

# Marrakesh Treaty Questionnaire – Bulgaria

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**1. Please indicate the relevant provisions in your national legislation providing for or regulating the limitations and exceptions to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.**

## **Copyright and related rights act**

### **Section II.**

#### **Special provisions for persons with disabilities that prevent them from reading printed materials (New - SG 94/18)**

#### **Subject**

Art. 26a. (New - SG 94/18)

(1) Without the consent of the right-holder and without payment of remuneration, the use according to the provisions of this Section of written works or related subject matter for the benefit of persons with disabilities that prevent the reading of printed materials.

(2) A written work or related subject matter shall be:

1. a work created in writing that has been disclosed and reproduced in accordance with this law in any way and in any form, such as a book, a specialized publication, a newspaper, a magazine, a note, a musical score and illustration;

2. an object of a related right which includes the object under item 1 or is an integral part of it.

(3) A person with a disability which prevents him from reading printed materials shall be a person who:

1. is blind;

2. is permanently visually impaired and otherwise print-disabled to the same extent as a person without such disability;

3. has a perceptual or reading disability and is, as a result, unable to read printed works to the same degree as a person without such disability;

4. is otherwise unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.

## **Creating and making available for use an accessible format copy**

Art. 26b. (New - SG 94/18)

(1) The use under Art. 26a, Para. 1 of a written work or other related subject matter in order to create an accessible format copy must meet the conditions as per Art. 23, must be directly related to the particular disability and on a non-profit basis. The use under sentence one shall be admissible:

1. through actions under Art. 18, Para. 2, items 1-5, 7, 8 and 10;

2. in case of lending under Art. 22a, Para. 2 and Art. 84, 90 and 90c regarding Art. 22a, Para. 2;
3. through actions under Art. 76, Para. 1, item 1 - on sound recording, video recording, reproduction of recordings and their distribution, and item 3;
4. through actions under Art. 86, Para. 1, items 1, 3 and 4, and Art. 88;
5. through actions under Art. 90a, Para. 1, items 1, 5, 6 and 8;
6. through actions under Art. 91, Para. 1, item 1 - on re-broadcasting, items 2, 3 and 4;
7. through actions under Art. 93c.

In the cases under sentence two, Art. 18, Para. 3 and Art. 18a shall not apply.

(2) An accessible format copy means a copy in the form or format, through which a print-disabled person receives access to a written work or to another related subject matter in the same manner and to the same extent as a person without disability as per Art. 26a, Para. 3. Accessible format is the Braille alphabet, large font, adapted e-book, sound recording of the content of a written work (audiobook), radio broadcasting and the like.

(3) An accessible format copy may be created by:

1. a person with a disability under Art. 26a, Para. 3, personally or through a person acting on his behalf;
2. a legal entity who has submitted a notification to the Minister of Culture, has its registered office in the Republic of Bulgaria and is:
  - a) a community culture centre, or
  - b) non-profit-making for the provision of socially useful activity for the benefit of persons with disabilities under Art. 26a, Para. 3, or
  - c) a state or municipal cultural organization operating as a library, or
  - d) a special school for the training and support of students with perceptual impairments - impaired hearing or impaired vision.

(4) A legal entity under Para. 3, item 2 may provide a copy in an accessible format directly to a person with a disability under Art. 26a, Para. 3, or through another person under Para. 3, item 2, irrespective of the Member State of the European Union in which the person's permanent address or registered office is situated. In the cases referred to in the first sentence, the use shall be admissible by acting under:

1. Art. 18, Para. 2, items 2, 4, 5 and 10;
2. Art. 76, Para. 1, item 1 - regarding distribution, item 2 - regarding broadcasting, transmission and retransmission, and item 3;
3. Art. 86, Para. 1, item 1 - regarding distribution, item 3 - regarding broadcasting, transmission and retransmission, and item 4;
4. Art. 90a, Para. 1, item 3 - regarding broadcasting, items 4, 6 and 8;
5. Art. 91, Para. 1, item 2 - regarding distribution, and item 3.

(5) The accessible format copy shall preserve the integrity of the written work or the other related subject matter, from which it was created, taking into account the changes necessary for its creation.

(6) A person with a disability under Art. 26a, Para. 3 or a legal person under Para. 3, item 2 with permanent address or registered office in the Republic of Bulgaria shall be entitled to receive an accessible format copy or access to such copy from another person under Para. 3, item 2, regardless of the Member State of the European Union where it has its registered office.

(7) The contract limiting the rights under this Section shall be void.

### **Obligations of the legal person under Art. 26b Para. 3, item 2**

Art. 26c. (New - SG 94/18)

(1) The legal person under Art. 26b, Para. 3, item 2 shall notify the Minister of Culture about his intention to create and make available accessible format copies, including about any changes having occurred, within three months of the decision of the management body. The notification shall contain a name, legal form and contact details.

