of that type. A failure to object to documentation will not preclude or affect a later action for infringement of copyright or neighboring rights.
 - C. The Ministry of Culture will assign to the manufacturers of compact discs, CD-ROMs and laser discs a unique identifier that must be imprinted in a readily observable location and manner on every compact disc, CD-ROM and laser disc they produce.
 - D. The Ministry of Culture will instruct the applicant not to proceed with the activity in the event a right holder organization challenges the accuracy of the documentation within five days of its receipt of such documentation. The Bulgarian Government may establish a mechanism to resolve disputes as to the accuracy of the documentation where the challenge is disputed.
 - E. The Republic of Bulgaria will ensure that violations of these verification procedures or of orders issued by the Ministry of Culture in accordance with these procedures will be punished with sufficient severity to create a

significant deterrent to future violations. Possible sanctions will include at least significant monetary fines, and the seizure and destruction of the goods at issue.

4. The Republic of Bulgaria will continue, on a priority basis, to take steps to ensure that effective criminal and administrative penalties are provided under its laws and regulations to create a significant deterrent to violations of its law on copyright and neighboring rights. To this end Bulgaria will ensure at least that (1) the anti bootleg unauthorized fixation of a live performance, (2) the unauthorized reproduction, manufacture, sale, rental or importation of a copyrighted work or sound recording, and (3) the unauthorized public performance of copyrighted work shall be punishable under the penal code through imprisonment, monetary fines (that are adjusted from time to time to account for inflation), mandatory seizure and destruction of the products of the infringement, and seizure of materials and machinery used in the offense.

5. The Republic of Bulgaria intends to designate an office in the Ministry of Culture to coordinate the activities contemplated by this understanding, including efforts to stop the importation, exportation, manufacture and distribution of infringing products. This office will also promote through educational programs, publicity campaigns and the like the importance of intellectual property protection to Bulgarian right holders and the Bulgarian economy.

6. The United States will offer technical assistance to help strengthen the Republic of Bulgaria's intellectual property enforcement regime.

If the above-mentioned corresponds to the understanding of the Embassy of the United States, this Note and the Note of Confirmation from the Embassy of the United States constitute an agreement between our two governments. The agreement, consisting of this exchange of Notes, enters into force from the date of the response of the Embassy of the United States of America.

The Ministry of Foreign Affairs of the Republic of Bulgaria seizes the occasion to renew to the Embassy of the United States of America in Sofia the assurances of its highest consideration.

The Embassy of the United States of America has the further honor to confirm that your Note and this reply constitute an understanding between our two Governments.

TANC offers these agreements electronically as a public service for general reference. Every effort has been made to ensure that the text presented is complete and accurate. However, copies needed for legal purposes should be obtained from official archives maintained by the appropriate agency.