(2) The actions under Art. 26b, Para. 1 and 4 shall be documented and performed by the legal person under Art. 26b, Para. 3, item 2 with due care and in such a way as to ensure that the accessible format copy:

1. does not violate the non-material rights under Art. 15, Para. 1, items 4 and 5, Art. 75, Para. 1 and Art. 87;
2. is provided according to Art. 26b, Para. 4 only to persons with disabilities under Art. 26a, Para. 3, or to legal persons under Art. 26b, Para. 3, item 2;
3. is not going to be used in violation of Art. 26b.

(3) The legal person under Art. 26b, Para. 3, item 2 shall publish information on the observance of the obligations under Para. 2 on its website as well as in another appropriate way. The information shall be updated twice a year.

(4) The legal person under Art. 26b, Para. 3, item 2, having its registered office in the Republic of Bulgaria, at the request of a person with disability under Art. 26a, Para. 3, of another person under Art. 26b, Para. 3, item 2, or of a rights holder, shall inform that person in an accessible manner about:

1. the list of written works or the other related subject matter with accessible format copies at its disposal, and the available formats;
2. the name and contact details of legal entities established in other Member States of the European Union, with whom it exchanges accessible format copies.

## **List of legal entities under Art. 26b, Para. 3, item 2**

Art. 26d. (New - SG 94/18)

(1) The Minister of Culture or a Deputy Minister authorized by him shall maintain and publish on [the website of the Ministry of Culture](#) a list of the legal persons under Art. 26b, Para. 3, item 2, who have filed a notification.

(2) The Minister of Culture or a Deputy Minister authorized by him shall submit to the European Commission the list under Para. 1, and inform the Commission about the changes in it within three months from their occurrence.

## **Personal data protection**

Art. 26e. (New - SG 94/18, amend. - SG 17/19) Personal data provided in connection with this Section shall be processed in accordance with the requirements for its protection.

## **2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?**

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Art. 26b. (New - SG 94/18)

4) A legal entity under Para. 3, item 2 may provide a copy in an accessible format directly to a person with a disability under Art. 26a, Para. 3, or through another person under Para. 3, item 2, irrespective of the Member State of the European Union in which the person’s permanent address or registered office is situated. In the cases referred to in the first sentence, the use shall be admissible by acting under:

1. Art. 18, Para. 2, items 2, 4, 5 and 10; (distribution, broadcasting, transmission, retransmission, making available to the public)
2. Art. 76, Para. 1, item 1 - regarding distribution, item 2 - regarding broadcasting, transmission and retransmission, and item 3; (distribution, broadcasting, transmission and retransmission, making available to the public)
3. Art. 86, Para. 1, item 1 - regarding distribution, item 3 - regarding broadcasting, transmission and retransmission, and item 4; (distribution, broadcasting, transmission and retransmission)
4. Art. 90a, Para. 1, item 3 - regarding broadcasting, items 4, 6 and 8; (distribution, broadcasting, transmission and retransmission)
5. Art. 91, Para. 1, item 2 - regarding distribution, and item 3. (distribution and making available to the public)

**3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b)<sub>2</sub> MVT? If yes, under which conditions?**

Creating and making available for use an accessible format copy

Art. 26b. (New - SG 94/18)

(6) A person with a disability under Art. 26a, Para. 3 or a legal person under Para. 3, item 2 with permanent address or registered office in the Republic of Bulgaria shall be entitled to receive an accessible format copy or access to such copy from another person under Para. 3, item 2, regardless of the Member State of the European Union where it has its registered office.

**4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c)<sub>3</sub> MVT? If yes, please provide the reference.**

There is a definition of “authorized entity” in Art. 26b, para. 3, item 2 of the Copyright and related rights act

“2. a legal entity who has submitted a notification to the Minister of Culture, has its registered office in the Republic of Bulgaria and is:

- a) a community culture centre, or
- b) non-profit-making for the provision of socially useful activity for the benefit of persons with disabilities under Art. 26a, Para. 3, or
- c) a state or municipal cultural organization operating as a library, or
- d) a special school for the training and support of students with perceptual impairments - impaired hearing or impaired vision.”

**5. Please provide a list with contact details of entities that can operate as authorized entities in your territory, and any further information that you can provide, such as number of accessible titles in the catalogue of the authorized entity and the languages covered.**

**Union of the Blind in Bulgaria**

1309 Sofia

172, Naicho Tzanov Str.

Tel.: +359 02 812 70 50(30)

Fax: +359 02 812 70 49(29)

E-mail: [info@ssb-bg.net](mailto:info@ssb-bg.net)

**School for visually impaired students “Prof. Ivan Shishmanov”**

9003 Varna

Asparuhovo district

Vilite

Tel.: +359 52 370 416

e-mail: [udnz\\_100g@abv.bg](mailto:udnz_100g@abv.bg),

website: [suunzvarna link](#)

National lyceum for the blind "Louis Braille"

1000

Sofia

"Slaveykov" sq. № 1 B

Tel: + 359 2 988 32 69;

+ 359 2 980 32 50;

Fax: + 359 2/980 32 50;

e-mail: [nllb@abv.bg](mailto:nllb@abv.bg)

website: [nllb link](#)